

**As Introduced**

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

**S. B. No. 254**

**Senator Patton**

—

**A B I L L**

To amend section 1905.01 of the Revised Code to 1  
increase from more than 100 to more than 200 the 2  
population necessary for a municipal corporation 3  
to have a mayor's court unless the municipal 4  
corporation is located entirely on an island in 5  
Lake Erie. 6

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

**Section 1.** That section 1905.01 of the Revised Code be 7  
amended to read as follows: 8

**Sec. 1905.01.** (A) In Georgetown in Brown county, in Mount 9  
Gilead in Morrow county, in any municipal corporation located 10  
entirely on an island in Lake Erie, and in all other municipal 11  
corporations having a population of more than ~~one~~ two hundred, 12  
other than Batavia in Clermont county, not being the site of a 13  
municipal court nor a place where a judge of the Auglaize county, 14  
Crawford county, Jackson county, Miami county, Montgomery county, 15  
Portage county, or Wayne county municipal court sits as required 16  
pursuant to section 1901.021 of the Revised Code or by designation 17  
of the judges pursuant to section 1901.021 of the Revised Code, 18  
the mayor of the municipal corporation has jurisdiction, except as 19  
provided in divisions (B), (C), and (E) of this section and 20

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

(B)(1) In Georgetown in Brown county, in Mount Gilead in 33  
Morrow county, in any municipal corporation located entirely on an 34  
island in Lake Erie, and in all other municipal corporations 35  
having a population of more than ~~one~~ two hundred, other than 36  
Batavia in Clermont county, not being the site of a municipal 37  
court nor a place where a judge of a court listed in division (A) 38  
of this section sits as required pursuant to section 1901.021 of 39  
the Revised Code or by designation of the judges pursuant to 40  
section 1901.021 of the Revised Code, the mayor of the municipal 41  
corporation has jurisdiction, subject to the limitation contained 42  
in section 1905.03 of the Revised Code, to hear and determine 43  
prosecutions involving a violation of an ordinance of the 44  
municipal corporation relating to operating a vehicle while under 45  
the influence of alcohol, a drug of abuse, or a combination of 46  
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 jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (B)(1)(a) or (b) of this section, regardless of where the violation occurred, if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B)(1)(a), (b), (c), or (d) of this section.

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

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

municipal corporation, subject to sections 1901.031, 2937.08, and 2938.04 of the Revised Code, has jurisdiction to hear 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 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 two hundred or 229  
less, except for any municipal corporation located entirely on an 230  
island in Lake Erie, the jurisdiction of the mayor in all civil 231  
and criminal causes that otherwise was granted under section 232  
1905.01 of the Revised Code prior to the effective date of this 233  
act terminates. Upon the effective date of this act, all 234  
prosecutions, cases, criminal causes, and other proceedings then 235  
pending in a mayor's court of a municipal corporation that has a 236  
population of two hundred or less and is not located entirely on 237  
an island in Lake Erie shall be transferred to and proceed in the 238  
municipal court, county court, or court of common pleas with 239  
jurisdiction over the alleged violation that is the basis of the 240



prosecution, case, cause, or proceeding, as if the prosecution, 241  
case, cause, or proceeding originally had been instituted in the 242  
municipal court, county court, or court of common pleas. 243

(B) Upon the transfer of a prosecution, case, criminal cause, 244  
or other proceeding to a municipal court, county court, or court 245  
of common pleas under division (A) of this section, the mayor of 246  
the municipal corporation before whom the prosecution, case, 247  
cause, or proceeding was pending upon the effective date of this 248  
act shall transfer to the municipal court, county court, or court 249  
of common pleas the pleadings, orders, entries, dockets, bonds, 250  
papers, records, books, exhibits, files, moneys, property, and 251  
persons that belong to, are in the possession of, or were subject 252  
to the jurisdiction of the mayor and that pertain to the 253  
transferred prosecution, case, cause, or proceeding. 254