

H. B. No. 178
As Introduced

Topic: Required transfer of firearms for certain persons under weapons 1
disability 2

_____ moved to amend as follows:

In line 2 of the title, after "1547.69," insert "2151.34, 2903.13, 3
2903.21, 2903.214, 2919.25, 2919.26," 4

In line 6 of the title, after "2923.1213," insert "2923.13, 5
2923.14,"; after "2953.37," insert "3113.31," 6

In line 7 of the title, delete "section" and insert "sections"; 7
after "2923.111" insert "and 2923.133" 8

In line 16 of the title, delete "and" 9

In line 20 of the title, after "licensee" insert ", and requiring 10
certain persons who are prohibited by law from firearm possession to 11
transfer their firearms to a law enforcement agency or a federally 12
licensed firearms dealer" 13

In line 22, after "1547.69," insert "2151.34, 2903.13, 2903.21, 14
2903.214, 2919.25, 2919.26," 15



In line 24, after "2923.1213," insert "2923.13, 2923.14," 16

In line 25, after "2953.37," insert "3113.31,"; delete "section" and 17
insert "sections"; after "2923.111" insert "and 2923.133" 18

After line 565, insert: 19

"Sec. 2151.34. (A) As used in this section: 20

(1) "Court" means the juvenile division of the court of 21
common pleas of the county in which the person to be protected 22
by the protection order resides. 23

(2) "Victim advocate" means a person who provides support 24
and assistance for a person who files a petition under this 25
section. 26

(3) "Family or household member" has the same meaning as 27
in section 3113.31 of the Revised Code. 28

(4) "Protection order issued by a court of another state" 29
has the same meaning as in section 2919.27 of the Revised Code. 30

(5) "Petitioner" means a person who files a petition under 31
this section and includes a person on whose behalf a petition 32
under this section is filed. 33

(6) "Respondent" means a person who is under eighteen 34
years of age and against whom a petition is filed under this 35
section. 36

(7) "Sexually oriented offense" has the same meaning as in 37
section 2950.01 of the Revised Code. 38

(8) "Electronic monitoring" has the same meaning as in 39
section 2929.01 of the Revised Code. 40

(9) "Companion animal" has the same meaning as in section 41

959.131 of the Revised Code.	42
(B) The court has jurisdiction over all proceedings under this section.	43 44
(C) (1) Any of the following persons may seek relief under this section by filing a petition with the court:	45 46
(a) Any person on behalf of that person;	47
(b) Any parent or adult family or household member on behalf of any other family or household member;	48 49
(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.	50 51 52
(2) The petition shall contain or state all of the following:	53 54
(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 municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation;	55 56 57 58 59 60 61 62
(b) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a	63 64 65 66 67 68 69

continuing danger to the person to be protected; 70

(c) A request for relief under this section. 71

(3) A petitioner may include a statement in the petition that describes the number, types, and locations of any firearms that the petitioner knows to be in the possession or control of the respondent. 72
73
74
75

(4) The court in its discretion may determine whether or 76
not to give notice that a petition has been filed under division 77
(C) (1) of this section on behalf of a child to any of the 78
following: 79

(a) A parent of the child if the petition was filed by any 80
person other than a parent of the child; 81

(b) Any person who is determined by the court to be an 82
appropriate person to receive notice of the filing of the 83
petition. 84

(D) (1) If a person who files a petition pursuant to this 85
section requests an ex parte order, the court shall hold an ex 86
parte hearing as soon as possible after the petition is filed, 87
but not later than the next day after the court is in session 88
after the petition is filed. The court, for good cause shown at 89
the ex parte hearing, may enter any temporary orders, with or 90
without bond, that the court finds necessary for the safety and 91
protection of the person to be protected by the order. Immediate 92
and present danger to the person to be protected by the 93
protection order constitutes good cause for purposes of this 94
section. Immediate and present danger includes, but is not 95
limited to, situations in which the respondent has threatened 96
the person to be protected by the protection order with bodily 97
harm or in which the respondent previously has been convicted 98

of, pleaded guilty to, or been adjudicated a delinquent child 99
for committing a violation of section 2903.11, 2903.12, 2903.13, 100
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 101
sexually oriented offense, or a violation of any municipal 102
ordinance that is substantially equivalent to any of those 103
offenses against the person to be protected by the protection 104
order. 105

(2) (a) If the court, after an ex parte hearing, issues a 106
protection order described in division (E) of this section, the 107
court shall schedule a full hearing for a date that is within 108
ten court days after the ex parte hearing. The court shall give 109
the respondent notice of, and an opportunity to be heard at, the 110
full hearing. The court also shall give notice of the full 111
hearing to the parent, guardian, or legal custodian of the 112
respondent. The court shall hold the full hearing on the date 113
scheduled under this division unless the court grants a 114
continuance of the hearing in accordance with this division. 115
Under any of the following circumstances or for any of the 116
following reasons, the court may grant a continuance of the full 117
hearing to a reasonable time determined by the court: 118

(i) Prior to the date scheduled for the full hearing under 119
this division, the respondent has not been served with the 120
petition filed pursuant to this section and notice of the full 121
hearing. 122

(ii) The parties consent to the continuance. 123

(iii) The continuance is needed to allow a party to obtain 124
counsel. 125

(iv) The continuance is needed for other good cause. 126

(b) An ex parte order issued under this section does not 127

expire because of a failure to serve notice of the full hearing 128
upon the respondent before the date set for the full hearing 129
under division (D) (2) (a) of this section or because the court 130
grants a continuance under that division. 131

(3) If a person who files a petition pursuant to this 132
section does not request an ex parte order, or if a person 133
requests an ex parte order but the court does not issue an ex 134
parte order after an ex parte hearing, the court shall proceed 135
as in a normal civil action and grant a full hearing on the 136
matter. 137

(E) (1) (a) After an ex parte or full hearing, the court may 138
issue any protection order, with or without bond, that contains 139
terms designed to ensure the safety and protection of the person 140
to be protected by the protection order. The court may include 141
within a protection order issued under this section a term 142
requiring that the respondent not remove, damage, hide, harm, or 143
dispose of any companion animal owned or possessed by the person 144
to be protected by the order, and may include within the order a 145
term authorizing the person to be protected by the order to 146
remove a companion animal owned by the person to be protected by 147
the order from the possession of the respondent. 148

(b) After a full hearing, if the court considering a 149
petition that includes an allegation of the type described in 150
division (C) (2) (b) of this section or the court, upon its own 151
motion, finds upon clear and convincing evidence that the 152
petitioner reasonably believed that the respondent's conduct at 153
any time preceding the filing of the petition endangered the 154
health, welfare, or safety of the person to be protected and 155
that the respondent presents a continuing danger to the person 156
to be protected and if division (N) of this section does not 157

prohibit the issuance of an order that the respondent be 158
electronically monitored, the court may order that the 159
respondent be electronically monitored for a period of time and 160
under the terms and conditions that the court determines are 161
appropriate. Electronic monitoring shall be in addition to any 162
other relief granted to the petitioner. 163

(2) (a) Any protection order issued pursuant to this 164
section shall be valid until a date certain but not later than 165
the date the respondent attains nineteen years of age. 166

(b) Any protection order issued pursuant to this section 167
may be renewed in the same manner as the original order was 168
issued. 169

(3) A court may not issue a protection order that requires 170
a petitioner to do or to refrain from doing an act that the 171
court may require a respondent to do or to refrain from doing 172
under division (E) (1) of this section unless all of the 173
following apply: 174

(a) The respondent files a separate petition for a 175
protection order in accordance with this section. 176

(b) The petitioner is served with notice of the 177
respondent's petition at least forty-eight hours before the 178
court holds a hearing with respect to the respondent's petition, 179
or the petitioner waives the right to receive this notice. 180

(c) If the petitioner has requested an ex parte order 181
pursuant to division (D) of this section, the court does not 182
delay any hearing required by that division beyond the time 183
specified in that division in order to consolidate the hearing 184
with a hearing on the petition filed by the respondent. 185

(d) After a full hearing at which the respondent presents 186
evidence in support of the request for a protection order and 187
the petitioner is afforded an opportunity to defend against that 188
evidence, the court determines that the petitioner has committed 189
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 190
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 191
oriented offense, or a violation of any municipal ordinance that 192
is substantially equivalent to any of those offenses against the 193
person to be protected by the protection order issued pursuant 194
to division (E) (3) of this section, or has violated a protection 195
order issued pursuant to this section or section 2903.213 of the 196
Revised Code relative to the person to be protected by the 197
protection order issued pursuant to division (E) (3) of this 198
section. 199

(4) No protection order issued pursuant to this section 200
shall in any manner affect title to any real property. 201

(5) (a) A protection order issued under this section shall 202
clearly state that the person to be protected by the order 203
cannot waive or nullify by invitation or consent any requirement 204
in the order. 205

(b) Division (E) (5) (a) of this section does not limit any 206
discretion of a court to determine that a respondent alleged to 207
have violated section 2919.27 of the Revised Code, violated a 208
municipal ordinance substantially equivalent to that section, or 209
committed contempt of court, which allegation is based on an 210
alleged violation of a protection order issued under this 211
section, did not commit the violation or was not in contempt of 212
court. 213

(6) Any protection order issued pursuant to this section 214
shall include a provision that the court will automatically seal 215

all of the records of the proceeding in which the order is 216
issued on the date the respondent attains the age of nineteen 217
years unless the petitioner provides the court with evidence 218
that the respondent has not complied with all of the terms of 219
the protection order. The protection order shall specify the 220
date when the respondent attains the age of nineteen years. 221

(F) (1) The court shall cause the delivery of a copy of any 222
protection order that is issued under this section to the 223
petitioner, to the respondent, and to all law enforcement 224
agencies that have jurisdiction to enforce the order. The court 225
shall direct that a copy of the order be delivered to the 226
respondent and the parent, guardian, or legal custodian of the 227
respondent on the same day that the order is entered. 228

(2) Upon the issuance of a protection order under this 229
section, the court shall determine whether, as a result of the 230
order, it is unlawful for the respondent to possess or purchase 231
a firearm under division (A) (6) of section 2923.13 of the 232
Revised Code or 18 U.S.C. 922(g) (8). If the court determines 233
that the respondent is prohibited from possessing or purchasing 234
a firearm, the court shall order the respondent to transfer all 235
firearms in the respondent's possession or control, and shall 236
ensure that the transfer is made, in accordance with section 237
2923.133 of the Revised Code. If the respondent is so 238
prohibited, the court shall notify the petitioner of this 239
prohibition and provide the parties to the order respondent with 240
the following notice orally or by form: 241

"NOTICE 242

As a result of this order, it ~~may be~~ is unlawful for you 243
to possess or purchase a firearm, including a rifle, pistol, or 244
revolver, or ammunition pursuant to ~~federal law under section~~ 245

2923.13 of the Revised Code or 18 U.S.C. 922(g)(8) for the 246
duration of this order. ~~If you have any questions whether this~~ 247
law makes it illegal for you to possess or purchase a firearm or 248
ammunition, you should consult an attorney. You are required to 249
transfer all firearms in your possession or control within 250
twenty-four hours after service of this order in accordance with 251
section 2923.133 of the Revised Code. You are required to file 252
with this court a proof of transfer and an affidavit that you 253
possess no firearms within forty-eight hours after service of 254
this order." 255

(3) All law enforcement agencies shall establish and 256
maintain an index for the protection orders delivered to the 257
agencies pursuant to division (F)(1) of this section. With 258
respect to each order delivered, each agency shall note on the 259
index the date and time that it received the order. 260

(4) Regardless of whether the petitioner has registered 261
the protection order in the county in which the officer's agency 262
has jurisdiction pursuant to division (M) of this section, any 263
officer of a law enforcement agency shall enforce a protection 264
order issued pursuant to this section by any court in this state 265
in accordance with the provisions of the order, including 266
removing the respondent from the premises, if appropriate. 267

(G)(1) Any proceeding under this section shall be 268
conducted in accordance with the Rules of Civil Procedure, 269
except that a protection order may be obtained under this 270
section with or without bond. An order issued under this 271
section, other than an ex parte order, that grants a protection 272
order, or that refuses to grant a protection order, is a final, 273
appealable order. The remedies and procedures provided in this 274
section are in addition to, and not in lieu of, any other 275

available civil or criminal remedies or any other available	276
remedies under Chapter 2151. or 2152. of the Revised Code.	277
(2) If as provided in division (G) (1) of this section an	278
order issued under this section, other than an ex parte order,	279
refuses to grant a protection order, the court, on its own	280
motion, shall order that the ex parte order issued under this	281
section and all of the records pertaining to that ex parte order	282
be sealed after either of the following occurs:	283
(a) No party has exercised the right to appeal pursuant to	284
Rule 4 of the Rules of Appellate Procedure.	285
(b) All appellate rights have been exhausted.	286
(H) The filing of proceedings under this section does not	287
excuse a person from filing any report or giving any notice	288
required by section 2151.421 of the Revised Code or by any other	289
law.	290
(I) Any law enforcement agency that investigates an	291
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21,	292
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged	293
commission of a sexually oriented offense, or an alleged	294
violation of a municipal ordinance that is substantially	295
equivalent to any of those offenses shall provide information to	296
the victim and the family or household members of the victim	297
regarding the relief available under this section.	298
(J) (1) Subject to division (J) (2) of this section and	299
regardless of whether a protection order is issued or a consent	300
agreement is approved by a court of another county or by a court	301
of another state, no court or unit of state or local government	302
shall charge the petitioner any fee, cost, deposit, or money in	303
connection with the filing of a petition pursuant to this	304

section, in connection with the filing, issuance, registration, 305
modification, enforcement, dismissal, withdrawal, or service of 306
a protection order, consent agreement, or witness subpoena or 307
for obtaining a certified copy of a protection order or consent 308
agreement. 309

(2) Regardless of whether a protection order is issued or 310
a consent agreement is approved pursuant to this section, the 311
court may assess costs against the respondent in connection with 312
the filing, issuance, registration, modification, enforcement, 313
dismissal, withdrawal, or service of a protection order, consent 314
agreement, or witness subpoena or for obtaining a certified copy 315
of a protection order or consent agreement. 316

(K) (1) A person who violates a protection order issued 317
under this section is subject to the following sanctions: 318

(a) A delinquent child proceeding or a criminal 319
prosecution for a violation of section 2919.27 of the Revised 320
Code, if the violation of the protection order constitutes a 321
violation of that section; 322

(b) Punishment for contempt of court. 323

(2) The punishment of a person for contempt of court for 324
violation of a protection order issued under this section does 325
not bar criminal prosecution of the person or a delinquent child 326
proceeding concerning the person for a violation of section 327
2919.27 of the Revised Code. However, a person punished for 328
contempt of court is entitled to credit for the punishment 329
imposed upon conviction of or adjudication as a delinquent child 330
for a violation of that section, and a person convicted of or 331
adjudicated a delinquent child for a violation of that section 332
shall not subsequently be punished for contempt of court arising 333

out of the same activity. 334

(L) In all stages of a proceeding under this section, a 335
petitioner may be accompanied by a victim advocate. 336

(M) (1) A petitioner who obtains a protection order under 337
this section may provide notice of the issuance or approval of 338
the order to the judicial and law enforcement officials in any 339
county other than the county in which the order is issued by 340
registering that order in the other county pursuant to division 341
(M) (2) of this section and filing a copy of the registered order 342
with a law enforcement agency in the other county in accordance 343
with that division. A person who obtains a protection order 344
issued by a court of another state may provide notice of the 345
issuance of the order to the judicial and law enforcement 346
officials in any county of this state by registering the order 347
in that county pursuant to section 2919.272 of the Revised Code 348
and filing a copy of the registered order with a law enforcement 349
agency in that county. 350

(2) A petitioner may register a protection order issued 351
pursuant to this section in a county other than the county in 352
which the court that issued the order is located in the 353
following manner: 354

(a) The petitioner shall obtain a certified copy of the 355
order from the clerk of the court that issued the order and 356
present that certified copy to the clerk of the court of common 357
pleas or the clerk of a municipal court or county court in the 358
county in which the order is to be registered. 359

(b) Upon accepting the certified copy of the order for 360
registration, the clerk of the court of common pleas, municipal 361
court, or county court shall place an endorsement of 362

registration on the order and give the petitioner a copy of the 363
order that bears that proof of registration. 364

(3) The clerk of each court of common pleas, municipal 365
court, or county court shall maintain a registry of certified 366
copies of protection orders that have been issued by courts in 367
other counties pursuant to this section and that have been 368
registered with the clerk. 369

(N) If the court orders electronic monitoring of the 370
respondent under this section, the court shall direct the 371
sheriff's office or any other appropriate law enforcement agency 372
to install the electronic monitoring device and to monitor the 373
respondent. Unless the court determines that the respondent is 374
indigent, the court shall order the respondent to pay the cost 375
of the installation and monitoring of the electronic monitoring 376
device. If the court determines that the respondent is indigent 377
and subject to the maximum amount allowable to be paid in any 378
year from the fund and the rules promulgated by the attorney 379
general under section 2903.214 of the Revised Code, the cost of 380
the installation and monitoring of the electronic monitoring 381
device may be paid out of funds from the reparations fund 382
created pursuant to section 2743.191 of the Revised Code. The 383
total amount paid from the reparations fund created pursuant to 384
section 2743.191 of the Revised Code for electronic monitoring 385
under this section and sections 2903.214 and 2919.27 of the 386
Revised Code shall not exceed three hundred thousand dollars per 387
year. When the total amount paid from the reparations fund in 388
any year for electronic monitoring under those sections equals 389
or exceeds three hundred thousand dollars, the court shall not 390
order pursuant to this section that an indigent respondent be 391
electronically monitored. 392

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

Sec. 2903.13. (A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(B) No person shall recklessly cause serious physical harm to another or to another's unborn.

(C) (1) Whoever violates this section is guilty of assault, and the court shall sentence the offender as provided in this division and divisions (C) (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) of this section. Except as otherwise provided in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this section, assault is a misdemeanor of the first degree.

(2) Except as otherwise provided in this division, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, assault is a felony of the fourth degree. If the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, if the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.11 or 2903.16 of the Revised Code, and if in relation to the previous conviction the offender was a caretaker and the victim was a functionally impaired person under the offender's care, assault is a felony of the third degree.

(3) If the offense occurs in or on the grounds of a state correctional institution or an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction or the department of

youth services, and the offense is committed by a person 422
incarcerated in the state correctional institution or by a 423
person institutionalized in the department of youth services 424
institution pursuant to a commitment to the department of youth 425
services, assault is a felony of the third degree. 426

(4) If the offense is committed in any of the following 427
circumstances, assault is a felony of the fifth degree: 428

(a) The offense occurs in or on the grounds of a local 429
correctional facility, the victim of the offense is an employee 430
of the local correctional facility or a probation department or 431
is on the premises of the facility for business purposes or as a 432
visitor, and the offense is committed by a person who is under 433
custody in the facility subsequent to the person's arrest for 434
any crime or delinquent act, subsequent to the person's being 435
charged with or convicted of any crime, or subsequent to the 436
person's being alleged to be or adjudicated a delinquent child. 437

(b) The offense occurs off the grounds of a state 438
correctional institution and off the grounds of an institution 439
of the department of youth services, the victim of the offense 440
is an employee of the department of rehabilitation and 441
correction, the department of youth services, or a probation 442
department, the offense occurs during the employee's official 443
work hours and while the employee is engaged in official work 444
responsibilities, and the offense is committed by a person 445
incarcerated in a state correctional institution or 446
institutionalized in the department of youth services who 447
temporarily is outside of the institution for any purpose, by a 448
parolee, by an offender under transitional control, under a 449
community control sanction, or on an escorted visit, by a person 450
under post-release control, or by an offender under any other 451

type of supervision by a government agency. 452

(c) The offense occurs off the grounds of a local 453
correctional facility, the victim of the offense is an employee 454
of the local correctional facility or a probation department, 455
the offense occurs during the employee's official work hours and 456
while the employee is engaged in official work responsibilities, 457
and the offense is committed by a person who is under custody in 458
the facility subsequent to the person's arrest for any crime or 459
delinquent act, subsequent to the person being charged with or 460
convicted of any crime, or subsequent to the person being 461
alleged to be or adjudicated a delinquent child and who 462
temporarily is outside of the facility for any purpose or by a 463
parolee, by an offender under transitional control, under a 464
community control sanction, or on an escorted visit, by a person 465
under post-release control, or by an offender under any other 466
type of supervision by a government agency. 467

(d) The victim of the offense is a school teacher or 468
administrator or a school bus operator, and the offense occurs 469
in a school, on school premises, in a school building, on a 470
school bus, or while the victim is outside of school premises or 471
a school bus and is engaged in duties or official 472
responsibilities associated with the victim's employment or 473
position as a school teacher or administrator or a school bus 474
operator, including, but not limited to, driving, accompanying, 475
or chaperoning students at or on class or field trips, athletic 476
events, or other school extracurricular activities or functions 477
outside of school premises. 478

(5) If the victim of the offense is a peace officer or an 479
investigator of the bureau of criminal identification and 480
investigation, a firefighter, or a person performing emergency 481

medical service, while in the performance of their official 482
duties, assault is a felony of the fourth degree. 483

(6) If the victim of the offense is a peace officer or an 484
investigator of the bureau of criminal identification and 485
investigation and if the victim suffered serious physical harm 486
as a result of the commission of the offense, assault is a 487
felony of the fourth degree, and the court, pursuant to division 488
(F) of section 2929.13 of the Revised Code, shall impose as a 489
mandatory prison term one of the prison terms prescribed for a 490
felony of the fourth degree that is at least twelve months in 491
duration. 492

(7) If the victim of the offense is an officer or employee 493
of a public children services agency or a private child placing 494
agency and the offense relates to the officer's or employee's 495
performance or anticipated performance of official 496
responsibilities or duties, assault is either a felony of the 497
fifth degree or, if the offender previously has been convicted 498
of or pleaded guilty to an offense of violence, the victim of 499
that prior offense was an officer or employee of a public 500
children services agency or private child placing agency, and 501
that prior offense related to the officer's or employee's 502
performance or anticipated performance of official 503
responsibilities or duties, a felony of the fourth degree. 504

(8) If the victim of the offense is a health care 505
professional of a hospital, a health care worker of a hospital, 506
or a security officer of a hospital whom the offender knows or 507
has reasonable cause to know is a health care professional of a 508
hospital, a health care worker of a hospital, or a security 509
officer of a hospital, if the victim is engaged in the 510
performance of the victim's duties, and if the hospital offers 511

de-escalation or crisis intervention training for such 512
professionals, workers, or officers, assault is one of the 513
following: 514

(a) Except as otherwise provided in division (C) (8) (b) of 515
this section, assault committed in the specified circumstances 516
is a misdemeanor of the first degree. Notwithstanding the fine 517
specified in division (A) (2) (b) of section 2929.28 of the 518
Revised Code for a misdemeanor of the first degree, in 519
sentencing the offender under this division and if the court 520
decides to impose a fine, the court may impose upon the offender 521
a fine of not more than five thousand dollars. 522

(b) If the offender previously has been convicted of or 523
pleaded guilty to one or more assault or homicide offenses 524
committed against hospital personnel, assault committed in the 525
specified circumstances is a felony of the fifth degree. 526

(9) If the victim of the offense is a judge, magistrate, 527
prosecutor, or court official or employee whom the offender 528
knows or has reasonable cause to know is a judge, magistrate, 529
prosecutor, or court official or employee, and if the victim is 530
engaged in the performance of the victim's duties, assault is 531
one of the following: 532

(a) Except as otherwise provided in division (C) (8) (b) of 533
this section, assault committed in the specified circumstances 534
is a misdemeanor of the first degree. In sentencing the offender 535
under this division, if the court decides to impose a fine, 536
notwithstanding the fine specified in division (A) (2) (b) of 537
section 2929.28 of the Revised Code for a misdemeanor of the 538
first degree, the court may impose upon the offender a fine of 539
not more than five thousand dollars. 540

(b) If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, assault committed in the specified circumstances is a felony of the fifth degree.

(10) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in division (G) of section 2929.24 of the Revised Code.

If an offender who is convicted of or pleads guilty to assault when it is a felony also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in division (C)(6) of this section, the court shall sentence the offender to a mandatory prison term as provided in division (B)(8) of section 2929.14 of the Revised Code.

(D) Upon a person's conviction of a violation of this section, the court shall determine whether, as a result of the violation, it is unlawful for the offender to possess or purchase a firearm under section 2923.13 of the Revised Code or 18 U.S.C. 922(g)(9). If the court determines that the offender is prohibited from possessing or purchasing a firearm, the court shall order the offender to transfer all firearms in the offender's possession or control in accordance with section 2923.133 of the Revised Code.

<u>(E)</u> As used in this section:	571
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	572 573
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	574 575
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	576 577
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty- municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	578 579 580 581 582 583 584 585 586
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	587 588 589 590 591
(6) "School teacher or administrator" means either of the following:	592 593
(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	594 595 596 597 598

(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.

(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.

(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.

(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.

(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.

(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:

(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.

(b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a

hospital.	627
(c) The victim was engaged in the performance of the	628
victim's duties.	629
(d) The hospital offered de-escalation or crisis	630
intervention training for such professionals, workers, or	631
officers.	632
(13) "De-escalation or crisis intervention training" means	633
de-escalation or crisis intervention training for health care	634
professionals of a hospital, health care workers of a hospital,	635
and security officers of a hospital to facilitate interaction	636
with patients, members of a patient's family, and visitors,	637
including those with mental impairments.	638
(14) "Assault or homicide offense committed against	639
justice system personnel" means a violation of this section or	640
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041,	641
2903.11, 2903.12, or 2903.14 of the Revised Code committed in	642
circumstances in which the victim of the offense was a judge,	643
magistrate, prosecutor, or court official or employee whom the	644
offender knew or had reasonable cause to know was a judge,	645
magistrate, prosecutor, or court official or employee, and the	646
victim was engaged in the performance of the victim's duties.	647
(15) "Court official or employee" means any official or	648
employee of a court created under the constitution or statutes	649
of this state or of a United States court located in this state.	650
(16) "Judge" means a judge of a court created under the	651
constitution or statutes of this state or of a United States	652
court located in this state.	653
(17) "Magistrate" means an individual who is appointed by	654

a court of record of this state and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a United States court located in this state who has similar powers and functions.

(18) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(19) (a) "Hospital" means, subject to division ~~(D)~~ (E) (19) (b) of this section, an institution classified as a hospital under section 3701.01 of the Revised Code in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.

(b) "Hospital" does not include any of the following:

(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;

(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section

4723.32 of the Revised Code from the licensing requirements of 684
Chapter 4723. of the Revised Code. 685

(20) "Health maintenance organization" has the same 686
meaning as in section 3727.01 of the Revised Code. 687

Sec. 2903.21. (A) No person shall knowingly cause another 688
to believe that the offender will cause serious physical harm to 689
the person or property of the other person, the other person's 690
unborn, or a member of the other person's immediate family. In 691
addition to any other basis for the other person's belief that 692
the offender will cause serious physical harm to the person or 693
property of the other person, the other person's unborn, or a 694
member of the other person's immediate family, the other 695
person's belief may be based on words or conduct of the offender 696
that are directed at or identify a corporation, association, or 697
other organization that employs the other person or to which the 698
other person belongs. 699

(B) Whoever violates this section is guilty of aggravated 700
menacing. Except as otherwise provided in this division, 701
aggravated menacing is a misdemeanor of the first degree. If the 702
victim of the offense is an officer or employee of a public 703
children services agency or a private child placing agency and 704
the offense relates to the officer's or employee's performance 705
or anticipated performance of official responsibilities or 706
duties, aggravated menacing is a felony of the fifth degree or, 707
if the offender previously has been convicted of or pleaded 708
guilty to an offense of violence, the victim of that prior 709
offense was an officer or employee of a public children services 710
agency or private child placing agency, and that prior offense 711
related to the officer's or employee's performance or 712
anticipated performance of official responsibilities or duties, 713

a felony of the fourth degree. 714

(C) Upon a person's conviction of a violation of this 715
section, the court shall determine whether, as a result of the 716
violation, it is unlawful for the offender to possess or 717
purchase a firearm under section 2923.13 of the Revised Code or 718
18 U.S.C. 922(g)(9). If the offender is prohibited from 719
possessing or purchasing a firearm, the court shall order the 720
offender to transfer all firearms in the offender's possession 721
or control in accordance with section 2923.133 of the Revised 722
Code. 723

(D) As used in this section, "organization" includes an 724
entity that is a governmental employer. 725

Sec. 2903.214. (A) As used in this section: 726

(1) "Court" means the court of common pleas of the county 727
in which the person to be protected by the protection order 728
resides. 729

(2) "Victim advocate" means a person who provides support 730
and assistance for a person who files a petition under this 731
section. 732

(3) "Family or household member" has the same meaning as 733
in section 3113.31 of the Revised Code. 734

(4) "Protection order issued by a court of another state" 735
has the same meaning as in section 2919.27 of the Revised Code. 736

(5) "Sexually oriented offense" has the same meaning as in 737
section 2950.01 of the Revised Code. 738

(6) "Electronic monitoring" has the same meaning as in 739
section 2929.01 of the Revised Code. 740

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 741
742

(B) The court has jurisdiction over all proceedings under this section. 743
744

(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following: 745
746
747
748
749

(1) An allegation that the respondent is eighteen years of age or older and engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation; 750
751
752
753
754
755
756

(2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected; 757
758
759
760
761
762
763
764

(3) A petitioner may include a statement in the petition that describes the number, types, and locations of any firearms that the petitioner knows to be in the possession or control of the respondent. 765
766
767
768

(4) A request for relief under this section. 769

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

(2) (a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

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

hearing. 801

(ii) The parties consent to the continuance. 802

(iii) The continuance is needed to allow a party to obtain 803
counsel. 804

(iv) The continuance is needed for other good cause. 805

(b) An ex parte order issued under this section does not 806
expire because of a failure to serve notice of the full hearing 807
upon the respondent before the date set for the full hearing 808
under division (D) (2) (a) of this section or because the court 809
grants a continuance under that division. 810

(3) If a person who files a petition pursuant to this 811
section does not request an ex parte order, or if a person 812
requests an ex parte order but the court does not issue an ex 813
parte order after an ex parte hearing, the court shall proceed 814
as in a normal civil action and grant a full hearing on the 815
matter. 816

(E) (1) (a) After an ex parte or full hearing, the court may 817
issue any protection order, with or without bond, that contains 818
terms designed to ensure the safety and protection of the person 819
to be protected by the protection order, including, but not 820
limited to, a requirement that the respondent refrain from 821
entering the residence, school, business, or place of employment 822
of the petitioner or family or household member. If the court 823
includes a requirement that the respondent refrain from entering 824
the residence, school, business, or place of employment of the 825
petitioner or family or household member in the order, it also 826
shall include in the order provisions of the type described in 827
division (E) (5) of this section. The court may include within a 828
protection order issued under this section a term requiring that 829

the respondent not remove, damage, hide, harm, or dispose of any 830
companion animal owned or possessed by the person to be 831
protected by the order, and may include within the order a term 832
authorizing the person to be protected by the order to remove a 833
companion animal owned by the person to be protected by the 834
order from the possession of the respondent. 835

(b) After a full hearing, if the court considering a 836
petition that includes an allegation of the type described in 837
division (C) (2) of this section, or the court upon its own 838
motion, finds upon clear and convincing evidence that the 839
petitioner reasonably believed that the respondent's conduct at 840
any time preceding the filing of the petition endangered the 841
health, welfare, or safety of the person to be protected and 842
that the respondent presents a continuing danger to the person 843
to be protected, the court may order that the respondent be 844
electronically monitored for a period of time and under the 845
terms and conditions that the court determines are appropriate. 846
Electronic monitoring shall be in addition to any other relief 847
granted to the petitioner. 848

(2) (a) Any protection order issued pursuant to this 849
section shall be valid until a date certain but not later than 850
five years from the date of its issuance. 851

(b) Any protection order issued pursuant to this section 852
may be renewed in the same manner as the original order was 853
issued. 854

(3) A court may not issue a protection order that requires 855
a petitioner to do or to refrain from doing an act that the 856
court may require a respondent to do or to refrain from doing 857
under division (E) (1) of this section unless all of the 858
following apply: 859

(a) The respondent files a separate petition for a protection order in accordance with this section. 860
861

(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 862
863
864
865

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 866
867
868
869
870

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order issued pursuant to division (E) (3) of this section, has committed a sexually oriented offense against the person to be protected by the protection order issued pursuant to division (E) (3) of this section, or has violated a protection order issued pursuant to section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E) (3) of this section. 871
872
873
874
875
876
877
878
879
880
881
882
883

(4) No protection order issued pursuant to this section shall in any manner affect title to any real property. 884
885

(5) (a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place 886
887
888

of employment of the petitioner or a family or household member, 889
the order shall clearly state that the order cannot be waived or 890
nullified by an invitation to the alleged offender from the 891
complainant to enter the residence, school, business, or place 892
of employment or by the alleged offender's entry into one of 893
those places otherwise upon the consent of the petitioner or 894
family or household member. 895

(b) Division (E) (5) (a) of this section does not limit any 896
discretion of a court to determine that an alleged offender 897
charged with a violation of section 2919.27 of the Revised Code, 898
with a violation of a municipal ordinance substantially 899
equivalent to that section, or with contempt of court, which 900
charge is based on an alleged violation of a protection order 901
issued under this section, did not commit the violation or was 902
not in contempt of court. 903

(F) (1) The court shall cause the delivery of a copy of any 904
protection order that is issued under this section to the 905
petitioner, to the respondent, and to all law enforcement 906
agencies that have jurisdiction to enforce the order. The court 907
shall direct that a copy of the order be delivered to the 908
respondent on the same day that the order is entered. 909

(2) Upon the issuance of a protection order under this 910
section, the court shall determine whether, as a result of the 911
order, it is unlawful for the respondent to possess or purchase 912
a firearm under division (A) (6) of section 2923.13 of the 913
Revised Code or 18 U.S.C. 922(g) (8). If the court determines 914
that the respondent is prohibited from possessing or purchasing 915
a firearm, the court shall order the respondent to transfer all 916
firearms in the respondent's possession or control, and shall 917
ensure that the transfer is made, in accordance with section 918

2923.133 of the Revised Code. If the respondent is so 919
prohibited, the court shall notify the petitioner of this 920
prohibition and provide the parties to the order respondent with 921
the following notice orally or by form: 922

"NOTICE 923

As a result of this order, it ~~may be~~ is unlawful for you 924
to possess or purchase a firearm, including a rifle, pistol, or 925
revolver, or ammunition pursuant to ~~federal law under section~~ 926
2923.13 of the Revised Code or 18 U.S.C. 922(g) (8) for the 927
duration of this order. ~~If you have any questions whether this~~ 928
~~law makes it illegal for you to possess or purchase a firearm or~~ 929
~~ammunition, you should consult an attorney.~~ You are required to 930
transfer all firearms in your possession or control within 931
twenty-four hours after service of this order in accordance with 932
section 2923.133 of the Revised Code. You are required to file 933
with this court a proof of transfer and an affidavit that you 934
possess no firearms within forty-eight hours after service of 935
this order." 936

(3) All law enforcement agencies shall establish and 937
maintain an index for the protection orders delivered to the 938
agencies pursuant to division (F) (1) of this section. With 939
respect to each order delivered, each agency shall note on the 940
index the date and time that it received the order. 941

(4) Regardless of whether the petitioner has registered 942
the protection order in the county in which the officer's agency 943
has jurisdiction pursuant to division (M) of this section, any 944
officer of a law enforcement agency shall enforce a protection 945
order issued pursuant to this section by any court in this state 946
in accordance with the provisions of the order, including 947
removing the respondent from the premises, if appropriate. 948

(G) (1) Any proceeding under this section shall be 949
conducted in accordance with the Rules of Civil Procedure, 950
except that a protection order may be obtained under this 951
section with or without bond. An order issued under this 952
section, other than an ex parte order, that grants a protection 953
order, or that refuses to grant a protection order, is a final, 954
appealable order. The remedies and procedures provided in this 955
section are in addition to, and not in lieu of, any other 956
available civil or criminal remedies. 957

(2) If as provided in division (G) (1) of this section an 958
order issued under this section, other than an ex parte order, 959
refuses to grant a protection order, the court, on its own 960
motion, shall order that the ex parte order issued under this 961
section and all of the records pertaining to that ex parte order 962
be sealed after either of the following occurs: 963

(a) No party has exercised the right to appeal pursuant to 964
Rule 4 of the Rules of Appellate Procedure. 965

(b) All appellate rights have been exhausted. 966

(H) The filing of proceedings under this section does not 967
excuse a person from filing any report or giving any notice 968
required by section 2151.421 of the Revised Code or by any other 969
law. 970

(I) Any law enforcement agency that investigates an 971
alleged violation of section 2903.211 of the Revised Code or an 972
alleged commission of a sexually oriented offense shall provide 973
information to the victim and the family or household members of 974
the victim regarding the relief available under this section and 975
section 2903.213 of the Revised Code. 976

(J) (1) Subject to division (J) (2) of this section and 977

regardless of whether a protection order is issued or a consent 978
agreement is approved by a court of another county or by a court 979
of another state, no court or unit of state or local government 980
shall charge the petitioner any fee, cost, deposit, or money in 981
connection with the filing of a petition pursuant to this 982
section, in connection with the filing, issuance, registration, 983
modification, enforcement, dismissal, withdrawal, or service of 984
a protection order, consent agreement, or witness subpoena or 985
for obtaining a certified copy of a protection order or consent 986
agreement. 987

(2) Regardless of whether a protection order is issued or 988
a consent agreement is approved pursuant to this section, the 989
court may assess costs against the respondent in connection with 990
the filing, issuance, registration, modification, enforcement, 991
dismissal, withdrawal, or service of a protection order, consent 992
agreement, or witness subpoena or for obtaining a certified copy 993
of a protection order or consent agreement. 994

(K) (1) A person who violates a protection order issued 995
under this section is subject to the following sanctions: 996

(a) Criminal prosecution for a violation of section 997
2919.27 of the Revised Code, if the violation of the protection 998
order constitutes a violation of that section; 999

(b) Punishment for contempt of court. 1000

(2) The punishment of a person for contempt of court for 1001
violation of a protection order issued under this section does 1002
not bar criminal prosecution of the person for a violation of 1003
section 2919.27 of the Revised Code. However, a person punished 1004
for contempt of court is entitled to credit for the punishment 1005
imposed upon conviction of a violation of that section, and a 1006

person convicted of a violation of that section shall not 1007
subsequently be punished for contempt of court arising out of 1008
the same activity. 1009

(L) In all stages of a proceeding under this section, a 1010
petitioner may be accompanied by a victim advocate. 1011

(M) (1) A petitioner who obtains a protection order under 1012
this section or a protection order under section 2903.213 of the 1013
Revised Code may provide notice of the issuance or approval of 1014
the order to the judicial and law enforcement officials in any 1015
county other than the county in which the order is issued by 1016
registering that order in the other county pursuant to division 1017
(M) (2) of this section and filing a copy of the registered order 1018
with a law enforcement agency in the other county in accordance 1019
with that division. A person who obtains a protection order 1020
issued by a court of another state may provide notice of the 1021
issuance of the order to the judicial and law enforcement 1022
officials in any county of this state by registering the order 1023
in that county pursuant to section 2919.272 of the Revised Code 1024
and filing a copy of the registered order with a law enforcement 1025
agency in that county. 1026

(2) A petitioner may register a protection order issued 1027
pursuant to this section or section 2903.213 of the Revised Code 1028
in a county other than the county in which the court that issued 1029
the order is located in the following manner: 1030

(a) The petitioner shall obtain a certified copy of the 1031
order from the clerk of the court that issued the order and 1032
present that certified copy to the clerk of the court of common 1033
pleas or the clerk of a municipal court or county court in the 1034
county in which the order is to be registered. 1035

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

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

(N) (1) If the court orders electronic monitoring of the respondent under this section, the court shall direct the sheriff's office or any other appropriate law enforcement agency to install the electronic monitoring device and to monitor the respondent. Unless the court determines that the respondent is indigent, the court shall order the respondent to pay the cost of the installation and monitoring of the electronic monitoring device. If the court determines that the respondent is indigent and subject to the maximum amount allowable to be paid in any year from the fund and the rules promulgated by the attorney general under division (N) (2) of this section, the cost of the installation and monitoring of the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to section 2743.191 of the Revised Code. The total amount of costs for the installation and monitoring of electronic monitoring devices paid pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code from the reparations fund shall not exceed three hundred thousand dollars per year.

(2) The attorney general may promulgate rules pursuant to

section 111.15 of the Revised Code to govern payments made from 1066
the reparations fund pursuant to this division and sections 1067
2151.34 and 2919.27 of the Revised Code. The rules may include 1068
reasonable limits on the total cost paid pursuant to this 1069
division and sections 2151.34 and 2919.27 of the Revised Code 1070
per respondent, the amount of the three hundred thousand dollars 1071
allocated to each county, and how invoices may be submitted by a 1072
county, court, or other entity. 1073

Sec. 2919.25. (A) No person shall knowingly cause or 1074
attempt to cause physical harm to a family or household member. 1075

(B) No person shall recklessly cause serious physical harm 1076
to a family or household member. 1077

(C) No person, by threat of force, shall knowingly cause a 1078
family or household member to believe that the offender will 1079
cause imminent physical harm to the family or household member. 1080

(D) (1) Whoever violates this section is guilty of domestic 1081
violence, and the court shall sentence the offender as provided 1082
in divisions (D) (2) to (6) of this section. 1083

(2) Except as otherwise provided in divisions (D) (3) to 1084
(5) of this section, a violation of division (C) of this section 1085
is a misdemeanor of the fourth degree, and a violation of 1086
division (A) or (B) of this section is a misdemeanor of the 1087
first degree. 1088

(3) Except as otherwise provided in division (D) (4) of 1089
this section, if the offender previously has pleaded guilty to 1090
or been convicted of domestic violence, a violation of an 1091
existing or former municipal ordinance or law of this or any 1092
other state or the United States that is substantially similar 1093
to domestic violence, a violation of section 2903.14, 2909.06, 1094

2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 1095
the victim of the violation was a family or household member at 1096
the time of the violation, a violation of an existing or former 1097
municipal ordinance or law of this or any other state or the 1098
United States that is substantially similar to any of those 1099
sections if the victim of the violation was a family or 1100
household member at the time of the commission of the violation, 1101
or any offense of violence if the victim of the offense was a 1102
family or household member at the time of the commission of the 1103
offense, a violation of division (A) or (B) of this section is a 1104
felony of the fourth degree, and, if the offender knew that the 1105
victim of the violation was pregnant at the time of the 1106
violation, the court shall impose a mandatory prison term on the 1107
offender pursuant to division (D) (6) of this section, and a 1108
violation of division (C) of this section is a misdemeanor of 1109
the second degree. 1110

(4) If the offender previously has pleaded guilty to or 1111
been convicted of two or more offenses of domestic violence or 1112
two or more violations or offenses of the type described in 1113
division (D) (3) of this section involving a person who was a 1114
family or household member at the time of the violations or 1115
offenses, a violation of division (A) or (B) of this section is 1116
a felony of the third degree, and, if the offender knew that the 1117
victim of the violation was pregnant at the time of the 1118
violation, the court shall impose a mandatory prison term on the 1119
offender pursuant to division (D) (6) of this section, and a 1120
violation of division (C) of this section is a misdemeanor of 1121
the first degree. 1122

(5) Except as otherwise provided in division (D) (3) or (4) 1123
of this section, if the offender knew that the victim of the 1124
violation was pregnant at the time of the violation, a violation 1125

of division (A) or (B) of this section is a felony of the fifth 1126
degree, and the court shall impose a mandatory prison term on 1127
the offender pursuant to division (D) (6) of this section, and a 1128
violation of division (C) of this section is a misdemeanor of 1129
the third degree. 1130

(6) If division (D) (3), (4), or (5) of this section 1131
requires the court that sentences an offender for a violation of 1132
division (A) or (B) of this section to impose a mandatory prison 1133
term on the offender pursuant to this division, the court shall 1134
impose the mandatory prison term as follows: 1135

(a) If the violation of division (A) or (B) of this 1136
section is a felony of the fourth or fifth degree, except as 1137
otherwise provided in division (D) (6) (b) or (c) of this section, 1138
the court shall impose a mandatory prison term on the offender 1139
of at least six months. 1140

(b) If the violation of division (A) or (B) of this 1141
section is a felony of the fifth degree and the offender, in 1142
committing the violation, caused serious physical harm to the 1143
pregnant woman's unborn or caused the termination of the 1144
pregnant woman's pregnancy, the court shall impose a mandatory 1145
prison term on the offender of twelve months. 1146

(c) If the violation of division (A) or (B) of this 1147
section is a felony of the fourth degree and the offender, in 1148
committing the violation, caused serious physical harm to the 1149
pregnant woman's unborn or caused the termination of the 1150
pregnant woman's pregnancy, the court shall impose a mandatory 1151
prison term on the offender of at least twelve months. 1152

(d) If the violation of division (A) or (B) of this 1153
section is a felony of the third degree, except as otherwise 1154

provided in division (D) (6) (e) of this section and 1155
notwithstanding the range of definite prison terms prescribed in 1156
division (A) (3) of section 2929.14 of the Revised Code for a 1157
felony of the third degree, the court shall impose a mandatory 1158
prison term on the offender of either a definite term of six 1159
months or one of the prison terms prescribed in division (A) (3) 1160
(b) of section 2929.14 of the Revised Code for felonies of the 1161
third degree. 1162

(e) If the violation of division (A) or (B) of this 1163
section is a felony of the third degree and the offender, in 1164
committing the violation, caused serious physical harm to the 1165
pregnant woman's unborn or caused the termination of the 1166
pregnant woman's pregnancy, notwithstanding the range of 1167
definite prison terms prescribed in division (A) (3) of section 1168
2929.14 of the Revised Code for a felony of the third degree, 1169
the court shall impose a mandatory prison term on the offender 1170
of either a definite term of one year or one of the prison terms 1171
prescribed in division (A) (3) (b) of section 2929.14 of the 1172
Revised Code for felonies of the third degree. 1173

(E) Notwithstanding any provision of law to the contrary, 1174
no court or unit of state or local government shall charge any 1175
fee, cost, deposit, or money in connection with the filing of 1176
charges against a person alleging that the person violated this 1177
section or a municipal ordinance substantially similar to this 1178
section or in connection with the prosecution of any charges so 1179
filed. 1180

(F) Upon a person's conviction of a violation of this 1181
section, the court shall determine whether, as a result of the 1182
violation, it is unlawful for the offender to possess or 1183
purchase a firearm under section 2923.13 of the Revised Code or 1184

18 U.S.C. 922(g)(9). If the court determines that the offender 1185
is prohibited from possessing or purchasing a firearm, the court 1186
shall order the offender to transfer all firearms in the 1187
offender's possession or control in accordance with section 1188
2923.133 of the Revised Code. 1189

(G) As used in this section and sections 2919.251 and 1190
2919.26 of the Revised Code: 1191

(1) "Family or household member" means any of the 1192
following: 1193

(a) Any of the following who is residing or has resided 1194
with the offender: 1195

(i) A spouse, a person living as a spouse, or a former 1196
spouse of the offender; 1197

(ii) A parent, a foster parent, or a child of the 1198
offender, or another person related by consanguinity or affinity 1199
to the offender; 1200

(iii) A parent or a child of a spouse, person living as a 1201
spouse, or former spouse of the offender, or another person 1202
related by consanguinity or affinity to a spouse, person living 1203
as a spouse, or former spouse of the offender. 1204

(b) The natural parent of any child of whom the offender 1205
is the other natural parent or is the putative other natural 1206
parent. 1207

(2) "Person living as a spouse" means a person who is 1208
living or has lived with the offender in a common law marital 1209
relationship, who otherwise is cohabiting with the offender, or 1210
who otherwise has cohabited with the offender within five years 1211
prior to the date of the alleged commission of the act in 1212

question. 1213

(3) "Pregnant woman's unborn" has the same meaning as 1214
"such other person's unborn," as set forth in section 2903.09 of 1215
the Revised Code, as it relates to the pregnant woman. Division 1216
(C) of that section applies regarding the use of the term in 1217
this section, except that the second and third sentences of 1218
division (C) (1) of that section shall be construed for purposes 1219
of this section as if they included a reference to this section 1220
in the listing of Revised Code sections they contain. 1221

(4) "Termination of the pregnant woman's pregnancy" has 1222
the same meaning as "unlawful termination of another's 1223
pregnancy," as set forth in section 2903.09 of the Revised Code, 1224
as it relates to the pregnant woman. Division (C) of that 1225
section applies regarding the use of the term in this section, 1226
except that the second and third sentences of division (C) (1) of 1227
that section shall be construed for purposes of this section as 1228
if they included a reference to this section in the listing of 1229
Revised Code sections they contain. 1230

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 1231
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1232
2911.211 of the Revised Code if the alleged victim of the 1233
violation was a family or household member at the time of the 1234
violation, a violation of a municipal ordinance that is 1235
substantially similar to any of those sections if the alleged 1236
victim of the violation was a family or household member at the 1237
time of the violation, any offense of violence if the alleged 1238
victim of the offense was a family or household member at the 1239
time of the commission of the offense, or any sexually oriented 1240
offense if the alleged victim of the offense was a family or 1241
household member at the time of the commission of the offense, 1242

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

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

(B) (1) The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v. No.

.....

Name of Defendant 1271

(name of person), moves the court to issue a temporary 1272
protection order containing terms designed to ensure the safety 1273
and protection of the complainant, alleged victim, and other 1274
family or household members, in relation to the named defendant, 1275
pursuant to its authority to issue such an order under section 1276
2919.26 of the Revised Code. 1277

A complaint, a copy of which has been attached to this 1278
motion, has been filed in this court charging the named 1279
defendant with (name of the specified 1280
violation, the offense of violence, or sexually oriented offense 1281
charged) in circumstances in which the victim was a family or 1282
household member in violation of (section of the Revised Code 1283
designating the specified violation, offense of violence, or 1284
sexually oriented offense charged), or charging the named 1285
defendant with a violation of a municipal ordinance that is 1286
substantially similar to (section of 1287
the Revised Code designating the specified violation, offense of 1288
violence, or sexually oriented offense charged) involving a 1289
family or household member. 1290

I understand that I must appear before the court, at a 1291
time set by the court within twenty-four hours after the filing 1292
of this motion, for a hearing on the motion or that, if I am 1293
unable to appear because of hospitalization or a medical 1294
condition resulting from the offense alleged in the complaint, a 1295
person who can provide information about my need for a temporary 1296
protection order must appear before the court in lieu of my 1297
appearing in court. I understand that any temporary protection 1298
order granted pursuant to this motion is a pretrial condition of 1299
release and is effective only until the disposition of the 1300

criminal proceeding arising out of the attached complaint, or 1301
the issuance of a civil protection order or the approval of a 1302
consent agreement, arising out of the same activities as those 1303
that were the basis of the complaint, under section 3113.31 of 1304
the Revised Code. 1305

..... 1306

Signature of person 1307

(or signature of the arresting officer who filed the motion on 1308
behalf of the alleged victim) 1309

..... 1310

Address of person (or office address of the arresting officer 1311
who filed the motion on behalf of the alleged victim)" 1312

(2) The petitioner may attach a document to the form that 1313
describes the number, types, and locations of any firearms that 1314
the petitioner knows to be in the possession or control of the 1315
defendant. 1316

(C) (1) As soon as possible after the filing of a motion 1317
that requests the issuance of a temporary protection order, but 1318
not later than twenty-four hours after the filing of the motion, 1319
the court shall conduct a hearing to determine whether to issue 1320
the order. The person who requested the order shall appear 1321
before the court and provide the court with the information that 1322
it requests concerning the basis of the motion. If the person 1323
who requested the order is unable to appear and if the court 1324
finds that the failure to appear is because of the person's 1325
hospitalization or medical condition resulting from the offense 1326
alleged in the complaint, another person who is able to provide 1327
the court with the information it requests may appear in lieu of 1328

the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant, alleged victim, or any other family or household member of the alleged victim, and may include within the order a term authorizing the complainant, alleged victim, or other family or household member of the alleged victim to remove a companion animal owned by the complainant, alleged victim, or other family or household member from the possession of the alleged offender.

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

alleged victim, or family or household member. 1360

(b) Division (C) (2) (a) of this section does not limit any 1361
discretion of a court to determine that an alleged offender 1362
charged with a violation of section 2919.27 of the Revised Code, 1363
with a violation of a municipal ordinance substantially 1364
equivalent to that section, or with contempt of court, which 1365
charge is based on an alleged violation of a temporary 1366
protection order issued under this section, did not commit the 1367
violation or was not in contempt of court. 1368

(D) (1) Upon the filing of a complaint that alleges a 1369
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1370
the Revised Code if the alleged victim of the violation was a 1371
family or household member at the time of the violation, a 1372
violation of a municipal ordinance that is substantially similar 1373
to any of those sections if the alleged victim of the violation 1374
was a family or household member at the time of the violation, 1375
any offense of violence if the alleged victim of the offense was 1376
a family or household member at the time of the commission of 1377
the offense, or any sexually oriented offense if the alleged 1378
victim of the offense was a family or household member at the 1379
time of the commission of the offense, the court, upon its own 1380
motion, may issue a temporary protection order as a pretrial 1381
condition of release if it finds that the safety and protection 1382
of the complainant, alleged victim, or other family or household 1383
member of the alleged offender may be impaired by the continued 1384
presence of the alleged offender. 1385

(2) If the court issues a temporary protection order under 1386
this section as an ex parte order, it shall conduct, as soon as 1387
possible after the issuance of the order, a hearing in the 1388
presence of the alleged offender not later than the next day on 1389

which the court is scheduled to conduct business after the day 1390
on which the alleged offender was arrested or at the time of the 1391
appearance of the alleged offender pursuant to summons to 1392
determine whether the order should remain in effect, be 1393
modified, or be revoked. The hearing shall be conducted under 1394
the standards set forth in division (C) of this section. 1395

(3) An order issued under this section shall contain only 1396
those terms authorized in orders issued under division (C) of 1397
this section. 1398

(4) If a municipal court or a county court issues a 1399
temporary protection order under this section and if, subsequent 1400
to the issuance of the order, the alleged offender who is the 1401
subject of the order is bound over to the court of common pleas 1402
for prosecution of a felony arising out of the same activities 1403
as those that were the basis of the complaint upon which the 1404
order is based, notwithstanding the fact that the order was 1405
issued by a municipal court or county court, the order shall 1406
remain in effect, as though it were an order of the court of 1407
common pleas, while the charges against the alleged offender are 1408
pending in the court of common pleas, for the period of time 1409
described in division (E)(2) of this section, and the court of 1410
common pleas has exclusive jurisdiction to modify the order 1411
issued by the municipal court or county court. This division 1412
applies when the alleged offender is bound over to the court of 1413
common pleas as a result of the person waiving a preliminary 1414
hearing on the felony charge, as a result of the municipal court 1415
or county court having determined at a preliminary hearing that 1416
there is probable cause to believe that the felony has been 1417
committed and that the alleged offender committed it, as a 1418
result of the alleged offender having been indicted for the 1419
felony, or in any other manner. 1420

(E) A temporary protection order that is issued as a	1421
pretrial condition of release under this section:	1422
(1) Is in addition to, but shall not be construed as a	1423
part of, any bail set under Criminal Rule 46;	1424
(2) Is effective only until the occurrence of either of	1425
the following:	1426
(a) The disposition, by the court that issued the order	1427
or, in the circumstances described in division (D)(4) of this	1428
section, by the court of common pleas to which the alleged	1429
offender is bound over for prosecution, of the criminal	1430
proceeding arising out of the complaint upon which the order is	1431
based;	1432
(b) The issuance of a protection order or the approval of	1433
a consent agreement, arising out of the same activities as those	1434
that were the basis of the complaint upon which the order is	1435
based, under section 3113.31 of the Revised Code.	1436
(3) Shall not be construed as a finding that the alleged	1437
offender committed the alleged offense, and shall not be	1438
introduced as evidence of the commission of the offense at the	1439
trial of the alleged offender on the complaint upon which the	1440
order is based.	1441
(F) A person who meets the criteria for bail under	1442
Criminal Rule 46 and who, if required to do so pursuant to that	1443
rule, executes or posts bond or deposits cash or securities as	1444
bail, shall not be held in custody pending a hearing before the	1445
court on a motion requesting a temporary protection order.	1446
(G) (1) A copy of any temporary protection order that is	1447
issued under this section shall be issued by the court to the	1448

complainant, to the alleged victim, to the person who requested 1449
the order, to the defendant, and to all law enforcement agencies 1450
that have jurisdiction to enforce the order. The court shall 1451
direct that a copy of the order be delivered to the defendant on 1452
the same day that the order is entered. If a municipal court or 1453
a county court issues a temporary protection order under this 1454
section and if, subsequent to the issuance of the order, the 1455
defendant who is the subject of the order is bound over to the 1456
court of common pleas for prosecution as described in division 1457
(D) (4) of this section, the municipal court or county court 1458
shall direct that a copy of the order be delivered to the court 1459
of common pleas to which the defendant is bound over. 1460

(2) Upon the issuance of a protection order under this 1461
section, the court shall determine whether, as a result of the 1462
order, it is unlawful for the defendant to possess or purchase a 1463
firearm under division (A) (6) of section 2923.13 of the Revised 1464
Code or 18 U.S.C. 922(g) (8). If the court determines that the 1465
defendant is prohibited from possessing or purchasing a firearm, 1466
the court shall order the defendant to transfer all firearms in 1467
the defendant's possession or control, and shall ensure that the 1468
transfer is made, in accordance with section 2923.133 of the 1469
Revised Code. If the defendant is so prohibited, the court shall 1470
notify the complainant, the alleged victim, and the person who 1471
requested the order and shall provide the ~~parties to the order-~~ 1472
defendant with the following notice ~~orally or~~ by form: 1473

"NOTICE 1474

As a result of this protection order, it ~~may be is~~ 1475
unlawful for you to possess or purchase a firearm, including a 1476
rifle, pistol, or revolver, or ammunition pursuant to ~~federal-~~ 1477
~~law under~~ section 2923.13 of the Revised Code or 18 U.S.C. 1478

922(g) (8) for the duration of this order. ~~If you have any~~ 1479
~~questions whether this law makes it illegal for you to possess~~ 1480
~~or purchase a firearm or ammunition, you should consult an~~ 1481
~~attorney.~~ You are required to transfer all firearms in your 1482
possession or control within twenty-four hours after service of 1483
this order in accordance with section 2923.133 of the Revised 1484
Code. You are required to file with this court a proof of 1485
transfer and an affidavit that you possess no firearms within 1486
forty-eight hours after service of this order." 1487

(3) All law enforcement agencies shall establish and 1488
maintain an index for the temporary protection orders delivered 1489
to the agencies pursuant to division (G) (1) of this section. 1490
With respect to each order delivered, each agency shall note on 1491
the index, the date and time of the receipt of the order by the 1492
agency. 1493

(4) A complainant, alleged victim, or other person who 1494
obtains a temporary protection order under this section may 1495
provide notice of the issuance of the temporary protection order 1496
to the judicial and law enforcement officials in any county 1497
other than the county in which the order is issued by 1498
registering that order in the other county in accordance with 1499
division (N) of section 3113.31 of the Revised Code and filing a 1500
copy of the registered protection order with a law enforcement 1501
agency in the other county in accordance with that division. 1502

(5) Any officer of a law enforcement agency shall enforce 1503
a temporary protection order issued by any court in this state 1504
in accordance with the provisions of the order, including 1505
removing the defendant from the premises, regardless of whether 1506
the order is registered in the county in which the officer's 1507
agency has jurisdiction as authorized by division (G) (4) of this 1508

section. 1509

(H) Upon a violation of a temporary protection order, the 1510
court may issue another temporary protection order, as a 1511
pretrial condition of release, that modifies the terms of the 1512
order that was violated. 1513

(I)(1) As used in divisions (I)(1) and (2) of this 1514
section, "defendant" means a person who is alleged in a 1515
complaint to have committed a violation, offense of violence, or 1516
sexually oriented offense of the type described in division (A) 1517
of this section. 1518

(2) If a complaint is filed that alleges that a person 1519
committed a violation, offense of violence, or sexually oriented 1520
offense of the type described in division (A) of this section, 1521
the court may not issue a temporary protection order under this 1522
section that requires the complainant, the alleged victim, or 1523
another family or household member of the defendant to do or 1524
refrain from doing an act that the court may require the 1525
defendant to do or refrain from doing under a temporary 1526
protection order unless both of the following apply: 1527

(a) The defendant has filed a separate complaint that 1528
alleges that the complainant, alleged victim, or other family or 1529
household member in question who would be required under the 1530
order to do or refrain from doing the act committed a violation 1531
or offense of violence of the type described in division (A) of 1532
this section. 1533

(b) The court determines that both the complainant, 1534
alleged victim, or other family or household member in question 1535
who would be required under the order to do or refrain from 1536
doing the act and the defendant acted primarily as aggressors, 1537

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. 1568

(2) "Sexually oriented offense" has the same meaning as in 1569
section 2950.01 of the Revised Code. 1570

(3) "Victim advocate" means a person who provides support 1571
and assistance for a victim of an offense during court 1572
proceedings." 1573

After line 3450, insert: 1574

"Sec. 2923.13. (A) Unless relieved from disability under 1575
operation of law or legal process, no person shall knowingly 1576
acquire, have, carry, or use any firearm or dangerous ordnance, 1577
if any of the following apply: 1578

(1) The person is a fugitive from justice. 1579

(2) The person is under indictment for or has been 1580
convicted of any felony offense of violence or has been 1581
adjudicated a delinquent child for the commission of an offense 1582
that, if committed by an adult, would have been a felony offense 1583
of violence. 1584

(3) The person is under indictment for or has been 1585
convicted of any felony offense involving the illegal 1586
possession, use, sale, administration, distribution, or 1587
trafficking in any drug of abuse or has been adjudicated a 1588
delinquent child for the commission of an offense that, if 1589
committed by an adult, would have been a felony offense 1590
involving the illegal possession, use, sale, administration, 1591
distribution, or trafficking in any drug of abuse. 1592

(4) The person is drug dependent, in danger of drug 1593
dependence, or a chronic alcoholic. 1594

(5) The person has been convicted of any of the following 1595

<u>offenses, whether the offense is classified as a felony or</u>	1596
<u>misdemeanor:</u>	1597
<u>(a) Domestic violence;</u>	1598
<u>(b) Assault or aggravated menacing, if the victim is a</u>	1599
<u>family or household member as defined in section 2919.25 of the</u>	1600
<u>Revised Code;</u>	1601
<u>(c) Any offense that has, as an element, the use or</u>	1602
<u>attempted use of physical force or threatened use of a deadly</u>	1603
<u>weapon, if the victim is a family or household member as defined</u>	1604
<u>in section 2919.25 of the Revised Code.</u>	1605
<u>(6) The person is subject to a court order, granted after</u>	1606
<u>a full hearing for which the person received notice and an</u>	1607
<u>opportunity to be heard, that restrains the person from</u>	1608
<u>harassing, stalking, threatening, or engaging in other conduct</u>	1609
<u>that would place a family or household member in reasonable fear</u>	1610
<u>of bodily injury, or is subject to a temporary protection order</u>	1611
<u>issued under section 2919.26 of the Revised Code.</u>	1612
<u>(7) The person is under adjudication of mental</u>	1613
incompetence, has been adjudicated as a mental defective, has	1614
been committed to a mental institution, has been found by a	1615
court to be a mentally ill person subject to court order, or is	1616
an involuntary patient other than one who is a patient only for	1617
purposes of observation. As used in this division, "mentally ill	1618
person subject to court order" and "patient" have the same	1619
meanings as in section 5122.01 of the Revised Code.	1620
(B) Whoever violates this section is guilty of having	1621
weapons while under disability, a felony of the third degree.	1622
(C) For the purposes of this section, "under operation of	1623

law or legal process" shall not itself include mere completion, 1624
termination, or expiration of a sentence imposed as a result of 1625
a criminal conviction. 1626

(D) As used in this section, "family or household member" 1627
has the same meaning as in section 3113.31 of the Revised Code. 1628

Sec. 2923.133. (A) Any person who is subject to a court 1629
order described in division (A)(6) of section 2923.13 of the 1630
Revised Code and has been served with a court order requiring 1631
the person to transfer all firearms in the person's possession 1632
or control in accordance with this section shall transfer all 1633
firearms in the person's possession or control as described in 1634
this division. 1635

(1) Within twenty-four hours after being served with the 1636
court order, the respondent shall transfer all firearms in the 1637
respondent's possession to a law enforcement agency or federally 1638
licensed firearms dealer. The respondent shall provide a copy of 1639
the court order to the law enforcement agency or federally 1640
licensed firearms dealer at the time of transfer, along with a 1641
copy of the protection order. The law enforcement agency or 1642
federally licensed firearms dealer shall issue a proof of 1643
transfer to the respondent. The proof of transfer shall include 1644
the name of the respondent, the date of transfer, and the serial 1645
number, make, and model of each transferred firearm. 1646

(2) Within forty-eight hours after being served with the 1647
court order, the respondent shall do one of the following: 1648

(a) File a copy of the proof of transfer with the court 1649
that issued the order and an affidavit that all firearms in the 1650
respondent's possession or control at the time the respondent 1651
was served with the order have been transferred in accordance 1652

with this section and that the respondent currently has no 1653
firearms in the respondent's possession or control; 1654

(b) File an affidavit with the court that issued the order 1655
that at the time the respondent was served with the order the 1656
respondent had no firearms in the respondent's possession or 1657
control and that the respondent currently has no firearms in the 1658
respondent's possession or control. 1659

(3) (a) Upon the expiration of the court order, the law 1660
enforcement agency or federally licensed firearms dealer in 1661
possession of the respondent's firearms shall, at the 1662
respondent's request, return those firearms to the respondent, 1663
unless either of the following applies: 1664

(i) The order is extended or another court order described 1665
in division (A) (6) of section 2923.13 of the Revised Code is in 1666
effect. 1667

(ii) The respondent is prohibited from possessing a 1668
firearm under state or federal law. 1669

(b) Before returning a firearm pursuant to this division, 1670
the law enforcement agency or federally licensed firearms dealer 1671
may require the respondent to sign a statement that the court 1672
order has expired and has not been extended and that the 1673
respondent is not prohibited from possessing a firearm under 1674
state or federal law. 1675

(4) (a) If the respondent is prohibited from possessing a 1676
firearm under state or federal law, the respondent shall have 1677
sixty days after the expiration of the court order and any 1678
extensions to the court order to make one sale to a federally 1679
licensed firearms dealer of any transferred firearms in the 1680
possession of a law enforcement agency. The law enforcement 1681

agency shall transfer possession of the firearms to a federally licensed firearms dealer at the request of the firearms dealer, if the firearms dealer provides the law enforcement agency with a copy of a bill of sale that indicates the respondent has sold the firearms to the firearms dealer. If the law enforcement agency accepts any proceeds from the sale on behalf of the respondent, the law enforcement agency shall transfer the proceeds of the sale to the respondent. 1682
1683
1684
1685
1686
1687
1688
1689

(b) If the respondent or a federally licensed firearms dealer does not provide a copy of a bill of sale for the respondent's firearms to the law enforcement agency within sixty days after the expiration of the court order and any extensions to the court order, the firearms shall be considered to be abandoned. The law enforcement agency may establish policies for the disposal of abandoned firearms, provided the policies require that the respondent be notified of the disposal and receive any financial value from the disposal of the firearms. 1690
1691
1692
1693
1694
1695
1696
1697
1698

(5) A law enforcement agency or federally licensed firearms dealer may charge a respondent a reasonable fee in connection with the storage of any firearm pursuant to division (A) of this section. The fee charged by a law enforcement agency shall not exceed the costs associated with taking possession of, storing, and disposing of the firearms. 1699
1700
1701
1702
1703
1704

(B) Any offender who has been convicted of an offense described in division (A) (5) of section 2923.13 of the Revised Code and has been served with a court order requiring the offender to transfer all firearms in the offender's possession or control in accordance with this section shall transfer all firearms under the offender's possession or control as described in this division. 1705
1706
1707
1708
1709
1710
1711

(1) Within twenty-four hours after being served with the 1712
court order, the offender shall transfer all firearms in the 1713
offender's possession or control to a law enforcement agency or 1714
federally licensed firearms dealer. The offender shall provide a 1715
copy of the court order to the law enforcement agency or 1716
firearms dealer at the time of transfer. Prior to accepting a 1717
transfer of firearms from the offender, a law enforcement agency 1718
shall notify the offender that if the firearms are transferred 1719
to a law enforcement agency the firearms shall be considered to 1720
be abandoned and are subject to disposal under division (B) (3) 1721
of this section. The law enforcement agency or federally 1722
licensed firearms dealer taking possession of the firearm or 1723
firearms shall issue a proof of transfer to the offender. The 1724
proof of transfer shall include the name of the offender, the 1725
date of transfer, and the serial number, make, and model of each 1726
transferred firearm. 1727

(2) Within forty-eight hours after being served with the 1728
court order, the offender shall do one of the following: 1729

(a) File a copy of proof of transfer with the court that 1730
issued the order and an affidavit that all firearms in the 1731
offender's possession or control at the time the offender was 1732
served with the court order have been transferred in accordance 1733
with this section and that the offender currently has no 1734
firearms in the offender's possession or control; 1735

(b) File an affidavit with the court that issued the order 1736
that at the time the offender was served with the order the 1737
offender had no firearms in the offender's possession or control 1738
and that the offender currently has no firearms in the 1739
offender's possession or control. 1740

(3) If the offender transfers the firearm to a law 1741

enforcement agency, the firearm shall be considered to be 1742
abandoned. The law enforcement agency may establish policies for 1743
disposal of abandoned firearms, provided such policies require 1744
that the offender be notified of the disposal and receive any 1745
financial value from the disposal less the costs to the law 1746
enforcement agency associated with taking possession of, 1747
storing, and disposing of the firearms. 1748

(C) Notwithstanding division (B) of this section, if the 1749
offender is incarcerated at the time the offender is served with 1750
the court order and is unable to comply with the order due to 1751
the offender's incarceration, the offender may file an affidavit 1752
with the court that these circumstances are applicable to the 1753
offender. 1754

(D) A person who recklessly violates this section is 1755
guilty of a felony of the fifth degree. 1756

(E) As used in this section: 1757

(1) "Law enforcement agency" means the state highway 1758
patrol, or a police department of a municipal corporation or 1759
sheriff's office under the court's jurisdiction. 1760

(2) "Respondent" includes a defendant who is subject to a 1761
temporary protection order under section 2919.26 of the Revised 1762
Code. 1763

Sec. 2923.14. (A) (1) Except as otherwise provided in 1764
division (A) (2) of this section, any person who is prohibited 1765
from acquiring, having, carrying, or using firearms may apply to 1766
the court of common pleas in the county in which the person 1767
resides for relief from such prohibition. 1768

(2) Division (A) (1) of this section does not apply to a 1769

person who has been convicted of or pleaded guilty to a 1770
violation of section 2923.132 of the Revised Code or to a person 1771
who, two or more times, has been convicted of or pleaded guilty 1772
to a felony and a specification of the type described in section 1773
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 1774
of the Revised Code. 1775

(B) The application shall recite the following: 1776

(1) All indictments, convictions, or adjudications upon 1777
which the applicant's disability is based, the sentence imposed 1778
and served, and any release granted under a community control 1779
sanction, post-release control sanction, or parole, any partial 1780
or conditional pardon granted, or other disposition of each 1781
case, or, if the disability is based upon a factor other than an 1782
indictment, a conviction, or an adjudication, the factor upon 1783
which the disability is based and all details related to that 1784
factor; 1785

(2) Facts showing the applicant to be a fit subject for 1786
relief under this section. 1787

(C) A copy of the application shall be served on the 1788
county prosecutor. The county prosecutor shall cause the matter 1789
to be investigated and shall raise before the court any 1790
objections to granting relief that the investigation reveals. 1791

(D) Upon hearing, the court may grant the applicant relief 1792
pursuant to this section, if all of the following apply: 1793

(1) One of the following applies: 1794

(a) If the disability is based upon an indictment, a 1795
conviction, or an adjudication, the applicant has been fully 1796
discharged from imprisonment, community control, post-release 1797

control, and parole, or, if the applicant is under indictment, 1798
has been released on bail or recognizance. 1799

(b) If the disability is based upon a factor other than an 1800
indictment, a conviction, or an adjudication, that factor no 1801
longer is applicable to the applicant. 1802

(2) The applicant has led a law-abiding life since 1803
discharge or release, and appears likely to continue to do so. 1804

(3) The applicant is not otherwise prohibited by law from 1805
acquiring, having, or using firearms. 1806

(E) Costs of the proceeding shall be charged as in other 1807
civil cases, and taxed to the applicant. 1808

(F) Relief from disability granted pursuant to this 1809
section restores the applicant to all civil firearm rights to 1810
the full extent enjoyed by any citizen, and is subject to the 1811
following conditions: 1812

(1) Applies only with respect to indictments, convictions, 1813
or adjudications, or to the other factor, recited in the 1814
application as the basis for the applicant's disability; 1815

(2) Applies only with respect to firearms lawfully 1816
acquired, possessed, carried, or used by the applicant; 1817

(3) May be revoked by the court at any time for good cause 1818
shown and upon notice to the applicant; 1819

(4) Is automatically void upon commission by the applicant 1820
of any offense set forth in division (A) (2) ~~or~~, (3), or (5) of 1821
section 2923.13 of the Revised Code, or upon the applicant's 1822
becoming one of the class of persons named in division (A) (1), 1823
(4), (6), or (5)-(7) of that section. 1824

(G) As used in this section:	1825
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	1826 1827
(2) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code."	1828 1829 1830
After line 3995, insert:	1831
"Sec. 3113.31. (A) As used in this section:	1832
(1) "Domestic violence" means any of the following:	1833
(a) The occurrence of one or more of the following acts against a family or household member:	1834 1835
(i) Attempting to cause or recklessly causing bodily injury;	1836 1837
(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	1838 1839 1840
(iii) 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;	1841 1842 1843
(iv) Committing a sexually oriented offense.	1844
(b) The occurrence of one or more of the acts identified in divisions (A) (1) (a) (i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.	1845 1846 1847 1848
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations	1849 1850

division and the court of common pleas in counties that do not 1851
have a domestic relations division, or the juvenile division of 1852
the court of common pleas of the county in which the person to 1853
be protected by a protection order issued or a consent agreement 1854
approved under this section resides if the respondent is less 1855
than eighteen years of age. 1856

(3) "Family or household member" means any of the 1857
following: 1858

(a) Any of the following who is residing with or has 1859
resided with the respondent: 1860

(i) A spouse, a person living as a spouse, or a former 1861
spouse of the respondent; 1862

(ii) A parent, a foster parent, or a child of the 1863
respondent, or another person related by consanguinity or 1864
affinity to the respondent; 1865

(iii) A parent or a child of a spouse, person living as a 1866
spouse, or former spouse of the respondent, or another person 1867
related by consanguinity or affinity to a spouse, person living 1868
as a spouse, or former spouse of the respondent. 1869

(b) The natural parent of any child of whom the respondent 1870
is the other natural parent or is the putative other natural 1871
parent. 1872

(4) "Person living as a spouse" means a person who is 1873
living or has lived with the respondent in a common law marital 1874
relationship, who otherwise is cohabiting with the respondent, 1875
or who otherwise has cohabited with the respondent within five 1876
years prior to the date of the alleged occurrence of the act in 1877
question. 1878

(5) "Victim advocate" means a person who provides support	1879
and assistance for a person who files a petition under this	1880
section.	1881
(6) "Sexually oriented offense" has the same meaning as in	1882
section 2950.01 of the Revised Code.	1883
(7) "Companion animal" has the same meaning as in section	1884
959.131 of the Revised Code.	1885
(8) "Dating relationship" means a relationship between	1886
individuals who have, or have had, a relationship of a romantic	1887
or intimate nature. "Dating relationship" does not include a	1888
casual acquaintanceship or ordinary fraternization in a business	1889
or social context.	1890
(9) "Person with whom the respondent is or was in a dating	1891
relationship" means an adult who, at the time of the conduct in	1892
question, is in a dating relationship with the respondent who	1893
also is an adult or who, within the twelve months preceding the	1894
conduct in question, has had a dating relationship with the	1895
respondent who also is an adult.	1896
(B) The court has jurisdiction over all proceedings under	1897
this section. The petitioner's right to relief under this	1898
section is not affected by the petitioner's leaving the	1899
residence or household to avoid further domestic violence.	1900
(C) <u>(1)</u> A person may seek relief under this section on the	1901
person's own behalf, or any parent or adult household member may	1902
seek relief under this section on behalf of any other family or	1903
household member, by filing a petition with the court. The	1904
petition shall contain or state:	1905
(1) <u>(a)</u> An allegation that the respondent engaged in	1906

domestic violence against a family or household member of the 1907
respondent or against a person with whom the respondent is or 1908
was in a dating relationship, including a description of the 1909
nature and extent of the domestic violence; 1910

~~(2)~~ (b) The relationship of the respondent to the 1911
petitioner, and to the victim if other than the petitioner; 1912

~~(3)~~ (c) If the petition is for protection of a person with 1913
whom the respondent is or was in a dating relationship, the 1914
facts upon which the court may conclude that a dating 1915
relationship existed between the person to be protected and the 1916
respondent; 1917

~~(4)~~ (d) A request for relief under this section. 1918

(2) A petitioner may include a statement in the petition 1919
that describes the number, types, and locations of any firearms 1920
that the petitioner knows to be in the possession or control of 1921
the respondent. 1922

(D) (1) If a person who files a petition pursuant to this 1923
section requests an ex parte order, the court shall hold an ex 1924
parte hearing on the same day that the petition is filed. The 1925
court, for good cause shown at the ex parte hearing, may enter 1926
any temporary orders, with or without bond, including, but not 1927
limited to, an order described in division (E) (1) (a), (b), or 1928
(c) of this section, that the court finds necessary to protect 1929
the family or household member or the person with whom the 1930
respondent is or was in a dating relationship from domestic 1931
violence. Immediate and present danger of domestic violence to 1932
the family or household member or to the person with whom the 1933
respondent is or was in a dating relationship constitutes good 1934
cause for purposes of this section. Immediate and present danger 1935

includes, but is not limited to, situations in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with bodily harm, in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with a sexually oriented offense, or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense that constitutes domestic violence against the family or household member or person with whom the respondent is or was in a dating relationship.

(2) (a) If the court, after an ex parte hearing, issues an order described in division (E) (1) (b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

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

(ii) The parties consent to the continuance.	1967
(iii) The continuance is needed to allow a party to obtain counsel.	1968 1969
(iv) The continuance is needed for other good cause.	1970
(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.	1971 1972 1973 1974 1975
(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.	1976 1977 1978 1979 1980 1981
(E) (1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members or persons with whom the respondent is or was in a dating relationship. The order or agreement may:	1982 1983 1984 1985 1986 1987
(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members or persons with whom the respondent is or was in a dating relationship;	1988 1989 1990 1991
(b) With respect to a petition involving family or household members, grant possession of the residence or household to the petitioner or other family or household member,	1992 1993 1994

to the exclusion of the respondent, by evicting the respondent, 1995
when the residence or household is owned or leased solely by the 1996
petitioner or other family or household member, or by ordering 1997
the respondent to vacate the premises, when the residence or 1998
household is jointly owned or leased by the respondent, and the 1999
petitioner or other family or household member; 2000

(c) With respect to a petition involving family or 2001
household members, when the respondent has a duty to support the 2002
petitioner or other family or household member living in the 2003
residence or household and the respondent is the sole owner or 2004
lessee of the residence or household, grant possession of the 2005
residence or household to the petitioner or other family or 2006
household member, to the exclusion of the respondent, by 2007
ordering the respondent to vacate the premises, or, in the case 2008
of a consent agreement, allow the respondent to provide 2009
suitable, alternative housing; 2010

(d) With respect to a petition involving family or 2011
household members, temporarily allocate parental rights and 2012
responsibilities for the care of, or establish temporary 2013
parenting time rights with regard to, minor children, if no 2014
other court has determined, or is determining, the allocation of 2015
parental rights and responsibilities for the minor children or 2016
parenting time rights; 2017

(e) With respect to a petition involving family or 2018
household members, require the respondent to maintain support, 2019
if the respondent customarily provides for or contributes to the 2020
support of the family or household member, or if the respondent 2021
has a duty to support the petitioner or family or household 2022
member; 2023

(f) Require the respondent, petitioner, victim of domestic 2024

violence, or any combination of those persons, to seek	2025
counseling;	2026
(g) Require the respondent to refrain from entering the	2027
residence, school, business, or place of employment of the	2028
petitioner or, with respect to a petition involving family or	2029
household members, a family or household member;	2030
(h) Grant other relief that the court considers equitable	2031
and fair, including, but not limited to, ordering the respondent	2032
to permit the use of a motor vehicle by the petitioner or, with	2033
respect to a petition involving family or household members,	2034
other family or household members and the apportionment of	2035
household and family personal property;	2036
(i) Require that the respondent not remove, damage, hide,	2037
harm, or dispose of any companion animal owned or possessed by	2038
the petitioner;	2039
(j) Authorize the petitioner to remove a companion animal	2040
owned by the petitioner from the possession of the respondent;	2041
(k) Require a wireless service transfer in accordance with	2042
sections 3113.45 to 3113.459 of the Revised Code.	2043
(2) If a protection order has been issued pursuant to this	2044
section in a prior action involving the respondent and the	2045
petitioner or, with respect to a petition involving family or	2046
household members, one or more of the family or household	2047
members or victims, the court may include in a protection order	2048
that it issues a prohibition against the respondent returning to	2049
the residence or household. If it includes a prohibition against	2050
the respondent returning to the residence or household in the	2051
order, it also shall include in the order provisions of the type	2052
described in division (E) (7) of this section. This division does	2053

not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member, and, if the court includes any requirement of that type in an order or agreement, the court also shall include in the order provisions of the type described in division (E) (7) of this section.

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

(b) With respect to an order involving family or household members, subject to the limitation on the duration of an order or agreement set forth in division (E) (3) (a) of this section, any order under division (E) (1) (d) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues an order allocating parental rights and responsibilities for the care of children or on the date that a juvenile court in an action brought by the petitioner or respondent issues an order awarding legal custody of minor children. Subject to the limitation on the duration of an order or agreement set forth in division (E) (3) (a) of this section, any order under division (E) (1) (e) of this section

shall terminate on the date that a court in an action for 2085
divorce, dissolution of marriage, or legal separation brought by 2086
the petitioner or respondent issues a support order or on the 2087
date that a juvenile court in an action brought by the 2088
petitioner or respondent issues a support order. 2089

(c) Any protection order issued or consent agreement 2090
approved pursuant to this section may be renewed in the same 2091
manner as the original order or agreement was issued or 2092
approved. 2093

(4) A court may not issue a protection order that requires 2094
a petitioner to do or to refrain from doing an act that the 2095
court may require a respondent to do or to refrain from doing 2096
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 2097
this section unless all of the following apply: 2098

(a) The respondent files a separate petition for a 2099
protection order in accordance with this section. 2100

(b) The petitioner is served notice of the respondent's 2101
petition at least forty-eight hours before the court holds a 2102
hearing with respect to the respondent's petition, or the 2103
petitioner waives the right to receive this notice. 2104

(c) If the petitioner has requested an ex parte order 2105
pursuant to division (D) of this section, the court does not 2106
delay any hearing required by that division beyond the time 2107
specified in that division in order to consolidate the hearing 2108
with a hearing on the petition filed by the respondent. 2109

(d) After a full hearing at which the respondent presents 2110
evidence in support of the request for a protection order and 2111
the petitioner is afforded an opportunity to defend against that 2112
evidence, the court determines that the petitioner has committed 2113

an act of domestic violence or has violated a temporary 2114
protection order issued pursuant to section 2919.26 of the 2115
Revised Code, that both the petitioner and the respondent acted 2116
primarily as aggressors, and that neither the petitioner nor the 2117
respondent acted primarily in self-defense. 2118

(5) No protection order issued or consent agreement 2119
approved under this section shall in any manner affect title to 2120
any real property. 2121

(6) (a) With respect to an order involving family or 2122
household members, if a petitioner, or the child of a 2123
petitioner, who obtains a protection order or consent agreement 2124
pursuant to division (E) (1) of this section or a temporary 2125
protection order pursuant to section 2919.26 of the Revised Code 2126
and is the subject of a parenting time order issued pursuant to 2127
section 3109.051 or 3109.12 of the Revised Code or a visitation 2128
or companionship order issued pursuant to section 3109.051, 2129
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 2130
this section granting parenting time rights to the respondent, 2131
the court may require the public children services agency of the 2132
county in which the court is located to provide supervision of 2133
the respondent's exercise of parenting time or visitation or 2134
companionship rights with respect to the child for a period not 2135
to exceed nine months, if the court makes the following findings 2136
of fact: 2137

(i) The child is in danger from the respondent; 2138

(ii) No other person or agency is available to provide the 2139
supervision. 2140

(b) A court that requires an agency to provide supervision 2141
pursuant to division (E) (6) (a) of this section shall order the 2142

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.

(7) (a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.

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

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

pursuant to division (E) (8) of this section. 2173

(b) Either the petitioner or the respondent of the 2174
original protection order or consent agreement may bring a 2175
motion for modification or termination of a protection order or 2176
consent agreement that was issued or approved after a full 2177
hearing. The court shall require notice of the motion to be made 2178
as provided by the Rules of Civil Procedure. If the petitioner 2179
for the original protection order or consent agreement has 2180
requested that the petitioner's address be kept confidential, 2181
the court shall not disclose the address to the respondent of 2182
the original protection order or consent agreement or any other 2183
person, except as otherwise required by law. The moving party 2184
has the burden of proof to show, by a preponderance of the 2185
evidence, that modification or termination of the protection 2186
order or consent agreement is appropriate because either the 2187
protection order or consent agreement is no longer needed or 2188
because the terms of the original protection order or consent 2189
agreement are no longer appropriate. 2190

(c) In considering whether to modify or terminate a 2191
protection order or consent agreement issued or approved under 2192
this section, the court shall consider all relevant factors, 2193
including, but not limited to, the following: 2194

(i) Whether the petitioner consents to modification or 2195
termination of the protection order or consent agreement; 2196

(ii) Whether the petitioner fears the respondent; 2197

(iii) The current nature of the relationship between the 2198
petitioner and the respondent; 2199

(iv) The circumstances of the petitioner and respondent, 2200
including the relative proximity of the petitioner's and 2201

respondent's workplaces and residences and whether the	2202
petitioner and respondent have minor children together;	2203
(v) Whether the respondent has complied with the terms and	2204
conditions of the original protection order or consent	2205
agreement;	2206
(vi) Whether the respondent has a continuing involvement	2207
with illegal drugs or alcohol;	2208
(vii) Whether the respondent has been convicted of,	2209
pleaded guilty to, or been adjudicated a delinquent child for an	2210
offense of violence since the issuance of the protection order	2211
or approval of the consent agreement;	2212
(viii) Whether any other protection orders, consent	2213
agreements, restraining orders, or no contact orders have been	2214
issued against the respondent pursuant to this section, section	2215
2919.26 of the Revised Code, any other provision of state law,	2216
or the law of any other state;	2217
(ix) Whether the respondent has participated in any	2218
domestic violence treatment, intervention program, or other	2219
counseling addressing domestic violence and whether the	2220
respondent has completed the treatment, program, or counseling;	2221
(x) The time that has elapsed since the protection order	2222
was issued or since the consent agreement was approved;	2223
(xi) The age and health of the respondent;	2224
(xii) When the last incident of abuse, threat of harm, or	2225
commission of a sexually oriented offense occurred or other	2226
relevant information concerning the safety and protection of the	2227
petitioner or other protected parties.	2228
(d) If a protection order or consent agreement is modified	2229

or terminated as provided in division (E) (8) of this section, 2230
the court shall issue copies of the modified or terminated order 2231
or agreement as provided in division (F) of this section. A 2232
petitioner may also provide notice of the modification or 2233
termination to the judicial and law enforcement officials in any 2234
county other than the county in which the order or agreement is 2235
modified or terminated as provided in division (N) of this 2236
section. 2237

(e) If the respondent moves for modification or 2238
termination of a protection order or consent agreement pursuant 2239
to this section and the court denies the motion, the court may 2240
assess costs against the respondent for the filing of the 2241
motion. 2242

(9) Any protection order issued or any consent agreement 2243
approved pursuant to this section shall include a provision that 2244
the court will automatically seal all of the records of the 2245
proceeding in which the order is issued or agreement approved on 2246
the date the respondent attains the age of nineteen years unless 2247
the petitioner provides the court with evidence that the 2248
respondent has not complied with all of the terms of the 2249
protection order or consent agreement. The protection order or 2250
consent agreement shall specify the date when the respondent 2251
attains the age of nineteen years. 2252

(F) (1) A copy of any protection order, or consent 2253
agreement, that is issued, approved, modified, or terminated 2254
under this section shall be issued by the court to the 2255
petitioner, to the respondent, and to all law enforcement 2256
agencies that have jurisdiction to enforce the order or 2257
agreement. The court shall direct that a copy of an order be 2258
delivered to the respondent on the same day that the order is 2259

entered. 2260

(2) Upon the issuance of a protection order or the 2261
approval of a consent agreement under this section, the court 2262
shall determine whether, as a result of the order, it is 2263
unlawful for the respondent to possess or purchase a firearm 2264
under division (A) (6) of section 2923.13 of the Revised Code or 2265
18 U.S.C. 922(g) (8). If the court determines that the respondent 2266
is prohibited from possessing or purchasing a firearm, the court 2267
shall order the respondent to transfer all firearms in the 2268
respondent's possession or control, and shall ensure that the 2269
transfer is made, in accordance with section 2923.133 of the 2270
Revised Code. If the respondent is so prohibited, the court 2271
shall notify the petitioner and provide the parties to the order 2272
or agreement respondent with the following notice orally or by 2273
form: 2274

"NOTICE 2275

As a result of this order or consent agreement, it ~~may be~~ 2276
is unlawful for you to possess or purchase a firearm, including 2277
a rifle, pistol, or revolver, or ammunition pursuant to ~~federal~~ 2278
~~law under~~ section 2923.13 of the Revised Code or 18 U.S.C. 2279
922(g) (8) for the duration of this order or consent agreement.- 2280
~~If you have any questions whether this law makes it illegal for~~ 2281
~~you to possess or purchase a firearm or ammunition, you should~~ 2282
~~consult an attorney.~~ You are required to transfer all firearms in 2283
your possession or control within twenty-four hours after 2284
service of this order in accordance with section 2923.133 of the 2285
Revised Code. You are required to file with this court a proof 2286
of transfer and an affidavit that you possess no firearms within 2287
forty-eight hours after service of this order." 2288

(3) All law enforcement agencies shall establish and 2289

maintain an index for the protection orders and the approved 2290
consent agreements delivered to the agencies pursuant to 2291
division (F) (1) of this section. With respect to each order and 2292
consent agreement delivered, each agency shall note on the index 2293
the date and time that it received the order or consent 2294
agreement. 2295

(4) Regardless of whether the petitioner has registered 2296
the order or agreement in the county in which the officer's 2297
agency has jurisdiction pursuant to division (N) of this 2298
section, any officer of a law enforcement agency shall enforce a 2299
protection order issued or consent agreement approved by any 2300
court in this state in accordance with the provisions of the 2301
order or agreement, including removing the respondent from the 2302
premises, if appropriate. 2303

(G) (1) Any proceeding under this section shall be 2304
conducted in accordance with the Rules of Civil Procedure, 2305
except that an order under this section may be obtained with or 2306
without bond. An order issued under this section, other than an 2307
ex parte order, that grants a protection order or approves a 2308
consent agreement, that refuses to grant a protection order or 2309
approve a consent agreement that modifies or terminates a 2310
protection order or consent agreement, or that refuses to modify 2311
or terminate a protection order or consent agreement, is a 2312
final, appealable order. The remedies and procedures provided in 2313
this section are in addition to, and not in lieu of, any other 2314
available civil or criminal remedies. 2315

(2) If as provided in division (G) (1) of this section an 2316
order issued under this section, other than an ex parte order, 2317
refuses to grant a protection order, the court, on its own 2318
motion, shall order that the ex parte order issued under this 2319

section and all of the records pertaining to that ex parte order	2320
be sealed after either of the following occurs:	2321
(a) No party has exercised the right to appeal pursuant to	2322
Rule 4 of the Rules of Appellate Procedure.	2323
(b) All appellate rights have been exhausted.	2324
(H) The filing of proceedings under this section does not	2325
excuse a person from filing any report or giving any notice	2326
required by section 2151.421 of the Revised Code or by any other	2327
law. When a petition under this section alleges domestic	2328
violence against minor children, the court shall report the	2329
fact, or cause reports to be made, to a county, township, or	2330
municipal peace officer under section 2151.421 of the Revised	2331
Code.	2332
(I) Any law enforcement agency that investigates a	2333
domestic dispute shall provide information to the family or	2334
household members involved, or the persons in the dating	2335
relationship who are involved, whichever is applicable regarding	2336
the relief available under this section and, for family or	2337
household members, section 2919.26 of the Revised Code.	2338
(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this	2339
section and regardless of whether a protection order is issued	2340
or a consent agreement is approved by a court of another county	2341
or a court of another state, no court or unit of state or local	2342
government shall charge the petitioner any fee, cost, deposit,	2343
or money in connection with the filing of a petition pursuant to	2344
this section or in connection with the filing, issuance,	2345
registration, modification, enforcement, dismissal, withdrawal,	2346
or service of a protection order, consent agreement, or witness	2347
subpoena or for obtaining a certified copy of a protection order	2348

or consent agreement. 2349

(2) Regardless of whether a protection order is issued or 2350
a consent agreement is approved pursuant to this section, the 2351
court may assess costs against the respondent in connection with 2352
the filing, issuance, registration, modification, enforcement, 2353
dismissal, withdrawal, or service of a protection order, consent 2354
agreement, or witness subpoena or for obtaining a certified copy 2355
of a protection order or consent agreement. 2356

(K) (1) The court shall comply with Chapters 3119., 3121., 2357
3123., and 3125. of the Revised Code when it makes or modifies 2358
an order for child support under this section. 2359

(2) If any person required to pay child support under an 2360
order made under this section on or after April 15, 1985, or 2361
modified under this section on or after December 31, 1986, is 2362
found in contempt of court for failure to make support payments 2363
under the order, the court that makes the finding, in addition 2364
to any other penalty or remedy imposed, shall assess all court 2365
costs arising out of the contempt proceeding against the person 2366
and require the person to pay any reasonable attorney's fees of 2367
any adverse party, as determined by the court, that arose in 2368
relation to the act of contempt. 2369

(L) (1) A person who violates a protection order issued or 2370
a consent agreement approved under this section is subject to 2371
the following sanctions: 2372

(a) Criminal prosecution or a delinquent child proceeding 2373
for a violation of section 2919.27 of the Revised Code, if the 2374
violation of the protection order or consent agreement 2375
constitutes a violation of that section; 2376

(b) Punishment for contempt of court. 2377

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

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

(N) (1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N) (2) of this section and filing a copy of the registered order or registered agreement 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.

(2) A petitioner may register a temporary protection order, protection order, or consent agreement in a county other than the county in which the court that issued the order or approved the agreement is located in the following manner:

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

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

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

(O) Nothing in this section prohibits the domestic relations division of a court of common pleas in counties that have a domestic relations division or a court of common pleas in counties that do not have a domestic relations division from designating a minor child as a protected party on a protection order or consent agreement."

In line 4105, after "1547.69," insert "2151.34, 2903.13, 2903.21, 2903.214, 2919.25, 2919.26,"

In line 4108, before "2923.16," insert "2923.13, 2923.14,"; after 2438
"2953.37," insert "3113.31," 2439

After line 4123, insert: 2440

"Section 2923.13 of the Revised Code as amended by both 2441
Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General 2442
Assembly." 2443

The motion was _____ agreed to.