

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 288

Senators Eklund, Kunze

A BILL

To amend sections 2151.34, 2903.213, 2903.214, 1
2919.26, 2923.11, 2923.13, 2923.18, 2923.20, 2
2923.23, 3113.31, and 3113.99, to enact sections 3
3113.26, 3113.27, 3113.28, 3113.29, and 3113.30, 4
and to repeal section 2923.14 of the Revised 5
Code to expand the definition of dangerous 6
ordnance to include armor piercing ammunition 7
and expand the definition of an automatic 8
firearm to include any device within the federal 9
definition of machine gun; to create additional 10
conditions under which an individual may not 11
possess a firearm or dangerous ordnance and to 12
eliminate the process by which an individual may 13
apply for relief from a weapons disability; to 14
generally prohibit a person from buying, 15
purchasing, obtaining, or furnishing a firearm 16
on behalf of a third party; to provide for the 17
entry of protection orders into the federal NCIC 18
database and LEADS; and to provide for the 19
issuance by a court of an extreme risk 20
protection order. 21

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

Section 1. That sections 2151.34, 2903.213, 2903.214, 22
2919.26, 2923.11, 2923.13, 2923.18, 2923.20, 2923.23, 3113.31, 23
and 3113.99 be amended and sections 3113.26, 3113.27, 3113.28, 24
3113.29, and 3113.30 of the Revised Code be enacted to read as 25
follows: 26

Sec. 2151.34. (A) As used in this section: 27

(1) "Court" means the juvenile division of the court of 28
common pleas of the county in which the person to be protected 29
by the protection order resides. 30

(2) "Victim advocate" means a person who provides support 31
and assistance for a person who files a petition under this 32
section. 33

(3) "Family or household member" has the same meaning as 34
in section 3113.31 of the Revised Code. 35

(4) "Protection order issued by a court of another state" 36
has the same meaning as in section 2919.27 of the Revised Code. 37

(5) "Petitioner" means a person who files a petition under 38
this section and includes a person on whose behalf a petition 39
under this section is filed. 40

(6) "Respondent" means a person who is under eighteen 41
years of age and against whom a petition is filed under this 42
section. 43

(7) "Sexually oriented offense" has the same meaning as in 44
section 2950.01 of the Revised Code. 45

(8) "Electronic monitoring" has the same meaning as in 46
section 2929.01 of the Revised Code. 47

(9) "Companion animal" has the same meaning as in section 48

959.131 of the Revised Code.	49
(10) "Expunge" has the same meaning as in section 2151.355 of the Revised Code.	50 51
(B) The court has jurisdiction over all proceedings under this section.	52 53
(C) (1) Any of the following persons may seek relief under this section by filing a petition with the court:	54 55
(a) Any person on behalf of that person;	56
(b) Any parent or adult family or household member on behalf of any other family or household member;	57 58
(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.	59 60 61
(2) The petition shall contain or state all of the following:	62 63
(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;	64 65 66 67 68 69 70 71
(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	72 73 74 75 76

protected was at risk, a description of the nature and extent of 77
that conduct, and an allegation that the respondent presents a 78
continuing danger to the person to be protected; 79

(c) A request for relief under this section. 80

(3) The court in its discretion may determine whether or 81
not to give notice that a petition has been filed under division 82
(C) (1) of this section on behalf of a child to any of the 83
following: 84

(a) A parent of the child if the petition was filed by any 85
person other than a parent of the child; 86

(b) Any person who is determined by the court to be an 87
appropriate person to receive notice of the filing of the 88
petition. 89

(D) (1) If a person who files a petition pursuant to this 90
section requests an ex parte order, the court shall hold an ex 91
parte hearing as soon as possible after the petition is filed, 92
but not later than the next day after the court is in session 93
after the petition is filed. The court, for good cause shown at 94
the ex parte hearing, may enter any temporary orders, with or 95
without bond, that the court finds necessary for the safety and 96
protection of the person to be protected by the order. Immediate 97
and present danger to the person to be protected by the 98
protection order constitutes good cause for purposes of this 99
section. Immediate and present danger includes, but is not 100
limited to, situations in which the respondent has threatened 101
the person to be protected by the protection order with bodily 102
harm or in which the respondent previously has been convicted 103
of, pleaded guilty to, or been adjudicated a delinquent child 104
for committing a violation of section 2903.11, 2903.12, 2903.13, 105

2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or 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.

(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 also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. 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.

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

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

(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 135
grants a continuance under that division. 136

(3) If a person who files a petition pursuant to this 137
section does not request an ex parte order, or if a person 138
requests an ex parte order but the court does not issue an ex 139
parte order after an ex parte hearing, the court shall proceed 140
as in a normal civil action and grant a full hearing on the 141
matter. 142

(E) (1) (a) After an ex parte or full hearing, the court may 143
issue any protection order, with or without bond, that contains 144
terms designed to ensure the safety and protection of the person 145
to be protected by the protection order. The court may include 146
within a protection order issued under this section a term 147
requiring that the respondent not remove, damage, hide, harm, or 148
dispose of any companion animal owned or possessed by the person 149
to be protected by the order, and may include within the order a 150
term authorizing the person to be protected by the order to 151
remove a companion animal owned by the person to be protected by 152
the order from the possession of the respondent. 153

(b) After a full hearing, if the court considering a 154
petition that includes an allegation of the type described in 155
division (C) (2) (b) of this section or the court, upon its own 156
motion, finds upon clear and convincing evidence that the 157
petitioner reasonably believed that the respondent's conduct at 158
any time preceding the filing of the petition endangered the 159
health, welfare, or safety of the person to be protected and 160
that the respondent presents a continuing danger to the person 161
to be protected and if division (N) of this section does not 162
prohibit the issuance of an order that the respondent be 163
electronically monitored, the court may order that the 164

respondent be electronically monitored for a period of time and 165
under the terms and conditions that the court determines are 166
appropriate. Electronic monitoring shall be in addition to any 167
other relief granted to the petitioner. 168

(2) (a) Any protection order issued pursuant to this 169
section shall be valid until a date certain but not later than 170
the date the respondent attains nineteen years of age. 171

(b) Any protection order issued pursuant to this section 172
may be renewed in the same manner as the original order was 173
issued. 174

(3) A court may not issue a protection order that requires 175
a petitioner to do or to refrain from doing an act that the 176
court may require a respondent to do or to refrain from doing 177
under division (E) (1) of this section unless all of the 178
following apply: 179

(a) The respondent files a separate petition for a 180
protection order in accordance with this section. 181

(b) The petitioner is served with notice of the 182
respondent's petition at least forty-eight hours before the 183
court holds a hearing with respect to the respondent's petition, 184
or the petitioner waives the right to receive this notice. 185

(c) If the petitioner has requested an ex parte order 186
pursuant to division (D) of this section, the court does not 187
delay any hearing required by that division beyond the time 188
specified in that division in order to consolidate the hearing 189
with a hearing on the petition filed by the respondent. 190

(d) After a full hearing at which the respondent presents 191
evidence in support of the request for a protection order and 192
the petitioner is afforded an opportunity to defend against that 193

evidence, the court determines that the petitioner has committed 194
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 195
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 196
oriented offense, or a violation of any municipal ordinance that 197
is substantially equivalent to any of those offenses against the 198
person to be protected by the protection order issued pursuant 199
to division (E) (3) of this section, or has violated a protection 200
order issued pursuant to this section or section 2903.213 of the 201
Revised Code relative to the person to be protected by the 202
protection order issued pursuant to division (E) (3) of this 203
section. 204

(4) No protection order issued pursuant to this section 205
shall in any manner affect title to any real property. 206

(5) (a) A protection order issued under this section shall 207
clearly state that the person to be protected by the order 208
cannot waive or nullify by invitation or consent any requirement 209
in the order. 210

(b) Division (E) (5) (a) of this section does not limit any 211
discretion of a court to determine that a respondent alleged to 212
have violated section 2919.27 of the Revised Code, violated a 213
municipal ordinance substantially equivalent to that section, or 214
committed contempt of court, which allegation is based on an 215
alleged violation of a protection order issued under this 216
section, did not commit the violation or was not in contempt of 217
court. 218

(6) Any protection order issued pursuant to this section 219
shall include a provision that the court will automatically seal 220
all of the records of the proceeding in which the order is 221
issued on the date the respondent attains the age of nineteen 222
years unless the petitioner provides the court with evidence 223

that the respondent has not complied with all of the terms of 224
the protection order. The protection order shall specify the 225
date when the respondent attains the age of nineteen years. 226

(F) (1) The court shall cause the delivery of a copy of any 227
protection order that is issued under this section to the 228
petitioner, to the respondent, and to all law enforcement 229
agencies that have jurisdiction to enforce the order. If the 230
protection order will be valid subsequent to the date on which 231
the respondent attains eighteen years of age, the order shall be 232
in a form that ensures that the protection order is accepted 233
into the protection order database of the national crime 234
information center (NCIC) maintained by the federal bureau of 235
investigation. The court shall direct that a copy of the order 236
be delivered to the respondent and the parent, guardian, or 237
legal custodian of the respondent on the same day that the order 238
is entered. 239

(2) Upon the issuance of a protection order under this 240
section, the court shall provide the parties to the order with 241
the following notice orally or by form: 242

"NOTICE 243

As a result of this order, it may be unlawful for you to 244
possess or purchase a firearm, including a rifle, pistol, or 245
revolver, or ammunition pursuant to federal law under 18 U.S.C. 246
922(g) (8). If you have any questions whether this law makes it 247
illegal for you to possess or purchase a firearm or ammunition, 248
you should consult an attorney." 249

(3) All law enforcement agencies shall establish and 250
maintain an index for the protection orders delivered to the 251
agencies pursuant to division (F) (1) of this section. With 252

respect to each order delivered, each agency shall note on the 253
index the date and time that it received the order. Each 254
protection order received by a law enforcement agency pursuant 255
to this section that will be valid subsequent to the date on 256
which the respondent attains eighteen years of age shall be 257
entered into the law enforcement automated data system created 258
by section 5503.10 of the Revised Code, and known as LEADS, 259
within twenty-four hours after receipt. 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 expunged after either of the following occurs:	283
(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.	284 285
(b) The order that refuses to grant the protection order is appealed and an appellate court to which the last appeal of that order is taken affirms the order.	286 287 288
(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law.	289 290 291 292
(I) Any law enforcement agency that investigates an alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged commission of a sexually oriented offense, or an alleged violation of a municipal ordinance that is substantially equivalent to any of those offenses shall provide information to the victim and the family or household members of the victim regarding the relief available under this section.	293 294 295 296 297 298 299 300
(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 by a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, 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.	301 302 303 304 305 306 307 308 309 310 311

(2) Regardless of whether a protection order is issued or 312
a consent agreement is approved pursuant to this section, the 313
court may assess costs against the respondent in connection with 314
the filing, issuance, registration, modification, enforcement, 315
dismissal, withdrawal, or service of a protection order, consent 316
agreement, or witness subpoena or for obtaining a certified copy 317
of a protection order or consent agreement. 318

(K) (1) A person who violates a protection order issued 319
under this section is subject to the following sanctions: 320

(a) A delinquent child proceeding or a criminal 321
prosecution for a violation of section 2919.27 of the Revised 322
Code, if the violation of the protection order constitutes a 323
violation of that section; 324

(b) Punishment for contempt of court. 325

(2) The punishment of a person for contempt of court for 326
violation of a protection order issued under this section does 327
not bar criminal prosecution of the person or a delinquent child 328
proceeding concerning the person for a violation of section 329
2919.27 of the Revised Code. However, a person punished for 330
contempt of court is entitled to credit for the punishment 331
imposed upon conviction of or adjudication as a delinquent child 332
for a violation of that section, and a person convicted of or 333
adjudicated a delinquent child for a violation of that section 334
shall not subsequently be punished for contempt of court arising 335
out of the same activity. 336

(L) In all stages of a proceeding under this section, a 337
petitioner may be accompanied by a victim advocate. 338

(M) (1) A petitioner who obtains a protection order under 339
this section may provide notice of the issuance or approval of 340

the order to the judicial and law enforcement officials in any 341
county other than the county in which the order is issued by 342
registering that order in the other county pursuant to division 343
(M) (2) of this section and filing a copy of the registered order 344
with a law enforcement agency in the other county in accordance 345
with that division. A person who obtains a protection order 346
issued by a court of another state may provide notice of the 347
issuance of the order to the judicial and law enforcement 348
officials in any county of this state by registering the order 349
in that county pursuant to section 2919.272 of the Revised Code 350
and filing a copy of the registered order with a law enforcement 351
agency in that county. 352

(2) A petitioner may register a protection order issued 353
pursuant to this section in a county other than the county in 354
which the court that issued the order is located in the 355
following manner: 356

(a) The petitioner shall obtain a certified copy of the 357
order from the clerk of the court that issued the order and 358
present that certified copy to the clerk of the court of common 359
pleas or the clerk of a municipal court or county court in the 360
county in which the order is to be registered. 361

(b) Upon accepting the certified copy of the order for 362
registration, the clerk of the court of common pleas, municipal 363
court, or county court shall place an endorsement of 364
registration on the order and give the petitioner a copy of the 365
order that bears that proof of registration. 366

(3) The clerk of each court of common pleas, municipal 367
court, or county court shall maintain a registry of certified 368
copies of protection orders that have been issued by courts in 369
other counties pursuant to this section and that have been 370

registered with the clerk. 371

(N) If the court orders electronic monitoring of the 372
respondent under this section, the court shall direct the 373
sheriff's office or any other appropriate law enforcement agency 374
to install the electronic monitoring device and to monitor the 375
respondent. Unless the court determines that the respondent is 376
indigent, the court shall order the respondent to pay the cost 377
of the installation and monitoring of the electronic monitoring 378
device. If the court determines that the respondent is indigent 379
and subject to the maximum amount allowable to be paid in any 380
year from the fund and the rules promulgated by the attorney 381
general under section 2903.214 of the Revised Code, the cost of 382
the installation and monitoring of the electronic monitoring 383
device may be paid out of funds from the reparations fund 384
created pursuant to section 2743.191 of the Revised Code. The 385
total amount paid from the reparations fund created pursuant to 386
section 2743.191 of the Revised Code for electronic monitoring 387
under this section and sections 2903.214 and 2919.27 of the 388
Revised Code shall not exceed three hundred thousand dollars per 389
year. When the total amount paid from the reparations fund in 390
any year for electronic monitoring under those sections equals 391
or exceeds three hundred thousand dollars, the court shall not 392
order pursuant to this section that an indigent respondent be 393
electronically monitored. 394

(O) The court, in its discretion, may determine if the 395
respondent is entitled to court-appointed counsel in a 396
proceeding under this section. 397

Sec. 2903.213. (A) Except when the complaint involves a 398
person who is a family or household member as defined in section 399
2919.25 of the Revised Code, upon the filing of a complaint that 400

alleges a violation of section 2903.11, 2903.12, 2903.13, 401
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 402
violation of a municipal ordinance substantially similar to 403
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 404
Revised Code, or the commission of a sexually oriented offense, 405
the complainant, the alleged victim, or a family or household 406
member of an alleged victim may file a motion that requests the 407
issuance of a protection order as a pretrial condition of 408
release of the alleged offender, in addition to any bail set 409
under Criminal Rule 46. The motion shall be filed with the clerk 410
of the court that has jurisdiction of the case at any time after 411
the filing of the complaint. If the complaint involves a person 412
who is a family or household member, the complainant, the 413
alleged victim, or the family or household member may file a 414
motion for a temporary protection order pursuant to section 415
2919.26 of the Revised Code. 416

(B) A motion for a protection order under this section 417
shall be prepared on a form that is provided by the clerk of the 418
court, and the form shall be substantially as follows: 419

"Motion for Protection Order 420

..... 421

Name and address of court 422

423

State of Ohio 424

v. No. 425

..... 426

Name of Defendant 427

(Name of person), moves the court to issue a protection order 428

containing terms designed to ensure the safety and protection of 429
the complainant or the alleged victim in the above-captioned 430
case, in relation to the named defendant, pursuant to its 431
authority to issue a protection order under section 2903.213 of 432
the Revised Code. 433

A complaint, a copy of which has been attached to this 434
motion, has been filed in this court charging the named 435
defendant with a violation of section 2903.11, 2903.12, 2903.13, 436
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 437
violation of a municipal ordinance substantially similar to 438
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 439
Revised Code, or the commission of a sexually oriented offense. 440

I understand that I must appear before the court, at a 441
time set by the court not later than the next day that the court 442
is in session after the filing of this motion, for a hearing on 443
the motion, and that any protection order granted pursuant to 444
this motion is a pretrial condition of release and is effective 445
only until the disposition of the criminal proceeding arising 446
out of the attached complaint or until the issuance under 447
section 2903.214 of the Revised Code of a protection order 448
arising out of the same activities as those that were the basis 449
of the attached complaint. 450

..... 451

Signature of person 452

..... 453

Address of person" 454

(C) (1) As soon as possible after the filing of a motion 455
that requests the issuance of a protection order under this 456
section, but not later than the next day that the court is in 457

session after the filing of the motion, the court shall conduct 458
a hearing to determine whether to issue the order. The person 459
who requested the order shall appear before the court and 460
provide the court with the information that it requests 461
concerning the basis of the motion. If the court finds that the 462
safety and protection of the complainant or the alleged victim 463
may be impaired by the continued presence of the alleged 464
offender, the court may issue a protection order under this 465
section, as a pretrial condition of release, that contains terms 466
designed to ensure the safety and protection of the complainant 467
or the alleged victim, including a requirement that the alleged 468
offender refrain from entering the residence, school, business, 469
or place of employment of the complainant or the alleged victim. 470
The court may include within a protection order issued under 471
this section a term requiring that the alleged offender not 472
remove, damage, hide, harm, or dispose of any companion animal 473
owned or possessed by the complainant or the alleged victim, and 474
may include within the order a term authorizing the complainant 475
or the alleged victim to remove a companion animal owned by the 476
complainant or the alleged victim from the possession of the 477
alleged offender. 478

(2) (a) If the court issues a protection order under this 479
section that includes a requirement that the alleged offender 480
refrain from entering the residence, school, business, or place 481
of employment of the complainant or the alleged victim, the 482
order shall clearly state that the order cannot be waived or 483
nullified by an invitation to the alleged offender from the 484
complainant, the alleged victim, or a family or household member 485
to enter the residence, school, business, or place of employment 486
or by the alleged offender's entry into one of those places 487
otherwise upon the consent of the complainant, the alleged 488

victim, or a family or household member. 489

(b) Division (C) (2) (a) of this section does not limit any 490
discretion of a court to determine that an alleged offender 491
charged with a violation of section 2919.27 of the Revised Code, 492
with a violation of a municipal ordinance substantially 493
equivalent to that section, or with contempt of court, which 494
charge is based on an alleged violation of a protection order 495
issued under this section, did not commit the violation or was 496
not in contempt of court. 497

(D) (1) Except when the complaint involves a person who is 498
a family or household member as defined in section 2919.25 of 499
the Revised Code, upon the filing of a complaint that alleges a 500
violation specified in division (A) of this section, the court, 501
upon its own motion, may issue a protection order under this 502
section as a pretrial condition of release of the alleged 503
offender if it finds that the safety and protection of the 504
complainant or the alleged victim may be impaired by the 505
continued presence of the alleged offender. 506

(2) (a) If the court issues a protection order under this 507
section as an ex parte order, it shall conduct, as soon as 508
possible after the issuance of the order but not later than the 509
next day that the court is in session after its issuance, a 510
hearing to determine whether the order should remain in effect, 511
be modified, or be revoked. The hearing shall be conducted under 512
the standards set forth in division (C) of this section. 513

(b) If at a hearing conducted under division (D) (2) (a) of 514
this section the court determines that the ex parte order that 515
the court issued should be revoked, the court, on its own 516
motion, shall order that the ex parte order that is revoked and 517
all of the records pertaining to that ex parte order be 518

expunged. 519

(3) If a municipal court or a county court issues a 520
protection order under this section and if, subsequent to the 521
issuance of the order, the alleged offender who is the subject 522
of the order is bound over to the court of common pleas for 523
prosecution of a felony arising out of the same activities as 524
those that were the basis of the complaint upon which the order 525
is based, notwithstanding the fact that the order was issued by 526
a municipal court or county court, the order shall remain in 527
effect, as though it were an order of the court of common pleas, 528
while the charges against the alleged offender are pending in 529
the court of common pleas, for the period of time described in 530
division (E) (2) of this section, and the court of common pleas 531
has exclusive jurisdiction to modify the order issued by the 532
municipal court or county court. This division applies when the 533
alleged offender is bound over to the court of common pleas as a 534
result of the person waiving a preliminary hearing on the felony 535
charge, as a result of the municipal court or county court 536
having determined at a preliminary hearing that there is 537
probable cause to believe that the felony has been committed and 538
that the alleged offender committed it, as a result of the 539
alleged offender having been indicted for the felony, or in any 540
other manner. 541

(E) A protection order that is issued as a pretrial 542
condition of release under this section: 543

(1) Is in addition to, but shall not be construed as a 544
part of, any bail set under Criminal Rule 46; 545

(2) Is effective only until the disposition, by the court 546
that issued the order or, in the circumstances described in 547
division (D) (3) of this section, by the court of common pleas to 548

which the alleged offender is bound over for prosecution, of the 549
criminal proceeding arising out of the complaint upon which the 550
order is based or until the issuance under section 2903.214 of 551
the Revised Code of a protection order arising out of the same 552
activities as those that were the basis of the complaint filed 553
under this section; 554

(3) Shall not be construed as a finding that the alleged 555
offender committed the alleged offense and shall not be 556
introduced as evidence of the commission of the offense at the 557
trial of the alleged offender on the complaint upon which the 558
order is based. 559

(F) A person who meets the criteria for bail under 560
Criminal Rule 46 and who, if required to do so pursuant to that 561
rule, executes or posts bond or deposits cash or securities as 562
bail, shall not be held in custody pending a hearing before the 563
court on a motion requesting a protection order under this 564
section. 565

(G) (1) A copy of a protection order that is issued under 566
this section shall be issued by the court to the complainant, to 567
the alleged victim, to the person who requested the order, to 568
the defendant, and to all law enforcement agencies that have 569
jurisdiction to enforce the order. The protection order shall be 570
in a form that ensures that the protection order is accepted 571
into the protection order database of the national crime 572
information center (NCIC) maintained by the federal bureau of 573
investigation. The court shall direct that a copy of the order 574
be delivered to the defendant on the same day that the order is 575
entered. If a municipal court or a county court issues a 576
protection order under this section and if, subsequent to the 577
issuance of the order, the defendant who is the subject of the 578

order is bound over to the court of common pleas for prosecution 579
as described in division (D) (3) of this section, the municipal 580
court or county court shall direct that a copy of the order be 581
delivered to the court of common pleas to which the defendant is 582
bound over. 583

(2) All law enforcement agencies shall establish and 584
maintain an index for the protection orders delivered to the 585
agencies pursuant to division (G) (1) of this section. With 586
respect to each order delivered, each agency shall note on the 587
index the date and time of the agency's receipt of the order. 588
Each protection order received by a law enforcement agency 589
pursuant to this section shall be entered into the law 590
enforcement automated data system created by section 5503.10 of 591
the Revised Code, and known as LEADS, within twenty-four hours 592
after receipt. 593

(3) Regardless of whether the petitioner has registered 594
the protection order in the county in which the officer's agency 595
has jurisdiction, any officer of a law enforcement agency shall 596
enforce a protection order issued pursuant to this section in 597
accordance with the provisions of the order. 598

(H) Upon a violation of a protection order issued pursuant 599
to this section, the court may issue another protection order 600
under this section, as a pretrial condition of release, that 601
modifies the terms of the order that was violated. 602

(I) (1) Subject to division (I) (2) of this section and 603
regardless of whether a protection order is issued or a consent 604
agreement is approved by a court of another county or by a court 605
of another state, no court or unit of state or local government 606
shall charge the movant any fee, cost, deposit, or money in 607
connection with the filing of a motion pursuant to this section, 608

in connection with the filing, issuance, registration, 609
modification, enforcement, dismissal, withdrawal, or service of 610
a protection order, consent agreement, or witness subpoena or 611
for obtaining certified copies of a protection order or consent 612
agreement. 613

(2) Regardless of whether a protection order is issued or 614
a consent agreement is approved pursuant to this section, if the 615
defendant is convicted the court may assess costs against the 616
defendant in connection with the filing, issuance, registration, 617
modification, enforcement, dismissal, withdrawal, or service of 618
a protection order, consent agreement, or witness subpoena or 619
for obtaining a certified copy of a protection order or consent 620
agreement. 621

(J) As used in this section: 622

(1) "Sexually oriented offense" has the same meaning as in 623
section 2950.01 of the Revised Code. 624

(2) "Companion animal" has the same meaning as in section 625
959.131 of the Revised Code. 626

(3) "Expunge" means to destroy, delete, and erase a 627
record, as appropriate for the record's physical or electronic 628
form or characteristic, so that the record is permanently 629
irretrievable. 630

Sec. 2903.214. (A) As used in this section: 631

(1) "Court" means the court of common pleas of the county 632
in which the person to be protected by the protection order 633
resides. 634

(2) "Victim advocate" means a person who provides support 635
and assistance for a person who files a petition under this 636

section. 637

(3) "Family or household member" has the same meaning as 638
in section 3113.31 of the Revised Code. 639

(4) "Protection order issued by a court of another state" 640
has the same meaning as in section 2919.27 of the Revised Code. 641

(5) "Sexually oriented offense" has the same meaning as in 642
section 2950.01 of the Revised Code. 643

(6) "Electronic monitoring" has the same meaning as in 644
section 2929.01 of the Revised Code. 645

(7) "Companion animal" has the same meaning as in section 646
959.131 of the Revised Code. 647

(8) "Expunge" has the same meaning as in section 2903.213 648
of the Revised Code. 649

(B) The court has jurisdiction over all proceedings under 650
this section. 651

(C) A person may seek relief under this section for the 652
person, or any parent or adult household member may seek relief 653
under this section on behalf of any other family or household 654
member, by filing a petition with the court. The petition shall 655
contain or state all of the following: 656

(1) An allegation that the respondent is eighteen years of 657
age or older and engaged in a violation of section 2903.211 of 658
the Revised Code against the person to be protected by the 659
protection order or committed a sexually oriented offense 660
against the person to be protected by the protection order, 661
including a description of the nature and extent of the 662
violation; 663

(2) If the petitioner seeks relief in the form of 664
electronic monitoring of the respondent, an allegation that at 665
any time preceding the filing of the petition the respondent 666
engaged in conduct that would cause a reasonable person to 667
believe that the health, welfare, or safety of the person to be 668
protected was at risk, a description of the nature and extent of 669
that conduct, and an allegation that the respondent presents a 670
continuing danger to the person to be protected; 671

(3) A request for relief under this section. 672

(D) (1) If a person who files a petition pursuant to this 673
section requests an ex parte order, the court shall hold an ex 674
parte hearing as soon as possible after the petition is filed, 675
but not later than the next day that the court is in session 676
after the petition is filed. The court, for good cause shown at 677
the ex parte hearing, may enter any temporary orders, with or 678
without bond, that the court finds necessary for the safety and 679
protection of the person to be protected by the order. Immediate 680
and present danger to the person to be protected by the 681
protection order constitutes good cause for purposes of this 682
section. Immediate and present danger includes, but is not 683
limited to, situations in which the respondent has threatened 684
the person to be protected by the protection order with bodily 685
harm or in which the respondent previously has been convicted of 686
or pleaded guilty to a violation of section 2903.211 of the 687
Revised Code or a sexually oriented offense against the person 688
to be protected by the protection order. 689

(2) (a) If the court, after an ex parte hearing, issues a 690
protection order described in division (E) of this section, the 691
court shall schedule a full hearing for a date that is within 692
ten court days after the ex parte hearing. The court shall give 693

the respondent notice of, and an opportunity to be heard at, the 694
full hearing. The court shall hold the full hearing on the date 695
scheduled under this division unless the court grants a 696
continuance of the hearing in accordance with this division. 697
Under any of the following circumstances or for any of the 698
following reasons, the court may grant a continuance of the full 699
hearing to a reasonable time determined by the court: 700

(i) Prior to the date scheduled for the full hearing under 701
this division, the respondent has not been served with the 702
petition filed pursuant to this section and notice of the full 703
hearing. 704

(ii) The parties consent to the continuance. 705

(iii) The continuance is needed to allow a party to obtain 706
counsel. 707

(iv) The continuance is needed for other good cause. 708

(b) An ex parte order issued under this section does not 709
expire because of a failure to serve notice of the full hearing 710
upon the respondent before the date set for the full hearing 711
under division (D) (2) (a) of this section or because the court 712
grants a continuance under that division. 713

(3) If a person who files a petition pursuant to this 714
section does not request an ex parte order, or if a person 715
requests an ex parte order but the court does not issue an ex 716
parte order after an ex parte hearing, the court shall proceed 717
as in a normal civil action and grant a full hearing on the 718
matter. 719

(E) (1) (a) After an ex parte or full hearing, the court may 720
issue any protection order, with or without bond, that contains 721
terms designed to ensure the safety and protection of the person 722

to be protected by the protection order, including, but not 723
limited to, a requirement that the respondent refrain from 724
entering the residence, school, business, or place of employment 725
of the petitioner or family or household member. If the court 726
includes a requirement that the respondent refrain from entering 727
the residence, school, business, or place of employment of the 728
petitioner or family or household member in the order, it also 729
shall include in the order provisions of the type described in 730
division (E) (5) of this section. The court may include within a 731
protection order issued under this section a term requiring that 732
the respondent not remove, damage, hide, harm, or dispose of any 733
companion animal owned or possessed by the person to be 734
protected by the order, and may include within the order a term 735
authorizing the person to be protected by the order to remove a 736
companion animal owned by the person to be protected by the 737
order from the possession of the respondent. 738

(b) After a full hearing, if the court considering a 739
petition that includes an allegation of the type described in 740
division (C) (2) of this section, or the court upon its own 741
motion, finds upon clear and convincing evidence that the 742
petitioner reasonably believed that the respondent's conduct at 743
any time preceding the filing of the petition endangered the 744
health, welfare, or safety of the person to be protected and 745
that the respondent presents a continuing danger to the person 746
to be protected, the court may order that the respondent be 747
electronically monitored for a period of time and under the 748
terms and conditions that the court determines are appropriate. 749
Electronic monitoring shall be in addition to any other relief 750
granted to the petitioner. 751

(2) (a) Any protection order issued pursuant to this 752
section shall be valid until a date certain but not later than 753

five years from the date of its issuance. 754

(b) Any protection order issued pursuant to this section 755
may be renewed in the same manner as the original order was 756
issued. 757

(3) A court may not issue a protection order that requires 758
a petitioner to do or to refrain from doing an act that the 759
court may require a respondent to do or to refrain from doing 760
under division (E) (1) of this section unless all of the 761
following apply: 762

(a) The respondent files a separate petition for a 763
protection order in accordance with this section. 764

(b) The petitioner is served with notice of the 765
respondent's petition at least forty-eight hours before the 766
court holds a hearing with respect to the respondent's petition, 767
or the petitioner waives the right to receive this notice. 768

(c) If the petitioner has requested an ex parte order 769
pursuant to division (D) of this section, the court does not 770
delay any hearing required by that division beyond the time 771
specified in that division in order to consolidate the hearing 772
with a hearing on the petition filed by the respondent. 773

(d) After a full hearing at which the respondent presents 774
evidence in support of the request for a protection order and 775
the petitioner is afforded an opportunity to defend against that 776
evidence, the court determines that the petitioner has committed 777
a violation of section 2903.211 of the Revised Code against the 778
person to be protected by the protection order issued pursuant 779
to division (E) (3) of this section, has committed a sexually 780
oriented offense against the person to be protected by the 781
protection order issued pursuant to division (E) (3) of this 782

section, or has violated a protection order issued pursuant to 783
section 2903.213 of the Revised Code relative to the person to 784
be protected by the protection order issued pursuant to division 785
(E) (3) of this section. 786

(4) No protection order issued pursuant to this section 787
shall in any manner affect title to any real property. 788

(5) (a) If the court issues a protection order under this 789
section that includes a requirement that the alleged offender 790
refrain from entering the residence, school, business, or place 791
of employment of the petitioner or a family or household member, 792
the order shall clearly state that the order cannot be waived or 793
nullified by an invitation to the alleged offender from the 794
complainant to enter the residence, school, business, or place 795
of employment or by the alleged offender's entry into one of 796
those places otherwise upon the consent of the petitioner or 797
family or household member. 798

(b) Division (E) (5) (a) of this section does not limit any 799
discretion of a court to determine that an alleged offender 800
charged with a violation of section 2919.27 of the Revised Code, 801
with a violation of a municipal ordinance substantially 802
equivalent to that section, or with contempt of court, which 803
charge is based on an alleged violation of a protection order 804
issued under this section, did not commit the violation or was 805
not in contempt of court. 806

(F) (1) The court shall cause the delivery of a copy of any 807
protection order that is issued under this section to the 808
petitioner, to the respondent, and to all law enforcement 809
agencies that have jurisdiction to enforce the order. The 810
protection order shall be in a form that ensures that the 811
protection order is accepted into the protection order database 812

of the national crime information center (NCIC) maintained by 813
the federal bureau of investigation. The court shall direct that 814
a copy of the order be delivered to the respondent on the same 815
day that the order is entered. 816

(2) Upon the issuance of a protection order under this 817
section, the court shall provide the parties to the order with 818
the following notice orally or by form: 819

"NOTICE 820

As a result of this order, it may be unlawful for you to 821
possess or purchase a firearm, including a rifle, pistol, or 822
revolver, or ammunition pursuant to federal law under 18 U.S.C. 823
922(g) (8). If you have any questions whether this law makes it 824
illegal for you to possess or purchase a firearm or ammunition, 825
you should consult an attorney." 826

(3) All law enforcement agencies shall establish and 827
maintain an index for the protection orders delivered to the 828
agencies pursuant to division (F) (1) of this section. With 829
respect to each order delivered, each agency shall note on the 830
index the date and time that it received the order. Each 831
protection order received by a law enforcement agency pursuant 832
to this section shall be entered into the law enforcement 833
automated data system created by section 5503.10 of the Revised 834
Code, and known as LEADS, within twenty-four hours after 835
receipt. 836

(4) Regardless of whether the petitioner has registered 837
the protection order in the county in which the officer's agency 838
has jurisdiction pursuant to division (M) of this section, any 839
officer of a law enforcement agency shall enforce a protection 840
order issued pursuant to this section by any court in this state 841

in accordance with the provisions of the order, including 842
removing the respondent from the premises, if appropriate. 843

(G) (1) Any proceeding under this section shall be 844
conducted in accordance with the Rules of Civil Procedure, 845
except that a protection order may be obtained under this 846
section with or without bond. An order issued under this 847
section, other than an ex parte order, that grants a protection 848
order, or that refuses to grant a protection order, is a final, 849
appealable order. The remedies and procedures provided in this 850
section are in addition to, and not in lieu of, any other 851
available civil or criminal remedies. 852

(2) If as provided in division (G) (1) of this section an 853
order issued under this section, other than an ex parte order, 854
refuses to grant a protection order, the court, on its own 855
motion, shall order that the ex parte order issued under this 856
section and all of the records pertaining to that ex parte order 857
be expunged after either of the following occurs: 858

(a) The period of the notice of appeal from the order that 859
refuses to grant a protection order has expired. 860

(b) The order that refuses to grant the protection order 861
is appealed and an appellate court to which the last appeal of 862
that order is taken affirms the order. 863

(H) The filing of proceedings under this section does not 864
excuse a person from filing any report or giving any notice 865
required by section 2151.421 of the Revised Code or by any other 866
law. 867

(I) Any law enforcement agency that investigates an 868
alleged violation of section 2903.211 of the Revised Code or an 869
alleged commission of a sexually oriented offense shall provide 870

information to the victim and the family or household members of 871
the victim regarding the relief available under this section and 872
section 2903.213 of the Revised Code. 873

(J) (1) Subject to division (J) (2) of this section and 874
regardless of whether a protection order is issued or a consent 875
agreement is approved by a court of another county or by a court 876
of another state, no court or unit of state or local government 877
shall charge the petitioner any fee, cost, deposit, or money in 878
connection with the filing of a petition pursuant to this 879
section, in connection with the filing, issuance, registration, 880
modification, enforcement, dismissal, withdrawal, or service of 881
a protection order, consent agreement, or witness subpoena or 882
for obtaining a certified copy of a protection order or consent 883
agreement. 884

(2) Regardless of whether a protection order is issued or 885
a consent agreement is approved pursuant to this section, the 886
court may assess costs against the respondent in connection with 887
the filing, issuance, registration, modification, enforcement, 888
dismissal, withdrawal, or service of a protection order, consent 889
agreement, or witness subpoena or for obtaining a certified copy 890
of a protection order or consent agreement. 891

(K) (1) A person who violates a protection order issued 892
under this section is subject to the following sanctions: 893

(a) Criminal prosecution for a violation of section 894
2919.27 of the Revised Code, if the violation of the protection 895
order constitutes a violation of that section; 896

(b) Punishment for contempt of court. 897

(2) The punishment of a person for contempt of court for 898
violation of a protection order issued under this section does 899

not bar criminal prosecution of the person for a violation of 900
section 2919.27 of the Revised Code. However, a person punished 901
for contempt of court is entitled to credit for the punishment 902
imposed upon conviction of a violation of that section, and a 903
person convicted of a violation of that section shall not 904
subsequently be punished for contempt of court arising out of 905
the same activity. 906

(L) In all stages of a proceeding under this section, a 907
petitioner may be accompanied by a victim advocate. 908

(M) (1) A petitioner who obtains a protection order under 909
this section or a protection order under section 2903.213 of the 910
Revised Code may provide notice of the issuance or approval of 911
the order to the judicial and law enforcement officials in any 912
county other than the county in which the order is issued by 913
registering that order in the other county pursuant to division 914
(M) (2) of this section and filing a copy of the registered order 915
with a law enforcement agency in the other county in accordance 916
with that division. A person who obtains a protection order 917
issued by a court of another state may provide notice of the 918
issuance of the order to the judicial and law enforcement 919
officials in any county of this state by registering the order 920
in that county pursuant to section 2919.272 of the Revised Code 921
and filing a copy of the registered order with a law enforcement 922
agency in that county. 923

(2) A petitioner may register a protection order issued 924
pursuant to this section or section 2903.213 of the Revised Code 925
in a county other than the county in which the court that issued 926
the order is located in the following manner: 927

(a) The petitioner shall obtain a certified copy of the 928
order from the clerk of the court that issued the order and 929

present that certified copy to the clerk of the court of common 930
pleas or the clerk of a municipal court or county court in the 931
county in which the order is to be registered. 932

(b) Upon accepting the certified copy of the order for 933
registration, the clerk of the court of common pleas, municipal 934
court, or county court shall place an endorsement of 935
registration on the order and give the petitioner a copy of the 936
order that bears that proof of registration. 937

(3) The clerk of each court of common pleas, municipal 938
court, or county court shall maintain a registry of certified 939
copies of protection orders that have been issued by courts in 940
other counties pursuant to this section or section 2903.213 of 941
the Revised Code and that have been registered with the clerk. 942

(N) (1) If the court orders electronic monitoring of the 943
respondent under this section, the court shall direct the 944
sheriff's office or any other appropriate law enforcement agency 945
to install the electronic monitoring device and to monitor the 946
respondent. Unless the court determines that the respondent is 947
indigent, the court shall order the respondent to pay the cost 948
of the installation and monitoring of the electronic monitoring 949
device. If the court determines that the respondent is indigent 950
and subject to the maximum amount allowable to be paid in any 951
year from the fund and the rules promulgated by the attorney 952
general under division (N) (2) of this section, the cost of the 953
installation and monitoring of the electronic monitoring device 954
may be paid out of funds from the reparations fund created 955
pursuant to section 2743.191 of the Revised Code. The total 956
amount of costs for the installation and monitoring of 957
electronic monitoring devices paid pursuant to this division and 958
sections 2151.34 and 2919.27 of the Revised Code from the 959

reparations fund shall not exceed three hundred thousand dollars 960
per year. 961

(2) The attorney general may promulgate rules pursuant to 962
section 111.15 of the Revised Code to govern payments made from 963
the reparations fund pursuant to this division and sections 964
2151.34 and 2919.27 of the Revised Code. The rules may include 965
reasonable limits on the total cost paid pursuant to this 966
division and sections 2151.34 and 2919.27 of the Revised Code 967
per respondent, the amount of the three hundred thousand dollars 968
allocated to each county, and how invoices may be submitted by a 969
county, court, or other entity. 970

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 971
alleges a violation of section 2909.06, 2909.07, 2911.12, or 972
2911.211 of the Revised Code if the alleged victim of the 973
violation was a family or household member at the time of the 974
violation, a violation of a municipal ordinance that is 975
substantially similar to any of those sections if the alleged 976
victim of the violation was a family or household member at the 977
time of the violation, any offense of violence if the alleged 978
victim of the offense was a family or household member at the 979
time of the commission of the offense, or any sexually oriented 980
offense if the alleged victim of the offense was a family or 981
household member at the time of the commission of the offense, 982
the complainant, the alleged victim, or a family or household 983
member of an alleged victim may file, or, if in an emergency the 984
alleged victim is unable to file, a person who made an arrest 985
for the alleged violation or offense under section 2935.03 of 986
the Revised Code may file on behalf of the alleged victim, a 987
motion that requests the issuance of a temporary protection 988
order as a pretrial condition of release of the alleged 989
offender, in addition to any bail set under Criminal Rule 46. 990

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) 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

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

A complaint, a copy of which has been attached to this 1018
motion, has been filed in this court charging the named 1019
defendant with (name of the specified 1020
violation, the offense of violence, or sexually oriented offense 1021
charged) in circumstances in which the victim was a family or 1022
household member in violation of (section of the Revised Code 1023
designating the specified violation, offense of violence, or 1024
sexually oriented offense charged), or charging the named 1025
defendant with a violation of a municipal ordinance that is 1026
substantially similar to (section of 1027
the Revised Code designating the specified violation, offense of 1028
violence, or sexually oriented offense charged) involving a 1029
family or household member. 1030

I understand that I must appear before the court, at a 1031
time set by the court within twenty-four hours after the filing 1032
of this motion, for a hearing on the motion or that, if I am 1033
unable to appear because of hospitalization or a medical 1034
condition resulting from the offense alleged in the complaint, a 1035
person who can provide information about my need for a temporary 1036
protection order must appear before the court in lieu of my 1037
appearing in court. I understand that any temporary protection 1038
order granted pursuant to this motion is a pretrial condition of 1039
release and is effective only until the disposition of the 1040
criminal proceeding arising out of the attached complaint, or 1041
the issuance of a civil protection order or the approval of a 1042
consent agreement, arising out of the same activities as those 1043
that were the basis of the complaint, under section 3113.31 of 1044
the Revised Code. 1045

..... 1046

Signature of person 1047

(or signature of the arresting officer who filed the 1048
motion on behalf of the alleged victim) 1049
..... 1050
Address of person (or office address of the arresting 1051
officer who filed the motion on behalf of the alleged victim)" 1052
(C) (1) As soon as possible after the filing of a motion 1053
that requests the issuance of a temporary protection order, but 1054
not later than twenty-four hours after the filing of the motion, 1055
the court shall conduct a hearing to determine whether to issue 1056
the order. The person who requested the order shall appear 1057
before the court and provide the court with the information that 1058
it requests concerning the basis of the motion. If the person 1059
who requested the order is unable to appear and if the court 1060
finds that the failure to appear is because of the person's 1061
hospitalization or medical condition resulting from the offense 1062
alleged in the complaint, another person who is able to provide 1063
the court with the information it requests may appear in lieu of 1064
the person who requested the order. If the court finds that the 1065
safety and protection of the complainant, alleged victim, or any 1066
other family or household member of the alleged victim may be 1067
impaired by the continued presence of the alleged offender, the 1068
court may issue a temporary protection order, as a pretrial 1069
condition of release, that contains terms designed to ensure the 1070
safety and protection of the complainant, alleged victim, or the 1071
family or household member, including a requirement that the 1072
alleged offender refrain from entering the residence, school, 1073
business, or place of employment of the complainant, alleged 1074
victim, or the family or household member. The court may include 1075
within a protection order issued under this section a term 1076
requiring that the alleged offender not remove, damage, hide, 1077

harm, or dispose of any companion animal owned or possessed by 1078
the complainant, alleged victim, or any other family or 1079
household member of the alleged victim, and may include within 1080
the order a term authorizing the complainant, alleged victim, or 1081
other family or household member of the alleged victim to remove 1082
a companion animal owned by the complainant, alleged victim, or 1083
other family or household member from the possession of the 1084
alleged offender. 1085

(2) (a) If the court issues a temporary protection order 1086
that includes a requirement that the alleged offender refrain 1087
from entering the residence, school, business, or place of 1088
employment of the complainant, the alleged victim, or the family 1089
or household member, the order shall state clearly that the 1090
order cannot be waived or nullified by an invitation to the 1091
alleged offender from the complainant, alleged victim, or family 1092
or household member to enter the residence, school, business, or 1093
place of employment or by the alleged offender's entry into one 1094
of those places otherwise upon the consent of the complainant, 1095
alleged victim, or family or household member. 1096

(b) Division (C) (2) (a) of this section does not limit any 1097
discretion of a court to determine that an alleged offender 1098
charged with a violation of section 2919.27 of the Revised Code, 1099
with a violation of a municipal ordinance substantially 1100
equivalent to that section, or with contempt of court, which 1101
charge is based on an alleged violation of a temporary 1102
protection order issued under this section, did not commit the 1103
violation or was not in contempt of court. 1104

(D) (1) Upon the filing of a complaint that alleges a 1105
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1106
the Revised Code if the alleged victim of the violation was a 1107

family or household member at the time of the violation, a 1108
violation of a municipal ordinance that is substantially similar 1109
to any of those sections if the alleged victim of the violation 1110
was a family or household member at the time of the violation, 1111
any offense of violence if the alleged victim of the offense was 1112
a family or household member at the time of the commission of 1113
the offense, or any sexually oriented offense if the alleged 1114
victim of the offense was a family or household member at the 1115
time of the commission of the offense, the court, upon its own 1116
motion, may issue a temporary protection order as a pretrial 1117
condition of release if it finds that the safety and protection 1118
of the complainant, alleged victim, or other family or household 1119
member of the alleged offender may be impaired by the continued 1120
presence of the alleged offender. 1121

(2) (a) If the court issues a temporary protection order 1122
under this section as an ex parte order, it shall conduct, as 1123
soon as possible after the issuance of the order, a hearing in 1124
the presence of the alleged offender not later than the next day 1125
on which the court is scheduled to conduct business after the 1126
day on which the alleged offender was arrested or at the time of 1127
the appearance of the alleged offender pursuant to summons to 1128
determine whether the order should remain in effect, be 1129
modified, or be revoked. The hearing shall be conducted under 1130
the standards set forth in division (C) of this section. 1131

(b) If at a hearing conducted under division (D) (2) (a) of 1132
this section the court determines that the ex parte order that 1133
the court issued should be revoked, the court, on its own 1134
motion, shall order that the ex parte order that is revoked and 1135
all of the records pertaining to that ex parte order be 1136
expunged. 1137

(3) An order issued under this section shall contain only 1138
those terms authorized in orders issued under division (C) of 1139
this section. 1140

(4) If a municipal court or a county court issues a 1141
temporary protection order under this section and if, subsequent 1142
to the issuance of the order, the alleged offender who is the 1143
subject of the order is bound over to the court of common pleas 1144
for prosecution of a felony arising out of the same activities 1145
as those that were the basis of the complaint upon which the 1146
order is based, notwithstanding the fact that the order was 1147
issued by a municipal court or county court, the order shall 1148
remain in effect, as though it were an order of the court of 1149
common pleas, while the charges against the alleged offender are 1150
pending in the court of common pleas, for the period of time 1151
described in division (E)(2) of this section, and the court of 1152
common pleas has exclusive jurisdiction to modify the order 1153
issued by the municipal court or county court. This division 1154
applies when the alleged offender is bound over to the court of 1155
common pleas as a result of the person waiving a preliminary 1156
hearing on the felony charge, as a result of the municipal court 1157
or county court having determined at a preliminary hearing that 1158
there is probable cause to believe that the felony has been 1159
committed and that the alleged offender committed it, as a 1160
result of the alleged offender having been indicted for the 1161
felony, or in any other manner. 1162

(E) A temporary protection order that is issued as a 1163
pretrial condition of release under this section: 1164

(1) Is in addition to, but shall not be construed as a 1165
part of, any bail set under Criminal Rule 46; 1166

(2) Is effective only until the occurrence of either of 1167

the following: 1168

(a) The disposition, by the court that issued the order 1169
or, in the circumstances described in division (D)(4) of this 1170
section, by the court of common pleas to which the alleged 1171
offender is bound over for prosecution, of the criminal 1172
proceeding arising out of the complaint upon which the order is 1173
based; 1174

(b) The issuance of a protection order or the approval of 1175
a consent agreement, arising out of the same activities as those 1176
that were the basis of the complaint upon which the order is 1177
based, under section 3113.31 of the Revised Code. 1178

(3) Shall not be construed as a finding that the alleged 1179
offender committed the alleged offense, and shall not be 1180
introduced as evidence of the commission of the offense at the 1181
trial of the alleged offender on the complaint upon which the 1182
order is based. 1183

(F) A person who meets the criteria for bail under 1184
Criminal Rule 46 and who, if required to do so pursuant to that 1185
rule, executes or posts bond or deposits cash or securities as 1186
bail, shall not be held in custody pending a hearing before the 1187
court on a motion requesting a temporary protection order. 1188

(G) (1) A copy of any temporary protection order that is 1189
issued under this section shall be issued by the court to the 1190
complainant, to the alleged victim, to the person who requested 1191
the order, to the defendant, and to all law enforcement agencies 1192
that have jurisdiction to enforce the order. The protection 1193
order shall be in a form that ensures that the protection order 1194
is accepted into the protection order database of the national 1195
crime information center (NCIC) maintained by the federal bureau 1196

of investigation. The court shall direct that a copy of the 1197
order be delivered to the defendant on the same day that the 1198
order is entered. If a municipal court or a county court issues 1199
a temporary protection order under this section and if, 1200
subsequent to the issuance of the order, the defendant who is 1201
the subject of the order is bound over to the court of common 1202
pleas for prosecution as described in division (D) (4) of this 1203
section, the municipal court or county court shall direct that a 1204
copy of the order be delivered to the court of common pleas to 1205
which the defendant is bound over. 1206

(2) Upon the issuance of a protection order under this 1207
section, the court shall provide the parties to the order with 1208
the following notice orally or by form: 1209

"NOTICE 1210

As a result of this protection order, it may be unlawful 1211
for you to possess or purchase a firearm, including a rifle, 1212
pistol, or revolver, or ammunition pursuant to federal law under 1213
18 U.S.C. 922(g) (8). If you have any questions whether this law 1214
makes it illegal for you to possess or purchase a firearm or 1215
ammunition, you should consult an attorney." 1216

(3) All law enforcement agencies shall establish and 1217
maintain an index for the temporary protection orders delivered 1218
to the agencies pursuant to division (G) (1) of this section. 1219
With respect to each order delivered, each agency shall note on 1220
the index, the date and time of the receipt of the order by the 1221
agency. Each protection order received by a law enforcement 1222
agency pursuant to this section shall be entered into the law 1223
enforcement automated data system created by section 5503.10 of 1224
the Revised Code, and known as LEADS, within twenty-four hours 1225
after receipt. 1226

(4) A complainant, alleged victim, or other person who 1227
obtains a temporary protection order under this section may 1228
provide notice of the issuance of the temporary protection order 1229
to the judicial and law enforcement officials in any county 1230
other than the county in which the order is issued by 1231
registering that order in the other county in accordance with 1232
division (N) of section 3113.31 of the Revised Code and filing a 1233
copy of the registered protection order with a law enforcement 1234
agency in the other county in accordance with that division. 1235

(5) Any officer of a law enforcement agency shall enforce 1236
a temporary protection order issued by any court in this state 1237
in accordance with the provisions of the order, including 1238
removing the defendant from the premises, regardless of whether 1239
the order is registered in the county in which the officer's 1240
agency has jurisdiction as authorized by division (G) (4) of this 1241
section. 1242

(H) Upon a violation of a temporary protection order, the 1243
court may issue another temporary protection order, as a 1244
pretrial condition of release, that modifies the terms of the 1245
order that was violated. 1246

(I) (1) As used in divisions (I) (1) and (2) of this 1247
section, "defendant" means a person who is alleged in a 1248
complaint to have committed a violation, offense of violence, or 1249
sexually oriented offense of the type described in division (A) 1250
of this section. 1251

(2) If a complaint is filed that alleges that a person 1252
committed a violation, offense of violence, or sexually oriented 1253
offense of the type described in division (A) of this section, 1254
the court may not issue a temporary protection order under this 1255
section that requires the complainant, the alleged victim, or 1256

another family or household member of the defendant to do or 1257
refrain from doing an act that the court may require the 1258
defendant to do or refrain from doing under a temporary 1259
protection order unless both of the following apply: 1260

(a) The defendant has filed a separate complaint that 1261
alleges that the complainant, alleged victim, or other family or 1262
household member in question who would be required under the 1263
order to do or refrain from doing the act committed a violation 1264
or offense of violence of the type described in division (A) of 1265
this section. 1266

(b) The court determines that both the complainant, 1267
alleged victim, or other family or household member in question 1268
who would be required under the order to do or refrain from 1269
doing the act and the defendant acted primarily as aggressors, 1270
that neither the complainant, alleged victim, or other family or 1271
household member in question who would be required under the 1272
order to do or refrain from doing the act nor the defendant 1273
acted primarily in self-defense, and, in accordance with the 1274
standards and criteria of this section as applied in relation to 1275
the separate complaint filed by the defendant, that it should 1276
issue the order to require the complainant, alleged victim, or 1277
other family or household member in question to do or refrain 1278
from doing the act. 1279

(J) (1) Subject to division (J) (2) of this section and 1280
regardless of whether a protection order is issued or a consent 1281
agreement is approved by a court of another county or a court of 1282
another state, no court or unit of state or local government 1283
shall charge the movant any fee, cost, deposit, or money in 1284
connection with the filing of a motion pursuant to this section, 1285
in connection with the filing, issuance, registration, 1286

modification, enforcement, dismissal, withdrawal, or service of 1287
a protection order, consent agreement, or witness subpoena or 1288
for obtaining a certified copy of a protection order or consent 1289
agreement. 1290

(2) Regardless of whether a protection order is issued or 1291
a consent agreement is approved pursuant to this section, if the 1292
defendant is convicted the court may assess costs against the 1293
defendant in connection with the filing, issuance, registration, 1294
modification, enforcement, dismissal, withdrawal, or service of 1295
a protection order, consent agreement, or witness subpoena or 1296
for obtaining a certified copy of a protection order or consent 1297
agreement. 1298

(K) As used in this section: 1299

(1) "Companion animal" has the same meaning as in section 1300
959.131 of the Revised Code. 1301

(2) "Sexually oriented offense" has the same meaning as in 1302
section 2950.01 of the Revised Code. 1303

(3) "Victim advocate" means a person who provides support 1304
and assistance for a victim of an offense during court 1305
proceedings. 1306

(4) "Expunge" has the same meaning as in section 2903.213 1307
of the Revised Code. 1308

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 1309
the Revised Code: 1310

(A) "Deadly weapon" means any instrument, device, or thing 1311
capable of inflicting death, and designed or specially adapted 1312
for use as a weapon, or possessed, carried, or used as a weapon. 1313

(B) (1) "Firearm" means any deadly weapon capable of 1314

expelling or propelling one or more projectiles by the action of 1315
an explosive or combustible propellant. "Firearm" includes an 1316
unloaded firearm, and any firearm that is inoperable but that 1317
can readily be rendered operable. 1318

(2) When determining whether a firearm is capable of 1319
expelling or propelling one or more projectiles by the action of 1320
an explosive or combustible propellant, the trier of fact may 1321
rely upon circumstantial evidence, including, but not limited 1322
to, the representations and actions of the individual exercising 1323
control over the firearm. 1324

(C) "Handgun" means any of the following: 1325

(1) Any firearm that has a short stock and is designed to 1326
be held and fired by the use of a single hand; 1327

(2) Any combination of parts from which a firearm of a 1328
type described in division (C) (1) of this section can be 1329
assembled. 1330

(D) "Semi-automatic firearm" means any firearm designed or 1331
specially adapted to fire a single cartridge and automatically 1332
chamber a succeeding cartridge ready to fire, with a single 1333
function of the trigger. 1334

(E) "Automatic firearm" means any of the following: 1335

(1) Any firearm designed or specially adapted to fire a 1336
succession of cartridges with a single function of the trigger; 1337

(2) Any device that is a "machine gun," as defined 1338
pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 1339
U.S.C. 921(a) (23), as amended, and regulations issued under that 1340
act or the "National Firearms Act of 1934," 48 Stat. 1236, 26 1341
U.S.C. 5845(b), as amended, and regulations issued under that 1342

<u>act.</u>	1343
(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.	1344 1345 1346 1347
(G) "Zip-gun" means any of the following:	1348
(1) Any firearm of crude and extemporized manufacture;	1349
(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;	1350 1351 1352
(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.	1353 1354 1355 1356
(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.	1357 1358 1359 1360 1361 1362 1363 1364
(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.	1365 1366 1367 1368
(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.	1369 1370

- (K) "Dangerous ordnance" means any of the following, 1371
except as provided in division (L) of this section: 1372
- (1) Any automatic or sawed-off firearm, zip-gun, or 1373
ballistic knife; 1374
- (2) Any explosive device or incendiary device; 1375
- (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 1376
cyclonite, TNT, picric acid, and other high explosives; amatol, 1377
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 1378
high explosive compositions; plastic explosives; dynamite, 1379
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 1380
liquid-oxygen blasting explosives, blasting powder, and other 1381
blasting agents; and any other explosive substance having 1382
sufficient brisance or power to be particularly suitable for use 1383
as a military explosive, or for use in mining, quarrying, 1384
excavating, or demolitions; 1385
- (4) Any firearm, rocket launcher, mortar, artillery piece, 1386
grenade, mine, bomb, torpedo, or similar weapon, designed and 1387
manufactured for military purposes, and the ammunition for that 1388
weapon; 1389
- (5) Any firearm muffler or suppressor; 1390
- (6) Any combination of parts that is intended by the owner 1391
for use in converting any firearm or other device into a 1392
dangerous ordnance; 1393
- (7) Any "armor piercing ammunition" as defined pursuant to 1394
the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) 1395
(17)(B), as amended, and regulations issued under that act. 1396
- (L) "Dangerous ordnance" does not include any of the 1397
following: 1398

- (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
- (2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;
- (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
- (4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
- (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece.
- (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that act.
- (M) "Explosive" means any chemical compound, mixture, or

device, the primary or common purpose of which is to function by 1428
explosion. "Explosive" includes all materials that have been 1429
classified as division 1.1, division 1.2, division 1.3, or 1430
division 1.4 explosives by the United States department of 1431
transportation in its regulations and includes, but is not 1432
limited to, dynamite, black powder, pellet powders, initiating 1433
explosives, blasting caps, electric blasting caps, safety fuses, 1434
fuse igniters, squibs, cordeau detonant fuses, instantaneous 1435
fuses, and igniter cords and igniters. "Explosive" does not 1436
include "fireworks," as defined in section 3743.01 of the 1437
Revised Code, or any substance or material otherwise meeting the 1438
definition of explosive set forth in this section that is 1439
manufactured, sold, possessed, transported, stored, or used in 1440
any activity described in section 3743.80 of the Revised Code, 1441
provided the activity is conducted in accordance with all 1442
applicable laws, rules, and regulations, including, but not 1443
limited to, the provisions of section 3743.80 of the Revised 1444
Code and the rules of the fire marshal adopted pursuant to 1445
section 3737.82 of the Revised Code. 1446

(N) (1) "Concealed handgun license" or "license to carry a 1447
concealed handgun" means, subject to division (N) (2) of this 1448
section, a license or temporary emergency license to carry a 1449
concealed handgun issued under section 2923.125 or 2923.1213 of 1450
the Revised Code or a license to carry a concealed handgun 1451
issued by another state with which the attorney general has 1452
entered into a reciprocity agreement under section 109.69 of the 1453
Revised Code. 1454

(2) A reference in any provision of the Revised Code to a 1455
concealed handgun license issued under section 2923.125 of the 1456
Revised Code or a license to carry a concealed handgun issued 1457
under section 2923.125 of the Revised Code means only a license 1458

of the type that is specified in that section. A reference in 1459
any provision of the Revised Code to a concealed handgun license 1460
issued under section 2923.1213 of the Revised Code, a license to 1461
carry a concealed handgun issued under section 2923.1213 of the 1462
Revised Code, or a license to carry a concealed handgun on a 1463
temporary emergency basis means only a license of the type that 1464
is specified in section 2923.1213 of the Revised Code. A 1465
reference in any provision of the Revised Code to a concealed 1466
handgun license issued by another state or a license to carry a 1467
concealed handgun issued by another state means only a license 1468
issued by another state with which the attorney general has 1469
entered into a reciprocity agreement under section 109.69 of the 1470
Revised Code. 1471

(O) "Valid concealed handgun license" or "valid license to 1472
carry a concealed handgun" means a concealed handgun license 1473
that is currently valid, that is not under a suspension under 1474
division (A) (1) of section 2923.128 of the Revised Code, under 1475
section 2923.1213 of the Revised Code, or under a suspension 1476
provision of the state other than this state in which the 1477
license was issued, and that has not been revoked under division 1478
(B) (1) of section 2923.128 of the Revised Code, under section 1479
2923.1213 of the Revised Code, or under a revocation provision 1480
of the state other than this state in which the license was 1481
issued. 1482

(P) "Misdemeanor punishable by imprisonment for a term 1483
exceeding one year" does not include any of the following: 1484

(1) Any federal or state offense pertaining to antitrust 1485
violations, unfair trade practices, restraints of trade, or 1486
other similar offenses relating to the regulation of business 1487
practices; 1488

(2) Any misdemeanor offense punishable by a term of 1489
imprisonment of two years or less. 1490

(Q) "Alien registration number" means the number issued by 1491
the United States citizenship and immigration services agency 1492
that is located on the alien's permanent resident card and may 1493
also be commonly referred to as the "USCIS number" or the "alien 1494
number." 1495

(R) "Active duty" has the same meaning as defined in 10 1496
U.S.C. 101. 1497

Sec. 2923.13. (A) ~~Unless relieved from disability under~~ 1498
~~operation of law or legal process, no~~ No person shall knowingly 1499
acquire, have, carry, or use any firearm or dangerous ordnance, 1500
if any of the following apply: 1501

(1) The person is a fugitive from justice. 1502

(2) The person is under indictment for or has been 1503
convicted of any felony offense ~~of violence~~ or has been 1504
adjudicated a delinquent child for the commission of an offense 1505
that, if committed by an adult, would have been a felony offense 1506
~~of violence.~~ 1507

(3) The person ~~is under indictment for or~~ has been 1508
convicted of ~~any felony offense involving the illegal~~ 1509
~~possession, use, sale, administration, distribution, or~~ 1510
~~trafficking in any drug of abuse or has been adjudicated a~~ 1511
~~delinquent child for the commission of an offense that, if~~ 1512
~~committed by an adult, would have been a felony offense~~ 1513
~~involving the illegal possession, use, sale, administration,~~ 1514
~~distribution, or trafficking in any drug of abuse~~ a violation of 1515
section 2919.25 or 2919.27 of the Revised Code. 1516

(4) The person is drug dependent, in danger of drug 1517

dependence, or a chronic alcoholic. 1518

(5) The person is under adjudication of mental 1519
incompetence, has been adjudicated as a mental defective, has 1520
been committed to a mental institution, has been found by a 1521
court to be a mentally ill person subject to court order, or is 1522
an involuntary patient other than one who is a patient only for 1523
purposes of observation. As used in this division, "mentally ill 1524
person subject to court order" and "patient" have the same 1525
meanings as in section 5122.01 of the Revised Code. 1526

(6) The person is subject to a protection order issued 1527
under section 2903.213, 2903.214, 2919.26, or 3113.31 of the 1528
Revised Code that is a qualified protection order. 1529

(7) The person has been discharged from the armed forces 1530
under dishonorable conditions. 1531

(8) The person is an alien who is prohibited from owning, 1532
purchasing, or possessing a firearm pursuant to federal law 1533
under 18 U.S.C. 922(g)(5). 1534

(9) The person, having been a citizen of the United 1535
States, has renounced the person's citizenship. 1536

(10) The person is subject to an extreme risk protection 1537
order or ex parte extreme risk protection order issued under 1538
section 3113.27 of the Revised Code, during the time that the 1539
order is in effect. 1540

(B) Whoever violates this section is guilty of having 1541
weapons while under disability, a felony of the third degree. 1542

(C) For the purposes of this section, ~~"under operation of 1543~~
~~law or legal process" shall not itself include mere completion, 1544~~
~~termination, or expiration of a sentence imposed as a result of 1545~~

~~a criminal conviction;~~ 1546

(1) "Alien" means an individual who is not a citizen of 1547
the United States. 1548

(2) "Armed forces" has the same meaning as in 18 U.S.C. 1549
922. 1550

(3) "Intimate partner" means, with respect to a person, 1551
the spouse of the person, a former spouse of the person, an 1552
individual who is a parent of a child of the person, and an 1553
individual who cohabits or has cohabited with the person. 1554

(4) "Qualified protection order" means a protection order 1555
that meets all of the following requirements: 1556

(a) The order was issued after a hearing of which the 1557
person subject to the order received actual notice and at which 1558
the person had an opportunity to participate. 1559

(b) The order restrains the person from harassing, 1560
stalking, or threatening an intimate partner of the person or 1561
child of the intimate partner of the person, or engaging in 1562
other conduct that would place an intimate partner in reasonable 1563
fear of bodily injury to the partner or child. 1564

(c) The order includes a finding that the person 1565
represents a credible threat to the physical safety of the 1566
intimate partner or child or, by its terms, explicitly prohibits 1567
the use, attempted use, or threatened use of physical force 1568
against the intimate partner or child that would reasonably be 1569
expected to cause bodily injury. 1570

Sec. 2923.18. (A) Upon application to the sheriff of the 1571
county or safety director or police chief of the municipality 1572
where the applicant resides or has ~~his~~ the applicant's principal 1573

place of business, and upon payment of the fee specified in 1574
division (B) of this section, a license or temporary permit 1575
shall be issued to qualified applicants to acquire, possess, 1576
carry, or use dangerous ordnance, for the following purposes: 1577

(1) Contractors, wreckers, ~~quarrymen~~ quarriers, mine 1578
operators, and other persons regularly employing explosives in 1579
the course of a legitimate business, with respect to explosives 1580
and explosive devices acquired, possessed, carried, or used in 1581
the course of such business; 1582

(2) Farmers, with respect to explosives and explosive 1583
devices acquired, possessed, carried, or used for agricultural 1584
purposes on lands farmed by them; 1585

(3) Scientists, engineers, and instructors, with respect 1586
to dangerous ordnance acquired, possessed, carried, or used in 1587
the course of bona fide research or instruction; 1588

(4) Financial institution and armored car company guards, 1589
with respect to automatic firearms lawfully acquired, possessed, 1590
carried, or used by any such person while acting within the 1591
scope of ~~his~~ the person's duties; 1592

(5) In the discretion of the issuing authority, any 1593
responsible person, with respect to dangerous ordnance lawfully 1594
acquired, possessed, carried, or used for a legitimate research, 1595
scientific, educational, industrial, or other proper purpose. 1596

(B) Application for a license or temporary permit under 1597
this section shall be in writing under oath to the sheriff of 1598
the county or safety director or police chief of the 1599
municipality where the applicant resides or has ~~his~~ the 1600
applicant's principal place of business. The application shall 1601
be accompanied by an application fee of fifty dollars when the 1602

application is for a license, and an application fee of five 1603
dollars when the application is for a temporary permit. The fees 1604
shall be paid into the general revenue fund of the county or 1605
municipality. The application shall contain the following 1606
information: 1607

(1) The name, age, address, occupation, and business 1608
address of the applicant, if ~~he~~ the applicant is a natural 1609
person, or the name, address, and principal place of business of 1610
the applicant, if the applicant is a corporation; 1611

(2) A description of the dangerous ordnance for which a 1612
permit is requested; 1613

(3) A description of the place or places where and the 1614
manner in which the dangerous ordnance is to be kept, carried, 1615
and used; 1616

(4) A statement of the purposes for which the dangerous 1617
ordnance is to be acquired, possessed, carried, or used; 1618

(5) Such other information, as the issuing authority may 1619
require in giving effect to this section. 1620

(C) Upon investigation, the issuing authority shall issue 1621
a license or temporary permit only if all of the following 1622
apply: 1623

(1) The applicant is not otherwise prohibited by law from 1624
acquiring, having, carrying or using dangerous ordnance; 1625

(2) The applicant is age twenty-one or over, if ~~he~~ the 1626
applicant is a natural person; 1627

(3) It appears that the applicant has sufficient 1628
competence to safely acquire, possess, carry, or use the 1629
dangerous ordnance, and that proper precautions will be taken to 1630

protect the security of the dangerous ordnance and ensure the 1631
safety of persons and property; 1632

(4) It appears that the dangerous ordnance will be 1633
lawfully acquired, possessed, carried, and used by the applicant 1634
for a legitimate purpose. 1635

(D) The license or temporary permit shall identify the 1636
person to whom it is issued, identify the dangerous ordnance 1637
involved and state the purposes for which the license or 1638
temporary permit is issued, state the expiration date, if any, 1639
and list such restrictions on the acquisition, possession, 1640
carriage, or use of the dangerous ordnance as the issuing 1641
authority considers advisable to protect the security of the 1642
dangerous ordnance and ensure the safety of persons and 1643
property. 1644

(E) A temporary permit shall be issued for the casual use 1645
of explosives and explosive devices, and other consumable 1646
dangerous ordnance, and shall expire within thirty days of its 1647
issuance. A license shall be issued for the regular use of 1648
consumable dangerous ordnance, or for any ~~nonconsumable~~ 1649
nonconsumable dangerous ordnance, which license need not specify 1650
an expiration date, but the issuing authority may specify such 1651
expiration date, not earlier than one year from the date of 1652
issuance, as it considers advisable in view of the nature of the 1653
dangerous ordnance and the purposes for which the license is 1654
issued. 1655

(F) The dangerous ordnance specified in a license or 1656
temporary permit may be obtained by the holder anywhere in the 1657
state. The holder of a license may use such dangerous ordnance 1658
anywhere in the state. The holder of a temporary permit may use 1659
such dangerous ordnance only within the territorial jurisdiction 1660

of the issuing authority. 1661

(G) The issuing authority shall forward to the state fire 1662
marshal a copy of each license or temporary permit issued 1663
pursuant to this section, and a copy of each record of a 1664
transaction in dangerous ordnance and of each report of lost or 1665
stolen dangerous ordnance, given to the local law enforcement 1666
authority as required by divisions (A) ~~(4)-(5)~~ and ~~(5)-(6)~~ of 1667
section 2923.20 of the Revised Code. The state fire marshal 1668
shall keep a permanent file of all licenses and temporary 1669
permits issued pursuant to this section, and of all records of 1670
transactions in, and losses or thefts of dangerous ordnance 1671
forwarded by local law enforcement authorities pursuant to this 1672
section. 1673

Sec. 2923.20. (A) No person shall do any of the following: 1674

(1) Recklessly sell, lend, give, or furnish any firearm to 1675
any person prohibited by section 2923.13 or 2923.15 of the 1676
Revised Code from acquiring or using any firearm, or recklessly 1677
sell, lend, give, or furnish any dangerous ordnance to any 1678
person prohibited by section 2923.13, 2923.15, or 2923.17 of the 1679
Revised Code from acquiring or using any dangerous ordnance; 1680

(2) Possess any firearm or dangerous ordnance with purpose 1681
to dispose of it in violation of division (A) of this section; 1682

(3) Except as otherwise provided in division (B) of this 1683
section, knowingly buy, purchase, obtain, or furnish a firearm 1684
on behalf of a third party if both of the following apply: 1685

(a) The firearm is not a bona fide gift; 1686

(b) The person who buys, purchases, obtains, or furnishes 1687
the firearm in that manner knows that the firearm is not a bona 1688
fide gift. 1689

(4) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

~~(4)~~(5) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing ~~him~~ the transferee to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of that record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

~~(5)~~(6) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(B) Division (A) (3) of this section does not apply to any of the following:

(1) The furnishing of a firearm to a person who is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio peace officer training commission or equivalent firearms training;

(2) The furnishing of a firearm to an active duty member of the armed forces of the United States who has received firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of

the Revised Code; 1719

(3) The furnishing of a firearm to a person for lawful 1720
hunting, sporting, or educational purposes, including, but not 1721
limited to, instruction in firearms safety, care, handling, or 1722
marksmanship. 1723

(C) Whoever violates this section is guilty of unlawful 1724
transactions in weapons. A violation of division (A) (1) ~~or,~~ 1725
(2), or (3) of this section is a felony of the ~~fourth~~ second 1726
degree. A violation of division (A) ~~(3) (4) or (4) (5)~~ of this 1727
section is a misdemeanor of the second degree. A violation of 1728
division (A) ~~(5) (6)~~ of this section is a misdemeanor of the 1729
fourth degree. 1730

(D) For the purposes of division (A) of this section, a 1731
gift is not bona fide if there is an offer or exchange of money, 1732
services, or items of value between the third party and the 1733
person buying, purchasing, obtaining, or furnishing a firearm. 1734

Sec. 2923.23. (A) No person who acquires, possesses, or 1735
carries a firearm or dangerous ordnance in violation of section 1736
2923.13 or 2923.17 of the Revised Code shall be prosecuted for 1737
such violation, if ~~he~~ the person reports ~~his~~ the person's 1738
possession of firearms or dangerous ordnance to any law 1739
enforcement authority, describes the firearms ~~of~~ or dangerous 1740
ordnance in ~~his~~ the person's possession and where they may be 1741
found, and voluntarily surrenders the firearms or dangerous 1742
ordnance to the law enforcement authority. A surrender is not 1743
voluntary if it occurs when the person is taken into custody or 1744
during a pursuit or attempt to take the person into custody, 1745
under circumstances indicating that the surrender is made under 1746
threat of force. 1747

(B) No person in violation of section 2923.13 of the Revised Code solely by reason of ~~his~~ the person being under indictment shall be prosecuted for such violation if, within ten days after service of the indictment, ~~he~~ the person voluntarily surrenders the firearms and dangerous ordnance in ~~his~~ the person's possession to any law enforcement authority pursuant to division (A) of this section, for safekeeping pending disposition of the indictment ~~or of an application for relief under section 2923.14 of the Revised Code.~~

~~(C) Evidence obtained from or by reason of an application or proceeding under section 2923.14 of the Revised Code for relief from disability, shall not be used in a prosecution of the applicant for any violation of section 2923.13 of the Revised Code.~~

~~(D) Evidence obtained from or by reason of an application under section 2923.18 of the Revised Code for a permit to possess dangerous ordnance, shall not be used in a prosecution of the applicant for any violation of section 2923.13 or 2923.17 of the Revised Code.~~

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

(A) "Court" means the court of common pleas in each county as defined in section 2301.01 of the Revised Code.

(B) "Deadly weapon" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.

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

(D) "Law enforcement officer" means a sheriff, deputy

sheriff, member of the organized police department of any 1777
municipal corporation, member of a police force employed by a 1778
metropolitan housing authority under division (D) of section 1779
3735.31 of the Revised Code, or a state university law 1780
enforcement officer appointed under section 3345.04 of the 1781
Revised Code. 1782

(E) "Mental illness" has the same meaning as in section 1783
5122.01 of the Revised Code. 1784

(F) "Petitioner" means a family or household member, a 1785
person living as a spouse, or a law enforcement officer who 1786
files a petition for an extreme risk protection order under 1787
section 3113.27 of the Revised Code. 1788

(G) "Respondent" means a person who is identified in a 1789
petition for an extreme risk protection order filed under 1790
section 3113.27 of the Revised Code as the person to which the 1791
extreme risk protection order will apply if the order is issued. 1792

Sec. 3113.27. (A) (1) A family or household member of a 1793
respondent, a person living as a spouse of a respondent, or a 1794
law enforcement officer may file a petition in the court of 1795
common pleas of the county in which the respondent resides 1796
requesting that the court issue an extreme risk protection order 1797
temporarily enjoining the respondent from having in the 1798
respondent's possession, custody, or control any deadly weapon 1799
or any firearm. 1800

(2) A petition filed under division (A) (1) of this section 1801
shall do all of the following: 1802

(a) Allege facts showing that the respondent presents a 1803
significant risk in the near future of committing suicide, 1804
committing another form of serious self-harm less than death, or 1805

causing physical injury to another person; 1806

(b) Identify the number, types, and locations of any 1807
deadly weapons or firearms the petitioner believes to be in the 1808
respondent's possession, custody, or control at the time the 1809
petition is filed; 1810

(c) Include the respondent's residence address at the time 1811
the petition is filed as well as any other information the 1812
petitioner has concerning the whereabouts of the respondent, so 1813
that service of the petition on the respondent promptly can be 1814
made under division (A) (6) of this section; 1815

(d) Identify whether there is a current protection order 1816
or restraining order governing the respondent under section 1817
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1818
Code or under any other applicable statute. 1819

(3) A petition for an extreme risk protection order filed 1820
under division (A) (1) of this section shall be supported by a 1821
written affidavit signed by the petitioner under oath, an oral 1822
statement given by the petitioner under oath, or any other 1823
admissible evidence the petitioner may choose to produce that 1824
sets forth the facts alleged in the petition that give rise to a 1825
reasonable belief on the part of the petitioner that the 1826
respondent presents a significant risk of the type described in 1827
the petition. If the petitioner is a law enforcement officer, 1828
the law enforcement officer also shall include in the affidavit 1829
under oath that the officer has conducted an independent 1830
investigation of the circumstances giving rise to the filing of 1831
the petition and that there is good cause for the filing of the 1832
petition. 1833

(4) In any proceeding before the court in which the 1834

petitioner is seeking an extreme risk protection order or an 1835
extension of an existing extreme risk protection order, the 1836
petitioner has the burden of proof. 1837

(5) In any proceeding before the court in which the 1838
petitioner is seeking an extreme risk protection order, the 1839
Rules of Civil Procedure and the Rules of Evidence shall apply. 1840

(6) Upon the filing of a petition for an extreme risk 1841
protection order under division (A)(1) of this section, the 1842
court shall set a date for a hearing on the petition that is not 1843
later than three calendar days after the day on which the 1844
petition is filed. On the same business day the petitioner files 1845
the petition, the court shall direct a law enforcement officer 1846
to serve on the respondent a copy of the petition and a notice 1847
of the hearing. The notice of the hearing shall notify the 1848
respondent of the date, time, and location of the hearing and of 1849
the respondent's opportunity to be heard to contest the issuance 1850
of an extreme risk protection order. On motion of the petitioner 1851
or respondent, or on its own motion, the court may grant a 1852
continuance of the hearing for any of the circumstances or 1853
reasons identified in divisions (A)(6)(a) to (d) of this section 1854
and, upon granting a continuance, the court shall notify the 1855
petitioner and respondent of the new date, time, and location of 1856
the hearing. Under any of the following circumstances or for any 1857
of the following reasons, the court may grant a continuance of 1858
the hearing to a reasonable time determined by the court: 1859

(a) Prior to the date scheduled for the hearing under this 1860
division, the respondent has not been served with the petition 1861
filed under this section and the notice of the hearing. 1862

(b) The petitioner and the respondent consent to the 1863
continuance. 1864

(c) The continuance is to allow either the petitioner or the respondent to obtain counsel. 1865
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(d) The continuance is needed for other good cause. 1867

(B) (1) At the hearing for an extreme risk protection order provided under division (A) (6) of this section, the petitioner must prove, by clear and convincing evidence, that the respondent presents a significant risk of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person in the near future to such an extent that the respondent should be immediately and temporarily enjoined from having in the respondent's possession, custody, or control any deadly weapon or any firearm. If the court at the hearing finds that the petitioner has so proved, the court may issue an extreme risk protection order. Absent such a finding, the court shall not issue an extreme risk protection order. 1868
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(2) In determining whether to issue an extreme risk protection order under this section, the court shall consider all of the factors listed in division (D) of this section. 1881
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(3) If the court at the hearing provided under division (A) (6) of this section finds, by clear and convincing evidence, that an extreme risk protection order should be issued and issues the order, the order shall include all of the following: 1884
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(a) A statement of the evidence presented and the court's findings supporting issuance of the order; 1888
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(b) The date the order was issued; 1890

(c) The duration of the order, which shall be not longer than one hundred eighty days after the date on which a copy of the proof of a voluntary transfer or an affidavit is filed with 1891
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a court under division (A) (2) of section 3113.28 of the Revised 1894
Code or a return is filed with a court under division (B) of 1895
that section; 1896

(d) A notice to the respondent that, beginning ninety days 1897
after a copy of the proof of a voluntary transfer is filed with 1898
a court under division (A) (2) of section 3113.28 of the Revised 1899
Code or a return is filed with a court under division (B) of 1900
that section, the respondent may file a petition with the court 1901
pursuant to section 3113.29 of the Revised Code for a hearing 1902
under that section to reclaim possession of the respondent's 1903
deadly weapons or firearms; 1904

(e) A notice that the order can be appealed to the court 1905
of appeals; 1906

(f) A notice that the issuance of an extreme risk 1907
protection order under division (B) of this section shall make 1908
it unlawful for the respondent to possess, purchase, acquire, or 1909
obtain a deadly weapon or firearm, including ammunition, while 1910
the extreme risk protection order is in effect. 1911

(4) If the court issues an extreme risk protection order 1912
under division (B) of this section, the court shall immediately 1913
direct a law enforcement officer to serve the order on the 1914
respondent as soon as possible, either at the residence address 1915
of the respondent as set forth in the petition or at any other 1916
location that either the petitioner or the law enforcement 1917
officer has reason to believe the respondent can be found and 1918
served. After the law enforcement officer serves the order on 1919
the respondent, the officer shall file with the court notice of 1920
service on the respondent. The notice of service shall state the 1921
date and time the respondent was served and the location at 1922
which the respondent was served. 1923

(5) An extreme risk protection order issued under division 1924
(B) of this section shall order the respondent, within twenty- 1925
four hours of being served with a copy of the order, to transfer 1926
all deadly weapons and all firearms in the respondent's 1927
possession, custody, or control, in accordance with division (A) 1928
of section 3113.28 of the Revised Code. The order also shall 1929
inform the respondent that, if the respondent does not transfer 1930
the deadly weapons and firearms in accordance with that 1931
provision, the court will issue a warrant as described in this 1932
division for seizure of the deadly weapons and firearms. 1933

If the respondent does not transfer all deadly weapons and 1934
all firearms under the respondent's possession, custody, or 1935
control within twenty-four hours in accordance with division (A) 1936
of section 3113.28 of the Revised Code, the court shall issue a 1937
warrant under division (B) of that section commanding a law 1938
enforcement officer in the county in which the respondent 1939
resides to enter the respondent's residence or any other 1940
property owned, leased, or controlled by the respondent to 1941
search for and seize all deadly weapons and firearms in the 1942
respondent's possession, custody, or control. 1943

(C) (1) If a petitioner who files a petition for an extreme 1944
risk protection order under division (A) (1) of this section has 1945
a good faith belief that the respondent presents a significant 1946
and imminent risk of committing suicide, committing another form 1947
of serious self-harm less than death, or causing physical injury 1948
to another person, the petitioner may seek an ex parte extreme 1949
risk protection order. If the petitioner chooses to seek an ex 1950
parte extreme risk protection order, the petition shall state 1951
that the relief sought is an ex parte order. A petition for an 1952
ex parte extreme risk protection order and the accompanying 1953
affidavit shall do all of the following: 1954

(a) Comply with the requirements set forth in divisions 1955
(A) (2) and (3) of this section; 1956

(b) Allege and contain evidence of specific statements or 1957
actions by the respondent, or any other information about the 1958
respondent, that created in the petitioner a reasonable belief 1959
that the respondent may act imminently. 1960

(2) If a petitioner who files a petition under division 1961
(A) (1) of this section requests an ex parte extreme risk 1962
protection order, the court shall hold an ex parte hearing on 1963
the same day the petition is filed or on the next calendar day 1964
immediately following the filing of the petition. The ex parte 1965
hearing shall be conducted in accordance with the Rules of Civil 1966
Procedure and the Rules of Evidence. The court shall either 1967
grant or deny the request for an ex parte extreme risk 1968
protection order the same day that the ex parte hearing is held. 1969

(3) At an ex parte hearing for an extreme risk protection 1970
order conducted under division (C) (2) of this section, the 1971
petitioner must prove, by clear and convincing evidence, that 1972
the respondent presents a significant and imminent risk of 1973
committing suicide, committing another form of serious self-harm 1974
less than death, or causing physical injury to another person to 1975
such an extent that the respondent should be immediately and 1976
temporarily enjoined from having in the respondent's possession, 1977
custody, or control any deadly weapon or any firearm. If the 1978
court finds that the petitioner has so proved, the court may 1979
issue an ex parte extreme risk protection order. Absent such a 1980
finding, the court shall not issue an ex parte extreme risk 1981
protection order. 1982

If the court issues an ex parte extreme risk protection 1983
order, or if the petitioner requests an ex parte order but the 1984

court does not issue the ex parte order, the court shall 1985
schedule a full hearing as provided in division (A) (6) of this 1986
section, to be held not later than seventy-two hours after the 1987
ex parte order is issued or the date on which the hearing is 1988
held and the ex parte order is not issued, whichever is 1989
applicable. The full hearing may be continued for any of the 1990
reasons set forth in divisions (A) (6) (a) to (d) of this section 1991
and, if the hearing is continued, the court shall notify the 1992
petitioner and respondent of the date, time, and location of the 1993
new hearing. 1994

(4) In determining whether to issue an ex parte extreme 1995
risk protection order under this section, the court shall 1996
consider all of the factors listed in division (D) of this 1997
section. 1998

(5) If the court at a hearing conducted under division (C) 1999
(2) of this section finds, by clear and convincing evidence, 2000
that an ex parte extreme risk protection order should be issued 2001
and issues the order, the order shall include all of the 2002
following: 2003

(a) A statement of the evidence presented and the court's 2004
findings supporting issuance of the order; 2005

(b) The date and time the order was issued; 2006

(c) The duration of the ex parte order, which shall be not 2007
longer than seventy-two hours from the date on which, and time 2008
at which, the order was issued or until the date and time the 2009
full hearing scheduled under division (C) (3) of this section is 2010
held, whichever period is longer; 2011

(d) Notice of the date, time, and location of the full 2012
hearing scheduled under division (C) (3) of this section and of 2013

the respondent's opportunity to be heard to contest the issuance 2014
of the extreme risk protection order; 2015

(e) Notice that the issuance of an ex parte extreme risk 2016
protection order under division (C) of this section shall make 2017
it unlawful for the respondent to possess, purchase, acquire, or 2018
obtain a deadly weapon or firearm, including ammunition, while 2019
the ex parte extreme risk protection order is in effect. 2020

(6) If the court issues an ex parte extreme risk 2021
protection order under division (C) of this section, the court 2022
shall do all of the following: 2023

(a) Immediately direct a law enforcement officer to serve 2024
the order, a copy of the petition, and the notice of the full 2025
hearing provided in division (A) (6) of this section on the 2026
respondent as soon as possible, either at the residence address 2027
of the respondent as set forth in the petition or at any other 2028
location either the petitioner or the law enforcement officer 2029
has reason to believe the respondent can be found and served. 2030
After the law enforcement officer serves the order, petition, 2031
and notice of the full hearing on the respondent, the officer 2032
shall file with the court notice of service on the respondent. 2033
The notice of service shall state the date and time the 2034
respondent was served and the location at which the respondent 2035
was served. 2036

(b) Issue a warrant under division (B) of section 3113.28 2037
of the Revised Code commanding a law enforcement officer in the 2038
county in which the respondent resides to enter the respondent's 2039
residence or any other property owned, leased, or controlled by 2040
the respondent to search for and seize all deadly weapons and 2041
firearms in the respondent's possession, custody, or control. 2042

- (D) In determining whether to issue an extreme risk protection order, whether following an ex parte hearing or a full hearing, the court shall consider all of the following: 2043
- (1) Recent threats or acts of violence by the respondent directed toward the petitioner; 2044
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- (2) Recent threats or acts of violence by the respondent directed toward any other person; 2046
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- (3) Recent acts of the respondent's cruelty to animals; 2048
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- (4) The respondent's reckless use, display, or brandishing of a deadly weapon or a firearm; 2050
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- (5) A history of suicide threats or attempts by the respondent or other attempts by the respondent to engage in any form of self-harm; 2053
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- (6) A history of the use, attempted use, or threatened use of physical force or violence by the respondent against another person; 2056
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- (7) The respondent's illegal use of controlled substances or abuse of alcohol; 2059
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- (8) A prior involuntary confinement of the respondent under section 5122.10 of the Revised Code as a person who is mentally ill subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination; 2061
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- (9) Any other factors that are relevant to an evaluation of whether the respondent presents a significant risk, whether imminently or in the near future, of committing suicide, committing another form of self-harm less than death, or causing physical injury to another person. 2066
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(E) Any evidence presented in a petition for an extreme risk protection order under division (A) (1) of this section or in any hearing on such a petition that the respondent has been diagnosed with any mental illness or any other mental health condition is not sufficient by itself for the court to issue an extreme risk protection order, whether ex parte or after a full hearing. For the extreme risk protection order to be issued, the court must find that one or more of the factors listed in division (D) of this section applies, in addition to any mental illness or any other mental health condition from which the respondent may suffer. 2071
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(F) (1) A copy of an extreme risk protection order or ex parte extreme risk protection order issued pursuant to division (B) or (C) of this section shall be issued to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. 2082
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(2) Any order issued under division (B) or (C) of this section shall be in a form that ensures the order is accepted into the protection order database of the National Crime Information Center (NCIC) maintained by the Federal Bureau of Investigation. 2087
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(3) Law enforcement agencies provided a copy of an order pursuant to division (F) (1) of this section shall ensure the order is entered into the law enforcement automated data system created by section 5503.10 of the Revised Code and known as LEADS within twenty-four hours of receipt. 2092
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Sec. 3113.28. (A) Any person who is a respondent subject to an extreme risk protection order issued under section 3113.27 of the Revised Code after a full hearing and who has been served with the order may voluntarily transfer all deadly weapons and 2097
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firearms in the respondent's possession, custody, or control as 2101
described in this division. To voluntarily transfer the deadly 2102
weapons or firearms, the respondent shall comply with the 2103
following: 2104

(1) Within twenty-four hours after being served with the 2105
extreme risk protection order, the respondent shall transfer all 2106
deadly weapons and firearms in the respondent's possession, 2107
custody, or control to a law enforcement agency. The respondent 2108
shall provide a copy of the order to the law enforcement agency 2109
at the time of transfer. The law enforcement agency shall issue 2110
a proof of transfer to the respondent. The proof of transfer 2111
shall include the name of the respondent, the date of transfer, 2112
and the serial number, make, and model or any other relevant 2113
description of each transferred deadly weapon and firearm. 2114

(2) Within forty-eight hours after being served with the 2115
extreme risk protection order, the respondent shall do one of 2116
the following: 2117

(a) File a copy of the proof of transfer with the court 2118
that issued the order and an affidavit stating that all deadly 2119
weapons and firearms in the respondent's possession, custody, or 2120
control at the time the respondent was served with the order 2121
have been transferred in accordance with this division and that 2122
the respondent currently has no deadly weapons or firearms in 2123
the respondent's possession, custody, or control; 2124

(b) File an affidavit with the court that issued the order 2125
stating that at the time the respondent was served with the 2126
order, the respondent had no deadly weapons or firearms in the 2127
respondent's possession, custody, or control, and that the 2128
respondent currently has no deadly weapons or firearms in the 2129
respondent's possession, custody, or control. 2130

(B) If a respondent who is subject to an extreme risk protection order issued under section 3113.27 of the Revised Code following a full hearing does not voluntarily transfer all deadly weapons and firearms in compliance with division (A) of this section, or if a respondent is subject to an ex parte extreme risk protection order issued under section 3113.27 of the Revised Code, the court that issued the order shall issue a warrant to a law enforcement officer commanding the officer to search for and seize all deadly weapons and firearms in the possession or control of the respondent. The law enforcement officer who served the warrant, not later than forty-eight hours after the warrant was served, shall file a return with the court that states that the warrant was served and that sets forth the time and date on which the warrant was served, the name and address of the respondent named in the warrant, and the serial number, make, and model or any other relevant description of each deadly weapon and firearm seized by the law enforcement officer. 2131
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(C) If a court issued an ex parte extreme risk protection order under section 3113.27 of the Revised Code and the respondent's deadly weapons or firearms were seized pursuant to division (B) of this section and if, at the full hearing held under division (A) (6) of section 3113.27 of the Revised Code subsequent to the issuance of the ex parte order, the court denies the petitioner's request to issue an extreme risk protection order under division (B) of that section, the law enforcement agency having possession of the respondent's deadly weapons or firearms under the ex parte order promptly shall return them to the respondent upon the respondent's request. 2149
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(D) Any law enforcement agency that has taken possession of a respondent's deadly weapons or firearms pursuant to an 2160
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extreme risk protection order or ex parte extreme risk 2162
protection order issued under section 3113.27 of the Revised 2163
Code, whether by a voluntary transfer by the respondent pursuant 2164
to division (A) of this section or by a seizure by a law 2165
enforcement officer pursuant to division (B) of this section, 2166
may transfer the respondent's deadly weapons or firearms for 2167
storage by the state highway patrol for the duration of the 2168
order. The state highway patrol shall issue the law enforcement 2169
agency that originally took possession of the respondent's 2170
deadly weapons or firearms a proof of transfer that includes the 2171
name and address of the respondent from whom the deadly weapons 2172
or firearms were received and the serial number, make, and model 2173
or any other relevant description of each transferred deadly 2174
weapon and firearm. The state highway patrol shall notify the 2175
court, the petitioner, and the respondent that the state highway 2176
patrol then is in possession of the respondent's deadly weapons 2177
or firearms. 2178

Sec. 3113.29. (A) An extreme risk protection order issued 2179
by a court after a full hearing pursuant to division (A) (6) of 2180
section 3113.27 of the Revised Code shall be for a period of not 2181
longer than one hundred eighty days beginning after a copy of 2182
the proof of a voluntary transfer or an affidavit is filed with 2183
a court under division (A) (2) of section 3113.28 of the Revised 2184
Code or a return is filed with a court under division (B) of 2185
that section. 2186

(B) (1) With respect to an extreme risk protection order 2187
issued by a court after a full hearing pursuant to division (A) 2188
(6) of section 3113.27 of the Revised Code, beginning ninety 2189
days after a copy of the proof of a voluntary transfer or an 2190
affidavit is filed with a court under division (A) (2) of section 2191
3113.28 or a return is filed with a court under division (B) of 2192

that section, the respondent may file a petition with the court 2193
that issued the order requesting a hearing to reclaim possession 2194
of the respondent's deadly weapons or firearms. 2195

(2) Upon receipt of a petition described in division (B) 2196
(1) of this section, the court shall schedule a hearing on the 2197
petition and notify the petitioner and the respondent of the 2198
date, time, and location of the hearing. 2199

(3) In a hearing on a petition described in division (B) 2200
(1) of this section, the respondent has the burden of proving by 2201
a preponderance of the evidence that the respondent no longer 2202
presents a significant risk, whether imminent or in the near 2203
future, of committing suicide, committing another form of 2204
serious self-harm less than death, or causing physical injury to 2205
another person to such an extent that the respondent should be 2206
enjoined from having in the respondent's possession, custody, or 2207
control any deadly weapon or any firearm. At any such hearing, 2208
the petitioner may present evidence to rebut the respondent's 2209
evidence or assertion that the respondent presently does not 2210
present such a risk. 2211

(4) Upon the completion of the hearing on a respondent's 2212
petition under division (B)(1) of this section and consideration 2213
of the record, the court shall do one of the following: 2214

(a) If the court finds that the respondent no longer 2215
presents a significant risk, whether imminent or in the near 2216
future, of committing suicide, committing another form of 2217
serious self-harm less than death, or causing physical injury to 2218
another person to such an extent that the respondent should be 2219
enjoined from having in the respondent's possession, custody, or 2220
control any deadly weapon or any firearm, the court shall grant 2221
the respondent's petition, terminate the extreme risk protection 2222

order, and order the law enforcement agency having custody of 2223
the deadly weapons or firearms to promptly return them to the 2224
respondent upon the respondent's request. Upon receipt of the 2225
order, the law enforcement agency promptly shall return the 2226
deadly weapons or firearms to the respondent upon the 2227
respondent's request. 2228

(b) If the court finds that the respondent continues to 2229
present a significant risk, whether imminent or in the near 2230
future, of committing suicide, committing another form of 2231
serious self-harm less than death, or causing physical injury to 2232
another person to such an extent that the respondent should be 2233
enjoined from having in the respondent's possession, custody, or 2234
control any deadly weapon or any firearm, the court shall deny 2235
the respondent's petition and the extreme risk protection order 2236
shall remain in effect for the remainder of the duration of the 2237
one-hundred-eighty-day period. In such a case, the respondent 2238
may not file a subsequent petition to reclaim the deadly weapons 2239
or firearms at any time during the remainder of the duration of 2240
the one-hundred-eighty-day period. 2241

(C) If an extreme risk protection order has been issued by 2242
a court after a full hearing pursuant to division (A) (6) of 2243
section 3113.27 of the Revised Code for a one-hundred-eighty-day 2244
period and if the court has not ordered that the respondent's 2245
deadly weapons or firearms be returned to the respondent after a 2246
hearing under division (B) of this section, unless the order is 2247
extended for an additional one-hundred-eighty-day period under 2248
division (D) of this section, at the conclusion of the one- 2249
hundred-eighty-day period the order terminates and the law 2250
enforcement agency having possession of the respondent's deadly 2251
weapons and firearms promptly shall return them to the 2252
respondent upon the respondent's request. 2253

(D) (1) If an extreme risk protection order has been issued 2254
by the court after a full hearing pursuant to division (A) (6) of 2255
section 3113.27 of the Revised Code for a one-hundred-eighty-day 2256
period and if the court has not ordered that the respondent's 2257
deadly weapons or firearms be returned to the respondent after a 2258
hearing under division (B) of this section, at any time prior to 2259
the day that is one hundred sixty-five days after the order was 2260
issued, the petitioner may file a motion with the court that 2261
issued the order to extend the order for an additional one- 2262
hundred-eighty-day period. Upon the filing of such a motion, the 2263
court shall schedule a hearing for a date and time that is prior 2264
to the expiration of the one-hundred-eighty-day period in the 2265
original extreme risk protection order. The court shall notify 2266
the petitioner and the respondent of the date, time, and 2267
location of the hearing. 2268

(2) At the hearing on a motion filed under division (D) (1) 2269
of this section, the petitioner must prove, by clear and 2270
convincing evidence, that the respondent continues to present a 2271
significant risk of committing suicide, committing another form 2272
of serious self-harm less than death, or causing physical injury 2273
to another person in the near future to such an extent that the 2274
respondent should remain temporarily enjoined from having in the 2275
respondent's possession, custody, or control any deadly weapon 2276
or any firearm. 2277

(3) In determining at a hearing on a motion filed under 2278
division (D) (1) of this section whether to extend an extreme 2279
risk protection order, the court shall consider all of the 2280
factors listed in division (D) of section 3113.27 of the Revised 2281
Code. 2282

(4) Upon the completion of a hearing on the petitioner's 2283

motion filed under division (D)(1) of this section and 2284
consideration of the record, the court shall do one of the 2285
following: 2286

(a) If the court finds that the petitioner has not proven 2287
by clear and convincing evidence that the respondent continues 2288
to present a significant risk, whether imminent or in the near 2289
future, of committing suicide, committing another form of 2290
serious self-harm less than death, or causing physical injury to 2291
another person to such an extent that the respondent should be 2292
enjoined from having possession, custody, or control of any 2293
deadly weapon or any firearm, the court shall deny the 2294
petitioner's motion. If the court denies the petitioner's 2295
motion, the initial extreme risk protection order shall expire 2296
at the end of the current one-hundred-eighty-day period and the 2297
law enforcement agency having custody of the deadly weapons or 2298
firearms promptly shall return them to the respondent upon the 2299
respondent's request after the expiration of the one-hundred- 2300
eighty-day period. 2301

(b) If the court finds that the petitioner has proven by 2302
clear and convincing evidence that the respondent continues to 2303
present a significant risk, whether imminent or in the near 2304
future, of committing suicide, committing another form of 2305
serious self-harm less than death, or causing physical injury to 2306
another person to such an extent that the respondent should be 2307
enjoined from having possession, custody, or control of any 2308
deadly weapon or any firearm, the court shall grant the 2309
petitioner's motion and the court shall extend the current 2310
extreme risk protection order for an additional one-hundred- 2311
eighty-day period immediately following the expiration of the 2312
current one-hundred-eighty-day period. 2313

(5) Whether the court grants or denies the petitioner's motion under division (D)(1) of this section to extend the extreme risk protection order, the court shall make a written statement of the evidence presented and the court's findings supporting the grant or denial of the motion and provide the same to the petitioner and the respondent. 2314
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(6) If the court grants the petitioner's motion under division (D)(1) of this section to extend the extreme risk protection order for an additional one hundred eighty days, the court shall do all of the following: 2320
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(a) Notify the law enforcement agency that then possesses the respondent's deadly weapons or firearms that the court has extended the order for an additional one hundred eighty days; 2324
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(b) Notify the respondent that the respondent may file a petition to reclaim the respondent's deadly weapons or firearms under the procedure set forth in division (B) of this section or that the respondent may appeal the one-hundred-eighty-day extension of the order to the court of appeals. 2327
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(E) A law enforcement agency having custody of any deadly weapons or firearms that were voluntarily transferred by, or that were seized from, a respondent who was subject to an extreme risk protection order or ex parte extreme risk protection order issued under section 3113.27 of the Revised Code shall safely keep the deadly weapons and firearms until further order of the court that issued the order. 2332
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(F)(1) A respondent who is subject to an extreme risk protection order or ex parte extreme risk protection order issued under section 3113.27 of the Revised Code and whose deadly weapons or firearms are in the possession of a law 2339
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enforcement agency may request the court to order the law 2343
enforcement agency to sell one or more of the weapons or 2344
firearms that lawfully may be sold, with the sale to be at 2345
auction under division (A) (2) of section 2981.12 of the Revised 2346
Code as if the weapons or firearms were unclaimed or forfeited 2347
firearms in the custody of the agency, and to return the 2348
proceeds to the individual. The request shall specify each 2349
weapon or firearm the respondent wishes to be sold. 2350

(2) If the respondent requests a sale of one or more 2351
deadly weapons or firearms under division (F) (1) of this 2352
section, the court shall order the law enforcement agency having 2353
custody of the specified weapons or firearms to sell the 2354
specified weapons or firearms at auction under division (A) (2) 2355
of section 2981.12 of the Revised Code as if the specified 2356
weapons or firearms were unclaimed or forfeited weapons or 2357
firearms in the custody of the agency, unless the serial numbers 2358
of the specified weapons or firearms have been obliterated. 2359

(3) If a court issues an order under division (F) (2) of 2360
this section, the court's order must require that all deadly 2361
weapons or firearms that are subject to the order be sold not 2362
more than three months after receipt of the order, and that the 2363
proceeds of the sale be distributed as follows: 2364

(a) The law enforcement agency may retain not more than 2365
three per cent of the sale price to pay the costs of the sale, 2366
including administrative costs and the auctioneer's fee and, if 2367
the agency retains any of the sale price under authority of this 2368
provision, the remainder of the proceeds of the sale shall be 2369
returned to the individual who owns the weapon or the firearm. 2370

(b) If the law enforcement agency does not retain any of 2371
the sale price under authority of division (F) (3) (a) of this 2372

section, the entire amount of the proceeds shall be returned to 2373
the respondent or individual who owns the weapon or firearm that 2374
is sold. 2375

Sec. 3113.30. (A) No person shall file a petition for an 2376
extreme risk protection order or an ex parte extreme risk 2377
protection order under section 3113.27 of the Revised Code 2378
alleging that respondent presents a significant risk, whether 2379
imminent or in the near future, of committing suicide, 2380
committing another form of serious self-harm less than death, or 2381
causing physical injury to another person to such an extent that 2382
the respondent should be temporarily enjoined from having in the 2383
respondent's possession, custody, or control any deadly weapon 2384
or any firearm if the person knows the allegation is false. 2385

(B) An individual injured in person or property by a 2386
violation of division (A) of this section has, and may recover 2387
full damages in, a civil action under section 2307.60 of the 2388
Revised Code. A civil action described in this division is in 2389
addition to, and does not preclude, any possible criminal 2390
prosecution of the person who violates division (A) of this 2391
section for the violation. 2392

Sec. 3113.31. (A) As used in this section: 2393

(1) "Domestic violence" means the occurrence of one or 2394
more of the following acts against a family or household member: 2395

(a) Attempting to cause or recklessly causing bodily 2396
injury; 2397

(b) Placing another person by the threat of force in fear 2398
of imminent serious physical harm or committing a violation of 2399
section 2903.211 or 2911.211 of the Revised Code; 2400

(c) Committing any act with respect to a child that would 2401

result in the child being an abused child, as defined in section 2402
2151.031 of the Revised Code; 2403

(d) Committing a sexually oriented offense. 2404

(2) "Court" means the domestic relations division of the 2405
court of common pleas in counties that have a domestic relations 2406
division and the court of common pleas in counties that do not 2407
have a domestic relations division, or the juvenile division of 2408
the court of common pleas of the county in which the person to 2409
be protected by a protection order issued or a consent agreement 2410
approved under this section resides if the respondent is less 2411
than eighteen years of age. 2412

(3) "Family or household member" means any of the 2413
following: 2414

(a) Any of the following who is residing with or has 2415
resided with the respondent: 2416

(i) A spouse, a person living as a spouse, or a former 2417
spouse of the respondent; 2418

(ii) A parent, a foster parent, or a child of the 2419
respondent, or another person related by consanguinity or 2420
affinity to the respondent; 2421

(iii) A parent or a child of a spouse, person living as a 2422
spouse, or former spouse of the respondent, or another person 2423
related by consanguinity or affinity to a spouse, person living 2424
as a spouse, or former spouse of the respondent. 2425

(b) The natural parent of any child of whom the respondent 2426
is the other natural parent or is the putative other natural 2427
parent. 2428

(4) "Person living as a spouse" means a person who is 2429

living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.

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

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

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

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

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

(C) A person may seek relief under this section on the person's own behalf, 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:

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

(2) The relationship of the respondent to the petitioner,

and to the victim if other than the petitioner; 2458

(3) A request for relief under this section. 2459

(D) (1) If a person who files a petition pursuant to this 2460
section requests an ex parte order, the court shall hold an ex 2461
parte hearing on the same day that the petition is filed. The 2462
court, for good cause shown at the ex parte hearing, may enter 2463
any temporary orders, with or without bond, including, but not 2464
limited to, an order described in division (E) (1) (a), (b), or 2465
(c) of this section, that the court finds necessary to protect 2466
the family or household member from domestic violence. Immediate 2467
and present danger of domestic violence to the family or 2468
household member constitutes good cause for purposes of this 2469
section. Immediate and present danger includes, but is not 2470
limited to, situations in which the respondent has threatened 2471
the family or household member with bodily harm, in which the 2472
respondent has threatened the family or household member with a 2473
sexually oriented offense, or in which the respondent previously 2474
has been convicted of, pleaded guilty to, or been adjudicated a 2475
delinquent child for an offense that constitutes domestic 2476
violence against the family or household member. 2477

(2) (a) If the court, after an ex parte hearing, issues an 2478
order described in division (E) (1) (b) or (c) of this section, 2479
the court shall schedule a full hearing for a date that is 2480
within seven court days after the ex parte hearing. If any other 2481
type of protection order that is authorized under division (E) 2482
of this section is issued by the court after an ex parte 2483
hearing, the court shall schedule a full hearing for a date that 2484
is within ten court days after the ex parte hearing. The court 2485
shall give the respondent notice of, and an opportunity to be 2486
heard at, the full hearing. The court shall hold the full 2487

hearing on the date scheduled under this division unless the 2488
court grants a continuance of the hearing in accordance with 2489
this division. Under any of the following circumstances or for 2490
any of the following reasons, the court may grant a continuance 2491
of the full hearing to a reasonable time determined by the 2492
court: 2493

(i) Prior to the date scheduled for the full hearing under 2494
this division, the respondent has not been served with the 2495
petition filed pursuant to this section and notice of the full 2496
hearing. 2497

(ii) The parties consent to the continuance. 2498

(iii) The continuance is needed to allow a party to obtain 2499
counsel. 2500

(iv) The continuance is needed for other good cause. 2501

(b) An ex parte order issued under this section does not 2502
expire because of a failure to serve notice of the full hearing 2503
upon the respondent before the date set for the full hearing 2504
under division (D) (2) (a) of this section or because the court 2505
grants a continuance under that division. 2506

(3) If a person who files a petition pursuant to this 2507
section does not request an ex parte order, or if a person 2508
requests an ex parte order but the court does not issue an ex 2509
parte order after an ex parte hearing, the court shall proceed 2510
as in a normal civil action and grant a full hearing on the 2511
matter. 2512

(E) (1) After an ex parte or full hearing, the court may 2513
grant any protection order, with or without bond, or approve any 2514
consent agreement to bring about a cessation of domestic 2515
violence against the family or household members. The order or 2516

agreement may: 2517

(a) Direct the respondent to refrain from abusing or from 2518
committing sexually oriented offenses against the family or 2519
household members; 2520

(b) Grant possession of the residence or household to the 2521
petitioner or other family or household member, to the exclusion 2522
of the respondent, by evicting the respondent, when the 2523
residence or household is owned or leased solely by the 2524
petitioner or other family or household member, or by ordering 2525
the respondent to vacate the premises, when the residence or 2526
household is jointly owned or leased by the respondent, and the 2527
petitioner or other family or household member; 2528

(c) When the respondent has a duty to support the 2529
petitioner or other family or household member living in the 2530
residence or household and the respondent is the sole owner or 2531
lessee of the residence or household, grant possession of the 2532
residence or household to the petitioner or other family or 2533
household member, to the exclusion of the respondent, by 2534
ordering the respondent to vacate the premises, or, in the case 2535
of a consent agreement, allow the respondent to provide 2536
suitable, alternative housing; 2537

(d) Temporarily allocate parental rights and 2538
responsibilities for the care of, or establish temporary 2539
parenting time rights with regard to, minor children, if no 2540
other court has determined, or is determining, the allocation of 2541
parental rights and responsibilities for the minor children or 2542
parenting time rights; 2543

(e) Require the respondent to maintain support, if the 2544
respondent customarily provides for or contributes to the 2545

support of the family or household member, or if the respondent 2546
has a duty to support the petitioner or family or household 2547
member; 2548

(f) Require the respondent, petitioner, victim of domestic 2549
violence, or any combination of those persons, to seek 2550
counseling; 2551

(g) Require the respondent to refrain from entering the 2552
residence, school, business, or place of employment of the 2553
petitioner or family or household member; 2554

(h) Grant other relief that the court considers equitable 2555
and fair, including, but not limited to, ordering the respondent 2556
to permit the use of a motor vehicle by the petitioner or other 2557
family or household member and the apportionment of household 2558
and family personal property; 2559

(i) Require that the respondent not remove, damage, hide, 2560
harm, or dispose of any companion animal owned or possessed by 2561
the petitioner; 2562

(j) Authorize the petitioner to remove a companion animal 2563
owned by the petitioner from the possession of the respondent; 2564

(k) Require a wireless service transfer in accordance with 2565
sections 3113.45 to 3113.459 of the Revised Code. 2566

(2) If a protection order has been issued pursuant to this 2567
section in a prior action involving the respondent and the 2568
petitioner or one or more of the family or household members or 2569
victims, the court may include in a protection order that it 2570
issues a prohibition against the respondent returning to the 2571
residence or household. If it includes a prohibition against the 2572
respondent returning to the residence or household in the order, 2573
it also shall include in the order provisions of the type 2574

described in division (E) (7) of this section. This division does 2575
not preclude the court from including in a protection order or 2576
consent agreement, in circumstances other than those described 2577
in this division, a requirement that the respondent be evicted 2578
from or vacate the residence or household or refrain from 2579
entering the residence, school, business, or place of employment 2580
of the petitioner or a family or household member, and, if the 2581
court includes any requirement of that type in an order or 2582
agreement, the court also shall include in the order provisions 2583
of the type described in division (E) (7) of this section. 2584

(3) (a) Any protection order issued or consent agreement 2585
approved under this section shall be valid until a date certain, 2586
but not later than five years from the date of its issuance or 2587
approval, or not later than the date a respondent who is less 2588
than eighteen years of age attains nineteen years of age, unless 2589
modified or terminated as provided in division (E) (8) of this 2590
section. 2591

(b) Subject to the limitation on the duration of an order 2592
or agreement set forth in division (E) (3) (a) of this section, 2593
any order under division (E) (1) (d) of this section shall 2594
terminate on the date that a court in an action for divorce, 2595
dissolution of marriage, or legal separation brought by the 2596
petitioner or respondent issues an order allocating parental 2597
rights and responsibilities for the care of children or on the 2598
date that a juvenile court in an action brought by the 2599
petitioner or respondent issues an order awarding legal custody 2600
of minor children. Subject to the limitation on the duration of 2601
an order or agreement set forth in division (E) (3) (a) of this 2602
section, any order under division (E) (1) (e) of this section 2603
shall terminate on the date that a court in an action for 2604
divorce, dissolution of marriage, or legal separation brought by 2605

the petitioner or respondent issues a support order or on the 2606
date that a juvenile court in an action brought by the 2607
petitioner or respondent issues a support order. 2608

(c) Any protection order issued or consent agreement 2609
approved pursuant to this section may be renewed in the same 2610
manner as the original order or agreement was issued or 2611
approved. 2612

(4) A court may not issue a protection order that requires 2613
a petitioner to do or to refrain from doing an act that the 2614
court may require a respondent to do or to refrain from doing 2615
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 2616
this section unless all of the following apply: 2617

(a) The respondent files a separate petition for a 2618
protection order in accordance with this section. 2619

(b) The petitioner is served notice of the respondent's 2620
petition at least forty-eight hours before the court holds a 2621
hearing with respect to the respondent's petition, or the 2622
petitioner waives the right to receive this notice. 2623

(c) If the petitioner has requested an ex parte order 2624
pursuant to division (D) of this section, the court does not 2625
delay any hearing required by that division beyond the time 2626
specified in that division in order to consolidate the hearing 2627
with a hearing on the petition filed by the respondent. 2628

(d) After a full hearing at which the respondent presents 2629
evidence in support of the request for a protection order and 2630
the petitioner is afforded an opportunity to defend against that 2631
evidence, the court determines that the petitioner has committed 2632
an act of domestic violence or has violated a temporary 2633
protection order issued pursuant to section 2919.26 of the 2634

Revised Code, that both the petitioner and the respondent acted 2635
primarily as aggressors, and that neither the petitioner nor the 2636
respondent acted primarily in self-defense. 2637

(5) No protection order issued or consent agreement 2638
approved under this section shall in any manner affect title to 2639
any real property. 2640

(6) (a) If a petitioner, or the child of a petitioner, who 2641
obtains a protection order or consent agreement pursuant to 2642
division (E) (1) of this section or a temporary protection order 2643
pursuant to section 2919.26 of the Revised Code and is the 2644
subject of a parenting time order issued pursuant to section 2645
3109.051 or 3109.12 of the Revised Code or a visitation or 2646
companionship order issued pursuant to section 3109.051, 2647
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 2648
this section granting parenting time rights to the respondent, 2649
the court may require the public children services agency of the 2650
county in which the court is located to provide supervision of 2651
the respondent's exercise of parenting time or visitation or 2652
companionship rights with respect to the child for a period not 2653
to exceed nine months, if the court makes the following findings 2654
of fact: 2655

(i) The child is in danger from the respondent; 2656

(ii) No other person or agency is available to provide the 2657
supervision. 2658

(b) A court that requires an agency to provide supervision 2659
pursuant to division (E) (6) (a) of this section shall order the 2660
respondent to reimburse the agency for the cost of providing the 2661
supervision, if it determines that the respondent has sufficient 2662
income or resources to pay that cost. 2663

(7) (a) If a protection order issued or consent agreement 2664
approved under this section includes a requirement that the 2665
respondent be evicted from or vacate the residence or household 2666
or refrain from entering the residence, school, business, or 2667
place of employment of the petitioner or a family or household 2668
member, the order or agreement shall state clearly that the 2669
order or agreement cannot be waived or nullified by an 2670
invitation to the respondent from the petitioner or other family 2671
or household member to enter the residence, school, business, or 2672
place of employment or by the respondent's entry into one of 2673
those places otherwise upon the consent of the petitioner or 2674
other family or household member. 2675

(b) Division (E) (7) (a) of this section does not limit any 2676
discretion of a court to determine that a respondent charged 2677
with a violation of section 2919.27 of the Revised Code, with a 2678
violation of a municipal ordinance substantially equivalent to 2679
that section, or with contempt of court, which charge is based 2680
on an alleged violation of a protection order issued or consent 2681
agreement approved under this section, did not commit the 2682
violation or was not in contempt of court. 2683

(8) (a) The court may modify or terminate as provided in 2684
division (E) (8) of this section a protection order or consent 2685
agreement that was issued after a full hearing under this 2686
section. The court that issued the protection order or approved 2687
the consent agreement shall hear a motion for modification or 2688
termination of the protection order or consent agreement 2689
pursuant to division (E) (8) of this section. 2690

(b) Either the petitioner or the respondent of the 2691
original protection order or consent agreement may bring a 2692
motion for modification or termination of a protection order or 2693

consent agreement that was issued or approved after a full 2694
hearing. The court shall require notice of the motion to be made 2695
as provided by the Rules of Civil Procedure. If the petitioner 2696
for the original protection order or consent agreement has 2697
requested that the petitioner's address be kept confidential, 2698
the court shall not disclose the address to the respondent of 2699
the original protection order or consent agreement or any other 2700
person, except as otherwise required by law. The moving party 2701
has the burden of proof to show, by a preponderance of the 2702
evidence, that modification or termination of the protection 2703
order or consent agreement is appropriate because either the 2704
protection order or consent agreement is no longer needed or 2705
because the terms of the original protection order or consent 2706
agreement are no longer appropriate. 2707

(c) In considering whether to modify or terminate a 2708
protection order or consent agreement issued or approved under 2709
this section, the court shall consider all relevant factors, 2710
including, but not limited to, the following: 2711

(i) Whether the petitioner consents to modification or 2712
termination of the protection order or consent agreement; 2713

(ii) Whether the petitioner fears the respondent; 2714

(iii) The current nature of the relationship between the 2715
petitioner and the respondent; 2716

(iv) The circumstances of the petitioner and respondent, 2717
including the relative proximity of the petitioner's and 2718
respondent's workplaces and residences and whether the 2719
petitioner and respondent have minor children together; 2720

(v) Whether the respondent has complied with the terms and 2721
conditions of the original protection order or consent 2722

agreement;	2723
(vi) Whether the respondent has a continuing involvement	2724
with illegal drugs or alcohol;	2725
(vii) Whether the respondent has been convicted of,	2726
pleaded guilty to, or been adjudicated a delinquent child for an	2727
offense of violence since the issuance of the protection order	2728
or approval of the consent agreement;	2729
(viii) Whether any other protection orders, consent	2730
agreements, restraining orders, or no contact orders have been	2731
issued against the respondent pursuant to this section, section	2732
2919.26 of the Revised Code, any other provision of state law,	2733
or the law of any other state;	2734
(ix) Whether the respondent has participated in any	2735
domestic violence treatment, intervention program, or other	2736
counseling addressing domestic violence and whether the	2737
respondent has completed the treatment, program, or counseling;	2738
(x) The time that has elapsed since the protection order	2739
was issued or since the consent agreement was approved;	2740
(xi) The age and health of the respondent;	2741
(xii) When the last incident of abuse, threat of harm, or	2742
commission of a sexually oriented offense occurred or other	2743
relevant information concerning the safety and protection of the	2744
petitioner or other protected parties.	2745
(d) If a protection order or consent agreement is modified	2746
or terminated as provided in division (E) (8) of this section,	2747
the court shall issue copies of the modified or terminated order	2748
or agreement as provided in division (F) of this section. A	2749
petitioner may also provide notice of the modification or	2750

termination to the judicial and law enforcement officials in any 2751
county other than the county in which the order or agreement is 2752
modified or terminated as provided in division (N) of this 2753
section. 2754

(e) If the respondent moves for modification or 2755
termination of a protection order or consent agreement pursuant 2756
to this section and the court denies the motion, the court may 2757
assess costs against the respondent for the filing of the 2758
motion. 2759

(9) Any protection order issued or any consent agreement 2760
approved pursuant to this section shall include a provision that 2761
the court will automatically seal all of the records of the 2762
proceeding in which the order is issued or agreement approved on 2763
the date the respondent attains the age of nineteen years unless 2764
the petitioner provides the court with evidence that the 2765
respondent has not complied with all of the terms of the 2766
protection order or consent agreement. The protection order or 2767
consent agreement shall specify the date when the respondent 2768
attains the age of nineteen years. 2769

(F) (1) A copy of any protection order, or consent 2770
agreement, that is issued, approved, modified, or terminated 2771
under this section shall be issued by the court to the 2772
petitioner, to the respondent, and to all law enforcement 2773
agencies that have jurisdiction to enforce the order or 2774
agreement. The protection order or consent agreement shall be in 2775
a form that ensures that the protection order or consent 2776
agreement is accepted into the protection order database of the 2777
national crime information center (NCIC) maintained by the 2778
federal bureau of investigation. The court shall direct that a 2779
copy of an order be delivered to the respondent on the same day 2780

that the order is entered. 2781

(2) Upon the issuance of a protection order or the 2782
approval of a consent agreement under this section, the court 2783
shall provide the parties to the order or agreement with the 2784
following notice orally or by form: 2785

"NOTICE 2786

As a result of this order or consent agreement, it may be 2787
unlawful for you to possess or purchase a firearm, including a 2788
rifle, pistol, or revolver, or ammunition pursuant to federal 2789
law under 18 U.S.C. 922(g)(8). If you have any questions whether 2790
this law makes it illegal for you to possess or purchase a 2791
firearm or ammunition, you should consult an attorney." 2792

(3) All law enforcement agencies shall establish and 2793
maintain an index for the protection orders and the approved 2794
consent agreements delivered to the agencies pursuant to 2795
division (F)(1) of this section. With respect to each order and 2796
consent agreement delivered, each agency shall note on the index 2797
the date and time that it received the order or consent 2798
agreement. Each protection order and consent agreement received 2799
by a law enforcement agency pursuant to this section shall be 2800
entered into the law enforcement automated data system created 2801
by section 5503.10 of the Revised Code, and known as LEADS, 2802
within twenty-four hours after receipt. 2803

(4) Regardless of whether the petitioner has registered 2804
the order or agreement in the county in which the officer's 2805
agency has jurisdiction pursuant to division (N) of this 2806
section, any officer of a law enforcement agency shall enforce a 2807
protection order issued or consent agreement approved by any 2808
court in this state in accordance with the provisions of the 2809

order or agreement, including removing the respondent from the 2810
premises, if appropriate. 2811

(G) (1) Any proceeding under this section shall be 2812
conducted in accordance with the Rules of Civil Procedure, 2813
except that an order under this section may be obtained with or 2814
without bond. An order issued under this section, other than an 2815
ex parte order, that grants a protection order or approves a 2816
consent agreement, that refuses to grant a protection order or 2817
approve a consent agreement that modifies or terminates a 2818
protection order or consent agreement, or that refuses to modify 2819
or terminate a protection order or consent agreement, is a 2820
final, appealable order. The remedies and procedures provided in 2821
this section are in addition to, and not in lieu of, any other 2822
available civil or criminal remedies. 2823

(2) If as provided in division (G) (1) of this section an 2824
order issued under this section, other than an ex parte order, 2825
refuses to grant a protection order, the court, on its own 2826
motion, shall order that the ex parte order issued under this 2827
section and all of the records pertaining to that ex parte order 2828
be expunged after either of the following occurs: 2829

(a) The period of the notice of appeal from the order that 2830
refuses to grant a protection order has expired. 2831

(b) The order that refuses to grant the protection order 2832
is appealed and an appellate court to which the last appeal of 2833
that order is taken affirms the order. 2834

(H) The filing of proceedings under this section does not 2835
excuse a person from filing any report or giving any notice 2836
required by section 2151.421 of the Revised Code or by any other 2837
law. When a petition under this section alleges domestic 2838

violence against minor children, the court shall report the 2839
fact, or cause reports to be made, to a county, township, or 2840
municipal peace officer under section 2151.421 of the Revised 2841
Code. 2842

(I) Any law enforcement agency that investigates a 2843
domestic dispute shall provide information to the family or 2844
household members involved regarding the relief available under 2845
this section and section 2919.26 of the Revised Code. 2846

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2847
section and regardless of whether a protection order is issued 2848
or a consent agreement is approved by a court of another county 2849
or a court of another state, no court or unit of state or local 2850
government shall charge the petitioner any fee, cost, deposit, 2851
or money in connection with the filing of a petition pursuant to 2852
this section or in connection with the filing, issuance, 2853
registration, modification, enforcement, dismissal, withdrawal, 2854
or service of a protection order, consent agreement, or witness 2855
subpoena or for obtaining a certified copy of a protection order 2856
or consent agreement. 2857

(2) Regardless of whether a protection order is issued or 2858
a consent agreement is approved pursuant to this section, the 2859
court may assess costs against the respondent in connection with 2860
the filing, issuance, registration, modification, enforcement, 2861
dismissal, withdrawal, or service of a protection order, consent 2862
agreement, or witness subpoena or for obtaining a certified copy 2863
of a protection order or consent agreement. 2864

(K) (1) The court shall comply with Chapters 3119., 3121., 2865
3123., and 3125. of the Revised Code when it makes or modifies 2866
an order for child support under this section. 2867

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

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

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

(b) Punishment for contempt of court.

(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 2927
pleas, municipal court, or county court shall place an 2928
endorsement of registration on the order or agreement and give 2929
the petitioner a copy of the order or agreement that bears that 2930
proof of registration. 2931

(3) The clerk of each court of common pleas, the clerk of 2932
each municipal court, and the clerk of each county court shall 2933
maintain a registry of certified copies of temporary protection 2934
orders, protection orders, or consent agreements that have been 2935
issued or approved by courts in other counties and that have 2936
been registered with the clerk. 2937

(0) Nothing in this section prohibits the domestic 2938
relations division of a court of common pleas in counties that 2939
have a domestic relations division or a court of common pleas in 2940
counties that do not have a domestic relations division from 2941
designating a minor child as a protected party on a protection 2942
order or consent agreement. 2943

Sec. 3113.99. (A) For purposes of this section: 2944

(1) "Child support order" means an order for support 2945
issued or modified under Chapter 3115. or section 2151.23, 2946
2151.231, 2151.232, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 2947
3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised 2948
Code. 2949

(2) "Obligor" means a person who is required to pay 2950
support under a child support order. 2951

(B) (1) Whoever violates section 3113.06 of the Revised 2952
Code is guilty of a misdemeanor of the first degree. If the 2953
offender previously has been convicted of or pleaded guilty to a 2954
violation of section 3113.06 of the Revised Code or if the court 2955

finds that the offender has failed to pay the cost of child 2956
maintenance under section 3113.06 of the Revised Code for a 2957
total accumulated period of twenty-six weeks out of one hundred 2958
four consecutive weeks, whether or not the twenty-six weeks were 2959
consecutive, a violation of section 3113.06 of the Revised Code 2960
is a felony of the fifth degree. 2961

(2) Whoever violates division (A) of section 3113.30 of 2962
the Revised Code is guilty of a misdemeanor of the first degree. 2963

(C) An obligor who violates division (D) (1) (c) of section 2964
3113.21 of the Revised Code shall be fined not more than fifty 2965
dollars for a first offense, not more than one hundred dollars 2966
for a second offense, and not more than five hundred dollars for 2967
each subsequent offense. 2968

(D) An obligor who violates division (G) (2) of section 2969
3113.21 of the Revised Code shall be fined not more than fifty 2970
dollars for a first offense, not more than one hundred dollars 2971
for a second offense, and not more than five hundred dollars for 2972
each subsequent offense. 2973

(E) A fine amount imposed pursuant to division (C) or (D) 2974
of this section shall be paid to the division of child support 2975
in the department of human services or, pursuant to division (H) 2976
(4) of section 2301.35 of the Revised Code, the child support 2977
enforcement agency. The amount of the fine that does not exceed 2978
the amount of arrearage under the child support order shall be 2979
disbursed in accordance with the child support order. The amount 2980
of the fine that exceeds the amount of the arrearage order shall 2981
be called program income and collected in accordance with 2982
section 5101.325 of the Revised Code. 2983

Section 2. That existing sections 2151.34, 2903.213, 2984

2903.214, 2919.26, 2923.11, 2923.13, 2923.18, 2923.20, 2923.23, 2985
3113.31, and 3113.99 and section 2923.14 of the Revised Code are 2986
hereby repealed. 2987

Section 3. Section 2923.13 of the Revised Code is 2988
presented in this act as a composite of the section as amended 2989
by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th 2990
General Assembly. The General Assembly, applying the principle 2991
stated in division (B) of section 1.52 of the Revised Code that 2992
amendments are to be harmonized if reasonably capable of 2993
simultaneous operation, finds that the composite is the 2994
resulting version of the section in effect prior to the 2995
effective date of the section as presented in this act. 2996