

# Advisory Committee on Domestic Violence

## M E M O R A N D U M

TO: Senator Kevin Bacon

FROM: Advisory Committee on Domestic Violence

DATE: March 28, 2017

RE: Senate Bill 7

The Supreme Court Advisory Committee on Domestic Violence appreciates the opportunity to offer comments on Amended Senate Bill 7, which provides that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order or consent agreement if the person has had actual notice of the order and the person recklessly violated its terms. We commend your efforts to advance public policy that strengthens the Judiciary. Because the subject matter of the proposed legislation may result in future litigation before the Supreme Court of Ohio, the comments offered should not be construed as the Court's position or opinion. These comments solely reflect the informed sentiment of the members of the Advisory Committee.

The Advisory Committee has carefully reviewed Amended Senate Bill 7. After thoughtful consideration of this bill, the Advisory Committee believes this legislation will clarify ongoing concerns regarding the enforceability of validly issued protection orders and restore faith in the judicial system. Ohioans rely on courts to provide finite solutions to their legal problems—i.e., do individual justice in individual cases. Current case law has cast doubt over the courts' ability to fulfill this core purpose by discouraging enforcement of validly issued protection orders, if the order has not been personally served.

Ohio protection orders are extraordinary relief to protect victims and their family or household members from immediate and present danger. Additionally, courts are directed by the Ohio Revised Code to handle protection order proceedings in an expedited manner and grant appropriate relief to bring about the cessation of violence. Victims and the public rely on the courts' orders to feel safe and believe law enforcement will act upon being presented with a validly issued protection order. Yet, offenders, who purposefully evade service, thwart the effectiveness and enforcement of valid protection orders. In fact, the uncertain enforcement of protection orders may put victims and the public at greater risk of further violence.

Amended Senate Bill 7 provides a just and responsible solution and restores trust of validly issued protection orders. This legislation reiterates that an offender can be held

accountable for recklessly violating terms of any civil or criminal protection order or consent agreement if the prosecuting attorney can prove the offender has actual notice of the order and its terms. The Advisory Committee supports the amendment of R.C. 2919.27(B)(3)(a) to underscore that repeat violations of temporary domestic violence protection orders (R.C. 2919.26) may be punished as a fifth degree felony.

Thank you for promoting public policy that eliminates the ambiguity about the validity and enforceability of protection orders. We appreciate your taking the time to consider the Advisory Committee's comments.