

As Reported by the Senate Civil Justice Committee

130th General Assembly

Regular Session

2013-2014

Sub. H. B. No. 261

Representatives Butler, Stinziano

**Cosponsors: Representatives Antonio, Baker, Barnes, Bishoff, Blessing,
Boose, Burkley, Conditt, Green, Hottinger, Letson, Patmon, Ruhl, Sprague,**

Terhar Speaker Batchelder

Senators Obhof, Coley, Seitz

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A B I L L

To amend sections 141.04, 141.13, 1901.10, 1901.12, 1
1907.14, 2701.03, 2701.031, 2743.03, 2743.04, 2
2743.09, 2743.121, 2743.20, 2743.52, 2743.53, 3
2743.531, 2743.55, 2743.60, 2743.601, 2743.61, 4
2743.62, 2743.63, 2743.64, 2743.65, 2743.66, 5
2743.67, 2743.68, 2743.69, and 2743.71, to enact 6
new section 1901.121 and sections 1901.122, 7
1901.128, 1907.141, 1907.142, 1907.143, and 8
2743.041, and to repeal sections 1901.121 and 9
2743.54 of the Revised Code to abolish the office 10
of the Court of Claims commissioner, to transfer 11
the powers of a judge of the Court of Claims to 12
the court; to specify certain powers of a Court of 13
Claims magistrate, to modify the Attorney 14
General's annual report on the crime victims 15
compensation program, to conform existing law to 16
the existing filing period for filing a claim for 17
reparations by an adult, to eliminate the 18
procedure for filing an affidavit of 19
disqualification for a judge of a municipal or 20

county court and instead include the 21
disqualification of a judge of a municipal or 22
county court and a judge of the court of claims 23
within the procedure for filing an affidavit of 24
disqualification for a probate judge, a judge of a 25
court of appeals, and a judge of the court of 26
common pleas, to change the basis of the per diem 27
compensation of a retired judge who serves on the 28
Court of Claims from the annual compensation of a 29
judge of a court of appeals to the annual 30
compensation of a judge of a court of common 31
pleas, to modify the methods of filling a vacant 32
municipal or county court judgeship, of assigning 33
an additional judge for a municipal court, and of 34
compensating the new or additional judge and to 35
modify the procedure for reimbursing counties for 36
compensating such judges. 37

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

Section 1. That sections 141.04, 141.13, 1901.10, 1901.12, 38
1907.14, 2701.03, 2701.031, 2743.03, 2743.04, 2743.09, 2743.121, 39
2743.20, 2743.52, 2743.53, 2743.531, 2743.55, 2743.60, 2743.601, 40
2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 2743.66, 2743.67, 41
2743.68, 2743.69, and 2743.71 be amended and new section 1901.121 42
and sections 1901.122, 1901.123, 1907.141, 1907.142, 1907.143, and 43
2743.041 of the Revised Code be enacted to read as follows: 44

Sec. 141.04. (A) The annual salaries of the chief justice of 45
the supreme court and of the justices and judges named in this 46
section payable from the state treasury are as follows, rounded to 47
the nearest fifty dollars: 48

(1) For the chief justice of the supreme court, the following 49

amounts effective in the following years:	50
(a) Beginning January 1, 2000, one hundred twenty-four thousand nine hundred dollars;	51 52
(b) Beginning January 1, 2001, one hundred twenty-eight thousand six hundred fifty dollars;	53 54
(c) After 2001, the amount determined under division (E)(1) of this section.	55 56
(2) For the justices of the supreme court, the following amounts effective in the following years:	57 58
(a) Beginning January 1, 2000, one hundred seventeen thousand two hundred fifty dollars;	59 60
(b) Beginning January 1, 2001, one hundred twenty thousand seven hundred fifty dollars;	61 62
(c) After 2001, the amount determined under division (E)(1) of this section.	63 64
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	65 66
(a) Beginning January 1, 2000, one hundred nine thousand two hundred fifty dollars;	67 68
(b) Beginning January 1, 2001, one hundred twelve thousand five hundred fifty dollars;	69 70
(c) After 2001, the amount determined under division (E)(1) of this section.	71 72
(4) For the judges of the courts of common pleas, the following amounts effective in the following years:	73 74
(a) Beginning January 1, 2000, one hundred thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code;	75 76 77 78

(b) Beginning January 1, 2001, one hundred three thousand 79
five hundred dollars, reduced by an amount equal to the annual 80
compensation paid to that judge from the county treasury pursuant 81
to section 141.05 of the Revised Code; 82

(c) After 2001, the aggregate annual salary amount determined 83
under division (E)(2) of this section reduced by an amount equal 84
to the annual compensation paid to that judge from the county 85
treasury pursuant to section 141.05 of the Revised Code. 86

(5) For the full-time judges of a municipal court or the 87
part-time judges of a municipal court of a territory having a 88
population of more than fifty thousand, the following amounts 89
effective in the following years, which amounts shall be in 90
addition to all amounts received pursuant to divisions (B)(1)(a) 91
and (2) of section 1901.11 of the Revised Code from municipal 92
corporations and counties: 93

(a) Beginning January 1, 2000, thirty-two thousand six 94
hundred fifty dollars; 95

(b) Beginning January 1, 2001, thirty-five thousand five 96
hundred dollars; 97

(c) After 2001, the amount determined under division (E)(3) 98
of this section. 99

(6) For judges of a municipal court designated as part-time 100
judges by section 1901.08 of the Revised Code, other than 101
part-time judges to whom division (A)(5) of this section applies, 102
and for judges of a county court, the following amounts effective 103
in the following years, which amounts shall be in addition to any 104
amounts received pursuant to division (A) of section 1901.11 of 105
the Revised Code from municipal corporations and counties or 106
pursuant to division (A) of section 1907.16 of the Revised Code 107
from counties: 108

(a) Beginning January 1, 2000, eighteen thousand eight 109

hundred dollars; 110

(b) Beginning January 1, 2001, twenty thousand four hundred 111
fifty dollars; 112

(c) After 2001, the amount determined under division (E)(4) 113
of this section. 114

(B) Except as provided in ~~section 1901.121~~ sections 1901.122 115
and 1901.123 of the Revised Code, except as otherwise provided in 116
this division, and except for the compensation to which the judges 117
described in division (A)(5) of this section are entitled pursuant 118
to divisions (B)(1)(a) and (2) of section 1901.11 of the Revised 119
Code, the annual salary of the chief justice of the supreme court 120
and of each justice or judge listed in division (A) of this 121
section shall be paid in equal monthly installments from the state 122
treasury. If the chief justice of the supreme court or any justice 123
or judge listed in division (A)(2), (3), or (4) of this section 124
delivers a written request to be paid biweekly to the 125
administrative director of the supreme court prior to the first 126
day of January of any year, the annual salary of the chief justice 127
or the justice or judge that is listed in division (A)(2), (3), or 128
(4) of this section shall be paid, during the year immediately 129
following the year in which the request is delivered to the 130
administrative director of the supreme court, biweekly from the 131
state treasury. 132

(C) Upon the death of the chief justice or a justice of the 133
supreme court during that person's term of office, an amount shall 134
be paid in accordance with section 2113.04 of the Revised Code, or 135
to that person's estate. The amount shall equal the amount of the 136
salary that the chief justice or justice would have received 137
during the remainder of the unexpired term or an amount equal to 138
the salary of office for two years, whichever is less. 139

(D) Neither the chief justice of the supreme court nor any 140

justice or judge of the supreme court, the court of appeals, the 141
court of common pleas, or the probate court shall hold any other 142
office of trust or profit under the authority of this state or the 143
United States. 144

(E)(1) Each year from 2002 through 2008, the annual salaries 145
of the chief justice of the supreme court and of the justices and 146
judges named in divisions (A)(2) and (3) of this section shall be 147
increased by an amount equal to the adjustment percentage for that 148
year multiplied by the compensation paid the preceding year 149
pursuant to division (A)(1), (2), or (3) of this section. 150

(2) Each year from 2002 through 2008, the aggregate annual 151
salary payable under division (A)(4) of this section to the judges 152
named in that division shall be increased by an amount equal to 153
the adjustment percentage for that year multiplied by the 154
aggregate compensation paid the preceding year pursuant to 155
division (A)(4) of this section and section 141.05 of the Revised 156
Code. 157

(3) Each year from 2002 through 2008, the salary payable from 158
the state treasury under division (A)(5) of this section to the 159
judges named in that division shall be increased by an amount 160
equal to the adjustment percentage for that year multiplied by the 161
aggregate compensation paid the preceding year pursuant to 162
division (A)(5) of this section and division (B)(1)(a) of section 163
1901.11 of the Revised Code. 164

(4) Each year from 2002 through 2008, the salary payable from 165
the state treasury under division (A)(6) of this section to the 166
judges named in that division shall be increased by an amount 167
equal to the adjustment percentage for that year multiplied by the 168
aggregate compensation paid the preceding year pursuant to 169
division (A)(6) of this section and division (A) of section 170
1901.11 of the Revised Code from municipal corporations and 171
counties or division (A) of section 1907.16 of the Revised Code 172

from counties. 173

(F) In addition to the salaries payable pursuant to this 174
section, the chief justice of the supreme court and the justices 175
of the supreme court shall be entitled to a vehicle allowance of 176
five hundred dollars per month, payable from the state treasury. 177
The allowance shall be increased on the first day of January of 178
each odd-numbered year by an amount equal to the percentage 179
increase, if any, in the consumer price index for the immediately 180
preceding twenty-four month period for which information is 181
available. 182

(G) On or before the first day of December of each year, the 183
Ohio supreme court, through its chief administrator, shall notify 184
the administrative judge of the Montgomery county municipal court, 185
the board of county commissioners of Montgomery county, and the 186
treasurer of the state of the yearly salary cost of five part-time 187
county court judges as of that date. If the total yearly salary 188
costs of all of the judges of the Montgomery county municipal 189
court as of the first day of December of that same year exceeds 190
that amount, the administrative judge of the Montgomery county 191
municipal court shall cause payment of the excess between those 192
two amounts less any reduced amount paid for the health care costs 193
of the Montgomery county municipal court judges in comparison to 194
the health care costs of five part-time county court judges from 195
the general special projects fund or the fund for a specific 196
special project created pursuant to section 1901.26 of the Revised 197
Code to the treasurer of Montgomery county and to the treasurer of 198
the state in amounts proportional to the percentage of the 199
salaries of the municipal court judges paid by the county and by 200
the state. 201

(H) As used in this section: 202

(1) The "adjustment percentage" for a year is the lesser of 203
the following: 204

(a) Three per cent;	205
(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.	206 207 208 209
(2) "Consumer price index" has the same meaning as in section 101.27 of the Revised Code.	210 211
(3) "Salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering the chief justice of the supreme court or a justice or judge named in this section and paid on the chief justice's or the justice's or judge's behalf by a governmental entity.	212 213 214 215 216 217
Sec. 141.13. (A) No fees in addition to the salaries and compensation provided in sections 141.01 to 141.12 of the Revised Code shall be allowed to any such officer. No additional remuneration shall be given any such officer under any other title than that by which the officer was elected or duly appointed. Subject to division (B) of this section, the salaries provided in such sections shall be in full compensation for any services rendered by such officers and employees, payment of which is made from the state treasury.	218 219 220 221 222 223 224 225 226
(B) Division (A) of this section does not affect any right of a full-time municipal court judge, or a part-time judge of a municipal court of a territory having a population of more than fifty thousand, to compensation under divisions (B)(1)(a) and (2) of section 1901.11 of the Revised Code; to health, medical, hospital, dental, or surgical benefits coverage or other fringe benefits provided pursuant to Chapter 1901. of the Revised Code; or to compensation, fringe benefits, or expenses otherwise provided pursuant to that or any other chapter of the Revised	227 228 229 230 231 232 233 234 235

Code. Division (A) of this section also does not affect any right 236
of an acting judge, judge, or ~~a retired~~ assigned judge as 237
described in ~~division (A) of section 1901.121~~ sections 1901.122 238
and 1901.123 of the Revised Code to compensation to which an 239
acting judge, judge, or ~~a retired~~ assigned judge is entitled under 240
Chapter 1901. of the Revised Code, or to any health, medical, 241
hospital, dental, or surgical benefits coverage, other fringe 242
benefits or compensation, or expenses to which an acting judge, 243
judge, or ~~a retired~~ assigned judge may be entitled under that or 244
any other chapter of the Revised Code. 245

Sec. 1901.10. (A)~~(1)(a)~~ The judges of ~~the~~ a municipal court 246
and officers of the court shall take an oath of office as provided 247
in section 3.23 of the Revised Code. ~~The~~ 248

(B) ~~The~~ office of judge of ~~the~~ a municipal court is subject 249
to forfeiture, and the judge may be removed from office, for the 250
causes and by the procedure provided in sections 3.07 to 3.10 of 251
the Revised Code. A vacancy in the office of judge exists upon the 252
death, resignation, forfeiture, removal from office, or absence 253
from official duties for a period of six consecutive months, as 254
determined under this section, of the judge and also by reason of 255
the expiration of the term of an incumbent when no successor has 256
been elected or qualified. ~~The chief justice of the supreme court~~ 257
~~may designate a judge of another municipal court to act until that~~ 258
~~vacancy is filled in accordance with section 107.08 of the Revised~~ 259
~~Code.~~ A vacancy resulting from the absence of a judge from 260
official duties for a period of six consecutive months shall be 261
determined and declared by the legislative authority. 262

~~(b)~~(C)(1) If a vacancy occurs in the office of judge or clerk 263
of the municipal court after the one-hundredth day before the 264
first Tuesday after the first Monday in May and prior to the 265
fortieth day before the day of the general election, all 266

candidates for election to the unexpired term of the judge or 267
clerk shall file nominating petitions with the board of elections 268
not later than four p.m. on the tenth day following the day on 269
which the vacancy occurs, except that, when the vacancy occurs 270
fewer than six days before the fortieth day before the general 271
election, the deadline for filing shall be four p.m. on the 272
thirty-sixth day before the day of the general election. 273

~~(e)(2)~~ Each nominating petition referred to in division 274
~~(A)(C)(1)(b)~~ of this section shall be in the form prescribed in 275
section 3513.261 of the Revised Code and shall be signed by at 276
least fifty qualified electors of the territory of the municipal 277
court. No nominating petition shall be accepted for filing or 278
filed if it appears on its face to contain signatures aggregating 279
in number more than twice the minimum aggregate number of 280
signatures required by this section. 281

~~(2) If a judge of a municipal court that has only one judge 282
is temporarily absent, incapacitated, or otherwise unavailable, 283
the judge may appoint a substitute who has the qualifications 284
required by section 1901.06 of the Revised Code or a retired judge 285
of a court of record who is a qualified elector and a resident of 286
the territory of the court. If the judge is unable to make the 287
appointment, the chief justice of the supreme court shall appoint 288
a substitute. The appointee shall serve during the absence, 289
incapacity, or unavailability of the incumbent, shall have the 290
jurisdiction and powers conferred upon the judge of the municipal 291
court, and shall be styled "acting judge." During that time of 292
service, the acting judge shall sign all process and records and 293
shall perform all acts pertaining to the office, except that of 294
removal and appointment of officers of the court. All courts shall 295
take judicial notice of the selection and powers of the acting 296
judge. The incumbent judge shall establish the amount of 297
compensation of an acting judge upon either a per diem, hourly, or 298~~

~~other basis, but the rate of pay shall not exceed the per diem amount received by the incumbent judge.~~ 299
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~~(B) When the volume of cases pending in any municipal court necessitates an additional judge, the chief justice of the supreme court, upon the written request of the judge or presiding judge of that municipal court, may designate a judge of another municipal court or county court to serve for any period of time that the chief justice may prescribe. The compensation of a judge so designated shall be paid from the city treasury or, in the case of a county operated municipal court, from the county treasury. In addition to the annual salary provided for in section 1901.11 of the Revised Code and in addition to any compensation under division (A)(5) or (6) of section 141.04 of the Revised Code to which the judge is entitled in connection with the judge's own court, a full time or part time judge while holding court outside the judge's territory on the designation of the chief justice shall receive actual and necessary expenses and compensation as follows:~~ 301
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~~(1) A full time judge shall receive thirty dollars for each day of the assignment.~~ 317
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~~(2) A part time judge shall receive for each day of the assignment the per diem compensation of the judges of the court to which the judge is assigned, less the per diem amount paid to those judges pursuant to section 141.04 of the Revised Code, calculated on the basis of two hundred fifty working days per year.~~ 319
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~~If a request is made by a judge or the presiding judge of a municipal court to designate a judge of another municipal court because of the volume of cases in the court for which the request is made and the chief justice reports, in writing, that no municipal or county court judge is available to serve by designation, the judges of the court requesting the designation~~ 325
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~~may appoint a substitute as provided in division (A)(2) of this section, who may serve for any period of time that is prescribed by the chief justice. The substitute judge shall be paid in the same manner and at the same rate as the incumbent judges, except that, if the substitute judge is entitled to compensation under division (A)(5) or (6) of section 141.04 of the Revised Code, then section 1901.121 of the Revised Code shall govern its payment.~~

Sec. 1901.12. (A) A municipal judge of a municipal court is entitled to thirty days of vacation in each calendar year. Not less than two hundred forty days of open session of the municipal court shall be held by each judge during the year, unless all business of the court is disposed of sooner.

~~(B) When a court consists of a single judge, a qualified substitute may be appointed in accordance with division (A)(2) of section 1901.10 of the Revised Code to serve during the thirty day vacation period, who shall be paid in the same manner and at the same rate as the incumbent judge, except that, if the substitute judge is entitled to compensation under division (A)(5) or (6) of section 141.04 of the Revised Code, then section 1901.121 of the Revised Code shall govern its payment. If a municipal court consists of two or more judges, ~~one of the judges shall be in attendance at the court at all times, and the presiding judge shall have the authority to designate the vacation period for each judge, and when necessary, to appoint a substitute for the judge when on vacation or not in attendance. If a court consists of more than two judges, two thirds of the court shall be in attendance at all times, and the presiding judge shall have authority to designate the vacation period of each judge, and, when necessary, to appoint a substitute for any judge on vacation or not in attendance.~~~~

Sec. 1901.121. (A)(1) If a vacancy occurs in the office of a

judge of a municipal court that consists of only one judge or if 362
the judge of a municipal court of that nature is incapacitated or 363
unavailable due to disqualification, suspension, or recusal, the 364
chief justice of the supreme court may assign a sitting judge of 365
another court of record or a retired judge of a court of record to 366
temporarily serve on the court in accordance with rules adopted by 367
the supreme court pursuant to division (A)(1) of Section 5 of 368
Article IV, Ohio Constitution. The assignee shall be styled 369
"assigned judge" and shall serve for any period of time the chief 370
justice may prescribe. 371

(2) If a judge of a municipal court that consists of only one 372
judge is otherwise temporarily absent for a reason other than as 373
specified in division (A)(1) of this section, the judge may do 374
either of the following: 375

(a) Appoint a substitute who is a resident of the territory 376
of the court or, if the territory of the court has a population of 377
less than twenty-five thousand according to the latest federal 378
decennial census and the judge is unable to appoint a substitute 379
who is a resident of the territory of the court, appoint a 380
substitute who is a resident of the territory of a municipal or 381
county court that is contiguous to the court. The appointee shall 382
either be admitted to the practice of law in this state and have 383
been, for a total of at least six years preceding appointment, 384
engaged in the practice of law in this state or a judge of a court 385
of record in any jurisdiction in the United States or be a retired 386
judge of a court of record. The appointee shall be styled "acting 387
judge" and shall temporarily serve on the court during the 388
temporary absence of the incumbent judge. 389

(b) Request the chief justice of the supreme court to assign 390
a sitting judge of another court of record or a retired judge of a 391
court of record to temporarily serve on the court in accordance 392

with rules adopted by the supreme court pursuant to division 393
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 394
shall be styled "assigned judge" and shall serve for any period of 395
time the chief justice may prescribe. 396

(B) If a vacancy occurs in the office of a judge of a 397
municipal court that consists of two judges or if a judge of a 398
municipal court of that nature is incapacitated, unavailable, or 399
temporarily absent, the presiding judge may do either of the 400
following: 401

(1) Appoint a substitute who is a resident of the territory 402
of the court or, if the territory of the court has a population of 403
less than twenty-five thousand according to the latest federal 404
decennial census and the judge is unable to appoint a substitute 405
who is a resident of the territory of the court, appoint a 406
substitute who is a resident of the territory of a municipal or 407
county court that is contiguous to the court. The appointee shall 408
either be admitted to the practice of law in this state and have 409
been, for a total of at least six years preceding appointment, 410
engaged in the practice of law in this state or a judge of a court 411
of record in any jurisdiction in the United States or be a retired 412
judge of a court of record. The appointee shall be styled "acting 413
judge" and shall temporarily serve on the court during the vacancy 414
or the incapacity, unavailability, or temporary absence of the 415
incumbent judge. 416

(2) Request the chief justice of the supreme court to assign 417
a sitting judge of another court of record or a retired judge of a 418
court of record to temporarily serve on the court in accordance 419
with rules adopted by the supreme court pursuant to division 420
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 421
shall be styled "assigned judge" and shall serve for any period of 422
time the chief justice may prescribe. 423

(C) If a vacancy occurs in the office of a judge of a 424

municipal court that consists of three or more judges or if a 425
judge of a municipal court of that nature is incapacitated, 426
unavailable, or temporarily absent, the presiding judge may do 427
either of the following: 428

(1) If no other judge of the court is available to perform 429
the duties of the judge, appoint a substitute who is a resident of 430
the territory of the court. The appointee shall either be admitted 431
to the practice of law in this state and have been, for a total of 432
at least six years preceding appointment, engaged in the practice 433
of law in this state or a judge of a court of record in any 434
jurisdiction in the United States or be a retired judge of a court 435
of record. The appointee shall be styled "acting judge" and shall 436
temporarily serve on the court during the vacancy or the 437
incapacity, unavailability, or temporary absence of the incumbent 438
judge. 439

(2) Request the chief justice of the supreme court to assign 440
a sitting judge of another court of record or a retired judge of a 441
court of record to temporarily serve on the court in accordance 442
with rules adopted by the supreme court pursuant to division 443
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 444
shall be styled "assigned judge" and shall serve for any period of 445
time the chief justice may prescribe. 446

(D) When the volume of cases pending in any municipal court 447
necessitates an additional judge, the judge, if the court consists 448
of a single judge, or the presiding judge, if the court consists 449
of two or more judges, may request the chief justice of the 450
supreme court to assign a sitting judge of another court of record 451
or a retired judge of a court of record to temporarily serve on 452
the court in accordance with rules adopted by the supreme court 453
pursuant to division (A)(1) of Section 5 of Article IV, Ohio 454
Constitution. The appointee shall be styled "assigned judge" and 455
shall serve for any period of time the chief justice may 456

prescribe. 457

(E) An acting judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) of this section and an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), or (D) of this section shall have the jurisdiction and adjudicatory powers conferred upon the judge of the municipal court. During the time of service, the acting judge or assigned judge shall sign all process and records and shall perform all acts pertaining to the office, except that of removal and appointment of officers of the municipal court. All courts shall take judicial notice of the selection and powers of the acting judge or assigned judge. 458
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Sec. 1901.122. (A)(1) An acting judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) of section 1901.121 of the Revised Code shall receive reimbursement for actual and necessary expenses and a per diem compensation established by the incumbent judge, subject to the following limitations: 468
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(a) If the incumbent judge receives compensation as described in division (A)(5) of section 141.04 of the Revised Code, the per diem compensation of the acting judge shall not exceed the per diem compensation paid to the incumbent judge based upon a work year of two hundred fifty days. 473
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(b) If the incumbent judge receives compensation as described in division (A)(6) of section 141.04 of the Revised Code, the per diem compensation of the acting judge shall not exceed the per diem compensation paid to the incumbent judge based upon a work year of one hundred thirty days. 478
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(2) The per diem compensation of the acting judge shall be payable in the same manner as the compensation paid to the incumbent judge during the same period. 483
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(B) An assigned judge assigned pursuant to division (A)(1), 486

(A)(2)(b), (B)(2), (C)(2), or (D) of section 1901.121 of the 487
Revised Code shall receive reimbursement for actual and necessary 488
expenses and a per diem compensation computed as follows: 489

(1) If the assigned judge receives compensation as described 490
in division (A)(5) of section 141.04 of the Revised Code, thirty 491
dollars; 492

(2) If the assigned judge receives compensation as described 493
in division (A)(6) of section 141.04 of the Revised Code, the per 494
diem compensation of a judge of a municipal court compensated as 495
described in division (A)(5) of section 141.04 of the Revised 496
Code, less the per diem compensation of the assigned judge, each 497
calculated on the basis of two hundred fifty working days per 498
year; 499

(3) If the assigned judge is a retired judge of a municipal 500
or county court or a court of common pleas, the established per 501
diem compensation for a judge of a municipal court compensated as 502
described in division (A)(5) of section 141.04 of the Revised 503
Code, calculated on the basis of two hundred fifty working days 504
per year, in addition to any retirement benefits to which the 505
assigned judge may be entitled; 506

(4) If the assigned judge is a sitting judge of the court of 507
appeals or a court of common pleas, fifty dollars. 508

Sec. 1901.123. (A)(1) Subject to reimbursement under division 509
(B) of this section, the treasurer of the county in which a 510
county-operated municipal court or other municipal court is 511
located shall pay the per diem compensation to which an acting 512
judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) 513
of section 1901.121 of the Revised Code is entitled pursuant to 514
division (A)(1) of section 1901.122 of the Revised Code. 515

(2) Subject to reimbursement under division (B) of this 516

section, the treasurer of the county in which a county-operated 517
municipal court or other municipal court is located shall pay the 518
per diem compensation to which an assigned judge assigned pursuant 519
to division (A)(1), (A)(2)(b), (B)(2), (C)(2), or (D) of section 520
1901.121 of the Revised Code is entitled pursuant to division (B) 521
of section 1901.122 of the Revised Code. 522

(B) The treasurer of a county that, pursuant to division (A) 523
of this section, is required to pay any compensation to which an 524
acting judge or assigned judge is entitled under division (A)(5) 525
or (6) of section 141.04 of the Revised Code, shall submit to the 526
administrative director of the supreme court quarterly requests 527
for reimbursements of the per diem amounts so paid. The requests 528
shall include verifications of the payment of those amounts and an 529
affidavit from the acting judge or assigned judge stating the days 530
and hours worked. The administrative director shall cause 531
reimbursements of those amounts to be issued to the county if the 532
administrative director verifies that those amounts were, in fact, 533
so paid. 534

Sec. 1907.14. (A) A judge of a county court shall take an 535
oath of office as provided in section 3.23 of the Revised Code, 536
the. 537

(B) The office of judge of a county court is subject to 538
forfeiture, and a judge may be removed from office, for the causes 539
and by the procedure provided in sections 3.07 to 3.10 of the 540
Revised Code. 541

~~When a judge of a county court is temporarily absent,~~ 542
~~incapacitated, or otherwise unavailable, the judge may appoint a~~ 543
~~substitute having the qualifications required by section 1907.13~~ 544
~~of the Revised Code or may appoint a retired judge of a court of~~ 545
~~record in the state who is a qualified elector and a resident of~~ 546
~~the county court district. If the judge is unable to make the~~ 547

~~appointment, the administrative judge of the county court district 548
or the administrative judge of the court of common pleas of the 549
county shall appoint the substitute. The appointee shall serve 550
during the absence, incapacity, or unavailability of the 551
incumbent, shall have the jurisdiction and powers conferred upon 552
the judge of the county court, and shall be styled "acting judge." 553
During that term of service, the acting judge shall sign all 554
process and records and perform all acts pertaining to the office 555
except that of removal and appointment of officers of the court. 556
All courts shall take judicial notice of the selection and powers 557
of the acting judge. The incumbent judge shall establish the 558
amount of the compensation of an acting judge on a per diem, 559
hourly, or other basis, and the compensation shall not exceed the 560
per diem compensation paid to the incumbent judge based upon a 561
work year of one hundred thirty days. The compensation shall be 562
payable in the same manner as the compensation paid to the 563
incumbent judge during the same period. 564~~

Sec. 1907.141. (A)(1) If a vacancy occurs in the office of a 565
judge of a county court that consists of only one judge or if the 566
judge of a county court of that nature is incapacitated or 567
unavailable due to disqualification, suspension, or recusal, the 568
chief justice of the supreme court may assign a sitting judge of 569
another court of record or a retired judge of a court of record to 570
temporarily serve on the court in accordance with rules adopted by 571
the supreme court pursuant to division (A)(1) of Section 5 of 572
Article IV, Ohio Constitution. The assignee shall be styled 573
"assigned judge" and shall serve for any period of time the chief 574
justice may prescribe. 575

(2) If a judge of a county court that consists of only one 576
judge is temporarily absent for a reason other than as specified 577
in division (A)(1) of this section, the judge may do either of the 578
following: 579

(a) Appoint a substitute who is a resident of the territory 580
of the court or, if the territory of the court has a population of 581
less than twenty-five thousand according to the latest federal 582
decennial census and the judge is unable to appoint a substitute 583
who is a resident of the territory of the court, appoint a 584
substitute who is a resident of the territory of a municipal or 585
county court that is contiguous to the court. The appointee shall 586
either be admitted to the practice of law in this state and have 587
been, for a total of at least six years preceding appointment, 588
engaged in the practice of law in this state or a judge of a court 589
of record in any jurisdiction in the United States or be a retired 590
judge of a court of record. The appointee shall be styled "acting 591
judge" and shall temporarily serve on the court during the 592
temporary absence of the incumbent judge. 593

(b) Request the chief justice of the supreme court to assign 594
a sitting judge of another court of record or a retired judge of a 595
court of record to temporarily serve on the court in accordance 596
with rules adopted by the supreme court pursuant to division 597
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 598
shall be styled "assigned judge" and shall serve for any period of 599
time the chief justice may prescribe. 600

(B) If a vacancy occurs in the office of a judge of a county 601
court that consists of two judges or if a judge of a county court 602
of that nature is incapacitated, unavailable, or temporarily 603
absent, the presiding judge may do either of the following: 604

(1) Appoint a substitute who is a resident of the territory 605
of the court or, if the territory of the court has a population of 606
less than twenty-five thousand according to the latest federal 607
decennial census and the judge is unable to appoint a substitute 608
who is a resident of the territory of the court, appoint a 609
substitute who is a resident of the territory of a municipal or 610
county court that is contiguous to the court. The appointee shall 611

either be admitted to the practice of law in this state and have 612
been, for a total of at least six years preceding appointment, 613
engaged in the practice of law in this state or a judge of a court 614
of record in any jurisdiction in the United States or be a retired 615
judge of a court of record. The appointee shall be styled "acting 616
judge" and shall temporarily serve on the court during the vacancy 617
or the incapacity, unavailability, or temporary absence of the 618
incumbent judge. 619

(2) Request the chief justice of the supreme court to assign 620
a sitting judge of another court of record or a retired judge of a 621
court of record to temporarily serve on the court in accordance 622
with rules adopted by the supreme court pursuant to division 623
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 624
shall be styled "assigned judge" and shall serve for any period of 625
time the chief justice may prescribe. 626

(C) If a vacancy occurs in the office of a judge of a county 627
court that consists of three or more judges or if a judge of a 628
county court of that nature is incapacitated, unavailable, or 629
temporarily absent, the presiding judge may do either of the 630
following: 631

(1) If no other judge of the court is available to perform 632
the duties of the judge, appoint a substitute who is a resident of 633
the territory of the court. The appointee shall either be admitted 634
to the practice of law in this state and have been, for a total of 635
at least six years preceding appointment, engaged in the practice 636
of law in this state or a judge of a court of record in any 637
jurisdiction in the United States or be a retired judge of a court 638
of record. The appointee shall be styled "acting judge" and shall 639
temporarily serve on the court during the vacancy or the 640
incapacity, unavailability, or temporary absence of the incumbent 641
judge. 642

(2) Request the chief justice of the supreme court to assign 643

a sitting judge of another court of record or a retired judge of a 644
court of record to temporarily serve on the court in accordance 645
with rules adopted by the supreme court pursuant to division 646
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 647
shall be styled "assigned judge" and shall serve for any period of 648
time the chief justice may prescribe 649

(D) An acting judge appointed pursuant to division (A)(2)(a), 650
(B)(1), or (C)(1) of this section and an assigned judge assigned 651
pursuant to division (A)(1), (A)(2)(b), (B)(2), or (C)(2) of this 652
section shall have the jurisdiction and adjudicatory powers 653
conferred upon the judge of the county court. During the time of 654
service, the acting judge or assigned judge shall sign all process 655
and records and shall perform all acts pertaining to the office, 656
except that of removal and appointment of officers of the court. 657
All courts shall take judicial notice of the selection and powers 658
of the acting judge or assigned judge. 659

Sec. 1907.142. (A) An acting judge appointed pursuant to 660
division (A)(2)(a), (B)(1), or (C)(1) of section 1907.141 of the 661
Revised Code shall receive reimbursement for actual and necessary 662
expenses and a per diem compensation established by the incumbent 663
judge, provided the per diem compensation of the acting judge 664
shall not exceed the per diem compensation paid to the incumbent 665
judge based upon a work year of one hundred thirty days. The per 666
diem compensation of the acting judge shall be payable in the same 667
manner as the compensation paid to the incumbent judge during the 668
same period. 669

(B) An assigned judge assigned pursuant to division (A)(1), 670
(A)(2)(b), (B)(2), or (C)(2) of section 1907.141 of the Revised 671
Code shall receive reimbursement for actual and necessary expenses 672
and a per diem compensation computed as follows: 673

(1) If the assigned judge receives compensation as described 674

in division (A)(5) of section 141.04 of the Revised Code, thirty 675
dollars; 676

(2) If the assigned judge receives compensation as described 677
in division (A)(6) of section 141.04 of the Revised Code, the per 678
diem compensation of a judge of a municipal court compensated as 679
described in division (A)(5) of section 141.04 of the Revised 680
Code, less the per diem compensation of the assigned judge, each 681
calculated on the basis of two hundred fifty working days per 682
year; 683

(3) If the assigned judge is a retired judge of a municipal 684
or county court or a court of common pleas, the established per 685
diem compensation for a judge of a municipal court compensated as 686
described in division (A)(5) of section 141.04 of the Revised 687
Code, calculated on the basis of two hundred fifty working days 688
per year, in addition to any retirement benefits to which the 689
assigned judge may be entitled; 690

(4) If the assigned judge is a sitting judge of the court of 691
appeals or a court of common pleas, fifty dollars. 692

Sec. 1907.143. (A)(1) Subject to reimbursement under division 693
(B) of this section, the treasurer of the county in which a county 694
court is located shall pay the per diem compensation to which an 695
acting judge appointed pursuant to division (A)(2)(b), (B)(1), or 696
(C)(1) of section 1907.141 of the Revised Code is entitled 697
pursuant to division (A) of section 1907.142 of the Revised Code. 698

(2) Subject to reimbursement under division (B) of this 700
section, the treasurer of the county in which a county court is 701
located shall pay the per diem compensation to which an assigned 702
judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), or 703
(C)(2) of section 1907.141 of the Revised Code is entitled 704
pursuant to division (B) of section 1907.142 of the Revised Code. 705

(B) The treasurer of a county that, pursuant to division (A) of this section, is required to pay any compensation to which an acting judge or assigned judge is entitled under division (A)(5) or (6) of section 141.04 of the Revised Code, shall submit to the administrative director of the supreme court quarterly requests for reimbursements of the per diem amounts so paid. The requests shall include verifications of the payment of those amounts and an affidavit from the acting judge or assigned judge stating the days and hours worked. The administrative director shall cause reimbursements of those amounts to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid.

Sec. 2701.03. (A) If a judge of the court of common pleas allegedly is interested in a proceeding pending before the court, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the court or a party's counsel, or allegedly otherwise is disqualified to preside in a proceeding pending before the court, any party to the proceeding or the party's counsel may file an affidavit of disqualification with the clerk of the supreme court in accordance with division (B) of this section.

(B) An affidavit of disqualification filed under section 2101.39 ~~or~~, 2501.13, 2701.031, or 2743.041 of the Revised Code or division (A) of this section shall be filed with the clerk of the supreme court not less than seven calendar days before the day on which the next hearing in the proceeding is scheduled and shall include all of the following:

(1) The specific allegations on which the claim of interest, bias, prejudice, or disqualification is based and the facts to support each of those allegations or, in relation to an affidavit filed against a judge of a court of appeals, a specific allegation

that the judge presided in the lower court in the same proceeding 737
and the facts to support that allegation; 738

(2) The jurat of a notary public or another person authorized 739
to administer oaths or affirmations; 740

(3) A certificate indicating that a copy of the affidavit has 741
been served on the probate judge, judge of a court of appeals, ~~or~~ 742
judge of a court of common pleas, judge of a municipal or county 743
court, or judge of the court of claims against whom the affidavit 744
is filed and on all other parties or their counsel; 745

(4) The date of the next scheduled hearing in the proceeding 746
or, if there is no hearing scheduled, a statement that there is no 747
hearing scheduled. 748

(C)(1) Except as provided in division (C)(2) of this section, 749
when an affidavit of disqualification is presented to the clerk of 750
the supreme court for filing under division (B) of this section, 751
all of the following apply: 752

(a) The clerk of the supreme court shall accept the affidavit 753
for filing and shall forward the affidavit to the chief justice of 754
the supreme court. 755

(b) The supreme court shall send notice of the filing of the 756
affidavit to the probate court served by the judge if the 757
affidavit is filed against a probate court judge, to the clerk of 758
the court of appeals served by the judge if the affidavit is filed 759
against a judge of a court of appeals, ~~or~~ to the clerk of the 760
court of common pleas served by the judge if the affidavit is 761
filed against a judge of a court of common pleas, to the clerk of 762
the municipal or county court served by the judge if the affidavit 763
is filed against a judge of a municipal or county court, or to the 764
clerk of the court of claims if the affidavit is filed against a 765
judge of the court of claims. 766

(c) Upon receipt of the notice under division (C)(1)(b) of 767

this section, the probate court, the clerk of the court of 768
appeals, ~~or~~ the clerk of the court of common pleas, the clerk of 769
the municipal or county court, or the clerk of the court of claims 770
shall enter the fact of the filing of the affidavit on the docket 771
of the probate court, the docket of the court of appeals, ~~or~~ the 772
docket in the proceeding in the court of common pleas, the docket 773
of the proceeding in the municipal or county court, or the docket 774
of the proceeding in the court of claims. 775

(2) The clerk of the supreme court shall not accept an 776
affidavit of disqualification presented for filing under division 777
(B) of this section if it is not timely presented for filing or 778
does not satisfy the requirements of divisions (B)(2), (3), and 779
(4) of this section. 780

(D)(1) Except as provided in divisions (D)(2) to (4) of this 781
section, if the clerk of the supreme court accepts an affidavit of 782
disqualification for filing under divisions (B) and (C) of this 783
section, the affidavit deprives the judge against whom the 784
affidavit was filed of any authority to preside in the proceeding 785
until the chief justice of the supreme court, or a justice of the 786
supreme court designated by the chief justice, rules on the 787
affidavit pursuant to division (E) of this section. 788

(2) A judge against whom an affidavit of disqualification has 789
been filed under divisions (B) and (C) of this section may do any 790
of the following that is applicable: 791

(a) If, based on the scheduled hearing date, the affidavit 792
was not timely filed, the judge may preside in the proceeding. 793

(b) If the proceeding is a domestic relations proceeding, the 794
judge may issue any temporary order relating to spousal support 795
pendente lite and the support, maintenance, and allocation of 796
parental rights and responsibilities for the care of children. 797

(c) If the proceeding pertains to a complaint brought 798

pursuant to Chapter 2151. or 2152. of the Revised Code, the judge 799
may issue any temporary order pertaining to the relation and 800
conduct of any other person toward a child who is the subject of a 801
complaint as the interest and welfare of the child may require. 802

(3) A judge against whom an affidavit of disqualification has 803
been filed under divisions (B) and (C) of this section may 804
determine a matter that does not affect a substantive right of any 805
of the parties. 806

(4) If the clerk of the supreme court accepts an affidavit of 807
disqualification for filing under divisions (B) and (C) of this 808
section, if the chief justice of the supreme court, or a justice 809
of the supreme court designated by the chief justice, denies the 810
affidavit of disqualification pursuant to division (E) of this 811
section, and if, after the denial, a second or subsequent 812
affidavit of disqualification regarding the same judge and the 813
same proceeding is filed by the same party who filed or on whose 814
behalf was filed the affidavit that was denied or by counsel for 815
the same party who filed or on whose behalf was filed the 816
affidavit that was denied, the judge against whom the second or 817
subsequent affidavit is filed may preside in the proceeding prior 818
to the ruling of the chief justice of the supreme court, or a 819
justice designated by the chief justice, on the second or 820
subsequent affidavit. 821

(E) If the clerk of the supreme court accepts an affidavit of 822
disqualification for filing under divisions (B) and (C) of this 823
section and if the chief justice of the supreme court, or any 824
justice of the supreme court designated by the chief justice, 825
determines that the interest, bias, prejudice, or disqualification 826
alleged in the affidavit does not exist, the chief justice or the 827
designated justice shall issue an entry denying the affidavit of 828
disqualification. If the chief justice of the supreme court, or 829
any justice of the supreme court designated by the chief justice, 830

determines that the interest, bias, prejudice, or disqualification 831
alleged in the affidavit exists, the chief justice or the 832
designated justice shall issue an entry that disqualifies that 833
judge from presiding in the proceeding and either order that the 834
proceeding be assigned to another judge of the court of which the 835
disqualified judge is a member pursuant to the court's random 836
assignment process, to a judge of another court, or to a retired 837
judge. 838

Sec. 2701.031. ~~(A)~~ If a judge of a municipal or county court 839
allegedly is interested in a proceeding pending before the judge, 840
allegedly is related to or has a bias or prejudice for or against 841
a party to a proceeding pending before the judge or to a party's 842
counsel, or allegedly otherwise is disqualified to preside in a 843
proceeding pending before the judge, any party to the proceeding 844
or the party's counsel may file an affidavit of disqualification 845
with the clerk of the supreme court in which the proceeding is 846
pending. The affidavit of disqualification shall be filed and 847
decided in accordance with divisions (B) to (E) of section 2701.03 848
of the Revised Code, and, upon the filing of the affidavit, the 849
provisions of those divisions apply to the affidavit, the 850
proceeding, the judge, and the parties to the proceeding. 851

~~(B) An affidavit of disqualification shall be filed under 852
this section with the clerk of the court in which the proceeding 853
is pending not less than seven calendar days before the day on 854
which the next hearing in the proceeding is scheduled and shall 855
include all of the following: 856~~

~~(1) The specific allegations on which the claim of interest, 857
bias, prejudice, or disqualification is based and the facts to 858
support each of those allegations; 859~~

~~(2) The jurat of a notary public or another person authorized 860
to administer oaths or affirmations; 861~~

~~(3) A certificate indicating that a copy of the affidavit has
been served on the judge of the municipal or county court against
whom the affidavit is filed and on all other parties or their
counsel;~~ 862
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~~(4) The date of the next scheduled hearing in the proceeding
or, if there is no hearing scheduled, a statement that there is no
hearing scheduled.~~ 866
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~~(C)(1) Except as provided in division (C)(2) of this section,
when an affidavit of disqualification is presented to the clerk of
a municipal or county court for filing under division (B) of this
section, the clerk shall enter the fact of the filing on the
docket in that proceeding and shall provide notice of the filing
of the affidavit to one of the following:~~ 869
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~~(a) The presiding judge of the court of common pleas of the
county;~~ 875
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~~(b) If there is no presiding judge of the court of common
pleas of the county, a judge of the court of common pleas of the
county.~~ 877
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~~(2) The clerk of the municipal or county court in which a
proceeding is pending shall not accept an affidavit of
disqualification presented for filing under division (B) of this
section if it is not timely presented for filing or does not
satisfy the requirements of divisions (B)(2), (3), and (4) of this
section.~~ 880
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~~(D)(1) Except as provided in divisions (D)(2) to (4) of this
section, if the clerk of the municipal or county court in which a
proceeding is pending accepts an affidavit of disqualification for
filing under divisions (B) and (C) of this section, the affidavit
deprives the judge of a municipal or county court against whom the
affidavit was filed of any authority to preside in the proceeding
until the judge who was notified pursuant to division (C)(1) of~~ 886
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~~this section rules on the affidavit pursuant to division (E) of
this section.~~ 893
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~~(2) A judge of a municipal or county court against whom an
affidavit of disqualification has been filed under divisions (B)
and (C) of this section may preside in the proceeding if, based on
the scheduled hearing date, the affidavit was not timely filed.~~ 895
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~~(3) A judge of a municipal or county court against whom an
affidavit of disqualification has been filed under divisions (B)
and (C) of this section may determine a matter that does not
affect a substantive right of any of the parties.~~ 899
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~~(4) If the clerk of a municipal or county court accepts an
affidavit of disqualification for filing under divisions (B) and
(C) of this section, if the judge who is notified pursuant to
division (C)(1) of this section of the filing of the affidavit of
disqualification denies the affidavit pursuant to division (E) of
this section, and if, after the denial, a second or subsequent
affidavit of disqualification regarding the same judge and the
same proceeding is filed by the same party who filed or on whose
behalf was filed the affidavit that was denied or by counsel for
the same party who filed or on whose behalf was filed the
affidavit that was denied, the judge of a municipal or county
court against whom the second or subsequent affidavit is filed may
preside in the proceeding prior to the ruling, by the judge who is
notified pursuant to division (C)(1) of this section, on the
second or subsequent affidavit pursuant to division (E) of this
section.~~ 903
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~~(E) If the clerk of a municipal or county court accepts an
affidavit of disqualification for filing under divisions (B) and
(C) of this section and if the judge who is notified pursuant to
division (C)(1) of this section of the filing of the affidavit
determines that the interest, bias, prejudice, or disqualification
alleged in the affidavit does not exist, the judge who is so~~ 919
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~~notified shall issue an entry denying the affidavit of 925
disqualification. If the judge who is notified pursuant to 926
division (C)(1) of this section of the filing of the affidavit 927
determines that the interest, bias, prejudice, or disqualification 928
alleged in the affidavit exists, the judge who is so notified 929
shall issue an entry that disqualifies the judge against whom the 930
affidavit was filed from presiding in the proceeding and designate 931
another judge of the municipal or county court, or of the court of 932
common pleas, to preside in the proceeding in place of the 933
disqualified judge. 934~~

Sec. 2743.03. (A)(1) There is hereby created a court of 935
claims. The court of claims is a court of record and has 936
exclusive, original jurisdiction of all civil actions against the 937
state permitted by the waiver of immunity contained in section 938
2743.02 of the Revised Code, and exclusive jurisdiction of the 939
causes of action of all parties in civil actions that are removed 940
to the court of claims, ~~and jurisdiction to hear appeals from the 941
decisions of the court of claims commissioners.~~ The court shall 942
have full equity powers in all actions within its jurisdiction and 943
may entertain and determine all counterclaims, cross-claims, and 944
third-party claims. 945

(2) If the claimant in a civil action as described in 946
division (A)(1) of this section also files a claim for a 947
declaratory judgment, injunctive relief, or other equitable relief 948
against the state that arises out of the same circumstances that 949
gave rise to the civil action described in division (A)(1) of this 950
section, the court of claims has exclusive, original jurisdiction 951
to hear and determine that claim in that civil action. This 952
division does not affect, and shall not be construed as affecting, 953
the original jurisdiction of another court of this state to hear 954
and determine a civil action in which the sole relief that the 955
claimant seeks against the state is a declaratory judgment, 956

injunctive relief, or other equitable relief. 957

(3) In addition to its exclusive, original jurisdiction as 958
conferred by division (A)(1) and (2) of this section, the court of 959
claims has exclusive, original jurisdiction as described in 960
division (F) of section 2743.02, division (B) of section 3335.03, 961
and division (C) of section 5903.02 of the Revised Code. 962

(B) The court of claims shall sit in Franklin county, its 963
hearings shall be public, and it shall consist of incumbent 964
justices or judges of the supreme court, courts of appeals, or 965
courts of common pleas, or retired justices or judges eligible for 966
active duty pursuant to division (C) of Section 6 of Article IV, 967
Ohio Constitution, sitting by temporary assignment of the chief 968
justice of the supreme court. The chief justice may direct the 969
court to sit in any county for cases on removal upon a showing of 970
substantial hardship and whenever justice dictates. 971

(C)(1) A civil action against the state shall be heard and 972
determined by a single judge. Upon application by the claimant or 973
the state, the chief justice of the supreme court may assign a 974
panel of three judges to hear and determine a civil action 975
presenting novel or complex issues of law or fact. Concurrence of 976
two members of the panel is necessary for any judgment or order. 977

(2) Whenever the chief justice of the supreme court believes 978
an equitable resolution of a case will be expedited, the chief 979
justice may appoint ~~referees~~ magistrates in accordance with Civil 980
Rule 53 to hear the case. 981

(3) When any dispute under division (B) of section 153.12 of 982
the Revised Code is brought to the court of claims, upon request 983
of either party to the dispute, the chief justice of the supreme 984
court shall appoint a single referee or a panel of three referees. 985
The referees need not be attorneys, but shall be persons 986
knowledgeable about construction contract law, a member of the 987

construction industry panel of the American arbitration 988
association, or an individual or individuals deemed qualified by 989
the chief justice to serve. No person shall serve as a referee if 990
that person has been employed by an affected state agency or a 991
contractor or subcontractor involved in the dispute at any time in 992
the preceding five years. Proceedings governing referees shall be 993
in accordance with Civil Rule 53, except as modified by this 994
division. The referee or panel of referees shall submit its 995
report, which shall include a recommendation and finding of fact, 996
to the judge assigned to the case by the chief justice, within 997
thirty days of the conclusion of the hearings. Referees appointed 998
pursuant to this division shall be compensated on a per diem basis 999
at the same rate as is paid to judges of the court and also shall 1000
be paid their expenses. If a single referee is appointed or a 1001
panel of three referees is appointed, then, with respect to one 1002
referee of the panel, the compensation and expenses of the referee 1003
shall not be taxed as part of the costs in the case but shall be 1004
included in the budget of the court. If a panel of three referees 1005
is appointed, the compensation and expenses of the two remaining 1006
referees shall be taxed as costs of the case. 1007

All costs of a case shall be apportioned among the parties. 1008
The court may not require that any party deposit with the court 1009
cash, bonds, or other security in excess of two hundred dollars to 1010
guarantee payment of costs without the prior approval in each case 1011
of the chief justice. 1012

(4) An appeal from a decision of the ~~court of claims~~ 1013
~~commissioners~~ attorney general pursuant to sections 2743.51 to 1014
2743.72 of the Revised Code shall be heard and determined by ~~one~~ 1015
~~judge~~ of the court of claims. 1016

(D) The Rules of Civil Procedure shall govern practice and 1017
procedure in all actions in the court of claims, except insofar as 1018
inconsistent with this chapter. The supreme court may promulgate 1019

rules governing practice and procedure in actions in the court as 1020
provided in Section 5 of Article IV, Ohio Constitution. 1021

(E)(1) A party who files a counterclaim against the state or 1022
makes the state a third-party defendant in an action commenced in 1023
any court, other than the court of claims, shall file a petition 1024
for removal in the court of claims. The petition shall state the 1025
basis for removal, be accompanied by a copy of all process, 1026
pleadings, and other papers served upon the petitioner, and shall 1027
be signed in accordance with Civil Rule 11. A petition for removal 1028
based on a counterclaim shall be filed within twenty-eight days 1029
after service of the counterclaim of the petitioner. A petition 1030
for removal based on third-party practice shall be filed within 1031
twenty-eight days after the filing of the third-party complaint of 1032
the petitioner. 1033

(2) Within seven days after filing a petition for removal, 1034
the petitioner shall give written notice to the parties, and shall 1035
file a copy of the petition with the clerk of the court in which 1036
the action was brought originally. The filing effects the removal 1037
of the action to the court of claims, and the clerk of the court 1038
where the action was brought shall forward all papers in the case 1039
to the court of claims. The court of claims shall adjudicate all 1040
civil actions removed. The court may remand a civil action to the 1041
court in which it originated upon a finding that the removal 1042
petition does not justify removal, or upon a finding that the 1043
state is no longer a party. 1044

(3) Bonds, undertakings, or security and injunctions, 1045
attachments, sequestrations, or other orders issued prior to 1046
removal remain in effect until dissolved or modified by the court 1047
of claims. 1048

Sec. 2743.04. (A) Judges of the court of claims who are not 1049
residents of Franklin county, or when the court sits outside 1050

Franklin county the judges who are residents of Franklin county, 1051
shall be compensated for their actual and necessary expenses of 1052
traveling to and from the place of holding the court. 1053

(B) A retired judge shall, in addition to ~~his~~ the judge's 1054
retirement allowance, receive per diem compensation for service as 1055
a member of the court of claims at a rate computed on the annual 1056
compensation of a judge of a court of ~~appeals~~ common pleas. An 1057
incumbent judge shall receive additional per diem compensation 1058
equal to that allowed retired judges under this section less a per 1059
diem amount computed on ~~his~~ the incumbent judge's annual 1060
compensation. 1061

Sec. 2743.041. If a judge of the court of claims allegedly is 1062
interested in a proceeding pending before the judge, allegedly is 1063
related to or has a bias or prejudice for or against a party to a 1064
proceeding pending before the judge or to a party's counsel, or 1065
allegedly otherwise is disqualified to preside in a proceeding 1066
pending before the judge, any party to the proceeding or the 1067
party's counsel may file an affidavit of disqualification with the 1068
clerk of the supreme court. The affidavit of disqualification 1069
shall be filed and decided in accordance with divisions (B) to (E) 1070
of section 2701.03 of the Revised Code, and, upon the filing of 1071
the affidavit, the provisions of those divisions apply to the 1072
affidavit, the proceeding, the judge, and the parties to the 1073
proceeding. 1074

Sec. 2743.09. The clerk of the court of claims shall do all 1075
of the following: 1076

(A) Administer oaths and take and certify affidavits, 1077
depositions, and acknowledgments of powers of attorney and other 1078
instruments in writing; 1079

(B) Prepare the dockets, enter and record the orders, 1080

judgments, decisions, awards, and proceedings of the court of 1081
claims ~~and the court of claims commissioners~~, and issue writs and 1082
process; 1083

(C) Maintain an office in Franklin county in rooms provided 1084
by the supreme court for that purpose; 1085

(D) Keep an appearance docket of civil actions, and claims 1086
for an award of reparations, ~~and appeals from decisions of the~~ 1087
~~court of claims commissioners~~. The clerk may refuse to accept for 1088
filing any pleading or paper that relates to a civil action in the 1089
court of claims and that is submitted for filing by a person who 1090
has been found to be a vexatious litigator under section 2323.52 1091
of the Revised Code and who has failed to obtain leave to proceed 1092
under that section. 1093

Upon the commencement of an action or claim, the clerk shall 1094
assign it a number. This number shall be placed on the first page, 1095
and every continuation page, of the appearance docket that 1096
concerns the particular action or claim. In addition, this number 1097
and the names of the parties shall be placed on the case file and 1098
every paper filed in the action or claim. 1099

At the time the action is commenced the clerk shall enter in 1100
the appearance docket the names of the parties in full and the 1101
names of counsel and shall index the action alphabetically by the 1102
last name of each party. Thereafter, the clerk shall 1103
chronologically note in the appearance docket all process issued 1104
and returns, pleas, motions, papers filed in the action, orders, 1105
verdicts, and judgments. The notations shall be brief but shall 1106
show the date of filing, substance, and journal volume and page of 1107
each order, verdict, and judgment. An action is commenced for 1108
purposes of this division by the filing of a complaint, including 1109
a form complaint under section 2743.10 of the Revised Code or a 1110
petition for removal. 1111

At the time an appeal for an award of reparations is 1112
commenced, the clerk shall enter the full names of the claimant, 1113
the victim, and the attorneys in the appearance docket and shall 1114
index the claim alphabetically by the last name of the claimant 1115
and the victim. Thereafter, the clerk shall chronologically note 1116
in the appearance docket all process issued and returns, motions, 1117
papers filed in the claim, orders, decisions, and awards. The 1118
notations shall be brief but shall show the date of filing, 1119
substance, and journal volume and page of each order. 1120

(E) Keep all original papers filed in an action or claim in a 1121
separate file folder and a journal in which all orders, verdicts, 1122
and judgments of the court ~~and commissioners~~ shall be recorded; 1123

(F) Charge and collect fees pursuant to section 2303.20 of 1124
the Revised Code, keep a cashbook in which the clerk shall enter 1125
the amounts received, make a report to the clerk of the supreme 1126
court each quarter of the fees received during the preceding 1127
quarter, and pay them monthly into the state treasury; 1128

(G) Appoint reporters and other clerical personnel; 1129

(H) Under the direction of the chief justice, establish 1130
procedures for hearing and determining appeals for an award of 1131
reparations pursuant to sections 2743.51 to 2743.72 of the Revised 1132
Code. 1133

Sec. 2743.121. ~~(A) A panel of court of claims commissioners 1134
shall render its decisions as to claims for an award of 1135
reparations in writing and shall include separate findings of fact 1136
and any conclusions of law that are necessary. Orders as to claims 1137
for an award of reparations shall be entered on the journal, and 1138
the clerk shall certify on the order the date of journalization 1139
and shall send copies of the order and decision to the claimant, 1140
the attorney general, and the prosecuting attorney of the county 1141
in which the criminally injurious conduct occurred. 1142~~

~~(B) A judge of the~~ The court of claims shall render ~~the~~ 1143
~~judge's~~ its decisions as to appeals from decisions of ~~a panel of~~ 1144
~~court of claims commissioners~~ the attorney general pursuant to 1145
sections 2743.51 to 2743.72 of the Revised Code in writing and 1146
shall include a separate finding for each issue contested upon 1147
appeal. Orders as to appeals shall be entered on the journal, and 1148
the clerk shall certify on the order the date of journalization 1149
and shall send copies of the order and decision to the claimant, 1150
the attorney general, and the prosecuting attorney of the county 1151
in which the criminally injurious conduct occurred. 1152

Sec. 2743.20. Appeals from orders and judgments of the court 1153
of claims lie to the same courts under the same circumstances, as 1154
appeals from the court of common pleas of Franklin county, and the 1155
same rules of law govern their determination. The decision of the 1156
court of claims with respect to an appeal from a decision of the 1157
~~court of claims commissioners~~ the attorney general pursuant to 1158
sections 2743.51 to 2743.72 of the Revised Code is final, and no 1159
appeal from the decision of the court of claims lies to any other 1160
court. 1161

Sec. 2743.52. (A) The attorney general shall make awards of 1162
reparations for economic loss arising from criminally injurious 1163
conduct, if satisfied by a preponderance of the evidence that the 1164
requirements for an award of reparations have been met. 1165

(B) A The court of claims ~~panel of commissioners or a judge~~ 1166
~~of the court of claims~~ has appellate jurisdiction to order awards 1167
of reparations for economic loss arising from criminally injurious 1168
conduct, if satisfied by a preponderance of the evidence that the 1169
requirements for an award of reparations have been met. 1170

(C) A decision of the attorney general, ~~an order of a court~~ 1171
~~of claims panel of commissioners,~~ or the judgment of a judge of 1172

the court of claims concerning an OVI violation shall not be used 1173
as the basis for any civil or criminal action and shall not be 1174
admissible as evidence in any civil or criminal proceeding. 1175

Sec. 2743.53. ~~(A) A~~ The court of claims ~~panel of~~ 1176
~~commissioners~~ shall hear and determine all matters relating to 1177
appeals from decisions of the attorney general pursuant to 1178
sections 2743.51 to 2743.72 of the Revised Code. 1179

~~(B) A judge of the court of claims shall hear and determine 1180
all matters relating to appeals from decisions or orders of a 1181
panel of commissioners of the court of claims. 1182~~

Sec. 2743.531. The court of claims victims of crime fund is 1183
hereby created in the state treasury. The fund shall be used to 1184
pay the compensation of the ~~court of claims commissioners, the 1185
compensation of judges of the court of claims necessary to hear 1186
and determine appeals from the commissioners,~~ the compensation of 1187
any court of claims personnel needed to administer sections 1188
2743.51 to 2743.72 of the Revised Code, and other administrative 1189
expenses of hearing and determining ~~appeals by court of claims 1190
commissioners and judges~~ under sections 2743.51 to 2743.72 of the 1191
Revised Code. 1192

At the beginning of each fiscal year, the director of budget 1193
and management shall transfer cash from the reparations fund to 1194
the court of claims victims of crime fund in an amount sufficient 1195
to make the cash balance in the court of claims victims of crime 1196
fund equal to the sum of the appropriation for that fiscal year 1197
and all prior fiscal year encumbrances. If the appropriation from 1198
the court of claims victims of crime fund is increased during the 1199
fiscal year, the director shall transfer cash from the reparations 1200
fund to the court of claims victims of crime fund in an amount 1201
equal to the increase in the appropriation. 1202

Sec. 2743.55. ~~(A) The attorney general, a court of claims panel of commissioners, or a judge of the court of claims shall determine all matters relating to claims for an award of reparations. The attorney general, a court of claims panel of commissioners, or a judge of the court of claims may order law enforcement officers to provide copies of any information or data gathered in the investigation of the criminally injurious conduct that is the basis of any claim to enable the attorney general, a court of claims panel of commissioners, or a judge of the court of claims to determine whether, and the extent to which, a claimant qualifies for an award of reparations.~~

~~(B) A court of claims panel of commissioners shall sit in Franklin county.~~

Sec. 2743.60. (A) The attorney general, ~~a court of claims panel of commissioners,~~ or a judge of the court of claims shall not make or order an award of reparations to a claimant if the criminally injurious conduct upon which the claimant bases a claim never was reported to a law enforcement officer or agency.

(B)(1) The attorney general, ~~a panel of commissioners,~~ or a judge of the court of claims shall not make or order an award of reparations to a claimant if any of the following apply:

(a) The claimant is the offender or an accomplice of the offender who committed the criminally injurious conduct, or the award would unjustly benefit the offender or accomplice.

(b) Except as provided in division (B)(2) of this section, both of the following apply:

(i) The victim was a passenger in a motor vehicle and knew or reasonably should have known that the driver was under the influence of alcohol, a drug of abuse, or both.

(ii) The claimant is seeking compensation for injuries

proximately caused by the driver described in division 1233
(B)(1)(b)(i) of this section being under the influence of alcohol, 1234
a drug of abuse, or both. 1235

(c) Both of the following apply: 1236

(i) The victim was under the influence of alcohol, a drug of 1237
abuse, or both and was a passenger in a motor vehicle and, if 1238
sober, should have reasonably known that the driver was under the 1239
influence of alcohol, a drug of abuse, or both. 1240

(ii) The claimant is seeking compensation for injuries 1241
proximately caused by the driver described in division 1242
(B)(1)(b)(i) of this section being under the influence of alcohol, 1243
a drug of abuse, or both. 1244

(2) Division (B)(1)(b) of this section does not apply if on 1245
the date of the occurrence of the criminally injurious conduct, 1246
the victim was under sixteen years of age or was at least sixteen 1247
years of age but less than eighteen years of age and was riding 1248
with a parent, guardian, or care-provider. 1249

(C) The attorney general, ~~a panel of commissioners,~~ or a 1250
~~judge of~~ the court of claims, upon a finding that the claimant or 1251
victim has not fully cooperated with appropriate law enforcement 1252
agencies, may deny a claim or reconsider and reduce an award of 1253
reparations. 1254

(D) The attorney general, ~~a panel of commissioners,~~ or a 1255
~~judge of~~ the court of claims shall reduce an award of reparations 1256
or deny a claim for an award of reparations that is otherwise 1257
payable to a claimant to the extent that the economic loss upon 1258
which the claim is based is recouped from other persons, including 1259
collateral sources. If an award is reduced or a claim is denied 1260
because of the expected recoupment of all or part of the economic 1261
loss of the claimant from a collateral source, the amount of the 1262
award or the denial of the claim shall be conditioned upon the 1263

claimant's economic loss being recouped by the collateral source. 1264
If the award or denial is conditioned upon the recoupment of the 1265
claimant's economic loss from a collateral source and it is 1266
determined that the claimant did not unreasonably fail to present 1267
a timely claim to the collateral source and will not receive all 1268
or part of the expected recoupment, the claim may be reopened and 1269
an award may be made in an amount equal to the amount of expected 1270
recoupment that it is determined the claimant will not receive 1271
from the collateral source. 1272

If the claimant recoups all or part of the economic loss upon 1273
which the claim is based from any other person or entity, 1274
including a collateral source, the attorney general may recover 1275
pursuant to section 2743.72 of the Revised Code the part of the 1276
award that represents the economic loss for which the claimant 1277
received the recoupment from the other person or entity. 1278

(E)(1) Except as otherwise provided in division (E)(2) of 1279
this section, the attorney general, ~~a panel of commissioners,~~ or a 1280
~~judge~~ of the court of claims shall not make an award to a claimant 1281
if any of the following applies: 1282

(a) The victim was convicted of a felony within ten years 1283
prior to the criminally injurious conduct that gave rise to the 1284
claim or is convicted of a felony during the pendency of the 1285
claim. 1286

(b) The claimant was convicted of a felony within ten years 1287
prior to the criminally injurious conduct that gave rise to the 1288
claim or is convicted of a felony during the pendency of the 1289
claim. 1290

(c) It is proved by a preponderance of the evidence that the 1291
victim or the claimant engaged, within ten years prior to the 1292
criminally injurious conduct that gave rise to the claim or during 1293
the pendency of the claim, in an offense of violence, a violation 1294

of section 2925.03 of the Revised Code, or any substantially 1295
similar offense that also would constitute a felony under the laws 1296
of this state, another state, or the United States. 1297

(d) The claimant was convicted of a violation of section 1298
2919.22 or 2919.25 of the Revised Code, or of any state law or 1299
municipal ordinance substantially similar to either section, 1300
within ten years prior to the criminally injurious conduct that 1301
gave rise to the claim or during the pendency of the claim. 1302

(e) It is proved by a preponderance of the evidence that the 1303
victim at the time of the criminally injurious conduct that gave 1304
rise to the claim engaged in conduct that was a felony violation 1305
of section 2925.11 of the Revised Code or engaged in any 1306
substantially similar conduct that would constitute a felony under 1307
the laws of this state, another state, or the United States. 1308

(2) The attorney general, ~~a panel of commissioners,~~ or a 1309
~~judge of~~ the court of claims may make an award to a minor 1310
dependent of a deceased victim for dependent's economic loss or 1311
for counseling pursuant to division (F)(2) of section 2743.51 of 1312
the Revised Code if the minor dependent is not ineligible under 1313
division (E)(1) of this section due to the minor dependent's 1314
criminal history and if the victim was not killed while engaging 1315
in illegal conduct that contributed to the criminally injurious 1316
conduct that gave rise to the claim. For purposes of this section, 1317
the use of illegal drugs by the deceased victim shall not be 1318
deemed to have contributed to the criminally injurious conduct 1319
that gave rise to the claim. 1320

(F) In determining whether to make an award of reparations 1321
pursuant to this section, the attorney general or ~~panel of~~ 1322
~~commissioners~~ the court of claims shall consider whether there was 1323
contributory misconduct by the victim or the claimant. The 1324
attorney general, ~~a panel of commissioners,~~ or a ~~judge of~~ the 1325
court of claims shall reduce an award of reparations or deny a 1326

claim for an award of reparations to the extent it is determined 1327
to be reasonable because of the contributory misconduct of the 1328
claimant or the victim. 1329

When the attorney general decides whether a claim should be 1330
denied because of an allegation of contributory misconduct, the 1331
burden of proof on the issue of that alleged contributory 1332
misconduct shall be upon the claimant, if either of the following 1333
apply: 1334

(1) The victim was convicted of a felony more than ten years 1335
prior to the criminally injurious conduct that is the subject of 1336
the claim or has a record of felony arrests under the laws of this 1337
state, another state, or the United States. 1338

(2) There is good cause to believe that the victim engaged in 1339
an ongoing course of criminal conduct within five years or less of 1340
the criminally injurious conduct that is the subject of the claim. 1341

(G) The attorney general, ~~a panel of commissioners,~~ or a 1342
~~judge of~~ the court of claims shall not make an award of 1343
reparations to a claimant if the criminally injurious conduct that 1344
caused the injury or death that is the subject of the claim 1345
occurred to a victim who was an adult and while the victim, after 1346
being convicted of or pleading guilty to an offense, was serving a 1347
sentence of imprisonment in any detention facility, as defined in 1348
section 2921.01 of the Revised Code. 1349

(H) If a claimant unreasonably fails to present a claim 1350
timely to a source of benefits or advantages that would have been 1351
a collateral source and that would have reimbursed the claimant 1352
for all or a portion of a particular expense, the attorney 1353
general, ~~a panel of commissioners,~~ or a ~~judge of~~ the court of 1354
claims may reduce an award of reparations or deny a claim for an 1355
award of reparations to the extent that it is reasonable to do so. 1356

(I) Reparations payable to a victim and to all other 1357

claimants sustaining economic loss because of injury to or the 1358
death of that victim shall not exceed fifty thousand dollars in 1359
the aggregate. If the attorney general, ~~a panel of commissioners,~~ 1360
or ~~a judge of~~ the court of claims reduces an award under division 1361
(F) of this section, the maximum aggregate amount of reparations 1362
payable under this division shall be reduced proportionately to 1363
the reduction under division (F) of this section. 1364

(J) Nothing in this section shall be construed to prohibit an 1365
award to a claimant whose claim is based on the claimant's being a 1366
victim of a violation of section 2905.32 of the Revised Code if 1367
the claimant was less than eighteen years of age when the 1368
criminally injurious conduct occurred. 1369

Sec. 2743.601. Except as otherwise provided in this section, 1370
the amendments to sections 2743.51, 2743.56, 2743.59, and 2743.60 1371
of the Revised Code made by the act in which this section was 1372
enacted apply to all applications for an award of reparations 1373
filed on or after ~~the effective date of this section~~ September 30, 1374
2011, and to all applications for an award of reparations filed 1375
before ~~the effective date of this section~~ September 30, 2011, for 1376
which an award or denial of the claim by the attorney general, ~~a~~ 1377
~~panel of commissioners,~~ or the court of claims has not yet become 1378
final. The amendments to section 2743.60 of the Revised Code made 1379
by the act in which this section was enacted, to the extent that 1380
they eliminate the statute of limitations and to the extent that 1381
they remove the seventy-two hour reporting requirement, and the 1382
amendments to section 2743.51 of the Revised Code concerning 1383
guardian bonds shall apply to all claims for an award of 1384
reparations pending on ~~the effective date of this section~~ 1385
September 30, 2011, and to all claims for an award of reparations 1386
filed on or after ~~the effective date of this section~~ September 30, 1387
2011, that are based on criminally injurious conduct not 1388
previously addressed by the attorney general, ~~by a panel of~~ 1389

~~commissioners,~~ or by the court of claims. 1390

Sec. 2743.61. (A) The attorney general, on the attorney 1391
general's own motion or upon request of a claimant or victim, may 1392
reconsider a decision to make an award of reparations, the amount 1393
of an award of reparations, or a decision to deny a claim for an 1394
award of reparations. A claimant may file a request for 1395
reconsideration with the attorney general not later than thirty 1396
days after the attorney general renders an initial decision. A 1397
claimant may submit with the request any additional information 1398
that is relevant to the claimant's claim for an award of 1399
reparation. 1400

The attorney general shall reconsider the application based 1401
upon evidence that is relevant to the application and issue a 1402
final decision within sixty days of receiving the request for 1403
reconsideration. The attorney general may extend the sixty-day 1404
time limit and shall record in writing specific reasons to justify 1405
the extension. The attorney general shall notify the claimant of 1406
the extension and of the reasons for the extension. 1407

If a claimant does not file a request for reconsideration of 1408
a decision of the attorney general to make an award or to deny a 1409
claim or of the amount of an award within thirty days after the 1410
decision is rendered, the award, the denial of the claim, or the 1411
amount of the award is final unless the attorney general in the 1412
interest of justice allows the reconsideration after the 1413
expiration of that period of time. 1414

(B) A claimant may appeal an award of reparations, the amount 1415
of an award of reparations, or the denial of a claim for an award 1416
of reparations that is made by a final decision of the attorney 1417
general after any reconsideration. If the final decision of the 1418
attorney general with respect to any claim for an award of 1419

reparations is appealed, a the court of claims ~~panel of~~ 1420
~~commissioners~~, within ninety days of receiving the notice of 1421
appeal, shall schedule and conduct a hearing on the appeal. The 1422
~~panel of commissioners~~ court shall determine the appeal within 1423
sixty days from the date of the hearing on the basis of the record 1424
of the hearing before the ~~commissioners~~ court, including the 1425
original award or denial and the finding of fact of the attorney 1426
general, any information or documents that the attorney general 1427
used in the investigation, any information or data provided to the 1428
attorney general, any briefs or oral arguments that may be 1429
requested by a the court of claims ~~panel of commissioners~~, and any 1430
additional evidence presented at the hearing. The ~~panel of~~ 1431
~~commissioners~~ court may extend the sixty-day time limit and shall 1432
record in writing specific reasons to justify the extension. The 1433
attorney general shall supply the ~~panel of commissioners~~ court 1434
with the original decision awarding or denying compensation, the 1435
finding of fact of the attorney general, any information or 1436
documents that the attorney general used in the investigation, and 1437
any information or data provided to the attorney general within 1438
fourteen days of the filing of the objection and notice of appeal 1439
by the applicant. The ~~panel of commissioners~~ court shall notify 1440
the claimant and attorney general of the extension and of the 1441
reasons for the extension. If upon hearing and consideration of 1442
the record and evidence, the court of claims ~~panel of~~ 1443
~~commissioners~~ decides that the decision of the attorney general 1444
appealed from is reasonable and lawful, it shall affirm the same. 1445
If the court of claims ~~panel of commissioners~~ decides that the 1446
decision of the attorney general is not supported by a 1447
preponderance of the evidence or is unreasonable or unlawful, ~~it~~ 1448
the court shall reverse and vacate the decision or modify it and 1449
enter judgment thereon. The 1450

~~(C) The attorney general or a claimant may appeal an award of~~ 1451
~~reparations, the amount of an award of reparations, or the denial~~ 1452

~~of a claim for an award of reparations that is made by a panel of
court of claims commissioners. If the determination of the panel
of commissioners with respect to any claim for an award of
reparations is appealed, a judge of the court of claims shall hear
and determine the appeal on the basis of the record of the hearing
before the commissioners, including the original award or denial
made by the attorney general, any information or documents
presented to the panel of commissioners, and any briefs or oral
arguments that may be requested by the judge. If upon hearing and
consideration of the record and evidence, the judge decides that
the decision of the panel of commissioners is unreasonable or
unlawful, the judge shall reverse and vacate the decision or
modify it and enter judgment on the claim. The decision of the
judge of the court of claims is final.~~

~~(D)(C)~~ Notices of an appeal concerning an award of
reparations shall be filed within thirty days after the date on
which the award or the denial of a claim is made by a final
decision of the attorney general. If a notice of appeal is not
filed within the thirty-day period, the award or denial of the
claim is final unless a the court of claims ~~panel of commissioners~~
in the interests of justice allows the appeal.

~~(E)~~ The attorney general or a claimant shall file a notice of
an appeal concerning an order or decision of a panel of
commissioners within thirty days after the date on which the award
or the denial of a claim is made by the panel of commissioners. If
the attorney general or a claimant does not file a notice of
appeal with respect to an award or denial within the thirty day
period, the award or denial of the claim is final unless a judge
of the court of claims in the interests of justice allows the
appeal.

Sec. 2743.62. (A)(1) Subject to division (A)(2) of this

section, there is no privilege, except the privileges arising from 1484
the attorney-client relationship, as to communications or records 1485
that are relevant to the physical, mental, or emotional condition 1486
of the claimant or victim in a proceeding under sections 2743.51 1487
to 2743.72 of the Revised Code in which that condition is an 1488
element. 1489

(2)(a) Except as specified in division (A)(2)(b) of this 1490
section, any record or report that ~~a judge of the court of claims,~~ 1491
~~a court of claims panel of commissioners,~~ or the attorney general 1492
has obtained prior to, or obtains on or after, June 30, 1998, 1493
under the provisions of sections 2743.51 to 2743.72 of the Revised 1494
Code and that is confidential or otherwise exempt from public 1495
disclosure under section 149.43 of the Revised Code while in the 1496
possession of the creator of the record or report shall remain 1497
confidential or exempt from public disclosure under section 149.43 1498
of the Revised Code while in the possession of the court of claims 1499
or the attorney general. 1500

(b) Notwithstanding division (A)(2)(a) of this section, a 1501
judge of the court of claims, a ~~panel of commissioners~~ magistrate, 1502
a claimant, a claimant's attorney, or the attorney general may 1503
disclose or refer to records or reports described in that division 1504
in any hearing conducted under sections 2743.51 to 2743.72 of the 1505
Revised Code or in the judge's, ~~panel of commissioners'~~ 1506
magistrate's, claimant's, or attorney general's written pleadings, 1507
findings, recommendations, and decisions. 1508

(B) If the mental, physical, or emotional condition of a 1509
victim or claimant is material to a claim for an award of 1510
reparations, the attorney general, ~~a panel of commissioners,~~ or a 1511
~~judge of~~ the court of claims may order the victim or claimant to 1512
submit to a mental or physical examination and may order an 1513
autopsy of a deceased victim. The order may be made for good cause 1514
shown and upon notice to the person to be examined and to the 1515

claimant. The order shall specify the time, place, manner, 1516
conditions, and scope of the examination or autopsy and the person 1517
by whom it is to be made. In the case of a mental examination, the 1518
person specified may be a physician or psychologist. In the case 1519
of a physical examination, the person specified may be a 1520
physician, a physician assistant, a clinical nurse specialist, a 1521
certified nurse practitioner, or a certified nurse-midwife. In the 1522
case of an autopsy, the person specified must be a physician. The 1523
order shall require the person who performs the examination or 1524
autopsy to file with the attorney general a detailed written 1525
report of the examination or autopsy. The report shall set out the 1526
findings, including the results of all tests made, diagnoses, 1527
prognoses, and other conclusions and reports of earlier 1528
examinations of the same conditions. 1529

(C) On request of the person examined, the attorney general 1530
shall furnish the person a copy of the report. If the victim is 1531
deceased, the attorney general, on request, shall furnish the 1532
claimant a copy of the report. 1533

(D) The attorney general, ~~a panel of commissioners,~~ or a 1534
~~judge of~~ the court of claims may require the claimant to 1535
supplement the application for an award of reparations with any 1536
reasonably available medical or psychological reports relating to 1537
the injury for which the award of reparations is claimed. 1538

(E) The attorney general, ~~a panel of commissioners,~~ or a 1539
~~judge of~~ the court of claims, in a claim arising out of a 1540
violation of any provision of sections 2907.02 to 2907.07 of the 1541
Revised Code, shall not request the victim or the claimant to 1542
supply, or permit any person to supply, any evidence of specific 1543
instances of the victim's sexual activity, opinion evidence of the 1544
victim's sexual activity, or reputation evidence of the victim's 1545
sexual activity unless it involves evidence of the origin of 1546
semen, pregnancy, or disease or evidence of the victim's past 1547

sexual activity with the offender and only to the extent that the 1548
judge, ~~the panel court of commissioners,~~ claims or the attorney 1549
general finds that the evidence is relevant to a fact at issue in 1550
the claim. 1551

Sec. 2743.63. If a person refuses to comply with an order 1552
under sections 2743.51 to 2743.72 of the Revised Code, or asserts 1553
a privilege, except privileges arising from the attorney-client 1554
relationship, to withhold or suppress evidence relevant to a claim 1555
for an award of reparations, the attorney general may make any 1556
just decision including denial of the claim but shall not find the 1557
person in contempt. If necessary to carry out any of the attorney 1558
general's powers and duties, the attorney general may petition a 1559
the court of claims ~~panel of commissioners~~ for an appropriate 1560
order, including but not limited to a finding of contempt, but a 1561
~~panel of commissioners~~ the court shall not find a person in 1562
contempt for refusal to submit to a mental or physical 1563
examination. 1564

Sec. 2743.64. The attorney general, ~~a court of claims panel~~ 1565
~~of commissioners,~~ or ~~a judge of~~ the court of claims may make an 1566
award of reparations whether or not any person is prosecuted or 1567
convicted for committing the conduct that is the basis of the 1568
award. Proof of conviction of a person whose conduct gave rise to 1569
a claim is conclusive evidence that the crime was committed, 1570
unless an application for rehearing, an appeal of the conviction, 1571
or certiorari is pending, or a rehearing or new trial has been 1572
ordered. 1573

If the prosecuting attorney of the county in which the 1574
criminally injurious conduct allegedly occurred requests the 1575
suspension of proceedings in any claim for an award of reparations 1576
and if the request is made because of the commencement of a 1577
criminal prosecution, the attorney general may suspend, because a 1578

criminal prosecution has been commenced or is imminent, the 1579
proceedings in any claim for an award of reparations for a 1580
definite period of time, and may make an emergency award under 1581
section 2743.67 of the Revised Code. 1582

Sec. 2743.65. (A) The attorney general shall determine, and 1583
the state shall pay, in accordance with this section attorney's 1584
fees, commensurate with services rendered, to the attorney 1585
representing a claimant under sections 2743.51 to 2743.72 of the 1586
Revised Code. The attorney shall submit on an application form an 1587
itemized fee bill at the rate of sixty dollars per hour upon 1588
receipt of the final decision on the claim. Attorney's fees paid 1589
pursuant to this section are subject to the following maximum 1590
amounts: 1591

(1) A maximum of seven hundred twenty dollars for claims 1592
resolved without the filing of an appeal to the ~~panel~~ court of 1593
~~commissioners claims~~; 1594

(2) A maximum of one thousand twenty dollars for claims in 1595
which an appeal to the ~~panel~~ court of ~~commissioners claims~~ is 1596
filed plus, at the request of an attorney whose main office is not 1597
in Franklin county, Delaware county, Licking county, Fairfield 1598
county, Pickaway county, Madison county, or Union county, an 1599
amount for the attorney's travel time to attend the oral hearing 1600
before the ~~panel~~ court of ~~commissioners claims~~ at the rate of 1601
thirty dollars per hour; 1602

(3) A maximum of one thousand three hundred twenty dollars 1603
for claims in which an appeal to ~~a judge~~ of the court of claims is 1604
filed plus, at the request of an attorney whose main office is not 1605
in Franklin county, Delaware county, Licking county, Fairfield 1606
county, Pickaway county, Madison county, or Union county, an 1607
amount for the attorney's travel time to attend the oral hearing 1608
before the ~~judge~~ court at the rate of thirty dollars per hour; 1609

(4) A maximum of seven hundred twenty dollars for a supplemental reparations application;

(5) A maximum of two hundred dollars if the claim is denied on the basis of a claimant's or victim's conviction of a felony offense prior to the filing of the claim. If the claimant or victim is convicted of a felony offense during the pendency of the claim, the two hundred dollars maximum does not apply. If the attorney had knowledge of the claimant's or victim's felony conviction prior to the filing of the application for the claim, the attorney general may determine that the filing of the claim was frivolous and may deny attorney's fees.

(B) The attorney general may determine that an attorney be reimbursed for fees incurred in the creation of a guardianship if the guardianship is required in order for an individual to receive an award of reparations, and those fees shall be reimbursed at a rate of sixty dollars per hour.

(C)(1) The attorney general shall forward an application form for attorney's fees to a claimant's attorney before or when the final decision on a claim is rendered. The application form for attorney's fees shall do all of the following:

(a) Inform the attorney of the requirements of this section;

(b) Require a verification statement comporting with the law prohibiting falsification;

(c) Require an itemized fee statement;

(d) Require a verification statement that the claimant was served a copy of the completed application form;

(e) Include notice that the claimant may oppose the application by notifying the attorney general in writing within ten days.

(2) The attorney general shall forward a copy of this section

to the attorney with the application form for attorney's fees. The 1640
attorney shall file the application form with the attorney 1641
general. The attorney general's decision with respect to an award 1642
of attorney's fees is final ten days after the attorney general 1643
renders the decision and mails a copy of the decision to the 1644
attorney at the address provided by the attorney. The attorney may 1645
request reconsideration of the decision on grounds that it is 1646
insufficient or calculated incorrectly. The attorney general's 1647
decision on the request for reconsideration is final. 1648

(D) The attorney general shall review all application forms 1649
for attorney's fees that are submitted by a claimant's attorney 1650
and shall issue an order approving the amount of fees to be paid 1651
to the attorney within sixty days after receipt of the application 1652
form. 1653

(E) No attorney's fees shall be paid for the following: 1654

(1) Estate work or representation of a claimant against a 1655
collateral source; 1656

(2) Duplication of investigative work required to be 1657
performed by the attorney general; 1658

(3) Performance of unnecessary criminal investigation of the 1659
offense; 1660

(4) Presenting or appealing an issue that has been repeatedly 1661
ruled upon by the highest appellate authority, unless a unique set 1662
of facts or unique issue of law exists that distinguishes it; 1663

(5) A fee request that is unreasonable, is not commensurate 1664
with services rendered, violates the Ohio code of professional 1665
responsibility, or is based upon services that are determined to 1666
be frivolous. 1667

(F)(1) The attorney general may reduce or deny the payment of 1668
attorney's fees to an attorney who has filed a frivolous claim. 1669

Subject to division (A)(5) of this section, the denial of a claim 1670
on the basis of a felony conviction, felony conduct, or 1671
contributory misconduct does not constitute a frivolous claim. 1672

(2) As used in this section, "frivolous claim" means a claim 1673
in which there is clearly no legal grounds under the existing laws 1674
of this state to support the filing of a claim on behalf of the 1675
claimant or victim. 1676

(G) The attorney general may determine that a lesser number 1677
of hours should have been required in a given case. Additional 1678
reimbursement may be made where the attorney demonstrates to the 1679
attorney general that the nature of the particular claim required 1680
the expenditure of an amount in excess of that allowed. 1681

(H) No attorney shall receive payment under this section for 1682
assisting a claimant with an application for an award of 1683
reparations under sections 2743.51 to 2743.72 of the Revised Code 1684
if that attorney's fees have been allowed as an expense in 1685
accordance with division (F)(4) of section 2743.51 of the Revised 1686
Code. 1687

(I) A contract or other agreement between an attorney and any 1688
person that provides for the payment of attorney's fees or other 1689
payments in excess of the attorney's fees allowed under this 1690
section for representing a claimant under sections 2743.51 to 1691
2743.72 of the Revised Code shall be void and unenforceable. 1692

(J) Each witness who appears in a hearing on a claim for an 1693
award of reparations shall receive compensation in an amount equal 1694
to that received by witnesses under section 119.094 of the Revised 1695
Code. 1696

Sec. 2743.66. (A) A decision of the attorney general, or 1697
~~order of a court of claims panel of commissioners,~~ or judgment of 1698
~~a judge~~ of the court of claims granting an award of reparations 1699

may provide for the payment of the award in a lump sum or in 1700
installments. The part of an award equal to the amount of economic 1701
loss accrued to the date of the award shall be paid in a lump sum. 1702
An award for allowable expense that would accrue after the award 1703
is made shall not be paid in a lump sum. Except as provided in 1704
division (B) of this section, the part of an award not paid in a 1705
lump sum shall be paid in installments. 1706

(B) Upon the motion of the claimant, the attorney general may 1707
commute future economic loss, other than allowable expense, to a 1708
lump sum but only upon a finding that either of the following 1709
applies: 1710

(1) The award in a lump sum will promote the interests of the 1711
claimant. 1712

(2) The present value of all future economic loss, other than 1713
allowable expense, does not exceed one thousand dollars. 1714

(C) The attorney general may make an award for future 1715
economic loss payable in installments only for a period as to 1716
which future economic loss reasonably can be determined. An award 1717
for future economic loss payable in installments may be 1718
reconsidered and modified upon a finding that a material and 1719
substantial change of circumstances has occurred. 1720

(D) An award is not subject to execution, attachment, 1721
garnishment, or other process, except that, upon receipt of an 1722
award by a claimant: 1723

(1) The part of the award that is for allowable expense or 1724
funeral expense is not exempt from such action by a creditor to 1725
the extent that the creditor provided products, services, or 1726
accommodations the costs of which are included in the award. 1727

(2) The part of the award that is for work loss shall not be 1728
exempt from such action to secure payment of spousal support, 1729
other maintenance, or child support. 1730

(3) The attorney general may recover the award pursuant to 1731
section 2743.72 of the Revised Code if it is discovered that the 1732
claimant actually was not eligible for the award or that the award 1733
otherwise should not have been made under the standards and 1734
criteria set forth in sections 2743.51 to 2743.72 of the Revised 1735
Code. 1736

(4) If the claimant receives compensation from any other 1737
person or entity, including a collateral source, for an expense 1738
that is included within the award, the attorney general may 1739
recover pursuant to section 2743.72 of the Revised Code the part 1740
of the award that represents the expense for which the claimant 1741
received the compensation from the other person or entity. 1742

(E) If a person entitled to an award of reparations is under 1743
eighteen years of age and if the amount of the award exceeds one 1744
thousand dollars, the order providing for the payment of the award 1745
shall specify that the award be paid either to the guardian of the 1746
estate of the minor appointed pursuant to Chapter 2111. of the 1747
Revised Code or to the person or depository designated by the 1748
probate court under section 2111.05 of the Revised Code. If a 1749
person entitled to an award of reparations is under eighteen years 1750
of age and if the amount of the award is one thousand dollars or 1751
less, the order providing for the payment of the award may specify 1752
that the award be paid to an adult member of the family of the 1753
minor who is legally responsible for the minor's care or to any 1754
other person designated by the attorney general or ~~panel of~~ 1755
~~commissioners issuing the decision or order~~ court of claims. 1756

Sec. 2743.67. The attorney general may make an emergency 1757
award if, before acting on an application for an award of 1758
reparations under this section, it appears likely that a final 1759
award will be made, and the claimant or victim will suffer undue 1760
hardship if immediate economic relief is not obtained. An 1761

emergency award shall not exceed two thousand dollars. The 1762
attorney general or the court of claims ~~panel of commissioners~~ 1763
shall deduct an amount of the emergency award from the final 1764
award, or the claimant or victim shall repay the amount of the 1765
emergency award that exceeds the final award made to the claimant. 1766
If no final award is made, the claimant or victim shall repay the 1767
entire emergency award. 1768

Sec. 2743.68. A claimant may file a supplemental reparations 1769
application in a claim if the attorney general, ~~a court of claims~~ 1770
~~panel of commissioners~~, or ~~judge of~~ the court of claims, within 1771
five years prior to the filing of the supplemental application, 1772
has made any of the following determinations: 1773

(A) That an award, supplemental award, or installment award 1774
be granted; 1775

(B) That an award, supplemental award, or installment award 1776
be conditioned or denied because of actual or potential recovery 1777
from a collateral source; 1778

(C) That an award, supplemental award, or installment award 1779
be denied because the claimant had not incurred any economic loss 1780
at that time. 1781

Sec. 2743.69. (A) The attorney general shall prepare and 1782
transmit annually to the governor, the president of the senate, 1783
the speaker of the house of representatives, and the minority 1784
leaders of both houses a report of the activities of the Ohio 1785
crime victims compensation program under sections 2743.51 to 1786
2743.72 of the Revised Code. The report shall include all of the 1787
following: 1788

(1) The number of claims filed, the number of awards made and 1789
the amount of each award, and a statistical summary of awards made 1790
and denied, including the average size of awards; 1791

(2) The balance in the reparations fund, with a listing by 1792
source and amount of the moneys that have been deposited in the 1793
fund; 1794

(3) The amount that has been withdrawn from the fund, 1795
including separate listings of the administrative costs incurred 1796
by the attorney general and ~~a the court of claims panel of~~ 1797
~~commissioners, compensation of judges and court personnel,~~ the 1798
amount awarded as attorney's fees, and the amount of payments made 1799
pursuant to divisions (A)(1)(k) and (l) of section 2743.191 of the 1800
Revised Code. 1801

(B) The director of budget and management shall assist the 1802
attorney general in the preparation of the report required by this 1803
section. 1804

Sec. 2743.71. (A) Any law enforcement agency that 1805
investigates, and any prosecuting attorney, city director of law, 1806
village solicitor, or similar prosecuting authority who 1807
prosecutes, an offense committed in this state shall, upon first 1808
contact with the victim or the victim's family or dependents, give 1809
the victim or the victim's family or dependents a copy of an 1810
information card or other printed material provided by the 1811
attorney general pursuant to division (B) of this section and 1812
explain, upon request, the information on the card or material to 1813
the victim or the victim's family or dependents. 1814

(B) The attorney general shall have printed, and shall 1815
provide to law enforcement agencies, prosecuting attorneys, city 1816
directors of law, village solicitors, and similar prosecuting 1817
authorities, cards or other materials that contain information 1818
explaining awards of reparations. The information on the cards or 1819
other materials shall include, but shall not be limited to, the 1820
following statements: 1821

(1) Awards of reparations are limited to losses that are 1822

caused by physical injury resulting from criminally injurious 1823
conduct; 1824

(2) Reparations applications are required to be filed ~~within~~ 1825
~~two years after the date of the criminally injurious conduct if~~ 1826
~~the victim was an adult, or~~ within the period provided by division 1827
(~~C~~)(B)(1) of section 2743.56 of the Revised Code if the victim of 1828
the criminally injurious conduct was a minor; 1829

(3) An attorney who represents an applicant for an award of 1830
reparations cannot charge the applicant for the services rendered 1831
in relation to that representation but is required to apply to the 1832
attorney general for payment for the representation; 1833

(4) Applications for awards of reparations may be obtained 1834
from the attorney general, law enforcement agencies, and victim 1835
assistance agencies and are to be filed with the attorney general. 1836

(C) The attorney general may order that a reasonable amount 1837
of money be paid out of the reparations fund, subject to the 1838
limitation imposed by division (D) of this section, for use by the 1839
attorney general to publicize the availability of awards of 1840
reparations. 1841

(D) During any fiscal year, the total expenditure for the 1842
printing and providing of information cards or other materials 1843
pursuant to division (B) of this section and for the publicizing 1844
of the availability of awards of reparations pursuant to division 1845
(C) of this section shall not exceed two per cent of the total of 1846
all court costs deposited, in accordance with section 2743.70 of 1847
the Revised Code, in the reparations fund during the immediately 1848
preceding fiscal year. 1849

Section 2. That existing sections 141.04, 141.13, 1901.10, 1850
1901.12, 1907.14, 2701.03, 2701.031, 2743.03, 2743.04, 2743.09, 1851
2743.121, 2743.20, 2743.52, 2743.53, 2743.531, 2743.55, 2743.60, 1852
2743.601, 2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 2743.66, 1853

2743.67, 2743.68, 2743.69, and 2743.71 and sections 1901.121 and 1854
2743.54 of the Revised Code are hereby repealed. 1855