

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 523

Representative Combs

Cosponsors: Representatives McGregor, Murray, Terhar

—

A B I L L

To amend section 1905.01 of the Revised Code to 1
increase from more than 100 to more than 1,000 the 2
population necessary for a municipal corporation 3
to have a mayor's court. 4

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

Section 1. That section 1905.01 of the Revised Code be 5
amended to read as follows: 6

Sec. 1905.01. (A) In ~~Georgetown in Brown county, in Mount~~ 7
~~Gilead in Morrow county, and in all other~~ any municipal 8
~~corporations~~ corporation having a population of more than one 9
~~hundred thousand~~, other than Batavia in Clermont county, not being 10
the site of a municipal court nor a place where a judge of the 11
Auglaize county, Crawford county, Jackson county, Miami county, 12
Montgomery county, Portage county, or Wayne county municipal court 13
sits as required pursuant to section 1901.021 of the Revised Code 14
or by designation of the judges pursuant to section 1901.021 of 15
the Revised Code, the mayor of the municipal corporation has 16
jurisdiction, except as provided in divisions (B), (C), and (E) of 17
this section and subject to the limitation contained in section 18
1905.03 and the limitation contained in section 1905.031 of the 19

Revised Code, to hear and determine any prosecution for the 20
violation of an ordinance of the municipal corporation, to hear 21
and determine any case involving a violation of a vehicle parking 22
or standing ordinance of the municipal corporation unless the 23
violation is required to be handled by a parking violations bureau 24
or joint parking violations bureau pursuant to Chapter 4521. of 25
the Revised Code, and to hear and determine all criminal causes 26
involving any moving traffic violation occurring on a state 27
highway located within the boundaries of the municipal 28
corporation, subject to the limitations of sections 2937.08 and 29
2938.04 of the Revised Code. 30

(B)(1) In ~~Georgetown in Brown county, in Mount Gilead in~~ 31
~~Morrow county, and in all other~~ any municipal ~~corporations~~ 32
corporation having a population of more than one ~~hundred thousand,~~ 33
other than Batavia in Clermont county, not being the site of a 34
municipal court nor a place where a judge of a court listed in 35
division (A) of this section sits as required pursuant to section 36
1901.021 of the Revised Code or by designation of the judges 37
pursuant to section 1901.021 of the Revised Code, the mayor of the 38
municipal corporation has jurisdiction, subject to the limitation 39
contained in section 1905.03 of the Revised Code, to hear and 40
determine prosecutions involving a violation of an ordinance of 41
the municipal corporation relating to operating a vehicle while 42
under the influence of alcohol, a drug of abuse, or a combination 43
of them or relating to operating a vehicle with a prohibited 44
concentration of alcohol, a controlled substance, or a metabolite 45
of a controlled substance in the whole blood, blood serum or 46
plasma, breath, or urine, and to hear and determine criminal 47
causes involving a violation of section 4511.19 of the Revised 48
Code that occur on a state highway located within the boundaries 49
of the municipal corporation, subject to the limitations of 50
sections 2937.08 and 2938.04 of the Revised Code, only if the 51

person charged with the violation, within six years of the date of 52
the violation charged, has not been convicted of or pleaded guilty 53
to any of the following: 54

(a) A violation of an ordinance of any municipal corporation 55
relating to operating a vehicle while under the influence of 56
alcohol, a drug of abuse, or a combination of them or relating to 57
operating a vehicle with a prohibited concentration of alcohol, a 58
controlled substance, or a metabolite of a controlled substance in 59
the whole blood, blood serum or plasma, breath, or urine; 60

(b) A violation of section 4511.19 of the Revised Code; 61

(c) A violation of any ordinance of any municipal corporation 62
or of any section of the Revised Code that regulates the operation 63
of vehicles, streetcars, and trackless trolleys upon the highways 64
or streets, to which all of the following apply: 65

(i) The person, in the case in which the conviction was 66
obtained or the plea of guilty was entered, had been charged with 67
a violation of an ordinance of a type described in division 68
(B)(1)(a) of this section, or with a violation of section 4511.19 69
of the Revised Code; 70

(ii) The charge of the violation described in division 71
(B)(1)(c)(i) of this section was dismissed or reduced; 72

(iii) The violation of which the person was convicted or to 73
which the person pleaded guilty arose out of the same facts and 74
circumstances and the same act as did the charge that was 75
dismissed or reduced. 76

(d) A violation of a statute of the United States or of any 77
other state or a municipal ordinance of a municipal corporation 78
located in any other state that is substantially similar to 79
section 4511.19 of the Revised Code. 80

(2) The mayor of a municipal corporation does not have 81

jurisdiction to hear and determine any prosecution or criminal 82
cause involving a violation described in division (B)(1)(a) or (b) 83
of this section, regardless of where the violation occurred, if 84
the person charged with the violation, within six years of the 85
violation charged, has been convicted of or pleaded guilty to any 86
violation listed in division (B)(1)(a), (b), (c), or (d) of this 87
section. 88

If the mayor of a municipal corporation, in hearing a 89
prosecution involving a violation of an ordinance of the municipal 90
corporation the mayor serves relating to operating a vehicle while 91
under the influence of alcohol, a drug of abuse, or a combination 92
of them or relating to operating a vehicle with a prohibited 93
concentration of alcohol, a controlled substance, or a metabolite 94
of a controlled substance in the whole blood, blood serum or 95
plasma, breath, or urine, or in hearing a criminal cause involving 96
a violation of section 4511.19 of the Revised Code, determines 97
that the person charged, within six years of the violation 98
charged, has been convicted of or pleaded guilty to any violation 99
listed in division (B)(1)(a), (b), (c), or (d) of this section, 100
the mayor immediately shall transfer the case to the county court 101
or municipal court with jurisdiction over the violation charged, 102
in accordance with section 1905.032 of the Revised Code. 103

(C)(1) In ~~Georgetown in Brown county, in Mount Gilead in~~ 104
~~Morrow county, and in all other~~ any municipal ~~corporations~~ 105
corporation having a population of more than one ~~hundred thousand~~, 106
other than Batavia in Clermont county, not being the site of a 107
municipal court and not being a place where a judge of a court 108
listed in division (A) of this section sits as required pursuant 109
to section 1901.021 of the Revised Code or by designation of the 110
judges pursuant to section 1901.021 of the Revised Code, the mayor 111
of the municipal corporation, subject to sections 1901.031, 112
2937.08, and 2938.04 of the Revised Code, has jurisdiction to hear 113

and determine prosecutions involving a violation of a municipal ordinance that is substantially equivalent to division (A) of section 4510.14 or section 4510.16 of the Revised Code and to hear and determine criminal causes that involve a moving traffic violation, that involve a violation of division (A) of section 4510.14 or section 4510.16 of the Revised Code, and that occur on a state highway located within the boundaries of the municipal corporation only if all of the following apply regarding the violation and the person charged:

(a) Regarding a violation of section 4510.16 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to that division, the person charged with the violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

(i) A violation of section 4510.16 of the Revised Code;

(ii) A violation of a municipal ordinance that is substantially equivalent to section 4510.16 of the Revised Code;

(iii) A violation of any municipal ordinance or section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets, in a case in which, after a charge against the person of a violation of a type described in division (C)(1)(a)(i) or (ii) of this section was dismissed or reduced, the person is convicted of or pleads guilty to a violation that arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(b) Regarding a violation of division (A) of section 4510.14 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to that division, the person charged with the violation, within six years of the date of the violation

charged, has not been convicted of or pleaded guilty to any of the 145
following: 146

(i) A violation of division (A) of section 4510.14 of the 147
Revised Code; 148

(ii) A violation of a municipal ordinance that is 149
substantially equivalent to division (A) of section 4510.14 of the 150
Revised Code; 151

(iii) A violation of any municipal ordinance or section of 152
the Revised Code that regulates the operation of vehicles, 153
streetcars, and trackless trolleys upon the highways or streets in 154
a case in which, after a charge against the person of a violation 155
of a type described in division (C)(1)(b)(i) or (ii) of this 156
section was dismissed or reduced, the person is convicted of or 157
pleads guilty to a violation that arose out of the same facts and 158
circumstances and the same act as did the charge that was 159
dismissed or reduced. 160

(2) The mayor of a municipal corporation does not have 161
jurisdiction to hear and determine any prosecution or criminal 162
cause involving a violation described in division (C)(1)(a)(i) or 163
(ii) of this section if the person charged with the violation, 164
within six years of the violation charged, has been convicted of 165
or pleaded guilty to any violation listed in division 166
(C)(1)(a)(i), (ii), or (iii) of this section and does not have 167
jurisdiction to hear and determine any prosecution or criminal 168
cause involving a violation described in division (C)(1)(b)(i) or 169
(ii) of this section if the person charged with the violation, 170
within six years of the violation charged, has been convicted of 171
or pleaded guilty to any violation listed in division 172
(C)(1)(b)(i), (ii), or (iii) of this section. 173

(3) If the mayor of a municipal corporation, in hearing a 174
prosecution involving a violation of an ordinance of the municipal 175

corporation the mayor serves that is substantially equivalent to 176
division (A) of section 4510.14 or section 4510.16 of the Revised 177
Code or a violation of division (A) of section 4510.14 or section 178
4510.16 of the Revised Code, determines that, under division 179
(C)(2) of this section, mayors do not have jurisdiction of the 180
prosecution, the mayor immediately shall transfer the case to the 181
county court or municipal court with jurisdiction over the 182
violation in accordance with section 1905.032 of the Revised Code. 183

(D) If the mayor of a municipal corporation has jurisdiction 184
pursuant to division (B)(1) of this section to hear and determine 185
a prosecution or criminal cause involving a violation described in 186
division (B)(1)(a) or (b) of this section, the authority of the 187
mayor to hear or determine the prosecution or cause is subject to 188
the limitation contained in division (C) of section 1905.03 of the 189
Revised Code. If the mayor of a municipal corporation has 190
jurisdiction pursuant to division (A) or (C) of this section to 191
hear and determine a prosecution or criminal cause involving a 192
violation other than a violation described in division (B)(1)(a) 193
or (b) of this section, the authority of the mayor to hear or 194
determine the prosecution or cause is subject to the limitation 195
contained in division (C) of section 1905.031 of the Revised Code. 196

(E)(1) The mayor of a municipal corporation does not have 197
jurisdiction to hear and determine any prosecution or criminal 198
cause involving any of the following: 199

(a) A violation of section 2919.25 or 2919.27 of the Revised 200
Code; 201

(b) A violation of section 2903.11, 2903.12, 2903.13, 202
2903.211, or 2911.211 of the Revised Code that involves a person 203
who was a family or household member of the defendant at the time 204
of the violation; 205

(c) A violation of a municipal ordinance that is 206

substantially equivalent to an offense described in division 207
(E)(1)(a) or (b) of this section and that involves a person who 208
was a family or household member of the defendant at the time of 209
the violation. 210

(2) The mayor of a municipal corporation does not have 211
jurisdiction to hear and determine a motion filed pursuant to 212
section 2919.26 of the Revised Code or filed pursuant to a 213
municipal ordinance that is substantially equivalent to that 214
section or to issue a protection order pursuant to that section or 215
a substantially equivalent municipal ordinance. 216

(3) As used in this section, "family or household member" has 217
the same meaning as in section 2919.25 of the Revised Code. 218

(F) In keeping a docket and files, the mayor, and a mayor's 219
court magistrate appointed under section 1905.05 of the Revised 220
Code, shall be governed by the laws pertaining to county courts. 221

Section 2. That existing section 1905.01 of the Revised Code 222
is hereby repealed. 223

Section 3. (A) Upon the effective date of this act, within 224
each municipal corporation with a population of one thousand or 225
less, the jurisdiction of the mayor in all civil and criminal 226
causes that otherwise was granted under section 1905.01 of the 227
Revised Code prior to the effective date of this act terminates. 228
Upon the effective date of this act, all prosecutions, cases, 229
criminal causes, and other proceedings then pending in a mayor's 230
court of a municipal corporation that has a population of one 231
thousand or less shall be transferred to and proceed in the 232
municipal court, county court, or court of common pleas with 233
jurisdiction over the alleged violation that is the basis of the 234
prosecution, case, cause, or proceeding, as if the prosecution, 235
case, cause, or proceeding originally had been instituted in the 236
municipal court, county court, or court of common pleas. 237

(B) Upon the transfer of a prosecution, case, criminal cause, 238
or other proceeding to a municipal court, county court, or court 239
of common pleas under division (A) of this section, the mayor of 240
the municipal corporation before whom the prosecution, case, 241
cause, or proceeding was pending upon the effective date of this 242
act shall transfer to the municipal court, county court, or court 243
of common pleas the pleadings, orders, entries, dockets, bonds, 244
papers, records, books, exhibits, files, moneys, property, and 245
persons that belong to, are in the possession of, or were subject 246
to the jurisdiction of the mayor and that pertain to the 247
transferred prosecution, case, cause, or proceeding. 248