

As Reported by the House Judiciary Committee

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Sub. H. B. No. 173

Representatives Seitz, Book

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A B I L L

To amend sections 107.08, 1901.06, 1907.13, 2301.01, 1
2501.02, 2503.01, 2743.191, 2743.70, and 2949.111 2
and to enact sections 145.2914, 2503.51, 2503.52, 3
2503.53, 2503.54, 2503.55, and 2503.60 of the 4
Revised Code to change the qualifications for all 5
judges, to require the Supreme Court to establish 6
a qualification program for candidates for 7
judicial office, to create the Judicial Allotment 8
Review Commission to study and review the 9
allotment of judgeships in the courts for the 10
purpose of recommending legislation to ensure the 11
efficient and prompt administration of justice in 12
Ohio, to create the Judicial Appointment Review 13
Commission to make recommendations of persons to 14
fill judicial vacancies, to specify that a portion 15
of certain court costs currently deposited to the 16
credit of the Reparations Fund be deposited in the 17
fund for court security, and to make 18
appropriations for court-related purposes. 19
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 107.08, 1901.06, 1907.13, 2301.01, 21

2501.02, 2503.01, 2743.191, 2743.70, and 2949.111 be amended and 22
sections 145.2914, 2503.51, 2503.52, 2503.53, 2503.54, 2503.55, 23
and 2503.60 of the Revised Code be enacted to read as follows: 24

Sec. 107.08. (A) The office of a judge is vacant at the 25
expiration of the term of the incumbent when no person has been 26
elected as the judge's successor. The vacancy shall be filled by 27
appointment by the governor. If the appointment is to a court of 28
appeals, court of common pleas, or municipal court, the clerk of 29
the court shall give written notice to the board of elections 30
responsible for conducting elections for that court of the name of 31
the appointee. A successor shall be elected for the unexpired term 32
at the first general election for the office that occurs more than 33
forty days after the vacancy occurs. 34

(B)(1) There is hereby created the judicial appointment 35
review commission consisting of seven, nine, or eleven members as 36
determined by the governor. All members of the commission shall be 37
appointed by and serve without compensation at the pleasure of the 38
governor. Five members shall be at-large members whose terms of 39
office shall be two years and who shall participate in making 40
recommendations regarding all judicial vacancies considered by the 41
commission during their tenure. The remaining members shall be 42
regional members appointed to recommend persons to fill a specific 43
judicial vacancy and whose terms of office expire when the 44
commission makes its recommendations concerning that vacancy. Each 45
regional member shall be a resident of the territory over which 46
the court in which the vacancy occurred has jurisdiction. One 47
regional member shall represent the interests of labor and 48
consumers, and one regional member shall represent the interests 49
of business and industry. A majority of all of the members shall 50
be attorneys. 51

(2) The governor shall select a chairperson of the commission 52

from among the at-large members, and the chairperson shall serve 53
in that role at the pleasure of the governor. The chairperson 54
shall establish procedures for the operation of the commission and 55
for the recommendation of persons to fill each vacancy. The 56
procedures shall provide for broad distribution of a notice of 57
each judicial vacancy to persons who are potentially interested in 58
being appointed to fill the vacancy, including posting of the 59
notice on the governor's official web site, and for application to 60
the commission by persons who wish to be considered for 61
recommendation to fill a vacancy. The governor's chief legal 62
counsel or the chief legal counsel's designee shall provide staff 63
support to the commission. 64

(3) Whenever the office of a judge becomes vacant before the 65
expiration of the regular term for which the judge was elected or 66
by the expiration of the term of the incumbent when no person has 67
been elected as the judge's successor, the commission shall 68
recommend to the governor in alphabetical order three persons to 69
fill the vacancy. In making a recommendation, the commission shall 70
consider the length of time a person under consideration has 71
practiced law, whether the person has been certified in a 72
specialty area pursuant to the supreme court's rules for the 73
government of the bar, the person's disciplinary history under the 74
code of professional responsibility or rules of professional 75
conduct adopted by the supreme court, comments received from the 76
county bar associations and the chairpersons of the county central 77
committees of the political parties in the county or district in 78
which the judgeship is located, and any other factors the 79
commission considers relevant. The governor may appoint one of the 80
three recommended persons, ask the commission to make additional 81
recommendations, or appoint another person to fill the vacancy. 82

(4) If the consideration of a vacancy under division (B)(3) 84

of this section creates a conflict of interest for a member of the 85
commission, the governor shall appoint a person to serve in place 86
of the member for the consideration of that vacancy. 87

Sec. 145.2914. (A) If the general assembly abolishes a 88
judgeship pursuant to section 2503.55 of the Revised Code and the 89
judgeship abolished is the most recently created judgeship of the 90
designated court and division, if any, the public employer that is 91
responsible for the judicial office that is to be eliminated shall 92
provide for a purchase of service credit on behalf of an 93
individual who meets the requirements described in division (B) of 94
this section and for payment of the entire cost of the service 95
credit to be purchased. 96

(B) To be eligible to receive the service credit described in 97
this section, the individual who currently holds the judicial 98
office that is to be abolished shall meet all of the following 99
requirements: 100

(1) The individual shall be a member of the public employees 101
retirement system. 102

(2) The individual shall be eligible to retire or will become 103
eligible to retire as a result of purchasing the service credit. 104

(3) The individual shall agree to retire within ninety days 105
after receiving notice of payment of the amount described in 106
division (D) of this section. 107

(C) The employer shall purchase five years of service credit 108
for an individual described in division (B) of this section. 109

(D) On receipt of a request from an individual eligible to 110
receive the service credit described in this section, the system 111
shall obtain from its actuary certification of the additional 112
liability to the system for the amount of service credit described 113
in division (C) of this section and shall notify the employer of 114

such additional liability. The employer shall pay to the system an amount equal to the additional liability resulting from the purchase. 115
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(E) On the election by an individual to receive the service credit described in this section, the individual and the employer shall agree upon a date for payment, or contracting for payment in installments, to the system the cost of the service credit to be purchased. The employer shall submit to the system a written request for determination of the cost of the service credit and, within forty-five days after receiving the request, the system shall provide written notice of the cost to the employer. 118
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The employer shall pay, or contract to pay in installments, the cost of the service credit to be purchased on the date agreed to by the individual and the employer. The payment shall be made in accordance with rules adopted by the public employees retirement board. The rules may provide for payment in installments and for crediting the purchased service credit to the individual's account upon the employer's contracting to pay the cost in installments. The system shall notify the individual when the individual is credited with service purchased under this section. If the individual does not retire within ninety days after receiving notice that the individual has been credited with the purchased service credit, the system shall refund to the employer the amount paid for the service credit. 126
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No payment made to the system under this section shall affect any payment required under section 145.48 of the Revised Code. 139
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Sec. 1901.06. (A) A municipal judge during his the judge's term of office shall be a qualified elector and a resident of the territory of the court to which he the judge is elected or appointed. A municipal judge shall have been admitted to the practice of law in this state be an attorney at law in good 141
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standing, shall be registered for active status with the supreme 146
court, and shall have been, for a total of at least six years 147
preceding ~~his~~ appointment or the commencement of ~~his~~ the judge's 148
term, engaged in the practice of law in this state or served as a 149
judge of a court of record in any jurisdiction in the United 150
States, or both. 151

Except as provided in section 1901.08 of the Revised Code, 152
the first election of any newly created office of a municipal 153
judge shall be held at the next regular municipal election 154
occurring not less than one hundred days after the creation of the 155
office. The institution of a new municipal court shall take place 156
on the first day of January next after the first election for the 157
court. 158

(B) As used in this section, "engaged in the practice of law" 159
means having had as a primary occupation one or a combination of 160
two or more of the following occupations: 161

(1) Attorney at law in good standing and registered for 162
active status with the supreme court; 163

(2) Professor of law at an accredited law school; 164

(3) Member of the general assembly if before becoming a 165
member of the general assembly the member otherwise engaged in the 166
practice of law in this state as a primary occupation; 167

(4) Any other occupation recognized as the practice of law by 168
rules or decisions of the supreme court. 169

Sec. 1907.13. A county court judge, at the time of filing a 170
nominating petition for the office or at the time of appointment 171
to the office and during the judge's term of office, shall be a 172
qualified elector and a resident of the county court district in 173
which the judge is elected or appointed. A county court judge does 174
not have to be a resident of an area of separate jurisdiction in 175

the county court district to which the judge may be assigned 176
pursuant to section 1907.15 of the Revised Code. Every county 177
court judge shall be an attorney at law in good standing, shall be 178
registered for active status with the supreme court, and shall 179
have been admitted to the practice of law in this state and shall 180
have been engaged, for a total of at least six years preceding the 181
judge's appointment or the commencement of the judge's term, in 182
the practice of law in this state, except that the six-year 183
practice requirement does not apply to a county court judge who is 184
holding office on the effective date of this amendment and who 185
subsequently is a candidate for that office. 186

Judges shall be elected by the electors of the county court 187
district at the general election in even-numbered years as set 188
forth in section 1907.11 of the Revised Code for a term of six 189
years commencing on the first day of January following the 190
election for the county court or on the dates specified in section 191
1907.11 of the Revised Code for particular county court judges. 192
Their successors shall be elected in even-numbered years every six 193
years. 194

All candidates for county court judge shall be nominated by 195
petition. The nominating petition shall be in the general form and 196
signed and verified as prescribed by section 3513.261 of the 197
Revised Code and shall be signed by the lesser of fifty qualified 198
electors of the county court district or a number of qualified 199
electors of the county court district not less than one per cent 200
of the number of electors who voted for governor at the most 201
recent regular state election in the district. A nominating 202
petition shall not be accepted for filing or filed if it appears 203
on its face to contain signatures aggregating in number more than 204
twice the minimum aggregate number of signatures required by this 205
section. A nominating petition shall be filed with the board of 206
elections not later than four p.m. of the seventy-fifth day before 207

the day of the general election. 208

As used in this section, "engaged in the practice of law" 209
means having had as a primary occupation one or a combination of 210
two or more of the following occupations: 211

(A) Attorney at law in good standing registered for active 212
status with the supreme court; 213

(B) Professor of law at an accredited law school; 214

(C) Member of the general assembly if before becoming a 215
member of the general assembly the member otherwise engaged in the 216
practice of law in this state as a primary occupation; 217

(D) Any other occupation recognized as the practice of law by 218
rules or decisions of the supreme court. 219

Sec. 2301.01. (A) There shall be a court of common pleas in 220
each county held by one or more judges, each of whom has been 221
admitted to practice as an attorney at law in this state and has, 222
for a total of at least six years preceding the judge's 223
appointment or commencement of the judge's term, engaged in the 224
practice of law in this state or served as a judge of a court of 225
record in any jurisdiction in the United States, or both, resides 226
in said county, and is elected by the electors therein. Each judge 227
shall meet all of the following qualifications: 228

(1) Attorney at law in good standing and registered for 229
active status with the supreme court; 230

(2) Preceding the judge's appointment or the commencement of 231
the judge's term, either of the following: 232

(a) Engaging in the practice of law in this state for a total 233
of at least ten years; 234

(b) Engaging in the practice of law in this state for a total 235
of at least six years and service as a judge of a court of record 236

in any jurisdiction of the United States for a total of at least 237
six months. 238

(3) Residence in the county; 239

(4) Election by the electors of the county. 240

(B) Each judge shall be elected for six years at the general 241
election immediately preceding the year in which the term, as 242
provided in sections 2301.02 and 2301.03 of the Revised Code, 243
commences, and the judge's successor shall be elected at the 244
general election immediately preceding the expiration of such 245
term. 246

(C) The board of county commissioners of a county in which 247
there is one judge of the court of common pleas and in which the 248
population is less than fifty thousand may by resolution submit to 249
the electors of the county the question of reducing the minimum 250
number of years specified in division (A)(2)(a) of this section 251
the judge shall have engaged in the practice of law in this state 252
preceding the judge's appointment or commencement of the judge's 253
term to any number less than ten but not less than six. The board 254
of county commissioners shall certify the resolution to the board 255
of elections of the county. The board of elections shall make the 256
necessary arrangements for the submission of the question to the 257
electors of the county. The question shall be submitted at the 258
next general election occurring not less than forty-five days 259
after the resolution is certified to the board of elections. 260
Notice of the election shall be published in one or more 261
newspapers of general circulation in the county once a week for 262
four consecutive weeks prior to the election. If the electors 263
approve the resolution, the reduction in the minimum number of 264
years of practice shall apply to the judge elected at the next 265
election for judge of the court of common pleas following approval 266
of the resolution or to a judge appointed to fill a vacancy prior 267
to that time. 268

(D) As used in this section, "engaging in the practice of law" means having had as a primary occupation one or a combination of two or more of the following occupations: 269
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(1) Attorney at law in good standing and registered for active status with the supreme court; 272
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(2) Professor of law at an accredited law school; 274

(3) Member of the general assembly if before becoming a member of the general assembly the member otherwise engaged in the practice of law in this state as a primary occupation; 275
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(4) Any other occupation recognized as the practice of law by rules or decisions of the supreme court. 278
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Sec. 2501.02. Each judge of a court of appeals shall ~~have~~ 280
~~been admitted to practice as an attorney at law in this state~~ be 281
an attorney at law in good standing, shall be registered for 282
active status with the supreme court, reside in the appellate 283
district to which the judge is elected or appointed, and shall 284
have, for a total of ~~six~~ twelve years preceding the judge's 285
appointment or commencement of the judge's term, engaged in the 286
practice of law in this state or served as a judge of a court of 287
record in any jurisdiction in the United States, or both. One 288
judge shall be chosen in each court of appeals district every two 289
years, and shall hold office for six years, beginning on the ninth 290
day of February next after the judge's election. 291

In addition to the original jurisdiction conferred by Section 292
3 of Article IV, Ohio Constitution, the court shall have 293
jurisdiction upon an appeal upon questions of law to review, 294
affirm, modify, set aside, or reverse judgments or final orders of 295
courts of record inferior to the court of appeals within the 296
district, including the finding, order, or judgment of a juvenile 297
court that a child is delinquent, neglected, abused, or dependent, 298

for prejudicial error committed by such lower court. 299

The court, on good cause shown, may issue writs of 300
supersedeas in any case, and all other writs, not specially 301
provided for or prohibited by statute, necessary to enforce the 302
administration of justice. 303

As used in this section, "engaged in the practice of law" 304
means having had as a primary occupation one or a combination of 305
two or more of the following occupations: 306

(A) Attorney at law in good standing and registered for 307
active status with the supreme court; 308

(B) Professor of law at an accredited law school; 309

(C) Member of the general assembly if before becoming a 310
member of the general assembly the member otherwise engaged in the 311
practice of law in this state as a primary occupation; 312

(D) Any other occupation recognized as the practice of law by 313
rules or decisions of the supreme court. 314

Sec. 2503.01. The supreme court shall consist of a chief 315
justice and six justices~~7~~. The chief justice and each of whom has 316
been admitted to practice as justice shall reside in this state, 317
be an attorney at law in this state in good standing, be 318
registered for active status with the supreme court, and has have, 319
for a total of at least ~~six~~ fifteen years preceding ~~his~~ 320
appointment or commencement of ~~his~~ the justice's term, engaged in 321
the practice of law in this state or served as a judge of a court 322
of record in any jurisdiction of the United States, or both. 323

As used in this section, "engaged in the practice of law" 324
means having had as a primary occupation one or a combination of 325
two or more of the following occupations: 326

(A) Attorney at law in good standing and registered for 327
active status with the supreme court; 328

<u>(B) Professor of law at an accredited law school;</u>	329
<u>(C) Member of the general assembly if before becoming a</u>	330
<u>member of the general assembly the member otherwise engaged in the</u>	331
<u>practice of law in this state as a primary occupation;</u>	332
<u>(D) Any other occupation recognized as the practice of law by</u>	333
<u>rules or decisions of the supreme court.</u>	334
<u>Sec. 2503.51. (A) The supreme court shall by rule establish a</u>	335
<u>judicial candidate qualification program to ensure that a</u>	336
<u>candidate for the office of judge of a municipal court, county</u>	337
<u>court, court of common pleas, court of appeals, or the supreme</u>	338
<u>court is professionally qualified for the office. The rules shall</u>	339
<u>include a requirement that every candidate, within five years</u>	340
<u>before the date of the general election for the office to which</u>	341
<u>the candidate seeks election, attend a course or courses approved</u>	342
<u>by the supreme court totaling at least forty hours and covering</u>	343
<u>civil and criminal procedure, the Ohio Rules of Evidence,</u>	344
<u>constitutional law, judicial demeanor and decorum, and any other</u>	345
<u>subjects that the supreme court may require. The supreme court</u>	346
<u>shall offer a course or courses for actual and potential judicial</u>	347
<u>candidates that satisfy all the judicial qualification course</u>	348
<u>requirements specified in this division for judicial candidates.</u>	349
<u>The supreme court may charge a reasonable fee for any course</u>	350
<u>offered pursuant to this section, but the aggregate of the fees</u>	351
<u>charged to attendees shall not exceed the cost of producing and</u>	352
<u>offering the course. The rules may provide for any of the</u>	353
<u>following:</u>	354
<u>(1) That designated courses taken to meet continuing legal</u>	355
<u>education requirements established by the supreme court apply</u>	356
<u>toward the hours of education required by the judicial candidate</u>	357
<u>qualification program;</u>	358
<u>(2) That each candidate for a particular type of judge take</u>	359

courses required for all judicial candidates and courses required 360
only for candidates for that particular type of judge and that a 361
candidate for a particular judicial office take one or more 362
courses in specific areas of law not required of all candidates 363
for judicial office; 364

(3) An exemption from all or part of the hours of course work 365
for a candidate who has been certified as a specialist pursuant to 366
rules adopted by the supreme court if the certification is in an 367
area of law that is directly pertinent to the judicial office to 368
which the candidate seeks election. 369

(B) The educational qualifications set forth under division 370
(A) of this section do not apply to a candidate who has already 371
held the office to which the candidate seeks election or to a 372
candidate for the office of judge of any division of a court of 373
common pleas who has already held the office of judge of any 374
division of a court of common pleas. 375

(C) The supreme court by rule may require that a person who 376
is appointed to the office of judge meet the educational 377
qualifications set forth under division (A) of this section, may 378
exempt a candidate for judge or a person appointed to a judgeship 379
from meeting those qualifications, and may delay the date by which 380
a candidate or appointee must meet those qualifications if a 381
candidate is a replacement for a candidate who died shortly before 382
the election or if other exigent circumstances exist. 383

(D) A candidate for the office of judge of a municipal court, 384
county court, court of common pleas, court of appeals, or the 385
supreme court, not later than seventy-five days before the date of 386
the general election for the office to which the candidate seeks 387
election, shall present to the board of elections or to the 388
secretary of state, as applicable, a document from the supreme 389
court certifying that the candidate has met the educational 390
qualifications required by division (A) of this section or stating 391

that the candidate is exempt from meeting those qualifications 392
before the election. 393

Sec. 2503.52. (A) There is hereby created the judicial 394
allotment review commission consisting of nineteen members, one of 395
whom shall be the chief justice of the supreme court, and the 396
remaining to be appointed in the following manner: 397

(1) The speaker of the house of representatives shall appoint 398
two members who shall be members of the house of representatives, 399
one of whom the speaker shall appoint upon the recommendation of 400
the minority leader of the house of representatives. 401

(2) The president of the senate shall appoint two members who 402
shall be members of the senate, one of whom the president of the 403
senate shall appoint upon the recommendation of the minority 404
leader of the senate. 405

(3) The chief justice of the supreme court shall appoint 406
eight members as follows: 407

(a) Two members who are judges of the court of appeals and 408
who are chosen from a list of four nominees submitted by the Ohio 409
court of appeals judges association; 410

(b) Four members who are judges of the court of common pleas, 411
of which one is chosen from a list of two nominees submitted by 412
the Ohio common pleas judges association, one is chosen from a 413
list of two nominees submitted by the Ohio association of juvenile 414
court judges, one is chosen from a list of two nominees submitted 415
by the Ohio association of domestic relations judges, and one is 416
chosen from a list of two nominees submitted by the Ohio 417
association of probate judges; 418

(c) Two members who are judges of the municipal court or 419
county court and who are chosen from a list of four nominees 420
submitted by the association of municipal/county judges of Ohio. 421

<u>(4) The governor shall appoint four members as follows:</u>	422
<u>(a) One member who is a county commissioner and who is</u>	423
<u>appointed upon the nomination of the county commissioners</u>	424
<u>association of Ohio;</u>	425
<u>(b) One member who is appointed upon the nomination of the</u>	426
<u>Ohio municipal league;</u>	427
<u>(c) Two members who have been admitted to and are engaged in</u>	428
<u>the practice of law in Ohio and who are appointed upon the</u>	429
<u>nomination of the Ohio state bar association.</u>	430
<u>(5) The chairperson of the Ohio judicial conference shall</u>	431
<u>appoint two members.</u>	432
<u>(B) The initial appointments of members to the commission as</u>	433
<u>provided in division (A) of this section shall be made within</u>	434
<u>ninety days after the effective date of this section. Upon the</u>	435
<u>appointment of the initial members of the commission, the</u>	436
<u>commission shall proceed to conduct its business pursuant to</u>	437
<u>sections 2503.53 to 2503.55 of the Revised Code. The term of</u>	438
<u>office of each initial member of the commission ends upon the</u>	439
<u>submission of the commission's report pursuant to section 2503.55</u>	440
<u>of the Revised Code. Any vacancy in the commission shall be filled</u>	441
<u>in the manner provided for the original appointment.</u>	442
<u>(C) The subsequent appointments of new members to the</u>	443
<u>commission as provided in division (A) of this section shall be</u>	444
<u>made within thirty days after April 1 in the year 2012 and within</u>	445
<u>thirty days after April 1 in every tenth year after the year 2012.</u>	446
<u>Upon the subsequent appointment of new members of the commission,</u>	447
<u>the commission shall proceed to conduct its business pursuant to</u>	448
<u>this section and sections 2503.53 to 2503.55 of the Revised Code.</u>	449
<u>The term of office of each subsequently appointed member of the</u>	450
<u>commission ends upon the submission of the report of the</u>	451
<u>commission that was prepared while the subsequently appointed</u>	452

member was a member of the commission. This section and sections 453
2503.53 to 2503.55 of the Revised Code, insofar as applicable, 454
apply to the commission each time the new members are appointed to 455
the commission pursuant to this division. 456

Sec. 2503.53. (A) The chief justice of the supreme court 457
shall serve as the chairperson of the judicial allotment review 458
commission. The members of the commission shall meet and perform 459
their duties and functions as provided in this section and 460
sections 2503.54 and 2503.55 of the Revised Code. The initial 461
meeting of the commission shall convene on a date designated by 462
the chief justice after the initial appointment of the members of 463
the commission as provided in division (B) of section 2503.52 of 464
the Revised Code, and the first meeting of each group of 465
subsequently appointed members of the commission shall convene on 466
a date designated by the chief justice after each subsequent 467
appointment of new members to the commission as provided in 468
division (C) of that section. The chief justice, upon notice to 469
the governor, may convene a meeting within twenty days after a 470
judgeship becomes vacant to consider the need for continuing that 471
judgeship. The chief justice or a designee of the chief justice 472
shall convene every meeting of the commission. A majority of the 473
members of the commission shall constitute a quorum. 474

(B) The supreme court shall reimburse the members of the 475
commission for any actual and necessary expenses incurred in the 476
performance of their duties and functions under this section and 477
sections 2503.54 and 2503.55 of the Revised Code. 478

(C) The supreme court may provide any professional, 479
technical, or clerical employees that are necessary for the 480
commission to perform its duties and functions. 481

Sec. 2503.54. (A) As used in this section and section 2503.55 482

of the Revised Code: 483

(1) "Court" means the court of appeals; the general division, probate division, domestic relations division, or juvenile division of the court of common pleas; the municipal court; or the county court; whichever is applicable. 484
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(2) "Cases" means civil cases, criminal cases, and traffic cases. 488
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(3) "Caseload" means the number of civil cases, criminal cases, and traffic cases that are assigned to an individual judge of a court. 490
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(B) The judicial allotment review commission shall study and review the allotment of judgeships for each court, in relation to the number of cases filed in the court and the disposition of those cases, for the purpose of making recommendations to the general assembly for enactment of legislation to ensure the efficient, prompt, and sure administration of justice in this state. 493
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(C) In studying and reviewing the allotment of judgeships for each court under this section and making its recommendations to the general assembly under section 2503.55 of the Revised Code, the commission shall consider all of the following that are applicable to a particular court: 500
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(1) The number and types of cases that were filed in the court in the preceding five years, the number and types of those cases that were assigned to each judge of that court, and the ranking of these numbers and types in comparison to other courts in the state of similar size and jurisdiction; 505
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(2) The number and types of cases assigned to each judge of the court that are currently pending and the comparative ranking of these numbers and types in comparison to other courts in the state of similar size and jurisdiction; 510
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<u>(3) Any increase, decrease, or other changes in the caseload</u>	514
<u>of each judge of the court in the preceding five years and the</u>	515
<u>comparative ranking of the caseload of the judges of that court in</u>	516
<u>relation to any increase, decrease, or other changes in the</u>	517
<u>caseload of each judge of other courts in the state of similar</u>	518
<u>size and jurisdiction;</u>	519
<u>(4) Any standards established by the supreme court for</u>	520
<u>manageable workloads or caseloads;</u>	521
<u>(5) The frequency with which the court has requested or</u>	522
<u>received temporary assignments of an additional judge or</u>	523
<u>additional judges in the preceding five years;</u>	524
<u>(6) The number of trial judges in relation to each judge of</u>	525
<u>the court of appeals within the district of that court of appeals;</u>	526
<u>(7) The population growth and density in the area in which</u>	527
<u>the court has territorial jurisdiction;</u>	528
<u>(8) In the case of courts of appeals, the population of each</u>	529
<u>court of appeals district, the number of counties that constitute</u>	530
<u>the district, the number of days in which cases are heard in</u>	531
<u>counties within the district other than the county that is the</u>	532
<u>principal seat of the court of appeals or the county in which the</u>	533
<u>court of appeals primarily holds court, and the time spent for the</u>	534
<u>judges to travel to those other counties for purposes of hearing</u>	535
<u>cases;</u>	536
<u>(9) Whether the area in which the court has territorial</u>	537
<u>jurisdiction is urban or rural in character;</u>	538
<u>(10) The presence of any state or local government</u>	539
<u>institutions in the area in which the court has territorial</u>	540
<u>jurisdiction;</u>	541
<u>(11) Any new legislation, events, or court litigation that</u>	542
<u>may have an impact on the caseload or administrative workload of a</u>	543

court; 544

(12) Any information or recommendations provided by a county 545
or municipal legislative authority that funds the court or by a 546
bar association that operates within the territorial jurisdiction 547
of the court regarding the creation of judgeships for or 548
elimination of judgeships from the court; 549

(13) Any other factors that the commission may consider 550
relevant in reviewing the allotment of judgeships for the purpose 551
of making its recommendations to the general assembly under 552
section 2503.55 of the Revised Code. 553

(D) If the population of the area in which a court has 554
territorial jurisdiction increases by twenty per cent between 555
April 1, 2011, and April 1, 2021, and between the first day of 556
April of the first year and the first day of April of the tenth 557
year of each ten-year period after 2021, the judges of that court 558
may request of the general assembly that one additional judgeship 559
be established for that court. 560

(E) If the chief justice convenes a meeting of the commission 561
to consider the need for continuing a particular judgeship that 562
has become vacant, the chief justice shall immediately notify the 563
governor that the meeting has been convened and of the judgeship 564
that has become vacant. The commission shall within forty-five 565
days after the meeting prepare a report on the need for continuing 566
the judgeship and submit the report to the governor, the supreme 567
court, and the general assembly. 568

Sec. 2503.55. (A) On or before the first anniversary of the 569
effective date of this section, then on or before April 1 in the 570
year 2013, and then on or before April 1 in every tenth year after 571
the year 2013, as applicable, the judicial allotment review 572
commission shall prepare a report and submit it to the supreme 573
court and to the general assembly. The report shall include the 574

commission's conclusions regarding its study and review of the 575
allotment of judgeships for each court under section 2503.54 of 576
the Revised Code and its recommendations based on those 577
conclusions. The recommendations may include, but are not limited 578
to, enacting legislation to increase or decrease the number of 579
judgeships of a court or to change the status of a judgeship of a 580
court from part-time to full-time. 581

(B) If the members of the commission do not unanimously agree 582
on the recommendations that are to be included in the report 583
described in division (A) of this section, the commission shall 584
determine by a majority vote of the members the specific 585
recommendations that are to be included in that report. The 586
members who vote against the inclusion of any of the 587
recommendations in the report may submit a minority report to the 588
supreme court and the general assembly that includes the specific 589
recommendations of those members. 590

(C) In enacting legislation to implement a recommendation of 591
the commission to abolish a judgeship, the general assembly shall 592
designate only the court and, in the case of a court of common 593
pleas or municipal court, the division, if any, of the court a 594
judgeship of which is to be abolished. Except as otherwise 595
provided in this division, the judgeship abolished shall be the 596
most recently created judgeship of the designated court and 597
division, if any. If the term of office of the most recently 598
created judgeship will expire one year or more after the effective 599
date of the act abolishing the judgeship, the judgeship shall be 600
abolished whenever it becomes vacant or at the end of the term. If 601
the term of office of the most recently created judgeship will 602
expire less than one year after the effective date of the act 603
abolishing the judgeship, the judgeship shall be abolished 604
whenever it becomes vacant or at the end of the following term. If 605
a judgeship other than the most recently created judgeship of the 606

designated court and division, if any, becomes vacant before the 607
most recently created judgeship becomes vacant or the applicable 608
term of the most recently created judgeship ends, and before the 609
date by which a declaration of candidacy for election to the next 610
term of office of the most recently created judgeship must be 611
filed, that other judgeship shall be abolished instead of the most 612
recently created judgeship. 613
614

Sec. 2503.60. There is hereby created in the state treasury 615
the supreme court security fund. The supreme court shall use the 616
money in the supreme court security fund to fund court security 617
projects. The treasurer of state shall deposit in the fund the 618
portion of court costs paid pursuant to section 2743.70 of the 619
Revised Code that is mandated by that section to be deposited in 620
the fund. The supreme court shall adopt guidelines to govern 621
disbursements from the fund. 622

Sec. 2743.191. (A)(1) There is hereby created in the state 623
treasury the reparations fund, which shall be used only for the 624
following purposes: 625

(a) The payment of awards of reparations that are granted by 626
the attorney general; 627

(b) The compensation of any personnel needed by the attorney 628
general to administer sections 2743.51 to 2743.72 of the Revised 629
Code; 630

(c) The compensation of witnesses as provided in division (J) 631
of section 2743.65 of the Revised Code; 632

(d) Other administrative costs of hearing and determining 633
claims for an award of reparations by the attorney general; 634

(e) The costs of administering sections 2907.28 and 2969.01 635
to 2969.06 of the Revised Code; 636

(f) The costs of investigation and decision-making as certified by the attorney general;	637 638
(g) The provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code;	639 640 641
(h) The costs of paying the expenses of sex offense-related examinations and antibiotics pursuant to section 2907.28 of the Revised Code;	642 643 644
(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;	645 646 647
(j) Subject to division (D) of section 2743.71 of the Revised Code, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to section 2743.71 of the Revised Code;	648 649 650 651 652 653
(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of the Revised Code, of performing DNA analysis of those DNA specimens, and of entering the resulting DNA records regarding those analyses into the DNA database pursuant to section 109.573 of the Revised Code;	654 655 656 657 658 659
(l) The payment of actual costs associated with initiatives by the attorney general for the apprehension, prosecution, and accountability of offenders, and the enhancing of services to crime victims. The amount of payments made pursuant to division (A)(1)(1) of this section during any given fiscal year shall not exceed five per cent of the balance of the reparations fund at the close of the immediately previous fiscal year;	660 661 662 663 664 665 666
(m) The costs of administering the adult parole authority's	667

supervision pursuant to division (E) of section 2971.05 of the Revised Code of sexually violent predators who are sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code and of offenders who are sentenced to a prison term pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of that section.

(2) ~~All~~ The portion of costs paid pursuant to section 2743.70 of the Revised Code that is mandated by that section to be deposited in the fund, the portions of license reinstatement fees mandated by division (F)(2)(b) of section 4511.191 of the Revised Code to be credited to the fund, the portions of the proceeds of the sale of a forfeited vehicle specified in division (C)(2) of section 4503.234 of the Revised Code, payments collected by the department of rehabilitation and correction from prisoners who voluntarily participate in an approved work and training program pursuant to division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and all moneys collected by the state pursuant to its right of subrogation provided in section 2743.72 of the Revised Code shall be deposited in the fund.

(B) In making an award of reparations, the attorney general shall render the award against the state. The award shall be accomplished only through the following procedure, and the following procedure may be enforced by writ of mandamus directed to the appropriate official:

(1) The attorney general shall provide for payment of the claimant or providers in the amount of the award only if the amount of the award is fifty dollars or more.

(2) The expense shall be charged against all available unencumbered moneys in the fund.

(3) If sufficient unencumbered moneys do not exist in the fund, the attorney general shall make application for payment of

the award out of the emergency purposes account or any other 699
appropriation for emergencies or contingencies, and payment out of 700
this account or other appropriation shall be authorized if there 701
are sufficient moneys greater than the sum total of then pending 702
emergency purposes account requests or requests for releases from 703
the other appropriations. 704

(4) If sufficient moneys do not exist in the account or any 705
other appropriation for emergencies or contingencies to pay the 706
award, the attorney general shall request the general assembly to 707
make an appropriation sufficient to pay the award, and no payment 708
shall be made until the appropriation has been made. The attorney 709
general shall make this appropriation request during the current 710
biennium and during each succeeding biennium until a sufficient 711
appropriation is made. If, prior to the time that an appropriation 712
is made by the general assembly pursuant to this division, the 713
fund has sufficient unencumbered funds to pay the award or part of 714
the award, the available funds shall be used to pay the award or 715
part of the award, and the appropriation request shall be amended 716
to request only sufficient funds to pay that part of the award 717
that is unpaid. 718

(C) The attorney general shall not make payment on a decision 719
or order granting an award until all appeals have been determined 720
and all rights to appeal exhausted, except as otherwise provided 721
in this section. If any party to a claim for an award of 722
reparations appeals from only a portion of an award, and a 723
remaining portion provides for the payment of money by the state, 724
that part of the award calling for the payment of money by the 725
state and not a subject of the appeal shall be processed for 726
payment as described in this section. 727

(D) The attorney general shall prepare itemized bills for the 728
costs of printing and distributing the pamphlet the attorney 729
general prepares pursuant to section 109.42 of the Revised Code. 730

The itemized bills shall set forth the name and address of the 731
persons owed the amounts set forth in them. 732

(E) As used in this section, "DNA analysis" and "DNA 733
specimen" have the same meanings as in section 109.573 of the 734
Revised Code. 735

Sec. 2743.70. (A)(1) The court, in which any person is 736
convicted of or pleads guilty to any offense other than a traffic 737
offense that is not a moving violation, shall impose the following 738
sum as costs in the case in addition to any other court costs that 739
the court is required by law to impose upon the offender: 740

(a) Thirty dollars, if the offense is a felony; 741

(b) Nine dollars, if the offense is a misdemeanor. 742

The court shall not waive the payment of the thirty or nine 743
dollars court costs, unless the court determines that the offender 744
is indigent and waives the payment of all court costs imposed upon 745
the indigent offender. All such moneys Twenty-eight dollars of the 746
court costs if the offense is a felony and seven dollars of the 747
court costs if the offense is a misdemeanor shall be transmitted 748
on the first business day of each month by the clerk of the court 749
to the treasurer of state and deposited by the treasurer in the 750
reparations fund. The clerk of the court shall transmit two 751
dollars of the court costs on the first business day of each month 752
to the treasurer of state, and the treasurer shall deposit that 753
money in the supreme court security fund created by section 754
2503.60 of the Revised Code. 755

(2) The juvenile court in which a child is found to be a 756
delinquent child or a juvenile traffic offender for an act which, 757
if committed by an adult, would be an offense other than a traffic 758
offense that is not a moving violation, shall impose the following 759
sum as costs in the case in addition to any other court costs that 760

the court is required or permitted by law to impose upon the 761
delinquent child or juvenile traffic offender: 762

(a) Thirty dollars, if the act, if committed by an adult, 763
would be a felony; 764

(b) Nine dollars, if the act, if committed by an adult, would 765
be a misdemeanor. 766

The thirty or nine dollars court costs shall be collected in 767
all cases unless the court determines the juvenile is indigent and 768
waives the payment of all court costs, or enters an order on its 769
journal stating that it has determined that the juvenile is 770
indigent, that no other court costs are to be taxed in the case, 771
and that the payment of the thirty or nine dollars court costs is 772
waived. All such moneys Twenty-eight dollars of the court costs if 773
the act if committed by an adult would be a felony and seven 774
dollars of the court costs if the act if committed by an adult 775
would be a misdemeanor collected during a month shall be 776
transmitted on or before the twentieth day of the following month 777
by the clerk of the court to the treasurer of state and deposited 778
by the treasurer in the reparations fund. The clerk of the court 779
shall transmit on or before the twentieth day of the following 780
month to the treasurer of state two dollars of the court costs 781
collected in each case during a month, and the treasurer shall 782
deposit that money in the supreme court security fund created by 783
section 2503.60 of the Revised Code. 784

(B) Whenever a person is charged with any offense other than 785
a traffic offense that is not a moving violation and posts bail 786
pursuant to sections 2937.22 to 2937.46 of the Revised Code, 787
Criminal Rule 46, or Traffic Rule 4, the court shall add to the 788
amount of the bail the thirty or nine dollars required to be paid 789
by division (A)(1) of this section. The thirty or nine dollars 790
shall be retained by the clerk of the court until the person is 791
convicted, pleads guilty, forfeits bail, is found not guilty, or 792

has the charges dismissed. If the person is convicted, pleads 793
guilty, or forfeits bail, the clerk shall transmit twenty-eight of 794
the thirty or seven of the nine dollars to the treasurer of state, 795
who shall deposit it in the reparations fund, and the clerk shall 796
transmit two of the thirty or nine dollars to the treasurer of 797
state, who shall deposit that money in the supreme court security 798
fund created by section 2503.60 of the Revised Code. If the person 799
is found not guilty or the charges are dismissed, the clerk shall 800
return the thirty or nine dollars to the person. 801

(C) No person shall be placed or held in jail for failing to 802
pay the additional thirty or nine dollars court costs or bail that 803
are required to be paid by this section. 804

(D) As used in this section: 805

(1) "Moving violation" means any violation of any statute or 806
ordinance, other than section 4513.263 of the Revised Code or an 807
ordinance that is substantially equivalent to that section, that 808
regulates the operation of vehicles, streetcars, or trackless 809
trolleys on highways or streets or that regulates size or load 810
limitations or fitness requirements of vehicles. "Moving 811
violation" does not include the violation of any statute or 812
ordinance that regulates pedestrians or the parking of vehicles. 813

(2) "Bail" means cash, a check, a money order, a credit card, 814
or any other form of money that is posted by or for an offender 815
pursuant to sections 2937.22 to 2937.46 of the Revised Code, 816
Criminal Rule 46, or Traffic Rule 4 to prevent the offender from 817
being placed or held in a detention facility, as defined in 818
section 2921.01 of the Revised Code. 819

Sec. 2949.111. (A) As used in this section: 820

(1) "Court costs" means any assessment that the court 821
requires an offender to pay to defray the costs of operating the 822

court. 823

(2) "State fines or costs" means any costs imposed or 824
forfeited bail collected by the court under section 2743.70 of the 825
Revised Code for deposit into the reparations fund or supreme 826
court security fund or under section 2949.091 of the Revised Code 827
for deposit into the general revenue fund and all fines, 828
penalties, and forfeited bail collected by the court and paid to a 829
law library association under sections 3375.50 to 3375.53 of the 830
Revised Code. 831

(3) "Reimbursement" means any reimbursement for the costs of 832
confinement that the court orders an offender to pay pursuant to 833
section 2929.28 of the Revised Code, any supervision fee, any fee 834
for the costs of house arrest with electronic monitoring that an 835
offender agrees to pay, any reimbursement for the costs of an 836
investigation or prosecution that the court orders an offender to 837
pay pursuant to section 2929.71 of the Revised Code, or any other 838
costs that the court orders an offender to pay. 839

(4) "Supervision fees" means any fees that a court, pursuant 840
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 841
requires an offender who is under a community control sanction to 842
pay for supervision services. 843

(5) "Community control sanction" has the same meaning as in 844
section 2929.01 of the Revised Code. 845

(B) Unless the court, in accordance with division (C) of this 846
section, enters in the record of the case a different method of 847
assigning payments, if a person who is charged with a misdemeanor 848
is convicted of or pleads guilty to the offense, if the court 849
orders the offender to pay any combination of court costs, state 850
fines or costs, restitution, a conventional fine, or any 851
reimbursement, and if the offender makes any payment of any of 852
them to a clerk of court, the clerk shall assign the offender's 853

payment in the following manner: 854

(1) If the court ordered the offender to pay any court costs, 855
the offender's payment shall be assigned toward the satisfaction 856
of those court costs until they have been entirely paid. 857

(2) If the court ordered the offender to pay any state fines 858
or costs and if all of the court costs that the court ordered the 859
offender to pay have been paid, the remainder of the offender's 860
payment shall be assigned on a pro rata basis toward the 861
satisfaction of the state fines or costs until they have been 862
entirely paid. 863

(3) If the court ordered the offender to pay any restitution 864
and if all of the court costs and state fines or costs that the 865
court ordered the offender to pay have been paid, the remainder of 866
the offender's payment shall be assigned toward the satisfaction 867
of the restitution until it has been entirely paid. 868

(4) If the court ordered the offender to pay any fine and if 869
all of the court costs, state fines or costs, and restitution that 870
the court ordered the offender to pay have been paid, the 871
remainder of the offender's payment shall be assigned toward the 872
satisfaction of the fine until it has been entirely paid. 873

(5) If the court ordered the offender to pay any 874
reimbursement and if all of the court costs, state fines or costs, 875
restitution, and fines that the court ordered the offender to pay 876
have been paid, the remainder of the offender's payment shall be 877
assigned toward the satisfaction of the reimbursements until they 878
have been entirely paid. 879

(C) If a person who is charged with a misdemeanor is 880
convicted of or pleads guilty to the offense and if the court 881
orders the offender to pay any combination of court costs, state 882
fines or costs, restitution, fines, or reimbursements, the court, 883
at the time it orders the offender to make those payments, may 884

prescribe an order of payments that differs from the order set 885
forth in division (B) of this section by entering in the record of 886
the case the order so prescribed. If a different order is entered 887
in the record, on receipt of any payment, the clerk of the court 888
shall assign the payment in the manner prescribed by the court. 889

Section 2. That existing sections 107.08, 1901.06, 1907.13, 890
2301.01, 2501.02, 2503.01, 2743.191, 2743.70, and 2949.111 of the 891
Revised Code are hereby repealed. 892

Section 3. The qualifications for office for judges of 893
municipal courts, county courts, courts of common pleas, courts of 894
appeals, and the Supreme Court that were in effect on the date 895
immediately preceding the effective date of this section shall 896
remain unchanged for each judge in any of those courts until the 897
end of that term of that judge. The new qualifications for office 898
for judges of municipal courts, county courts, courts of common 899
pleas, courts of appeals, and the Supreme Court provided in this 900
act shall take effect for each judgeship in each of those courts 901
when a judge is elected to that judgeship on or after the 902
effective date of this section. 903

Section 4. It is the intent of the General Assembly that 904
courses that satisfy the requirements of the judicial candidate 905
qualification program under section 2503.51 of the Revised Code 906
may also count toward the continuing legal education requirement 907
for attorneys under the Supreme Court Rules for the Government of 908
the Bar of Ohio provided the course meets the requirements of Rule 909
X of the Rules for the Government of the Bar. The General Assembly 910
therefore respectfully requests that the Supreme Court modify its 911
rules to put the General Assembly's intent into effect. 912

Section 5. All items in this section are hereby appropriated 913

as designated out of any moneys in the state treasury to the 914
credit of the General Revenue Fund and State Special Revenue Fund 915
Group. For all appropriations made in this act, the amounts in the 916
first column are for fiscal year 2008, and the amounts in the 917
second column are for fiscal year 2009. The appropriations made in 918
this act are in addition to any other appropriations made for the 919
2007-2009 biennium. 920

JSC THE JUDICIARY/SUPREME COURT 921

State Special Revenue Fund Group 922

5DD 005-612 Supreme Court Security \$ 3,800,000 \$ 3,800,000 923

TOTAL SSR State Special Revenue \$ 3,800,000 \$ 3,800,000 924

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,800,000 \$ 3,800,000 925

SUPREME COURT SECURITY 926

The foregoing appropriation item 005-612, Supreme Court 927
Security, shall be used by the Supreme Court to fund court 928
security projects. 929

Section 6. Within the limits set forth in this act, the 930
Director of Budget and Management shall establish accounts 931
indicating the source and amount of money for each appropriation 932
made in this act and shall determine the form and manner in which 933
appropriation accounts shall be maintained. Expenditures from 934
appropriations contained in this act shall be accounted for as 935
though made in the main operating appropriations act of the 127th 936
General Assembly. 937

The appropriations made in this act are subject to all 938
provisions of the main operating appropriations act of the 127th 939
General Assembly that are generally applicable to such 940
appropriations. 941

Section 7. Sections 2503.60, 2743.191, 2743.70, and 2949.111 942

of the Revised Code and Sections 4, 5, and 6 of this act, as 943
amended or enacted in this act, are not subject to the referendum. 944
Therefore, under Ohio Constitution, Article II, Section 1d and 945
section 1.471 of the Revised Code those sections as amended or 946
enacted by this act go into immediate effect when this act becomes 947
law. 948