



Ohio Legislative Service Commission

Bill Analysis

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H.B. 303

128th General Assembly
(As Introduced)

Reps. Dyer, Letson, Koziura, Murray, Boyd, Luckie

BILL SUMMARY

- Authorizes the Attorney General to dissolve a mayor's court that is operating in violation of statutory population, training, or registration requirements.

CONTENT AND OPERATION

Population, training, and registration requirements for mayor's courts

Under existing law, not changed by the bill, a mayor's court has jurisdiction to hear cases involving violations of municipal ordinances and, with certain exceptions, state traffic laws. A municipal corporation may establish a mayor's court if the municipal corporation has a population of more than 100 and is neither the site of a municipal court nor a place where a judge of a municipal court that has territorial jurisdiction outside the municipal corporation sits.¹ A mayor who conducts a mayor's court and who wishes to exercise jurisdiction over a prosecution or criminal cause involving a violation of R.C. 4511.19 (operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them or under the influence of a listed controlled substance or a listed metabolite of a controlled substance) or a similar municipal ordinance must meet educational standards prescribed by the Supreme Court. The mayor must register annually with the Supreme Court not later than the January 15 in any year in which the mayor conducts a mayor's court or at least 15 days before the mayor first conducts a mayor's court in a particular year, whichever is later. The registration must include the name of the mayor, the name of any magistrate appointed

¹ With regard to places where a judge of a municipal court sits, R.C. 1905.01(A) and (B) refer expressly to the countywide municipal courts of Auglaize, Crawford, Jackson, Miami, Portage, and Wayne counties, which by law must have judges sit in multiple locations, and to other municipal courts that may designate places within their territorial jurisdiction where a judge will sit. See R.C. 1901.021.

by the mayor to conduct the mayor's court, and the dates on which the mayor and magistrate last received the training prescribed by the Supreme Court.² (R.C. 1905.01(A) and (B), 1905.031(A), and 1905.033(A).)

Dissolution of a mayor's court

The bill authorizes the Attorney General to serve a notice of noncompliance on the mayor of a municipal corporation that has a mayor's court if the municipal corporation does not have a population of more than 100 according to the most recent federal decennial census, the mayor or magistrate of the mayor's court has not complied with the training requirements prescribed by the Supreme Court, or the mayor has not registered with the Supreme Court. The notice must state that the mayor's court is being conducted in violation of the law, specify the nature of the violation, and advise that the mayor's court will be dissolved if the violation is not rectified within 60 days after receipt of the notice. (R.C. 1905.06(A).)

If a mayor's court continues to operate for more than 60 days after the mayor receives a notice of violation, the Attorney General may dissolve it. All causes, executions, and other proceedings pending in the mayor's court at the close of business on the date of dissolution will be transferred to and proceed in the municipal court or county court having territorial jurisdiction over the municipal corporation. Parties to those causes, executions, and proceedings may make any amendments to their pleadings that are required to conform them to the rules of transferee court. The clerk or other custodian of the mayor's court must transfer to the municipal court or county court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, money, property, and persons that belong to, are in the possession of, or are subject to the jurisdiction of the mayor's court, or any officer of that court, at the close of business on the date of dissolution and that pertain to those causes, executions, and proceedings. (R.C. 1905.06(B).)

The bill requires the Attorney General to adopt rules in accordance with R.C. Chapter 119. to implement the dissolution provisions (R.C. 1905.06(C)).

² Neither R.C. 1905.031, which authorizes the Supreme Court to adopt educational standards for mayors who conduct mayor's courts, nor R.C. 1905.05, which authorizes mayors to appoint lawyer-magistrates to conduct mayor's courts, explicitly requires magistrates to receive training prescribed by the Supreme Court. However, Rules 2 and 3 of the Ohio Mayor's Court Education and Procedure Rules adopted by the Supreme Court require magistrates who do not have specified experience as either judges or magistrates of other courts to receive the training.

HISTORY

ACTION

DATE

Introduced

10-06-09

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