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Representatives Kasputis, Boyd, Williams, Ford, Colonna, Garcia, Corbin,
Patton, Sulzer, Allen, Verich, Brady, Ogg, Perz, Prentiss, Roberts

A B I L L

To amend sections 1901.261 and 1901.31 of the Revised 1
Code to make each elected municipal court clerk 2
responsible for the management, maintenance, 3
operation, and modernization of the computer 4
systems of the clerk's office. 5

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

Section 1. That sections 1901.261 and 1901.31 of the Revised 6
Code be amended to read as follows: 7

Sec. 1901.261. (A)(1) A municipal court may determine that 8
for the efficient operation of the court additional funds are 9
required to computerize the court, to make available computerized 10
legal research services, or to do both. Upon making a 11
determination that additional funds are required for either or 12
both of those purposes, the court shall include in its schedule of 13
fees and costs under section 1901.26 of the Revised Code one 14
additional fee not to exceed three dollars on the filing of each 15
cause of action or appeal equivalent to one described in division 16
(A), (Q), or (U) of section 2303.20 of the Revised Code and shall 17
direct the clerk of the court to charge the fee. 18

(2) All fees collected under this section shall be paid to 19

the county treasurer if the court is a county-operated municipal
court or to the city treasurer if the court is not a
county-operated municipal court. The treasurer shall ~~place~~ deposit
~~the funds from the~~ fees in a separate fund to be disbursed upon
APPLICATION BY THE CLERK IF THE CLERK OF THE COURT IS ELECTED OR
UPON an order of the court IF THE CLERK OF THE COURT IS APPOINTED,
in an amount not greater than the actual cost to the court of
~~computerizing~~ procuring, managing, maintaining, operating, and
modernizing the computerization of the court, procuring and
~~maintaining~~ computerized legal research services, or both.

(3) If the court determines that the ~~funds~~ moneys in the fund
described in division (A)(2) of this section are more than
sufficient to satisfy the purpose for which the additional fee
described in division (A)(1) of this section was imposed, the
court may declare a surplus in the fund and expend ~~those~~ the
surplus ~~funds~~ for other appropriate technological expenses of the
court.

(B)(1) A municipal court may determine that, for the
efficient operation of the court, additional funds are required to
computerize the office of the clerk of the court and, upon that
determination, may include in its schedule of fees and costs under
section 1901.26 of the Revised Code an additional fee not to
exceed ten dollars on the filing of each cause of action or
appeal, on the filing, docketing, and endorsing of each
certificate of judgment, or on the docketing and indexing of each
aid in execution or petition to vacate, revive, or modify a
judgment that is equivalent to one described in division (A), (P),
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject
to division (B)(2) of this section, all moneys collected under
division (B)(1) of this section shall be paid to the county
treasurer if the court is a county-operated municipal court or to

the city treasurer if the court is not a county-operated municipal
court. The treasurer shall place deposit the ~~funds from the~~ fees
in a separate fund ~~to be disbursed~~, AND SHALL DISBURSE THE FUND
UPON APPLICATION BY THE CLERK IF THE CLERK OF THE COURT IS ELECTED
OR upon an order of the municipal court IF THE CLERK OF THE COURT
IS APPOINTED, and subject to an appropriation by the board of
county commissioners if the court is a county-operated municipal
court or by the legislative authority of the municipal corporation
if the court is not a county-operated municipal court, in an
amount no greater than the actual cost to the court of procuring
~~and, managing,~~ maintaining, operating, and modernizing the
computer systems ~~for~~ of the office of the clerk of the ~~municipal~~
court.

(2) If a municipal court makes the determination described in
division (B)(1) of this section, the board of county commissioners
of the county if the court is a county-operated municipal court or
the legislative authority of the municipal corporation in which
the court is located if the court is not a county-operated
municipal court, may issue one or more general obligation bonds
for the purpose of procuring ~~and, managing,~~ maintaining,
operating, and modernizing the computer systems ~~for~~ of the office
of the clerk of the ~~municipal~~ court. In addition to the purposes
stated in division (B)(1) of this section for which the moneys
collected under that division may be expended, the moneys
additionally may be expended to pay debt charges and financing
costs related to any general obligation bonds issued pursuant to
division (B)(2) of this section as they become due. General
obligation bonds issued pursuant to division (B)(2) of this
section are Chapter 133. securities.

Sec. 1901.31. The clerk and deputy clerks of a municipal
court shall be selected, be compensated, give bond, and have

powers and duties as follows: 83

(A) There shall be a clerk of the court who is appointed or 84
elected as follows: 85

(1)(a) Except in the Akron, Clermont county, Hamilton county, 86
Portage county, and Wayne county municipal courts, if the 87
population of the territory equals or exceeds one hundred thousand 88
at the regular municipal election immediately preceding the 89
expiration of the term of the present clerk, the clerk shall be 90
nominated and elected by the qualified electors of the territory 91
in the manner that is provided for the nomination and election of 92
judges in section 1901.07 of the Revised Code. 93

The clerk so elected shall hold office for a term of six 94
years, which term shall commence on the first day of January 95
following the clerk's election and continue until the clerk's 96
successor is elected and qualified. 97

(b) In the Hamilton county municipal court, the clerk of 98
courts of Hamilton county shall be the clerk of the municipal 99
court and may appoint an assistant clerk who shall receive the 100
compensation, payable out of the treasury of Hamilton county in 101
semimonthly installments, that the board of county commissioners 102
prescribes. The clerk of courts of Hamilton county, acting as the 103
clerk of the Hamilton county municipal court and assuming the 104
duties of that office, shall receive compensation at one-fourth 105
the rate that is prescribed for the clerks of courts of common 106
pleas as determined in accordance with the population of the 107
county and the rates set forth in sections 325.08 and 325.18 of 108
the Revised Code. This compensation shall be paid from the county 109
treasury in semimonthly installments and is in addition to the 110
annual compensation that is received for the performance of the 111
duties of the clerk of courts of Hamilton county, as provided in 112
sections 325.08 and 325.18 of the Revised Code. 113

(c) In the Portage county and Wayne county municipal courts, 114
the clerks of courts of Portage county and Wayne county shall be 115
the clerks, respectively, of the Portage county and Wayne county 116
municipal courts and may appoint a chief deputy clerk for each 117
branch that is established pursuant to section 1901.311 of the 118
Revised Code, and assistant clerks as the judges of the municipal 119
court determine are necessary, all of whom shall receive the 120
compensation that the legislative authority prescribes. The clerks 121
of courts of Portage county and Wayne county, acting as the clerks 122
of the Portage county and Wayne county municipal courts and 123
assuming the duties of these offices, shall receive compensation 124
payable from the county treasury in semimonthly installments at 125
one-fourth the rate that is prescribed for the clerks of courts of 126
common pleas as determined in accordance with the population of 127
the county and the rates set forth in sections 325.08 and 325.18 128
of the Revised Code. 129

(d) Except as otherwise provided in division (A)(1)(d) of 130
this section, in the Akron municipal court, candidates for 131
election to the office of clerk of the court shall be nominated by 132
primary election. The primary election shall be held on the day 133
specified in the charter of the city of Akron for the nomination 134
of municipal officers. Notwithstanding section 3513.257 of the 135
Revised Code, the nominating petitions of independent candidates 136
shall be signed by at least two hundred fifty qualified electors 137
of the territory of the court. 138

The candidates shall file a declaration of candidacy and 139
petition, or a nominating petition, whichever is applicable, not 140
later than four p.m. of the seventy-fifth day before the day of 141
the primary election, in the form prescribed by section 3513.07 or 142
3513.261 of the Revised Code. The declaration of candidacy and 143
petition, or the nominating petition, shall conform to the 144
applicable requirements of section 3513.05 or 3513.257 of the 145

Revised Code. 146

If no valid declaration of candidacy and petition is filed by 147
any person for nomination as a candidate of a particular political 148
party for election to the office of clerk of the Akron municipal 149
court, a primary election shall not be held for the purpose of 150
nominating a candidate of that party for election to that office. 151
If only one person files a valid declaration of candidacy and 152
petition for nomination as a candidate of a particular political 153
party for election to that office, a primary election shall not be 154
held for the purpose of nominating a candidate of that party for 155
election to that office, and the candidate shall be issued a 156
certificate of nomination in the manner set forth in section 157
3513.02 of the Revised Code. 158

Declarations of candidacy and petitions, nominating 159
petitions, and certificates of nomination for the office of clerk 160
of the Akron municipal court shall contain a designation of the 161
term for which the candidate seeks election. At the following 162
regular municipal election, all candidates for the office shall be 163
submitted to the qualified electors of the territory of the court 164
in the manner that is provided in section 1901.07 of the Revised 165
Code for the election of the judges of the court. The clerk so 166
elected shall hold office for a term of six years, which term 167
shall commence on the first day of January following the clerk's 168
election, and continue until the clerk's successor is elected and 169
qualified. 170

(e) In the Clermont county municipal court, the clerk of 171
courts of Clermont county shall be the clerk of the municipal 172
court. The clerk of courts of Clermont county, acting as the clerk 173
of the Clermont county municipal court and assuming the duties of 174
that office, shall receive compensation at one-fourth the rate 175
that is prescribed for the clerks of courts of common pleas as 176
determined in accordance with the population of the county and the 177

rates set forth in sections 325.08 and 325.18 of the Revised Code. 178
This compensation shall be paid from the county treasury in 179
semimonthly installments and is in addition to the annual 180
compensation that is received for the performance of the duties of 181
the clerk of courts of Clermont county, as provided in sections 182
325.08 and 325.18 of the Revised Code. 183

(2)(a) Except in the Alliance, Auglaize county, Lorain, 184
Massillon, and Youngstown municipal courts, if the population of 185
the territory is less than one hundred thousand, the clerk shall 186
be appointed by the court, and the clerk shall hold office until 187
the clerk's successor is appointed and qualified. 188

(b) In the Alliance, Lorain, Massillon, and Youngstown 189
municipal courts, the clerk shall be elected for a term of office 190
as described in division (A)(1)(a) of this section. 191

(c) In the Auglaize county municipal court, the clerk of 192
courts of Auglaize county shall be the clerk of the municipal 193
court and may appoint a chief deputy clerk for each branch that is 194
established pursuant to section 1901.311 of the Revised Code, and 195
assistant clerks as the judge of the court determines are 196
necessary, all of whom shall receive the compensation that the 197
legislative authority prescribes. The clerk of courts of Auglaize 198
county, acting as the clerk of the Auglaize county municipal court 199
and assuming the duties of that office, shall receive compensation 200
payable from the county treasury in semimonthly installments at 201
one-fourth the rate that is prescribed for the clerks of courts of 202
common pleas as determined in accordance with the population of 203
the county and the rates set forth in sections 325.08 and 325.18 204
of the Revised Code. 205

(3) During the temporary absence of the clerk due to illness, 206
vacation, or other proper cause, the court may appoint a temporary 207
clerk, who shall be paid the same compensation and have the same 208

authority and perform the same duties, as the clerk. 209

(B) Except in the Clermont county, Hamilton county, Portage 210
county, and Wayne county municipal courts, if a vacancy occurs in 211
the office of the clerk of the Alliance, Lorain, Massillon, or 212
Youngstown municipal court or occurs in the office of the clerk of 213
a municipal court for which the population of the territory equals 214
or exceeds one hundred thousand because the clerk ceases to hold 215
the office before the end of the clerk's term or because a 216
clerk-elect fails to take office, the vacancy shall be filled, 217
until a successor is elected and qualified, by a person chosen by 218
the residents of the territory of the court who are members of the 219
county central committee of the political party by which the last 220
occupant of that office or the clerk-elect was nominated. Not less 221
than five nor more than fifteen days after a vacancy occurs, those 222
members of that county central committee shall meet to make an 223
appointment to fill the vacancy. At least four days before the 224
date of the meeting, the chairperson or a secretary of the county 225
central committee shall notify each such member of that county 226
central committee by first class mail of the date, time, and place 227
of the meeting and its purpose. A majority of all such members of 228
that county central committee constitutes a quorum, and a majority 229
of the quorum is required to make the appointment. If the office 230
so vacated was occupied or was to be occupied by a person not 231
nominated at a primary election, or if the appointment was not 232
made by the committee members in accordance with this division, 233
the court shall make an appointment to fill the vacancy. A 234
successor shall be elected to fill the office for the unexpired 235
term at the first municipal election that is held more than one 236
hundred twenty days after the vacancy occurred. 237

(C) In a municipal court, other than the Auglaize county 238
municipal court, for which the population of the territory is less 239
than one hundred thousand, the clerk of a municipal court shall 240

receive the annual compensation that the legislative authority
prescribes. In a municipal court other than the Clermont county,
Hamilton county, Portage county, and Wayne county municipal courts
for which the population of the territory is one hundred thousand
or more, the clerk of a municipal court shall receive annual
compensation in a sum equal to eighty-five per cent of the salary
of a judge of the court. The compensation is payable in
semimonthly installments from the same sources and in the same
manner as provided in section 1901.11 of the Revised Code.

(D) Before entering upon the duties of the clerk's office,
the clerk of a municipal court shall give bond of not less than
six thousand dollars to be determined by the judges of the court,
conditioned upon the faithful performance of the clerk's duties as
clerk.

(E) The clerk of a municipal court may do all of the
following: administer oaths, take affidavits, and issue executions
upon any judgment rendered in the court, including a judgment for
unpaid costs; issue, sign, and attach the seal of the court to all
writs, process, subpoenas, and papers issuing out of the court;
and approve all bonds, sureties, recognizances, and undertakings
fixed by any judge of the court or by law. The clerk may refuse to
accept for filing any pleading or paper submitted for filing by a
person who has been found to be a vexatious litigator under
section 2323.52 of the Revised Code and who has failed to obtain
leave to proceed under that section. The clerk shall do all of the
following: file and safely keep all journals, records, books, and
papers belonging or appertaining to the court; record the
proceedings of the court; perform all other duties that the judges
of the court may prescribe; and keep a book showing all receipts
and disbursements, which book shall be open for public inspection
at all times.

The clerk shall prepare and maintain a general index, a

docket, and other records that the court, by rule, requires, all
of which shall be the public records of the court. In the docket,
the clerk shall enter, at the time of the commencement of an
action, the names of the parties in full, the names of the
counsel, and the nature of the proceedings. Under proper dates,
the clerk shall note the filing of the complaint, issuing of
summons or other process, returns, and any subsequent pleadings.
The clerk also shall enter all reports, verdicts, orders,
judgments, and proceedings of the court, clearly specifying the
relief granted or orders made in each action. The court may order
an extended record of any of the above to be made and entered,
under the proper action heading, upon the docket at the request of
any party to the case, the expense of which record may be taxed as
costs in the case or may be required to be prepaid by the party
demanding the record, upon order of the court.

In a municipal court in which the clerk has been elected as
provided in division (A)(1)(a) or (2)(b) of this section, the
clerk shall be responsible for the management, maintenance,
operation, and modernization of the computerization of the office
of the clerk, including, but not limited to, computerization
procured with fees deposited in and disbursed from the separate
funds described in division (B)(1) of section 1901.261 Of the
Revised Code.

(F) The clerk of a municipal court shall receive, collect,
and issue receipts for all costs, fees, fines, bail, and other
moneys payable to the office or to any officer of the court. The
clerk shall each month disburse to the proper persons or officers,
and take receipts for, all costs, fees, fines, bail, and other
moneys that the clerk collects. Subject to sections 3375.50 and
4511.193 of the Revised Code and to any other section of the
Revised Code that requires a specific manner of disbursement of
any moneys received by a municipal court and except for the

Hamilton county, Lawrence county, and Ottawa county municipal
courts, the clerk shall pay all fines received for violation of
municipal ordinances into the treasury of the municipal
corporation the ordinance of which was violated and shall pay all
fines received for violation of township resolutions adopted
pursuant to Chapter 504. of the Revised Code into the treasury of
the township the resolution of which was violated. Subject to
sections 1901.024 and 4511.193 of the Revised Code, in the
Hamilton county, Lawrence county, and Ottawa county municipal
courts, the clerk shall pay fifty per cent of the fines received
for violation of municipal ordinances and fifty per cent of the
fines received for violation of township resolutions adopted
pursuant to Chapter 504. of the Revised Code into the treasury of
the county. Subject to sections 3375.50, 3375.53, 4511.99, and
5503.04 of the Revised Code and to any other section of the
Revised Code that requires a specific manner of disbursement of
any moneys received by a municipal court, the clerk shall pay all
fines collected for the violation of state laws into the county
treasury. Except in a county-operated municipal court, the clerk
shall pay all costs and fees the disbursement of which is not
otherwise provided for in the Revised Code into the city treasury.
The clerk of a county-operated municipal court shall pay the costs
and fees the disbursement of which is not otherwise provided for
in the Revised Code into the county treasury. Moneys deposited as
security for costs shall be retained pending the litigation. The
clerk shall keep a separate account of all receipts and
disbursements in civil and criminal cases, which shall be a
permanent public record of the office. On the expiration of the
term of the clerk, the clerk shall deliver the records to the
clerk's successor. The clerk shall have other powers and duties as
are prescribed by rule or order of the court.

(G) All moneys paid into a municipal court shall be noted on

the record of the case in which they are paid and shall be 337
deposited in a state or national bank, or a domestic savings and 338
loan association, as defined in section 1151.01 of the Revised 339
Code, that is selected by the clerk. Any interest received upon 340
the deposits shall be paid into the city treasury, except that in 341
a county-operated municipal court, the interest shall be paid into 342
the treasury of the county in which the court is located. 343

On the first Monday in January of each year, the clerk shall 344
make a list of the titles of all cases in the court that were 345
finally determined more than one year past in which there remains 346
unclaimed in the possession of the clerk any funds, or any part of 347
a deposit for security of costs not consumed by the costs in the 348
case. The clerk shall give notice of the moneys to the parties who 349
are entitled to the moneys or to their attorneys of record. All 350
the moneys remaining unclaimed on the first day of April of each 351
year shall be paid by the clerk to the city treasurer, except that 352
in a county-operated municipal court, the moneys shall be paid to 353
the treasurer of the county in which the court is located. Any 354
part of the moneys shall be paid by the treasurer at any time to 355
the person who has the right to the moneys, upon proper 356
certification of the clerk. 357

(H) Deputy clerks may be appointed by the clerk and shall 358
receive the compensation, payable in semimonthly installments out 359
of the city treasury, that the clerk may prescribe, except that 360
the compensation of any deputy clerk of a county-operated 361
municipal court shall be paid out of the treasury of the county in 362
which the court is located. Each deputy clerk shall take an oath 363
of office before entering upon the duties of the deputy clerk's 364
office and, when so qualified, may perform the duties appertaining 365
to the office of the clerk. The clerk may require any of the 366
deputy clerks to give bond of not less than three thousand 367
dollars, conditioned for the faithful performance of the deputy 368

clerk's duties. 369

(I) For the purposes of this section, whenever the population 370
of the territory of a municipal court falls below one hundred 371
thousand but not below ninety thousand, and the population of the 372
territory prior to the most recent regular federal census exceeded 373
one hundred thousand, the legislative authority of the municipal 374
corporation may declare, by resolution, that the territory shall 375
be considered to have a population of at least one hundred 376
thousand. 377

(J) The clerk or a deputy clerk shall be in attendance at all 378
sessions of the municipal court, although not necessarily in the 379
courtroom, and may administer oaths to witnesses and jurors and 380
receive verdicts. 381

Section 2. That existing sections 1901.261 and 1901.31 of the 382
Revised Code are hereby repealed. 383