



**Am. Sub. S.B. 171**  
126th General Assembly  
(As Passed by the General Assembly)

**Sens. Coughlin, Zurz**

**Reps. Blessing, Boccieri, Coley, Combs, DeBose, C. Evans, Hughes, Key,  
Luckie, J. McGregor, Otterman, Williams**

**Effective date:** \*

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**ACT SUMMARY**

- Clarifies that the former township of Northampton is no longer within the jurisdiction of the Akron Municipal Court.
- Abolishes the Carroll County County Court and the part-time judgeship of that court on January 1, 2007, and creates the Carroll County Municipal Court in Carrollton to replace the abolished County Court.
- Provides that the Carroll County Municipal Court will be a county-operated municipal court with jurisdiction within Carroll County.
- Establishes one full-time judgeship in the Carroll County Municipal Court to be first elected in 2009 and provides that the judge of the former Carroll County County Court is to serve as the judge of the Carroll County Municipal Court until December 31, 2009.
- Creates the Erie County Municipal Court on January 1, 2008, and provides that the new court will be located in Milan or in any other municipal corporation or incorporated territory within Erie County that is within the territorial jurisdiction of the Erie County Municipal Court and is selected by the legislative authority of that court.

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

- Provides that the Erie County Municipal Court will be a county-operated municipal court and gives the new court jurisdiction within Erie County except within the townships of Florence, Huron, Perkins, and Vermilion and the municipal corporations of Bay View, Castalia, Huron, Sandusky, and Vermilion.
- Establishes one full-time judgeship in the Erie County Municipal Court with the judge being initially elected in 2007.
- Abolishes the Erie County County Court and the part-time judge of that court.
- Abolishes the Cuyahoga Falls Municipal Court and creates the Stow Municipal Court as its replacement effective January 1, 2009.
- Adds one judge to the Twelfth District Court of Appeals to be elected in 2008.
- Declares an emergency.

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## **CONTENT AND OPERATION**

### **Akron Municipal Court jurisdiction**

Under prior law, the territorial jurisdiction of the Akron Municipal Court included the township of Northampton, which no longer exists. The act removes Northampton from the court's jurisdiction. (R.C. 1901.02(B).)

### **Carroll County Municipal Court (and Carroll County County Court)**

#### **Prior law**

Prior law established a county court in Carroll County. The Carroll County County Court had exclusive original jurisdiction in civil actions for the recovery of sums not exceeding \$500 and original jurisdiction in civil actions for the recovery of sums not exceeding \$15,000. Generally, the Carroll County County Court also had criminal jurisdiction over misdemeanor cases. (R.C. 1907.01, 1907.02, and 1907.03--not in the act.) The Carroll County County Court was served by a part-time judge, most recently elected in 2006 (R.C. 1907.11).

### *Operation of the act*

The act establishes a municipal court in Carrollton and provides that beginning on January 1, 2007, the municipal court will be styled and known as the "Carroll County Municipal Court." Beginning on January 1, 2007, the Carroll County Municipal Court will have jurisdiction within Carroll County. (R.C. 1901.01(A) and 1901.02(A)(25) and (B).) Effective January 1, 2007, the Carroll County County Court is abolished (Section 6(A)).

Under the act, the part-time judge of the Carroll County County Court elected in 2006 will serve as the full-time judge of the new Carroll County Municipal Court through December 31, 2009, and one full-time judge will be elected in 2009 for the Carroll County Municipal Court. Candidates for the judgeship may be nominated only by petition. (R.C. 1901.07(C)(6) and 1901.08.)

The act provides that the clerk of the Carroll County Municipal Court is to be paid in biweekly installments out of the county treasury. The judge may appoint deputy clerks and fix their compensation, which is also to be paid in biweekly installments out of the county treasury. (R.C. 1901.31(C)(3) and (H).)

The act provides that the Carroll County Prosecuting Attorney is to prosecute in the Carroll County Municipal Court all violations of state law arising within the unincorporated areas of Carroll County. By operation of law, except as described in the preceding sentence, the village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of the Carroll County Municipal Court will prosecute all cases brought before the Court for criminal offenses occurring within the municipal corporation that the person serves. By operation of law, the Carroll County Prosecuting Attorney may enter into an agreement with any municipal corporation in the county pursuant to which the Prosecuting Attorney will prosecute all criminal cases brought before the Court for criminal offenses occurring within the municipal corporation. (R.C. 1901.34(A), (B), and (D).)

The act repeals the provision regarding the election of the part-time judge of the Carroll County County Court and provides in uncodified law that, effective January 1, 2007, the Carroll County County Court and the part-time judgeship in the Carroll County County Court are abolished. All causes, executions, and other proceedings pending in the Carroll County County Court at the close of business on December 31, 2006, will be transferred to and proceed in the Carroll County Municipal Court on January 1, 2007, as if originally instituted in the Carroll County Municipal Court. Parties to those causes, judgments, executions, and proceedings may make any amendments to their pleadings that are required to conform them to the rules of the Carroll County Municipal Court. The Clerk of the Carroll County County Court or other custodian will transfer to the Carroll

County Municipal Court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the possession of, or are subject to the jurisdiction of the Carroll County County Court, or any officer of that court, at the close of business on December 31, 2006, and that pertain to those causes, judgments, executions, and proceedings. All employees of the Carroll County County Court will be transferred to and will become employees of the Carroll County Municipal Court on January 1, 2007. (R.C. 1907.11 and Section 6.)

The act also provides that the "Carroll County Municipal Court" is a "county-operated municipal court" (R.C. 1901.03(F)). This designation as a county-operated court is significant in determining responsibility for funding the court and for paying the compensation of the court's judges and employees under R.C. 1901.024, 1901.026, 1901.10, 1901.11, 1901.111, 1901.121, 1901.14, 1901.26, 1901.261, 1901.262, 1901.311, 1901.312, 1901.32, 1901.33, and 1901.36, none of which are in the act.

### **Erie County Municipal Court (and Erie County County Court)**

#### **Prior law**

Prior law established a county court in Erie County. The Erie County County Court had exclusive original jurisdiction in civil actions for the recovery of sums not exceeding \$500 and original jurisdiction in civil actions for the recovery of sums not exceeding \$15,000. Generally, the Erie County County Court also had criminal jurisdiction over misdemeanor cases. (R.C. 1907.01, 1907.02, and 1907.03--not in the act.) The Erie County County Court was served by a part-time judge, most recently elected in 2000 (R.C. 1907.11).

#### **Operation of the act**

The act establishes a municipal court in the municipal corporation of Milan or in any other municipal corporation or unincorporated territory that is within Erie County, that is within the territorial jurisdiction of that court, and that is selected by the legislative authority of that court and provides that beginning on January 1, 2008, the municipal court will be styled and known as the "Erie County Municipal Court." Beginning on January 1, 2008, the Erie County Municipal Court will have jurisdiction within Erie County except within the townships of Florence, Huron, Perkins, and Vermilion and the municipal corporations of Bay View, Castalia, Huron, Sandusky, and Vermilion. (R.C. 1901.01(A), 1901.02(A), and 1901.02(A)(25) and (B).) By operation of law, upon the establishment of the Erie County Municipal Court with the specified jurisdiction, the former Erie County County Court will cease to exist (R.C. 1907.01--not in the act).

Under the act, one full-time judge will be elected for the new Erie County Municipal Court in 2007 (R.C. 1901.08).

The act provides that, beginning January 1, 2008, the Erie County Prosecuting Attorney is to prosecute in the Erie County Municipal Court all violations of state law arising within the unincorporated areas of Erie County. By operation of law, except as described in the preceding sentence, the village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of the Erie County Municipal Court will prosecute all cases brought before the Court for criminal offenses occurring within the municipal corporation that the person serves, and the village solicitor, city director of law, or similar chief legal officer of Milan or any other municipal corporation or unincorporated territory that is within Erie County, that is within the territorial jurisdiction of that court, and that is selected by the legislative authority of that court will prosecute all criminal cases brought before the Court arising in the unincorporated areas within the Court's territory. However, by operation of law, the Erie County Prosecuting Attorney may enter into an agreement with any municipal corporation in the County pursuant to which the Prosecuting Attorney will prosecute all criminal cases brought before the Court for criminal offenses occurring within the municipal corporation. (R.C. 1901.34(A), (B), and (D).)

The act modifies the provision regarding the election of the part-time judge of the Erie County County Court to make it effective only until December 31, 2007, and provides that, effective January 1, 2008, the Erie County County Court and the part-time judgeship in the Erie County County Court are abolished. All causes, executions, and other proceedings pending in the Erie County County Court at the close of business on December 31, 2007, will be transferred to and proceed in the Erie County Municipal Court on January 1, 2008, as if originally instituted in the Erie County Municipal Court. Parties to those causes, judgments, executions, and proceedings may make any amendments to their pleadings that are required to conform them to the rules of the Erie County Municipal Court. The Clerk of the Erie County County Court or other custodian will transfer to the Erie County Municipal Court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the possession of, or are subject to the jurisdiction of the Erie County County Court, or any officer of that court, at the close of business on December 31, 2007, and that pertain to those causes, judgments, executions, and proceedings. All employees of the Erie County County Court will be transferred to and will become employees of the Erie County Municipal Court on January 1, 2008. (R.C. 1907.11 and Section 7.)

The act also provides that, effective January 1, 2008, the "Erie County Municipal Court" is a "county-operated municipal court" (R.C. 1901.03(F)). This

designation as a county-operated court is significant in determining responsibility for funding the court and for paying the compensation of the court's judges and employees under R.C. 1901.024, 1901.026, 1901.10, 1901.11, 1901.111, 1901.121, 1901.14, 1901.26, 1901.261, 1901.262, 1901.311, 1901.312, 1901.32, 1901.33, and 1901.36, none of which are in the act.

### **Abolition of Cuyahoga Falls Municipal Court and creation of Stow Municipal Court**

Prior law established the Cuyahoga Falls Municipal Court, with jurisdiction within Boston, Hudson, Northfield Center, Sagamore Hills, and Twinsburg townships and the municipal corporations of Boston Heights, Cuyahoga Falls, Hudson, Munroe Falls, Northfield, Peninsula, Reminderville, Silver Lake, Stow, Tallmadge, Twinsburg, and Macedonia, in Summit County. The act abolishes the Cuyahoga Falls Municipal Court effective December 31, 2008, and creates as its replacement the Stow Municipal Court with the same territorial jurisdiction effective January 1, 2009. (R.C. 1901.01(E) and (F) and 1901.02(B) and Section 8.)

Effective January 1, 2009, the act abolishes the two full-time judgeships of the Cuyahoga Falls Municipal Court, names the judges who are elected to those judgeships in 2003 and 2007 as full-time judges of the Stow Municipal Court until December 31, 2009, and December 31, 2013, and transfers the employees and pending proceedings of the Cuyahoga Falls Municipal Court to the Stow Municipal Court. The act provides for the election of one full-time judge for the Stow Municipal Court in 2009 and one in 2013. The act eliminates, effective January 1, 2009, language in existing law relating to the election of the clerk of the Cuyahoga Falls Municipal Court and by default applies to the election of the clerk of the Stow Municipal Court the general provisions relating to the election of municipal court clerks. (R.C. 1901.08 and 1901.31(A)(1)(a) and (f) and Section 8.)

### **Additional judge for Twelfth District Court of Appeals**

Under prior law, the Twelfth District Court of Appeals had four judges. The act adds a fifth judge to be elected in 2008 for a term beginning on January 1, 2009. (R.C. 2501.012.)

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## HISTORY

ACTION	DATE
Introduced	08-18-05
Reported, S. Judiciary--Civil Justice	10-26-05
Passed Senate (31-0)	10-26-05
Reported, H. Judiciary	12-12-06
Passed House (87-1)	12-14-06
Senate concurred in House amendments (29-1)	12-14-06

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