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Am. H. B. No. 260

Representatives Odioso, Mathews, A.

Cosponsors: Representatives Williams, Abrams, Brennan, Brownlee, Click, Humphrey, Newman, Oelslager, Piccolantonio, Robb Blasdel, Rogers, Schmidt, Sigrist, Swearingen, Synenberg, Tims, Upchurch, Willis, Young

To amend sections 1901.021, 1901.14, 1901.22,	1
1907.20, 2111.011, 2307.23, 2317.02, 2317.021,	2
2939.03, 2939.06, 2943.02, 2945.51, 2945.52,	3
2945.53, and 2945.54 and to repeal sections	4
1901.16, 1901.41, 1907.21, 1907.231, 2101.12,	5
2101.121, 2101.14, 2101.141, 2301.141, 2317.03,	6
2317.42, 2939.02, 2939.20, 2941.021, 2943.04,	7
2945.30, 2945.31, 2945.33, 2945.34, 2945.41, and	8
2945.50 of the Revised Code relative to courts	9
and court procedures.	10

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

Section 1. That sections 1901.021, 1901.14, 1901.22,	11
1907.20, 2111.011, 2307.23, 2317.02, 2317.021, 2939.03, 2939.06,	12
2943.02, 2945.51, 2945.52, 2945.53, and 2945.54 of the Revised	13
Code be amended to read as follows:	14

Sec. 1901.021. (A) Except as otherwise provided in	15
division (M) of this section, the judge or judges of any	16
municipal court established under division (A) of section	17
1901.01 of the Revised Code having territorial jurisdiction	18

outside the corporate limits of the municipal corporation in 19
which it is located may sit outside the corporate limits of the 20
municipal corporation within the area of its territorial 21
jurisdiction. 22

(B) Two or more of the judges of the Hamilton county 23
municipal court may be assigned by the presiding judge of the 24
court to sit outside the municipal corporation of Cincinnati. 25

(C) Two of the judges of the Portage county municipal 26
court shall sit within the municipal corporation of Ravenna, and 27
one of the judges shall sit within the municipal corporation of 28
Kent. The judges may sit in other incorporated areas of Portage 29
county. 30

(D) The judges of the Wayne county municipal court shall 31
sit within the municipal corporation of Wooster and may sit in 32
other incorporated areas of Wayne county. 33

(E) The judge of the Auglaize county municipal court shall 34
sit within the municipal corporations of Wapakoneta and St. 35
Marys and may sit in other incorporated areas in Auglaize 36
county. 37

(F) At least one of the judges of the Miami county 38
municipal court shall sit within the municipal corporations of 39
Troy, Piqua, and Tipp City, and the judges may sit in other 40
incorporated areas of Miami county. 41

(G) The judge of the Crawford county municipal court shall 42
sit within the municipal corporations of Bucyrus and Galion and 43
may sit in other incorporated areas in Crawford county. 44

(H) The judge of the Jackson county municipal court shall 45
sit within the municipal corporations of Jackson and Wellston 46
and may sit in other incorporated areas in Jackson county. 47

(I) Each judge of the Columbiana county municipal court 48
may sit within the municipal corporation of Lisbon, Salem, or 49
East Palestine until the judges jointly select a central 50
location within the territorial jurisdiction of the court. When 51
the judges select a central location, the judges shall sit at 52
that location. 53

(J) In any municipal court, other than the Hamilton county 54
municipal court and the Montgomery county municipal court, that 55
has more than one judge, the decision for one or more judges to 56
sit outside the corporate limits of the municipal corporation 57
shall be made by rule of the court as provided in ~~division~~ 58
divisions (A) (3) and (C) of sections-section 1901.14 and 1901.16 59
of the Revised Code. 60

(K) The assignment of a judge to sit in a municipal 61
corporation other than that in which the court is located does 62
not affect the jurisdiction of the mayor except as provided in 63
section 1905.01 of the Revised Code. 64

(L) The judges of the Clermont county municipal court may 65
sit in any municipal corporation or unincorporated territory 66
within Clermont county. 67

(M) Beginning July 1, 2010, the judges of the Montgomery 68
county municipal court shall sit in the same locations as the 69
judges of the Montgomery county county court sat before the 70
county court was abolished on that date. The legislative 71
authority of the Montgomery county municipal court may determine 72
after that date that the judges of the Montgomery county 73
municipal court shall sit in any municipal corporation or 74
unincorporated territory within Montgomery county. 75

(N) The judge of the Tiffin-Fostoria municipal court shall 76

sit within each of the municipal corporations of Tiffin and 77
Fostoria on a weekly basis. Cases that arise within the 78
municipal corporation of Tiffin and within Adams, Big Spring, 79
Bloom, Clinton, Eden, Hopewell, Liberty, Pleasant, Reed, Scioto, 80
Seneca, Thompson, and Venice townships in Seneca county shall be 81
filed in the office of the clerk of the court located in the 82
municipal corporation of Tiffin. Cases that arise in the 83
municipal corporation of Fostoria and within Loudon and Jackson 84
townships in Seneca county shall be filed in the office of the 85
special deputy clerk located in the municipal corporation of 86
Fostoria. Until January 2, 2024, cases that arise within 87
Washington township in Hancock county, and within Perry 88
township, except within the municipal corporation of West 89
Millgrove, in Wood county, shall be filed in the office of the 90
special deputy clerk located in the municipal corporation of 91
Fostoria. 92

(O) The judge of the Fulton county municipal court shall 93
sit within each of the municipal corporations of Wauseon and 94
Swanton on a weekly basis. Cases that arise within the municipal 95
corporation of Wauseon and within Chesterfield, Clinton, Dover, 96
Franklin, German, and Gorham townships in Fulton county shall be 97
filed in the office of the clerk of the court located in the 98
municipal corporation of Wauseon. Cases that arise in the 99
municipal corporation of Swanton and within Amboy, Fulton, Pike, 100
Swan Creek, Royalton, and York townships shall be filed in the 101
office of the special deputy clerk located in the municipal 102
corporation of Swanton. 103

Sec. 1901.14. (A) Municipal judges have the following 104
powers and duties: 105

(1) To perform marriage ceremonies anywhere in this state, 106

take acknowledgment of deeds and other instruments, administer 107
oaths, and perform any other duties that are conferred upon 108
judges of county courts. 109

All fees, including marriage fees, collected by a 110
municipal judge when not connected with any cause or proceeding 111
pending in the municipal court, shall be paid over to the clerk 112
of the municipal court to be paid to the city treasury, except 113
that, in a county-operated municipal court, the fees shall be 114
paid to the treasury of the county in which the court is 115
located. 116

(2) To adopt, publish, and revise rules for the regulation 117
of the practice and procedure of their respective courts, and 118
for the selection and manner of summoning persons to serve as 119
jurors in the court in accordance with the Rules of 120
Superintendence for the Courts of Ohio; 121

(3) To adopt, publish, and revise rules relating to the 122
administration of the court in accordance with the Rules of 123
Superintendence for the Courts of Ohio; 124

(4) On or before the last day of March of each year, the 125
court shall render a complete report of its operation during the 126
preceding calendar year to the legislative authority and to the 127
board of county commissioners of each county within its 128
territory. The report shall show the work performed by the 129
court, a statement of receipts and expenditures of the civil and 130
criminal branches, respectively, the number of cases heard, 131
decided, and settled, and any other data that the supreme court, 132
the secretary of state, the legislative authority, and the board 133
of county commissioners requires. 134

(B) Any rule adopted pursuant to division (A) (2) or (3) of 135

this section does not apply to the housing or environmental 136
division of the municipal court if the judge of the housing or 137
environmental division has adopted rules pursuant to division 138
(C) of this section, unless the rules adopted pursuant to 139
division (C) of this section do not regulate the subject 140
regulated by the rule adopted pursuant to division (A) (2) or (3) 141
of this section. 142

(C) Judges of the housing or environmental division of a 143
municipal court, other than the judge of the environmental 144
division of the Franklin county municipal court, may adopt, 145
publish, and revise rules for the regulation of the practice and 146
procedure of the division, for the selection and manner of 147
summoning persons to serve as jurors in the division, and for 148
the administration of the division, in accordance with the Rules 149
of Superintendence for the Courts of Ohio. 150

Sec. 1901.22. Civil actions and proceedings in the 151
municipal court shall be commenced pursuant to the Civil Rules 152
by filing a complaint upon which summons or writ shall be issued 153
by the clerk of the municipal court. A form of summons or writ 154
shall be prescribed by rule of court. The procedure in a civil 155
case in the municipal court shall be in accordance with the 156
following provisions: 157

(A) The return day shall be fixed by rule of court, and 158
the summons or writ shall, unless accompanied by an order to 159
arrest, be served at least three days before the time of 160
appearance. 161

(B) In attachment and garnishment proceedings, a true copy 162
of the affidavit shall be served with the summons and order of 163
attachment or garnishment. 164

(C) In any action in a municipal court for the recovery of 165
personal property, the appraised value of which exceeds the 166
jurisdictional amount as defined in section 1901.17 of the 167
Revised Code, the judge, upon the return of the appraisalment 168
prior to judgment, shall certify the proceedings in the case to 169
the court of common pleas. 170

(D) Whenever any property is seized or sought to be 171
recovered in any action in a municipal court, the property shall 172
be at once appraised. The value of such property may be 173
ascertained by the oath of two disinterested freeholders who are 174
residents of the territory of the court. 175

(E) In any action in a municipal court in which the amount 176
claimed by any defendant in any statement of counterclaim 177
exceeds the jurisdictional amount, the judge shall certify the 178
proceedings in the case to the court of common pleas, except in 179
the Cleveland municipal court. 180

(F) When the amount due either party exceeds the sum for 181
which a municipal court is authorized to enter judgment, such 182
party may in writing remit the excess and judgment shall be 183
entered for the residue. ~~Any party defendant may, at his option,~~ 184
~~withhold setting up any statement of counterclaim and make the~~ 185
~~counterclaim the subject of a separate action.~~ 186

(G) Upon certification of any proceedings to the court of 187
common pleas, the clerk of the municipal court shall forthwith 188
transmit the original papers and pleadings, together with a 189
certified transcript of the journal entries in the case, to the 190
clerk of the court of common pleas to be filed. The bailiff 191
shall turn over the property in ~~his~~ the bailiff's possession to 192
the sheriff of the county to be held by ~~him~~ the sheriff as in 193
like cases originating in the court of common pleas. The case 194

shall then proceed as if it had been commenced originally in the 195
court of common pleas. 196

Sec. 1907.20. (A) The clerk of courts shall be the clerk 197
of the county court, except that the board of county 198
commissioners, with the concurrence of the county court judges, 199
may appoint a clerk for each county court judge, who shall serve 200
at the pleasure of the board and shall receive compensation as 201
set by the board, payable in semimonthly installments from the 202
treasury of the county. Except as otherwise provided in section 203
3.061 of the Revised Code, an appointed clerk, before entering 204
upon the duties of the office, shall give bond of not less than 205
five thousand dollars, as determined by the board of county 206
commissioners, conditioned upon the faithful performance of the 207
clerk's duties. 208

The clerks of courts of common pleas, when acting as the 209
clerks of county courts, and upon assuming their county court 210
duties, shall receive compensation at one-fourth the rate 211
prescribed for the clerks of courts of common pleas as 212
determined in accordance with the population of the county and 213
the rates set forth in sections 325.08 and 325.18 of the Revised 214
Code. This compensation shall be paid from the county treasury 215
in semimonthly installments and is in addition to the annual 216
compensation received for the performance of the duties of the 217
clerk of a court of common pleas as provided in sections 325.08 218
and 325.18 of the Revised Code. 219

(B) The clerk of a county court shall have general powers 220
to administer oaths, take affidavits, and issue executions upon 221
any judgment rendered in the county court, including a judgment 222
for unpaid costs, power to issue and sign all writs, process, 223
subpoenas, and papers issuing out of the court, and to attach 224

the seal of the court to them, and power to approve all bonds, 225
sureties, recognizances, and undertakings fixed by any judge of 226
the court or by law. The clerk shall file and safely keep all 227
journals, records, books, and papers belonging or appertaining 228
to the court, record its proceedings, perform all other duties 229
that the judges of the court may prescribe, and keep a book 230
showing all receipts and disbursements, which shall be open for 231
public inspection at all times. The clerk may refuse to accept 232
for filing any pleading or paper submitted for filing by a 233
person who has been found to be a vexatious litigator under 234
section 2323.52 of the Revised Code and who has failed to obtain 235
leave to proceed under that section. 236

The clerk shall prepare and maintain a general index, a 237
docket as prescribed by the court, which shall be furnished by 238
the board of county commissioners, and such other records as the 239
court, by rule, requires, all of which shall be the public 240
records of the court. In the docket, the clerk shall enter at 241
times of the commencement of an action, the names of the parties 242
in full, the names of the counsel, and the nature of the 243
proceedings. Under proper dates, the clerk shall note the filing 244
of the complaint, issuing of summons or other process, returns, 245
and pleadings subsequent thereto. The clerk also shall enter all 246
reports, verdicts, orders, judgments, and proceedings of the 247
court, clearly specifying the relief granted or orders made in 248
each action. The court may order an extended record of any of 249
the above to be made and entered, under the proper action 250
heading, upon the docket at the request of any party to the 251
case, the expense of which may be taxed as costs in the case or 252
may be required to be prepaid by the party demanding the 253
extended record, upon order of the court. 254

(C) The clerk of a county court shall receive and collect 255

all costs, fees, fines, penalties, bail, and other moneys 256
payable to the office or to any officer of the court and issue 257
receipts therefor, and shall on or before the twentieth day of 258
the month following the month in which they are collected 259
disburse the costs, fees, fines, penalties, bail, and other 260
moneys to the proper persons or officers and take receipts 261
therefor. Subject to sections 307.515, 4511.19, 4511.193, and 262
5503.04 of the Revised Code and all other statutes that require 263
a different distribution of fines, fines received for violations 264
of municipal ordinances shall be paid into the treasury of the 265
municipal corporation whose ordinance was violated, fines 266
received for violations of township resolutions adopted pursuant 267
to section 503.52 or 503.53 or Chapter 504. of the Revised Code 268
shall be paid into the treasury of the township whose resolution 269
was violated, and fines collected for the violation of state 270
laws shall be paid into the county treasury. Moneys deposited as 271
security for costs shall be retained pending the litigation. 272

~~The clerk shall keep a separate account of all receipts- 273~~
~~and disbursements in civil and criminal cases. The separate- 274~~
~~account shall be a permanent public record of the office. On the 275~~
~~expiration of a clerk's term, those records shall be delivered- 276~~
~~to the clerk's successor. 277~~

The clerk shall have such other powers and duties as are 278
prescribed by rule or order of the court. 279

(D) All moneys paid into a county court shall be noted on 280
the record of the case in which they are paid and shall be 281
deposited in a state or national bank selected by the clerk. On 282
the first Monday in January of each year, the clerk shall make a 283
list of the titles of all cases in the county court that were 284
finally determined more than one year past in which there 285

remains unclaimed in the possession of the clerk any funds, or 286
any part of a deposit for security of costs not consumed by the 287
costs in the case. The clerk shall give notice of the moneys to 288
the parties entitled to them or to their attorneys of record. 289
All the moneys remaining unclaimed that are for restitution 290
payments for crime victims shall be sent to the reparations fund 291
created under section 2743.191 of the Revised Code, with a list 292
from the clerk or other officer responsible for the collection 293
and distribution of restitution payments specifying the amounts 294
and individual identifying information of the funds. All other 295
moneys remaining unclaimed on the first day of April of each 296
year shall be paid by the clerk to the county treasurer. Any 297
part of the moneys shall be paid by the county treasurer at any 298
time to the person having the right to them, upon proper 299
certification of the clerk. 300

(E) (1) In county court districts having appointed clerks, 301
deputy clerks may be appointed by the board of county 302
commissioners. Clerks and deputy clerks shall receive such 303
compensation payable in semimonthly installments out of the 304
county treasury as the board may prescribe. Each deputy clerk 305
shall take an oath of office before entering upon the duties of 306
the deputy clerk's office and, when so qualified, may perform 307
the duties appertaining to the office of the clerk. The clerk 308
may require any of the deputy clerks to give bond of not less 309
than three thousand dollars, conditioned for the faithful 310
performance of the deputy clerk's duties. 311

(2) A clerk of courts acting as clerk of the county court 312
may appoint deputy clerks to perform the duties pertaining to 313
the office of clerk of the county court. Each deputy clerk shall 314
take an oath of office before entering upon the deputy clerk's 315
duties, and the clerk of courts may require the deputy clerk to 316

give bond of not less than three thousand dollars, conditioned 317
for the faithful performance of the deputy clerk's duties. 318

(3) The clerk or a deputy clerk of a county court shall be 319
in attendance at all sessions of the court, although not 320
necessarily in the courtroom, and may administer oaths to 321
witnesses and jurors and receive verdicts. 322

(F) (1) In county court districts having appointed clerks, 323
the board of county commissioners may order the establishment of 324
one or more branch offices of the clerk and, with the 325
concurrence of the county judges, may appoint a special deputy 326
clerk to administer each branch office. Each special deputy 327
clerk shall take an oath of office before entering upon the 328
duties of the deputy clerk's office and, when so qualified, may 329
perform any one or more of the duties appertaining to the office 330
of clerk, as the board prescribes. Special deputy clerks shall 331
receive such compensation payable in semimonthly installments 332
out of the county treasury as the board may prescribe. Except as 333
otherwise provided in section 3.061 of the Revised Code, the 334
board may require any of the special deputy clerks to give bond 335
of not less than three thousand dollars, conditioned for the 336
faithful performance of the deputy clerk's duties. 337

The board of county commissioners may authorize the clerk 338
of the county court to operate one or more branch offices, to 339
divide the clerk's time between the offices, and to perform 340
duties appertaining to the office of clerk in locations that the 341
board prescribes. 342

(2) A clerk of courts acting as clerk of the county court 343
may establish one or more branch offices for the clerk's duties 344
as clerk of the county court and, with the concurrence of the 345
county court judges, may appoint a special deputy clerk to 346

administer each branch office. Each special deputy clerk shall 347
take an oath of office before entering upon the deputy clerk's 348
duties and, when so qualified, may perform any of the duties 349
pertaining to the office of clerk, as the clerk of courts 350
prescribes. The clerk of courts may require any of the special 351
deputy clerks to give bond of not less than three thousand 352
dollars, conditioned for the faithful performance of the deputy 353
clerk's duties. 354

(G) The clerk of courts of the county shall fix the 355
compensation of deputy clerks and special deputy clerks 356
appointed by the clerk pursuant to this section. Those personnel 357
shall be paid and be subject to the same requirements as other 358
employees of the clerk under the provisions of section 325.17 of 359
the Revised Code insofar as that section is applicable. 360

Sec. 2111.011. (A) The clerk of the probate court shall 361
furnish a guardianship guide, prepared either by the attorney 362
general with the approval of the Ohio judicial conference or by 363
the Ohio judicial conference under division (B) of this section, 364
to a guardian at either of the following times, whichever is 365
applicable: 366

(1) Upon the appointment of the guardian under section 367
2111.02 of the Revised Code; 368

(2) If the guardian was appointed prior to the effective 369
date of this section, upon the first filing by the guardian with 370
the probate court of either of the following, as applicable, 371
after that effective date: 372

(a) A guardian's account, other than a final account, that 373
is required to be filed under section 2109.302 of the Revised 374
Code; 375

(b) A guardian's report that is required to be filed under 376
section 2111.49 of the Revised Code. 377

(B) (1) If the attorney general subsequently prepares any 378
updated version of the guardianship guide, the updated guide 379
shall include the rights of a ward as stated in any relevant 380
provision of the Revised Code that is then current. The clerk of 381
the probate court shall furnish the most recent version of the 382
guide to a guardian at either of the following times, whichever 383
is applicable: 384

(a) Upon the appointment of the guardian under section 385
2111.02 of the Revised Code after the most recent version of the 386
guide is prepared; 387

(b) If the guardian was appointed prior to the date of the 388
most recent version of the guide, upon the first filing by the 389
guardian with the probate court of either of the documents 390
described in divisions (A) (2) (a) and (b) of this section, as 391
applicable, after that date. 392

(2) In the alternative, the Ohio judicial conference may 393
create, at their cost, an alternative guardianship guide for use 394
in all probate courts. The alternative guardianship guide shall 395
be distributed in accordance with all provisions contained in 396
this act. The court shall furnish this alternative guardianship 397
guide in accordance with the provisions of this section. 398

(C) The probate court shall establish a form for a 399
guardian to sign acknowledging that the guardian received a 400
guardianship guide pursuant to this section. 401

(D) Upon receiving a guardianship guide, the guardian 402
shall sign the form specified in division (C) of this section. 403
The signed form shall be kept ~~permanently in the guardianship~~ 404

~~file of the probate court~~ in accordance with the Rules of 405
Superintendence for the Courts of Ohio. 406

Sec. 2307.23. (A) In determining the percentage of 407
tortious conduct attributable to a party in a tort action under 408
section 2307.22 or sections 2315.32 to 2315.36 of the Revised 409
Code, the court in a nonjury action shall make findings of fact, 410
and the jury in a jury action shall return a general verdict 411
accompanied by answers to interrogatories, that shall specify 412
all of the following: 413

(1) The percentage of tortious conduct that proximately 414
caused the injury or loss to person or property or the wrongful 415
death that is attributable to the plaintiff and to each party to 416
the tort action from whom the plaintiff seeks recovery in this 417
action; 418

(2) The percentage of tortious conduct that proximately 419
caused the injury or loss to person or property or the wrongful 420
death that is attributable to each person from whom the 421
plaintiff does not seek recovery in this action. 422

(B) The sum of the percentages of tortious conduct as 423
determined pursuant to division (A) of this section shall equal 424
one hundred per cent. 425

(C) For purposes of division (A) (2) of this section, it is 426
an affirmative defense for each party to the tort action from 427
whom the plaintiff seeks recovery in this action that a specific 428
percentage of the tortious conduct that proximately caused the 429
injury or loss to person or property or the wrongful death is 430
attributable to one or more persons from whom the plaintiff does 431
not seek recovery in this action. Any party to the tort action 432
from whom the plaintiff seeks recovery in this action may raise 433

an affirmative defense under this division ~~at any time before~~ 434
~~the trial of the action~~ in accordance with the Rules of Civil 435
Procedure and other rules of practice and procedure applicable 436
to civil actions. 437

Sec. 2317.02. The following persons shall not testify in 438
certain respects: 439

(A) (1) An attorney, concerning a communication made to the 440
attorney by a client in that relation or concerning the 441
attorney's advice to a client, except that the attorney may 442
testify by express consent of the client or, if the client is 443
deceased, by the express consent of the surviving spouse or the 444
executor or administrator of the estate of the deceased client. 445
However, if the client voluntarily reveals the substance of 446
attorney-client communications in a nonprivileged context or is 447
deemed by section 2151.421 of the Revised Code to have waived 448
any testimonial privilege under this division, the attorney may 449
be compelled to testify on the same subject. 450

The testimonial privilege established under this division 451
does not apply concerning either of the following: 452

(a) A communication between a client in a capital case, as 453
defined in section 2901.02 of the Revised Code, and the client's 454
attorney if the communication is relevant to a subsequent 455
ineffective assistance of counsel claim by the client alleging 456
that the attorney did not effectively represent the client in 457
the case; 458

(b) A communication between a client who has since died 459
and the deceased client's attorney if the communication is 460
relevant to a dispute between parties who claim through that 461
deceased client, regardless of whether the claims are by testate 462

or intestate succession or by inter vivos transaction, and the 463
dispute addresses the competency of the deceased client when the 464
deceased client executed a document that is the basis of the 465
dispute or whether the deceased client was a victim of fraud, 466
undue influence, or duress when the deceased client executed a 467
document that is the basis of the dispute. 468

(2) An attorney, concerning a communication made to the 469
attorney by a client in that relationship or the attorney's 470
advice to a client, except that if the client is an insurance 471
company, the attorney may be compelled to testify, subject to an 472
in camera inspection by a court, about communications made by 473
the client to the attorney or by the attorney to the client that 474
are related to the attorney's aiding or furthering an ongoing or 475
future commission of bad faith by the client, if the party 476
seeking disclosure of the communications has made a prima-facie 477
showing of bad faith, fraud, or criminal misconduct by the 478
client. 479

(B) (1) A physician, advanced practice registered nurse, or 480
dentist concerning a communication made to the physician, 481
advanced practice registered nurse, or dentist by a patient in 482
that relation or the advice of a physician, advanced practice 483
registered nurse, or dentist given to a patient, except as 484
otherwise provided in this division, division (B) (2), and 485
division (B) (3) of this section, and except that, if the patient 486
is deemed by section 2151.421 of the Revised Code to have waived 487
any testimonial privilege under this division, the physician or 488
advanced practice registered nurse may be compelled to testify 489
on the same subject. 490

The testimonial privilege established under this division 491
does not apply, and a physician, advanced practice registered 492

nurse, or dentist may testify or may be compelled to testify, in 493
any of the following circumstances: 494

(a) In any civil action, in accordance with the discovery 495
provisions of the Rules of Civil Procedure in connection with a 496
civil action, or in connection with a claim under Chapter 4123. 497
of the Revised Code, under any of the following circumstances: 498

(i) If the patient or the guardian or other legal 499
representative of the patient gives express consent; 500

(ii) If the patient is deceased, the spouse of the patient 501
or the executor or administrator of the patient's estate gives 502
express consent; 503

(iii) If a medical claim, dental claim, chiropractic 504
claim, or optometric claim, as defined in section 2305.113 of 505
the Revised Code, an action for wrongful death, any other type 506
of civil action, or a claim under Chapter 4123. of the Revised 507
Code is filed by the patient, the personal representative of the 508
estate of the patient if deceased, or the patient's guardian or 509
other legal representative. 510

(b) In any civil action concerning court-ordered treatment 511
or services received by a patient, if the court-ordered 512
treatment or services were ordered as part of a case plan 513
journalized under section 2151.412 of the Revised Code or the 514
court-ordered treatment or services are necessary or relevant to 515
dependency, neglect, or abuse or temporary or permanent custody 516
proceedings under Chapter 2151. of the Revised Code. 517

(c) In any criminal action concerning any test or the 518
results of any test that determines the presence or 519
concentration of alcohol, a drug of abuse, a combination of 520
them, a controlled substance, or a metabolite of a controlled 521

substance in the patient's whole blood, blood serum or plasma, 522
breath, urine, oral fluid, or other bodily substance at any time 523
relevant to the criminal offense in question. 524

(d) In any criminal action against a physician, advanced 525
practice registered nurse, or dentist. In such an action, the 526
testimonial privilege established under this division does not 527
prohibit the admission into evidence, in accordance with the 528
Rules of Evidence, of a patient's medical or dental records or 529
other communications between a patient and the physician, 530
advanced practice registered nurse, or dentist that are related 531
to the action and obtained by subpoena, search warrant, or other 532
lawful means. A court that permits or compels a physician, 533
advanced practice registered nurse, or dentist to testify in 534
such an action or permits the introduction into evidence of 535
patient records or other communications in such an action shall 536
require that appropriate measures be taken to ensure that the 537
confidentiality of any patient named or otherwise identified in 538
the records is maintained. Measures to ensure confidentiality 539
that may be taken by the court include sealing its records or 540
deleting specific information from its records. 541

(e) (i) If the communication was between a patient who has 542
since died and the deceased patient's physician, advanced 543
practice registered nurse, or dentist, the communication is 544
relevant to a dispute between parties who claim through that 545
deceased patient, regardless of whether the claims are by 546
testate or intestate succession or by inter vivos transaction, 547
and the dispute addresses the competency of the deceased patient 548
when the deceased patient executed a document that is the basis 549
of the dispute or whether the deceased patient was a victim of 550
fraud, undue influence, or duress when the deceased patient 551
executed a document that is the basis of the dispute. 552

(ii) If neither the spouse of a patient nor the executor 553
or administrator of that patient's estate gives consent under 554
division (B) (1) (a) (ii) of this section, testimony or the 555
disclosure of the patient's medical records by a physician, 556
advanced practice registered nurse, dentist, or other health 557
care provider under division (B) (1) (e) (i) of this section is a 558
permitted use or disclosure of protected health information, as 559
defined in 45 C.F.R. 160.103, and an authorization or 560
opportunity to be heard shall not be required. 561

(iii) Division (B) (1) (e) (i) of this section does not 562
require a mental health professional to disclose psychotherapy 563
notes, as defined in 45 C.F.R. 164.501. 564

(iv) An interested person who objects to testimony or 565
disclosure under division (B) (1) (e) (i) of this section may seek 566
a protective order pursuant to Civil Rule 26. 567

(v) A person to whom protected health information is 568
disclosed under division (B) (1) (e) (i) of this section shall not 569
use or disclose the protected health information for any purpose 570
other than the litigation or proceeding for which the 571
information was requested and shall return the protected health 572
information to the covered entity or destroy the protected 573
health information, including all copies made, at the conclusion 574
of the litigation or proceeding. 575

(2) (a) If any law enforcement officer submits a written 576
statement to a health care provider that states that an official 577
criminal investigation has begun regarding a specified person or 578
that a criminal action or proceeding has been commenced against 579
a specified person, that requests the provider to supply to the 580
officer copies of any records the provider possesses that 581
pertain to any test or the results of any test administered to 582

the specified person to determine the presence or concentration 583
of alcohol, a drug of abuse, a combination of them, a controlled 584
substance, or a metabolite of a controlled substance in the 585
person's whole blood, blood serum or plasma, breath, oral fluid, 586
or urine at any time relevant to the criminal offense in 587
question, and that conforms to section 2317.022 of the Revised 588
Code, the provider, except to the extent specifically prohibited 589
by any law of this state or of the United States, shall supply 590
to the officer a copy of any of the requested records the 591
provider possesses. If the health care provider does not possess 592
any of the requested records, the provider shall give the 593
officer a written statement that indicates that the provider 594
does not possess any of the requested records. 595

(b) If a health care provider possesses any records of the 596
type described in division (B) (2) (a) of this section regarding 597
the person in question at any time relevant to the criminal 598
offense in question, in lieu of personally testifying as to the 599
results of the test in question, the custodian of the records 600
may submit a certified copy of the records, and, upon its 601
submission, the certified copy is qualified as authentic 602
evidence and may be admitted as evidence in accordance with the 603
Rules of Evidence. Division (A) of section 2317.422 of the 604
Revised Code does not apply to any certified copy of records 605
submitted in accordance with this division. Nothing in this 606
division shall be construed to limit the right of any party to 607
call as a witness the person who administered the test to which 608
the records pertain, the person under whose supervision the test 609
was administered, the custodian of the records, the person who 610
made the records, or the person under whose supervision the 611
records were made. 612

(3) (a) If the testimonial privilege described in division 613

(B) (1) of this section does not apply as provided in division 614
(B) (1) (a) (iii) of this section, a physician, advanced practice 615
registered nurse, or dentist may be compelled to testify or to 616
submit to discovery under the Rules of Civil Procedure only as 617
to a communication made to the physician, advanced practice 618
registered nurse, or dentist by the patient in question in that 619
relation, or the advice of the physician, advanced practice 620
registered nurse, or dentist given to the patient in question, 621
that related causally or historically to physical or mental 622
injuries that are relevant to issues in the medical claim, 623
dental claim, chiropractic claim, or optometric claim, action 624
for wrongful death, other civil action, or claim under Chapter 625
4123. of the Revised Code. 626

(b) If the testimonial privilege described in division (B) 627
(1) of this section does not apply to a physician, advanced 628
practice registered nurse, or dentist as provided in division 629
(B) (1) (c) of this section, the physician, advanced practice 630
registered nurse, or dentist, in lieu of personally testifying 631
as to the results of the test in question, may submit a 632
certified copy of those results, and, upon its submission, the 633
certified copy is qualified as authentic evidence and may be 634
admitted as evidence in accordance with the Rules of Evidence. 635
Division (A) of section 2317.422 of the Revised Code does not 636
apply to any certified copy of results submitted in accordance 637
with this division. Nothing in this division shall be construed 638
to limit the right of any party to call as a witness the person 639
who administered the test in question, the person under whose 640
supervision the test was administered, the custodian of the 641
results of the test, the person who compiled the results, or the 642
person under whose supervision the results were compiled. 643

(4) The testimonial privilege described in division (B) (1) 644

of this section is not waived when a communication is made by a 645
physician or advanced practice registered nurse to a pharmacist 646
or when there is communication between a patient and a 647
pharmacist in furtherance of the physician-patient or advanced 648
practice registered nurse-patient relation. 649

(5) (a) As used in divisions (B) (1) to (4) of this section, 650
"communication" means acquiring, recording, or transmitting any 651
information, in any manner, concerning any facts, opinions, or 652
statements necessary to enable a physician, advanced practice 653
registered nurse, or dentist to diagnose, treat, prescribe, or 654
act for a patient. A "communication" may include, but is not 655
limited to, any medical or dental, office, or hospital 656
communication such as a record, chart, letter, memorandum, 657
laboratory test and results, x-ray, photograph, financial 658
statement, diagnosis, or prognosis. 659

(b) As used in division (B) (2) of this section, "health 660
care provider" means a hospital, ambulatory care facility, long- 661
term care facility, pharmacy, emergency facility, or health care 662
practitioner. 663

(c) As used in division (B) (5) (b) of this section: 664

(i) "Ambulatory care facility" means a facility that 665
provides medical, diagnostic, or surgical treatment to patients 666
who do not require hospitalization, including a dialysis center, 667
ambulatory surgical facility, cardiac catheterization facility, 668
diagnostic imaging center, extracorporeal shock wave lithotripsy 669
center, home health agency, inpatient hospice, birthing center, 670
radiation therapy center, emergency facility, and an urgent care 671
center. "Ambulatory health care facility" does not include the 672
private office of a physician, advanced practice registered 673
nurse, or dentist, whether the office is for an individual or 674

group practice. 675

(ii) "Emergency facility" means a hospital emergency 676
department or any other facility that provides emergency medical 677
services. 678

(iii) "Health care practitioner" has the same meaning as 679
in section 4769.01 of the Revised Code. 680

(iv) "Hospital" has the same meaning as in section 3727.01 681
of the Revised Code. 682

(v) "Long-term care facility" means a nursing home, 683
residential care facility, or home for the aging, as those terms 684
are defined in section 3721.01 of the Revised Code; a 685
residential facility licensed under section 5119.34 of the 686
Revised Code that provides accommodations, supervision, and 687
personal care services for three to sixteen unrelated adults; a 688
nursing facility, as defined in section 5165.01 of the Revised 689
Code; a skilled nursing facility, as defined in section 5165.01 690
of the Revised Code; and an intermediate care facility for 691
individuals with intellectual disabilities, as defined in 692
section 5124.01 of the Revised Code. 693

(vi) "Pharmacy" has the same meaning as in section 4729.01 694
of the Revised Code. 695

(d) As used in divisions (B) (1) and (2) of this section, 696
"drug of abuse" has the same meaning as in section 4506.01 of 697
the Revised Code. 698

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 699
section apply to doctors of medicine, doctors of osteopathic 700
medicine, doctors of podiatry, advanced practice registered 701
nurses, and dentists. 702

(7) Nothing in divisions (B) (1) to (6) of this section 703
affects, or shall be construed as affecting, the immunity from 704
civil liability conferred by section 307.628 of the Revised Code 705
or the immunity from civil liability conferred by section 706
2305.33 of the Revised Code upon physicians or advanced practice 707
registered nurses who report an employee's use of a drug of 708
abuse, or a condition of an employee other than one involving 709
the use of a drug of abuse, to the employer of the employee in 710
accordance with division (B) of that section. As used in 711
division (B) (7) of this section, "employee," "employer," and 712
"physician" have the same meanings as in section 2305.33 of the 713
Revised Code and "advanced practice registered nurse" has the 714
same meaning as in section 4723.01 of the Revised Code. 715

(C) (1) A cleric, when the cleric remains accountable to 716
the authority of that cleric's church, denomination, or sect, 717
concerning a confession made, or any information confidentially 718
communicated, to the cleric for a religious counseling purpose 719
in the cleric's professional character. The cleric may testify 720
by express consent of the person making the communication, 721
except when the disclosure of the information is in violation of 722
a sacred trust and except that, if the person voluntarily 723
testifies or is deemed by division (A) (4) (c) of section 2151.421 724
of the Revised Code to have waived any testimonial privilege 725
under this division, the cleric may be compelled to testify on 726
the same subject except when disclosure of the information is in 727
violation of a sacred trust. 728

(2) As used in division (C) of this section: 729

(a) "Cleric" means a member of the clergy, rabbi, priest, 730
Christian Science practitioner, or regularly ordained, 731
accredited, or licensed minister of an established and legally 732

cognizable church, denomination, or sect. 733

(b) "Sacred trust" means a confession or confidential 734
communication made to a cleric in the cleric's ecclesiastical 735
capacity in the course of discipline enjoined by the church to 736
which the cleric belongs, including, but not limited to, the 737
Catholic Church, if both of the following apply: 738

(i) The confession or confidential communication was made 739
directly to the cleric. 740

(ii) The confession or confidential communication was made 741
in the manner and context that places the cleric specifically 742
and strictly under a level of confidentiality that is considered 743
inviolable by canon law or church doctrine. 744

(D) Husband or wife, concerning any communication made by 745
one to the other, or an act done by either in the presence of 746
the other, during coverture, unless the communication was made, 747
or act done, in the known presence or hearing of a third person 748
competent to be a witness; and such rule is the same if the 749
marital relation has ceased to exist; 750

(E) A person who assigns a claim or interest, concerning 751
any matter in respect to which the person would not, if a party, 752
be permitted to testify; 753

~~(F) A person who, if a party, would be restricted under 754
section 2317.03 of the Revised Code, when the property or thing 755
is sold or transferred by an executor, administrator, guardian, 756
trustee, heir, devisee, or legatee, shall be restricted in the 757
same manner in any action or proceeding concerning the property 758
or thing. 759~~

~~(G) (1)~~ (F) (1) A school guidance counselor who holds a valid 760
educator license from the state board of education as provided 761

for in section 3319.22 of the Revised Code, a person licensed 762
under Chapter 4757. of the Revised Code as a licensed 763
professional clinical counselor, licensed professional 764
counselor, social worker, independent social worker, marriage 765
and family therapist or independent marriage and family 766
therapist, or registered under Chapter 4757. of the Revised Code 767
as a social work assistant concerning a confidential 768
communication received from a client in that relation or the 769
person's advice to a client unless any of the following applies: 770

(a) The communication or advice indicates clear and 771
present danger to the client or other persons. For the purposes 772
of this division, cases in which there are indications of 773
present or past child abuse or neglect of the client constitute 774
a clear and present danger. 775

(b) The client gives express consent to the testimony. 776

(c) If the client is deceased, the surviving spouse or the 777
executor or administrator of the estate of the deceased client 778
gives express consent. 779

(d) The client voluntarily testifies, in which case the 780
school guidance counselor or person licensed or registered under 781
Chapter 4757. of the Revised Code may be compelled to testify on 782
the same subject. 783

(e) The court in camera determines that the information 784
communicated by the client is not germane to the counselor- 785
client, marriage and family therapist-client, or social worker- 786
client relationship. 787

(f) A court, in an action brought against a school, its 788
administration, or any of its personnel by the client, rules 789
after an in-camera inspection that the testimony of the school 790

guidance counselor is relevant to that action. 791

(g) The testimony is sought in a civil action and concerns 792
court-ordered treatment or services received by a patient as 793
part of a case plan journalized under section 2151.412 of the 794
Revised Code or the court-ordered treatment or services are 795
necessary or relevant to dependency, neglect, or abuse or 796
temporary or permanent custody proceedings under Chapter 2151. 797
of the Revised Code. 798

(2) Nothing in division ~~(G)~~~~(1)~~ (F) (1) of this section shall 799
relieve a school guidance counselor or a person licensed or 800
registered under Chapter 4757. of the Revised Code from the 801
requirement to report information concerning child abuse or 802
neglect under section 2151.421 of the Revised Code. 803

~~(H)~~ (G) A mediator acting under a mediation order issued 804
under division (A) of section 3109.052 of the Revised Code or 805
otherwise issued in any proceeding for divorce, dissolution, 806
legal separation, annulment, or the allocation of parental 807
rights and responsibilities for the care of children, in any 808
action or proceeding, other than a criminal, delinquency, child 809
abuse, child neglect, or dependent child action or proceeding, 810
that is brought by or against either parent who takes part in 811
mediation in accordance with the order and that pertains to the 812
mediation process, to any information discussed or presented in 813
the mediation process, to the allocation of parental rights and 814
responsibilities for the care of the parents' children, or to 815
the awarding of parenting time rights in relation to their 816
children; 817

~~(I)~~ (H) A communications assistant, acting within the scope 818
of the communication assistant's authority, when providing 819
telecommunications relay service pursuant to section 4931.06 of 820

the Revised Code or Title II of the "Communications Act of 821
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 822
communication made through a telecommunications relay service. 823
Nothing in this section shall limit the obligation of a 824
communications assistant to divulge information or testify when 825
mandated by federal law or regulation or pursuant to subpoena in 826
a criminal proceeding. 827

Nothing in this section shall limit any immunity or 828
privilege granted under federal law or regulation. 829

~~(J)~~~~(1)~~(I) (1) A chiropractor in a civil proceeding 830
concerning a communication made to the chiropractor by a patient 831
in that relation or the chiropractor's advice to a patient, 832
except as otherwise provided in this division. The testimonial 833
privilege established under this division does not apply, and a 834
chiropractor may testify or may be compelled to testify, in any 835
civil action, in accordance with the discovery provisions of the 836
Rules of Civil Procedure in connection with a civil action, or 837
in connection with a claim under Chapter 4123. of the Revised 838
Code, under any of the following circumstances: 839

(a) If the patient or the guardian or other legal 840
representative of the patient gives express consent. 841

(b) If the patient is deceased, the spouse of the patient 842
or the executor or administrator of the patient's estate gives 843
express consent. 844

(c) If a medical claim, dental claim, chiropractic claim, 845
or optometric claim, as defined in section 2305.113 of the 846
Revised Code, an action for wrongful death, any other type of 847
civil action, or a claim under Chapter 4123. of the Revised Code 848
is filed by the patient, the personal representative of the 849

estate of the patient if deceased, or the patient's guardian or 850
other legal representative. 851

(2) If the testimonial privilege described in division ~~(J)~~ 852
~~(1)~~(I) (1) of this section does not apply as provided in division 853
~~(J)~~ ~~(1)~~ ~~(e)~~ (I) (1) (c) of this section, a chiropractor may be 854
compelled to testify or to submit to discovery under the Rules 855
of Civil Procedure only as to a communication made to the 856
chiropractor by the patient in question in that relation, or the 857
chiropractor's advice to the patient in question, that related 858
causally or historically to physical or mental injuries that are 859
relevant to issues in the medical claim, dental claim, 860
chiropractic claim, or optometric claim, action for wrongful 861
death, other civil action, or claim under Chapter 4123. of the 862
Revised Code. 863

(3) The testimonial privilege established under this 864
division does not apply, and a chiropractor may testify or be 865
compelled to testify, in any criminal action or administrative 866
proceeding. 867

(4) As used in this division, "communication" means 868
acquiring, recording, or transmitting any information, in any 869
manner, concerning any facts, opinions, or statements necessary 870
to enable a chiropractor to diagnose, treat, or act for a 871
patient. A communication may include, but is not limited to, any 872
chiropractic, office, or hospital communication such as a 873
record, chart, letter, memorandum, laboratory test and results, 874
x-ray, photograph, financial statement, diagnosis, or prognosis. 875

~~(K)~~ ~~(1)~~ (J) (1) Except as provided under division ~~(K)~~ ~~(2)~~ (J) 876
(2) of this section, a critical incident stress management team 877
member concerning a communication received from an individual 878
who receives crisis response services from the team member, or 879

the team member's advice to the individual, during a debriefing session. 880
881

(2) The testimonial privilege established under division 882
~~(K)~~ ~~(1)~~ (J) (1) of this section does not apply if any of the 883
following are true: 884

(a) The communication or advice indicates clear and 885
present danger to the individual who receives crisis response 886
services or to other persons. For purposes of this division, 887
cases in which there are indications of present or past child 888
abuse or neglect of the individual constitute a clear and 889
present danger. 890

(b) The individual who received crisis response services 891
gives express consent to the testimony. 892

(c) If the individual who received crisis response 893
services is deceased, the surviving spouse or the executor or 894
administrator of the estate of the deceased individual gives 895
express consent. 896

(d) The individual who received crisis response services 897
voluntarily testifies, in which case the team member may be 898
compelled to testify on the same subject. 899

(e) The court in camera determines that the information 900
communicated by the individual who received crisis response 901
services is not germane to the relationship between the 902
individual and the team member. 903

(f) The communication or advice pertains or is related to 904
any criminal act. 905

(3) As used in division ~~(K)~~ (J) of this section: 906

(a) "Crisis response services" means consultation, risk 907

assessment, referral, and on-site crisis intervention services 908
provided by a critical incident stress management team to 909
individuals affected by crisis or disaster. 910

(b) "Critical incident stress management team member" or 911
"team member" means an individual specially trained to provide 912
crisis response services as a member of an organized community 913
or local crisis response team that holds membership in the Ohio 914
critical incident stress management network. 915

(c) "Debriefing session" means a session at which crisis 916
response services are rendered by a critical incident stress 917
management team member during or after a crisis or disaster. 918

~~(L)(1)~~(K)(1) Subject to division ~~(L)(2)~~(K)(2) of this 919
section and except as provided in division ~~(L)(3)~~(K)(3) of this 920
section, an employee assistance professional, concerning a 921
communication made to the employee assistance professional by a 922
client in the employee assistance professional's official 923
capacity as an employee assistance professional. 924

(2) Division ~~(L)(1)~~(K)(1) of this section applies to an 925
employee assistance professional who meets either or both of the 926
following requirements: 927

(a) Is certified by the employee assistance certification 928
commission to engage in the employee assistance profession; 929

(b) Has education, training, and experience in all of the 930
following: 931

(i) Providing workplace-based services designed to address 932
employer and employee productivity issues; 933

(ii) Providing assistance to employees and employees' 934
dependents in identifying and finding the means to resolve 935

personal problems that affect the employees or the employees' 936
performance; 937

(iii) Identifying and resolving productivity problems 938
associated with an employee's concerns about any of the 939
following matters: health, marriage, family, finances, substance 940
abuse or other addiction, workplace, law, and emotional issues; 941

(iv) Selecting and evaluating available community 942
resources; 943

(v) Making appropriate referrals; 944

(vi) Local and national employee assistance agreements; 945

(vii) Client confidentiality. 946

(3) Division ~~(L)~~ ~~(1)~~ (K) (1) of this section does not apply 947
to any of the following: 948

(a) A criminal action or proceeding involving an offense 949
under sections 2903.01 to 2903.06 of the Revised Code if the 950
employee assistance professional's disclosure or testimony 951
relates directly to the facts or immediate circumstances of the 952
offense; 953

(b) A communication made by a client to an employee 954
assistance professional that reveals the contemplation or 955
commission of a crime or serious, harmful act; 956

(c) A communication that is made by a client who is an 957
unemancipated minor or an adult adjudicated to be incompetent 958
and indicates that the client was the victim of a crime or 959
abuse; 960

(d) A civil proceeding to determine an individual's mental 961
competency or a criminal action in which a plea of not guilty by 962

reason of insanity is entered; 963

(e) A civil or criminal malpractice action brought against 964
the employee assistance professional; 965

(f) When the employee assistance professional has the 966
express consent of the client or, if the client is deceased or 967
disabled, the client's legal representative; 968

(g) When the testimonial privilege otherwise provided by 969
division ~~(L)~~ ~~(1)~~ (K) (1) of this section is abrogated under law. 970

Sec. 2317.021. (A) As used in division (A) of section 971
2317.02 of the Revised Code: 972

"Client" means a person, firm, partnership, corporation, 973
or other association that, directly or through any 974
representative, consults an attorney for the purpose of 975
retaining the attorney or securing legal service or advice from 976
the attorney in the attorney's professional capacity, or 977
consults an attorney employee for legal service or advice, and 978
who communicates, either directly or through an agent, employee, 979
or other representative, with such attorney; and includes an 980
incompetent person whose guardian so consults the attorney in 981
behalf of the incompetent person. 982

Where a corporation or association is a client having the 983
privilege and it has been dissolved, the privilege shall extend 984
to the last board of directors, their successors or assigns, or 985
to the trustees, their successors or assigns. 986

This section shall be construed as in addition to, and not 987
in limitation of, other laws affording protection to 988
communications under the attorney-client privilege. 989

(B) As used in this section and in ~~sections~~ section 990

2317.02 ~~and 2317.03~~ of the Revised Code, "incompetent" or 991
"incompetent person" means a person who is so mentally impaired, 992
as a result of a mental or physical illness or disability, as a 993
result of an intellectual disability, or as a result of chronic 994
substance abuse, that the person is incapable of taking proper 995
care of the person's self or property or fails to provide for 996
the person's family or other persons for whom the person is 997
charged by law to provide. 998

Sec. 2939.03. Except for a foreperson selected by the 999
judge of the court of common pleas under ~~section 2939.02 of the~~ 1000
~~Revised Code~~ the Rules of Criminal Procedure, a grand jury is 1001
drawn and notified in the same manner as other jurors are drawn 1002
and notified under Chapter 2313. of the Revised Code. Grand 1003
jurors so drawn and notified are not entitled to an exemption 1004
for any reason but may be excused from service or have their 1005
service postponed for the same reasons and in the same manner as 1006
other jurors under that chapter and not otherwise. Grand jurors 1007
are subject to the same fines and penalties for nonattendance 1008
and otherwise as are other jurors under that chapter. The duties 1009
and the powers of courts of common pleas, clerks of courts of 1010
common pleas, and commissioners of jurors in regard to grand 1011
jurors in all respects are the same as in regard to other 1012
jurors. 1013

Sec. 2939.06. (A) When a grand jury is impaneled, the 1014
court of common pleas ~~shall appoint one of the members of the~~ 1015
~~grand jury as foreperson, and~~ shall administer, or cause to be 1016
administered, to the jurors an oath in the following words to 1017
which the jurors shall respond "I do solemnly swear" or "I do 1018
solemnly affirm": 1019

"Do you solemnly swear or affirm that you will diligently 1020

inquire into and carefully deliberate all matters that shall 1021
come to your attention concerning this service; and do you 1022
solemnly swear or affirm that you will keep secret all 1023
proceedings of the grand jury unless you are required in a court 1024
of justice to make disclosure; and do you solemnly swear or 1025
affirm that you will indict no person through malice, hatred, or 1026
ill will; and do you solemnly swear or affirm that you will not 1027
leave unindicted any person through fear, favor, or affection, 1028
or for any reward or hope thereof; and do you solemnly swear or 1029
affirm that in all your deliberations you will present the 1030
truth, the whole truth, and nothing but the truth, according to 1031
the best of your skill and understanding, as you shall answer 1032
unto God or under the penalties of perjury?" 1033

(B) If, on or after ~~the effective date of this amendment~~ 1034
March 24, 2003, a court impaneling a grand jury uses the grand 1035
juror's oath that was in effect prior to ~~the effective date of~~ 1036
~~this amendment~~ March 24, 2003, instead of the oath set forth in 1037
division (A) of this section, the court's use of the former oath 1038
does not invalidate or affect the validity of the impanelment of 1039
the grand jury, any proceeding, inquiry, or presentation of the 1040
grand jury, any indictment or other document found, returned, or 1041
issued by the grand jury, or any other action taken by the grand 1042
jury. 1043

Sec. 2943.02. ~~An accused person shall be arraigned by the~~ 1044
~~clerk of the court of common pleas, or his deputy, reading the~~ 1045
~~indictment or information to the accused, unless the accused or~~ 1046
~~his attorney waives the reading thereof. He shall then be asked~~ 1047
~~to plead thereto. Arraignment shall be made immediately after~~ 1048
the disposition of exceptions to the indictment, if any are 1049
filed, or, if no exceptions are filed, after reasonable 1050
opportunity has been given the accused to file such exceptions. 1051

Sec. 2945.51. When a deposition is to be taken in this 1052
state, ~~and a commission is granted under section 2945.50 of the~~ 1053
~~Revised Code~~ while the defendant is confined in jail, the 1054
sheriff or deputy or other person having custody of the 1055
defendant shall be ordered by the court to take the defendant to 1056
the place of the taking of the deposition, and have ~~him~~ the 1057
defendant before the officer at the time of taking such 1058
deposition. ~~Such~~ The sheriff or deputy or other person having 1059
custody of the defendant shall be reimbursed for actual 1060
reasonable traveling expenses for ~~himself~~ self and the 1061
defendant, the bills for the same, upon the approval of the 1062
board of county commissioners, to be paid from the county 1063
treasury on the warrant of the county auditor. ~~Such~~ The sheriff 1064
shall receive as fees therefor, one dollar for each day in 1065
attendance ~~thereat~~ at the place of the taking of the deposition. 1066
Such fees and traveling expenses shall be taxed and collected as 1067
other fees and costs in the case. 1068

Sec. 2945.52. Counsel assigned by the court to represent 1069
the defendant may attend upon and represent the defendant at the 1070
taking of a deposition ~~under section 2945.50 of the Revised~~ 1071
~~Code~~, and ~~said~~ the counsel shall be paid a reasonable fee for 1072
~~his~~ the counsel's services in taking such deposition, in addition 1073
to the compensation allowed for defending ~~such~~ the defendant, to 1074
be fixed by the court. ~~He~~ The counsel shall also be allowed 1075
~~his~~ the counsel's actual expenses incurred in going to and from 1076
the place of taking the deposition. 1077

Sec. 2945.53. In all cases in which depositions are taken 1078
by the state or the accused, to be used by or against the 1079
accused, as provided in ~~sections 2945.50 to 2945.52, inclusive,~~ 1080
~~of the Revised Code~~ the Rules of Criminal Procedure, the court 1081
shall by proper order provide and secure to the accused the 1082

means and opportunity to be present in person and with counsel 1083
at the taking of such deposition, and to examine the witness 1084
face to face, as fully and in the same manner as if in court. 1085
All expenses necessarily incurred in the securing of such means 1086
and opportunity, and the expenses of the prosecuting attorney in 1087
attending the taking of such deposition, shall be paid out of 1088
the county treasury upon the certificate of the court making 1089
such order. 1090

Sec. 2945.54. The examination of witnesses by deposition 1091
in criminal cases shall be taken and certified, and the return 1092
thereof to the court made as for taking depositions under 1093
sections 2319.05 to 2319.31, ~~inclusive,~~ of the Revised Code. ~~The~~ 1094
~~commissioners appointed under section 2945.50 of the Revised~~ 1095
~~Code to take depositions shall receive such compensation as the~~ 1096
~~court directs, to be paid out of the county treasury and taxed~~ 1097
~~as part of the costs in the case.~~ 1098

Section 2. That existing sections 1901.021, 1901.14, 1099
1901.22, 1907.20, 2111.011, 2307.23, 2317.02, 2317.021, 2939.03, 1100
2939.06, 2943.02, 2945.51, 2945.52, 2945.53, and 2945.54 of the 1101
Revised Code are hereby repealed. 1102

Section 3. That sections 1901.16, 1901.41, 1907.21, 1103
1907.231, 2101.12, 2101.121, 2101.14, 2101.141, 2301.141, 1104
2317.03, 2317.42, 2939.02, 2939.20, 2941.021, 2943.04, 2945.30, 1105
2945.31, 2945.33, 2945.34, 2945.41, and 2945.50 of the Revised 1106
Code are hereby repealed. 1107