

As Reported by the House Judiciary and Ethics Committee

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Am. H. B. No. 523

Representative Combs

Cosponsors: Representatives McGregor, Murray, Terhar

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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
other than a municipal corporation located on an 4
island in Lake Erie to have a mayor's court. 5

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

Section 1. That section 1905.01 of the Revised Code be 6
amended to read as follows: 7

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

this section and subject to the limitation contained in section 20
1905.03 and the limitation contained in section 1905.031 of the 21
Revised Code, to hear and determine any prosecution for the 22
violation of an ordinance of the municipal corporation, to hear 23
and determine any case involving a violation of a vehicle parking 24
or standing ordinance of the municipal corporation unless the 25
violation is required to be handled by a parking violations bureau 26
or joint parking violations bureau pursuant to Chapter 4521. of 27
the Revised Code, and to hear and determine all criminal causes 28
involving any moving traffic violation occurring on a state 29
highway located within the boundaries of the municipal 30
corporation, subject to the limitations of sections 2937.08 and 31
2938.04 of the Revised Code. 32

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

Code that occur on a state highway located within the boundaries 52
of the municipal corporation, subject to the limitations of 53
sections 2937.08 and 2938.04 of the Revised Code, only if the 54
person charged with the violation, within six years of the date of 55
the violation charged, has not been convicted of or pleaded guilty 56
to any of the following: 57

(a) A violation of an ordinance of any municipal corporation 58
relating to operating a vehicle while under the influence of 59
alcohol, a drug of abuse, or a combination of them or relating to 60
operating a vehicle with a prohibited concentration of alcohol, a 61
controlled substance, or a metabolite of a controlled substance in 62
the whole blood, blood serum or plasma, breath, or urine; 63

(b) A violation of section 4511.19 of the Revised Code; 64

(c) A violation of any ordinance of any municipal corporation 65
or of any section of the Revised Code that regulates the operation 66
of vehicles, streetcars, and trackless trolleys upon the highways 67
or streets, to which all of the following apply: 68

(i) The person, in the case in which the conviction was 69
obtained or the plea of guilty was entered, had been charged with 70
a violation of an ordinance of a type described in division 71
(B)(1)(a) of this section, or with a violation of section 4511.19 72
of the Revised Code; 73

(ii) The charge of the violation described in division 74
(B)(1)(c)(i) of this section was dismissed or reduced; 75

(iii) The violation of which the person was convicted or to 76
which the person pleaded guilty arose out of the same facts and 77
circumstances and the same act as did the charge that was 78
dismissed or reduced. 79

(d) A violation of a statute of the United States or of any 80
other state or a municipal ordinance of a municipal corporation 81
located in any other state that is substantially similar to 82

section 4511.19 of the Revised Code. 83

(2) The mayor of a municipal corporation does not have 84
jurisdiction to hear and determine any prosecution or criminal 85
cause involving a violation described in division (B)(1)(a) or (b) 86
of this section, regardless of where the violation occurred, if 87
the person charged with the violation, within six years of the 88
violation charged, has been convicted of or pleaded guilty to any 89
violation listed in division (B)(1)(a), (b), (c), or (d) of this 90
section. 91

If the mayor of a municipal corporation, in hearing a 92
prosecution involving a violation of an ordinance of the municipal 93
corporation the mayor serves relating to operating a vehicle while 94
under the influence of alcohol, a drug of abuse, or a combination 95
of them or relating to operating a vehicle with a prohibited 96
concentration of alcohol, a controlled substance, or a metabolite 97
of a controlled substance in the whole blood, blood serum or 98
plasma, breath, or urine, or in hearing a criminal cause involving 99
a violation of section 4511.19 of the Revised Code, determines 100
that the person charged, within six years of the violation 101
charged, has been convicted of or pleaded guilty to any violation 102
listed in division (B)(1)(a), (b), (c), or (d) of this section, 103
the mayor immediately shall transfer the case to the county court 104
or municipal court with jurisdiction over the violation charged, 105
in accordance with section 1905.032 of the Revised Code. 106

(C)(1) In ~~Georgetown in Brown county, in Mount Gilead in~~ 107
~~Morrow county, and in all other~~ any municipal corporation located 108
on an island in Lake Erie and any municipal corporations 109
corporation having a population of more than one ~~hundred thousand,~~ 110
other than Batavia in Clermont county, not being the site of a 111
municipal court and not being a place where a judge of a court 112
listed in division (A) of this section sits as required pursuant 113
to section 1901.021 of the Revised Code or by designation of the 114

judges pursuant to section 1901.021 of the Revised Code, the mayor 115
of the municipal corporation, subject to sections 1901.031, 116
2937.08, and 2938.04 of the Revised Code, has jurisdiction to hear 117
and determine prosecutions involving a violation of a municipal 118
ordinance that is substantially equivalent to division (A) of 119
section 4510.14 or section 4510.16 of the Revised Code and to hear 120
and determine criminal causes that involve a moving traffic 121
violation, that involve a violation of division (A) of section 122
4510.14 or section 4510.16 of the Revised Code, and that occur on 123
a state highway located within the boundaries of the municipal 124
corporation only if all of the following apply regarding the 125
violation and the person charged: 126

(a) Regarding a violation of section 4510.16 of the Revised 127
Code or a violation of a municipal ordinance that is substantially 128
equivalent to that division, the person charged with the 129
violation, within six years of the date of the violation charged, 130
has not been convicted of or pleaded guilty to any of the 131
following: 132

(i) A violation of section 4510.16 of the Revised Code; 133

(ii) A violation of a municipal ordinance that is 134
substantially equivalent to section 4510.16 of the Revised Code; 135

(iii) A violation of any municipal ordinance or section of 136
the Revised Code that regulates the operation of vehicles, 137
streetcars, and trackless trolleys upon the highways or streets, 138
in a case in which, after a charge against the person of a 139
violation of a type described in division (C)(1)(a)(i) or (ii) of 140
this section was dismissed or reduced, the person is convicted of 141
or pleads guilty to a violation that arose out of the same facts 142
and circumstances and the same act as did the charge that was 143
dismissed or reduced. 144

(b) Regarding a violation of division (A) of section 4510.14 145

of the Revised Code or a violation of a municipal ordinance that 146
is substantially equivalent to that division, the person charged 147
with the violation, within six years of the date of the violation 148
charged, has not been convicted of or pleaded guilty to any of the 149
following: 150

(i) A violation of division (A) of section 4510.14 of the 151
Revised Code; 152

(ii) A violation of a municipal ordinance that is 153
substantially equivalent to division (A) of section 4510.14 of the 154
Revised Code; 155

(iii) A violation of any municipal ordinance or section of 156
the Revised Code that regulates the operation of vehicles, 157
streetcars, and trackless trolleys upon the highways or streets in 158
a case in which, after a charge against the person of a violation 159
of a type described in division (C)(1)(b)(i) or (ii) of this 160
section was dismissed or reduced, the person is convicted of or 161
pleads guilty to a violation that arose out of the same facts and 162
circumstances and the same act as did the charge that was 163
dismissed or reduced. 164

(2) The mayor of a municipal corporation does not have 165
jurisdiction to hear and determine any prosecution or criminal 166
cause involving a violation described in division (C)(1)(a)(i) or 167
(ii) of this section if the person charged with the violation, 168
within six years of the violation charged, has been convicted of 169
or pleaded guilty to any violation listed in division 170
(C)(1)(a)(i), (ii), or (iii) of this section and does not have 171
jurisdiction to hear and determine any prosecution or criminal 172
cause involving a violation described in division (C)(1)(b)(i) or 173
(ii) of this section if the person charged with the violation, 174
within six years of the violation charged, has been convicted of 175
or pleaded guilty to any violation listed in division 176
(C)(1)(b)(i), (ii), or (iii) of this section. 177

(3) If the mayor of a municipal corporation, in hearing a prosecution involving a violation of an ordinance of the municipal corporation the mayor serves that is substantially equivalent to division (A) of section 4510.14 or section 4510.16 of the Revised Code or a violation of division (A) of section 4510.14 or section 4510.16 of the Revised Code, determines that, under division (C)(2) of this section, mayors do not have jurisdiction of the prosecution, the mayor immediately shall transfer the case to the county court or municipal court with jurisdiction over the violation in accordance with section 1905.032 of the Revised Code.

(D) If the mayor of a municipal corporation has jurisdiction pursuant to division (B)(1) of this section to hear and determine a prosecution or criminal cause involving a violation described in division (B)(1)(a) or (b) of this section, the authority of the mayor to hear or determine the prosecution or cause is subject to the limitation contained in division (C) of section 1905.03 of the Revised Code. If the mayor of a municipal corporation has jurisdiction pursuant to division (A) or (C) of this section to hear and determine a prosecution or criminal cause involving a violation other than a violation described in division (B)(1)(a) or (b) of this section, the authority of the mayor to hear or determine the prosecution or cause is subject to the limitation contained in division (C) of section 1905.031 of the Revised Code.

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

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

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

(c) A violation of a municipal ordinance that is 210
substantially equivalent to an offense described in division 211
(E)(1)(a) or (b) of this section and that involves a person who 212
was a family or household member of the defendant at the time of 213
the violation. 214

(2) The mayor of a municipal corporation does not have 215
jurisdiction to hear and determine a motion filed pursuant to 216
section 2919.26 of the Revised Code or filed pursuant to a 217
municipal ordinance that is substantially equivalent to that 218
section or to issue a protection order pursuant to that section or 219
a substantially equivalent municipal ordinance. 220

(3) As used in this section, "family or household member" has 221
the same meaning as in section 2919.25 of the Revised Code. 222

(F) In keeping a docket and files, the mayor, and a mayor's 223
court magistrate appointed under section 1905.05 of the Revised 224
Code, shall be governed by the laws pertaining to county courts. 225

Section 2. That existing section 1905.01 of the Revised Code 226
is hereby repealed. 227

Section 3. (A) Upon the effective date of this act, within 228
each municipal corporation with a population of one thousand or 229
less other than a municipal corporation located on an island in 230
Lake Erie, the jurisdiction of the mayor in all civil and criminal 231
causes that otherwise was granted under section 1905.01 of the 232
Revised Code prior to the effective date of this act terminates. 233
Upon the effective date of this act, all prosecutions, cases, 234
criminal causes, and other proceedings then pending in a mayor's 235
court of a municipal corporation that has a population of one 236
thousand or less shall be transferred to and proceed in the 237
municipal court, county court, or court of common pleas with 238
jurisdiction over the alleged violation that is the basis of the 239
prosecution, case, cause, or proceeding, as if the prosecution, 240

case, cause, or proceeding originally had been instituted in the 241
municipal court, county court, or court of common pleas. 242

(B) Upon the transfer of a prosecution, case, criminal cause, 243
or other proceeding to a municipal court, county court, or court 244
of common pleas under division (A) of this section, the mayor of 245
the municipal corporation before whom the prosecution, case, 246
cause, or proceeding was pending upon the effective date of this 247
act shall transfer to the municipal court, county court, or court 248
of common pleas the pleadings, orders, entries, dockets, bonds, 249
papers, records, books, exhibits, files, moneys, property, and 250
persons that belong to, are in the possession of, or were subject 251
to the jurisdiction of the mayor and that pertain to the 252
transferred prosecution, case, cause, or proceeding. 253