

Sub. S.B. 3
LSC_133_0567-2

Topic: Concurrent jurisdiction to hear reclassified misdemeanor possession offenses; prosecuting authorities decide court to hear case

_____ moved to amend as follows:

In line 1 of the title, after "177.01," insert "1901.186,"	1
In line 32, after "sections" insert "1901.186,"	2
Between lines 36 and 37, insert:	3
 "Sec. 1901.186. (A) As used in this section:	4
(1) "Felony sex offense" has the same meaning as in section	5
2967.28 of the Revised Code.	6
(2) "Offense of violence" has the same meaning as in section	7
2901.01 of the Revised Code.	8
(3) "Informant" means a person who is assisting a law	9
enforcement agency in a criminal investigation by purchasing	10
controlled substances from others in return for compensation from	11
the law enforcement agency.	12
(B) In addition to all other jurisdictions granted a	13
municipal court in this chapter, except as provided in division	14
(C) of this section, the Tiffin-Fostoria municipal court has	15
concurrent jurisdiction with the Seneca county court of common	16
pleas in all criminal actions or proceedings to which both of the	17
following apply:	18

(1) The court finds that the offender's addiction to a drug 19
of abuse was the primary factor leading to the offender's 20
commission of the offense charged. 21

(2) The offender is admitted to participate in the 22
participating in victory of transition (PIVOT) drug recovery 23
program. 24

(C) The Tiffin-Fostoria municipal court does not have 25
concurrent jurisdiction with the Seneca county court of common 26
pleas in a criminal action or proceeding when any of the following 27
applies: 28

(1) The defendant is not a resident of Seneca county. 29

(2) The defendant is charged with a felony offense of 30
violence. 31

(3) The defendant is charged with a felony sex offense or has 32
a duty to comply with sections 2950.04, 2950.041, 2950.05, and 33
2950.06 of the Revised Code. 34

(4) The defendant is charged with a felony violation of 35
section 2925.04 or 2925.041 of the Revised Code. 36

(5) The defendant is under a community control sanction or 37
post-release control sanction imposed by another court or is on 38
parole or probation under the supervision of another jurisdiction. 39

(6) Criminal proceedings are pending against the defendant 40
for a felony offense in another jurisdiction. 41

(7) The defendant is serving a prison term imposed by another 42
court. 43

(8) The defendant is engaged as an informant for a law 44
enforcement agency. 45

(D) The concurrent jurisdiction granted by this section shall 46

expire five years after ~~the effective date of this section~~ August
1, 2018, unless renewed or made permanent by the general assembly
prior to its expiration.

(E) The concurrent jurisdiction granted by this section is
separate from, and independent of, the concurrent jurisdiction
granted under division (A)(3) of section 1901.20 of the Revised
Code."

In line 71, delete "The" and insert "In addition to all other
jurisdiction granted a municipal court under this chapter, the";
delete "does not have" and insert "has concurrent"; delete "to
hear"

In line 72, delete "any" and insert "with the court of common
pleas of the county in which the municipal court is located in all
criminal actions or proceedings that pertain to a"

Delete lines 73 through 79 and insert "that is committed
within the territory of the municipal court. The concurrent
jurisdiction of a municipal court that is granted under this
division is separate from, and independent of, the concurrent
jurisdiction granted by section 1901.186 of the Revised Code.

If a person commits a reclassified misdemeanor drug
possession offense within the territory of a municipal court, the
appropriate prosecuting authorities shall determine whether the
case charging the offense shall be prosecuted in the municipal
court or the court of common pleas of that county and the offense
shall be prosecuted in accordance with that decision. If the
municipal court or court of common pleas in which the case
charging the offense is to be prosecuted operates or has a
specialized docket court or program, the municipal court or court
of common pleas shall determine whether the case shall be
prosecuted in the specialized docket court or program."

In line 80, delete the underlined comma 77

In line 81, delete "reclassified" and insert ":" 78

(a) "Reclassified" 79

In line 82, after "2925.11" insert "or 2925.111"; after 80

"Code" insert "committed on or after the effective date of this 81

amendment or of the version of section 2925.11 of the Revised 82

Code" 83

In line 83, delete "committed" and insert "in effect"; after 84

"amendment" insert "and was committed prior to that effective 85

date," 86

In line 84, delete "both" and insert "all" 87

In line 85, delete "(a) At the time of the commission of the 88

violation," and insert "(i) Prior to the effective date of this 89

amendment, the conduct constituting" 90

In line 88, delete "(b)" and insert "(ii)" 91

In line 89, after "the" insert "felony"; after "violation" 92

insert "referred to in division (A)(4)(a)(i) of this section" 93

After line 91, insert: 94

"(iii) If the offense is a violation of the version of 95

section 2925.11 of the Revised Code that was in effect prior to 96

the effective date of this amendment and was committed prior to 97

that effective date, the penalty, forfeiture, or punishment for 98

that violation has not been imposed as of the effective date of 99

this amendment." 100

(b) "Specialized docket court or program" means a program 101

certified by the supreme court of this state as a specialized 102

docket program for drugs, child support, domestic violence, 103

education, family dependency, human trafficking, juvenile 104

treatment, mental health, OVI, reentry, substance abuse-mental
illness, sex offenders, truancy, or veterans or as any other type
of specialized docket program certified by the court.

105
106
107

(c) "Appropriate prosecuting authorities" means the county
prosecuting attorney who would have authority to prosecute the
offense in the court of common pleas and the village solicitor,
city director of law, or similar municipal chief legal officer who
would have authority to prosecute the offense in the municipal
court or county court, whichever is applicable."

108
109
110
111
112
113

In line 124, delete "A" and insert "In addition to all other
jurisdiction granted a county court under this chapter, the";
delete "does not have" and insert "has concurrent"; delete "to
hear any" and insert "with the court of common pleas of the county
in which the county court is located in all criminal actions or
proceedings that pertain to a"

114
115
116
117
118
119

Delete lines 126 through 132 and insert "that is committed
within the territory of the county court.

120
121

If a person commits a reclassified misdemeanor drug
possession offense within the territory of a county court, the
appropriate prosecuting authorities shall determine whether the
case charging the offense shall be prosecuted in the county court
or the court of common pleas of that county and the offense shall
be prosecuted in accordance with that decision. If the county
court or court of common pleas in which the case charging the
offense is to be prosecuted operates or has a specialized docket
court or program, the county court or court of common pleas shall
determine whether the case shall be prosecuted in the specialized
docket court or program."

122
123
124
125
126
127
128
129
130
131
132

In line 134, delete "offense" has" and insert "offense,"
"appropriate prosecuting authorities," and "specialized docket

133
134

court or program" have"

135

In line 135, delete "meaning" and insert "meanings"

136

In line 6169, after "sections" insert "1901.186,"

137

The motion was _____ agreed to.