

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, OCTOBER 23, 2007

NINETY-NINTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, October 23, 2007, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Paul Nobel, Saint Matthew's Church, Gahanna, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

Senator Schuring reports for the Standing Committee on Reference, recommending that the following bill, standing in order for second consideration, be referred to committee as recommended:

**S. B. No. 243**-Senator Schaffer.

Cosponsors: Senators Gardner, Jacobson, Bocciari, Carey, Harris, Seitz, Smith, Goodman, Faber.

To enact section 5.2236 of the Revised Code to designate October 22 of each year "U.S.S. Hocking Day."

To the Committee on State and Local Government and Veterans' Affairs.

YES - 5: JEFF JACOBSON, J. KIRK SCHURING, TERESA FEDOR, TOM ROBERTS, BILL HARRIS.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 87**-Senator Carey, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: TIMOTHY J. GRENDALL, BILL SEITZ, SHIRLEY A. SMITH, CAPRI S. CAFARO, JOHN A. BOCCIERI, TOM NIEHAUS, ROBERT L. SCHULER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **S. B. No. 6**-Senator Niehaus, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: STEVE STIVERS, BILL SEITZ, STEPHEN BUEHRER, KEITH L. FABER, DAVID GOODMAN, J. KIRK SCHURING, ERIC H. KEARNEY, THOMAS SAWYER, LANCE T. MASON.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Schuring submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

**Charles A. Bryan**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 31, 2007, and ending at the close of business June 12, 2010.

**David L. Caldwell**, Democrat, from Pataskala, Licking County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 31, 2007, and ending at the close of business June 12, 2009.

**John G. Corp**, from Norton, Summit County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a new term beginning May 8, 2007 and ending at the close of business January 31, 2010.

**Alison L. Falls**, from Port Clinton, Ottawa County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term

beginning July 31, 2007, and ending at the close of business June 12, 2010.

**Tom Fries, Sr.**, from Dublin, Franklin County, Ohio, as a Member of the Capitol Square Review and Advisory Board for a term beginning July 5, 2007 and ending at the close of business April 22, 2010, replacing Sandra Drabik, whose term expired.

**Phillip J. Fulton**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 31, 2007, and ending at the close of business June 12, 2008.

**Barbara Gould**, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Arts Council for a term beginning April 27, 2007, and ending at the close of business July 1, 2009, replacing C. Daniel Delawder, who resigned.

**Kenneth M. Haffey**, Republican, from Chester Township, Geauga County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 31, 2007, and ending at the close of business June 12, 2009.

**James W. Harris**, Democrat, from Gahanna, Franklin County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 31, 2007, and ending at the close of business June 12, 2010.

**David R. Hill**, from Byesville, Guernsey County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a new term beginning May 8, 2007, and ending at the close of business January 31, 2010.

**James A. Hummel**, Republican, from Dover, Tuscarawas County, Ohio, as a member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 31, 2007, and ending at the close of business June 12, 2008.

**John F. Jaeger**, from Perrysburg, Wood County, Ohio, as a Member of the Ohio Parks and Recreation Council for a term beginning June 28, 2007, and ending at the close of business January 31, 2009, replacing Keith D. Shy, whose term expired.

**William Lhota**, Republican, from Worthington, Franklin County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 31, 2007, and ending at the close of business June 12, 2010.

**James M. Matesich**, Republican, from Granville, Licking County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 31, 2007, and ending at the close of business June 12, 2009.

**Larry Price**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 31, 2007, and ending at the close of business June 12,

2008.

**James A. Schneider**, from Beavercreek, Green County, Ohio, as a Member of the State Emergency Response Commission for a term beginning April 4, 2007, and ending at the close of business January 13, 2009, replacing J. Randal Van Dyne, whose term expired.

**Robert C. Smith**, Republican, from Beechwood, Cuyahoga County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 31, 2007, and ending at the close of business June 12, 2009.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 10: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, J. KIRK SCHURING, LANCE T. MASON, RAY MILLER, TOM ROBERTS, TERESA FEDOR.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Coughlin	Faber
Fedor	Gardner	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wilson	Harris-32.

So the Senate advised and consented to said appointments.

**BILLS FOR THIRD CONSIDERATION**

**S. B. No. 73**-Senator Miller, R.

Cosponsors: Senators Smith, Mason, Goodman, Stivers, Clancy.

To amend sections 2925.01, 2925.03, 2925.05, 2925.11, and 2929.01 of the Revised Code to eliminate the distinction between powdered cocaine and crack cocaine in the Drug Abuse Law and to amend the version of section 2925.03 of the Revised Code that takes effect on July 1, 2007, to maintain the

provisions of this act on and after that date , was considered the third time.

The question being, "Shall the bill, **S. B. No. 73**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Coughlin	Faber
Fedor	Gardner	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wilson	Harris-32.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Miller, R. moved to amend the title as follows:

Add the names: "Boccieri, Cafaro, Fedor, Harris, Jacobson, Kearney, Morano, Padgett, Roberts, Sawyer, Schuring, Wilson, Grendell."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. S. B. No. 175**-Senator Coughlin.

Cosponsors: Senators Clancy, Carey, Schuler, Buehrer, Jacobson, Goodman, Schuring, Gardner.

To amend sections 3705.01, 3705.16, 3705.20, and 3705.29 and to enact sections 517.071, 759.49, 1721.071, 3727.16, 4731.82, and 4765.57 of the Revised Code to enact the Grieving Parents Act, regarding fetal death certificates for, and burials of, the product of human conception that suffers a fetal death , was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 175**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 5, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Cates	Coughlin	Faber	Fedor
Gardner	Goodman	Grendell	Jacobson
Kearney	Mason	Miller R	Mumper
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Seitz

Spada                      Stivers                      Wilson                      Harris-28.

Senators Bocchieri, Cafaro, Miller D, Morano, and Smith voted in the negative-5.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Coughlin moved to amend the title as follows:

Add the names: "Amstutz, Cates, Faber, Harris, Niehaus, Schaffer, Austria."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

#### **Am. Sub. S. B. No. 155** -Senator Faber

Cosponsors: Senators Schuler, Grendell, Spada, Kearney, Austria, Bocchieri, Buehrer, Cates, Harris Representatives Blessing, Wagoner, Coley, Latta, Gerberry, Bacon, Batchelder, Seitz, Bolon, Brady, Budish, DeBose, Dodd, Domenick, Driehaus, Dyer, Flowers, Harwood, Hughes, Letson, Luckie, Mallory, McGregor, R., Mecklenborg, Schindel, Skindell, Strahorn, Yuko, Zehringer

To amend sections 1901.08, 2151.07, 2301.02, 2301.03, 2903.13, and 2903.21 and to enact sections 141.06 and 2101.025 of the Revised Code and to amend Section 6 of Sub. H.B. 336 of the 126th General Assembly to specify the rate of compensation of a member of the current or previous General Assembly who is appointed to judicial office, to create a Domestic Relations-Juvenile-Probate Division of the Champaign County Court of Common Pleas, to designate the Champaign County Probate and Juvenile Judge as a judge of that division, to add a judge to that division to be elected in 2008, to make the Hamilton County Drug Court permanent, to extend the deadline by which the report of the Joint Committee to Study Court Costs and Filing Fees is due, to change the status of the judge of the Upper Sandusky Municipal Court from part-time to full-time, to make an assault or aggravated menacing committed in a courthouse a felony of the fifth degree, and to declare an emergency.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 18, after "sections" insert "1901.08,"

Between lines 28 and 29 insert:

**"Sec. 1901.08.** The number of, and the time for election of, judges of the following municipal courts and the beginning of their terms shall be as follows:

In the Akron municipal court, two full-time judges shall be elected in 1951, two full-time judges shall be elected in 1953, one full-time judge shall be elected in 1967, and one full-time judge shall be elected in 1975.

In the Alliance municipal court, one full-time judge shall be elected in 1953.

In the Ashland municipal court, one full-time judge shall be elected in 1951.

In the Ashtabula municipal court, one full-time judge shall be elected in 1953.

In the Athens county municipal court, one full-time judge shall be elected in 1967.

In the Auglaize county municipal court, one full-time judge shall be elected in 1975.

In the Avon Lake municipal court, one part-time judge shall be elected in 1957.

In the Barberton municipal court, one full-time judge shall be elected in 1969, and one full-time judge shall be elected in 1971.

In the Bedford municipal court, one full-time judge shall be elected in 1975, and one full-time judge shall be elected in 1979.

In the Bellefontaine municipal court, one full-time judge shall be elected in 1993.

In the Bellevue municipal court, one part-time judge shall be elected in 1951.

In the Berea municipal court, one full-time judge shall be elected in 2005.

In the Bowling Green municipal court, one full-time judge shall be elected in 1983.

In the Brown county municipal court, one full-time judge shall be elected in 2005. Beginning February 9, 2003, the part-time judge of the Brown county court that existed prior to that date whose term commenced on January 2, 2001, shall serve as the full-time judge of the Brown county municipal court until December 31, 2005.

In the Bryan municipal court, one full-time judge shall be elected in 1965.



In the Cambridge municipal court, one full-time judge shall be elected in 1951.

In the Campbell municipal court, one part-time judge shall be elected in 1963.

In the Canton municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1969, and two full-time judges shall be elected in 1977.

In the Carroll county municipal court, one full-time judge shall be elected in 2009. Beginning January 1, 2007, the judge elected in 2006 to the part-time judgeship of the Carroll county county court that existed prior to that date shall serve as the full-time judge of the Carroll county municipal court until December 31, 2009.

In the Celina municipal court, one full-time judge shall be elected in 1957.

In the Champaign county municipal court, one full-time judge shall be elected in 2001.

In the Chardon municipal court, one part-time judge shall be elected in 1963.

In the Chillicothe municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1977.

In the Circleville municipal court, one full-time judge shall be elected in 1953.

In the Clark county municipal court, one full-time judge shall be elected in 1989, and two full-time judges shall be elected in 1991. The full-time judges of the Springfield municipal court who were elected in 1983 and 1985 shall serve as the judges of the Clark county municipal court from January 1, 1988, until the end of their respective terms.

In the Clermont county municipal court, two full-time judges shall be elected in 1991, and one full-time judge shall be elected in 1999.

In the Cleveland municipal court, six full-time judges shall be elected in 1975, three full-time judges shall be elected in 1953, and four full-time judges shall be elected in 1955.

In the Cleveland Heights municipal court, one full-time judge shall be elected in 1957.

In the Clinton county municipal court, one full-time judge shall be elected in 1997. The full-time judge of the Wilmington municipal court who was elected in 1991 shall serve as the judge of the Clinton county municipal court from July 1, 1992, until the end of that judge's term on December 31, 1997.

In the Columbiana county municipal court, two full-time judges shall be

elected in 2001.

In the Conneaut municipal court, one full-time judge shall be elected in 1953.

In the Coshocton municipal court, one full-time judge shall be elected in 1951.

In the Crawford county municipal court, one full-time judge shall be elected in 1977.

In the Cuyahoga Falls municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1967. Effective December 31, 2008, the Cuyahoga Falls municipal court shall cease to exist; however, the judges of the Cuyahoga Falls municipal court who were elected pursuant to this section in 2003 and 2007 for terms beginning on January 1, 2004, and January 1, 2008, respectively, shall serve as full-time judges of the Stow municipal court until December 31, 2009, and December 31, 2013, respectively.

In the Darke county municipal court, one full-time judge shall be elected in 2005. Beginning January 1, 2005, the part-time judge of the Darke county court that existed prior to that date whose term began on January 1, 2001, shall serve as the full-time judge of the Darke county municipal court until December 31, 2005.

In the Dayton municipal court, three full-time judges shall be elected in 1987, their terms to commence on successive days beginning on the first day of January next after their election, and two full-time judges shall be elected in 1955, their terms to commence on successive days beginning on the second day of January next after their election.

In the Defiance municipal court, one full-time judge shall be elected in 1957.

In the Delaware municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 2007.

In the East Cleveland municipal court, one full-time judge shall be elected in 1957.

In the East Liverpool municipal court, one full-time judge shall be elected in 1953.

In the Eaton municipal court, one full-time judge shall be elected in 1973.

In the Elyria municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1973.

In the Erie county municipal court, one full-time judge shall be elected in 2007.

In the Euclid municipal court, one full-time judge shall be elected in

1951.

In the Fairborn municipal court, one full-time judge shall be elected in 1977.

In the Fairfield county municipal court, one full-time judge shall be elected in 2003, and one full-time judge shall be elected in 2005.

In the Fairfield municipal court, one full-time judge shall be elected in 1989.

In the Findlay municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1993.

In the Fostoria municipal court, one full-time judge shall be elected in 1975.

In the Franklin municipal court, one part-time judge shall be elected in 1951.

In the Franklin county municipal court, two full-time judges shall be elected in 1969, three full-time judges shall be elected in 1971, seven full-time judges shall be elected in 1967, one full-time judge shall be elected in 1975, one full-time judge shall be elected in 1991, and one full-time judge shall be elected in 1997.

In the Fremont municipal court, one full-time judge shall be elected in 1975.

In the Gallipolis municipal court, one full-time judge shall be elected in 1981.

In the Garfield Heights municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1981.

In the Girard municipal court, one full-time judge shall be elected in 1963.

In the Hamilton municipal court, one full-time judge shall be elected in 1953.

In the Hamilton county municipal court, five full-time judges shall be elected in 1967, five full-time judges shall be elected in 1971, two full-time judges shall be elected in 1981, and two full-time judges shall be elected in 1983. All terms of judges of the Hamilton county municipal court shall commence on the first day of January next after their election, except that the terms of the additional judges to be elected in 1981 shall commence on January 2, 1982, and January 3, 1982, and that the terms of the additional judges to be elected in 1983 shall commence on January 4, 1984, and January 5, 1984.

In the Hardin county municipal court, one part-time judge shall be elected in 1989.

In the Hillsboro municipal court, one part-time judge shall be elected in

1957.

In the Hocking county municipal court, one full-time judge shall be elected in 1977.

In the Holmes county municipal court, one full-time judge shall be elected in 2007. Beginning January 1, 2007, the part-time judge of the Holmes county court that existed prior to that date whose term commenced on January 1, 2007, shall serve as the full-time judge of the Holmes county municipal court until December 31, 2007.

In the Huron municipal court, one part-time judge shall be elected in 1967.

In the Ironton municipal court, one full-time judge shall be elected in 1951.

In the Jackson county municipal court, one full-time judge shall be elected in 2001. On and after March 31, 1997, the part-time judge of the Jackson county municipal court who was elected in 1995 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2001.

In the Kettering municipal court, one full-time judge shall be elected in 1971, and one full-time judge shall be elected in 1975.

In the Lakewood municipal court, one full-time judge shall be elected in 1955.

In the Lancaster municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1979. Beginning January 2, 2000, the full-time judges of the Lancaster municipal court who were elected in 1997 and 1999 shall serve as judges of the Fairfield county municipal court until the end of those judges' terms.

In the Lawrence county municipal court, one part-time judge shall be elected in 1981.

In the Lebanon municipal court, one part-time judge shall be elected in 1955.

In the Licking county municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1971.

In the Lima municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1967.

In the Lorain municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1973.

In the Lyndhurst municipal court, one part-time judge shall be elected in 1957.

In the Madison county municipal court, one full-time judge shall be elected in 1981.

In the Mansfield municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1969.

In the Marietta municipal court, one full-time judge shall be elected in 1957.

In the Marion municipal court, one full-time judge shall be elected in 1951.

In the Marysville municipal court, one full-time judge shall be elected in 2011. On and after January 18, 2007, the part-time judge of the Marysville municipal court who was elected in 2005 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2011.

In the Mason municipal court, one part-time judge shall be elected in 1965.

In the Massillon municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1971.

In the Maumee municipal court, one full-time judge shall be elected in 1963.

In the Medina municipal court, one full-time judge shall be elected in 1957.

In the Mentor municipal court, one full-time judge shall be elected in 1971.

In the Miami county municipal court, one full-time judge shall be elected in 1975, and one full-time judge shall be elected in 1979.

In the Miamisburg municipal court, one part-time judge shall be elected in 1951.

In the Middletown municipal court, one full-time judge shall be elected in 1953.

In the Morrow county municipal court, one full-time judge shall be elected in 2005. Beginning January 1, 2003, the part-time judge of the Morrow county court that existed prior to that date shall serve as the full-time judge of the Morrow county municipal court until December 31, 2005.

In the Mount Vernon municipal court, one full-time judge shall be elected in 1951.

In the Napoleon municipal court, one full-time judge shall be elected in 2005.

In the New Philadelphia municipal court, one full-time judge shall be elected in 1975.

In the Newton Falls municipal court, one full-time judge shall be elected in 1963.

In the Niles municipal court, one full-time judge shall be elected in 1951.

In the Norwalk municipal court, one full-time judge shall be elected in 1975.

In the Oakwood municipal court, one part-time judge shall be elected in 1953.

In the Oberlin municipal court, one full-time judge shall be elected in 1989.

In the Oregon municipal court, one full-time judge shall be elected in 1963.

In the Ottawa county municipal court, one full-time judge shall be elected in 1995, and the full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term.

In the Painesville municipal court, one full-time judge shall be elected in 1951.

In the Parma municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1967, and one full-time judge shall be elected in 1971.

In the Perrysburg municipal court, one full-time judge shall be elected in 1977.

In the Portage county municipal court, two full-time judges shall be elected in 1979, and one full-time judge shall be elected in 1971.

In the Port Clinton municipal court, one full-time judge shall be elected in 1953. The full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term.

In the Portsmouth municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1985.

In the Rocky River municipal court, one full-time judge shall be elected in 1957, and one full-time judge shall be elected in 1971.

In the Sandusky municipal court, one full-time judge shall be elected in 1953.

In the Shaker Heights municipal court, one full-time judge shall be elected in 1957.

In the Shelby municipal court, one part-time judge shall be elected in 1957.

In the Sidney municipal court, one full-time judge shall be elected in 1995.

In the South Euclid municipal court, one full-time judge shall be elected in 1999. The part-time judge elected in 1993, whose term commenced on January 1, 1994, shall serve until December 31, 1999, and the office of that judge is abolished on January 1, 2000.

In the Springfield municipal court, two full-time judges shall be elected in 1985, and one full-time judge shall be elected in 1983, all of whom shall serve as the judges of the Springfield municipal court through December 31, 1987, and as the judges of the Clark county municipal court from January 1, 1988, until the end of their respective terms.

In the Steubenville municipal court, one full-time judge shall be elected in 1953.

In the Stow municipal court, one full-time judge shall be elected in 2009, and one full-time judge shall be elected in 2013. Beginning January 1, 2009, the judge of the Cuyahoga Falls municipal court that existed prior to that date whose term commenced on January 1, 2008, shall serve as a full-time judge of the Stow municipal court until December 31, 2013. Beginning January 1, 2009, the judge of the Cuyahoga Falls municipal court that existed prior to that date whose term commenced on January 1, 2004, shall serve as a full-time judge of the Stow municipal court until December 31, 2009.

In the Struthers municipal court, one part-time judge shall be elected in 1963.

In the Sylvania municipal court, one full-time judge shall be elected in 1963.

In the Tiffin municipal court, one full-time judge shall be elected in 1953.

In the Toledo municipal court, two full-time judges shall be elected in 1971, four full-time judges shall be elected in 1975, and one full-time judge shall be elected in 1973.

In the Upper Sandusky municipal court, one ~~part-time~~ full-time judge shall be elected in ~~1957~~ 2011. The part-time judge elected in 2005, whose term commenced on January 1, 2006, shall serve as a full-time judge on and after January 1, 2008, until the expiration of that judge's term on December 31, 2011, and the office of that judge is abolished on January 1, 2012.

In the Vandalia municipal court, one full-time judge shall be elected in 1959.

In the Van Wert municipal court, one full-time judge shall be elected in 1957.

In the Vermilion municipal court, one part-time judge shall be elected in 1965.

In the Wadsworth municipal court, one full-time judge shall be elected in 1981.

In the Warren municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1971.

In the Washington Court House municipal court, one full-time judge shall be elected in 1999. The part-time judge elected in 1993, whose term commenced on January 1, 1994, shall serve until December 31, 1999, and the office of that judge is abolished on January 1, 2000.

In the Wayne county municipal court, one full-time judge shall be elected in 1975, and one full-time judge shall be elected in 1979.

In the Willoughby municipal court, one full-time judge shall be elected in 1951.

In the Wilmington municipal court, one full-time judge shall be elected in 1991, who shall serve as the judge of the Wilmington municipal court through June 30, 1992, and as the judge of the Clinton county municipal court from July 1, 1992, until the end of that judge's term on December 31, 1997.

In the Xenia municipal court, one full-time judge shall be elected in 1977.

In the Youngstown municipal court, one full-time judge shall be elected in 1951, and two full-time judges shall be elected in 1953.

In the Zanesville municipal court, one full-time judge shall be elected in 1953."

In line 1700, after "sections" insert "1901.08,"

In line 1776, after "5." insert "On and after January 1, 2008, the part-time judge of the Upper Sandusky Municipal Court shall serve as the full-time judge of the Upper Sandusky Municipal Court until the end of the judge's term, shall receive the salary specified in the Revised Code for the full-time judge of a municipal court, and shall be subject to any restriction specified in the Revised Code for the full-time judge of a municipal court.

**Section 6."**

In line 1 of the title, after "sections" insert "1901.08,"

In line 16 of the title, after the comma insert "to change the status of the judge of the Upper Sandusky Municipal Court from part-time to full-time,"

In line 18, delete "and"; after "2301.03" insert ", 2903.13, and 2903.21"

Between lines 1699 and 1700, insert:

"**Sec. 2903.13.** (A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(B) No person shall recklessly cause serious physical harm to another or to another's unborn.

(C) Whoever violates this section is guilty of assault. Except as otherwise



provided in division (C)(1), (2), (3), (4), or (5) of this section, assault is a misdemeanor of the first degree.

(1) Except as otherwise provided in this division, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, assault is a felony of the fourth degree. If the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, if the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.11 or 2903.16 of the Revised Code, and if in relation to the previous conviction the offender was a caretaker and the victim was a functionally impaired person under the offender's care, assault is a felony of the third degree.

(2) If the offense is committed in any of the following circumstances, assault is a felony of the fifth degree:

(a) The offense occurs in or on the grounds of a state correctional institution or an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction, the department of youth services, or a probation department or is on the premises of the particular institution for business purposes or as a visitor, and the offense is committed by a person incarcerated in the state correctional institution, by a person institutionalized in the department of youth services institution pursuant to a commitment to the department of youth services, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

(b) The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.

(c) The offense occurs off the grounds of a state correctional institution and off the grounds of an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction, the department of youth services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a state correctional institution or institutionalized in the department of youth services who temporarily is outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

(d) The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

(e) The victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs in a school, on school premises, in a school building, on a school bus, or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.

(f) The offense occurs in a courthouse or another building or structure in which a courtroom is located.

(3) If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties, assault is a felony of the fourth degree.

(4) If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation and if the victim suffered serious physical harm as a result of the commission of the offense, assault is a felony of the fourth degree, and the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least twelve months in duration.

(5) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

(D) As used in this section:

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.

(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.

(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.

(6) "School teacher or administrator" means either of the following:

(a) A person who is employed in the public schools of the state under a contract described in section 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.

(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.

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

(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.

(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.

(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.

**Sec. 2903.21.** (A) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.

(B) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this division, aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree. If the offense occurs in a courthouse or another building or structure in which a courtroom is located, aggravated menacing is a felony of the fifth degree."

In line 1700, delete "and"

In line 1701, after "2301.03" insert ", 2903.13, and 2903.21"

In line 1 of the title, delete the first "and"; after "2301.03" insert ", 2903.13, and 2903.21"

In line 16 of the title, after the comma insert "to make an assault or aggravated menacing committed in a courthouse a felony of the fifth degree,"

Attest:

Laura P. Clemens,  
Clerk.

Said amendments were laid over under the rule.

#### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

**Am. Sub. H. B. No. 177** -Representative Blessing - et al.

Attest:

Laura P. Clemens,  
Clerk.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, October 24, 2007 at 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,  
Clerk.