



THE SUPREME COURT *of* OHIO



MAYOR'S COURT BENCH BOOK

THE SUPREME COURT *of* OHIO

MAYOR'S COURT BENCH BOOK



MAUREEN O'CONNOR
CHIEF JUSTICE

SHARON L. KENNEDY
PATRICK F. FISCHER
R. PATRICK DEWINE
MICHAEL P. DONNELLY
MELODY J. STEWART
JENNIFER BRUNNER
JUSTICES

STEPHANIE E. HESS
INTERIM ADMINISTRATIVE DIRECTOR



A digital version of the Mayor's Court Bench Book
can be found on the Ohio Supreme Court website at:
www.sc.ohio.gov/publications/mayorscourt/benchbook.pdf



TABLE OF CONTENTS

Court Process

Registration and Reporting Requirements	1
Cases Not to Be Heard in Mayor’s Court	2
Crime Victims’ Rights	3
Complaint and Summons	3
Warrants	4
Pre-Trial Detention and Release	4
Arraignment	5
Appointing Counsel	6
Interpreters	6
Failure to Appear	7
When to Transfer a Case to Municipal Court, County Court, or Court of Common Pleas	9

Taking and Recording Pleas

Explanation of Rights Checklist for Taking a Plea	11
Mayor/Magistrate Obligation to Inform	11
Opportunity to Address Court - Plea/Trial	12
Rights upon Plea	12
Conflict of Interest	12
Mayor or Magistrate Must Make Determination of Defendant’s Ability to Pay	13
Journal Entry	13
BCI and BMV Reporting Requirements for Convictions/Forfeiture of Bail	14
National Instant Criminal Background Check System (NICS) Disqualifiers and Reporting Requirements	15
Option in Minor Misdemeanor Cases: Violation Bureau	16
Violations Bureau Procedure	17

Mayor’s Court Education and Procedure

Mayor’s Court Rules	19
Mayor’s Court Caseload Report Form Instructions	30
Sample Forms to be Used in Court: Forms A-F	37
Administrative Forms	49
Mayor’s Court Portal Instructions	55

Appendices

1. Collection of Court Costs & Fines in Adult Trial Courts
2. Court-Ordered Sealing of Criminal Record with Consideration of Indigency

COURT PROCESS

Registration and Reporting Requirements	1
Cases Not to Be Heard in Mayor’s Court	2
Crime Victims’ Rights	3
Complaint and Summons	3
Warrants	4
Pre-Trial Detention and Release	4
Arraignment	5
Appointing Counsel	6
Interpreters	6
Failure to Appear	7
When to Transfer a Case to Municipal Court, County Court, or Court of Common Pleas	9

REGISTRATION AND REPORTING REQUIREMENTS

Each mayor or magistrate who is authorized to conduct a mayor's court pursuant to [R.C. 1905](#) must comply with the Mayor's Court Education and Procedure Rules [[May.Ed.R.](#)], including registering the court annually and complying with annual educational requirements [[May.R. 3, 4, and 15](#)].

REPORTING REQUIREMENT	RECIPIENT OF REPORT OR VERIFICATION		
	SUPREME COURT	BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION (BCI)	BUREAU OF MOTOR VEHICLES (BMV)
Annual registration	Jan. 15 or 15 days prior to conducting court, whichever is later		
Educational requirements	Six initial hours; three hours annually thereafter (double if planning to hear OVI-related cases)		
Quarterly reports	Quarter 1: April 15 Quarter 2: July 15 Quarter 3: Oct. 15 Quarter 4: Jan. 15		
Any conviction that is a misdemeanor on the first offense, but a felony on a subsequent offense		Yes, upon conviction	
Any traffic offense			Yes, within seven days of conviction or forfeiture of bail

CASES NOT TO BE HEARD IN MAYOR’S COURT



If a mayor or magistrate determines they do not have jurisdiction to hear a case because it meets one of the criteria below, they shall immediately transfer the case to the county court, municipal court, or court of common pleas with jurisdiction over the violation charged, in accordance with [R.C. 1905.032](#) (transfer of cases). For more information, see “When to Transfer a Case to Municipal Court, County Court, or the Court of Common Pleas,” page 9.

Offenses of Violence

The mayor or magistrate of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal case involving any of the following offenses or violations of a municipal ordinance that is substantially equivalent to one of the following offenses [[R.C. 1905](#)]:

- a. Domestic violence [[R.C. 2919.25](#)];
- b. Violation of a protection order [[R.C. 2919.27](#)];
- c. Any of the following if it involves a family or household member¹ of the defendant at the time of the violation:
 - i. Felonious assault [[R.C. 2903.11](#)];
 - ii. Aggravated assault [[R.C. 2903.12](#)];
 - iii. Assault [[R.C. 2903.13](#)];
 - iv. Menacing by stalking [[R.C. 2903.211](#)];
 - v. Aggravated trespass [[R.C. 2911.211](#)].

Protection Orders

The mayor or magistrate of a municipal corporation does not have jurisdiction to hear and determine a motion in a hearing for a protection order [[R.C. 2919.26](#)].

OVI-Related Violations

The mayor or magistrate of a municipal corporation does not have jurisdiction to hear and determine a current OVI-related case if a person charged with an OVI-related violation was convicted or pleaded guilty to any of the following violations within 10 years of the current OVI-related violation (regardless of where the violation was charged):

- a. Any prosecution or criminal case involving a violation of operating a vehicle under the influence of alcohol or drugs [[R.C. 4511.19](#)];
- b. Any violation of an ordinance of any municipal corporation relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of the two; or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;
- c. A violation of any ordinance of any municipal corporation or of any section of the Ohio Revised Code that regulates the operation of vehicles, street cars, and trackless trolleys upon the highways or streets, to which all of the following apply:

¹ As used in this section, “family or household member” has the same meaning as in [R.C.2919.25](#).

- i. The person, in the case in which the conviction was obtained or the plea of guilty was entered, was charged with a violation of an ordinance of operating a vehicle under the influence of alcohol or drugs or a violation [[R.C. 4511.19](#)];
 - ii. The charge was dismissed or reduced;
 - iii. The violation of which the person was convicted, or to which the person pleaded guilty, arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced;
- d. A violation of a statute of the United States or of any other state or municipal ordinance of a municipal corporation located in any other state that is substantially similar to [R.C. 4511.19](#).

CRIME VICTIMS' RIGHTS

A mayor's court must comply with Ohio Constitution Article I, Section, 10, and [R.C. 2930](#). Under the Ohio Constitution, a "victim" is "a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act" and is entitled to notice and to be heard, among other rights. In addition, victims of certain crimes that could go before a mayor's court are entitled to certain rights pursuant to [R.C. 2930](#) (victim's rights). These crimes include:

- Negligent homicide [[R.C. 2903.05](#)];
- Vehicular manslaughter [[R.C. 2903.06](#)];
- Assault [[R.C. 2903.13](#)];
- Aggravated menacing [[R.C. 2903.21](#)];
- Menacing by stalking [[R.C. 2903.211](#)];
- Menacing [[R.C. 2903.22](#)];
- Sexual imposition [[R.C. 2907.06](#)], witness intimidation [[R.C.2921.04](#)], or a similar municipal ordinance;
- OVI [[R.C.4511.19 \(A\)](#) or [\(B\)](#)], physical control [[R.C.1547.11\(A\)](#) or [\(B\)](#)], unsafe aircraft [[R.C.4561.15 \(A\)\(3\)](#)].

COMPLAINT AND SUMMONS

For Traffic Cases:

In traffic cases, the complaint and summons shall be the "Ohio Uniform Traffic Ticket" [[Traf.R. 3](#)]. The officer shall notify the defendant that if the defendant does not appear at the time and place stated in the citation or comply with [R.C. 2935.26\(C\)](#), the defendant's license will be canceled, the defendant will not be eligible for the reissuance of the license or the issuance of a new license for one year after cancellation, and the defendant will be subject to any applicable criminal penalties [[Traf.R. 3\(E\)\(2\)](#)].

For Criminal Cases:

In criminal cases the complaint must be filed pursuant to [Crim.R. 3](#). The summons shall order the defendant to appear at a stated time and place, and inform the defendant that they may be arrested if they fail to appear at the time

and place stated. A copy of the complaint shall be attached to the summons, except when an officer issues a summons in lieu of making an arrest without a warrant, or when an officer issues a summons after arrest without a warrant [[Crim.R. 4\(C\)\(2\)](#)].

WARRANTS

A summons in lieu of a warrant is the preferred method to take a person to court. When an offense carries no jail time, a warrant shall not be issued. Where a person fails to appear or fails to file a waiver with the violations bureau and make payment of fines and costs by the specified date, the court should consider reissuing notice and/or the least restrictive method to secure appearance (e.g., registration block or driver's license forfeiture) in lieu of issuing a warrant. (See also, Permitted Actions upon Failure to Appear or Pay, page 8.)

For Minor Misdemeanor Offenses:

Notwithstanding any other provision of the Revised Code, when a law enforcement officer is otherwise authorized to arrest a person for the commission of a minor misdemeanor, the officer shall not arrest the person, but shall issue a citation, unless:

- The person requires medical care or is unable to provide for their own safety;
- Cannot or will not offer evidence of their identity;
- Refuses to sign the citation; or
- Failed to appear for that citation or paid the required amount to the violations bureau [[R.C. 2935.26](#)].

Traffic tickets that solely allege one or more minor misdemeanor violations must initially be issued by summons [[Traf.R. 3\(E\)\(1\)](#)].

For Other Misdemeanor Offenses:

A warrant for the arrest of the defendant or a summons in lieu of a warrant shall be issued by a judge, magistrate, clerk of court, or officer of the court designated by the judge, to any law enforcement officer authorized by law to execute or serve it [[Crim.R. 4\(A\)\(1\)](#); [Traf.R. 6\(B\)](#)].

PRE-TRIAL DETENTION AND RELEASE [[CRIM.R. 46](#)]

1. Any person who is entitled to release shall be released upon one or more of the following types of bail in the amount set by the court [[Crim.R. 46\(A\)](#)]:
 - a. The personal recognizance of the accused or an unsecured bail bond;
 - b. A bail bond secured by the deposit of 10 percent of the amount of the bond in cash. Ninety percent of the deposit shall be returned upon compliance with all conditions of the bond;
 - c. A surety bond (a bond secured by real estate or securities) as allowed by law, or the deposit of cash, at the option of the defendant.
2. When a summons was issued and the defendant appeared pursuant to the summons, absent good cause, a recognizance bond shall be the preferred type of bail [[Crim.R. 46\(D\)](#)].

ARRAIGNMENT [CRIM.R. 10; TRAF.R. 8]



See Sample Forms to Be Used in Court, pages 37, 41 and 43.

[May.R. Form A – Statement of Rights; Waiver of Rights; Plea of Guilty or No Contest](#), [May.R. Form C – Demand for Trial](#), and [May.R. Form D – Motion and Entry for Continuance](#).

Arraignment shall be conducted in open court and shall consist of reading the indictment, information, or complaint to the defendant, or stating the substance of the charge to the defendant, and calling on the defendant to plead thereto.

1. The defendant may, in open court, waive the reading of the indictment, information, or complaint.
2. The defendant shall be given a copy of the indictment, information, or complaint, and shall acknowledge receipt thereof, before being called upon to plead [[May.R. 12\(A\)\(1\)](#); [Crim.R. 10\(A\)](#); [Traf.R. 8\(B\)](#)].
3. The defendant must be present, except that the court, with the written consent of the defendant and the approval of the prosecuting attorney, may permit arraignment without the presence of the defendant, if a plea of not guilty is entered [[Crim.R. 10\(B\)](#); [Traf.R. 8\(C\)](#)].
 - a. If a not-guilty plea is entered, the time and date of trial shall be set by the court (within speedy-trial requirements pursuant to [R.C. 2945.71-72](#), unless time is waived.

Arraignment Checklist: Mayor Or Magistrate Must Inform

- The defendant has a right to retain counsel even if the defendant intends to plead guilty, and has a right to a reasonable continuance in the proceedings to secure counsel [[Crim.R. 10\(C\)\(1\)](#)].²
- The defendant has a right to counsel, the right to a reasonable continuance in the proceeding to secure counsel, and, pursuant to [Crim. R. 44](#), the right to have counsel assigned without cost if the defendant is unable to employ counsel [[Crim.R.10\(C\)\(2\)](#); [Traf.R. 8\(D\)\(1\)](#)].
- The defendant has a right to bail, if the offense is bailable [[Crim.R. 10\(C\)\(3\)](#); [Traf.R. 8\(D\)\(2\)](#)].
- The defendant need make no statement at any point in the proceeding, but any statement made can and may be used against the defendant [[Crim.R. 10\(C\)\(4\)](#); [Traf.R. 8\(D\)\(3\)](#)].
- In traffic cases, where such right exists, the defendant has a right to jury trial and that in petty-offense cases the person must make a demand for a jury pursuant to [Crim.R. 23](#) [[Traf.R. 8\(D\)\(4\)](#)].
- If a defendant is convicted in a traffic case, a record of the conviction will be sent to the registrar of motor vehicles and become part of the person's driving record [[Traf.R. 8\(D\)\(5\)](#)].

² If a defendant is charged with an offense that carries the potential for incarceration and is unable to afford counsel, then the mayor or magistrate is responsible for appointing counsel, unless the case is transferred to the municipal court, county court, or court of common pleas, pursuant to [R.C. 1905.032](#). [[May.R. 12\(A\)\(3\)](#)]

APPOINTING COUNSEL [MAY.R. 12]

If a defendant is charged with an offense that carries the potential for incarceration and is unable to afford to retain counsel, the mayor or magistrate is responsible for appointing counsel, unless the case is transferred to municipal court, county court, or court of common pleas [R.C. 1905.032].



Best Practice

A mayor or magistrate either must appoint counsel to those charged with an offense that carries the potential for incarceration and are unable to afford counsel, or should immediately transfer the case to the municipal court, county court, or court of common pleas with jurisdiction over the violation charged, in accordance with R.C. 1905.032 (transfer of cases).

INTERPRETERS [MAY.R. 12; SUP.R. 88]

Interpreters shall be provided for persons who are deaf or hard of hearing, cannot speak or understand the English language, or have limited-English proficiency (LEP). The court bears the cost of providing interpreter services. If the court chooses not to provide interpreters to these persons, then the court shall transfer the case to the municipal court, county court, or court of common pleas within the jurisdiction for all proceedings [May.R. 12(A)(2)].

How Do I Know if a Party or Witness Needs an Interpreter?

A court shall appoint a foreign-language interpreter when:

- a. A non-English-speaking party or witness requests an interpreter and the court determines the interpreter is necessary; or
- b. The party does not request it, but the court concludes the party is limited in communication and the services of an interpreter are necessary.



See [May.R. Form F - Judgment Entry of Transfer](#), page 47.

The court could determine the party:

- a. Is deaf or hard-of-hearing;
- b. Cannot speak or understand the English language or has LEP;
- c. Is unable to accurately describe, in English: people, places, and events;
- d. Finds it impossible to assist in the defendant's defense because of a limited understanding of the English terms used in the courtroom; or
- e. Has marginal knowledge of English and a fundamental issue or interest at stake, such as parental rights, paternity rights, dissolution of marriage, or civil commitment.



Best Practice

A mayor or magistrate either must appoint an interpreter, or should immediately transfer the case to the municipal court, county court, or court of common pleas with jurisdiction over the violation charged, in accordance with R.C. 1905.032 (transfer of cases).

Determining the English Proficiency of the Party

The court should ask the following to determine if an interpreter is necessary.

In general, avoid questions easily answered with “yes” or “no” replies.

- “Please tell the court your name.”
- “How did you learn English?”
- “What is the highest grade you completed in school?”
- “Describe some of the things you see in this courtroom.”

FAILURE TO APPEAR



Best Practice

A summons in lieu of a warrant is the preferred method to bring a person to court. When an offense carries no jail time, a warrant shall not be issued. When a person fails to appear or fails to file a waiver with the violations bureau and make payment of fines and costs by the specified date, the court should consider reissuing notice and/or the least restrictive method to secure appearance (e.g., registration block or driver's license forfeiture) in lieu of issuing a warrant. (See also, Permitted Actions upon Failure to Appear or Pay, page 8.)

Procedure upon Failure to Appear in Traffic Cases [[Traf.R. 7](#)]

1. When a defendant fails to appear pursuant to a ticket issued, the court shall issue a supplemental summons or warrant. If a supplemental summons is not served or a warrant is not executed within 28 days of receipt by the serving officer, the court may place the case in a file of cases disposed of (made inactive), subject to being reopened [[Traf.R. 7\(A\)](#)].
2. When bond is forfeited, the disposition shall be reported to the registrar of motor vehicles.
3. For all other purposes, including disposition reports, the cases shall be reported as disposed of (made inactive), subject to being reopened, if the defendant subsequently appears or is apprehended [[Traf.R. 7\(A\)](#)].
4. When a nonresident of Ohio fails to appear pursuant to a supplemental summons or a warrant issued under [Traf.R. 7\(A\)](#), the court may send by mail to the defendant's address as it appears on the ticket, or the summons or warrant return, a notice ordering the defendant to appear at a specified time and place [[Traf.R. 7\(B\)](#)]. If the defendant fails to appear or answer within 28 days after the date of mailing of the notice, the court shall place the case in the file of cases disposed of (made inactive), subject to being reopened. The mailing of notice in parking cases is discretionary with the court [[Traf.R. 7\(A\)](#)].

NOTE

For statistical reporting purposes, a case in which a defendant failed to appear should be terminated (made inactive) on Line 13, Unavailability of Accused. If the defendant appears after the case was terminated for statistical reporting purposes, the case shall be reactivated on Line 3, Case Transferred In, Reactivated or Redesignated and disposed of in due course. See Mayor's Court Caseload Report Form Instructions, page 30.

Mayor's courts also should consult their case management software instructions for issuing license forfeitures and warrant blocks to a defendant and submitting electronically to the Ohio Bureau of Motor Vehicles (BMV).

Bail Forfeiture in Traffic Cases

1. The waiting period prescribed in [Traf.R.7\(A\)](#) does not affect forfeiture of bail. If there is a breach of a condition of bail, the court shall declare a forfeiture of bail. Forfeiture proceedings shall be promptly enforced as provided by law [[Traf.R. 7\(C\)](#)].
2. If the defendant fails to appear at the time and place specified on the citation and fails to comply with [R.C. 2935.26\(C\)](#), or fails to comply with or satisfy any judgment of the court within the time allowed, then the court shall declare the forfeiture of defendant's license. Thirty days after the declaration, the court shall forward a copy of the declaration to the registrar of motor vehicles for cancellation in accordance with [R.C. 2935.27\(D\)](#).

If the defendant deposits a sum of money or other security with the court, the deposit immediately shall be forfeited to the court if they fail to appear or comply with [R.C. 2935.26\(C\)](#).



Given the collateral effects a license suspension/forfeiture or warrant/registration block imparts, it is strongly recommended that the court consider reissuing notice and/or the least restrictive method to secure appearance.

Procedure upon Failure to Appear in Criminal Cases [[Crim.R. 4\(B\)](#)]

If the defendant fails to appear in response to a summons, then a warrant or alias warrant shall be issued.

Bail Forfeiture in Criminal Cases [[Crim.R. 46\(I\)](#)]

Any person who fails to appear before any court, as required, is subject to the punishment provided by law, and any bail given for the person's release may be forfeited. If there is a breach of condition of bail, then the court may amend the bail.

Permitted Actions upon Failure to Appear or Pay

1. License Forfeiture/Suspension [[R.C. 4510.22](#)]

If an individual is charged with a traffic offense that is an M1, M2, M3, or M4, and the individual either fails to appear in court or is found guilty, but fails to pay the fine on time, then the court may declare the forfeiture of the person's license.

NOTICE OF FORFEITURE

Thirty days after such a declaration of forfeiture, the court shall inform the registrar of motor vehicles of the forfeiture by completing and returning a form approved and furnished by the registrar. The court shall also forward the person's license, if it is in the possession of the court, to the registrar. The registrar shall send written notification of the suspension to the person at the person's last known address and, if the person is in possession of the license, order the person to surrender their license or permit to the registrar within 48 hours [[R.C. 4510.22\(A\)](#)].

TERMINATION OF FORFEITURE

The court shall order the termination of the forfeiture (release of forfeiture) if the person thereafter appears to answer the charge and pays any fine imposed by the court, or pays the fine originally imposed by the court. The court shall inform the registrar of the termination of the forfeiture by completing and returning a form approved and furnished by the registrar [[R.C. 4510.22\(A\)](#)].

2. Warrant Block/Registration Block [[R.C. 4503.13](#)]

If a defendant has an outstanding arrest warrant issued by the court, the court may order the clerk of court to send notice to the registrar of motor vehicles instructing the registrar not to issue a certificate of registration for a motor vehicle owned by the defendant.

NOTICE OF WARRANT BLOCK

The registrar also shall send a notice to the person who is named in the report via mail to the person's last-known address as shown in the records of the bureau, informing the person that neither the registrar nor any deputy registrar is permitted to issue a certificate of registration for a motor vehicle in the name of the person until the registrar receives notification that there are no outstanding arrest warrants in the name of the person [[R.C. 4503.13\(A\)](#)].

TERMINATION OF WARRANT BLOCK

A clerk shall immediately notify the registrar when the warrant was executed and returned to the issuing court, or the warrant was canceled [[R.C. 4503.13\(B\)](#)].

NOTE

Given the collateral effects a license suspension/forfeiture or warrant/registration block imparts, it is strongly recommended that the court consider reissuing notice and/or the least restrictive method to secure appearance.

WHEN TO TRANSFER A CASE TO MUNICIPAL COURT, COUNTY COURT, OR COURT OF COMMON PLEAS

1. OPTIONAL TRANSFER

If a person who is charged with a violation of a law or an ordinance is brought before a mayor's court and the violation charged is within the jurisdiction of the court, as set forth in [R.C. 1905.01](#), the mayor or magistrate, at any time prior to the final disposition of the case, **may transfer** it to the municipal court, county court, or court of common pleas with concurrent jurisdiction over the alleged violation. If a mayor or magistrate transfers a case under this provision, the mayor or magistrate shall require the person charged to enter into a recognizance to appear before the court to which the case is transferred [[R.C. 1905.032\(A\)](#)].³

2. JURY DEMAND

In a mayor's court, when a defendant is entitled to a jury trial and a jury demand is made pursuant to [Crim.R. 23](#), the mayor or magistrate **shall transfer** the case to the municipal court, county court, or court of common pleas. The mayor's court shall make a written order directing the defendant to appear at the transferee court, continuing the same bail, if any, and making appearance before the transferee court a condition of bail, if any. Upon transfer, the mayor's court shall transmit to the clerk of the transferee court the ticket, all other papers in the case, and any bail taken in the case. Upon receipt of such papers, the clerk of the transferee court shall set the case for trial and shall notify the defendant by mail of their trial date [[Crim.R. 23](#); [Traf.R. 9\(B\)](#)].

3. APPEAL

A defendant may appeal the decision of the mayor's court within 10 days and request the case be transferred to the municipal court, county court, or court of common pleas. A certified copy of the proceedings, together with all the original papers, including any bail, shall be forwarded to the clerk of court within 15 days, where it will be assigned a new case number and be treated as a new case [[R.C. 1905.22-25](#)].

NOTE

See [May.R. Form F - Judgment Entry of Transfer](#), page 47.

³ [R.C. 1905.032\(B\)](#): Upon the transfer of a case by a mayor or magistrate under division (A) of this section, both of the following apply:

- (1) The mayor or magistrate shall certify all papers filed in the case, together with a transcript of all proceedings, accrued costs to date, and the recognizance given, to the court to which the case is transferred.
- (2) All further proceedings under the charge, complaint, information, or indictment in the transferred case shall be discontinued in the mayor's court and shall be conducted in the court to which the case is transferred, in accordance with the provisions governing proceedings in that court.



TAKING AND RECORDING PLEAS

Explanation of Rights Checklist for Taking a Plea	11
Mayor/Magistrate Obligation to Inform	11
Opportunity to Address Court - Plea/Trial	12
Rights upon Plea	12
Conflict of Interest	12
Mayor or Magistrate Must Make Determination of Defendant's Ability to Pay	13
Journal Entry	13
BCI and BMV Reporting Requirements for Convictions/Forfeiture of Bail	14
National Instant Criminal Background Check System (NICS) Disqualifiers and Reporting Requirements	15
Option in Minor Misdemeanor Cases: Violation Bureau	16
Violations Bureau Procedure	17



The Supreme Court of Ohio has ruled that when an Ohio trial court accepts a plea of guilty or no contest to a criminal offense by a defendant who is not a U.S. citizen, the judge must issue a verbatim warning set forth in R.C. 2943.031(A) advising the defendant that conviction of the charged offense may have immigration consequences. Courts must convey the warning verbatim. It reads as follows:

R.C. 2943.031(A) "If you are not a citizen of the United States you are hereby advised that conviction of the offense to which you are pleading guilty (or no contest, when applicable) may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States."

EXPLANATION OF RIGHTS CHECKLIST FOR TAKING A PLEA

When a defendant is brought before a court and called upon to plead, the mayor or magistrate shall inform the defendant and shall determine that the defendant understands all of the following:



See [May.R. Form A - Statement of Rights; Waiver of Rights; Plea of Guilty or No Contest](#), page 37.

- The defendant has a right to counsel, the right to a reasonable continuance in the proceeding to secure counsel, and the right to have counsel assigned without cost if the defendant is unable to employ counsel, and the charge carries a possible jail sentence [[Crim.R. 44](#)];
- The right to remain silent;
- The maximum penalties that may be imposed;
- If a traffic offense, that the defendant may lose the right to drive for some time and have points added to their driving record;
- If not a United States citizen, that a conviction could result in deportation or denial of citizenship according to United States law;
- The right to remain free on a reasonable bail while the case is awaiting trial.

MAYOR/MAGISTRATE OBLIGATION TO INFORM

It is the mayor or magistrate's duty to ensure that each defendant understands the nature of the proceeding and the charges against the defendant before taking a plea, including:

- The defendant was provided with a written list of rights, was read rights, or both [[Crim.R. 10](#); [Traf. R. 8](#)].
- The defendant was asked and indicated that they understand these rights.
- The defendant signed a form declaring that they read and understand these rights, waives these rights, and pleads guilty or no contest.

OPPORTUNITY TO ADDRESS COURT – PLEA/TRIAL [MAY.R. 12]

The mayor or magistrate shall give each defendant the opportunity to address the court prior to making a finding of guilt or innocence and shall give each defendant the opportunity to address the court prior to imposing sentence. The mayor or magistrate shall not take into consideration any prior convictions of the defendant before making a determination of guilt or innocence.

The defendant does not need to make a statement at any point in the proceeding, but any statement made can and may be used against the defendant [Crim.R. 10(C)(4); Traf.R. 8(D)(3)].

RIGHTS UPON PLEA [CRIM.R. 11; TRAF.R. 10]

1. With reference to the offense or offenses to which the plea is entered, the plea of guilty is a complete admission of the defendant's guilt. The plea of no contest is not an admission of the defendant's guilt, but is an admission of the truth of the facts alleged in the indictment, information, or complaint, and the plea or admission shall not be used against the defendant in any subsequent civil or criminal proceeding [Crim.R. 11(B)(1-2); Traf.R. 10(B)(1-2)].
2. When a plea of guilty or no contest is accepted, the court shall proceed with sentencing under [Crim.R. 32](#) [Traf.R. 10(B)(3)].
3. In misdemeanor cases involving serious offenses, the court may refuse to accept a plea of guilty or no contest and shall not accept such plea without first addressing the defendant personally and informing them of the effect of the pleas of guilty, no contest, and not guilty and determining that they are making the plea voluntarily. When the defendant is unrepresented by counsel, the court shall not accept a plea of guilty or no contest unless the defendant, after being re-advised that they have the right to be represented by retained counsel or by appointed counsel (pursuant to [Crim.R. 44](#)), waives this right [Crim.R. 11(D); Traf.R. 10(C)].
4. In misdemeanor cases involving petty offenses, except those processed in a traffic violations bureau, the court may refuse to accept a plea of guilty or no contest and shall not accept such pleas without first informing the defendant of the effect of the pleas of guilty, no contest, and not guilty. This information may be presented by general orientation or pronouncement. The counsel provisions of [Crim.R. 44\(B-D\)](#) apply [Crim.R. 11(E); Traf.R. 10(D)].

CONFLICT OF INTEREST

Guilty and no-contest pleas may be taken by any mayor, including mayors whose compensation as a judge is directly dependent upon criminal case convictions and mayors who, as chief executive and administrative officer of the municipality, are responsible for the financial condition of the municipality [Traf.R. 9(B)].

MAYOR OR MAGISTRATE MUST MAKE DETERMINATION OF DEFENDANT’S ABILITY TO PAY [MAY.R. 12]

NOTE See [May.R. Form E – Hearing to Review Payment of Fines and Costs](#), page 45.

1. The mayor or magistrate shall determine whether a defendant is able to pay any fine imposed.
2. This finding shall be signed by the mayor or magistrate and journalized on the record.

Factors Courts May Consider When Assessing Offenders Ability to Pay

- **INCOME**, specifically whether annual income is at or below 125 percent of the Federal Poverty Guidelines.
- Receipt of needs-based, means-tested **PUBLIC ASSISTANCE**, such as TANF, SSI, or SSDI.

For 2019, 125 percent of FPG	
\$15,613 for an individual	\$32,188 for a family of 4
\$21,138 for a family of 2	\$37,713 for a family of 5
\$26,663 for a family of 3	\$43,238 for a family of 6

- **FINANCIAL RESOURCES**, assets, financial obligations, and dependents.
- Where the person **RESIDES**, for example, whether the person is experiencing homelessness or is institutionalized.
- Basic living **EXPENSES**, such as food, rent/mortgage, utilities, medical expenses, transportation, and child support.
- Offender’s efforts to acquire additional resources, including any **LIMITATIONS TO SECURE PAID WORK** due to disability, homelessness, institutionalization, lack of transportation, or driving privileges.

JOURNAL ENTRY [MAY.R. 12]

NOTE See [May.R. Form B – Judgment Entry](#), page 39.

1. The mayor or magistrate shall make a judgment or journal entry with regard to each case the mayor or magistrate disposes of. The entry shall indicate a finding of guilt, innocence, or dismissal without a finding; the disposition of the case; and other required information [[May.R. 12\(D\)](#)].
2. The entry shall be signed by the mayor or magistrate and journalized on the record [[May.R. 12\(C\)](#)].

OFFENSE	MAXIMUM FINE R.C. 2929.28(A)	MAXIMUM JAIL R.C. 2929.24(A)	MAXIMUM COMMUNITY SERVICE HOURS
MM	\$150	None	Maximum 30 hours ⁴
M4	\$250	30 days	Maximum 200 hours ⁶
M3	\$500	60 days	Maximum 200 hours ⁶
M2	\$750	90 days	Maximum 200 hours ⁶
M1	\$1,000	180 days	Maximum 500 hours ⁶
Unclassified Misdemeanor			Maximum 500 hours ⁵

BCI AND BMV REPORTING REQUIREMENTS FOR CONVICTIONS/FORFEITURE OF BAIL

Reporting Requirements (BCI through Law Enforcement; BMV)

1. Bureau of Motor Vehicles (BMV) [[R.C. 4513.37](#)]

Every mayor's court shall keep a full record of each case in which a person is charged with any violation of traffic laws [[R.C. 4511.01](#) to [4511.78](#), [4511.99](#), and [4513.01](#) to [4513.37](#)]. The mayor or clerk shall prepare an abstract of the court record and forward the abstract to the department of public safety within seven days after the conviction or forfeiture of bail upon charging a person with violating a traffic law or ordinance.

2. Bureau of Criminal Identification (BCI) [[R.C. 1905.033\(B\)\(2\)](#)]

Every mayor's court shall make a report to the BCI of every conviction in the mayor's court for an offense that is a misdemeanor on a first offense and a felony on any subsequent offense. The mayor or magistrate shall make the report upon entry of the judgment of conviction for the offense.

The Ohio Attorney General's Bureau of Criminal Investigation (BCI) reviews arrest and dispositional information received from local courts and clerks and law enforcement agencies to ensure the accurate reporting of criminal histories. Additionally, BCI receives mental incompetency filings, relief from disability findings, orders modifying or vacating sentences, and sealing orders.

NOTE

Mayors courts should consult their case management software instructions for submitting escalating offenses to the BCI. Some systems may be equipped with a BCI Electronic Disposition Reporting Module to submit convictions electronically through a file transfer protocol. Courts that do not have access to electronic submission may report dispositions manually by completing and mailing a BCI 2-71 disposition form directly to BCI Identification, P.O. Box 365, London, OH 43140. These forms may be requested from BCI through the [Ohio Attorney General](#).

⁴ [R.C. 2929.27](#).

⁵ Suspended license offenses, [R.C. 4507.35](#), [4510.111](#), [4510.12](#), [4510.16](#), [4510.21](#), and [4511.203](#) provide for a maximum of 500 hours of community work service if the offense is charged as a "first offense" with no prior convictions set in the citation or charging document. For these offenses, a jail sentence may not be directly imposed, but to enforce the community service assignment, the defendant may be charged with indirect criminal contempt of court in accordance with [R.C. 2705.02](#) et. seq. for failure to complete community service. This is a separate charge, however, and the defendant is entitled to counsel and appointed counsel, if indigent.

⁶ A minor misdemeanor is an offense for which the potential penalty does not exceed a fine of \$150. With respect to offenses committed prior to Jan. 1, 2004, a minor misdemeanor is an offense for which the potential penalty does not exceed a fine of \$100.

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) DISQUALIFIERS AND REPORTING REQUIREMENTS⁷

In response to the Brady Handgun Violence Prevention Act of 1993, the National Instant Criminal Background Check System (NICS) was created to check available background records on persons who may be disqualified from owning or possessing firearms. At the local level, courts, county and municipal clerks, and law enforcement serve as reporters of information at the local level. They submit data to the Ohio Bureau of Criminal Investigation (BCI) and the Ohio Law Enforcement Automated Data System (LEADS), which helps determine an individual's eligibility to possess firearms in accordance with federal and state law. These partners work together to ensure public and officer safety.

Fugitive from Justice [[18 U.S.C. 922\(g\)\(2\)](#)]

RECORD ORIGINATOR	REPORTING REQUIREMENT	REPORTER OF INFORMATION	PARTY RESPONSIBLE FOR ENTRY
Clerk	Upon issuance, warrant delivered to law enforcement for service. [Crim.R. 9(A)]	Clerk	Law enforcement enters warrants into LEADS. [Ohio Adm.Code 4501:2-10-03(C)(11)]

Fugitive from Justice: A person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.
[\[18 U.S.C. 921\(a\)\(15\)\]](#)

Warrant Process: The warrant is issued by the court, journalized by the clerk, and reported to law enforcement for entry into LEADS.

Unlawful User of or Addicted to Any Controlled Substance [[18 U.S.C. 922\(g\)\(3\)](#)]

RECORD ORIGINATOR	REPORTING REQUIREMENT	REPORTER OF INFORMATION	PARTY RESPONSIBLE FOR ENTRY
Clerk and law enforcement	Criminal arrest and disposition information. [R.C. 109.57(A)(2); R.C. 109.60]	Clerk and law enforcement	Law enforcement

Controlled-Substance Disqualifier: See [21 U.S.C. 802](#) for context of an “unlawful user of or addicted to controlled substances” under [18 U.S.C. 922\(g\)\(3\)](#). The disqualification applies to medical-marijuana card holders.

⁷ These reporting requirements also apply to those who were convicted of a felony (F4 and up) [[18 U.S.C. 922\(g\)\(1\)](#)]; were adjudicated as a mental defective or were committed to any mental institution [[18 U.S.C. 922\(g\)\(4\)](#)]; are illegal aliens [[18 U.S.C. 922\(g\)\(5\)](#)]; were dishonorably discharged from armed forces [[18 U.S.C. 922\(g\)\(6\)](#)]; renounced U.S. citizenship [[18 U.S.C. 922\(g\)\(7\)](#)]; are subject to domestic violence protection order [[18 U.S.C. 922\(g\)\(8\)](#)]; have a misdemeanor domestic violence conviction [[18 U.S.C. 922\(g\)\(9\)](#)]; or are under felony indictment or information [[18 U.S.C. 922\(n\)](#)].

Unlawful User of or Addicted to Any Controlled Substance: A person who has lost the power of self-control with reference to the use of a controlled substance; and any person who is a current user of a controlled substance in a manner other than prescribed by a licensed physician. [[27 C.F.R. 478.11](#)]

Upon notice of a drug-related or -involved offense, NICS will research the arrest and disposition information to see if unlawful use of a controlled substance occurred within the past 12 months. An inference of current use or possession may be drawn from the law enforcement incident report, self-admission, drug-test results, etc. The terms of active probation, regardless of the charge, are researched to determine if there are any conditions that prohibit firearm possession or include drug testing.

Bureau of Criminal Investigation Reporting

Mayor's courts are required to report every conviction for a first-offense misdemeanor and a felony on any subsequent offense pursuant to [R.C. 1905.033\(B\)\(2\)](#).

Fingerprint Requirement

If fingerprints are to be taken in accordance with [R.C. 109.60](#), they are to be taken upon arrest. However if the person appears before the court without having been arrested, the court shall inquire at the time of first appearance or arraignment whether or not the fingerprints were taken. If fingerprints were not taken, the court shall order the defendant to appear before the sheriff or the chief of police within 24 hours to have their fingerprints taken. [[R.C. 109.60](#)]

The court also shall inquire at the time of sentencing whether fingerprints were taken pursuant to [R.C. 109.60](#). If the defendant was not fingerprinted for the first appearance or arraignment, the court shall order the person to appear before the sheriff or the chief of police within 24 hours to have their fingerprints taken. [[R.C. 109.60](#)]

OPTION IN MINOR MISDEMEANOR CASES: VIOLATIONS BUREAU

A court may establish a violations bureau for all or particular minor misdemeanors,⁸ other than the following offenses [[Traf.R. 13\(B\)](#)]:

- Indictable offenses;
- Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
- Leaving the scene of an accident;
- Driving while under suspension or revocation of a driver's or commercial driver's license when jail is a possible penalty;
- Driving without being licensed to drive when jail is a possible penalty;
- A third moving-traffic offense within a 12-month period when jail is a possible penalty;
- Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
- Willfully eluding or fleeing a police officer; and
- Drag racing.

⁸ A minor misdemeanor is an offense for which the potential penalty does not exceed a fine of \$150. With respect to offenses committed prior to Jan. 1, 2004, a minor misdemeanor is an offense for which the potential penalty does not exceed a fine of \$100.

VIOLATIONS BUREAU PROCEDURE

Form of Citation

In minor misdemeanor cases a law enforcement officer may issue a citation.

Pursuant to [Crim.R. 4.1\(C\)](#) and [Traf.R. 3](#), the citation shall:

- Contain the name and address of the defendant;
- Describe the offense charged;
- Give the numerical designation of the applicable statute or ordinance;
- State the name of the law enforcement officer who issued the citation; and
- Order the defendant to appear at a stated time and place.

Duty of a Law Enforcement Officer/Court

A law enforcement officer who issues a ticket shall complete and sign the ticket, serve a copy of the completed ticket to the defendant and, without necessary delay, file a copy with the court [[Crim.R. 4.1\(E\)](#); [Traf.R. 3\(E\)](#)].

1. The citation shall inform the defendant that in lieu of appearing at the time and place stated, they may, within that stated time, appear personally at the office of the clerk of court and pay a stated fine and stated costs, if any, upon signing a plea of guilty and a waiver of trial [[Crim.R. 4.1\(C\)](#); [Traf.R. 13\(D\)\(1\)\(a\)](#)].
2. The citation shall inform the defendant that in lieu of appearing at the time and place stated, within a stated time, they may sign the guilty plea and waiver-of-trial provision of the citation, and mail the citation and a check or money order for the total amount of the fine and costs to the violations bureau [[Crim.R. 4.1\(C\)](#); [Traf.R. 13\(D\)\(1\)\(b\)](#)].
3. The court shall establish a fine schedule that shall list the fine for each minor misdemeanor and state the court costs. The fine schedule shall be prominently posted in the place where violation fines are paid [[Crim.R. 4.1\(E\)](#), [Traf.R. 13\(C\)](#)].
4. When a defendant fails to appear or send a waiver and payment of fines and costs by the date specified, the court may issue a supplemental citation, or a summons or warrant under [Crim.R. 4](#) and [Traf.R. 7](#). Supplemental citations shall be in the form prescribed by [Crim.R. 4.1\(C\)](#) of this rule, but shall be issued and signed by the clerk and served in the same manner as a summons under [Crim.R. 4](#) [[Crim.R. 4.1\(F\)](#)].

NOTE

For statistical reporting purposes, a case in which a defendant failed to appear or pay the violations bureau by the date specified should be terminated on Line 13, Unavailability of Accused. If the defendant appears after the case was terminated for statistical reporting purposes, the case shall be reactivated on Line 3, Case Transferred In, Reactivated or Redesignated and disposed of in due course. See page 30 for Supreme Court Reporting Instructions.

Mayor's courts also should consult their case management software instructions for issuing license forfeitures and warrant blocks to a defendant and submitting electronically to the BMV.

5. When a defendant appears, but does not sign a guilty plea and waiver of trial, the court shall proceed in accordance with [Crim.R. 5](#) (Arraignment or Initial Appearance).



MAYOR'S COURT EDUCATION AND PROCEDURE

Mayor's Court Rules

Rule 1: Authority and Purpose; Citation	19
Rule 2: Definitions	19
Rule 3: Initial and Continuing Education Requirements for Mayors; Alcohol or Drug Related Traffic Offenses	19
Rule 4: Initial and Continuing Education Requirements for Mayors; Offenses other than Alcohol and Drug Related Traffic Offenses	22
Rule 5: Certification of Course Attendance; Content of the Certificate	24
Rule 6: Accreditation of Education Courses	25
Rule 7: Attendance by Mayor's Court Personnel	25
Rules 8 To 10: [Reserved]	26
Rule 11: Mayor's Court Facility Standards; Courtroom Conduct	26
Rule 12: Mayor's Court Operation	27
Rule 13: Mayor's Court Personnel; Absence of the Mayor	28
Rule 14: Forms	28
Rule 15: Mayor's Court Registration and Reporting Requirements	28
Rules 16 To 19: [Reserved]	29
Rule 20: Effective Date	29

Mayor's Court Caseload Report Form Instructions	30
---	----

Sample Forms to be Used in Court:

Form A: Statement Of Rights; Waiver Of Rights; Plea of Guilty or No Contest	37
Form B: Judgment Entry	39
Form C: Demand for Trial	41
Form D: Motion and Entry for Continuance	43
Form E: Hearing to Review Payment of Fines and Cost	45
Form F: Judgment Entry of Transfer	47

Administrative Forms:

Mayor's Court Caseload Reporting Form	49
Mayor's Court Annual Registration Form	51
Mayor's Court Information Update Form	53

Mayor's Court Portal Instructions	55
---	----

MAYOR'S COURT RULES

Rule 1. Authority and Purpose; Citation

(A) Pursuant to sections 1905.03 and 1905.031 of the Revised Code and Section 6 of Amended Substitute Senate Bill 131 of the 118th General Assembly, and to serve the public interest that mandates the fair, competent, and efficient operation of mayor's courts throughout Ohio, the Supreme Court of Ohio hereby adopts the following Mayor's Court Education and Procedure Rules. Each mayor of a municipal corporation who is authorized to conduct a mayor's court pursuant to Chapter 1905. of the Revised Code and who wishes to exercise the jurisdiction and authority granted pursuant to Chapter 1905. of the Revised Code shall comply with these rules.

(B) These rules shall be known as the Mayor's Court Education and Procedure Rules and shall be cited as "May. R. _."

[Effective: February 18, 1991; amended effective August 1, 1991.]

Rule 2. Definitions

As used in these rules:

(A) "Alcohol or drug related traffic offense" means all of the following, subject to the limitation contained in division (B)(2) of section 1905.01 of the Revised Code:

- (1) A violation of section 4511.19 of the Revised Code;
- (2) A violation of any ordinance of a municipal corporation relating to the operation of a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (3) A violation of any ordinance of a municipal corporation relating to the operation of a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(B) "Mayor" means a duly elected or appointed executive of a municipal corporation and includes a municipal official who is authorized by statute, charter, or municipal ordinance to conduct mayor's court in the absence of the mayor, and a magistrate appointed pursuant to section 1905.05 of the Revised Code.

[Effective: February 18, 1991.]

Rule 3. Initial and Continuing Education Requirements for Mayors; Alcohol or Drug Related Traffic Offenses

(A)(1) Prior to July 1, 1991, a mayor of a municipal corporation who is authorized to conduct a mayor's court and who, from July 1, 1991 to December 31, 1992, wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions involving an alcohol or drug related traffic offense shall obtain a minimum of six hours of classroom instruction related to all of the following:

(a) The general principles of law applicable to the hearing and determination of the prosecution of alcohol or drug related traffic offenses, including, but not limited to, the elements required to establish the existence of an alcohol or drug related traffic offense, and arrest, due process, and other constitutional issues presented in the hearing and determination of the prosecution of alcohol or drug related traffic offenses;

(b) The procedural requirements applicable to the hearing and determination of prosecutions of alcohol or drug related traffic offenses, including, but not limited to, all of the following;

(i) Use of the Ohio Uniform Traffic Ticket, as prescribed in the Ohio Traffic Rules, as the complaint and summons for alcohol or drug related traffic offenses;

(ii) Requirements relative to the initial appearance of the defendant, including the requirement that defendant be informed of his constitutional and statutory rights;

(iii) Consideration and disposition of pretrial motions, including motions to suppress evidence;

(iv) Applicable discovery rules;

(v) Procedures for the pretrial suspension of the operator's license of the defendant.

(c) Defenses that may be raised by defendants charged with alcohol or drug related traffic offenses;

(d) Evidentiary issues presented in the hearing and determination of prosecutions of alcohol or drug related traffic offenses, including, but not limited to, the admissibility of breath, blood, and urine test results and the admissibility of field test results and other evidence;

(e) Considerations relative to the sentencing of persons convicted of alcohol or drug related traffic offenses, including, but not limited to, the sanctions required and allowed to be imposed under state law or local ordinance, the disposition of fines and costs imposed under state law or local ordinance, and the procedures required to ensure the proper reporting of violations to the Ohio Bureau of Motor Vehicles;

(f) Ethical considerations relative to the hearing and determination of prosecutions involving alcohol or drug related traffic offenses.

(2) A mayor who satisfies the education requirements of division (A)(1) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions involving alcohol or drug related traffic offenses through December 31, 1992.

(B)(1) A newly elected or newly appointed mayor of a municipal corporation who is authorized to conduct a mayor's court and who wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions involving an alcohol or drug related traffic offense shall obtain, within sixty days of first assuming office, a minimum of six hours of classroom instruction

related to all of the subjects listed in divisions (A)(1)(a) to (A)(1)(f) of this rule. A mayor who satisfies the education requirements of division (B)(1) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions involving alcohol or drug related traffic offenses through the thirty-first day of December of the year immediately following the year in which the education was completed.

(2) A mayor of a municipal corporation who, after assuming office in a municipal corporation that does not operate or that has suspended operation of a mayor's court, subsequently is required or subsequently chooses to conduct a mayor's court and who wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions involving alcohol or drug related traffic offenses, shall obtain, prior to first exercising that jurisdiction, a minimum of six hours of classroom instruction related to all of the subjects listed in divisions (A)(1)(a) to (A)(1)(f) of this rule. A mayor who satisfies the education requirements of division (B)(2) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions involving alcohol or drug related traffic offenses through the thirty-first day of December of the year immediately following the year in which the education was completed.

(C) After complying with the initial education requirements of division (A) or (B) of this rule, a mayor who wishes to continue to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions involving an alcohol or drug related traffic offense shall obtain a minimum of three hours of continuing education annually on one or more of the subjects listed in divisions (A)(1)(a) to (A)(1)(f) of this rule. The continuing education required by this division shall be obtained on or before the thirty-first day of December in each year, beginning in the year immediately following the year in which the mayor complied with division (A) or (B) of this rule. A mayor who satisfies the education requirements of this division may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions involving alcohol or drug related traffic offenses through the thirty-first day of December of the year immediately following the year in which the education was completed.

(D) The education requirements of this rule shall not apply to a mayor or mayor's court magistrate appointed pursuant to section 1905.05 of the Revised Code who, during the term of his or her appointment, is either of the following:

- (1) A retired judge who is eligible for assignment by the Chief Justice of the Supreme Court of Ohio to active duty in the general division of the court of common pleas, a municipal court, or a county court;
- (2) A court magistrate who serves on a fulltime or parttime basis in the general division of the court of common pleas, a municipal court, or a county court pursuant to the Rules of Criminal or Civil Procedure or the Ohio Traffic Rules.

[Effective: February 18, 1991; amended effective March 1, 2000.]

Rule 4. Initial and Continuing Education Requirements for Mayors; Offenses Other than Alcohol and Drug Related Traffic Offenses

(A)(1) Prior to July 1, 1992, a mayor of a municipal corporation who is authorized to conduct a mayor's court and who, from July 1, 1992 to December 31, 1993, wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol or drug related traffic offenses, shall obtain a minimum of six hours of classroom instruction related to all of the following:

(a) The structure of the Ohio judicial system, the statutory and implied powers of mayor's courts, and the sources of law in Ohio, including the Ohio Constitution, Ohio Revised Code, municipal charters and ordinances, the Rules of Criminal Procedure, the Rules of Evidence, the Ohio Traffic Rules, the Mayor's Court Education and Procedure Rules, and the Code of Judicial Conduct;

(b) The general principles of law applicable to the hearing and determination of prosecutions, other than prosecutions of alcohol or drug related traffic offenses, including, but not limited to the elements and burden of proof required to establish the existence of an offense, appointment and waiver of counsel, and arrest, due process, and other constitutional issues;

(c) The procedural requirements applicable to the hearing and determination of prosecutions, other than prosecutions of alcohol or drug related traffic offenses, including, but not limited to, all of the following:

(i) Use of the Ohio Uniform Traffic Ticket, as prescribed in the Ohio Traffic Rules, as the complaint and summons for traffic offenses;

(ii) Requirements relative to the initial appearance of the defendant, including the requirement that defendant be informed of his constitutional and statutory rights, and the requirements relative to acceptance of guilty and no contest pleas;

(iii) Consideration and disposition of pretrial motions, including motions to suppress evidence;

(iv) Applicable discovery rules;

(v) The requirements relative to the transfer of cases pursuant to section 1905.032 of the Revised Code;

(vi) The procedure for appeals from mayor's courts to municipal or county courts pursuant to sections 1905.22 to 1905.25 of the Revised Code.

(d) Defenses that may be raised by defendants charged with an offense, other than an alcohol or drug related traffic offense;

(e) Evidentiary issues presented in the hearing and determination of prosecutions, other than prosecutions of alcohol or drug related traffic offenses, including, but not limited to, hearsay, relevancy, the competency of the arresting officer and other witnesses to testify, the admissibility of evidence relating to speed measured by radar or other electrical or

mechanical timing devices, and the documentation of violations of state law or municipal ordinance relative to driving under suspension;

(f) Considerations relative to the sentencing of persons convicted of offenses, other than alcohol or drug related traffic offenses, including, but not limited to, the sanctions required and allowed to be imposed under state law or municipal ordinance, appropriate and available alternative sanctions, the defendant's right to be heard in mitigation, presentence investigations, probation, the disposition of fines and costs imposed under state law or local ordinance, and the procedures required to ensure the proper reporting of violations to the Ohio Bureau of Motor Vehicles;

(g) Record keeping and reporting requirements applicable to mayor's courts including, but not limited to, maintenance of a docket, establishment of fine and bail schedules, and the reporting of violations to the Ohio Bureau of Motor Vehicles;

(h) Ethical considerations relative to the hearing and determination of prosecutions, other than prosecutions of alcohol or drug related traffic offenses, including, but not limited to, the requirement that a mayor who conducts mayor's court serve as a neutral and detached magistrate, situations in which the mayor must disqualify himself from a proceeding or should disqualify himself from a proceeding to avoid the appearance of impropriety, and the requirement that a mayor not engage in ex parte communications with persons appearing before him.

(2) A mayor who satisfies the education requirements of division (A)(1) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol or drug related traffic offenses, through December 31, 1993.

(B)(1) A newly elected or newly appointed mayor of a municipal corporation who is authorized to conduct a mayor's court and who wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol or drug related traffic offenses, shall obtain, within sixty days of first assuming office, a minimum of six hours of classroom instruction related to all of the subjects listed in divisions (A)(1)(a) to (A)(1)(h) of this rule. A mayor who satisfies the education requirements of division (B)(1) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol or drug related traffic offenses, through the thirty-first day of December of the year immediately following the year in which the education was completed.

(2) A mayor of a municipal corporation who, after assuming office in a municipal corporation that does not operate or that has suspended operation of a mayor's court, subsequently is required or subsequently chooses to conduct a mayor's court and who wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol or drug related traffic

offenses, shall obtain, prior to first exercising that jurisdiction, a minimum of six hours of classroom instruction related to all of the subjects listed in divisions (A)(1)(a) to (A)(1)(h) of this rule. A mayor who satisfies the education requirements of division (B)(2) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol or drug related traffic offenses, through the thirty-first day of December of the year immediately following the year in which the education was completed.

(C) After complying with the initial education requirements of division (A) or (B) of this rule, a mayor who wishes to continue to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol or drug related traffic offenses, shall obtain a minimum of three hours of continuing education annually on one or more of the subjects listed in divisions (A)(1)(a) to (A)(1)(h) of this rule. The continuing education required by this division shall be obtained on or before the thirty-first day of December in each year, beginning in the year immediately following the year in which the mayor complies with division (A) or (B) of this rule. A mayor who satisfies the education requirements of this division may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol or drug related traffic offenses, through the thirty-first day of December of the year immediately following the year in which the education was completed.

(D) The education requirements of this rule shall not apply to a mayor or mayor's court magistrate appointed pursuant to section 1905.05 of the Revised Code who, during the term of his or her appointment, is either of the following:

- (1) A retired judge who is eligible for assignment by the Chief Justice of the Supreme Court of Ohio to active duty in the general division of the court of common pleas, a municipal court, or a county court;
- (2) A court magistrate who serves on a fulltime or parttime basis in the general division of the court of common pleas, a municipal court, or a county court pursuant to the Rules of Criminal or Civil Procedure or the Ohio Traffic Rules.

[Effective: February 18, 1991; amended effective August 1, 1991; March 1, 2000.]

Rule 5. Certification of Course Attendance; Content of the Certificate

A mayor who successfully completes an accredited education program required by these rules shall receive, from the sponsor of the course, a certificate attesting to the mayor's satisfactory completion of the course. The certificate shall include all of the following:

- (A) The name of the mayor to whom the certificate is issued and the name of the municipal corporation of which they serve as mayor;
- (B) The title and sponsor of the course;

- (C) The date on which the course was held;
- (D) The number of hours of classroom instruction received at the course and whether those hours of instruction satisfy the initial education requirements of May. R. 3(A) or (B) or the continuing education requirements of May. R. 3(C);
- (E) The date on which the certificate expires, which shall be the thirty-first day of December of the year immediately following the year in which the education program was completed.

[Effective: February 18, 1991; amended effective August 1, 1991.]

Rule 6. Accreditation of Education Courses

(A) Courses offered and completed to satisfy the education requirements of these rules shall be accredited, prior to being offered, by the Commission on Continuing Legal Education established by Rule X of the Rules for the Government of the Bar of Ohio. Each course offered and completed for the purposes of May. R. 3 or 4 shall consist of a single-day session that includes the minimum number of hours of actual instruction required by the applicable Mayor's Court Education and Procedure Rule and that is devoted to the topics required by the applicable Mayor's Court Education and Procedure Rule. Courses offered and completed for the purposes of May. R. 3(C) or 4(C) may be offered and completed jointly in a single-day, six hour session.

(B) In evaluating education programs required by these rules, the Commission shall consider the purposes of these rules, the required content of courses completed to satisfy the education requirements of these rules, the standards for accreditation set forth in Gov. Bar R. X, Section 4(B)(1) and (B)(3) to (5), and the applicable regulations adopted pursuant to Gov. Bar R.

X. Time guidelines for accreditation of courses completed to satisfy the education required by this rule shall be identical to those applicable to courses submitted for accreditation pursuant to Gov. Bar R. X, except that a course offered prior to July 1, 1991 may be submitted for accreditation thirty days prior to the date on which the course will be offered. Each course submitted for accreditation pursuant to this rule clearly shall be denoted as a mayor's court education course.

[Effective: February 18, 1991; amended effective August 1, 1991.]

Rule 7. Attendance by Mayor's Court Personnel

Mayors should require mayor's court personnel, including clerks of mayor's courts, and should encourage other persons involved in the operation of the mayor's court, to attend the education courses required of mayors pursuant to these rules.

[Effective: February 18, 1991.]

Rules 8 to 10 are reserved.

Rule 11. Mayor's Court Facility Standards; Courtroom Conduct

(A) In order to maintain an appropriate and dignified atmosphere and to serve the public properly, the mayor's court should be located in a municipal building or other facility that is readily accessible to the public. The facility shall be clean, properly maintained, well-lighted, and adequately heated and ventilated. The facility should have adequate seating capacity so that litigants and other members of the public are not required to stand in hallways and areas adjacent to the room in which mayor's court is conducted.

(B)(1) The room in which mayor's court is conducted should have an elevated bench or a separate table from which the mayor presides that is flanked by the United States and Ohio flags. Adequate shelving or other storage facility should be provided near the bench or table for necessary legal reference materials, including the Revised Code, the rules governing the courts of Ohio, and the ordinances of the municipal corporation.

(2) All participants must be able to hear and be heard. If the room acoustics are unsatisfactory, an efficient public address system shall be provided. An audio system to record mayor's court proceedings should be provided and tapes of proceedings should be maintained in accordance with established records retention schedules. A blackboard or other demonstrative aid should be available. Unnecessary material or equipment should not be stored in the room in which mayor's court is conducted.

(3) Desks, tables, and chairs should be provided for all mayor's court personnel regularly present during a mayor's court session. Tables and chairs for all parties and counsel and a lectern should be provided. Tables shall be situated to allow all participants to hear. If the tables are not situated to allow private exchanges between a party and counsel, a separate consultation room should be provided.

(4) Fines should be collected by court personnel in a room separate from the room in which mayor's court is conducted. If it is not possible to collect fines in a separate room, a separate area of the room in which mayor's court is conducted, away from the bench or table from which the mayor presides, should be designated as the area in which fines are collected.

(5) Security necessary for the protection of the mayor, mayor's court personnel, and the public should be provided.

(C)(1) In conducting mayor's court, the mayor shall wear clothing appropriate to demonstrate the dignity of the office and of the proceeding. Mayor's court personnel shall wear clothing appropriate to demonstrate the dignity of the proceeding.

(2) All persons appearing before a mayor's court should wear respectful clothing. Litigants and other members of the public shall refrain from

talking during the proceeding, except when addressing the mayor, testifying, or conferring with counsel. All persons participating in the proceeding shall refrain from using foul or abusive language. Smoking, eating, and other activities that detract from the proceeding shall be prohibited in the room in which mayor's court is conducted.

(D) The mayor and mayor's court personnel should act in an appropriate and dignified manner when addressing parties, counsel, witnesses, and members of the public appearing in the mayor's court. First names and nicknames should not be used. Mayor's court personnel shall treat all persons appearing before the mayor's court in a fair and impartial manner. Mayor's court personnel shall refrain from offering legal advice or suggesting to a defendant or counsel the manner in which a particular case may be decided.

[Effective: August 1, 1991.]

Rule 12. Mayor's Court Operation

(A)(1) It is the duty of the mayor to ensure that each defendant understands the nature of the proceeding and the charges against the defendant. Each defendant shall be provided with a written list of rights, as outlined in Rule 10 of the Ohio Rules of Criminal Procedure and Rule 8 of the Ohio Traffic Rules, or shall have those rights read to him, or both. The mayor shall inquire of each defendant whether the defendant understands these rights and may ask the defendant to sign a form declaring that the defendant has read and understands these rights.

(2) Interpreters shall be provided for persons who do not speak or understand the English language.

(3) If a defendant is charged with an offense that carries the potential for incarceration and is unable to afford to retain counsel, the mayor is responsible for appointing counsel unless the case is transferred to the court of common pleas or municipal or county court pursuant to section 1905.032 of the Revised Code.

(B) The mayor shall give each defendant the opportunity to address the court prior to making a finding of guilt or innocence and shall give each defendant the opportunity to address the court prior to imposing sentence. The mayor shall not take into consideration any prior convictions of the defendant before making a determination of guilt or innocence.

(C) The mayor shall determine whether a defendant is able to pay any fine imposed. This finding shall be signed by the mayor and journalized on the record.

(D) The mayor shall make a judgment or journal entry with regard to each case of which the mayor disposes. The entry shall indicate a finding of guilt, innocence, or dismissal without a finding, the disposition of the case, and other required information. The entry shall be signed by the mayor and journalized on the record.

[Effective: August 1, 1991.]

Rule 13. Mayor's Court Personnel; Absence of the Mayor

(A) The mayor is responsible for the fair, dignified, and orderly operation of the mayor's court. The mayor may delegate authority for conducting certain nonadjudicatory functions to the appropriate personnel and should administer an oath of office to all mayor's court personnel.

(B) A mayor's court should have a clerk who, in addition to those duties delegated by the mayor, should be responsible for processing and maintaining all documents filed with the mayor's court, maintaining the docket of the court, administering the traffic violations bureau, collecting and distributing to the proper sources all fines and costs imposed by the court, and submitting abstracts of the court record and other information required by the Ohio Bureau of Motor Vehicles.

(C) A mayor's court should have a court officer or bailiff who, in addition to those duties delegated by the mayor, should be responsible for serving warrants and capiases, transporting defendants to and from jail facilities, and assisting the mayor during mayor's court.

(D) Each mayor who conducts a mayor's court shall prepare and maintain written procedures regarding the conduct of mayor's court. The procedures shall identify the individual who, pursuant to the Revised Code, municipal charter, or municipal ordinance, presides over mayor's court in the absence of the mayor and any other information considered necessary by the mayor.

[Effective: August 1, 1991.]

Rule 14. Forms

The forms contained in the Appendix of Forms are illustrative and not mandatory.

[Effective: August 1, 1991.]

Rule 15. Mayor's Court Registration and Reporting Requirements

(A) Each mayor of a municipal corporation that operates a mayor's court shall submit to the Court Statistical Reporting Section of the Supreme Court the following reports on a form prescribed by the Section:

(1) A Mayor's Court Registration on or before the fifteenth day of January of each year or not less than fifteen days prior to conducting mayor's court, whichever is later.

(2) A Mayor's Court Report no later than the fifteenth day of January, April, July and October of each year reflecting the work of the mayor's court for the calendar quarter immediately preceding the filing date.

(B) A mayor shall prepare and submit a report to the Bureau of Criminal Identification and Investigation of every conviction that is a misdemeanor on a first offense and a felony on any subsequent offense upon entry of the judgment of conviction.

Rules 16 to 19 are reserved.

Rule 20. Effective Date

(A) The Mayor's Court Education and Procedure Rules adopted by the Supreme Court of Ohio on February 5, 1991, shall be effective on February 18, 1991.

(B) The amendments to Rules 1, 4, 5, and 6 of the Mayor's Court Education and Procedure Rules, new Rules 11, 12, 13, and 14, and the Appendix of Suggested Forms, adopted by the Supreme Court of Ohio on June 26, 1991, shall be effective on August 1, 1991.

(C) The amendments to Rules 3(D) and 4(D) of the Mayor's Court Education and Procedure Rules adopted by the Supreme Court of Ohio on January 25, 2000, shall be effective on March 1, 2000.

(D) The amendments to May. R. 15 adopted by the Supreme Court of Ohio on June 24, 2003, shall be effective on January 1, 2004.

MAYOR'S COURT CASELOAD REPORT FORM INSTRUCTIONS

A. Reporting Deadlines

Each mayor of a municipal corporation or village that operates a mayor's court shall submit to the Case Management Section of the Supreme Court a quarterly caseload report. The report must be received by the fifteenth day following the end of the quarter. Reports cover the following periods:

QUARTER	REPORTING PERIOD	REPORTING DEADLINE
1st	January - March	April 15
2nd	April - June	July 15
3rd	July - September	Oct. 15
4th	Oct. - December	Jan. 15

B. Mathematical Accuracy

Reports are considered mathematically accurate when they meet the tests set forth in divisions (B)(1) through (C).

- The sum of cases pending on the first day of the period; new cases filed; and cases transferred in, reactivated or redesignated, minus the total cases terminated, must equal the cases pending at the end of the period.
- The sum of cases in every column on a given line must equal the cases in the Total column for that line.
- Where a Total column intersects a Total line, the entry **must** be the same, whether arrived at by adding horizontally or vertically.

C. Month-to-Month Consistency

The number of cases reported as pending at the end of a reporting period must equal the number of cases reported as pending at the beginning of the next reporting period.

D. Correction of Reporting Errors

When errors are discovered on a report submitted to the Case Management Section, the preparer shall submit a corrected report for the same reporting period, clearly indicating on the face of the report that it is corrected. The preparer shall explain the nature of the corrected error(s) and shall specifically refer to the line number and column letter designations of the erroneous entry or entries.

When an error cannot be traced to a specific report period, adjustments shall be made on the current report form. Time guidelines shall be computed based on the original filing date. In accordance with Section C (Month-to-Month Consistency) above, the number of cases reported as pending at the end of any reporting period will **always** equal the number

of cases reported as pending at the beginning of the next reporting period even when adjustments are necessary.

E. Comprehensiveness and Coherence

While mathematical accuracy and internal consistency are controlled by thorough auditing, comprehensiveness (reporting the filing and terminations of all cases) and coherence (all courts consistently defining and reporting cases with similar fact patterns in a similar way) are accomplished only by carefully observing the definitions applicable to each column and line.

F. Report Columns - Definitions

Each column on the Mayor's Court Caseload Report Form is marked with an alphabetical designator. These letters, when used with the horizontal line numbers, identify entries and shall be referred to when reports are being amended or questioned.

The following definitions describe the types of cases that should be reported in each column.

1. **Misdemeanors - Column B.** A misdemeanor is defined by section 2901.02 of the Revised Code and Criminal Rule 2 as an offense specifically classified as a misdemeanor, or an unclassified offense for which imprisonment of no more than one year can be imposed.

Violations of state law, as well as local ordinances satisfying this definition, except those that should be reported in Columns C and D, should be reported in Column B.

a) Operating a Vehicle While Under the Influence (O.V.I.) and Other Traffic cases are reported separately in Columns C and D, and are **NOT** to be reported in Column B.

b) When an accused is charged with an offense classified as a Misdemeanor and an offense classified as an O.V.I. or Other Traffic arising out of the same act, transaction or series of acts or transactions, report the case in both columns.

c) See Rule 43 of the Rules of Superintendence for the Courts of Ohio and its commentary for a recommended case numbering system to be used when an accused is charged with two or more offenses that fall into different classifications, and, therefore, could be reported in different columns.

2. **O.V.I. - Column C.** O.V.I. is an offense that charges a violation of section 4511.19 of the Revised Code or any local ordinance that similarly prohibits operating a vehicle while under the influence of alcohol or any drug of abuse. Cases satisfying this definition should be reported in Column C.

a) When an accused is charged with an offense classified as a Misdemeanor and an offense classified as O.V.I. or Other Traffic arising out of the same act, transaction or series of acts or transactions, report

the case in both columns.

b) When an accused is charged with an offense classified as O.V.I. and any offense classified as Other Traffic arising out of the same act, transaction or series of acts or transactions, the case is to be reported only in Column C.

c) While O.V.I. cases also satisfy the definition of Misdemeanor contained in the instructions for Column B, O.V.I. cases should be reported only once, in Column C.

d) See Sup.R. 43 and its commentary for a recommended case numbering system to use when an accused is charged with two or more offenses that fall into different classifications.

3. Other Traffic - Column D. Other Traffic is defined as any violation of state law or local ordinance arising out of the use of any type of motor vehicle generally used on state roads, except an offense that charges a violation of section 4511.19 of the Revised Code (O.V.I.) or any local ordinance that prohibits the operation of a vehicle while under the influence of alcohol or any drug of abuse. Report these cases in Column D.

a) When an accused is charged with an offense classified as O.V.I. and any offense classified as Other Traffic arising out of the same act, transaction or series of acts or transactions, report the case **ONLY** in Column C.

b) When an accused is charged with an offense classified as a Misdemeanor and an offense classified as Other Traffic arising out of the same act, transaction or series of acts or transactions, the case should be reported in both columns.

c) Juvenile tickets handled through a diversion program are **NOT** to be reported in Column D or anywhere on this report form.

d) Parking violations of any type, even if contested, are **NOT** to be reported in Column D or anywhere else on this report form.

e) See Sup.R. 43 and its commentary for a case numbering system recommended for cases where an accused is charged with two or more offenses that fall into different classifications.

4. Total - Column T. This column is used to report the sum of cases in Columns B, C and D on the horizontal line of the Mayor's Court Report Form. An entry should appear in this column for each line, except Line 18. If no activity is reported in any column for a particular line, a zero should appear in Column T for that line.

G. Report Lines - Definitions

Each line on the Mayor's Court Report is marked with a numeric designator. These numbers, when used with the vertical column letters, may be used to identify entries. The following definitions describe the types of case activity that should be reported on each line and should be used with the case numbering provisions in Sup.R. 43.

1. Pending Beginning of Period - Line 1. All cases pending at the beginning

of the reporting period must be reported on this line. Line 1 must be the same as Line 16 (Pending End of Period) of the Mayor's Court Report filed for the preceding quarter.

2. New Cases Filed - Line 2. All new cases filed during the reporting period must be included in the appropriate column on this line. For purposes of calculating the age of the case, the time begins when the case was first reported as filed in most circumstances.

3. Cases Transferred In, Reactivated or Redesignated - Line 3.

a) All cases that previously were terminated are to be reported in the appropriate column on Line 3 during any reporting period in which they are reactivated for further proceedings.

A Misdemeanor, O.V.I. or Other Traffic case previously terminated because of the unavailability of the accused is reactivated and reported on Line 3 if the accused subsequently becomes available. The indicated time period for termination is suspended for the period the accused is unavailable for trial.

A case previously terminated on the merits and subsequently reactivated because of a probation violation or other similar post-decree motion, shall not be reported on this line or anywhere else on this report.

b) A case initially may be reported in a particular column and it later may become apparent that the case should be classified in a different category. In that event, the case should be reported as terminated on Line 14 and reported as a redesignated case in the appropriate column on this line.

c) For example, a case may be filed or reported in Column D as an Other Traffic case, but should have been reported as an O.V.I. case. In that situation, the case would be reported as terminated on Line 14 (Other Terminations), Column D, and entered as a redesignated case in Column C (O.V.I.) on Line 3.

d) A case previously terminated by transfer to another court and subsequently remanded to the mayor's court for disposition on the merits is reactivated on Line 3 in the appropriate column on this report. The indicated time period for termination begins upon reactivation.

4. Total - Line 4. The sums of Lines 1, 2, and 3 in each column should be reported on Line 4. When added horizontally, the sum of the entries on Line 4 in Columns B through D must equal the sum of Lines 1, 2, and 3 in Column T.

H. Terminations - Definitions

A criminal case (Misdemeanor, O.V.I. or Other Traffic) is considered terminated for reporting purposes when a sentencing entry is filed with the clerk of courts for journalization.

In multiple-charge cases, a case is considered terminated upon the

conclusion of all charges. The termination of a multiple-charge case is based on the first applicable termination on the report form.

For example, if an O.V.I. charge is dismissed and there is a guilty plea to a minor traffic charge, the case is reported in the O.V.I. category (Column C) as a guilty plea because the guilty plea termination line appears before the dismissal line on the report form.

1. Trial by Mayor/Acting Mayor - Line 5. This line is used to report the cases in each category that are terminated as a result of a trial by the mayor/acting mayor. A case is considered terminated by court trial if judgment is rendered after the first witness was sworn. Thus, a case in which the defendant changes his or her plea or that is dismissed after the first witness was sworn, is reported on this line at the conclusion of the proceedings.

2. Trial by Magistrate - Line 6. This line is used to report the cases in each category that are terminated as a result of a trial by magistrate. A case is considered terminated by court trial if judgment is rendered after the first witness was sworn. Thus, a case in which the defendant changes his or her plea or that is dismissed after the first witness was sworn, is reported on this line at the conclusion of the proceedings.

3. Guilty or No Contest Plea to Original Charge - Line 7. All cases in which the accused entered a plea of guilty or no contest to the charge contained in the charging instrument are reported in the appropriate column on Line 7. If a defendant previously entered a plea of “not guilty” and changes the plea after a witness was sworn, the case is reported in the appropriate column on Line 5 or 6.

4. Guilty or No Contest Plea to Reduced Charge - Line 8. All cases in which the accused entered a plea of guilty or no contest to a charge or charges that results in a lesser penalty (fine, points, license suspensions, jail term) than contained in the charging instrument, are reported in the appropriate column on this line. For example, if a defendant is charged with Driving Under Suspension and pleads to a reduced charge of No Operator’s License, the case would be reported on this line. If a defendant previously entered a plea of “not guilty” and changes the plea after a witness was sworn, the case is reported in the appropriate column on Line 5 or 6.

5. Transfer to Other Court - Line 9. Cases transferred from a mayor’s court to another court are reported in the appropriate column on Line 9.

6. Dismissal for Lack of Speedy Trial or Want of Prosecution - Line 10. Cases dismissed for failure of the accused to receive a speedy trial pursuant to section 2945.73 of the Revised Code and cases dismissed for want of prosecution pursuant to Sup. Rule 40 are reported on this line.

7. Other Dismissal - Line 11. Cases dismissed with or without prejudice for any reason other than those described on Line 10 are reported in the appropriate column on Line 11.

8. Violations Bureau - Line 12. Misdemeanor and Other Traffic cases

disposed of by payment to a violations bureau are reported on Line 12.

9. Unavailability of Accused - Line 13. Misdemeanor, O.V.I. and Other Traffic cases terminated because of the unavailability of the accused are reported on Line 13.

10. For example, a party may be unavailable because of mental status, incarceration on other charges or flight from prosecution or custody. A case should be reported on this line only when the court, while exercising discretion, determines that there is little likelihood the accused will be available for trial, hearing or sentencing within a reasonable period of time and issues a warrant.

11. The case is reactivated and reported on Line 3 if the accused subsequently becomes available. The time guideline is suspended for the period the case is considered inactive.

12. Other Terminations - Line 14. Cases terminated in any manner not specifically required to be reported on Lines 5-13 are reported on Line 14.

I. Caseload Calculations - Definitions

1. Total - Line 15. The sum of Lines 5-14 is reported on Line 15. When added horizontally, the sum of Columns B-D reported in Column T on this line must equal the sum of Lines 5-14 in Column T.

2. Pending at End of Period - Line 16. The number of cases pending at the close of business on the last day of the reporting period is reported in the appropriate column on Line 16. This figure should equal the number of cases reported terminated in each column on Line 15, subtracted from the number of cases reported in each column on Line 4.

3. Cases Pending Beyond Time Guidelines - Line 17. The number of cases pending (as reported on Line 16) for a period of time in excess of the applicable time guideline is reported on Line 17.

a. The time guideline for each category of case is indicated on the line immediately above Line 17.

b. To compute the length of time a case has been pending, the starting date should be the date on which the case was originally filed. For example, if submitting a report for the first quarter 2004 (Jan. 1 through March 31). A case originally filed on June 15, 2003, would now be reported as three months over the time guideline.

c. It is recommended the mayor prepare a monthly report of cases pending beyond time guidelines. The report should indicate the reason a case(s) is pending beyond the time guidelines. This report is a case management tool to be used internally by the mayor's court and does not at this time need to be submitted to the Supreme Court's Case Management Section.

4. Number of Months Oldest Case is Beyond Time Guidelines - Line 18. The number of months that the oldest case in each category reported on Line 17 is

pending beyond the applicable time guideline is reported in the appropriate column on this line. This is the only line on the Mayor's Report that does not contain a number of cases. Instead, this line contains the number of months a case has been pending beyond the applicable time guideline.

- a. The time guideline for each category of case is indicated on the line immediately above Line 17.
- b. To compute the length of time of a pending case, the starting date should be the date the case originally was reported as filed.

5. Cases Submitted Awaiting Sentencing Beyond Time Guideline - Line 19.

Cases pending beyond the applicable time guideline (as reported on Line 17) because the cases were submitted and are awaiting the final judgment or sentencing, are reported in the appropriate column on Line 19. Cases pending beyond the applicable time guideline for any other reason are not included on this line.

FORM A

**STATEMENT OF RIGHTS
WAIVER OF RIGHTS
PLEA OF GUILTY OR NO CONTEST**

Defendant's Name: _____

In the _____ Mayor's Court, _____, Ohio

Case No. _____ Charge(s) _____

I am present in Court today and have been told:

- (1) The law requires this Court to bring me to trial within thirty days of the date I was charged.
- (2) I have a right to have a lawyer here at any time, and I may have my case continued to get a lawyers.
- (3) If the charge I am facing carries a possible jail sentence, the Court will appoint a lawyer at no cost to me if I cannot afford to hire one.
- (4) If the charge I am facing carries a possible jail sentence, I have the right to a jury trial.
- (5) I have a right to remain silent. Anything I say can be used against me.
- (6) The maximum penalty I can receive if I am convicted. If this is a traffic case, I also may lose the right to drive for some time and have points added to my driving record.
- (7) If I am not a United States citizen, that a conviction could result in my deportation or denial of citizenship according to the laws of the United States.
- (8) I have the right to remain free on a reasonable bail while my case is awaiting trial.

I HAVE READ THIS STATEMENT AND I UNDERSTAND IT. I WAS GIVEN THE CHANCE TO ASK QUESTIONS AND THEY WERE ANSWERED.

I have decided on my own to waive my rights and proceed today. I do not want a continuance to talk to a lawyer.

I plead: **Guilty** **No Contest**

Signed: _____ Date _____

Witnessed by: _____ Date _____



FORM B

JUDGMENT ENTRY

Defendant's Name: _____

In the _____ Mayor's Court, _____ Ohio

Case No. _____ Charge(s) _____

The Defendant was advised of chares against him/her and possible maximum penalty. After fully explaining his/her rights and the consequences of the pleas and after determining that the defendant knowingly, voluntarily, and intelligently waived his/her rights, the Court accepts the plea.

Plea: _____ Finding: _____

Trial held. Finding of: _____

Other: _____

Minor Misdemeanor: \$ _____ Fine and Court Costs \$ _____

Ability to pay: _____ Due: _____

\$ _____ of fine will be suspended.

First to fourth degree misdemeanor: Your sentence is as follows: _____ days in jail. \$ _____ fine and Court Costs of \$ _____. _____ days will be suspended and \$ _____ fine will be suspended.

Ability of pay: _____ Due: _____

Probation of _____ months or _____ years.

(When applicable: Drivers license suspension for _____ months. Proof of FRA: _____)

Fine Due: _____ Enforcement of Days: _____)

In addition of abiding to all rules and regulations of probation, special conditions are as follows:
(check if ordered)

- Alcohol counseling or treatment as determined by probation.
- Pay all fines and costs.
- _____ hours of community service.
- Restitution
- No same or similar violations.
- Other _____



FORM C

DEMAND FOR TRIAL

Defendant's Name: _____

In the _____ Mayor's Court, _____, Ohio

Case No. _____ Charge(s) _____

The Defendant demands a trial and states the following:

I have been informed of the offense(s) with which I am charged and given a copy of the complaint.

I plead NOT GUILTY.

I give up my right to a trial by jury.

Check one of the following:

I want my case tried within the time provided by law. (Thirty days from date of arrest or service of summons.) Each day I am held in jail is counted as three days from the date of arrest.

I am giving up my right to be tried within the time set by law, and I request that the Court notify me when my case will be set for trial.

Date of arrest or service of summons: _____

Days in jail before release on bail: _____

Arraignment date: _____ Trial date: _____

New counsel: Yes No

Defendant's Signature

Attorney's Signature

Defendant's Name

Attorney's Name

Defendant's Address

Attorney's Registration Number

Defendant's Telephone Number

Attorney's Telephone Number



FORM D

MOTION AND ENTRY FOR CONTINUANCE

Defendant's Name: _____

In the _____ Mayor's Court, _____, Ohio

Case No. _____ Charge(s) _____

The _____ moves for a continuance of the _____
(arraignment/trial)
scheduled for _____

for the following reason: _____

Therefore, the case is continued to _____ at _____ m.

Date case filed: _____

Date last in court: _____

Time waived nor not waived: _____

Prior number of continuances granted: _____

Mayor: _____

Date: _____

APPROVED:

Date: _____

Counsel for _____

Date: _____

Defendant/Counsel for defendant

Note: A copy of this Entry must be filed with the Clerk's office and served on opposing counsel or party.



FORM E

**HEARING TO REVIEW PAYMENT
OF FINES AND COST**

Defendant's Name: _____

In the _____ Mayor's Court, _____, Ohio

Case No. _____ Charge(s) _____

The Defendant appeared in court on _____, 20____. The status of the payment of defendant's obligation was reviewed by the Court and the following information was provided by the Defendant:

Based on the foregoing information, the Court finds:

The Defendant doe not have a present ability to pay.

The case will be reviewed again

The Defendant is employed and has agreed to make payments as follows:

The Defendant willfully has failed to abide by the order of the Court while having an ability to do so. Sentence previously given or amended is to be enforced as follows:

Mayor _____ Date _____



FORM F
JUDGMENT ENTRY OF TRANSFER

Defendant's Name: _____

In the _____ Mayor's Court, _____, Ohio

Case No. _____ Charge(s) _____

Upon motion of _____ and for good cause shown, this case is hereby transferred to the _____ Court for the reason stated below:

- The court lacks jurisdiction to proceed pursuant to section 1905.01 of the Revised Code.
- Defendant has demanded a trial by jury.
- A conflict exists that prevents the Mayor from impartially deciding the case.
- Defendant has filed a written notice of appeal pursuant to section 1905.23 of the Revised Code.
- The case is transferred pursuant to section 1905.032 of the Revised Code.

The Clerk is hereby ordered to certify all original documents filed in this case and, together with a transcript of all proceedings, accrued costs, and bond posted by the Defendant, transfer this case to the _____ Court for further proceedings in accordance with law.

All further proceedings in this Court are stayed.

Mayor _____ Date _____

Court Number (issued by Bureau of Motor Vehicles): _____



THE SUPREME COURT *of* OHIO

Mayor's Court Caseload Reporting Form

Court Name _____ Court Code _____

Mailing Address _____

Report for Quarter _____, 20 _____

		B	C	D	T
		MISDEMEANORS	O.V.I.	OTHER TRAFFIC	TOTAL
Pending beginning of period	1				
New cases filed	2				
Cases transferred in, reactivated, or redesignated	3				
TOTAL (Add lines 1-3)	4				

		B	C	D	T
		MISDEMEANORS	O.V.I.	OTHER TRAFFIC	TOTAL
TERMINATIONS BY:					
Trial by mayor/acting mayor	5				
Trial by magistrate	6				
Guilty or no contest plea to original charge	7				
Guilty or no contest plea to reduced charge	8				
Transfer to other court	9				
Dismissal for lack of speedy trial or want of prosecution	10				
Other dismissal	11				
Violations Bureau	12		X		
Unavailability of accused	13				
Other terminations	14				
TOTAL (Add lines 5-14)	15				
Pending at end of period (Subtract line 15 from line 4)	16				
Time Guidelines (Months)		6	6	6	X
Cases pending beyond time guidelines	17				
Number of months oldest case is beyond time guidelines	18				X
Cases submitted awaiting sentencing beyond time guidelines	19				

Email, mail, or fax to:
 Email: CaseMgmt@sc.ohio.gov
 Mail: Case Management Section
 The Supreme Court of Ohio
 65 South Front Street
 Columbus, Ohio 43215
 Fax: 614.387.9409

 Mayor's Name (please print)

 Mayor's Signature

 Date

 Preparer's Name (please print)

 Phone



THE SUPREME COURT of OHIO

Mayor's Court Annual Registration Form

Electronic Registration: sc.ohio.gov/JCS/mayors/MayorsCourt

Court Name _____ Court Code _____

Registration for Year 20 _____

Mayor's Education Information

Mayor's Name _____ Attorney Registration No. _____
If applicable

Date of most recently completed education or applicable exemptions:

General _____ O.V.I. _____

Exemptions* *(check if applicable)* May.Ed.R. 3(D)(1) and 4(D)(1) or May.Ed.R. 3(D)(2) and 4(D)(2)

Email _____

Magistrate Education Information

For multiple magistrate information, please attach additional sheets. If additional sheets are attached, please check here:

Magistrate's Name _____ Attorney Registration No. _____
If applicable

Date of most recently completed education or applicable exemptions:

General _____ O.V.I. _____

Exemptions* *(check if applicable)* May.Ed.R. 3(D)(1) and 4(D)(1) or May.Ed.R. 3(D)(2) and 4(D)(2)

Email _____

Mayor's Name (please print)

Mayor's Signature

Date

Preparer's Name (please print)

Phone

Preparer's Email (required)

*Education Exemptions:

(1) Pursuant to May.Ed.R. 3(D)(1) and 4(D)(1), a retired judge eligible for assignment by the Chief Justice of the Supreme Court of Ohio to active duty in the general division of the court of common pleas, a municipal court, or a county court is exempt from the education requirements of those rules.(2) Pursuant to May.Ed.R. 3(D)(2) and 4(D)(2), a court magistrate who serves on a fulltime or part-time basis in the general division of the court of common pleas, a municipal court, or a county court is exempt from the education requirements of those rules.

Register Electronically:
sc.ohio.gov/JCS/mayors/MayorsCourt
Or send by email, fax, or mail:
Email: CaseMgmt@sc.ohio.gov
Mail: Case Management Section
The Supreme Court of Ohio
65 South Front Street
Columbus, Ohio 43215
Fax: 614.387.9409



THE SUPREME COURT *of* OHIO

Mayor's Court Information Update Form

Court Name _____ Court Code _____

Change in Court Address or Contact Information

Complete this section if court address, phone, or email address has changed

Mailing Address _____

Phone _____ Court Email _____

Change in Status

Check one of the boxes below

Active to Inactive Inactive to Active New Court Effective Date _____

Print Name

*Attorney Registration Number
(if applicable)*

Effective Date

Mayor _____

Acting Mayor _____

Magistrate _____

For multiple magistrate information, please attach additional sheets. If additional sheets are attached, please check here:

Education Status Update

Complete this section if updating education information

*Date of most recently
completed education*

*Exemptions
(check if applicable)*

Print Name

General

O.V.I.

*May.Ed.R.
3(D)(1) and
4(D)(1)*

*May.Ed.R.
3(D)(2) and
4(D)(2)*

Mayor _____

Acting Mayor _____

Magistrate _____

For multiple magistrate information, please attach additional sheets. If additional sheets are attached, please check here:

 Mayor's Name (please print)

 Mayor's Signature

 Date

 Preparer's Name (please print)

 Phone

 Preparer's Email (required)

Email, mail, or fax to:
 Email: CaseMgmt@sc.ohio.gov
 Mail: Case Management Section
 The Supreme Court of Ohio
 65 South Front Street
 Columbus, Ohio 43215
 Fax: 614.387.9409



THE SUPREME COURT *of* OHIO

COURT SERVICES DIVISION
CASE MANAGEMENT SECTION

Mayor's Court Portal Instructions

NOTE: The new mayor's court portal is not compatible with Internet Explorer 8. To find out what version you are using, go to <http://whatbrowser.org>. This website contains a free link to upgrade to the latest version of Internet Explorer.

1. LOGGING INTO THE MAYOR'S COURT PORTAL

To log into the Mayor's Court Portal, click "Staff Login" at the top of the page.



THE SUPREME COURT *of* OHIO & THE OHIO JUDICIAL SYSTEM

Mayor's Court Home Page | New Search

MAYOR'S COURT STAFF ACCESS
To login as mayor's court staff, click here: [Staff Login](#)

PUBLIC ACCESS
To view information about a mayor's court, enter any of the following:

Court Code

Court Name

Court County

At the Login Screen, enter your username and password. Once you have logged in, you may change your password and edit your account information.

Your Username is: mc____ (type "mc" and your court code, ex. **mc9090**)

Your Password is: your current mayor's court password. Please call (614) 387-9413 if you need assistance obtaining your password.

If this is your first time logging in, you will need to enter your email address and a security question. Click “Save Changes” when you are finished and you will be taken to the Mayor’s Court Portal. Please note each court is provided only one username and password.

2. NAVIGATING THE MAYOR’S COURT PORTAL

Once you have successfully logged in, you will see three tabs:



A. View / Edit Court Information

This tab serves as a dashboard to display your court’s information. Here you can view and edit your court’s address and phone number, complete your annual registration, and determine if your court has a quarterly report that is due.

If a report is due, you will see “The next report due is...” To submit a report, click the “View / Submit Reports” tab. If no reports are due, you will see “No reports are due at this time.” *See Section 3, “Submitting Your Quarterly Report.”*

If you have already registered for the year, you will see the current year displayed. If you have not registered for the year, you will see a button labeled “Click Here to Register.” The registration process is quite simple. *See Section 5, “Completing Your Annual Registration.”*

B. View / Edit Staff

This tab identifies your mayor’s court staff and displays the date each staff member’s education expires (where applicable). Here you can add, edit, or remove a mayor, acting mayor, magistrate or staff person. *See Section 6, “Adding / Editing Staff Members.”*

C. View / Submit Reports

This tab allows you to view previously submitted reports and create a new report if one is due. *See Section 3, “Submitting Your Quarterly Report.”*

3. SUBMITTING YOUR QUARTERLY REPORT

A. Creating a New Report

Note: If your court is not registered for the current year, you will not be able to create a report. To register your court, click on the “View/Edit Court Information” tab and click the button to register.

1. To create and submit a new report, click the “View/Submit Reports” tab. If a quarterly report is due, the button labeled “Create Report” will be shown:



2. Click the button labeled “Create Report.”
3. A box will appear with two choices. If your court terminated cases during the quarter, click “Create Report.” If your court did not terminate any cases during the quarter see (Section 3(B), “Entering a No Activity Report”) below.
4. Enter your report in the grid provided. Please note, Column T (Total) is automatically calculated. Similarly, Lines 4, 15, and 16 are also automatically calculated. However, you should check these totals to verify you have entered all data correctly before submitting your report. You can click “Cancel” at any time and the report will not be saved. You may not edit a saved report.
5. Once your report is accurate and complete, click “Submit Report.” If there are errors within the report, one or more messages will be displayed in red above the report. Correct the errors and click “Submit Report” again. Error messages will remain displayed in red until each error is corrected.
6. Once the report has been successfully submitted, a confirmation will appear. You will not receive an email notification. You may print a copy of the report for your records.



B. Entering a No Activity Report

1. To create and submit a “No Activity Report,” click the “View/Submit Reports” tab. If a quarterly report is due, the button labeled “Create Report” will be shown.
2. Click “Create Report.”

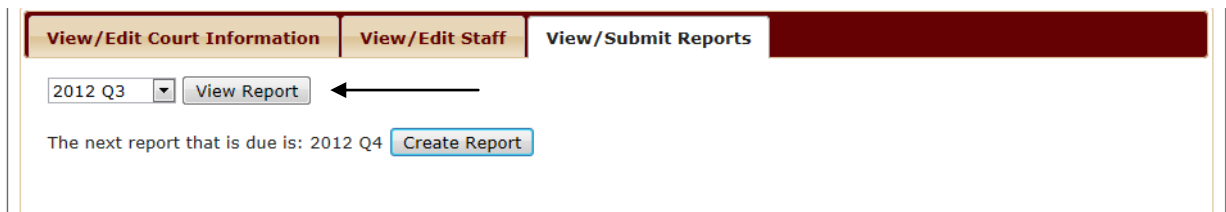


3. If your court did not terminate any cases during the quarter, click the button labeled “No Activity,” to indicate that no action was taken on any case during the quarter. A confirmation that your report has been successfully submitted will appear. You will not receive an email notification. You may print a copy of the report for your records.




4. VIEWING PREVIOUSLY SUBMITTED REPORTS

1. To view a previously submitted report, click the “View/Submit Reports” tab.
2. Select the report you would like to view from the drop down menu and click “View Report.”



5. COMPLETING YOUR ANNUAL REGISTRATION

1. To complete your annual registration, click the button labeled “Complete registration for current year”. This button will only be displayed on the “View Edit Court Information” tab if registration has not been completed for the current year. If this button is not displayed, you have already completed your registration for the current year.
2. A series of screens will appear asking you to edit or confirm the information regarding your court. You will be asked to “Confirm” each screen. Please note, if you need to make a change to your court’s information at a later date or you forget to make changes during the registration process, you can edit at any time after registering.



The screenshot shows a web interface with a sidebar on the left containing court information for 'TESTVILLE'. The main content area is partially obscured by a modal dialog box titled 'Confirm or Edit Court Information'. The dialog box contains the following fields: Address Line 1 (1234 MAIN STREET), Zip (12345), Address Line 2, Phone (123-456-6789), and City (TESTVILLE). At the bottom of the dialog box are 'Cancel' and 'Confirm' buttons. An arrow points to the 'Confirm' button.

Once you have edited and confirmed all of the information, a screen will appear asking if you would like to submit your registration. Click “Yes” to submit. You will be able to confirm your registration was successfully submitted by viewing your dashboard and noting that the button to register has been removed and the current year now displays under “Years Registered.”



The screenshot shows a modal dialog box titled 'Court Registration.' with the question 'Submit Registration?'. At the bottom of the dialog box are 'Yes' and 'No' buttons. An arrow points to the 'Yes' button.

6. ADDING / EDITING STAFF MEMBERS

A. Adding Staff Members

1. To add a staff member, click the “View/Edit Staff” tab.
2. Determine what type of staff member you would like to add – mayor, acting mayor, magistrate, or clerk/contact person. Please note you may not enter more than one mayor or acting mayor.
3. Click the button labeled “Add”.
4. Complete the information and click “Save.”

B. Editing Staff Members

1. To edit a staff member, click the “View/Edit Staff” tab.
2. Determine what type of staff member you would like to edit – mayor, acting mayor, magistrate, or clerk/contact person.
3. Click the button labeled “Edit”.
4. Complete the information and click “Save.”

C. Removing Staff Members

1. To remove a staff member, click the “View/Edit Staff” tab.
2. Determine what type of staff member you would like to remove – mayor, acting mayor, magistrate, or clerk/contact person.
3. Click the button labeled “Remove”.
4. Confirm that you would like to remove this person by clicking “Yes.”

D. Using the Attorney Registration Number Box

1. If you know the attorney registration number for a particular staff person (when applicable), you may enter it in the “Attorney Reg. No.” box when adding or editing a staff person.
2. Use the “Tab” key to leave the box once you have entered the complete attorney registration number.
3. The attorney’s name will automatically appear in the name fields – no need to enter the information by hand.
4. If you do not know the attorney’s registration number, you can click “Click to look up Attorney Reg. No.” at the top of the box to find the attorney’s number.

E. Updating/Editing Staff Members’ Education

1. To update or edit a staff member’s education, click the “View/Edit Staff” tab.
2. Determine what type of staff member you would like to update or edit the education for – mayor, acting mayor, or magistrate. Click “Edit” for that individual.
3. Enter the date of completion for the most recent educational course in the appropriate boxes and click “Save.” Note, the education requirements for mayors and mayor’s court staff can be found in Mayor’s Court Rules 3 and 4. The educational courses are offered several times a year through the Ohio Municipal League only. This education does not

refer to CLE courses taken by attorneys. Once the date of the most recent educational course is saved, the expiration date for that information will be automatically calculated and displayed next to that staff person's name in the "View/Edit Staff" tab.

4. If the staff member falls under one of the two exceptions to completing the required education, you may check the appropriate box.
5. If the staff member does not hear cases, check the appropriate box.

7. FAQ's

A. What if my court is going inactive for a period of time or wants to close?

If there is a change in status for your court, please complete the "[Information Update Form](#)" found on the Mayor's Court homepage and fax or mail to:

The Supreme Court of Ohio
Case Management Section
65 S. Front Street, 6th Floor
Columbus, Ohio 43215-3431
Fax 614.387.9419

Please note, if your court is going from Active to Inactive, you must submit a final Quarterly Report showing no pending cases.

B. How do I amend a previous report?

To amend a previous report, complete an amended [report form](#) found on the Mayor's Court homepage and fax or mail to:

The Supreme Court of Ohio
Case Management Section
65 S. Front Street, 6th Floor
Columbus, Ohio 43215-3431
Fax 614.387.9419

C. How do I know if a report is due?

If a report is due, under the "View/Submit Reports" tab you will see the words, "The next report that is due is: 2013 Q?" and a button to "Create Report." Click "Create Report" to submit the next sequential report. Reports are due:

January 15
March 15
July 15
October 15



D. What is different about this Mayor's Court Portal?

Education

When updating the educational course(s) completed for a mayor, acting mayor, or magistrate, a calendar is displayed to select the date of the most **recently completed education course**. The portal no longer asks the user to calculate the expiration date for the education course. After saving this date, the portal will automatically calculate the expiration date and display it on the screen for that individual.

Annual Registration

We've streamlined the annual registration process. To complete your annual registration, click the button labeled "Complete registration for current year". A series of boxes will appear asking you to confirm the information we have on file for your court. Once you have confirmed all of your information you will see a screen indicating your registration is complete. If you have already registered for the current year, no button will appear. Instead, a message that your court is registered for the current year will appear.

Reporting

When submitting a quarterly report, you may submit the report or cancel. Please note there is no longer an option to check and save. The report automatically checks your work against your previously submitted report and calculates the current report for mathematical accuracy. If your report is inaccurate, errors will appear in red at the top of the report until each error is corrected.

Email Confirmation

You will no longer receive any email confirmation regarding your submissions. Please note, you may always print previously submitted reports for your records.



APPENDICES

1. Collection of Court Costs & Fines in Adult Trial Courts
2. Court-Ordered Sealing of Criminal Record with Consideration of Indigency



COLLECTION OF COURT COSTS & FINES IN ADULT TRIAL COURTS

Court practices to enforce appropriately assessed fines, costs, and other financial sanctions are an important part of enforcing the consequences of misconduct. The responsibility of the courts in general, and individual judges in particular, is to ensure that any fines, costs, and other financial sanctions arising out of a criminal case are reasonable and take into account a defendant’s ability to pay.

Fines are a criminal sanction, while costs are a civil obligation. Although separate and distinct, the purpose of both is *not* to generate revenue for the local municipality, county, or the State of Ohio.

IMPOSING FINES, COSTS, AND OTHER FINANCIAL SANCTIONS

COURT COSTS

- Court costs and fees are **civil, not criminal**, obligations and may be collected only by the methods provided for the collection of civil judgments.¹
- Trial courts must impose court costs at time of sentencing.² Costs must be:
 - Stated at sentencing hearing and included in sentencing entry.³
 - **Segregated from fines.**⁴
- Trial courts retain jurisdiction to **waive, suspend, or modify the payment of costs** at the time of sentencing or any time thereafter.⁵
- A court **may not** order a person to appear or issue a warrant for unpaid court costs.⁶
 - The court may order the defendant to perform community service if the defendant fails to pay court costs.⁷

FINES

- Fines are a financial sanction and criminal penalty.⁸
- Financial sanctions may include restitution, fines, reimbursement for assigned counsel, incarceration, and other fees.⁹
- Fines are a **discretionary** financial sanction, unless there is a mandatory fine attached to the offense.¹⁰
- **Ability to pay** must be considered when assessing and collecting fines (see below for details).¹¹
- A person may be jailed for a **willful refusal** to pay a fine that he or she has the ability to pay (see “Incarceration for Non-Payment of Fines,” below).¹²
- The court may order the defendant to perform community service in lieu of fines.¹³

When both fines and court costs are owed, the court **must segregate** the amounts if jail time is imposed for nonpayment of fines.¹⁴

INCARCERATION FOR NON-PAYMENT OF FINES

R.C.2947.14 is the sole and exclusive method for imposing a jail sentence for willful refusal to pay a fine.¹⁵ Incarceration for nonpayment should only be used as a last resort and after compliance with all statutory and procedural safeguards.

Before a court may impose a jail sentence for non-payment of court fines, the court must:

- Segregate fines from court costs and other financial sanctions.¹⁶
- Give reasonable notice to the defendant of a hearing.¹⁷
- Conduct an evidentiary, economic ability-to-pay hearing.¹⁸
- Advise the defendant of the right to counsel.¹⁹

- Provide the defendant with an opportunity to be heard.²⁰
- Make a specific finding that the defendant:²¹
 - Has the ability to pay fines; and
 - Willfully refuses to pay fines.

Additional Notes about Incarceration:

A person cannot be ordered to serve additional days for failure to pay a fine if the maximum jail sentence was imposed and served.²²

Any person jailed for failure to pay a fine shall receive credit upon the fine at the rate of \$50.00 per day or per fraction of a day.²³ No commitment pursuant to this statute shall exceed six months.²⁴

FACTORS COURTS MAY CONSIDER WHEN ASSESSING OFFENDERS’ ABILITY-TO-PAY²⁵

- **Income**, specifically whether annual income is at or below 125% of the Federal Poverty Guidelines.

For 2019, 125% of FPG: ²⁶	
\$15,613 for an Individual	\$32,188 for a Family of 4
\$21,138 for a Family of 2	\$37,713 for a Family of 5
\$26,663 for a Family of 3	\$43,238 for a Family of 6

- Receipt of needs-based, means-tested **public assistance**, such as TANF, SSI, or SSDI.
- **Financial resources**, assets, financial obligations, and dependents.

- Where the person **resides**; for example, whether the person is homeless or institutionalized.
- Basic living **expenses**, such as food, rent/mortgage, utilities, medical expenses, transportation, and child support.
- Offender’s efforts to acquire additional resources, including any **limitations to secure paid work** due to disability, homelessness, institutionalization, lack of transportation, or driving privileges.

Revised January 2019

**PERMITTED METHODS OF COLLECTING COURT COSTS AND FINES
(Any Method Not Permitted is Prohibited)**

PERMITTED COLLECTION METHODS	COSTS	FINES
Voluntary Payment ²⁷	X	X
Payment Plan ²⁸	X	X
Collection Agency ²⁹	X	X
Community Service ^{30, 31}	X	X
Attachment of Prisoner Accounts ³²	X	X
Execution of Civil Judgment ³³	X	X
Registration Block ³⁴	X	X
Imposing Jail ^{35, 36} (see Fines front)		X
Driver's License Forfeiture (limited to Traffic cases only) ^{37, 38}		X
Driver's License Warrant Block ³⁹		X
Extension of Probation (if within maximum allowable term of probation and if made a condition of probation) ⁴⁰		X

**NON-PERMITTED METHODS
OF COLLECTING COSTS, FINES,
OR OTHER FEES**

- Contempt of Court⁴¹
- Forfeiture of Confiscated Money⁴²
- Refusal to Accept Filings⁴³
- Violation or Revocation of Probation⁴⁴
- Setting Bond based on Amount Owed⁴⁵
- Automatically applying bond to amount owed if:
 - Defendant is indigent or ⁴⁶
 - A third party posted the bond ⁴⁷

**CANCELLATION/DISCHARGE
OF COSTS OR FINES**

If at any time the court finds that an amount owed to the court is due and uncollectible, in whole or in part, the court may direct the clerk of the court to **cancel all or part of the claim**.⁴⁸ The court retains jurisdiction to waive, suspend, or modify the payment of the costs of prosecution at the time of sentencing or at any time thereafter, pursuant to R.C. 2947.23(C).⁴⁹ If a court waives any of the court costs, it must waive all imposed costs.⁵⁰

LIMITATIONS OF CONTEMPT FOR COLLECTION OF COSTS AND FINES

Contempt may be imposed:

- If a defendant fails to appear for a court-ordered hearing, including a hearing for non-payment of fines.
- The defendant must be served with a separate citation for contempt of court, notice, and advised of:⁵¹
 - Right to counsel (including appointed, if applicable).
 - Right to present a defense and explanation.
 - Right to bond. Bond must be based on failure-to-appear and/or comply, not based on amount owed.⁵²

Contempt may NOT be imposed:

- In lieu of R.C. 2947.14 to impose jail time to collect fines.⁵³
- To collect costs as a civil judgment.⁵⁴
- For failure to perform if community service is assigned in lieu of either fines or court costs.⁵⁵
- To create a punishment based on the underlying offense or as a method to collect fines or court costs.⁵⁶
- For failure to appear if hearing was related to the payment or non-payment of court costs.⁵⁷

While a charge of contempt of court for non-appearance at a hearing or community-control supervision/probation violation may result in a jail sentence being issued, **neither may be used to coerce or obtain the payment of a fine, court cost, or any other financial sanction**.⁵⁸

COMMUNITY SERVICE AS PAYMENT FOR COURT COSTS

A court may convert court costs to community service when a defendant fails to pay court costs or comply with a payment plan to pay court costs at the time of sentencing or post-judgment proceeding.⁵⁹

- Notice should be given to the defendant and the prosecuting attorney that failure to pay court costs may result in community service.⁶⁰
- An evidentiary hearing must be held.⁶¹
- Defendant is entitled to credit at no less than the federal minimum wage.⁶²

COMMUNITY SERVICE SCHEDULE

Offense	Limitation	Statutory Authority
Minor Misdemeanor	Maximum 30 hours	R.C. 2929.27(B)
Second-, Third-, and Fourth-Degree Misdemeanor	Maximum 200 hours	R.C. 2929.27(A)
First-Degree Misdemeanor	Maximum 500 hours	R.C. 2929.27(A)
Unclassified Misdemeanor	Maximum 500 hours	Suspended License Offenses ⁶³
Felony	Maximum 500 hours	R.C. 2929.17; R.C. 2951.02
Satisfaction of Court Costs	No less than federal minimum hourly wage rate; hearing required	R.C. 2947.23; R.C. 1901.44; R.C. 1907.25
Satisfaction of Fines ⁶⁴	Not specified; hearing not required	R.C. 2929.28

The staff of the Supreme Court of Ohio would like to thank Judge **Patrick Carroll** of the Lakewood Municipal Court for his contributions to the development of this bench card.

FOR A LIST OF REFERENCES, SEE:

sc.ohio.gov/Publications/JCS/finesCourtCosts_Ref.pdf



THE SUPREME COURT *of* OHIO

OFFICE OF JUDICIAL SERVICES

COURT-ORDERED SEALING OF CRIMINAL RECORD WITH CONSIDERATION OF INDIGENCY

Sealing of a criminal record is governed by [R.C. 2953.31](#) et seq.

Eligible Offender – Two Ways to Define

An eligible offender is statutorily defined by [R.C. 2953.31\(A\)\(1\)\(a\)](#) as anyone who has been convicted of one or more offenses, but not more than five felonies:¹

- a) In Ohio or any other jurisdiction; and
- b) None of the felony convictions are greater than F4 or F5 or offenses of violence² or felony sex offenses.³

An eligible offender is defined statutorily by [R.C. 2953.31\(A\)\(1\)\(b\)](#) as anyone who has been convicted of an offense in this state or any other jurisdiction, to whom division [\(A\)\(1\)\(a\)](#) does not apply and who has:

1. One felony conviction; or
2. Two misdemeanor convictions; or
3. One felony conviction and one misdemeanor conviction.

[R.C. 2953.31\(A\)\(1\)\(b\)](#) further provides for merger of convictions for purposes of sealing the record if:

1. Two or more convictions result from or are connected with the same act or result from offenses committed at the same time; or,
2. Two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period, but do not result from the same act or from offenses committed at the same time, unless the court determines that it is not in the public interest for the two or three convictions to be counted as one conviction in accordance with [R.C. 2953.32\(C\)\(1\)\(a\)](#).

NOTE: [R.C. 2953.36](#) lists convictions that would preclude an individual from being an eligible offender. Those exceptions should be reviewed before determining an individual's eligibility for sealing. If a conviction of an offense is not sealable at the time of conviction, but the offense is later changed so that the penalty for the classification of the offense is changed, then the conviction is eligible for sealing.

Final Discharge⁴

[R.C. 2953.32](#) sets out the required time period for application after final discharge:

1. Five years for 3, 4, or 5 felony convictions;
2. Four years for 2 felony convictions;
3. Three years for 1 felony conviction;
4. One year for misdemeanor convictions.

If there are unpaid, but collectable fines or restitution, it is deemed that there is no final discharge. Correspondingly, if community

service was ordered, but not completed, there is no final discharge.⁵ If there are unpaid court costs, that is not a bar to final discharge.⁶ A trial court may seal the record in a case dismissed pursuant to [R.C. 2953.52](#), even if the statute of limitations has not expired. *State v. Dye*, 152 Ohio St.3d 11 2017-Ohio-7823.

[R.C. 2953.32\(C\)](#) provides the considerations of a court for sealing the record of conviction or bail forfeiture.

1. The court shall do each of the following:
 - a) Determine if the offender is an eligible offender as set forth in [R.C. 2953.31\(A\)](#);

The staff of the Supreme Court of Ohio would like to thank the Hon. Patrick Carroll, Judge of the Lakewood Municipal Court, who contributed to the development of this bench card.

- b) Determine whether criminal proceedings are pending against the applicant;
- c) Determine whether the applicant has been rehabilitated to the satisfaction of the court;
- d) If the prosecutor has filed an objection, consider the reasons against granting the application specified by the prosecutor in the objection;
- (e) Weigh the interests of the applicant in having the records pertaining to the applicant's

conviction or bail forfeiture sealed against the legitimate needs, if any, of the government to maintain those records.

Fee and Waiver of Fee

R.C. 2953.32(C)(3). Upon the filing of an application to seal the record, the applicant, unless indigent,⁶ shall pay a fee of fifty dollars (\$50.00), regardless of the number of records the application requests to have sealed.

R.C. 2953.52. Sealing of records after not-guilty finding, dismissal of proceedings, or no bill by grand jury. This section does not require a filing fee.⁷

Proposed Form of Entry upon Application to Seal Record Accompanied by Affidavit of Indigency

This case is before the court on the movant's motion for waiver of filing fees on the basis of an assertion of indigency.

Upon review of the record and in accordance with **R.C. 2953.32(C)(3)**, the court finds that payment of filing fees are conditionally waived and the movant is entitled to proceed at this time without a deposit for court cost and filing fees. The clerk of court shall process the motion to seal the record and proceed with this case as if the appropriate fees had been paid.

At any stage of the proceedings the court reserves the right to question the movant on the claim of lack of financial ability to pay the filing fees. Based upon a later determination, the court may order the fees to be assessed or paid. If the judge or magistrate finds that the movant is able to pay the filing fees and other court costs, then such fees and court cost will be assessed against the movant and may be ordered to be paid prior to proceeding with the case. Failure of the movant to comply with the order to pay any such fees or costs may result in dismissal of the proceeding.

1 Based upon LSC analysis, there is no stated numerical limit on the number of misdemeanors that may be sealed.

2 R.C. 2901.01(A)(9) defines offenses of violence.

3 R.C. 2967.28(A)(3) defines a felony sex offense to include any conviction of an offense contained in R.C. 2907.

4 The term "final discharge" is not defined by statute. In *State v. Hoover*, Nos. 12-AP-818 & 826, 10th. Dist. 2013-Ohio-3337, the court stated that an offender is not finally discharged until he has served any sentence imposed by the court. This definition was cited and approved by the court in *State v. Aguirre*, 144 Ohio St 3d 179, 2014-Ohio-4603. Final discharge generally occurs when community control supervision expires or at the time all other sanctions imposed from a criminal conviction have been completed. Failure to pay a financial sanction imposed in a criminal case delays final discharge, even though community control supervision has expired. *State v. Aguirre*.
State v. Paige, No. 15AP-510, 10th. Dist. 2015-Ohio-4876. Defendant was not an eligible offender who was permitted to seal record of conviction when there were unpaid fines. *State v. T.M.*, No. 101194, 8th. Dist. 2014-Ohio-5688. The trial court waived the suspended fines 22 years after felony conviction and granted the defendant's application to seal the record of conviction. Although the court of appeals reversed on the grounds that the trial court did not have the authority to waive the fines based upon the applicable law in effect at the time, the appellate court further noted

that even if the fines had been properly waived, final discharge would have occurred at the time of fine waiver and the defendant would be required to wait three years to seal the record of conviction.

State v. Braun, No. 46082, 8th. Dist. (1983). Final discharge includes payment of fines, not just completion of jail sentence when probation was not imposed.

5 *State v. Gainey*, No. 14AP-583, 10th. Dist. 2015-Ohio-3119. No final discharge to seal record of conviction when the defendant failed to complete community service that was imposed as part of the sentence.

6 *State v. Ushery*, No. C-120515, 1st. Dist. 2013-Ohio-2509. Reversal of denial of sealing of record for unpaid court costs. The appellate court held that court costs were civil in nature and not part of punishment, as compared to fines or other financial sanctions. As such, unpaid court costs were not grounds, by themselves, to deny motion to seal record of conviction. *State v. Summers*, 71 Ohio App.3d. 1, 8th. Dist. (1990). Court costs are civil in nature and not part of a criminal sentence and, therefore, cannot be grounds for denying motion to seal record of conviction.

7 *State v. Hilliard*, Union County Common Pleas Court, No. 04CR 85, 2012 Ohio Misc. Lexis No. 3704 (2012) & *State v. Miller*, Union County Common Pleas Court, No. 05CR56, 2012 Ohio Misc. Lexis No. 3720 (2012). If a court requires a local fee for the sealing of a record after dismissal, R.C. 2323.30 and 2323.31 provide a basis for the waiver of this fee upon an affidavit of indigency.



THE SUPREME COURT *of* OHIO

Court Services
65 South Front Street, Sixth Floor
Columbus, Ohio 43215-3431