

As Passed by the House

135th General Assembly

Regular Session

2023-2024

H. B. No. 305

Representatives Stewart, Brown

Cosponsors: Representatives Baker, Bird, Brewer, Claggett, Click, Dell'Aquila, Galonski, Grim, Gross, Isaacsohn, Jarrells, John, Kick, Klopfenstein, Lampton, LaRe, Lightbody, Lipps, McNally, Miller, A., Miller, J., Miranda, Mohamed, Plummer, Skindell, Somani, Upchurch, Weinstein, Williams, Willis, Young, T., Hillyer, Mathews, Abrams, Barhorst, Brennan, Brent, Creech, Cross, Cutrona, Dobos, Forhan, Fowler Arthur, Hall, Humphrey, Johnson, Jones, Liston, Lorenz, McClain, Miller, K., Miller, M., Oelslager, Patton, Pavliga, Peterson, Robb Blasdel, Russo, Stein, Thomas, C., White, Wiggam

A BILL

To amend sections 1901.261, 1907.261, 2303.081, and 2303.201 and to enact sections 1901.313 and 1907.202 of the Revised Code to provide for the electronic filing of pleadings or documents in courts of common pleas except a probate or juvenile court, in municipal courts, and in county courts, to permit the clerk to disburse funds for the computerization of the clerk's office without the court's authorization, and to permit municipal and county courts to increase the maximum amount of their additional fees from ten dollars to twenty dollars to cover the computerization of the clerk's office.

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

Section 1. That sections 1901.261, 1907.261, 2303.081, and

2303.201 be amended and sections 1901.313 and 1907.202 of the Revised Code be enacted to read as follows:

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

(2) All fees collected under this section shall be paid on or before the twentieth day of the month following the month in which they are collected 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 the funds from the fees in a separate fund to be disbursed upon an order of the court, 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, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, in an amount not greater than the actual cost to the court of computerizing the court, procuring and maintaining computerized legal research services, or both.

(3) If the court determines that the funds in the fund

described in division (A) (2) of this section are more than 45
sufficient to satisfy the purpose for which the additional fee 46
described in division (A) (1) of this section was imposed, the 47
court may declare a surplus in the fund and, subject to an 48
appropriation by the board of county commissioners if the court 49
is a county-operated municipal court or by the legislative 50
authority of the municipal corporation if the court is not a 51
county-operated municipal court, expend those surplus funds, or 52
upon an order of the court, subject to the court making an 53
annual report available to the public listing the use of all 54
such funds, expend those surplus funds, for other appropriate 55
technological expenses of the court. 56

(B) (1) A municipal court may determine that, for the 57
efficient operation of the court, additional funds are required 58
to computerize the office of the clerk of the court and, upon 59
that determination, may include in its schedule of fees and 60
costs under section 1901.26 of the Revised Code an additional 61
fee not to exceed ~~ten~~ twenty dollars on the filing of each cause 62
of action or appeal, on the filing, docketing, and endorsing of 63
each certificate of judgment, or on the docketing and indexing 64
of each aid in execution or petition to vacate, revive, or 65
modify a judgment that is equivalent to one described in 66
division (A), (P), (Q), (T), or (U) of section 2303.20 of the 67
Revised Code. Subject to division (B) (2) of this section, all 68
moneys collected under division (B) (1) of this section shall be 69
paid on or before the twentieth day of the month following the 70
month in which they are collected to the county treasurer if the 71
court is a county-operated municipal court or to the city 72
treasurer if the court is not a county-operated municipal court. 73
The treasurer shall place the funds from the fees in a separate 74
fund to be disbursed, ~~upon an order of the municipal court and~~ 75

subject to an appropriation made by the board of county 76
commissioners if the court is a county-operated municipal court 77
or by the legislative authority of the municipal corporation if 78
the court is not a county-operated municipal court, in an amount 79
no greater than the actual cost to the court of procuring and 80
maintaining computer systems for the office of the clerk of the 81
municipal court. 82

(2) If a municipal court makes the determination described 83
in division (B) (1) of this section, the board of county 84
commissioners of the county if the court is a county-operated 85
municipal court or the legislative authority of the municipal 86
corporation if the court is not a county-operated municipal 87
court, may issue one or more general obligation bonds for the 88
purpose of procuring and maintaining the computer systems for 89
the office of the clerk of the municipal court. In addition to 90
the purposes stated in division (B) (1) of this section for which 91
the moneys collected under that division may be expended, the 92
moneys additionally may be expended to pay debt charges and 93
financing costs related to any general obligation bonds issued 94
pursuant to division (B) (2) of this section as they become due. 95
General obligation bonds issued pursuant to division (B) (2) of 96
this section are Chapter 133. securities. 97

Sec. 1901.313. (A) Beginning not later than two hundred 98
seventy days after the effective date of this section, pleadings 99
or documents may be filed with the clerk of court either in 100
paper format or in electronic format. 101

(B) (1) The clerk shall determine whether the filing of 102
pleadings or documents in electronic format may be accomplished 103
either by electronic mail or through the use of an online 104
platform. 105

(2) The fee for filing pleadings or documents in 106
electronic format may be paid after the filing. The clerk shall 107
not require that any fee for the filing of pleadings or 108
documents in electronic format be paid before the filing, unless 109
the clerk has provided for an electronic payment system for such 110
filing. 111

(3) The clerk shall not require a fee for the filing of 112
pleadings or documents in electronic format that is greater than 113
the applicable fee for the filing of pleadings or documents in 114
paper format. 115

(C) Pleadings and documents filed in paper format may be 116
converted to an electronic format. Documents created by the 117
clerk of court in the exercise of the clerk's duties may be 118
created in an electronic format. 119

(D) When pleadings or documents are received or created 120
in, or converted to, an electronic format as provided in this 121
section, the pleadings or documents in that format shall be 122
considered the official version of the record. 123

Sec. 1907.202. (A) Beginning not later than two hundred 124
seventy days after the effective date of this section, pleadings 125
or documents may be filed with the clerk of the county court 126
either in paper format or in electronic format. 127

(B) (1) The clerk shall determine whether the filing of 128
pleadings or documents in electronic format may be accomplished 129
either by electronic mail or through the use of an online 130
platform. 131

(2) The fee for filing pleadings or documents in 132
electronic format may be paid after the filing. The clerk shall 133
not require that any fee for the filing of pleadings or 134

documents in electronic format be paid before the filing, unless 135
the clerk has provided for an electronic payment system for such 136
filing. 137

(3) The clerk shall not require a fee for the filing of 138
pleadings or documents in electronic format that is greater than 139
the applicable fee for the filing of pleadings or documents in 140
paper format. 141

(C) Pleadings and documents filed in paper format may be 142
converted to an electronic format. Documents created by the 143
clerk of the county court in the exercise of the clerk's duties 144
may be created in an electronic format. 145

(D) When pleadings or documents are received or created 146
in, or converted to, an electronic format as provided in this 147
section, the pleadings or documents in that format shall be 148
considered the official version of the record. 149

Sec. 1907.261. (A) (1) A county court may determine that 150
for the efficient operation of the court additional funds are 151
required to computerize the court, to make available 152
computerized legal research services, or to do both. Upon making 153
a determination that additional funds are required for either or 154
both of those purposes, the court shall include in its schedule 155
of fees and costs under section 1907.24 of the Revised Code one 156
additional fee not to exceed three dollars on the filing of each 157
cause of action or appeal equivalent to one described in 158
division (A), (Q), or (U) of section 2303.20 of the Revised Code 159
and shall direct the clerk of the court to charge the fee. 160

(2) All fees collected under this section shall be paid on 161
or before the twentieth day of the month following the month in 162
which they are collected to the county treasurer. The treasurer 163

shall place the funds from the fees in a separate fund to be 164
disbursed either upon an order of the court, subject to an 165
appropriation by the board of county commissioners, or upon an 166
order of the court, subject to the court making an annual report 167
available to the public listing the use of all such funds, in an 168
amount not greater than the actual cost to the court of 169
computerizing the court, procuring and maintaining computerized 170
legal research services, or both. 171

(3) If the court determines that the funds in the fund 172
described in division (A) (2) of this section are more than 173
sufficient to satisfy the purpose for which the additional fee 174
described in division (A) (1) of this section was imposed, the 175
court may declare a surplus in the fund and, subject to an 176
appropriation by the board of county commissioners, expend those 177
surplus funds, or upon an order of the court, subject to the 178
court making an annual report available to the public listing 179
the use of all such funds, expend those surplus funds, for other 180
appropriate technological expenses of the court. 181

(B) (1) A county court may determine that, for the 182
efficient operation of the court, additional funds are required 183
to computerize the office of the clerk of the court and, upon 184
that determination, may include in its schedule of fees and 185
costs under section 1907.24 of the Revised Code an additional 186
fee not to exceed ~~ten~~ twenty dollars on the filing of each cause 187
of action or appeal, on the filing, docketing, and endorsing of 188
each certificate of judgment, or on the docketing and indexing 189
of each aid in execution or petition to vacate, revive, or 190
modify a judgment that is equivalent to one described in 191
division (A), (P), (Q), (T), or (U) of section 2303.20 of the 192
Revised Code. Subject to division (B) (2) of this section, all 193
moneys collected under division (B) (1) of this section shall be 194

paid on or before the twentieth day of the month following the 195
month in which they are collected to the county treasurer. The 196
treasurer shall place the funds from the fees in a separate fund 197
to be disbursed, ~~upon an order of the county court and~~ subject 198
to an appropriation made by the board of county commissioners, 199
in an amount no greater than the actual cost to the court of 200
procuring and maintaining computer systems for the office of the 201
clerk of the county court. 202

(2) If a county court makes the determination described in 203
division (B) (1) of this section, the board of county 204
commissioners of that county may issue one or more general 205
obligation bonds for the purpose of procuring and maintaining 206
the computer systems for the office of the clerk of the county 207
court. In addition to the purposes stated in division (B) (1) of 208
this section for which the moneys collected under that division 209
may be expended, the moneys additionally may be expended to pay 210
debt charges and financing costs related to any general 211
obligation bonds issued pursuant to division (B) (2) of this 212
section as they become due. General obligation bonds issued 213
pursuant to division (B) (2) of this section are Chapter 133. 214
securities. 215

Sec. 2303.081. (A) Pleadings or documents may be filed 216
with the clerk of court either in paper format or in electronic 217
format. 218

(B) (1) The clerk shall determine whether the filing of 219
pleadings or documents in electronic format may be accomplished 220
either by electronic mail or through the use of an online 221
platform. 222

(2) The fee for filing pleadings or documents in 223
electronic format may be paid after the filing. The clerk shall 224

not require that any fee for the filing of pleadings or 225
documents in electronic format be paid before the filing, unless 226
the clerk has provided for an electronic payment system for such 227
filing. 228

(3) The clerk shall not require a fee for the filing of 229
pleadings or documents in electronic format that is greater than 230
the applicable fee for the filing of pleadings or documents in 231
paper format. 232

(4) Divisions (B) (1), (2), and (3) of this section do not 233
apply to the filing of pleadings or documents in a probate court 234
or juvenile court. 235

(C) Pleadings and documents filed in paper format may be 236
converted to an electronic format. Documents created by the 237
clerk of court in the exercise of the clerk's duties may be 238
created in an electronic format. 239

~~(B)-(D)~~ When pleadings or documents are received or 240
created in, or converted to, an electronic format as provided in 241
~~division (A) of this section,~~ the pleadings or documents in that 242
format shall be considered the official version of the record. 243

Sec. 2303.201. (A) (1) The court of common pleas of any 244
county may determine that for the efficient operation of the 245
court additional funds are required to computerize the court, to 246
make available computerized legal research services, or to do 247
both. Upon making a determination that additional funds are 248
required for either or both of those purposes, the court shall 249
authorize and direct the clerk of the court of common pleas to 250
charge one additional fee, not to exceed six dollars, on the 251
filing of each cause of action or appeal under divisions (A), 252
(Q), and (U) of section 2303.20 of the Revised Code. 253

(2) All fees collected under division (A) (1) of this section shall be paid to the county treasurer. The treasurer shall place the funds from the fees in a separate fund to be disbursed either upon an order of the court, subject to an appropriation by the board of county commissioners, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, in an amount not greater than the actual cost to the court of procuring and maintaining computerization of the court, computerized legal research services, or both.

(3) If the court determines that the funds 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, subject to an appropriation by the board of county commissioners, expend those surplus funds, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds, for other appropriate technological expenses of the court.

(B) (1) The clerk of the court of common pleas of any county may determine that, for the efficient operation of the office of the clerk of the court of common pleas, additional funds are required to make technological advances in or to computerize the office of the clerk of the court of common pleas and, upon that determination, authorize and direct ~~the clerk of the court of common pleas to charge that~~ an additional fee, not to exceed twenty 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 under divisions (A), (P), (Q), (T), and (U) of section 285
2303.20 of the Revised Code and not to exceed one dollar each 286
for the services described in divisions (B), (C), (D), (F), (H), 287
and (L) of section 2303.20 of the Revised Code, be charged. 288
Subject to division (B)(2) of this section, all moneys collected 289
under division (B)(1) of this section shall be paid to the 290
county treasurer to be disbursed, ~~upon an order of the court of~~ 291
~~common pleas and subject to an~~ appropriation made by the board 292
of county commissioners, in an amount no greater than the actual 293
cost to the court of procuring and maintaining technology and 294
computer systems for the office of the clerk of the court of 295
common pleas. 296

(2) If the clerk of the court of common pleas of a county 297
makes the determination described in division (B)(1) of this 298
section, the board of county commissioners of that county may 299
issue one or more general obligation bonds for the purpose of 300
procuring and maintaining the technology and computer systems 301
for the office of the clerk of the court of common pleas. In 302
addition to the purposes stated in division (B)(1) of this 303
section for which the moneys collected under that division may 304
be expended, the moneys additionally may be expended to pay debt 305
charges on and financing costs related to any general obligation 306
bonds issued pursuant to division (B)(2) of this section as they 307
become due. General obligation bonds issued pursuant to division 308
(B)(2) of this section are Chapter 133. securities. 309

(C) The court of common pleas shall collect the sum of 310
twenty-six dollars as additional filing fees in each new civil 311
action or proceeding for the charitable public purpose of 312
providing financial assistance to legal aid societies that 313
operate within the state and to support the office of the state 314
public defender. This division does not apply to a juvenile 315

division of a court of common pleas, except that an additional 316
filing fee of fifteen dollars shall apply to custody, 317
visitation, and parentage actions; to a probate division of a 318
court of common pleas, except that the additional filing fees 319
shall apply to name change, guardianship, adoption, and 320
decedents' estate proceedings; or to an execution on a judgment, 321
proceeding in aid of execution, or other post-judgment 322
proceeding arising out of a civil action. The filing fees 323
required to be collected under this division shall be in 324
addition to any other filing fees imposed in the action or 325
proceeding and shall be collected at the time of the filing of 326
the action or proceeding. The court shall not waive the payment 327
of the additional filing fees in a new civil action or 328
proceeding unless the court waives the advanced payment of all 329
filing fees in the action or proceeding. All such moneys 330
collected during a month except for an amount equal to up to one 331
per cent of those moneys retained to cover administrative costs 332
shall be transmitted on or before the twentieth day of the 333
following month by the clerk of the court to the treasurer of 334
state in a manner prescribed by the treasurer of state or by the 335
Ohio access to justice foundation. The treasurer of state shall 336
deposit four per cent of the funds collected under this division 337
to the credit of the civil case filing fee fund established 338
under section 120.07 of the Revised Code and ninety-six per cent 339
of the funds collected under this division to the credit of the 340
legal aid fund established under section 120.52 of the Revised 341
Code. 342

The court may retain up to one per cent of the moneys it 343
collects under this division to cover administrative costs, 344
including the hiring of any additional personnel necessary to 345
implement this division. If the court fails to transmit to the 346

treasurer of state the moneys the court collects under this 347
division in a manner prescribed by the treasurer of state or by 348
the Ohio access to justice foundation, the court shall forfeit 349
the moneys the court retains under this division to cover 350
administrative costs, including the hiring of any additional 351
personnel necessary to implement this division, and shall 352
transmit to the treasurer of state all moneys collected under 353
this division, including the forfeited amount retained for 354
administrative costs, for deposit in the legal aid fund. 355

(D) On and after the thirtieth day after December 9, 1994, 356
the court of common pleas shall collect the sum of thirty-two 357
dollars as additional filing fees in each new action or 358
proceeding for annulment, divorce, or dissolution of marriage 359
for the purpose of funding shelters for victims of domestic 360
violence pursuant to sections 3113.35 to 3113.39 of the Revised 361
Code. The filing fees required to be collected under this 362
division shall be in addition to any other filing fees imposed 363
in the action or proceeding and shall be collected at the time 364
of the filing of the action or proceeding. The court shall not 365
waive the payment of the additional filing fees in a new action 366
or proceeding for annulment, divorce, or dissolution of marriage 367
unless the court waives the advanced payment of all filing fees 368
in the action or proceeding. On or before the twentieth day of 369
each month, all moneys collected during the immediately 370
preceding month pursuant to this division shall be deposited by 371
the clerk of the court into the county treasury in the special 372
fund used for deposit of additional marriage license fees as 373
described in section 3113.34 of the Revised Code. Upon their 374
deposit into the fund, the moneys shall be retained in the fund 375
and expended only as described in section 3113.34 of the Revised 376
Code. 377

(E) (1) The court of common pleas may determine that, for 378
the efficient operation of the court, additional funds are 379
necessary to acquire and pay for special projects of the court, 380
including, but not limited to, the acquisition of additional 381
facilities or the rehabilitation of existing facilities, the 382
acquisition of equipment, the hiring and training of staff, 383
community service programs, mediation or dispute resolution 384
services, the employment of magistrates, the training and 385
education of judges, acting judges, and magistrates, and other 386
related services. Upon that determination, the court by rule may 387
charge a fee, in addition to all other court costs, on the 388
filing of each criminal cause, civil action or proceeding, or 389
judgment by confession. 390

If the court of common pleas offers or requires a special 391
program or additional services in cases of a specific type, the 392
court by rule may assess an additional charge in a case of that 393
type, over and above court costs, to cover the special program 394
or service. The court shall adjust the special assessment 395
periodically, but not retroactively, so that the amount assessed 396
in those cases does not exceed the actual cost of providing the 397
service or program. 398

All moneys collected under division (E) of this section 399
shall be paid to the county treasurer for deposit into either a 400
general special projects fund or a fund established for a 401
specific special project. Moneys from a fund of that nature 402
shall be disbursed upon an order of the court, subject to an 403
appropriation by the board of county commissioners, in an amount 404
no greater than the actual cost to the court of a project. If a 405
specific fund is terminated because of the discontinuance of a 406
program or service established under division (E) of this 407
section, the court may order, subject to an appropriation by the 408

board of county commissioners, that moneys remaining in the fund 409
be transferred to an account established under this division for 410
a similar purpose. 411

(2) As used in division (E) of this section: 412

(a) "Criminal cause" means a charge alleging the violation 413
of a statute or ordinance, or subsection of a statute or 414
ordinance, that requires a separate finding of fact or a 415
separate plea before disposition and of which the defendant may 416
be found guilty, whether filed as part of a multiple charge on a 417
single summons, citation, or complaint or as a separate charge 418
on a single summons, citation, or complaint. "Criminal cause" 419
does not include separate violations of the same statute or 420
ordinance, or subsection of the same statute or ordinance, 421
unless each charge is filed on a separate summons, citation, or 422
complaint. 423

(b) "Civil action or proceeding" means any civil 424
litigation that must be determined by judgment entry. 425

Section 2. That existing sections 1901.261, 1907.261, 426
2303.081, and 2303.201 of the Revised Code are hereby repealed. 427