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Representatives Craig, Seitz

Cosponsors: Representatives West, Leland, Young, Retherford, Sheehy, Patterson, Smith, K., Antonio, Celebrezze, Boccieri, Cera, O'Brien, Howse, Boggs, Ashford, Sykes, Rogers, Boyd, Manning, Rezabek, Arndt, Barnes, Blessing, Brenner, Dever, Gavarone, Ginter, Goodman, Green, Hambley, Holmes, Householder, Ingram, Johnson, Kick, McColley, Patton, Ramos, Reineke, Roegner, Schaffer, Slaby, Smith, R., Sprague, Stein, Sweeney, Thompson, Wiggam

A BILL

To amend sections 1901.20, 1907.02, and 4513.39 and 1
to enact section 4511.072 of the Revised Code to 2
specify the jurisdiction of municipal and county 3
courts over municipal traffic ordinances, to 4
clarify that certain township officers do not 5
have the authority to enforce traffic and motor 6
vehicle equipment violations on interstate 7
highways, and to establish requirements 8
governing fines, fees, or other charges for 9
traffic violations and infractions imposed by a 10
municipal corporation that does not have the 11
authority to establish a mayor's court. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1901.20, 1907.02, and 4513.39 be 13
amended and section 4511.072 of the Revised Code be enacted to 14
read as follows: 15

Sec. 1901.20. (A) (1) The municipal court has jurisdiction 16
to hear misdemeanor cases committed within its territory and has 17
jurisdiction over the violation of any nontraffic related 18
ordinance of any municipal corporation within its territory. 19

(2) The municipal court has exclusive jurisdiction over 20
all violations or infractions of every traffic ordinance of each 21
municipal corporation within the territory of the court unless: 22

(a) The mayor of the municipal corporation has 23
jurisdiction over the violation or infraction pursuant to 24
section 1905.01 of the Revised Code, unless 25

~~the~~ (b) The violation is a civil violation based upon 26
evidence recorded by a traffic law photo-monitoring device and a 27
ticket is issued pursuant to division (B) (3) of section 4511.093 28
of the Revised Code ~~or the~~. 29

~~violation is required to be handled by a parking~~ 30
~~violations bureau or joint parking violations bureau pursuant to~~ 31
~~Chapter 4521. of the Revised Code. However, the~~ (3) The 32
municipal court has jurisdiction over the violation of a vehicle 33
parking or standing resolution or regulation if a local 34
authority, as defined in division (D) of section 4521.01 of the 35
Revised Code, has specified that it is not to be considered a 36
criminal offense, if the violation is committed within the 37
limits of the court's territory, and if the violation is not 38
required to be handled by a parking violations bureau or joint 39
parking violations bureau pursuant to Chapter 4521. of the 40
Revised Code. However, a municipal court does not have 41
jurisdiction over a violation required to be handled by a 42
parking violations bureau or joint parking violations bureau 43
pursuant to Chapter 4521. of the Revised Code. 44

(4) The municipal court, if it has a housing or 45
environmental division, has jurisdiction over any criminal 46
action over which the housing or environmental division is given 47
jurisdiction by section 1901.181 of the Revised Code, provided 48
that, except as specified in division (B) of that section, no 49
judge of the court other than the judge of the division shall 50
hear or determine any action over which the division has 51
jurisdiction. In all such prosecutions and cases, the court 52
shall proceed to a final determination of the prosecution or 53
case. 54

~~(2)~~ (B) A judge of a municipal court does not have the 55
authority to dismiss a criminal complaint, charge, information, 56
or indictment solely at the request of the complaining witness 57
and over the objection of the prosecuting attorney, village 58
solicitor, city director of law, or other chief legal officer 59
who is responsible for the prosecution of the case. 60

~~(B)~~ (C) The municipal court has jurisdiction to hear 61
felony cases committed within its territory. In all felony 62
cases, the court may conduct preliminary hearings and other 63
necessary hearings prior to the indictment of the defendant or 64
prior to the court's finding that there is probable and 65
reasonable cause to hold or recognize the defendant to appear 66
before a court of common pleas and may discharge, recognize, or 67
commit the defendant. 68

~~(C)~~ (D) (1) A municipal court has jurisdiction over an 69
appeal from a judgment or default judgment entered pursuant to 70
Chapter 4521. of the Revised Code, as authorized by division (D) 71
of section 4521.08 of the Revised Code. The appeal shall be 72
placed on the regular docket of the court and shall be 73
determined by a judge of the court. 74

(2) A municipal court has jurisdiction over an appeal of a written decision rendered by a hearing officer under section 4511.099 of the Revised Code if the hearing officer that rendered the decision was appointed by a local authority within the jurisdiction of the court.

Sec. 1907.02. (A) (1) In addition to other jurisdiction granted a county court in the Revised Code, a county court has jurisdiction of all misdemeanor cases. A county court has jurisdiction to conduct preliminary hearings in felony cases, to bind over alleged felons to the court of common pleas, and to take other action in felony cases as authorized by Criminal Rule 5.

(2) A judge of a county court does not have the authority to dismiss a criminal complaint, charge, information, or indictment solely at the request of the complaining witness and over the objection of the prosecuting attorney, village solicitor, city director of law, or other chief legal officer who is responsible for the prosecution of the case.

(B) A county court has jurisdiction of the violation of a vehicle parking or standing ordinance, resolution, or regulation if a local authority, as defined in division (D) of section 4521.01 of the Revised Code, has specified that it is not to be considered a criminal offense, if the violation is committed within the limits of the court's territory, and if the violation is not required to be handled by a parking violations bureau or joint parking violations bureau pursuant to Chapter 4521. of the Revised Code. A county court does not have jurisdiction over violations of ordinances, resolutions, or regulations that are required to be handled by a parking violations bureau or joint parking violations bureau pursuant to that chapter.

A county court also has jurisdiction of an appeal from a judgment or default judgment entered pursuant to Chapter 4521. of the Revised Code, as authorized by division (D) of section 4521.08 of the Revised Code. Any such appeal shall be placed on the regular docket of the court and shall be determined by a judge of the court.

(C) A county court has jurisdiction over an appeal of a written decision rendered by a hearing officer under section 4511.099 of the Revised Code if the hearing officer that rendered the decision was appointed by a local authority within the jurisdiction of the court.

(D) Except as provided in division (B) of this section, a county court has exclusive jurisdiction over all violations or infractions of every traffic ordinance within the territory of the court, unless the violation or infraction is a civil violation based upon evidence recorded by a traffic law photo-monitoring device and a ticket is issued pursuant to division (B) (3) of section 4511.093 of the Revised Code or the mayor of a municipal corporation has jurisdiction over the violation or infraction pursuant to section 1905.01 of the Revised Code.

Sec. 4511.072. (A) A municipal corporation that does not have the authority to establish a mayor's court under section 1905.01 of the Revised Code shall not impose a fine, fee, or other charge for a traffic violation or infraction that exceeds the applicable fine, fee, or other charge for the substantially equivalent state violation established pursuant to Traffic Rule 13(C) by the municipal or county court having territorial jurisdiction over the location of the violation or infraction.

(B) A municipal corporation that does not have the authority to establish a mayor's court under section 1905.01 of

the Revised Code shall not charge a fine, fee, or other charge 135
for a traffic violation or infraction that is not included in 136
the schedule of fines for state violations established pursuant 137
to Traffic Rule 13(C) by the municipal or county court having 138
territorial jurisdiction over the location of the violation or 139
infraction. 140

Sec. 4513.39. (A) The state highway patrol and sheriffs or 141
their deputies shall exercise, to the exclusion of all other 142
peace officers except within municipal corporations and except 143
as specified in division (B) of this section and division (E) of 144
section 2935.03 of the Revised Code, the power to make arrests 145
for violations on all state highways, of sections 4503.11, 146
4503.21, 4511.14 to 4511.16, 4511.20 to 4511.23, 4511.26 to 147
4511.40, 4511.42 to 4511.48, 4511.58, 4511.59, 4511.62 to 148
4511.71, 4513.03 to 4513.13, 4513.15 to 4513.22, 4513.24 to 149
4513.34, 4549.01, 4549.08 to 4549.12, and 4549.62 of the Revised 150
Code. 151

(B) A member of the police force of a township police 152
district created under section 505.48 of the Revised Code or of 153
a joint police district created under section 505.482 of the 154
Revised Code, and a township constable appointed pursuant to 155
section 509.01 of the Revised Code, who has received a 156
certificate from the Ohio peace officer training commission 157
under section 109.75 of the Revised Code, shall exercise the 158
power to make arrests for violations of those sections listed in 159
division (A) of this section, other than sections 4513.33 and 160
4513.34 of the Revised Code, as follows: 161

(1) If the population of the township that created the 162
township or joint police district served by the member's police 163
force or the township that is served by the township constable 164

is fifty thousand or less, the member or constable shall 165
exercise that power on those portions of all state highways, 166
including those highways that are part of the national highway 167
system but that are not part of the interstate system, that are 168
located within the township or joint police district, in the 169
case of a member of a township or joint police district police 170
force, or within the unincorporated territory of the township, 171
in the case of a township constable; 172

(2) If the population of the township that created the 173
township or joint police district served by the member's police 174
force or the township that is served by the township constable 175
is greater than fifty thousand, the member or constable shall 176
exercise that power on those portions of all state highways, 177
including any highway that is a part of the interstate highway 178
system or otherwise a part of the national highway system, that 179
are located within the township or joint police district, in the 180
case of a member of a township or joint police district police 181
force, or within the unincorporated territory of the township, 182
in the case of a township constable. 183

(C) No member of the police force of a township police 184
district created under section 505.48 of the Revised Code, 185
member of a joint police district created under section 505.482 186
of the Revised Code, or township constable appointed pursuant to 187
section 509.01 of the Revised Code, shall enforce a law of this 188
state, an ordinance of a municipal corporation, or a resolution 189
of a township governing the operation of, or the equipment 190
requirements for, a motor vehicle on any highway that is part of 191
the interstate system if the population of the township that 192
created the township or joint police district served by the 193
member's police force or the township that is served by the 194
township constable is fifty thousand or less. 195

Section 2. That existing sections 1901.20, 1907.02, and 196
4513.39 of the Revised Code are hereby repealed. 197