

As Passed by the Senate

136th General Assembly

Regular Session

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Sub. S. B. No. 61

Senators Gavarone, Manning

**Cosponsors: Senators Antonio, Blackshear, Cirino, Craig, DeMora, Hicks-Hudson,
Ingram, Johnson, Reineke, Reynolds, Roegner, Weinstein, Wilkin**

To amend sections 1901.021, 1901.14, 1901.22, 1
1901.31, 1907.20, 2111.011, 2307.23, 2317.02, 2
2317.021, 2317.41, 2317.422, 2939.03, 2939.06, 3
2941.61, 2943.02, 2945.51, 2945.52, 2945.53, and 4
2945.54 and to repeal sections 1901.16, 1901.41, 5
1907.21, 1907.231, 2101.12, 2101.121, 2101.14, 6
2101.141, 2301.141, 2317.03, 2317.40, 2317.42, 7
2939.02, 2939.20, 2941.021, 2943.03, 2943.04, 8
2945.12, 2945.30, 2945.31, 2945.33, 2945.34, 9
2945.41, 2945.45, and 2945.50 of the Revised 10
Code relative to courts and court procedures. 11

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

Section 1. That sections 1901.021, 1901.14, 1901.22, 12
1901.31, 1907.20, 2111.011, 2307.23, 2317.02, 2317.021, 2317.41, 13
2317.422, 2939.03, 2939.06, 2941.61, 2943.02, 2945.51, 2945.52, 14
2945.53, and 2945.54 of the Revised Code be amended to read as 15
follows: 16

Sec. 1901.021. (A) Except as otherwise provided in 17
division (M) of this section, the judge or judges of any 18
municipal court established under division (A) of section 19

1901.01 of the Revised Code having territorial jurisdiction 20
outside the corporate limits of the municipal corporation in 21
which it is located may sit outside the corporate limits of the 22
municipal corporation within the area of its territorial 23
jurisdiction. 24

(B) Two or more of the judges of the Hamilton county 25
municipal court may be assigned by the presiding judge of the 26
court to sit outside the municipal corporation of Cincinnati. 27

(C) Two of the judges of the Portage county municipal 28
court shall sit within the municipal corporation of Ravenna, and 29
one of the judges shall sit within the municipal corporation of 30
Kent. The judges may sit in other incorporated areas of Portage 31
county. 32

(D) The judges of the Wayne county municipal court shall 33
sit within the municipal corporation of Wooster and may sit in 34
other incorporated areas of Wayne county. 35

(E) The judge of the Auglaize county municipal court shall 36
sit within the municipal corporations of Wapakoneta and St. 37
Marys and may sit in other incorporated areas in Auglaize 38
county. 39

(F) At least one of the judges of the Miami county 40
municipal court shall sit within the municipal corporations of 41
Troy, Piqua, and Tipp City, and the judges may sit in other 42
incorporated areas of Miami county. 43

(G) The judge of the Crawford county municipal court shall 44
sit within the municipal corporations of Bucyrus and Galion and 45
may sit in other incorporated areas in Crawford county. 46

(H) The judge of the Jackson county municipal court shall 47
sit within the municipal corporations of Jackson and Wellston 48

and may sit in other incorporated areas in Jackson county. 49

(I) Each judge of the Columbiana county municipal court 50
may sit within the municipal corporation of Lisbon, Salem, or 51
East Palestine until the judges jointly select a central 52
location within the territorial jurisdiction of the court. When 53
the judges select a central location, the judges shall sit at 54
that location. 55

(J) In any municipal court, other than the Hamilton county 56
municipal court and the Montgomery county municipal court, that 57
has more than one judge, the decision for one or more judges to 58
sit outside the corporate limits of the municipal corporation 59
shall be made by rule of the court as provided in ~~division~~ 60
divisions (A) (3) and (C) of sections ~~section~~ 1901.14 and 1901.16 61
of the Revised Code. 62

(K) The assignment of a judge to sit in a municipal 63
corporation other than that in which the court is located does 64
not affect the jurisdiction of the mayor except as provided in 65
section 1905.01 of the Revised Code. 66

(L) The judges of the Clermont county municipal court may 67
sit in any municipal corporation or unincorporated territory 68
within Clermont county. 69

(M) Beginning July 1, 2010, the judges of the Montgomery 70
county municipal court shall sit in the same locations as the 71
judges of the Montgomery county county court sat before the 72
county court was abolished on that date. The legislative 73
authority of the Montgomery county municipal court may determine 74
after that date that the judges of the Montgomery county 75
municipal court shall sit in any municipal corporation or 76
unincorporated territory within Montgomery county. 77

(N) The judge of the Tiffin-Fostoria municipal court shall sit within each of the municipal corporations of Tiffin and Fostoria on a weekly basis. Cases that arise within the municipal corporation of Tiffin and within Adams, Big Spring, Bloom, Clinton, Eden, Hopewell, Liberty, Pleasant, Reed, Scioto, Seneca, Thompson, and Venice townships in Seneca county shall be filed in the office of the clerk of the court located in the municipal corporation of Tiffin. Cases that arise in the municipal corporation of Fostoria and within Loudon and Jackson townships in Seneca county shall be filed in the office of the special deputy clerk located in the municipal corporation of Fostoria. Until January 2, 2024, cases that arise within Washington township in Hancock county, and within Perry township, except within the municipal corporation of West Millgrove, in Wood county, shall be filed in the office of the special deputy clerk located in the municipal corporation of Fostoria.

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

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

(1) To perform marriage ceremonies anywhere in this state, 108
take acknowledgment of deeds and other instruments, administer 109
oaths, and perform any other duties that are conferred upon 110
judges of county courts. 111

All fees, including marriage fees, collected by a 112
municipal judge when not connected with any cause or proceeding 113
pending in the municipal court, shall be paid over to the clerk 114
of the municipal court to be paid to the city treasury, except 115
that, in a county-operated municipal court, the fees shall be 116
paid to the treasury of the county in which the court is 117
located. 118

(2) To adopt, publish, and revise rules for the regulation 119
of the practice and procedure of their respective courts, and 120
for the selection and manner of summoning persons to serve as 121
jurors in the court in accordance with the Rules of 122
Superintendence for the Courts of Ohio; 123

(3) To adopt, publish, and revise rules relating to the 124
administration of the court in accordance with the Rules of 125
Superintendence for the Courts of Ohio; 126

(4) On or before the last day of March of each year, the 127
court shall render a complete report of its operation during the 128
preceding calendar year to the legislative authority and to the 129
board of county commissioners of each county within its 130
territory. The report shall show the work performed by the 131
court, a statement of receipts and expenditures of the civil and 132
criminal branches, respectively, the number of cases heard, 133
decided, and settled, and any other data that the supreme court, 134
the secretary of state, the legislative authority, and the board 135
of county commissioners requires. 136

(B) Any rule adopted pursuant to division (A) (2) or (3) of 137
this section does not apply to the housing or environmental 138
division of the municipal court if the judge of the housing or 139
environmental division has adopted rules pursuant to division 140
(C) of this section, unless the rules adopted pursuant to 141
division (C) of this section do not regulate the subject 142
regulated by the rule adopted pursuant to division (A) (2) or (3) 143
of this section. 144

(C) Judges of the housing or environmental division of a 145
municipal court, other than the judge of the environmental 146
division of the Franklin county municipal court, may adopt, 147
publish, and revise rules for the regulation of the practice and 148
procedure of the division, for the selection and manner of 149
summoning persons to serve as jurors in the division, and for 150
the administration of the division, in accordance with the Rules 151
of Superintendence for the Courts of Ohio. 152

Sec. 1901.22. Civil actions and proceedings in the 153
municipal court shall be commenced pursuant to the Civil Rules 154
by filing a complaint upon which summons or writ shall be issued 155
by the clerk of the municipal court. A form of summons or writ 156
shall be prescribed by rule of court. The procedure in a civil 157
case in the municipal court shall be in accordance with the 158
following provisions: 159

(A) The return day shall be fixed by rule of court, and 160
the summons or writ shall, unless accompanied by an order to 161
arrest, be served at least three days before the time of 162
appearance. 163

(B) In attachment and garnishment proceedings, a true copy 164
of the affidavit shall be served with the summons and order of 165
attachment or garnishment. 166

(C) In any action in a municipal court for the recovery of 167
personal property, the appraised value of which exceeds the 168
jurisdictional amount as defined in section 1901.17 of the 169
Revised Code, the judge, upon the return of the appraisalment 170
prior to judgment, shall certify the proceedings in the case to 171
the court of common pleas. 172

(D) Whenever any property is seized or sought to be 173
recovered in any action in a municipal court, the property shall 174
be at once appraised. The value of such property may be 175
ascertained by the oath of two disinterested freeholders who are 176
residents of the territory of the court. 177

(E) In any action in a municipal court in which the amount 178
claimed by any defendant in any statement of counterclaim 179
exceeds the jurisdictional amount, the judge shall certify the 180
proceedings in the case to the court of common pleas, except in 181
the Cleveland municipal court. 182

(F) When the amount due either party exceeds the sum for 183
which a municipal court is authorized to enter judgment, such 184
party may in writing remit the excess and judgment shall be 185
entered for the residue. ~~Any party defendant may, at his option,~~ 186
~~withhold setting up any statement of counterclaim and make the~~ 187
~~counterclaim the subject of a separate action.~~ 188

(G) Upon certification of any proceedings to the court of 189
common pleas, the clerk of the municipal court shall forthwith 190
transmit the original papers and pleadings, together with a 191
certified transcript of the journal entries in the case, to the 192
clerk of the court of common pleas to be filed. The bailiff 193
shall turn over the property in ~~his~~ the bailiff's possession to 194
the sheriff of the county to be held by ~~him~~ the sheriff as in 195
like cases originating in the court of common pleas. The case 196

shall then proceed as if it had been commenced originally in the 197
court of common pleas. 198

Sec. 1901.31. The clerk and deputy clerks of a municipal 199
court shall be selected, be compensated, give bond, and have 200
powers and duties as follows: 201

(A) There shall be a clerk of the court who is appointed 202
or elected as follows: 203

(1) (a) Except in the Akron, Barberton, Toledo, Columbiana 204
county, Hamilton county, Miami county, Montgomery county, 205
Portage county, and Wayne county municipal courts and through 206
December 31, 2008, the Cuyahoga Falls municipal court, if the 207
population of the territory equals or exceeds one hundred 208
thousand at the regular municipal election immediately preceding 209
the expiration of the term of the present clerk, the clerk shall 210
be nominated and elected by the qualified electors of the 211
territory in the manner that is provided for the nomination and 212
election of judges in section 1901.07 of the Revised Code. 213

The clerk so elected shall hold office for a term of six 214
years, which term shall commence on the first day of January 215
following the clerk's election and continue until the clerk's 216
successor is elected and qualified. 217

(b) In the Hamilton county municipal court, the clerk of 218
courts of Hamilton county shall be the clerk of the municipal 219
court and may appoint an assistant clerk who shall receive the 220
compensation, payable out of the treasury of Hamilton county in 221
semimonthly installments, that the board of county commissioners 222
prescribes. The clerk of courts of Hamilton county, acting as 223
the clerk of the Hamilton county municipal court and assuming 224
the duties of that office, shall receive compensation at one- 225

fourth the rate that is prescribed for the clerks of courts of 226
common pleas as determined in accordance with the population of 227
the county and the rates set forth in sections 325.08 and 325.18 228
of the Revised Code. This compensation shall be paid from the 229
county treasury in semimonthly installments and is in addition 230
to the annual compensation that is received for the performance 231
of the duties of the clerk of courts of Hamilton county, as 232
provided in sections 325.08 and 325.18 of the Revised Code. 233

(c) In the Portage county and Wayne county municipal 234
courts, the clerks of courts of Portage county and Wayne county 235
shall be the clerks, respectively, of the Portage county and 236
Wayne county municipal courts and may appoint a chief deputy 237
clerk for each branch that is established pursuant to section 238
1901.311 of the Revised Code and assistant clerks as the judges 239
of the municipal court determine are necessary, all of whom 240
shall receive the compensation that the legislative authority 241
prescribes. The clerks of courts of Portage county and Wayne 242
county, acting as the clerks of the Portage county and Wayne 243
county municipal courts and assuming the duties of these 244
offices, shall receive compensation payable from the county 245
treasury in semimonthly installments at one-fourth the rate that 246
is prescribed for the clerks of courts of common pleas as 247
determined in accordance with the population of the county and 248
the rates set forth in sections 325.08 and 325.18 of the Revised 249
Code. 250

(d) In the Montgomery county and Miami county municipal 251
courts, the clerks of courts of Montgomery county and Miami 252
county shall be the clerks, respectively, of the Montgomery 253
county and Miami county municipal courts. The clerks of courts 254
of Montgomery county and Miami county, acting as the clerks of 255
the Montgomery county and Miami county municipal courts and 256

assuming the duties of these offices, shall receive compensation 257
at one-fourth the rate that is prescribed for the clerks of 258
courts of common pleas as determined in accordance with the 259
population of the county and the rates set forth in sections 260
325.08 and 325.18 of the Revised Code. This compensation shall 261
be paid from the county treasury in semimonthly installments and 262
is in addition to the annual compensation that is received for 263
the performance of the duties of the clerks of courts of 264
Montgomery county and Miami county, as provided in sections 265
325.08 and 325.18 of the Revised Code. 266

(e) Except as otherwise provided in division (A) (1) (e) of 267
this section, in the Akron municipal court, candidates for 268
election to the office of clerk of the court shall be nominated 269
by primary election. The primary election shall be held on the 270
day specified in the charter of the city of Akron for the 271
nomination of municipal officers. Notwithstanding any contrary 272
provision of section 3513.05 or 3513.257 of the Revised Code, 273
the declarations of candidacy and petitions of partisan 274
candidates and the nominating petitions of independent 275
candidates for the office of clerk of the Akron municipal court 276
shall be signed by at least fifty qualified electors of the 277
territory of the court. 278

The candidates shall file a declaration of candidacy and 279
petition, or a nominating petition, whichever is applicable, not 280
later than four p.m. of the ninetieth day before the day of the 281
primary election, in the form prescribed by section 3513.07 or 282
3513.261 of the Revised Code. The declaration of candidacy and 283
petition, or the nominating petition, shall conform to the 284
applicable requirements of section 3513.05 or 3513.257 of the 285
Revised Code. 286

If no valid declaration of candidacy and petition is filed 287
by any person for nomination as a candidate of a particular 288
political party for election to the office of clerk of the Akron 289
municipal court, a primary election shall not be held for the 290
purpose of nominating a candidate of that party for election to 291
that office. If only one person files a valid declaration of 292
candidacy and petition for nomination as a candidate of a 293
particular political party for election to that office, a 294
primary election shall not be held for the purpose of nominating 295
a candidate of that party for election to that office, and the 296
candidate shall be issued a certificate of nomination in the 297
manner set forth in section 3513.02 of the Revised Code. 298

Declarations of candidacy and petitions, nominating 299
petitions, and certificates of nomination for the office of 300
clerk of the Akron municipal court shall contain a designation 301
of the term for which the candidate seeks election. At the 302
following regular municipal election, all candidates for the 303
office shall be submitted to the qualified electors of the 304
territory of the court in the manner that is provided in section 305
1901.07 of the Revised Code for the election of the judges of 306
the court. The clerk so elected shall hold office for a term of 307
six years, which term shall commence on the first day of January 308
following the clerk's election and continue until the clerk's 309
successor is elected and qualified. 310

(f) Except as otherwise provided in division (A) (1) (f) of 311
this section, in the Barberton municipal court, candidates for 312
election to the office of clerk of the court shall be nominated 313
by primary election. The primary election shall be held on the 314
day specified in the charter of the city of Barberton for the 315
nomination of municipal officers. Notwithstanding any contrary 316
provision of section 3513.05 or 3513.257 of the Revised Code, 317

the declarations of candidacy and petitions of partisan 318
candidates and the nominating petitions of independent 319
candidates for the office of clerk of the Barberton municipal 320
court shall be signed by at least fifty qualified electors of 321
the territory of the court. 322

The candidates shall file a declaration of candidacy and 323
petition, or a nominating petition, whichever is applicable, not 324
later than four p.m. of the ninetieth day before the day of the 325
primary election, in the form prescribed by section 3513.07 or 326
3513.261 of the Revised Code. The declaration of candidacy and 327
petition, or the nominating petition, shall conform to the 328
applicable requirements of section 3513.05 or 3513.257 of the 329
Revised Code. 330

If no valid declaration of candidacy and petition is filed 331
by any person for nomination as a candidate of a particular 332
political party for election to the office of clerk of the 333
Barberton municipal court, a primary election shall not be held 334
for the purpose of nominating a candidate of that party for 335
election to that office. If only one person files a valid 336
declaration of candidacy and petition for nomination as a 337
candidate of a particular political party for election to that 338
office, a primary election shall not be held for the purpose of 339
nominating a candidate of that party for election to that 340
office, and the candidate shall be issued a certificate of 341
nomination in the manner set forth in section 3513.02 of the 342
Revised Code. 343

Declarations of candidacy and petitions, nominating 344
petitions, and certificates of nomination for the office of 345
clerk of the Barberton municipal court shall contain a 346
designation of the term for which the candidate seeks election. 347

At the following regular municipal election, all candidates for 348
the office shall be submitted to the qualified electors of the 349
territory of the court in the manner that is provided in section 350
1901.07 of the Revised Code for the election of the judges of 351
the court. The clerk so elected shall hold office for a term of 352
six years, which term shall commence on the first day of January 353
following the clerk's election and continue until the clerk's 354
successor is elected and qualified. 355

(g) (i) Through December 31, 2008, except as otherwise 356
provided in division (A) (1) (g) (i) of this section, in the 357
Cuyahoga Falls municipal court, candidates for election to the 358
office of clerk of the court shall be nominated by primary 359
election. The primary election shall be held on the day 360
specified in the charter of the city of Cuyahoga Falls for the 361
nomination of municipal officers. Notwithstanding any contrary 362
provision of section 3513.05 or 3513.257 of the Revised Code, 363
the declarations of candidacy and petitions of partisan 364
candidates and the nominating petitions of independent 365
candidates for the office of clerk of the Cuyahoga Falls 366
municipal court shall be signed by at least fifty qualified 367
electors of the territory of the court. 368

The candidates shall file a declaration of candidacy and 369
petition, or a nominating petition, whichever is applicable, not 370
later than four p.m. of the ninetieth day before the day of the 371
primary election, in the form prescribed by section 3513.07 or 372
3513.261 of the Revised Code. The declaration of candidacy and 373
petition, or the nominating petition, shall conform to the 374
applicable requirements of section 3513.05 or 3513.257 of the 375
Revised Code. 376

If no valid declaration of candidacy and petition is filed 377

by any person for nomination as a candidate of a particular 378
political party for election to the office of clerk of the 379
Cuyahoga Falls municipal court, a primary election shall not be 380
held for the purpose of nominating a candidate of that party for 381
election to that office. If only one person files a valid 382
declaration of candidacy and petition for nomination as a 383
candidate of a particular political party for election to that 384
office, a primary election shall not be held for the purpose of 385
nominating a candidate of that party for election to that 386
office, and the candidate shall be issued a certificate of 387
nomination in the manner set forth in section 3513.02 of the 388
Revised Code. 389

Declarations of candidacy and petitions, nominating 390
petitions, and certificates of nomination for the office of 391
clerk of the Cuyahoga Falls municipal court shall contain a 392
designation of the term for which the candidate seeks election. 393
At the following regular municipal election, all candidates for 394
the office shall be submitted to the qualified electors of the 395
territory of the court in the manner that is provided in section 396
1901.07 of the Revised Code for the election of the judges of 397
the court. The clerk so elected shall hold office for a term of 398
six years, which term shall commence on the first day of January 399
following the clerk's election and continue until the clerk's 400
successor is elected and qualified. 401

(ii) Division (A) (1) (g) (i) of this section shall have no 402
effect after December 31, 2008. 403

(h) Except as otherwise provided in division (A) (1) (h) of 404
this section, in the Toledo municipal court, candidates for 405
election to the office of clerk of the court shall be nominated 406
by primary election. The primary election shall be held on the 407

day specified in the charter of the city of Toledo for the 408
nomination of municipal officers. Notwithstanding any contrary 409
provision of section 3513.05 or 3513.257 of the Revised Code, 410
the declarations of candidacy and petitions of partisan 411
candidates and the nominating petitions of independent 412
candidates for the office of clerk of the Toledo municipal court 413
shall be signed by at least fifty qualified electors of the 414
territory of the court. 415

The candidates shall file a declaration of candidacy and 416
petition, or a nominating petition, whichever is applicable, not 417
later than four p.m. of the ninetieth day before the day of the 418
primary election, in the form prescribed by section 3513.07 or 419
3513.261 of the Revised Code. The declaration of candidacy and 420
petition, or the nominating petition, shall conform to the 421
applicable requirements of section 3513.05 or 3513.257 of the 422
Revised Code. 423

If no valid declaration of candidacy and petition is filed 424
by any person for nomination as a candidate of a particular 425
political party for election to the office of clerk of the 426
Toledo municipal court, a primary election shall not be held for 427
the purpose of nominating a candidate of that party for election 428
to that office. If only one person files a valid declaration of 429
candidacy and petition for nomination as a candidate of a 430
particular political party for election to that office, a 431
primary election shall not be held for the purpose of nominating 432
a candidate of that party for election to that office, and the 433
candidate shall be issued a certificate of nomination in the 434
manner set forth in section 3513.02 of the Revised Code. 435

Declarations of candidacy and petitions, nominating 436
petitions, and certificates of nomination for the office of 437

clerk of the Toledo municipal court shall contain a designation 438
of the term for which the candidate seeks election. At the 439
following regular municipal election, all candidates for the 440
office shall be submitted to the qualified electors of the 441
territory of the court in the manner that is provided in section 442
1901.07 of the Revised Code for the election of the judges of 443
the court. The clerk so elected shall hold office for a term of 444
six years, which term shall commence on the first day of January 445
following the clerk's election and continue until the clerk's 446
successor is elected and qualified. 447

(i) In the Columbiana county municipal court, the clerk of 448
courts of Columbiana county shall be the clerk of the municipal 449
court, may appoint a chief deputy clerk for each branch office 450
that is established pursuant to section 1901.311 of the Revised 451
Code, and may appoint any assistant clerks that the judges of 452
the court determine are necessary. All of the chief deputy 453
clerks and assistant clerks shall receive the compensation that 454
the legislative authority prescribes. The clerk of courts of 455
Columbiana county, acting as the clerk of the Columbiana county 456
municipal court and assuming the duties of that office, shall 457
receive in either biweekly installments or semimonthly 458
installments, as determined by the payroll administrator, 459
compensation payable from the county treasury at one-fourth the 460
rate that is prescribed for the clerks of courts of common pleas 461
as determined in accordance with the population of the county 462
and the rates set forth in sections 325.08 and 325.18 of the 463
Revised Code. 464

(2) (a) Except for the Alliance, Auglaize county, Brown 465
county, Holmes county, Perry county, Putnam county, Lima, 466
Lorain, Massillon, and Youngstown municipal courts, in a 467
municipal court for which the population of the territory is 468

less than one hundred thousand, the clerk shall be appointed by 469
the court, and the clerk shall hold office until the clerk's 470
successor is appointed and qualified. 471

(b) In the Alliance, Lima, Lorain, Massillon, and 472
Youngstown municipal courts, the clerk shall be elected for a 473
term of office as described in division (A) (1) (a) of this 474
section. 475

(c) In the Auglaize county, Brown county, Holmes county, 476
Perry county, and Putnam county municipal courts, the clerks of 477
courts of Auglaize county, Brown county, Holmes county, Perry 478
county, and Putnam county shall be the clerks, respectively, of 479
the Auglaize county, Brown county, Holmes county, Perry county, 480
and Putnam county municipal courts and may appoint a chief 481
deputy clerk for each branch office that is established pursuant 482
to section 1901.311 of the Revised Code, and assistant clerks as 483
the judge of the court determines are necessary, all of whom 484
shall receive the compensation that the legislative authority 485
prescribes. The clerks of courts of Auglaize county, Brown 486
county, Holmes county, Perry county, and Putnam county, acting 487
as the clerks of the Auglaize county, Brown county, Holmes 488
county, Perry county, and Putnam county municipal courts and 489
assuming the duties of these offices, shall receive compensation 490
payable from the county treasury in semimonthly installments at 491
one-fourth the rate that is prescribed for the clerks of courts 492
of common pleas as determined in accordance with the population 493
of the county and the rates set forth in sections 325.08 and 494
325.18 of the Revised Code. 495

(3) During the temporary absence of the clerk due to 496
illness, vacation, or other proper cause, the court may appoint 497
a temporary clerk, who shall be paid the same compensation, have 498

the same authority, and perform the same duties as the clerk. 499

(B) Except in the Hamilton county, Montgomery county, 500
Miami county, Portage county, and Wayne county municipal courts, 501
if a vacancy occurs in the office of the clerk of the Alliance, 502
Lima, Lorain, Massillon, or Youngstown municipal court or occurs 503
in the office of the clerk of a municipal court for which the 504
population of the territory equals or exceeds one hundred 505
thousand because the clerk ceases to hold the office before the 506
end of the clerk's term or because a clerk-elect fails to take 507
office, the vacancy shall be filled, until a successor is 508
elected and qualified, by a person chosen by the residents of 509
the territory of the court who are members of the county central 510
committee of the political party by which the last occupant of 511
that office or the clerk-elect was nominated. Not less than five 512
nor more than fifteen days after a vacancy occurs, those members 513
of that county central committee shall meet to make an 514
appointment to fill the vacancy. At least four days before the 515
date of the meeting, the chairperson or a secretary of the 516
county central committee shall notify each such member of that 517
county central committee by first class mail of the date, time, 518
and place of the meeting and its purpose. A majority of all such 519
members of that county central committee constitutes a quorum, 520
and a majority of the quorum is required to make the 521
appointment. If the office so vacated was occupied or was to be 522
occupied by a person not nominated at a primary election, or if 523
the appointment was not made by the committee members in 524
accordance with this division, the court shall make an 525
appointment to fill the vacancy. A successor shall be elected to 526
fill the office for the unexpired term at the first municipal 527
election that is held more than one hundred thirty-five days 528
after the vacancy occurred. 529

(C) (1) In a municipal court, other than the Auglaize 530
county, the Brown county, the Holmes county, the Perry county, 531
the Putnam county, and the Lorain municipal courts, for which 532
the population of the territory is less than one hundred 533
thousand, the clerk of the municipal court shall receive the 534
annual compensation that the presiding judge of the court 535
prescribes, if the revenue of the court for the preceding 536
calendar year, as certified by the auditor or chief fiscal 537
officer of the municipal corporation in which the court is 538
located or, in the case of a county-operated municipal court, 539
the county auditor, is equal to or greater than the 540
expenditures, including any debt charges, for the operation of 541
the court payable under this chapter from the city treasury or, 542
in the case of a county-operated municipal court, the county 543
treasury for that calendar year, as also certified by the 544
auditor or chief fiscal officer. If the revenue of a municipal 545
court, other than the Auglaize county, the Brown county, the 546
Columbiana county, the Perry county, the Putnam county, and the 547
Lorain municipal courts, for which the population of the 548
territory is less than one hundred thousand for the preceding 549
calendar year as so certified is not equal to or greater than 550
those expenditures for the operation of the court for that 551
calendar year as so certified, the clerk of a municipal court 552
shall receive the annual compensation that the legislative 553
authority prescribes. As used in this division, "revenue" means 554
the total of all costs and fees that are collected and paid to 555
the city treasury or, in a county-operated municipal court, the 556
county treasury by the clerk of the municipal court under 557
division (F) of this section and all interest received and paid 558
to the city treasury or, in a county-operated municipal court, 559
the county treasury in relation to the costs and fees under 560
division (G) of this section. 561

(2) In a municipal court, other than the Columbiana 562
county, Hamilton county, Montgomery county, Miami county, 563
Portage county, and Wayne county municipal courts, for which the 564
population of the territory is one hundred thousand or more, and 565
in the Lorain municipal court, the clerk of the municipal court 566
shall receive annual compensation in a sum equal to eighty-five 567
per cent of the salary of a judge of the court. 568

(3) The compensation of a clerk described in division (C) 569
(1) or (2) of this section and of the clerk of the Columbiana 570
county municipal court is payable in either semimonthly 571
installments or biweekly installments, as determined by the 572
payroll administrator, from the same sources and in the same 573
manner as provided in section 1901.11 of the Revised Code, 574
except that the compensation of the clerk of the Carroll county 575
municipal court is payable in biweekly installments. 576

(D) Before entering upon the duties of the clerk's office, 577
the clerk of a municipal court shall give bond of not less than 578
six thousand dollars to be determined by the judges of the 579
court, conditioned upon the faithful performance of the clerk's 580
duties. 581

(E) The clerk of a municipal court may do all of the 582
following: administer oaths, take affidavits, and issue 583
executions upon any judgment rendered in the court, including a 584
judgment for unpaid costs; issue, sign, and attach the seal of 585
the court to all writs, process, subpoenas, and papers issuing 586
out of the court; and approve all bonds, sureties, 587
recognizances, and undertakings fixed by any judge of the court 588
or by law. The clerk may refuse to accept for filing any 589
pleading or paper submitted for filing by a person who has been 590
found to be a vexatious litigator under section 2323.52 of the 591

Revised Code and who has failed to obtain leave to proceed under 592
that section. The clerk shall do all of the following: file and 593
safely keep all journals, records, books, and papers belonging 594
or appertaining to the court; record the proceedings of the 595
court; perform all other duties that the judges of the court may 596
prescribe; and keep a book showing all receipts and 597
disbursements, which book shall be open for public inspection at 598
all times. 599

The clerk shall prepare and maintain a general index, a 600
docket, and other records that the court, by rule, requires, all 601
of which shall be the public records of the court. In the 602
docket, the clerk shall enter, at the time of the commencement 603
of an action, the names of the parties in full, the names of the 604
counsel, and the nature of the proceedings. Under proper dates, 605
the clerk shall note the filing of the complaint, issuing of 606
summons or other process, returns, and any subsequent pleadings. 607
The clerk also shall enter all reports, verdicts, orders, 608
judgments, and proceedings of the court, clearly specifying the 609
relief granted or orders made in each action. The court may 610
order an extended record of any of the above to be made and 611
entered, under the proper action heading, upon the docket at the 612
request of any party to the case, the expense of which record 613
may be taxed as costs in the case or may be required to be 614
prepaid by the party demanding the record, upon order of the 615
court. 616

(F) The clerk of a municipal court shall receive, collect, 617
and issue receipts for all costs, fees, fines, bail, and other 618
moneys payable to the office or to any officer of the court. The 619
clerk shall on or before the twentieth day of the month 620
following the month in which they are collected disburse to the 621
proper persons or officers, and take receipts for, all costs, 622

fees, fines, bail, and other moneys that the clerk collects. 623
Subject to sections 307.515 and 4511.193 of the Revised Code and 624
to any other section of the Revised Code that requires a 625
specific manner of disbursement of any moneys received by a 626
municipal court and except for the Hamilton county, Lawrence 627
county, and Ottawa county municipal courts, the clerk shall pay 628
all fines received for violation of municipal ordinances into 629
the treasury of the municipal corporation the ordinance of which 630
was violated and shall pay all fines received for violation of 631
township resolutions adopted pursuant to section 503.52 or 632
503.53 or Chapter 504. of the Revised Code into the treasury of 633
the township the resolution of which was violated. Subject to 634
sections 1901.024 and 4511.193 of the Revised Code, in the 635
Hamilton county, Lawrence county, and Ottawa county municipal 636
courts, the clerk shall pay fifty per cent of the fines received 637
for violation of municipal ordinances and fifty per cent of the 638
fines received for violation of township resolutions adopted 639
pursuant to section 503.52 or 503.53 or Chapter 504. of the 640
Revised Code into the treasury of the county. Subject to 641
sections 307.515, 4511.19, and 5503.04 of the Revised Code and 642
to any other section of the Revised Code that requires a 643
specific manner of disbursement of any moneys received by a 644
municipal court, the clerk shall pay all fines collected for the 645
violation of state laws into the county treasury. Except in a 646
county-operated municipal court, the clerk shall pay all costs 647
and fees the disbursement of which is not otherwise provided for 648
in the Revised Code into the city treasury. The clerk of a 649
county-operated municipal court shall pay the costs and fees the 650
disbursement of which is not otherwise provided for in the 651
Revised Code into the county treasury. Moneys deposited as 652
security for costs shall be retained pending the litigation. ~~The~~ 653
~~clerk shall keep a separate account of all receipts and~~ 654

~~disbursements in civil and criminal cases, which shall be a~~ 655
~~permanent public record of the office. On the expiration of the~~ 656
~~term of the clerk, the clerk shall deliver the records to the~~ 657
~~clerk's successor.~~ The clerk shall have other powers and duties 658
as are prescribed by rule or order of the court. 659

(G) All moneys paid into a municipal court shall be noted 660
on the record of the case in which they are paid and shall be 661
deposited in a state or national bank, as defined in section 662
1101.01 of the Revised Code, that is selected by the clerk. Any 663
interest received upon the deposits shall be paid into the city 664
treasury, except that, in a county-operated municipal court, the 665
interest shall be paid into the treasury of the county in which 666
the court is located. 667

On the first Monday in January of each year, the clerk 668
shall make a list of the titles of all cases in the court that 669
were finally determined more than one year past in which there 670
remains unclaimed in the possession of the clerk any funds, or 671
any part of a deposit for security of costs not consumed by the 672
costs in the case. The clerk shall give notice of the moneys to 673
the parties who are entitled to the moneys or to their attorneys 674
of record. All the moneys remaining unclaimed that are for 675
restitution payments for crime victims shall be sent to the 676
reparations fund created under section 2743.191 of the Revised 677
Code, with a list from the clerk or other officer responsible 678
for the collection and distribution of restitution payments 679
specifying the amounts and individual identifying information of 680
the funds. All other moneys remaining unclaimed on the first day 681
of April of each year shall be paid by the clerk to the city 682
treasurer, except that, in a county-operated municipal court, 683
the moneys shall be paid to the treasurer of the county in which 684
the court is located. The treasurer shall pay any part of the 685

moneys at any time to the person who has the right to the moneys 686
upon proper certification of the clerk. 687

(H) Deputy clerks of a municipal court other than the 688
Carroll county municipal court may be appointed by the clerk and 689
shall receive the compensation, payable in either biweekly 690
installments or semimonthly installments, as determined by the 691
payroll administrator, out of the city treasury, that the clerk 692
may prescribe, except that the compensation of any deputy clerk 693
of a county-operated municipal court shall be paid out of the 694
treasury of the county in which the court is located. The judge 695
of the Carroll county municipal court may appoint deputy clerks 696
for the court, and the deputy clerks shall receive the 697
compensation, payable in biweekly installments out of the county 698
treasury, that the judge may prescribe. Each deputy clerk shall 699
take an oath of office before entering upon the duties of the 700
deputy clerk's office and, when so qualified, may perform the 701
duties appertaining to the office of the clerk. The clerk may 702
require any of the deputy clerks to give bond of not less than 703
three thousand dollars, conditioned for the faithful performance 704
of the deputy clerk's duties. 705

(I) For the purposes of this section, whenever the 706
population of the territory of a municipal court falls below one 707
hundred thousand but not below ninety thousand, and the 708
population of the territory prior to the most recent regular 709
federal census exceeded one hundred thousand, the legislative 710
authority of the municipal corporation may declare, by 711
resolution, that the territory shall be considered to have a 712
population of at least one hundred thousand. 713

(J) The clerk or a deputy clerk shall be in attendance at 714
all sessions of the municipal court, although not necessarily in 715

the courtroom, and may administer oaths to witnesses and jurors 716
and receive verdicts. 717

Sec. 1907.20. (A) The clerk of courts shall be the clerk 718
of the county court, except that the board of county 719
commissioners, with the concurrence of the county court judges, 720
may appoint a clerk for each county court judge, who shall serve 721
at the pleasure of the board and shall receive compensation as 722
set by the board, payable in semimonthly installments from the 723
treasury of the county. Except as otherwise provided in section 724
3.061 of the Revised Code, an appointed clerk, before entering 725
upon the duties of the office, shall give bond of not less than 726
five thousand dollars, as determined by the board of county 727
commissioners, conditioned upon the faithful performance of the 728
clerk's duties. 729

The clerks of courts of common pleas, when acting as the 730
clerks of county courts, and upon assuming their county court 731
duties, shall receive compensation at one-fourth the rate 732
prescribed for the clerks of courts of common pleas as 733
determined in accordance with the population of the county and 734
the rates set forth in sections 325.08 and 325.18 of the Revised 735
Code. This compensation shall be paid from the county treasury 736
in semimonthly installments and is in addition to the annual 737
compensation received for the performance of the duties of the 738
clerk of a court of common pleas as provided in sections 325.08 739
and 325.18 of the Revised Code. 740

(B) The clerk of a county court shall have general powers 741
to administer oaths, take affidavits, and issue executions upon 742
any judgment rendered in the county court, including a judgment 743
for unpaid costs, power to issue and sign all writs, process, 744
subpoenas, and papers issuing out of the court, and to attach 745

the seal of the court to them, and power to approve all bonds, 746
sureties, recognizances, and undertakings fixed by any judge of 747
the court or by law. The clerk shall file and safely keep all 748
journals, records, books, and papers belonging or appertaining 749
to the court, record its proceedings, perform all other duties 750
that the judges of the court may prescribe, and keep a book 751
showing all receipts and disbursements, which shall be open for 752
public inspection at all times. The clerk may refuse to accept 753
for filing any pleading or paper submitted for filing by a 754
person who has been found to be a vexatious litigator under 755
section 2323.52 of the Revised Code and who has failed to obtain 756
leave to proceed under that section. 757

The clerk shall prepare and maintain a general index, a 758
docket as prescribed by the court, which shall be furnished by 759
the board of county commissioners, and such other records as the 760
court, by rule, requires, all of which shall be the public 761
records of the court. In the docket, the clerk shall enter at 762
times of the commencement of an action, the names of the parties 763
in full, the names of the counsel, and the nature of the 764
proceedings. Under proper dates, the clerk shall note the filing 765
of the complaint, issuing of summons or other process, returns, 766
and pleadings subsequent thereto. The clerk also shall enter all 767
reports, verdicts, orders, judgments, and proceedings of the 768
court, clearly specifying the relief granted or orders made in 769
each action. The court may order an extended record of any of 770
the above to be made and entered, under the proper action 771
heading, upon the docket at the request of any party to the 772
case, the expense of which may be taxed as costs in the case or 773
may be required to be prepaid by the party demanding the 774
extended record, upon order of the court. 775

(C) The clerk of a county court shall receive and collect 776

all costs, fees, fines, penalties, bail, and other moneys 777
payable to the office or to any officer of the court and issue 778
receipts therefor, and shall on or before the twentieth day of 779
the month following the month in which they are collected 780
disburse the costs, fees, fines, penalties, bail, and other 781
moneys to the proper persons or officers and take receipts 782
therefor. Subject to sections 307.515, 4511.19, 4511.193, and 783
5503.04 of the Revised Code and all other statutes that require 784
a different distribution of fines, fines received for violations 785
of municipal ordinances shall be paid into the treasury of the 786
municipal corporation whose ordinance was violated, fines 787
received for violations of township resolutions adopted pursuant 788
to section 503.52 or 503.53 or Chapter 504. of the Revised Code 789
shall be paid into the treasury of the township whose resolution 790
was violated, and fines collected for the violation of state 791
laws shall be paid into the county treasury. Moneys deposited as 792
security for costs shall be retained pending the litigation. 793

~~The clerk shall keep a separate account of all receipts- 794~~
~~and disbursements in civil and criminal cases. The separate- 795~~
~~account shall be a permanent public record of the office. On the 796~~
~~expiration of a clerk's term, those records shall be delivered- 797~~
~~to the clerk's successor. 798~~

The clerk shall have such other powers and duties as are 799
prescribed by rule or order of the court. 800

(D) All moneys paid into a county court shall be noted on 801
the record of the case in which they are paid and shall be 802
deposited in a state or national bank selected by the clerk. On 803
the first Monday in January of each year, the clerk shall make a 804
list of the titles of all cases in the county court that were 805
finally determined more than one year past in which there 806

remains unclaimed in the possession of the clerk any funds, or 807
any part of a deposit for security of costs not consumed by the 808
costs in the case. The clerk shall give notice of the moneys to 809
the parties entitled to them or to their attorneys of record. 810
All the moneys remaining unclaimed that are for restitution 811
payments for crime victims shall be sent to the reparations fund 812
created under section 2743.191 of the Revised Code, with a list 813
from the clerk or other officer responsible for the collection 814
and distribution of restitution payments specifying the amounts 815
and individual identifying information of the funds. All other 816
moneys remaining unclaimed on the first day of April of each 817
year shall be paid by the clerk to the county treasurer. Any 818
part of the moneys shall be paid by the county treasurer at any 819
time to the person having the right to them, upon proper 820
certification of the clerk. 821

(E) (1) In county court districts having appointed clerks, 822
deputy clerks may be appointed by the board of county 823
commissioners. Clerks and deputy clerks shall receive such 824
compensation payable in semimonthly installments out of the 825
county treasury as the board may prescribe. Each deputy clerk 826
shall take an oath of office before entering upon the duties of 827
the deputy clerk's office and, when so qualified, may perform 828
the duties appertaining to the office of the clerk. The clerk 829
may require any of the deputy clerks to give bond of not less 830
than three thousand dollars, conditioned for the faithful 831
performance of the deputy clerk's duties. 832

(2) A clerk of courts acting as clerk of the county court 833
may appoint deputy clerks to perform the duties pertaining to 834
the office of clerk of the county court. Each deputy clerk shall 835
take an oath of office before entering upon the deputy clerk's 836
duties, and the clerk of courts may require the deputy clerk to 837

give bond of not less than three thousand dollars, conditioned 838
for the faithful performance of the deputy clerk's duties. 839

(3) The clerk or a deputy clerk of a county court shall be 840
in attendance at all sessions of the court, although not 841
necessarily in the courtroom, and may administer oaths to 842
witnesses and jurors and receive verdicts. 843

(F) (1) In county court districts having appointed clerks, 844
the board of county commissioners may order the establishment of 845
one or more branch offices of the clerk and, with the 846
concurrence of the county judges, may appoint a special deputy 847
clerk to administer each branch office. Each special deputy 848
clerk shall take an oath of office before entering upon the 849
duties of the deputy clerk's office and, when so qualified, may 850
perform any one or more of the duties appertaining to the office 851
of clerk, as the board prescribes. Special deputy clerks shall 852
receive such compensation payable in semimonthly installments 853
out of the county treasury as the board may prescribe. Except as 854
otherwise provided in section 3.061 of the Revised Code, the 855
board may require any of the special deputy clerks to give bond 856
of not less than three thousand dollars, conditioned for the 857
faithful performance of the deputy clerk's duties. 858

The board of county commissioners may authorize the clerk 859
of the county court to operate one or more branch offices, to 860
divide the clerk's time between the offices, and to perform 861
duties appertaining to the office of clerk in locations that the 862
board prescribes. 863

(2) A clerk of courts acting as clerk of the county court 864
may establish one or more branch offices for the clerk's duties 865
as clerk of the county court and, with the concurrence of the 866
county court judges, may appoint a special deputy clerk to 867

administer each branch office. Each special deputy clerk shall 868
take an oath of office before entering upon the deputy clerk's 869
duties and, when so qualified, may perform any of the duties 870
pertaining to the office of clerk, as the clerk of courts 871
prescribes. The clerk of courts may require any of the special 872
deputy clerks to give bond of not less than three thousand 873
dollars, conditioned for the faithful performance of the deputy 874
clerk's duties. 875

(G) The clerk of courts of the county shall fix the 876
compensation of deputy clerks and special deputy clerks 877
appointed by the clerk pursuant to this section. Those personnel 878
shall be paid and be subject to the same requirements as other 879
employees of the clerk under the provisions of section 325.17 of 880
the Revised Code insofar as that section is applicable. 881

Sec. 2111.011. (A) The clerk of the probate court shall 882
furnish a guardianship guide, prepared either by the attorney 883
general with the approval of the Ohio judicial conference or by 884
the Ohio judicial conference under division (B) of this section, 885
to a guardian at either of the following times, whichever is 886
applicable: 887

(1) Upon the appointment of the guardian under section 888
2111.02 of the Revised Code; 889

(2) If the guardian was appointed prior to the effective 890
date of this section, upon the first filing by the guardian with 891
the probate court of either of the following, as applicable, 892
after that effective date: 893

(a) A guardian's account, other than a final account, that 894
is required to be filed under section 2109.302 of the Revised 895
Code; 896

(b) A guardian's report that is required to be filed under 897
section 2111.49 of the Revised Code. 898

(B) (1) If the attorney general subsequently prepares any 899
updated version of the guardianship guide, the updated guide 900
shall include the rights of a ward as stated in any relevant 901
provision of the Revised Code that is then current. The clerk of 902
the probate court shall furnish the most recent version of the 903
guide to a guardian at either of the following times, whichever 904
is applicable: 905

(a) Upon the appointment of the guardian under section 906
2111.02 of the Revised Code after the most recent version of the 907
guide is prepared; 908

(b) If the guardian was appointed prior to the date of the 909
most recent version of the guide, upon the first filing by the 910
guardian with the probate court of either of the documents 911
described in divisions (A) (2) (a) and (b) of this section, as 912
applicable, after that date. 913

(2) In the alternative, the Ohio judicial conference may 914
create, at their cost, an alternative guardianship guide for use 915
in all probate courts. The alternative guardianship guide shall 916
be distributed in accordance with all provisions contained in 917
this act. The court shall furnish this alternative guardianship 918
guide in accordance with the provisions of this section. 919

(C) The probate court shall establish a form for a 920
guardian to sign acknowledging that the guardian received a 921
guardianship guide pursuant to this section. 922

(D) Upon receiving a guardianship guide, the guardian 923
shall sign the form specified in division (C) of this section. 924
The signed form shall be kept ~~permanently in the guardianship~~ 925

~~file of the probate court~~ in accordance with the Rules of 926
Superintendence for the Courts of Ohio. 927

Sec. 2307.23. (A) In determining the percentage of 928
tortious conduct attributable to a party in a tort action under 929
section 2307.22 or sections 2315.32 to 2315.36 of the Revised 930
Code, the court in a nonjury action shall make findings of fact, 931
and the jury in a jury action shall return a general verdict 932
accompanied by answers to interrogatories, that shall specify 933
all of the following: 934

(1) The percentage of tortious conduct that proximately 935
caused the injury or loss to person or property or the wrongful 936
death that is attributable to the plaintiff and to each party to 937
the tort action from whom the plaintiff seeks recovery in this 938
action; 939

(2) The percentage of tortious conduct that proximately 940
caused the injury or loss to person or property or the wrongful 941
death that is attributable to each person from whom the 942
plaintiff does not seek recovery in this action. 943

(B) The sum of the percentages of tortious conduct as 944
determined pursuant to division (A) of this section shall equal 945
one hundred per cent. 946

(C) For purposes of division (A) (2) of this section, it is 947
an affirmative defense for each party to the tort action from 948
whom the plaintiff seeks recovery in this action that a specific 949
percentage of the tortious conduct that proximately caused the 950
injury or loss to person or property or the wrongful death is 951
attributable to one or more persons from whom the plaintiff does 952
not seek recovery in this action. Any party to the tort action 953
from whom the plaintiff seeks recovery in this action may raise 954

an affirmative defense under this division ~~at any time before~~ 955
~~the trial of the action~~ in accordance with the Rules of Civil 956
Procedure and other rules of practice and procedure applicable 957
to civil actions. 958

Sec. 2317.02. The following persons shall not testify in 959
certain respects: 960

(A) (1) An attorney, concerning a communication made to the 961
attorney by a client in that relation or concerning the 962
attorney's advice to a client, except that the attorney may 963
testify by express consent of the client or, if the client is 964
deceased, by the express consent of the surviving spouse or the 965
executor or administrator of the estate of the deceased client. 966
However, if the client voluntarily reveals the substance of 967
attorney-client communications in a nonprivileged context or is 968
deemed by section 2151.421 of the Revised Code to have waived 969
any testimonial privilege under this division, the attorney may 970
be compelled to testify on the same subject. 971

The testimonial privilege established under this division 972
does not apply concerning either of the following: 973

(a) A communication between a client in a capital case, as 974
defined in section 2901.02 of the Revised Code, and the client's 975
attorney if the communication is relevant to a subsequent 976
ineffective assistance of counsel claim by the client alleging 977
that the attorney did not effectively represent the client in 978
the case; 979

(b) A communication between a client who has since died 980
and the deceased client's attorney if the communication is 981
relevant to a dispute between parties who claim through that 982
deceased client, regardless of whether the claims are by testate 983

or intestate succession or by inter vivos transaction, and the 984
dispute addresses the competency of the deceased client when the 985
deceased client executed a document that is the basis of the 986
dispute or whether the deceased client was a victim of fraud, 987
undue influence, or duress when the deceased client executed a 988
document that is the basis of the dispute. 989

(2) An attorney, concerning a communication made to the 990
attorney by a client in that relationship or the attorney's 991
advice to a client, except that if the client is an insurance 992
company, the attorney may be compelled to testify, subject to an 993
in camera inspection by a court, about communications made by 994
the client to the attorney or by the attorney to the client that 995
are related to the attorney's aiding or furthering an ongoing or 996
future commission of bad faith by the client, if the party 997
seeking disclosure of the communications has made a prima-facie 998
showing of bad faith, fraud, or criminal misconduct by the 999
client. 1000

(B) (1) A physician, advanced practice registered nurse, or 1001
dentist concerning a communication made to the physician, 1002
advanced practice registered nurse, or dentist by a patient in 1003
that relation or the advice of a physician, advanced practice 1004
registered nurse, or dentist given to a patient, except as 1005
otherwise provided in this division, division (B) (2), and 1006
division (B) (3) of this section, and except that, if the patient 1007
is deemed by section 2151.421 of the Revised Code to have waived 1008
any testimonial privilege under this division, the physician or 1009
advanced practice registered nurse may be compelled to testify 1010
on the same subject. 1011

The testimonial privilege established under this division 1012
does not apply, and a physician, advanced practice registered 1013

nurse, or dentist may testify or may be compelled to testify, in 1014
any of the following circumstances: 1015

(a) In any civil action, in accordance with the discovery 1016
provisions of the Rules of Civil Procedure in connection with a 1017
civil action, or in connection with a claim under Chapter 4123. 1018
of the Revised Code, under any of the following circumstances: 1019

(i) If the patient or the guardian or other legal 1020
representative of the patient gives express consent; 1021

(ii) If the patient is deceased, the spouse of the patient 1022
or the executor or administrator of the patient's estate gives 1023
express consent; 1024

(iii) If a medical claim, dental claim, chiropractic 1025
claim, or optometric claim, as defined in section 2305.113 of 1026
the Revised Code, an action for wrongful death, any other type 1027
of civil action, or a claim under Chapter 4123. of the Revised 1028
Code is filed by the patient, the personal representative of the 1029
estate of the patient if deceased, or the patient's guardian or 1030
other legal representative. 1031

(b) In any civil action concerning court-ordered treatment 1032
or services received by a patient, if the court-ordered 1033
treatment or services were ordered as part of a case plan 1034
journalized under section 2151.412 of the Revised Code or the 1035
court-ordered treatment or services are necessary or relevant to 1036
dependency, neglect, or abuse or temporary or permanent custody 1037
proceedings under Chapter 2151. of the Revised Code. 1038

(c) In any criminal action concerning any test or the 1039
results of any test that determines the presence or 1040
concentration of alcohol, a drug of abuse, a combination of 1041
them, a controlled substance, or a metabolite of a controlled 1042

substance in the patient's whole blood, blood serum or plasma, 1043
breath, urine, or other bodily substance at any time relevant to 1044
the criminal offense in question. 1045

(d) In any criminal action against a physician, advanced 1046
practice registered nurse, or dentist. In such an action, the 1047
testimonial privilege established under this division does not 1048
prohibit the admission into evidence, in accordance with the 1049
Rules of Evidence, of a patient's medical or dental records or 1050
other communications between a patient and the physician, 1051
advanced practice registered nurse, or dentist that are related 1052
to the action and obtained by subpoena, search warrant, or other 1053
lawful means. A court that permits or compels a physician, 1054
advanced practice registered nurse, or dentist to testify in 1055
such an action or permits the introduction into evidence of 1056
patient records or other communications in such an action shall 1057
require that appropriate measures be taken to ensure that the 1058
confidentiality of any patient named or otherwise identified in 1059
the records is maintained. Measures to ensure confidentiality 1060
that may be taken by the court include sealing its records or 1061
deleting specific information from its records. 1062

(e) (i) If the communication was between a patient who has 1063
since died and the deceased patient's physician, advanced 1064
practice registered nurse, or dentist, the communication is 1065
relevant to a dispute between parties who claim through that 1066
deceased patient, regardless of whether the claims are by 1067
testate or intestate succession or by inter vivos transaction, 1068
and the dispute addresses the competency of the deceased patient 1069
when the deceased patient executed a document that is the basis 1070
of the dispute or whether the deceased patient was a victim of 1071
fraud, undue influence, or duress when the deceased patient 1072
executed a document that is the basis of the dispute. 1073

(ii) If neither the spouse of a patient nor the executor 1074
or administrator of that patient's estate gives consent under 1075
division (B) (1) (a) (ii) of this section, testimony or the 1076
disclosure of the patient's medical records by a physician, 1077
advanced practice registered nurse, dentist, or other health 1078
care provider under division (B) (1) (e) (i) of this section is a 1079
permitted use or disclosure of protected health information, as 1080
defined in 45 C.F.R. 160.103, and an authorization or 1081
opportunity to be heard shall not be required. 1082

(iii) Division (B) (1) (e) (i) of this section does not 1083
require a mental health professional to disclose psychotherapy 1084
notes, as defined in 45 C.F.R. 164.501. 1085

(iv) An interested person who objects to testimony or 1086
disclosure under division (B) (1) (e) (i) of this section may seek 1087
a protective order pursuant to Civil Rule 26. 1088

(v) A person to whom protected health information is 1089
disclosed under division (B) (1) (e) (i) of this section shall not 1090
use or disclose the protected health information for any purpose 1091
other than the litigation or proceeding for which the 1092
information was requested and shall return the protected health 1093
information to the covered entity or destroy the protected 1094
health information, including all copies made, at the conclusion 1095
of the litigation or proceeding. 1096

(2) (a) If any law enforcement officer submits a written 1097
statement to a health care provider that states that an official 1098
criminal investigation has begun regarding a specified person or 1099
that a criminal action or proceeding has been commenced against 1100
a specified person, that requests the provider to supply to the 1101
officer copies of any records the provider possesses that 1102
pertain to any test or the results of any test administered to 1103

the specified person to determine the presence or concentration 1104
of alcohol, a drug of abuse, a combination of them, a controlled 1105
substance, or a metabolite of a controlled substance in the 1106
person's whole blood, blood serum or plasma, breath, or urine at 1107
any time relevant to the criminal offense in question, and that 1108
conforms to section 2317.022 of the Revised Code, the provider, 1109
except to the extent specifically prohibited by any law of this 1110
state or of the United States, shall supply to the officer a 1111
copy of any of the requested records the provider possesses. If 1112
the health care provider does not possess any of the requested 1113
records, the provider shall give the officer a written statement 1114
that indicates that the provider does not possess any of the 1115
requested records. 1116

(b) If a health care provider possesses any records of the 1117
type described in division (B) (2) (a) of this section regarding 1118
the person in question at any time relevant to the criminal 1119
offense in question, in lieu of personally testifying as to the 1120
results of the test in question, the custodian of the records 1121
may submit a certified copy of the records, and, upon its 1122
submission, the certified copy is qualified as authentic 1123
evidence and may be admitted as evidence in accordance with the 1124
Rules of Evidence. Division (A) of section 2317.422 of the 1125
Revised Code does not apply to any certified copy of records 1126
submitted in accordance with this division. Nothing in this 1127
division shall be construed to limit the right of any party to 1128
call as a witness the person who administered the test to which 1129
the records pertain, the person under whose supervision the test 1130
was administered, the custodian of the records, the person who 1131
made the records, or the person under whose supervision the 1132
records were made. 1133

(3) (a) If the testimonial privilege described in division 1134

(B) (1) of this section does not apply as provided in division 1135
(B) (1) (a) (iii) of this section, a physician, advanced practice 1136
registered nurse, or dentist may be compelled to testify or to 1137
submit to discovery under the Rules of Civil Procedure only as 1138
to a communication made to the physician, advanced practice 1139
registered nurse, or dentist by the patient in question in that 1140
relation, or the advice of the physician, advanced practice 1141
registered nurse, or dentist given to the patient in question, 1142
that related causally or historically to physical or mental 1143
injuries that are relevant to issues in the medical claim, 1144
dental claim, chiropractic claim, or optometric claim, action 1145
for wrongful death, other civil action, or claim under Chapter 1146
4123. of the Revised Code. 1147

(b) If the testimonial privilege described in division (B) 1148
(1) of this section does not apply to a physician, advanced 1149
practice registered nurse, or dentist as provided in division 1150
(B) (1) (c) of this section, the physician, advanced practice 1151
registered nurse, or dentist, in lieu of personally testifying 1152
as to the results of the test in question, may submit a 1153
certified copy of those results, and, upon its submission, the 1154
certified copy is qualified as authentic evidence and may be 1155
admitted as evidence in accordance with the Rules of Evidence. 1156
Division (A) of section 2317.422 of the Revised Code does not 1157
apply to any certified copy of results submitted in accordance 1158
with this division. Nothing in this division shall be construed 1159
to limit the right of any party to call as a witness the person 1160
who administered the test in question, the person under whose 1161
supervision the test was administered, the custodian of the 1162
results of the test, the person who compiled the results, or the 1163
person under whose supervision the results were compiled. 1164

(4) The testimonial privilege described in division (B) (1) 1165

of this section is not waived when a communication is made by a 1166
physician or advanced practice registered nurse to a pharmacist 1167
or when there is communication between a patient and a 1168
pharmacist in furtherance of the physician-patient or advanced 1169
practice registered nurse-patient relation. 1170

(5) (a) As used in divisions (B) (1) to (4) of this section, 1171
"communication" means acquiring, recording, or transmitting any 1172
information, in any manner, concerning any facts, opinions, or 1173
statements necessary to enable a physician, advanced practice 1174
registered nurse, or dentist to diagnose, treat, prescribe, or 1175
act for a patient. A "communication" may include, but is not 1176
limited to, any medical or dental, office, or hospital 1177
communication such as a record, chart, letter, memorandum, 1178
laboratory test and results, x-ray, photograph, financial 1179
statement, diagnosis, or prognosis. 1180

(b) As used in division (B) (2) of this section, "health 1181
care provider" means a hospital, ambulatory care facility, long- 1182
term care facility, pharmacy, emergency facility, or health care 1183
practitioner. 1184

(c) As used in division (B) (5) (b) of this section: 1185

(i) "Ambulatory care facility" means a facility that 1186
provides medical, diagnostic, or surgical treatment to patients 1187
who do not require hospitalization, including a dialysis center, 1188
ambulatory surgical facility, cardiac catheterization facility, 1189
diagnostic imaging center, extracorporeal shock wave lithotripsy 1190
center, home health agency, inpatient hospice, birthing center, 1191
radiation therapy center, emergency facility, and an urgent care 1192
center. "Ambulatory health care facility" does not include the 1193
private office of a physician, advanced practice registered 1194
nurse, or dentist, whether the office is for an individual or 1195

group practice. 1196

(ii) "Emergency facility" means a hospital emergency 1197
department or any other facility that provides emergency medical 1198
services. 1199

(iii) "Health care practitioner" has the same meaning as 1200
in section 4769.01 of the Revised Code. 1201

(iv) "Hospital" has the same meaning as in section 3727.01 1202
of the Revised Code. 1203

(v) "Long-term care facility" means a nursing home, 1204
residential care facility, or home for the aging, as those terms 1205
are defined in section 3721.01 of the Revised Code; a 1206
residential facility licensed under section 5119.34 of the 1207
Revised Code that provides accommodations, supervision, and 1208
personal care services for three to sixteen unrelated adults; a 1209
nursing facility, as defined in section 5165.01 of the Revised 1210
Code; a skilled nursing facility, as defined in section 5165.01 1211
of the Revised Code; and an intermediate care facility for 1212
individuals with intellectual disabilities, as defined in 1213
section 5124.01 of the Revised Code. 1214

(vi) "Pharmacy" has the same meaning as in section 4729.01 1215
of the Revised Code. 1216

(d) As used in divisions (B) (1) and (2) of this section, 1217
"drug of abuse" has the same meaning as in section 4506.01 of 1218
the Revised Code. 1219

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 1220
section apply to doctors of medicine, doctors of osteopathic 1221
medicine, doctors of podiatry, advanced practice registered 1222
nurses, and dentists. 1223

(7) Nothing in divisions (B) (1) to (6) of this section 1224
affects, or shall be construed as affecting, the immunity from 1225
civil liability conferred by section 307.628 of the Revised Code 1226
or the immunity from civil liability conferred by section 1227
2305.33 of the Revised Code upon physicians or advanced practice 1228
registered nurses who report an employee's use of a drug of 1229
abuse, or a condition of an employee other than one involving 1230
the use of a drug of abuse, to the employer of the employee in 1231
accordance with division (B) of that section. As used in 1232
division (B) (7) of this section, "employee," "employer," and 1233
"physician" have the same meanings as in section 2305.33 of the 1234
Revised Code and "advanced practice registered nurse" has the 1235
same meaning as in section 4723.01 of the Revised Code. 1236

(C) (1) A cleric, when the cleric remains accountable to 1237
the authority of that cleric's church, denomination, or sect, 1238
concerning a confession made, or any information confidentially 1239
communicated, to the cleric for a religious counseling purpose 1240
in the cleric's professional character. The cleric may testify 1241
by express consent of the person making the communication, 1242
except when the disclosure of the information is in violation of 1243
a sacred trust and except that, if the person voluntarily 1244
testifies or is deemed by division (A) (4) (c) of section 2151.421 1245
of the Revised Code to have waived any testimonial privilege 1246
under this division, the cleric may be compelled to testify on 1247
the same subject except when disclosure of the information is in 1248
violation of a sacred trust. 1249

(2) As used in division (C) of this section: 1250

(a) "Cleric" means a member of the clergy, rabbi, priest, 1251
Christian Science practitioner, or regularly ordained, 1252
accredited, or licensed minister of an established and legally 1253

cognizable church, denomination, or sect. 1254

(b) "Sacred trust" means a confession or confidential 1255
communication made to a cleric in the cleric's ecclesiastical 1256
capacity in the course of discipline enjoined by the church to 1257
which the cleric belongs, including, but not limited to, the 1258
Catholic Church, if both of the following apply: 1259

(i) The confession or confidential communication was made 1260
directly to the cleric. 1261

(ii) The confession or confidential communication was made 1262
in the manner and context that places the cleric specifically 1263
and strictly under a level of confidentiality that is considered 1264
inviolable by canon law or church doctrine. 1265

(D) Husband or wife, concerning any communication made by 1266
one to the other, or an act done by either in the presence of 1267
the other, during coverture, unless the communication was made, 1268
or act done, in the known presence or hearing of a third person 1269
competent to be a witness; and such rule is the same if the 1270
marital relation has ceased to exist; 1271

(E) A person who assigns a claim or interest, concerning 1272
any matter in respect to which the person would not, if a party, 1273
be permitted to testify; 1274

~~(F) A person who, if a party, would be restricted under 1275
section 2317.03 of the Revised Code, when the property or thing 1276
is sold or transferred by an executor, administrator, guardian, 1277
trustee, heir, devisee, or legatee, shall be restricted in the 1278
same manner in any action or proceeding concerning the property 1279
or thing. 1280~~

~~(G) (1)~~ (F) (1) A school guidance counselor who holds a valid 1281
educator license from the state board of education as provided 1282

for in section 3319.22 of the Revised Code, a person licensed 1283
under Chapter 4757. of the Revised Code as a licensed 1284
professional clinical counselor, licensed professional 1285
counselor, social worker, independent social worker, marriage 1286
and family therapist or independent marriage and family 1287
therapist, or registered under Chapter 4757. of the Revised Code 1288
as a social work assistant concerning a confidential 1289
communication received from a client in that relation or the 1290
person's advice to a client unless any of the following applies: 1291

(a) The communication or advice indicates clear and 1292
present danger to the client or other persons. For the purposes 1293
of this division, cases in which there are indications of 1294
present or past child abuse or neglect of the client constitute 1295
a clear and present danger. 1296

(b) The client gives express consent to the testimony. 1297

(c) If the client is deceased, the surviving spouse or the 1298
executor or administrator of the estate of the deceased client 1299
gives express consent. 1300

(d) The client voluntarily testifies, in which case the 1301
school guidance counselor or person licensed or registered under 1302
Chapter 4757. of the Revised Code may be compelled to testify on 1303
the same subject. 1304

(e) The court in camera determines that the information 1305
communicated by the client is not germane to the counselor- 1306
client, marriage and family therapist-client, or social worker- 1307
client relationship. 1308

(f) A court, in an action brought against a school, its 1309
administration, or any of its personnel by the client, rules 1310
after an in-camera inspection that the testimony of the school 1311

guidance counselor is relevant to that action. 1312

(g) The testimony is sought in a civil action and concerns 1313
court-ordered treatment or services received by a patient as 1314
part of a case plan journalized under section 2151.412 of the 1315
Revised Code or the court-ordered treatment or services are 1316
necessary or relevant to dependency, neglect, or abuse or 1317
temporary or permanent custody proceedings under Chapter 2151. 1318
of the Revised Code. 1319

(2) Nothing in division ~~(G)(1)~~ (F)(1) of this section 1320
shall relieve a school guidance counselor or a person licensed 1321
or registered under Chapter 4757. of the Revised Code from the 1322
requirement to report information concerning child abuse or 1323
neglect under section 2151.421 of the Revised Code. 1324

~~(H)~~ (G) A mediator acting under a mediation order issued 1325
under division (A) of section 3109.052 of the Revised Code or 1326
otherwise issued in any proceeding for divorce, dissolution, 1327
legal separation, annulment, or the allocation of parental 1328
rights and responsibilities for the care of children, in any 1329
action or proceeding, other than a criminal, delinquency, child 1330
abuse, child neglect, or dependent child action or proceeding, 1331
that is brought by or against either parent who takes part in 1332
mediation in accordance with the order and that pertains to the 1333
mediation process, to any information discussed or presented in 1334
the mediation process, to the allocation of parental rights and 1335
responsibilities for the care of the parents' children, or to 1336
the awarding of parenting time rights in relation to their 1337
children; 1338

~~(I)~~ (H) A communications assistant, acting within the 1339
scope of the communication assistant's authority, when providing 1340
telecommunications relay service pursuant to section 4931.06 of 1341

the Revised Code or Title II of the "Communications Act of 1342
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1343
communication made through a telecommunications relay service. 1344
Nothing in this section shall limit the obligation of a 1345
communications assistant to divulge information or testify when 1346
mandated by federal law or regulation or pursuant to subpoena in 1347
a criminal proceeding. 1348

Nothing in this section shall limit any immunity or 1349
privilege granted under federal law or regulation. 1350

~~(J)(1)~~ (I)(1) A chiropractor in a civil proceeding 1351
concerning a communication made to the chiropractor by a patient 1352
in that relation or the chiropractor's advice to a patient, 1353
except as otherwise provided in this division. The testimonial 1354
privilege established under this division does not apply, and a 1355
chiropractor may testify or may be compelled to testify, in any 1356
civil action, in accordance with the discovery provisions of the 1357
Rules of Civil Procedure in connection with a civil action, or 1358
in connection with a claim under Chapter 4123. of the Revised 1359
Code, under any of the following circumstances: 1360

(a) If the patient or the guardian or other legal 1361
representative of the patient gives express consent. 1362

(b) If the patient is deceased, the spouse of the patient 1363
or the executor or administrator of the patient's estate gives 1364
express consent. 1365

(c) If a medical claim, dental claim, chiropractic claim, 1366
or optometric claim, as defined in section 2305.113 of the 1367
Revised Code, an action for wrongful death, any other type of 1368
civil action, or a claim under Chapter 4123. of the Revised Code 1369
is filed by the patient, the personal representative of the 1370

estate of the patient if deceased, or the patient's guardian or 1371
other legal representative. 1372

(2) If the testimonial privilege described in division ~~(J)~~ 1373
~~(1)~~ (I) (1) of this section does not apply as provided in 1374
division ~~(J) (1) (e)~~ (I) (1) (c) of this section, a chiropractor may 1375
be compelled to testify or to submit to discovery under the 1376
Rules of Civil Procedure only as to a communication made to the 1377
chiropractor by the patient in question in that relation, or the 1378
chiropractor's advice to the patient in question, that related 1379
causally or historically to physical or mental injuries that are 1380
relevant to issues in the medical claim, dental claim, 1381
chiropractic claim, or optometric claim, action for wrongful 1382
death, other civil action, or claim under Chapter 4123. of the 1383
Revised Code. 1384

(3) The testimonial privilege established under this 1385
division does not apply, and a chiropractor may testify or be 1386
compelled to testify, in any criminal action or administrative 1387
proceeding. 1388

(4) As used in this division, "communication" means 1389
acquiring, recording, or transmitting any information, in any 1390
manner, concerning any facts, opinions, or statements necessary 1391
to enable a chiropractor to diagnose, treat, or act for a 1392
patient. A communication may include, but is not limited to, any 1393
chiropractic, office, or hospital communication such as a 1394
record, chart, letter, memorandum, laboratory test and results, 1395
x-ray, photograph, financial statement, diagnosis, or prognosis. 1396

~~(K) (1)~~ (J) (1) Except as provided under division ~~(K) (2)~~ (J) 1397
(2) of this section, a critical incident stress management team 1398
member concerning a communication received from an individual 1399
who receives crisis response services from the team member, or 1400

the team member's advice to the individual, during a debriefing session. 1401
1402

(2) The testimonial privilege established under division 1403
~~(K) (1)~~ (J) (1) of this section does not apply if any of the 1404
following are true: 1405

(a) The communication or advice indicates clear and 1406
present danger to the individual who receives crisis response 1407
services or to other persons. For purposes of this division, 1408
cases in which there are indications of present or past child 1409
abuse or neglect of the individual constitute a clear and 1410
present danger. 1411

(b) The individual who received crisis response services 1412
gives express consent to the testimony. 1413

(c) If the individual who received crisis response 1414
services is deceased, the surviving spouse or the executor or 1415
administrator of the estate of the deceased individual gives 1416
express consent. 1417

(d) The individual who received crisis response services 1418
voluntarily testifies, in which case the team member may be 1419
compelled to testify on the same subject. 1420

(e) The court in camera determines that the information 1421
communicated by the individual who received crisis response 1422
services is not germane to the relationship between the 1423
individual and the team member. 1424

(f) The communication or advice pertains or is related to 1425
any criminal act. 1426

(3) As used in division ~~(K)~~ (J) of this section: 1427

(a) "Crisis response services" means consultation, risk 1428

assessment, referral, and on-site crisis intervention services 1429
provided by a critical incident stress management team to 1430
individuals affected by crisis or disaster. 1431

(b) "Critical incident stress management team member" or 1432
"team member" means an individual specially trained to provide 1433
crisis response services as a member of an organized community 1434
or local crisis response team that holds membership in the Ohio 1435
critical incident stress management network. 1436

(c) "Debriefing session" means a session at which crisis 1437
response services are rendered by a critical incident stress 1438
management team member during or after a crisis or disaster. 1439

~~(L)(1)~~ (K)(1) Subject to division ~~(L)(2)~~ (K)(2) of this 1440
section and except as provided in division ~~(L)(3)~~ (K)(3) of this 1441
section, an employee assistance professional, concerning a 1442
communication made to the employee assistance professional by a 1443
client in the employee assistance professional's official 1444
capacity as an employee assistance professional. 1445

(2) Division ~~(L)(1)~~ (K)(1) of this section applies to an 1446
employee assistance professional who meets either or both of the 1447
following requirements: 1448

(a) Is certified by the employee assistance certification 1449
commission to engage in the employee assistance profession; 1450

(b) Has education, training, and experience in all of the 1451
following: 1452

(i) Providing workplace-based services designed to address 1453
employer and employee productivity issues; 1454

(ii) Providing assistance to employees and employees' 1455
dependents in identifying and finding the means to resolve 1456

personal problems that affect the employees or the employees' 1457
performance; 1458

(iii) Identifying and resolving productivity problems 1459
associated with an employee's concerns about any of the 1460
following matters: health, marriage, family, finances, substance 1461
abuse or other addiction, workplace, law, and emotional issues; 1462

(iv) Selecting and evaluating available community 1463
resources; 1464

(v) Making appropriate referrals; 1465

(vi) Local and national employee assistance agreements; 1466

(vii) Client confidentiality. 1467

(3) Division ~~(L) (1)~~ (K) (1) of this section does not apply 1468
to any of the following: 1469

(a) A criminal action or proceeding involving an offense 1470
under sections 2903.01 to 2903.06 of the Revised Code if the 1471
employee assistance professional's disclosure or testimony 1472
relates directly to the facts or immediate circumstances of the 1473
offense; 1474

(b) A communication made by a client to an employee 1475
assistance professional that reveals the contemplation or 1476
commission of a crime or serious, harmful act; 1477

(c) A communication that is made by a client who is an 1478
unemancipated minor or an adult adjudicated to be incompetent 1479
and indicates that the client was the victim of a crime or 1480
abuse; 1481

(d) A civil proceeding to determine an individual's mental 1482
competency or a criminal action in which a plea of not guilty by 1483

reason of insanity is entered; 1484

(e) A civil or criminal malpractice action brought against 1485
the employee assistance professional; 1486

(f) When the employee assistance professional has the 1487
express consent of the client or, if the client is deceased or 1488
disabled, the client's legal representative; 1489

(g) When the testimonial privilege otherwise provided by 1490
division ~~(L)(1)~~ (K)(1) of this section is abrogated under law. 1491

Sec. 2317.021. (A) As used in division (A) of section 1492
2317.02 of the Revised Code: 1493

"Client" means a person, firm, partnership, corporation, 1494
or other association that, directly or through any 1495
representative, consults an attorney for the purpose of 1496
retaining the attorney or securing legal service or advice from 1497
the attorney in the attorney's professional capacity, or 1498
consults an attorney employee for legal service or advice, and 1499
who communicates, either directly or through an agent, employee, 1500
or other representative, with such attorney; and includes an 1501
incompetent person whose guardian so consults the attorney in 1502
behalf of the incompetent person. 1503

Where a corporation or association is a client having the 1504
privilege and it has been dissolved, the privilege shall extend 1505
to the last board of directors, their successors or assigns, or 1506
to the trustees, their successors or assigns. 1507

This section shall be construed as in addition to, and not 1508
in limitation of, other laws affording protection to 1509
communications under the attorney-client privilege. 1510

(B) As used in this section and in ~~sections~~ section 1511

2317.02 ~~and 2317.03~~ of the Revised Code, "incompetent" or 1512
"incompetent person" means a person who is so mentally impaired, 1513
as a result of a mental or physical illness or disability, as a 1514
result of an intellectual disability, or as a result of chronic 1515
substance abuse, that the person is incapable of taking proper 1516
care of the person's self or property or fails to provide for 1517
the person's family or other persons for whom the person is 1518
charged by law to provide. 1519

Sec. 2317.41. "Photograph" as used in this section 1520
includes but is not limited to microphotograph, a roll or strip 1521
of film, a roll or strip of microfilm, a photostatic copy, or an 1522
optically-imaged copy. 1523

To the extent that a record would be competent evidence 1524
under ~~section 2317.40 of the Revised Code~~ the Rules of Evidence, 1525
a photograph of such record shall be competent evidence if the 1526
custodian of the photograph or the person who made such 1527
photograph or under whose supervision such photograph was made 1528
testifies to the identity of and the mode of making such 1529
photograph, and if, in the opinion of the trial court, the 1530
record has been destroyed or otherwise disposed of in good faith 1531
in the regular course of business, and the mode of making such 1532
photograph was such as to justify its admission. If a photograph 1533
is admissible under this section, the court may admit the whole 1534
or a part thereof. 1535

Such photograph shall be admissible only if the party 1536
offering it has delivered a copy of it, or so much thereof as 1537
relates to the controversy, to the adverse party a reasonable 1538
time before trial, unless in the opinion of the court the 1539
adverse party has not been unfairly surprised by the failure to 1540
deliver such copy. No such photograph need be submitted to the 1541

adverse party as prescribed in this section unless the original 1542
instrument would be required to be so submitted. 1543

Sec. 2317.422. (A) ~~Notwithstanding sections 2317.40 and~~ 1544
~~2317.41 of the Revised Code but subject~~ Subject to division (B) 1545
of this section, the records, or copies or photographs of the 1546
records, of a hospital, homes required to be licensed pursuant 1547
to section 3721.01 of the Revised Code, and residential 1548
facilities licensed pursuant to section 5119.34 of the Revised 1549
Code that provides accommodations, supervision, and personal 1550
care services for three to sixteen unrelated adults, in lieu of 1551
the testimony in open court of their custodian, person who made 1552
them, or person under whose supervision they were made, may be 1553
qualified as authentic evidence if any such person endorses 1554
thereon the person's verified certification identifying such 1555
records, giving the mode and time of their preparation, and 1556
stating that they were prepared in the usual course of the 1557
business of the institution. Such records, copies, or 1558
photographs may not be qualified by certification as provided in 1559
this section unless the party intending to offer them delivers a 1560
copy of them, or of their relevant portions, to the attorney of 1561
record for each adverse party not less than five days before 1562
trial. Nothing in this section shall be construed to limit the 1563
right of any party to call the custodian, person who made such 1564
records, or person under whose supervision they were made, as a 1565
witness. 1566

(B) Division (A) of this section does not apply to any 1567
certified copy of the results of any test given to determine the 1568
presence or concentration of alcohol, a drug of abuse, a 1569
combination of them, a controlled substance, or a metabolite of 1570
a controlled substance in a patient's whole blood, blood serum 1571
or plasma, breath, or urine at any time relevant to a criminal 1572

offense that is submitted in a criminal action or proceeding in 1573
accordance with division (B) (2) (b) or (B) (3) (b) of section 1574
2317.02 of the Revised Code. 1575

Sec. 2939.03. Except for a foreperson selected by the 1576
judge of the court of common pleas under ~~section 2939.02 of the~~ 1577
~~Revised Code~~ the Rules of Criminal Procedure, a grand jury is 1578
drawn and notified in the same manner as other jurors are drawn 1579
and notified under Chapter 2313. of the Revised Code. Grand 1580
jurors so drawn and notified are not entitled to an exemption 1581
for any reason but may be excused from service or have their 1582
service postponed for the same reasons and in the same manner as 1583
other jurors under that chapter and not otherwise. Grand jurors 1584
are subject to the same fines and penalties for nonattendance 1585
and otherwise as are other jurors under that chapter. The duties 1586
and the powers of courts of common pleas, clerks of courts of 1587
common pleas, and commissioners of jurors in regard to grand 1588
jurors in all respects are the same as in regard to other 1589
jurors. 1590

Sec. 2939.06. (A) When a grand jury is impaneled, the 1591
court of common pleas ~~shall appoint one of the members of the~~ 1592
~~grand jury as foreperson, and~~ shall administer, or cause to be 1593
administered, to the jurors an oath in the following words to 1594
which the jurors shall respond "I do solemnly swear" or "I do 1595
solemnly affirm": 1596

"Do you solemnly swear or affirm that you will diligently 1597
inquire into and carefully deliberate all matters that shall 1598
come to your attention concerning this service; and do you 1599
solemnly swear or affirm that you will keep secret all 1600
proceedings of the grand jury unless you are required in a court 1601
of justice to make disclosure; and do you solemnly swear or 1602

affirm that you will indict no person through malice, hatred, or 1603
ill will; and do you solemnly swear or affirm that you will not 1604
leave unindicted any person through fear, favor, or affection, 1605
or for any reward or hope thereof; and do you solemnly swear or 1606
affirm that in all your deliberations you will present the 1607
truth, the whole truth, and nothing but the truth, according to 1608
the best of your skill and understanding, as you shall answer 1609
unto God or under the penalties of perjury?" 1610

(B) If, on or after ~~the effective date of this amendment~~ 1611
March 24, 2003, a court impaneling a grand jury uses the grand 1612
juror's oath that was in effect prior to ~~the effective date of~~ 1613
~~this amendment~~ March 24, 2003, instead of the oath set forth in 1614
division (A) of this section, the court's use of the former oath 1615
does not invalidate or affect the validity of the impanelment of 1616
the grand jury, any proceeding, inquiry, or presentation of the 1617
grand jury, any indictment or other document found, returned, or 1618
issued by the grand jury, or any other action taken by the grand 1619
jury. 1620

Sec. 2941.61. After a demurrer to an indictment is 1621
overruled, the accused may plead under ~~section 2943.03 of the~~ 1622
~~Revised Code~~ the Rules of Criminal Procedure. 1623

Sec. 2943.02. ~~An accused person shall be arraigned by the~~ 1624
~~clerk of the court of common pleas, or his deputy, reading the~~ 1625
~~indictment or information to the accused, unless the accused or~~ 1626
~~his attorney waives the reading thereof. He shall then be asked~~ 1627
~~to plead thereto.~~ Arraignment shall be made immediately after 1628
the disposition of exceptions to the indictment, if any are 1629
filed, or, if no exceptions are filed, after reasonable 1630
opportunity has been given the accused to file such exceptions. 1631

Sec. 2945.51. When a deposition is to be taken in this 1632

state, and a commission is granted under section 2945.50 of the 1633
~~Revised Code~~ while the defendant is confined in jail, the 1634
sheriff or deputy or other person having custody of the 1635
defendant shall be ordered by the court to take the defendant to 1636
the place of the taking of the deposition, and have ~~him~~ the 1637
defendant before the officer at the time of taking such 1638
deposition. ~~Such~~ The sheriff or deputy or other person having 1639
custody of the defendant shall be reimbursed for actual 1640
reasonable traveling expenses for ~~himself~~ self and the 1641
defendant, the bills for the same, upon the approval of the 1642
board of county commissioners, to be paid from the county 1643
treasury on the warrant of the county auditor. ~~Such~~ The sheriff 1644
shall receive as fees therefor, one dollar for each day in 1645
attendance ~~thereat~~ at the place of the taking of the deposition. 1646
Such fees and traveling expenses shall be taxed and collected as 1647
other fees and costs in the case. 1648

Sec. 2945.52. Counsel assigned by the court to represent 1649
the defendant may attend upon and represent the defendant at the 1650
taking of a deposition ~~under section 2945.50 of the Revised~~ 1651
~~Code~~, and ~~said~~ the counsel shall be paid a reasonable fee for 1652
~~his~~ the counsel's services in taking such deposition, in addition 1653
to the compensation allowed for defending ~~such~~ the defendant, to 1654
be fixed by the court. ~~He~~ The counsel shall also be allowed 1655
~~his~~ the counsel's actual expenses incurred in going to and from 1656
the place of taking the deposition. 1657

Sec. 2945.53. In all cases in which depositions are taken 1658
by the state or the accused, to be used by or against the 1659
accused, as provided in ~~sections 2945.50 to 2945.52, inclusive,~~ 1660
~~of the Revised Code~~ the Rules of Criminal Procedure, the court 1661
shall by proper order provide and secure to the accused the 1662
means and opportunity to be present in person and with counsel 1663

at the taking of such deposition, and to examine the witness 1664
face to face, as fully and in the same manner as if in court. 1665
All expenses necessarily incurred in the securing of such means 1666
and opportunity, and the expenses of the prosecuting attorney in 1667
attending the taking of such deposition, shall be paid out of 1668
the county treasury upon the certificate of the court making 1669
such order. 1670

Sec. 2945.54. The examination of witnesses by deposition 1671
in criminal cases shall be taken and certified, and the return 1672
thereof to the court made as for taking depositions under 1673
sections 2319.05 to 2319.31, ~~inclusive,~~ of the Revised Code. ~~The~~ 1674
~~commissioners appointed under section 2945.50 of the Revised~~ 1675
~~Code to take depositions shall receive such compensation as the~~ 1676
~~court directs, to be paid out of the county treasury and taxed~~ 1677
~~as part of the costs in the case.~~ 1678

Section 2. That existing sections 1901.021, 1901.14, 1679
1901.22, 1901.31, 1907.20, 2111.011, 2307.23, 2317.02, 2317.021, 1680
2317.41, 2317.422, 2939.03, 2939.06, 2941.61, 2943.02, 2945.51, 1681
2945.52, 2945.53, and 2945.54 of the Revised Code are hereby 1682
repealed. 1683

Section 3. That sections 1901.16, 1901.41, 1907.21, 1684
1907.231, 2101.12, 2101.121, 2101.14, 2101.141, 2301.141, 1685
2317.03, 2317.40, 2317.42, 2939.02, 2939.20, 2941.021, 2943.03, 1686
2943.04, 2945.12, 2945.30, 2945.31, 2945.33, 2945.34, 2945.41, 1687
2945.45, and 2945.50 of the Revised Code are hereby repealed. 1688

Section 4. Section 1901.31 of the Revised Code is 1689
presented in this act as a composite of the section as amended 1690
by both H.B. 33 and S.B. 21 of the 135th General Assembly. The 1691
General Assembly, applying the principle stated in division (B) 1692
of section 1.52 of the Revised Code that amendments are to be 1693

harmonized if reasonably capable of simultaneous operation,	1694
finds that the composite is the resulting version of the section	1695
in effect prior to the effective date of the section as	1696
presented in this act.	1697