As Introduced

133rd General Assembly
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H. B. No. 3

Representatives Boyd, Carruthers

Cosponsors: Representatives Boggs, Brent, Crawley, Cross, Crossman, Galonski, Hicks-Hudson, Hoops, Howse, Ingram, Kent, Leland, Lepore-Hagan, Lightbody, Liston, Miranda, O'Brien, Patterson, Robinson, Sobecki, Sweeney, Sykes, Upchurch, Weinstein, West

A BILL

To amend sections 109.744, 109.803, 2903.01, 2919.22, 2929.022, 2929.04, 2935.032, 3113.31, 4510.13, and 4510.31; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 2935.033 (2935.034); and to enact new section 2935.033 and sections 2307.602, 2307.603, 2945.483, and 2945.484 of the Revised Code to add domestic violence circumstances to the offenses of aggravated murder and endangering children, to establish local domestic violence high risk teams, and to require law enforcement officers to utilize a qualified lethality assessment screening tool to refer high risk victims to a local team.

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

Section 1. That sections 109.744, 109.803, 2903.01, 2919.22, 2929.022, 2929.04, 2935.032, 3113.31, 4510.13, and 4510.31 be amended; section 2935.033 (2935.034) be amended for...
the purpose of adopting a new section number as indicated in
parentheses; and new section 2935.033 and sections 2307.602,
2307.603, 2945.483, and 2945.484 of the Revised Code be enacted
to read as follows:

Sec. 109.744. The attorney general shall adopt, in
accordance with Chapter 119. of the Revised Code or pursuant to
section 109.74 of the Revised Code, rules governing the training
of peace officers in the handling of the offense of domestic
violence, other types of domestic violence-related offenses and
incidents, and protection orders and consent agreements issued
or approved under section 2919.26 or 3113.31 of the Revised
Code. The provisions of the rules shall include, but shall not
be limited to, all of the following:

(A) A specified amount of training that is necessary for
the satisfactory completion of basic training programs at
approved peace officer training schools, other than the Ohio
peace officer training academy;

(B) A requirement that the training include, but not be
limited to, training in all of the following:

(1) All recent amendments to domestic violence-related
laws;

(2) Notifying a victim of domestic violence of the
victim's rights;

(3) Processing protection orders and consent agreements
issued or approved under section 2919.26 or 3113.31 of the
Revised Code;

(4) Using an evidence-based lethality assessment screening
tool to determine the level of risk to a victim of domestic
violence and to refer high risk victims to a domestic violence
high risk team created under section 2935.033 of the Revised Code.

(C) A list of validated and evidence-based lethality assessment screening tools that constitute qualified lethality assessment screening tools including all of the following:

(1) The domestic violence lethality screen for first responders developed by the Maryland network against domestic violence;

(2) The danger assessment for law enforcement tool developed by the Jeanne Geiger crisis center;

(3) Any other lethality assessment screening tool endorsed by the United States department of justice and found to meet criteria established by the attorney general.

Sec. 109.803. (A)(1) Subject to divisions (A)(2) and (B) of this section, every appointing authority shall require each of its appointed peace officers and troopers to complete up to twenty-four hours of continuing professional training each calendar year, as directed by the Ohio peace officer training commission. The number of hours directed by the commission, up to twenty-four hours, is intended to be a minimum requirement, and appointing authorities are encouraged to exceed the number of hours the commission directs as the minimum. The commission shall set the required minimum number of hours based upon available funding for reimbursement as described in this division. Except as provided in division (B)(4) of this section, if no funding for the reimbursement is available, no continuing professional training will be required.

(2) An appointing authority may submit a written request to the peace officer training commission that requests for a
calendar year because of emergency circumstances an extension of the time within which one or more of its appointed peace officers or troopers must complete the required minimum number of hours of continuing professional training set by the commission, as described in division (A)(1) of this section. A request made under this division shall set forth the name of each of the appointing authority's peace officers or troopers for whom an extension is requested, identify the emergency circumstances related to that peace officer or trooper, include documentation of those emergency circumstances, and set forth the date on which the request is submitted to the commission. A request shall be made under this division not later than the fifteenth day of December in the calendar year for which the extension is requested.

Upon receipt of a written request made under this division, the executive director of the commission shall review the request and the submitted documentation. If the executive director of the commission is satisfied that emergency circumstances exist for any peace officer or trooper for whom a request was made under this division, the executive director may approve the request for that peace officer or trooper and grant an extension of the time within which that peace officer or trooper must complete the required minimum number of hours of continuing professional training set by the commission. An extension granted under this division may be for any period of time the executive director believes to be appropriate, and the executive director shall specify in the notice granting the extension the date on which the extension ends. Not later than thirty days after the date on which a request is submitted to the commission, for each peace officer and trooper for whom an extension is requested, the executive director either shall
approve the request and grant an extension or deny the request
and deny an extension and shall send to the appointing authority
that submitted the request written notice of the executive
director's decision.

If the executive director grants an extension of the time
within which a particular appointed peace officer or trooper of
an appointing authority must complete the required minimum
number of hours of continuing professional training set by the
commission, the appointing authority shall require that peace
officer or trooper to complete the required minimum number of
hours of training not later than the date on which the extension
ends.

(B) With the advice of the Ohio peace officer training
commission, the attorney general shall adopt in accordance with
Chapter 119. of the Revised Code rules setting forth minimum
standards for continuing professional training for peace
officers and troopers and governing the administration of
continuing professional training programs for peace officers and
troopers. The rules adopted by the attorney general under
division (B) of this section shall do all of the following:

(1) Allow peace officers and troopers to earn credit for
up to four hours of continuing professional training for time
spent while on duty providing drug use prevention education
training that utilizes evidence-based curricula to students in
school districts, community schools established under Chapter
3314., STEM schools established under Chapter 3326., and
college-preparatory boarding schools established under Chapter
3328. of the Revised Code.

(2) Allow a peace officer or trooper appointed by a law
enforcement agency to earn hours of continuing professional
training for other peace officers or troopers appointed by the law enforcement agency by providing drug use prevention education training under division (B)(1) of this section so that hours earned by the peace officer or trooper providing the training in excess of four hours may be applied to offset the number of continuing professional training hours required of another peace officer or trooper appointed by that law enforcement agency.

(3) Prohibit the use of continuing professional training hours earned under division (B)(1) or (2) of this section from being used to offset any mandatory hands-on training requirement.

(4) Require every peace officer and trooper who handles complaints of domestic violence to complete annual professional training on both of the following:

(a) Intervention techniques in domestic violence cases and the use of an evidence-based lethality assessment screening tool to determine the level of risk to a victim of domestic violence;

(b) The referral of high risk victims to a domestic violence high risk team created under section 2935.033 of the Revised Code.

(5) Allow the peace officer training commission to pay for training required under division (B)(4) of this section using federal funds made available to the state or localities pursuant to a program of the United States department of justice or using funds appropriated by the general assembly or allocated for that purpose by the attorney general.

(C) The attorney general shall transmit a certified copy of any rule adopted under this section to the secretary of
as Introduced

Sec. 2307.602. All of the following apply to a civil action to recover damages based on an injury to person or property based on a criminal act of domestic violence:

(A) Evidence of a statement by a declarant is not made inadmissible by the hearsay rule if all of the following conditions are met:

(1) The statement purports to narrate, describe, or explain the infliction or threat of physical injury upon the declarant.

(2) The declarant is unavailable as a witness under Evidence Rule 804.

(3) The statement was made at or near the time of the infliction or threat of physical injury. Evidence of statements made more than five years before the filing of the current action or proceeding shall be inadmissible.

(4) The statement was made under circumstances that would indicate its trustworthiness.

(5) The statement was made in writing, was electronically recorded, or was made to a physician, nurse, paramedic, or law enforcement officer.

(B) Evidence of a statement made by a declarant is not made inadmissible by the hearsay rule if the declarant is unavailable as a witness, under Evidence Rule 804, and all of the following are true:

(1) The party offering the statement has made a showing of particularized guarantees of trustworthiness regarding the statement, the statement was made under circumstances which
indicate its trustworthiness, and the statement was not the
result of promise, inducement, threat, or coercion. In making
its determination, the court may consider only the circumstances
that surround the making of the statement and that render the
declarant particularly worthy of belief.

(2) There is no evidence that the unavailability of the
declarant was caused by, aided by, solicited by, or procured on
behalf of, the party who is offering the statement.

(3) The entire statement has been memorialized in a
videotape recording made by a law enforcement official, prior to
the death or disabling of the declarant.

(4) The statement was made by the victim of the alleged
domestic violence.

(5) The statement is supported by corroborative evidence.

(6) The victim of the alleged domestic violence is an
individual who meets both of the following requirements:

(a) Was sixty-five years of age or older or was a
dependent adult when the alleged domestic violence or attempted
domestic violence occurred;

(b) At the time of any proceeding in a civil action to
recover damages based on an injury to person or property based
on a criminal act of domestic violence, including, but not
limited to, a preliminary hearing or trial, the victim of the
alleged domestic violence is either deceased or suffers from the
infirmities of aging as manifested by advanced age or organic
brain damage, or other physical, mental, or emotional
dysfunction, to the extent that the ability of the person to
provide adequately for the person's own care or protection is
impaired.
(C) For the purpose of division (A)(4) of this section, circumstances relevant to the issue of trustworthiness include the following:

(1) Whether the statement was made in contemplation of pending or anticipated litigation in which the declarant was interested;

(2) Whether the declarant has a bias or motive for fabricating the statement, and the extent of any bias or motive;

(3) Whether the statement is corroborated by evidence other than statements that are admissible only pursuant to this section.

(D) A statement is admissible pursuant to division (A) or (B) of this section only if the proponent of the statement makes known to the adverse party the intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings in order to provide the adverse party with a fair opportunity to prepare to meet the statement.

(E) If the plaintiff intends to offer a statement pursuant to division (A) or (B) of this section, the plaintiff shall serve a written notice upon the defendant at least ten days prior to the hearing or trial at which the plaintiff intends to offer the statement, unless the plaintiff shows good cause for the failure to provide that notice. In the event that good cause is shown, the defendant shall be entitled to a reasonable continuance of the hearing or trial.

(F) If a statement is offered under division (A) or (B) of this section during trial, the court's determination as to the availability of the victim as a witness shall be made out of the presence of the jury. If the defendant elects to testify at the
hearing on a motion brought pursuant to division (A) or (B) of this section, the court shall exclude from the examination every person except the clerk, the court reporter, the bailiff, the plaintiff and the plaintiff's counsel, the investigating officer, the defendant and the defendant's counsel, an investigator for the defendant, and the officer having custody of the defendant. Notwithstanding any other provision of law, the defendant's testimony at the hearing shall not be admissible in any other proceeding except the hearing brought on the motion under division (A) or (B) of this section. If a transcript is made of the defendant's testimony, it shall be sealed and transmitted to the clerk of the court in which the action is pending.

(G) This section shall apply to any civil action to recover damages based on an injury to person or property based on a criminal act of domestic violence initiated or pending as of January 1, 2020.

Sec. 2307.603. (A)(1) A statement is not made inadmissible by the hearsay rule in a civil action to recover damages based on an injury to person or property based on a criminal act of domestic violence if the statement is offered against a party that has engaged, or aided and abetted, in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

(2)(a) The party seeking to introduce a statement under division (A)(1) of this section must establish, by a preponderance of the evidence, that the elements of division (A)(1) of this section have been met at a preliminary hearing.

(b) The hearsay evidence that is the subject of the preliminary hearing is admissible at the preliminary hearing.
However, a finding that the elements of division (A) of this section have been met shall not be based solely on a hearsay statement of the unavailable declarant that was not subject to confrontation, and shall be supported by independent corroborative evidence.

(c) The preliminary hearing shall be conducted outside the presence of the jury. However, if the hearing is conducted after a jury trial has begun, the judge presiding at the hearing may consider evidence already presented to the jury in deciding whether the elements of division (A)(1) of this section have been met.

(d) In deciding whether or not to admit the statement, the judge may take into account whether it is trustworthy and reliable.

(B) Except as provided in division (F) or (G) of this section, in a civil action to recover damages based on an injury to person or property based on a criminal act of domestic violence, evidence of the defendant's commission of other acts of domestic violence is not inadmissible character evidence if it is not otherwise inadmissible under Evidence Rule 403.

(C) In an action in which evidence is to be offered under division (B) of this section, the plaintiff must disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, in accordance with the Rules of Civil Procedure, as applicable.

(D) Divisions (B) to (F) of this section should not be construed to limit or preclude the admission or consideration of evidence under any other law.
(E) As used in divisions (B) to (G) of this section, "domestic violence" has the same meaning as in section 3113.31 of the Revised Code.

(F) Evidence of acts occurring more than ten years before the conduct involved in a civil action to recover damages based on an injury to person or property based on a criminal act of domestic violence shall not be admissible under this section, unless the court determines that the admission of this evidence is in the interest of justice.

(G) This section shall apply to any civil action to recover damages based on an injury to person or property based on a criminal act of domestic violence initiated or pending as of January 1, 2020.

Sec. 2903.01. (A) No person shall purposely, and with prior calculation and design, cause the death of another or the unlawful termination of another's pregnancy.

(B) No person shall purposely cause the death of another or the unlawful termination of another's pregnancy while committing or attempting to commit, or while fleeing immediately after committing or attempting to commit, kidnapping, rape, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, trespass in a habitation when a person is present or likely to be present, terrorism, or escape.

(C) No person shall purposely cause the death of another who is under thirteen years of age at the time of the commission of the offense.

(D) No person who is under detention as a result of having been found guilty of or having pleaded guilty to a felony or who breaks that detention shall purposely cause the death of
another.

(E) No person shall purposely cause the death of a law enforcement officer whom the offender knows or has reasonable cause to know is a law enforcement officer when either of the following applies:

(1) The victim, at the time of the commission of the offense, is engaged in the victim's duties.

(2) It is the offender's specific purpose to kill a law enforcement officer.

(F) No person shall purposely cause the death of a first responder or military member whom the offender knows or has reasonable cause to know is a first responder or military member when it is the offender's specific purpose to kill a first responder or military member.

(G) No person shall purposely cause the death of another person when both of the following apply:

(1) The victim was a family or household member of the offender;

(2) The offender has previously been convicted of domestic violence or an offense of violence against a family or household member.

(H) Whoever violates this section is guilty of aggravated murder, and shall be punished as provided in section 2929.02 of the Revised Code.

(I) As used in this section:

(1) "Detention" has the same meaning as in section 2921.01 of the Revised Code.
(2) "Law enforcement officer" has the same meaning as in section 2911.01 of the Revised Code and also includes any federal law enforcement officer as defined in section 2921.51 of the Revised Code and anyone who has previously served as a law enforcement officer or federal law enforcement officer.

(3) "First responder" means an emergency medical service provider, a firefighter, or any other emergency response personnel, or anyone who has previously served as a first responder.

(4) "Military member" means a member of the armed forces of the United States, reserves, or Ohio national guard, a participant in ROTC, JROTC, or any similar military training program, or anyone who has previously served in the military.

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

Sec. 2919.22. (A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support. It is not a violation of a duty of care, protection, or support under this division when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(B) No person shall do any of the following to a child under eighteen years of age or a mentally or physically
handicapped child under twenty-one years of age:

(1) Abuse the child;

(2) Torture or cruelly abuse the child;

(3) Administer corporal punishment or other physical disciplinary measure, or physically restrain the child in a cruel manner or for a prolonged period, which punishment, discipline, or restraint is excessive under the circumstances and creates a substantial risk of serious physical harm to the child;

(4) Repeatedly administer unwarranted disciplinary measures to the child, when there is a substantial risk that such conduct, if continued, will seriously impair or retard the child's mental health or development;

(5) Entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter;

(6) Allow the child to be on the same parcel of real property and within one hundred feet of, or, in the case of more than one housing unit on the same parcel of real property, in the same housing unit and within one hundred feet of, any act in violation of section 2925.04 or 2925.041 of the Revised Code when the person knows that the act is occurring, whether or not any person is prosecuted for or convicted of the violation of section 2925.04 or 2925.041 of the Revised Code that is the basis of the violation of this division.
(C)(1) No person shall operate a vehicle, streetcar, or trackless trolley within this state in violation of division (A) of section 4511.19 of the Revised Code when one or more children under eighteen years of age are in the vehicle, streetcar, or trackless trolley. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of division (A) of section 4511.19 of the Revised Code that constitutes the basis of the charge of the violation of this division. For purposes of sections 4511.191 to 4511.197 of the Revised Code and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

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

(a) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(b) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code.

(D)(1) No person shall commit domestic violence, in violation of section 2919.25 of the Revised Code, in an occupied structure when one or more children under eighteen years of age are present in the occupied structure.

(2) Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of division (D)(1) of this section and a violation of section
2919.25 of the Revised Code that constitutes the basis of the charge of the violation of division (D)(1) of this section.

(3) The offense established under division (D)(1) of this section is a strict liability offense and, outside of the degree of culpability required to prove a violation of section 2919.25 of the Revised Code that constitutes the basis of the charge of a violation of division (D)(1) of this section, section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense for which there is no specified degree of culpability, whether in this section or another section of the Revised Code, is not a strict liability offense.

(E)(1) Division (B)(5) of this section does not apply to any material or performance that is produced, presented, or disseminated for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the material or performance.

(2) Mistake of age is not a defense to a charge under division (B)(5) of this section.

(3) In a prosecution under division (B)(5) of this section, the trier of fact may infer that an actor, model, or participant in the material or performance involved is a juvenile if the material or performance, through its title, text, visual representation, or otherwise, represents or depicts the actor, model, or participant as a juvenile.

(4) As used in this division and division (B)(5) of this
(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code.

(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest.

(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.

(F) (1) Whoever violates this section is guilty of endangering children.

(2) If the offender violates division (A) or (B)(1) of this section, endangering children is one of the following, and, in the circumstances described in division (F) (2)(e) of this section, that division applies:

   (a) Except as otherwise provided in division (F) (2)(b), (c), or (d) of this section, a misdemeanor of the first degree;

   (b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (F) (2)(c) or (d) of this section, a felony of the fourth degree;

   (c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;

   (d) If the violation is a violation of division (B)(1) of
this section and results in serious physical harm to the child involved, a felony of the second degree.

(e) If the violation is a felony violation of division (B)(1) of this section and the offender also is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory prison term as provided in division (B)(7) of section 2929.14 of the Revised Code and shall order the offender to make restitution as provided in division (B)(8) of section 2929.18 of the Revised Code.

(3) If the offender violates division (B)(2), (3), (4), or (6) of this section, except as otherwise provided in this division, endangering children is a felony of the third degree. If the violation results in serious physical harm to the child involved, or if the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, endangering children is a felony of the second degree. If the offender violates division (B)(2), (3), or (4) of this section and the offender also is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory prison term as provided in division (B)(7) of section 2929.14 of the Revised Code and shall order the offender to make restitution as provided in division (B)(8) of section 2929.18 of the Revised Code. If the offender violates division (B)(6) of this section and the drug involved is methamphetamine, the court shall impose
a mandatory prison term on the offender as follows:

(a) If the violation is a violation of division (B)(6) of this section that is a felony of the third degree under division (E)(F)(3) of this section and the drug involved is methamphetamine, except as otherwise provided in this division, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree that is not less than two years. If the violation is a violation of division (B)(6) of this section that is a felony of the third degree under division (E)(F)(3) of this section, if the drug involved is methamphetamine, and if the offender previously has been convicted of or pleaded guilty to a violation of division (B)(6) of this section, a violation of division (A) of section 2925.04 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree that is not less than five years.

(b) If the violation is a violation of division (B)(6) of this section that is a felony of the second degree under division (E)(F)(3) of this section and the drug involved is methamphetamine, except as otherwise provided in this division, the court shall impose as a mandatory prison term one of the definite prison terms prescribed for a felony of the second degree in division (A)(2)(b) of section 2929.14 of the Revised Code that is not less than three years, except that if the violation is committed on or after the effective date of this amendment, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed for a felony of the second degree in division (A)(2)(a) of that section that is not less than three years. If the violation is a violation of division (B)(6) of this section
that is a felony of the second degree under division (E)(F)(3) of this section, if the drug involved is methamphetamine, and if the offender previously has been convicted of or pleaded guilty to a violation of division (B)(6) of this section, a violation of division (A) of section 2925.04 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the definite prison terms prescribed for a felony of the second degree in division (A)(2)(b) of section 2929.14 of the Revised Code that is not less than five years, except that if the violation is committed on or after the effective date of this amendment March 22, 2019, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the terms prescribed for a felony of the second degree in division (A)(2)(a) of that section that is not less than five years.

(4) If the offender violates division (B)(5) of this section, endangering children is a felony of the second degree. If the offender also is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory prison term as provided in division (B)(7) of section 2929.14 of the Revised Code and shall order the offender to make restitution as provided in division (B)(8) of section 2929.18 of the Revised Code.

(5) If the offender violates division (C) of this section, the offender shall be punished as follows:

(a) Except as otherwise provided in division (E)(F)(5)(b) or (c) of this section, endangering children in violation of
division (C) of this section is a misdemeanor of the first degree.

(b) If the violation results in serious physical harm to the child involved or the offender previously has been convicted of an offense under this section or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (F)(5)(c) of this section, endangering children in violation of division (C) of this section is a felony of the fifth degree.

(c) If the violation results in serious physical harm to the child involved and if the offender previously has been convicted of a violation of division (C) of this section, section 2903.06 or 2903.08 of the Revised Code, section 2903.07 of the Revised Code as it existed prior to March 23, 2000, or section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, endangering children in violation of division (C) of this section is a felony of the fourth degree.

(d) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to division (F)(5)(a), (b), or (c) of this section or pursuant to any other provision of law and in addition to any suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege under Chapter 4506., 4509., 4510., or 4511. of the Revised Code or under any other provision of law, the court also may impose upon the offender a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in

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division (A)(7) of section 4510.02 of the Revised Code.

(e) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction imposed upon the offender pursuant to division (E)(F)(5)(a), (b), (c), or (d) of this section or pursuant to any other provision of law for the violation of division (C) of this section, if as part of the same trial or proceeding the offender also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the offender also shall be sentenced in accordance with section 4511.19 of the Revised Code for that violation of division (A) of section 4511.19 of the Revised Code.

(F)(6) If the offender violates division (D)(1) of this section, endangering children is a misdemeanor of the first degree.

(G)(1)(a) A court may require an offender to perform not more than two hundred hours of supervised community service work under the authority of an agency, subdivision, or charitable organization. The requirement shall be part of the community control sanction or sentence of the offender, and the court shall impose the community service in accordance with and subject to divisions (F)(G)(1)(a) and (b) of this section. The court may require an offender whom it requires to perform supervised community service work as part of the offender's community control sanction or sentence to pay the court a reasonable fee to cover the costs of the offender's participation in the work, including, but not limited to, the costs of procuring a policy or policies of liability insurance to cover the period during which the offender will perform the
work. If the court requires the offender to perform supervised community service work as part of the offender's community control sanction or sentence, the court shall do so in accordance with the following limitations and criteria:

(i) The court shall require that the community service work be performed after completion of the term of imprisonment or jail term imposed upon the offender for the violation of division (C) of this section, if applicable.

(ii) The supervised community service work shall be subject to the limitations set forth in divisions (B)(1), (2), and (3) of section 2951.02 of the Revised Code.

(iii) The community service work shall be supervised in the manner described in division (B)(4) of section 2951.02 of the Revised Code by an official or person with the qualifications described in that division. The official or person periodically shall report in writing to the court concerning the conduct of the offender in performing the work.

(iv) The court shall inform the offender in writing that if the offender does not adequately perform, as determined by the court, all of the required community service work, the court may order that the offender be committed to a jail or workhouse for a period of time that does not exceed the term of imprisonment that the court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under the sentence or term that was imposed upon the offender for that violation and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code,
and that, if the court orders that the offender be so committed, the court is authorized, but not required, to grant the offender credit upon the period of the commitment for the community service work that the offender adequately performed.

(b) If a court, pursuant to division (G)(1)(a) of this section, orders an offender to perform community service work as part of the offender’s community control sanction or sentence and if the offender does not adequately perform all of the required community service work, as determined by the court, the court may order that the offender be committed to a jail or workhouse for a period of time that does not exceed the term of imprisonment that the court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under the sentence or term that was imposed upon the offender for that violation and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code. The court may order that a person committed pursuant to this division shall receive hour-for-hour credit upon the period of the commitment for the community service work that the offender adequately performed. No commitment pursuant to this division shall exceed the period of the term of imprisonment that the sentencing court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under that sentence or term and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code.
(2) Division (F)(G)(1) of this section does not limit or affect the authority of the court to suspend the sentence imposed upon a misdemeanor offender and place the offender under a community control sanction pursuant to section 2929.25 of the Revised Code, to require a misdemeanor or felony offender to perform supervised community service work in accordance with division (B) of section 2951.02 of the Revised Code, or to place a felony offender under a community control sanction.

(G)(H)(1) If a court suspends an offender's driver's or commercial driver's license or permit or nonresident operating privilege under division (E)(F)(5)(d) of this section, the period of the suspension shall be consecutive to, and commence after, the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege that is imposed under Chapter 4506., 4509., 4510., or 4511. of the Revised Code or under any other provision of law in relation to the violation of division (C) of this section that is the basis of the suspension under division (E)(F)(5)(d) of this section or in relation to the violation of division (A) of section 4511.19 of the Revised Code that is the basis for that violation of division (C) of this section.

(2) An offender is not entitled to request, and the court shall not grant to the offender, limited driving privileges if the offender's license, permit, or privilege has been suspended under division (F)(5)(d) of this section and the offender, within the preceding six years, has been convicted of or pleaded guilty to three or more violations of one or more of the following:

(a) Division (C) of this section;

(b) Any equivalent offense, as defined in section 4511.181
of the Revised Code.

(I) (1) If a person violates division (C) of this section and if, at the time of the violation, there were two or more children under eighteen years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of division (C) of this section for each of the children, but the court may sentence the offender for only one of the violations.

(2) (a) If a person is convicted of or pleads guilty to a violation of division (C) of this section but the person is not also convicted of and does not also plead guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, both of the following apply:

(i) For purposes of the provisions of section 4511.19 of the Revised Code that set forth the penalties and sanctions for a violation of division (A) of section 4511.19 of the Revised Code, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute a violation of division (A) of section 4511.19 of the Revised Code;

(ii) For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code and that is not described in division (I) (2) (a) (i) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall constitute a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.
(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(I) (J) As used in this section:

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

(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code;

(3) "Methamphetamine" has the same meaning as in section 2925.01 of the Revised Code;

(4) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.

Sec. 2929.022. (A) If an indictment or count in an indictment charging a defendant with aggravated murder contains a specification of the aggravating circumstance of a prior conviction listed in division (A)(5) or (11) of section 2929.04 of the Revised Code, the defendant may elect to have the panel of three judges, if the defendant waives trial by jury, or the trial judge, if the defendant is tried by jury, determine the existence of that aggravating circumstance at the sentencing
(1) If the defendant does not elect to have the existence of the aggravating circumstance determined at the sentencing hearing, the defendant shall be tried on the charge of aggravated murder, on the specification of the aggravating circumstance of a prior conviction listed in division (A)(5) or (11) of section 2929.04 of the Revised Code, and on any other specifications of an aggravating circumstance listed in division (A) of section 2929.04 of the Revised Code in a single trial as in any other criminal case in which a person is charged with aggravated murder and specifications.

(2) If the defendant does elect to have the existence of the aggravating circumstance of a prior conviction listed in division (A)(5) or (11) of section 2929.04 of the Revised Code determined at the sentencing hearing, then, following a verdict of guilty of the charge of aggravated murder, the panel of three judges or the trial judge shall:

(a) Hold a sentencing hearing pursuant to division (B) of this section, unless required to do otherwise under division (A) (2)(b) of this section;

(b) If the offender raises the matter of age at trial pursuant to section 2929.023 of the Revised Code and is not found at trial to have been eighteen years of age or older at the time of the commission of the offense, conduct a hearing to determine if the specification of the aggravating circumstance of a prior conviction listed in division (A)(5) or (11) of section 2929.04 of the Revised Code is proven beyond a reasonable doubt. After conducting the hearing, the panel or judge shall proceed as follows:
(i) If that aggravating circumstance is proven beyond a reasonable doubt or if the defendant at trial was convicted of any other specification of an aggravating circumstance, the panel or judge shall impose sentence according to division (E) of section 2929.03 of the Revised Code.

(ii) If that aggravating circumstance is not proven beyond a reasonable doubt and the defendant at trial was not convicted of any other specification of an aggravating circumstance, except as otherwise provided in this division, the panel or judge shall impose sentence of life imprisonment with parole eligibility after serving twenty years of imprisonment on the offender. If that aggravating circumstance is not proven beyond a reasonable doubt, the defendant at trial was not convicted of any other specification of an aggravating circumstance, the victim of the aggravated murder was less than thirteen years of age, and the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, the panel or judge shall sentence the offender pursuant to division (B)(3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment.

(B) At the sentencing hearing, the panel of judges, if the defendant was tried by a panel of three judges, or the trial judge, if the defendant was tried by jury, shall, when required pursuant to division (A)(2) of this section, first determine if the specification of the aggravating circumstance of a prior conviction listed in division (A)(5) or (11) of section 2929.04 of the Revised Code is proven beyond a reasonable doubt. If the panel of judges or the trial judge determines that the specification of the aggravating circumstance of a prior
conviction listed in division (A)(5) or (11) of section 2929.04 of the Revised Code is proven beyond a reasonable doubt or if they do not determine that the specification is proven beyond a reasonable doubt but the defendant at trial was convicted of a specification of any other aggravating circumstance listed in division (A) of section 2929.04 of the Revised Code, the panel of judges or the trial judge and trial jury shall impose sentence on the offender pursuant to division (D) of section 2929.03 and section 2929.04 of the Revised Code. If the panel of judges or the trial judge does not determine that the specification of the aggravating circumstance of a prior conviction listed in division (A)(5) or (11) of section 2929.04 of the Revised Code is proven beyond a reasonable doubt and the defendant at trial was not convicted of any other specification of an aggravating circumstance listed in division (A) of section 2929.04 of the Revised Code, the panel of judges or the trial judge shall terminate the sentencing hearing and impose sentence on the offender as follows:

(1) Subject to division (B)(2) of this section, the panel or judge shall impose a sentence of life imprisonment with parole eligibility after serving twenty years of imprisonment on the offender.

(2) If the victim of the aggravated murder was less than thirteen years of age and the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, the panel or judge shall sentence the offender pursuant to division (B)(3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment.
Sec. 2929.04. (A) Imposition of the death penalty for aggravated murder is precluded unless one or more of the following is specified in the indictment or count in the indictment pursuant to section 2941.14 of the Revised Code and proved beyond a reasonable doubt:

(1) The offense was the assassination of the president of the United States or a person in line of succession to the presidency, the governor or lieutenant governor of this state, the president-elect or vice president-elect of the United States, the governor-elect or lieutenant governor-elect of this state, or a candidate for any of the offices described in this division. For purposes of this division, a person is a candidate if the person has been nominated for election according to law, if the person has filed a petition or petitions according to law to have the person's name placed on the ballot in a primary or general election, or if the person campaigns as a write-in candidate in a primary or general election.

(2) The offense was committed for hire.

(3) The offense was committed for the purpose of escaping detection, apprehension, trial, or punishment for another offense committed by the offender.

(4) The offense was committed while the offender was under detention or while the offender was at large after having broken detention. As used in division (A)(4) of this section, "detention" has the same meaning as in section 2921.01 of the Revised Code, except that detention does not include hospitalization, institutionalization, or confinement in a mental health facility or intellectual disabilities facility unless at the time of the commission of the offense either of the following circumstances apply:
(a) The offender was in the facility as a result of being charged with a violation of a section of the Revised Code.

(b) The offender was under detention as a result of being convicted of or pleading guilty to a violation of a section of the Revised Code.

(5) Prior to the offense at bar, the offender was convicted of an offense an essential element of which was the purposeful killing of or attempt to kill another, or the offense at bar was part of a course of conduct involving the purposeful killing of or attempt to kill two or more persons by the offender.

(6) The victim of the offense was a law enforcement officer, as defined in section 2911.01 of the Revised Code, whom the offender had reasonable cause to know or knew to be a law enforcement officer as so defined, and either the victim, at the time of the commission of the offense, was engaged in the victim's duties, or it was the offender's specific purpose to kill a law enforcement officer as so defined.

(7) The offense was committed while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit kidnapping, rape, aggravated arson, aggravated robbery, or aggravated burglary, and either the offender was the principal offender in the commission of the aggravated murder or, if not the principal offender, committed the aggravated murder with prior calculation and design.

(8) The victim of the aggravated murder was a witness to an offense who was purposely killed to prevent the victim's testimony in any criminal proceeding and the aggravated murder was not committed during the commission, attempted commission,
or flight immediately after the commission or attempted
commission of the offense to which the victim was a witness, or
the victim of the aggravated murder was a witness to an offense
and was purposely killed in retaliation for the victim's
testimony in any criminal proceeding.

(9) The offender, in the commission of the offense,
purposefully caused the death of another who was under thirteen
years of age at the time of the commission of the offense, and
either the offender was the principal offender in the commission
of the offense or, if not the principal offender, committed the
offense with prior calculation and design.

(10) The offense was committed while the offender was
committing, attempting to commit, or fleeing immediately after
committing or attempting to commit terrorism.

(11) The victim of the offense was a family or household
member of the offender and the offender had previously been
convicted of domestic violence or an offense of violence against
a family or household member.

(B) If one or more of the aggravating circumstances listed
in division (A) of this section is specified in the indictment
or count in the indictment and proved beyond a reasonable doubt,
and if the offender did not raise the matter of age pursuant to
section 2929.023 of the Revised Code or if the offender, after
raising the matter of age, was found at trial to have been
eighteen years of age or older at the time of the commission of
the offense, the court, trial jury, or panel of three judges
shall consider, and weigh against the aggravating circumstances
proved beyond a reasonable doubt, the nature and circumstances
of the offense, the history, character, and background of the
offender, and all of the following factors:
(1) Whether the victim of the offense induced or facilitated it;

(2) Whether it is unlikely that the offense would have been committed, but for the fact that the offender was under duress, coercion, or strong provocation;

(3) Whether, at the time of committing the offense, the offender, because of a mental disease or defect, lacked substantial capacity to appreciate the criminality of the offender's conduct or to conform the offender's conduct to the requirements of the law;

(4) The youth of the offender;

(5) The offender's lack of a significant history of prior criminal convictions and delinquency adjudications;

(6) If the offender was a participant in the offense but not the principal offender, the degree of the offender's participation in the offense and the degree of the offender's participation in the acts that led to the death of the victim;

(7) Any other factors that are relevant to the issue of whether the offender should be sentenced to death.

(C) The defendant shall be given great latitude in the presentation of evidence of the factors listed in division (B) of this section and of any other factors in mitigation of the imposition of the sentence of death.

The existence of any of the mitigating factors listed in division (B) of this section does not preclude the imposition of a sentence of death on the offender but shall be weighed pursuant to divisions (D)(2) and (3) of section 2929.03 of the Revised Code by the trial court, trial jury, or the panel of
three judges against the aggravating circumstances the offender
was found guilty of committing.

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

Sec. 2935.032. (A) Not later than ninety days after the
effective date of this amendment October 21, 1997, each agency,
instrumentality, or political subdivision that is served by any
peace officer described in division (B)(1) of section 2935.03 of
the Revised Code shall adopt, in accordance with division (E)
of this section, written policies, written procedures implementing
the policies, and other written procedures for the peace officers
who serve it to follow in implementing division (B)(3) of section
2935.03 of the Revised Code and for their appropriate response
to each report of an alleged incident of the offense of domestic
violence or an alleged incident of the offense of violating a
protection order. The policies and procedures shall conform
to and be consistent with the provisions of divisions (B)(1) and
(B)(3) of section 2935.03 of the Revised Code and divisions (B)
to (D) of this section. Each policy adopted under this division
shall include, but not be limited to, all of the following:

(1) Provisions specifying that, if a peace officer who
serves the agency, instrumentality, or political subdivision
responds to an alleged incident of the offense of domestic
violence, an alleged incident of the offense of violating a
protection order, or an alleged incident of any other offense,
both of the following apply:

(a) If the officer determines that there are reasonable
grounds to believe that a person knowingly caused serious
physical harm to another or to another's unborn or knowingly
caused or attempted to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, then, regardless of whether the victim of the offense was a family or household member of the offender, the officer shall treat the incident as felonious assault, shall consider the offender to have committed and the victim to have been the victim of felonious assault, shall consider the offense that was committed to have been felonious assault in determining the manner in which the offender should be treated, and shall comply with whichever of the following is applicable:

(i) Unless the officer has reasonable cause to believe that, during the incident, the offender who committed the felonious assault and one or more other persons committed offenses against each other, the officer shall arrest the offender who committed the felonious assault pursuant to section 2935.03 of the Revised Code and shall detain that offender pursuant to that section until a warrant can be obtained, and the arrest shall be for felonious assault.

(ii) If the officer has reasonable cause to believe that, during the incident, the offender who committed the felonious assault and one or more other persons committed offenses against each other, the officer shall determine in accordance with division (B)(3)(d) of section 2935.03 of the Revised Code which of those persons is the primary physical aggressor. If the offender who committed the felonious assault is the primary physical aggressor, the officer shall arrest that offender for felonious assault pursuant to section 2935.03 of the Revised Code and shall detain that offender pursuant to that section until a warrant can be obtained, and the officer is not required to arrest but may arrest pursuant to section 2935.03 of the Revised Code any other person who committed an offense but who
is not the primary physical aggressor. If the offender who committed the felonious assault is not the primary physical aggressor, the officer is not required to arrest that offender or any other person who committed an offense during the incident but may arrest any of them pursuant to section 2935.03 of the Revised Code and detain them pursuant to that section until a warrant can be obtained.

(b) If the officer determines that there are reasonable grounds to believe that a person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, knowingly caused serious physical harm to another or to another's unborn or knowingly caused or attempted to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, then, regardless of whether the victim of the offense was a family or household member of the offender, the officer shall treat the incident as aggravated assault, shall consider the offender to have committed and the victim to have been the victim of aggravated assault, shall consider the offense that was committed to have been aggravated assault in determining the manner in which the offender should be treated, and shall comply with whichever of the following is applicable:

(i) Unless the officer has reasonable cause to believe that, during the incident, the offender who committed the aggravated assault and one or more other persons committed offenses against each other, the officer shall arrest the offender who committed the aggravated assault pursuant to section 2935.03 of the Revised Code and shall detain that offender pursuant to that section until a warrant can be obtained.
obtained, and the arrest shall be for aggravated assault.

(ii) If the officer has reasonable cause to believe that, during the incident, the offender who committed the aggravated assault and one or more other persons committed offenses against each other, the officer shall determine in accordance with division (B)(3)(d) of section 2935.03 of the Revised Code which of those persons is the primary physical aggressor. If the offender who committed the aggravated assault is the primary physical aggressor, the officer shall arrest that offender for aggravated assault pursuant to section 2935.03 of the Revised Code and shall detain that offender pursuant to that section until a warrant can be obtained, and the officer is not required to arrest but may arrest pursuant to section 2935.03 of the Revised Code any other person who committed an offense but who is not the primary physical aggressor. If the offender who committed the aggravated assault is not the primary physical aggressor, the officer is not required to arrest that offender or any other person who committed an offense during the incident but may arrest any of them pursuant to section 2935.03 of the Revised Code and detain them pursuant to that section until a warrant can be obtained.

(2) Provisions requiring the peace officers who serve the agency, instrumentality, or political subdivision to do all of the following:

(a) Respond without undue delay to a report of an alleged incident of the offense of domestic violence or the offense of violating a protection order;

(b) If the alleged offender has been granted pretrial release from custody on a prior charge of the offense of domestic violence or the offense of violating a protection order
and has violated one or more conditions of that pretrial release, document the facts and circumstances of the violation in the report to the law enforcement agency that the peace officer makes pursuant to division (D) of this section;

(c) Separate the victim of the offense of domestic violence or the offense of violating a protection order and the alleged offender, conduct separate interviews with the victim and the alleged offender in separate locations, and take a written statement from the victim that indicates the frequency and severity of any prior incidents of physical abuse of the victim by the alleged offender, the number of times the victim has called peace officers for assistance, and the disposition of those calls, if known;

(d) Comply with divisions (B)(1) and (B)(3) of section 2935.03 of the Revised Code and with divisions (B), (C), and (D) of this section;

(e) Screen the victim of the offense of domestic violence or the offense of violating a protection order using an evidence-based lethality assessment screening tool adopted under section 2935.033 of the Revised Code to determine if the case should be referred to the domestic violence high risk team that serves the agency, instrumentality, or political subdivision.

(3) Sanctions to be imposed upon a peace officer who serves the agency, instrumentality, or political subdivision and who fails to comply with any provision in the policy or with division (B)(1) or (B)(3) of section 2935.03 of the Revised Code or division (B), (C), or (D) of this section.

(4) Examples of reasons that a peace officer may consider for not arresting and detaining until a warrant can be obtained
a person who allegedly committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state that the officer arrest the alleged offender, as described in division (B)(3)(b) of section 2935.03 of the Revised Code.

(B)(1) Nothing in this section or in division (B)(1) or (B)(3) of section 2935.03 of the Revised Code precludes an agency, instrumentality, or political subdivision that is served by any peace officer described in division (B)(1)(A) of section 2935.03 of the Revised Code from including in the policy it adopts under division (A) of this section either of the following types of provisions:

(a) A provision that requires the peace officers who serve it, if they have reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed within the limits of the jurisdiction of the agency, instrumentality, or political subdivision and reasonable cause to believe that a particular person committed the offense, to arrest the alleged offender;

(b) A provision that does not require the peace officers who serve it, if they have reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed within the limits of the jurisdiction of the agency, instrumentality, or political subdivision and reasonable cause to believe that a particular person committed the offense, to arrest the alleged offender, but that grants the officers less discretion in those circumstances in deciding whether to arrest the alleged offender than peace officers are granted by divisions (B)(1) and (B)(3) of section 2935.03 of the Revised Code.
(2) If an agency, instrumentality, or political subdivision that is served by any peace officer described in division (B)(1)(A) of section 2935.03 of the Revised Code includes in the policy it adopts under division (A) of this section a provision of the type described in division (B)(1)(a) or (b) of this section, the peace officers who serve the agency, instrumentality, or political subdivision shall comply with the provision in making arrests authorized under division (B)(1) of section 2935.03 of the Revised Code.

(C) When a peace officer described in division (B)(1)(A) of section 2935.03 of the Revised Code investigates a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order, the officer shall do all of the following:

(1) Complete a domestic violence report in accordance with division (D) of this section;

(2) Advise the victim of the availability of a temporary protection order pursuant to section 2919.26 of the Revised Code or a protection order or consent agreement pursuant to section 3113.31 of the Revised Code;

(3) Give the victim the officer's name, the officer's badge number if the officer has a badge and the badge has a number, the report number for the incident if a report number is available at the time of the officer's investigation, a telephone number that the victim can call for information about the case, the telephone number of a domestic violence shelter in the area, and information on any local victim advocate program.

(D) A peace officer who investigates a report of an alleged incident of the offense of domestic violence or an
alleged incident of the offense of violating a protection order shall make a written report of the incident whether or not an arrest is made. The report shall document the officer's observations of the victim and the alleged offender, any visible injuries of the victim or alleged offender, any weapons at the scene, the actions of the alleged offender, any statements made by the victim or witnesses, and any other significant facts or circumstances. If the officer does not arrest and detain until a warrant can be obtained a person who allegedly committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of section 2935.03 of the Revised Code that the alleged offender be arrested, the officer must articulate in the report a clear statement of the officer's reasons for not arresting and detaining that alleged offender until a warrant can be obtained. The officer shall submit the written report to the law enforcement agency to which the officer has been appointed, employed, or elected.

(E) Each agency, instrumentality, or political subdivision that is required to adopt policies and procedures under division (A) of this section shall adopt those policies and procedures in conjunction and consultation with shelters in the community for victims of domestic violence and private organizations, law enforcement agencies, and other public agencies in the community that have expertise in the recognition and handling of domestic violence cases.

(F) To the extent described in and in accordance with section 9.86 or 2744.03 of the Revised Code, a peace officer who arrests an offender for the offense of violating a protection order with respect to a protection order or consent agreement of this state or another state that on its face is valid is immune
from liability in a civil action for damages for injury, death, or loss to person or property that allegedly was caused by or related to the arrest.

(G) Each agency, instrumentality, or political subdivision described in division (A) of this section that arrests an offender for an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order shall consider referring the case to federal authorities for prosecution under 18 U.S.C. 2261 if the incident constitutes a violation of federal law.

(H) As used in this section:

(1) "Another's unborn" has the same meaning as in section 2903.09 of the Revised Code.

(2) "Dangerous ordnance" and "deadly weapon" have the same meanings as in section 2923.11 of the Revised Code.

(3) "The offense of violating a protection order" includes the former offense of violating a protection order or consent agreement or anti-stalking protection order as set forth in section 2919.27 of the Revised Code as it existed prior to the effective date of this amendment October 21, 1997.

Sec. 2935.033. (A) As used in this section, "qualified lethality assessment screening tool" means a lethality assessment screening tool included in the list of validated and evidence-based lethality assessment screening tools by the attorney general pursuant to division (C) of section 109.744 of the Revised Code.

(B) Except as provided in division (D) of this section, not later than ninety days after the effective date of this section, the chief law enforcement officer of each agency,
As Introduced

instrumentality, or political subdivision that is served by any peace officer described in division (A) of section 2935.03 of the Revised Code shall create a domestic violence high risk team for handling alleged incidents of the offense of domestic violence and alleged incidents of the offense of violating a protection order whose victims are determined to be high risk. Each domestic violence high risk team shall create individualized intervention plans that incorporate the entire domestic violence response system to increase victim safety and hold offenders accountable and shall be built based upon the following fundamental strategies:

(1) Early identification of high risk cases through the use of risk assessment;

(2) Engagement of a multidisciplinary team;

(3) Ongoing monitoring and management of high risk offenders;

(4) Victim services.

(C) Members of a domestic violence high risk team shall be appointed by the chief law enforcement officer of the agency, instrumentality, or political subdivision and each team shall consist of all of the following members:

(1) At least one peace officer, probation officer, or parole officer who regularly handles domestic violence cases and works in partnership with community advocacy groups to connect victims of domestic violence with available resources;

(2) At least one person who represents a community advocacy group that responds to domestic violence cases and who works in partnership with peace officers handling domestic violence cases;
(3) Any other person whom the chief law enforcement officer determines is necessary to allow the team to keep victims safe, refer victims to available community resources, and hold abusers accountable.

(D) Two or more agencies, instrumentalities, or political subdivisions may work together to create a joint domestic violence high risk team to serve a geographic area consisting of the cumulative geographic jurisdiction of each of the agencies, instrumentalities, and political subdivisions participating in the team. The chief law enforcement officers shall choose one chief, among themselves, to serve as head of the joint team. The head of the joint domestic violence high risk team shall appoint members to the team in the same manner that a chief law enforcement officer appoints members to a team under division (C) of this section.

(E) Each domestic violence high risk team created under this section shall adopt written policies, written procedures implementing the policies, and any other necessary written procedures for the peace officers who serve the agency, instrumentality, political subdivision, or geographic region to follow in screening alleged incidents of the offense of domestic violence and alleged incidents of the offense of violating a protection order for referral to the team. The policies and procedures adopted by the team shall include all of the following:

(1) A requirement that peace officers who serve the agency, instrumentality, or political subdivision automatically refer any case of domestic violence that involves an allegation of strangulation to the domestic violence high risk team;

(2) A lethality assessment screening tool, selected by the
team from those qualified by the attorney general under division (C) of section 109.774 of the Revised Code, to be used by peace officers to screen victims of alleged incidents of domestic violence and alleged incidents of violating a protection order for referral to the team;

(3) Procedures for connecting high risk victims to domestic violence advocacy programs, community and faith-based programs, nonprofit mental health programs, and other programs that may be able to assist high risk victims;

(4) Procedures for the team to consult with prosecutors on charges and negotiated plea agreements in cases referred to the team.

Sec. 2935.033 2935.034. (A) Any peace officer may render assistance to any federal law enforcement officer who has arrest authority under the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001," Pub. L. No. 107-056, 115 Stat. 272, as amended, if both of the following apply:

(1) There is a threat of imminent physical danger to the federal law enforcement officer, a threat of physical harm to another person, or any other serious emergency situation present.

(2) Either the federal law enforcement officer requests emergency assistance or it appears that the federal law enforcement officer is unable to request assistance, and the circumstances reasonably indicate that assistance is appropriate.

(B) "Federal law enforcement officer" has the same meaning as in section 9.88 of the Revised Code.
Sec. 2945.483. All of the following apply to a criminal proceeding involving domestic violence:

(A) Evidence of a statement by a declarant is not made inadmissible by the hearsay rule if all of the following conditions are met:

(1) The statement purports to narrate, describe, or explain the infliction or threat of physical injury upon the declarant.

(2) The declarant is unavailable as a witness under Evidence Rule 804.

(3) The statement was made at or near the time of the infliction or threat of physical injury. Evidence of statements made more than five years before the filing of the current proceeding shall be inadmissible.

(4) The statement was made under circumstances that would indicate its trustworthiness.

(5) The statement was made in writing, was electronically recorded, or was made to a physician, nurse, paramedic, or law enforcement officer.

(B) Evidence of a statement made by a declarant is not made inadmissible by the hearsay rule if the declarant is unavailable as a witness, under Evidence Rule 804, and all of the following are true:

(1) The party offering the statement has made a showing of particularized guarantees of trustworthiness regarding the statement, the statement was made under circumstances which indicate its trustworthiness, and the statement was not the result of promise, inducement, threat, or coercion. In making
its determination, the court may consider only the circumstances that surround the making of the statement and that render the declarant particularly worthy of belief.

(2) There is no evidence that the unavailability of the declarant was caused by, aided by, solicited by, or procured on behalf of, the party who is offering the statement.

(3) The entire statement has been memorialized in a videotape recording made by a law enforcement official, prior to the death or disabbling of the declarant.

(4) The statement was made by the victim of the alleged violation.

(5) The statement is supported by corroborative evidence.

(6) The victim of the alleged violation is an individual who meets both of the following requirements:

(a) Was sixty-five years of age or older or was a dependent adult when the alleged violation or attempted violation occurred;

(b) At the time of any criminal proceeding, including, but not limited to, a preliminary hearing or trial, regarding the alleged violation or attempted violation, is either deceased or suffers from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunction, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired.

(C) For the purpose of division (A)(4) of this section, circumstances relevant to the issue of trustworthiness include the following:
(1) Whether the statement was made in contemplation of pending or anticipated litigation in which the declarant was interested;

(2) Whether the declarant has a bias or motive for fabricating the statement, and the extent of any bias or motive;

(3) Whether the statement is corroborated by evidence other than statements that are admissible only pursuant to this section.

(D) A statement is admissible pursuant to division (A) or (B) of this section only if the proponent of the statement makes known to the adverse party the intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings in order to provide the adverse party with a fair opportunity to prepare to meet the statement.

(E) If the prosecution intends to offer a statement pursuant to division (A) or (B) of this section, the prosecution shall serve a written notice upon the defendant at least ten days prior to the hearing or trial at which the prosecution intends to offer the statement, unless the prosecution shows good cause for the failure to provide that notice. In the event that good cause is shown, the defendant shall be entitled to a reasonable continuance of the hearing or trial.

(F) If a statement is offered under division (A) or (B) of this section during trial, the court's determination as to the availability of the victim as a witness shall be made out of the presence of the jury. If the defendant elects to testify at the hearing on a motion brought pursuant to division (A) or (B) of this section, the court shall exclude from the examination every person except the clerk, the court reporter, the bailiff, the
As Introduced

prosecutor, the investigating officer, the defendant and the
defendant's counsel, an investigator for the defendant, and the
officer having custody of the defendant. Notwithstanding any
other provision of law, the defendant's testimony at the hearing
shall not be admissible in any other proceeding except the
hearing brought on the motion under division (A) or (B) of this
section. If a transcript is made of the defendant's testimony,
it shall be sealed and transmitted to the clerk of the court in
which the action is pending.

(G) This section shall apply to any criminal proceeding
involving domestic violence initiated or pending as of January
1, 2020.

Sec. 2945.484. (A)(1) A statement is not made inadmissible
by the hearsay rule in a criminal proceeding involving domestic
violence if the statement is offered against a party that has
engaged, or aided and abetted, in wrongdoing that was intended
to, and did, procure the unavailability of the declarant as a
witness.

(2)(a) The party seeking to introduce a statement under
division (A)(1) of this section must establish, by a
preponderance of the evidence, that the elements of division (A)
(1) of this section have been met at a preliminary hearing.

(b) The hearsay evidence that is the subject of the
preliminary hearing is admissible at the preliminary hearing.
However, a finding that the elements of division (A)(1) of this
section have been met shall not be based solely on a hearsay
statement of the unavailable declarant that was not subject to
confrontation, and shall be supported by independent
corroborative evidence.
(c) The preliminary hearing shall be conducted outside the presence of the jury. However, if the hearing is conducted after a jury trial has begun, the judge presiding at the hearing may consider evidence already presented to the jury in deciding whether the elements of division (A)(1) of this section have been met.

(d) In deciding whether or not to admit the statement, the judge may take into account whether it is trustworthy and reliable.

(B) Except as provided in division (F) or (G) of this section, in a criminal proceeding involving domestic violence, evidence of the defendant's commission of other acts of domestic violence is not inadmissible character evidence if it is not otherwise inadmissible under Evidence Rule 403.

(C) In an action in which evidence is to be offered under division (B) of this section, the prosecution must disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, in accordance with Criminal Rule 12(E) and the Rules of Civil Procedure, as applicable.

(D) Divisions (B) to (F) of this section should not be construed to limit or preclude the admission or consideration of evidence under any other law.

(E) As used in divisions (B) to (G) of this section, "domestic violence" has the same meaning as in section 3113.31 of the Revised Code.

(F) Evidence of acts occurring more than ten years before the conduct involved in a criminal action should not be admissible under this section, unless the court determines that
the admission of this evidence is in the interest of justice.

(G) This section shall apply to any criminal proceeding involving domestic violence initiated or pending as of January 1, 2020.

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

(1) "Domestic violence" means any of the following:

(a) The occurrence of one or more of the following acts against a family or household member:

(i) Attempting to cause or recklessly causing bodily injury;

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

(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;

(iv) Committing a sexually oriented offense.

(b) The occurrence of one or more of the acts identified in divisions (A)(1)(a)(i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.

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

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

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

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

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

(iii) A parent or a child of a spouse, person living as a
spouse, or former spouse of the respondent, or another person
related by consanguinity or affinity to a spouse, person living
as a spouse, or former spouse of the respondent;

(iv) A child whose guardian or custodian is a spouse,
person living as a spouse, or former spouse of the respondent.

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

(4) "Person living as a spouse" means a person who is
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
(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) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintance or ordinary fraternization in a business or social context.

(9) "Person with whom the respondent is or was in a dating relationship" means an adult who, at the time of the conduct in question, is in a dating relationship with the respondent who also is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the respondent who also is an adult.

(10) "Child," "custodian," and "guardian" have the same meanings as in section 3109.51 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 or against a person with whom the respondent is or was in a dating relationship, 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;

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

(4) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. Not later than ninety days after the effective date of this amendment, a judge of the court or a designated magistrate shall be available to accept a petition filed under this section and to hold an ex parte hearing twenty-four hours a day and seven days a week. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member or the person with whom the respondent is or was in a dating relationship from domestic violence. Immediate and present danger of domestic violence to the family or household member or to the person with whom the respondent is or was in a dating relationship constitutes good cause for purposes of this section. Immediate and present danger includes, but is not
limited to, situations in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with bodily harm, in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with a sexually oriented offense, or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense that constitutes domestic violence against the family or household member or person with whom the respondent is or was in a dating relationship.

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

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

(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 grants a continuance under that division.

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

(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members or persons with whom the respondent is or was in a dating relationship. The order or agreement may:

(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members or persons with whom the respondent is or was in a dating relationship;

(b) With respect to a petition involving family or household members, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent,
when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

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

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

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

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

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member;

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

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

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

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

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or, with respect to a petition involving family or household members, one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E)(7) of this section. This division does not preclude the court from including in a protection order or
consent agreement, in circumstances other than those described in this division, a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member, and, if the court includes any requirement of that type in an order or agreement, the court also shall include in the order provisions of the type described in division (E)(7) of this section.

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

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

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

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

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

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

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

(d) After a full hearing at which the respondent presents
evidence in support of the request for a protection order and
the petitioner is afforded an opportunity to defend against that
evidence, the court determines that the petitioner has committed
an act of domestic violence or has violated a temporary
protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.

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

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

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

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

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

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

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

(8)(a) The court may modify or terminate as provided in division (E)(8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved the consent agreement shall hear a motion for modification or termination of the protection order or consent agreement pursuant to division (E)(8) of this section.
(b) Either the petitioner or the respondent of the original protection order or consent agreement may bring a motion for modification or termination of a protection order or consent agreement that was issued or approved after a full hearing. The court shall require notice of the motion to be made as provided by the Rules of Civil Procedure. If the petitioner for the original protection order or consent agreement has requested that the petitioner's address be kept confidential, the court shall not disclose the address to the respondent of the original protection order or consent agreement or any other person, except as otherwise required by law. The moving party has the burden of proof to show, by a preponderance of the evidence, that modification or termination of the protection order or consent agreement is appropriate because either the protection order or consent agreement is no longer needed or because the terms of the original protection order or consent agreement are no longer appropriate.

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

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

(ii) Whether the petitioner fears the respondent;

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

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

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

(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;

(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;

(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;

(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;

(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;

(xi) The age and health of the respondent;

(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.

(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section,
the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section.

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

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

(F)(1) A copy of any protection order, or consent agreement, that is issued, approved, modified, or terminated under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered.
(2) Upon the issuance of a protection order or the approval of a consent agreement under this section, the court shall provide the parties to the order or agreement with the following notice orally or by form:

"NOTICE

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

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

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

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

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

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

(b) All appellate rights have been exhausted.

(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law. When a petition under this section alleges domestic violence against minor children, the court shall report the fact, or cause reports to be made, to a county, township, or municipal peace officer under section 2151.421 of the Revised Code.

(I) Any law enforcement agency that investigates a domestic dispute shall provide information to the family or
household members involved, or the persons in the dating relationship who are involved, whichever is applicable regarding the relief available under this section and, for family or household members, section 2919.26 of the Revised Code.

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

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

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

(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
pleas, municipal court, or county court shall place an
endorsement of registration on the order or agreement and give
the petitioner a copy of the order or agreement that bears that
proof of registration.
(3) The clerk of each court of common pleas, the clerk of each municipal court, and the clerk of each county court shall maintain a registry of certified copies of temporary protection orders, protection orders, or consent agreements that have been issued or approved by courts in other counties and that have been registered with the clerk.

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

Sec. 4510.13. (A)(1) Divisions (A)(2) to (9) of this section apply to a judge or mayor regarding the suspension of, or the grant of limited driving privileges during a suspension of, an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code, under division (B) or (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance.

(2) No judge or mayor shall suspend the following portions of the suspension of an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance, provided that division (A)(2) of this section does not limit a court or mayor in crediting any period of suspension imposed pursuant to division (B) or (C) of section 4511.191 of the Revised Code.
against any time of judicial suspension imposed pursuant to
section 4511.19 or 4510.07 of the Revised Code, as described in
divisions (B)(2) and (C)(2) of section 4511.191 of the Revised
Code:

(a) The first six months of a suspension imposed under
division (G)(1)(a) of section 4511.19 of the Revised Code or of a
comparable length suspension imposed under section 4510.07 of
the Revised Code;

(b) The first year of a suspension imposed under division
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a
comparable length suspension imposed under section 4510.07 of
the Revised Code;

(c) The first three years of a suspension imposed under
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code or of a
comparable length suspension imposed under section
4510.07 of the Revised Code;

(d) The first sixty days of a suspension imposed under
division (H) of section 4511.19 of the Revised Code or of a
comparable length suspension imposed under section 4510.07 of
the Revised Code.

(3) No judge or mayor shall grant limited driving
privileges to an offender whose driver's or commercial driver's
license or permit or nonresident operating privilege has been
suspended under division (G) or (H) of section 4511.19 of the
Revised Code, under division (C) of section 4511.191 of the
Revised Code, or under section 4510.07 of the Revised Code for a
municipal OVI conviction if the offender, within the preceding
ten years, has been convicted of or pleaded guilty to three or
more violations of one or more of the Revised Code sections,
municipal ordinances, statutes of the United States or another
state, or municipal ordinances of a municipal corporation of
another state that are identified in divisions (G) division (H)
(2) (b) to (h) of section 2919.22 of the Revised Code.

Additionally, no judge or mayor shall grant limited
driving privileges to an offender whose driver's or commercial
driver's license or permit or nonresident operating privilege
has been suspended under division (B) of section 4511.191 of the
Revised Code if the offender, within the preceding ten years,
has refused three previous requests to consent to a chemical
test of the person's whole blood, blood serum or plasma, breath,
or urine to determine its alcohol content.

(4) No judge or mayor shall grant limited driving
privileges for employment as a driver of commercial motor
vehicles to an offender whose driver's or commercial driver's
license or permit or nonresident operating privilege has been
suspended under division (G) or (H) of section 4511.19 of the
Revised Code, under division (B) or (C) of section 4511.191 of
the Revised Code, or under section 4510.07 of the Revised Code
for a municipal OVI conviction if the offender is disqualified
from operating a commercial motor vehicle, or whose license or
permit has been suspended, under section 3123.58 or 4506.16 of
the Revised Code.

(5) No judge or mayor shall grant limited driving
privileges to an offender whose driver's or commercial driver's
license or permit or nonresident operating privilege has been
suspended under division (G) or (H) of section 4511.19 of the
Revised Code, under division (C) of section 4511.191 of the
Revised Code, or under section 4510.07 of the Revised Code for a
conviction of a violation of a municipal OVI ordinance during
any of the following periods of time:

(a) The first fifteen days of a suspension imposed under division (G)(1)(a) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code, or of a suspension imposed under division (C)(1)(a) of section 4511.191 of the Revised Code. On or after the sixteenth day of the suspension, the court may grant limited driving privileges, but the court may require that the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with immobilizing or disabling devices that monitor the offender's alcohol consumption or any other type of immobilizing or disabling devices, except as provided in division (C) of section 4510.43 of the Revised Code.

(b) The first forty-five days of a suspension imposed under division (C)(1)(b) of section 4511.191 of the Revised Code. On or after the forty-sixth day of suspension, the court may grant limited driving privileges, but the court may require that the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with immobilizing or disabling devices that monitor the offender's alcohol consumption or any other type of immobilizing or disabling devices, except as provided in division (C) of section 4510.43 of the Revised Code.

(c) The first sixty days of a suspension imposed under division (H) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code.

(d) The first one hundred eighty days of a suspension imposed under division (C)(1)(c) of section 4511.191 of the Revised Code. On or after the one hundred eighty-first day of
suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying arrest is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying arrest is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(e) The first forty-five days of a suspension imposed under division (G)(1)(b) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code. On or after the forty-sixth day of the suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying conviction is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying conviction is drug-related, the court in its discretion may issue an order that, except as
provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

If a court grants limited driving privileges under division (A)(5)(e) of this section, the court may issue an order terminating an immobilization order issued pursuant to division (G)(1)(b)(v) of section 4511.19 of the Revised Code to take effect concurrently with the granting of limited driving privileges. The court shall send notice of the termination of the immobilization order to the registrar of motor vehicles.

Upon receiving information that an offender violated any condition imposed by the court at the time an immobilization order was terminated under this section, the court may hold a hearing and, in its discretion, issue an order reinstating the immobilization order for the balance of the immobilization period that remained when the court originally ordered the termination of the immobilization order. The court may issue the order only upon a showing of good cause that the offender violated any condition imposed by the court. The court shall send notice of the reinstatement of the immobilization order to the registrar.

(f) The first one hundred eighty days of a suspension imposed under division (G)(1)(c) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code. On or after the one hundred eighty-first day of the suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying conviction is alcohol-related, the
court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying conviction is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(g) The first three years of a suspension imposed under division (G)(1)(d) or (e) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code, or of a suspension imposed under division (C)(1)(d) of section 4511.191 of the Revised Code. On or after the first three years of suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying conviction is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying conviction is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.
operates are equipped with a certified ignition interlock device.

(6) No judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (B) of section 4511.191 of the Revised Code during any of the following periods of time:

(a) The first thirty days of suspension imposed under division (B)(1)(a) of section 4511.191 of the Revised Code;

(b) The first ninety days of suspension imposed under division (B)(1)(b) of section 4511.191 of the Revised Code;

(c) The first year of suspension imposed under division (B)(1)(c) of section 4511.191 of the Revised Code;

(d) The first three years of suspension imposed under division (B)(1)(d) of section 4511.191 of the Revised Code.

(7) In any case in which a judge or mayor grants limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, under division (G)(1)(a) or (b) of section 4511.19 of the Revised Code for a violation of division (A)(1)(f), (g), (h), or (i) of that section, or under section 4510.07 of the Revised Code for a municipal OVI conviction for which sentence would have been imposed under division (G)(1)(a)(ii) or (G)(1)(b)(ii) or (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code had the offender been charged with and convicted of a violation of section 4511.19 of the Revised Code instead of a violation of the municipal OVI ordinance, the judge or mayor shall impose as a condition of the
privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section.

(8) In any case in which an offender is required by a court under this section to operate a motor vehicle that is equipped with a certified ignition interlock device and either the offender commits an ignition interlock device violation as defined under section 4510.46 of the Revised Code or the offender operates a motor vehicle that is not equipped with a certified ignition interlock device, the following applies:

(a) If the offender was sentenced under division (G)(1)(a) or (b) or division (H) of section 4511.19 of the Revised Code, on a first instance the court may require the offender to wear a monitor that provides continuous alcohol monitoring that is remote. On a second instance, the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of forty days. On a third instance or more, the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of sixty days.

(b) If the offender was sentenced under division (G)(1) (c), (d), or (e) of section 4511.19 of the Revised Code, on a first instance the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of forty days. On a second instance or more, the court shall require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of sixty days.

(c) The court may increase the period of suspension of the
offender's driver's or commercial driver's license or permit or
nonresident operating privilege from that originally imposed by
the court by a factor of two and may increase the period of time
during which the offender will be prohibited from exercising any
limited driving privileges granted to the offender unless the
vehicles the offender operates are equipped with a certified
ignition interlock device by a factor of two. The limitation
under division (E) of section 4510.46 of the Revised Code
applies to an increase under division (A)(8)(c) of this section.

(d) If the violation occurred within sixty days of the end
of the suspension of the offender's driver's or commercial
driver's license or permit or nonresident operating privilege
and the court does not impose an increase in the period of the
suspension under division (A)(8)(c) of this section, the court
shall proceed as follows:

(i) Issue an order extending the period of suspension and
the grant of limited driving privileges with a required
certified ignition interlock device so that the suspension
terminates sixty days from the date the offender committed that
violation.

(ii) For each violation subsequent to a violation for
which an extension was ordered under division (A)(8)(d)(i) of
this section, issue an order extending the period of suspension
and the grant of limited driving privileges with a required
certified ignition interlock device so that the suspension
terminates sixty days from the date the offender committed that
violation.

The registrar of motor vehicles is prohibited from
reinstating an offender's license unless the applicable period
of suspension has been served and no ignition interlock device
violations have been committed within the sixty days prior to the application for reinstatement.

(9) At the time the court issues an order under this section requiring an offender to use an ignition interlock device, the court shall provide notice to the offender of each action the court is authorized or required to take under division (A)(8) of this section if the offender circumvents or tampers with the device or in any case in which the court receives notice pursuant to section 4510.46 of the Revised Code that a device prevented an offender from starting a motor vehicle.

(10) In any case in which the court issues an order under this section prohibiting an offender from exercising limited driving privileges unless the vehicles the offender operates are equipped with an immobilizing or disabling device, including a certified ignition interlock device, or requires an offender to wear a monitor that provides continuous alcohol monitoring that is remote, the court shall impose an additional court cost of two dollars and fifty cents upon the offender. The court shall not waive the payment of the two dollars and fifty cents unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender. The clerk of court shall transmit one hundred per cent of this mandatory court cost collected during a month on or before the twenty-third day of the following month to the state treasury to be credited to the public safety - highway purposes fund created under section 4501.06 of the Revised Code, to be used by the department of public safety to cover costs associated with maintaining the habitual OVI/OMWI offender registry created under section 5502.10 of the Revised Code. In its discretion the court may impose an additional court cost of
two dollars and fifty cents upon the offender. The clerk of court shall retain this discretionary two dollar and fifty cent court cost, if imposed, and shall deposit it in the court's special projects fund that is established under division (E)(1) of section 2303.201, division (B)(1) of section 1901.26, or division (B)(1) of section 1907.24 of the Revised Code.

(B) Any person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to section 4511.19 or 4511.191 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance may file a petition for limited driving privileges during the suspension. The person shall file the petition in the court that has jurisdiction over the place of arrest. Subject to division (A) of this section, the court may grant the person limited driving privileges during the period during which the suspension otherwise would be imposed. However, the court shall not grant the privileges for employment as a driver of a commercial motor vehicle to any person who is disqualified from operating a commercial motor vehicle under section 4506.16 of the Revised Code or during any of the periods prescribed by division (A) of this section.

(C)(1) After a driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 of the Revised Code, any provision of Chapter 2925. of the Revised Code, or section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, the judge of the court or mayor of the mayor's court that suspended the license, permit, or privilege shall cause the offender to deliver to the court the license or permit. The judge, mayor, or
clerk of the court or mayor's court shall forward to the registrar the license or permit together with notice of the action of the court.

(2) A suspension of a commercial driver's license under any section or chapter identified in division (C)(1) of this section shall be concurrent with any period of suspension or disqualification under section 3123.58 or 4506.16 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under this chapter during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under any section or chapter identified in division (C)(1) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(3) No judge or mayor shall suspend any class one suspension, or any portion of any class one suspension, imposed under section 2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No judge or mayor shall suspend the first thirty days of any class two, class three, class four, class five, or class six suspension imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 2929.02 of the Revised Code.

(D) The judge of the court or mayor of the mayor's court shall credit any time during which an offender was subject to an administrative suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.191 or 4511.192 of the Revised Code or a suspension imposed by a judge, referee, or mayor pursuant to division (B)(1) or (2) of section 4511.196 of
the Revised Code against the time to be served under a related
suspension imposed pursuant to any section or chapter identified
in division (C)(1) of this section.

(E) The judge or mayor shall notify the bureau of motor
vehicles of any determinations made pursuant to this section and
of any suspension imposed pursuant to any section or chapter
identified in division (C)(1) of this section.

(F)(1) If a court issues an order under this section
granting limited driving privileges and requiring an offender to
use an immobilizing or disabling device, the order shall
authorize the offender during the specified period to operate a
motor vehicle only if it is equipped with such a device, except
as provided in division (C) of section 4510.43 of the Revised
Code. The court shall provide the offender with a copy of the
order for purposes of obtaining a restricted license and shall
submit a copy of the order to the registrar of motor vehicles.

(2) An offender shall present to the registrar or to a
deputy registrar the copy of an immobilizing or disabling device
order issued under this section and a certificate affirming the
installation of an immobilizing or disabling device that is in a
form established by the director of public safety and that is
signed by the person who installed the device. Upon presentation
of the order and certificate to the registrar or a deputy
registrar, the registrar or deputy registrar shall issue the
offender a restricted license, unless the offender's driver's or
commercial driver's license or permit is suspended under any
other provision of law and limited driving privileges have not
been granted with regard to that suspension. A restricted
license issued under this division shall be identical to an Ohio
driver's license, except that it shall have printed on its face
a statement that the offender is prohibited from operating any
motor vehicle that is not equipped with an immobilizing or
disabling device in violation of the order.

(3)(a) No person who has been granted limited driving
privileges subject to an immobilizing or disabling device order
under this section shall operate a motor vehicle prior to
obtaining a restricted license. Any person who violates this
prohibition is subject to the penalties prescribed in section
4510.14 of the Revised Code.

(b) The offense established under division (F)(3)(a) of
this section is a strict liability offense and section 2901.20
of the Revised Code does not apply.

Sec. 4510.31. (A)(1) Except as provided in division (C)(1)
or (2) of this section, the registrar of motor vehicles shall
suspend the probationary driver's license, restricted license,
or temporary instruction permit issued to any person when the
person has been convicted of, pleaded guilty to, or been
adjudicated in juvenile court of having committed, prior to the
person's eighteenth birthday, any of the following:

(a) Three separate violations of section 2903.06, 2903.08,
2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201,
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the
Revised Code, section 4510.14 of the Revised Code involving a
suspension imposed under section 4511.191 or 4511.196 of the
Revised Code, section 2903.04 of the Revised Code in a case in
which the person would have been subject to the sanctions
described in division (D) of that section had the person been
convicted of the violation of that section, former section
2903.07 of the Revised Code, or any municipal ordinances
similarly relating to the offenses referred to in those sections;

(b) One violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance;

(c) Two separate violations of any of the Revised Code sections referred to in division (A)(1)(a) of this section, or any municipal ordinance that is substantially similar to any of those sections.

(2) Any person whose license or permit is suspended under division (A)(1)(a), (b), or (c) of this section shall mail or deliver the person's probationary driver's license, restricted license, or temporary instruction permit to the registrar within fourteen days of notification of the suspension. The registrar shall retain the license or permit during the period of the suspension. A suspension pursuant to division (A)(1)(a) of this section shall be a class C suspension, a suspension pursuant to division (A)(1)(b) of this section shall be a class D suspension, and a suspension pursuant to division (A)(1)(c) of this section shall be a class E suspension, all for the periods of time specified in division (B) of section 4510.02 of the Revised Code. If the person's probationary driver's license, restricted license, or temporary instruction permit is under suspension on the date the court imposes sentence upon the person for a violation described in division (A)(1)(b) of this section, the suspension shall take effect on the next day immediately following the end of that period of suspension. If the person is sixteen years of age or older and pleads guilty to or is convicted of a violation described in division (A)(1)(b) of this section and the person does not have a current, valid probationary driver's license, restricted license, or temporary
instruction permit, the registrar shall deny the issuance to the
person of a probationary driver's license, restricted license,
driver's license, commercial driver's license, or temporary
instruction permit, as the case may be, for six months beginning
on the date the court imposes sentence upon the person for the
violation. If the person has not attained the age of sixteen
years on the date the court imposes sentence upon the person for
the violation, the period of denial shall commence on the date
the person attains the age of sixteen years.

(3) The registrar shall suspend the person's license or
permit under division (A) of this section regardless of whether
the disposition of the case in juvenile court occurred after the
person's eighteenth birthday.

(B) The registrar also shall impose a class D suspension
for the period of time specified in division (B)(4) of section
4510.02 of the Revised Code of the temporary instruction permit
or probationary driver's license of any person under the age of
eighteen who has been adjudicated an unruly child, delinquent
child, or juvenile traffic offender for having committed any act
that if committed by an adult would be a drug abuse offense or a
violation of division (B) of section 2917.11 of the Revised
Code. The registrar, in the registrar's discretion, may
terminate the suspension if the child, at the discretion of the
court, attends and satisfactorily completes a drug abuse or
alcohol abuse education, intervention, or treatment program
specified by the court. Any person whose temporary instruction
permit or probationary driver's license is suspended under this
division shall mail or deliver the person's permit or license to
the registrar within fourteen days of notification of the
suspension. The registrar shall retain the permit or license
during the period of the suspension.
(C)(1)(a) Except as provided in division (C)(1)(c) of this section, for any person who is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or third violation of section 4511.12, 4511.13, 4511.20 to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 4511.75 of the Revised Code or any similar municipal ordinances and whose license or permit is suspended under division (A)(1)(a) or (c) of this section, the court in which the second or third conviction, finding, plea, or adjudication resulting in the suspension was made, upon petition of the person, may grant the person limited driving privileges during the period during which the suspension otherwise would be imposed under division (A)(1)(a) or (c) of this section for any of the purposes set forth in division (A) of section 4510.021 of the Revised Code. In granting the limited driving privileges, the court shall specify the purposes, times, and places of the privileges and may impose any other conditions upon the person's driving a motor vehicle that the court considers reasonable and necessary.

A court that grants limited driving privileges to a person under this division shall retain the person's probationary driver's license, restricted license, or temporary instruction permit during the period the license or permit is suspended and also during the period for which limited driving privileges are granted, and shall deliver to the person a permit card, in a form to be prescribed by the court, setting forth the date on which the limited driving privileges will become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle.

The court immediately shall notify the registrar, in writing, of a grant of limited driving privileges under this
division. The notification shall specify the date on which the limited driving privileges will become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle. The registrar shall not suspend the probationary driver's license, restricted license, or temporary instruction permit of any person pursuant to division (A) of this section during any period for which the person has been granted limited driving privileges as provided in this division, if the registrar has received the notification described in this division from the court.

(b) Except as provided in division (C)(1)(c) of this section, in any case in which the temporary instruction permit or probationary driver's license of a person under eighteen years of age has been suspended under division (A) or (B) of this section or any other provision of law, the court may grant the person limited driving privileges for the purpose of the person's practicing of driving with the person's parent, guardian, or other custodian during the period of the suspension. Any grant of limited driving privileges under this division shall comply with division (D) of section 4510.021 of the Revised Code.

(c) A court shall not grant limited driving privileges to a person identified in division (C)(1)(a) or (b) of this section if the person, within the preceding six years, has been convicted of, pleaded guilty to, or adjudicated in juvenile court of having committed three or more violations of one or more of the divisions or sections set forth in divisions (G) division (H)(2) to (g) of section 2919.22 of the Revised Code.
(2)(a) In a case in which a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed, prior to the person's eighteenth birthday, a second or third violation of section 4511.12, 4511.13, 4511.20 to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 4511.75 of the Revised Code or any similar municipal ordinances and division (A)(1)(a) or (c) of this section requires the registrar of motor vehicles to suspend the person's license or permit, the court in which the person is convicted of, pleads guilty to, or is adjudicated of having committed the second or third violation may elect to order the registrar of motor vehicles to waive the suspension if all of the following apply:

(i) Prior to the date on which the court imposes sentence upon, or makes an order of disposition for, the person for the second or third violation, the person submits to the court a petition requesting the court to order the registrar to waive the prescribed suspension and describing the reasons why the person believes the suspension, if imposed, would seriously affect the person's ability to continue in employment, educational training, vocational training, or treatment.

(ii) Prior to the date specified in division (C)(2)(a)(i) of this section, the person submits to the court satisfactory proof showing that the person successfully completed an advanced juvenile driver improvement program approved by the director of public safety under division (B) of section 4510.311 of the Revised Code after the date the person committed that second or third violation.

(iii) Prior to imposing sentence upon, or making an order of disposition for, the person for the second or third violation, the court finds reasonable cause to believe that the
suspension, if imposed, would seriously affect the person's
ability to continue in employment, educational training,
vocational training, or treatment.

(iv) If the court is imposing sentence upon, or making an
order of disposition for, the person for a third violation, the
person did not submit to the court that imposed sentence upon,
or made an order of disposition for, the person for the second
violation a petition of the type described in division (C)(2)(a)
(i) of this section, and the court that imposed sentence upon,
or made an order of disposition for, the person for that second
violation did not order the registrar of motor vehicles to waive
the suspension of the person's license or permit required under
division (A)(1)(c) of this section for the conviction of, plea
of guilty to, or adjudication in juvenile court of having
committed that second violation.

(b) If a court elects pursuant to division (C)(2)(a) of
this section to order the registrar of motor vehicles to waive a
suspension that otherwise is required under division (A)(1)(a)
or (c) of this section, the court immediately shall send a
written copy of the order to the registrar. Upon receipt of the
written copy of the order, the registrar shall not suspend
pursuant to division (A)(1)(a) or (c) of this section the
probationary driver's license, restricted license, or temporary
instruction permit of the person who is the subject of the order
for the second or third violation for which the suspension
otherwise would be imposed under that division.

(D) If a person who has been granted limited driving
privileges under division (C)(1) of this section is convicted
of, pleads guilty to, or is adjudicated in juvenile court of
having committed, a violation of Chapter 4510. of the Revised
Code, or a subsequent violation of any of the sections of the Revised Code listed in division (A)(1)(a) of this section or any similar municipal ordinance during the period for which the person was granted limited driving privileges, the court that granted the limited driving privileges shall suspend the person's permit card. The court or the clerk of the court immediately shall forward the person's probationary driver's license, restricted license, or temporary instruction permit together with written notification of the court's action to the registrar. Upon receipt of the license or permit and notification, the registrar shall impose a class C suspension of the person's probationary driver's license, restricted license, or temporary instruction permit for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The registrar shall retain the license or permit during the period of suspension, and no further limited driving privileges shall be granted during that period.

(E) No application for a driver's or commercial driver's license shall be received from any person whose probationary driver's license, restricted license, or temporary instruction permit has been suspended under this section until each of the following has occurred:

(1) The suspension period has expired;

(2) A temporary instruction permit or commercial driver's license temporary instruction permit has been issued;

(3) The person successfully completes a juvenile driver improvement program approved by the director of public safety under division (A) of section 4510.311 of the Revised Code;

(4) The applicant has submitted to the examination for a
driver's license as provided for in section 4507.11 or a commercial driver's license as provided in Chapter 4506. of the Revised Code.

Section 2. That existing sections 109.744, 109.803, 2903.01, 2919.22, 2929.022, 2929.04, 2935.032, 2935.033, 3113.31, 4510.13, and 4510.31 of the Revised Code are hereby repealed.

Section 3. The General Assembly, in enacting this act, encourages prosecuting attorneys to employ no-drop policies in an effort to curb instances of domestic violence. No-drop policies rely on a presumption against seeking voluntary dismissal or an entry of nolle prosequi in a case related to an incident of domestic violence and may include any of the following:

(A) A policy of informing the victim in a domestic violence case that the office generally does not drop charges of domestic violence, but that there are exceptions under certain circumstances;

(B) A requirement that the victim of the offense of domestic violence must speak to a victim's advocate or prosecutor before charges may be dropped;

(C) A requirement that certain categories of crimes or offenders be removed from consideration for voluntary dismissal or nolle prosequi, such as offenders with prior domestic violence convictions, offenders who have another concurrent case of domestic violence pending, or offenders on probation;

(D) A policy that charges of domestic violence not be voluntarily dismissed prior to an initial hearing;

(E) A requirement that, in the event that a victim
requests a pending charge of domestic violence be dismissed voluntarily, the victim be advised about the increased risk of being victimized;

(F) A requirement that the victim of an offense of domestic violence be asked to watch a video program about domestic violence or attend a victims' support group meeting prior to voluntarily dismissing charges of domestic violence;

(G) A requirement that a victim of an offense of domestic violence be permitted to sign a "drop form" that the court may hold for ninety days, after which time the prosecutor will file a motion to dismiss if no further violence occurs.