



Ohio Legislative Service Commission

Bill Analysis

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Am. H.B. 523

129th General Assembly
(As Reported by H. Judiciary and Ethics)

Reps. Combs, McGregor, Murray, Terhar

BILL SUMMARY

- Increases the population a municipal corporation must have in order to have a mayor's court from more than 100 to more than 1,000, eliminates the express authorization for mayor's courts in Georgetown and Mount Gilead, and exempts any municipal corporation located on an island in Lake Erie from the minimum population requirement.
- Provides for the transfer of cases from mayor's courts that are abolished due to the new population requirement to the appropriate municipal courts, county courts, or courts of common pleas.

CONTENT AND OPERATION

Required population for mayor's court

Mayor's courts may hear cases involving violations of municipal ordinances and certain state traffic laws. In general, Ohio law allows the mayor of a municipal corporation having a population of more than 100 to conduct a mayor's court if the municipal corporation is not the site of a municipal court or of a "branch office" of certain county-wide municipal courts (Auglaize, Crawford, Jackson, Miami, Montgomery, Portage, and Wayne). Current law expressly allows Georgetown in Brown County and Mount Gilead in Morrow County to have mayor's courts regardless of their populations, and it prohibits Batavia in Clermont County from having a mayor's court.¹

¹ R.C. 1905.01.

The bill raises the population requirement for a mayor's court from more than 100 to more than 1,000. It also eliminates the specific authorization for mayor's courts in Georgetown and Mount Gilead, each of which has a population exceeding 3,000. It also exempts any municipal corporation located on an island in Lake Erie from the minimum population requirement. Therefore, it allows any such municipal corporation to have a mayor's court regardless of its population.²

Transfer of cases from abolished mayor's courts

The bill provides that upon its effective date within each municipal corporation with a population of 1,000 or less other than a municipal corporation located on an island in Lake Erie the jurisdiction of the mayor in all civil and criminal causes that otherwise was granted prior to that effective date terminates. The bill provides for the transfer of cases from those mayor's courts in municipal corporations that fail to meet the new population threshold to other courts. On the bill's effective date, every proceeding then pending in such mayor's courts is transferred to and proceeds in the municipal court, county court, or court of common pleas with jurisdiction over the alleged violation that is the basis of the prosecution, case, cause, or proceeding, as if the prosecution, case, cause, or proceeding originally had been instituted in that court. When a prosecution, case, cause, or proceeding is transferred, the mayor must transfer to the appropriate court all the pertinent pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the possession of, or were subject to the jurisdiction of the mayor and pertain to the transferred prosecution, case, cause, or proceeding.³

HISTORY

ACTION	DATE
Introduced	04-24-12
Reported, H. Judiciary & Ethics	11-28-12

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² R.C. 1905.01(A), (B), and (C)(1).

³ Section 3.

