

**OPINION NO. 69-068**

**Syllabus:**

Fines paid for violations of a city ordinance to a mayor's court are payable to a law library association under Section 3375.50, Revised Code.

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**To: Thomas C. Hanes, Darke County Pros. Atty., Greenville, Ohio**  
**By: Paul W. Brown, Attorney General, June 23, 1969**

I have before me your request for an opinion, which is basically whether Section 3375.50, Revised Code, authorizes a mayor's court to distribute to a law library association moneys collected from fines and penalties under city ordinances.

Section 3375.50, Revised Code, reads in pertinent part:

"All moneys collected by a municipal corporation accruing from fines and penalties and from forfeited deposits, forfeited bail bonds, and forfeited recognizances taken for appearances, by a municipal court for offenses and misdemeanors brought for prosecution in the name of a municipal corporation under a penal ordinance thereof, where there is in force a state statute under which the offense might be prosecuted, or prosecuted in the name of the state, except a portion of such moneys, which plus all costs collected monthly in such state cases, equal the compensation allowed by the board of county commissioners to the judges of the municipal court presiding in police court, clerk and prosecuting attorney of such court in state cases, shall be retained by the clerk of such municipal court, and be paid by him forthwith, each month, to the board of trustees of the law library association in the county in which such municipal corporation is located.\* \* \*"

As stated in your letter, Darke County has no municipal court. In attempting to discern the intent of the Legislature, it appears that Section 3375.50, supra, was enacted in order to provide needed funds for local law libraries through fines collected by a municipal corporation for violations of municipal ordinances with respect to which there are similar state statutes. As is the case with the majority of counties and municipal corporations, a municipal court exists to levy fines and penalties. Since a mayor's court in Darke County performs basically the same duties as a municipal court in most counties, it does not seem unreasonable to assume that the Legislature wished to include a mayor's court within the purview of the statute.

The case of Warren County Law Library Association v. Parker, 50 Ohio Op. 161 (1952), states:

"Since moneys collected by a mayor for fines in a state case never become the property of a municipal corporation and, therefore, are never in the municipal or village treasury, it is our opinion that moneys so collected do not come within the scope of funds collected by a municipal corporation under Section 3056, General Code (now Section 3375.50, Revised Code)."  
(Emphasis added.)

By negative implication, this case lends authority to the intent of the Legislature to include a mayor's court within the statute. Since moneys collected by a mayor's court for fines and penalties under a municipal ordinance accrue to the municipal corporation, it appears that the Legislature intended the mayor's court to be included in the statute.

Your reference to the recent decision of State, ex rel. Akron Law Library Association v. Weil, 16 Ohio App. 2d 151 (1968), points out a recent opinion regarding sources of law library funds. This

case sets out four different sources of library funds. These are: (1) an award from municipal corporations, both cities and villages; (2) an award from county courts; (3) awards from the court of common pleas and probate court and (4) awards from all courts in the county for violations of state traffic laws and state liquor violations. It will be noted that of the four sources, all distinctly refer to particular courts except the first. The first source referred to in the opinion, however, refers to awards from municipal corporations and does not specify "municipal courts". Since a mayor's court performs functions of a municipal court when no municipal court exists, it is reasonable to assume that the Legislature meant to include a mayor's court within the purview of Section 3375.50, Revised Code.

This conclusion is further buttressed by Section 733.40, Revised Code, which refers specifically to a mayor's court and states that all fines, forfeitures, and costs in ordinance cases and all fees collected by the mayor shall be paid into the treasury of the municipal corporation, with the exception of Sections 3375.50 to 3375.52, Revised Code. Thus the law library association is entitled to its share of the fines or forfeitures of a mayor's court.

Therefore, it is my opinion and you are hereby advised that fines paid for violations of a city ordinance to a mayor's court are payable to a law library association under Section 3375.50, Revised Code.