

**As Reported by the House Criminal Justice Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 125**

**Representatives Craig, Seitz**

**Cosponsors: Representatives West, Leland, Young, Retherford, Sheehy,  
Patterson, Smith, K., Antonio, Celebrezze, Bocchieri, Cera, O'Brien, Howse, Boggs,  
Ashford, Sykes, Rogers, Boyd, Manning, Rezabek**

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**A BILL**

To amend sections 1901.20, 1907.02, and 4513.39 and 1  
to enact section 4511.072 of the Revised Code to 2  
specify the jurisdiction of municipal and county 3  
courts over municipal traffic ordinances, to 4  
clarify that certain township officers do not 5  
have the authority to enforce traffic and motor 6  
vehicle equipment violations on interstate 7  
highways, and to establish requirements 8  
governing fines, fees, or other charges for 9  
traffic violations and infractions imposed by a 10  
municipal corporation that does not have the 11  
authority to establish a mayor's court. 12

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

**Section 1.** That sections 1901.20, 1907.02, and 4513.39 be 13  
amended and section 4511.072 of the Revised Code be enacted to 14  
read as follows: 15

**Sec. 1901.20.** (A) (1) The municipal court has jurisdiction 16  
to hear misdemeanor cases committed within its territory and has 17

jurisdiction over the violation of any nontraffic related 18  
ordinance of any municipal corporation within its territory. 19

(2) The municipal court has exclusive jurisdiction over 20  
all violations or infractions of every traffic ordinance of each 21  
municipal corporation within the territory of the court unless: 22

(a) The mayor of the municipal corporation has 23  
jurisdiction over the violation or infraction pursuant to 24  
section 1905.01 of the Revised Code~~7~~, unless 25

~~the~~ (b) The violation is a civil violation based upon 26  
evidence recorded by a traffic law photo-monitoring device and a 27  
ticket is issued pursuant to division (B) (3) of section 4511.093 28  
of the Revised Code ~~or the~~. 29

~~violation is required to be handled by a parking~~ 30  
~~violations bureau or joint parking violations bureau pursuant to~~ 31  
~~Chapter 4521. of the Revised Code. However, the~~ (3) The 32  
municipal court has jurisdiction over the violation of a vehicle 33  
parking or standing resolution or regulation if a local 34  
authority, as defined in division (D) of section 4521.01 of the 35  
Revised Code, has specified that it is not to be considered a 36  
criminal offense, if the violation is committed within the 37  
limits of the court's territory, and if the violation is not 38  
required to be handled by a parking violations bureau or joint 39  
parking violations bureau pursuant to Chapter 4521. of the 40  
Revised Code. However, a municipal court does not have 41  
jurisdiction over a violation required to be handled by a 42  
parking violations bureau or joint parking violations bureau 43  
pursuant to Chapter 4521. of the Revised Code. 44

(4) The municipal court, if it has a housing or 45  
environmental division, has jurisdiction over any criminal 46

action over which the housing or environmental division is given 47  
jurisdiction by section 1901.181 of the Revised Code, provided 48  
that, except as specified in division (B) of that section, no 49  
judge of the court other than the judge of the division shall 50  
hear or determine any action over which the division has 51  
jurisdiction. In all such prosecutions and cases, the court 52  
shall proceed to a final determination of the prosecution or 53  
case. 54

~~(2)~~ ~~(B)~~ A judge of a municipal court does not have the 55  
authority to dismiss a criminal complaint, charge, information, 56  
or indictment solely at the request of the complaining witness 57  
and over the objection of the prosecuting attorney, village 58  
solicitor, city director of law, or other chief legal officer 59  
who is responsible for the prosecution of the case. 60

~~(B)~~ ~~(C)~~ The municipal court has jurisdiction to hear 61  
felony cases committed within its territory. In all felony 62  
cases, the court may conduct preliminary hearings and other 63  
necessary hearings prior to the indictment of the defendant or 64  
prior to the court's finding that there is probable and 65  
reasonable cause to hold or recognize the defendant to appear 66  
before a court of common pleas and may discharge, recognize, or 67  
commit the defendant. 68

~~(C)~~ ~~(D)~~ (1) A municipal court has jurisdiction over an 69  
appeal from a judgment or default judgment entered pursuant to 70  
Chapter 4521. of the Revised Code, as authorized by division (D) 71  
of section 4521.08 of the Revised Code. The appeal shall be 72  
placed on the regular docket of the court and shall be 73  
determined by a judge of the court. 74

(2) A municipal court has jurisdiction over an appeal of a 75  
written decision rendered by a hearing officer under section 76

4511.099 of the Revised Code if the hearing officer that 77  
rendered the decision was appointed by a local authority within 78  
the jurisdiction of the court. 79

**Sec. 1907.02.** (A) (1) In addition to other jurisdiction 80  
granted a county court in the Revised Code, a county court has 81  
jurisdiction of all misdemeanor cases. A county court has 82  
jurisdiction to conduct preliminary hearings in felony cases, to 83  
bind over alleged felons to the court of common pleas, and to 84  
take other action in felony cases as authorized by Criminal Rule 85  
5. 86

(2) A judge of a county court does not have the authority 87  
to dismiss a criminal complaint, charge, information, or 88  
indictment solely at the request of the complaining witness and 89  
over the objection of the prosecuting attorney, village 90  
solicitor, city director of law, or other chief legal officer 91  
who is responsible for the prosecution of the case. 92

(B) A county court has jurisdiction of the violation of a 93  
vehicle parking or standing ordinance, resolution, or regulation 94  
if a local authority, as defined in division (D) of section 95  
4521.01 of the Revised Code, has specified that it is not to be 96  
considered a criminal offense, if the violation is committed 97  
within the limits of the court's territory, and if the violation 98  
is not required to be handled by a parking violations bureau or 99  
joint parking violations bureau pursuant to Chapter 4521. of the 100  
Revised Code. A county court does not have jurisdiction over 101  
violations of ordinances, resolutions, or regulations that are 102  
required to be handled by a parking violations bureau or joint 103  
parking violations bureau pursuant to that chapter. 104

A county court also has jurisdiction of an appeal from a 105  
judgment or default judgment entered pursuant to Chapter 4521. 106

of the Revised Code, as authorized by division (D) of section 107  
4521.08 of the Revised Code. Any such appeal shall be placed on 108  
the regular docket of the court and shall be determined by a 109  
judge of the court. 110

(C) A county court has jurisdiction over an appeal of a 111  
written decision rendered by a hearing officer under section 112  
4511.099 of the Revised Code if the hearing officer that 113  
rendered the decision was appointed by a local authority within 114  
the jurisdiction of the court. 115

(D) Except as provided in division (B) of this section, a 116  
county court has exclusive jurisdiction over all violations or 117  
infractions of every traffic ordinance within the territory of 118  
the court, unless the violation or infraction is a civil 119  
violation based upon evidence recorded by a traffic law photo- 120  
monitoring device and a ticket is issued pursuant to division 121  
(B) (3) of section 4511.093 of the Revised Code or the mayor of a 122  
municipal corporation has jurisdiction over the violation or 123  
infraction pursuant to section 1905.01 of the Revised Code. 124

**Sec. 4511.072.** (A) A municipal corporation that does not 125  
have the authority to establish a mayor's court under section 126  
1905.01 of the Revised Code shall not impose a fine, fee, or 127  
other charge for a traffic violation or infraction that exceeds 128  
the applicable fine, fee, or other charge for the substantially 129  
equivalent state violation established pursuant to Traffic Rule 130  
13(C) by the municipal or county court having territorial 131  
jurisdiction over the location of the violation or infraction. 132

(B) A municipal corporation that does not have the 133  
authority to establish a mayor's court under section 1905.01 of 134  
the Revised Code shall not charge a fine, fee, or other charge 135  
for a traffic violation or infraction that is not included in 136

the schedule of fines for state violations established pursuant 137  
to Traffic Rule 13(C) by the municipal or county court having 138  
territorial jurisdiction over the location of the violation or 139  
infraction. 140

**Sec. 4513.39.** (A) The state highway patrol and sheriffs or 141  
their deputies shall exercise, to the exclusion of all other 142  
peace officers except within municipal corporations and except 143  
as specified in division (B) of this section and division (E) of 144  
section 2935.03 of the Revised Code, the power to make arrests 145  
for violations on all state highways, of sections 4503.11, 146  
4503.21, 4511.14 to 4511.16, 4511.20 to 4511.23, 4511.26 to 147  
4511.40, 4511.42 to 4511.48, 4511.58, 4511.59, 4511.62 to 148  
4511.71, 4513.03 to 4513.13, 4513.15 to 4513.22, 4513.24 to 149  
4513.34, 4549.01, 4549.08 to 4549.12, and 4549.62 of the Revised 150  
Code. 151

(B) A member of the police force of a township police 152  
district created under section 505.48 of the Revised Code or of 153  
a joint police district created under section 505.482 of the 154  
Revised Code, and a township constable appointed pursuant to 155  
section 509.01 of the Revised Code, who has received a 156  
certificate from the Ohio peace officer training commission 157  
under section 109.75 of the Revised Code, shall exercise the 158  
power to make arrests for violations of those sections listed in 159  
division (A) of this section, other than sections 4513.33 and 160  
4513.34 of the Revised Code, as follows: 161

(1) If the population of the township that created the 162  
township or joint police district served by the member's police 163  
force or the township that is served by the township constable 164  
is fifty thousand or less, the member or constable shall 165  
exercise that power on those portions of all state highways, 166

including those highways that are part of the national highway system but that are not part of the interstate system, that are located within the township or joint police district, in the case of a member of a township or joint police district police force, or within the unincorporated territory of the township, in the case of a township constable;

(2) If the population of the township that created the township or joint police district served by the member's police force or the township that is served by the township constable is greater than fifty thousand, the member or constable shall exercise that power on those portions of all state highways, including any highway that is a part of the interstate highway system or otherwise a part of the national highway system, that are located within the township or joint police district, in the case of a member of a township or joint police district police force, or within the unincorporated territory of the township, in the case of a township constable.

(C) No member of the police force of a township police district created under section 505.48 of the Revised Code, member of a joint police district created under section 505.482 of the Revised Code, or township constable appointed pursuant to section 509.01 of the Revised Code, shall enforce a law of this state, an ordinance of a municipal corporation, or a resolution of a township governing the operation of, or the equipment requirements for, a motor vehicle on any highway that is part of the interstate system if the population of the township that created the township or joint police district served by the member's police force or the township that is served by the township constable is fifty thousand or less.

**Section 2.** That existing sections 1901.20, 1907.02, and

4513.39 of the Revised Code are hereby repealed.

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