



Ohio Legislative Service Commission

122nd House Bill Analysis

Am. H.B. 319

122nd General Assembly
(As Passed by the House)

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

- Provides that each elected municipal court clerk is responsible for the management, maintenance, operation, and modernization of the computer systems of the clerk's office.
- Provides that in municipal courts with an elected clerk of courts, the funds for the computerization of the court and the computerization of the office of the clerk are to be disbursed upon application by the clerk, rather than upon an order of the court.

CONTENT AND OPERATION

Current law

Current law allows a municipal court to charge, for specified computer-related costs, an additional fee not to exceed \$3 on the filing of each cause of action or appeal. The fees are 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 fee must be placed in a separate fund to be disbursed upon an order of the court to cover the cost of computerizing the court, procuring and maintaining computerized legal research services, or both. If the court finds that there is a surplus in the fund, it may spend the surplus on other "appropriate" technological expenses of the court. (Sec. 1901.261(A).)

In addition to computerizing the court itself, a municipal court may determine that additional funds are required to computerize the office of the clerk of the court. A court that so determines may charge an additional fee of not more than \$10 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. The court must use this fee to pay the cost of procuring and maintaining computer systems for the office of the clerk of the municipal court. (Sec. 1901.261(B)(1).) The county or municipal corporation, whichever operates the municipal court, may issue general obligation bonds for procuring and maintaining the computer systems of the clerk's office; the moneys collected through the additional fee may be used for debt charges and financing costs for those bonds (sec. 1901.261(B)(2)). Moneys collected from the additional fee must be kept in a separate fund and disbursed upon an order of the court, subject to an appropriation by the legislative authority of the court (that is, the board of county commissioners of the county in which a county-operated municipal court is located, or the legislative authority of the municipal corporation in which any other municipal court is located) for procuring and maintaining the computer systems of the clerk's office (sec. 1901.261(B)(1)).

The bill

The bill provides that in a municipal court where the clerk is elected, that clerk is responsible for the management, maintenance, operation, and modernization of the computerization of the office of the clerk, including computerization procured with fees from the separate fund described above that is created for those purposes (sec. 1901.31(E)). The bill also provides that if the clerk of the court is elected, both the separate fund created for the computerization of the office of the clerk and the separate fund created for the computerization of the court itself are to be disbursed upon application by the clerk, rather than upon an order by the court as under current law. If the court's clerk is appointed, disbursement continues to take place upon an order of the court. (Sec. 1901.261(A)(2) and (B)(1).)

The bill also replaces language authorizing disbursement of moneys in the separate fund for computerizing the court in an amount not greater than the court's actual cost of "computerizing the court, procuring and maintaining computerized legal research services, or both," with language authorizing disbursement in an amount not greater than the court's actual cost of "procuring, managing, maintaining, operating, and modernizing the computerization of the court, computerized legal research services, or both" (sec. 1901.261(A)(2)). Similarly, the bill replaces language authorizing the disbursement of moneys in the separate fund for computerization of the clerk's office in an amount not greater than the actual cost to the

court of "procuring and maintaining" computer systems for the office of the clerk with language authorizing disbursement in an amount not greater than the court's actual cost of "procuring, managing, maintaining, operating, and modernizing" the computer systems (sec. 1901.261(B)(1)).

HISTORY

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