

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 221

Senator Dolan

Cosponsors: Senators Lehner, Hoagland

A BILL

To amend sections 2151.34, 2317.02, 2317.022, 1
2317.422, 2903.213, 2903.214, 2919.26, 2923.13, 2
2923.18, 2923.20, 2923.21, 2923.31, 2929.14, 3
2935.01, 2935.10, 2941.141, 2941.145, 3113.31, 4
5119.01, 5119.61, 5119.90, 5119.92, 5119.93, 5
5119.94, 5119.96, 5119.97, 5119.99, 5122.10, 6
5122.11, 5122.13, 5122.141, 5122.15, 5122.31, 7
5122.311, and 5122.99 and to enact sections 8
311.51, 2923.133, 2945.403, 5119.901, and 9
5502.71 of the Revised Code to provide for the 10
issuance in specified circumstances of a Safety 11
Protection Order to apply regarding a person who 12
a court determines is under a drug dependency, 13
chronic alcoholic, or mental health-related 14
firearms disability; to specify LEADS and NCIC 15
reporting and removal procedures for current 16
types of protection orders; to require the 17
submission to the Attorney General for inclusion 18
in LEADS of findings of IST or NGRI; to modify 19
some of the prohibitions under the offense of 20
"unlawful transactions in weapons" and add new 21
prohibitions and exemptions under the offense, 22
including a new exemption if a state background 23

check mechanism the bill enacts is used and does 24
not indicate that the prospective transferee is 25
barred from firearms possession; to provide in 26
specified circumstances for the issuance of a 27
seller's protection certificate under the new 28
state background check mechanism; to increase 29
the penalty for certain firearms-related 30
offenses in specified circumstances; to modify 31
the law governing the entry of arrest warrants 32
into LEADS as extradition warrants; to expand 33
the law regarding the provision of drug and 34
alcohol test results to law enforcement 35
personnel; and to provide a new exception to the 36
testimonial privilege for specified medical and 37
dental personnel regarding certain probate court 38
proceedings. 39

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

Section 1. That sections 2151.34, 2317.02, 2317.022, 40
2317.422, 2903.213, 2903.214, 2919.26, 2923.13, 2923.18, 41
2923.20, 2923.21, 2923.31, 2929.14, 2935.01, 2935.10, 2941.141, 42
2941.145, 3113.31, 5119.01, 5119.61, 5119.90, 5119.92, 5119.93, 43
5119.94, 5119.96, 5119.97, 5119.99, 5122.10, 5122.11, 5122.13, 44
5122.141, 5122.15, 5122.31, 5122.311, and 5122.99 be amended and 45
sections 311.51, 2923.133, 2945.403, 5119.901, and 5502.71 of 46
the Revised Code be enacted to read as follows: 47

Sec. 311.51. (A) As used in this section: 48

(1) "Federally licensed firearms dealer" has the same 49

meaning as in section 5502.63 of the Revised Code. 50

(2) "Prospective transferee" means the person who is the 51
subject of a petition filed under division (B)(2) of this 52
section requesting a sheriff to contact the department and 53
request the department to conduct background checks of the 54
person under section 5502.71 of the Revised Code. 55

(3) "Transfer" means a person's sale, loaning, giving, or 56
furnishing of a firearm to another person. 57

(4) "Identification document" means a document made or 58
issued by or under the authority of the United States 59
government, this state, or any other state, a political 60
subdivision of this state or any other state, a sponsoring 61
entity of an event designated as a special event of national 62
significance, a foreign government, a political subdivision of a 63
foreign government, an international governmental organization, 64
or an international quasi-governmental organization that, when 65
completed with information concerning a particular individual, 66
is of a type intended or commonly accepted for the purpose of 67
identification of individuals and that includes a photograph of 68
the individual. 69

(B)(1) A person who is not a federally licensed firearms 70
dealer and who wishes to transfer any firearm to another person 71
who is not a federally licensed firearms dealer may require the 72
prospective transferee to provide proof that the prospective 73
transferee has obtained a current seller's protection 74
certificate as set forth in this section and section 5502.71 of 75
the Revised Code. 76

(2) A person who seeks to receive a firearm by transfer 77
from another person who is not a federally licensed firearms 78

dealer may file a petition with the sheriff of any county 79
requesting the sheriff, through the department of public safety, 80
to conduct background checks on the person's self under section 81
5502.71 of the Revised Code. 82

(3) A sheriff with whom a petition is filed under division 83
(B) (2) of this section may charge a person who files a petition 84
under division (B) (2) of this section a fee, not exceeding ten 85
dollars, for filing the petition. 86

(C) (1) The department of public safety, by rule, shall 87
prescribe a form to be used by a person to file a petition under 88
division (B) (2) of this section. The form shall specify that the 89
prospective transferee may provide the prospective transferee's 90
social security number on the petition to assist with the 91
completion of the background checks and shall provide a space on 92
which the number may be provided, and shall require that the 93
person who files the petition provide all of the following on 94
the form: 95

(a) The name, current state of residence, current county 96
of residence, gender, race, and date of birth of the prospective 97
transferee; 98

(b) A telephone number or, at the option of the 99
prospective transferee, an email address at which the 100
prospective transferee may be contacted; 101

(c) Any other information specified by the department that 102
is necessary for the department to conduct background checks 103
under section 5502.71 of the Revised Code. 104

(2) The department of public safety shall not require a 105
prospective transferee to provide any information with respect 106
to a petition filed under division (B) (2) of this section that 107

is in addition to the information needed to conduct the 108
background checks under section 5502.71 of the Revised Code and 109
issue a seller's protection certificate. 110

(3) A petition filed under division (B)(2) of this section 111
shall not identify or list any firearm that might be the subject 112
of any transfer to the prospective transferee, and a person who 113
files a petition under division (B)(2) of this section shall not 114
be required to identify or list on the petition, or otherwise 115
identify or list with respect to the petition, any firearm that 116
might be the subject of a transfer to the prospective 117
transferee. 118

(D)(1) Upon receipt of a petition filed under division (B) 119
(2) of this section that contains the information specified in 120
division (C) of this section, the sheriff shall immediately 121
verify the identity of the prospective transferee by examining a 122
valid identification document of the prospective transferee 123
containing a photograph of that prospective transferee. 124

(2) Upon verifying the identity of the prospective 125
transferee under division (D)(1) of this section and the payment 126
of a fee authorized under division (B)(3) of this section, if a 127
fee is charged, the sheriff immediately shall contact the 128
department of public safety and request the department to 129
conduct background checks of the prospective transferee under 130
section 5502.71 of the Revised Code. The sheriff shall provide 131
the department with all of the information about the prospective 132
transferee that is included on the request, and provide the 133
department with confirmation of the verification of the identity 134
of the prospective transferee. 135

(E) Upon receipt of a request from a sheriff under 136
division (D) of this section, the department of public safety 137

shall immediately conduct background checks of the prospective 138
transferee pursuant to section 5502.71 of the Revised Code and, 139
upon completion of the checks, shall immediately report the 140
results of the background checks to the requesting sheriff. If 141
the results indicate that the prospective transferee is 142
prohibited from acquiring, possessing, or using a firearm under 143
section 2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 144
U.S.C. 922(n), the department shall not issue a seller's 145
protection certificate for the prospective transferee and shall 146
immediately notify the sheriff who requested the checks that it 147
will not be issuing a certificate. If the results indicate that 148
the prospective transferee is not prohibited from acquiring, 149
possessing, or using a firearm under section 2923.13 of the 150
Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n), the 151
department shall immediately issue to the sheriff who requested 152
the background check a seller's protection certificate for the 153
prospective transferee. 154

If, after conducting the background checks, the department 155
is unable to immediately determine whether the prospective 156
transferee is prohibited from acquiring, possessing, or using a 157
firearm under section 2923.13 of the Revised Code, 18 U.S.C. 158
922(g), or 18 U.S.C. 922(n), the department shall immediately 159
notify the sheriff who requested the checks of the delayed 160
status and shall not issue a seller's protection certificate 161
until the background checks are complete. If after the delayed 162
background checks are complete, the results of the checks 163
indicate that the prospective transferee is not prohibited from 164
acquiring, possessing, or using a firearm pursuant to section 165
2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 166
922(n), the department shall issue to the sheriff who requested 167
the checks a seller's protection certificate for the prospective 168

transferee. If after the delayed background checks are complete, 169
the results of the checks indicate that the prospective 170
transferee is prohibited from acquiring, possessing, or using a 171
firearm pursuant to section 2923.13 of the Revised Code, 18 172
U.S.C 922(g), or 18 U.S.C. 922(n), the department shall notify 173
the sheriff who requested the background check that it will not 174
be issuing a seller's protection certificate. 175

Upon receipt of the seller's protection certificate or a 176
notification of denial of a seller's protection certificate as 177
the result of initial background checks or delayed background 178
checks, the sheriff shall do whichever of the following is 179
applicable: 180

(1) Contact the prospective transferee and transmit the 181
certificate to the prospective transferee, either 182
electronically, in person, or by mail, at the option of the 183
prospective transferee; 184

(2) Notify the prospective transferee of the denial of the 185
seller's protection certificate. 186

(F) A petition filed under division (B) (2) of this 187
section, all information related to such a petition, and the 188
results of subsequent background checks and the fact of the 189
issuance of a seller's protection certificate, if applicable, 190
are not public records under section 149.43 of the Revised Code 191
and are not subject to inspection or copying under that section. 192
A petition filed under division (B) (2) of this section, all 193
information related to such a petition, and the results of 194
subsequent background checks and the fact of the issuance of a 195
seller's protection certificate, if applicable, are confidential 196
and shall not be divulged to any person other than for purposes 197
of conducting the background checks as required by this section 198

and section 5502.71 of the Revised Code or for purposes of 199
verifying that background checks were conducted under this 200
section and section 5502.71 of the Revised Code. 201

(G) Nothing in this section requires that, before a person 202
may transfer a firearm to another person, the person being 203
transferred the firearm must file a petition with a sheriff 204
under division (B) (2) of this section requesting the sheriff to 205
contact the department of public safety and request the 206
department to conduct background checks, as described in 207
division (D) of this section. 208

(H) If the department of public safety denies the issuance 209
of a seller's protection certificate under this section and 210
section 5502.71 of the Revised Code, and if the subject 211
prospective transferee believes the denial was based on 212
incorrect information received or used by the department in 213
conducting the background checks that were the basis of the 214
denial, the prospective transferee may challenge the background 215
check results by using the challenge and review procedure of the 216
department of public safety established pursuant to division (G) 217
(2) of section 5502.71 of the Revised Code. 218

(I) The fact that the department of public safety issues a 219
seller's protection certificate for a person is not admissible 220
in a future prosecution of the person for a violation of section 221
2923.13 of the Revised Code. 222

Sec. 2151.34. (A) As used in this section: 223

(1) "Court" means the juvenile division of the court of 224
common pleas of the county in which the person to be protected 225
by the protection order resides. 226

(2) "Victim advocate" means a person who provides support 227

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| and assistance for a person who files a petition under this | 228 |
| section. | 229 |
| (3) "Family or household member" has the same meaning as | 230 |
| in section 3113.31 of the Revised Code. | 231 |
| (4) "Protection order issued by a court of another state" | 232 |
| has the same meaning as in section 2919.27 of the Revised Code. | 233 |
| (5) "Petitioner" means a person who files a petition under | 234 |
| this section and includes a person on whose behalf a petition | 235 |
| under this section is filed. | 236 |
| (6) "Respondent" means a person who is under eighteen | 237 |
| years of age and against whom a petition is filed under this | 238 |
| section. | 239 |
| (7) "Sexually oriented offense" has the same meaning as in | 240 |
| section 2950.01 of the Revised Code. | 241 |
| (8) "Electronic monitoring" has the same meaning as in | 242 |
| section 2929.01 of the Revised Code. | 243 |
| (9) "Companion animal" has the same meaning as in section | 244 |
| 959.131 of the Revised Code. | 245 |
| (B) The court has jurisdiction over all proceedings under | 246 |
| this section. | 247 |
| (C) (1) Any of the following persons may seek relief under | 248 |
| this section by filing a petition with the court: | 249 |
| (a) Any person on behalf of that person; | 250 |
| (b) Any parent or adult family or household member on | 251 |
| behalf of any other family or household member; | 252 |
| (c) Any person who is determined by the court in its | 253 |
| discretion as an appropriate person to seek relief under this | 254 |

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| section on behalf of any child. | 255 |
| (2) The petition shall contain or state all of the following: | 256 257 |
| (a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation; | 258 259 260 261 262 263 264 265 |
| (b) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected; | 266 267 268 269 270 271 272 273 |
| (c) A request for relief under this section. | 274 |
| (3) The court in its discretion may determine whether or not to give notice that a petition has been filed under division (C) (1) of this section on behalf of a child to any of the following: | 275 276 277 278 |
| (a) A parent of the child if the petition was filed by any person other than a parent of the child; | 279 280 |
| (b) Any person who is determined by the court to be an appropriate person to receive notice of the filing of the petition. | 281 282 283 |

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day after the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order.

(2) (a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division.

Under any of the following circumstances or for any of the 315
following reasons, the court may grant a continuance of the full 316
hearing to a reasonable time determined by the court: 317

(i) Prior to the date scheduled for the full hearing under 318
this division, the respondent has not been served with the 319
petition filed pursuant to this section and notice of the full 320
hearing. 321

(ii) The parties consent to the continuance. 322

(iii) The continuance is needed to allow a party to obtain 323
counsel. 324

(iv) The continuance is needed for other good cause. 325

(b) An ex parte order issued under this section does not 326
expire because of a failure to serve notice of the full hearing 327
upon the respondent before the date set for the full hearing 328
under division (D) (2) (a) of this section or because the court 329
grants a continuance under that division. 330

(3) If a person who files a petition pursuant to this 331
section does not request an ex parte order, or if a person 332
requests an ex parte order but the court does not issue an ex 333
parte order after an ex parte hearing, the court shall proceed 334
as in a normal civil action and grant a full hearing on the 335
matter. 336

(E) (1) (a) After an ex parte or full hearing, the court may 337
issue any protection order, with or without bond, that contains 338
terms designed to ensure the safety and protection of the person 339
to be protected by the protection order. The court may include 340
within a protection order issued under this section a term 341
requiring that the respondent not remove, damage, hide, harm, or 342
dispose of any companion animal owned or possessed by the person 343

to be protected by the order, and may include within the order a 344
term authorizing the person to be protected by the order to 345
remove a companion animal owned by the person to be protected by 346
the order from the possession of the respondent. 347

(b) After a full hearing, if the court considering a 348
petition that includes an allegation of the type described in 349
division (C) (2) (b) of this section or the court, upon its own 350
motion, finds upon clear and convincing evidence that the 351
petitioner reasonably believed that the respondent's conduct at 352
any time preceding the filing of the petition endangered the 353
health, welfare, or safety of the person to be protected and 354
that the respondent presents a continuing danger to the person 355
to be protected and if division (N) of this section does not 356
prohibit the issuance of an order that the respondent be 357
electronically monitored, the court may order that the 358
respondent be electronically monitored for a period of time and 359
under the terms and conditions that the court determines are 360
appropriate. Electronic monitoring shall be in addition to any 361
other relief granted to the petitioner. 362

(2) (a) Any protection order issued pursuant to this 363
section shall be valid until a date certain but not later than 364
the date the respondent attains nineteen years of age. 365

(b) Any protection order issued pursuant to this section 366
may be renewed in the same manner as the original order was 367
issued. 368

(3) A court may not issue a protection order that requires 369
a petitioner to do or to refrain from doing an act that the 370
court may require a respondent to do or to refrain from doing 371
under division (E) (1) of this section unless all of the 372
following apply: 373

(a) The respondent files a separate petition for a protection order in accordance with this section. 374
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(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 376
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(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. 380
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(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order issued pursuant to division (E) (3) of this section, or has violated a protection order issued pursuant to this section or section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E) (3) of this section. 385
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(4) No protection order issued pursuant to this section shall in any manner affect title to any real property. 399
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(5) (a) A protection order issued under this section shall clearly state that the person to be protected by the order 401
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cannot waive or nullify by invitation or consent any requirement 403
in the order. 404

(b) Division (E) (5) (a) of this section does not limit any 405
discretion of a court to determine that a respondent alleged to 406
have violated section 2919.27 of the Revised Code, violated a 407
municipal ordinance substantially equivalent to that section, or 408
committed contempt of court, which allegation is based on an 409
alleged violation of a protection order issued under this 410
section, did not commit the violation or was not in contempt of 411
court. 412

(6) Any protection order issued pursuant to this section 413
shall include a provision that the court will automatically seal 414
all of the records of the proceeding in which the order is 415
issued on the date the respondent attains the age of nineteen 416
years unless the petitioner provides the court with evidence 417
that the respondent has not complied with all of the terms of 418
the protection order. The protection order shall specify the 419
date when the respondent attains the age of nineteen years. 420

(F) (1) The court shall cause the delivery of a copy of any 421
protection order that is issued under this section to the 422
petitioner, to the respondent, and to all law enforcement 423
agencies that have jurisdiction to enforce the order. If the 424
protection order will be valid subsequent to the date on which 425
the respondent attains eighteen years of age, the order shall be 426
in a form that ensures that the protection order is accepted 427
into the protection order database of the national crime 428
information center (NCIC) maintained by the federal bureau of 429
investigation. The court shall direct that a copy of the order 430
be delivered to the respondent and the parent, guardian, or 431
legal custodian of the respondent on the same day that the order 432

is entered. If the court terminates or cancels the order, the 433
court shall cause the delivery of notice of the termination or 434
cancellation to the same persons and entities that were 435
delivered a copy of the order. 436

The court shall cause each protection order issued 437
pursuant to this section that will be valid subsequent to the 438
date on which the respondent attains eighteen years of age to be 439
entered into the law enforcement automated data system created 440
by section 5503.10 of the Revised Code, and known as LEADS, by 441
the close of the next business day after the day on which the 442
court issues the order. Upon the termination or cancellation of 443
the order, the court shall take all steps necessary to ensure 444
that the order is removed from the LEADS database by the close 445
of the next business day after the day on which the termination 446
or cancellation of the order occurred and shall ensure that the 447
order is terminated, cleared, or canceled in the protection 448
order database of the national crime information center (NCIC) 449
maintained by the federal bureau of investigation. 450

(2) Upon the issuance of a protection order under this 451
section, the court shall provide the parties to the order with 452
the following notice orally or by form: 453

"NOTICE 454

As a result of this order, it may be unlawful for you to 455
possess or purchase a firearm, including a rifle, pistol, or 456
revolver, or ammunition pursuant to federal law under 18 U.S.C. 457
922(g)(8) for the duration of this order. If you have any 458
questions whether this law makes it illegal for you to possess 459
or purchase a firearm or ammunition, you should consult an 460
attorney." 461

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

(4) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, 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 a protection order may be obtained under this section with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order, or that refuses to grant a protection order, 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 or any other available remedies under Chapter 2151. or 2152. of the Revised Code.

(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.

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| (b) All appellate rights have been exhausted. | 492 |
| (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. | 493 494 495 496 |
| (I) Any law enforcement agency that investigates an alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged commission of a sexually oriented offense, or an alleged violation of a municipal ordinance that is substantially equivalent to any of those offenses shall provide information to the victim and the family or household members of the victim regarding the relief available under this section. | 497 498 499 500 501 502 503 504 |
| (J) (1) Subject to division (J) (2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement. | 505 506 507 508 509 510 511 512 513 514 515 |
| (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 | 516 517 518 519 520 521 |

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| of a protection order or consent agreement. | 522 |
| (K) (1) A person who violates a protection order issued | 523 |
| under this section is subject to the following sanctions: | 524 |
| (a) A delinquent child proceeding or a criminal | 525 |
| prosecution for a violation of section 2919.27 of the Revised | 526 |
| Code, if the violation of the protection order constitutes a | 527 |
| violation of that section; | 528 |
| (b) Punishment for contempt of court. | 529 |
| (2) The punishment of a person for contempt of court for | 530 |
| violation of a protection order issued under this section does | 531 |
| not bar criminal prosecution of the person or a delinquent child | 532 |
| proceeding concerning the person for a violation of section | 533 |
| 2919.27 of the Revised Code. However, a person punished for | 534 |
| contempt of court is entitled to credit for the punishment | 535 |
| imposed upon conviction of or adjudication as a delinquent child | 536 |
| for a violation of that section, and a person convicted of or | 537 |
| adjudicated a delinquent child for a violation of that section | 538 |
| shall not subsequently be punished for contempt of court arising | 539 |
| out of the same activity. | 540 |
| (L) In all stages of a proceeding under this section, a | 541 |
| petitioner may be accompanied by a victim advocate. | 542 |
| (M) (1) A petitioner who obtains a protection order under | 543 |
| this section may provide notice of the issuance or approval of | 544 |
| the order to the judicial and law enforcement officials in any | 545 |
| county other than the county in which the order is issued by | 546 |
| registering that order in the other county pursuant to division | 547 |
| (M) (2) of this section and filing a copy of the registered order | 548 |
| with a law enforcement agency in the other county in accordance | 549 |
| with that division. A person who obtains a protection order | 550 |

issued by a court of another state may provide notice of the 551
issuance of the order to the judicial and law enforcement 552
officials in any county of this state by registering the order 553
in that county pursuant to section 2919.272 of the Revised Code 554
and filing a copy of the registered order with a law enforcement 555
agency in that county. 556

(2) A petitioner may register a protection order issued 557
pursuant to this section in a county other than the county in 558
which the court that issued the order is located in the 559
following manner: 560

(a) The petitioner shall obtain a certified copy of the 561
order from the clerk of the court that issued the order and 562
present that certified copy to the clerk of the court of common 563
pleas or the clerk of a municipal court or county court in the 564
county in which the order is to be registered. 565

(b) Upon accepting the certified copy of the order for 566
registration, the clerk of the court of common pleas, municipal 567
court, or county court shall place an endorsement of 568
registration on the order and give the petitioner a copy of the 569
order that bears that proof of registration. 570

(3) The clerk of each court of common pleas, municipal 571
court, or county court shall maintain a registry of certified 572
copies of protection orders that have been issued by courts in 573
other counties pursuant to this section and that have been 574
registered with the clerk. 575

(N) If the court orders electronic monitoring of the 576
respondent under this section, the court shall direct the 577
sheriff's office or any other appropriate law enforcement agency 578
to install the electronic monitoring device and to monitor the 579

respondent. Unless the court determines that the respondent is 580
indigent, the court shall order the respondent to pay the cost 581
of the installation and monitoring of the electronic monitoring 582
device. If the court determines that the respondent is indigent 583
and subject to the maximum amount allowable to be paid in any 584
year from the fund and the rules promulgated by the attorney 585
general under section 2903.214 of the Revised Code, the cost of 586
the installation and monitoring of the electronic monitoring 587
device may be paid out of funds from the reparations fund 588
created pursuant to section 2743.191 of the Revised Code. The 589
total amount paid from the reparations fund created pursuant to 590
section 2743.191 of the Revised Code for electronic monitoring 591
under this section and sections 2903.214 and 2919.27 of the 592
Revised Code shall not exceed three hundred thousand dollars per 593
year. When the total amount paid from the reparations fund in 594
any year for electronic monitoring under those sections equals 595
or exceeds three hundred thousand dollars, the court shall not 596
order pursuant to this section that an indigent respondent be 597
electronically monitored. 598

(O) The court, in its discretion, may determine if the 599
respondent is entitled to court-appointed counsel in a 600
proceeding under this section. 601

Sec. 2317.02. The following persons shall not testify in 602
certain respects: 603

(A) (1) An attorney, concerning a communication made to the 604
attorney by a client in that relation or concerning the 605
attorney's advice to a client, except that the attorney may 606
testify by express consent of the client or, if the client is 607
deceased, by the express consent of the surviving spouse or the 608
executor or administrator of the estate of the deceased client. 609

However, if the client voluntarily reveals the substance of attorney-client communications in a nonprivileged context or is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the attorney may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply concerning either of the following:

(a) A communication between a client in a capital case, as defined in section 2901.02 of the Revised Code, and the client's attorney if the communication is relevant to a subsequent ineffective assistance of counsel claim by the client alleging that the attorney did not effectively represent the client in the case;

(b) A communication between a client who has since died and the deceased client's attorney if the communication is relevant to a dispute between parties who claim through that deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction, and the dispute addresses the competency of the deceased client when the deceased client executed a document that is the basis of the dispute or whether the deceased client was a victim of fraud, undue influence, or duress when the deceased client executed a document that is the basis of the dispute.

(2) An attorney, concerning a communication made to the attorney by a client in that relationship or the attorney's advice to a client, except that if the client is an insurance company, the attorney may be compelled to testify, subject to an in camera inspection by a court, about communications made by the client to the attorney or by the attorney to the client that are related to the attorney's aiding or furthering an ongoing or

future commission of bad faith by the client, if the party 640
seeking disclosure of the communications has made a prima-facie 641
showing of bad faith, fraud, or criminal misconduct by the 642
client. 643

(B) (1) A physician, advanced practice registered nurse, or 644
dentist concerning a communication made to the physician, 645
advanced practice registered nurse, or dentist by a patient in 646
that relation or the advice of a physician, advanced practice 647
registered nurse, or dentist given to a patient, except as 648
otherwise provided in this division, division (B) (2), and 649
division (B) (3) of this section, and except that, if the patient 650
is deemed by section 2151.421 of the Revised Code to have waived 651
any testimonial privilege under this division, the physician or 652
advanced practice registered nurse may be compelled to testify 653
on the same subject. 654

The testimonial privilege established under this division 655
does not apply, and a physician, advanced practice registered 656
nurse, or dentist may testify or may be compelled to testify, in 657
any of the following circumstances: 658

(a) In any civil action, in accordance with the discovery 659
provisions of the Rules of Civil Procedure in connection with a 660
civil action, or in connection with a claim under Chapter 4123. 661
of the Revised Code, under any of the following circumstances: 662

(i) If the patient or the guardian or other legal 663
representative of the patient gives express consent; 664

(ii) If the patient is deceased, the spouse of the patient 665
or the executor or administrator of the patient's estate gives 666
express consent; 667

(iii) If a medical claim, dental claim, chiropractic 668

claim, or optometric claim, as defined in section 2305.113 of 669
the Revised Code, an action for wrongful death, any other type 670
of civil action, or a claim under Chapter 4123. of the Revised 671
Code is filed by the patient, the personal representative of the 672
estate of the patient if deceased, or the patient's guardian or 673
other legal representative. 674

(b) In any civil action concerning court-ordered treatment 675
or services received by a patient, if the court-ordered 676
treatment or services were ordered as part of a case plan 677
journalized under section 2151.412 of the Revised Code or the 678
court-ordered treatment or services are necessary or relevant to 679
dependency, neglect, or abuse or temporary or permanent custody 680
proceedings under Chapter 2151. of the Revised Code. 681

(c) In any criminal action concerning any test or the 682
results of any test that determines the presence or 683
concentration of alcohol, a drug of abuse, a combination of 684
them, a controlled substance, or a metabolite of a controlled 685
substance in the patient's whole blood, blood serum or plasma, 686
breath, urine, or other bodily substance at any time relevant to 687
the criminal offense in question. 688

(d) In any criminal action against a physician, advanced 689
practice registered nurse, or dentist. In such an action, the 690
testimonial privilege established under this division does not 691
prohibit the admission into evidence, in accordance with the 692
Rules of Evidence, of a patient's medical or dental records or 693
other communications between a patient and the physician, 694
advanced practice registered nurse, or dentist that are related 695
to the action and obtained by subpoena, search warrant, or other 696
lawful means. A court that permits or compels a physician, 697
advanced practice registered nurse, or dentist to testify in 698

such an action or permits the introduction into evidence of 699
patient records or other communications in such an action shall 700
require that appropriate measures be taken to ensure that the 701
confidentiality of any patient named or otherwise identified in 702
the records is maintained. Measures to ensure confidentiality 703
that may be taken by the court include sealing its records or 704
deleting specific information from its records. 705

(e) (i) If the communication was between a patient who has 706
since died and the deceased patient's physician, advanced 707
practice registered nurse, or dentist, the communication is 708
relevant to a dispute between parties who claim through that 709
deceased patient, regardless of whether the claims are by 710
testate or intestate succession or by inter vivos transaction, 711
and the dispute addresses the competency of the deceased patient 712
when the deceased patient executed a document that is the basis 713
of the dispute or whether the deceased patient was a victim of 714
fraud, undue influence, or duress when the deceased patient 715
executed a document that is the basis of the dispute. 716

(ii) If neither the spouse of a patient nor the executor 717
or administrator of that patient's estate gives consent under 718
division (B) (1) (a) (ii) of this section, testimony or the 719
disclosure of the patient's medical records by a physician, 720
advanced practice registered nurse, dentist, or other health 721
care provider under division (B) (1) (e) (i) of this section is a 722
permitted use or disclosure of protected health information, as 723
defined in 45 C.F.R. 160.103, and an authorization or 724
opportunity to be heard shall not be required. 725

(iii) Division (B) (1) (e) (i) of this section does not 726
require a mental health professional to disclose psychotherapy 727
notes, as defined in 45 C.F.R. 164.501. 728

(iv) An interested person who objects to testimony or 729
disclosure under division (B) (1) (e) (i) of this section may seek 730
a protective order pursuant to Civil Rule 26. 731

(v) A person to whom protected health information is 732
disclosed under division (B) (1) (e) (i) of this section shall not 733
use or disclose the protected health information for any purpose 734
other than the litigation or proceeding for which the 735
information was requested and shall return the protected health 736
information to the covered entity or destroy the protected 737
health information, including all copies made, at the conclusion 738
of the litigation or proceeding. 739

(f) In any proceeding filed pursuant to Chapter 2111., 740
5119., 5122., or 5123. of the Revised Code, or in any proceeding 741
filed pursuant to sections 5101.60 to 5101.73 of the Revised 742
Code. 743

(2) (a) If any law enforcement officer submits a written 744
statement to a health care provider that states that an official 745
criminal investigation has begun regarding a specified person 746
~~or,~~ that a criminal action or proceeding has been commenced 747
against a specified person, that proceedings for determining 748
whether to order a person allegedly suffering from alcohol or 749
other drug abuse to undergo treatment have been commenced or are 750
about to be commenced regarding the person under sections 751
5119.90 to 5119.99 of the Revised Code, or that proceedings for 752
involuntary commitment or hospitalization have been commenced or 753
are about to be commenced against a person under sections 754
5122.05 to 5122.15 of the Revised Code, that requests the 755
provider to supply to the officer copies of any records the 756
provider possesses that pertain to any test or the results of 757
any test administered to the specified person to determine the 758

presence or concentration of alcohol, a drug of abuse, a 759
combination of them, a controlled substance, or a metabolite of 760
a controlled substance in the person's whole blood, blood serum 761
or plasma, breath, or urine at any time relevant to the criminal 762
offense in question, to conduct regarding the basis of the 763
possible ordering of treatment of the person in question, or to 764
conduct regarding the basis of the possible involuntary 765
commitment or hospitalization of the person in question, and 766
that conforms to section 2317.022 of the Revised Code, the 767
provider, except to the extent specifically prohibited by any 768
law of this state or of the United States, shall supply to the 769
officer a copy of any of the requested records the provider 770
possesses. If the health care provider does not possess any of 771
the requested records, the provider shall give the officer a 772
written statement that indicates that the provider does not 773
possess any of the requested records. 774

(b) If a health care provider possesses any records of the 775
type described in division (B) (2) (a) of this section regarding 776
the person in question at any time relevant to the criminal 777
offense in question, to conduct regarding the basis of the 778
possible ordering of treatment of the person in question, or to 779
conduct regarding the basis of the possible involuntary 780
commitment or hospitalization of the person in question, in lieu 781
of personally testifying as to the results of the test in 782
question, the custodian of the records may submit a certified 783
copy of the records, and, upon its submission, the certified 784
copy is qualified as authentic evidence and may be admitted as 785
evidence in accordance with the Rules of Evidence. Division (A) 786
of section 2317.422 of the Revised Code does not apply to any 787
certified copy of records submitted in accordance with this 788
division. Nothing in this division shall be construed to limit 789

the right of any party to call as a witness the person who 790
administered the test to which the records pertain, the person 791
under whose supervision the test was administered, the custodian 792
of the records, the person who made the records, or the person 793
under whose supervision the records were made. 794

(3) (a) If the testimonial privilege described in division 795
(B) (1) of this section does not apply as provided in division 796
(B) (1) (a) (iii) of this section, a physician, advanced practice 797
registered nurse, or dentist may be compelled to testify or to 798
submit to discovery under the Rules of Civil Procedure only as 799
to a communication made to the physician, advanced practice 800
registered nurse, or dentist by the patient in question in that 801
relation, or the advice of the physician, advanced practice 802
registered nurse, or dentist given to the patient in question, 803
that related causally or historically to physical or mental 804
injuries that are relevant to issues in the medical claim, 805
dental claim, chiropractic claim, or optometric claim, action 806
for wrongful death, other civil action, or claim under Chapter 807
4123. of the Revised Code. 808

(b) If the testimonial privilege described in division (B) 809
(1) of this section does not apply to a physician, advanced 810
practice registered nurse, or dentist as provided in division 811
(B) (1) (c) of this section, the physician, advanced practice 812
registered nurse, or dentist, in lieu of personally testifying 813
as to the results of the test in question, may submit a 814
certified copy of those results, and, upon its submission, the 815
certified copy is qualified as authentic evidence and may be 816
admitted as evidence in accordance with the Rules of Evidence. 817
Division (A) of section 2317.422 of the Revised Code does not 818
apply to any certified copy of results submitted in accordance 819
with this division. Nothing in this division shall be construed 820

to limit the right of any party to call as a witness the person 821
who administered the test in question, the person under whose 822
supervision the test was administered, the custodian of the 823
results of the test, the person who compiled the results, or the 824
person under whose supervision the results were compiled. 825

(4) The testimonial privilege described in division (B)(1) 826
of this section is not waived when a communication is made by a 827
physician or advanced practice registered nurse to a pharmacist 828
or when there is communication between a patient and a 829
pharmacist in furtherance of the physician-patient or advanced 830
practice registered nurse-patient relation. 831

(5) (a) As used in divisions (B)(1) to (4) of this section, 832
"communication" means acquiring, recording, or transmitting any 833
information, in any manner, concerning any facts, opinions, or 834
statements necessary to enable a physician, advanced practice 835
registered nurse, or dentist to diagnose, treat, prescribe, or 836
act for a patient. A "communication" may include, but is not 837
limited to, any medical or dental, office, or hospital 838
communication such as a record, chart, letter, memorandum, 839
laboratory test and results, x-ray, photograph, financial 840
statement, diagnosis, or prognosis. 841

(b) As used in division (B)(2) of this section, "health 842
care provider" means a hospital, ambulatory care facility, long- 843
term care facility, pharmacy, emergency facility, or health care 844
practitioner. 845

(c) As used in division (B)(5)(b) of this section: 846

(i) "Ambulatory care facility" means a facility that 847
provides medical, diagnostic, or surgical treatment to patients 848
who do not require hospitalization, including a dialysis center, 849

ambulatory surgical facility, cardiac catheterization facility, 850
diagnostic imaging center, extracorporeal shock wave lithotripsy 851
center, home health agency, inpatient hospice, birthing center, 852
radiation therapy center, emergency facility, and an urgent care 853
center. "Ambulatory health care facility" does not include the 854
private office of a physician, advanced practice registered 855
nurse, or dentist, whether the office is for an individual or 856
group practice. 857

(ii) "Emergency facility" means a hospital emergency 858
department or any other facility that provides emergency medical 859
services. 860

(iii) "Health care practitioner" has the same meaning as 861
in section 4769.01 of the Revised Code. 862

(iv) "Hospital" has the same meaning as in section 3727.01 863
of the Revised Code. 864

(v) "Long-term care facility" means a nursing home, 865
residential care facility, or home for the aging, as those terms 866
are defined in section 3721.01 of the Revised Code; a 867
residential facility licensed under section 5119.34 of the 868
Revised Code that provides accommodations, supervision, and 869
personal care services for three to sixteen unrelated adults; a 870
nursing facility, as defined in section 5165.01 of the Revised 871
Code; a skilled nursing facility, as defined in section 5165.01 872
of the Revised Code; and an intermediate care facility for 873
individuals with intellectual disabilities, as defined in 874
section 5124.01 of the Revised Code. 875

(vi) "Pharmacy" has the same meaning as in section 4729.01 876
of the Revised Code. 877

(d) As used in divisions (B) (1) and (2) of this section, 878

"drug of abuse" has the same meaning as in section 4506.01 of the Revised Code. 879
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(6) Divisions (B) (1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, advanced practice registered nurses, and dentists. 881
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(7) Nothing in divisions (B) (1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 of the Revised Code or the immunity from civil liability conferred by section 2305.33 of the Revised Code upon physicians or advanced practice registered nurses who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B) (7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code and "advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code. 885
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(C) (1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the cleric for a religious counseling purpose in the cleric's professional character. The cleric may testify by express consent of the person making the communication, except when the disclosure of the information is in violation of a sacred trust and except that, if the person voluntarily testifies or is deemed by division (A) (4) (c) of section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the cleric may be compelled to testify on 898
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the same subject except when disclosure of the information is in 909
violation of a sacred trust. 910

(2) As used in division (C) of this section: 911

(a) "Cleric" means a member of the clergy, rabbi, priest, 912
Christian Science practitioner, or regularly ordained, 913
accredited, or licensed minister of an established and legally 914
cognizable church, denomination, or sect. 915

(b) "Sacred trust" means a confession or confidential 916
communication made to a cleric in the cleric's ecclesiastical 917
capacity in the course of discipline enjoined by the church to 918
which the cleric belongs, including, but not limited to, the 919
Catholic Church, if both of the following apply: 920

(i) The confession or confidential communication was made 921
directly to the cleric. 922

(ii) The confession or confidential communication was made 923
in the manner and context that places the cleric specifically 924
and strictly under a level of confidentiality that is considered 925
inviolable by canon law or church doctrine. 926

(D) Husband or wife, concerning any communication made by 927
one to the other, or an act done by either in the presence of 928
the other, during coverture, unless the communication was made, 929
or act done, in the known presence or hearing of a third person 930
competent to be a witness; and such rule is the same if the 931
marital relation has ceased to exist; 932

(E) A person who assigns a claim or interest, concerning 933
any matter in respect to which the person would not, if a party, 934
be permitted to testify; 935

(F) A person who, if a party, would be restricted under 936

section 2317.03 of the Revised Code, when the property or thing 937
is sold or transferred by an executor, administrator, guardian, 938
trustee, heir, devisee, or legatee, shall be restricted in the 939
same manner in any action or proceeding concerning the property 940
or thing. 941

(G) (1) A school guidance counselor who holds a valid 942
educator license from the state board of education as provided 943
for in section 3319.22 of the Revised Code, a person licensed 944
under Chapter 4757. of the Revised Code as a licensed 945
professional clinical counselor, licensed professional 946
counselor, social worker, independent social worker, marriage 947
and family therapist or independent marriage and family 948
therapist, or registered under Chapter 4757. of the Revised Code 949
as a social work assistant concerning a confidential 950
communication received from a client in that relation or the 951
person's advice to a client unless any of the following applies: 952

(a) The communication or advice indicates clear and 953
present danger to the client or other persons. For the purposes 954
of this division, cases in which there are indications of 955
present or past child abuse or neglect of the client constitute 956
a clear and present danger. 957

(b) The client gives express consent to the testimony. 958

(c) If the client is deceased, the surviving spouse or the 959
executor or administrator of the estate of the deceased client 960
gives express consent. 961

(d) The client voluntarily testifies, in which case the 962
school guidance counselor or person licensed or registered under 963
Chapter 4757. of the Revised Code may be compelled to testify on 964
the same subject. 965

(e) The court in camera determines that the information 966
communicated by the client is not germane to the counselor- 967
client, marriage and family therapist-client, or social worker- 968
client relationship. 969

(f) A court, in an action brought against a school, its 970
administration, or any of its personnel by the client, rules 971
after an in-camera inspection that the testimony of the school 972
guidance counselor is relevant to that action. 973

(g) The testimony is sought in a civil action and concerns 974
court-ordered treatment or services received by a patient as 975
part of a case plan journalized under section 2151.412 of the 976
Revised Code or the court-ordered treatment or services are 977
necessary or relevant to dependency, neglect, or abuse or 978
temporary or permanent custody proceedings under Chapter 2151. 979
of the Revised Code. 980

(2) Nothing in division (G)(1) of this section shall 981
relieve a school guidance counselor or a person licensed or 982
registered under Chapter 4757. of the Revised Code from the 983
requirement to report information concerning child abuse or 984
neglect under section 2151.421 of the Revised Code. 985

(H) A mediator acting under a mediation order issued under 986
division (A) of section 3109.052 of the Revised Code or 987
otherwise issued in any proceeding for divorce, dissolution, 988
legal separation, annulment, or the allocation of parental 989
rights and responsibilities for the care of children, in any 990
action or proceeding, other than a criminal, delinquency, child 991
abuse, child neglect, or dependent child action or proceeding, 992
that is brought by or against either parent who takes part in 993
mediation in accordance with the order and that pertains to the 994
mediation process, to any information discussed or presented in 995

the mediation process, to the allocation of parental rights and 996
responsibilities for the care of the parents' children, or to 997
the awarding of parenting time rights in relation to their 998
children; 999

(I) A communications assistant, acting within the scope of 1000
the communication assistant's authority, when providing 1001
telecommunications relay service pursuant to section 4931.06 of 1002
the Revised Code or Title II of the "Communications Act of 1003
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1004
communication made through a telecommunications relay service. 1005
Nothing in this section shall limit the obligation of a 1006
communications assistant to divulge information or testify when 1007
mandated by federal law or regulation or pursuant to subpoena in 1008
a criminal proceeding. 1009

Nothing in this section shall limit any immunity or 1010
privilege granted under federal law or regulation. 1011

(J) (1) A chiropractor in a civil proceeding concerning a 1012
communication made to the chiropractor by a patient in that 1013
relation or the chiropractor's advice to a patient, except as 1014
otherwise provided in this division. The testimonial privilege 1015
established under this division does not apply, and a 1016
chiropractor may testify or may be compelled to testify, in any 1017
civil action, in accordance with the discovery provisions of the 1018
Rules of Civil Procedure in connection with a civil action, or 1019
in connection with a claim under Chapter 4123. of the Revised 1020
Code, under any of the following circumstances: 1021

(a) If the patient or the guardian or other legal 1022
representative of the patient gives express consent. 1023

(b) If the patient is deceased, the spouse of the patient 1024

or the executor or administrator of the patient's estate gives 1025
express consent. 1026

(c) If a medical claim, dental claim, chiropractic claim, 1027
or optometric claim, as defined in section 2305.113 of the 1028
Revised Code, an action for wrongful death, any other type of 1029
civil action, or a claim under Chapter 4123. of the Revised Code 1030
is filed by the patient, the personal representative of the 1031
estate of the patient if deceased, or the patient's guardian or 1032
other legal representative. 1033

(2) If the testimonial privilege described in division (J) 1034
(1) of this section does not apply as provided in division (J) 1035
(1) (c) of this section, a chiropractor may be compelled to 1036
testify or to submit to discovery under the Rules of Civil 1037
Procedure only as to a communication made to the chiropractor by 1038
the patient in question in that relation, or the chiropractor's 1039
advice to the patient in question, that related causally or 1040
historically to physical or mental injuries that are relevant to 1041
issues in the medical claim, dental claim, chiropractic claim, 1042
or optometric claim, action for wrongful death, other civil 1043
action, or claim under Chapter 4123. of the Revised Code. 1044

(3) The testimonial privilege established under this 1045
division does not apply, and a chiropractor may testify or be 1046
compelled to testify, in any criminal action or administrative 1047
proceeding. 1048

(4) As used in this division, "communication" means 1049
acquiring, recording, or transmitting any information, in any 1050
manner, concerning any facts, opinions, or statements necessary 1051
to enable a chiropractor to diagnose, treat, or act for a 1052
patient. A communication may include, but is not limited to, any 1053
chiropractic, office, or hospital communication such as a 1054

record, chart, letter, memorandum, laboratory test and results, 1055
x-ray, photograph, financial statement, diagnosis, or prognosis. 1056

(K) (1) Except as provided under division (K) (2) of this 1057
section, a critical incident stress management team member 1058
concerning a communication received from an individual who 1059
receives crisis response services from the team member, or the 1060
team member's advice to the individual, during a debriefing 1061
session. 1062

(2) The testimonial privilege established under division 1063
(K) (1) of this section does not apply if any of the following 1064
are true: 1065

(a) The communication or advice indicates clear and 1066
present danger to the individual who receives crisis response 1067
services or to other persons. For purposes of this division, 1068
cases in which there are indications of present or past child 1069
abuse or neglect of the individual constitute a clear and 1070
present danger. 1071

(b) The individual who received crisis response services 1072
gives express consent to the testimony. 1073

(c) If the individual who received crisis response 1074
services is deceased, the surviving spouse or the executor or 1075
administrator of the estate of the deceased individual gives 1076
express consent. 1077

(d) The individual who received crisis response services 1078
voluntarily testifies, in which case the team member may be 1079
compelled to testify on the same subject. 1080

(e) The court in camera determines that the information 1081
communicated by the individual who received crisis response 1082
services is not germane to the relationship between the 1083

individual and the team member. 1084

(f) The communication or advice pertains or is related to 1085
any criminal act. 1086

(3) As used in division (K) of this section: 1087

(a) "Crisis response services" means consultation, risk 1088
assessment, referral, and on-site crisis intervention services 1089
provided by a critical incident stress management team to 1090
individuals affected by crisis or disaster. 1091

(b) "Critical incident stress management team member" or 1092
"team member" means an individual specially trained to provide 1093
crisis response services as a member of an organized community 1094
or local crisis response team that holds membership in the Ohio 1095
critical incident stress management network. 1096

(c) "Debriefing session" means a session at which crisis 1097
response services are rendered by a critical incident stress 1098
management team member during or after a crisis or disaster. 1099

(L) (1) Subject to division (L) (2) of this section and 1100
except as provided in division (L) (3) of this section, an 1101
employee assistance professional, concerning a communication 1102
made to the employee assistance professional by a client in the 1103
employee assistance professional's official capacity as an 1104
employee assistance professional. 1105

(2) Division (L) (1) of this section applies to an employee 1106
assistance professional who meets either or both of the 1107
following requirements: 1108

(a) Is certified by the employee assistance certification 1109
commission to engage in the employee assistance profession; 1110

(b) Has education, training, and experience in all of the 1111

| | |
|---|--------------------------------------|
| following: | 1112 |
| (i) Providing workplace-based services designed to address employer and employee productivity issues; | 1113 1114 |
| (ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance; | 1115 1116 1117 1118 |
| (iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues; | 1119 1120 1121 1122 |
| (iv) Selecting and evaluating available community resources; | 1123 1124 |
| (v) Making appropriate referrals; | 1125 |
| (vi) Local and national employee assistance agreements; | 1126 |
| (vii) Client confidentiality. | 1127 |
| (3) Division (L) (1) of this section does not apply to any of the following: | 1128 1129 |
| (a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense; | 1130 1131 1132 1133 1134 |
| (b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act; | 1135 1136 1137 |
| (c) A communication that is made by a client who is an | 1138 |

unemancipated minor or an adult adjudicated to be incompetent 1139
and indicates that the client was the victim of a crime or 1140
abuse; 1141

(d) A civil proceeding to determine an individual's mental 1142
competency or a criminal action in which a plea of not guilty by 1143
reason of insanity is entered; 1144

(e) A civil or criminal malpractice action brought against 1145
the employee assistance professional; 1146

(f) When the employee assistance professional has the 1147
express consent of the client or, if the client is deceased or 1148
disabled, the client's legal representative; 1149

(g) When the testimonial privilege otherwise provided by 1150
division (L) (1) of this section is abrogated under law. 1151

Sec. 2317.022. (A) As used in this section: 1152

(1) "Health care provider" has the same meaning as in 1153
section 2317.02 of the Revised Code, and with respect to the 1154
making of a request under this section for records under 1155
division (C) (1) of section 5119.94 of the Revised Code or 1156
division (A) (15) of section 5122.31 of the Revised Code, also 1157
includes any hospital, board of alcohol, drug addiction, and 1158
mental health services, or community mental health services 1159
provider to which section 5119.94 or 5122.31 of the Revised Code 1160
applies. 1161

(2) "Drug of abuse" has the same meaning as in section 1162
4506.01 of the Revised Code. 1163

(B) If an official criminal investigation has begun 1164
regarding a person ~~or~~, if a criminal action or proceeding is 1165
commenced against a person, if proceedings for determining 1166

whether to order a person allegedly suffering from alcohol or 1167
other drug abuse to undergo treatment have been commenced or are 1168
about to be commenced regarding the person under sections 1169
5119.90 to 5119.99 of the Revised Code, or if proceedings for 1170
involuntary commitment or hospitalization of a person have been 1171
commenced or are about to be commenced under sections 5122.05 to 1172
5122.15 of the Revised Code, any law enforcement officer who 1173
wishes to obtain from any health care provider a copy of any 1174
records the provider possesses that pertain to any test or the 1175
result of any test administered to the person to determine the 1176
presence or concentration of alcohol, a drug of abuse, or 1177
alcohol and a drug of abuse in the person's blood, breath, or 1178
urine at any time relevant to the criminal offense in question, 1179
to certain conduct regarding the basis of the possible ordering 1180
of treatment of the person in question, or to certain conduct 1181
regarding the basis of the possible involuntary commitment or 1182
hospitalization of the person in question shall submit to the 1183
health care facility a written statement in the following form: 1184

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 1185

To: (insert name of the health care 1186
provider in question). 1187

I hereby state that an official criminal investigation has 1188
begun regarding, ~~or~~ a criminal action or proceeding has been 1189
commenced against, proceedings for determining whether to order 1190
a person allegedly suffering from alcohol or other drug abuse to 1191
undergo treatment have been commenced or are about to be 1192
commenced under sections 5119.90 to 5119.99 of the Revised Code 1193
against, or proceedings for involuntary commitment or 1194
hospitalization have been commenced or are about to be commenced 1195
under sections 5122.05 to 5122.15 of the Revised Code 1196

against (insert the name of the person in question), and that I believe that one or more tests has been administered to that person by this health care provider to determine the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in that person's whole blood, blood serum or plasma, breath, or urine at a time relevant to the criminal offense in question, to conduct regarding the basis of the possible ordering of treatment of the person in question, or to conduct regarding the basis of the possible involuntary commitment or hospitalization of the person in question. Therefore, I hereby request that, pursuant to division (B) (2) of section 2317.02 of the Revised Code, division (C) (1) of section 5119.94 of the Revised Code, or division (A) (15) of section 5122.31 of the Revised Code, this health care provider supply me with copies of any records the provider possesses that pertain to any test or the results of any test administered to the person specified above to determine the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in that person's whole blood, blood serum or plasma, breath, or urine at any time relevant to the criminal offense in question, to conduct regarding the basis of the possible ordering of treatment of the person in question, or to conduct regarding the basis of the possible involuntary commitment or hospitalization of the person in question.

..... 1223

(Name of officer) 1224

..... 1225

(Officer's title) 1226

| | |
|---|------|
| ..... | 1227 |
| (Officer's employing agency) | 1228 |
| ..... | 1229 |
| (Officer's telephone number) | 1230 |
| ..... | 1231 |
| ..... | 1232 |
| ..... | 1233 |
| (Agency's address) | 1234 |
| ..... | 1235 |
| (Date written statement submitted)" | 1236 |
| (C) A health care provider that receives a written | 1237 |
| statement of the type described in division (B) of this section | 1238 |
| shall comply with division (B) (2) of section 2317.02 of the | 1239 |
| Revised Code, <u>division (C) (1) of section 5119.94 of the Revised</u> | 1240 |
| <u>Code, or division (A) (15) of section 5122.31 of the Revised</u> | 1241 |
| <u>Code, whichever is applicable,</u> relative to the written | 1242 |
| statement. | 1243 |
| Sec. 2317.422. (A) Notwithstanding sections 2317.40 and | 1244 |
| 2317.41 of the Revised Code but subject to division (B) of this | 1245 |
| section, the records, or copies or photographs of the records, | 1246 |
| of a hospital, homes required to be licensed pursuant to section | 1247 |
| 3721.01 of the Revised Code, and residential facilities licensed | 1248 |
| pursuant to section 5119.34 of the Revised Code that provides | 1249 |
| accommodations, supervision, and personal care services for | 1250 |
| three to sixteen unrelated adults, in lieu of the testimony in | 1251 |
| open court of their custodian, person who made them, or person | 1252 |
| under whose supervision they were made, may be qualified as | 1253 |

authentic evidence if any such person endorses thereon the 1254
person's verified certification identifying such records, giving 1255
the mode and time of their preparation, and stating that they 1256
were prepared in the usual course of the business of the 1257
institution. Such records, copies, or photographs may not be 1258
qualified by certification as provided in this section unless 1259
the party intending to offer them delivers a copy of them, or of 1260
their relevant portions, to the attorney of record for each 1261
adverse party not less than five days before trial. Nothing in 1262
this section shall be construed to limit the right of any party 1263
to call the custodian, person who made such records, or person 1264
under whose supervision they were made, as a witness. 1265

(B) Division (A) of this section does not apply to any 1266
certified copy of the results of any test given to determine the 1267
presence or concentration of alcohol, a drug of abuse, a 1268
combination of them, a controlled substance, or a metabolite of 1269
a controlled substance in a patient's whole blood, blood serum 1270
or plasma, breath, or urine at any time relevant to ~~a~~any of the 1271
following: 1272

(1) A criminal offense that is submitted in a criminal 1273
action or proceeding in accordance with division (B) (2) (b) or 1274
(B) (3) (b) of section 2317.02 of the Revised Code; 1275

(2) Conduct regarding the basis of a possible order 1276
requiring treatment for a person allegedly suffering from 1277
alcohol or other drug abuse when proceedings for such treatment 1278
have been commenced or are about to be commenced regarding the 1279
person under sections 5119.90 to 5119.99 of the Revised Code, in 1280
accordance with division (B) (2) (b) of section 2317.02 of the 1281
Revised Code; 1282

(3) Conduct regarding the basis of a possible involuntary 1283

commitment or hospitalization of a person when proceedings for 1284
involuntary commitment or hospitalization have been commenced or 1285
are about to be commenced against the person under sections 1286
5122.05 to 5122.15 of the Revised Code, in accordance with 1287
division (B) (2) (b) of section 2317.02 of the Revised Code. 1288

Sec. 2903.213. (A) Except when the complaint involves a 1289
person who is a family or household member as defined in section 1290
2919.25 of the Revised Code, upon the filing of a complaint that 1291
alleges a violation of section 2903.11, 2903.12, 2903.13, 1292
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 1293
violation of a municipal ordinance substantially similar to 1294
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 1295
Revised Code, or the commission of a sexually oriented offense, 1296
the complainant, the alleged victim, or a family or household 1297
member of an alleged victim may file a motion that requests the 1298
issuance of a protection order as a pretrial condition of 1299
release of the alleged offender, in addition to any bail set 1300
under Criminal Rule 46. The motion shall be filed with the clerk 1301
of the court that has jurisdiction of the case at any time after 1302
the filing of the complaint. If the complaint involves a person 1303
who is a family or household member, the complainant, the 1304
alleged victim, or the family or household member may file a 1305
motion for a temporary protection order pursuant to section 1306
2919.26 of the Revised Code. 1307

(B) A motion for a protection order under this section 1308
shall be prepared on a form that is provided by the clerk of the 1309
court, and the form shall be substantially as follows: 1310

"Motion for Protection Order 1311

..... Name and address of court 1312

| | |
|--|------|
| State of Ohio | 1313 |
| ..... | 1314 |
| Name of Defendant | 1315 |
| A complaint, a copy of which has been attached to this | 1316 |
| motion, has been filed in this court charging the named | 1317 |
| defendant with a violation of section 2903.11, 2903.12, 2903.13, | 1318 |
| 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a | 1319 |
| violation of a municipal ordinance substantially similar to | 1320 |
| section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the | 1321 |
| Revised Code, or the commission of a sexually oriented offense. | 1322 |
| I understand that I must appear before the court, at a | 1323 |
| time set by the court not later than the next day that the court | 1324 |
| is in session after the filing of this motion, for a hearing on | 1325 |
| the motion, and that any protection order granted pursuant to | 1326 |
| this motion is a pretrial condition of release and is effective | 1327 |
| only until the disposition of the criminal proceeding arising | 1328 |
| out of the attached complaint or until the issuance under | 1329 |
| section 2903.214 of the Revised Code of a protection order | 1330 |
| arising out of the same activities as those that were the basis | 1331 |
| of the attached complaint. | 1332 |
| Signature of person | 1333 |
|Address of person" | 1334 |
| (C) (1) As soon as possible after the filing of a motion | 1335 |
| that requests the issuance of a protection order under this | 1336 |
| section, but not later than the next day that the court is in | 1337 |
| session after the filing of the motion, the court shall conduct | 1338 |
| a hearing to determine whether to issue the order. The person | 1339 |
| who requested the order shall appear before the court and | 1340 |
| provide the court with the information that it requests | 1341 |

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

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

(b) Division (C) (2) (a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code,

with a violation of a municipal ordinance substantially 1373
equivalent to that section, or with contempt of court, which 1374
charge is based on an alleged violation of a protection order 1375
issued under this section, did not commit the violation or was 1376
not in contempt of court. 1377

(D) (1) Except when the complaint involves a person who is 1378
a family or household member as defined in section 2919.25 of 1379
the Revised Code, upon the filing of a complaint that alleges a 1380
violation specified in division (A) of this section, the court, 1381
upon its own motion, may issue a protection order under this 1382
section as a pretrial condition of release of the alleged 1383
offender if it finds that the safety and protection of the 1384
complainant or the alleged victim may be impaired by the 1385
continued presence of the alleged offender. 1386

(2) If the court issues a protection order under this 1387
section as an ex parte order, it shall conduct, as soon as 1388
possible after the issuance of the order but not later than the 1389
next day that the court is in session after its issuance, a 1390
hearing to determine whether the order should remain in effect, 1391
be modified, or be revoked. The hearing shall be conducted under 1392
the standards set forth in division (C) of this section. 1393

(3) If a municipal court or a county court issues a 1394
protection order under this section and if, subsequent to the 1395
issuance of the order, the alleged offender who is the subject 1396
of the order is bound over to the court of common pleas for 1397
prosecution of a felony arising out of the same activities as 1398
those that were the basis of the complaint upon which the order 1399
is based, notwithstanding the fact that the order was issued by 1400
a municipal court or county court, the order shall remain in 1401
effect, as though it were an order of the court of common pleas, 1402

while the charges against the alleged offender are pending in 1403
the court of common pleas, for the period of time described in 1404
division (E)(2) of this section, and the court of common pleas 1405
has exclusive jurisdiction to modify the order issued by the 1406
municipal court or county court. This division applies when the 1407
alleged offender is bound over to the court of common pleas as a 1408
result of the person waiving a preliminary hearing on the felony 1409
charge, as a result of the municipal court or county court 1410
having determined at a preliminary hearing that there is 1411
probable cause to believe that the felony has been committed and 1412
that the alleged offender committed it, as a result of the 1413
alleged offender having been indicted for the felony, or in any 1414
other manner. 1415

(E) A protection order that is issued as a pretrial 1416
condition of release under this section: 1417

(1) Is in addition to, but shall not be construed as a 1418
part of, any bail set under Criminal Rule 46; 1419

(2) Is effective only until the disposition, by the court 1420
that issued the order or, in the circumstances described in 1421
division (D)(3) of this section, by the court of common pleas to 1422
which the alleged offender is bound over for prosecution, of the 1423
criminal proceeding arising out of the complaint upon which the 1424
order is based or until the issuance under section 2903.214 of 1425
the Revised Code of a protection order arising out of the same 1426
activities as those that were the basis of the complaint filed 1427
under this section; 1428

(3) Shall not be construed as a finding that the alleged 1429
offender committed the alleged offense and shall not be 1430
introduced as evidence of the commission of the offense at the 1431
trial of the alleged offender on the complaint upon which the 1432

order is based. 1433

(F) A person who meets the criteria for bail under 1434
Criminal Rule 46 and who, if required to do so pursuant to that 1435
rule, executes or posts bond or deposits cash or securities as 1436
bail, shall not be held in custody pending a hearing before the 1437
court on a motion requesting a protection order under this 1438
section. 1439

(G) (1) A copy of a protection order that is issued under 1440
this section shall be issued by the court to the complainant, to 1441
the alleged victim, to the person who requested the order, to 1442
the defendant, and to all law enforcement agencies that have 1443
jurisdiction to enforce the order. The protection order shall be 1444
in a form that ensures that the protection order is accepted 1445
into the protection order database of the national crime 1446
information center (NCIC) maintained by the federal bureau of 1447
investigation. The court shall direct that a copy of the order 1448
be delivered to the defendant on the same day that the order is 1449
entered. If a municipal court or a county court issues a 1450
protection order under this section and if, subsequent to the 1451
issuance of the order, the defendant who is the subject of the 1452
order is bound over to the court of common pleas for prosecution 1453
as described in division (D) (3) of this section, the municipal 1454
court or county court shall direct that a copy of the order be 1455
delivered to the court of common pleas to which the defendant is 1456
bound over. If the court that issued the order, or the court of 1457
common pleas if the defendant is bound over to that court for 1458
prosecution, terminates or cancels the order, the court shall 1459
cause the delivery of notice of the termination or cancellation 1460
to the same persons and entities that were issued or delivered a 1461
copy of the order. 1462

The court that issued the order shall cause each 1463
protection order issued pursuant to this section to be entered 1464
into the law enforcement automated data system created by 1465
section 5503.10 of the Revised Code, and known as LEADS, by the 1466
close of the next business day after the day on which the court 1467
issues the order. Upon the termination or cancellation of the 1468
order, the court that issued the order, or the court of common 1469
pleas if the defendant is bound over to that court for 1470
prosecution, shall take all steps necessary to ensure that the 1471
order is removed from the LEADS database by the close of the 1472
next business day after the day on which the termination or 1473
cancellation of the order occurred and shall ensure that the 1474
order is terminated, cleared, or canceled in the protection 1475
order database of the national crime information center (NCIC) 1476
maintained by the federal bureau of investigation. 1477

(2) All law enforcement agencies shall establish and 1478
maintain an index for the protection orders delivered to the 1479
agencies pursuant to division (G) (1) of this section. With 1480
respect to each order delivered, each agency shall note on the 1481
index the date and time of the agency's receipt of the order. 1482

(3) Regardless of whether the petitioner has registered 1483
the protection order in the county in which the officer's agency 1484
has jurisdiction, any officer of a law enforcement agency shall 1485
enforce a protection order issued pursuant to this section in 1486
accordance with the provisions of the order. 1487

(H) Upon a violation of a protection order issued pursuant 1488
to this section, the court may issue another protection order 1489
under this section, as a pretrial condition of release, that 1490
modifies the terms of the order that was violated. 1491

(I) (1) Subject to division (I) (2) of this section and 1492

regardless of whether a protection order is issued or a consent 1493
agreement is approved by a court of another county or by a court 1494
of another state, no court or unit of state or local government 1495
shall charge the movant any fee, cost, deposit, or money in 1496
connection with the filing of a motion pursuant to this section, 1497
in connection with the filing, issuance, registration, 1498
modification, enforcement, dismissal, withdrawal, or service of 1499
a protection order, consent agreement, or witness subpoena or 1500
for obtaining certified copies of a protection order or consent 1501
agreement. 1502

(2) Regardless of whether a protection order is issued or 1503
a consent agreement is approved pursuant to this section, if the 1504
defendant is convicted the court may assess costs against the 1505
defendant in connection with the filing, issuance, registration, 1506
modification, enforcement, dismissal, withdrawal, or service of 1507
a protection order, consent agreement, or witness subpoena or 1508
for obtaining a certified copy of a protection order or consent 1509
agreement. 1510

(J) As used in this section: 1511

(1) "Sexually oriented offense" has the same meaning as in 1512
section 2950.01 of the Revised Code. 1513

(2) "Companion animal" has the same meaning as in section 1514
959.131 of the Revised Code. 1515

Sec. 2903.214. (A) As used in this section: 1516

(1) "Court" means the court of common pleas of the county 1517
in which the person to be protected by the protection order 1518
resides. 1519

(2) "Victim advocate" means a person who provides support 1520
and assistance for a person who files a petition under this 1521

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|---|--|
| section. | 1522 |
| (3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code. | 1523 1524 |
| (4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. | 1525 1526 |
| (5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. | 1527 1528 |
| (6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. | 1529 1530 |
| (7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. | 1531 1532 |
| (B) The court has jurisdiction over all proceedings under this section. | 1533 1534 |
| (C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following: | 1535 1536 1537 1538 1539 |
| (1) An allegation that the respondent is eighteen years of age or older and engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation; | 1540 1541 1542 1543 1544 1545 1546 |
| (2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent | 1547 1548 1549 |

engaged in conduct that would cause a reasonable person to 1550
believe that the health, welfare, or safety of the person to be 1551
protected was at risk, a description of the nature and extent of 1552
that conduct, and an allegation that the respondent presents a 1553
continuing danger to the person to be protected; 1554

(3) A request for relief under this section. 1555

(D) (1) If a person who files a petition pursuant to this 1556
section requests an ex parte order, the court shall hold an ex 1557
parte hearing as soon as possible after the petition is filed, 1558
but not later than the next day that the court is in session 1559
after the petition is filed. The court, for good cause shown at 1560
the ex parte hearing, may enter any temporary orders, with or 1561
without bond, that the court finds necessary for the safety and 1562
protection of the person to be protected by the order. Immediate 1563
and present danger to the person to be protected by the 1564
protection order constitutes good cause for purposes of this 1565
section. Immediate and present danger includes, but is not 1566
limited to, situations in which the respondent has threatened 1567
the person to be protected by the protection order with bodily 1568
harm or in which the respondent previously has been convicted of 1569
or pleaded guilty to a violation of section 2903.211 of the 1570
Revised Code or a sexually oriented offense against the person 1571
to be protected by the protection order. 1572

(2) (a) If the court, after an ex parte hearing, issues a 1573
protection order described in division (E) of this section, the 1574
court shall schedule a full hearing for a date that is within 1575
ten court days after the ex parte hearing. The court shall give 1576
the respondent notice of, and an opportunity to be heard at, the 1577
full hearing. The court shall hold the full hearing on the date 1578
scheduled under this division unless the court grants a 1579

continuance of the hearing in accordance with this division. 1580
Under any of the following circumstances or for any of the 1581
following reasons, the court may grant a continuance of the full 1582
hearing to a reasonable time determined by the court: 1583

(i) Prior to the date scheduled for the full hearing under 1584
this division, the respondent has not been served with the 1585
petition filed pursuant to this section and notice of the full 1586
hearing. 1587

(ii) The parties consent to the continuance. 1588

(iii) The continuance is needed to allow a party to obtain 1589
counsel. 1590

(iv) The continuance is needed for other good cause. 1591

(b) An ex parte order issued under this section does not 1592
expire because of a failure to serve notice of the full hearing 1593
upon the respondent before the date set for the full hearing 1594
under division (D) (2) (a) of this section or because the court 1595
grants a continuance under that division. 1596

(3) If a person who files a petition pursuant to this 1597
section does not request an ex parte order, or if a person 1598
requests an ex parte order but the court does not issue an ex 1599
parte order after an ex parte hearing, the court shall proceed 1600
as in a normal civil action and grant a full hearing on the 1601
matter. 1602

(E) (1) (a) After an ex parte or full hearing, the court may 1603
issue any protection order, with or without bond, that contains 1604
terms designed to ensure the safety and protection of the person 1605
to be protected by the protection order, including, but not 1606
limited to, a requirement that the respondent refrain from 1607
entering the residence, school, business, or place of employment 1608

of the petitioner or family or household member. If the court 1609
includes a requirement that the respondent refrain from entering 1610
the residence, school, business, or place of employment of the 1611
petitioner or family or household member in the order, it also 1612
shall include in the order provisions of the type described in 1613
division (E) (5) of this section. The court may include within a 1614
protection order issued under this section a term requiring that 1615
the respondent not remove, damage, hide, harm, or dispose of any 1616
companion animal owned or possessed by the person to be 1617
protected by the order, and may include within the order a term 1618
authorizing the person to be protected by the order to remove a 1619
companion animal owned by the person to be protected by the 1620
order from the possession of the respondent. 1621

(b) After a full hearing, if the court considering a 1622
petition that includes an allegation of the type described in 1623
division (C) (2) of this section, or the court upon its own 1624
motion, finds upon clear and convincing evidence that the 1625
petitioner reasonably believed that the respondent's conduct at 1626
any time preceding the filing of the petition endangered the 1627
health, welfare, or safety of the person to be protected and 1628
that the respondent presents a continuing danger to the person 1629
to be protected, the court may order that the respondent be 1630
electronically monitored for a period of time and under the 1631
terms and conditions that the court determines are appropriate. 1632
Electronic monitoring shall be in addition to any other relief 1633
granted to the petitioner. 1634

(2) (a) Any protection order issued pursuant to this 1635
section shall be valid until a date certain but not later than 1636
five years from the date of its issuance. 1637

(b) Any protection order issued pursuant to this section 1638

may be renewed in the same manner as the original order was 1639
issued. 1640

(3) A court may not issue a protection order that requires 1641
a petitioner to do or to refrain from doing an act that the 1642
court may require a respondent to do or to refrain from doing 1643
under division (E) (1) of this section unless all of the 1644
following apply: 1645

(a) The respondent files a separate petition for a 1646
protection order in accordance with this section. 1647

(b) The petitioner is served with notice of the 1648
respondent's petition at least forty-eight hours before the 1649
court holds a hearing with respect to the respondent's petition, 1650
or the petitioner waives the right to receive this notice. 1651

(c) If the petitioner has requested an ex parte order 1652
pursuant to division (D) of this section, the court does not 1653
delay any hearing required by that division beyond the time 1654
specified in that division in order to consolidate the hearing 1655
with a hearing on the petition filed by the respondent. 1656

(d) After a full hearing at which the respondent presents 1657
evidence in support of the request for a protection order and 1658
the petitioner is afforded an opportunity to defend against that 1659
evidence, the court determines that the petitioner has committed 1660
a violation of section 2903.211 of the Revised Code against the 1661
person to be protected by the protection order issued pursuant 1662
to division (E) (3) of this section, has committed a sexually 1663
oriented offense against the person to be protected by the 1664
protection order issued pursuant to division (E) (3) of this 1665
section, or has violated a protection order issued pursuant to 1666
section 2903.213 of the Revised Code relative to the person to 1667

be protected by the protection order issued pursuant to division 1668
(E) (3) of this section. 1669

(4) No protection order issued pursuant to this section 1670
shall in any manner affect title to any real property. 1671

(5) (a) If the court issues a protection order under this 1672
section that includes a requirement that the alleged offender 1673
refrain from entering the residence, school, business, or place 1674
of employment of the petitioner or a family or household member, 1675
the order shall clearly state that the order cannot be waived or 1676
nullified by an invitation to the alleged offender from the 1677
complainant to enter the residence, school, business, or place 1678
of employment or by the alleged offender's entry into one of 1679
those places otherwise upon the consent of the petitioner or 1680
family or household member. 1681

(b) Division (E) (5) (a) of this section does not limit any 1682
discretion of a court to determine that an alleged offender 1683
charged with a violation of section 2919.27 of the Revised Code, 1684
with a violation of a municipal ordinance substantially 1685
equivalent to that section, or with contempt of court, which 1686
charge is based on an alleged violation of a protection order 1687
issued under this section, did not commit the violation or was 1688
not in contempt of court. 1689

(F) (1) The court shall cause the delivery of a copy of any 1690
protection order that is issued under this section to the 1691
petitioner, to the respondent, and to all law enforcement 1692
agencies that have jurisdiction to enforce the order. The 1693
protection order shall be in a form that ensures that the 1694
protection order is accepted into the protection order database 1695
of the national crime information center (NCIC) maintained by 1696
the federal bureau of investigation. The court shall direct that 1697

a copy of the order be delivered to the respondent on the same 1698
day that the order is entered. If the court terminates or 1699
cancels the order, the court shall cause the delivery of notice 1700
of the termination or cancellation to the same persons and 1701
entities that were delivered a copy of the order. 1702

The court shall cause each protection order issued 1703
pursuant to this section to be entered into the law enforcement 1704
automated data system created by section 5503.10 of the Revised 1705
Code, and known as LEADS, by the close of the next business day 1706
after the day on which the court issues the order. Upon the 1707
termination or cancellation of the order, the court shall take 1708
all steps necessary to ensure that the order is removed from the 1709
LEADS database by the close of the next business day after the 1710
day on which the termination or cancellation of the order 1711
occurred and shall ensure that the order is terminated, cleared, 1712
or canceled in the protection order database of the national 1713
crime information center (NCIC) maintained by the federal bureau 1714
of investigation. 1715

(2) Upon the issuance of a protection order under this 1716
section, the court shall provide the parties to the order with 1717
the following notice orally or by form: 1718

"NOTICE 1719

As a result of this order, it may be unlawful for you to 1720
possess or purchase a firearm, including a rifle, pistol, or 1721
revolver, or ammunition pursuant to federal law under 18 U.S.C. 1722
922(g)(8) for the duration of this order. If you have any 1723
questions whether this law makes it illegal for you to possess 1724
or purchase a firearm or ammunition, you should consult an 1725
attorney." 1726

(3) All law enforcement agencies shall establish and 1727
maintain an index for the protection orders delivered to the 1728
agencies pursuant to division (F) (1) of this section. With 1729
respect to each order delivered, each agency shall note on the 1730
index the date and time that it received the order. 1731

(4) Regardless of whether the petitioner has registered 1732
the protection order in the county in which the officer's agency 1733
has jurisdiction pursuant to division (M) of this section, any 1734
officer of a law enforcement agency shall enforce a protection 1735
order issued pursuant to this section by any court in this state 1736
in accordance with the provisions of the order, including 1737
removing the respondent from the premises, if appropriate. 1738

(G) (1) Any proceeding under this section shall be 1739
conducted in accordance with the Rules of Civil Procedure, 1740
except that a protection order may be obtained under this 1741
section with or without bond. An order issued under this 1742
section, other than an ex parte order, that grants a protection 1743
order, or that refuses to grant a protection order, is a final, 1744
appealable order. The remedies and procedures provided in this 1745
section are in addition to, and not in lieu of, any other 1746
available civil or criminal remedies. 1747

(2) If as provided in division (G) (1) of this section an 1748
order issued under this section, other than an ex parte order, 1749
refuses to grant a protection order, the court, on its own 1750
motion, shall order that the ex parte order issued under this 1751
section and all of the records pertaining to that ex parte order 1752
be sealed after either of the following occurs: 1753

(a) No party has exercised the right to appeal pursuant to 1754
Rule 4 of the Rules of Appellate Procedure. 1755

| | |
|---|--|
| (b) All appellate rights have been exhausted. | 1756 |
| (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. | 1757 1758 1759 1760 |
| (I) Any law enforcement agency that investigates an alleged violation of section 2903.211 of the Revised Code or an alleged commission of a sexually oriented offense shall provide information to the victim and the family or household members of the victim regarding the relief available under this section and section 2903.213 of the Revised Code. | 1761 1762 1763 1764 1765 1766 |
| (J) (1) Subject to division (J) (2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement. | 1767 1768 1769 1770 1771 1772 1773 1774 1775 1776 1777 |
| (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. | 1778 1779 1780 1781 1782 1783 1784 |

| | |
|---|------|
| (K) (1) A person who violates a protection order issued | 1785 |
| under this section is subject to the following sanctions: | 1786 |
| (a) Criminal prosecution for a violation of section | 1787 |
| 2919.27 of the Revised Code, if the violation of the protection | 1788 |
| order constitutes a violation of that section; | 1789 |
| (b) Punishment for contempt of court. | 1790 |
| (2) The punishment of a person for contempt of court for | 1791 |
| violation of a protection order issued under this section does | 1792 |
| not bar criminal prosecution of the person for a violation of | 1793 |
| section 2919.27 of the Revised Code. However, a person punished | 1794 |
| for contempt of court is entitled to credit for the punishment | 1795 |
| imposed upon conviction of a violation of that section, and a | 1796 |
| person convicted of a violation of that section shall not | 1797 |
| subsequently be punished for contempt of court arising out of | 1798 |
| the same activity. | 1799 |
| (L) In all stages of a proceeding under this section, a | 1800 |
| petitioner may be accompanied by a victim advocate. | 1801 |
| (M) (1) A petitioner who obtains a protection order under | 1802 |
| this section or a protection order under section 2903.213 of the | 1803 |
| Revised Code may provide notice of the issuance or approval of | 1804 |
| the order to the judicial and law enforcement officials in any | 1805 |
| county other than the county in which the order is issued by | 1806 |
| registering that order in the other county pursuant to division | 1807 |
| (M) (2) of this section and filing a copy of the registered order | 1808 |
| with a law enforcement agency in the other county in accordance | 1809 |
| with that division. A person who obtains a protection order | 1810 |
| issued by a court of another state may provide notice of the | 1811 |
| issuance of the order to the judicial and law enforcement | 1812 |
| officials in any county of this state by registering the order | 1813 |

in that county pursuant to section 2919.272 of the Revised Code 1814
and filing a copy of the registered order with a law enforcement 1815
agency in that county. 1816

(2) A petitioner may register a protection order issued 1817
pursuant to this section or section 2903.213 of the Revised Code 1818
in a county other than the county in which the court that issued 1819
the order is located in the following manner: 1820

(a) The petitioner shall obtain a certified copy of the 1821
order from the clerk of the court that issued the order and 1822
present that certified copy to the clerk of the court of common 1823
pleas or the clerk of a municipal court or county court in the 1824
county in which the order is to be registered. 1825

(b) Upon accepting the certified copy of the order for 1826
registration, the clerk of the court of common pleas, municipal 1827
court, or county court shall place an endorsement of 1828
registration on the order and give the petitioner a copy of the 1829
order that bears that proof of registration. 1830

(3) The clerk of each court of common pleas, municipal 1831
court, or county court shall maintain a registry of certified 1832
copies of protection orders that have been issued by courts in 1833
other counties pursuant to this section or section 2903.213 of 1834
the Revised Code and that have been registered with the clerk. 1835

(N) (1) If the court orders electronic monitoring of the 1836
respondent under this section, the court shall direct the 1837
sheriff's office or any other appropriate law enforcement agency 1838
to install the electronic monitoring device and to monitor the 1839
respondent. Unless the court determines that the respondent is 1840
indigent, the court shall order the respondent to pay the cost 1841
of the installation and monitoring of the electronic monitoring 1842

device. If the court determines that the respondent is indigent 1843
and subject to the maximum amount allowable to be paid in any 1844
year from the fund and the rules promulgated by the attorney 1845
general under division (N) (2) of this section, the cost of the 1846
installation and monitoring of the electronic monitoring device 1847
may be paid out of funds from the reparations fund created 1848
pursuant to section 2743.191 of the Revised Code. The total 1849
amount of costs for the installation and monitoring of 1850
electronic monitoring devices paid pursuant to this division and 1851
sections 2151.34 and 2919.27 of the Revised Code from the 1852
reparations fund shall not exceed three hundred thousand dollars 1853
per year. 1854

(2) The attorney general may promulgate rules pursuant to 1855
section 111.15 of the Revised Code to govern payments made from 1856
the reparations fund pursuant to this division and sections 1857
2151.34 and 2919.27 of the Revised Code. The rules may include 1858
reasonable limits on the total cost paid pursuant to this 1859
division and sections 2151.34 and 2919.27 of the Revised Code 1860
per respondent, the amount of the three hundred thousand dollars 1861
allocated to each county, and how invoices may be submitted by a 1862
county, court, or other entity. 1863

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 1864
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1865
2911.211 of the Revised Code if the alleged victim of the 1866
violation was a family or household member at the time of the 1867
violation, a violation of a municipal ordinance that is 1868
substantially similar to any of those sections if the alleged 1869
victim of the violation was a family or household member at the 1870
time of the violation, any offense of violence if the alleged 1871
victim of the offense was a family or household member at the 1872
time of the commission of the offense, or any sexually oriented 1873

offense if the alleged victim of the offense was a family or 1874
household member at the time of the commission of the offense, 1875
the complainant, the alleged victim, or a family or household 1876
member of an alleged victim may file, or, if in an emergency the 1877
alleged victim is unable to file, a person who made an arrest 1878
for the alleged violation or offense under section 2935.03 of 1879
the Revised Code may file on behalf of the alleged victim, a 1880
motion that requests the issuance of a temporary protection 1881
order as a pretrial condition of release of the alleged 1882
offender, in addition to any bail set under Criminal Rule 46. 1883
The motion shall be filed with the clerk of the court that has 1884
jurisdiction of the case at any time after the filing of the 1885
complaint. 1886

(2) For purposes of section 2930.09 of the Revised Code, 1887
all stages of a proceeding arising out of a complaint alleging 1888
the commission of a violation, offense of violence, or sexually 1889
oriented offense described in division (A) (1) of this section, 1890
including all proceedings on a motion for a temporary protection 1891
order, are critical stages of the case, and a victim may be 1892
accompanied by a victim advocate or another person to provide 1893
support to the victim as provided in that section. 1894

(B) The motion shall be prepared on a form that is 1895
provided by the clerk of the court, which form shall be 1896
substantially as follows: 1897

"MOTION FOR TEMPORARY PROTECTION ORDER 1898

..... Court 1899

Name and address of court 1900

State of Ohio 1901

v.No. 1902

| | |
|--|------|
| ..... | 1903 |
| Name of Defendant | 1904 |
| (name of person), moves the court to issue a temporary protection order | 1905 |
| containing terms designed to ensure the safety and protection of the | 1906 |
| complainant, alleged victim, and other family or household members, in | 1907 |
| relation to the named defendant, pursuant to its authority to issue such | 1908 |
| an order under section 2919.26 of the Revised Code. | 1909 |
| A complaint, a copy of which has been attached to this | 1910 |
| motion, has been filed in this court charging the named | 1911 |
| defendant with (name of the specified | 1912 |
| violation, the offense of violence, or sexually oriented offense | 1913 |
| charged) in circumstances in which the victim was a family or | 1914 |
| household member in violation of (section of the Revised Code | 1915 |
| designating the specified violation, offense of violence, or | 1916 |
| sexually oriented offense charged), or charging the named | 1917 |
| defendant with a violation of a municipal ordinance that is | 1918 |
| substantially similar to (section of | 1919 |
| the Revised Code designating the specified violation, offense of | 1920 |
| violence, or sexually oriented offense charged) involving a | 1921 |
| family or household member. | 1922 |
| I understand that I must appear before the court, at a | 1923 |
| time set by the court within twenty-four hours after the filing | 1924 |
| of this motion, for a hearing on the motion or that, if I am | 1925 |
| unable to appear because of hospitalization or a medical | 1926 |
| condition resulting from the offense alleged in the complaint, a | 1927 |
| person who can provide information about my need for a temporary | 1928 |
| protection order must appear before the court in lieu of my | 1929 |
| appearing in court. I understand that any temporary protection | 1930 |
| order granted pursuant to this motion is a pretrial condition of | 1931 |
| release and is effective only until the disposition of the | 1932 |

| | |
|--|------|
| criminal proceeding arising out of the attached complaint, or | 1933 |
| the issuance of a civil protection order or the approval of a | 1934 |
| consent agreement, arising out of the same activities as those | 1935 |
| that were the basis of the complaint, under section 3113.31 of | 1936 |
| the Revised Code. | 1937 |
| ..... | 1938 |
| Signature of person | 1939 |
| (or signature of the arresting officer who filed the motion on behalf of | 1940 |
| the alleged victim) | 1941 |
| ..... | 1942 |
| Address of person (or office address of the arresting officer who filed | 1943 |
| the motion on behalf of the alleged victim)" | 1944 |
| (C) (1) As soon as possible after the filing of a motion | 1945 |
| that requests the issuance of a temporary protection order, but | 1946 |
| not later than twenty-four hours after the filing of the motion, | 1947 |
| the court shall conduct a hearing to determine whether to issue | 1948 |
| the order. The person who requested the order shall appear | 1949 |
| before the court and provide the court with the information that | 1950 |
| it requests concerning the basis of the motion. If the person | 1951 |
| who requested the order is unable to appear and if the court | 1952 |
| finds that the failure to appear is because of the person's | 1953 |
| hospitalization or medical condition resulting from the offense | 1954 |
| alleged in the complaint, another person who is able to provide | 1955 |
| the court with the information it requests may appear in lieu of | 1956 |
| the person who requested the order. If the court finds that the | 1957 |
| safety and protection of the complainant, alleged victim, or any | 1958 |
| other family or household member of the alleged victim may be | 1959 |
| impaired by the continued presence of the alleged offender, the | 1960 |
| court may issue a temporary protection order, as a pretrial | 1961 |

condition of release, that contains terms designed to ensure the 1962
safety and protection of the complainant, alleged victim, or the 1963
family or household member, including a requirement that the 1964
alleged offender refrain from entering the residence, school, 1965
business, or place of employment of the complainant, alleged 1966
victim, or the family or household member. The court may include 1967
within a protection order issued under this section a term 1968
requiring that the alleged offender not remove, damage, hide, 1969
harm, or dispose of any companion animal owned or possessed by 1970
the complainant, alleged victim, or any other family or 1971
household member of the alleged victim, and may include within 1972
the order a term authorizing the complainant, alleged victim, or 1973
other family or household member of the alleged victim to remove 1974
a companion animal owned by the complainant, alleged victim, or 1975
other family or household member from the possession of the 1976
alleged offender. 1977

(2) (a) If the court issues a temporary protection order 1978
that includes a requirement that the alleged offender refrain 1979
from entering the residence, school, business, or place of 1980
employment of the complainant, the alleged victim, or the family 1981
or household member, the order shall state clearly that the 1982
order cannot be waived or nullified by an invitation to the 1983
alleged offender from the complainant, alleged victim, or family 1984
or household member to enter the residence, school, business, or 1985
place of employment or by the alleged offender's entry into one 1986
of those places otherwise upon the consent of the complainant, 1987
alleged victim, or family or household member. 1988

(b) Division (C) (2) (a) of this section does not limit any 1989
discretion of a court to determine that an alleged offender 1990
charged with a violation of section 2919.27 of the Revised Code, 1991
with a violation of a municipal ordinance substantially 1992

equivalent to that section, or with contempt of court, which 1993
charge is based on an alleged violation of a temporary 1994
protection order issued under this section, did not commit the 1995
violation or was not in contempt of court. 1996

(D) (1) Upon the filing of a complaint that alleges a 1997
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1998
the Revised Code if the alleged victim of the violation was a 1999
family or household member at the time of the violation, a 2000
violation of a municipal ordinance that is substantially similar 2001
to any of those sections if the alleged victim of the violation 2002
was a family or household member at the time of the violation, 2003
any offense of violence if the alleged victim of the offense was 2004
a family or household member at the time of the commission of 2005
the offense, or any sexually oriented offense if the alleged 2006
victim of the offense was a family or household member at the 2007
time of the commission of the offense, the court, upon its own 2008
motion, may issue a temporary protection order as a pretrial 2009
condition of release if it finds that the safety and protection 2010
of the complainant, alleged victim, or other family or household 2011
member of the alleged offender may be impaired by the continued 2012
presence of the alleged offender. 2013

(2) If the court issues a temporary protection order under 2014
this section as an ex parte order, it shall conduct, as soon as 2015
possible after the issuance of the order, a hearing in the 2016
presence of the alleged offender not later than the next day on 2017
which the court is scheduled to conduct business after the day 2018
on which the alleged offender was arrested or at the time of the 2019
appearance of the alleged offender pursuant to summons to 2020
determine whether the order should remain in effect, be 2021
modified, or be revoked. The hearing shall be conducted under 2022
the standards set forth in division (C) of this section. 2023

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

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

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

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

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

the following: 2054

(a) The disposition, by the court that issued the order 2055
or, in the circumstances described in division (D)(4) of this 2056
section, by the court of common pleas to which the alleged 2057
offender is bound over for prosecution, of the criminal 2058
proceeding arising out of the complaint upon which the order is 2059
based; 2060

(b) The issuance of a protection order or the approval of 2061
a consent agreement, arising out of the same activities as those 2062
that were the basis of the complaint upon which the order is 2063
based, under section 3113.31 of the Revised Code. 2064

(3) Shall not be construed as a finding that the alleged 2065
offender committed the alleged offense, and shall not be 2066
introduced as evidence of the commission of the offense at the 2067
trial of the alleged offender on the complaint upon which the 2068
order is based. 2069

(F) A person who meets the criteria for bail under 2070
Criminal Rule 46 and who, if required to do so pursuant to that 2071
rule, executes or posts bond or deposits cash or securities as 2072
bail, shall not be held in custody pending a hearing before the 2073
court on a motion requesting a temporary protection order. 2074

(G) (1) A copy of any temporary protection order that is 2075
issued under this section shall be issued by the court to the 2076
complainant, to the alleged victim, to the person who requested 2077
the order, to the defendant, and to all law enforcement agencies 2078
that have jurisdiction to enforce the order. The protection 2079
order shall be in a form that ensures that the protection order 2080
is accepted into the protection order database of the national 2081
crime information center (NCIC) maintained by the federal bureau 2082

of investigation. The court shall direct that a copy of the 2083
order be delivered to the defendant on the same day that the 2084
order is entered. If a municipal court or a county court issues 2085
a temporary protection order under this section and if, 2086
subsequent to the issuance of the order, the defendant who is 2087
the subject of the order is bound over to the court of common 2088
pleas for prosecution as described in division (D)(4) of this 2089
section, the municipal court or county court shall direct that a 2090
copy of the order be delivered to the court of common pleas to 2091
which the defendant is bound over. If the court that issued the 2092
order, or the court of common pleas if the defendant is bound 2093
over to that court for prosecution, terminates or cancels the 2094
order, the court shall cause the delivery of notice of the 2095
termination or cancellation to the same persons and entities 2096
that were issued or delivered a copy of the order. 2097

The court that issued the order shall cause each 2098
protection order issued pursuant to this section to be entered 2099
into the law enforcement automated data system created by 2100
section 5503.10 of the Revised Code, and known as LEADS, by the 2101
close of the next business day after the day on which the court 2102
issues the order. Upon the termination or cancellation of the 2103
order, the court that issued the order, or the court of common 2104
pleas if the defendant is bound over to that court for 2105
prosecution, shall take all steps necessary to ensure that the 2106
order is removed from the LEADS database by the close of the 2107
next business day after the day on which the termination or 2108
cancellation of the order occurred and shall ensure that the 2109
order is terminated, cleared, or canceled in the protection 2110
order database of the national crime information center (NCIC) 2111
maintained by the federal bureau of investigation. 2112

(2) Upon the issuance of a protection order under this 2113

section, the court shall provide the parties to the order with 2114
the following notice orally or by form: 2115

"NOTICE 2116

As a result of this protection order, it may be unlawful 2117
for you to possess or purchase a firearm, including a rifle, 2118
pistol, or revolver, or ammunition pursuant to federal law under 2119
18 U.S.C. 922(g) (8) for the duration of this order. If you have 2120
any questions whether this law makes it illegal for you to 2121
possess or purchase a firearm or ammunition, you should consult 2122
an attorney." 2123

(3) All law enforcement agencies shall establish and 2124
maintain an index for the temporary protection orders delivered 2125
to the agencies pursuant to division (G) (1) of this section. 2126
With respect to each order delivered, each agency shall note on 2127
the index, the date and time of the receipt of the order by the 2128
agency. 2129

(4) A complainant, alleged victim, or other person who 2130
obtains a temporary protection order under this section may 2131
provide notice of the issuance of the temporary protection order 2132
to the judicial and law enforcement officials in any county 2133
other than the county in which the order is issued by 2134
registering that order in the other county in accordance with 2135
division (N) of section 3113.31 of the Revised Code and filing a 2136
copy of the registered protection order with a law enforcement 2137
agency in the other county in accordance with that division. 2138

(5) Any officer of a law enforcement agency shall enforce 2139
a temporary protection order issued by any court in this state 2140
in accordance with the provisions of the order, including 2141
removing the defendant from the premises, regardless of whether 2142

the order is registered in the county in which the officer's 2143
agency has jurisdiction as authorized by division (G) (4) of this 2144
section. 2145

(H) Upon a violation of a temporary protection order, the 2146
court may issue another temporary protection order, as a 2147
pretrial condition of release, that modifies the terms of the 2148
order that was violated. 2149

(I) (1) As used in divisions (I) (1) and (2) of this 2150
section, "defendant" means a person who is alleged in a 2151
complaint to have committed a violation, offense of violence, or 2152
sexually oriented offense of the type described in division (A) 2153
of this section. 2154

(2) If a complaint is filed that alleges that a person 2155
committed a violation, offense of violence, or sexually oriented 2156
offense of the type described in division (A) of this section, 2157
the court may not issue a temporary protection order under this 2158
section that requires the complainant, the alleged victim, or 2159
another family or household member of the defendant to do or 2160
refrain from doing an act that the court may require the 2161
defendant to do or refrain from doing under a temporary 2162
protection order unless both of the following apply: 2163

(a) The defendant has filed a separate complaint that 2164
alleges that the complainant, alleged victim, or other family or 2165
household member in question who would be required under the 2166
order to do or refrain from doing the act committed a violation 2167
or offense of violence of the type described in division (A) of 2168
this section. 2169

(b) The court determines that both the complainant, 2170
alleged victim, or other family or household member in question 2171

who would be required under the order to do or refrain from 2172
doing the act and the defendant acted primarily as aggressors, 2173
that neither the complainant, alleged victim, or other family or 2174
household member in question who would be required under the 2175
order to do or refrain from doing the act nor the defendant 2176
acted primarily in self-defense, and, in accordance with the 2177
standards and criteria of this section as applied in relation to 2178
the separate complaint filed by the defendant, that it should 2179
issue the order to require the complainant, alleged victim, or 2180
other family or household member in question to do or refrain 2181
from doing the act. 2182

(J) (1) Subject to division (J) (2) of this section and 2183
regardless of whether a protection order is issued or a consent 2184
agreement is approved by a court of another county or a court of 2185
another state, no court or unit of state or local government 2186
shall charge the movant any fee, cost, deposit, or money in 2187
connection with the filing of a motion pursuant to this section, 2188
in connection with the filing, issuance, registration, 2189
modification, enforcement, dismissal, withdrawal, or service of 2190
a protection order, consent agreement, or witness subpoena or 2191
for obtaining a certified copy of a protection order or consent 2192
agreement. 2193

(2) Regardless of whether a protection order is issued or 2194
a consent agreement is approved pursuant to this section, if the 2195
defendant is convicted the court may assess costs against the 2196
defendant in connection with the filing, issuance, registration, 2197
modification, enforcement, dismissal, withdrawal, or service of 2198
a protection order, consent agreement, or witness subpoena or 2199
for obtaining a certified copy of a protection order or consent 2200
agreement. 2201

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| (K) As used in this section: | 2202 |
| (1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. | 2203 2204 |
| (2) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. | 2205 2206 |
| (3) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings. | 2207 2208 2209 |
| Sec. 2923.13. (A) Unless relieved from disability under operation of law or legal process, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply: | 2210 2211 2212 2213 |
| (1) The person is a fugitive from justice. | 2214 |
| (2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence. | 2215 2216 2217 2218 2219 |
| (3) The person is under indictment for or has been convicted of any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse. | 2220 2221 2222 2223 2224 2225 2226 2227 |
| (4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic. | 2228 2229 |

(5) The person is under adjudication of mental 2230
incompetence, has been adjudicated as a mental defective, has 2231
been committed to a mental institution, has been found by a 2232
court to be a mentally ill person subject to court order, or is 2233
an involuntary patient other than one who is a patient only for 2234
purposes of observation. As used in this division, "mentally ill 2235
person subject to court order" and "patient" have the same 2236
meanings as in section 5122.01 of the Revised Code. 2237

(B) Whoever violates this section is guilty of having 2238
weapons while under disability. Except as otherwise provided in 2239
this division, having weapons while under disability is a felony 2240
of the second degree. If the offender previously has been 2241
convicted of or pleaded guilty to any violation of this section, 2242
having weapons while under disability is a felony of the ~~third-~~ 2243
first degree. 2244

(C) For the purposes of this section, "under operation of 2245
law or legal process" shall not itself include mere completion, 2246
termination, or expiration of a sentence imposed as a result of 2247
a criminal conviction. 2248

Sec. 2923.133. (A) Upon a finding or adjudication by a 2249
court, on or after the effective date of this section, that any 2250
firearms disabling condition or circumstance set forth in 2251
division (A) (4) or (5) of section 2923.13 of the Revised Code 2252
applies to a defendant, respondent, or other person, if the 2253
court also finds probable cause that the defendant, respondent, 2254
or other person would have access to or possession of firearms 2255
or dangerous ordnance if the defendant, respondent, or other 2256
person is released from detention or treatment or is not ordered 2257
into detention or treatment, the court may issue a safety 2258
protection order to any law enforcement officer authorizing the 2259

officer to search for and retrieve all firearms and dangerous 2260
ordnance owned by, possessed by, or in the control of the 2261
defendant, respondent, or other person. The court that issues a 2262
safety protection order under this division shall provide a copy 2263
of the order to the defendant, respondent, or other person. 2264

(B) A law enforcement officer who serves a safety 2265
protection order issued under division (A) of this section, not 2266
later than three business days after the order was served, shall 2267
file a return with the court that states that the order was 2268
served and that sets forth the time and date on which the order 2269
was served, the name and address of the respondent named in the 2270
order, and the serial number, make, and model, or any other 2271
relevant description including clear photographs, of each 2272
firearm and each dangerous ordnance retrieved by the law 2273
enforcement officer. A copy of this inventory also shall be left 2274
at the location from which the firearms and dangerous ordnance 2275
were retrieved. If no firearms or dangerous ordnance were found, 2276
the law enforcement officer who served the order shall report in 2277
the return that a search was conducted and that no firearms or 2278
dangerous ordnance were found. Nothing in this section shall 2279
prevent the destruction of dangerous ordnance that cannot be 2280
safely or practically removed or stored. 2281

(C) A law enforcement agency that has taken possession of 2282
a respondent's firearms pursuant to this section shall not 2283
indelibly mark, damage, deface, or destroy the firearms while 2284
they are in the agency's possession. The use of property tags or 2285
stickers is permitted. The agency shall maintain the integrity 2286
and identity of the firearms in such a manner that, if the 2287
firearms are to be returned to the respondent, they can be 2288
identified and returned to the respondent in a condition similar 2289
to the condition they were in when they were retrieved. The 2290

agency shall not relinquish control of the firearms other than 2291
pursuant to a sale as specified in division (D) of this section, 2292
pursuant to an inspection for potential sale as specified in 2293
that division, pursuant to a return to a lawful owner other than 2294
the respondent as specified in divisions (E) and (F) of this 2295
section, or pursuant to a court order, including a subpoena. 2296

(D) A respondent who is subject to a safety protection 2297
order issued under this section and a firearms retrieval made 2298
under this section and whose firearms are in the possession of a 2299
law enforcement agency may sell to a federally licensed firearms 2300
dealer one or more of those firearms that lawfully may be sold. 2301
If the respondent under authority of this division sells one or 2302
more of those firearms that lawfully may be sold, the respondent 2303
and the dealer shall provide to the court that issued the order 2304
valid evidence of the sale of each such firearm so sold and, 2305
upon presentation of the valid evidence, the court shall order 2306
the law enforcement agency in possession of the firearms to 2307
transfer to the dealer each such firearm so sold. Upon receipt 2308
of the order, the law enforcement agency shall transfer to the 2309
dealer each such firearm so sold. The court shall not order the 2310
transfer of any firearm to a dealer under this division unless 2311
the respondent and the dealer provide to the court valid 2312
evidence of the sale to the dealer of the firearm. 2313

(E) A respondent who is subject to a safety protection 2314
order issued under this section and a firearms retrieval made 2315
under this section and whose firearms are in the possession of a 2316
law enforcement agency may petition the court that issued the 2317
order to authorize the respondent to transfer to a family member 2318
who lawfully may possess firearms and who does not reside with 2319
the respondent one or more of those firearms. If the court 2320
authorizes the respondent to make such a transfer and the 2321

respondent under that authority transfers one or more of the 2322
firearms to a family member who lawfully may possess a firearm, 2323
the family member shall provide the court with proof that the 2324
family member may lawfully possess a firearm. Upon proof that 2325
the family member may lawfully possess firearms, the court shall 2326
order the law enforcement agency that currently possesses the 2327
firearms to transfer to the family member the firearm or 2328
firearms authorized for transfer by the court. Upon receipt of 2329
the order, the law enforcement agency shall transfer to the 2330
family member the firearm or firearms authorized for transfer by 2331
the court. A family member who is to be transferred any firearm 2332
under this division shall attest in writing, under penalty of 2333
law, at the time the request for transfer is made, that if the 2334
firearm is transferred to that family member, the firearm will 2335
not be given, transferred, sold, or provided to the respondent 2336
unless the respondent is relieved from firearms disability 2337
pursuant to section 2923.14 of the Revised Code. 2338

(F) If a person other than the respondent claims title to 2339
any firearm retrieved by a law enforcement officer pursuant to a 2340
safety protection order issued under division (A) of this 2341
section, the person may petition the court that issued the order 2342
for return of the firearm. If the person requests the return of 2343
the firearm, and if the person is determined by the court to be 2344
the lawful owner of the firearm, the court shall order the law 2345
enforcement agency that currently possesses the firearm to 2346
release the firearm to that person. Upon receipt of the order, 2347
the law enforcement agency shall release the specified firearm 2348
to the specified person. A person seeking the return of a 2349
firearm under this division shall attest in writing, under 2350
penalty of law, at the time of making the request for return, 2351
that if the firearm is returned to that person, the firearm will 2352

not be given, transferred, sold, or provided to the respondent 2353
unless the respondent is relieved from firearms disability 2354
pursuant to section 2923.14 of the Revised Code. 2355

(G) If a respondent is subject to a safety protection 2356
order issued under this section, if firearms of the respondent 2357
are retrieved under this section, and if the respondent is 2358
relieved from firearms disability pursuant to section 2923.14 of 2359
the Revised Code, the court that granted the relief from 2360
firearms disability under section 2923.14 of the Revised Code 2361
shall issue an order to the law enforcement agency that 2362
currently possesses the firearms that requires the agency to 2363
return the firearms to the respondent. Upon receipt of the 2364
order, the law enforcement agency shall return the firearms to 2365
the respondent. If a different court issued the safety 2366
protection order, the court that issues the order under this 2367
division shall notify the court that issued the safety 2368
protection order that the order under this division has been 2369
issued and the safety protection order shall have no further 2370
force and effect. 2371

(H) Divisions (D), (E), (F), and (G) of this section do 2372
not apply with respect to dangerous ordnance of a respondent who 2373
is subject to a safety protection order issued under this 2374
section and that are retrieved under this section. 2375

Sec. 2923.18. (A) Upon application to the sheriff of the 2376
county or safety director or police chief of the municipality 2377
where the applicant resides or has the applicant's principal 2378
place of business, and upon payment of the fee specified in 2379
division (B) of this section, a license or temporary permit 2380
shall be issued to qualified applicants to acquire, possess, 2381
carry, or use dangerous ordnance, for the following purposes: 2382

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| (1) Contractors, wreckers, quarriers, mine operators, and | 2383 |
| other persons regularly employing explosives in the course of a | 2384 |
| legitimate business, with respect to explosives and explosive | 2385 |
| devices acquired, possessed, carried, or used in the course of | 2386 |
| such business; | 2387 |
| (2) Farmers, with respect to explosives and explosive | 2388 |
| devices acquired, possessed, carried, or used for agricultural | 2389 |
| purposes on lands farmed by them; | 2390 |
| (3) Scientists, engineers, and instructors, with respect | 2391 |
| to dangerous ordnance acquired, possessed, carried, or used in | 2392 |
| the course of bona fide research or instruction; | 2393 |
| (4) Financial institution and armored car company guards, | 2394 |
| with respect to automatic firearms lawfully acquired, possessed, | 2395 |
| carried, or used by any such person while acting within the | 2396 |
| scope of the person's duties; | 2397 |
| (5) In the discretion of the issuing authority, any | 2398 |
| responsible person, with respect to dangerous ordnance lawfully | 2399 |
| acquired, possessed, carried, or used for a legitimate research, | 2400 |
| scientific, educational, industrial, or other proper purpose. | 2401 |
| (B) Application for a license or temporary permit under | 2402 |
| this section shall be in writing under oath to the sheriff of | 2403 |
| the county or safety director or police chief of the | 2404 |
| municipality where the applicant resides or has the applicant's | 2405 |
| principal place of business. The application shall be | 2406 |
| accompanied by an application fee of fifty dollars when the | 2407 |
| application is for a license, and an application fee of five | 2408 |
| dollars when the application is for a temporary permit. The fees | 2409 |
| shall be paid into the general revenue fund of the county or | 2410 |
| municipality. The application shall contain the following | 2411 |

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| information: | 2412 |
| (1) The name, age, address, occupation, and business address of the applicant, if the applicant is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation; | 2413 2414 2415 2416 |
| (2) A description of the dangerous ordnance for which a permit is requested; | 2417 2418 |
| (3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used; | 2419 2420 2421 |
| (4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used; | 2422 2423 |
| (5) Such other information, as the issuing authority may require in giving effect to this section. | 2424 2425 |
| (C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply: | 2426 2427 2428 |
| (1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance; | 2429 2430 |
| (2) The applicant is age twenty-one or over, if the applicant is a natural person; | 2431 2432 |
| (3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and ensure the safety of persons and property; | 2433 2434 2435 2436 2437 |
| (4) It appears that the dangerous ordnance will be | 2438 |

lawfully acquired, possessed, carried, and used by the applicant 2439
for a legitimate purpose. 2440

(D) The license or temporary permit shall identify the 2441
person to whom it is issued, identify the dangerous ordnance 2442
involved and state the purposes for which the license or 2443
temporary permit is issued, state the expiration date, if any, 2444
and list such restrictions on the acquisition, possession, 2445
carriage, or use of the dangerous ordnance as the issuing 2446
authority considers advisable to protect the security of the 2447
dangerous ordnance and ensure the safety of persons and 2448
property. 2449

(E) A temporary permit shall be issued for the casual use 2450
of explosives and explosive devices, and other consumable 2451
dangerous ordnance, and shall expire within thirty days of its 2452
issuance. A license shall be issued for the regular use of 2453
consumable dangerous ordnance, or for any nonconsumable 2454
dangerous ordnance, which license need not specify an expiration 2455
date, but the issuing authority may specify such expiration 2456
date, not earlier than one year from the date of issuance, as it 2457
considers advisable in view of the nature of the dangerous 2458
ordnance and the purposes for which the license is issued. 2459

(F) The dangerous ordnance specified in a license or 2460
temporary permit may be obtained by the holder anywhere in the 2461
state. The holder of a license may use such dangerous ordnance 2462
anywhere in the state. The holder of a temporary permit may use 2463
such dangerous ordnance only within the territorial jurisdiction 2464
of the issuing authority. 2465

(G) The issuing authority shall forward to the state fire 2466
marshal a copy of each license or temporary permit issued 2467
pursuant to this section, and a copy of each record of a 2468

transaction in dangerous ordnance and of each report of lost or 2469
stolen dangerous ordnance, given to the local law enforcement 2470
authority as required by divisions (A) ~~(7)~~ (8) and ~~(8)~~ (9) of 2471
section 2923.20 of the Revised Code. The state fire marshal 2472
shall keep a permanent file of all licenses and temporary 2473
permits issued pursuant to this section, and of all records of 2474
transactions in, and losses or thefts of dangerous ordnance 2475
forwarded by local law enforcement authorities pursuant to this 2476
section. 2477

Sec. 2923.20. (A) No person shall do any of the following: 2478

(1) ~~Recklessly~~ Negligently sell, lend, give, or furnish 2479
any firearm to any person prohibited by section 2923.13 ~~or~~ 2480
~~2923.15~~ of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 2481
922(n) from acquiring, possessing, or using any firearm, or 2482
recklessly sell, lend, give, or furnish any dangerous ordnance 2483
to any person prohibited by section 2923.13, 2923.15, or 2923.17 2484
of the Revised Code from acquiring, possessing, or using any 2485
dangerous ordnance; 2486

(2) Recklessly sell, lend, give, or furnish any firearm to 2487
any person prohibited by section 2923.15 of the Revised Code 2488
from carrying or using any firearm; 2489

(3) Possess any firearm or dangerous ordnance with purpose 2490
to dispose of it in violation of division (A) of this section; 2491

~~(3)~~ (4) Except as otherwise provided in division (B) of 2492
this section, knowingly solicit, persuade, encourage, or entice 2493
a federally licensed firearms dealer or private seller to 2494
transfer a firearm or ammunition to any person in a manner 2495
prohibited by state or federal law; 2496

~~(4)~~ (5) Except as otherwise provided in division (B) of 2497

this section, with an intent to deceive, knowingly provide 2498
materially false information to a federally licensed firearms 2499
dealer or private seller; 2500

~~(5)~~(6) Except as otherwise provided in division (B) of 2501
this section, knowingly procure, solicit, persuade, encourage, 2502
or entice a person to act in violation of division (A) (3) or (4) 2503
of this section; 2504

~~(6)~~(7) Manufacture, possess for sale, sell, or furnish to 2505
any person other than a law enforcement agency for authorized 2506
use in police work, any brass knuckles, cestus, billy, 2507
blackjack, sandbag, switchblade knife, springblade knife, 2508
gravity knife, or similar weapon; 2509

~~(7)~~(8) When transferring any dangerous ordnance to 2510
another, negligently fail to require the transferee to exhibit 2511
such identification, license, or permit showing the transferee 2512
to be authorized to acquire dangerous ordnance pursuant to 2513
section 2923.17 of the Revised Code, or negligently fail to take 2514
a complete record of the transaction and forthwith forward a 2515
copy of that record to the sheriff of the county or safety 2516
director or police chief of the municipality where the 2517
transaction takes place; 2518

~~(8)~~(9) Knowingly fail to report to law enforcement 2519
authorities forthwith the loss or theft of any firearm or 2520
dangerous ordnance in the person's possession or under the 2521
person's control; 2522

(10) Knowingly sell, lend, give, or furnish any firearm to 2523
any person if the transferor knows that the results of 2524
background checks of a type described in sections 311.51 and 2525
5502.71 of the Revised Code found that, at the time of that 2526

transfer, the transferee is prohibited by section 2923.13 of the 2527
Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n) from 2528
acquiring, possessing, or using any firearm. 2529

(B) Divisions (A) ~~(3)~~, (4), ~~and (5)~~, and (6) of this 2530
section do not apply to any of the following: 2531

(1) A law enforcement officer who is acting within the 2532
scope of the officer's duties; 2533

(2) A person who is acting in accordance with directions 2534
given by a law enforcement officer described in division (B) (1) 2535
of this section. 2536

(C) Whoever violates this section is guilty of unlawful 2537
transactions in weapons. A violation of division (A) (1) ~~or~~, (2), or 2538
(3) of this section is a felony of the ~~fourth~~ third degree. A 2539
violation of division (A) ~~(3)~~, (4), ~~or~~ (5), (6), or (10) of this 2540
section is a felony of the ~~third~~ second degree. A violation of 2541
division (A) ~~(6)~~ ~~or~~ (7) or (8) of this section is a misdemeanor 2542
of the second degree. A violation of division (A) ~~(8)~~ (9) of this 2543
section is a misdemeanor of the fourth degree. 2544

(D) Division (A) (1) does not apply to a person's transfer 2545
of a firearm to another person if any of the following applies 2546
with respect to the transfer: 2547

(1) The transferor verified that an FFL criminal 2548
background check was conducted of the transferee prior to the 2549
transfer of the firearm to the transferee and the results of the 2550
background check did not indicate that, at the time of the 2551
transfer, the transferee was a person prohibited by section 2552
2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 2553
922(n) from acquiring, possessing, or using any firearm. 2554

(2) The transferor verified that, within the ninety days 2555

prior to the transfer of the firearm, a seller's protection certificate was issued for the transferee pursuant to sections 311.51 and 5502.71 of the Revised Code, and, prior to the transfer, the transferor reviewed the certificate and confirmed by checking an identification document of the transferee that the transferee was the person to whom the certificate applied. 2556
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(3) At the time of the transfer of the firearm to the transferee, the transferee presented the transferor with a seller's protection certificate issued for the transferee under section 311.51 of the Revised Code, the certificate was valid at the time of the transfer, and, prior to the transfer, the transferor reviewed the certificate and confirmed by checking an identification document of the transferee that the transferee was the person to whom the certificate applied. 2562
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(E) As used in this section: 2570

(1) "Ammunition" has the same meaning as in section 2305.401 of the Revised Code. 2571
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(2) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code. 2573
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(3) "Materially false information" means information regarding the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal. 2575
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(4) "Private seller" means a person who sells, offers for sale, or transfers a firearm or ammunition and who is not a federally licensed firearms dealer. 2579
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(F) As used in divisions (A)(10) and (D) of this section: 2582

(1) "FFL criminal background check" means a background 2583

check of a transferee conducted upon request of a federally 2584
licensed firearms dealer through the national instant criminal 2585
background check system, as described in 18 U.S.C. 922(t), and 2586
that complies with the requirements of that section. 2587

(2) "Transfer" means a person's sale, loaning, giving, or 2588
furnishing of a firearm to another person. 2589

(3) "Transferee" means a person to whom a firearm is 2590
transferred by another person. 2591

(4) "Transferor" means a person who transfers a firearm to 2592
another person. 2593

(5) "Identification document" has the same meaning as in 2594
section 311.51 of the Revised Code. 2595

Sec. 2923.21. (A) No person shall do any of the following: 2596

(1) Sell any firearm to a person who is under eighteen 2597
years of age; 2598

(2) Subject to division (B) of this section, sell any 2599
handgun to a person who is under twenty-one years of age; 2600

(3) Furnish any firearm to a person who is under eighteen 2601
years of age or, subject to division (B) of this section, 2602
furnish any handgun to a person who is under twenty-one years of 2603
age, except for lawful hunting, sporting, or educational 2604
purposes, including, but not limited to, instruction in firearms 2605
or handgun safety, care, handling, or marksmanship under the 2606
supervision or control of a responsible adult; 2607

(4) Sell or furnish a firearm to a person who is eighteen 2608
years of age or older if the seller or furnisher knows, or has 2609
reason to know, that the person is purchasing or receiving the 2610
firearm for the purpose of selling the firearm in violation of 2611

division (A) (1) of this section to a person who is under 2612
eighteen years of age or for the purpose of furnishing the 2613
firearm in violation of division (A) (3) of this section to a 2614
person who is under eighteen years of age; 2615

(5) Sell or furnish a handgun to a person who is twenty- 2616
one years of age or older if the seller or furnisher knows, or 2617
has reason to know, that the person is purchasing or receiving 2618
the handgun for the purpose of selling the handgun in violation 2619
of division (A) (2) of this section to a person who is under 2620
twenty-one years of age or for the purpose of furnishing the 2621
handgun in violation of division (A) (3) of this section to a 2622
person who is under twenty-one years of age; 2623

(6) Purchase or attempt to purchase any firearm with the 2624
intent to sell the firearm in violation of division (A) (1) of 2625
this section to a person who is under eighteen years of age or 2626
with the intent to furnish the firearm in violation of division 2627
(A) (3) of this section to a person who is under eighteen years 2628
of age; 2629

(7) Purchase or attempt to purchase any handgun with the 2630
intent to sell the handgun in violation of division (A) (2) of 2631
this section to a person who is under twenty-one years of age or 2632
with the intent to furnish the handgun in violation of division 2633
(A) (3) of this section to a person who is under twenty-one years 2634
of age. 2635

(B) Divisions (A) (1) and (2) of this section do not apply 2636
to the sale or furnishing of a handgun to a person eighteen 2637
years of age or older and under twenty-one years of age if the 2638
person eighteen years of age or older and under twenty-one years 2639
of age is a law enforcement officer who is properly appointed or 2640
employed as a law enforcement officer and has received firearms 2641

training approved by the Ohio peace officer training council or 2642
equivalent firearms training. Divisions (A) (1) and (2) of this 2643
section do not apply to the sale or furnishing of a handgun to 2644
an active duty member of the armed forces of the United States 2645
who has received firearms training that meets or exceeds the 2646
training requirements described in division (G) (1) of section 2647
2923.125 of the Revised Code. 2648

(C) Whoever violates this section is guilty of improperly 2649
furnishing firearms to a minor, a felony of the ~~five~~third 2650
degree. 2651

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 2652
the Revised Code: 2653

(A) "Beneficial interest" means any of the following: 2654

(1) The interest of a person as a beneficiary under a 2655
trust in which the trustee holds title to personal or real 2656
property; 2657

(2) The interest of a person as a beneficiary under any 2658
other trust arrangement under which any other person holds title 2659
to personal or real property for the benefit of such person; 2660

(3) The interest of a person under any other form of 2661
express fiduciary arrangement under which any other person holds 2662
title to personal or real property for the benefit of such 2663
person. 2664

"Beneficial interest" does not include the interest of a 2665
stockholder in a corporation or the interest of a partner in 2666
either a general or limited partnership. 2667

(B) "Costs of investigation and prosecution" and "costs of 2668
investigation and litigation" mean all of the costs incurred by 2669

the state or a county or municipal corporation under sections 2670
2923.31 to 2923.36 of the Revised Code in the prosecution and 2671
investigation of any criminal action or in the litigation and 2672
investigation of any civil action, and includes, but is not 2673
limited to, the costs of resources and personnel. 2674

(C) "Enterprise" includes any individual, sole 2675
proprietorship, partnership, limited partnership, corporation, 2676
trust, union, government agency, or other legal entity, or any 2677
organization, association, or group of persons associated in 2678
fact although not a legal entity. "Enterprise" includes illicit 2679
as well as licit enterprises. 2680

(D) "Innocent person" includes any bona fide purchaser of 2681
property that is allegedly involved in a violation of section 2682
2923.32 of the Revised Code, including any person who 2683
establishes a valid claim to or interest in the property in 2684
accordance with division (E) of section 2981.04 of the Revised 2685
Code, and any victim of an alleged violation of that section or 2686
of any underlying offense involved in an alleged violation of 2687
that section. 2688

(E) "Pattern of corrupt activity" means two or more 2689
incidents of corrupt activity, whether or not there has been a 2690
prior conviction, that are related to the affairs of the same 2691
enterprise, are not isolated, and are not so closely related to 2692
each other and connected in time and place that they constitute 2693
a single event. 2694

At least one of the incidents forming the pattern shall 2695
occur on or after January 1, 1986. Unless any incident was an 2696
aggravated murder or murder, the last of the incidents forming 2697
the pattern shall occur within six years after the commission of 2698
any prior incident forming the pattern, excluding any period of 2699

imprisonment served by any person engaging in the corrupt 2700
activity. 2701

For the purposes of the criminal penalties that may be 2702
imposed pursuant to section 2923.32 of the Revised Code, at 2703
least one of the incidents forming the pattern shall constitute 2704
a felony under the laws of this state in existence at the time 2705
it was committed or, if committed in violation of the laws of 2706
the United States or of any other state, shall constitute a 2707
felony under the law of the United States or the other state and 2708
would be a criminal offense under the law of this state if 2709
committed in this state. 2710

(F) "Pecuniary value" means money, a negotiable 2711
instrument, a commercial interest, or anything of value, as 2712
defined in section 1.03 of the Revised Code, or any other 2713
property or service that has a value in excess of one hundred 2714
dollars. 2715

(G) "Person" means any person, as defined in section 1.59 2716
of the Revised Code, and any governmental officer, employee, or 2717
entity. 2718

(H) "Personal property" means any personal property, any 2719
interest in personal property, or any right, including, but not 2720
limited to, bank accounts, debts, corporate stocks, patents, or 2721
copyrights. Personal property and any beneficial interest in 2722
personal property are deemed to be located where the trustee of 2723
the property, the personal property, or the instrument 2724
evidencing the right is located. 2725

(I) "Corrupt activity" means engaging in, attempting to 2726
engage in, conspiring to engage in, or soliciting, coercing, or 2727
intimidating another person to engage in any of the following: 2728

| | |
|---|------|
| (1) Conduct defined as "racketeering activity" under the | 2729 |
| "Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. | 2730 |
| 1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; | 2731 |
| (2) Conduct constituting any of the following: | 2732 |
| (a) A violation of section 1315.55, 1322.07, 2903.01, | 2733 |
| 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, | 2734 |
| 2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of | 2735 |
| this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, | 2736 |
| 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, | 2737 |
| 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, | 2738 |
| 2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, | 2739 |
| 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; | 2740 |
| division (F)(1)(a), (b), or (c) of section 1315.53; division (A) | 2741 |
| (1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), | 2742 |
| or (F) of section 1707.44; division (A)(1) or , (2), (3), or | 2743 |
| <u>(10)</u> of section 2923.20; division (E) or (G) of section 3772.99; | 2744 |
| division (J)(1) of section 4712.02; section 4719.02, 4719.05, or | 2745 |
| 4719.06; division (C), (D), or (E) of section 4719.07; section | 2746 |
| 4719.08; or division (A) of section 4719.09 of the Revised Code. | 2747 |
| (b) Any violation of section 3769.11, 3769.15, 3769.16, or | 2748 |
| 3769.19 of the Revised Code as it existed prior to July 1, 1996, | 2749 |
| any violation of section 2915.02 of the Revised Code that occurs | 2750 |
| on or after July 1, 1996, and that, had it occurred prior to | 2751 |
| that date, would have been a violation of section 3769.11 of the | 2752 |
| Revised Code as it existed prior to that date, or any violation | 2753 |
| of section 2915.05 of the Revised Code that occurs on or after | 2754 |
| July 1, 1996, and that, had it occurred prior to that date, | 2755 |
| would have been a violation of section 3769.15, 3769.16, or | 2756 |
| 3769.19 of the Revised Code as it existed prior to that date. | 2757 |
| (c) Any violation of section 2907.21, 2907.22, 2907.31, | 2758 |

2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 2759
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 2760
of the Revised Code, any violation of section 2925.11 of the 2761
Revised Code that is a felony of the first, second, third, or 2762
fourth degree and that occurs on or after July 1, 1996, any 2763
violation of section 2915.02 of the Revised Code that occurred 2764
prior to July 1, 1996, any violation of section 2915.02 of the 2765
Revised Code that occurs on or after July 1, 1996, and that, had 2766
it occurred prior to that date, would not have been a violation 2767
of section 3769.11 of the Revised Code as it existed prior to 2768
that date, any violation of section 2915.06 of the Revised Code 2769
as it existed prior to July 1, 1996, or any violation of 2770
division (B) of section 2915.05 of the Revised Code as it exists 2771
on and after July 1, 1996, when the proceeds of the violation, 2772
the payments made in the violation, the amount of a claim for 2773
payment or for any other benefit that is false or deceptive and 2774
that is involved in the violation, or the value of the 2775
contraband or other property illegally possessed, sold, or 2776
purchased in the violation exceeds one thousand dollars, or any 2777
combination of violations described in division (I) (2) (c) of 2778
this section when the total proceeds of the combination of 2779
violations, payments made in the combination of violations, 2780
amount of the claims for payment or for other benefits that is 2781
false or deceptive and that is involved in the combination of 2782
violations, or value of the contraband or other property 2783
illegally possessed, sold, or purchased in the combination of 2784
violations exceeds one thousand dollars; 2785

(d) Any violation of section 5743.112 of the Revised Code 2786
when the amount of unpaid tax exceeds one hundred dollars; 2787

(e) Any violation or combination of violations of section 2788
2907.32 of the Revised Code involving any material or 2789

performance containing a display of bestiality or of sexual 2790
conduct, as defined in section 2907.01 of the Revised Code, that 2791
is explicit and depicted with clearly visible penetration of the 2792
genitals or clearly visible penetration by the penis of any 2793
orifice when the total proceeds of the violation or combination 2794
of violations, the payments made in the violation or combination 2795
of violations, or the value of the contraband or other property 2796
illegally possessed, sold, or purchased in the violation or 2797
combination of violations exceeds one thousand dollars; 2798

(f) Any combination of violations described in division 2799
(I) (2) (c) of this section and violations of section 2907.32 of 2800
the Revised Code involving any material or performance 2801
containing a display of bestiality or of sexual conduct, as 2802
defined in section 2907.01 of the Revised Code, that is explicit 2803
and depicted with clearly visible penetration of the genitals or 2804
clearly visible penetration by the penis of any orifice when the 2805
total proceeds of the combination of violations, payments made 2806
in the combination of violations, amount of the claims for 2807
payment or for other benefits that is false or deceptive and 2808
that is involved in the combination of violations, or value of 2809
the contraband or other property illegally possessed, sold, or 2810
purchased in the combination of violations exceeds one thousand 2811
dollars; 2812

(g) Any violation of section 2905.32 of the Revised Code 2813
to the extent the violation is not based solely on the same 2814
conduct that constitutes corrupt activity pursuant to division 2815
(I) (2) (c) of this section due to the conduct being in violation 2816
of section 2907.21 of the Revised Code. 2817

(3) Conduct constituting a violation of any law of any 2818
state other than this state that is substantially similar to the 2819

conduct described in division (I) (2) of this section, provided 2820
the defendant was convicted of the conduct in a criminal 2821
proceeding in the other state; 2822

(4) Animal or ecological terrorism; 2823

(5) (a) Conduct constituting any of the following: 2824

(i) Organized retail theft; 2825

(ii) Conduct that constitutes one or more violations of 2826
any law of any state other than this state, that is 2827
substantially similar to organized retail theft, and that if 2828
committed in this state would be organized retail theft, if the 2829
defendant was convicted of or pleaded guilty to the conduct in a 2830
criminal proceeding in the other state. 2831

(b) By enacting division (I) (5) (a) of this section, it is 2832
the intent of the general assembly to add organized retail theft 2833
and the conduct described in division (I) (5) (a) (ii) of this 2834
section as conduct constituting corrupt activity. The enactment 2835
of division (I) (5) (a) of this section and the addition by 2836
division (I) (5) (a) of this section of organized retail theft and 2837
the conduct described in division (I) (5) (a) (ii) of this section 2838
as conduct constituting corrupt activity does not limit or 2839
preclude, and shall not be construed as limiting or precluding, 2840
any prosecution for a violation of section 2923.32 of the 2841
Revised Code that is based on one or more violations of section 2842
2913.02 or 2913.51 of the Revised Code, one or more similar 2843
offenses under the laws of this state or any other state, or any 2844
combination of any of those violations or similar offenses, even 2845
though the conduct constituting the basis for those violations 2846
or offenses could be construed as also constituting organized 2847
retail theft or conduct of the type described in division (I) (5) 2848

(a) (ii) of this section. 2849

(J) "Real property" means any real property or any 2850
interest in real property, including, but not limited to, any 2851
lease of, or mortgage upon, real property. Real property and any 2852
beneficial interest in it is deemed to be located where the real 2853
property is located. 2854

(K) "Trustee" means any of the following: 2855

(1) Any person acting as trustee under a trust in which 2856
the trustee holds title to personal or real property; 2857

(2) Any person who holds title to personal or real 2858
property for which any other person has a beneficial interest; 2859

(3) Any successor trustee. 2860

"Trustee" does not include an assignee or trustee for an 2861
insolvent debtor or an executor, administrator, administrator 2862
with the will annexed, testamentary trustee, guardian, or 2863
committee, appointed by, under the control of, or accountable to 2864
a court. 2865

(L) "Unlawful debt" means any money or other thing of 2866
value constituting principal or interest of a debt that is 2867
legally unenforceable in this state in whole or in part because 2868
the debt was incurred or contracted in violation of any federal 2869
or state law relating to the business of gambling activity or 2870
relating to the business of lending money at an usurious rate 2871
unless the creditor proves, by a preponderance of the evidence, 2872
that the usurious rate was not intentionally set and that it 2873
resulted from a good faith error by the creditor, 2874
notwithstanding the maintenance of procedures that were adopted 2875
by the creditor to avoid an error of that nature. 2876

(M) "Animal activity" means any activity that involves the use of animals or animal parts, including, but not limited to, hunting, fishing, trapping, traveling, camping, the production, preparation, or processing of food or food products, clothing or garment manufacturing, medical research, other research, entertainment, recreation, agriculture, biotechnology, or service activity that involves the use of animals or animal parts.

(N) "Animal facility" means a vehicle, building, structure, nature preserve, or other premises in which an animal is lawfully kept, handled, housed, exhibited, bred, or offered for sale, including, but not limited to, a zoo, rodeo, circus, amusement park, hunting preserve, or premises in which a horse or dog event is held.

(O) "Animal or ecological terrorism" means the commission of any felony that involves causing or creating a substantial risk of physical harm to any property of another, the use of a deadly weapon or dangerous ordnance, or purposely, knowingly, or recklessly causing serious physical harm to property and that involves an intent to obstruct, impede, or deter any person from participating in a lawful animal activity, from mining, foresting, harvesting, gathering, or processing natural resources, or from being lawfully present in or on an animal facility or research facility.

(P) "Research facility" means a place, laboratory, institution, medical care facility, government facility, or public or private educational institution in which a scientific test, experiment, or investigation involving the use of animals or other living organisms is lawfully carried out, conducted, or attempted.

(Q) "Organized retail theft" means the theft of retail property with a retail value of one thousand dollars or more from one or more retail establishments with the intent to sell, deliver, or transfer that property to a retail property fence.

(R) "Retail property" means any tangible personal property displayed, held, stored, or offered for sale in or by a retail establishment.

(S) "Retail property fence" means a person who possesses, procures, receives, or conceals retail property that was represented to the person as being stolen or that the person knows or believes to be stolen.

(T) "Retail value" means the full retail value of the retail property. In determining whether the retail value of retail property equals or exceeds one thousand dollars, the value of all retail property stolen from the retail establishment or retail establishments by the same person or persons within any one-hundred-eighty-day period shall be aggregated.

Sec. 2929.14. (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following:

(1) (a) For a felony of the first degree committed on or

after the effective date of this amendment, the prison term 2936
shall be an indefinite prison term with a stated minimum term 2937
selected by the court of three, four, five, six, seven, eight, 2938
nine, ten, or eleven years and a maximum term that is determined 2939
pursuant to section 2929.144 of the Revised Code, except that if 2940
the section that criminalizes the conduct constituting the 2941
felony specifies a different minimum term or penalty for the 2942
offense, the specific language of that section shall control in 2943
determining the minimum term or otherwise sentencing the 2944
offender but the minimum term or sentence imposed under that 2945
specific language shall be considered for purposes of the 2946
Revised Code as if it had been imposed under this division. 2947

(b) For a felony of the first degree committed prior to 2948
the effective date of this amendment, the prison term shall be a 2949
definite prison term of three, four, five, six, seven, eight, 2950
nine, ten, or eleven years. 2951

(2) (a) For a felony of the second degree committed on or 2952
after the effective date of this amendment, the prison term 2953
shall be an indefinite prison term with a stated minimum term 2954
selected by the court of two, three, four, five, six, seven, or 2955
eight years and a maximum term that is determined pursuant to 2956
section 2929.144 of the Revised Code, except that if the section 2957
that criminalizes the conduct constituting the felony specifies 2958
a different minimum term or penalty for the offense, the 2959
specific language of that section shall control in determining 2960
the minimum term or otherwise sentencing the offender but the 2961
minimum term or sentence imposed under that specific language 2962
shall be considered for purposes of the Revised Code as if it 2963
had been imposed under this division. 2964

(b) For a felony of the second degree committed prior to 2965

the effective date of this amendment, the prison term shall be a 2966
definite term of two, three, four, five, six, seven, or eight 2967
years. 2968

(3) (a) For a felony of the third degree that is a 2969
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2970
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 2971
Code or that is a violation of section 2911.02 or 2911.12 of the 2972
Revised Code if the offender previously has been convicted of or 2973
pleaded guilty in two or more separate proceedings to two or 2974
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 2975
of the Revised Code, the prison term shall be a definite term of 2976
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 2977
forty-eight, fifty-four, or sixty months. 2978

(b) For a felony of the third degree that is not an 2979
offense for which division (A) (3) (a) of this section applies, 2980
the prison term shall be a definite term of nine, twelve, 2981
eighteen, twenty-four, thirty, or thirty-six months. 2982

(4) For a felony of the fourth degree, the prison term 2983
shall be a definite term of six, seven, eight, nine, ten, 2984
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 2985
or eighteen months. 2986

(5) For a felony of the fifth degree, the prison term 2987
shall be a definite term of six, seven, eight, nine, ten, 2988
eleven, or twelve months. 2989

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2990
section, if an offender who is convicted of or pleads guilty to 2991
a felony also is convicted of or pleads guilty to a 2992
specification of the type described in section 2941.141, 2993
2941.144, or 2941.145 of the Revised Code, the court shall 2994

impose on the offender one of the following prison terms: 2995

(i) A prison term of six years if the specification is of 2996
the type described in division (A) of section 2941.144 of the 2997
Revised Code that charges the offender with having a firearm 2998
that is an automatic firearm or that was equipped with a firearm 2999
muffler or suppressor on or about the offender's person or under 3000
the offender's control while committing the offense; 3001

(ii) A prison term of three years, four years, or five 3002
years if the specification is of the type described in division 3003
(A) of section 2941.145 of the Revised Code that charges the 3004
offender with having a firearm on or about the offender's person 3005
or under the offender's control while committing the offense and 3006
displaying the firearm, brandishing the firearm, indicating that 3007
the offender possessed the firearm, or using it to facilitate 3008
the offense; 3009

(iii) A prison term of one year, two years, or three years 3010
if the specification is of the type described in division (A) of 3011
section 2941.141 of the Revised Code that charges the offender 3012
with having a firearm on or about the offender's person or under 3013
the offender's control while committing the offense; 3014

(iv) A prison term of nine years if the specification is 3015
of the type described in division (D) of section 2941.144 of the 3016
Revised Code that charges the offender with having a firearm 3017
that is an automatic firearm or that was equipped with a firearm 3018
muffler or suppressor on or about the offender's person or under 3019
the offender's control while committing the offense and 3020
specifies that the offender previously has been convicted of or 3021
pleaded guilty to a specification of the type described in 3022
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3023
the Revised Code; 3024

(v) A prison term of fifty-four months, sixty-six months, 3025
or seventy-eight months if the specification is of the type 3026
described in division (D) of section 2941.145 of the Revised 3027
Code that charges the offender with having a firearm on or about 3028
the offender's person or under the offender's control while 3029
committing the offense and displaying the firearm, brandishing 3030
the firearm, indicating that the offender possessed the firearm, 3031
or using the firearm to facilitate the offense and that the 3032
offender previously has been convicted of or pleaded guilty to a 3033
specification of the type described in section 2941.141, 3034
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code; 3035

(vi) A prison term of eighteen months, thirty months, or 3036
forty-two months if the specification is of the type described 3037
in division (D) of section 2941.141 of the Revised Code that 3038
charges the offender with having a firearm on or about the 3039
offender's person or under the offender's control while 3040
committing the offense and that the offender previously has been 3041
convicted of or pleaded guilty to a specification of the type 3042
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3043
2941.1412 of the Revised Code. 3044

(b) If a court imposes a prison term on an offender under 3045
division (B)(1)(a) of this section, the prison term shall not be 3046
reduced pursuant to section 2967.19, section 2929.20, section 3047
2967.193, or any other provision of Chapter 2967. or Chapter 3048
5120. of the Revised Code. Except as provided in division (B)(1) 3049
(g) of this section, a court shall not impose more than one 3050
prison term on an offender under division (B)(1)(a) of this 3051
section for felonies committed as part of the same act or 3052
transaction. 3053

(c)(i) Except as provided in division (B)(1)(e) of this 3054

section, if an offender who is convicted of or pleads guilty to 3055
a violation of section 2923.161 of the Revised Code or to a 3056
felony that includes, as an essential element, purposely or 3057
knowingly causing or attempting to cause the death of or 3058
physical harm to another, also is convicted of or pleads guilty 3059
to a specification of the type described in division (A) of 3060
section 2941.146 of the Revised Code that charges the offender 3061
with committing the offense by discharging a firearm from a 3062
motor vehicle other than a manufactured home, the court, after 3063
imposing a prison term on the offender for the violation of 3064
section 2923.161 of the Revised Code or for the other felony 3065
offense under division (A), (B) (2), or (B) (3) of this section, 3066
shall impose an additional prison term of five years upon the 3067
offender that shall not be reduced pursuant to section 2929.20, 3068
section 2967.19, section 2967.193, or any other provision of 3069
Chapter 2967. or Chapter 5120. of the Revised Code. 3070

(ii) Except as provided in division (B) (1) (e) of this 3071
section, if an offender who is convicted of or pleads guilty to 3072
a violation of section 2923.161 of the Revised Code or to a 3073
felony that includes, as an essential element, purposely or 3074
knowingly causing or attempting to cause the death of or 3075
physical harm to another, also is convicted of or pleads guilty 3076
to a specification of the type described in division (C) of 3077
section 2941.146 of the Revised Code that charges the offender 3078
with committing the offense by discharging a firearm from a 3079
motor vehicle other than a manufactured home and that the 3080
offender previously has been convicted of or pleaded guilty to a 3081
specification of the type described in section 2941.141, 3082
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3083
the court, after imposing a prison term on the offender for the 3084
violation of section 2923.161 of the Revised Code or for the 3085

other felony offense under division (A), (B) (2), or (3) of this 3086
section, shall impose an additional prison term of ninety months 3087
upon the offender that shall not be reduced pursuant to section 3088
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3089
2967. or Chapter 5120. of the Revised Code. 3090

(iii) A court shall not impose more than one additional 3091
prison term on an offender under division (B) (1) (c) of this 3092
section for felonies committed as part of the same act or 3093
transaction. If a court imposes an additional prison term on an 3094
offender under division (B) (1) (c) of this section relative to an 3095
offense, the court also shall impose a prison term under 3096
division (B) (1) (a) of this section relative to the same offense, 3097
provided the criteria specified in that division for imposing an 3098
additional prison term are satisfied relative to the offender 3099
and the offense. 3100

(d) If an offender who is convicted of or pleads guilty to 3101
an offense of violence that is a felony also is convicted of or 3102
pleads guilty to a specification of the type described in 3103
section 2941.1411 of the Revised Code that charges the offender 3104
with wearing or carrying body armor while committing the felony 3105
offense of violence, the court shall impose on the offender an 3106
additional prison term of two years. The prison term so imposed, 3107
subject to divisions (C) to (I) of section 2967.19 of the 3108
Revised Code, shall not be reduced pursuant to section 2929.20, 3109
section 2967.19, section 2967.193, or any other provision of 3110
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3111
shall not impose more than one prison term on an offender under 3112
division (B) (1) (d) of this section for felonies committed as 3113
part of the same act or transaction. If a court imposes an 3114
additional prison term under division (B) (1) (a) or (c) of this 3115
section, the court is not precluded from imposing an additional 3116

prison term under division (B) (1) (d) of this section. 3117

(e) The court shall not impose any of the prison terms 3118
described in division (B) (1) (a) of this section or any of the 3119
additional prison terms described in division (B) (1) (c) of this 3120
section upon an offender for a violation of section 2923.12 or 3121
2923.123 of the Revised Code. The court shall not impose any of 3122
the prison terms described in division (B) (1) (a) or (b) of this 3123
section upon an offender for a violation of section 2923.122 3124
that involves a deadly weapon that is a firearm other than a 3125
dangerous ordnance, section 2923.16, or section 2923.121 of the 3126
Revised Code. The court shall not impose any of the prison terms 3127
described in division (B) (1) (a) of this section or any of the 3128
additional prison terms described in division (B) (1) (c) of this 3129
section upon an offender for a violation of section 2923.13 of 3130
the Revised Code unless all of the following apply: 3131

(i) The offender previously has been convicted of 3132
aggravated murder, murder, or any felony of the first or second 3133
degree. 3134

(ii) Less than five years have passed since the offender 3135
was released from prison or post-release control, whichever is 3136
later, for the prior offense. 3137

(f) (i) If an offender is convicted of or pleads guilty to 3138
a felony that includes, as an essential element, causing or 3139
attempting to cause the death of or physical harm to another and 3140
also is convicted of or pleads guilty to a specification of the 3141
type described in division (A) of section 2941.1412 of the 3142
Revised Code that charges the offender with committing the 3143
offense by discharging a firearm at a peace officer as defined 3144
in section 2935.01 of the Revised Code or a corrections officer, 3145
as defined in section 2941.1412 of the Revised Code, the court, 3146

after imposing a prison term on the offender for the felony 3147
offense under division (A), (B) (2), or (B) (3) of this section, 3148
shall impose an additional prison term of seven years upon the 3149
offender that shall not be reduced pursuant to section 2929.20, 3150
section 2967.19, section 2967.193, or any other provision of 3151
Chapter 2967. or Chapter 5120. of the Revised Code. 3152

(ii) If an offender is convicted of or pleads guilty to a 3153
felony that includes, as an essential element, causing or 3154
attempting to cause the death of or physical harm to another and 3155
also is convicted of or pleads guilty to a specification of the 3156
type described in division (B) of section 2941.1412 of the 3157
Revised Code that charges the offender with committing the 3158
offense by discharging a firearm at a peace officer, as defined 3159
in section 2935.01 of the Revised Code, or a corrections 3160
officer, as defined in section 2941.1412 of the Revised Code, 3161
and that the offender previously has been convicted of or 3162
pleaded guilty to a specification of the type described in 3163
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3164
the Revised Code, the court, after imposing a prison term on the 3165
offender for the felony offense under division (A), (B) (2), or 3166
(3) of this section, shall impose an additional prison term of 3167
one hundred twenty-six months upon the offender that shall not 3168
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3169
any other provision of Chapter 2967. or 5120. of the Revised 3170
Code. 3171

(iii) If an offender is convicted of or pleads guilty to 3172
two or more felonies that include, as an essential element, 3173
causing or attempting to cause the death or physical harm to 3174
another and also is convicted of or pleads guilty to a 3175
specification of the type described under division (B) (1) (f) of 3176
this section in connection with two or more of the felonies of 3177

which the offender is convicted or to which the offender pleads 3178
guilty, the sentencing court shall impose on the offender the 3179
prison term specified under division (B) (1) (f) of this section 3180
for each of two of the specifications of which the offender is 3181
convicted or to which the offender pleads guilty and, in its 3182
discretion, also may impose on the offender the prison term 3183
specified under that division for any or all of the remaining 3184
specifications. If a court imposes an additional prison term on 3185
an offender under division (B) (1) (f) of this section relative to 3186
an offense, the court shall not impose a prison term under 3187
division (B) (1) (a) or (c) of this section relative to the same 3188
offense. 3189

(g) If an offender is convicted of or pleads guilty to two 3190
or more felonies, if one or more of those felonies are 3191
aggravated murder, murder, attempted aggravated murder, 3192
attempted murder, aggravated robbery, felonious assault, or 3193
rape, and if the offender is convicted of or pleads guilty to a 3194
specification of the type described under division (B) (1) (a) of 3195
this section in connection with two or more of the felonies, the 3196
sentencing court shall impose on the offender the prison term 3197
specified under division (B) (1) (a) of this section for each of 3198
the two most serious specifications of which the offender is 3199
convicted or to which the offender pleads guilty and, in its 3200
discretion, also may impose on the offender the prison term 3201
specified under that division for any or all of the remaining 3202
specifications. 3203

(2) (a) If division (B) (2) (b) of this section does not 3204
apply, the court may impose on an offender, in addition to the 3205
longest prison term authorized or required for the offense or, 3206
for offenses for which division (A) (1) (a) or (2) (a) of this 3207
section applies, in addition to the longest minimum prison term 3208

authorized or required for the offense, an additional definite 3209
prison term of one, two, three, four, five, six, seven, eight, 3210
nine, or ten years if all of the following criteria are met: 3211

(i) The offender is convicted of or pleads guilty to a 3212
specification of the type described in section 2941.149 of the 3213
Revised Code that the offender is a repeat violent offender. 3214

(ii) The offense of which the offender currently is 3215
convicted or to which the offender currently pleads guilty is 3216
aggravated murder and the court does not impose a sentence of 3217
death or life imprisonment without parole, murder, terrorism and 3218
the court does not impose a sentence of life imprisonment 3219
without parole, any felony of the first degree that is an 3220
offense of violence and the court does not impose a sentence of 3221
life imprisonment without parole, or any felony of the second 3222
degree that is an offense of violence and the trier of fact 3223
finds that the offense involved an attempt to cause or a threat 3224
to cause serious physical harm to a person or resulted in 3225
serious physical harm to a person. 3226

(iii) The court imposes the longest prison term for the 3227
offense or the longest minimum prison term for the offense, 3228
whichever is applicable, that is not life imprisonment without 3229
parole. 3230

(iv) The court finds that the prison terms imposed 3231
pursuant to division (B) (2) (a) (iii) of this section and, if 3232
applicable, division (B) (1) or (3) of this section are 3233
inadequate to punish the offender and protect the public from 3234
future crime, because the applicable factors under section 3235
2929.12 of the Revised Code indicating a greater likelihood of 3236
recidivism outweigh the applicable factors under that section 3237
indicating a lesser likelihood of recidivism. 3238

(v) The court finds that the prison terms imposed pursuant 3239
to division (B) (2) (a) (iii) of this section and, if applicable, 3240
division (B) (1) or (3) of this section are demeaning to the 3241
seriousness of the offense, because one or more of the factors 3242
under section 2929.12 of the Revised Code indicating that the 3243
offender's conduct is more serious than conduct normally 3244
constituting the offense are present, and they outweigh the 3245
applicable factors under that section indicating that the 3246
offender's conduct is less serious than conduct normally 3247
constituting the offense. 3248

(b) The court shall impose on an offender the longest 3249
prison term authorized or required for the offense or, for 3250
offenses for which division (A) (1) (a) or (2) (a) of this section 3251
applies, the longest minimum prison term authorized or required 3252
for the offense, and shall impose on the offender an additional 3253
definite prison term of one, two, three, four, five, six, seven, 3254
eight, nine, or ten years if all of the following criteria are 3255
met: 3256

(i) The offender is convicted of or pleads guilty to a 3257
specification of the type described in section 2941.149 of the 3258
Revised Code that the offender is a repeat violent offender. 3259

(ii) The offender within the preceding twenty years has 3260
been convicted of or pleaded guilty to three or more offenses 3261
described in division (CC) (1) of section 2929.01 of the Revised 3262
Code, including all offenses described in that division of which 3263
the offender is convicted or to which the offender pleads guilty 3264
in the current prosecution and all offenses described in that 3265
division of which the offender previously has been convicted or 3266
to which the offender previously pleaded guilty, whether 3267
prosecuted together or separately. 3268

(iii) The offense or offenses of which the offender 3269
currently is convicted or to which the offender currently pleads 3270
guilty is aggravated murder and the court does not impose a 3271
sentence of death or life imprisonment without parole, murder, 3272
terrorism and the court does not impose a sentence of life 3273
imprisonment without parole, any felony of the first degree that 3274
is an offense of violence and the court does not impose a 3275
sentence of life imprisonment without parole, or any felony of 3276
the second degree that is an offense of violence and the trier 3277
of fact finds that the offense involved an attempt to cause or a 3278
threat to cause serious physical harm to a person or resulted in 3279
serious physical harm to a person. 3280

(c) For purposes of division (B) (2) (b) of this section, 3281
two or more offenses committed at the same time or as part of 3282
the same act or event shall be considered one offense, and that 3283
one offense shall be the offense with the greatest penalty. 3284

(d) A sentence imposed under division (B) (2) (a) or (b) of 3285
this section shall not be reduced pursuant to section 2929.20, 3286
section 2967.19, or section 2967.193, or any other provision of 3287
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3288
shall serve an additional prison term imposed under division (B) 3289
(2) (a) or (b) of this section consecutively to and prior to the 3290
prison term imposed for the underlying offense. 3291

(e) When imposing a sentence pursuant to division (B) (2) 3292
(a) or (b) of this section, the court shall state its findings 3293
explaining the imposed sentence. 3294

(3) Except when an offender commits a violation of section 3295
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3296
for the violation is life imprisonment or commits a violation of 3297
section 2903.02 of the Revised Code, if the offender commits a 3298

violation of section 2925.03 or 2925.11 of the Revised Code and 3299
that section classifies the offender as a major drug offender, 3300
if the offender commits a violation of section 2925.05 of the 3301
Revised Code and division (E)(1) of that section classifies the 3302
offender as a major drug offender, if the offender commits a 3303
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3304
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3305
division (C) or (D) of section 3719.172, division (E) of section 3306
4729.51, or division (J) of section 4729.54 of the Revised Code 3307
that includes the sale, offer to sell, or possession of a 3308
schedule I or II controlled substance, with the exception of 3309
marihuana, and the court imposing sentence upon the offender 3310
finds that the offender is guilty of a specification of the type 3311
described in division (A) of section 2941.1410 of the Revised 3312
Code charging that the offender is a major drug offender, if the 3313
court imposing sentence upon an offender for a felony finds that 3314
the offender is guilty of corrupt activity with the most serious 3315
offense in the pattern of corrupt activity being a felony of the 3316
first degree, or if the offender is guilty of an attempted 3317
violation of section 2907.02 of the Revised Code and, had the 3318
offender completed the violation of section 2907.02 of the 3319
Revised Code that was attempted, the offender would have been 3320
subject to a sentence of life imprisonment or life imprisonment 3321
without parole for the violation of section 2907.02 of the 3322
Revised Code, the court shall impose upon the offender for the 3323
felony violation a mandatory prison term determined as described 3324
in this division that, subject to divisions (C) to (I) of 3325
section 2967.19 of the Revised Code, cannot be reduced pursuant 3326
to section 2929.20, section 2967.19, or any other provision of 3327
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 3328
term shall be the maximum definite prison term prescribed in 3329
division (A)(1)(b) of this section for a felony of the first 3330

degree, except that for offenses for which division (A) (1) (a) of 3331
this section applies, the mandatory prison term shall be the 3332
longest minimum prison term prescribed in that division for the 3333
offense. 3334

(4) If the offender is being sentenced for a third or 3335
fourth degree felony OVI offense under division (G) (2) of 3336
section 2929.13 of the Revised Code, the sentencing court shall 3337
impose upon the offender a mandatory prison term in accordance 3338
with that division. In addition to the mandatory prison term, if 3339
the offender is being sentenced for a fourth degree felony OVI 3340
offense, the court, notwithstanding division (A) (4) of this 3341
section, may sentence the offender to a definite prison term of 3342
not less than six months and not more than thirty months, and if 3343
the offender is being sentenced for a third degree felony OVI 3344
offense, the sentencing court may sentence the offender to an 3345
additional prison term of any duration specified in division (A) 3346
(3) of this section. In either case, the additional prison term 3347
imposed shall be reduced by the sixty or one hundred twenty days 3348
imposed upon the offender as the mandatory prison term. The 3349
total of the additional prison term imposed under division (B) 3350
(4) of this section plus the sixty or one hundred twenty days 3351
imposed as the mandatory prison term shall equal a definite term 3352
in the range of six months to thirty months for a fourth degree 3353
felony OVI offense and shall equal one of the authorized prison 3354
terms specified in division (A) (3) of this section for a third 3355
degree felony OVI offense. If the court imposes an additional 3356
prison term under division (B) (4) of this section, the offender 3357
shall serve the additional prison term after the offender has 3358
served the mandatory prison term required for the offense. In 3359
addition to the mandatory prison term or mandatory and 3360
additional prison term imposed as described in division (B) (4) 3361

of this section, the court also may sentence the offender to a 3362
community control sanction under section 2929.16 or 2929.17 of 3363
the Revised Code, but the offender shall serve all of the prison 3364
terms so imposed prior to serving the community control 3365
sanction. 3366

If the offender is being sentenced for a fourth degree 3367
felony OVI offense under division (G) (1) of section 2929.13 of 3368
the Revised Code and the court imposes a mandatory term of local 3369
incarceration, the court may impose a prison term as described 3370
in division (A) (1) of that section. 3371

(5) If an offender is convicted of or pleads guilty to a 3372
violation of division (A) (1) or (2) of section 2903.06 of the 3373
Revised Code and also is convicted of or pleads guilty to a 3374
specification of the type described in section 2941.1414 of the 3375
Revised Code that charges that the victim of the offense is a 3376
peace officer, as defined in section 2935.01 of the Revised 3377
Code, or an investigator of the bureau of criminal 3378
identification and investigation, as defined in section 2903.11 3379
of the Revised Code, the court shall impose on the offender a 3380
prison term of five years. If a court imposes a prison term on 3381
an offender under division (B) (5) of this section, the prison 3382
term, subject to divisions (C) to (I) of section 2967.19 of the 3383
Revised Code, shall not be reduced pursuant to section 2929.20, 3384
section 2967.19, section 2967.193, or any other provision of 3385
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3386
shall not impose more than one prison term on an offender under 3387
division (B) (5) of this section for felonies committed as part 3388
of the same act. 3389

(6) If an offender is convicted of or pleads guilty to a 3390
violation of division (A) (1) or (2) of section 2903.06 of the 3391

Revised Code and also is convicted of or pleads guilty to a 3392
specification of the type described in section 2941.1415 of the 3393
Revised Code that charges that the offender previously has been 3394
convicted of or pleaded guilty to three or more violations of 3395
division (A) or (B) of section 4511.19 of the Revised Code or an 3396
equivalent offense, as defined in section 2941.1415 of the 3397
Revised Code, or three or more violations of any combination of 3398
those divisions and offenses, the court shall impose on the 3399
offender a prison term of three years. If a court imposes a 3400
prison term on an offender under division (B) (6) of this 3401
section, the prison term, subject to divisions (C) to (I) of 3402
section 2967.19 of the Revised Code, shall not be reduced 3403
pursuant to section 2929.20, section 2967.19, section 2967.193, 3404
or any other provision of Chapter 2967. or Chapter 5120. of the 3405
Revised Code. A court shall not impose more than one prison term 3406
on an offender under division (B) (6) of this section for 3407
felonies committed as part of the same act. 3408

(7) (a) If an offender is convicted of or pleads guilty to 3409
a felony violation of section 2905.01, 2905.02, 2907.21, 3410
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 3411
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 3412
section 2919.22 of the Revised Code and also is convicted of or 3413
pleads guilty to a specification of the type described in 3414
section 2941.1422 of the Revised Code that charges that the 3415
offender knowingly committed the offense in furtherance of human 3416
trafficking, the court shall impose on the offender a mandatory 3417
prison term that is one of the following: 3418

(i) If the offense is a felony of the first degree, a 3419
definite prison term of not less than five years and not greater 3420
than eleven years, except that if the offense is a felony of the 3421
first degree committed on or after the effective date of this 3422

amendment, the court shall impose as the minimum prison term a 3423
mandatory term of not less than five years and not greater than 3424
eleven years; 3425

(ii) If the offense is a felony of the second or third 3426
degree, a definite prison term of not less than three years and 3427
not greater than the maximum prison term allowed for the offense 3428
by division (A) (2) (b) or (3) of this section, except that if the 3429
offense is a felony of the second degree committed on or after 3430
the effective date of this amendment, the court shall impose as 3431
the minimum prison term a mandatory term of not less than three 3432
years and not greater than eight years; 3433

(iii) If the offense is a felony of the fourth or fifth 3434
degree, a definite prison term that is the maximum prison term 3435
allowed for the offense by division (A) of section 2929.14 of 3436
the Revised Code. 3437

(b) Subject to divisions (C) to (I) of section 2967.19 of 3438
the Revised Code, the prison term imposed under division (B) (7) 3439
(a) of this section shall not be reduced pursuant to section 3440
2929.20, section 2967.19, section 2967.193, or any other 3441
provision of Chapter 2967. of the Revised Code. A court shall 3442
not impose more than one prison term on an offender under 3443
division (B) (7) (a) of this section for felonies committed as 3444
part of the same act, scheme, or plan. 3445

(8) If an offender is convicted of or pleads guilty to a 3446
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3447
Revised Code and also is convicted of or pleads guilty to a 3448
specification of the type described in section 2941.1423 of the 3449
Revised Code that charges that the victim of the violation was a 3450
woman whom the offender knew was pregnant at the time of the 3451
violation, notwithstanding the range prescribed in division (A) 3452

of this section as the definite prison term or minimum prison 3453
term for felonies of the same degree as the violation, the court 3454
shall impose on the offender a mandatory prison term that is 3455
either a definite prison term of six months or one of the prison 3456
terms prescribed in division (A) of this section for felonies of 3457
the same degree as the violation, except that if the violation 3458
is a felony of the first or second degree committed on or after 3459
the effective date of this amendment, the court shall impose as 3460
the minimum prison term under division (A) (1) (a) or (2) (a) of 3461
this section a mandatory term that is one of the terms 3462
prescribed in that division, whichever is applicable, for the 3463
offense. 3464

(9) (a) If an offender is convicted of or pleads guilty to 3465
a violation of division (A) (1) or (2) of section 2903.11 of the 3466
Revised Code and also is convicted of or pleads guilty to a 3467
specification of the type described in section 2941.1425 of the 3468
Revised Code, the court shall impose on the offender a mandatory 3469
prison term of six years if either of the following applies: 3470

(i) The violation is a violation of division (A) (1) of 3471
section 2903.11 of the Revised Code and the specification 3472
charges that the offender used an accelerant in committing the 3473
violation and the serious physical harm to another or to 3474
another's unborn caused by the violation resulted in a 3475
permanent, serious disfigurement or permanent, substantial 3476
incapacity; 3477

(ii) The violation is a violation of division (A) (2) of 3478
section 2903.11 of the Revised Code and the specification 3479
charges that the offender used an accelerant in committing the 3480
violation, that the violation caused physical harm to another or 3481
to another's unborn, and that the physical harm resulted in a 3482

permanent, serious disfigurement or permanent, substantial 3483
incapacity. 3484

(b) If a court imposes a prison term on an offender under 3485
division (B) (9) (a) of this section, the prison term shall not be 3486
reduced pursuant to section 2929.20, section 2967.19, section 3487
2967.193, or any other provision of Chapter 2967. or Chapter 3488
5120. of the Revised Code. A court shall not impose more than 3489
one prison term on an offender under division (B) (9) of this 3490
section for felonies committed as part of the same act. 3491

(c) The provisions of divisions (B) (9) and (C) (6) of this 3492
section and of division (D) (2) of section 2903.11, division (F) 3493
(20) of section 2929.13, and section 2941.1425 of the Revised 3494
Code shall be known as "Judy's Law." 3495

(10) If an offender is convicted of or pleads guilty to a 3496
violation of division (A) of section 2903.11 of the Revised Code 3497
and also is convicted of or pleads guilty to a specification of 3498
the type described in section 2941.1426 of the Revised Code that 3499
charges that the victim of the offense suffered permanent 3500
disabling harm as a result of the offense and that the victim 3501
was under ten years of age at the time of the offense, 3502
regardless of whether the offender knew the age of the victim, 3503
the court shall impose upon the offender an additional definite 3504
prison term of six years. A prison term imposed on an offender 3505
under division (B) (10) of this section shall not be reduced 3506
pursuant to section 2929.20, section 2967.193, or any other 3507
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3508
If a court imposes an additional prison term on an offender 3509
under this division relative to a violation of division (A) of 3510
section 2903.11 of the Revised Code, the court shall not impose 3511
any other additional prison term on the offender relative to the 3512

same offense. 3513

(11) If an offender is convicted of or pleads guilty to a 3514
felony violation of section 2925.03 or 2925.05 of the Revised 3515
Code or a felony violation of section 2925.11 of the Revised 3516
Code for which division (C)(11) of that section applies in 3517
determining the sentence for the violation, if the drug involved 3518
in the violation is a fentanyl-related compound or a compound, 3519
mixture, preparation, or substance containing a fentanyl-related 3520
compound, and if the offender also is convicted of or pleads 3521
guilty to a specification of the type described in division (B) 3522
of section 2941.1410 of the Revised Code that charges that the 3523
offender is a major drug offender, in addition to any other 3524
penalty imposed for the violation, the court shall impose on the 3525
offender a mandatory prison term of three, four, five, six, 3526
seven, or eight years. If a court imposes a prison term on an 3527
offender under division (B)(11) of this section, the prison 3528
term, subject to divisions (C) to (I) of section 2967.19 of the 3529
Revised Code, shall not be reduced pursuant to section 2929.20, 3530
2967.19, or 2967.193, or any other provision of Chapter 2967. or 3531
5120. of the Revised Code. A court shall not impose more than 3532
one prison term on an offender under division (B)(11) of this 3533
section for felonies committed as part of the same act. 3534

(C)(1)(a) Subject to division (C)(1)(b) of this section, 3535
if a mandatory prison term is imposed upon an offender pursuant 3536
to division (B)(1)(a) of this section for having a firearm on or 3537
about the offender's person or under the offender's control 3538
while committing a felony, if a mandatory prison term is imposed 3539
upon an offender pursuant to division (B)(1)(c) of this section 3540
for committing a felony specified in that division by 3541
discharging a firearm from a motor vehicle, or if both types of 3542
mandatory prison terms are imposed, the offender shall serve any 3543

mandatory prison term imposed under either division 3544
consecutively to any other mandatory prison term imposed under 3545
either division or under division (B) (1) (d) of this section, 3546
consecutively to and prior to any prison term imposed for the 3547
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3548
this section or any other section of the Revised Code, and 3549
consecutively to any other prison term or mandatory prison term 3550
previously or subsequently imposed upon the offender. 3551

(b) If a mandatory prison term is imposed upon an offender 3552
pursuant to division (B) (1) (d) of this section for wearing or 3553
carrying body armor while committing an offense of violence that 3554
is a felony, the offender shall serve the mandatory term so 3555
imposed consecutively to any other mandatory prison term imposed 3556
under that division or under division (B) (1) (a) or (c) of this 3557
section, consecutively to and prior to any prison term imposed 3558
for the underlying felony under division (A), (B) (2), or (B) (3) 3559
of this section or any other section of the Revised Code, and 3560
consecutively to any other prison term or mandatory prison term 3561
previously or subsequently imposed upon the offender. 3562

(c) If a mandatory prison term is imposed upon an offender 3563
pursuant to division (B) (1) (f) of this section, the offender 3564
shall serve the mandatory prison term so imposed consecutively 3565
to and prior to any prison term imposed for the underlying 3566
felony under division (A), (B) (2), or (B) (3) of this section or 3567
any other section of the Revised Code, and consecutively to any 3568
other prison term or mandatory prison term previously or 3569
subsequently imposed upon the offender. 3570

(d) If a mandatory prison term is imposed upon an offender 3571
pursuant to division (B) (7) or (8) of this section, the offender 3572
shall serve the mandatory prison term so imposed consecutively 3573

to any other mandatory prison term imposed under that division 3574
or under any other provision of law and consecutively to any 3575
other prison term or mandatory prison term previously or 3576
subsequently imposed upon the offender. 3577

(e) If a mandatory prison term is imposed upon an offender 3578
pursuant to division (B) (11) of this section, the offender shall 3579
serve the mandatory prison term consecutively to any other 3580
mandatory prison term imposed under that division, consecutively 3581
to and prior to any prison term imposed for the underlying 3582
felony, and consecutively to any other prison term or mandatory 3583
prison term previously or subsequently imposed upon the 3584
offender. 3585

(2) If an offender who is an inmate in a jail, prison, or 3586
other residential detention facility violates section 2917.02, 3587
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3588
(2) of section 2921.34 of the Revised Code, if an offender who 3589
is under detention at a detention facility commits a felony 3590
violation of section 2923.131 of the Revised Code, or if an 3591
offender who is an inmate in a jail, prison, or other 3592
residential detention facility or is under detention at a 3593
detention facility commits another felony while the offender is 3594
an escapee in violation of division (A) (1) or (2) of section 3595
2921.34 of the Revised Code, any prison term imposed upon the 3596
offender for one of those violations shall be served by the 3597
offender consecutively to the prison term or term of 3598
imprisonment the offender was serving when the offender 3599
committed that offense and to any other prison term previously 3600
or subsequently imposed upon the offender. 3601

(3) If a prison term is imposed for a violation of 3602
division (B) of section 2911.01 of the Revised Code, a violation 3603

of division (A) of section 2913.02 of the Revised Code in which 3604
the stolen property is a firearm or dangerous ordnance, or a 3605
felony violation of division (B) of section 2921.331 of the 3606
Revised Code, the offender shall serve that prison term 3607
consecutively to any other prison term or mandatory prison term 3608
previously or subsequently imposed upon the offender. 3609

(4) If multiple prison terms are imposed on an offender 3610
for convictions of multiple offenses, the court may require the 3611
offender to serve the prison terms consecutively if the court 3612
finds that the consecutive service is necessary to protect the 3613
public from future crime or to punish the offender and that 3614
consecutive sentences are not disproportionate to the 3615
seriousness of the offender's conduct and to the danger the 3616
offender poses to the public, and if the court also finds any of 3617
the following: 3618

(a) The offender committed one or more of the multiple 3619
offenses while the offender was awaiting trial or sentencing, 3620
was under a sanction imposed pursuant to section 2929.16, 3621
2929.17, or 2929.18 of the Revised Code, or was under post- 3622
release control for a prior offense. 3623

(b) At least two of the multiple offenses were committed 3624
as part of one or more courses of conduct, and the harm caused 3625
by two or more of the multiple offenses so committed was so 3626
great or unusual that no single prison term for any of the 3627
offenses committed as part of any of the courses of conduct 3628
adequately reflects the seriousness of the offender's conduct. 3629

(c) The offender's history of criminal conduct 3630
demonstrates that consecutive sentences are necessary to protect 3631
the public from future crime by the offender. 3632

(5) If a mandatory prison term is imposed upon an offender 3633
pursuant to division (B) (5) or (6) of this section, the offender 3634
shall serve the mandatory prison term consecutively to and prior 3635
to any prison term imposed for the underlying violation of 3636
division (A) (1) or (2) of section 2903.06 of the Revised Code 3637
pursuant to division (A) of this section or section 2929.142 of 3638
the Revised Code. If a mandatory prison term is imposed upon an 3639
offender pursuant to division (B) (5) of this section, and if a 3640
mandatory prison term also is imposed upon the offender pursuant 3641
to division (B) (6) of this section in relation to the same 3642
violation, the offender shall serve the mandatory prison term 3643
imposed pursuant to division (B) (5) of this section 3644
consecutively to and prior to the mandatory prison term imposed 3645
pursuant to division (B) (6) of this section and consecutively to 3646
and prior to any prison term imposed for the underlying 3647
violation of division (A) (1) or (2) of section 2903.06 of the 3648
Revised Code pursuant to division (A) of this section or section 3649
2929.142 of the Revised Code. 3650

(6) If a mandatory prison term is imposed on an offender 3651
pursuant to division (B) (9) of this section, the offender shall 3652
serve the mandatory prison term consecutively to and prior to 3653
any prison term imposed for the underlying violation of division 3654
(A) (1) or (2) of section 2903.11 of the Revised Code and 3655
consecutively to and prior to any other prison term or mandatory 3656
prison term previously or subsequently imposed on the offender. 3657

(7) If a mandatory prison term is imposed on an offender 3658
pursuant to division (B) (10) of this section, the offender shall 3659
serve that mandatory prison term consecutively to and prior to 3660
any prison term imposed for the underlying felonious assault. 3661
Except as otherwise provided in division (C) of this section, 3662
any other prison term or mandatory prison term previously or 3663

subsequently imposed upon the offender may be served 3664
concurrently with, or consecutively to, the prison term imposed 3665
pursuant to division (B)(10) of this section. 3666

(8) Any prison term imposed for a violation of section 3667
2903.04 of the Revised Code that is based on a violation of 3668
section 2925.03 or 2925.11 of the Revised Code or on a violation 3669
of section 2925.05 of the Revised Code that is not funding of 3670
marihuana trafficking shall run consecutively to any prison term 3671
imposed for the violation of section 2925.03 or 2925.11 of the 3672
Revised Code or for the violation of section 2925.05 of the 3673
Revised Code that is not funding of marihuana trafficking. 3674

(9) When consecutive prison terms are imposed pursuant to 3675
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 3676
division (H)(1) or (2) of this section, subject to division (C) 3677
(10) of this section, the term to be served is the aggregate of 3678
all of the terms so imposed. 3679

(10) When a court sentences an offender to a non-life 3680
felony indefinite prison term, any definite prison term or 3681
mandatory definite prison term previously or subsequently 3682
imposed on the offender in addition to that indefinite sentence 3683
that is required to be served consecutively to that indefinite 3684
sentence shall be served prior to the indefinite sentence. 3685

(11) If a court is sentencing an offender for a felony of 3686
the first or second degree, if division (A)(1)(a) or (2)(a) of 3687
this section applies with respect to the sentencing for the 3688
offense, and if the court is required under the Revised Code 3689
section that sets forth the offense or any other Revised Code 3690
provision to impose a mandatory prison term for the offense, the 3691
court shall impose the required mandatory prison term as the 3692
minimum term imposed under division (A)(1)(a) or (2)(a) of this 3693

section, whichever is applicable. 3694

(D) (1) If a court imposes a prison term, other than a term 3695
of life imprisonment, for a felony of the first degree, for a 3696
felony of the second degree, for a felony sex offense, or for a 3697
felony of the third degree that is an offense of violence and 3698
that is not a felony sex offense, it shall include in the 3699
sentence a requirement that the offender be subject to a period 3700
of post-release control after the offender's release from 3701
imprisonment, in accordance with section 2967.28 of the Revised 3702
Code. If a court imposes a sentence including a prison term of a 3703
type described in this division on or after July 11, 2006, the 3704
failure of a court to include a post-release control requirement 3705
in the sentence pursuant to this division does not negate, 3706
limit, or otherwise affect the mandatory period of post-release 3707
control that is required for the offender under division (B) of 3708
section 2967.28 of the Revised Code. Section 2929.191 of the 3709
Revised Code applies if, prior to July 11, 2006, a court imposed 3710
a sentence including a prison term of a type described in this 3711
division and failed to include in the sentence pursuant to this 3712
division a statement regarding post-release control. 3713

(2) If a court imposes a prison term for a felony of the 3714
third, fourth, or fifth degree that is not subject to division 3715
(D) (1) of this section, it shall include in the sentence a 3716
requirement that the offender be subject to a period of post- 3717
release control after the offender's release from imprisonment, 3718
in accordance with that division, if the parole board determines 3719
that a period of post-release control is necessary. Section 3720
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3721
a court imposed a sentence including a prison term of a type 3722
described in this division and failed to include in the sentence 3723
pursuant to this division a statement regarding post-release 3724

control. 3725

(E) The court shall impose sentence upon the offender in 3726
accordance with section 2971.03 of the Revised Code, and Chapter 3727
2971. of the Revised Code applies regarding the prison term or 3728
term of life imprisonment without parole imposed upon the 3729
offender and the service of that term of imprisonment if any of 3730
the following apply: 3731

(1) A person is convicted of or pleads guilty to a violent 3732
sex offense or a designated homicide, assault, or kidnapping 3733
offense, and, in relation to that offense, the offender is 3734
adjudicated a sexually violent predator. 3735

(2) A person is convicted of or pleads guilty to a 3736
violation of division (A) (1) (b) of section 2907.02 of the 3737
Revised Code committed on or after January 2, 2007, and either 3738
the court does not impose a sentence of life without parole when 3739
authorized pursuant to division (B) of section 2907.02 of the 3740
Revised Code, or division (B) of section 2907.02 of the Revised 3741
Code provides that the court shall not sentence the offender 3742
pursuant to section 2971.03 of the Revised Code. 3743

(3) A person is convicted of or pleads guilty to attempted 3744
rape committed on or after January 2, 2007, and a specification 3745
of the type described in section 2941.1418, 2941.1419, or 3746
2941.1420 of the Revised Code. 3747

(4) A person is convicted of or pleads guilty to a 3748
violation of section 2905.01 of the Revised Code committed on or 3749
after January 1, 2008, and that section requires the court to 3750
sentence the offender pursuant to section 2971.03 of the Revised 3751
Code. 3752

(5) A person is convicted of or pleads guilty to 3753

aggravated murder committed on or after January 1, 2008, and 3754
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3755
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3756
(d) of section 2929.03, or division (A) or (B) of section 3757
2929.06 of the Revised Code requires the court to sentence the 3758
offender pursuant to division (B) (3) of section 2971.03 of the 3759
Revised Code. 3760

(6) A person is convicted of or pleads guilty to murder 3761
committed on or after January 1, 2008, and division (B) (2) of 3762
section 2929.02 of the Revised Code requires the court to 3763
sentence the offender pursuant to section 2971.03 of the Revised 3764
Code. 3765

(F) If a person who has been convicted of or pleaded 3766
guilty to a felony is sentenced to a prison term or term of 3767
imprisonment under this section, sections 2929.02 to 2929.06 of 3768
the Revised Code, section 2929.142 of the Revised Code, section 3769
2971.03 of the Revised Code, or any other provision of law, 3770
section 5120.163 of the Revised Code applies regarding the 3771
person while the person is confined in a state correctional 3772
institution. 3773

(G) If an offender who is convicted of or pleads guilty to 3774
a felony that is an offense of violence also is convicted of or 3775
pleads guilty to a specification of the type described in 3776
section 2941.142 of the Revised Code that charges the offender 3777
with having committed the felony while participating in a 3778
criminal gang, the court shall impose upon the offender an 3779
additional prison term of one, two, or three years. 3780

(H) (1) If an offender who is convicted of or pleads guilty 3781
to aggravated murder, murder, or a felony of the first, second, 3782
or third degree that is an offense of violence also is convicted 3783

of or pleads guilty to a specification of the type described in 3784
section 2941.143 of the Revised Code that charges the offender 3785
with having committed the offense in a school safety zone or 3786
towards a person in a school safety zone, the court shall impose 3787
upon the offender an additional prison term of two years. The 3788
offender shall serve the additional two years consecutively to 3789
and prior to the prison term imposed for the underlying offense. 3790

(2) (a) If an offender is convicted of or pleads guilty to 3791
a felony violation of section 2907.22, 2907.24, 2907.241, or 3792
2907.25 of the Revised Code and to a specification of the type 3793
described in section 2941.1421 of the Revised Code and if the 3794
court imposes a prison term on the offender for the felony 3795
violation, the court may impose upon the offender an additional 3796
prison term as follows: 3797

(i) Subject to division (H) (2) (a) (ii) of this section, an 3798
additional prison term of one, two, three, four, five, or six 3799
months; 3800

(ii) If the offender previously has been convicted of or 3801
pleaded guilty to one or more felony or misdemeanor violations 3802
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3803
the Revised Code and also was convicted of or pleaded guilty to 3804
a specification of the type described in section 2941.1421 of 3805
the Revised Code regarding one or more of those violations, an 3806
additional prison term of one, two, three, four, five, six, 3807
seven, eight, nine, ten, eleven, or twelve months. 3808

(b) In lieu of imposing an additional prison term under 3809
division (H) (2) (a) of this section, the court may directly 3810
impose on the offender a sanction that requires the offender to 3811
wear a real-time processing, continual tracking electronic 3812
monitoring device during the period of time specified by the 3813

court. The period of time specified by the court shall equal the 3814
duration of an additional prison term that the court could have 3815
imposed upon the offender under division (H) (2) (a) of this 3816
section. A sanction imposed under this division shall commence 3817
on the date specified by the court, provided that the sanction 3818
shall not commence until after the offender has served the 3819
prison term imposed for the felony violation of section 2907.22, 3820
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3821
residential sanction imposed for the violation under section 3822
2929.16 of the Revised Code. A sanction imposed under this 3823
division shall be considered to be a community control sanction 3824
for purposes of section 2929.15 of the Revised Code, and all 3825
provisions of the Revised Code that pertain to community control 3826
sanctions shall apply to a sanction imposed under this division, 3827
except to the extent that they would by their nature be clearly 3828
inapplicable. The offender shall pay all costs associated with a 3829
sanction imposed under this division, including the cost of the 3830
use of the monitoring device. 3831

(I) At the time of sentencing, the court may recommend the 3832
offender for placement in a program of shock incarceration under 3833
section 5120.031 of the Revised Code or for placement in an 3834
intensive program prison under section 5120.032 of the Revised 3835
Code, disapprove placement of the offender in a program of shock 3836
incarceration or an intensive program prison of that nature, or 3837
make no recommendation on placement of the offender. In no case 3838
shall the department of rehabilitation and correction place the 3839
offender in a program or prison of that nature unless the 3840
department determines as specified in section 5120.031 or 3841
5120.032 of the Revised Code, whichever is applicable, that the 3842
offender is eligible for the placement. 3843

If the court disapproves placement of the offender in a 3844

program or prison of that nature, the department of 3845
rehabilitation and correction shall not place the offender in 3846
any program of shock incarceration or intensive program prison. 3847

If the court recommends placement of the offender in a 3848
program of shock incarceration or in an intensive program 3849
prison, and if the offender is subsequently placed in the 3850
recommended program or prison, the department shall notify the 3851
court of the placement and shall include with the notice a brief 3852
description of the placement. 3853

If the court recommends placement of the offender in a 3854
program of shock incarceration or in an intensive program prison 3855
and the department does not subsequently place the offender in 3856
the recommended program or prison, the department shall send a 3857
notice to the court indicating why the offender was not placed 3858
in the recommended program or prison. 3859

If the court does not make a recommendation under this 3860
division with respect to an offender and if the department 3861
determines as specified in section 5120.031 or 5120.032 of the 3862
Revised Code, whichever is applicable, that the offender is 3863
eligible for placement in a program or prison of that nature, 3864
the department shall screen the offender and determine if there 3865
is an available program of shock incarceration or an intensive 3866
program prison for which the offender is suited. If there is an 3867
available program of shock incarceration or an intensive program 3868
prison for which the offender is suited, the department shall 3869
notify the court of the proposed placement of the offender as 3870
specified in section 5120.031 or 5120.032 of the Revised Code 3871
and shall include with the notice a brief description of the 3872
placement. The court shall have ten days from receipt of the 3873
notice to disapprove the placement. 3874

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the prison term imposed for the underlying offense. The prison term shall not be reduced pursuant to section 2929.20 or 2967.19 or any other provision of Chapter 2967. or 5120. of the Revised Code. A court may not impose more than one sentence under division (B) (2) (a) of this section and this division for acts committed as part of the same act or transaction.

(2) As used in division (K) (1) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

Sec. 2935.01. As used in this chapter:

(A) "Magistrate" has the same meaning as in section 2931.01 of the Revised Code.

(B) "Peace officer" includes, except as provided in 3905
section 2935.081 of the Revised Code, a sheriff; deputy sheriff; 3906
marshal; deputy marshal; member of the organized police 3907
department of any municipal corporation, including a member of 3908
the organized police department of a municipal corporation in an 3909
adjoining state serving in Ohio under a contract pursuant to 3910
section 737.04 of the Revised Code; member of a police force 3911
employed by a metropolitan housing authority under division (D) 3912
of section 3735.31 of the Revised Code; member of a police force 3913
employed by a regional transit authority under division (Y) of 3914
section 306.05 of the Revised Code; state university law 3915
enforcement officer appointed under section 3345.04 of the 3916
Revised Code; enforcement agent of the department of public 3917
safety designated under section 5502.14 of the Revised Code; 3918
employee of the department of taxation to whom investigation 3919
powers have been delegated under section 5743.45 of the Revised 3920
Code; employee of the department of natural resources who is a 3921
natural resources law enforcement staff officer designated 3922
pursuant to section 1501.013 of the Revised Code, a forest-fire 3923
investigator appointed pursuant to section 1503.09 of the 3924
Revised Code, a natural resources officer appointed pursuant to 3925
section 1501.24 of the Revised Code, or a wildlife officer 3926
designated pursuant to section 1531.13 of the Revised Code; 3927
individual designated to perform law enforcement duties under 3928
section 511.232, 1545.13, or 6101.75 of the Revised Code; 3929
veterans' home police officer appointed under section 5907.02 of 3930
the Revised Code; special police officer employed by a port 3931
authority under section 4582.04 or 4582.28 of the Revised Code; 3932
police constable of any township; police officer of a township 3933
or joint police district; a special police officer employed by a 3934
municipal corporation at a municipal airport, or other municipal 3935
air navigation facility, that has scheduled operations, as 3936

defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended; the house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E) (1) of section 101.311 of the Revised Code; an assistant house of representatives sergeant at arms; the senate sergeant at arms; an assistant senate sergeant at arms; officer or employee of the bureau of criminal identification and investigation established pursuant to section 109.51 of the Revised Code who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the officer's or employee's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program and who is providing assistance upon request to a law enforcement officer or emergency assistance to a peace officer pursuant to section 109.54 or 109.541 of the Revised Code; a state fire marshal law enforcement officer described in division (A) (23) of section 109.71 of the Revised Code; and, for the purpose of arrests within those areas, for the purposes of Chapter 5503. of the Revised Code, and the filing of and service of process relating to those offenses witnessed or investigated by them, the superintendent and troopers of the state highway patrol.

(C) "Prosecutor" includes the county prosecuting attorney and any assistant prosecutor designated to assist the county prosecuting attorney, and, in the case of courts inferior to

courts of common pleas, includes the village solicitor, city 3968
director of law, or similar chief legal officer of a municipal 3969
corporation, any such officer's assistants, or any attorney 3970
designated by the prosecuting attorney of the county to appear 3971
for the prosecution of a given case. 3972

(D) "Offense," except where the context specifically 3973
indicates otherwise, includes felonies, misdemeanors, and 3974
violations of ordinances of municipal corporations and other 3975
public bodies authorized by law to adopt penal regulations. 3976

(E) "Tier one offense" means a violation of section 3977
2903.01, 2903.02, 2903.03, 2903.04, 2903.06, 2903.11, 2903.12, 3978
2903.21, 2903.211, 2905.01, 2905.02, 2905.32, 2907.02, 2907.03, 3979
2907.04, 2907.05, 2907.321, 2907.322, 2907.323, 2909.02, 3980
2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2919.25, 2921.34, 3981
2923.161, 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 3982
Code. 3983

Sec. 2935.10. (A) Upon the filing of an affidavit or 3984
complaint as provided by section 2935.09 of the Revised Code, if 3985
it charges the commission of a felony, such judge, clerk, or 3986
magistrate, ~~unless he the judge, clerk, or magistrate~~ has reason 3987
to believe that it was not filed in good faith, or the claim is 3988
not meritorious, shall forthwith issue a warrant for the arrest 3989
of the person charged in the affidavit, and directed to a peace 3990
officer; ~~otherwise he the judge, clerk, or magistrate~~ shall 3991
forthwith refer the matter to the prosecuting attorney or other 3992
attorney charged by law with prosecution for investigation prior 3993
to the issuance of warrant. 3994

(B) If the offense charged is a misdemeanor or violation 3995
of a municipal ordinance, such judge, clerk, or magistrate may: 3996

(1) Issue a warrant for the arrest of such person, 3997
directed to any officer named in section 2935.03 of the Revised 3998
Code but in cases of ordinance violation only to a police 3999
officer or marshal or deputy marshal of the municipal 4000
corporation; 4001

(2) Issue summons, to be served by a peace officer, 4002
bailiff, or court constable, commanding the person against whom 4003
the affidavit or complaint was filed to appear forthwith, or at 4004
a fixed time in the future, before such court or magistrate. 4005
Such summons shall be served in the same manner as in civil 4006
cases. 4007

(C) If the affidavit is filed by, or the complaint is 4008
filed pursuant to an affidavit executed by, a peace officer who 4009
has, at ~~his~~ the officer's discretion, at the time of commission 4010
of the alleged offense, notified the person to appear before the 4011
court or magistrate at a specific time set by such officer, no 4012
process need be issued unless the defendant fails to appear at 4013
the scheduled time. 4014

(D) Any person charged with a misdemeanor or violation of 4015
a municipal ordinance may give bail as provided in sections 4016
2937.22 to 2937.46 of the Revised Code, for ~~his~~ the person's 4017
appearance, regardless of whether a warrant, summons, or notice 4018
to appear has been issued. 4019

(E) Any warrant, summons, or any notice issued by the 4020
peace officer shall state the substance of the charge against 4021
the person arrested or directed to appear. 4022

(F) When the offense charged is a misdemeanor, and the 4023
warrant or summons issued pursuant to this section is not served 4024
within two years of the date of issue, a judge or magistrate may 4025

order such warrant or summons withdrawn and the case closed, 4026
when it does not appear that the ends of justice require keeping 4027
the case open. 4028

(G) (1) Any warrant issued for a tier one offense shall be 4029
entered into the law enforcement automated data system created 4030
by section 5503.10 of the Revised Code, and known as LEADS, and 4031
the appropriate database of the national crime information 4032
center (NCIC) maintained by the federal bureau of investigation, 4033
by the law enforcement agency requesting the warrant within 4034
forty-eight hours of receipt of the warrant. 4035

(2) All warrants issued for tier one offenses shall be 4036
entered into the law enforcement automated data system created 4037
by section 5503.10 of the Revised Code, and known as LEADS, by 4038
the law enforcement agency that receives the warrant with a full 4039
extradition radius as defined by the Ohio LEADS administrator. 4040

Sec. 2941.141. (A) Imposition of a one-year, two-year, or 4041
three-year mandatory prison term ~~upon~~on an offender under 4042
division (B) (1) (a) (iii) of section 2929.14 of the Revised Code 4043
is precluded unless the indictment, count in the indictment, or 4044
information charging the offense specifies that the offender had 4045
a firearm on or about the offender's person or under the 4046
offender's control while committing the offense. The 4047
specification shall be stated at the end of the body of the 4048
indictment, count, or information, and shall be in substantially 4049
the following form: 4050

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4051
Grand Jurors (or insert the person's or the prosecuting 4052
attorney's name when appropriate) further find and specify that 4053
(set forth that the offender had a firearm on or about the 4054
offender's person or under the offender's control while 4055

committing the offense.)" 4056

(B) Imposition of a one-year, two-year, or three-year 4057
mandatory prison term ~~upon~~on an offender under division (B) (1) 4058
(a) (iii) of section 2929.14 of the Revised Code is precluded if 4059
a court imposes an eighteen-month, three-year, fifty-four-month, 4060
six-year, or nine-year mandatory prison term on the offender 4061
under division (B) (1) (a) (i), (ii), (iv), (v), or (vi) of that 4062
section relative to the same felony. 4063

(C) The specification described in division (A) of this 4064
section may be used in a delinquent child proceeding in the 4065
manner and for the purpose described in section 2152.17 of the 4066
Revised Code. 4067

(D) Imposition of an eighteen-month, thirty-month, or 4068
forty-two month mandatory prison term ~~upon~~on an offender under 4069
division (B) (1) (a) (vi) of section 2929.14 of the Revised Code is 4070
precluded unless the indictment, count in the indictment, or 4071
information charging the offense specifies that the offender had 4072
a firearm on or about the offender's person or under the 4073
offender's control while committing the offense and that the 4074
offender previously had been convicted of or pleaded guilty to a 4075
firearm specification of the type described in section 2941.141, 4076
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4077
The specification shall be stated at the end of the body of the 4078
indictment, count, or information, and shall be in substantially 4079
the following form: 4080

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4081
Grand Jurors (or insert the person's or prosecuting attorney's 4082
name when appropriate) further find and specify that (set forth 4083
that the offender had a firearm on or about the offender's 4084
person or under the offender's control while committing the 4085

offense and that the offender previously has been convicted of 4086
or pleaded guilty to a firearm specification of the type 4087
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4088
2941.1412 of the Revised Code.)" 4089

(E) Imposition of an eighteen-month, thirty-month, or 4090
forty-two month mandatory prison term ~~upon~~on an offender under 4091
division (B) (1) (a) (vi) of section 2929.14 of the Revised Code is 4092
precluded if the court imposes a one-year, three-year, fifty- 4093
four-month, six-year, or nine-year mandatory prison term on the 4094
offender under division (B) (1) (a) (i), (ii), (iii), (iv), or (v) 4095
of that section relative to the same felony. 4096

(F) As used in this section, "firearm" has the same 4097
meaning as in section 2923.11 of the Revised Code. 4098

Sec. 2941.145. (A) Imposition of a three-year, four-year, 4099
or five-year mandatory prison term ~~upon~~on an offender under 4100
division (B) (1) (a) (ii) of section 2929.14 of the Revised Code is 4101
precluded unless the indictment, count in the indictment, or 4102
information charging the offense specifies that the offender had 4103
a firearm on or about the offender's person or under the 4104
offender's control while committing the offense and displayed 4105
the firearm, brandished the firearm, indicated that the offender 4106
possessed the firearm, or used it to facilitate the offense. The 4107
specification shall be stated at the end of the body of the 4108
indictment, count, or information, and shall be stated in 4109
substantially the following form: 4110

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4111
Grand Jurors (or insert the person's or the prosecuting 4112
attorney's name when appropriate) further find and specify that 4113
(set forth that the offender had a firearm on or about the 4114
offender's person or under the offender's control while 4115

committing the offense and displayed the firearm, brandished the 4116
firearm, indicated that the offender possessed the firearm, or 4117
used it to facilitate the offense)." 4118

(B) Imposition of a three-year, four-year, or five-year 4119
mandatory prison term ~~upon~~on an offender under division (B) (1) 4120
(a) (ii) of section 2929.14 of the Revised Code is precluded if a 4121
court imposes a one-year, eighteen-month, six-year, fifty-four- 4122
month, or nine-year mandatory prison term on the offender under 4123
division (B) (1) (a) (i), (iii), (iv), (v), or (vi) of that section 4124
relative to the same felony. 4125

(C) The specification described in division (A) of this 4126
section may be used in a delinquent child proceeding in the 4127
manner and for the purpose described in section 2152.17 of the 4128
Revised Code. 4129

(D) Imposition of a mandatory prison term of fifty-four 4130
months~~upon~~, sixty-six months, or seventy-eight months on an 4131
offender under division (B) (1) (a) (v) of section 2929.14 of the 4132
Revised Code is precluded unless the indictment, count in the 4133
indictment, or information charging the offense specifies that 4134
the offender had a firearm on or about the offender's person or 4135
under the offender's control while committing the offense and 4136
displayed the firearm, brandished the firearm, indicated that 4137
the offender possessed a firearm, or used the firearm to 4138
facilitate the offense and that the offender previously has been 4139
convicted of or pleaded guilty to a firearm specification of the 4140
type described in section 2941.141, 2941.144, 2941.145, 4141
2941.146, or 2941.1412 of the Revised Code. The specification 4142
shall be stated at the end of the body of the indictment, count, 4143
or information, and shall be in substantially the following 4144
form: 4145

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The
Grand Jurors (or insert the person's or the prosecuting
attorney's name when appropriate) further find and specify that
(set forth that the offender had a firearm on or about the
offender's person or under the offender's control while
committing the offense and displayed the firearm, brandished the
firearm, indicated that the offender possessed a firearm, or
used the firearm to facilitate the offense and that the offender
previously has been convicted of or pleaded guilty to a firearm
specification of the type described in section 2941.141,
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised
Code.)"

(E) Imposition of a mandatory prison term of fifty-four
~~months upon, sixty-six months, or seventy-eight months on an~~
offender under division (B) (1) (a) (v) of section 2929.14 of the
Revised Code is precluded if the court imposes a one-year,
eighteen-month, three-year, or nine-year mandatory prison term
on the offender under division (B) (1) (a) (i), (ii), (iii), (iv),
or (vi) of that section relative to the same felony.

(F) As used in this section, "firearm" has the same
meaning as in section 2923.11 of the Revised Code.

Sec. 2945.403. (A) (1) Notwithstanding any provision of the
Revised Code to the contrary, if, on or after the effective date
of this section, an individual is found by a court to be
incompetent to stand trial or not guilty by reason of insanity
under procedures described in sections 2945.38 to 2945.402 of
the Revised Code, the judge who made the determination shall
notify the office of the attorney general, on the form described
in division (C) of this section, of the identity of the
individual. The notification shall be transmitted by the judge

not later than seven days after the adjudication or commitment. 4176

(2) If a judge provides a notice to the attorney general 4177
under division (A) (1) of this section regarding an individual 4178
and if the individual subsequently is found to be competent 4179
under section 2945.38 of the Revised Code, is discharged under 4180
section 2945.39 of the Revised Code, is discharged under section 4181
2945.40 of the Revised Code, or has a final termination of 4182
commitment under section 2945.401 of the Revised Code, the judge 4183
shall notify the office of the attorney general, on the form 4184
described in division (C) of this section, of the identity of 4185
the individual and of the finding, discharge, or final 4186
termination. The notification shall be transmitted by the judge 4187
not later than seven days after the finding, discharge, or final 4188
termination. 4189

(B) (1) Upon receipt of any notice under division (A) (1) of 4190
this section with respect to a person, the attorney general 4191
shall enter the information in the notice into the law 4192
enforcement automated data system created by section 5503.10 of 4193
the Revised Code, and known as LEADS, by the close of the next 4194
business day after the day on which the notice is received. 4195

(2) Upon receipt of any notice under division (A) (2) of 4196
this section with respect to a person, the attorney general 4197
shall take all steps necessary to ensure that the information in 4198
the notice previously received under division (A) (1) of this 4199
section with respect to the person is removed from LEADS by the 4200
close of the next business day after the day on which the notice 4201
is received and that it is terminated, cleared, or canceled in 4202
the database of the national crime information center (NCIC) 4203
maintained by the federal bureau of investigation in which it is 4204
maintained. 4205

(C) The attorney general, by rule adopted under Chapter 4206
119. of the Revised Code, shall prescribe and make available to 4207
all judges forms to be used by them for the purpose of making 4208
the notifications required by divisions (A) (1) and (2) of this 4209
section. 4210

Sec. 3113.31. (A) As used in this section: 4211

(1) "Domestic violence" means any of the following: 4212

(a) The occurrence of one or more of the following acts 4213
against a family or household member: 4214

(i) Attempting to cause or recklessly causing bodily 4215
injury; 4216

(ii) Placing another person by the threat of force in fear 4217
of imminent serious physical harm or committing a violation of 4218
section 2903.211 or 2911.211 of the Revised Code; 4219

(iii) Committing any act with respect to a child that 4220
would result in the child being an abused child, as defined in 4221
section 2151.031 of the Revised Code; 4222

(iv) Committing a sexually oriented offense. 4223

(b) The occurrence of one or more of the acts identified 4224
in divisions (A) (1) (a) (i) to (iv) of this section against a 4225
person with whom the respondent is or was in a dating 4226
relationship. 4227

(2) "Court" means the domestic relations division of the 4228
court of common pleas in counties that have a domestic relations 4229
division and the court of common pleas in counties that do not 4230
have a domestic relations division, or the juvenile division of 4231
the court of common pleas of the county in which the person to 4232
be protected by a protection order issued or a consent agreement 4233

approved under this section resides if the respondent is less than eighteen years of age. 4234
4235

(3) "Family or household member" means any of the following: 4236
4237

(a) Any of the following who is residing with or has resided with the respondent: 4238
4239

(i) A spouse, a person living as a spouse, or a former spouse of the respondent; 4240
4241

(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent; 4242
4243
4244

(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. 4245
4246
4247
4248

(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent. 4249
4250
4251

(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. 4252
4253
4254
4255
4256
4257

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 4258
4259
4260

(6) "Sexually oriented offense" has the same meaning as in 4261

section 2950.01 of the Revised Code. 4262

(7) "Companion animal" has the same meaning as in section 4263
959.131 of the Revised Code. 4264

(8) "Dating relationship" means a relationship between 4265
individuals who have, or have had, a relationship of a romantic 4266
or intimate nature. "Dating relationship" does not include a 4267
casual acquaintanceship or ordinary fraternization in a business 4268
or social context. 4269

(9) "Person with whom the respondent is or was in a dating 4270
relationship" means an adult who, at the time of the conduct in 4271
question, is in a dating relationship with the respondent who 4272
also is an adult or who, within the twelve months preceding the 4273
conduct in question, has had a dating relationship with the 4274
respondent who also is an adult. 4275

(B) The court has jurisdiction over all proceedings under 4276
this section. The petitioner's right to relief under this 4277
section is not affected by the petitioner's leaving the 4278
residence or household to avoid further domestic violence. 4279

(C) A person may seek relief under this section on the 4280
person's own behalf, or any parent or adult household member may 4281
seek relief under this section on behalf of any other family or 4282
household member, by filing a petition with the court. The 4283
petition shall contain or state: 4284

(1) An allegation that the respondent engaged in domestic 4285
violence against a family or household member of the respondent 4286
or against a person with whom the respondent is or was in a 4287
dating relationship, including a description of the nature and 4288
extent of the domestic violence; 4289

(2) The relationship of the respondent to the petitioner, 4290

and to the victim if other than the petitioner; 4291

(3) If the petition is for protection of a person with 4292
whom the respondent is or was in a dating relationship, the 4293
facts upon which the court may conclude that a dating 4294
relationship existed between the person to be protected and the 4295
respondent; 4296

(4) A request for relief under this section. 4297

(D) (1) If a person who files a petition pursuant to this 4298
section requests an ex parte order, the court shall hold an ex 4299
parte hearing on the same day that the petition is filed. The 4300
court, for good cause shown at the ex parte hearing, may enter 4301
any temporary orders, with or without bond, including, but not 4302
limited to, an order described in division (E) (1) (a), (b), or 4303
(c) of this section, that the court finds necessary to protect 4304
the family or household member or the person with whom the 4305
respondent is or was in a dating relationship from domestic 4306
violence. Immediate and present danger of domestic violence to 4307
the family or household member or to the person with whom the 4308
respondent is or was in a dating relationship constitutes good 4309
cause for purposes of this section. Immediate and present danger 4310
includes, but is not limited to, situations in which the 4311
respondent has threatened the family or household member or 4312
person with whom the respondent is or was in a dating 4313
relationship with bodily harm, in which the respondent has 4314
threatened the family or household member or person with whom 4315
the respondent is or was in a dating relationship with a 4316
sexually oriented offense, or in which the respondent previously 4317
has been convicted of, pleaded guilty to, or been adjudicated a 4318
delinquent child for an offense that constitutes domestic 4319
violence against the family or household member or person with 4320

whom the respondent is or was in a dating relationship. 4321

(2) (a) If the court, after an ex parte hearing, issues an 4322
order described in division (E) (1) (b) or (c) of this section, 4323
the court shall schedule a full hearing for a date that is 4324
within seven court days after the ex parte hearing. If any other 4325
type of protection order that is authorized under division (E) 4326
of this section is issued by the court after an ex parte 4327
hearing, the court shall schedule a full hearing for a date that 4328
is within ten court days after the ex parte hearing. The court 4329
shall give the respondent notice of, and an opportunity to be 4330
heard at, the full hearing. The court shall hold the full 4331
hearing on the date scheduled under this division unless the 4332
court grants a continuance of the hearing in accordance with 4333
this division. Under any of the following circumstances or for 4334
any of the following reasons, the court may grant a continuance 4335
of the full hearing to a reasonable time determined by the 4336
court: 4337

(i) Prior to the date scheduled for the full hearing under 4338
this division, the respondent has not been served with the 4339
petition filed pursuant to this section and notice of the full 4340
hearing. 4341

(ii) The parties consent to the continuance. 4342

(iii) The continuance is needed to allow a party to obtain 4343
counsel. 4344

(iv) The continuance is needed for other good cause. 4345

(b) An ex parte order issued under this section does not 4346
expire because of a failure to serve notice of the full hearing 4347
upon the respondent before the date set for the full hearing 4348
under division (D) (2) (a) of this section or because the court 4349

grants a continuance under that division. 4350

(3) If a person who files a petition pursuant to this 4351
section does not request an ex parte order, or if a person 4352
requests an ex parte order but the court does not issue an ex 4353
parte order after an ex parte hearing, the court shall proceed 4354
as in a normal civil action and grant a full hearing on the 4355
matter. 4356

(E) (1) After an ex parte or full hearing, the court may 4357
grant any protection order, with or without bond, or approve any 4358
consent agreement to bring about a cessation of domestic 4359
violence against the family or household members or persons with 4360
whom the respondent is or was in a dating relationship. The 4361
order or agreement may: 4362

(a) Direct the respondent to refrain from abusing or from 4363
committing sexually oriented offenses against the family or 4364
household members or persons with whom the respondent is or was 4365
in a dating relationship; 4366

(b) With respect to a petition involving family or 4367
household members, grant possession of the residence or 4368
household to the petitioner or other family or household member, 4369
to the exclusion of the respondent, by evicting the respondent, 4370
when the residence or household is owned or leased solely by the 4371
petitioner or other family or household member, or by ordering 4372
the respondent to vacate the premises, when the residence or 4373
household is jointly owned or leased by the respondent, and the 4374
petitioner or other family or household member; 4375

(c) With respect to a petition involving family or 4376
household members, when the respondent has a duty to support the 4377
petitioner or other family or household member living in the 4378

residence or household and the respondent is the sole owner or 4379
lessee of the residence or household, grant possession of the 4380
residence or household to the petitioner or other family or 4381
household member, to the exclusion of the respondent, by 4382
ordering the respondent to vacate the premises, or, in the case 4383
of a consent agreement, allow the respondent to provide 4384
suitable, alternative housing; 4385

(d) With respect to a petition involving family or 4386
household members, temporarily allocate parental rights and 4387
responsibilities for the care of, or establish temporary 4388
parenting time rights with regard to, minor children, if no 4389
other court has determined, or is determining, the allocation of 4390
parental rights and responsibilities for the minor children or 4391
parenting time rights; 4392

(e) With respect to a petition involving family or 4393
household members, require the respondent to maintain support, 4394
if the respondent customarily provides for or contributes to the 4395
support of the family or household member, or if the respondent 4396
has a duty to support the petitioner or family or household 4397
member; 4398

(f) Require the respondent, petitioner, victim of domestic 4399
violence, or any combination of those persons, to seek 4400
counseling; 4401

(g) Require the respondent to refrain from entering the 4402
residence, school, business, or place of employment of the 4403
petitioner or, with respect to a petition involving family or 4404
household members, a family or household member; 4405

(h) Grant other relief that the court considers equitable 4406
and fair, including, but not limited to, ordering the respondent 4407

to permit the use of a motor vehicle by the petitioner or, with 4408
respect to a petition involving family or household members, 4409
other family or household members and the apportionment of 4410
household and family personal property; 4411

(i) Require that the respondent not remove, damage, hide, 4412
harm, or dispose of any companion animal owned or possessed by 4413
the petitioner; 4414

(j) Authorize the petitioner to remove a companion animal 4415
owned by the petitioner from the possession of the respondent; 4416

(k) Require a wireless service transfer in accordance with 4417
sections 3113.45 to 3113.459 of the Revised Code. 4418

(2) If a protection order has been issued pursuant to this 4419
section in a prior action involving the respondent and the 4420
petitioner or, with respect to a petition involving family or 4421
household members, one or more of the family or household 4422
members or victims, the court may include in a protection order 4423
that it issues a prohibition against the respondent returning to 4424
the residence or household. If it includes a prohibition against 4425
the respondent returning to the residence or household in the 4426
order, it also shall include in the order provisions of the type 4427
described in division (E)(7) of this section. This division does 4428
not preclude the court from including in a protection order or 4429
consent agreement, in circumstances other than those described 4430
in this division, a requirement that the respondent be evicted 4431
from or vacate the residence or household or refrain from 4432
entering the residence, school, business, or place of employment 4433
of the petitioner or, with respect to a petition involving 4434
family or household members, a family or household member, and, 4435
if the court includes any requirement of that type in an order 4436
or agreement, the court also shall include in the order 4437

provisions of the type described in division (E) (7) of this 4438
section. 4439

(3) (a) Any protection order issued or consent agreement 4440
approved under this section shall be valid until a date certain, 4441
but not later than five years from the date of its issuance or 4442
approval, or not later than the date a respondent who is less 4443
than eighteen years of age attains nineteen years of age, unless 4444
modified or terminated as provided in division (E) (8) of this 4445
section. 4446

(b) With respect to an order involving family or household 4447
members, subject to the limitation on the duration of an order 4448
or agreement set forth in division (E) (3) (a) of this section, 4449
any order under division (E) (1) (d) of this section shall 4450
terminate on the date that a court in an action for divorce, 4451
dissolution of marriage, or legal separation brought by the 4452
petitioner or respondent issues an order allocating parental 4453
rights and responsibilities for the care of children or on the 4454
date that a juvenile court in an action brought by the 4455
petitioner or respondent issues an order awarding legal custody 4456
of minor children. Subject to the limitation on the duration of 4457
an order or agreement set forth in division (E) (3) (a) of this 4458
section, any order under division (E) (1) (e) of this section 4459
shall terminate on the date that a court in an action for 4460
divorce, dissolution of marriage, or legal separation brought by 4461
the petitioner or respondent issues a support order or on the 4462
date that a juvenile court in an action brought by the 4463
petitioner or respondent issues a support order. 4464

(c) Any protection order issued or consent agreement 4465
approved pursuant to this section may be renewed in the same 4466
manner as the original order or agreement was issued or 4467

approved. 4468

(4) A court may not issue a protection order that requires 4469
a petitioner to do or to refrain from doing an act that the 4470
court may require a respondent to do or to refrain from doing 4471
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 4472
this section unless all of the following apply: 4473

(a) The respondent files a separate petition for a 4474
protection order in accordance with this section. 4475

(b) The petitioner is served notice of the respondent's 4476
petition at least forty-eight hours before the court holds a 4477
hearing with respect to the respondent's petition, or the 4478
petitioner waives the right to receive this notice. 4479

(c) If the petitioner has requested an ex parte order 4480
pursuant to division (D) of this section, the court does not 4481
delay any hearing required by that division beyond the time 4482
specified in that division in order to consolidate the hearing 4483
with a hearing on the petition filed by the respondent. 4484

(d) After a full hearing at which the respondent presents 4485
evidence in support of the request for a protection order and 4486
the petitioner is afforded an opportunity to defend against that 4487
evidence, the court determines that the petitioner has committed 4488
an act of domestic violence or has violated a temporary 4489
protection order issued pursuant to section 2919.26 of the 4490
Revised Code, that both the petitioner and the respondent acted 4491
primarily as aggressors, and that neither the petitioner nor the 4492
respondent acted primarily in self-defense. 4493

(5) No protection order issued or consent agreement 4494
approved under this section shall in any manner affect title to 4495
any real property. 4496

(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 4527
that the order or agreement cannot be waived or nullified by an 4528
invitation to the respondent from the petitioner or other family 4529
or household member to enter the residence, school, business, or 4530
place of employment or by the respondent's entry into one of 4531
those places otherwise upon the consent of the petitioner or 4532
other family or household member. 4533

(b) Division (E) (7) (a) of this section does not limit any 4534
discretion of a court to determine that a respondent charged 4535
with a violation of section 2919.27 of the Revised Code, with a 4536
violation of a municipal ordinance substantially equivalent to 4537
that section, or with contempt of court, which charge is based 4538
on an alleged violation of a protection order issued or consent 4539
agreement approved under this section, did not commit the 4540
violation or was not in contempt of court. 4541

(8) (a) The court may modify or terminate as provided in 4542
division (E) (8) of this section a protection order or consent 4543
agreement that was issued after a full hearing under this 4544
section. The court that issued the protection order or approved 4545
the consent agreement shall hear a motion for modification or 4546
termination of the protection order or consent agreement 4547
pursuant to division (E) (8) of this section. 4548

(b) Either the petitioner or the respondent of the 4549
original protection order or consent agreement may bring a 4550
motion for modification or termination of a protection order or 4551
consent agreement that was issued or approved after a full 4552
hearing. The court shall require notice of the motion to be made 4553
as provided by the Rules of Civil Procedure. If the petitioner 4554
for the original protection order or consent agreement has 4555
requested that the petitioner's address be kept confidential, 4556

the court shall not disclose the address to the respondent of 4557
the original protection order or consent agreement or any other 4558
person, except as otherwise required by law. The moving party 4559
has the burden of proof to show, by a preponderance of the 4560
evidence, that modification or termination of the protection 4561
order or consent agreement is appropriate because either the 4562
protection order or consent agreement is no longer needed or 4563
because the terms of the original protection order or consent 4564
agreement are no longer appropriate. 4565

(c) In considering whether to modify or terminate a 4566
protection order or consent agreement issued or approved under 4567
this section, the court shall consider all relevant factors, 4568
including, but not limited to, the following: 4569

(i) Whether the petitioner consents to modification or 4570
termination of the protection order or consent agreement; 4571

(ii) Whether the petitioner fears the respondent; 4572

(iii) The current nature of the relationship between the 4573
petitioner and the respondent; 4574

(iv) The circumstances of the petitioner and respondent, 4575
including the relative proximity of the petitioner's and 4576
respondent's workplaces and residences and whether the 4577
petitioner and respondent have minor children together; 4578

(v) Whether the respondent has complied with the terms and 4579
conditions of the original protection order or consent 4580
agreement; 4581

(vi) Whether the respondent has a continuing involvement 4582
with illegal drugs or alcohol; 4583

(vii) Whether the respondent has been convicted of, 4584

pleaded guilty to, or been adjudicated a delinquent child for an 4585
offense of violence since the issuance of the protection order 4586
or approval of the consent agreement; 4587

(viii) Whether any other protection orders, consent 4588
agreements, restraining orders, or no contact orders have been 4589
issued against the respondent pursuant to this section, section 4590
2919.26 of the Revised Code, any other provision of state law, 4591
or the law of any other state; 4592

(ix) Whether the respondent has participated in any 4593
domestic violence treatment, intervention program, or other 4594
counseling addressing domestic violence and whether the 4595
respondent has completed the treatment, program, or counseling; 4596

(x) The time that has elapsed since the protection order 4597
was issued or since the consent agreement was approved; 4598

(xi) The age and health of the respondent; 4599

(xii) When the last incident of abuse, threat of harm, or 4600
commission of a sexually oriented offense occurred or other 4601
relevant information concerning the safety and protection of the 4602
petitioner or other protected parties. 4603

(d) If a protection order or consent agreement is modified 4604
or terminated as provided in division (E) (8) of this section, 4605
the court shall issue copies of the modified or terminated order 4606
or agreement as provided in division (F) of this section. A 4607
petitioner may also provide notice of the modification or 4608
termination to the judicial and law enforcement officials in any 4609
county other than the county in which the order or agreement is 4610
modified or terminated as provided in division (N) of this 4611
section. 4612

(e) If the respondent moves for modification or 4613

termination of a protection order or consent agreement pursuant 4614
to this section and the court denies the motion, the court may 4615
assess costs against the respondent for the filing of the 4616
motion. 4617

(9) Any protection order issued or any consent agreement 4618
approved pursuant to this section shall include a provision that 4619
the court will automatically seal all of the records of the 4620
proceeding in which the order is issued or agreement approved on 4621
the date the respondent attains the age of nineteen years unless 4622
the petitioner provides the court with evidence that the 4623
respondent has not complied with all of the terms of the 4624
protection order or consent agreement. The protection order or 4625
consent agreement shall specify the date when the respondent 4626
attains the age of nineteen years. 4627

(F) (1) A copy of any protection order, or consent 4628
agreement, that is issued, approved, modified, or terminated 4629
under this section shall be issued by the court to the 4630
petitioner, to the respondent, and to all law enforcement 4631
agencies that have jurisdiction to enforce the order or 4632
agreement. The protection order or consent agreement shall be in 4633
a form that ensures that the protection order or consent 4634
agreement is accepted into the protection order database of the 4635
national crime information center (NCIC) maintained by the 4636
federal bureau of investigation. The court shall direct that a 4637
copy of an order be delivered to the respondent on the same day 4638
that the order is entered. If the court terminates or cancels 4639
the order or agreement, the court shall cause the delivery of 4640
notice of the termination or cancellation to the same persons 4641
and entities that were issued or delivered a copy of the order 4642
or agreement. 4643

The court shall cause each protection order issued and 4644
each consent agreement approved pursuant to this section to be 4645
entered into the law enforcement automated data system created 4646
by section 5503.10 of the Revised Code, and known as LEADS, by 4647
the close of the next business day after the day on which the 4648
court issues the order or approves the agreement. Upon the 4649
termination or cancellation of the order or agreement, the court 4650
shall take all steps necessary to ensure that the order or 4651
agreement is removed from the LEADS database by the close of the 4652
next business day after the day on which the termination or 4653
cancellation of the order or agreement occurred and shall ensure 4654
that the order or agreement is terminated, cleared, or canceled 4655
in the protection order database of the national crime 4656
information center (NCIC) maintained by the federal bureau of 4657
investigation. 4658

(2) Upon the issuance of a protection order or the 4659
approval of a consent agreement under this section, the court 4660
shall provide the parties to the order or agreement with the 4661
following notice orally or by form: 4662

"NOTICE 4663

As a result of this order or consent agreement, it may be 4664
unlawful for you to possess or purchase a firearm, including a 4665
rifle, pistol, or revolver, or ammunition pursuant to federal 4666
law under 18 U.S.C. 922(g)(8) for the duration of this order or 4667
consent agreement. If you have any questions whether this law 4668
makes it illegal for you to possess or purchase a firearm or 4669
ammunition, you should consult an attorney." 4670

(3) All law enforcement agencies shall establish and 4671
maintain an index for the protection orders and the approved 4672
consent agreements delivered to the agencies pursuant to 4673

division (F) (1) of this section. With respect to each order and 4674
consent agreement delivered, each agency shall note on the index 4675
the date and time that it received the order or consent 4676
agreement. 4677

(4) Regardless of whether the petitioner has registered 4678
the order or agreement in the county in which the officer's 4679
agency has jurisdiction pursuant to division (N) of this 4680
section, any officer of a law enforcement agency shall enforce a 4681
protection order issued or consent agreement approved by any 4682
court in this state in accordance with the provisions of the 4683
order or agreement, including removing the respondent from the 4684
premises, if appropriate. 4685

(G) (1) Any proceeding under this section shall be 4686
conducted in accordance with the Rules of Civil Procedure, 4687
except that an order under this section may be obtained with or 4688
without bond. An order issued under this section, other than an 4689
ex parte order, that grants a protection order or approves a 4690
consent agreement, that refuses to grant a protection order or 4691
approve a consent agreement that modifies or terminates a 4692
protection order or consent agreement, or that refuses to modify 4693
or terminate a protection order or consent agreement, is a 4694
final, appealable order. The remedies and procedures provided in 4695
this section are in addition to, and not in lieu of, any other 4696
available civil or criminal remedies. 4697

(2) If as provided in division (G) (1) of this section an 4698
order issued under this section, other than an ex parte order, 4699
refuses to grant a protection order, the court, on its own 4700
motion, shall order that the ex parte order issued under this 4701
section and all of the records pertaining to that ex parte order 4702
be sealed after either of the following occurs: 4703

(a) No party has exercised the right to appeal pursuant to Rule 4 of the Rules of Appellate Procedure. 4704
4705

(b) All appellate rights have been exhausted. 4706

(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. 4707
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(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. 4715
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(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section or in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement. 4721
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(2) Regardless of whether a protection order is issued or 4732

a consent agreement is approved pursuant to this section, the 4733
court may assess costs against the respondent in connection with 4734
the filing, issuance, registration, modification, enforcement, 4735
dismissal, withdrawal, or service of a protection order, consent 4736
agreement, or witness subpoena or for obtaining a certified copy 4737
of a protection order or consent agreement. 4738

(K) (1) The court shall comply with Chapters 3119., 3121., 4739
3123., and 3125. of the Revised Code when it makes or modifies 4740
an order for child support under this section. 4741

(2) If any person required to pay child support under an 4742
order made under this section on or after April 15, 1985, or 4743
modified under this section on or after December 31, 1986, is 4744
found in contempt of court for failure to make support payments 4745
under the order, the court that makes the finding, in addition 4746
to any other penalty or remedy imposed, shall assess all court 4747
costs arising out of the contempt proceeding against the person 4748
and require the person to pay any reasonable attorney's fees of 4749
any adverse party, as determined by the court, that arose in 4750
relation to the act of contempt. 4751

(L) (1) A person who violates a protection order issued or 4752
a consent agreement approved under this section is subject to 4753
the following sanctions: 4754

(a) Criminal prosecution or a delinquent child proceeding 4755
for a violation of section 2919.27 of the Revised Code, if the 4756
violation of the protection order or consent agreement 4757
constitutes a violation of that section; 4758

(b) Punishment for contempt of court. 4759

(2) The punishment of a person for contempt of court for 4760
violation of a protection order issued or a consent agreement 4761

approved under this section does not bar criminal prosecution of 4762
the person or a delinquent child proceeding concerning the 4763
person for a violation of section 2919.27 of the Revised Code. 4764
However, a person punished for contempt of court is entitled to 4765
credit for the punishment imposed upon conviction of or 4766
adjudication as a delinquent child for a violation of that 4767
section, and a person convicted of or adjudicated a delinquent 4768
child for a violation of that section shall not subsequently be 4769
punished for contempt of court arising out of the same activity. 4770

(M) In all stages of a proceeding under this section, a 4771
petitioner may be accompanied by a victim advocate. 4772

(N) (1) A petitioner who obtains a protection order or 4773
consent agreement under this section or a temporary protection 4774
order under section 2919.26 of the Revised Code may provide 4775
notice of the issuance or approval of the order or agreement to 4776
the judicial and law enforcement officials in any county other 4777
than the county in which the order is issued or the agreement is 4778
approved by registering that order or agreement in the other 4779
county pursuant to division (N) (2) of this section and filing a 4780
copy of the registered order or registered agreement with a law 4781
enforcement agency in the other county in accordance with that 4782
division. A person who obtains a protection order issued by a 4783
court of another state may provide notice of the issuance of the 4784
order to the judicial and law enforcement officials in any 4785
county of this state by registering the order in that county 4786
pursuant to section 2919.272 of the Revised Code and filing a 4787
copy of the registered order with a law enforcement agency in 4788
that county. 4789

(2) A petitioner may register a temporary protection 4790
order, protection order, or consent agreement in a county other 4791

than the county in which the court that issued the order or 4792
approved the agreement is located in the following manner: 4793

(a) The petitioner shall obtain a certified copy of the 4794
order or agreement from the clerk of the court that issued the 4795
order or approved the agreement and present that certified copy 4796
to the clerk of the court of common pleas or the clerk of a 4797
municipal court or county court in the county in which the order 4798
or agreement is to be registered. 4799

(b) Upon accepting the certified copy of the order or 4800
agreement for registration, the clerk of the court of common 4801
pleas, municipal court, or county court shall place an 4802
endorsement of registration on the order or agreement and give 4803
the petitioner a copy of the order or agreement that bears that 4804
proof of registration. 4805

(3) The clerk of each court of common pleas, the clerk of 4806
each municipal court, and the clerk of each county court shall 4807
maintain a registry of certified copies of temporary protection 4808
orders, protection orders, or consent agreements that have been 4809
issued or approved by courts in other counties and that have 4810
been registered with the clerk. 4811

(O) Nothing in this section prohibits the domestic 4812
relations division of a court of common pleas in counties that 4813
have a domestic relations division or a court of common pleas in 4814
counties that do not have a domestic relations division from 4815
designating a minor child as a protected party on a protection 4816
order or consent agreement. 4817

Sec. 5119.01. (A) As used in this chapter: 4818

(1) "Addiction" means the chronic and habitual use of 4819
alcoholic beverages, the use of a drug of abuse as defined in 4820

section 3719.011 of the Revised Code, or the use of gambling by 4821
an individual to the extent that the individual no longer can 4822
control the individual's use of alcohol, the individual becomes 4823
physically or psychologically dependent on the drug, the 4824
individual's use of alcohol or drugs endangers the health, 4825
safety, or welfare of the individual or others, or the 4826
individual's gambling causes psychological, financial, 4827
emotional, marital, legal, or other difficulties endangering the 4828
health, safety, or welfare of the individual or others. 4829

(2) "Addiction services" means services, including 4830
intervention, for the treatment of persons with alcohol, drug, 4831
or gambling addictions, and for the prevention of such 4832
addictions. 4833

(3) "Alcohol and drug addiction services" means services, 4834
including intervention, for the treatment of alcoholics or 4835
persons who abuse drugs of abuse and for the prevention of 4836
alcoholism and drug addiction. 4837

(4) ~~"Alcoholic"~~ "Chronic alcoholic" means a person 4838
suffering from alcoholism. 4839

(5) "Alcoholism" means the chronic and habitual use of 4840
alcoholic beverages by an individual to the extent that the 4841
individual no longer can control the individual's use of alcohol 4842
or endangers the health, safety, or welfare of the individual or 4843
others. 4844

(6) "Certifiable services and supports" means all of the 4845
following: 4846

(a) Alcohol and drug addiction services; 4847

(b) Mental health services; 4848

(c) The types of recovery supports that are specified in 4849
rules adopted under section 5119.36 of the Revised Code as 4850
requiring certification under that section. 4851

(7) "Community addiction services provider" means an 4852
agency, association, corporation or other legal entity, 4853
individual, or program that provides one or more of the 4854
following: 4855

(a) Alcohol and drug addiction services that are certified 4856
by the director of mental health and addiction services under 4857
section 5119.36 of the Revised Code; 4858

(b) Gambling addiction services; 4859

(c) Recovery supports that are related to alcohol and drug 4860
addiction services or gambling addiction services and paid for 4861
with federal, state, or local funds administered by the 4862
department of mental health and addiction services or a board of 4863
alcohol, drug addiction, and mental health services. 4864

(8) "Community mental health services provider" means an 4865
agency, association, corporation, individual, or program that 4866
provides either of the following: 4867

(a) Mental health services that are certified by the 4868
director of mental health and addiction services under section 4869
5119.36 of the Revised Code; 4870

(b) Recovery supports that are related to mental health 4871
services and paid for with federal, state, or local funds 4872
administered by the department of mental health and addiction 4873
services or a board of alcohol, drug addiction, and mental 4874
health services. 4875

(9) "Drug addiction" means the use of a drug of abuse, as 4876

defined in section 3719.011 of the Revised Code, by an 4877
individual to the extent that the individual becomes physically 4878
or psychologically dependent on the drug or endangers the 4879
health, safety, or welfare of the individual or others. 4880

(10) "Drug dependent person" means a person who suffers 4881
from a drug addiction. 4882

(11) "Gambling addiction" means the use of gambling by an 4883
individual to the extent that it causes psychological, 4884
financial, emotional, marital, legal, or other difficulties 4885
endangering the health, safety, or welfare of the individual or 4886
others. 4887

~~(11)~~(12) "Gambling addiction services" means services for 4888
the treatment of persons who have a gambling addiction and for 4889
the prevention of gambling addiction. 4890

~~(12)~~(13) "Hospital" means a hospital or inpatient unit 4891
licensed by the department of mental health and addiction 4892
services under section 5119.33 of the Revised Code, and any 4893
institution, hospital, or other place established, controlled, 4894
or supervised by the department under Chapter 5119. of the 4895
Revised Code. 4896

~~(13)~~(14) "Included opioid and co-occurring drug addiction 4897
services and recovery supports" means the addiction services and 4898
recovery supports that, pursuant to section 340.033 of the 4899
Revised Code, are included in the array of services and recovery 4900
supports for all levels of opioid and co-occurring drug 4901
addiction required to be included in the community-based 4902
continuum of care established under section 340.032 of the 4903
Revised Code. 4904

~~(14)~~(15) "Medication-assisted treatment" has the same 4905

meaning as in section 340.01 of the Revised Code. 4906

~~(15)~~(16) "Mental illness" means a substantial disorder of 4907
thought, mood, perception, orientation, or memory that grossly 4908
impairs judgment, behavior, capacity to recognize reality, or 4909
ability to meet the ordinary demands of life. 4910

~~(16)~~(17) "Mental health services" means services for the 4911
assessment, care, or treatment of persons who have a mental 4912
illness and for the prevention of mental illness. 4913

~~(17)~~(18) "Opioid treatment program" has the same meaning 4914
as in 42 C.F.R. 8.2. 4915

~~(18)~~(19) "Recovery supports" means assistance that is 4916
intended to help an individual who is an alcoholic or has a drug 4917
addiction or mental illness, or a member of such an individual's 4918
family, initiate and sustain the individual's recovery from 4919
alcoholism, drug addiction, or mental illness. "Recovery 4920
supports" does not mean alcohol and drug addiction services or 4921
mental health services. 4922

~~(19)~~(a)(20)(a) "Residence" means a person's physical 4923
presence in a county with intent to remain there, except in 4924
either of the following circumstances: 4925

(i) If a person is receiving a mental health treatment 4926
service at a facility that includes nighttime sleeping 4927
accommodations, "residence" means that county in which the 4928
person maintained the person's primary place of residence at the 4929
time the person entered the facility; 4930

(ii) If a person is committed pursuant to section 2945.38, 4931
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 4932
"residence" means the county where the criminal charges were 4933
filed. 4934

(b) When the residence of a person is disputed, the matter 4935
of residence shall be referred to the department of mental 4936
health and addiction services for investigation and 4937
determination. Residence shall not be a basis for a board of 4938
alcohol, drug addiction, and mental health services to deny 4939
services to any person present in the board's service district, 4940
and the board shall provide services for a person whose 4941
residence is in dispute while residence is being determined and 4942
for a person in an emergency situation. 4943

(B) Any reference in this chapter to a board of alcohol, 4944
drug addiction, and mental health services also refers to an 4945
alcohol and drug addiction services board or a community mental 4946
health board in a service district in which an alcohol and drug 4947
addiction services board or a community mental health board has 4948
been established under section 340.021 or former section 340.02 4949
of the Revised Code. 4950

Sec. 5119.61. (A) The department of mental health and 4951
addiction services shall collect and compile statistics and 4952
other information on the care and treatment of mentally disabled 4953
persons, and the care, treatment, and rehabilitation of chronic 4954
alcoholics, drug dependent persons, persons in danger of drug 4955
dependence, and persons with or in danger of developing a 4956
gambling addiction in this state. The information shall include, 4957
without limitation, information on the number of such persons, 4958
the type of drug involved, if any, the type of care, treatment, 4959
or rehabilitation prescribed or undertaken, and the success or 4960
failure of the care, treatment, or rehabilitation. The 4961
department shall collect information about addiction services, 4962
mental health services, and recovery supports delivered and 4963
persons served as required for reporting and evaluation relating 4964
to state and federal funds expended for such purposes. 4965

(B) No community addiction services provider or community 4966
mental health services provider shall fail to supply statistics 4967
and other information within its knowledge and with respect to 4968
its addiction services, mental health services, and recovery 4969
supports upon request of the department. 4970

(C) Communications by a person seeking aid in good faith 4971
for alcoholism or drug dependence are confidential, and this 4972
section does not require the collection or permit the disclosure 4973
of information which reveals or comprises the identity of any 4974
person seeking aid. 4975

(D) Based on the information collected and compiled under 4976
division (A) of this section, the department shall develop a 4977
project to assess the outcomes of persons served by community 4978
addiction services providers and community mental health 4979
services providers that receive funds distributed by the 4980
department. 4981

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of 4982
the Revised Code: 4983

(A) "Alcohol ~~and or~~ other drug abuse" means chronic 4984
alcoholism or drug ~~addiction~~ dependence. 4985

(B) "Another drug" means a controlled substance as defined 4986
in section 3719.01 of the Revised Code or a harmful intoxicant 4987
as defined in section 2925.01 of the Revised Code. 4988

(C) "Board of alcohol, drug addiction, and mental health 4989
services" means a board of alcohol, drug addiction, and mental 4990
health services established under section 340.02 or 340.021 of 4991
the Revised Code. 4992

(D) "Danger" or "threat of danger to self, family, or 4993
others" means substantial physical harm or threat of substantial 4994

physical harm upon self, family, or others. 4995

(E) "Hospital" has the same meaning as in section 3701.01 4996
or 3727.01 of the Revised Code but does not include either a 4997
hospital operated by the department of mental health and 4998
addiction services or an inpatient unit licensed by the 4999
department. 5000

(F) "Intoxicated" means being under the influence of 5001
alcohol, another drug, or both alcohol and another drug and, as 5002
a result, having a significantly impaired ability to function. 5003

(G) "Petitioner" means a person who institutes a 5004
proceeding under sections 5119.91 to 5119.98 of the Revised 5005
Code. 5006

(H) "Probate court" means the probate division of the 5007
court of common pleas. 5008

(I) "Qualified health professional" means a person that is 5009
properly credentialed or licensed to conduct a drug and alcohol 5010
assessment and diagnosis under Ohio law. 5011

(J) "Residence" means the legal residence of a person as 5012
determined by applicable principles governing conflicts of law. 5013

(K) "Respondent" means a person who is subject to 5014
involuntary hospitalization under section 5119.901 of the 5015
Revised Code or who is alleged in a petition filed or hearing 5016
under sections 5119.91 to 5119.98 of the Revised Code to be a 5017
person who is suffering from alcohol ~~and or~~ other drug abuse and 5018
who may be ordered under those sections to undergo treatment. 5019

(L) "Treatment" means services and programs for the care 5020
and rehabilitation of intoxicated persons and persons suffering 5021
from alcohol ~~and or~~ other drug abuse. "Treatment" includes 5022

residential treatment, a halfway house setting, and an intensive 5023
outpatient or outpatient level of care. 5024

Sec. 5119.901. (A) (1) Any of the following who has reason 5025
to believe that a person is intoxicated and may be a person 5026
suffering from alcohol or other drug abuse that is subject to 5027
court-ordered treatment, and that the person represents a 5028
substantial risk of physical harm to self or others if allowed 5029
to remain at liberty pending examination, may take the person 5030
into custody and may immediately transport the person to a 5031
general hospital not operated or licensed by the department of 5032
mental health and addiction services where the person may be 5033
held for the period prescribed in this section: 5034

(a) A parole officer; 5035

(b) A police officer; 5036

(c) A sheriff. 5037

(B) A written statement shall be given to the hospital by 5038
the individual authorized under division (A) of this section to 5039
transport the person. The statement shall specify the 5040
circumstances under which such person was taken into custody and 5041
the reasons for the belief that the person is a person suffering 5042
from alcohol or other drug abuse that is subject to court- 5043
ordered treatment and that the person represents a substantial 5044
risk of physical harm to self or others if allowed to remain at 5045
liberty pending examination. This statement shall be made 5046
available to the respondent or the respondent's attorney upon 5047
request of either. 5048

(C) Every reasonable and appropriate effort shall be made 5049
to take persons into custody in the least conspicuous manner 5050
possible. A person taking the respondent into custody pursuant 5051

to this section shall explain to the respondent: the name and 5052
professional designation and affiliation of the person taking 5053
the respondent into custody; that the custody-taking is not a 5054
criminal arrest; and that the person is being taken for 5055
examination by qualified health professionals at a general 5056
hospital identified by name. 5057

(D) If a person taken into custody under this section is 5058
transported to a general hospital, the hospital may admit the 5059
person, or provide care and treatment for the person, or both. 5060

(E) A person transported or transferred to a general 5061
hospital under this section shall be examined by a qualified 5062
health professional at the hospital within twenty-four hours 5063
after arrival at the hospital. If, to conduct the examination, 5064
it requires that the person remain overnight, the hospital shall 5065
admit the person in an unclassified status until making a 5066
disposition under this section. After the examination, if the 5067
qualified health professional believes that the person is not a 5068
person suffering from alcohol or other drug abuse that is 5069
subject to court-ordered treatment, the qualified health 5070
professional shall release or discharge the person immediately 5071
unless a court has issued an order for seventy-two hour 5072
emergency involuntary treatment applicable to the person under 5073
section 5119.95 of the Revised Code. After the examination, if 5074
the qualified health professional believes that the person is a 5075
person suffering from alcohol or other drug abuse that is 5076
subject to court-ordered treatment, the qualified health 5077
professional may detain the person for not more than three court 5078
days following the day of the examination and, during such 5079
period, may file a petition under section 5119.93 of the Revised 5080
Code. If neither action is taken and a court has not otherwise 5081
issued an order for seventy-two hour involuntary treatment 5082

applicable to the person under section 5119.95 of the Revised 5083
Code, the qualified health professional shall discharge the 5084
person at the end of the three-day period. 5085

(F) The provisions of, and procedures set forth in, this 5086
section are separate from and independent of the provisions of, 5087
and procedures set forth in, section 5122.10 of the Revised Code 5088
and do not limit or affect the provisions of, and procedures set 5089
forth in, section 5122.10 of the Revised Code. 5090

Sec. 5119.92. No person shall be ordered to undergo 5091
treatment under sections 5119.90 to 5119.98 of the Revised Code 5092
unless all of the following apply to that person: 5093

(A) The person suffers from alcohol ~~and or~~ other drug 5094
abuse. 5095

(B) The person presents an imminent danger or imminent 5096
threat of danger to self, family, or others as a result of 5097
alcohol ~~and or~~ other drug abuse, or there exists a substantial 5098
likelihood of such a threat in the near future. 5099

(C) The person can reasonably benefit from treatment. 5100

Sec. 5119.93. (A) A person may initiate proceedings for 5101
treatment for an individual suffering from alcohol ~~and or~~ other 5102
drug abuse by filing a verified petition in the probate court 5103
~~and paying a filing fee in the same amount, if any, that is~~ 5104
~~charged for the filing under section 5122.11 of the Revised Code~~ 5105
~~of an affidavit seeking the hospitalization of a person on a~~ 5106
form prescribed by the department of mental health and addiction 5107
services. The petition and all subsequent court documents shall 5108
be entitled: "In the interest of (name of respondent)." ~~A~~ 5109
~~spouse, relative, or guardian of the individual concerning whom~~ 5110
~~the petition is filed shall file the petition.~~ 5111

(B) A petition filed under division (A) of this section shall set forth all of the following:

- (1) The petitioner's relationship to the respondent;
- (2) The respondent's name, residence address, and current location, if known;
- (3) The name and residence of the respondent's parents, if living and if known, or of the respondent's legal guardian, if any and if known;
- (4) The name and residence of the respondent's spouse, if any and if known;
- (5) The name and residence of the person having custody of the respondent, if any, or if no such person is known, the name and residence of a near relative or a statement that the person is unknown;
- (6) The petitioner's belief, including the factual basis for the belief, that the respondent is suffering from alcohol ~~and or~~ other drug abuse and presents an imminent danger or imminent threat of danger to self, family, or others if not treated for alcohol or other drug abuse.

(C) ~~(1)~~ Any petition filed pursuant to divisions (A) and (B) of this section shall be accompanied by a certificate of a physician who has examined the respondent within two days prior to the day that the petition is filed in the probate court. The physician shall be authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code. The physician's certificate shall set forth the physician's findings in support of the need to treat the respondent for alcohol or other drug abuse. The certificate shall indicate if the respondent presents an imminent danger or

imminent threat of danger to self, family, or others if not 5141
treated. Further, the certificate shall indicate the type and 5142
length of treatment required and if the respondent can 5143
reasonably benefit from treatment. If the physician's 5144
certificate indicates that inpatient treatment is required, the 5145
certificate shall identify any inpatient facilities known to the 5146
physician that are able and willing to provide the recommended 5147
inpatient treatment. 5148

If the respondent refuses to undergo an examination with a 5149
physician concerning the respondent's possible need for 5150
treatment for alcohol or other drug abuse, the petition shall 5151
state that the respondent has refused all requests made by the 5152
petitioner to undergo a physician's examination. In that case, 5153
the petitioner shall not be required to provide a physician's 5154
certificate with the petition. 5155

~~(2) Any petition filed pursuant to divisions (A) and (B) 5156
of this section shall contain a statement that the petitioner 5157
has arranged for treatment of the respondent. Further, the 5158
petition shall be accompanied by a statement from the person or 5159
facility who has agreed to provide the treatment that verifies 5160
that the person or facility has agreed to provide the treatment 5161
and the estimated cost of the treatment. 5162~~

~~(D) Any petition filed pursuant to divisions (A) and (B) 5163
of this section shall be accompanied by both of the following: 5164~~

~~(1) A security deposit to be deposited with the clerk of 5165
the probate court that will cover half of the estimated cost of 5166
treatment of the respondent; 5167~~

~~(2) A guarantee, signed by the petitioner or another 5168
person authorized to file the petition obligating the guarantor 5169~~

~~to pay the costs of the examinations of the respondent conducted by the physician and qualified health professional under division (B) (5) of section 5119.94 of the Revised Code, the costs of the respondent that are associated with a hearing conducted in accordance with section 5119.94 of the Revised Code and that the court determines to be appropriate, and the costs of any treatment ordered by the court. No person shall provide false information on any petition filed pursuant to divisions (A) and (B) of this section.~~

Sec. 5119.94. (A) Upon receipt of a petition filed under section 5119.93 of the Revised Code and the payment of the appropriate filing fee, if any, the probate court shall examine the petitioner under oath as to the contents of the petition.

(B) If, after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the probate court that there is probable cause to believe the respondent may reasonably benefit from treatment, the court shall do all of the following:

(1) Schedule a hearing to be held within ~~seven~~ five court days to determine if there is clear and convincing evidence that the respondent may reasonably benefit from treatment for alcohol ~~and or~~ other drug abuse;

(2) Notify the respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the petition and of the date and purpose of the hearing;

(3) Notify the respondent that the respondent may retain counsel and, if the person is unable to obtain an attorney, that the respondent may be represented by court-appointed counsel at

public expense if the person is indigent. Upon the appointment 5199
of an attorney to represent an indigent respondent, the court 5200
shall notify the respondent of the name, address, and telephone 5201
number of the attorney appointed to represent the respondent. 5202

(4) Notify the respondent that the court shall cause the 5203
respondent to be examined not later than twenty-four hours 5204
before the hearing date by a physician for the purpose of a 5205
physical examination and by a qualified health professional for 5206
the purpose of a drug and alcohol addiction assessment and 5207
diagnosis. In addition, the court shall notify the respondent 5208
that the respondent may have an independent expert evaluation of 5209
the person's physical and mental condition conducted at the 5210
respondent's own expense. 5211

(5) Cause the respondent to be examined not later than 5212
twenty-four hours before the hearing date by a physician for the 5213
purpose of a physical examination and by a qualified health 5214
professional for the purpose of a drug and alcohol addiction 5215
assessment and diagnosis, with divisions (C)(1) and (2) of this 5216
section applying with respect to the examination, the physician, 5217
and the qualified health professional; 5218

(6) Conduct the hearing. 5219

(C)(1) The examiners who conduct an examination under 5220
division (B)(5) of this section may review and consider any 5221
relevant law enforcement reports pertaining to the respondent, 5222
statements from relevant family members or witnesses to the 5223
respondent's behaviors or actions listed in the petition, and 5224
all relevant medical records, subject to state and federal 5225
privacy and security protections. The medical records reviewed 5226
and considered may include toxicology or other laboratory 5227
results, and notes of the nurses or medical treatment team that 5228

conducted the initial triage of the respondent upon arrival at a 5229
general hospital pursuant to an emergency hospitalization under 5230
section 5119.901 of the Revised Code. All records reviewed as 5231
part of the examination shall be made available to the 5232
respondent or the respondent's attorney for the purpose of any 5233
hearing conducted under division (A)(6) of this section. The 5234
records reviewed as part of the examination may be admissible as 5235
evidence for the purpose of establishing whether or not the 5236
respondent is subject to involuntary treatment pursuant to 5237
section 5119.91 of the Revised Code. 5238

Except as otherwise provided in this division, the records 5239
reviewed as part of the examination are not public records open 5240
for review, inspection, and copying under section 149.43 of the 5241
Revised Code, and shall be maintained under seal by the court. 5242
If any law enforcement officer submits a written request to a 5243
hospital, board of alcohol, drug addiction, and mental health 5244
services, or community mental health services provider that 5245
requests the hospital, board, or provider to supply the officer 5246
with specified records, the hospital, board, or provider, except 5247
to the extent specifically prohibited by any law of this state 5248
or of the United States, shall supply to the officer a copy of 5249
any of the requested records the provider possesses, if all of 5250
the following apply with respect to the written request: 5251

(a) The request states that an official criminal 5252
investigation has begun regarding a specified person, that a 5253
criminal action or proceeding has been commenced against a 5254
specified person, that proceedings for determining whether to 5255
order a person allegedly suffering from alcohol or other drug 5256
abuse to undergo treatment have been commenced or are about to 5257
be commenced regarding the person under sections 5119.90 to 5258
5119.99 of the Revised Code, or that proceedings for involuntary 5259

commitment or hospitalization have been commenced or are about 5260
to be commenced against a person under sections 5122.05 to 5261
5122.15 of the Revised Code; 5262

(b) The request asks the hospital, board, or provider to 5263
supply to the officer copies of any records the hospital, board, 5264
or provider possesses that pertain to any test or the results of 5265
any test administered to the specified person to determine the 5266
presence or concentration of alcohol, a drug of abuse, a 5267
combination of them, a controlled substance, or a metabolite of 5268
a controlled substance in the person's whole blood, blood serum 5269
or plasma, breath, or urine at any time relevant to the criminal 5270
offense in question, to conduct regarding the basis of the 5271
possible ordered treatment of the person in question, or to 5272
conduct regarding the basis of the possible involuntary 5273
commitment or hospitalization of the person in question; 5274

(c) The request conforms to section 2317.022 of the 5275
Revised Code. 5276

(2) The physician and qualified health professional who 5277
examine the respondent pursuant to division (B) (5) of this 5278
section or who are obtained by the respondent at the 5279
respondent's own expense shall certify their findings to the 5280
court within twenty-four hours of the examinations. The findings 5281
of each qualified health professional shall include a 5282
recommendation for treatment if the qualified health 5283
professional determines that treatment is necessary. 5284

(D) (1) If upon completion of the hearing held under this 5285
section the probate court finds by clear and convincing evidence 5286
that the respondent may reasonably benefit from treatment, the 5287
court may order the treatment after considering the qualified 5288
health professionals' recommendations for treatment that have 5289

been submitted to the court under division (C) (2) of this 5290
section. If the court orders the treatment under this division, 5291
the court shall order the treatment to be provided through a 5292
community addiction services provider or by an individual 5293
licensed or certified by the state medical board under Chapter 5294
4731. of the Revised Code, the chemical dependency professionals 5295
board under Chapter 4758. of the Revised Code, the counselor, 5296
social worker, and marriage and family therapist board under 5297
Chapter 4757. of the Revised Code, or a similar board of another 5298
state authorized to provide substance abuse treatment. 5299

(2) If upon completion of the hearing held under this 5300
section the probate court finds by clear and convincing evidence 5301
that the respondent is a chronic alcoholic or a drug dependent 5302
person, the probate judge who made the finding shall provide to 5303
the attorney general the notice specified under section 5122.311 5304
of the Revised Code. 5305

(3) If upon completion of the hearing held under this 5306
section the probate court finds by clear and convincing evidence 5307
that the respondent is a chronic alcoholic or a drug dependent 5308
person, and if the probate court has reasonable cause to believe 5309
that the respondent, if released or treated in an outpatient 5310
setting, would have access to firearms or dangerous ordnance, 5311
the court may issue a safety protection order pursuant to 5312
section 2923.133 of the Revised Code, to any law enforcement 5313
officer authorizing retrieval by the officer of all firearms and 5314
dangerous ordnance owned by, possessed by, or in the control of 5315
the respondent. 5316

(4) Failure of a respondent to undergo and complete any 5317
treatment ordered pursuant to this division is contempt of 5318
court. Any community addiction services provider or person 5319

providing treatment under this division shall notify the probate court of a respondent's failure to undergo or complete the ordered treatment.

(E) If, at any time after a petition is filed under section 5119.93 of the Revised Code, the probate court finds that there is not probable cause to order involuntary treatment or to continue treatment or if the petitioner withdraws the petition, then the court shall dismiss the proceedings against the respondent.

(F) If the probate court issues a safety protection order as described in division (D) (3) of this section and subsequent to the issuance of the order finds that the respondent no longer is a chronic alcoholic or drug dependent person, the court shall order any law enforcement agency that is in possession of property retrieved pursuant to that division and section 2923.133 of the Revised Code to return to the respondent all property retrieved under that division and section.

Sec. 5119.96. When a probate court is authorized to issue an order that the respondent be transported to a hospital, the court may issue a summons. If the respondent fails to attend an examination scheduled before the hearing under section 5119.94 of the Revised Code, the court shall issue a summons. A summons so issued shall be directed to the respondent and shall command the respondent to appear at a time and place specified in the summons. If a respondent who has been summoned fails to appear at the hospital or the examination, the probate court may order the sheriff or any other peace officer to transport the respondent to a hospital on the list provided under section 5119.97 of the Revised Code for treatment. The sheriff or any other peace officer, upon agreement of a person authorized by

the peace officer, may authorize a board of alcohol, drug 5350
addiction, and mental health services, a private services 5351
provider under contract with a board of alcohol, drug addiction, 5352
and mental health services, or an ambulance service designated 5353
by a board of alcohol, drug addiction, and mental health 5354
services to transport the respondent to the hospital. The 5355
transportation costs of the sheriff, other peace officer, 5356
ambulance service, or other private services provider under 5357
contract with the board of alcohol, drug addiction, and mental 5358
health services shall be included in the costs of treatment for 5359
alcohol ~~and or~~ other drug abuse to be paid by the petitioner. 5360

Sec. 5119.97. Each board of alcohol, drug addiction, and 5361
mental health services on at least an annual basis shall submit 5362
each of the following lists to the clerk of the probate court in 5363
each county served by the board: 5364

(A) A list of all hospitals in the counties served by the 5365
board that are able and willing to take respondents ordered to 5366
undergo seventy-two hours of treatment and observation pursuant 5367
to section 5119.95 of the Revised Code; 5368

(B) A list of hospitals and treatment providers in the 5369
counties served by the board that are able and willing to 5370
provide treatment for alcohol ~~and or~~ other drug abuse ordered 5371
pursuant to section 5119.94 of the Revised Code. 5372

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 5373
Revised Code is guilty of a misdemeanor of the first degree. 5374

(B) Whoever violates division (B) of section 5119.61 of 5375
the Revised Code is guilty of a misdemeanor of the fourth 5376
degree. 5377

(C) Whoever violates section 5119.27 or 5119.28, division 5378

(A) of section 5119.35, division (H) of section 5119.36, or 5379
division (A) (1) or (2) of section 5119.37 of the Revised Code is 5380
guilty of a felony of the fifth degree. 5381

(D) Whoever violates division (D) of section 5119.93 of 5382
the Revised Code is guilty of a misdemeanor of the first degree. 5383

Sec. 5122.10. (A) (1) Any of the following who has reason 5384
to believe that a person is a mentally ill person subject to 5385
court order and represents a substantial risk of physical harm 5386
to self or others if allowed to remain at liberty pending 5387
examination may take the person into custody and may immediately 5388
transport the person to a hospital or, notwithstanding section 5389
5119.33 of the Revised Code, to a general hospital not licensed 5390
by the department of mental health and addiction services where 5391
the person may be held for the period prescribed in this 5392
section: 5393

(a) A psychiatrist; 5394

(b) A licensed physician; 5395

(c) A licensed clinical psychologist; 5396

(d) A clinical nurse specialist who is certified as a 5397
psychiatric-mental health CNS by the American nurses 5398
credentialing center; 5399

(e) A certified nurse practitioner who is certified as a 5400
psychiatric-mental health NP by the American nurses 5401
credentialing center; 5402

(f) A health officer; 5403

(g) A parole officer; 5404

(h) A police officer; 5405

(i) A sheriff. 5406

(2) If the chief of the adult parole authority or a parole 5407
or probation officer with the approval of the chief of the 5408
authority has reason to believe that a parolee, an offender 5409
under a community control sanction or post-release control 5410
sanction, or an offender under transitional control is a 5411
mentally ill person subject to court order and represents a 5412
substantial risk of physical harm to self or others if allowed 5413
to remain at liberty pending examination, the chief or officer 5414
may take the parolee or offender into custody and may 5415
immediately transport the parolee or offender to a hospital or, 5416
notwithstanding section 5119.33 of the Revised Code, to a 5417
general hospital not licensed by the department of mental health 5418
and addiction services where the parolee or offender may be held 5419
for the period prescribed in this section. 5420

(B) A written statement shall be given to the hospital by 5421
the individual authorized under division (A) (1) or (2) of this 5422
section to transport the person. The statement shall specify the 5423
circumstances under which such person was taken into custody and 5424
the reasons for the belief that the person is a mentally ill 5425
person subject to court order and represents a substantial risk 5426
of physical harm to self or others if allowed to remain at 5427
liberty pending examination. This statement shall be made 5428
available to the respondent or the respondent's attorney upon 5429
request of either. 5430

(C) Every reasonable and appropriate effort shall be made 5431
to take persons into custody in the least conspicuous manner 5432
possible. A person taking the respondent into custody pursuant 5433
to this section shall explain to the respondent: the name and 5434
professional designation and affiliation of the person taking 5435

the respondent into custody; that the custody-taking is not a 5436
criminal arrest; and that the person is being taken for 5437
examination by mental health professionals at a specified mental 5438
health facility identified by name. 5439

(D) If a person taken into custody under this section is 5440
transported to a general hospital, the general hospital may 5441
admit the person, or provide care and treatment for the person, 5442
or both, notwithstanding section 5119.33 of the Revised Code, 5443
but by the end of ~~twenty-four~~ seventy-two hours after arrival at 5444
the general hospital, the person shall be transferred to a 5445
hospital as defined in section 5122.01 of the Revised Code. 5446

(E) A person taken into custody, transported, or 5447
~~transferred to a hospital or community mental health services~~ 5448
~~provider~~ under this section shall be examined by the staff of 5449
the hospital or community mental health services provider within 5450
twenty-four hours after arrival at the hospital or services 5451
provider. If to conduct the examination requires that the person 5452
remain overnight, the hospital or services provider shall admit 5453
the person in an unclassified status until making a disposition 5454
under this section. After the examination, if the chief clinical 5455
officer of the hospital or services provider believes that the 5456
person is not a mentally ill person subject to court order, the 5457
chief clinical officer shall release or discharge the person 5458
immediately unless a court has issued a temporary order of 5459
detention applicable to the person under section 5122.11 of the 5460
Revised Code. After the examination, if the chief clinical 5461
officer believes that the person is a mentally ill person 5462
subject to court order, the chief clinical officer may detain 5463
the person for not more than three court days following the day 5464
of the examination and during such period admit the person as a 5465
voluntary patient under section 5122.02 of the Revised Code or 5466

file an affidavit under section 5122.11 of the Revised Code. If 5467
neither action is taken and a court has not otherwise issued a 5468
temporary order of detention applicable to the person under 5469
section 5122.11 of the Revised Code, the chief clinical officer 5470
shall discharge the person at the end of the three-day period 5471
unless the person has been sentenced to the department of 5472
rehabilitation and correction and has not been released from the 5473
person's sentence, in which case the person shall be returned to 5474
that department. 5475

(F) The provisions of, and procedures set forth in, this 5476
section are separate from and independent of the provisions of, 5477
and procedures set forth in, section 5119.901 of the Revised 5478
Code and do not limit or affect the provisions of, and 5479
procedures set forth in, section 5119.901 of the Revised Code. 5480

Sec. 5122.11. (A) Proceedings for a mentally ill person 5481
subject to court order pursuant to sections 5122.11 to 5122.15 5482
of the Revised Code shall be commenced by the filing of an 5483
affidavit in the manner prescribed by the department of mental 5484
health and addiction services and in a form prescribed in 5485
section 5122.111 of the Revised Code, by any person or persons 5486
with the probate court, either on reliable information or actual 5487
knowledge, whichever is determined to be proper by the court. 5488
This section does not apply to the hospitalization of a person 5489
pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of 5490
the Revised Code. 5491

The affidavit shall contain an allegation setting forth 5492
the specific category or categories under division (B) of 5493
section 5122.01 of the Revised Code upon which the jurisdiction 5494
of the court is based and a statement of alleged facts 5495
sufficient to indicate probable cause to believe that the person 5496

is a mentally ill person subject to court order. The affidavit 5497
may be accompanied, or the court may require that the affidavit 5498
be accompanied, by a certificate of a psychiatrist, or a 5499
certificate signed by a licensed clinical psychologist and a 5500
certificate signed by a licensed physician stating that the 5501
person who issued the certificate has examined the person and is 5502
of the opinion that the person is a mentally ill person subject 5503
to court order, or shall be accompanied by a written statement 5504
by the applicant, under oath, that the person has refused to 5505
submit to an examination by a psychiatrist, or by a licensed 5506
clinical psychologist and licensed physician. 5507

Upon receipt of the affidavit, if a judge of the court or 5508
a referee who is an attorney at law appointed by the court has 5509
probable cause to believe that the person named in the affidavit 5510
is a mentally ill person subject to court order, the judge or 5511
referee may issue a temporary order of detention ordering any 5512
health or police officer or sheriff to take into custody and 5513
transport the person to a hospital or other place designated in 5514
section 5122.17 of the Revised Code, or may set the matter for 5515
further hearing. If a temporary order of detention is issued and 5516
the person is transported to a hospital or other designated 5517
place, the court that issued the order shall retain jurisdiction 5518
over the case as it relates to the person's outpatient 5519
treatment, notwithstanding that the hospital or other designated 5520
place to which the person is transported is outside the 5521
territorial jurisdiction of the court. 5522

The person may be observed and treated until the hearing 5523
provided for in section 5122.141 of the Revised Code. If no such 5524
hearing is held, the person may be observed and treated until 5525
the hearing provided for in section 5122.15 of the Revised Code. 5526

(B) No person shall provide false information on an affidavit filed under division (A) of this section. 5527
5528

Sec. 5122.13. Within two business days after receipt of 5529
the affidavit required by section 5122.11 of the Revised Code, 5530
the probate court shall refer the affidavit to the board of 5531
alcohol, drug addiction, and mental health services or community 5532
mental health services provider the board designates to assist 5533
the court in determining whether the respondent is subject to 5534
court-ordered treatment and whether alternatives to 5535
hospitalization are available, unless the services provider or 5536
board has already performed such screening. The board or 5537
services provider shall review the allegations of the affidavit 5538
and other information relating to whether or not the person 5539
named in the affidavit or statement is a mentally ill person 5540
subject to court order, and the availability of appropriate 5541
treatment alternatives. The records and information reviewed 5542
shall include, but are not limited to, any relevant law 5543
enforcement reports pertaining to the person named in the 5544
affidavit, any statements from relevant family members or 5545
witnesses to the person's behaviors or actions listed in the 5546
affidavit, and all relevant medical records, subject to state 5547
and federal privacy and security protections. The medical 5548
records may include toxicology or other laboratory results, and 5549
notes of the nurses or medical treatment team that conducted the 5550
initial triage of the respondent upon arrival at the hospital. 5551

The person who conducts the investigation shall promptly 5552
make a report to the court, in writing, in open court or in 5553
chambers, as directed by the court and a full record of the 5554
report shall be made by the court. All records and information 5555
reviewed as part of the investigation and the making of the 5556
report shall be made available to the respondent or the 5557

respondent's attorney for the purpose of any hearing conducted 5558
under section 5122.141 or 5122.15 of the Revised Code. The 5559
report is not admissible as evidence for the purpose of 5560
establishing whether or not the respondent is a mentally ill 5561
person subject to court order, but shall be considered by the 5562
court in its determination of an appropriate placement for any 5563
person after that person is found to be a mentally ill person 5564
subject to court order. The records reviewed as part of the 5565
investigation and the making of the report may be admissible as 5566
evidence for the purpose of establishing whether or not the 5567
respondent is a mentally ill person subject to court order. The 5568
records reviewed as part of the investigation and the making of 5569
the report are not public records open for review, inspection, 5570
and copying under section 149.43 of the Revised Code, and shall 5571
be maintained under seal by the court. 5572

The court, prior to the hearing under section 5122.141 of 5573
the Revised Code, shall release a copy of the investigative 5574
report to the respondent's counsel. 5575

Nothing in this section precludes a judge or referee from 5576
issuing a temporary order of detention pursuant to section 5577
5122.11 of the Revised Code. 5578

Sec. 5122.141. (A) A respondent who is involuntarily 5579
placed in a hospital or other place as designated in section 5580
5122.10 or 5122.17 of the Revised Code, or with respect to whom 5581
proceedings have been instituted under section 5122.11 of the 5582
Revised Code, shall be afforded a hearing to determine whether 5583
or not the respondent is a mentally ill person subject to court 5584
order. The hearing shall be conducted pursuant to section 5585
5122.15 of the Revised Code, and the respondent shall have the 5586
right to counsel as provided in that section. 5587

(B) The hearing shall be conducted within five court days 5588
from the day on which the respondent is detained or an affidavit 5589
is filed, whichever occurs first, in a physical setting not 5590
likely to have a harmful effect on the respondent, and may be 5591
conducted in a hospital in or out of the county. On the motion 5592
of the respondent, the respondent's counsel, the chief clinical 5593
officer, or on its own motion, and for good cause shown, the 5594
court may order a continuance of the hearing. The continuance 5595
may be for no more than ten days from the day on which the 5596
respondent is detained or on which an affidavit is filed, 5597
whichever occurs first. Failure to conduct the hearing within 5598
this time shall effect an immediate discharge of the respondent. 5599
If the proceedings are not reinstituted within thirty days, all 5600
records of the proceedings shall be expunged. 5601

(C) If the court does not find that the respondent is a 5602
mentally ill person subject to court order, it shall order the 5603
respondent's immediate discharge, and shall expunge all record 5604
of the proceedings during this period. 5605

(D) If the court finds that the respondent is a mentally 5606
ill person subject to court order, the court may issue an 5607
interim order of detention ordering any health or police officer 5608
or sheriff to take into custody and transport such person to a 5609
hospital or other place designated in section 5122.17 of the 5610
Revised Code, where the respondent may be observed and treated. 5611

(E) If the court finds that the respondent is a mentally 5612
ill person subject to court order and that there is probable 5613
cause to believe that the respondent, if released or treated in 5614
an outpatient setting, would have access to firearms and 5615
dangerous ordnance, the court may issue a safety protection 5616
order, pursuant to section 2923.133 of the Revised Code, to any 5617

law enforcement officer authorizing retrieval by the officer of 5618
all firearms and dangerous ordnance owned by, possessed by, or 5619
in the control of the respondent. 5620

(F) A respondent or a respondent's counsel, after 5621
obtaining the consent of the respondent, may waive the hearing 5622
provided for in this section. In such case, unless the person 5623
has been discharged, a mandatory full hearing shall be held by 5624
the thirtieth day after the original involuntary detention of 5625
the respondent. Failure to conduct the mandatory full hearing 5626
within this time limit shall result in the immediate discharge 5627
of the respondent. 5628

~~(F)~~ (G) Where possible, the initial hearing shall be held 5629
before the respondent is taken into custody. 5630

Sec. 5122.15. (A) Full hearings shall be conducted in a 5631
manner consistent with this chapter and with due process of law. 5632
The hearings shall be conducted by a judge of the probate court 5633
or a referee designated by a judge of the probate court and may 5634
be conducted in or out of the county in which the respondent is 5635
held. Any referee designated under this division shall be an 5636
attorney. 5637

(1) With the consent of the respondent, the following 5638
shall be made available to counsel for the respondent: 5639

(a) All relevant documents, information, and evidence in 5640
the custody or control of the state or prosecutor; 5641

(b) All relevant documents, information, and evidence in 5642
the custody or control of the hospital in which the respondent 5643
currently is held, or in which the respondent has been held 5644
pursuant to this chapter; 5645

(c) All relevant documents, information, and evidence in 5646

the custody or control of any hospital, facility, or person not 5647
included in division (A) (1) (a) or (b) of this section. 5648

(2) The respondent has the right to attend the hearing and 5649
to be represented by counsel of the respondent's choice. The 5650
right to attend the hearing may be waived only by the respondent 5651
or counsel for the respondent after consultation with the 5652
respondent. 5653

(3) If the respondent is not represented by counsel, is 5654
absent from the hearing, and has not validly waived the right to 5655
counsel, the court shall appoint counsel immediately to 5656
represent the respondent at the hearing, reserving the right to 5657
tax costs of appointed counsel to the respondent, unless it is 5658
shown that the respondent is indigent. If the court appoints 5659
counsel, or if the court determines that the evidence relevant 5660
to the respondent's absence does not justify the absence, the 5661
court shall continue the case. 5662

(4) The respondent shall be informed that the respondent 5663
may retain counsel and have independent expert evaluation. If 5664
the respondent is unable to obtain an attorney, the respondent 5665
shall be represented by court-appointed counsel. If the 5666
respondent is indigent, court-appointed counsel and independent 5667
expert evaluation shall be provided as an expense under section 5668
5122.43 of the Revised Code. 5669

(5) The hearing shall be closed to the public, unless 5670
counsel for the respondent, with the permission of the 5671
respondent, requests that the hearing be open to the public. 5672

(6) If the hearing is closed to the public, the court, for 5673
good cause shown, may admit persons who have a legitimate 5674
interest in the proceedings. If the respondent, the respondent's 5675

counsel, or the designee of the director or of the chief 5676
clinical officer objects to the admission of any person, the 5677
court shall hear the objection and any opposing argument and 5678
shall rule upon the admission of the person to the hearing. 5679

(7) The affiant under section 5122.11 of the Revised Code 5680
shall be subject to subpoena by either party. 5681

(8) The court shall examine the sufficiency of all 5682
documents filed and shall inform the respondent, if present, and 5683
the respondent's counsel of the nature and content of the 5684
documents and the reason for which the respondent is being 5685
detained, or for which the respondent's placement is being 5686
sought. 5687

(9) The court shall receive only reliable, competent, and 5688
material evidence. 5689

(10) Unless proceedings are initiated pursuant to section 5690
5120.17 or 5139.08 of the Revised Code, an attorney that the 5691
board designates shall present the case demonstrating that the 5692
respondent is a mentally ill person subject to court order. The 5693
attorney shall offer evidence of the facts proving that the 5694
respondent is a mentally ill person subject to court order, of 5695
the diagnosis, prognosis, record of treatment, if any, and of 5696
less restrictive treatment plans, if any. In proceedings 5697
pursuant to section 5120.17 or 5139.08 of the Revised Code, the 5698
attorney general shall designate an attorney who shall present 5699
the case demonstrating that the respondent is a mentally ill 5700
person subject to court order. The attorney shall offer evidence 5701
of the diagnosis, prognosis, record of treatment, if any, and 5702
less restrictive treatment plans, if any. If the affiant under 5703
section 5122.11 of the Revised Code is a law enforcement officer 5704
or a prosecuting attorney, the prosecuting attorney may elect 5705

to, but shall not be required to, present the case demonstrating 5706
that the respondent is a mentally ill person subject to court 5707
order. 5708

(11) The respondent or the respondent's counsel has the 5709
right to subpoena witnesses and documents and to examine and 5710
cross-examine witnesses. 5711

(12) The respondent has the right, but shall not be 5712
compelled, to testify, and shall be so advised by the court. 5713

(13) On motion of the respondent or the respondent's 5714
counsel for good cause shown, or on the court's own motion, the 5715
court may order a continuance of the hearing. 5716

(14) If the respondent is represented by counsel and the 5717
respondent's counsel requests a transcript and record, or if the 5718
respondent is not represented by counsel, the court shall make 5719
and maintain a full transcript and record of the proceeding. If 5720
the respondent is indigent and the transcript and record is 5721
made, a copy shall be provided to the respondent upon request 5722
and be treated as an expense under section 5122.43 of the 5723
Revised Code. 5724

(15) To the extent not inconsistent with this chapter, the 5725
Rules of Civil Procedure are applicable. 5726

(B) Unless, upon completion of the hearing the court finds 5727
by clear and convincing evidence that the respondent is a 5728
mentally ill person subject to court order, it shall ~~order~~do 5729
all of the following: 5730

(1) Order the respondent's discharge immediately; 5731

(2) Order any law enforcement agency that is in possession 5732
of property retrieved pursuant to division (E) of section 5733

5122.141 of the Revised Code and section 2923.133 of the Revised 5734
Code to return to the respondent all property retrieved under 5735
that division and section. 5736

(C) If, upon completion of the hearing, the court finds by 5737
clear and convincing evidence that the respondent is a mentally 5738
ill person subject to court order, the court shall order the 5739
respondent for a period not to exceed ninety days to any of the 5740
following: 5741

(1) A hospital operated by the department of mental health 5742
and addiction services if the respondent is committed pursuant 5743
to section 5139.08 of the Revised Code; 5744

(2) A nonpublic hospital; 5745

(3) The veterans' administration or other agency of the 5746
United States government; 5747

(4) A board of alcohol, drug addiction, and mental health 5748
services or services provider the board designates; 5749

(5) Receive private psychiatric or psychological care and 5750
treatment; 5751

(6) Any other suitable facility or person consistent with 5752
the diagnosis, prognosis, and treatment needs of the respondent. 5753
A jail or other local correctional facility is not a suitable 5754
facility. 5755

(D) Any order made pursuant to division (C) (2), (3), (5), 5756
or (6) of this section shall be conditioned upon the receipt by 5757
the court of consent by the hospital, facility, agency, or 5758
person to accept the respondent and may include a requirement 5759
that a person or entity described in division (C) (2), (3), (5), 5760
or (6) of this section inform the board of alcohol, drug 5761

addiction, and mental health services or community mental health 5762
services provider the board designates about the progress of the 5763
respondent with the treatment plan. 5764

(E) In determining the entity or person to which the 5765
respondent is to be committed under division (C) of this 5766
section, the court shall consider the diagnosis, prognosis, 5767
preferences of the respondent and the projected treatment plan 5768
for the respondent and shall order the implementation of the 5769
least restrictive alternative available and consistent with 5770
treatment goals. If the court determines that the least 5771
restrictive alternative available that is consistent with 5772
treatment goals is inpatient hospitalization, the court's order 5773
shall so state. 5774

(F) During the ninety-day period the entity or person 5775
shall examine and treat the respondent. If the respondent is 5776
receiving treatment in an outpatient setting, or receives 5777
treatment in an outpatient setting during a subsequent period of 5778
continued commitment under division (H) of this section, the 5779
entity or person to whom the respondent is committed shall 5780
determine the appropriate outpatient treatment for the 5781
respondent. If, at any time prior to the expiration of the 5782
ninety-day period, it is determined by the entity or person that 5783
the respondent's treatment needs could be equally well met in an 5784
available and appropriate less restrictive setting, both of the 5785
following apply: 5786

(1) The respondent shall be released from the care of the 5787
entity or person immediately and shall be referred to the court 5788
together with a report of the findings and recommendations of 5789
the entity or person; 5790

(2) The entity or person shall notify the respondent's 5791

counsel or the attorney designated by a board of alcohol, drug 5792
addiction, and mental health services or, if the respondent was 5793
committed to a board or a services provider designated by the 5794
board, it shall place the respondent in the least restrictive 5795
setting available consistent with treatment goals and notify the 5796
court and the respondent's counsel of the placement. 5797

The court shall dismiss the case or order placement in the 5798
least restrictive setting. 5799

(G) (1) Except as provided in division (G) (2) of this 5800
section, any person for whom proceedings for treatment have been 5801
commenced pursuant to section 5122.11 of the Revised Code, may 5802
apply at any time for voluntary admission or treatment to the 5803
entity or person to which the person was committed. Upon 5804
admission as a voluntary patient the chief clinical officer of 5805
the entity or the person immediately shall notify the court, the 5806
patient's counsel, and the attorney designated by the board, if 5807
the attorney has entered the proceedings, in writing of that 5808
fact, and, upon receipt of the notice, the court shall dismiss 5809
the case. 5810

(2) A person who is found incompetent to stand trial or 5811
not guilty by reason of insanity and who is committed pursuant 5812
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 5813
Revised Code shall not voluntarily commit the person pursuant to 5814
this section until after the final termination of the 5815
commitment, as described in division (J) of section 2945.401 of 5816
the Revised Code. 5817

(H) If, at the end of the first ninety-day period or any 5818
subsequent period of continued commitment, there has been no 5819
disposition of the case, either by discharge or voluntary 5820
admission or treatment, the entity or person shall discharge the 5821

patient immediately, unless at least ten days before the 5822
expiration of the period the attorney the board designates or 5823
the prosecutor files with the court an application for continued 5824
commitment. The application of the attorney or the prosecutor 5825
shall include a written report containing the diagnosis, 5826
prognosis, past treatment, a list of alternative treatment 5827
settings and plans, and identification of the treatment setting 5828
that is the least restrictive consistent with treatment needs. 5829
The attorney the board designates or the prosecutor shall file 5830
the written report at least three days prior to the full 5831
hearing. A copy of the application and written report shall be 5832
provided to the respondent's counsel immediately. 5833

The court shall hold a full hearing on applications for 5834
continued commitment at the expiration of the first ninety-day 5835
period and at least every two years after the expiration of the 5836
first ninety-day period. 5837

Hearings following any application for continued 5838
commitment are mandatory and may not be waived. 5839

For a respondent who is ordered to receive treatment in an 5840
outpatient setting, if at any time after the first ninety-day 5841
period the entity or person to whom the respondent was ordered 5842
determines that the respondent has demonstrated voluntary 5843
consent for treatment, that entity or person shall immediately 5844
notify the respondent, the respondent's counsel, the attorney 5845
designated by the board, and the court. The entity or person 5846
shall submit to the court a report of the findings and 5847
recommendations. The court may dismiss the case upon review of 5848
the facts. 5849

Upon request of a person who is involuntarily committed 5850
under this section, or the person's counsel, that is made more 5851

than one hundred eighty days after the person's last full 5852
hearing, mandatory or requested, the court shall hold a full 5853
hearing on the person's continued commitment. Upon the 5854
application of a person involuntarily committed under this 5855
section, supported by an affidavit of a psychiatrist or licensed 5856
clinical psychologist, alleging that the person no longer is a 5857
mentally ill person subject to court order, the court for good 5858
cause shown may hold a full hearing on the person's continued 5859
commitment prior to the expiration of one hundred eighty days 5860
after the person's last full hearing. Section 5122.12 of the 5861
Revised Code applies to all hearings on continued commitment. 5862

If the court, after a hearing for continued commitment 5863
finds by clear and convincing evidence that the respondent is a 5864
mentally ill person subject to court order, the court may order 5865
continued commitment at places or to persons specified in 5866
division (C) of this section. 5867

(I) Unless the admission is pursuant to section 5120.17 or 5868
5139.08 of the Revised Code, the chief clinical officer of the 5869
entity admitting a respondent pursuant to a judicial proceeding, 5870
within ten working days of the admission, shall make a report of 5871
the admission to the board of alcohol, drug addiction, and 5872
mental health services serving the respondent's county of 5873
residence. 5874

(J) A referee appointed by the court may make all orders 5875
that a judge may make under this section and sections 5122.11 5876
and 5122.141 of the Revised Code, except an order of contempt of 5877
court. The orders of a referee take effect immediately. Within 5878
fourteen days of the making of an order by a referee, a party 5879
may file written objections to the order with the court. The 5880
filed objections shall be considered a motion, shall be 5881

specific, and shall state their grounds with particularity. 5882
Within ten days of the filing of the objections, a judge of the 5883
court shall hold a hearing on the objections and may hear and 5884
consider any testimony or other evidence relating to the 5885
respondent's mental condition. At the conclusion of the hearing, 5886
the judge may ratify, rescind, or modify the referee's order. 5887

(K) An order of the court under division (C), (H), or (J) 5888
of this section is a final order. 5889

(L) Before a board, or a services provider the board 5890
designates, may place an unconsenting respondent in an inpatient 5891
setting from a less restrictive placement, the board or services 5892
provider shall do all of the following: 5893

(1) Determine that the respondent is in immediate need of 5894
treatment in an inpatient setting because the respondent 5895
represents a substantial risk of physical harm to the respondent 5896
or others if allowed to remain in a less restrictive setting; 5897

(2) On the day of placement in the inpatient setting or on 5898
the next court day, file with the court a motion for transfer to 5899
an inpatient setting or communicate to the court by telephone 5900
that the required motion has been mailed; 5901

(3) Ensure that every reasonable and appropriate effort is 5902
made to take the respondent to the inpatient setting in the 5903
least conspicuous manner possible; 5904

(4) Immediately notify the board's designated attorney and 5905
the respondent's attorney. 5906

At the respondent's request, the court shall hold a 5907
hearing on the motion and make a determination pursuant to 5908
division (E) of this section within five days of the placement. 5909

(M) Before a board, or a services provider the board 5910
designates, may move a respondent from one residential placement 5911
to another, the board or services provider shall consult with 5912
the respondent about the placement. If the respondent objects to 5913
the placement, the proposed placement and the need for it shall 5914
be reviewed by a qualified mental health professional who 5915
otherwise is not involved in the treatment of the respondent. 5916

(N) The entity or person to whom the respondent was 5917
ordered for treatment in an outpatient setting may submit a 5918
report to the court indicating that the respondent has either 5919
failed to comply with the treatment plan or begun to demonstrate 5920
signs of decompensation that may be grounds for hospitalization. 5921
On receipt of the report, the court shall promptly schedule a 5922
hearing to review the case. The court shall conduct the hearing 5923
in a manner consistent with this chapter and due process of law. 5924
The board shall receive notice of the hearing and the board and 5925
entity or person treating the respondent shall submit a report 5926
to the court with a plan for appropriate alternative treatment, 5927
if any, or recommend that the court discontinue the court- 5928
ordered treatment. The court shall consider available and 5929
appropriate alternative placements but shall not impose criminal 5930
sanctions that result in confinement in a jail or other local 5931
correctional facility based on the respondent's failure to 5932
comply with the treatment plan. The court may not order the 5933
respondent to a more restrictive placement unless the criteria 5934
specified in division (L) of this section are met and may not 5935
order the respondent to an inpatient setting unless the court 5936
determines by clear and convincing evidence presented by the 5937
board that the respondent meets the criteria specified in 5938
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 5939
the Revised Code. 5940

Sec. 5122.31. (A) All certificates, applications, records, 5941
and reports made for the purpose of this chapter and sections 5942
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 5943
Code, other than court journal entries or court docket entries, 5944
and directly or indirectly identifying a patient or former 5945
patient or person whose hospitalization or commitment has been 5946
sought under this chapter, shall be kept confidential and shall 5947
not be disclosed by any person except: 5948

(1) If the person identified, or the person's legal 5949
guardian, if any, or if the person is a minor, the person's 5950
parent or legal guardian, consents, and if the disclosure is in 5951
the best interests of the person, as may be determined by the 5952
court for judicial records and by the chief clinical officer for 5953
medical records; 5954

(2) When disclosure is provided for in this chapter or 5955
Chapters 340. or 5119. of the Revised Code or in accordance with 5956
other provisions of state or federal law authorizing such 5957
disclosure; 5958

(3) That hospitals, boards of alcohol, drug addiction, and 5959
mental health services, and community mental health services 5960
providers may release necessary medical information to insurers 5961
and other third-party payers, including government entities 5962
responsible for processing and authorizing payment, to obtain 5963
payment for goods and services furnished to the patient; 5964

(4) Pursuant to a court order signed by a judge; 5965

(5) That a patient shall be granted access to the 5966
patient's own psychiatric and medical records, unless access 5967
specifically is restricted in a patient's treatment plan for 5968
clear treatment reasons; 5969

(6) That hospitals and other institutions and facilities 5970
within the department of mental health and addiction services 5971
may exchange psychiatric records and other pertinent information 5972
with other hospitals, institutions, and facilities of the 5973
department, and with community mental health services providers 5974
and boards of alcohol, drug addiction, and mental health 5975
services with which the department has a current agreement for 5976
patient care or services. Records and information that may be 5977
released pursuant to this division shall be limited to 5978
medication history, physical health status and history, 5979
financial status, summary of course of treatment in the 5980
hospital, summary of treatment needs, and a discharge summary, 5981
if any. 5982

(7) That hospitals within the department and other 5983
institutions and facilities within the department may exchange 5984
psychiatric records and other pertinent information with payers 5985
and other providers of treatment, health services, and recovery 5986
supports if the purpose of the exchange is to facilitate 5987
continuity of care for a patient or for the emergency treatment 5988
of an individual; 5989

(8) That a patient's family member who is involved in the 5990
provision, planning, and monitoring of services to the patient 5991
may receive medication information, a summary of the patient's 5992
diagnosis and prognosis, and a list of the services and 5993
personnel available to assist the patient and the patient's 5994
family, if the patient's treating physician determines that the 5995
disclosure would be in the best interests of the patient. No 5996
such disclosure shall be made unless the patient is notified 5997
first and receives the information and does not object to the 5998
disclosure. 5999

(9) That community mental health services providers may exchange psychiatric records and certain other information with the board of alcohol, drug addiction, and mental health services and other services providers in order to provide services to a person involuntarily committed to a board. Release of records under this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and discharge summary, if any.

(10) That information may be disclosed to the executor or the administrator of an estate of a deceased patient when the information is necessary to administer the estate;

(11) That records in the possession of the Ohio history connection may be released to the closest living relative of a deceased patient upon request of that relative;

(12) That records pertaining to the patient's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the patient was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under this chapter.

(13) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may

exchange psychiatric hospitalization records, other mental 6030
health treatment records, and other pertinent information with 6031
boards of alcohol, drug addiction, and mental health services 6032
and community mental health services providers to ensure 6033
continuity of care for inmates or offenders who are receiving 6034
mental health services in an institution and are scheduled for 6035
release within six months. The release of records under this 6036
division is limited to records regarding an inmate's or 6037
offender's medication history, physical health status and 6038
history, summary of course of treatment, summary of treatment 6039
needs, and a discharge summary, if any; 6040

(14) That records and reports relating to a person who has 6041
been deceased for fifty years or more are no longer considered 6042
confidential; 6043

(15) That if any law enforcement officer submits a written 6044
request to a hospital, board of alcohol, drug addiction, and 6045
mental health services, or community mental health services 6046
provider that requests the hospital, board, or provider to 6047
supply the officer with specified records, the hospital, board, 6048
or provider, except to the extent specifically prohibited by any 6049
law of this state or of the United States, shall supply to the 6050
officer a copy of any of the requested records the provider 6051
possesses, if all of the following apply with respect to the 6052
written request: 6053

(a) The request states that an official criminal 6054
investigation has begun regarding a specified person, that a 6055
criminal action or proceeding has been commenced against a 6056
specified person, or that proceedings for involuntary commitment 6057
or hospitalization have been commenced or are about to be 6058
commenced against a person under sections 5122.05 to 5122.15 of 6059

the Revised Code; 6060

(b) The request asks the hospital, board, or provider to 6061
supply to the officer copies of any records the hospital, board, 6062
or provider possesses that pertain to any test or the results of 6063
any test administered to the specified person to determine the 6064
presence or concentration of alcohol, a drug of abuse, a 6065
combination of them, a controlled substance, or a metabolite of 6066
a controlled substance in the person's whole blood, blood serum 6067
or plasma, breath, or urine at any time relevant to the criminal 6068
offense in question or to conduct regarding the basis of the 6069
possible involuntary commitment or hospitalization of the person 6070
in question; 6071

(c) The request conforms to section 2317.022 of the 6072
Revised Code. 6073

(B) Before records are disclosed pursuant to divisions (A) 6074
(3), (6), and (9) of this section, the custodian of the records 6075
shall attempt to obtain the patient's consent for the 6076
disclosure. No person shall reveal the contents of a medical 6077
record of a patient except as authorized by law. 6078

(C) The managing officer of a hospital who releases 6079
necessary medical information under division (A) (3) of this 6080
section to allow an insurance carrier or other third party payor 6081
to comply with section 5121.43 of the Revised Code shall neither 6082
be subject to criminal nor civil liability. 6083

Sec. 5122.311. (A) (1) Notwithstanding any provision of the 6084
Revised Code to the contrary, if, on or after April 8, 2004, an 6085
individual is found by a court to be a mentally ill person 6086
subject to court order ~~or becomes an involuntary patient other~~ 6087
~~than one who is a patient only for purposes of observation, or~~ 6088

if, on or after the effective date of this amendment, an 6089
individual is found by a court under section 5119.94 of the 6090
Revised Code to be a chronic alcoholic or a drug dependent 6091
person, the probate judge who made the adjudication ~~or the chief-~~ 6092
~~clinical officer of the hospital, community mental health-~~ 6093
~~services provider, or facility in which the person is an-~~ 6094
~~involuntary patient~~ shall notify the office of the attorney 6095
general, on the form described in division (C) of this section, 6096
of the identity of the individual and of the adjudication. The 6097
notification shall be transmitted by the judge ~~or the chief-~~ 6098
~~clinical officer~~ not later than seven days after the 6099
adjudication ~~or commitment.~~ 6100

(2) If a judge provides a notice to the attorney general 6101
under division (A)(1) of this section regarding an individual 6102
and if a judge subsequently determines that the individual no 6103
longer is a mentally ill person subject to court order or no 6104
longer is a chronic alcoholic or a drug dependent person, 6105
whichever is applicable, the judge shall notify the office of 6106
the attorney general, on the form described in division (C) of 6107
this section, of the identity of the individual and of the 6108
determination. The notification shall be transmitted by the 6109
judge not later than seven days after the determination. 6110

(B) (1) The office of the attorney general shall compile 6111
and maintain the notices it receives under division (A) of this 6112
section and the notices shall be used for the purpose of 6113
conducting incompetency records checks pursuant to section 6114
311.41 of the Revised Code and as otherwise specified under 6115
division (B) (2) of this section. The notices and the information 6116
they contain are confidential, except as provided in this 6117
division and division (B) (2) of this section, and are not public 6118
records. 6119

(2) Upon receipt of any notice under division (A) (1) of this section with respect to an individual, the attorney general shall enter the information in the notice into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS, by the close of the next business day after the day on which the notice is received. 6120
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(3) Upon receipt of any notice under division (A) (2) of this section with respect to an individual, the attorney general shall take all steps necessary to ensure that the information in the notice previously received under division (A) (1) of this section with respect to the individual is removed from LEADS by the close of the next business day after the day on which the notice is received and that it is terminated, cleared, or canceled in the database of the national crime information center (NCIC) maintained by the federal bureau of investigation in which it is maintained. 6126
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(C) The attorney general, by rule adopted under Chapter 119. of the Revised Code, shall prescribe and make available to all probate judges ~~and all chief clinical officers a form~~ forms to be used by them for the purpose of making the notifications required by ~~division~~ divisions (A) (1) and (2) of this section. 6136
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Sec. 5122.99. (A) A person who violates division (B) (2) of section 5122.32 of the Revised Code shall be fined not more than two thousand five hundred dollars on a first offense and not more than twenty thousand dollars on a subsequent offense. 6141
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(B) Whoever violates division (B) of section 5122.11 of the Revised Code is guilty of a misdemeanor of the first degree. 6145
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Sec. 5502.71. (A) As used in this section: 6147

(1) "Federally licensed firearms dealer" has the same 6148

meaning as in section 5502.63 of the Revised Code. 6149

(2) "Identification document" has the same meaning as in section 311.51 of the Revised Code. 6150
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(3) "Prospective transferee" means the person who is the subject of a request made by a sheriff under division (B) of this section requesting the department of public safety to conduct background checks under this section. 6152
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(4) "Transfer" means a person's sale, loaning, giving, or furnishing of a firearm to another person. 6156
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(B) The department of public safety shall establish a mechanism for the conduct of background checks requested by a person who wishes to receive a firearm by transfer from another person who is not a federally licensed firearms dealer, and who has filed a petition with a sheriff under division (B) (2) of section 311.51 of the Revised Code requesting such background checks of the petitioner. Upon receipt of a request for background checks of a person that is made by a sheriff based on such a petition, the department shall do all of the following: 6158
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(1) Conduct a firearms disability background check to ensure that none of the following apply to the prospective transferee: 6167
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(a) The prospective transferee is a fugitive from justice. 6170

(b) The prospective transferee is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence. 6171
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(c) The prospective transferee is under indictment for or 6176

has been convicted of any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that if committed by an adult would have been a felony involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse. 6177
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(d) The prospective transferee is a drug dependent person or in danger of drug dependence or is a chronic alcoholic. 6184
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(e) The prospective transferee has been adjudicated as a mental defective, has been committed to any mental institution, is under adjudication of mental incompetence, has been found by a court to be a mentally ill person subject to court order, or is an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code. 6186
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(f) The prospective transferee is prohibited from acquiring, possessing, or using firearms pursuant to 18 U.S.C. 922(g) or 18 U.S.C. 922(n). 6194
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(2) Conduct any other background checks that are necessary for the department to determine whether the prospective transferee is prohibited by section 2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n) from acquiring, possessing, or using any firearm. 6197
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(C)(1) The department shall initiate the background check described in division (B)(1) of this section, and any background check the department determines is necessary under division (B)(2) of this section, immediately upon receiving the request for 6202
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the checks from the sheriff. 6206

(2) The department shall search all federal and state 6207
databases necessary to complete the background check described 6208
in division (B) (1) of this section, and any background check the 6209
department determines is necessary under division (B) (2) of this 6210
section. Upon completion of the background checks, the 6211
department shall notify the sheriff who requested the background 6212
checks as described in section 311.51 of the Revised Code of the 6213
results of the checks and, unless the applicant is prohibited by 6214
state or federal law, including section 2923.13 of the Revised 6215
Code, 18 U.S.C. 922 (g), or 18 U.S.C. 922 (n), from acquiring, 6216
possessing, or using firearms, the department shall issue a 6217
seller's protection certificate as required by section 311.51 of 6218
the Revised Code. If the applicant is prohibited by state or 6219
federal law, including section 2923.13 of the Revised Code, 18 6220
U.S.C. 922 (g), or 18 U.S.C. 922 (n), from acquiring, possessing, 6221
or using firearms, the department shall not issue a seller's 6222
protection certificate and shall notify the sheriff that the 6223
certificate is denied. 6224

(D) A seller's protection certificate issued under this 6225
section shall identify the prospective transferee who was the 6226
subject of the background checks conducted as described in 6227
division (C) (2) of this section that were the basis of the 6228
issuance of the certificate in a manner that will sufficiently 6229
allow a person who is transferring a firearm to the prospective 6230
transferee to validate the identity of the prospective 6231
transferee by using the prospective transferee's identification 6232
document. The certificate shall state the name, age, gender, 6233
date of birth, and residence address of the prospective 6234
transferee. The certificate shall specify the date on which it 6235
is issued and shall state that the certificate is valid for 6236

ninety days. The certificate shall include a unique confirmation 6237
number that shall be used only for the purpose of verifying that 6238
background checks were conducted pursuant to this section. The 6239
certificate shall state that, at the time of its issuance, the 6240
prospective transferee was not prohibited pursuant to section 6241
2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 6242
922(n) from acquiring, possessing, or using firearms. 6243

(E) A request for background checks made by a sheriff 6244
based on a petition filed under division (B)(2) of section 6245
311.51 of the Revised Code, all information related to such a 6246
request, the results of the background checks, and the fact of 6247
the issuance of a seller's protection certificate, if 6248
applicable, are not public records under section 149.43 of the 6249
Revised Code and are not subject to inspection or copying under 6250
that section. A request for background checks made by a sheriff 6251
based on a petition filed under division (B)(2) of section 6252
311.51 of the Revised Code, all information related to such a 6253
request, the results of the background checks, and the fact of 6254
the issuance of a seller's protection certificate, if 6255
applicable, are confidential and shall not be divulged to any 6256
person other than for purposes of this section, section 311.51 6257
of the Revised Code, and divisions (A)(10) and (D) of section 6258
2923.20 of the Revised Code. 6259

(F) Nothing in this section requires that, before a person 6260
may transfer a firearm to another person, a sheriff must request 6261
background checks as described in division (B) of this section 6262
of the person being transferred the firearm, the department of 6263
public safety must conduct background checks as described in 6264
division (C) of this section of the person being transferred the 6265
firearm, or the person being transferred the firearm must be 6266
issued a seller's protection certificate under division (D) of 6267

this section. 6268

(G) (1) If the department of public safety denies the 6269
issuance of a seller's protection certificate under this section 6270
and section 311.51 of the Revised Code, and if the subject 6271
prospective transferee believes the denial was based on 6272
incorrect information received or used by the department in 6273
conducting the background checks that were the basis of the 6274
denial, the prospective transferee may challenge the background 6275
check results by using the challenge and review procedure of the 6276
department of public safety established pursuant to division (G) 6277
(2) of this section. 6278

(2) The department of public safety shall prescribe a 6279
challenge and review procedure for applicants to use to 6280
challenge criminal records checks under division (G) (1) of this 6281
section. 6282

Section 2. That existing sections 2151.34, 2317.02, 6283
2317.022, 2317.422, 2903.213, 2903.214, 2919.26, 2923.13, 6284
2923.18, 2923.20, 2923.21, 2923.31, 2929.14, 2935.01, 2935.10, 6285
2941.141, 2941.145, 3113.31, 5119.01, 5119.61, 5119.90, 5119.92, 6286
5119.93, 5119.94, 5119.96, 5119.97, 5119.99, 5122.10, 5122.11, 6287
5122.13, 5122.141, 5122.15, 5122.31, 5122.311, and 5122.99 of 6288
the Revised Code are hereby repealed. 6289

Section 3. The General Assembly, applying the principle 6290
stated in division (B) of section 1.52 of the Revised Code that 6291
amendments are to be harmonized if reasonably capable of 6292
simultaneous operation, finds that the following sections, 6293
presented in this act as composites of the sections as amended 6294
by the acts indicated, are the resulting versions of the 6295
sections in effect prior to the effective date of the sections 6296
as presented in this act: 6297

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| Section 2923.13 of the Revised Code as amended by both | 6298 |
| H.B. 234 and S.B. 43 of the 130th General Assembly. | 6299 |
| Section 2923.31 of the Revised Code as amended by both | 6300 |
| H.B. 199 and H.B. 405 of the 132nd General Assembly. | 6301 |
| Section 2929.14 of the Revised Code as amended by H.B. 63, | 6302 |
| S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General | 6303 |
| Assembly. | 6304 |