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COUNTY COURTS—FINES—DISTRIBUTION, §2931.09 R.C.—  
§§3375.50 to .52 R.C.—FIFTY PER CENT OF SUCH FINES TO BE  
PAID TO COUNTY LAW LIBRARY ASSOCIATION ON WAR-  
RANT OF THE COUNTY AUDITOR

SYLLABUS:

The reference in Section 2931.09, Revised Code, to the distribution of fines collected by a judge of a county court, in part as "provided by Sections 3375.50 to 3375.52, inclusive, of the Revised Code," requires the payment of fifty per cent of such fines, except as otherwise provided by law, upon the voucher of the county auditor to the board of trustees of the law library association of the county in which such court is located.

Columbus, Ohio, February 21, 1958

Hon. Joseph W. McNerney, Prosecuting Attorney  
Muskingum County, Zanesville, Ohio

Dear Sir:

Your request for my opinion reads as follows:

"Calling your attention to Revised Section 3375.51, which reads as follows:

"In each county fifty per cent of all moneys collected by justices of the peace of such county, accruing from fines, penalties, forfeited recognizances, and forfeited cash deposits, unless otherwise distributed by law, shall be paid to the board of trustees of the law library association of such county by the county treasurer, upon the voucher of the county auditor within thirty days after such moneys have been paid into the county treasury by such justices of the peace.'

"And which referred to justice of the peace courts which have been abolished. I request your ruling as to whether or not this section still pertains to the newly created county courts.

"I am enclosing a letter from the Honorable Clarence J. Crossland, Judge of the Muskingum County Common Pleas Court, who is a member of the Board of Trustees of the Muskingum County Law Library Association. This letter sets out in detail the entire problem."

Section 2931.08, Revised Code, as amended in Amended House Bill No. 937, 102nd General Assembly, effective January 1, 1958, reads as follows:

“Fines collected by a judge of a county court shall be paid into the general fund of the county where the offense was committed within thirty days after the collection unless otherwise provided by sections 3375.50 to 3375.52, inclusive, of the Revised Code.”

Prior to this amendment this statute read:

“Fines collected by a justice of the peace shall be paid into the general fund of the county where the offense was committed within thirty days after collection unless otherwise provided by sections 3375.50 to 3375.52, inclusive, of the Revised Code.”

The effect of the reference in Section 2931.08, Revised Code, as amended, to Section 3375.51, Revised Code, is indicated by the following passage in 37 Ohio Jurisprudence, 339, 340:

“\* \* \* When in one statute a reference is made to an existing law in prescribing the rule or manner in which a particular thing shall be done or for the purpose of ascertaining powers with which persons named in the referring statute shall be clothed, the effect generally is to revive or continue in force the statute referred to not for the purposes for which it was originally enacted, but merely for the purpose of carrying into execution the statute in which the reference is made. \* \* \*”

In the case at hand, it is clear that the reference was intended to provide for the distribution of fines accruing in *county courts*. That is to say that such reference was not made for the purpose of reviving or continuing Section 3375.51, Revised Code, for the purpose for which it was originally enacted, but rather to provide a rule applicable to the court described in the referring statute.

In this view of the matter, the language in Section 3375.51, Revised Code, referring to justices of the peace may be disregarded, and the rule of distribution of fines therein provided may be given the force and effect as to county courts which the General Assembly, in my opinion, clearly intended.

It is to be noted, however, that Section 2931.08, Revised Code, makes reference only to fines so that the reference in this statute to the rule of distribution found in Section 3375.50 through 3375.52, Revised Code, has the effect of making such rule applicable only to funds from this source.

Accordingly and in specific answer to your inquiry, it is my opinion that the reference in Section 2931.09, Revised Code, to the distribution of fines collected by a judge of a county court, in part as "provided by Sections 3375.50 to 3375.52, inclusive, of the Revised Code," requires the payment of fifty per cent of such fines, except as otherwise provided by law, upon the voucher of the county auditor to the board of trustees of the law library association of the county in which such court is located.

Respectfully,

WILLIAM SAXBE

Attorney General