

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 171

Senator Hottinger

Cosponsors: Senators Gardner, Eklund, Lehner, Beagle

A BILL

To amend section 2919.27 of the Revised Code to 1
increase the penalty that applies to the offense 2
of violating a protection order under certain 3
circumstances and to require electronic 4
monitoring of those convicted of violating 5
certain protection orders to be carried out by 6
probation agencies. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2919.27 of the Revised Code be 8
amended to read as follows: 9

Sec. 2919.27. (A) No person shall recklessly violate the 10
terms of any of the following: 11

(1) A protection order issued or consent agreement 12
approved pursuant to section 2919.26 or 3113.31 of the Revised 13
Code; 14

(2) A protection order issued pursuant to section 2151.34, 15
2903.213, or 2903.214 of the Revised Code; 16

(3) A protection order issued by a court of another state. 17

(B) (1) Whoever violates this section is guilty of 18
violating a protection order. 19

(2) Except as otherwise provided in division (B) (3) ~~or~~, 20
(4), or (5) of this section, violating a protection order is a 21
misdemeanor of the first degree. 22

(3) ~~If the~~ Except as otherwise provided in division (B) (4) 23
or (5) of this section, if any of the following apply, violating 24
a protection order is a felony of the fourth degree: 25

(a) The offender previously has been convicted of, pleaded 26
guilty to, or been adjudicated a delinquent child for a 27
violation of a protection order issued pursuant to section 28
2151.34, 2903.213, or 2903.214 of the Revised Code, ~~two or more.~~ 29

(b) The offender previously has been convicted of, pleaded 30
guilty to, or been adjudicated a delinquent child for two 31
violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of 32
the Revised Code that involved the same person who is the 33
subject of the protection order or consent agreement, ~~or one or~~ 34
~~more violations.~~ 35

(c) The offender previously has been convicted of, pleaded 36
guilty to, or been adjudicated a delinquent child for a 37
violation of this section, ~~violating a protection order is a~~ 38
~~felony of the fifth degree.~~ 39

(4) ~~If the~~ Except as otherwise provided in division (B) (5) 40
of this section, if any of the following apply, violating a 41
protection order is a felony of the third degree: 42

(a) The offender previously has been convicted of, pleaded 43
guilty to, or been adjudicated a delinquent child for two or 44
more violations of a protection order issued pursuant to section 45
2151.34, 2903.213, or 2903.214 of the Revised Code. 46

(b) The offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for three or more violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code that involved the same person who is the subject of the protection order or consent agreement.

(c) The offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for two or more violations of this section.

(d) The offender violates a protection order or consent agreement while committing a felony offense, ~~violating a protection order is a felony of the third degree.~~

(5) If the protection order violated by the offender was an order issued pursuant to section 2151.34 or 2903.214 of the Revised Code that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a ~~law enforcement~~ probation agency designated by the court. If the court requires under this division that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the attorney general under section 2903.214 of the Revised Code, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to section 2743.191 of the

Revised Code. The total amount paid from the reparations fund 77
created pursuant to section 2743.191 of the Revised Code for 78
electronic monitoring under this section and sections 2151.34 79
and 2903.214 of the Revised Code shall not exceed three hundred 80
thousand dollars per year. 81

(C) It is an affirmative defense to a charge under 82
division (A)(3) of this section that the protection order issued 83
by a court of another state does not comply with the 84
requirements specified in 18 U.S.C. 2265(b) for a protection 85
order that must be accorded full faith and credit by a court of 86
this state or that it is not entitled to full faith and credit 87
under 18 U.S.C. 2265(c). 88

(D) As used in this section, ~~"protection"~~ 89

(1) "Protection order issued by a court of another state" 90
means an injunction or another order issued by a criminal court 91
of another state for the purpose of preventing violent or 92
threatening acts or harassment against, contact or communication 93
with, or physical proximity to another person, including a 94
temporary order, and means an injunction or order of that nature 95
issued by a civil court of another state, including a temporary 96
order and a final order issued in an independent action or as a 97
pendente lite order in a proceeding for other relief, if the 98
court issued it in response to a complaint, petition, or motion 99
filed by or on behalf of a person seeking protection. 100
"Protection order issued by a court of another state" does not 101
include an order for support or for custody of a child issued 102
pursuant to the divorce and child custody laws of another state, 103
except to the extent that the order for support or for custody 104
of a child is entitled to full faith and credit under the laws 105
of the United States. 106

<u>(2) "Probation agency" has the same meaning as in section</u>	107
<u>2951.01 of the Revised Code.</u>	108
Section 2. That existing section 2919.27 of the Revised	109
Code is hereby repealed.	110