

As Passed by the House

**126th General Assembly
Regular Session
2005-2006**

Am. S. B. No. 128

Senators Cates, Wilson, Niehaus, Grendell

**Representatives Willamowski, Coley, Barrett, Boccieri, Book, Combs, Dolan,
Domenick, C. Evans, D. Evans, Harwood, McGregor, Mitchell, Otterman,
Schneider, Seaver, Seitz, G. Smith, Wagoner, Webster, DeBose**

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A B I L L

To amend sections 2301.02 and 2919.251 of the Revised 1
Code to add one additional judge for the general 2
division of the Butler County Court of Common 3
Pleas to be elected in 2006 and to eliminate the 4
requirement that a person charged with an offense 5
of violence against a family or household member 6
appear before the court for the setting of bail if 7
the person is subject to a protection order or 8
consent decree related to domestic violence or 9
previously was convicted of or pleaded guilty to 10
certain offenses. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2301.02 and 2919.251 of the Revised 12
Code be amended to read as follows: 13

Sec. 2301.02. The number of judges of the court of common 14
pleas for each county, the time for the next election of the 15
judges in the several counties, and the beginning of their terms 16
shall be as follows: 17

(A) In Adams, Ashland, Fayette, and Pike counties, one judge,	18
electd in 1956, term to begin February 9, 1957;	19
In Brown, Crawford, Defiance, Highland, Holmes, Morgan,	20
Ottawa, and Union counties, one judge, to be electd in 1954, term	21
to begin February 9, 1955;	22
In Auglaize county, one judge, to be electd in 1956, term to	23
begin January 9, 1957;	24
In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin,	25
Jackson, Knox, Madison, Mercer, Monroe, Morrow, Paulding, Vinton,	26
and Wyandot counties, one judge, to be electd in 1956, term to	27
begin January 1, 1957;	28
In Logan county, two judges, one to be electd in 1956, term	29
to begin January 1, 1957, and one to be electd in 2004, term to	30
begin January 2, 2005;	31
In Carroll, Champaign, Clinton, Hocking, Meigs, Pickaway,	32
Preble, Shelby, Van Wert, and Williams counties, one judge, to be	33
electd in 1952, term to begin January 1, 1953;	34
In Harrison and Noble counties, one judge, to be electd in	35
1954, term to begin April 18, 1955;	36
In Henry county, two judges, one to be electd in 1956, term	37
to begin May 9, 1957, and one to be electd in 2004, term to begin	38
January 1, 2005;	39
In Putnam county, one judge, to be electd in 1956, term to	40
begin May 9, 1957;	41
In Huron county, one judge, to be electd in 1952, term to	42
begin May 14, 1953;	43
In Perry county, one judge, to be electd in 1954, term to	44
begin July 6, 1956;	45
In Sandusky county, two judges, one to be electd in 1954,	46

term to begin February 10, 1955, and one to be elected in 1978, 47
term to begin January 1, 1979; 48

(B) In Allen county, three judges, one to be elected in 1956, 49
term to begin February 9, 1957, the second to be elected in 1958, 50
term to begin January 1, 1959, and the third to be elected in 51
1992, term to begin January 1, 1993; 52

In Ashtabula county, three judges, one to be elected in 1954, 53
term to begin February 9, 1955, one to be elected in 1960, term to 54
begin January 1, 1961, and one to be elected in 1978, term to 55
begin January 2, 1979; 56

In Athens county, two judges, one to be elected in 1954, term 57
to begin February 9, 1955, and one to be elected in 1990, term to 58
begin July 1, 1991; 59

In Erie county, four judges, one to be elected in 1956, term 60
to begin January 1, 1957, the second to be elected in 1970, term 61
to begin January 2, 1971, the third to be elected in 2004, term to 62
begin January 2, 2005, and the fourth to be elected in 2008, term 63
to begin February 9, 2009; 64

In Fairfield county, three judges, one to be elected in 1954, 65
term to begin February 9, 1955, the second to be elected in 1970, 66
term to begin January 1, 1971, and the third to be elected in 67
1994, term to begin January 2, 1995; 68

In Geauga county, two judges, one to be elected in 1956, term 69
to begin January 1, 1957, and the second to be elected in 1976, 70
term to begin January 6, 1977; 71

In Greene county, four judges, one to be elected in 1956, 72
term to begin February 9, 1957, the second to be elected in 1960, 73
term to begin January 1, 1961, the third to be elected in 1978, 74
term to begin January 2, 1979, and the fourth to be elected in 75
1994, term to begin January 1, 1995; 76

In Hancock county, two judges, one to be elected in 1952,	77
term to begin January 1, 1953, and the second to be elected in	78
1978, term to begin January 1, 1979;	79
In Lawrence county, two judges, one to be elected in 1954,	80
term to begin February 9, 1955, and the second to be elected in	81
1976, term to begin January 1, 1977;	82
In Marion county, three judges, one to be elected in 1952,	83
term to begin January 1, 1953, the second to be elected in 1976,	84
term to begin January 2, 1977, and the third to be elected in	85
1998, term to begin February 9, 1999;	86
In Medina county, three judges, one to be elected in 1956,	87
term to begin January 1, 1957, the second to be elected in 1966,	88
term to begin January 1, 1967, and the third to be elected in	89
1994, term to begin January 1, 1995;	90
In Miami county, two judges, one to be elected in 1954, term	91
to begin February 9, 1955, and one to be elected in 1970, term to	92
begin on January 1, 1971;	93
In Muskingum county, three judges, one to be elected in 1968,	94
term to begin August 9, 1969, one to be elected in 1978, term to	95
begin January 1, 1979, and one to be elected in 2002, term to	96
begin January 2, 2003;	97
In Portage county, three judges, one to be elected in 1956,	98
term to begin January 1, 1957, the second to be elected in 1960,	99
term to begin January 1, 1961, and the third to be elected in	100
1986, term to begin January 2, 1987;	101
In Ross county, two judges, one to be elected in 1956, term	102
to begin February 9, 1957, and the second to be elected in 1976,	103
term to begin January 1, 1977;	104
In Scioto county, three judges, one to be elected in 1954,	105
term to begin February 10, 1955, the second to be elected in 1960,	106

term to begin January 1, 1961, and the third to be elected in 1994, term to begin January 2, 1995; 107
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In Seneca county, two judges, one to be elected in 1956, term to begin January 1, 1957, and the second to be elected in 1986, term to begin January 2, 1987; 109
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In Warren county, four judges, one to be elected in 1954, term to begin February 9, 1955, the second to be elected in 1970, term to begin January 1, 1971, the third to be elected in 1986, term to begin January 1, 1987, and the fourth to be elected in 2004, term to begin January 2, 2005; 112
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In Washington county, two judges, one to be elected in 1952, term to begin January 1, 1953, and one to be elected in 1986, term to begin January 1, 1987; 117
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In Wood county, three judges, one to be elected in 1968, term beginning January 1, 1969, the second to be elected in 1970, term to begin January 2, 1971, and the third to be elected in 1990, term to begin January 1, 1991; 120
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In Belmont and Jefferson counties, two judges, to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; 124
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In Clark county, four judges, one to be elected in 1952, term to begin January 1, 1953, the second to be elected in 1956, term to begin January 2, 1957, the third to be elected in 1986, term to begin January 3, 1987, and the fourth to be elected in 1994, term to begin January 2, 1995. 127
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In Clermont county, five judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1964, term to begin January 1, 1965, the third to be elected in 1982, term to begin January 2, 1983, the fourth to be elected in 1986, term to begin January 2, 1987; and the fifth to be elected in 132
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2006, term to begin January 3, 2007;	137
In Columbiana county, two judges, one to be elected in 1952,	138
term to begin January 1, 1953, and the second to be elected in	139
1956, term to begin January 1, 1957;	140
In Delaware county, two judges, one to be elected in 1990,	141
term to begin February 9, 1991, the second to be elected in 1994,	142
term to begin January 1, 1995;	143
In Lake county, six judges, one to be elected in 1958, term	144
to begin January 1, 1959, the second to be elected in 1960, term	145
to begin January 2, 1961, the third to be elected in 1964, term to	146
begin January 3, 1965, the fourth and fifth to be elected in 1978,	147
terms to begin January 4, 1979, and January 5, 1979, respectively,	148
and the sixth to be elected in 2000, term to begin January 6,	149
2001;	150
In Licking county, four judges, one to be elected in 1954,	151
term to begin February 9, 1955, one to be elected in 1964, term to	152
begin January 1, 1965, one to be elected in 1990, term to begin	153
January 1, 1991, and one to be elected in 2004, term to begin	154
January 1, 2005;	155
In Lorain county, eight judges, two to be elected in 1952,	156
terms to begin January 1, 1953, and January 2, 1953, respectively,	157
one to be elected in 1958, term to begin January 3, 1959, one to	158
be elected in 1968, term to begin January 1, 1969, two to be	159
elected in 1988, terms to begin January 4, 1989, and January 5,	160
1989, respectively, and two to be elected in 1998, terms to begin	161
January 2, 1999, and January 3, 1999, respectively;	162
In Butler county, ten <u>eleven</u> judges, one to be elected in	163
1956, term to begin January 1, 1957; two to be elected in 1954,	164
terms to begin January 1, 1955, and February 9, 1955,	165
respectively; one to be elected in 1968, term to begin January 2,	166
1969; one to be elected in 1986, term to begin January 3, 1987;	167

two to be elected in 1988, terms to begin January 1, 1989, and 168
January 2, 1989, respectively; one to be elected in 1992, term to 169
begin January 4, 1993; ~~and~~ two to be elected in 2002, terms to 170
begin January 2, 2003, and January 3, 2003, respectively; and one 171
to be elected in 2006, term to begin January 3, 2007; 172

In Richland county, four judges, one to be elected in 1956, 173
term to begin January 1, 1957, the second to be elected in 1960, 174
term to begin February 9, 1961, the third to be elected in 1968, 175
term to begin January 2, 1969, and the fourth to be elected in 176
2004, term to begin January 3, 2005; 177

In Tuscarawas county, two judges, one to be elected in 1956, 178
term to begin January 1, 1957, and the second to be elected in 179
1960, term to begin January 2, 1961; 180

In Wayne county, two judges, one to be elected in 1956, term 181
beginning January 1, 1957, and one to be elected in 1968, term to 182
begin January 2, 1969; 183

In Trumbull county, six judges, one to be elected in 1952, 184
term to begin January 1, 1953, the second to be elected in 1954, 185
term to begin January 1, 1955, the third to be elected in 1956, 186
term to begin January 1, 1957, the fourth to be elected in 1964, 187
term to begin January 1, 1965, the fifth to be elected in 1976, 188
term to begin January 2, 1977, and the sixth to be elected in 189
1994, term to begin January 3, 1995; 190

(C) In Cuyahoga county, thirty-nine judges; eight to be 191
elected in 1954, terms to begin on successive days beginning from 192
January 1, 1955, to January 7, 1955, and February 9, 1955, 193
respectively; eight to be elected in 1956, terms to begin on 194
successive days beginning from January 1, 1957, to January 8, 195 195
1957; three to be elected in 1952, terms to begin from January 1, 196 196
1953, to January 3, 1953; two to be elected in 1960, terms to 197
begin on January 8, 1961, and January 9, 1961, respectively; two 198

to be elected in 1964, terms to begin January 4, 1965, and January 5, 1965, respectively; one to be elected in 1966, term to begin on January 10, 1967; four to be elected in 1968, terms to begin on successive days beginning from January 9, 1969, to January 12, 1969; two to be elected in 1974, terms to begin on January 18, 1975, and January 19, 1975, respectively; five to be elected in 1976, terms to begin on successive days beginning January 6, 1977, to January 10, 1977; two to be elected in 1982, terms to begin January 11, 1983, and January 12, 1983, respectively; and two to be elected in 1986, terms to begin January 13, 1987, and January 14, 1987, respectively;

In Franklin county, twenty-two judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; four to be elected in 1956, terms to begin January 1, 1957, to January 4, 1957; four to be elected in 1958, terms to begin January 1, 1959, to January 4, 1959; three to be elected in 1968, terms to begin January 5, 1969, to January 7, 1969; three to be elected in 1976, terms to begin on successive days beginning January 5, 1977, to January 7, 1977; one to be elected in 1982, term to begin January 8, 1983; one to be elected in 1986, term to begin January 9, 1987; two to be elected in 1990, terms to begin July 1, 1991, and July 2, 1991, respectively; one to be elected in 1996, term to begin January 2, 1997; and one to be elected in 2004, term to begin July 1, 2005;

In Hamilton county, twenty-one judges; eight to be elected in 1966, terms to begin January 1, 1967, January 2, 1967, and from February 9, 1967, to February 14, 1967, respectively; five to be elected in 1956, terms to begin from January 1, 1957, to January 5, 1957; one to be elected in 1964, term to begin January 1, 1965; one to be elected in 1974, term to begin January 15, 1975; one to be elected in 1980, term to begin January 16, 1981; two to be elected at large in the general election in 1982, terms to begin

April 1, 1983; one to be elected in 1990, term to begin July 1,	231
1991; and two to be elected in 1996, terms to begin January 3,	232
1997, and January 4, 1997, respectively;	233
In Lucas county, fourteen judges; two to be elected in 1954,	234
terms to begin January 1, 1955, and February 9, 1955,	235
respectively; two to be elected in 1956, terms to begin January 1,	236
1957, and October 29, 1957, respectively; two to be elected in	237
1952, terms to begin January 1, 1953, and January 2, 1953,	238
respectively; one to be elected in 1964, term to begin January 3,	239
1965; one to be elected in 1968, term to begin January 4, 1969;	240
two to be elected in 1976, terms to begin January 4, 1977, and	241
January 5, 1977, respectively; one to be elected in 1982, term to	242
begin January 6, 1983; one to be elected in 1988, term to begin	243
January 7, 1989; one to be elected in 1990, term to begin January	244
2, 1991; and one to be elected in 1992, term to begin January 2,	245
1993;	246
In Mahoning county, seven judges; three to be elected in	247
1954, terms to begin January 1, 1955, January 2, 1955, and	248
February 9, 1955, respectively; one to be elected in 1956, term to	249
begin January 1, 1957; one to be elected in 1952, term to begin	250
January 1, 1953; one to be elected in 1968, term to begin January	251
2, 1969; and one to be elected in 1990, term to begin July 1,	252
1991;	253
In Montgomery county, fifteen judges; three to be elected in	254
1954, terms to begin January 1, 1955, January 2, 1955, and January	255
3, 1955, respectively; four to be elected in 1952, terms to begin	256
January 1, 1953, January 2, 1953, July 1, 1953, <u>and</u> July 2, 1953,	257
respectively; one to be elected in 1964, term to begin January 3,	258
1965; one to be elected in 1968, term to begin January 3, 1969;	259
three to be elected in 1976, terms to begin on successive days	260
beginning January 4, 1977, to January 6, 1977; two to be elected	261
in 1990, terms to begin July 1, 1991, and July 2, 1991,	262

respectively; and one to be elected in 1992, term to begin January 1, 1993. 263
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In Stark county, eight judges; one to be elected in 1958, 265
term to begin on January 2, 1959; two to be elected in 1954, terms 266
to begin on January 1, 1955, and February 9, 1955, respectively; 267
two to be elected in 1952, terms to begin January 1, 1953, and 268
April 16, 1953, respectively; one to be elected in 1966, term to 269
begin on January 4, 1967; and two to be elected in 1992, terms to 270
begin January 1, 1993, and January 2, 1993, respectively; 271

In Summit county, eleven judges; four to be elected in 1954, 272
terms to begin January 1, 1955, January 2, 1955, January 3, 1955, 273
and February 9, 1955, respectively; three to be elected in 1958, 274
terms to begin January 1, 1959, January 2, 1959, and May 17, 1959, 275
respectively; one to be elected in 1966, term to begin January 4, 276
1967; one to be elected in 1968, term to begin January 5, 1969; 277
one to be elected in 1990, term to begin May 1, 1991; and one to 278
be elected in 1992, term to begin January 6, 1993. 279

Notwithstanding the foregoing provisions, in any county 280
having two or more judges of the court of common pleas, in which 281
more than one-third of the judges plus one were previously elected 282
at the same election, if the office of one of those judges so 283
elected becomes vacant more than forty days prior to the second 284
general election preceding the expiration of that judge's term, 285
the office that that judge had filled shall be abolished as of the 286
date of the next general election, and a new office of judge of 287
the court of common pleas shall be created. The judge who is to 288
fill that new office shall be elected for a six-year term at the 289
next general election, and the term of that judge shall commence 290
on the first day of the year following that general election, on 291
which day no other judge's term begins, so that the number of 292
judges that the county shall elect shall not be reduced. 293

Judges of the probate division of the court of common pleas 294

are judges of the court of common pleas but shall be elected 295
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 296
except in Adams, Harrison, Henry, Morgan, Morrow, Noble, and 297
Wyandot counties in which the judge of the court of common pleas 298
elected pursuant to this section also shall serve as judge of the 299
probate division. 300

Sec. 2919.251. (A) Subject to division (D) of this section, a 301
person who is charged with the commission of any offense of 302
violence shall appear before the court for the setting of bail if 303
the alleged victim of the offense charged was a family or 304
household member at the time of the offense and if ~~any of the~~ 305
~~following applies:~~ 306

~~(1) The person charged, at the time of the alleged offense,~~ 307
~~was subject to the terms of a protection order issued or consent~~ 308
~~agreement approved pursuant to section 2919.26 or 3113.31 of the~~ 309
~~Revised Code or previously was convicted of or pleaded guilty to a~~ 310
~~violation of section 2919.25 of the Revised Code or a violation of~~ 311
~~section 2919.27 of the Revised Code involving a protection order~~ 312
~~or consent agreement of that type, a violation of an existing or~~ 313
~~former municipal ordinance or law of this or any other state or~~ 314
~~the United States that is substantially similar to either section,~~ 315
~~a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of~~ 316
~~the Revised Code if the victim of the violation was a family or~~ 317
~~household member at the time of the violation a violation of an~~ 318
~~existing or former municipal ordinance or law of this or any other~~ 319
~~state or the United States that is substantially similar to any of~~ 320
~~those sections if the victim of the violation was a family or~~ 321
~~household member at the time of the commission of the violation,~~ 322
~~or any offense of violence if the victim of the offense was a~~ 323
~~family or household member at the time of the offense;~~ 324

~~(2) The arresting officer indicates in a police report or~~ 325

other document accompanying the complaint any of the following: 326

~~(a)~~(1) That the arresting officer observed on the alleged 327
victim objective manifestations of physical harm that the 328
arresting officer reasonably believes are a result of the alleged 329
offense; 330

~~(b)~~(2) That the arresting officer reasonably believes that 331
the person had on the person's person at the time of the alleged 332
offense a deadly weapon or dangerous ordnance; 333

~~(c)~~(3) That the arresting officer reasonably believes that 334
the person presents a credible threat of serious physical harm to 335
the alleged victim or to any other person if released on bail 336
before trial. 337

(B) To the extent that information about any of the following 338
is available to the court, the court shall consider all of the 339
following, in addition to any other circumstances considered by 340
the court and notwithstanding any provisions to the contrary 341
contained in Criminal Rule 46, before setting bail for a person 342
who appears before the court pursuant to division (A) of this 343
section: 344

(1) Whether the person has a history of domestic violence or 345
a history of other violent acts; 346

(2) The mental health of the person; 347

(3) Whether the person has a history of violating the orders 348
of any court or governmental entity; 349

(4) Whether the person is potentially a threat to any other 350
person; 351

(5) Whether the person has access to deadly weapons or a 352
history of using deadly weapons; 353

(6) Whether the person has a history of abusing alcohol or 354
any controlled substance; 355

(7) The severity of the alleged violence that is the basis of 356
the offense, including but not limited to, the duration of the 357
alleged violent incident, and whether the alleged violent incident 358
involved serious physical injury, sexual assault, strangulation, 359
abuse during the alleged victim's pregnancy, abuse of pets, or 360
forcible entry to gain access to the alleged victim; 361

(8) Whether a separation of the person from the alleged 362
victim or a termination of the relationship between the person and 363
the alleged victim has recently occurred or is pending; 364

(9) Whether the person has exhibited obsessive or controlling 365
behaviors toward the alleged victim, including but not limited to, 366
stalking, surveillance, or isolation of the alleged victim; 367

(10) Whether the person has expressed suicidal or homicidal 368
ideations; 369

(11) Any information contained in the complaint and any 370
police reports, affidavits, or other documents accompanying the 371
complaint. 372

(C) Any court that has jurisdiction over charges alleging the 373
commission of an offense of violence in circumstances in which the 374
alleged victim of the offense was a family or household member at 375
the time of the offense may set a schedule for bail to be used in 376
cases involving those offenses. The schedule shall require that a 377
judge consider all of the factors listed in division (B) of this 378
section and may require judges to set bail at a certain level if 379
the history of the alleged offender or the circumstances of the 380
alleged offense meet certain criteria in the schedule. 381

(D)(1) Upon the court's own motion or the motion of a party 382
and upon any terms that the court may direct, a court may permit a 383
person who is required to appear before it by division (A) of this 384
section to appear by video conferencing equipment. 385

(2) If in the opinion of the court the appearance in person 386
or by video conferencing equipment of a person who is charged with 387
a misdemeanor and who is required to appear before the court by 388
division (A) of this section is not practicable, the court may 389
waive the appearance and release the person on bail in accordance 390
with the court's schedule for bail set under division (C) of this 391
section or, if the court has not set a schedule for bail under 392
that division, on one or both of the following types of bail in an 393
amount set by the court: 394

(a) A bail bond secured by a deposit of ten per cent of the 395
amount of the bond in cash; 396

(b) A surety bond, a bond secured by real estate or 397
securities as allowed by law, or the deposit of cash, at the 398
option of the person. 399

(3) Division (A) of this section does not create a right in a 400
person to appear before the court for the setting of bail or 401
prohibit a court from requiring any person charged with an offense 402
of violence who is not described in that division from appearing 403
before the court for the setting of bail. 404

(E) As used in this section: 405

(1) "Controlled substance" has the same meaning as in section 406
3719.01 of the Revised Code. 407

(2) "Dangerous ordnance" and "deadly weapon" have the same 408
meanings as in section 2923.11 of the Revised Code. 409

Section 2. That existing sections 2301.02 and 2919.251 of the 410
Revised Code are hereby repealed. 411