

City of Hilliard Mayor's Court Rules

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Rule 1.0 Scope and Effective Date

These rules are adopted as local rules of the Hilliard Mayor's Court governing practice and procedure. They are adopted pursuant to the Court's inherent authority as set forth in the Rules of Criminal Procedure and the Rules of Superintendence. These rules may be cited as Hilliard Mayor's Court Rule, (i.e. M.C. Rule 1.0). They are effective as of this revision **June 18, 2025** and govern all proceedings filed subsequent to that date. These rules may be amended by orders of the mayor and/or magistrate.

Rule 2.0 Court Schedule

Court will convene every Wednesday morning unless designated otherwise on the court calendar. The schedule by hearing type is as follows:

- Arraignments: 8:00 a.m.
- Pre-Trials: 8:00 a.m.
- Fine Hearings: 8:00 a.m.
- Misc. Hearings: 8:00 a.m.
- Pleas: 8:00 a.m.
- Trials: 9:00 a.m.
- Probation/Revocation Hearings: 9:00 a.m.

The court calendar shall be published by the first of December for the following year. The magistrate and the Clerk of Court shall approve any deviations from this schedule.

Rule 2.1 Continuances

Requests for continuances shall be in written format and made either in person or via fax. Under no circumstances can a request for continuance be made verbally. In the event the continuance cannot be made in person or via fax, an exception can be made to allow the defendant or the defendant's counsel to email the request. If the request is not made in person, it is the responsibility of the defendant or the defendant's counsel to confirm the request was received by the clerk's office. All requests for continuances shall include the date and time the case is being continued to, a time waiver and the defendant or defendant's attorney's signature.

Requests for continuances on cases scheduled for trial must be filed with the clerk no later than 3 business days before the trial date. Continuance requests not received within the time requirements are subject to denial of request, additional court costs, and/or issuance of a warrant. The Clerk of Court will make every attempt to confirm the continuance with all parties and witnesses.

Rule 3.0 Appointment of the Magistrate

Per Section 2.14 of the City of Hilliard Charter, the mayor shall appoint a magistrate(s) to preside over the court. Pursuant to 1905.05 of the Ohio Revised Code, no person shall be appointed unless the person has been admitted to the practice of law in this state and, for a total of at least 3 years preceding the appointment or commencement of service as a magistrate, has been engaged in the practice of law in this state or served as a judge of a court of record in any jurisdiction in the United States, or both.

A magistrate must have initial training before presiding over court. Completion of the two six-hour training requirements (general and OVI) authorizes the magistrate to hear cases through the 31st day of December of the year immediately following the year in which the education was completed. Following the six-hour initial training requirements, the magistrate shall receive each year, three hours of continuing education for offenses other than alcohol and drug related offenses and another three hours of continuing education in cases related to alcohol and drug related traffic offenses if they hear first offense OVI cases.

Rule 4.0 Case Numbering

Cases filed with Hilliard Mayor's Court shall be categorized as traffic, criminal, or parking and serially numbered within each category on an annual basis beginning with the first day of January of each year. The case number shall consist of the year/case type/number.

2001/TRD/0001	Year/Traffic Complaint/Number
2001/TRC/0002	Year/OVI Complaint/Number
2001/CRB/0001	Year/Criminal Complaint/Number
2001/OTH/0001	Year/Parking Complaint/Number

Each case type shall be assigned a case number from its own number pool except for OVI (Operating a Vehicle under the Influence) cases which shall be assigned numbers from the traffic pool.

Multiple traffic charges arising out of the same incident shall be assigned the same traffic case number. Any criminal complaints arising out of the same incident as a traffic complaint shall be assigned a criminal case number.

This system is in accordance with Ohio Supreme Court Rules of Superintendence, Rule 43.

Rule 4.1 Timestamping of Items Received by the Court

All tickets, citations, complaints, reports, motions, mail, correspondences and any other case-related material received by the Court shall be time-stamped to show the date and time of receipt.

Rule 4.2 Joinder of Cases

Criminal and Traffic cases, which are filed at the same time against the same defendant, shall be joined as one case and treated as such throughout the entire Court process. Any motions for separation must be approved by the magistrate.

Rule 4.3 Recording of Court Proceedings

In accordance with the Supreme Court of Ohio's Mayor's Court Rule 11(B)(2), all court proceedings shall be recorded by the court, and the records thereof maintained according to the City of Hilliard's record retention schedule.

No Mayor's Court proceedings shall be recorded through the use of an electronic recording device, stenographer, or in any other similar manner without consent of the Mayor or magistrate. Any person bringing a recording device into the courtroom without having first obtained the Court's consent shall be requested by court security to remove such device from the courtroom.

Rule 4.4 Case Management

The City of Hilliard chooses to follow the Ohio Supreme Court Rules of Superintendence in the area of case management. The Court will strive to complete its cases within the time limit of 6 months. A quarterly report is also submitted to the Supreme Court of Ohio.

Rule 4.5 Transfers

A transfer to the Franklin County Municipal Court can be accomplished by:

- A request of the magistrate due to lack of jurisdiction (R.C. 1905.032)
- A request for a trial by jury or judge (R.C. 2937.08)
- Recusal by the Magistrate; a conflict exists which prevents the Magistrate from impartially deciding the case.

- An appeal after conviction (trial de novo) filed by the defendant (R.C. 1905.25)
- Magistrate decision (R.C. 1905.032)

All requests for transfers by a defendant or their attorney shall be on the designated forms provided by the Franklin County Municipal Court. The Clerk shall provide the defendant with the necessary forms for the Mayor's Court and prepare transfer forms for Franklin County Municipal Court.

The magistrate shall certify all documents filed in the case, and send these, along with the accrued costs to date and the recognizance given, to Franklin County Municipal Court within a period of no more than five (5) working days. If a bond has been previously entered on the case, the bond shall be transferred to Franklin County Municipal Court. The clerk's office shall copy all transferred cases in their entirety. All further proceedings related to the charge(s) in the transferred case shall be discontinued in the Mayor's Court and shall be conducted in Franklin County Municipal Court.

Rule 4.6 Notice of Appeal

Pursuant to ORC 1905.23, within ten days from the time the Magistrate renders judgement, the defendant may file a notice to appeal designating the order of judgement appealed from the court to which the appeal is taken. All further proceedings in the Mayor's Court shall be stayed from the time of filing the notice of appeal. The Clerk of Court shall comply with the procedures set forth in ORC 1905.24 upon notice of filing an appeal.

Rule 5.0 Non-Reporting Probation

The Magistrate has the authority to place a defendant on non-reporting probation for a misdemeanor that carries jail time. If the terms of probation are not met, the court will order a notice of alleged probation violation, and a hearing will be set. At that hearing, the defendant shall be entitled, but not required, to have an attorney present. If the Magistrate determines that a defendant has violated any terms of probation, the Magistrate may fine the defendant or send the defendant to jail. The defendant may bring witnesses and/or evidence to the hearing for the Magistrate's consideration.

Rule 6.0 Authorization of a Summons and/or Warrant

When a defendant fails to appear for their initial appearance, the Clerk of Court shall issue a supplemental citation. Following the issuance of the supplemental citation, if a defendant fails to appear or comply, the magistrate shall determine whether a summons or warrant should be issued. Once the magistrate authorizes the

summons or warrant, the court shall issue the summons or warrant. Prior to the actual mailing of a summons or delivery of a warrant to the Hilliard Division of Police, the Court may cancel issuance of said summons or warrant if the defendant properly files for a continuance or pays all fines and costs associated with the citation prior to the summons or warrant being issued. Summonses and warrants are considered issued once the document is printed, signed and sealed.

The Magistrate shall make the determination of which cases will receive a warrant as a result of a defendant's failure to appear, a violation of non-reporting probation, or contempt of court. The Clerk of Court shall withdraw a warrant if authorized by the prosecuting attorney, with agreement from the Hilliard Division of Police, following an annual review of such outstanding.

Rule 7.0 Sealings/Expungements

The criteria, procedures and eligibility for sealings/expungements are outlined in ORC 2953.

If an applicant meets all the criteria, then they are eligible to file an application with the court to have the public record sealed/expunged. There is a non-refundable application fee of \$50.00 to cover the costs, unless the applicant is determined indigent, or they are sealing/expunging a dismissed case. The Clerk of Court disburses these monies in the following manner:

1. \$30.00 to the State Treasurer
2. \$20.00 to the general fund of the city

Upon filing of the application and payment of the fee, where applicable, the case is scheduled for an expungement/sealing hearing and given to probation for investigation. If the applicant meets all the requirements, the prosecutor may recommend to the court and the court may order that the record be sealed/expunged. The Clerk of Court shall then gather and delete any related index references to that case and seal all related paperwork to be stored in a secure place. The clerk will also notify the Division of Police and Ohio BCI of the expungement order by forwarding a copy of said order to them.

Expunged files are destroyed immediately. Sealed files are retained for the same retention as the live case.

Rule 8.0 Establishment of Traffic Violations Bureau

In accordance with Traffic Rule 13 and Criminal Rule 4.1 of the Ohio Rules of Court, a traffic violations bureau is established and the Clerk of Court is designated as the violations clerk. The traffic violations bureau may process and dispose of all traffic offenses except those listed in division (B) (1) to (9) of Traffic Rule 13 and all minor misdemeanor criminal offenses which are listed on the Hilliard Mayor's Court Fine Schedule.

Rule 9.0 Court Costs

The court costs in Hilliard Mayor's Court for traffic cases (moving violations) shall be \$93.00 and criminal cases \$83.00. This sum shall be distributed as follows unless ordered waived by the presiding magistrate:

\$34.00	General fund of the City of Hilliard
\$20.00	Court's computerization fund, pursuant to ORC 1901.261B
\$20.00	Treasurer of the State of Ohio for deposit in the IDSF (Indigent Defense Support Fund) as required by ORC 2949.091
\$9.00	Treasurer of the State of Ohio for deposit in the state reparations account pursuant to ORC 2743.70 (Victims of Crime)
\$1.50*	County indigent alcohol driver's treatment fund (IDAT)
\$5.00*	Treasurer of State of Ohio for deposit in the state reparations account for Indigent Defense Support Fund, pursuant to ORC 2949.094
\$3.50*	Treasurer of State of Ohio for deposit in the OCJS (Ohio Criminal Justice Services) Indigent Alcohol Treatment Fund pursuant to ORC 2949.094

*Exception: Criminal cases

In addition to the basic court costs above, the following additional costs shall be assessed unless ordered waived by the magistrate:

\$10.00	Continuances
\$25.00	Supplemental Citation
\$15.00	Summons
\$10.00	Subpoena
\$60.00	Warrant
\$25.00	Late Payment Fee
\$25.00	Payment Plan Fee
\$30.00	Dishonored Check Fee
\$70.00	Interpreter Fee (to be paid only when an interpreter is scheduled for a defendant and they fail to appear)
\$9.00	Certified Mail
\$20.00	License Forfeiture Fee
\$20.00	Registration Block Fee
\$20.00	Non-Resident Violator Compact Fee
\$20.00	Warrant Block Fee

\$50.00	Sealing/Expungement Fee (\$30 to state; \$20 to city)
\$25.00	Bond Surcharge
\$50.00	Trial Rescheduling Fee

Rule 9.1 Bail/Bond Schedule

Classification of Offense	Maximum Term of Imprisonment	Maximum Fine/Bond Amount	10% Bond
First Degree	6 months	\$1,000.00	\$100.00
Second Degree	90 days	\$750.00	\$75.00
Third Degree	60 days	\$500.00	\$50.00
Fourth Degree	30 days	\$250.00	\$25.00
Minor Misdemeanor	No imprisonment	\$150.00	\$25.00
Unclassified Misdemeanor	No imprisonment	\$1,000.00	\$100.00

In addition, a \$25 state surcharge must be assessed on all bond amounts.

When a person is arrested pursuant to a warrant for failure to appear or violation of a court order, they must be brought before the court for a hearing or post the bond or pay-out. Payouts are an accumulation of total imposed fines and costs of a previously disposed case or the accumulation of pre-set fines and costs on a payable/waiverable citation through the violations bureau. If a payout is indicated, that amount is to be accepted as satisfaction of the warrant or in lieu of bond.

When the court has determined that a bond is necessary to secure a person's appearance in court due to an active warrant or due to the nature of the charge, a person arrested for a misdemeanor may be released by the Clerk of Court or officer in charge on their personal recognizance, or upon an unsecured appearance bond in the amount specified in the bail/bond schedule.

Any person who fails to appear before the court as required is subject to the forfeiture of bond or bail. Any person released on personal recognizance shall, in addition, be considered to have been released pursuant to section 293.29 of the Revised Code.

Bonds and payouts may be accepted in the form of cash, credit card, money order or surety. If the person posting the bond is someone other than the defendant, the clerk or police officer shall make it known (with the designated form) if said bond money is to be applied towards the violator's debt to the court or returned at the time of disposition. Identification shall also be required from the person posting a bond.

Note: When an individual is posting bond on multiple charges from the same incident, the state costs must only be assessed on one charge.

Rule 9.2 Forms of Acceptable Payment

Payments for fines and/or court costs may be made by cash, credit card, money order, or personal check. Payments for bonds must be made by cash, credit card, money order or surety. No personal checks will be accepted for bond payments. In accordance with Traffic Rule 13, the court will accept credit card via online payment. Once a payment has been received, it constitutes a guilty plea and a waiver of trial rights.

Coins will not be accepted as a form of payment.

Rule 9.3 Overpayments

Overpayments of \$5.00 or less will not be refunded to the defendant. The overpayment shall be applied to the ticket processing fee of the applicable case and disbursed to the City of Hilliard's general fund.

Rule 10.0 Use of Electronically Produced Ticket

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Hilliard Mayor's Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

Rule 11.0 Reporting to Law Enforcement & Compliance Plan

- A. The court has a duty to ensure complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.
- B. The Court will develop a Reporting to Law Enforcement & Compliance Plan.
- C. The Reporting to Law Enforcement & Compliance Plan will identify procedures and timelines for:
 - 1. Obtaining and reporting fingerprints as prescribed by the Revised Code and Supreme Court of Ohio rules, including R.C. 109.57(A)(2) and 109.60(A).
 - 2. Reporting information to the Ohio Department of Public Safety's Bureau of Motor Vehicles as prescribed by R.C. 4510.03, 4513.37, and 5502.10 and Supreme Court rules;
 - 3. Maintaining complete and accurate records in the event of an audit by the

Federal Bureau of Investigation, BCI, or state or local auditors; and

4. Reporting sealed and expunged records to BCI, LEADS, and other law enforcement databases pursuant to the Revised Code, including R.C. Ch. 2953 and R.C. and 2930.171.
- D. The Court will review the Reporting to Law Enforcement & Compliance Plan every three years from its adoption date.