



Ohio Legislative Service Commission

Bill Analysis

Wendy H. Gridley

Sub. H.B. 433*

129th General Assembly

(As Reported by S. State and Local Government and Veterans' Affairs)

Rep. Damschroder

BILL SUMMARY

- Abolishes the Sandusky County County Court, and replaces it, effective January 1, 2013, with the Sandusky County Municipal Court, which will be a county-operated municipal court.
- Creates a full-time municipal court judgeship for the Sandusky County Municipal Court, with the judge to be nominated by petition and elected in 2013 for a six-year term of office, beginning January 1, 2014.
- Requires the two part-time judges of the defunct Sandusky County County Court to serve as part-time judges of the Sandusky County Municipal Court until December 31, 2013, and if a judgeship vacancy occurs on or before that date, the person who is the remaining judge serves as the full-time judge until that date.
- Designates the Sandusky County Clerk of Courts as the clerk of the Sandusky County Municipal Court.
- Abolishes the Trumbull County County Court, and replaces it, effective January 1, 2013, with the Trumbull County Municipal Court, which will be a county-operated municipal court.
- Creates a full-time municipal court judgeship for the Trumbull County Municipal Court, with the judge to be nominated by petition and elected in 2017 for a six-year term of office, beginning January 1, 2018.

* This analysis was prepared before the report of the Senate State and Local Government and Veterans' Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Requires the two part-time judges of the defunct Trumbull County County Court to serve as part-time judges of the Trumbull County Municipal Court until December 31, 2012, and provides that beginning on January 1, 2013, the part-time judge of the Trumbull County County Court who was elected in 2010 must serve as the full-time judge of the Trumbull County Municipal Court until December 31, 2017.

CONTENT AND OPERATION

Creation of Sandusky County Municipal Court and creation of Trumbull County Municipal Court

Sandusky County Municipal Court

The bill establishes a municipal court in Sandusky County, effective January 1, 2013, in any municipal corporation or unincorporated territory within Sandusky County that is selected by the legislative authority of the court, except in the municipal corporations of Bellevue and Fremont and in Ballville, Sandusky, and York townships.¹ The court is to be known as the Sandusky County Municipal Court,² and has jurisdiction within all of Sandusky County, except within the municipal corporations of Bellevue and Fremont and Ballville, Sandusky, and York townships.³ The Sandusky County Municipal Court will be a county-operated municipal court. As such, Sandusky County will be responsible for all costs of operating the Court.⁴

The Sandusky County Municipal Court replaces the Sandusky County County Court. The bill requires that the Sandusky County County Court's two part-time judges that were elected in 2006 serve that Court until December 31, 2012. The Sandusky County County Court ceases to exist on January 1, 2013.⁵

Trumbull County Municipal Court

The bill establishes a municipal court in Trumbull County, effective January 1, 2013, in any municipal corporation or unincorporated territory within Trumbull County, except the municipal corporations of Girard, McDonald, Newton Falls, Niles, and Warren and Bloomfield, Braceville, Bristol, Champion, Farmington, Howland, Hubbard, Liberty, Lordstown, Mesopotamia, Newton, Southington, Vienna, Warren,

¹ R.C. 1901.01(H).

² R.C. 1901.02(A)(30).

³ R.C. 1901.02(B).

⁴ R.C. 1901.03(F).

⁵ R.C. 1907.11.

and Weathersfield townships, that is selected by the legislative authority of that court.⁶ The court is to be known as the Trumbull County Municipal Court⁷ and has jurisdiction within all of Trumbull County except within the municipal corporations of Girard, McDonald, Newton Falls, Niles, and Warren and Bloomfield, Braceville, Bristol, Champion, Farmington, Howland, Hubbard, Liberty, Lordstown, Mesopotamia, Newton, Southington, Vienna, Warren, and Weatherfield townships.⁸ The Trumbull County Municipal Court will be a county-operated municipal court. As such, Trumbull County will be responsible for all costs of operating the Court.⁹

The Trumbull County Municipal Court replaces the Trumbull County County Court. The bill requires that the Trumbull County County Court's two-part time judges that were elected in 2006 and 2010 serve that Court until December 31, 2012. The Trumbull County County Court ceases to exist on January 1, 2013.¹⁰

Judges

Beginning on January 1, 2013, the two part-time judges of the defunct Sandusky County County Court must serve as part-time judges of the Sandusky County Municipal Court until December 31, 2013. If either judgeship becomes vacant before January 1, 2014, that judgeship is abolished on the date it becomes vacant, and the person who holds the other judgeship must serve as the full-time judge of the Sandusky County Municipal Court until December 31, 2013.¹¹ Beginning on January 1, 2013, the part-time judge of the Trumbull County County Court that existed prior to that date and who was elected in 2010 must serve as the full-time judge of the Trumbull County Municipal Court until December 31, 2017.¹²

One full-time judge must be elected as the Sandusky County Municipal Court judge in 2013, to take office January 1, 2014, and to serve a term of six years. One full-time judge must be elected as the Trumbull County Municipal Court judge in 2017, to take office January 1, 2018, and to serve a term of six years. Those judges must be

⁶ R.C. 1901.01(I).

⁷ R.C. 1901.02(A)(31).

⁸ R.C. 1901.02.

⁹ R.C. 1901.03(F).

¹⁰ R.C. 1907.11.

¹¹ R.C. 1901.08.

¹² R.C. 1901.08.

nominated by a petition that is signed by at least 50 electors of the territory of the Court.¹³

Designation of clerk

Under the bill, the Clerk of Courts of Sandusky County becomes the clerk of the Sandusky County Municipal Court and assumes the duties of that office. The clerk may appoint a chief deputy clerk for each branch office and assistant clerks as the judge of the court determines are necessary, all of whom are to receive the compensation prescribed by the legislative authority. The clerk will receive additional semi-monthly compensation for serving as the Sandusky County Municipal Court Clerk at one-fourth the rate prescribed for clerks of courts of common pleas, as required by continuing law.¹⁴

Transition provisions

Sandusky County Municipal Court

The bill provides that effective January 1, 2013, the Sandusky County County Court is abolished. It further provides that all causes, executions, and other proceedings pending in the Sandusky County County Court at the close of business on December 31, 2012, must be transferred to and proceed in the Sandusky County Municipal Court on January 1, 2013, as if originally instituted in the Sandusky 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 Sandusky County Municipal Court. The Clerk of the Sandusky County County Court or other custodian must transfer to the Sandusky 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 Sandusky County County Court, or any officer of that court, at the close of business on December 31, 2012, and that pertain to those causes, judgments, executions, and proceedings.

The bill requires that all employees of the Sandusky County County Court be transferred to and become employees of the Sandusky County Municipal Court on January 1, 2013. It also states that effective January 1, 2013, the part-time judgeships in the Sandusky County County Court are abolished. (Section 3.)

¹³ R.C. 1901.07(A) and (C)(6) and 1901.08.

¹⁴ R.C. 1901.31(A)(2)(c).

Trumbull County Municipal Court

The bill provides that effective January 1, 2013, the Trumbull County County Court is abolished. It further provides that all causes, executions, and other proceedings pending in the Trumbull County County Court at the close of business on December 31, 2012, must be transferred to and proceed in the Trumbull County Municipal Court on January 1, 2013, as if originally instituted in the Trumbull 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 Trumbull County Municipal Court. The Clerk of the Trumbull County County Court or other custodian must transfer to the Trumbull 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 Trumbull County County Court, or any officer of that court, at the close of business on December 31, 2012, and that pertain to those causes, judgments, executions, and proceedings.

The bill requires that all employees of the Trumbull County County Court be transferred to and become employees of the Trumbull County Municipal Court on January 1, 2013. It also states that effective January 1, 2013, the part-time judgeship in the Trumbull County County Court is abolished. (Section 4.)

HISTORY

ACTION	DATE
Introduced	01-31-12
Reported, H. Local Government	05-03-12
Passed House (96-0)	05-15-12
Reported, S. State and Local Government and Veterans' Affairs	---

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