



Ohio Legislative Service Commission

Bill Analysis

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S.B. 254

129th General Assembly
(As Introduced)

Sen. Patton

BILL SUMMARY

- Increases from more than 100 to more than 200 the population necessary for a municipal corporation to have a mayor's court and have jurisdiction over certain specified matters.
- Allows any municipal corporation located entirely on an island in Lake Erie to establish a mayor's court and to have jurisdiction over certain specified matters.
- Provides for the transfer to the appropriate municipal, county, or common pleas court of cases that prior to the effective date of the bill were under the jurisdiction of a mayor's court located in a municipal corporation with a population of 200 or less, except for any mayor's court located in a municipal corporation located entirely on an island in Lake Erie.

CONTENT AND OPERATION

Jurisdiction of mayor's courts

Mayor's courts are courts authorized by statute but are not courts of record. The General Assembly's authority to create and abolish mayor's courts is conferred by the Ohio Constitution. Currently, the mayor in Georgetown in Brown County, in Mount Gilead in Morrow County, and in all other municipal corporations having a population of more than one hundred, other than Batavia in Clermont County, not being the site of a municipal court nor a place where a judge of the Auglaize County, Crawford County, Jackson County, Miami County, Montgomery County, Portage County, or Wayne County municipal courts sits as required under R.C. 1901.021 or by designation of the judges pursuant to that section has jurisdiction to hear specified criminal and traffic

cases. A mayor does not have to exercise this jurisdiction by establishing a mayor's court. See *State ex rel Boston Heights, vs. Petsche* (Summit 1985), 27 Ohio App. 3d 106.

Mayor's courts have limited criminal jurisdiction. Mayor's courts generally may hear and determine municipal ordinance violations, noncriminal parking violation cases not handled by a parking violations bureau or joint parking violations bureau, and all criminal causes involving any moving traffic violation occurring on a state highway located within the boundaries of the municipal corporation, subject to certain limitations. Mayor's courts also have jurisdiction, subject to certain limitations, to hear and determine prosecutions involving a violation of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or relating to operating a vehicle with a prohibited concentration of alcohol a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine (municipal OVI), and to hear and determine criminal causes involving a violation of R.C. 4511.19 (state OVI) that occur on a state highway located within the boundaries of the municipal corporation, subject to certain specified limitations. Mayor's courts lack jurisdiction over certain repeat OVI offender cases and certain repeat cases involving the operation of a motor vehicle while a driver's or commercial driver's license or permit or a nonresident's operating privilege was suspended or revoked.¹

The bill increases the population necessary for a municipal corporation to have a mayor's court and to have jurisdiction over the matters described in the preceding paragraph from more than 100 to more than 200. The bill also allows any municipal corporation located entirely on an island in Lake Erie to establish a mayor's court and have jurisdiction over the matters described in the preceding paragraph. Put-in-Bay village currently has a population of 138 (according to the 2010 census) and is located entirely on South Bass Island.²

Termination and transfer of civil and criminal causes

The bill provides that, upon the effective date of the bill, within each municipal corporation with a population of 200 or less, except for any municipal corporation located entirely on an island in Lake Erie, the jurisdiction of the mayor in all civil and criminal causes that otherwise was granted under R.C. 1905.01 prior to the effective date of the bill terminates. Upon the effective date of the bill, all prosecutions, cases, criminal causes, and other proceedings then pending in a mayor's court of a municipal corporation that has a population of 200 or less and is not located entirely on an island

¹ R.C. 1905.01.

² R.C. 1905.01(A) and (B).

in Lake Erie must be transferred to and proceed 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 the municipal court, county court, or court of common pleas.³

Transfer of information

Under the bill, upon the transfer of a prosecution, case, criminal cause, or other proceeding to a municipal court, county court, or court of common pleas, the mayor of the municipal corporation before whom the prosecution, case, cause, or proceeding was pending upon the effective date of the bill must transfer to the municipal court, county court, or court of common pleas the 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 that pertain to the transferred prosecution, case, cause, or proceeding.⁴

HISTORY

ACTION	DATE
Introduced	11-09-11

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³ Section 3(A).

⁴ Section 3(B).

