

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 171**

**Senator Hottinger**

**Cosponsors: Senators Gardner, Eklund, Lehner, Beagle**

---

**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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