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CRIMINAL JURISDICTION OF JUDGE OF COUNTY COURT,
LIMITED TO HIS AREA OF JURISDICTION. SECS. 1907.071,
2931.02 R.C.

SYLLABUS:

Under Sections 1907.071 and 2931.02, Revised Code, as effective November 6, 1959, the criminal jurisdiction of a judge of a county court is limited to his area of jurisdiction as fixed under Section 1907.071, Revised Code.

Columbus, Ohio, December 18, 1959

Hon. Calvin W. Hutchins, Prosecuting Attorney
Ashtabula County, Jefferson, Ohio

Dear Sir:

I have before me your request for my opinion reading as follows:

“I have been requested by the Sheriff of this County to obtain an Opinion from your office concerning the present status of County Court jurisdiction, in view of Section 1907.071 Revised, effective November 6, 1959.

“This County has two County Court Judges and two areas of jurisdiction designated by the Common Pleas Court. These County Court jurisdictions are known as Eastern Area and Western Area. In your Opinion No. 228, rendered March 17, 1959, it is set forth therein that each County Court Judge had County wide jurisdiction.

“In view of the amended Section 1907.071, we would like to determine whether the amendment or revision of this section is so absolute as to exclude County wide jurisdiction of each County Judge. In other words, must the Prosecutor and the Sheriff Warrants which we issue be filed with the County Court Judge in whose jurisdiction or area the crime occurred, and must traffic cases be filed with County Court in whose jurisdiction the offense occurred.”

The amendment made to Section 1907.071, Revised Code, by Amended House Bill No. 571 of the 103rd General Assembly, effective November 6, 1959, did not affect the jurisdiction of county court judges. However, Section 2931.02, Revised Code, was amended by the same bill, said amend-

ment abolishing the county-wide jurisdiction of county court judges in criminal cases.

Prior to November 6, 1959, Section 2931.02, Revised Code, gave *county-wide* jurisdiction to a judge of the county court: (1) in all criminal matters only upon affidavit or complaint filed by the prosecuting attorney or upon affidavit or complaint made by the sheriff, the party injured, or any authorized representative of a state or federal department, in the event there was no other court or concurrent jurisdiction other than the court of common pleas, police court, or mayor's court; and (2) in the cases listed in divisions (A) to (R), inclusive, of said section as it then stood. The conclusions of Opinion No. 228, Opinions of the Attorney General for 1959, issued March 17, 1959, to which you refer, were based on provisions (1) and (2) just noted.

In Amended House Bill No. 571, *supra*, provision (1), above, was deleted from Section 2931.02, *supra*, also provision (2), providing the county-wide jurisdiction of a judge of a county court in the cases listed in divisions (A) to (R), inclusive, of said section, was abolished. Section 2931.02, Revised Code, as effective November 6, 1959, reads in part:

"A judge of a county court is a conservator of the peace and has jurisdiction in criminal cases throughout his area of jurisdiction. He may hear complaints of the peace and issue search warrants. Judges of county courts have jurisdiction on sworn complaint, to issue a warrant for the arrest of a person charged with the commission of a felony where it is made to appear that such person has fled or is outside this state and it is necessary or desirable to extradite such person. Judges of county courts have jurisdiction within their respective areas of jurisdiction in all cases of violation of any law relating to: (Emphasis added)

" * **

(Emphasis added)

Section 1907.071, Revised Code, as effective November 6, 1959, reads in part:

"In counties having more than one county court judge, the court of common pleas of such county shall divide the county court district into areas of separate jurisdiction and shall designate the area in which each judge shall have jurisdiction to the exclusion of any other judge of such district, except as provided in section 1907.061 (1907.06.1) of the Revised Code, and the location where each judge shall hold court. Each such area shall be made up of one or more townships. In assigning areas, the court

of common pleas shall make each area as equal in population to others in the district as is possible under existing conditions.

“* * *

“The jurisdiction of each county court judge shall be limited to his area of jurisdiction.” (Emphasis added)

Effective November 6, 1959, therefore, the criminal jurisdiction of a judge of a county court under Sections 1907.071 and 2931.02, Revised Code, is limited to his area of jurisdiction as fixed under Section 1907.071, Revised Code, and on warrants issued by the prosecuting attorney and in traffic cases, actions must be filed with the judge of the county court in whose jurisdiction the particular offense occurred.

Accordingly, it is my opinion and you are advised that under Sections 1907.071 and 2931.02, Revised Code, as effective November 6, 1959, the criminal jurisdiction of a judge of a county court is limited to his area of jurisdiction as fixed under Section 1907.071, Revised Code.

Respectfully,
MARK MCELROY
Attorney General