



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

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H.B. 585

132nd General Assembly
(H. State and Local Government)

This table summarizes how the latest substitute version of the bill (L_132_2434-3) differs from the immediately preceding version (H.B. 585, As Introduced). It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (H.B. 585, As Introduced)	Sub. Version (L_132_2434-3)
Extreme risk protection order (ERPO) petition	Authorizes a "family or household member" of a "respondent," a "person living as a spouse" (all defined in R.C. 3113.26) of a respondent, or a law enforcement officer to petition a common pleas court requesting the court to issue an extreme risk protection order (ERPO) temporarily enjoining the respondent from having any deadly weapon or firearm (R.C. 3113.27(A)(1) and (3)).	Same, except that it specifies that the request (R.C. 3113.27(A)(1) and (3); defined terms in R.C. 3113.26): (1) is to be made to a probate court (instead of a common pleas court); and (2) is to ask for issuance of an extreme risk protection order (ERPO) temporarily enjoining the respondent from having any firearm, instead of any deadly weapon or firearm. This version of the bill does not provide for the transfer or seizure under an ERPO of a "deadly weapon" and it removes all references in the prior version to deadly weapons being subject to ERPOs (numerous places throughout the bill).

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	Requires that specified types of allegations and information must be included in the petition (R.C. 3113.27(A)(2)). Among the information that must be included is the identification of the number, types, and locations of deadly weapons or firearms the petitioner believes the respondent has when the petition is filed. (R.C. 3113.27(A)(2)(b).)	Same, except that it (R.C. 3113.27(A)(2)(b) and (e)): (1) removes all references to deadly weapons in the information that must be included in the petition, and (2) adds a requirement that if, when the petition is filed, the respondent is in custody under an existing provision authorizing the temporary involuntary confinement of a person for a mental health-related examination (described below in " Taking possession of firearms under R.C. 5122.10 ;" hereafter, "the R.C. 5122.10 mental health-related examination provision"), the petition must state that fact, the date on which the respondent was taken into custody, and the location of the custody.
Scheduling and conduct of full hearing on ERPO petition	Upon the filing of a petition for an ERPO, requires the court to conduct a full hearing on the petition not later than three calendar days after it is filed (also see the provisions below regarding a petition that requests the issuance of an ERPO after an <i>ex parte</i> hearing), provides for notice of the hearing, provides that the respondent may appear and present evidence at the full hearing, and specifies five grounds for a continuance of the full hearing (R.C. 3113.27(A)(6)).	Same, except that it (R.C. 3113.27(A)(6) and (7)): (1) Adds a sixth ground for a continuance of the hearing, with the sixth ground being that, when the petition was filed, the respondent was in custody under the R.C. 5122.10 mental health-related examination provision; and (2) Specifies that if, at the time scheduled for the hearing, the respondent is in custody as described in (1), the respondent must be released from the custody for purposes of attending the hearing. After the hearing, the respondent must be returned to the hospital in which the respondent was in custody unless the respondent was discharged. The court may direct that a law enforcement officer transport the respondent to and from the hearing.

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Issuance of ERPO after full hearing	Provides that the court may issue an ERPO after a full hearing at which the petitioner has the burden of proof and at which the Civil Rules and Evidence Rules apply (hereafter, a standard ERPO) if the petitioner proves by clear and convincing evidence that the respondent presents a significant risk of specified danger to self or another to such an extent that the respondent should be immediately and temporarily enjoined from having any deadly weapon or firearm (R.C. 3113.27(A)(4) and (5) and (B)(1) and (2)).	Same, except that it removes the reference to deadly weapons in the provision specifying the petitioner's burden of proof for issuance of an ERPO (R.C. 3113.27(B)(1); also 3113.27(A)(4) and (5) and (B)(2)). In the remainder of this column, ERPOs issued under this version of the bill are referred to as "ERPOs" – because this version of the bill does not provide for the issuance of " <i>ex parte</i> ERPOs," there is no need to refer to ERPOs issued under this provision as "standard ERPOs."
Content of ERPO issued after full hearing	Specifies the content of a standard ERPO, including its duration, which is to be "not longer than 180 days," notice of the right to petition to reclaim the seized firearms and deadly weapons and the time when it may be filed, and notice regarding the required voluntary transfer of the firearms and deadly weapons and the issuance of a warrant for their seizure if the voluntary transfer is not made (R.C. 3113.27(B)(3) and (5)).	Same (R.C. 3113.27(B)(3) and (5)), except that it: (1) modifies the provision requiring the inclusion of the specified duration of the ERPO to indicate that the duration is 180 days, instead of "not longer than 180 days" (R.C. 3113.27(B)(3)(c)), (2) requires the ERPO to indicate that it may be extended upon request of the petitioner if the court makes certain findings, as described below (R.C. 3113.27(B)(3)(c)), and (3) removes all references to deadly weapons from the provisions requiring inclusion of information regarding transfers, seizures, and reclamations of firearms and, in the prior version, deadly weapons (R.C. 3113.27(B)(3)(d), (3)(e), and (5)).
Notice of issuance of ERPO after a full hearing	Provides that if a court issues a standard ERPO, the court must immediately direct a law enforcement officer to serve it on the respondent as soon as possible, at the residence provided in the petition or any other	Same, except that it adds the requirement that if, at the time of issuance of the ERPO, the respondent is in custody under the R.C. 5122.10 mental health-related examination provision, the law enforcement officer must serve the ERPO

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	location where the respondent is found, and, after the service, to file a notice of service with the court (R.C. 3113.27(B)(4)).	on the respondent at the hospital in which the respondent is in custody (R.C. 3113.27(B)(4)).
<p>Petition for, and issuance and enforcement of, ERPO after an <i>ex parte</i> hearing</p>	<p>Authorizes a person who petitions for an ERPO and who believes that the respondent's risk of the specified danger to self or another is imminent to seek an ERPO after an <i>ex parte</i> hearing (hereafter, an <i>ex parte</i> ERPO), and provides for an <i>ex parte</i> hearing on the petition at which the Civil Rules and Evidence Rules apply. The petition must comply with all of the requirements described above for standard ERPO petitions and specify that the request is for an <i>ex parte</i> ERPO. (R.C. 3113.27(C)(1).)</p> <p>Provides that, at the <i>ex parte</i> hearing, to be held on the same day the petition is filed, the petitioner must prove, by clear and convincing evidence, that the respondent presents a significant and imminent risk of committing suicide, committing another form of serious self-harm, or causing physical injury to another person to such an extent that the respondent should be immediately and temporarily enjoined from having any deadly weapon or any firearm (R.C. 3113.37(C)(2) to (4)).</p> <p>Provides that, if a court issues an <i>ex parte</i> ERPO, its duration is not longer than 72 hours. Upon the issuance of an <i>ex parte</i> ERPO, which must include specified information (some similar to that of an ERPO issued after a full hearing</p>	<p>No provisions on this topic – this version of the bill does not provide for the issuance of <i>ex parte</i> ERPOs (removal of R.C. 3113.27(C), and related provisions, from the prior version), but see "Taking possession of firearms under R.C. 5122.10," below. This version of the bill removes all references in the prior version of the bill to <i>ex parte</i> ERPOs (numerous places throughout the bill).</p>



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	<p>and some unique to <i>ex parte</i> ERPOs), the court must issue a warrant for the immediate seizure by a law enforcement officer of the weapons and firearms, and for a full hearing within 72 hours to consider whether to issue a standard ERPO as described above (R.C. 3113.27(C)(5) and (6)).</p> <p>Provides that if a court issues an <i>ex parte</i> ERPO and the respondent's deadly weapons or firearms were seized pursuant to a warrant, and if the court at the full hearing denies the petitioner's request to issue a standard ERPO, the law enforcement agency possessing the respondent's deadly weapons or firearms under the ERPO must return them upon the respondent's request (R.C. 3113.28(C)).</p>	
<p>Taking possession of firearms under R.C. 5122.10</p>	<p>No provisions on this topic – this version of the bill does not address the taking of firearms under R.C. 5122.10 (but see "Petition for and issuance and enforcement of, ERPO after an <i>ex parte</i> hearing (hereafter, <i>ex parte</i> ERPO),"above).</p>	<p>Provides that when a person is taken into custody under the R.C. 5122.10 mental health-related examination provision (see below), the law enforcement officer who takes the person into custody on the officer's initiative or in assisting the other individual who takes the person into custody may take temporary custody of any firearms that are in plain sight or discovered pursuant to a consensual or other lawful search if it is necessary to take custody of the firearms to protect the law enforcement officer or other persons present. The law enforcement officer's agency must retain all firearms taken under this provision, pending either a court order or discharge as described below. (R.C. 5122.10(B)(1).) The person taken</p>

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		<p>into custody must be informed of the possibility that the firearms might be taken temporarily and that firearms taken will be returned upon court order or release (R.C. 5122.10(A)).</p> <p>Provides that if a law enforcement officer takes temporary custody of any firearms under the provision described above, one of the following applies (R.C. 5122.10(B)(2)):</p> <p>(1) If, after the mental health-related examination of the person, it is believed that the person is not a mentally ill person subject to court order: (a) if the person is released or discharged, upon or after the release or discharge, the agency must return the firearms upon the person's request; but (b) if a court has issued a temporary order of detention applicable to the person under R.C. 5122.11, the agency must retain the firearms, pending either a court order or release.</p> <p>(2) If, after the mental health-related examination, it is believed that the person is a mentally ill person subject to court order and the person is detained for not more than three court days following the examination: (a) if the person is discharged at the end of the period of detention, upon or after the discharge, the agency must return the firearms upon the person's request; but (b) if the person is not discharged at the end of the period of detention and another authorized disposition is made of the person, the agency must retain the firearms,</p>

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		<p>pending either a court order or release.</p> <p>Provides that if a law enforcement officer takes temporary custody of any firearms under the provision described above, if the firearms are to be returned as described above, and if the person who is to receive the firearms requests their return, the law enforcement agency with custody of the firearms must return them to the person as soon as possible after, but not later than the end of the next business day after the day on which, the person makes the request (R.C. 5122.10(C)).</p> <p>Provides that if a law enforcement officer takes temporary custody of any firearms under the provision described above, the law officer's agency (R.C. 5122.10(D)): (1) may not mark, damage, deface, or destroy the firearms while they are in its possession, (2) must maintain the integrity and identity of the firearms in such a manner that, if they subsequently are to be returned to a person, they can be identified and returned in the same condition they were in when taken, (3) may not relinquish control of the firearms other than as described above, and (4) must make a record of the firearms for purposes of the section containing the provision and the bill's provisions regarding ERPOs.</p> <p>Regarding the record described in clause (4) of the preceding paragraph (R.C. 5122.10(D)(2)):</p>



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		<p>(1) notwithstanding the state's Public Records Law, the record is not a public record and may be used only for the purposes identified in that clause, (2) no person may disseminate the record or any information on it, other than as required for the purposes identified in that clause or as required pursuant to a court order; (3) and the agency may not submit the record or any information on it to any government entity for purposes of a centralized database and no government entity may establish or maintain any centralized database including the record or any information on it.</p> <p>The R.C. 5122.10 mental health-related examination provision that is the basis of the provisions described above provides that any of a list of specified mental health professionals, a parole officer, a probation officer, or a police officer or sheriff who has reason to believe that a person is a "mentally ill person subject to court order" (a defined term) and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination may take the person into custody and transport the person to a specified type of hospital where the person may be held for a period prescribed by law for purposes of a mental health-related examination (R.C. 5122.10, designated as R.C. 5122.10(A) under the bill).</p>



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<p>Factors considered in determining whether to issue ERPO after full or <i>ex parte</i> hearing</p>	<p>Provides that a court must consider all of the following in determining whether to issue a standard or <i>ex parte</i> ERPO (R.C. 3113.27(D)):</p> <p>(1) recent threats or acts of violence by the respondent directed toward the petitioner or any other person, (2) recent acts of the respondent's cruelty to animals, (3) the respondent's reckless use, display, or brandishing of a deadly weapon or firearm, (4) a history of the respondent's suicide threats or attempts or other attempts to engage in any self-harm, (5) a history of the respondent's use, or attempted or threatened use, of physical force or violence against another person, (6) the respondent's illegal controlled substance use or alcohol abuse, (7) a prior involuntary confinement of the respondent under R.C. 5122.10 (the statute that allows emergency hospitalization for mental health examination of a person in specified circumstances), and (8) any other factors relevant to an evaluation of whether the respondent presents a significant risk of committing suicide, committing another form of self-harm, or causing physical injury to another person.</p> <p>No provision on this matter.</p>	<p>Modifies the provisions of the prior version to specify that a court must consider all of the following in determining whether to issue an ERPO (R.C. 3113.27(C)(1); all references to an <i>ex parte</i> ERPO are removed): (1) recent threats or acts of a type identified in clause (1) or (2) under the discussion of the prior version, (2) the respondent's reckless use, display, or brandishing of a firearm (the reference to deadly weapon is removed), (3) a history of any conduct identified in clause (4) or (5) under the discussion of the prior version, (4) a prior confinement of the respondent under the R.C. 5122.10 mental health-related examination provision or R.C. 5122.11 (the statute regarding treatment of mentally ill persons subject to court order) that resulted in the respondent being found to be a mentally ill person subject to court order, and (5) any other factors as identified in clause (8) under the discussion of the prior version.</p> <p>Specifies that, as used in the factors described above (R.C. 3113.27(C)(2)): (1) "recent" means at any time within the 6-month period immediately prior to the filing of the petition requesting the issuance of an ERPO with respect to which the hearing pertains, and (2) "a history of" a specified type of activity or conduct</p>

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		means that the specified activity or conduct has occurred multiple times within the 6-month period immediately prior to the filing of the petition requesting the issuance of an ERPO with respect to which the hearing pertains.
Issuance of ERPO after full or <i>ex parte</i> hearing – notice to specified persons and entities	Specifies that a copy of a standard or <i>ex parte</i> ERPO issued under its provisions must be issued to the petitioner, to the respondent, and to all law enforcement agencies with jurisdiction to enforce the ERPO (R.C. 3113.27(F)(1)).	Same, except that it (R.C. 3113.27(E)(1)): (1) removes the reference to <i>ex parte</i> orders, and (2) adds language specifying that: (a) if the court that issued the ERPO terminates or cancels it, the court must cause delivery of notice of the termination or cancellation to the same persons and entities that were issued a copy of the ERPO; and (b) if a court of appeals overturns the ERPO, that court must cause delivery of notice of its decision to the same persons and entities that were issued a copy of the ERPO or of an extension of it (under the provisions described below).
Inclusion of ERPO issued after full or <i>ex parte</i> hearing in LEADS and NCIC database	Provides that any standard or <i>ex parte</i> ERPO must be in a form that ensures it is accepted into the NCIC Protection Order Database and that law enforcement must enter it into LEADS within 24 hours of receipt (R.C. 3113.27(F)(2) and (3)).	Same, except that (R.C. 3113.27(E)(2) and (3)): (1) regarding the NCIC Database, it removes the reference to <i>ex parte</i> ERPOs, and (2) regarding LEADS and the NCIC Database, it adds language specifying that, upon termination or cancellation of the ERPO, or upon a court of appeals decision overturning the ERPO, the law enforcement agency must take all steps necessary to ensure that the ERPO is removed from LEADS within 24 hours after receipt of the notice of the termination, cancellation, or overturning and that the ERPO is terminated, cleared, or canceled in the NCIC Database.

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<p>Voluntary transfer of firearms and deadly weapons under ERPO issued after full hearing</p>	<p>Specifies that, upon the issuance of a standard ERPO, the respondent may voluntarily transfer all of the respondent's deadly weapons and firearms by complying with the following (R.C. 3113.28(A)):</p> <p>(1) Within 24 hours after being served with the ERPO, transferring all of the respondent's deadly weapons and firearms to a law enforcement agency and obtaining a specified proof of transfer; and</p> <p>(2) Within 48 hours after being served with the ERPO: (a) filing a copy of the proof of transfer with the court that issued the ERPO and an affidavit stating that all of the respondent's deadly weapons and firearms have been transferred as described in (1), above, and that the respondent then has no deadly weapons or firearms; or (b) filing an affidavit with the court that issued the ERPO stating that when the respondent was served with the ERPO, the respondent had no deadly weapons or firearms, and then has no deadly weapons or firearms.</p>	<p>Modifies the prior version on this matter by allowing voluntary transfers to "federally licensed firearms dealers" (defined in R.C. 3113.26), removing all references to deadly weapons, and recognizing that some respondents might be in custody under the R.C. 5122.10 mental health-related examination provision. This version specifies that, upon the issuance of an ERPO, the respondent may voluntarily transfer all of the respondent's firearms by complying with the following (R.C. 3113.28(A)):</p> <p>(1)(a) Subject to the provisions described in paragraph (1)(b), within 24 hours after being served with the ERPO, transferring all of the respondent's firearms to a law enforcement agency or federally licensed firearms dealer and obtaining a specified proof of transfer;</p> <p>(b) If the respondent was taken into custody under the R.C. 5122.10 mental health-related examination provision after the issuance of the ERPO but before the respondent's compliance with the provisions described in paragraph (1)(a), above, or before the issuance of the ERPO and the ERPO was issued while the respondent was in that custody or under any other disposition that is subsequent and related to that custody, the provisions described in paragraph (1)(a), above do not apply to the respondent while in that custody or under that disposition. Upon the respondent's release or discharge from that custody or disposition, if the ERPO remains in effect, within 24 hours of that</p>

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		<p>release or discharge, the respondent must comply with the provisions described in paragraph (1)(a), above, and those provisions apply with respect to transfers made under it.</p> <p>(2)(a) Subject to the provisions described in paragraphs (2)(b) and (c), below, within 48 hours after being served with the ERPO: (i) filing a copy of the proof of transfer with the court that issued the ERPO and an affidavit stating that all of the respondent's firearms have been transferred as described in (1)(a), above, and that the respondent then has no firearms; or (ii) filing an affidavit with the court that issued the ERPO stating that when the respondent was served with the ERPO, the respondent had firearms, and then has no firearms.</p> <p>(b) If the respondent was taken into custody under the R.C. 5122.10 mental health-related examination provision after the issuance of the ERPO but before the respondent's compliance with the provisions described in paragraph (1)(a), above, the provisions described in paragraph (2)(a), above do not apply to the respondent while the respondent remains in that custody or under any other disposition that is subsequent and related to that custody. Instead, within 48 hours after being taken into custody, the respondent must file an affidavit with the court that issued the ERPO stating that the respondent is in that custody or under that disposition. Upon the respondent's release or discharge from that custody or disposition, if the ERPO remains in effect, the respondent must</p>



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	No provisions on this matter.	<p>comply with the provisions of paragraph (1)(a), above, as specified under paragraph (1)(b), and, within 48 hours after that release, must comply with the provisions described in paragraph (2)(a), above.</p> <p>(c) If the respondent was taken into custody under the R.C. 5122.10 mental health-related examination provision before the issuance of the ERPO and the ERPO was issued while the respondent was in that custody or under any other disposition that is subsequent and related to that custody, the provisions described in paragraph (2)(a), above, do not apply to the respondent while in that custody or under that disposition. Instead, within 48 hours after being served with the ERPO, the respondent must file an affidavit of the type described in paragraph (2)(b), above, with the court that issued the ERPO. Upon the respondent's release or discharge from that custody or disposition, if the ERPO remains in effect, the respondent must comply with the provisions of paragraph (1)(a), above, as specified under paragraph (1)(b), and, within 48 hours after that release, must comply with the provisions described in paragraph (2)(a), above.</p> <p>Specifies that the enforcement of an ERPO is separate from, and independent of, the taking of temporary custody of firearms under this version of the bill when a person is taken into custody under the R.C. 5122.10 mental health-related examination provision, and, in the</p>

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		circumstances described above in paragraphs (1)(b), (2)(b), and (2)(c), the procedures described in those paragraphs apply with respect to the respondent under the ERPO (R.C. 3113.28(C)).
Warrant issuance and seizures under ERPO issued after full or <i>ex parte</i> hearing	Provides that if a respondent who is subject to a standard ERPO does not voluntarily transfer all deadly weapons and firearms in compliance with the bill as described above or if a respondent is subject to an <i>ex parte</i> ERPO, the court that issued the ERPO must issue a warrant commanding a law enforcement officer to search for and seize all of the respondent's deadly weapons and firearms. The officer, not later than 48 hours after serving the warrant, must file a return with the court. The return must specify when the warrant was served and identify the respondent and all weapons and firearms seized. (R.C. 3113.28(B).)	Same, except that it (R.C. 3113.28(B)): (1) removes all references to <i>ex parte</i> ERPOs and to deadly weapons, and (2) adds language stating that if a court that otherwise is required to issue a warrant under the provisions determines that the respondent is in custody or that the respondent's firearms already have been surrendered to and are in the possession of a law enforcement agency, the court may decide to not issue the warrant pending the respondent's release or the return of the firearms.
Duration of ERPO issued after full hearing	Specifies that a standard ERPO issued after a full hearing is in effect for a period of not longer than 180 days, beginning after a copy of the proof of a voluntary transfer or an affidavit is filed with a court or a return is filed with a court, all as described above (R.C. 3113.29(A).) But note that the duration is subject to the ERPO termination and extension provisions described below.	Modifies the prior version to specify that: (1) an ERPO is in effect for a period of 180 days (instead of a period of "not longer than 180 days"), beginning after a copy of the proof of a voluntary transfer or an affidavit is filed with a court or a return is filed with a court, all as described above; (2) the ERPO's initial 180-day period is subject to termination as described below; and (3) an ERPO also may be extended one or more times under the extension provisions described below (R.C. 3113.29(A).)
Procedure for reclaiming items taken under ERPO	Provides that, with respect to a standard ERPO, beginning 90 days after a copy of the proof of a	Same, except that it removes all references to deadly weapons (R.C. 3113.29(B)(1) to (3)).

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<p>issued after full hearing (and terminating such an ERPO)</p>	<p>voluntary transfer or an affidavit is filed with a court or a return is filed with a court as described above, the respondent may petition the court that issued the ERPO requesting a hearing to reclaim possession of the respondent's deadly weapons and firearms. Upon receipt of such a petition, the court conducts a hearing on the petition. At the hearing, the respondent must prove by a preponderance of the evidence that the respondent no longer presents a significant risk of committing suicide, committing another form of serious self-harm, or causing physical injury to another person to such an extent that the respondent should be enjoined from having any deadly weapon or firearm. The petitioner may present evidence to rebut the respondent's evidence. (R.C. 3113.29(B)(1) to (3).)</p> <p>Provides that if the court finds at the hearing that the respondent no longer presents a significant risk of committing suicide, committing another form of serious self-harm, or causing physical injury to another person to such an extent that the respondent should be enjoined from having any deadly weapon or any firearm, the court must grant the petition, terminate the ERPO, and order the law enforcement agency having custody of the weapons or firearms to promptly return them to the respondent upon the respondent's request. Upon receipt of the order, the agency promptly must return the deadly weapons or firearms to the respondent upon the respondent's request.</p>	<p>Same, except that it (R.C. 3113.29(B)(4)(a)): (1) removes all references to deadly weapons; and (2) specifies that if the court makes that finding, the court must grant the petition, terminate the ERPO, and order the law enforcement agency or federally licensed firearms dealer having custody of the firearms to return them to the respondent upon the respondent's request as soon as possible, but not later than the end of the next business day after, the respondent makes the request and that, upon receipt of the order, the agency, or dealer must return the firearms to the respondent upon the respondent's request not later than the end of the next business day after, the respondent</p>

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	<p>(R.C. 3113.29(B)(4)(a).)</p> <p>Provides that if the court finds at the hearing that the respondent continues to present a significant risk of committing suicide, committing another form of serious self-harm, or causing physical injury to another person to such an extent that the respondent should be enjoined from having any deadly weapon or any firearm, the court must deny the petition and the ERPO remains in effect for the remainder of the 180-day period. In such a case, the respondent may not file a subsequent petition to reclaim the deadly weapons or firearms at any time during the remainder of the duration of the 180-day period. (R.C. 3113.29(B)(4)(b).)</p>	<p>makes the request. (R.C. 3113.29(B)(4)(a).)</p> <p>Same, except that it removes all references to deadly weapons (R.C. 3113.29(B)(4)(b)).</p>
<p>Termination in general of ERPO issued after full hearing</p>	<p>Specifies that if a standard ERPO has been issued for a 180-day period and the court has not ordered that the respondent's deadly weapons or firearms be returned after a hearing as described above, unless the ERPO is extended for an additional 180-day period under the procedure described below, at the conclusion of the 180-day period the ERPO terminates and the law enforcement agency having possession of the respondent's deadly weapons and firearms promptly must return them upon the respondent's request (R.C. 3113.29(C)).</p>	<p>Same, except that it (R.C. 3113.29(C)): (1) removes all references to deadly weapons, (2) modifies the "unless" clause so that it says "unless the ERPO is extended for an additional period of not longer than 180 days" (see below); and (3) modifies the "return" language to specify that, at the conclusion of the 180-day period, the ERPO terminates and the law enforcement agency or federally licensed firearms dealer having possession of the respondent's deadly weapons and firearms must return them upon the respondent's request and that the agency or dealer must return them as soon as possible, but not later than the end of the next business day after the day on which, the respondent makes the request.</p>

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<p>Procedure for extension of ERPO issued after full hearing</p>	<p>Provides that if a standard ERPO has been issued by the court for a 180-day period and the court has not ordered that the respondent's deadly weapons or firearms be returned after a hearing under the process as described above, at any time prior to the day that is 165 days after the ERPO was issued, the petitioner may file a motion requesting the court that issued the ERPO to extend it for an additional 180-day period. Upon the filing of the motion, the court conducts a hearing prior to the expiration of the 180-day period in the original ERPO. At the hearing, the petitioner must prove, by clear and convincing evidence, that the respondent continues to present a significant risk of committing suicide, committing another form of serious self-harm, or causing physical injury to another person in the near future to such an extent that the respondent should remain temporarily enjoined from having any deadly weapon or any firearm. The court must consider all of the factors identified above with respect to the initial issuance of an ERPO. (R.C. 3113.29(D)(1) to (3)).</p> <p>Specifies that if the court at the hearing finds that the petitioner has not proven by clear and convincing evidence that the respondent continues to present a significant risk of committing suicide, committing another form of serious self-harm, or causing physical injury to another person to such an extent that the respondent should be enjoined from having any</p>	<p>Same, except that it (R.C. 3113.29(D)(1) to (3)): (1) removes all references to deadly weapons; (2) specifies that the request is for a possible extension of not longer than 180 days (instead of 180 days); and (3) adds language specifying that if an initial ERPO has been issued, if the ERPO has been extended under the bill's procedures, and if the court has not terminated the "extended ERPO" (defined in R.C. 3113.26) and ordered the return of the respondent's firearms after a hearing under the termination process described above, at any time that is prior to the day that is 15 days before the termination date of the extended ERPO, the petitioner may file a motion requesting the court that issued the ERPO to extend it for an additional period of not more than 180 days (the procedures in the prior version with respect to an initial request for extension also apply with respect to this petition).</p> <p>Same, except that it (R.C. 3113.29(D)(4)(a)): (1) removes all references to deadly weapons; (2) provides that if the court makes the specified findings, the court must deny the motion, the ERPO will expire at the end of the specified 180-day period if it is an initial ERPO or on the termination date of the extension if it is an extended ERPO, and the law enforcement</p>

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	<p>deadly weapon or any firearm, the court must deny the motion, the initial ERPO will expire at the end of the current 180-day period, and the law enforcement agency having custody of the deadly weapons or firearms promptly must return them upon the respondent's request after the expiration of the 180-day period. (R.C. 3113.29(D)(4)(a)).</p> <p>Specifies that if the court at the hearing finds that the petitioner has proven by clear and convincing evidence that the respondent continues to present a significant risk of committing suicide, committing another form of serious self- harm, or causing physical injury to another person to such an extent that the respondent should be enjoined from having any deadly weapon or any firearm, the court must grant the motion and extend the current ERPO for an additional 180-day period immediately following the expiration of the current 180-day period (R.C. 3113.29(D)(4)(b)).</p> <p>If the court grants an extension motion, the court must notify the law enforcement agency possessing the deadly weapons or firearms that the court has extended the ERPO for an additional 180 days and notify the respondent that the respondent may file a petition to reclaim the deadly weapons or firearms under the procedure described above or may appeal the extension to the court of appeals.</p>	<p>agency or federally licensed firearms dealer having custody of the firearms must return them upon the respondent's request after the expiration of the applicable specified period; and (3) specifies that the agency or dealer must return the firearms as soon as possible after, but not later than the next business day after, the respondent makes the request.</p> <p>Same, except that it (R.C. 3113.29(D)(4)(b)): (1) removes all references to deadly weapons; (2) provides that if the court makes the specified findings, the court must grant the motion and extend the current ERPO for an additional period of not longer than 180 days (instead of 180 days) immediately following the expiration of the specified 180-day period if it is an initial ERPO or the date of termination of the extension if it is an extended ERPO, whichever is applicable (R.C. 3113.29(D)(4)(b)).</p> <p>Same, except that it (R.C. 3113.29(D)(6)): (1) removes all references to deadly weapons, and (2) specifies that the notice must indicate that the court has extended the ERPO for an additional period of not longer than 180 days (instead of 180 days) and the duration of the extension.</p>

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<p>Law enforcement agency functions regarding deadly weapons and firearms transferred or seized under ERPO issued after full or ex parte hearing</p>	<p>(R.C. 3113.29(D)(6).)</p> <p>Requires a law enforcement agency having custody of any deadly weapons or firearms that were voluntarily transferred by or seized from a respondent who was subject to a standard or <i>ex parte</i> ERPO to safely keep them until further order of the court that issued the ERPO (R.C. 3113.29(E)).</p> <p>Authorizes a law enforcement agency possessing a respondent's deadly weapons or firearms pursuant to a standard or <i>ex parte</i> ERPO, whether by a voluntary transfer or a seizure, both as described above, to transfer them for storage by the State Highway Patrol for the duration of the ERPO. The Patrol must issue the agency a specified proof of transfer and notify the court, petitioner, and respondent of the transfer. (R.C. 3113.28(D).)</p> <p>Provides a procedure for the sale of the deadly weapons or firearms in the possession of a law enforcement agency under a standard or <i>ex parte</i> ERPO, upon the request of the respondent: Under the procedure, a respondent</p>	<p>Same, except that it (R.C. 3113.28(D)(1) and 3113.29(E): (1) removes all references to deadly weapons and to <i>ex parte</i> ERPOs and makes the provision also apply to federally licensed firearms dealers with possession of any firearm; and (2) adds language specifying that the agency or dealer may not mark, damage, deface, or destroy the firearms while in the agency's or dealer's possession, must maintain the integrity and identity of the firearms in such a manner that, if they subsequently are to be returned to a person, they can be identified and returned in the same condition they were in when taken, and may not relinquish control of the firearms other than as described above.</p> <p>Same, except that it removes all references to deadly weapons and to <i>ex parte</i> ERPOs and specifies that the provision does not apply to federally licensed firearms dealers with possession of any firearm under an ERPO (R.C. 3113.28(D)(2)).</p> <p>Same, except that it (R.C. 3113.29(F)): (1) removes all references to deadly weapons and to <i>ex parte</i> ERPOs, and (2) specifies that the provisions, including the provision for retention of up to 3% of the sale price to pay the costs of</p>

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	<p>whose deadly weapons or firearms are in the possession of a law enforcement agency under such an ERPO may request the court to order the agency to sell at auction one or more of the weapons or firearms that lawfully may be sold, as specified in the request, and to return the proceeds to the individual. If a respondent makes such a request, the court must order the law enforcement agency having custody of the specified weapons or firearms to sell them under a specified auction sale procedure, unless their serial numbers have been obliterated. If a court issues such an order and the deadly weapons or firearms are sold, the law enforcement agency may retain not more than 3% of the sale price to pay the costs of the sale, and all of the sale price not so retained must be returned to the individual who owned the weapon or the firearm. (R.C. 3113.29(F).)</p> <p>No provision on this matter.</p>	<p>the sale, also apply with respect to federally licensed firearms dealers with possession of any firearm under an ERPO.</p> <p>Specifies that any law enforcement agency or federally licensed firearms dealer having custody of any firearms that were voluntarily transferred by or seized from a respondent who was subject to an ERPO, or the State Highway Patrol with custody of them as described above, must make a record of the firearms for purposes of the bill's provisions regarding ERPOs. Regarding the record: (1) notwithstanding the state's Public Records Law, the record is not a public record and may be used only for purposes of the bill's provisions regarding ERPOs; (2) no person may disseminate the</p>



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		record or any information on it, other than as required for the purposes identified in clause (1) or as required pursuant to a court order; and (3) the agency, dealer, or Patrol may not submit the record or any information on it to any government entity for purposes of a centralized database and no government entity may establish or maintain any centralized database including the record or any information on it. (R.C. 3113.28(D)(3)).
Filing false petition for an ERPO to be issued after full or ex parte hearing – criminal offense	Prohibits any person from filing a petition for a standard or <i>ex parte</i> ERPO alleging that the respondent presents a significant risk of committing suicide, committing another form of serious self-harm, or causing physical injury to another person to such an extent that the respondent should be temporarily enjoined from having any deadly weapon or any firearm if the person knows the allegation is false. A violation of the prohibition is a first degree misdemeanor. (R.C. 3113.30(A) and 3113.99(B)(2).)	Same, except that it removes all references to deadly weapons and to <i>ex parte</i> ERPOs and makes a violation of the prohibition a fifth degree felony (R.C. 3113.30(A) and 3113.99(B)(2)).
Offense of "having weapons while under disability"	In the prohibition under the offense of "having weapons while under disability" that prohibits any person who is in a specified category from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance if the person is in a specified category of persons: (1) Regarding the category that currently includes a person under indictment for, or convicted of or adjudicated a delinquent child for committing, a felony offense of violence and the category that currently includes a person under	Same, except that it: (1) Reverses the change described in paragraph (1) under the discussion of the prior version, and retains the existing categories described in that paragraph – those categories include: (a) persons under indictment for, or convicted of or adjudicated a delinquent child for committing, a felony offense of violence, and (b) persons under indictment for, or convicted of or adjudicated a delinquent child for committing, a felony drug abuse offense of a specified nature;

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	<p>indictment for, or convicted of or adjudicated a delinquent child for committing, a felony drug abuse offense of a specified nature, combines the categories and expands them so that they instead will include a person under indictment for, or convicted of or adjudicated a delinquent child for committing, any felony offense;</p> <p>(2) Adds a new category that includes a person who is subject to a standard or <i>ex parte</i> ERPO during the time the ERPO is in effect;</p> <p>(3) Adds a new category that includes a person who has been convicted of domestic violence or violating a protection order, regardless of whether the offense is a misdemeanor or felony (a person convicted of felony domestic violence currently is included in the felony offense of violence category described above in paragraph (1));</p> <p>(4) Adds new categories that include: (a) a person who is subject to a criminal protection order or civil protection order that satisfies several procedural and content requirements, (b) a person who has been discharged from the U.S. Armed Forces under dishonorable conditions, (c) a person who is an alien prohibited from owning, purchasing, or possessing a firearm pursuant to a specified federal law, and (d) a person who, having been a U.S. citizen, has renounced that citizenship.</p> <p>(5) Retains without change the existing categories that include a person who is a fugitive from justice, drug dependent, in danger of drug dependence, a chronic alcoholic, or in</p>	<p>(2) Modifies the new category described in paragraph (2) under the discussion of the prior version by removing the reference to <i>ex parte</i> ERPOs;</p> <p>(3) Adds a new category that includes a person who has been convicted of a first, second, third, or fourth degree felony or a "qualifying unclassified felony" (any unclassified felony for which the possible sanctions include a prison term of more than one year), that is not identified in any of the other categories that includes persons convicted of an offense, and that does not pertain to any antitrust violation, unfair trade practice, restraint of trade, or other similar offense or act relating to the regulation of business practices.</p>

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	<p>any of a list of specified mental health-related classifications.</p> <p>Repeals the provision that specifies that the prohibition under the offense does not apply to a person in any of the categories if the person has been relieved from disability under operation of law or legal process (R.C. 2923.13(A) and (C)).</p>	<p>Reverses this change and reinstates the provision that would be repealed under the prior version (R.C. 2923.13(A) and (C)(1)).</p>
Relief from weapons disability	<p>Eliminates the process in existing law by which a person who is prohibited from acquiring, having, carrying, or using firearms, including under the prohibition against "having weapons while under disability," as described above, may seek relief from the weapons disability (repeal of R.C. 2923.14). As a result of this repeal, there is no mechanism for relief from a weapons disability once a disability applies.</p>	<p>Reverses this change and reinstates the process that would be eliminated under the prior version, and modifies language in the process to refer to the categories added by the bill that are subject to the prohibition under the offense of "having weapons while under disability" (R.C. 2923.14).</p>
Offense of "unlawful transactions in weapons"	<p>Expands the offense of "unlawful transactions in weapons" to also prohibit, in addition to the conduct currently prohibited under the offense, a person from knowingly buying, purchasing, obtaining, or furnishing a firearm on behalf of a third party if both of the following apply: (1) the firearm is not a <i>bona fide</i> gift, and (2) the person who buys, purchases, obtains, or furnishes the firearm knows that the firearm is not a <i>bona fide</i> gift. Under the provision, a gift is not <i>bona fide</i> if there is an offer or exchange of money, services, or items of value between the person buying, purchasing, obtaining, or furnishing the firearm and the third party.</p> <p>A violation of the new prohibition is a second</p>	<p>Instead of the expansion in the prior version, expands the offense of "unlawful transactions in weapons" to also prohibit, in addition to the conduct currently prohibited under the offense, a person from knowingly doing either of the following: (1) soliciting, persuading, encouraging, or enticing a "federally licensed firearms dealer" or "private seller of firearms or ammunition" to transfer a firearm or "ammunition" under circumstances that the person knows would violate the law of Ohio or the United States, or (2) providing "materially false information" to a licensed firearms dealer or private seller of firearms or ammunition with the intent to deceive the dealer or seller about</p>

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	<p>degree felony. (R.C. 2923.18 and 2923.20(A)(3) and (D).)</p> <p>Specifies that the new prohibition does not apply if a firearm is furnished to any of the following individuals: (1) a law enforcement officer properly appointed or employed as such an officer who has received firearms training approved by the Ohio Peace Officer Training Commission or equivalent firearms training, (2) an active duty member of the U.S. Armed Forces of who has received firearms training that meets or exceeds the training requirements for a concealed handgun licensee, or (3) a person who uses the firearm for lawful hunting, sporting, or educational purposes, including, instruction in firearms safety, care, handling, or marksmanship. (R.C. 2923.20(B)).</p>	<p>the legality of a transfer of a firearm or ammunition. A person who knowingly procures another to engage in conduct prohibited under either new prohibition is guilty, as a principal, of a violation of the prohibition. A violation of either new prohibition is a second degree felony. (R.C. 2923.20(A)(3), (A)(4), (B)(1), and (C).) "Ammunition," "federally licensed firearms dealer," "materially false information," and "private seller of firearms or ammunition" are defined terms (R.C. 2923.20(D)).</p> <p>Does not include the exemptions provided in the prior version, but instead specifies that the new prohibitions do not apply to a law enforcement officer who is acting in the officer's official capacity or to a person acting under the direction of a law enforcement officer who is acting in the officer's official capacity (R.C. 2923.20(B)(2)).</p>
<p>Protection order filing in LEADS and NCIC Protection Order File</p>	<p>Provides that if a court issues a specified type of protection order (a juvenile court protection order issued under R.C. 2151.34, a temporary protection order issued in a criminal context under R.C. 2903.213 or 2919.26, or a civil protection order issued under R.C. 2903.214 or</p>	<p>Same, except that it (R.C. 2151.34(F)(1) and (3), 2903.213(G)(1) and (2), 2903.214(F)(1) and (3), 2919.26(G)(1) and (2), and 3113.31(F)(1) and (3)): (1) specifies that if the court that issued the order (or the common pleas court if the case is bound over from a municipal court or county</p>



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	<p>3113.31), the order must be in a form that ensures that it is accepted into the National Crime Information Center (NCIC) Protection Order Database maintained by the FBI and that, after the issuing court issues or causes delivery of the order to a law enforcement agency and other specified persons and entities under existing mandates, the agency must ensure the order is entered into the Law Enforcement Automated Data System (LEADS) within 24 hours of receipt (R.C. 2151.34(F)(1) and (3), 2903.213(G)(1) and (2), 2903.214(F)(1) and (3), 2919.26(G)(1) and (2), and 3113.31(F)(1) and (3)).</p>	<p>court) terminates or cancels the order, the court must cause delivery of notice of the termination or cancellation to the same persons and entities that were issued or delivered a copy of the order; and (2) specifies that, upon termination or cancellation of the order, the law enforcement agency must take all steps necessary to ensure that the order is removed from LEADS within 24 hours after receipt of notice of the termination or cancellation and that it is terminated, cleared, or canceled in the NCIC Protection Order Database.</p>

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