

I\_132\_2434-3

132nd General Assembly  
Regular Session  
2017-2018

Sub. H. B. No. 585

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**A BILL**

To amend sections 2151.34, 2903.213, 2903.214, 1  
2919.26, 2923.11, 2923.13, 2923.14, 2923.18, 2  
2923.20, 3113.31, 3113.99, and 5122.10 and to 3  
enact sections 3113.26, 3113.27, 3113.28, 4  
3113.29, and 3113.30 of the Revised Code to 5  
expand the definition of dangerous ordnance to 6  
include armor piercing ammunition and expand the 7  
definition of an automatic firearm to include 8  
any device within the federal definition of 9  
machine gun; to create additional conditions 10  
under which an individual may not possess a 11  
firearm or dangerous ordnance; to generally 12  
prohibit a person from soliciting or persuading 13  
a licensed dealer or private seller to transfer 14  
a firearm or ammunition under circumstances the 15  
person knows would violate state or federal law; 16  
to restate requirements regarding the entry of 17  
protection orders into and removal from LEADS 18  
and their entry into and steps for removal from 19  
the federal NCIC database; to provide for the 20  
temporary taking of firearms by a law 21  
enforcement officer who takes a person into 22  
custody for a mental health evaluation, when the 23



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person is thought to represent a substantial 24  
risk of physical harm to any person if allowed 25  
to remain at liberty and the taking of the 26  
firearms is necessary to protect any person; and 27  
to provide for the issuance by a probate court 28  
of an extreme risk protection order. 29

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

**Section 1.** That sections 2151.34, 2903.213, 2903.214, 30  
2919.26, 2923.11, 2923.13, 2923.14, 2923.18, 2923.20, 3113.31, 31  
3113.99, and 5122.10 be amended and sections 3113.26, 3113.27, 32  
3113.28, 3113.29, and 3113.30 of the Revised Code be enacted to 33  
read as follows: 34

**Sec. 2151.34.** (A) As used in this section: 35

(1) "Court" means the juvenile division of the court of 36  
common pleas of the county in which the person to be protected 37  
by the protection order resides. 38

(2) "Victim advocate" means a person who provides support 39  
and assistance for a person who files a petition under this 40  
section. 41

(3) "Family or household member" has the same meaning as 42  
in section 3113.31 of the Revised Code. 43

(4) "Protection order issued by a court of another state" 44  
has the same meaning as in section 2919.27 of the Revised Code. 45

(5) "Petitioner" means a person who files a petition under 46  
this section and includes a person on whose behalf a petition 47  
under this section is filed. 48

(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section. 49  
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(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 52  
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(8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. 54  
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(9) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 56  
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(10) "Expunge" has the same meaning as in section 2151.355 of the Revised Code. 58  
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(B) The court has jurisdiction over all proceedings under this section. 60  
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(C) (1) Any of the following persons may seek relief under this section by filing a petition with the court: 62  
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(a) Any person on behalf of that person; 64

(b) Any parent or adult family or household member on behalf of any other family or household member; 65  
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(c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child. 67  
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(2) The petition shall contain or state all of the following: 70  
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(a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any 72  
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municipal ordinance that is substantially equivalent to any of 76  
those offenses against the person to be protected by the 77  
protection order, including a description of the nature and 78  
extent of the violation; 79

(b) If the petitioner seeks relief in the form of 80  
electronic monitoring of the respondent, an allegation that at 81  
any time preceding the filing of the petition the respondent 82  
engaged in conduct that would cause a reasonable person to 83  
believe that the health, welfare, or safety of the person to be 84  
protected was at risk, a description of the nature and extent of 85  
that conduct, and an allegation that the respondent presents a 86  
continuing danger to the person to be protected; 87

(c) A request for relief under this section. 88

(3) The court in its discretion may determine whether or 89  
not to give notice that a petition has been filed under division 90  
(C) (1) of this section on behalf of a child to any of the 91  
following: 92

(a) A parent of the child if the petition was filed by any 93  
person other than a parent of the child; 94

(b) Any person who is determined by the court to be an 95  
appropriate person to receive notice of the filing of the 96  
petition. 97

(D) (1) If a person who files a petition pursuant to this 98  
section requests an ex parte order, the court shall hold an ex 99  
parte hearing as soon as possible after the petition is filed, 100  
but not later than the next day after the court is in session 101  
after the petition is filed. The court, for good cause shown at 102  
the ex parte hearing, may enter any temporary orders, with or 103  
without bond, that the court finds necessary for the safety and 104

protection of the person to be protected by the order. Immediate 105  
and present danger to the person to be protected by the 106  
protection order constitutes good cause for purposes of this 107  
section. Immediate and present danger includes, but is not 108  
limited to, situations in which the respondent has threatened 109  
the person to be protected by the protection order with bodily 110  
harm or in which the respondent previously has been convicted 111  
of, pleaded guilty to, or been adjudicated a delinquent child 112  
for committing a violation of section 2903.11, 2903.12, 2903.13, 113  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 114  
sexually oriented offense, or a violation of any municipal 115  
ordinance that is substantially equivalent to any of those 116  
offenses against the person to be protected by the protection 117  
order. 118

(2) (a) If the court, after an ex parte hearing, issues a 119  
protection order described in division (E) of this section, the 120  
court shall schedule a full hearing for a date that is within 121  
ten court days after the ex parte hearing. The court shall give 122  
the respondent notice of, and an opportunity to be heard at, the 123  
full hearing. The court also shall give notice of the full 124  
hearing to the parent, guardian, or legal custodian of the 125  
respondent. The court shall hold the full hearing on the date 126  
scheduled under this division unless the court grants a 127  
continuance of the hearing in accordance with this division. 128  
Under any of the following circumstances or for any of the 129  
following reasons, the court may grant a continuance of the full 130  
hearing to a reasonable time determined by the court: 131

(i) Prior to the date scheduled for the full hearing under 132  
this division, the respondent has not been served with the 133  
petition filed pursuant to this section and notice of the full 134  
hearing. 135

(ii) The parties consent to the continuance.	136
(iii) The continuance is needed to allow a party to obtain counsel.	137 138
(iv) The continuance is needed for other good cause.	139
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D) (2) (a) of this section or because the court grants a continuance under that division.	140 141 142 143 144
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	145 146 147 148 149 150
(E) (1) (a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.	151 152 153 154 155 156 157 158 159 160 161
(b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C) (2) (b) of this section or the court, upon its own	162 163 164

motion, finds upon clear and convincing evidence that the 165  
petitioner reasonably believed that the respondent's conduct at 166  
any time preceding the filing of the petition endangered the 167  
health, welfare, or safety of the person to be protected and 168  
that the respondent presents a continuing danger to the person 169  
to be protected and if division (N) of this section does not 170  
prohibit the issuance of an order that the respondent be 171  
electronically monitored, the court may order that the 172  
respondent be electronically monitored for a period of time and 173  
under the terms and conditions that the court determines are 174  
appropriate. Electronic monitoring shall be in addition to any 175  
other relief granted to the petitioner. 176

(2) (a) Any protection order issued pursuant to this 177  
section shall be valid until a date certain but not later than 178  
the date the respondent attains nineteen years of age. 179

(b) Any protection order issued pursuant to this section 180  
may be renewed in the same manner as the original order was 181  
issued. 182

(3) A court may not issue a protection order that requires 183  
a petitioner to do or to refrain from doing an act that the 184  
court may require a respondent to do or to refrain from doing 185  
under division (E) (1) of this section unless all of the 186  
following apply: 187

(a) The respondent files a separate petition for a 188  
protection order in accordance with this section. 189

(b) The petitioner is served with notice of the 190  
respondent's petition at least forty-eight hours before the 191  
court holds a hearing with respect to the respondent's petition, 192  
or the petitioner waives the right to receive this notice. 193

(c) If the petitioner has requested an ex parte order 194  
pursuant to division (D) of this section, the court does not 195  
delay any hearing required by that division beyond the time 196  
specified in that division in order to consolidate the hearing 197  
with a hearing on the petition filed by the respondent. 198

(d) After a full hearing at which the respondent presents 199  
evidence in support of the request for a protection order and 200  
the petitioner is afforded an opportunity to defend against that 201  
evidence, the court determines that the petitioner has committed 202  
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 203  
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 204  
oriented offense, or a violation of any municipal ordinance that 205  
is substantially equivalent to any of those offenses against the 206  
person to be protected by the protection order issued pursuant 207  
to division (E) (3) of this section, or has violated a protection 208  
order issued pursuant to this section or section 2903.213 of the 209  
Revised Code relative to the person to be protected by the 210  
protection order issued pursuant to division (E) (3) of this 211  
section. 212

(4) No protection order issued pursuant to this section 213  
shall in any manner affect title to any real property. 214

(5) (a) A protection order issued under this section shall 215  
clearly state that the person to be protected by the order 216  
cannot waive or nullify by invitation or consent any requirement 217  
in the order. 218

(b) Division (E) (5) (a) of this section does not limit any 219  
discretion of a court to determine that a respondent alleged to 220  
have violated section 2919.27 of the Revised Code, violated a 221  
municipal ordinance substantially equivalent to that section, or 222  
committed contempt of court, which allegation is based on an 223



alleged violation of a protection order issued under this 224  
section, did not commit the violation or was not in contempt of 225  
court. 226

(6) Any protection order issued pursuant to this section 227  
shall include a provision that the court will automatically seal 228  
all of the records of the proceeding in which the order is 229  
issued on the date the respondent attains the age of nineteen 230  
years unless the petitioner provides the court with evidence 231  
that the respondent has not complied with all of the terms of 232  
the protection order. The protection order shall specify the 233  
date when the respondent attains the age of nineteen years. 234

(F) (1) The court shall cause the delivery of a copy of any 235  
protection order that is issued under this section to the 236  
petitioner, to the respondent, and to all law enforcement 237  
agencies that have jurisdiction to enforce the order. If the 238  
protection order will be valid subsequent to the date on which 239  
the respondent attains eighteen years of age, the order shall be 240  
in a form that ensures that the protection order is accepted 241  
into the protection order database of the national crime 242  
information center (NCIC) maintained by the federal bureau of 243  
investigation. The court shall direct that a copy of the order 244  
be delivered to the respondent and the parent, guardian, or 245  
legal custodian of the respondent on the same day that the order 246  
is entered. If the court terminates or cancels the order, the 247  
court shall cause the delivery of notice of the termination or 248  
cancellation to the same persons and entities that were 249  
delivered a copy of the order. 250

(2) Upon the issuance of a protection order under this 251  
section, the court shall provide the parties to the order with 252  
the following notice orally or by form: 253

"NOTICE

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As a result of this order, it may be unlawful for you to  
possess or purchase a firearm, including a rifle, pistol, or  
revolver, or ammunition pursuant to federal law under 18 U.S.C.  
922(g) (8). If you have any questions whether this law makes it  
illegal for you to possess or purchase a firearm or ammunition,  
you should consult an attorney."

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(3) All law enforcement agencies shall establish and  
maintain an index for the protection orders delivered to the  
agencies pursuant to division (F) (1) of this section. With  
respect to each order delivered, each agency shall note on the  
index the date and time that it received the order. Each  
protection order received by a law enforcement agency pursuant  
to this section that will be valid subsequent to the date on  
which the respondent attains eighteen years of age shall be  
entered by the agency into the law enforcement automated data  
system created by section 5503.10 of the Revised Code, and known  
as LEADS, within twenty-four hours after receipt. Upon the  
termination or cancellation of the order, the agency shall take  
all steps necessary to ensure that the order is removed from  
LEADS within twenty-four hours after receipt of notice of the  
termination or cancellation and that it is terminated, cleared,  
or canceled in the protection order database of the national  
crime information center (NCIC) maintained by the federal bureau  
of investigation.

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(4) Regardless of whether the petitioner has registered  
the protection order in the county in which the officer's agency  
has jurisdiction pursuant to division (M) of this section, any  
officer of a law enforcement agency shall enforce a protection  
order issued pursuant to this section by any court in this state

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in accordance with the provisions of the order, including 284  
removing the respondent from the premises, if appropriate. 285

(G) (1) Any proceeding under this section shall be 286  
conducted in accordance with the Rules of Civil Procedure, 287  
except that a protection order may be obtained under this 288  
section with or without bond. An order issued under this 289  
section, other than an ex parte order, that grants a protection 290  
order, or that refuses to grant a protection order, is a final, 291  
appealable order. The remedies and procedures provided in this 292  
section are in addition to, and not in lieu of, any other 293  
available civil or criminal remedies or any other available 294  
remedies under Chapter 2151. or 2152. of the Revised Code. 295

(2) If as provided in division (G) (1) of this section an 296  
order issued under this section, other than an ex parte order, 297  
refuses to grant a protection order, the court, on its own 298  
motion, shall order that the ex parte order issued under this 299  
section and all of the records pertaining to that ex parte order 300  
be expunged after either of the following occurs: 301

(a) The period of the notice of appeal from the order that 302  
refuses to grant a protection order has expired. 303

(b) The order that refuses to grant the protection order 304  
is appealed and an appellate court to which the last appeal of 305  
that order is taken affirms the order. 306

(H) The filing of proceedings under this section does not 307  
excuse a person from filing any report or giving any notice 308  
required by section 2151.421 of the Revised Code or by any other 309  
law. 310

(I) Any law enforcement agency that investigates an 311  
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 312

2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 313  
commission of a sexually oriented offense, or an alleged 314  
violation of a municipal ordinance that is substantially 315  
equivalent to any of those offenses shall provide information to 316  
the victim and the family or household members of the victim 317  
regarding the relief available under this section. 318

(J) (1) Subject to division (J) (2) of this section and 319  
regardless of whether a protection order is issued or a consent 320  
agreement is approved by a court of another county or by a court 321  
of another state, no court or unit of state or local government 322  
shall charge the petitioner any fee, cost, deposit, or money in 323  
connection with the filing of a petition pursuant to this 324  
section, in connection with the filing, issuance, registration, 325  
modification, enforcement, dismissal, withdrawal, or service of 326  
a protection order, consent agreement, or witness subpoena or 327  
for obtaining a certified copy of a protection order or consent 328  
agreement. 329

(2) Regardless of whether a protection order is issued or 330  
a consent agreement is approved pursuant to this section, the 331  
court may assess costs against the respondent in connection with 332  
the filing, issuance, registration, modification, enforcement, 333  
dismissal, withdrawal, or service of a protection order, consent 334  
agreement, or witness subpoena or for obtaining a certified copy 335  
of a protection order or consent agreement. 336

(K) (1) A person who violates a protection order issued 337  
under this section is subject to the following sanctions: 338

(a) A delinquent child proceeding or a criminal 339  
prosecution for a violation of section 2919.27 of the Revised 340  
Code, if the violation of the protection order constitutes a 341  
violation of that section; 342

(b) Punishment for contempt of court.	343
(2) The punishment of a person for contempt of court for violation of a protection order issued under this section does not bar criminal prosecution of the person or a delinquent child proceeding concerning the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of or adjudication as a delinquent child for a violation of that section, and a person convicted of or adjudicated a delinquent child for a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.	344 345 346 347 348 349 350 351 352 353 354
(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.	355 356
(M) (1) A petitioner who obtains a protection order under this section may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M) (2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.	357 358 359 360 361 362 363 364 365 366 367 368 369 370
(2) A petitioner may register a protection order issued pursuant to this section in a county other than the county in	371 372

which the court that issued the order is located in the 373  
following manner: 374

(a) The petitioner shall obtain a certified copy of the 375  
order from the clerk of the court that issued the order and 376  
present that certified copy to the clerk of the court of common 377  
pleas or the clerk of a municipal court or county court in the 378  
county in which the order is to be registered. 379

(b) Upon accepting the certified copy of the order for 380  
registration, the clerk of the court of common pleas, municipal 381  
court, or county court shall place an endorsement of 382  
registration on the order and give the petitioner a copy of the 383  
order that bears that proof of registration. 384

(3) The clerk of each court of common pleas, municipal 385  
court, or county court shall maintain a registry of certified 386  
copies of protection orders that have been issued by courts in 387  
other counties pursuant to this section and that have been 388  
registered with the clerk. 389

(N) If the court orders electronic monitoring of the 390  
respondent under this section, the court shall direct the 391  
sheriff's office or any other appropriate law enforcement agency 392  
to install the electronic monitoring device and to monitor the 393  
respondent. Unless the court determines that the respondent is 394  
indigent, the court shall order the respondent to pay the cost 395  
of the installation and monitoring of the electronic monitoring 396  
device. If the court determines that the respondent is indigent 397  
and subject to the maximum amount allowable to be paid in any 398  
year from the fund and the rules promulgated by the attorney 399  
general under section 2903.214 of the Revised Code, the cost of 400  
the installation and monitoring of the electronic monitoring 401  
device may be paid out of funds from the reparations fund 402

created pursuant to section 2743.191 of the Revised Code. The 403  
total amount paid from the reparations fund created pursuant to 404  
section 2743.191 of the Revised Code for electronic monitoring 405  
under this section and sections 2903.214 and 2919.27 of the 406  
Revised Code shall not exceed three hundred thousand dollars per 407  
year. When the total amount paid from the reparations fund in 408  
any year for electronic monitoring under those sections equals 409  
or exceeds three hundred thousand dollars, the court shall not 410  
order pursuant to this section that an indigent respondent be 411  
electronically monitored. 412

(O) The court, in its discretion, may determine if the 413  
respondent is entitled to court-appointed counsel in a 414  
proceeding under this section. 415

**Sec. 2903.213.** (A) Except when the complaint involves a 416  
person who is a family or household member as defined in section 417  
2919.25 of the Revised Code, upon the filing of a complaint that 418  
alleges a violation of section 2903.11, 2903.12, 2903.13, 419  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 420  
violation of a municipal ordinance substantially similar to 421  
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 422  
Revised Code, or the commission of a sexually oriented offense, 423  
the complainant, the alleged victim, or a family or household 424  
member of an alleged victim may file a motion that requests the 425  
issuance of a protection order as a pretrial condition of 426  
release of the alleged offender, in addition to any bail set 427  
under Criminal Rule 46. The motion shall be filed with the clerk 428  
of the court that has jurisdiction of the case at any time after 429  
the filing of the complaint. If the complaint involves a person 430  
who is a family or household member, the complainant, the 431  
alleged victim, or the family or household member may file a 432  
motion for a temporary protection order pursuant to section 433

2919.26 of the Revised Code. 434

(B) A motion for a protection order under this section 435  
shall be prepared on a form that is provided by the clerk of the 436  
court, and the form shall be substantially as follows: 437

"Motion for Protection Order 438  
..... 439  
Name and address of court 440  
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State of Ohio 442

v. No. .... 443  
..... 444

Name of Defendant 445

(Name of person), moves the court to issue a protection order 446  
containing terms designed to ensure the safety and protection of 447  
the complainant or the alleged victim in the above-captioned 448  
case, in relation to the named defendant, pursuant to its 449  
authority to issue a protection order under section 2903.213 of 450  
the Revised Code. 451

A complaint, a copy of which has been attached to this 452  
motion, has been filed in this court charging the named 453  
defendant with a violation of section 2903.11, 2903.12, 2903.13, 454  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 455  
violation of a municipal ordinance substantially similar to 456  
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 457  
Revised Code, or the commission of a sexually oriented offense. 458

I understand that I must appear before the court, at a 459  
time set by the court not later than the next day that the court 460



is in session after the filing of this motion, for a hearing on 461  
the motion, and that any protection order granted pursuant to 462  
this motion is a pretrial condition of release and is effective 463  
only until the disposition of the criminal proceeding arising 464  
out of the attached complaint or until the issuance under 465  
section 2903.214 of the Revised Code of a protection order 466  
arising out of the same activities as those that were the basis 467  
of the attached complaint. 468

..... 469  
Signature of person 470  
..... 471  
Address of person" 472

(C) (1) As soon as possible after the filing of a motion 473  
that requests the issuance of a protection order under this 474  
section, but not later than the next day that the court is in 475  
session after the filing of the motion, the court shall conduct 476  
a hearing to determine whether to issue the order. The person 477  
who requested the order shall appear before the court and 478  
provide the court with the information that it requests 479  
concerning the basis of the motion. If the court finds that the 480  
safety and protection of the complainant or the alleged victim 481  
may be impaired by the continued presence of the alleged 482  
offender, the court may issue a protection order under this 483  
section, as a pretrial condition of release, that contains terms 484  
designed to ensure the safety and protection of the complainant 485  
or the alleged victim, including a requirement that the alleged 486  
offender refrain from entering the residence, school, business, 487  
or place of employment of the complainant or the alleged victim. 488  
The court may include within a protection order issued under 489  
this section a term requiring that the alleged offender not 490

remove, damage, hide, harm, or dispose of any companion animal 491  
owned or possessed by the complainant or the alleged victim, and 492  
may include within the order a term authorizing the complainant 493  
or the alleged victim to remove a companion animal owned by the 494  
complainant or the alleged victim from the possession of the 495  
alleged offender. 496

(2) (a) If the court issues a protection order under this 497  
section that includes a requirement that the alleged offender 498  
refrain from entering the residence, school, business, or place 499  
of employment of the complainant or the alleged victim, the 500  
order shall clearly state that the order cannot be waived or 501  
nullified by an invitation to the alleged offender from the 502  
complainant, the alleged victim, or a family or household member 503  
to enter the residence, school, business, or place of employment 504  
or by the alleged offender's entry into one of those places 505  
otherwise upon the consent of the complainant, the alleged 506  
victim, or a family or household member. 507

(b) Division (C) (2) (a) of this section does not limit any 508  
discretion of a court to determine that an alleged offender 509  
charged with a violation of section 2919.27 of the Revised Code, 510  
with a violation of a municipal ordinance substantially 511  
equivalent to that section, or with contempt of court, which 512  
charge is based on an alleged violation of a protection order 513  
issued under this section, did not commit the violation or was 514  
not in contempt of court. 515

(D) (1) Except when the complaint involves a person who is 516  
a family or household member as defined in section 2919.25 of 517  
the Revised Code, upon the filing of a complaint that alleges a 518  
violation specified in division (A) of this section, the court, 519  
upon its own motion, may issue a protection order under this 520

section as a pretrial condition of release of the alleged 521  
offender if it finds that the safety and protection of the 522  
complainant or the alleged victim may be impaired by the 523  
continued presence of the alleged offender. 524

(2) (a) If the court issues a protection order under this 525  
section as an ex parte order, it shall conduct, as soon as 526  
possible after the issuance of the order but not later than the 527  
next day that the court is in session after its issuance, a 528  
hearing to determine whether the order should remain in effect, 529  
be modified, or be revoked. The hearing shall be conducted under 530  
the standards set forth in division (C) of this section. 531

(b) If at a hearing conducted under division (D) (2) (a) of 532  
this section the court determines that the ex parte order that 533  
the court issued should be revoked, the court, on its own 534  
motion, shall order that the ex parte order that is revoked and 535  
all of the records pertaining to that ex parte order be 536  
expunged. 537

(3) If a municipal court or a county court issues a 538  
protection order under this section and if, subsequent to the 539  
issuance of the order, the alleged offender who is the subject 540  
of the order is bound over to the court of common pleas for 541  
prosecution of a felony arising out of the same activities as 542  
those that were the basis of the complaint upon which the order 543  
is based, notwithstanding the fact that the order was issued by 544  
a municipal court or county court, the order shall remain in 545  
effect, as though it were an order of the court of common pleas, 546  
while the charges against the alleged offender are pending in 547  
the court of common pleas, for the period of time described in 548  
division (E) (2) of this section, and the court of common pleas 549  
has exclusive jurisdiction to modify the order issued by the 550

municipal court or county court. This division applies when the 551  
alleged offender is bound over to the court of common pleas as a 552  
result of the person waiving a preliminary hearing on the felony 553  
charge, as a result of the municipal court or county court 554  
having determined at a preliminary hearing that there is 555  
probable cause to believe that the felony has been committed and 556  
that the alleged offender committed it, as a result of the 557  
alleged offender having been indicted for the felony, or in any 558  
other manner. 559

(E) A protection order that is issued as a pretrial 560  
condition of release under this section: 561

(1) Is in addition to, but shall not be construed as a 562  
part of, any bail set under Criminal Rule 46; 563

(2) Is effective only until the disposition, by the court 564  
that issued the order or, in the circumstances described in 565  
division (D)(3) of this section, by the court of common pleas to 566  
which the alleged offender is bound over for prosecution, of the 567  
criminal proceeding arising out of the complaint upon which the 568  
order is based or until the issuance under section 2903.214 of 569  
the Revised Code of a protection order arising out of the same 570  
activities as those that were the basis of the complaint filed 571  
under this section; 572

(3) Shall not be construed as a finding that the alleged 573  
offender committed the alleged offense and shall not be 574  
introduced as evidence of the commission of the offense at the 575  
trial of the alleged offender on the complaint upon which the 576  
order is based. 577

(F) A person who meets the criteria for bail under 578  
Criminal Rule 46 and who, if required to do so pursuant to that 579

rule, executes or posts bond or deposits cash or securities as 580  
bail, shall not be held in custody pending a hearing before the 581  
court on a motion requesting a protection order under this 582  
section. 583

(G) (1) A copy of a protection order that is issued under 584  
this section shall be issued by the court to the complainant, to 585  
the alleged victim, to the person who requested the order, to 586  
the defendant, and to all law enforcement agencies that have 587  
jurisdiction to enforce the order. The protection order shall be 588  
in a form that ensures that the protection order is accepted 589  
into the protection order database of the national crime 590  
information center (NCIC) maintained by the federal bureau of 591  
investigation. The court shall direct that a copy of the order 592  
be delivered to the defendant on the same day that the order is 593  
entered. If a municipal court or a county court issues a 594  
protection order under this section and if, subsequent to the 595  
issuance of the order, the defendant who is the subject of the 596  
order is bound over to the court of common pleas for prosecution 597  
as described in division (D) (3) of this section, the municipal 598  
court or county court shall direct that a copy of the order be 599  
delivered to the court of common pleas to which the defendant is 600  
bound over. If the court that issued the order, or the court of 601  
common pleas if the defendant is bound over to that court for 602  
prosecution, terminates or cancels the order, the court shall 603  
cause the delivery of notice of the termination or cancellation 604  
to the same persons and entities that were issued or delivered a 605  
copy of the order. 606

(2) All law enforcement agencies shall establish and 607  
maintain an index for the protection orders delivered to the 608  
agencies pursuant to division (G) (1) of this section. With 609  
respect to each order delivered, each agency shall note on the 610

index the date and time of the agency's receipt of the order. 611  
Each protection order received by a law enforcement agency 612  
pursuant to this section shall be entered by the agency into the 613  
law enforcement automated data system created by section 5503.10 614  
of the Revised Code, and known as LEADS, within twenty-four 615  
hours after receipt. Upon the termination or cancellation of the 616  
order, the agency shall take all steps necessary to ensure that 617  
the order is removed from LEADS within twenty-four hours after 618  
receipt of notice of the termination or cancellation and that it 619  
is terminated, cleared, or canceled in the protection order 620  
database of the national crime information center (NCIC) 621  
maintained by the federal bureau of investigation. 622

(3) Regardless of whether the petitioner has registered 623  
the protection order in the county in which the officer's agency 624  
has jurisdiction, any officer of a law enforcement agency shall 625  
enforce a protection order issued pursuant to this section in 626  
accordance with the provisions of the order. 627

(H) Upon a violation of a protection order issued pursuant 628  
to this section, the court may issue another protection order 629  
under this section, as a pretrial condition of release, that 630  
modifies the terms of the order that was violated. 631

(I) (1) Subject to division (I) (2) of this section and 632  
regardless of whether a protection order is issued or a consent 633  
agreement is approved by a court of another county or by a court 634  
of another state, no court or unit of state or local government 635  
shall charge the movant any fee, cost, deposit, or money in 636  
connection with the filing of a motion pursuant to this section, 637  
in connection with the filing, issuance, registration, 638  
modification, enforcement, dismissal, withdrawal, or service of 639  
a protection order, consent agreement, or witness subpoena or 640

for obtaining certified copies of a protection order or consent agreement. 641  
642

(2) Regardless of whether a protection order is issued or 643  
a consent agreement is approved pursuant to this section, if the 644  
defendant is convicted the court may assess costs against the 645  
defendant in connection with the filing, issuance, registration, 646  
modification, enforcement, dismissal, withdrawal, or service of 647  
a protection order, consent agreement, or witness subpoena or 648  
for obtaining a certified copy of a protection order or consent 649  
agreement. 650

(J) As used in this section: 651

(1) "Sexually oriented offense" has the same meaning as in 652  
section 2950.01 of the Revised Code. 653

(2) "Companion animal" has the same meaning as in section 654  
959.131 of the Revised Code. 655

(3) "Expunge" means to destroy, delete, and erase a 656  
record, as appropriate for the record's physical or electronic 657  
form or characteristic, so that the record is permanently 658  
irretrievable. 659

**Sec. 2903.214.** (A) As used in this section: 660

(1) "Court" means the court of common pleas of the county 661  
in which the person to be protected by the protection order 662  
resides. 663

(2) "Victim advocate" means a person who provides support 664  
and assistance for a person who files a petition under this 665  
section. 666

(3) "Family or household member" has the same meaning as 667  
in section 3113.31 of the Revised Code. 668

(4) "Protection order issued by a court of another state"	669
has the same meaning as in section 2919.27 of the Revised Code.	670
(5) "Sexually oriented offense" has the same meaning as in	671
section 2950.01 of the Revised Code.	672
(6) "Electronic monitoring" has the same meaning as in	673
section 2929.01 of the Revised Code.	674
(7) "Companion animal" has the same meaning as in section	675
959.131 of the Revised Code.	676
(8) "Expunge" has the same meaning as in section 2903.213	677
of the Revised Code.	678
(B) The court has jurisdiction over all proceedings under	679
this section.	680
(C) A person may seek relief under this section for the	681
person, or any parent or adult household member may seek relief	682
under this section on behalf of any other family or household	683
member, by filing a petition with the court. The petition shall	684
contain or state all of the following:	685
(1) An allegation that the respondent is eighteen years of	686
age or older and engaged in a violation of section 2903.211 of	687
the Revised Code against the person to be protected by the	688
protection order or committed a sexually oriented offense	689
against the person to be protected by the protection order,	690
including a description of the nature and extent of the	691
violation;	692
(2) If the petitioner seeks relief in the form of	693
electronic monitoring of the respondent, an allegation that at	694
any time preceding the filing of the petition the respondent	695
engaged in conduct that would cause a reasonable person to	696



believe that the health, welfare, or safety of the person to be 697  
protected was at risk, a description of the nature and extent of 698  
that conduct, and an allegation that the respondent presents a 699  
continuing danger to the person to be protected; 700

(3) A request for relief under this section. 701

(D) (1) If a person who files a petition pursuant to this 702  
section requests an ex parte order, the court shall hold an ex 703  
parte hearing as soon as possible after the petition is filed, 704  
but not later than the next day that the court is in session 705  
after the petition is filed. The court, for good cause shown at 706  
the ex parte hearing, may enter any temporary orders, with or 707  
without bond, that the court finds necessary for the safety and 708  
protection of the person to be protected by the order. Immediate 709  
and present danger to the person to be protected by the 710  
protection order constitutes good cause for purposes of this 711  
section. Immediate and present danger includes, but is not 712  
limited to, situations in which the respondent has threatened 713  
the person to be protected by the protection order with bodily 714  
harm or in which the respondent previously has been convicted of 715  
or pleaded guilty to a violation of section 2903.211 of the 716  
Revised Code or a sexually oriented offense against the person 717  
to be protected by the protection order. 718

(2) (a) If the court, after an ex parte hearing, issues a 719  
protection order described in division (E) of this section, the 720  
court shall schedule a full hearing for a date that is within 721  
ten court days after the ex parte hearing. The court shall give 722  
the respondent notice of, and an opportunity to be heard at, the 723  
full hearing. The court shall hold the full hearing on the date 724  
scheduled under this division unless the court grants a 725  
continuance of the hearing in accordance with this division. 726

Under any of the following circumstances or for any of the 727  
following reasons, the court may grant a continuance of the full 728  
hearing to a reasonable time determined by the court: 729

(i) Prior to the date scheduled for the full hearing under 730  
this division, the respondent has not been served with the 731  
petition filed pursuant to this section and notice of the full 732  
hearing. 733

(ii) The parties consent to the continuance. 734

(iii) The continuance is needed to allow a party to obtain 735  
counsel. 736

(iv) The continuance is needed for other good cause. 737

(b) An ex parte order issued under this section does not 738  
expire because of a failure to serve notice of the full hearing 739  
upon the respondent before the date set for the full hearing 740  
under division (D) (2) (a) of this section or because the court 741  
grants a continuance under that division. 742

(3) If a person who files a petition pursuant to this 743  
section does not request an ex parte order, or if a person 744  
requests an ex parte order but the court does not issue an ex 745  
parte order after an ex parte hearing, the court shall proceed 746  
as in a normal civil action and grant a full hearing on the 747  
matter. 748

(E) (1) (a) After an ex parte or full hearing, the court may 749  
issue any protection order, with or without bond, that contains 750  
terms designed to ensure the safety and protection of the person 751  
to be protected by the protection order, including, but not 752  
limited to, a requirement that the respondent refrain from 753  
entering the residence, school, business, or place of employment 754  
of the petitioner or family or household member. If the court 755

includes a requirement that the respondent refrain from entering 756  
the residence, school, business, or place of employment of the 757  
petitioner or family or household member in the order, it also 758  
shall include in the order provisions of the type described in 759  
division (E)(5) of this section. The court may include within a 760  
protection order issued under this section a term requiring that 761  
the respondent not remove, damage, hide, harm, or dispose of any 762  
companion animal owned or possessed by the person to be 763  
protected by the order, and may include within the order a term 764  
authorizing the person to be protected by the order to remove a 765  
companion animal owned by the person to be protected by the 766  
order from the possession of the respondent. 767

(b) After a full hearing, if the court considering a 768  
petition that includes an allegation of the type described in 769  
division (C)(2) of this section, or the court upon its own 770  
motion, finds upon clear and convincing evidence that the 771  
petitioner reasonably believed that the respondent's conduct at 772  
any time preceding the filing of the petition endangered the 773  
health, welfare, or safety of the person to be protected and 774  
that the respondent presents a continuing danger to the person 775  
to be protected, the court may order that the respondent be 776  
electronically monitored for a period of time and under the 777  
terms and conditions that the court determines are appropriate. 778  
Electronic monitoring shall be in addition to any other relief 779  
granted to the petitioner. 780

(2) (a) Any protection order issued pursuant to this 781  
section shall be valid until a date certain but not later than 782  
five years from the date of its issuance. 783

(b) Any protection order issued pursuant to this section 784  
may be renewed in the same manner as the original order was 785

issued. 786

(3) A court may not issue a protection order that requires 787  
a petitioner to do or to refrain from doing an act that the 788  
court may require a respondent to do or to refrain from doing 789  
under division (E)(1) of this section unless all of the 790  
following apply: 791

(a) The respondent files a separate petition for a 792  
protection order in accordance with this section. 793

(b) The petitioner is served with notice of the 794  
respondent's petition at least forty-eight hours before the 795  
court holds a hearing with respect to the respondent's petition, 796  
or the petitioner waives the right to receive this notice. 797

(c) If the petitioner has requested an ex parte order 798  
pursuant to division (D) of this section, the court does not 799  
delay any hearing required by that division beyond the time 800  
specified in that division in order to consolidate the hearing 801  
with a hearing on the petition filed by the respondent. 802

(d) After a full hearing at which the respondent presents 803  
evidence in support of the request for a protection order and 804  
the petitioner is afforded an opportunity to defend against that 805  
evidence, the court determines that the petitioner has committed 806  
a violation of section 2903.211 of the Revised Code against the 807  
person to be protected by the protection order issued pursuant 808  
to division (E)(3) of this section, has committed a sexually 809  
oriented offense against the person to be protected by the 810  
protection order issued pursuant to division (E)(3) of this 811  
section, or has violated a protection order issued pursuant to 812  
section 2903.213 of the Revised Code relative to the person to 813  
be protected by the protection order issued pursuant to division 814

(E) (3) of this section. 815

(4) No protection order issued pursuant to this section 816  
shall in any manner affect title to any real property. 817

(5) (a) If the court issues a protection order under this 818  
section that includes a requirement that the alleged offender 819  
refrain from entering the residence, school, business, or place 820  
of employment of the petitioner or a family or household member, 821  
the order shall clearly state that the order cannot be waived or 822  
nullified by an invitation to the alleged offender from the 823  
complainant to enter the residence, school, business, or place 824  
of employment or by the alleged offender's entry into one of 825  
those places otherwise upon the consent of the petitioner or 826  
family or household member. 827

(b) Division (E) (5) (a) of this section does not limit any 828  
discretion of a court to determine that an alleged offender 829  
charged with a violation of section 2919.27 of the Revised Code, 830  
with a violation of a municipal ordinance substantially 831  
equivalent to that section, or with contempt of court, which 832  
charge is based on an alleged violation of a protection order 833  
issued under this section, did not commit the violation or was 834  
not in contempt of court. 835

(F) (1) The court shall cause the delivery of a copy of any 836  
protection order that is issued under this section to the 837  
petitioner, to the respondent, and to all law enforcement 838  
agencies that have jurisdiction to enforce the order. The 839  
protection order shall be in a form that ensures that the 840  
protection order is accepted into the protection order database 841  
of the national crime information center (NCIC) maintained by 842  
the federal bureau of investigation. The court shall direct that 843  
a copy of the order be delivered to the respondent on the same 844

day that the order is entered. If the court terminates or 845  
cancels the order, the court shall cause the delivery of notice 846  
of the termination or cancellation to the same persons and 847  
entities that were delivered a copy of the order. 848

(2) Upon the issuance of a protection order under this 849  
section, the court shall provide the parties to the order with 850  
the following notice orally or by form: 851

"NOTICE 852

As a result of this order, it may be unlawful for you to 853  
possess or purchase a firearm, including a rifle, pistol, or 854  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 855  
922(g) (8). If you have any questions whether this law makes it 856  
illegal for you to possess or purchase a firearm or ammunition, 857  
you should consult an attorney." 858

(3) All law enforcement agencies shall establish and 859  
maintain an index for the protection orders delivered to the 860  
agencies pursuant to division (F) (1) of this section. With 861  
respect to each order delivered, each agency shall note on the 862  
index the date and time that it received the order. Each 863  
protection order received by a law enforcement agency pursuant 864  
to this section shall be entered by the agency into the law 865  
enforcement automated data system created by section 5503.10 of 866  
the Revised Code, and known as LEADS, within twenty-four hours 867  
after receipt. Upon the termination or cancellation of the 868  
order, the agency shall take all steps necessary to ensure that 869  
the order is removed from LEADS within twenty-four hours after 870  
receipt of notice of the termination or cancellation and that it 871  
is terminated, cleared, or canceled in the protection order 872  
database of the national crime information center (NCIC) 873  
maintained by the federal bureau of investigation. 874

(4) Regardless of whether the petitioner has registered 875  
the protection order in the county in which the officer's agency 876  
has jurisdiction pursuant to division (M) of this section, any 877  
officer of a law enforcement agency shall enforce a protection 878  
order issued pursuant to this section by any court in this state 879  
in accordance with the provisions of the order, including 880  
removing the respondent from the premises, if appropriate. 881

(G)(1) Any proceeding under this section shall be 882  
conducted in accordance with the Rules of Civil Procedure, 883  
except that a protection order may be obtained under this 884  
section with or without bond. An order issued under this 885  
section, other than an ex parte order, that grants a protection 886  
order, or that refuses to grant a protection order, is a final, 887  
appealable order. The remedies and procedures provided in this 888  
section are in addition to, and not in lieu of, any other 889  
available civil or criminal remedies. 890

(2) If as provided in division (G)(1) of this section an 891  
order issued under this section, other than an ex parte order, 892  
refuses to grant a protection order, the court, on its own 893  
motion, shall order that the ex parte order issued under this 894  
section and all of the records pertaining to that ex parte order 895  
be expunged after either of the following occurs: 896

(a) The period of the notice of appeal from the order that 897  
refuses to grant a protection order has expired. 898

(b) The order that refuses to grant the protection order 899  
is appealed and an appellate court to which the last appeal of 900  
that order is taken affirms the order. 901

(H) The filing of proceedings under this section does not 902  
excuse a person from filing any report or giving any notice 903

required by section 2151.421 of the Revised Code or by any other 904  
law. 905

(I) Any law enforcement agency that investigates an 906  
alleged violation of section 2903.211 of the Revised Code or an 907  
alleged commission of a sexually oriented offense shall provide 908  
information to the victim and the family or household members of 909  
the victim regarding the relief available under this section and 910  
section 2903.213 of the Revised Code. 911

(J) (1) Subject to division (J) (2) of this section and 912  
regardless of whether a protection order is issued or a consent 913  
agreement is approved by a court of another county or by a court 914  
of another state, no court or unit of state or local government 915  
shall charge the petitioner any fee, cost, deposit, or money in 916  
connection with the filing of a petition pursuant to this 917  
section, in connection with the filing, issuance, registration, 918  
modification, enforcement, dismissal, withdrawal, or service of 919  
a protection order, consent agreement, or witness subpoena or 920  
for obtaining a certified copy of a protection order or consent 921  
agreement. 922

(2) Regardless of whether a protection order is issued or 923  
a consent agreement is approved pursuant to this section, the 924  
court may assess costs against the respondent in connection with 925  
the filing, issuance, registration, modification, enforcement, 926  
dismissal, withdrawal, or service of a protection order, consent 927  
agreement, or witness subpoena or for obtaining a certified copy 928  
of a protection order or consent agreement. 929

(K) (1) A person who violates a protection order issued 930  
under this section is subject to the following sanctions: 931

(a) Criminal prosecution for a violation of section 932



2919.27 of the Revised Code, if the violation of the protection order constitutes a violation of that section;	933 934
(b) Punishment for contempt of court.	935
(2) The punishment of a person for contempt of court for violation of a protection order issued under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.	936 937 938 939 940 941 942 943 944
(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.	945 946
(M) (1) A petitioner who obtains a protection order under this section or a protection order under section 2903.213 of the Revised Code may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M) (2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.	947 948 949 950 951 952 953 954 955 956 957 958 959 960 961

(2) A petitioner may register a protection order issued 962  
pursuant to this section or section 2903.213 of the Revised Code 963  
in a county other than the county in which the court that issued 964  
the order is located in the following manner: 965

(a) The petitioner shall obtain a certified copy of the 966  
order from the clerk of the court that issued the order and 967  
present that certified copy to the clerk of the court of common 968  
pleas or the clerk of a municipal court or county court in the 969  
county in which the order is to be registered. 970

(b) Upon accepting the certified copy of the order for 971  
registration, the clerk of the court of common pleas, municipal 972  
court, or county court shall place an endorsement of 973  
registration on the order and give the petitioner a copy of the 974  
order that bears that proof of registration. 975

(3) The clerk of each court of common pleas, municipal 976  
court, or county court shall maintain a registry of certified 977  
copies of protection orders that have been issued by courts in 978  
other counties pursuant to this section or section 2903.213 of 979  
the Revised Code and that have been registered with the clerk. 980

(N) (1) If the court orders electronic monitoring of the 981  
respondent under this section, the court shall direct the 982  
sheriff's office or any other appropriate law enforcement agency 983  
to install the electronic monitoring device and to monitor the 984  
respondent. Unless the court determines that the respondent is 985  
indigent, the court shall order the respondent to pay the cost 986  
of the installation and monitoring of the electronic monitoring 987  
device. If the court determines that the respondent is indigent 988  
and subject to the maximum amount allowable to be paid in any 989  
year from the fund and the rules promulgated by the attorney 990  
general under division (N) (2) of this section, the cost of the 991

installation and monitoring of the electronic monitoring device 992  
may be paid out of funds from the reparations fund created 993  
pursuant to section 2743.191 of the Revised Code. The total 994  
amount of costs for the installation and monitoring of 995  
electronic monitoring devices paid pursuant to this division and 996  
sections 2151.34 and 2919.27 of the Revised Code from the 997  
reparations fund shall not exceed three hundred thousand dollars 998  
per year. 999

(2) The attorney general may promulgate rules pursuant to 1000  
section 111.15 of the Revised Code to govern payments made from 1001  
the reparations fund pursuant to this division and sections 1002  
2151.34 and 2919.27 of the Revised Code. The rules may include 1003  
reasonable limits on the total cost paid pursuant to this 1004  
division and sections 2151.34 and 2919.27 of the Revised Code 1005  
per respondent, the amount of the three hundred thousand dollars 1006  
allocated to each county, and how invoices may be submitted by a 1007  
county, court, or other entity. 1008

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint that 1009  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1010  
2911.211 of the Revised Code if the alleged victim of the 1011  
violation was a family or household member at the time of the 1012  
violation, a violation of a municipal ordinance that is 1013  
substantially similar to any of those sections if the alleged 1014  
victim of the violation was a family or household member at the 1015  
time of the violation, any offense of violence if the alleged 1016  
victim of the offense was a family or household member at the 1017  
time of the commission of the offense, or any sexually oriented 1018  
offense if the alleged victim of the offense was a family or 1019  
household member at the time of the commission of the offense, 1020  
the complainant, the alleged victim, or a family or household 1021  
member of an alleged victim may file, or, if in an emergency the 1022

alleged victim is unable to file, a person who made an arrest 1023  
for the alleged violation or offense under section 2935.03 of 1024  
the Revised Code may file on behalf of the alleged victim, a 1025  
motion that requests the issuance of a temporary protection 1026  
order as a pretrial condition of release of the alleged 1027  
offender, in addition to any bail set under Criminal Rule 46. 1028  
The motion shall be filed with the clerk of the court that has 1029  
jurisdiction of the case at any time after the filing of the 1030  
complaint. 1031

(2) For purposes of section 2930.09 of the Revised Code, 1032  
all stages of a proceeding arising out of a complaint alleging 1033  
the commission of a violation, offense of violence, or sexually 1034  
oriented offense described in division (A)(1) of this section, 1035  
including all proceedings on a motion for a temporary protection 1036  
order, are critical stages of the case, and a victim may be 1037  
accompanied by a victim advocate or another person to provide 1038  
support to the victim as provided in that section. 1039

(B) The motion shall be prepared on a form that is 1040  
provided by the clerk of the court, which form shall be 1041  
substantially as follows: 1042

"MOTION FOR TEMPORARY PROTECTION ORDER 1043

..... Court 1044

Name and address of court 1045

State of Ohio 1046

v. No. .... 1047

..... 1048

Name of Defendant 1049

(name of person), moves the court to issue a temporary 1050  
protection order containing terms designed to ensure the safety 1051  
and protection of the complainant, alleged victim, and other 1052  
family or household members, in relation to the named defendant, 1053  
pursuant to its authority to issue such an order under section 1054  
2919.26 of the Revised Code. 1055

A complaint, a copy of which has been attached to this 1056  
motion, has been filed in this court charging the named 1057  
defendant with ..... (name of the specified 1058  
violation, the offense of violence, or sexually oriented offense 1059  
charged) in circumstances in which the victim was a family or 1060  
household member in violation of (section of the Revised Code 1061  
designating the specified violation, offense of violence, or 1062  
sexually oriented offense charged), or charging the named 1063  
defendant with a violation of a municipal ordinance that is 1064  
substantially similar to ..... (section of 1065  
the Revised Code designating the specified violation, offense of 1066  
violence, or sexually oriented offense charged) involving a 1067  
family or household member. 1068

I understand that I must appear before the court, at a 1069  
time set by the court within twenty-four hours after the filing 1070  
of this motion, for a hearing on the motion or that, if I am 1071  
unable to appear because of hospitalization or a medical 1072  
condition resulting from the offense alleged in the complaint, a 1073  
person who can provide information about my need for a temporary 1074  
protection order must appear before the court in lieu of my 1075  
appearing in court. I understand that any temporary protection 1076  
order granted pursuant to this motion is a pretrial condition of 1077  
release and is effective only until the disposition of the 1078  
criminal proceeding arising out of the attached complaint, or 1079  
the issuance of a civil protection order or the approval of a 1080

consent agreement, arising out of the same activities as those 1081  
that were the basis of the complaint, under section 3113.31 of 1082  
the Revised Code. 1083

..... 1084

Signature of person 1085

(or signature of the arresting officer who filed the 1086  
motion on behalf of the alleged victim) 1087

..... 1088

Address of person (or office address of the arresting 1089  
officer who filed the motion on behalf of the alleged victim)" 1090

(C) (1) As soon as possible after the filing of a motion 1091  
that requests the issuance of a temporary protection order, but 1092  
not later than twenty-four hours after the filing of the motion, 1093  
the court shall conduct a hearing to determine whether to issue 1094  
the order. The person who requested the order shall appear 1095  
before the court and provide the court with the information that 1096  
it requests concerning the basis of the motion. If the person 1097  
who requested the order is unable to appear and if the court 1098  
finds that the failure to appear is because of the person's 1099  
hospitalization or medical condition resulting from the offense 1100  
alleged in the complaint, another person who is able to provide 1101  
the court with the information it requests may appear in lieu of 1102  
the person who requested the order. If the court finds that the 1103  
safety and protection of the complainant, alleged victim, or any 1104  
other family or household member of the alleged victim may be 1105  
impaired by the continued presence of the alleged offender, the 1106  
court may issue a temporary protection order, as a pretrial 1107  
condition of release, that contains terms designed to ensure the 1108  
safety and protection of the complainant, alleged victim, or the 1109

family or household member, including a requirement that the 1110  
alleged offender refrain from entering the residence, school, 1111  
business, or place of employment of the complainant, alleged 1112  
victim, or the family or household member. The court may include 1113  
within a protection order issued under this section a term 1114  
requiring that the alleged offender not remove, damage, hide, 1115  
harm, or dispose of any companion animal owned or possessed by 1116  
the complainant, alleged victim, or any other family or 1117  
household member of the alleged victim, and may include within 1118  
the order a term authorizing the complainant, alleged victim, or 1119  
other family or household member of the alleged victim to remove 1120  
a companion animal owned by the complainant, alleged victim, or 1121  
other family or household member from the possession of the 1122  
alleged offender. 1123

(2) (a) If the court issues a temporary protection order 1124  
that includes a requirement that the alleged offender refrain 1125  
from entering the residence, school, business, or place of 1126  
employment of the complainant, the alleged victim, or the family 1127  
or household member, the order shall state clearly that the 1128  
order cannot be waived or nullified by an invitation to the 1129  
alleged offender from the complainant, alleged victim, or family 1130  
or household member to enter the residence, school, business, or 1131  
place of employment or by the alleged offender's entry into one 1132  
of those places otherwise upon the consent of the complainant, 1133  
alleged victim, or family or household member. 1134

(b) Division (C) (2) (a) of this section does not limit any 1135  
discretion of a court to determine that an alleged offender 1136  
charged with a violation of section 2919.27 of the Revised Code, 1137  
with a violation of a municipal ordinance substantially 1138  
equivalent to that section, or with contempt of court, which 1139  
charge is based on an alleged violation of a temporary 1140

protection order issued under this section, did not commit the 1141  
violation or was not in contempt of court. 1142

(D) (1) Upon the filing of a complaint that alleges a 1143  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1144  
the Revised Code if the alleged victim of the violation was a 1145  
family or household member at the time of the violation, a 1146  
violation of a municipal ordinance that is substantially similar 1147  
to any of those sections if the alleged victim of the violation 1148  
was a family or household member at the time of the violation, 1149  
any offense of violence if the alleged victim of the offense was 1150  
a family or household member at the time of the commission of 1151  
the offense, or any sexually oriented offense if the alleged 1152  
victim of the offense was a family or household member at the 1153  
time of the commission of the offense, the court, upon its own 1154  
motion, may issue a temporary protection order as a pretrial 1155  
condition of release if it finds that the safety and protection 1156  
of the complainant, alleged victim, or other family or household 1157  
member of the alleged offender may be impaired by the continued 1158  
presence of the alleged offender. 1159

(2) (a) If the court issues a temporary protection order 1160  
under this section as an ex parte order, it shall conduct, as 1161  
soon as possible after the issuance of the order, a hearing in 1162  
the presence of the alleged offender not later than the next day 1163  
on which the court is scheduled to conduct business after the 1164  
day on which the alleged offender was arrested or at the time of 1165  
the appearance of the alleged offender pursuant to summons to 1166  
determine whether the order should remain in effect, be 1167  
modified, or be revoked. The hearing shall be conducted under 1168  
the standards set forth in division (C) of this section. 1169

(b) If at a hearing conducted under division (D) (2) (a) of 1170



this section the court determines that the ex parte order that 1171  
the court issued should be revoked, the court, on its own 1172  
motion, shall order that the ex parte order that is revoked and 1173  
all of the records pertaining to that ex parte order be 1174  
expunged. 1175

(3) An order issued under this section shall contain only 1176  
those terms authorized in orders issued under division (C) of 1177  
this section. 1178

(4) If a municipal court or a county court issues a 1179  
temporary protection order under this section and if, subsequent 1180  
to the issuance of the order, the alleged offender who is the 1181  
subject of the order is bound over to the court of common pleas 1182  
for prosecution of a felony arising out of the same activities 1183  
as those that were the basis of the complaint upon which the 1184  
order is based, notwithstanding the fact that the order was 1185  
issued by a municipal court or county court, the order shall 1186  
remain in effect, as though it were an order of the court of 1187  
common pleas, while the charges against the alleged offender are 1188  
pending in the court of common pleas, for the period of time 1189  
described in division (E)(2) of this section, and the court of 1190  
common pleas has exclusive jurisdiction to modify the order 1191  
issued by the municipal court or county court. This division 1192  
applies when the alleged offender is bound over to the court of 1193  
common pleas as a result of the person waiving a preliminary 1194  
hearing on the felony charge, as a result of the municipal court 1195  
or county court having determined at a preliminary hearing that 1196  
there is probable cause to believe that the felony has been 1197  
committed and that the alleged offender committed it, as a 1198  
result of the alleged offender having been indicted for the 1199  
felony, or in any other manner. 1200

(E) A temporary protection order that is issued as a 1201  
pretrial condition of release under this section: 1202

(1) Is in addition to, but shall not be construed as a 1203  
part of, any bail set under Criminal Rule 46; 1204

(2) Is effective only until the occurrence of either of 1205  
the following: 1206

(a) The disposition, by the court that issued the order 1207  
or, in the circumstances described in division (D)(4) of this 1208  
section, by the court of common pleas to which the alleged 1209  
offender is bound over for prosecution, of the criminal 1210  
proceeding arising out of the complaint upon which the order is 1211  
based; 1212

(b) The issuance of a protection order or the approval of 1213  
a consent agreement, arising out of the same activities as those 1214  
that were the basis of the complaint upon which the order is 1215  
based, under section 3113.31 of the Revised Code. 1216

(3) Shall not be construed as a finding that the alleged 1217  
offender committed the alleged offense, and shall not be 1218  
introduced as evidence of the commission of the offense at the 1219  
trial of the alleged offender on the complaint upon which the 1220  
order is based. 1221

(F) A person who meets the criteria for bail under 1222  
Criminal Rule 46 and who, if required to do so pursuant to that 1223  
rule, executes or posts bond or deposits cash or securities as 1224  
bail, shall not be held in custody pending a hearing before the 1225  
court on a motion requesting a temporary protection order. 1226

(G) (1) A copy of any temporary protection order that is 1227  
issued under this section shall be issued by the court to the 1228  
complainant, to the alleged victim, to the person who requested 1229

the order, to the defendant, and to all law enforcement agencies 1230  
that have jurisdiction to enforce the order. The protection 1231  
order shall be in a form that ensures that the protection order 1232  
is accepted into the protection order database of the national 1233  
crime information center (NCIC) maintained by the federal bureau 1234  
of investigation. The court shall direct that a copy of the 1235  
order be delivered to the defendant on the same day that the 1236  
order is entered. If a municipal court or a county court issues 1237  
a temporary protection order under this section and if, 1238  
subsequent to the issuance of the order, the defendant who is 1239  
the subject of the order is bound over to the court of common 1240  
pleas for prosecution as described in division (D)(4) of this 1241  
section, the municipal court or county court shall direct that a 1242  
copy of the order be delivered to the court of common pleas to 1243  
which the defendant is bound over. If the court that issued the 1244  
order, or the court of common pleas if the defendant is bound 1245  
over to that court for prosecution, terminates or cancels the 1246  
order, the court shall cause the delivery of notice of the 1247  
termination or cancellation to the same persons and entities 1248  
that were issued or delivered a copy of the order. 1249

(2) Upon the issuance of a protection order under this 1250  
section, the court shall provide the parties to the order with 1251  
the following notice orally or by form: 1252

"NOTICE 1253

As a result of this protection order, it may be unlawful 1254  
for you to possess or purchase a firearm, including a rifle, 1255  
pistol, or revolver, or ammunition pursuant to federal law under 1256  
18 U.S.C. 922(g)(8). If you have any questions whether this law 1257  
makes it illegal for you to possess or purchase a firearm or 1258  
ammunition, you should consult an attorney." 1259

(3) All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G) (1) of this section. With respect to each order delivered, each agency shall note on the index, the date and time of the receipt of the order by the agency. Each protection order received by a law enforcement agency pursuant to this section shall be entered by the agency into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS, within twenty-four hours after receipt. Upon the termination or cancellation of the order, the agency shall take all steps necessary to ensure that the order is removed from LEADS within twenty-four hours after receipt of notice of the termination or cancellation and that it is terminated, cleared, or canceled in the protection order database of the national crime information center (NCIC) maintained by the federal bureau of investigation.

(4) A complainant, alleged victim, or other person who obtains a temporary protection order under this section may provide notice of the issuance of the temporary protection order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county in accordance with division (N) of section 3113.31 of the Revised Code and filing a copy of the registered protection order with a law enforcement agency in the other county in accordance with that division.

(5) Any officer of a law enforcement agency shall enforce a temporary protection order issued by any court in this state in accordance with the provisions of the order, including removing the defendant from the premises, regardless of whether the order is registered in the county in which the officer's agency has jurisdiction as authorized by division (G) (4) of this

section. 1291

(H) Upon a violation of a temporary protection order, the 1292  
court may issue another temporary protection order, as a 1293  
pretrial condition of release, that modifies the terms of the 1294  
order that was violated. 1295

(I) (1) As used in divisions (I) (1) and (2) of this 1296  
section, "defendant" means a person who is alleged in a 1297  
complaint to have committed a violation, offense of violence, or 1298  
sexually oriented offense of the type described in division (A) 1299  
of this section. 1300

(2) If a complaint is filed that alleges that a person 1301  
committed a violation, offense of violence, or sexually oriented 1302  
offense of the type described in division (A) of this section, 1303  
the court may not issue a temporary protection order under this 1304  
section that requires the complainant, the alleged victim, or 1305  
another family or household member of the defendant to do or 1306  
refrain from doing an act that the court may require the 1307  
defendant to do or refrain from doing under a temporary 1308  
protection order unless both of the following apply: 1309

(a) The defendant has filed a separate complaint that 1310  
alleges that the complainant, alleged victim, or other family or 1311  
household member in question who would be required under the 1312  
order to do or refrain from doing the act committed a violation 1313  
or offense of violence of the type described in division (A) of 1314  
this section. 1315

(b) The court determines that both the complainant, 1316  
alleged victim, or other family or household member in question 1317  
who would be required under the order to do or refrain from 1318  
doing the act and the defendant acted primarily as aggressors, 1319

that neither the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act nor the defendant acted primarily in self-defense, and, in accordance with the standards and criteria of this section as applied in relation to the separate complaint filed by the defendant, that it should issue the order to require the complainant, alleged victim, or other family or household member in question to do or refrain from doing the act.

(J) (1) Subject to division (J) (2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge the movant any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, if the defendant is convicted the court may assess costs against the defendant in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(K) As used in this section:

(1) "Companion animal" has the same meaning as in section

959.131 of the Revised Code. 1350

(2) "Sexually oriented offense" has the same meaning as in 1351  
section 2950.01 of the Revised Code. 1352

(3) "Victim advocate" means a person who provides support 1353  
and assistance for a victim of an offense during court 1354  
proceedings. 1355

(4) "Expunge" has the same meaning as in section 2903.213 1356  
of the Revised Code. 1357

**Sec. 2923.11.** As used in sections 2923.11 to 2923.24 of 1358  
the Revised Code: 1359

(A) "Deadly weapon" means any instrument, device, or thing 1360  
capable of inflicting death, and designed or specially adapted 1361  
for use as a weapon, or possessed, carried, or used as a weapon. 1362

(B) (1) "Firearm" means any deadly weapon capable of 1363  
expelling or propelling one or more projectiles by the action of 1364  
an explosive or combustible propellant. "Firearm" includes an 1365  
unloaded firearm, and any firearm that is inoperable but that 1366  
can readily be rendered operable. 1367

(2) When determining whether a firearm is capable of 1368  
expelling or propelling one or more projectiles by the action of 1369  
an explosive or combustible propellant, the trier of fact may 1370  
rely upon circumstantial evidence, including, but not limited 1371  
to, the representations and actions of the individual exercising 1372  
control over the firearm. 1373

(C) "Handgun" means any of the following: 1374

(1) Any firearm that has a short stock and is designed to 1375  
be held and fired by the use of a single hand; 1376

(2) Any combination of parts from which a firearm of a type described in division (C) (1) of this section can be assembled.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any of the following:

(1) Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger;

(2) Any device that is a "machine gun," as defined pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (23), as amended, and regulations issued under that act or the "National Firearms Act of 1934," 48 Stat. 1236, 26 U.S.C. 5845(b), as amended, and regulations issued under that act.

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;

(3) Any industrial tool, ~~signalling~~ signaling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or



used as a firearm. 1405

(H) "Explosive device" means any device designed or 1406  
specially adapted to cause physical harm to persons or property 1407  
by means of an explosion, and consisting of an explosive 1408  
substance or agency and a means to detonate it. "Explosive 1409  
device" includes without limitation any bomb, any explosive 1410  
demolition device, any blasting cap or detonator containing an 1411  
explosive charge, and any pressure vessel that has been 1412  
knowingly tampered with or arranged so as to explode. 1413

(I) "Incendiary device" means any firebomb, and any device 1414  
designed or specially adapted to cause physical harm to persons 1415  
or property by means of fire, and consisting of an incendiary 1416  
substance or agency and a means to ignite it. 1417

(J) "Ballistic knife" means a knife with a detachable 1418  
blade that is propelled by a spring-operated mechanism. 1419

(K) "Dangerous ordnance" means any of the following, 1420  
except as provided in division (L) of this section: 1421

(1) Any automatic or sawed-off firearm, zip-gun, or 1422  
ballistic knife; 1423

(2) Any explosive device or incendiary device; 1424

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 1425  
cyclonite, TNT, picric acid, and other high explosives; amatol, 1426  
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 1427  
high explosive compositions; plastic explosives; dynamite, 1428  
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 1429  
liquid-oxygen blasting explosives, blasting powder, and other 1430  
blasting agents; and any other explosive substance having 1431  
sufficient brisance or power to be particularly suitable for use 1432  
as a military explosive, or for use in mining, quarrying, 1433

excavating, or demolitions; 1434

(4) Any firearm, rocket launcher, mortar, artillery piece, 1435  
grenade, mine, bomb, torpedo, or similar weapon, designed and 1436  
manufactured for military purposes, and the ammunition for that 1437  
weapon; 1438

(5) Any firearm muffler or suppressor; 1439

(6) Any combination of parts that is intended by the owner 1440  
for use in converting any firearm or other device into a 1441  
dangerous ordnance; 1442

(7) Any "armor piercing ammunition" as defined pursuant to 1443  
the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) 1444  
(17)(B), as amended, and regulations issued under that act. 1445

(L) "Dangerous ordnance" does not include any of the 1446  
following: 1447

(1) Any firearm, including a military weapon and the 1448  
ammunition for that weapon, and regardless of its actual age, 1449  
that employs a percussion cap or other obsolete ignition system, 1450  
or that is designed and safe for use only with black powder; 1451

(2) Any pistol, rifle, or shotgun, designed or suitable 1452  
for sporting purposes, including a military weapon as issued or 1453  
as modified, and the ammunition for that weapon, unless the 1454  
firearm is an automatic or sawed-off firearm; 1455

(3) Any cannon or other artillery piece that, regardless 1456  
of its actual age, is of a type in accepted use prior to 1887, 1457  
has no mechanical, hydraulic, pneumatic, or other system for 1458  
absorbing recoil and returning the tube into battery without 1459  
displacing the carriage, and is designed and safe for use only 1460  
with black powder; 1461

(4) Black powder, priming quills, and percussion caps 1462  
possessed and lawfully used to fire a cannon of a type defined 1463  
in division (L) (3) of this section during displays, 1464  
celebrations, organized matches or shoots, and target practice, 1465  
and smokeless and black powder, primers, and percussion caps 1466  
possessed and lawfully used as a propellant or ignition device 1467  
in small-arms or small-arms ammunition; 1468

(5) Dangerous ordnance that is inoperable or inert and 1469  
cannot readily be rendered operable or activated, and that is 1470  
kept as a trophy, souvenir, curio, or museum piece. 1471

(6) Any device that is expressly excepted from the 1472  
definition of a destructive device pursuant to the "Gun Control 1473  
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 1474  
and regulations issued under that act. 1475

(M) "Explosive" means any chemical compound, mixture, or 1476  
device, the primary or common purpose of which is to function by 1477  
explosion. "Explosive" includes all materials that have been 1478  
classified as division 1.1, division 1.2, division 1.3, or 1479  
division 1.4 explosives by the United States department of 1480  
transportation in its regulations and includes, but is not 1481  
limited to, dynamite, black powder, pellet powders, initiating 1482  
explosives, blasting caps, electric blasting caps, safety fuses, 1483  
fuse igniters, squibs, cordeau detonant fuses, instantaneous 1484  
fuses, and igniter cords and igniters. "Explosive" does not 1485  
include "fireworks," as defined in section 3743.01 of the 1486  
Revised Code, or any substance or material otherwise meeting the 1487  
definition of explosive set forth in this section that is 1488  
manufactured, sold, possessed, transported, stored, or used in 1489  
any activity described in section 3743.80 of the Revised Code, 1490  
provided the activity is conducted in accordance with all 1491

applicable laws, rules, and regulations, including, but not 1492  
limited to, the provisions of section 3743.80 of the Revised 1493  
Code and the rules of the fire marshal adopted pursuant to 1494  
section 3737.82 of the Revised Code. 1495

(N) (1) "Concealed handgun license" or "license to carry a 1496  
concealed handgun" means, subject to division (N) (2) of this 1497  
section, a license or temporary emergency license to carry a 1498  
concealed handgun issued under section 2923.125 or 2923.1213 of 1499  
the Revised Code or a license to carry a concealed handgun 1500  
issued by another state with which the attorney general has 1501  
entered into a reciprocity agreement under section 109.69 of the 1502  
Revised Code. 1503

(2) A reference in any provision of the Revised Code to a 1504  
concealed handgun license issued under section 2923.125 of the 1505  
Revised Code or a license to carry a concealed handgun issued 1506  
under section 2923.125 of the Revised Code means only a license 1507  
of the type that is specified in that section. A reference in 1508  
any provision of the Revised Code to a concealed handgun license 1509  
issued under section 2923.1213 of the Revised Code, a license to 1510  
carry a concealed handgun issued under section 2923.1213 of the 1511  
Revised Code, or a license to carry a concealed handgun on a 1512  
temporary emergency basis means only a license of the type that 1513  
is specified in section 2923.1213 of the Revised Code. A 1514  
reference in any provision of the Revised Code to a concealed 1515  
handgun license issued by another state or a license to carry a 1516  
concealed handgun issued by another state means only a license 1517  
issued by another state with which the attorney general has 1518  
entered into a reciprocity agreement under section 109.69 of the 1519  
Revised Code. 1520

(O) "Valid concealed handgun license" or "valid license to 1521

carry a concealed handgun" means a concealed handgun license 1522  
that is currently valid, that is not under a suspension under 1523  
division (A) (1) of section 2923.128 of the Revised Code, under 1524  
section 2923.1213 of the Revised Code, or under a suspension 1525  
provision of the state other than this state in which the 1526  
license was issued, and that has not been revoked under division 1527  
(B) (1) of section 2923.128 of the Revised Code, under section 1528  
2923.1213 of the Revised Code, or under a revocation provision 1529  
of the state other than this state in which the license was 1530  
issued. 1531

(P) "Misdemeanor punishable by imprisonment for a term 1532  
exceeding one year" does not include any of the following: 1533

(1) Any federal or state offense pertaining to antitrust 1534  
violations, unfair trade practices, restraints of trade, or 1535  
other similar offenses relating to the regulation of business 1536  
practices; 1537

(2) Any misdemeanor offense punishable by a term of 1538  
imprisonment of two years or less. 1539

(Q) "Alien registration number" means the number issued by 1540  
the United States citizenship and immigration services agency 1541  
that is located on the alien's permanent resident card and may 1542  
also be commonly referred to as the "USCIS number" or the "alien 1543  
number." 1544

(R) "Active duty" has the same meaning as defined in 10 1545  
U.S.C. 101. 1546

**Sec. 2923.13.** (A) Unless relieved from disability under 1547  
operation of law or legal process, no person shall knowingly 1548  
acquire, have, carry, or use any firearm or dangerous ordnance, 1549  
if any of the following apply: 1550

- (1) The person is a fugitive from justice. 1551
- (2) The person is under indictment for or has been 1552  
convicted of any felony offense of violence or has been 1553  
adjudicated a delinquent child for the commission of an offense 1554  
that, if committed by an adult, would have been a felony offense 1555  
of violence. 1556
- (3) The person is under indictment for or has been 1557  
convicted of any felony offense involving the illegal 1558  
possession, use, sale, administration, distribution, or 1559  
trafficking in any drug of abuse or has been adjudicated a 1560  
delinquent child for the commission of an offense that, if 1561  
committed by an adult, would have been a felony offense 1562  
involving the illegal possession, use, sale, administration, 1563  
distribution, or trafficking in any drug of abuse. 1564
- (4) The person has been convicted of a violation of 1565  
section 2919.25 or 2919.27 of the Revised Code. 1566
- (5) The person has been convicted of any felony offense 1567  
that is a felony of the first, second, third, or fourth degree 1568  
or qualifying unclassified felony, that is not identified in 1569  
division (A) (2), (3), or (4) of this section, and that does not 1570  
pertain to any antitrust violation, unfair trade practice, 1571  
restraint of trade, or other similar offense or act relating to 1572  
the regulation of business practices. 1573
- (6) The person is drug dependent, in danger of drug 1574  
dependence, or a chronic alcoholic. 1575
- ~~(5)~~(7) The person is under adjudication of mental 1576  
incompetence, has been adjudicated as a mental defective, has 1577  
been committed to a mental institution, has been found by a 1578  
court to be a mentally ill person subject to court order, or is 1579

an involuntary patient other than one who is a patient only for 1580  
purposes of observation. As used in this division, "mentally ill 1581  
person subject to court order" and "patient" have the same 1582  
meanings as in section 5122.01 of the Revised Code. 1583

(8) The person is subject to a protection order issued 1584  
under section 2903.213, 2903.214, 2919.26, or 3113.31 of the 1585  
Revised Code that is a qualified protection order. 1586

(9) The person has been discharged from the armed forces 1587  
under dishonorable conditions. 1588

(10) The person is an alien who is prohibited from owning, 1589  
purchasing, or possessing a firearm pursuant to federal law 1590  
under 18 U.S.C. 922(g)(5). 1591

(11) The person, having been a citizen of the United 1592  
States, has renounced the person's citizenship. 1593

(12) The person is subject to an extreme risk protection 1594  
order issued under section 3113.27 of the Revised Code, during 1595  
the time that the order is in effect. 1596

(B) Whoever violates this section is guilty of having 1597  
weapons while under disability, a felony of the third degree. 1598

(C) For the purposes of this section, ~~"under~~ : 1599

(1) "Under operation of law or legal process" shall not 1600  
itself include mere completion, termination, or expiration of a 1601  
sentence imposed as a result of a criminal conviction. 1602

(2) "Alien" means an individual who is not a citizen of 1603  
the United States. 1604

(3) "Armed forces" has the same meaning as in 18 U.S.C. 1605  
922. 1606

(4) "Intimate partner" means, with respect to a person, 1607  
the spouse of the person, a former spouse of the person, an 1608  
individual who is a parent of a child of the person, and an 1609  
individual who cohabits or has cohabited with the person. 1610

(5) "Qualified protection order" means a protection order 1611  
that meets all of the following requirements: 1612

(a) The order was issued after a hearing of which the 1613  
person subject to the order received actual notice and at which 1614  
the person had an opportunity to participate. 1615

(b) The order restrains the person from harassing, 1616  
stalking, or threatening an intimate partner of the person or 1617  
child of the intimate partner of the person, or engaging in 1618  
other conduct that would place an intimate partner in reasonable 1619  
fear of bodily injury to the partner or child. 1620

(c) The order includes a finding that the person 1621  
represents a credible threat to the physical safety of the 1622  
intimate partner or child or, by its terms, explicitly prohibits 1623  
the use, attempted use, or threatened use of physical force 1624  
against the intimate partner or child that would reasonably be 1625  
expected to cause bodily injury. 1626

(6) "Qualifying unclassified felony" means any 1627  
unclassified felony offense for which the possible sanctions 1628  
include a term of imprisonment of more than one year. 1629

**Sec. 2923.14.** (A) (1) Except as otherwise provided in 1630  
division (A) (2) of this section, any person who is prohibited 1631  
from acquiring, having, carrying, or using firearms may apply to 1632  
the court of common pleas in the county in which the person 1633  
resides for relief from such prohibition. 1634

(2) Division (A) (1) of this section does not apply to a 1635



person who has been convicted of or pleaded guilty to a 1636  
violation of section 2923.132 of the Revised Code or to a person 1637  
who, two or more times, has been convicted of or pleaded guilty 1638  
to a felony and a specification of the type described in section 1639  
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 1640  
of the Revised Code. 1641

(B) The application shall recite the following: 1642

(1) All indictments, convictions, or adjudications upon 1643  
which the applicant's disability is based, the sentence imposed 1644  
and served, and any release granted under a community control 1645  
sanction, post-release control sanction, or parole, any partial 1646  
or conditional pardon granted, or other disposition of each 1647  
case, or, if the disability is based upon a factor other than an 1648  
indictment, a conviction, or an adjudication, the factor upon 1649  
which the disability is based and all details related to that 1650  
factor; 1651

(2) Facts showing the applicant to be a fit subject for 1652  
relief under this section. 1653

(C) A copy of the application shall be served on the 1654  
county prosecutor. The county prosecutor shall cause the matter 1655  
to be investigated and shall raise before the court any 1656  
objections to granting relief that the investigation reveals. 1657

(D) Upon hearing, the court may grant the applicant relief 1658  
pursuant to this section, if all of the following apply: 1659

(1) One of the following applies: 1660

(a) If the disability is based upon an indictment, a 1661  
conviction, or an adjudication, the applicant has been fully 1662  
discharged from imprisonment, community control, post-release 1663  
control, and parole, or, if the applicant is under indictment, 1664

has been released on bail or recognizance. 1665

(b) If the disability is based upon a factor other than an 1666  
indictment, a conviction, or an adjudication, that factor no 1667  
longer is applicable to the applicant. 1668

(2) The applicant has led a law-abiding life since 1669  
discharge or release, and appears likely to continue to do so. 1670

(3) The applicant is not otherwise prohibited by law from 1671  
acquiring, having, or using firearms. 1672

(E) Costs of the proceeding shall be charged as in other 1673  
civil cases, and taxed to the applicant. 1674

(F) Relief from disability granted pursuant to this 1675  
section restores the applicant to all civil firearm rights to 1676  
the full extent enjoyed by any citizen, and is subject to the 1677  
following conditions: 1678

(1) Applies only with respect to indictments, convictions, 1679  
or adjudications, or to the other factor, recited in the 1680  
application as the basis for the applicant's disability; 1681

(2) Applies only with respect to firearms lawfully 1682  
acquired, possessed, carried, or used by the applicant; 1683

(3) May be revoked by the court at any time for good cause 1684  
shown and upon notice to the applicant; 1685

(4) Is automatically void upon commission by the applicant 1686  
of any offense set forth in division (A) (2) or (3) of section 1687  
2923.13 of the Revised Code, upon conviction of the applicant of 1688  
any offense set forth in division (A) (4) or (5) of that section, 1689  
or upon the applicant's becoming one of the class of persons 1690  
named in division (A) (1), ~~(4), or (5)~~ (6), (7), (8), (9), (10), 1691  
(11), or (12) of that section. 1692

(G) As used in this section:	1693
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	1694 1695
(2) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.	1696 1697 1698
<b>Sec. 2923.18.</b> (A) Upon application to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has <del>his</del> <u>the applicant's</u> principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:	1699 1700 1701 1702 1703 1704 1705
(1) Contractors, wreckers, <del>quarrymen</del> <u>quarriers</u> , mine operators, and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried, or used in the course of such business;	1706 1707 1708 1709 1710
(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes on lands farmed by them;	1711 1712 1713
(3) Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;	1714 1715 1716
(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by any such person while acting within the scope of <del>his</del> <u>the person's</u> duties;	1717 1718 1719 1720

(5) In the discretion of the issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or other proper purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has ~~his~~ the applicant's principal place of business. The application shall be accompanied by an application fee of fifty dollars when the application is for a license, and an application fee of five dollars when the application is for a temporary permit. The fees shall be paid into the general revenue fund of the county or municipality. The application shall contain the following information:

(1) The name, age, address, occupation, and business address of the applicant, if ~~he~~ the applicant is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation;

(2) A description of the dangerous ordnance for which a permit is requested;

(3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;

(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;

(5) Such other information, as the issuing authority may require in giving effect to this section.

(C) Upon investigation, the issuing authority shall issue

a license or temporary permit only if all of the following 1750  
apply: 1751

(1) The applicant is not otherwise prohibited by law from 1752  
acquiring, having, carrying or using dangerous ordnance; 1753

(2) The applicant is age twenty-one or over, if ~~he~~ the 1754  
applicant is a natural person; 1755

(3) It appears that the applicant has sufficient 1756  
competence to safely acquire, possess, carry, or use the 1757  
dangerous ordnance, and that proper precautions will be taken to 1758  
protect the security of the dangerous ordnance and ensure the 1759  
safety of persons and property; 1760

(4) It appears that the dangerous ordnance will be 1761  
lawfully acquired, possessed, carried, and used by the applicant 1762  
for a legitimate purpose. 1763

(D) The license or temporary permit shall identify the 1764  
person to whom it is issued, identify the dangerous ordnance 1765  
involved and state the purposes for which the license or 1766  
temporary permit is issued, state the expiration date, if any, 1767  
and list such restrictions on the acquisition, possession, 1768  
carriage, or use of the dangerous ordnance as the issuing 1769  
authority considers advisable to protect the security of the 1770  
dangerous ordnance and ensure the safety of persons and 1771  
property. 1772

(E) A temporary permit shall be issued for the casual use 1773  
of explosives and explosive devices, and other consumable 1774  
dangerous ordnance, and shall expire within thirty days of its 1775  
issuance. A license shall be issued for the regular use of 1776  
consumable dangerous ordnance, or for any ~~nonconsumable~~ 1777  
nonconsumable dangerous ordnance, which license need not specify 1778

an expiration date, but the issuing authority may specify such 1779  
expiration date, not earlier than one year from the date of 1780  
issuance, as it considers advisable in view of the nature of the 1781  
dangerous ordnance and the purposes for which the license is 1782  
issued. 1783

(F) The dangerous ordnance specified in a license or 1784  
temporary permit may be obtained by the holder anywhere in the 1785  
state. The holder of a license may use such dangerous ordnance 1786  
anywhere in the state. The holder of a temporary permit may use 1787  
such dangerous ordnance only within the territorial jurisdiction 1788  
of the issuing authority. 1789

(G) The issuing authority shall forward to the state fire 1790  
marshal a copy of each license or temporary permit issued 1791  
pursuant to this section, and a copy of each record of a 1792  
transaction in dangerous ordnance and of each report of lost or 1793  
stolen dangerous ordnance, given to the local law enforcement 1794  
authority as required by divisions (A) ~~(4)~~ (6) and ~~(5)~~ (7) of 1795  
section 2923.20 of the Revised Code. The state fire marshal 1796  
shall keep a permanent file of all licenses and temporary 1797  
permits issued pursuant to this section, and of all records of 1798  
transactions in, and losses or thefts of dangerous ordnance 1799  
forwarded by local law enforcement authorities pursuant to this 1800  
section. 1801

**Sec. 2923.20.** (A) No person shall do any of the following: 1802

(1) Recklessly sell, lend, give, or furnish any firearm to 1803  
any person prohibited by section 2923.13 or 2923.15 of the 1804  
Revised Code from acquiring or using any firearm, or recklessly 1805  
sell, lend, give, or furnish any dangerous ordnance to any 1806  
person prohibited by section 2923.13, 2923.15, or 2923.17 of the 1807  
Revised Code from acquiring or using any dangerous ordnance; 1808

- (2) Possess any firearm or dangerous ordnance with purpose 1809  
to dispose of it in violation of division (A) of this section; 1810
- (3) Knowingly solicit, persuade, encourage, or entice a 1811  
federally licensed firearms dealer or private seller of firearms 1812  
or ammunition to transfer a firearm or ammunition under 1813  
circumstances that the person knows would violate the laws of 1814  
this state or of the United States; 1815
- (4) Knowingly provide materially false information to a 1816  
licensed firearms dealer or private seller of firearms or 1817  
ammunition with the intent to deceive the dealer or seller about 1818  
the legality of a transfer of a firearm or ammunition; 1819
- (5) Manufacture, possess for sale, sell, or furnish to any 1820  
person other than a law enforcement agency for authorized use in 1821  
police work, any brass knuckles, cestus, billy, blackjack, 1822  
sandbag, switchblade knife, springblade knife, gravity knife, or 1823  
similar weapon; 1824
- ~~(4)~~-(6) When transferring any dangerous ordnance to 1825  
another, negligently fail to require the transferee to exhibit 1826  
such identification, license, or permit showing ~~him~~ the 1827  
transferee to be authorized to acquire dangerous ordnance 1828  
pursuant to section 2923.17 of the Revised Code, or negligently 1829  
fail to take a complete record of the transaction and forthwith 1830  
forward a copy of that record to the sheriff of the county or 1831  
safety director or police chief of the municipality where the 1832  
transaction takes place; 1833
- ~~(5)~~-(7) Knowingly fail to report to law enforcement 1834  
authorities forthwith the loss or theft of any firearm or 1835  
dangerous ordnance in the person's possession or under the 1836  
person's control. 1837

(B) (1) A person who knowingly procures another to engage 1838  
in conduct prohibited by division (A) (3) or (4) of this section 1839  
is guilty, as a principal, of a violation of this section. 1840

(2) Divisions (A) (3) and (4) of this section do not apply 1841  
to a law enforcement officer who is acting in the officer's 1842  
official capacity or to a person acting under the direction of a 1843  
law enforcement officer who is acting in the officer's official 1844  
capacity. 1845

(C) Whoever violates this section is guilty of unlawful 1846  
transactions in weapons. A violation of division (A) (1) ~~or,~~ 1847  
(2), (3), or (4) of this section is a felony of the ~~fourth-~~ 1848  
second degree. A violation of division (A) ~~(3)-(5) or (4)-(6)~~ of 1849  
this section is a misdemeanor of the second degree. A violation 1850  
of division (A) ~~(5)-(7)~~ of this section is a misdemeanor of the 1851  
fourth degree. 1852

(D) As used in this section: 1853

(1) "Ammunition" means any cartridge, shell, or projectile 1854  
designed for use in a firearm. 1855

(2) "Federally licensed firearms dealer" has the same 1856  
meaning as in section 5502.63 of the Revised Code. 1857

(3) "Materially false information" means information that 1858  
portrays an illegal transaction as legal or a legal transaction 1859  
as illegal. 1860

(4) "Private seller of firearms or ammunition" means a 1861  
person who is not a federally licensed firearms dealer and who 1862  
sells or offers for sale any firearm or ammunition. 1863

**Sec. 3113.26.** As used in sections 3113.26 to 3113.30 of 1864  
the Revised Code: 1865



(A) "Court" means the probate court in each county as defined in section 2101.01 of the Revised Code, unless the reference expressly refers to a court other than a probate court. 1866  
1867  
1868  
1869

(B) "Family or household member" and "person living as a spouse" have the same meanings as in section 3113.31 of the Revised Code. 1870  
1871  
1872

(C) "Firearm" has the same meaning as in section 2923.11 of the Revised Code. 1873  
1874

(D) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code. 1875  
1876

(E) "Law enforcement officer" means a sheriff, deputy sheriff, member of the organized police department of any municipal corporation, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or a state university law enforcement officer appointed under section 3345.04 of the Revised Code. 1877  
1878  
1879  
1880  
1881  
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(F) "Mental illness" and "mentally ill person subject to court order" have the same meanings as in section 5122.01 of the Revised Code. 1884  
1885  
1886

(G) "Petitioner" means a family or household member, a person living as a spouse, or a law enforcement officer who files a petition for an extreme risk protection order under section 3113.27 of the Revised Code. 1887  
1888  
1889  
1890

(H) "Respondent" means a person who is identified in a petition for an extreme risk protection order filed under section 3113.27 of the Revised Code as the person to which the extreme risk protection order will apply if the order is issued. 1891  
1892  
1893  
1894

(I) "Extended extreme risk protection order" and "extended order" mean an extreme risk protection order that has been extended under division (D) of section 3113.29 of the Revised Code. 1895  
1896  
1897  
1898

**Sec. 3113.27.** (A) (1) A family or household member of a respondent, a person living as a spouse of a respondent, or a law enforcement officer may file a petition in the probate court of the county in which the respondent resides requesting that the court issue an extreme risk protection order temporarily enjoining the respondent from having in the respondent's possession, custody, or control any firearm. 1899  
1900  
1901  
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(2) A petition filed under division (A) (1) of this section shall do all of the following: 1906  
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(a) Allege facts showing that the respondent presents a significant risk in the near future of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person; 1908  
1909  
1910  
1911

(b) Identify the number, types, and locations of any firearms the petitioner believes to be in the respondent's possession, custody, or control at the time the petition is filed; 1912  
1913  
1914  
1915

(c) Include the respondent's residence address at the time the petition is filed as well as any other information the petitioner has concerning the whereabouts of the respondent, so that service of the petition on the respondent promptly can be made under division (A) (6) of this section; 1916  
1917  
1918  
1919  
1920

(d) Identify whether there is a current protection order or restraining order governing the respondent under section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1921  
1922  
1923

Code or under any other applicable statute; 1924

(e) If, at the time of the filing of the petition, the 1925  
respondent is in custody under section 5122.10 of the Revised 1926  
Code for an examination as a person who is believed to be a 1927  
mentally ill person subject to court order and to represent a 1928  
substantial risk of physical harm to self or others if allowed 1929  
to remain at liberty pending examination, state the fact of the 1930  
custody and the date on which the person was taken into custody, 1931  
and identify the location of the custody. 1932

(3) A petition for an extreme risk protection order filed 1933  
under division (A)(1) of this section shall be supported by a 1934  
written affidavit signed by the petitioner under oath, an oral 1935  
statement given by the petitioner under oath, or any other 1936  
admissible evidence the petitioner may choose to produce that 1937  
sets forth the facts alleged in the petition that give rise to a 1938  
reasonable belief on the part of the petitioner that the 1939  
respondent presents a significant risk of the type described in 1940  
the petition. If the petitioner is a law enforcement officer, 1941  
the law enforcement officer also shall include in the affidavit 1942  
under oath that the officer has conducted an independent 1943  
investigation of the circumstances giving rise to the filing of 1944  
the petition and that there is good cause for the filing of the 1945  
petition. 1946

(4) In any proceeding before the court in which the 1947  
petitioner is seeking an extreme risk protection order or an 1948  
extension of an existing extreme risk protection order, the 1949  
petitioner has the burden of proof. 1950

(5) In any proceeding before the court in which the 1951  
petitioner is seeking an extreme risk protection order, the 1952  
Rules of Civil Procedure and the Rules of Evidence shall apply. 1953

(6) Upon the filing of a petition for an extreme risk protection order under division (A)(1) of this section, the court shall set a date for a hearing on the petition that is not later than three calendar days after the day on which the petition is filed. On the same business day the petitioner files the petition, the court shall direct a law enforcement officer to serve on the respondent a copy of the petition and a notice of the hearing. The notice of the hearing shall notify the respondent of the date, time, and location of the hearing and of the respondent's opportunity to be heard to contest the issuance of an extreme risk protection order. On motion of the petitioner or respondent, or on its own motion, the court may grant a continuance of the hearing for any of the circumstances or reasons identified in divisions (A)(6)(a) to (e) of this section and, upon granting a continuance, the court shall notify the petitioner and respondent of the new date, time, and location of the hearing. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the hearing to a reasonable time determined by the court: 1954-1972

(a) Prior to the date scheduled for the hearing under this division, the respondent has not been served with the petition filed under this section and the notice of the hearing. 1973-1975

(b) The petitioner and the respondent consent to the continuance. 1976-1977

(c) The continuance is to allow either the petitioner or the respondent to obtain counsel. 1978-1979

(d) The continuance is needed for other good cause. 1980

(e) At the time of the filing of the petition, the respondent is in custody as described in division (A)(2)(e) of 1981-1982

this section. 1983

(7) If, at the time scheduled for the hearing under 1984  
division (A) (6) of this section, the respondent is in custody as 1985  
described in division (A) (2) (e) of this section, the respondent 1986  
shall be released from the custody for the purpose of attending 1987  
the hearing. If, on completion of the hearing, the period of the 1988  
custody of the respondent for an examination as described in 1989  
division (A) (2) (e) of this section has not ended and the 1990  
respondent has not been discharged from that custody, the 1991  
respondent shall return to the hospital from which the 1992  
respondent was released to attend the hearing. The court may 1993  
direct that a law enforcement officer transport the respondent 1994  
to and from the hearing. 1995

(B) (1) At the hearing for an extreme risk protection order 1996  
provided under division (A) (6) of this section, the petitioner 1997  
must prove, by clear and convincing evidence, that the 1998  
respondent presents a significant risk of committing suicide, 1999  
committing another form of serious self-harm less than death, or 2000  
causing physical injury to another person in the near future to 2001  
such an extent that the respondent should be immediately and 2002  
temporarily enjoined from having in the respondent's possession, 2003  
custody, or control any firearm. If the court at the hearing 2004  
finds that the petitioner has so proved, the court may issue an 2005  
extreme risk protection order. Absent such a finding, the court 2006  
shall not issue an extreme risk protection order. 2007

(2) In determining whether to issue an extreme risk 2008  
protection order under this section, the court shall consider 2009  
all of the factors listed in division (C) of this section. 2010

(3) If the court at the hearing provided under division 2011  
(A) (6) of this section finds, by clear and convincing evidence, 2012

that an extreme risk protection order should be issued and 2013  
issues the order, the order shall include all of the following: 2014

(a) A statement of the evidence presented and the court's 2015  
findings supporting issuance of the order; 2016

(b) The date the order was issued; 2017

(c) The duration of the order, which shall be one hundred 2018  
eighty days after the date on which a copy of the proof of a 2019  
voluntary transfer or an affidavit is filed with a court under 2020  
division (A) (2) of section 3113.28 of the Revised Code or a 2021  
return is filed with a court under division (B) of that section, 2022  
and a notice that the duration of the order may be extended upon 2023  
request of the petitioner if the court makes certain findings; 2024

(d) A notice to the respondent that, beginning ninety days 2025  
after a copy of the proof of a voluntary transfer or an 2026  
affidavit is filed with a court under division (A) (2) of section 2027  
3113.28 of the Revised Code or a return is filed with a court 2028  
under division (B) of that section, the respondent may file a 2029  
petition with the court pursuant to section 3113.29 of the 2030  
Revised Code for a hearing under that section to terminate the 2031  
order and reclaim possession of the respondent's firearms; 2032

(e) A notice that the order can be appealed to the court 2033  
of appeals; 2034

(f) A notice that the issuance of an extreme risk 2035  
protection order under division (B) of this section shall make 2036  
it unlawful for the respondent to possess, purchase, acquire, or 2037  
obtain a firearm, including ammunition, while the extreme risk 2038  
protection order is in effect. 2039

(4) If the court issues an extreme risk protection order 2040  
under division (B) of this section, the court shall immediately 2041

direct a law enforcement officer to serve the order on the 2042  
respondent as soon as possible, either at the residence address 2043  
of the respondent as set forth in the petition or at any other 2044  
location that either the petitioner or the law enforcement 2045  
officer has reason to believe the respondent can be found and 2046  
served. If, at that time, the respondent is in custody as 2047  
described in division (A)(2)(e) of this section, the law 2048  
enforcement officer shall serve the order on the respondent at 2049  
the hospital in which the respondent is in custody. After the 2050  
law enforcement officer serves the order on the respondent, the 2051  
officer shall file with the court notice of service on the 2052  
respondent. The notice of service shall state the date and time 2053  
the respondent was served and the location at which the 2054  
respondent was served. 2055

(5) An extreme risk protection order issued under division 2056  
(B) of this section shall order the respondent, within twenty- 2057  
four hours of being served with a copy of the order, to transfer 2058  
all firearms in the respondent's possession, custody, or control 2059  
to a law enforcement agency or federally licensed firearms 2060  
dealer, in accordance with division (A) of section 3113.28 of 2061  
the Revised Code. The order also shall inform the respondent of 2062  
the affidavit provisions of divisions (A)(2)(b) and (c) of that 2063  
section and that if the respondent files an affidavit of the 2064  
type described in either of those divisions, the twenty-four 2065  
hour transfer requirement included in the order does not apply 2066  
to the respondent. The order also shall inform the respondent 2067  
that, if the twenty-four hour transfer requirement applies to 2068  
the respondent and the respondent does not transfer the firearms 2069  
in accordance with division (A) of section 3113.28 of the 2070  
Revised Code, the court will issue a warrant as described in 2071  
this division for seizure of the firearms. 2072

If the twenty-four hour transfer requirement included in 2073  
the order applies to the respondent and the respondent does not 2074  
transfer all firearms under the respondent's possession, 2075  
custody, or control within twenty-four hours in accordance with 2076  
division (A) of section 3113.28 of the Revised Code, except as 2077  
otherwise described in this paragraph, the court shall issue a 2078  
warrant under division (B) of that section commanding a law 2079  
enforcement officer in the county in which the respondent 2080  
resides to enter the respondent's residence or any other 2081  
property owned, leased, or controlled by the respondent to 2082  
search for and seize all firearms in the respondent's 2083  
possession, custody, or control. A court that otherwise is 2084  
required to issue a warrant as described in this paragraph may 2085  
decide to not issue the warrant or to delay the issuance of the 2086  
warrant, in the circumstances specified in division (B) of 2087  
section 3113.28 of the Revised Code. 2088

(C) (1) In determining whether to issue an extreme risk 2089  
protection order, the court shall consider all of the following: 2090

(a) Recent threats or acts of violence by the respondent 2091  
directed toward the petitioner; 2092

(b) Recent threats or acts of violence by the respondent 2093  
directed toward any other person; 2094

(c) Recent acts of the respondent's cruelty to animals; 2095

(d) The respondent's reckless use, display, or brandishing 2096  
of a firearm; 2097

(e) A history of suicide threats or attempts by the 2098  
respondent or other attempts by the respondent to engage in any 2099  
form of self-harm; 2100

(f) A history of the use, attempted use, or threatened use 2101



of physical force or violence by the respondent against another 2102  
person; 2103

(g) The respondent's illegal use of controlled substances 2104  
or abuse of alcohol; 2105

(h) A prior confinement of the respondent under section 2106  
5122.10 or 5122.11 of the Revised Code that resulted in the 2107  
respondent being found to be a mentally ill person subject to 2108  
court order; 2109

(i) Any other factors that are relevant to an evaluation 2110  
of whether the respondent presents a significant risk in the 2111  
near future of committing suicide, committing another form of 2112  
self-harm less than death, or causing physical injury to another 2113  
person. 2114

(2) As used in division (C) (1) of this section: 2115

(a) "Recent" means at any time within the six-month period 2116  
immediately prior to the filing of the petition requesting the 2117  
issuance of an extreme risk protection order with respect to 2118  
which the hearing pertains. 2119

(b) "A history of" a specified type of activity or conduct 2120  
means that the specified activity or conduct has occurred 2121  
multiple times within the six-month period immediately prior to 2122  
the filing of the petition requesting the issuance of an extreme 2123  
risk protection order with respect to which the hearing 2124  
pertains. 2125

(D) Any evidence presented in a petition for an extreme 2126  
risk protection order under division (A) (1) of this section or 2127  
in any hearing on such a petition that the respondent has been 2128  
diagnosed with any mental illness or any other mental health 2129  
condition is not sufficient by itself for the court to issue an 2130

extreme risk protection order. For the extreme risk protection 2131  
order to be issued, the court must find that one or more of the 2132  
factors listed in division (C) of this section applies, in 2133  
addition to any mental illness or any other mental health 2134  
condition from which the respondent may suffer. 2135

(E) (1) A copy of an extreme risk protection order issued 2136  
pursuant to division (B) of this section shall be issued to the 2137  
petitioner, to the respondent, and to all law enforcement 2138  
agencies that have jurisdiction to enforce the order. If the 2139  
court that issued the order terminates or cancels the order, the 2140  
court shall cause the delivery of notice of the termination or 2141  
cancellation to the same persons and entities that were issued a 2142  
copy of the order. If the respondent appeals the order or an 2143  
extension of the order to the court of appeals and the court of 2144  
appeals overturns the decision of the probate court to issue or 2145  
extend the order, the court of appeals shall cause the delivery 2146  
of notice of its decision to the same persons and entities that 2147  
were issued a copy of the order or of the extension of the 2148  
order. 2149

(2) Any order issued under division (B) of this section 2150  
shall be in a form that ensures the order is accepted into the 2151  
protection order database of the national crime information 2152  
center (NCIC) maintained by the federal bureau of investigation. 2153

(3) Each law enforcement agency provided a copy of an 2154  
order pursuant to division (E) (1) of this section shall ensure 2155  
the order is entered into the law enforcement automated data 2156  
system created by section 5503.10 of the Revised Code and known 2157  
as LEADS within twenty-four hours of receipt. Upon the 2158  
termination or cancellation of the order, or upon a decision of 2159  
a court of appeals that overturns the decision of the probate 2160

court to issue or extend the order, the agency shall take all 2161  
steps necessary to ensure that the order is removed from LEADS 2162  
within twenty-four hours after receipt of notice of the 2163  
termination, cancellation, or overturning of the order or 2164  
extension and that the order is terminated, cleared, or canceled 2165  
in the database of the national crime information center (NCIC) 2166  
maintained by the federal bureau of investigation into which the 2167  
order has been entered, as described in division (E) (2) of this 2168  
section. 2169

**Sec. 3113.28.** (A) Any person who is a respondent subject 2170  
to an extreme risk protection order issued under section 3113.27 2171  
of the Revised Code and who has been served with the order may 2172  
voluntarily transfer all firearms in the respondent's 2173  
possession, custody, or control as described in this division. A 2174  
respondent's compliance with both divisions (A) (1) and (2) of 2175  
this section constitutes a voluntary transfer of the firearms. 2176  
To voluntarily transfer the firearms, the respondent shall 2177  
comply with the following: 2178

(1) (a) Subject to division (A) (1) (b) of this section, 2179  
within twenty-four hours after being served with the extreme 2180  
risk protection order, the respondent shall transfer all 2181  
firearms in the respondent's possession, custody, or control to 2182  
a law enforcement agency or federally licensed firearms dealer. 2183  
The respondent shall provide a copy of the order to the law 2184  
enforcement agency or federally licensed firearms dealer at the 2185  
time of transfer. The law enforcement agency or federally 2186  
licensed firearms dealer shall issue a proof of transfer to the 2187  
respondent. The proof of transfer shall include the name of the 2188  
respondent, the date of transfer, and the serial number, make, 2189  
and model or any other relevant description of each transferred 2190  
firearm and shall identify the law enforcement agency or 2191

federally licensed firearms dealer and provide an address and 2192  
telephone number for the agency or dealer and the name of a 2193  
person who may be contacted at the agency or dealer's premises. 2194

(b) If the respondent was taken into custody under 2195  
division (A) of section 5122.10 of the Revised Code after the 2196  
issuance of the extreme risk protection order but before the 2197  
respondent's compliance with division (A) (1) (a) of this section, 2198  
or was taken into custody under division (A) of section 5122.10 2199  
of the Revised Code before the issuance of the extreme risk 2200  
protection order and the order was issued while the respondent 2201  
was in that custody or under any other disposition of a type 2202  
described in division (A) of section 5122.10 of the Revised Code 2203  
that is subsequent and related to that custody, division (A) (1) 2204  
(a) of this section does not apply to the respondent while the 2205  
respondent remains in that custody or under that other 2206  
disposition. Upon the respondent's release or discharge from 2207  
that custody or other disposition, if the extreme risk 2208  
protection order remains in effect, within twenty-four hours of 2209  
that release or discharge, the respondent shall comply with 2210  
division (A) (1) (a) of this section and the provisions of that 2211  
division apply with respect to transfers made under it. 2212

(2) (a) Subject to divisions (A) (2) (b) and (c) of this 2213  
section, within forty-eight hours after being served with the 2214  
extreme risk protection order, the respondent shall do one of 2215  
the following: 2216

(i) File a copy of the proof of transfer with the court 2217  
that issued the order and an affidavit stating that all firearms 2218  
in the respondent's possession, custody, or control at the time 2219  
the respondent was served with the order have been transferred 2220  
in accordance with this division and that the respondent 2221

currently has no firearms in the respondent's possession, 2222  
custody, or control; 2223

(ii) File an affidavit with the court that issued the 2224  
order stating that at the time the respondent was served with 2225  
the order, the respondent had no firearms in the respondent's 2226  
possession, custody, or control, and that the respondent 2227  
currently has no firearms in the respondent's possession, 2228  
custody, or control. 2229

(b) If the respondent was taken into custody under 2230  
division (A) of section 5122.10 of the Revised Code after the 2231  
issuance of the extreme risk protection order but before the 2232  
respondent's compliance with division (A) (1) (a) of this section, 2233  
division (A) (2) (a) of this section does not apply to the 2234  
respondent while the respondent remains in that custody or under 2235  
any other disposition of a type described in division (A) of 2236  
section 5122.10 of the Revised Code that is subsequent and 2237  
related to that custody. Instead, within forty-eight hours after 2238  
being taken into custody, the respondent shall file an affidavit 2239  
with the court that issued the order stating that the respondent 2240  
is in custody under division (A) of section 5122.10 of the 2241  
Revised Code or under another disposition of a type described in 2242  
that division that is subsequent and related to that custody. 2243  
Upon the respondent's release or discharge from that custody or 2244  
other disposition, if the extreme risk protection order remains 2245  
in effect, the respondent shall comply with division (A) (1) (a) 2246  
of this section as specified under division (A) (1) (b) of this 2247  
section and, within forty-eight hours after that release, shall 2248  
comply with division (A) (2) (a) (i) or (ii) of this section. 2249

(c) If the respondent was taken into custody under 2250  
division (A) of section 5122.10 of the Revised Code before the 2251

issuance of the extreme risk protection order and the order was 2252  
issued while the respondent was in that custody or under any 2253  
other disposition of a type described in division (A) of section 2254  
5122.10 of the Revised Code that is subsequent and related to 2255  
that custody, division (A)(2)(a) of this section does not apply 2256  
to the respondent while the respondent remains in that custody 2257  
or under that other disposition. Instead, within forty-eight 2258  
hours after being served with the extreme risk protection order, 2259  
the respondent shall file an affidavit of the type described in 2260  
division (A)(2)(b) of this section with the court that issued 2261  
the order. Upon the respondent's release or discharge from that 2262  
custody or other disposition, if the extreme risk protection 2263  
order remains in effect, the respondent shall comply with 2264  
division (A)(1)(a) of this section as specified under division 2265  
(A)(1)(b) of this section and, within forty-eight hours after 2266  
that release, shall comply with division (A)(2)(a)(i) or (ii) of 2267  
this section. 2268

(B) If a respondent who is subject to an extreme risk 2269  
protection order issued under section 3113.27 of the Revised 2270  
Code does not voluntarily transfer all firearms in compliance 2271  
with division (A) of this section within the transfer period 2272  
applicable to the respondent, as specified in that division, 2273  
except as otherwise described in this division, the court that 2274  
issued the order shall issue a warrant to a law enforcement 2275  
officer commanding the officer to search for and seize all 2276  
firearms in the possession or control of the respondent. The law 2277  
enforcement officer who served the warrant, not later than 2278  
forty-eight hours after the warrant was served, shall file a 2279  
return with the court that states that the warrant was served 2280  
and that sets forth the time and date on which the warrant was 2281  
served, the name and address of the respondent named in the 2282

warrant, and the serial number, make, and model or any other 2283  
relevant description of each firearm seized by the law 2284  
enforcement officer. If a court that otherwise is required to 2285  
issue a warrant under this division determines that the 2286  
respondent is in custody or that the respondent's firearms 2287  
already have been surrendered to and are in the possession of a 2288  
law enforcement agency, the court may decide to not issue the 2289  
warrant or to delay the issuance of the warrant pending the 2290  
respondent's release or the return of the firearms to the 2291  
respondent. 2292

(C) The enforcement of an extreme risk protection order 2293  
issued under section 3113.27 of the Revised Code is separate 2294  
from, and independent of, the taking of temporary custody of 2295  
firearms under division (B) of section 5122.10 of the Revised 2296  
Code and, in the circumstances described in divisions (A) (1) (b), 2297  
(2) (b), and (2) (c) of this section, the procedures described in 2298  
those divisions apply with respect to the respondent under the 2299  
order. 2300

(D) (1) Any law enforcement agency or federally licensed 2301  
firearms dealer that has taken possession of a respondent's 2302  
firearms pursuant to an extreme risk protection order issued 2303  
under section 3113.27 of the Revised Code, whether by a 2304  
voluntary transfer by the respondent pursuant to division (A) of 2305  
this section or by a seizure by a law enforcement officer 2306  
pursuant to division (B) of this section, shall not mark, 2307  
damage, deface, or destroy the firearms while they are in the 2308  
agency's or dealer's possession. The agency or dealer shall 2309  
maintain the integrity and identity of the firearms in such a 2310  
manner that, if the firearms subsequently are to be returned to 2311  
the respondent, they can be identified and returned to the 2312  
respondent in the same condition they were in when they were 2313

voluntarily transferred or seized. The agency or dealer shall 2314  
not relinquish control of the firearms other than pursuant to a 2315  
provision of section 3113.29 of the Revised Code, pursuant to a 2316  
sale as specified in division (F) of that section, or pursuant 2317  
to a court order. 2318

(2) Any law enforcement agency that has taken possession 2319  
of a respondent's firearms pursuant to an extreme risk 2320  
protection order issued under section 3113.27 of the Revised 2321  
Code, whether by a voluntary transfer by the respondent pursuant 2322  
to division (A) of this section or by a seizure by a law 2323  
enforcement officer pursuant to division (B) of this section, 2324  
may transfer the respondent's firearms for storage by the state 2325  
highway patrol for the duration of the order. The state highway 2326  
patrol shall issue the law enforcement agency that originally 2327  
took possession of the respondent's firearms a proof of transfer 2328  
that includes the name and address of the respondent from whom 2329  
the firearms were received and the serial number, make, and 2330  
model or any other relevant description of each transferred 2331  
firearm. The state highway patrol shall notify the court, the 2332  
petitioner, and the respondent that the state highway patrol 2333  
then is in possession of the respondent's firearms. This 2334  
division does not apply to a federally licensed firearms dealer 2335  
that has taken possession of a respondent's firearms pursuant to 2336  
an extreme risk protection order issued under section 3113.27 of 2337  
the Revised Code by a voluntary transfer by the respondent 2338  
pursuant to division (A) of this section. 2339

(3) A law enforcement agency or federally licensed 2340  
firearms dealer that has taken possession of a respondent's 2341  
firearms as described in division (D)(1) or (2) of this section, 2342  
or the state highway patrol that has custody of a respondent's 2343  
firearms as described in division (D)(2) of this section, shall 2344



make a record of the firearms for purposes of sections 3113.26 2345  
to 3113.30 of the Revised Code. Notwithstanding section 149.43 2346  
of the Revised Code, the record is confidential, is not a public 2347  
record, and shall be used only for purposes of sections 3113.26 2348  
to 3113.30 of the Revised Code. No person shall disseminate the 2349  
record or any information on it, other than as required for 2350  
purposes of sections 3113.26 to 3113.30 of the Revised Code or 2351  
as required to do so pursuant to a court order. The agency, 2352  
dealer, or state highway patrol shall not submit the record or 2353  
any information on it to any government entity for purposes of a 2354  
centralized database and no government entity shall establish or 2355  
maintain any centralized database including the record or any 2356  
information on it. 2357

**Sec. 3113.29.** (A) An extreme risk protection order issued 2358  
by a court pursuant to division (A)(6) of section 3113.27 of the 2359  
Revised Code shall be for a period of one hundred eighty days 2360  
beginning after a copy of the proof of a voluntary transfer or 2361  
an affidavit is filed with a court under division (A)(2) of 2362  
section 3113.28 of the Revised Code or a return is filed with a 2363  
court under division (B) of that section, subject to termination 2364  
as described in division (B) of this section. The initial one- 2365  
hundred-eighty-day period may be extended for an additional 2366  
period under division (D) of this section, and an order extended 2367  
under that division may be further extended under that division. 2368

(B) (1) With respect to an extreme risk protection order 2369  
issued by a court pursuant to division (A)(6) of section 3113.27 2370  
of the Revised Code, beginning ninety days after a copy of the 2371  
proof of a voluntary transfer or an affidavit is filed with a 2372  
court under division (A)(2) of section 3113.28 or a return is 2373  
filed with a court under division (B) of that section, the 2374  
respondent may file a petition with the court that issued the 2375

order requesting a hearing to terminate the order and reclaim 2376  
possession of the respondent's firearms. If the order has been 2377  
extended for an additional period under division (D) of this 2378  
section, the respondent may file a motion of the type described 2379  
in this division at any time after the extension. 2380

(2) Upon receipt of a petition described in division (B) 2381  
(1) of this section, the court shall schedule a hearing on the 2382  
petition and notify the petitioner and the respondent of the 2383  
date, time, and location of the hearing. 2384

(3) In a hearing on a petition described in division (B) 2385  
(1) of this section, the respondent has the burden of proving by 2386  
a preponderance of the evidence that the respondent no longer 2387  
presents a significant risk in the near future of committing 2388  
suicide, committing another form of serious self-harm less than 2389  
death, or causing physical injury to another person to such an 2390  
extent that the respondent should be enjoined from having in the 2391  
respondent's possession, custody, or control any firearm. At any 2392  
such hearing, the petitioner may present evidence to rebut the 2393  
respondent's evidence or assertion that the respondent presently 2394  
does not present such a risk. 2395

(4) Upon the completion of the hearing on a respondent's 2396  
petition under division (B)(1) of this section and consideration 2397  
of the record, the court shall do one of the following: 2398

(a) If the court finds that the respondent no longer 2399  
presents a significant risk in the near future of committing 2400  
suicide, committing another form of serious self-harm less than 2401  
death, or causing physical injury to another person to such an 2402  
extent that the respondent should be enjoined from having in the 2403  
respondent's possession, custody, or control any firearm, the 2404  
court shall grant the respondent's petition, terminate the 2405

extreme risk protection order, and order the law enforcement 2406  
agency or federally licensed firearms dealer having custody of 2407  
the firearms to return them to the respondent upon the 2408  
respondent's request as soon as possible, but not later than the 2409  
end of the next business day after, the day on which the 2410  
respondent makes the request. Upon receipt of the order, the law 2411  
enforcement agency or federally licensed firearms dealer shall 2412  
return the firearms to the respondent upon the respondent's 2413  
request. The agency or dealer shall return the firearms to the 2414  
respondent as soon as possible after, but not later than the end 2415  
of the next business day after the day on which, the respondent 2416  
makes the request. 2417

(b) If the court finds that the respondent continues to 2418  
present a significant risk in the near future of committing 2419  
suicide, committing another form of serious self-harm less than 2420  
death, or causing physical injury to another person to such an 2421  
extent that the respondent should be enjoined from having in the 2422  
respondent's possession, custody, or control any firearm, the 2423  
court shall deny the respondent's petition and the extreme risk 2424  
protection order shall remain in effect for the remainder of the 2425  
duration of the one-hundred-eighty-day period. In such a case, 2426  
the respondent may not file a subsequent petition to reclaim the 2427  
firearms at any time during the remainder of the duration of the 2428  
one-hundred-eighty-day period. 2429

(C) If an extreme risk protection order has been issued by 2430  
a court pursuant to division (A) (6) of section 3113.27 of the 2431  
Revised Code for a one-hundred-eighty-day period and if the 2432  
court has not terminated the order and ordered that the 2433  
respondent's firearms be returned to the respondent after a 2434  
hearing under division (B) of this section, unless the order is 2435  
extended for an additional period of not longer than one hundred 2436

eighty days under division (D) of this section, at the 2437  
conclusion of the one-hundred-eighty-day period the order 2438  
terminates and the law enforcement agency or federally licensed 2439  
firearms dealer having possession of the respondent's firearms 2440  
shall return them to the respondent upon the respondent's 2441  
request. The agency or dealer shall return the firearms to the 2442  
respondent as soon as possible after, but not later than the end 2443  
of the next business day after the day on which, the respondent 2444  
makes the request. 2445

(D) (1) If an extreme risk protection order has been issued 2446  
by the court pursuant to division (A) (6) of section 3113.27 of 2447  
the Revised Code for a one-hundred-eighty-day period and if the 2448  
court has not terminated that original order and ordered that 2449  
the respondent's firearms be returned to the respondent after a 2450  
hearing under division (B) of this section, at any time prior to 2451  
the day that is one hundred sixty-five days after the order was 2452  
issued, the petitioner may file a motion with the court that 2453  
issued the order to extend the order for an additional period of 2454  
not longer than one hundred eighty days. 2455

If an extreme risk protection order has been issued by the 2456  
court pursuant to division (A) (6) of section 3113.27 of the 2457  
Revised Code, if the order has been extended under this 2458  
division, and if the court has not terminated the extended 2459  
extreme risk protection order and ordered that the respondent's 2460  
firearms be returned to the respondent after a hearing under 2461  
division (B) of this section, at any time prior to the day that 2462  
is fifteen days before the date of termination of the extended 2463  
order, the petitioner may file a motion with the court that 2464  
issued the order to extend the order for an additional period of 2465  
not longer than one hundred eighty days. 2466

Upon the filing of a motion as described in this division, 2467  
the court shall schedule a hearing for a date and time that is 2468  
prior to the expiration of the one-hundred-eighty-day period in 2469  
the original extreme risk protection order or prior to the 2470  
expiration of the date or termination of the extended order, 2471  
whichever is applicable. The court shall notify the petitioner 2472  
and the respondent of the date, time, and location of the 2473  
hearing. 2474

(2) At the hearing on a motion filed under division (D)(1) 2475  
of this section, the petitioner must prove, by clear and 2476  
convincing evidence, that the respondent continues to present a 2477  
significant risk of committing suicide, committing another form 2478  
of serious self-harm less than death, or causing physical injury 2479  
to another person in the near future to such an extent that the 2480  
respondent should remain temporarily enjoined from having in the 2481  
respondent's possession, custody, or control any firearm. 2482

(3) In determining at a hearing on a motion filed under 2483  
division (D)(1) of this section whether to extend an extreme 2484  
risk protection order, whether an initial order or a previously 2485  
extended order, the court shall consider all of the factors 2486  
listed in division (C) of section 3113.27 of the Revised Code. 2487

(4) Upon the completion of a hearing on the petitioner's 2488  
motion filed under division (D)(1) of this section and 2489  
consideration of the record, the court shall do one of the 2490  
following: 2491

(a) If the court finds that the petitioner has not proven 2492  
by clear and convincing evidence that the respondent continues 2493  
to present a significant risk in the near future of committing 2494  
suicide, committing another form of serious self-harm less than 2495  
death, or causing physical injury to another person to such an 2496

extent that the respondent should be enjoined from having 2497  
possession, custody, or control of any firearm, the court shall 2498  
deny the petitioner's motion. If the court denies the 2499  
petitioner's motion, the extreme risk protection order shall 2500  
expire at the end of the specified one-hundred-eighty-day period 2501  
if the order is an initial order or on the date of termination 2502  
of the extension if the order is an extended order, whichever is 2503  
applicable, and the law enforcement agency or federally licensed 2504  
firearms dealer having custody of the firearms shall return them 2505  
to the respondent upon the respondent's request after the 2506  
expiration of the applicable specified period. The agency or 2507  
dealer shall return the firearms to the respondent as soon as 2508  
possible after, but not later than the end of the next business 2509  
day after the day on which, the respondent makes the request. 2510

(b) If the court finds that the petitioner has proven by 2511  
clear and convincing evidence that the respondent continues to 2512  
present a significant risk in the near future of committing 2513  
suicide, committing another form of serious self-harm less than 2514  
death, or causing physical injury to another person to such an 2515  
extent that the respondent should be enjoined from having 2516  
possession, custody, or control of any firearm, the court shall 2517  
grant the petitioner's motion and the court shall extend the 2518  
current extreme risk protection order for an additional period 2519  
of not longer than one hundred eighty days immediately following 2520  
the expiration of the specified one-hundred-eighty-day period if 2521  
the order is an initial order or the date of termination of the 2522  
extension if the order is an extended order, whichever is 2523  
applicable. 2524

(5) Whether the court grants or denies the petitioner's 2525  
motion under division (D)(1) of this section to extend the 2526  
extreme risk protection order, the court shall make a written 2527

statement of the evidence presented and the court's findings 2528  
supporting the grant or denial of the motion and provide the 2529  
same to the petitioner and the respondent. 2530

(6) If the court grants the petitioner's motion under 2531  
division (D) (1) of this section to extend the extreme risk 2532  
protection order for an additional period of not longer than one 2533  
hundred eighty days, the court shall do all of the following: 2534

(a) Notify the law enforcement agency or federally 2535  
licensed firearms dealer that then possesses the respondent's 2536  
firearms that the court has extended the order for an additional 2537  
period of not longer than one hundred eighty days and of the 2538  
duration of the extension; 2539

(b) Notify the respondent that, at any time after the 2540  
extension, the respondent may file a petition to terminate the 2541  
order and reclaim the respondent's firearms under the procedure 2542  
set forth in division (B) of this section or that the respondent 2543  
may appeal the extension of the order to the court of appeals. 2544

(E) A law enforcement agency or federally licensed 2545  
firearms dealer having custody of any firearms that were 2546  
voluntarily transferred by, or that were seized from, a 2547  
respondent who was subject to an extreme risk protection order 2548  
issued under section 3113.27 of the Revised Code shall safely 2549  
keep the firearms until further order of the court that issued 2550  
the order. 2551

(F) (1) A respondent who is subject to an extreme risk 2552  
protection order issued under section 3113.27 of the Revised 2553  
Code and whose firearms are in the possession of a law 2554  
enforcement agency or federally licensed firearms dealer may 2555  
request the court to order the law enforcement agency or 2556

federally licensed firearms dealer to sell one or more of the 2557  
firearms that lawfully may be sold, with the sale to be at 2558  
auction, and to return the proceeds to the individual. If the 2559  
firearms are in the possession of a law enforcement agency, the 2560  
auction shall be under division (A) (2) of section 2981.12 of the 2561  
Revised Code as if the firearms were unclaimed or forfeited 2562  
firearms in the custody of the agency. The request shall specify 2563  
each firearm the respondent wishes to be sold. 2564

(2) If the respondent requests a sale of one or more 2565  
firearms under division (F) (1) of this section, the court shall 2566  
order the law enforcement agency or federally licensed firearms 2567  
dealer having custody of the specified firearms to sell the 2568  
specified firearms at auction, unless the serial numbers of the 2569  
specified firearms have been obliterated. If the firearms are in 2570  
the possession of a law enforcement agency, the auction shall be 2571  
under division (A) (2) of section 2981.12 of the Revised Code as 2572  
if the specified firearms were unclaimed or forfeited firearms 2573  
in the custody of the agency. 2574

(3) If a court issues an order under division (F) (2) of 2575  
this section, the court's order must require that all firearms 2576  
that are subject to the order be sold not more than three months 2577  
after receipt of the order, and that the proceeds of the sale be 2578  
distributed as follows: 2579

(a) The law enforcement agency or federally licensed 2580  
firearms dealer may retain not more than three per cent of the 2581  
sale price to pay the costs of the sale, including 2582  
administrative costs and the auctioneer's fee and, if the agency 2583  
or dealer retains any of the sale price under authority of this 2584  
provision, the remainder of the proceeds of the sale shall be 2585  
returned to the individual who owns the firearm. 2586



(b) If the law enforcement agency or federally licensed 2587  
firearms dealer does not retain any of the sale price under 2588  
authority of division (F) (3) (a) of this section, the entire 2589  
amount of the proceeds shall be returned to the respondent or 2590  
individual who owns the firearm that is sold. 2591

**Sec. 3113.30.** (A) No person shall file a petition for an 2592  
extreme risk protection order under section 3113.27 of the 2593  
Revised Code alleging that a respondent presents a significant 2594  
risk in the near future of committing suicide, committing 2595  
another form of serious self-harm less than death, or causing 2596  
physical injury to another person to such an extent that the 2597  
respondent should be temporarily enjoined from having in the 2598  
respondent's possession, custody, or control any firearm if the 2599  
person knows the allegation is false. 2600

(B) An individual injured in person or property by a 2601  
violation of division (A) of this section has, and may recover 2602  
full damages in, a civil action under section 2307.60 of the 2603  
Revised Code. A civil action described in this division is in 2604  
addition to, and does not preclude, any possible criminal 2605  
prosecution of the person who violates division (A) of this 2606  
section for the violation. 2607

**Sec. 3113.31.** (A) As used in this section: 2608

(1) "Domestic violence" means the occurrence of one or 2609  
more of the following acts against a family or household member: 2610

(a) Attempting to cause or recklessly causing bodily 2611  
injury; 2612

(b) Placing another person by the threat of force in fear 2613  
of imminent serious physical harm or committing a violation of 2614  
section 2903.211 or 2911.211 of the Revised Code; 2615

(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	2616 2617 2618
(d) Committing a sexually oriented offense.	2619
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.	2620 2621 2622 2623 2624 2625 2626 2627
(3) "Family or household member" means any of the following:	2628 2629
(a) Any of the following who is residing with or has resided with the respondent:	2630 2631
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	2632 2633
(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	2634 2635 2636
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	2637 2638 2639 2640
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	2641 2642 2643

(4) "Person living as a spouse" means a person who is 2644  
living or has lived with the respondent in a common law marital 2645  
relationship, who otherwise is cohabiting with the respondent, 2646  
or who otherwise has cohabited with the respondent within five 2647  
years prior to the date of the alleged occurrence of the act in 2648  
question. 2649

(5) "Victim advocate" means a person who provides support 2650  
and assistance for a person who files a petition under this 2651  
section. 2652

(6) "Sexually oriented offense" has the same meaning as in 2653  
section 2950.01 of the Revised Code. 2654

(7) "Companion animal" has the same meaning as in section 2655  
959.131 of the Revised Code. 2656

(8) "Expunge" has the same meaning as in section 2903.213 2657  
of the Revised Code. 2658

(B) The court has jurisdiction over all proceedings under 2659  
this section. The petitioner's right to relief under this 2660  
section is not affected by the petitioner's leaving the 2661  
residence or household to avoid further domestic violence. 2662

(C) A person may seek relief under this section on the 2663  
person's own behalf, or any parent or adult household member may 2664  
seek relief under this section on behalf of any other family or 2665  
household member, by filing a petition with the court. The 2666  
petition shall contain or state: 2667

(1) An allegation that the respondent engaged in domestic 2668  
violence against a family or household member of the respondent, 2669  
including a description of the nature and extent of the domestic 2670  
violence; 2671

(2) The relationship of the respondent to the petitioner, 2672  
and to the victim if other than the petitioner; 2673

(3) A request for relief under this section. 2674

(D) (1) If a person who files a petition pursuant to this 2675  
section requests an ex parte order, the court shall hold an ex 2676  
parte hearing on the same day that the petition is filed. The 2677  
court, for good cause shown at the ex parte hearing, may enter 2678  
any temporary orders, with or without bond, including, but not 2679  
limited to, an order described in division (E) (1) (a), (b), or 2680  
(c) of this section, that the court finds necessary to protect 2681  
the family or household member from domestic violence. Immediate 2682  
and present danger of domestic violence to the family or 2683  
household member constitutes good cause for purposes of this 2684  
section. Immediate and present danger includes, but is not 2685  
limited to, situations in which the respondent has threatened 2686  
the family or household member with bodily harm, in which the 2687  
respondent has threatened the family or household member with a 2688  
sexually oriented offense, or in which the respondent previously 2689  
has been convicted of, pleaded guilty to, or been adjudicated a 2690  
delinquent child for an offense that constitutes domestic 2691  
violence against the family or household member. 2692

(2) (a) If the court, after an ex parte hearing, issues an 2693  
order described in division (E) (1) (b) or (c) of this section, 2694  
the court shall schedule a full hearing for a date that is 2695  
within seven court days after the ex parte hearing. If any other 2696  
type of protection order that is authorized under division (E) 2697  
of this section is issued by the court after an ex parte 2698  
hearing, the court shall schedule a full hearing for a date that 2699  
is within ten court days after the ex parte hearing. The court 2700  
shall give the respondent notice of, and an opportunity to be 2701

heard at, the full hearing. The court shall hold the full 2702  
hearing on the date scheduled under this division unless the 2703  
court grants a continuance of the hearing in accordance with 2704  
this division. Under any of the following circumstances or for 2705  
any of the following reasons, the court may grant a continuance 2706  
of the full hearing to a reasonable time determined by the 2707  
court: 2708

(i) Prior to the date scheduled for the full hearing under 2709  
this division, the respondent has not been served with the 2710  
petition filed pursuant to this section and notice of the full 2711  
hearing. 2712

(ii) The parties consent to the continuance. 2713

(iii) The continuance is needed to allow a party to obtain 2714  
counsel. 2715

(iv) The continuance is needed for other good cause. 2716

(b) An ex parte order issued under this section does not 2717  
expire because of a failure to serve notice of the full hearing 2718  
upon the respondent before the date set for the full hearing 2719  
under division (D) (2) (a) of this section or because the court 2720  
grants a continuance under that division. 2721

(3) If a person who files a petition pursuant to this 2722  
section does not request an ex parte order, or if a person 2723  
requests an ex parte order but the court does not issue an ex 2724  
parte order after an ex parte hearing, the court shall proceed 2725  
as in a normal civil action and grant a full hearing on the 2726  
matter. 2727

(E) (1) After an ex parte or full hearing, the court may 2728  
grant any protection order, with or without bond, or approve any 2729  
consent agreement to bring about a cessation of domestic 2730

violence against the family or household members. The order or 2731  
agreement may: 2732

(a) Direct the respondent to refrain from abusing or from 2733  
committing sexually oriented offenses against the family or 2734  
household members; 2735

(b) Grant possession of the residence or household to the 2736  
petitioner or other family or household member, to the exclusion 2737  
of the respondent, by evicting the respondent, when the 2738  
residence or household is owned or leased solely by the 2739  
petitioner or other family or household member, or by ordering 2740  
the respondent to vacate the premises, when the residence or 2741  
household is jointly owned or leased by the respondent, and the 2742  
petitioner or other family or household member; 2743

(c) When the respondent has a duty to support the 2744  
petitioner or other family or household member living in the 2745  
residence or household and the respondent is the sole owner or 2746  
lessee of the residence or household, grant possession of the 2747  
residence or household to the petitioner or other family or 2748  
household member, to the exclusion of the respondent, by 2749  
ordering the respondent to vacate the premises, or, in the case 2750  
of a consent agreement, allow the respondent to provide 2751  
suitable, alternative housing; 2752

(d) Temporarily allocate parental rights and 2753  
responsibilities for the care of, or establish temporary 2754  
parenting time rights with regard to, minor children, if no 2755  
other court has determined, or is determining, the allocation of 2756  
parental rights and responsibilities for the minor children or 2757  
parenting time rights; 2758

(e) Require the respondent to maintain support, if the 2759

respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member;

(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling;

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member;

(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the apportionment of household and family personal property;

(i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner;

(j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent;

(k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code.

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order,

it also shall include in the order provisions of the type 2789  
described in division (E) (7) of this section. This division does 2790  
not preclude the court from including in a protection order or 2791  
consent agreement, in circumstances other than those described 2792  
in this division, a requirement that the respondent be evicted 2793  
from or vacate the residence or household or refrain from 2794  
entering the residence, school, business, or place of employment 2795  
of the petitioner or a family or household member, and, if the 2796  
court includes any requirement of that type in an order or 2797  
agreement, the court also shall include in the order provisions 2798  
of the type described in division (E) (7) of this section. 2799

(3) (a) Any protection order issued or consent agreement 2800  
approved under this section shall be valid until a date certain, 2801  
but not later than five years from the date of its issuance or 2802  
approval, or not later than the date a respondent who is less 2803  
than eighteen years of age attains nineteen years of age, unless 2804  
modified or terminated as provided in division (E) (8) of this 2805  
section. 2806

(b) Subject to the limitation on the duration of an order 2807  
or agreement set forth in division (E) (3) (a) of this section, 2808  
any order under division (E) (1) (d) of this section shall 2809  
terminate on the date that a court in an action for divorce, 2810  
dissolution of marriage, or legal separation brought by the 2811  
petitioner or respondent issues an order allocating parental 2812  
rights and responsibilities for the care of children or on the 2813  
date that a juvenile court in an action brought by the 2814  
petitioner or respondent issues an order awarding legal custody 2815  
of minor children. Subject to the limitation on the duration of 2816  
an order or agreement set forth in division (E) (3) (a) of this 2817  
section, any order under division (E) (1) (e) of this section 2818  
shall terminate on the date that a court in an action for 2819



divorce, dissolution of marriage, or legal separation brought by 2820  
the petitioner or respondent issues a support order or on the 2821  
date that a juvenile court in an action brought by the 2822  
petitioner or respondent issues a support order. 2823

(c) Any protection order issued or consent agreement 2824  
approved pursuant to this section may be renewed in the same 2825  
manner as the original order or agreement was issued or 2826  
approved. 2827

(4) A court may not issue a protection order that requires 2828  
a petitioner to do or to refrain from doing an act that the 2829  
court may require a respondent to do or to refrain from doing 2830  
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 2831  
this section unless all of the following apply: 2832

(a) The respondent files a separate petition for a 2833  
protection order in accordance with this section. 2834

(b) The petitioner is served notice of the respondent's 2835  
petition at least forty-eight hours before the court holds a 2836  
hearing with respect to the respondent's petition, or the 2837  
petitioner waives the right to receive this notice. 2838

(c) If the petitioner has requested an ex parte order 2839  
pursuant to division (D) of this section, the court does not 2840  
delay any hearing required by that division beyond the time 2841  
specified in that division in order to consolidate the hearing 2842  
with a hearing on the petition filed by the respondent. 2843

(d) After a full hearing at which the respondent presents 2844  
evidence in support of the request for a protection order and 2845  
the petitioner is afforded an opportunity to defend against that 2846  
evidence, the court determines that the petitioner has committed 2847  
an act of domestic violence or has violated a temporary 2848

protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.

(5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property.

(6) (a) If a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E) (1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of this section granting parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the supervision.

(b) A court that requires an agency to provide supervision pursuant to division (E) (6) (a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient

income or resources to pay that cost. 2878

(7) (a) If a protection order issued or consent agreement 2879  
approved under this section includes a requirement that the 2880  
respondent be evicted from or vacate the residence or household 2881  
or refrain from entering the residence, school, business, or 2882  
place of employment of the petitioner or a family or household 2883  
member, the order or agreement shall state clearly that the 2884  
order or agreement cannot be waived or nullified by an 2885  
invitation to the respondent from the petitioner or other family 2886  
or household member to enter the residence, school, business, or 2887  
place of employment or by the respondent's entry into one of 2888  
those places otherwise upon the consent of the petitioner or 2889  
other family or household member. 2890

(b) Division (E) (7) (a) of this section does not limit any 2891  
discretion of a court to determine that a respondent charged 2892  
with a violation of section 2919.27 of the Revised Code, with a 2893  
violation of a municipal ordinance substantially equivalent to 2894  
that section, or with contempt of court, which charge is based 2895  
on an alleged violation of a protection order issued or consent 2896  
agreement approved under this section, did not commit the 2897  
violation or was not in contempt of court. 2898

(8) (a) The court may modify or terminate as provided in 2899  
division (E) (8) of this section a protection order or consent 2900  
agreement that was issued after a full hearing under this 2901  
section. The court that issued the protection order or approved 2902  
the consent agreement shall hear a motion for modification or 2903  
termination of the protection order or consent agreement 2904  
pursuant to division (E) (8) of this section. 2905

(b) Either the petitioner or the respondent of the 2906  
original protection order or consent agreement may bring a 2907

motion for modification or termination of a protection order or 2908  
consent agreement that was issued or approved after a full 2909  
hearing. The court shall require notice of the motion to be made 2910  
as provided by the Rules of Civil Procedure. If the petitioner 2911  
for the original protection order or consent agreement has 2912  
requested that the petitioner's address be kept confidential, 2913  
the court shall not disclose the address to the respondent of 2914  
the original protection order or consent agreement or any other 2915  
person, except as otherwise required by law. The moving party 2916  
has the burden of proof to show, by a preponderance of the 2917  
evidence, that modification or termination of the protection 2918  
order or consent agreement is appropriate because either the 2919  
protection order or consent agreement is no longer needed or 2920  
because the terms of the original protection order or consent 2921  
agreement are no longer appropriate. 2922

(c) In considering whether to modify or terminate a 2923  
protection order or consent agreement issued or approved under 2924  
this section, the court shall consider all relevant factors, 2925  
including, but not limited to, the following: 2926

(i) Whether the petitioner consents to modification or 2927  
termination of the protection order or consent agreement; 2928

(ii) Whether the petitioner fears the respondent; 2929

(iii) The current nature of the relationship between the 2930  
petitioner and the respondent; 2931

(iv) The circumstances of the petitioner and respondent, 2932  
including the relative proximity of the petitioner's and 2933  
respondent's workplaces and residences and whether the 2934  
petitioner and respondent have minor children together; 2935

(v) Whether the respondent has complied with the terms and 2936

conditions of the original protection order or consent	2937
agreement;	2938
(vi) Whether the respondent has a continuing involvement	2939
with illegal drugs or alcohol;	2940
(vii) Whether the respondent has been convicted of,	2941
pleaded guilty to, or been adjudicated a delinquent child for an	2942
offense of violence since the issuance of the protection order	2943
or approval of the consent agreement;	2944
(viii) Whether any other protection orders, consent	2945
agreements, restraining orders, or no contact orders have been	2946
issued against the respondent pursuant to this section, section	2947
2919.26 of the Revised Code, any other provision of state law,	2948
or the law of any other state;	2949
(ix) Whether the respondent has participated in any	2950
domestic violence treatment, intervention program, or other	2951
counseling addressing domestic violence and whether the	2952
respondent has completed the treatment, program, or counseling;	2953
(x) The time that has elapsed since the protection order	2954
was issued or since the consent agreement was approved;	2955
(xi) The age and health of the respondent;	2956
(xii) When the last incident of abuse, threat of harm, or	2957
commission of a sexually oriented offense occurred or other	2958
relevant information concerning the safety and protection of the	2959
petitioner or other protected parties.	2960
(d) If a protection order or consent agreement is modified	2961
or terminated as provided in division (E) (8) of this section,	2962
the court shall issue copies of the modified or terminated order	2963
or agreement as provided in division (F) of this section. A	2964

petitioner may also provide notice of the modification or 2965  
termination to the judicial and law enforcement officials in any 2966  
county other than the county in which the order or agreement is 2967  
modified or terminated as provided in division (N) of this 2968  
section. 2969

(e) If the respondent moves for modification or 2970  
termination of a protection order or consent agreement pursuant 2971  
to this section and the court denies the motion, the court may 2972  
assess costs against the respondent for the filing of the 2973  
motion. 2974

(9) Any protection order issued or any consent agreement 2975  
approved pursuant to this section shall include a provision that 2976  
the court will automatically seal all of the records of the 2977  
proceeding in which the order is issued or agreement approved on 2978  
the date the respondent attains the age of nineteen years unless 2979  
the petitioner provides the court with evidence that the 2980  
respondent has not complied with all of the terms of the 2981  
protection order or consent agreement. The protection order or 2982  
consent agreement shall specify the date when the respondent 2983  
attains the age of nineteen years. 2984

(F) (1) A copy of any protection order, or consent 2985  
agreement, that is issued, approved, modified, or terminated 2986  
under this section shall be issued by the court to the 2987  
petitioner, to the respondent, and to all law enforcement 2988  
agencies that have jurisdiction to enforce the order or 2989  
agreement. The protection order or consent agreement shall be in 2990  
a form that ensures that the protection order or consent 2991  
agreement is accepted into the protection order database of the 2992  
national crime information center (NCIC) maintained by the 2993  
federal bureau of investigation. The court shall direct that a 2994

copy of an order be delivered to the respondent on the same day 2995  
that the order is entered. If the court terminates or cancels 2996  
the order, the court shall cause the delivery of notice of the 2997  
termination or cancellation to the same persons and entities 2998  
that were issued or delivered a copy of the order. 2999

(2) Upon the issuance of a protection order or the 3000  
approval of a consent agreement under this section, the court 3001  
shall provide the parties to the order or agreement with the 3002  
following notice orally or by form: 3003

"NOTICE 3004

As a result of this order or consent agreement, it may be 3005  
unlawful for you to possess or purchase a firearm, including a 3006  
rifle, pistol, or revolver, or ammunition pursuant to federal 3007  
law under 18 U.S.C. 922(g)(8). If you have any questions whether 3008  
this law makes it illegal for you to possess or purchase a 3009  
firearm or ammunition, you should consult an attorney." 3010

(3) All law enforcement agencies shall establish and 3011  
maintain an index for the protection orders and the approved 3012  
consent agreements delivered to the agencies pursuant to 3013  
division (F)(1) of this section. With respect to each order and 3014  
consent agreement delivered, each agency shall note on the index 3015  
the date and time that it received the order or consent 3016  
agreement. Each protection order and consent agreement received 3017  
by a law enforcement agency pursuant to this section shall be 3018  
entered by the agency into the law enforcement automated data 3019  
system created by section 5503.10 of the Revised Code, and known 3020  
as LEADS, within twenty-four hours after receipt. Upon the 3021  
termination or cancellation of the order, the agency shall take 3022  
all steps necessary to ensure that the order is removed from 3023  
LEADS within twenty-four hours after receipt of notice of the 3024

termination or cancellation and that it is terminated, cleared, 3025  
or canceled in the protection order database of the national 3026  
crime information center (NCIC) maintained by the federal bureau 3027  
of investigation. 3028

(4) Regardless of whether the petitioner has registered 3029  
the order or agreement in the county in which the officer's 3030  
agency has jurisdiction pursuant to division (N) of this 3031  
section, any officer of a law enforcement agency shall enforce a 3032  
protection order issued or consent agreement approved by any 3033  
court in this state in accordance with the provisions of the 3034  
order or agreement, including removing the respondent from the 3035  
premises, if appropriate. 3036

(G) (1) Any proceeding under this section shall be 3037  
conducted in accordance with the Rules of Civil Procedure, 3038  
except that an order under this section may be obtained with or 3039  
without bond. An order issued under this section, other than an 3040  
ex parte order, that grants a protection order or approves a 3041  
consent agreement, that refuses to grant a protection order or 3042  
approve a consent agreement that modifies or terminates a 3043  
protection order or consent agreement, or that refuses to modify 3044  
or terminate a protection order or consent agreement, is a 3045  
final, appealable order. The remedies and procedures provided in 3046  
this section are in addition to, and not in lieu of, any other 3047  
available civil or criminal remedies. 3048

(2) If as provided in division (G) (1) of this section an 3049  
order issued under this section, other than an ex parte order, 3050  
refuses to grant a protection order, the court, on its own 3051  
motion, shall order that the ex parte order issued under this 3052  
section and all of the records pertaining to that ex parte order 3053  
be expunged after either of the following occurs: 3054



(a) The period of the notice of appeal from the order that  
refuses to grant a protection order has expired. 3055  
3056

(b) The order that refuses to grant the protection order  
is appealed and an appellate court to which the last appeal of  
that order is taken affirms the order. 3057  
3058  
3059

(H) The filing of proceedings under this section does not  
excuse a person from filing any report or giving any notice  
required by section 2151.421 of the Revised Code or by any other  
law. When a petition under this section alleges domestic  
violence against minor children, the court shall report the  
fact, or cause reports to be made, to a county, township, or  
municipal peace officer under section 2151.421 of the Revised  
Code. 3060  
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(I) Any law enforcement agency that investigates a  
domestic dispute shall provide information to the family or  
household members involved regarding the relief available under  
this section and section 2919.26 of the Revised Code. 3068  
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(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this  
section and regardless of whether a protection order is issued  
or a consent agreement is approved by a court of another county  
or a court of another state, no court or unit of state or local  
government shall charge the petitioner any fee, cost, deposit,  
or money in connection with the filing of a petition pursuant to  
this section or in connection with the filing, issuance,  
registration, modification, enforcement, dismissal, withdrawal,  
or service of a protection order, consent agreement, or witness  
subpoena or for obtaining a certified copy of a protection order  
or consent agreement. 3072  
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(2) Regardless of whether a protection order is issued or 3083

a consent agreement is approved pursuant to this section, the 3084  
court may assess costs against the respondent in connection with 3085  
the filing, issuance, registration, modification, enforcement, 3086  
dismissal, withdrawal, or service of a protection order, consent 3087  
agreement, or witness subpoena or for obtaining a certified copy 3088  
of a protection order or consent agreement. 3089

(K) (1) The court shall comply with Chapters 3119., 3121., 3090  
3123., and 3125. of the Revised Code when it makes or modifies 3091  
an order for child support under this section. 3092

(2) If any person required to pay child support under an 3093  
order made under this section on or after April 15, 1985, or 3094  
modified under this section on or after December 31, 1986, is 3095  
found in contempt of court for failure to make support payments 3096  
under the order, the court that makes the finding, in addition 3097  
to any other penalty or remedy imposed, shall assess all court 3098  
costs arising out of the contempt proceeding against the person 3099  
and require the person to pay any reasonable attorney's fees of 3100  
any adverse party, as determined by the court, that arose in 3101  
relation to the act of contempt. 3102

(L) (1) A person who violates a protection order issued or 3103  
a consent agreement approved under this section is subject to 3104  
the following sanctions: 3105

(a) Criminal prosecution or a delinquent child proceeding 3106  
for a violation of section 2919.27 of the Revised Code, if the 3107  
violation of the protection order or consent agreement 3108  
constitutes a violation of that section; 3109

(b) Punishment for contempt of court. 3110

(2) The punishment of a person for contempt of court for 3111  
violation of a protection order issued or a consent agreement 3112

approved under this section does not bar criminal prosecution of 3113  
the person or a delinquent child proceeding concerning the 3114  
person for a violation of section 2919.27 of the Revised Code. 3115  
However, a person punished for contempt of court is entitled to 3116  
credit for the punishment imposed upon conviction of or 3117  
adjudication as a delinquent child for a violation of that 3118  
section, and a person convicted of or adjudicated a delinquent 3119  
child for a violation of that section shall not subsequently be 3120  
punished for contempt of court arising out of the same activity. 3121

(M) In all stages of a proceeding under this section, a 3122  
petitioner may be accompanied by a victim advocate. 3123

(N) (1) A petitioner who obtains a protection order or 3124  
consent agreement under this section or a temporary protection 3125  
order under section 2919.26 of the Revised Code may provide 3126  
notice of the issuance or approval of the order or agreement to 3127  
the judicial and law enforcement officials in any county other 3128  
than the county in which the order is issued or the agreement is 3129  
approved by registering that order or agreement in the other 3130  
county pursuant to division (N) (2) of this section and filing a 3131  
copy of the registered order or registered agreement with a law 3132  
enforcement agency in the other county in accordance with that 3133  
division. A person who obtains a protection order issued by a 3134  
court of another state may provide notice of the issuance of the 3135  
order to the judicial and law enforcement officials in any 3136  
county of this state by registering the order in that county 3137  
pursuant to section 2919.272 of the Revised Code and filing a 3138  
copy of the registered order with a law enforcement agency in 3139  
that county. 3140

(2) A petitioner may register a temporary protection 3141  
order, protection order, or consent agreement in a county other 3142

than the county in which the court that issued the order or 3143  
approved the agreement is located in the following manner: 3144

(a) The petitioner shall obtain a certified copy of the 3145  
order or agreement from the clerk of the court that issued the 3146  
order or approved the agreement and present that certified copy 3147  
to the clerk of the court of common pleas or the clerk of a 3148  
municipal court or county court in the county in which the order 3149  
or agreement is to be registered. 3150

(b) Upon accepting the certified copy of the order or 3151  
agreement for registration, the clerk of the court of common 3152  
pleas, municipal court, or county court shall place an 3153  
endorsement of registration on the order or agreement and give 3154  
the petitioner a copy of the order or agreement that bears that 3155  
proof of registration. 3156

(3) The clerk of each court of common pleas, the clerk of 3157  
each municipal court, and the clerk of each county court shall 3158  
maintain a registry of certified copies of temporary protection 3159  
orders, protection orders, or consent agreements that have been 3160  
issued or approved by courts in other counties and that have 3161  
been registered with the clerk. 3162

(0) Nothing in this section prohibits the domestic 3163  
relations division of a court of common pleas in counties that 3164  
have a domestic relations division or a court of common pleas in 3165  
counties that do not have a domestic relations division from 3166  
designating a minor child as a protected party on a protection 3167  
order or consent agreement. 3168

**Sec. 3113.99.** (A) For purposes of this section: 3169

(1) "Child support order" means an order for support 3170  
issued or modified under Chapter 3115. or section 2151.23, 3171

2151.231, 2151.232, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3172  
3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised 3173  
Code. 3174

(2) "Obligor" means a person who is required to pay 3175  
support under a child support order. 3176

(B) (1) Whoever violates section 3113.06 of the Revised 3177  
Code is guilty of a misdemeanor of the first degree. If the 3178  
offender previously has been convicted of or pleaded guilty to a 3179  
violation of section 3113.06 of the Revised Code or if the court 3180  
finds that the offender has failed to pay the cost of child 3181  
maintenance under section 3113.06 of the Revised Code for a 3182  
total accumulated period of twenty-six weeks out of one hundred 3183  
four consecutive weeks, whether or not the twenty-six weeks were 3184  
consecutive, a violation of section 3113.06 of the Revised Code 3185  
is a felony of the fifth degree. 3186

(2) Whoever violates division (A) of section 3113.30 of 3187  
the Revised Code is guilty of a felony of the fifth degree. 3188

(C) An obligor who violates division (D) (1) (c) of section 3189  
3113.21 of the Revised Code shall be fined not more than fifty 3190  
dollars for a first offense, not more than one hundred dollars 3191  
for a second offense, and not more than five hundred dollars for 3192  
each subsequent offense. 3193

(D) An obligor who violates division (G) (2) of section 3194  
3113.21 of the Revised Code shall be fined not more than fifty 3195  
dollars for a first offense, not more than one hundred dollars 3196  
for a second offense, and not more than five hundred dollars for 3197  
each subsequent offense. 3198

(E) A fine amount imposed pursuant to division (C) or (D) 3199  
of this section shall be paid to the division of child support 3200

in the department of human services or, pursuant to division (H) 3201  
(4) of section 2301.35 of the Revised Code, the child support 3202  
enforcement agency. The amount of the fine that does not exceed 3203  
the amount of arrearage under the child support order shall be 3204  
disbursed in accordance with the child support order. The amount 3205  
of the fine that exceeds the amount of the arrearage order shall 3206  
be called program income and collected in accordance with 3207  
section 5101.325 of the Revised Code. 3208

**Sec. 5122.10.** (A) Any psychiatrist, licensed clinical 3209  
psychologist, licensed physician, health officer, parole 3210  
officer, police officer, or sheriff may take a person into 3211  
custody, or the chief of the adult parole authority or a parole 3212  
or probation officer with the approval of the chief of the 3213  
authority may take a parolee, an offender under a community 3214  
control sanction or a post-release control sanction, or an 3215  
offender under transitional control into custody and may 3216  
immediately transport the parolee, offender on community control 3217  
or post-release control, or offender under transitional control 3218  
to a hospital or, notwithstanding section 5119.33 of the Revised 3219  
Code, to a general hospital not licensed by the department of 3220  
mental health and addiction services where the parolee, offender 3221  
on community control or post-release control, or offender under 3222  
transitional control may be held for the period prescribed in 3223  
~~this section~~ division, if the psychiatrist, licensed clinical 3224  
psychologist, licensed physician, health officer, parole 3225  
officer, police officer, or sheriff has reason to believe that 3226  
the person is a mentally ill person subject to court order under 3227  
division (B) of section 5122.01 of the Revised Code, and 3228  
represents a substantial risk of physical harm to self or others 3229  
if allowed to remain at liberty pending examination. 3230

A written statement shall be given to such hospital by the 3231

transporting psychiatrist, licensed clinical psychologist, 3232  
licensed physician, health officer, parole officer, police 3233  
officer, chief of the adult parole authority, parole or 3234  
probation officer, or sheriff stating the circumstances under 3235  
which such person was taken into custody and the reasons for the 3236  
psychiatrist's, licensed clinical psychologist's, licensed 3237  
physician's, health officer's, parole officer's, police 3238  
officer's, chief of the adult parole authority's, parole or 3239  
probation officer's, or sheriff's belief. This statement shall 3240  
be made available to the respondent or the respondent's attorney 3241  
upon request of either. 3242

Every reasonable and appropriate effort shall be made to 3243  
take persons into custody in the least conspicuous manner 3244  
possible. A person taking the respondent into custody pursuant 3245  
to this ~~section~~division shall explain to the respondent: the 3246  
name and professional designation and affiliation of the person 3247  
taking the respondent into custody; that the custody-taking is 3248  
not a criminal arrest; ~~and~~ that the person is being taken for 3249  
examination by mental health professionals at a specified mental 3250  
health facility identified by name; that a law enforcement 3251  
officer who takes the person into custody might take temporary 3252  
custody of any firearms that are in plain sight or discovered 3253  
pursuant to a lawful search if it is necessary to take them for 3254  
the protection of the officer or other persons present; and that 3255  
the firearms taken will be returned to the person upon court 3256  
order or release. 3257

If a person taken into custody under this ~~section~~division 3258  
is transported to a general hospital, the general hospital may 3259  
admit the person, or provide care and treatment for the person, 3260  
or both, notwithstanding section 5119.33 of the Revised Code, 3261  
but by the end of twenty-four hours after arrival at the general 3262

hospital, the person shall be transferred to a hospital as 3263  
defined in section 5122.01 of the Revised Code. 3264

A person transported or transferred to a hospital or 3265  
community mental health services provider under this ~~section~~ 3266  
division shall be examined by the staff of the hospital or 3267  
services provider within twenty-four hours after arrival at the 3268  
hospital or services provider. If to conduct the examination 3269  
requires that the person remain overnight, the hospital or 3270  
services provider shall admit the person in an unclassified 3271  
status until making a disposition under this ~~section~~ division. 3272  
After the examination, if the chief clinical officer of the 3273  
hospital or services provider believes that the person is not a 3274  
mentally ill person subject to court order, the chief clinical 3275  
officer shall release or discharge the person immediately unless 3276  
a court has issued a temporary order of detention applicable to 3277  
the person under section 5122.11 of the Revised Code. After the 3278  
examination, if the chief clinical officer believes that the 3279  
person is a mentally ill person subject to court order, the 3280  
chief clinical officer may detain the person for not more than 3281  
three court days following the day of the examination and during 3282  
such period admit the person as a voluntary patient under 3283  
section 5122.02 of the Revised Code or file an affidavit under 3284  
section 5122.11 of the Revised Code. If neither action is taken 3285  
and a court has not otherwise issued a temporary order of 3286  
detention applicable to the person under section 5122.11 of the 3287  
Revised Code, the chief clinical officer shall discharge the 3288  
person at the end of the three-day period unless the person has 3289  
been sentenced to the department of rehabilitation and 3290  
correction and has not been released from the person's sentence, 3291  
in which case the person shall be returned to that department. 3292

(B) (1) When a person is taken into custody under division 3293



(A) of this section for transport or transfer to a hospital, the 3294  
law enforcement officer who takes the person into custody on the 3295  
officer's initiative or in assisting the psychiatrist, 3296  
psychologist, physician, health officer, parole officer, or 3297  
probation officer who takes the person into custody may take 3298  
temporary custody of any firearms that are in plain sight or 3299  
discovered pursuant to a consensual or other lawful search if it 3300  
is necessary to take custody of the firearms for the protection 3301  
of the law enforcement officer or other persons present. The law 3302  
enforcement officer's agency shall retain all firearms taken 3303  
under authority of this division, pending either a court order 3304  
or discharge as described in division (B) (2) of this section. 3305

(2) If a person is taken into custody under division (A) 3306  
of this section for transport or transfer to a hospital and a 3307  
law enforcement officer takes temporary custody of any firearms 3308  
under authority of division (B) (1) of this section, one of the 3309  
following applies: 3310

(a) If, after the examination of the person under division 3311  
(A) of this section, the chief clinical officer of the hospital 3312  
or services provider believes that the person is not a mentally 3313  
ill person subject to court order, one of the following applies: 3314

(i) If the chief clinical officer releases or discharges 3315  
the person, upon or after the release or discharge, the agency 3316  
shall return the firearms upon the person's request. 3317

(ii) If a court has issued a temporary order of detention 3318  
applicable to the person under section 5122.11 of the Revised 3319  
Code, the agency shall retain the firearms, pending either a 3320  
court order or release. 3321

(b) If, after the examination of the person under division 3322

(A) of this section, the chief clinical officer believes that 3323  
the person is a mentally ill person subject to court order and 3324  
detains the person for not more than three court days following 3325  
the examination, one of the following applies: 3326

(i) If the chief clinical officer discharges the person at 3327  
the end of the period of detention, upon or after the release or 3328  
discharge, the agency shall return the firearms upon the 3329  
person's request. 3330

(ii) If the chief clinical officer does not discharge the 3331  
person at the end of the period of detention as described in 3332  
division (B) (3) (a) of this section and another disposition 3333  
authorized under division (A) of this section is made of the 3334  
person, the agency shall retain the firearms, pending either a 3335  
court order or release. 3336

(C) If a person is taken into custody under division (A) 3337  
of this section for transport or transfer to a hospital, if a 3338  
law enforcement officer takes temporary custody of any firearms 3339  
under authority of division (B) (1) of this section, if the 3340  
firearms are to be returned as described in division (B) (2) (a) 3341  
or (b) of this section, and if the person who is to receive the 3342  
firearms requests their return, the law enforcement agency with 3343  
custody of the firearms shall return them to the person as soon 3344  
as possible after, but not later than the end of the next 3345  
business day after the day on which, the person makes the 3346  
request. 3347

(D) (1) If a person is taken into custody under division 3348  
(A) of this section for transport or transfer to a hospital and 3349  
if a law enforcement officer takes temporary custody of any 3350  
firearms under authority of division (B) (1) of this section, the 3351  
law enforcement officer's agency shall not mark, damage, deface, 3352

or destroy the firearms while they are in the agency's 3353  
possession. The agency shall maintain the integrity and identity 3354  
of the firearms in such a manner that, if the firearms 3355  
subsequently are to be returned to a person, they can be 3356  
identified and returned to the person in the same condition they 3357  
were in when they were taken. The agency shall not relinquish 3358  
control of the firearms other than as described in division (C) 3359  
of this section. 3360

(2) If a person is taken into custody under division (A) 3361  
of this section for transport or transfer to a hospital and if a 3362  
law enforcement officer takes temporary custody of any firearms 3363  
under authority of division (B) (1) of this section, the law 3364  
enforcement officer's agency shall make a record of the firearms 3365  
for purposes of this section and sections 3113.26 to 3113.30 of 3366  
the Revised Code. Notwithstanding section 149.43 of the Revised 3367  
Code, the record is confidential, is not a public record, and 3368  
shall be used only for purposes of this section and sections 3369  
3113.26 to 3113.30 of the Revised Code. No person shall 3370  
disseminate the record or any information on it, other than as 3371  
required for purposes of this section and sections 3113.26 to 3372  
3113.30 of the Revised Code or as required to do so pursuant to 3373  
a court order. The agency shall not submit the record or any 3374  
information on it to any government entity for purposes of a 3375  
centralized database and no government entity shall establish or 3376  
maintain any centralized database including the record or any 3377  
information on it. 3378

(E) As used in divisions (B) to (D) of this section, 3379  
"firearm" has the same meaning as in section 2923.11 of the 3380  
Revised Code. 3381

**Section 2.** That existing sections 2151.34, 2903.213, 3382

2903.214, 2919.26, 2923.11, 2923.13, 2923.14, 2923.18, 2923.20, 3383  
3113.31, 3113.99, and 5122.10 of the Revised Code are hereby 3384  
repealed. 3385

**Section 3.** Section 2923.13 of the Revised Code is 3386  
presented in this act as a composite of the section as amended 3387  
by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th 3388  
General Assembly. The General Assembly, applying the principle 3389  
stated in division (B) of section 1.52 of the Revised Code that 3390  
amendments are to be harmonized if reasonably capable of 3391  
simultaneous operation, finds that the composite is the 3392  
resulting version of the section in effect prior to the 3393  
effective date of the section as presented in this act. 3394