

As Introduced

**122nd General Assembly
Regular Session
1997-1998**

S. B. No. 1

**Senators Kearns, Dix, Oelslager, B. Johnson, McLin, Sheerer, Sweeney,
White**

A B I L L

To amend sections 737.11, 1901.18, 1901.19, 1907.18, 1
2919.25, 2919.26, 2919.27, 2919.271, 2935.032, 2
2937.23, 3113.31, and 3113.33 and to enact section 3
2919.272 of the Revised Code relative to the 4
issuance and enforcement of temporary protection 5
orders issued in domestic violence situations, 6
protection orders and consent agreements issued or 7
approved by a court of domestic relations, and 8
protection orders of those types issued by courts 9
of another state and to maintain the provisions of 10
this act on and after July 1, 1997, by amending 11
the versions of sections 1901.19 and 3113.31 of 12
the Revised Code that take effect on that date. 13

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

Section 1. That sections 737.11, 1901.18, 1901.19, 1907.18, 14
2919.25, 2919.26, 2919.27, 2919.271, 2935.032, 2937.23, 3113.31, 15
and 3113.33 be amended and section 2919.272 of the Revised Code be 16
enacted to read as follows: 17

Sec. 737.11. The police force of a municipal corporation 18
shall preserve the peace, protect persons and property, and obey 19

and enforce all ordinances of the legislative authority of the 20
municipal corporation, all criminal laws of the state and the 21
United States, all court orders issued and consent agreements 22
approved pursuant to sections 2919.26 and 3113.31 of the Revised 23
Code, ~~and~~ all anti-stalking protection orders issued pursuant to 24
section 2903.213 of the Revised Code, and protection orders issued 25
by courts of another state, as defined in section 2919.27 of the 26
Revised Code. The fire department shall protect the lives and 27
property of the people in case of fire. Both the police and fire 28
departments shall perform any other duties that are provided by 29
ordinance. The police and fire departments in every city shall be 30
maintained under the civil service system. 31

A chief or officer of a police force of a municipal 32
corporation may participate, as the director of an organized crime 33
task force established under section 177.02 of the Revised Code or 34
as a member of the investigatory staff of such a task force, in an 35
investigation of organized criminal activity in any county or 36
counties in this state under sections 177.01 to 177.03 of the 37
Revised Code. 38

Sec. 1901.18. (A) Except as otherwise provided in this 39
division or section 1901.181 of the Revised Code, subject to the 40
monetary jurisdiction of municipal courts as set forth in section 41
1901.17 of the Revised Code, a municipal court has original 42
jurisdiction within its territory in all of the following actions 43
or proceedings and to perform all of the following functions: 44

(1) In any civil action, of whatever nature or remedy, of 45
which judges of county courts have jurisdiction; 46

(2) In any action or proceeding at law for the recovery of 47
money or personal property of which the court of common pleas has 48
jurisdiction; 49

(3) In any action at law based on contract, to determine, 50
preserve, and enforce all legal and equitable rights involved in 51
the contract, to decree an accounting, reformation, or 52
cancellation of the contract, and to hear and determine all legal 53
and equitable remedies necessary or proper for a complete 54
determination of the rights of the parties to the contract; 55

(4) In any action or proceeding for the sale of personal 56
property under chattel mortgage, lien, encumbrance, or other 57
charge, for the foreclosure and marshalling of liens on personal 58
property of that nature, and for the rendering of personal 59
judgment in the action or proceeding; 60

(5) In any action or proceeding to enforce the collection of 61
its own judgments or the judgments rendered by any court within 62
the territory to which the municipal court has succeeded, and to 63
subject the interest of a judgment debtor in personal property to 64
satisfy judgments enforceable by the municipal court; 65

(6) In any action or proceeding in the nature of 66
interpleader; 67

(7) In any action of replevin; 68

(8) In any action of forcible entry and detainer; 69

(9) In any action concerning the issuance and enforcement of 70
temporary protection orders pursuant to section 2919.26 of the 71
Revised Code or anti-stalking protection orders pursuant to 72
section 2903.213 of the Revised Code or the enforcement of 73
protection orders issued by courts of another state, as defined in 74
section 2919.27 Of the Revised Code; 75

(10) If the municipal court has a housing or environmental 76
division, in any action over which the division is given 77
jurisdiction by section 1901.181 of the Revised Code, provided 78
that, except as specified in division ~~(C)~~(B) of that section, no 79

judge of the court other than the judge of the division shall hear 80
or determine any action over which the division has jurisdiction; 81

(11) In any action brought pursuant to division (I) of 82
section 3733.11 of the Revised Code, if the residential premises 83
that are the subject of the action are located within the 84
territorial jurisdiction of the court; 85

(12) In any civil action as described in division (B)(1) of 86
section 3767.41 of the Revised Code that relates to a public 87
nuisance, and, to the extent any provision of this chapter 88
conflicts or is inconsistent with a provision of that section, the 89
provision of that section shall control in the civil action. 90

(B) The Cleveland municipal court also shall have 91
jurisdiction within its territory in all of the following actions 92
or proceedings and to perform all of the following functions: 93

(1) In all actions and proceedings for the sale of real 94
property under lien of a judgment of the municipal court or a lien 95
for machinery, material, or fuel furnished or labor performed, 96
irrespective of amount, and, in those actions and proceedings, the 97
court may proceed to foreclose and marshal all liens and all 98
vested or contingent rights, to appoint a receiver, and to render 99
personal judgment irrespective of amount in favor of any party. 100

(2) In all actions for the foreclosure of a mortgage on real 101
property given to secure the payment of money or the enforcement 102
of a specific lien for money or other encumbrance or charge on 103
real property, when the amount claimed by the plaintiff does not 104
exceed fifteen thousand dollars and the real property is situated 105
within the territory, and, in those actions, the court may proceed 106
to foreclose all liens and all vested and contingent rights and 107
may proceed to render judgments and make findings and orders 108
between the parties in the same manner and to the same extent as 109
in similar actions in the court of common pleas. 110

(3) In all actions for the recovery of real property situated 111
within the territory to the same extent as courts of common pleas 112
have jurisdiction; 113

(4) In all actions for injunction to prevent or terminate 114
violations of the ordinances and regulations of the city of 115
Cleveland enacted or promulgated under the police power of the 116
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 117
Constitution, over which the court of common pleas has or may have 118
jurisdiction, and, in those actions, the court may proceed to 119
render judgments and make findings and orders in the same manner 120
and to the same extent as in similar actions in the court of 121
common pleas. 122

Sec. 1901.19. (A) Subject to the monetary jurisdiction of 123
municipal courts as set forth in section 1901.17 of the Revised 124
Code, a municipal court and a housing or environmental division of 125
a municipal court have jurisdiction within its territory in all of 126
the following actions or proceedings and to perform all of the 127
following functions: 128

(1) To compel attendance of witnesses in any pending action 129
or proceeding in the same manner as the court of common pleas; 130

(2) To issue executions on its own judgments; 131

(3) In any legal or equitable action or proceeding, to 132
enforce the collection of its own judgments; 133

(4) In any civil action or proceeding at law in which the 134
subject matter of the action or proceeding is located within the 135
territory or when the defendant or any of the defendants resides 136
or is served with summons within the territory; 137

(5) To issue and enforce any order of attachment; 138

(6) In any action or proceeding in the nature of creditors' 139
bills, and in aid of execution, to subject the interest of a 140

judgment debtor in personal property to the payment of a judgment
of the court;

(7) To issue and enforce temporary protection orders pursuant
to section 2919.26 of the Revised Code and anti-stalking
protection orders pursuant to section 2903.213 of the Revised Code
and to enforce protection orders issued by courts of another
state, as defined in section 2919.27 Of the Revised Code.

(B) Subject to the limitation set forth in this division, a
municipal court or a housing or environmental division of a
municipal court has jurisdiction outside its territory in a
proceeding in aid of execution to subject to the payment of the
judgment the interest in personal property of a judgment debtor
under a judgment rendered by the court or division. The
jurisdiction provided in this division includes the county or
counties in which the territory of the court or division in
question is situated and any county that is contiguous to that in
which the court or division is located. A court or division that
has jurisdiction under this division outside its territory in a
proceeding in aid of execution has the same powers, duties, and
functions relative to the proceeding that it has relative to
proceedings in aid of execution over which it has jurisdiction
other than under this division.

(C)(1) In any action for garnishment of personal earnings
brought in a municipal court, the court has jurisdiction to serve
process pursuant to section 2716.05 of the Revised Code upon a
garnishee who resides in a county contiguous to that in which the
court is located.

(2) In any action for garnishment of property, other than
personal earnings, brought in a municipal court under section
2716.11 of the Revised Code, the court has jurisdiction to serve
process pursuant to section 2716.13 of the Revised Code upon a

garnishee who resides in a county contiguous to that in which the court is located. 172
173

(3) Whenever a motion for attachment is filed in a municipal court under section 2715.03 of the Revised Code, the court has jurisdiction to serve process pursuant to section 2715.091 of the Revised Code upon a garnishee who resides in a county contiguous to that in which the court is located. 174
175
176
177
178

(D) The municipal court of Cleveland also has jurisdiction in all actions and proceedings in the nature of creditors' bills, and in aid of execution to subject the interests of a judgment debtor in real or personal property to the payment of a judgment of the court. In such actions and proceedings, the court may proceed to marshal and foreclose all liens on the property irrespective of the amount of the lien, and all vested or contingent rights in the property. 179
180
181
182
183
184
185
186

(E) This is an interim section effective until July 1, 1997. 187

Sec. 1907.18. (A) County court judges, within and coextensive with their respective counties, have jurisdiction and authority to: 188
189
190

(1) Administer an oath authorized or required by law to be administered; 191
192

(2) Take acknowledgments of instruments of writing; 193

(3) Issue subpoenas to compel the attendance of witnesses to give evidence in causes or matters pending before the judges, or for the purpose of taking depositions or perpetuating testimony; 194
195
196

(4) Proceed against sheriffs, deputy sheriffs, and constables failing to make return, making false return, or failing to pay over money collected on execution issued by the judges; 197
198
199

(5) Try actions against other county court judges for 200

refusing or neglecting to pay over moneys collected in their 201
official capacity when the amount claimed does not exceed five 202
hundred dollars. This division does not deny or impair any remedy 203
provided by law in such a case by suit on the official bond of 204
such a county court judge, or by amercement or otherwise, for 205
neglect or failure to pay over money so collected. 206

(6) Hear actions concerning the issuance and enforcement of, 207
issue, and enforce temporary protection orders pursuant to section 208
2919.26 of the Revised Code and anti-stalking protection orders 209
pursuant to section 2903.213 of the Revised Code; 210

(7) Hear actions concerning the enforcement of protection 211
orders issued by courts of another state, as defined in section 212
2919.27 Of the Revised Code, and to enforce those protection 213
orders. 214

(B) County court judges may punish contempts, and exercise 215
powers necessary to give effect to the jurisdiction of the court 216
and to enforce its judgments, orders, and decrees, as provided in 217
this chapter or, in the absence of a provision in this chapter, in 218
a manner authorized by the Revised Code or common law for the 219
judges of the courts of common pleas. 220

(C) County court judges have jurisdiction and authority to 221
perform marriage ceremonies anywhere in the state. 222

Sec. 2919.25. (A) No person shall knowingly cause or attempt 223
to cause physical harm to a family or household member. 224

(B) No person shall recklessly cause serious physical harm to 225
a family or household member. 226

(C) No person, by threat of force, shall knowingly cause a 227
family or household member to believe that the offender will cause 228
imminent physical harm to the family or household member. 229

(D) Whoever violates this section is guilty of domestic 230

violence. A violation of division (C) of this section is a
misdemeanor of the fourth degree. A violation of division (A) or
(B) of this section is a misdemeanor of the first degree. If the
offender previously has been convicted of domestic violence or a
violation of section 2903.11, 2903.12, 2903.13, 2903.211, or
2911.211 of the Revised Code involving a person who was a family
or household member at the time of the violation, a violation of
division (A) or (B) of this section is a felony of the fifth
degree and a violation of division (C) of this section is a
misdemeanor of the third degree.

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

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

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

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

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

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

(b) The alleged natural parent of any child of whom the
offender is the other natural parent.

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

question. 261

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 262
alleges a violation of section 2919.25 of the Revised Code, a 263
violation of a municipal ordinance substantially similar to that 264
section, a violation of section 2903.11, 2903.12, 2903.13, 265
2903.211, or 2911.211 of the Revised Code that involves a person 266
who was a family or household member at the time of the violation, 267
or a violation of a municipal ordinance that is substantially 268
similar to section 2903.13, 2903.211, or 2911.211 of the Revised 269
Code that involves a person who was a family or household member 270
at the time of the violation, the complainant may file, or, if in 271
an emergency the complainant is unable to file, a person who made 272
an arrest for the alleged violation under section 2935.03 of the 273
Revised Code may file on behalf of the complainant, a motion that 274
requests the issuance of a temporary protection order as a 275
pretrial condition of release of the alleged offender, in addition 276
to any bail set under Criminal Rule 46. The motion shall be filed 277
with the clerk of the court that has jurisdiction of the case at 278
any time after the filing of the complaint. 279

(2) For purposes of section 2930.09 of the Revised Code, all 280
stages of a proceeding arising out of a violation specified in 281
division (A)(1) of this section, including all proceedings on a 282
motion for a temporary protection order, are critical stages of 283
the case, and a complainant may be accompanied by a victim 284
advocate or another person to provide support to the victim as 285
provided in that section. 286

(B) The motion shall be prepared on a form that is provided 287
by the clerk of the court, which form shall be substantially as 288
follows: 289

"MOTION FOR TEMPORARY PROTECTION ORDER 290
..... Court 291

Name and address of court	292
State of Ohio	293
v. No.	294
.....	295
Name of Defendant	296
(name of person), the complainant in the above-captioned case,	297
moves the court to issue a temporary protection order containing	298
terms designed to ensure the safety and protection of the	299
complainant and other family or household members, in relation to	300
the named defendant, pursuant to its authority to issue such an	301
order under section 2919.26 of the Revised Code.	302
A complaint, a copy of which has been attached to this	303
motion, has been filed in this court charging the named defendant	304
with at least one of the following violations of section 2919.25	305
of the Revised Code that constitutes "domestic violence" or a	306
municipal ordinance that is substantially similar to that section:	307
knowingly causing or attempting to cause physical harm to a family	308
or household member; recklessly causing serious physical harm to a	309
family or household member; or, by threat of force, knowingly	310
causing a family or household member to believe that he <u>the named</u>	311
<u>defendant</u> would cause imminent physical harm to that family or	312
household member; charging the named defendant with felonious	313
assault, aggravated assault, or assault that involved a family or	314
household member in violation of section 2903.11, 2903.12, or	315
2903.13 of the Revised Code; charging the named defendant with	316
menacing by stalking or aggravated trespass that involves a family	317
or household member in violation of section 2903.211 or 2911.211	318
of the Revised Code; or charging the named defendant with a	319
violation of a municipal ordinance that is substantially similar	320
to section 2903.13, 2903.211, or 2911.211 of the Revised Code that	321
involves a family or household member.	322

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

..... 337

Signature of complainant 338

(or signature of the arresting officer who filed the motion on behalf of the complainant) 339
340

..... 341

Address of complainant (or office address of the arresting officer who filed the motion on behalf of the complainant)" 342
343

(C) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the

complaint, another person who is able to provide the court with 354
the information it requests may appear in lieu of the person who 355
requested the order. If the court finds that the safety and 356
protection of the complainant or other family or household member 357
of the alleged offender may be impaired by the continued presence 358
of the alleged offender, the court may issue a temporary 359
protection order, as a pretrial condition of release, that 360
contains terms designed to ensure the safety and protection of the 361
complainant or family or household member, including a requirement 362
that the alleged offender refrain from entering the residence, 363
school, business, or place of employment of the complainant or 364
family or household member. If the order includes a requirement 365
that the alleged offender refrain from entering the residence, 366
school, business, or place of employment of the complainant or 367
family or household member, the order shall state clearly that the 368
order cannot be waived or nullified by an invitation to the 369
alleged offender from the complainant or family or household 370
member to enter the residence, school, business, or place of 371
employment or by the alleged offender's entry into one of those 372
places otherwise upon the consent of the complainant or family or 373
household member. 374

(D)(1) Upon the filing of a complaint that alleges a 375
violation of section 2919.25 of the Revised Code, a violation of a 376
municipal ordinance that is substantially similar to that section, 377
a violation of section 2903.11, 2903.12, 2903.13, 2903.211, or 378
2911.211 of the Revised Code that involves a person who was a 379
family or household member at the time of the violation, or a 380
violation of a municipal ordinance that is substantially similar 381
to section 2903.13, 2903.211, or 2911.211 of the Revised Code that 382
involves a person who was a family or household member at the time 383
of the violation, the court, upon its own motion, may issue a 384
temporary protection order as a pretrial condition of release if 385

it finds that the safety and protection of the complainant or
other family or household member of the alleged offender may be
impaired by the continued presence of the alleged offender.

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

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

(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 disposition of the criminal
proceeding arising out of the complaint upon which it is based, or
the issuance of a protection order or the approval of a consent
agreement, arising out of the same activities as those that were
the basis of the complaint, under section 3113.31 of the Revised
Code;

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

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

(G)(1) A copy of any temporary protection order that is issued under this section shall be issued by the court to the complainant, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered.

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

(3) A complainant who obtains a temporary protection order under this section may provide notice of the issuance of the temporary protection order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county in accordance with division (N) of section 3113.31 of the Revised Code and filing a copy of the registered protection order with a law enforcement agency in the other county in accordance with that division.

(4) Any officer of a law enforcement agency shall enforce a temporary protection order issued by any court in this state in accordance with the provisions of the order, including removing the defendant from the premises, regardless of whether the order is registered in the county in which the officer's agency has

jurisdiction as authorized by division (G)(3) of this section. 448

(H) Upon a violation of a temporary protection order, the 449
court may issue another temporary protection order, as a pretrial 450
condition of release, that modifies the terms of the order that 451
was violated. 452

(I)(1) As used in divisions (I)(1) and (2) of this section, 453
"defendant" means a person who is alleged in a complaint to have 454
committed a violation of the type described in division (A) of 455
this section. 456

(2) If a complaint is filed that alleges that a person 457
committed a violation of the type described in division (A) of 458
this section, the court may not issue a temporary protection order 459
under this section that requires the complainant or another family 460
or household member of the defendant to do or refrain from doing 461
an act that the court may require the defendant to do or refrain 462
from doing under a temporary protection order unless both of the 463
following apply: 464

(a) The defendant has filed a separate complaint that alleges 465
that the complainant or other family or household member in 466
question who would be required under the order to do or refrain 467
from doing the act committed a violation of the type described in 468
division (A) of this section. 469

(b) The court determines that both the complainant or other 470
family or household member in question who would be required under 471
the order to do or refrain from doing the act and the defendant 472
acted primarily as aggressors, that neither the complainant or 473
other family or household member in question who would be required 474
under the order to do or refrain from doing the act nor the 475
defendant acted primarily in self-defense, and, in accordance with 476
the standards and criteria of this section as applied in relation 477
to the separate complaint filed by the defendant, that it should 478

issue the order to require the complainant or other family or 479
household member in question to do or refrain from doing the act. 480

(J) Notwithstanding any provision of law to the contrary, no 481
court shall charge a fee for the filing of a motion pursuant to 482
this section. 483

(K) As used in this section, "victim advocate" means a person 484
who provides support and assistance for a victim of an offense 485
during court proceedings. 486

Sec. 2919.27. (A) No person shall recklessly violate ~~any~~ the 487
terms of a any of the following: 488

(1) A protection order issued or consent agreement approved 489
pursuant to section 2919.26 or 3113.31 of the Revised Code ~~or the~~ 490
~~terms of an~~i 491

(2) An anti-stalking protection order issued pursuant to 492
section 2903.213 of the Revised Codei 493

(3) A protection order issued by a court of another state. 494

(B) Whoever violates this section is guilty of violating a 495
protection order ~~or consent agreement or anti-stalking protection~~ 496
~~order.~~ 497

(1) If the offense involves a violation of a ~~protection order~~ 498
~~or consent agreement~~ division (A)(1) or (3) of this section, one 499
of the following applies: 500

(a) Except as otherwise provided in division (B)(1)(b) of 501
this section, violating a protection order ~~or consent agreement or~~ 502
~~anti-stalking protection order~~ is a misdemeanor of the first 503
degree. 504

(b) If the offender previously has been convicted of or 505
pleaded guilty to two or more violations of section 2903.211 or 506
2911.211 of the Revised Code that involve the same person who is 507

the subject of the protection order or consent agreement or
previously has been convicted of or pleaded guilty to one or more
violations of this section, violating a protection order ~~or~~
~~consent agreement or anti-stalking protection order~~ is a felony of
the fifth degree.

(2) If the offense involves a violation of ~~an anti-stalking~~
~~protection order~~ division (A)(2) of this section, one of the
following applies:

(a) Except as otherwise provided in division (B)(2)(b) of
this section, violating a protection order ~~or consent agreement or~~
~~anti-stalking protection order~~ is a misdemeanor of the first
degree.

(b) If the offender previously has been convicted of or
pleaded guilty to two or more violations of this section or of
former section 2919.27 Of the Revised Code involving an
anti-stalking protection order, two or more violations of section
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code that
involve the same person who is the subject of the anti-stalking
protection order, or two or more violations of section 2903.214 of
the Revised Code as it existed prior to ~~the effective date of this~~
~~amendment~~ July 1, 1996, violating a protection order ~~or consent~~
~~agreement or anti-stalking protection order~~ is a felony of the
fifth degree.

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

(D) As used in this section, "protection order issued by a
court of another state" means an injunction or other order issued
by a criminal court of another state for the purpose of preventing

violent or threatening acts or harassment against, contact or 539
communication with, or physical proximity to another person, 540
including a temporary order and a final order issued in an 541
independent action or as a pendente lite order in a proceeding for 542
other relief, and means an injunction or order of that nature 543
issued by a civil court of another state if the court issued it in 544
response to a complaint, petition, or motion filed by or on behalf 545
of a person seeking protection. "Protection order issued by a 546
court of another state" does not include an order for support or 547
for custody of a child. 548

Sec. 2919.271. (A)(1) If a defendant is charged with a 549
violation of section 2919.27 of the Revised Code or of a municipal 550
ordinance that is substantially similar to that section, the court 551
may order an evaluation of the mental condition of the defendant 552
if the court determines that either of the following criteria 553
apply: 554

(a) If the alleged violation is a violation of a protection 555
order issued or consent agreement approved pursuant to section 556
2919.26 or 3113.31 of the Revised Code, that the violation ~~of the~~ 557
~~protection order or consent agreement~~ allegedly involves conduct 558
by the defendant that caused physical harm to the person or 559
property of a family or household member covered by the order or 560
agreement or conduct by the defendant that caused a family or 561
household member to believe that the defendant would cause 562
physical harm to that member or that member's property. 563

(b) If the alleged violation is a violation of an 564
anti-stalking protection order issued pursuant to section 2903.213 565
of the Revised Code or a protection order issued by a court of 566
another state, that the violation ~~of the anti-stalking protection~~ 567
~~order~~ allegedly involves conduct by the defendant that caused 568
physical harm to the person or property of the person covered by 569

the order or conduct by the defendant that caused the person 570
covered by the order to believe that the defendant would cause 571
physical harm to that person or that person's property. 572

(2) The evaluation shall be completed no later than thirty 573
days from the date the order is entered pursuant to division 574
(A)(1) of this section. In that order, the court shall do either 575
of the following: 576

(a) Order that the evaluation of the mental condition of the 577
defendant be preceded by an examination conducted either by a 578
forensic center that is designated by the department of mental 579
health to conduct examinations and make evaluations of defendants 580
charged with violations of section 2919.27 of the Revised Code or 581
of substantially similar municipal ordinances in the area in which 582
the court is located, or by any other program or facility that is 583
designated by the department of mental health or the department of 584
mental retardation and developmental disabilities to conduct 585
examinations and make evaluations of defendants charged with 586
violations of section 2919.27 of the Revised Code or of 587
substantially similar municipal ordinances, and that is operated 588
by either department or is certified by either department as being 589
in compliance with the standards established under division (J) of 590
section 5119.01 of the Revised Code or division (C) of section 591
5123.04 of the Revised Code. 592

(b) Designate a center, program, or facility other than one 593
designated by the department of mental health or the department of 594
mental retardation and developmental disabilities, as described in 595
division (A)(2)(a) of this section, to conduct the evaluation and 596
preceding examination of the mental condition of the defendant. 597

Whether the court acts pursuant to division (A)(2)(a) or (b) 598
of this section, the court may designate examiners other than the 599
personnel of the center, program, facility, or department involved 600
to make the evaluation and preceding examination of the mental 601

condition of the defendant.

602

(B) If the court considers that additional evaluations of the mental condition of a defendant are necessary following the evaluation authorized by division (A) of this section, the court may order up to two additional similar evaluations. These evaluations shall be completed no later than thirty days from the date the applicable court order is entered. If more than one evaluation of the mental condition of the defendant is ordered under this division, the prosecutor and the defendant may recommend to the court an examiner whom each prefers to perform one of the evaluations and preceding examinations.

603

604

605

606

607

608

609

610

611

612

(C)(1) The court may order a defendant who has been released on bail to submit to an examination under division (A) or (B) of this section. The examination shall be conducted either at the detention facility in which the defendant would have been confined if the defendant had not been released on bail, or, if so specified by the center, program, facility, or examiners involved, at the premises of the center, program, or facility. Additionally, the examination shall be conducted at the times established by the examiners involved. If such a defendant refuses to submit to an examination or a complete examination as required by the court or the center, program, facility, or examiners involved, the court may amend the conditions of the bail of the defendant and order the sheriff to take the defendant into custody and deliver the defendant to the detention facility in which the defendant would have been confined if the defendant had not been released on bail, or, if so specified by the center, program, facility, or examiners involved, to the premises of the center, program, or facility, for purposes of the examination.

613

614

615

616

617

618

619

620

621

622

623

624

625

626

627

628

629

630

(2) A defendant who has not been released on bail shall be examined at the detention facility in which the defendant is confined or, if so specified by the center, program, facility, or

631

632

633

examiners involved, at the premises of the center, program, or 634
facility. 635

(D) The examiner of the mental condition of a defendant under 636
division (A) or (B) of this section shall file a written report 637
with the court within thirty days after the entry of an order for 638
the evaluation of the mental condition of the defendant. The 639
report shall contain the findings of the examiner; the facts in 640
reasonable detail on which the findings are based; the opinion of 641
the examiner as to the mental condition of the defendant; the 642
opinion of the examiner as to whether the defendant represents a 643
substantial risk of physical harm to other persons as manifested 644
by evidence of recent homicidal or other violent behavior, 645
evidence of recent threats that placed other persons in reasonable 646
fear of violent behavior and serious physical harm, or evidence of 647
present dangerousness; and the opinion of the examiner as to the 648
types of treatment or counseling that the defendant needs. The 649
court shall provide copies of the report to the prosecutor and 650
defense counsel. 651

(E) The costs of any evaluation and preceding examination of 652
a defendant that is ordered pursuant to division (A) or (B) of 653
this section shall be taxed as court costs in the criminal case. 654

(F) If the examiner considers it necessary in order to make 655
an accurate evaluation of the mental condition of a defendant, an 656
examiner under division (A) or (B) of this section may request any 657
family or household member of the defendant to provide the 658
examiner with information. A family or household member may, but 659
is not required to, provide information to the examiner upon 660
receipt of such a request. 661

(G) As used in this section: 662

(1) "Bail" includes a recognizance. 663

(2) "Examiner" means a psychiatrist, a licensed social worker 664

at the independent practice level who is employed by a forensic
center that is certified as being in compliance with the standards
established under division (J) of section 5119.01 or division (C)
of section 5123.04 of the Revised Code, a licensed counselor with
clinical endorsement who is employed at a forensic center that is
certified as being in compliance with such standards, or a
licensed clinical psychologist, except that in order to be an
examiner, a licensed clinical psychologist shall meet the criteria
of division (I)(1) of section 5122.01 of the Revised Code or be
employed to conduct examinations by the department of mental
health or by a forensic center certified as being in compliance
with the standards established under division (J) of section
5119.01 or division (C) of section 5123.04 of the Revised Code
that is designated by the department of mental health.

(3) "Family or household member" has the same meaning as in
section 2919.25 of the Revised Code.

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

(5) "Psychiatrist" and "licensed clinical psychologist" have
the same meanings as in section 5122.01 of the Revised Code.

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

Sec. 2919.272. (A) As used in this section, "protection order
issued by a court of another state" has the same meaning as in
section 2919.27 Of the Revised Code.

(B) A person who has obtained a protection order issued by a
court of another state may provide notice of the issuance of the
order to judicial and law enforcement officials in a county of
this state by registering the order in that county and filing a
copy of the registered order with a law enforcement agency in that

county. To register the order, the person shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered. Upon accepting the certified copy of the order for registration, the clerk shall place an endorsement of registration on the order and give the person a copy of the order that bears proof of registration. The person then may file with a law enforcement agency in that county a copy of the order that bears proof of registration.

696
697
698
699
700
701
702
703
704
705
706

(C) The clerk of each court of common pleas and the clerk of each municipal court and county court shall maintain a registry of certified copies of protection orders issued by courts of another state that have been registered with the clerk. Each law enforcement agency shall establish and maintain a registry for protection orders delivered to the agency pursuant to this section. The agency shall note in the registry the date and time that the agency received an order.

707
708
709
710
711
712
713
714

(D) An officer of a law enforcement agency shall enforce a protection order issued by a court of another state in accordance with the provisions of the order, including removing the offender from the premises, regardless of whether the order is registered in the county in which the officer's agency has jurisdiction.

715
716
717
718
719

Sec. 2935.032. (A) Not later than ninety days after the effective date of this section, each agency, instrumentality, or political subdivision that is served by any peace officer described in division (B)(1) of section 2935.03 of the Revised Code shall adopt, in accordance with division (E) of this section, written policies, written procedures implementing the policies, and other written procedures for the peace officers who serve it

720
721
722
723
724
725
726

to follow in implementing division (B)(3) of section 2935.03 of 727
the Revised Code and for their appropriate response to each report 728
of an alleged incident of the offense of domestic violence or an 729
alleged incident of the offense of violating a protection order ~~or~~ 730
~~consent agreement~~. The policies and procedures shall conform to 731
and be consistent with the provisions of divisions (B)(1) and 732
(B)(3) of section 2935.03 of the Revised Code and divisions (B) to 733
(D) of this section. Each policy adopted under this division shall 734
include, but not be limited to, all of the following: 735

(1) Provisions specifying that, if a peace officer who serves 736
the agency, instrumentality, or political subdivision responds to 737
an alleged incident of the offense of domestic violence, an 738
alleged incident of the offense of violating a protection order ~~or~~ 739
~~consent agreement~~, or an alleged incident of any other offense, 740
both of the following apply: 741

(a) If the officer determines that there are reasonable 742
grounds to believe that a person knowingly caused serious physical 743
harm to another or knowingly caused or attempted to cause physical 744
harm to another by means of a deadly weapon or dangerous ordnance, 745
as defined in section 2923.11 of the Revised Code, then, 746
regardless of whether the victim of the offense was a family or 747
household member of the offender, the officer shall treat the 748
incident as felonious assault, shall consider the offender to have 749
committed and the victim to have been the victim of felonious 750
assault, shall consider the offense that was committed to have 751
been felonious assault in determining the manner in which the 752
offender should be treated, and shall comply with whichever of the 753
following is applicable: 754

(i) Unless the officer has reasonable cause to believe that, 755
during the incident, the offender who committed the felonious 756
assault and one or more other persons committed offenses against 757

each other, the officer shall arrest the offender who committed 758
the felonious assault pursuant to section 2935.03 of the Revised 759
Code and shall detain ~~him~~ that offender pursuant to that section 760
until a warrant can be obtained, and the arrest shall be for 761
felonious assault. 762

(ii) If the officer has reasonable cause to believe that, 763
during the incident, the offender who committed the felonious 764
assault and one or more other persons committed offenses against 765
each other, the officer shall determine in accordance with 766
division (B)(3)(d) of section 2935.03 of the Revised Code which of 767
those persons is the primary physical aggressor. If the offender 768
who committed the felonious assault is the primary physical 769
aggressor, the officer shall arrest that offender for felonious 770
assault pursuant to section 2935.03 of the Revised Code and shall 771
detain ~~him~~ that offender pursuant to that section until a warrant 772
can be obtained, and the officer is not required to arrest but may 773
arrest pursuant to section 2935.03 of the Revised Code any other 774
person who committed an offense but who is not the primary 775
physical aggressor. If the offender who committed the felonious 776
assault is not the primary physical aggressor, the officer is not 777
required to arrest that offender or any other person who committed 778
an offense during the incident but may arrest any of them pursuant 779
to section 2935.03 of the Revised Code and detain them pursuant to 780
that section until a warrant can be obtained. 781

(b) If the officer determines that there are reasonable 782
grounds to believe that a person, while under the influence of 783
sudden passion or in a sudden fit of rage, either of which is 784
brought on by serious provocation occasioned by the victim that is 785
reasonably sufficient to incite the person into using deadly 786
force, knowingly caused serious physical harm to another or 787
knowingly caused or attempted to cause physical harm to another by 788
means of a deadly weapon or dangerous ordnance, as defined in 789

section 2923.11 of the Revised Code, then, regardless of whether
the victim of the offense was a family or household member of the
offender, the officer shall treat the incident as aggravated
assault, shall consider the offender to have committed and the
victim to have been the victim of aggravated assault, shall
consider the offense that was committed to have been aggravated
assault in determining the manner in which the offender should be
treated, and shall comply with whichever of the following is
applicable:

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

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

required to arrest that offender or any other person who committed 822
an offense during the incident but may arrest any of them pursuant 823
to section 2935.03 of the Revised Code and detain them pursuant to 824
that section until a warrant can be obtained. 825

(2) Provisions requiring the peace officers who serve the 826
agency, instrumentality, or political subdivision to do all of the 827
following: 828

(a) Respond without undue delay to a report of an alleged 829
incident of the offense of domestic violence ~~or the offense of~~ 830
~~domestic violence~~ or the offense of violating a protection order 831
~~or consent agreement;~~ 832

(b) If the alleged offender has been granted pretrial release 833
from custody on a prior charge of the offense of domestic violence 834
or the offense of violating a protection order ~~or consent~~ 835
~~agreement~~ and has violated one or more conditions of that pretrial 836
release, document the facts and circumstances of the violation in 837
the report to the law enforcement agency ~~he serves~~ that ~~he~~ the 838
peace officer makes pursuant to division (D) of this section; 839

(c) Separate the victim of the offense of domestic violence 840
or the offense of violating a protection order ~~or consent~~ 841
~~agreement~~ and the alleged offender, conduct separate interviews 842
with the victim and the alleged offender in separate locations, 843
and take a written statement from the victim that indicates the 844
frequency and severity of any prior incidents of physical abuse of 845
the victim by the alleged offender, the number of times the victim 846
has called peace officers for assistance, and the disposition of 847
those calls, if known; 848

(d) Comply with divisions (B)(1) and (B)(3) of section 849
2935.03 of the Revised Code and with divisions (B), (C), and (D) 850
of this section. 851

(3) Sanctions to be imposed upon a peace officer who serves 852

the agency, instrumentality, or political subdivision and who 853
fails to comply with any provision in the policy or with division 854
(B)(1) or (B)(3) of section 2935.03 of the Revised Code or 855
division (B), (C), or (D) of this section. 856

(4) Examples of reasons that a peace officer may consider for 857
not arresting and detaining until a warrant can be obtained a 858
person who allegedly committed the offense of domestic violence or 859
the offense of violating a protection order ~~or consent agreement~~ 860
when it is the preferred course of action in this state that the 861
officer arrest the alleged offender, as described in division 862
(B)(3)(b) of section 2935.03 of the Revised Code. 863

(B)(1) Nothing in this section or in division (B)(1) or 864
(B)(3) of section 2935.03 of the Revised Code precludes an agency, 865
instrumentality, or political subdivision that is served by any 866
peace officer described in division (B)(1) of section 2935.03 of 867
the Revised Code from including in the policy it adopts under 868
division (A) of this section either of the following types of 869
provisions: 870

(a) A provision that requires the peace officers who serve 871
it, if they have reasonable grounds to believe that the offense of 872
domestic violence or the offense of violating a protection order 873
~~or consent agreement~~ has been committed within the limits of the 874
jurisdiction of the agency, instrumentality, or political 875
subdivision and reasonable cause to believe that a particular 876
person committed the offense, to arrest the alleged offender; 877

(b) A provision that does not require the peace officers who 878
serve it, if they have reasonable grounds to believe that the 879
offense of domestic violence or the offense of violating a 880
protection order ~~or consent agreement~~ has been committed within 881
the limits of the jurisdiction of the agency, instrumentality, or 882
political subdivision and reasonable cause to believe that a 883

particular person committed the offense, to arrest the alleged 884
offender, but that grants the officers less discretion in those 885
circumstances in deciding whether to arrest the alleged offender 886
than peace officers are granted by divisions (B)(1) and (B)(3) of 887
section 2935.03 of the Revised Code. 888

(2) If an agency, instrumentality, or political subdivision 889
that is served by any peace officer described in division (B)(1) 890
of section 2935.03 of the Revised Code includes in the policy it 891
adopts under division (A) of this section a provision of the type 892
described in division (B)(1)(a) or (b) of this section, the peace 893
officers who serve the agency, instrumentality, or political 894
subdivision shall comply with the provision in making arrests 895
authorized under division (B)(1) of section 2935.03 of the Revised 896
Code. 897

(C) When a peace officer described in division (B)(1) of 898
section 2935.03 of the Revised Code investigates a report of an 899
alleged incident of the offense of domestic violence or an alleged 900
incident of the offense of violating a protection order ~~or consent~~ 901
~~agreement~~, the officer shall do all of the following: 902

(1) Complete a domestic violence report in accordance with 903
division (D) of this section; 904

(2) Advise the victim of the availability of a temporary 905
protection order pursuant to section 2919.26 of the Revised Code 906
or a protection order or consent agreement pursuant to section 907
3113.31 of the Revised Code; 908

(3) Give the victim the officer's name, the officer's badge 909
number if the officer has a badge and the badge has a number, the 910
report number for the incident if a report number is available at 911
the time of the officer's investigation, a telephone number that 912
the victim can call for information about the case, the telephone 913
number of a domestic violence shelter in the area, and information 914

on any local victim advocate program. 915

(D) A peace officer who investigates a report of an alleged 916
incident of the offense of domestic violence or an alleged 917
incident of the offense of violating a protection order ~~or consent~~ 918
~~agreement~~ shall make a written report of the incident whether or 919
not an arrest is made. The report shall document the officer's 920
observations of the victim and the alleged offender, any visible 921
injuries of the victim or alleged offender, any weapons at the 922
scene, the actions of the alleged offender, any statements made by 923
the victim or witnesses, and any other significant facts or 924
circumstances. If the officer does not arrest and detain until a 925
warrant can be obtained a person who allegedly committed the 926
offense of domestic violence or the offense of violating a 927
protection order ~~or consent agreement~~ when it is the preferred 928
course of action in this state pursuant to division (B)(3)(b) of 929
section 2935.03 of the Revised Code that the alleged offender be 930
arrested, the officer must articulate in the report a clear 931
statement of ~~his~~ the officer's reasons for not arresting and 932
detaining that alleged offender until a warrant can be obtained. 933
The officer shall submit the written report to the law enforcement 934
agency to which ~~he~~ the officer has been appointed, employed, or 935
elected. 936

(E) Each agency, instrumentality, or political subdivision 937
that is required to adopt policies and procedures under division 938
(A) of this section shall adopt those policies and procedures in 939
conjunction and consultation with shelters in the community for 940
victims of domestic violence and private organizations, law 941
enforcement agencies, and other public agencies in the community 942
that have expertise in the recognition and handling of domestic 943
violence cases. 944

(F) A peace officer who in good faith arrests an offender for 945
the offense of violating a protection order with respect to a 946

protection order or consent agreement that on its face is valid is 947
immune from liability in a civil action for damages for injury, 948
death, or loss to person or property that allegedly was caused by 949
or related to the arrest. 950

(G) Each agency, instrumentality, or political subdivision 951
described in division (A) of this section that arrests an offender 952
for an alleged incident of the offense of domestic violence or an 953
alleged incident of the offense of violating a protection order 954
shall consider referring the case to federal authorities for 955
prosecution under federal law if the incident constitutes a 956
violation of federal law. 957

(H) as used in this section, "the offense of violating a 958
protection order" includes the former offense of violating a 959
protection order or consent agreement or anti-stalking protection 960
order as set forth in former section 2919.27 of the Revised Code. 961

Sec. 2937.23. (A) In a case involving a felony, the judge or 962
magistrate shall fix the amount of bail. In a case involving a 963
misdemeanor or a violation of a municipal ordinance and not 964
involving a felony, the judge, magistrate, or clerk of the court 965
may fix the amount of bail and may do so in accordance with a 966
schedule previously fixed by the judge or magistrate, or, in a 967
case when the judge, magistrate, or clerk of the court is not 968
readily available, the sheriff, deputy sheriff, marshal, deputy 969
marshal, police officer, or jailer having custody of the person 970
charged may fix the amount of bail in accordance with a schedule 971
previously fixed by the judge or magistrate and shall take the 972
bail only in the county courthouse, the municipal or township 973
building, or the county or municipal jail. In all cases, the bail 974
shall be fixed with consideration of the seriousness of the 975
offense charged, the previous criminal record of the defendant, 976
and the probability of the defendant appearing at the trial of the 977

case.	978
(B) In any case involving an alleged violation of section	979
2919.27 of the Revised Code or of a municipal ordinance that is	980
substantially similar to that section and in which the court finds	981
that either of the following criteria applies, the court shall	982
determine whether it will order an evaluation of the mental	983
condition of the defendant pursuant to section 2919.271 of the	984
Revised Code and, if it decides to so order, shall issue the order	985
requiring that evaluation before it sets bail for the person	986
charged with the violation:	987
(1) Regarding an alleged violation of a temporary protection	988
order or consent agreement, that the violation of the order or	989
agreement allegedly involves conduct by the defendant that caused	990
physical harm to the person or property of a family or household	991
member covered by the order or agreement or conduct by that	992
defendant that caused a family or household member to believe that	993
the defendant would cause physical harm to that member or that	994
member's property;	995
(2) Regarding an alleged violation of an anti-stalking	996
protection order <u>or a protection order issued by a court of</u>	997
<u>another state, as defined in section 2919.27 Of the Revised Code,</u>	998
that the violation of the order allegedly involves conduct by the	999
defendant that caused physical harm to the person or property of	1000
the person covered by the order or conduct by that defendant that	1001
caused the person covered by the order to believe that the	1002
defendant would cause physical harm to that person or that	1003
person's property.	1004
Sec. 3113.31. (A) As used in this section:	1005
(1) "Domestic violence" means the occurrence of one or more	1006
of the following acts against a family or household member:	1007

(a) Attempting to cause or recklessly causing bodily injury;	1008
(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	1009 1010 1011
(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code.	1012 1013 1014
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not have a domestic relations division.	1015 1016 1017 1018
(3) "Family or household member" means any of the following:	1019
(a) Any of the following who is residing with or has resided with the respondent:	1020 1021
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	1022 1023
(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	1024 1025
(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.	1026 1027 1028 1029
(b) The <u>alleged</u> natural parent of any child of whom the respondent is the other natural parent.	1030 1031
(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 one year <u>five years</u> prior to the date of the alleged occurrence of the act in question.	1032 1033 1034 1035 1036 1037

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

1038
1039
1040

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

1041
1042
1043
1044

(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:

1045
1046
1047
1048
1049

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

1050
1051
1052
1053

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

1054
1055

(3) A request for relief under this section.

1056

(D) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court may, for good cause shown at the ex parte hearing, enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence. Immediate and present danger of domestic violence to the family or household member constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member

1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068

with bodily harm or in which the respondent has previously engaged 1069
in domestic violence against the family or household member. 1070

If the court, after an ex parte hearing, issues an order 1071
described in division (E)(1)(b) or (c) of this section, the court 1072
~~shall schedule a full hearing that shall be held,~~ within seven 1073
court days after the ex parte hearing, shall schedule a full 1074
hearing. If any other type of protection order that is authorized 1075
under division (E) of this section is issued by the court after an 1076
ex parte hearing, the ~~full hearing shall be held court,~~ within ten 1077
days after the ex parte hearing, shall schedule a full hearing. 1078
The respondent shall be given notice of, and an opportunity to be 1079
heard at, the full hearing. An ex parte order issued under this 1080
section does not expire because of a failure to serve notice upon 1081
the respondent before the date set for the hearing or because the 1082
court grants a continuance so that notice may be served upon the 1083
respondent. 1084

If a person who files a petition pursuant to this section 1085
does not request an ex parte order, or if a person requests an ex 1086
parte order but the court does not issue an ex parte order after 1087
an ex parte hearing, the court shall proceed as in a normal civil 1088
action and grant a full hearing on the matter. 1089

(E)(1) After an ex parte or full hearing, the court may grant 1090
any protection order, with or without bond, or approve any consent 1091
agreement to bring about a cessation of domestic violence against 1092
the family or household members. The order or agreement may: 1093
1094

(a) Direct the respondent to refrain from abusing the family 1095
or household members; 1096

(b) Grant possession of the residence or household to the 1097
petitioner or other family or household member, to the exclusion 1098
of the respondent, by evicting the respondent, when the residence 1099

or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

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

(d) Temporarily allocate parental rights and responsibilities for the care of, or establish temporary visitation rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or visitation rights;

(e) Require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member;

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

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

(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other

family or household member and the apportionment of household and 1131
family personal property. 1132

(2) If a protection order has been issued pursuant to this 1133
section in a prior action involving the respondent and the 1134
petitioner or one or more of the family or household members, the 1135
court may include in a protection order that it issues a 1136
prohibition against the respondent returning to the residence or 1137
household and a prohibition against the petitioner inviting or 1138
admitting the respondent to the residence or household while the 1139
order is in effect. 1140

(3)(a) Any protection order or approved consent agreement 1141
shall be valid until a date certain, but not later than ~~two~~ five 1142
years from the date of its issuance or approval. 1143

(b) Subject to the limitation on the duration of an order or 1144
agreement set forth in division (E)(3)(a) of this section, any 1145
order under division (E)(1)(d) of this section shall terminate on 1146
the date that a court in an action for divorce, dissolution of 1147
marriage, or legal separation brought by the petitioner or 1148
respondent issues an order allocating parental rights and 1149
responsibilities for the care of children or on the date that a 1150
juvenile court in an action brought by the petitioner or 1151
respondent issues an order awarding legal custody of minor 1152
children. Subject to the limitation on the duration of an order or 1153
agreement set forth in division (E)(3)(a) of this section, any 1154
order under division (E)(1)(e) of this section shall terminate on 1155
the date that a court in an action for divorce, dissolution of 1156
marriage, or legal separation brought by the petitioner or 1157
respondent issues a support order or on the date that a juvenile 1158
court in an action brought by the petitioner or respondent issues 1159
a support order. 1160

(c) Any protection order issued or consent agreement approved 1161

pursuant to this section may be renewed in the same manner as the 1162
original order or agreement was issued or approved. 1163

(4) A court may not issue a protection order that requires a 1164
petitioner to do or to refrain from doing an act that the court 1165
may require a respondent to do or to refrain from doing under 1166
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1167
section unless all of the following apply: 1168

(a) The respondent files a separate petition for a protection 1169
order in accordance with this section. 1170

(b) The petitioner is served notice of the respondent's 1171
petition at least forty-eight hours before the court holds a 1172
hearing with respect to the respondent's petition, or the 1173
petitioner waives the right to receive this notice. 1174

(c) If the petitioner has requested an ex parte order 1175
pursuant to division (D) of this section, the court does not delay 1176
any hearing required by that division beyond the time specified in 1177
that division in order to consolidate the hearing with a hearing 1178
on the petition filed by the respondent. 1179

(d) After a full hearing at which the respondent presents 1180
evidence in support of the request for a protection order and the 1181
petitioner is afforded an opportunity to defend against that 1182
evidence, the court determines that the petitioner has committed 1183
an act of domestic violence or has violated a temporary protection 1184
order issued pursuant to section 2919.26 of the Revised Code, that 1185
both the petitioner and the respondent acted primarily as 1186
aggressors, and that neither the petitioner nor the respondent 1187
acted primarily in self-defense. 1188

(5) No order or agreement under this section shall in any 1189
manner affect title to any real property. 1190

(6)(a) If a petitioner, or the child of a petitioner, who 1191

obtains a protection order or consent agreement pursuant to 1192
division (E)(1) of this section or a temporary protection order 1193
pursuant to section 2919.26 of the Revised Code and is the subject 1194
of a visitation or companionship order issued pursuant to section 1195
3109.051, 3109.11, or 3109.12 of the Revised Code or division 1196
(E)(1)(d) of this section granting visitation or companionship 1197
rights to the respondent, the court may require the public 1198
children services agency of the county in which the court is 1199
located to provide supervision of the respondent's exercise of 1200
visitation or companionship rights with respect to the child for a 1201
period not to exceed nine months, if the court makes the following 1202
findings of fact: 1203

(i) The child is in danger from the respondent; 1204

(ii) No other person or agency is available to provide the 1205
supervision or other services. 1206

(b) A court that requires an agency to provide supervision or 1207
other services pursuant to division (E)(6)(a) of this section 1208
shall order the respondent to reimburse the agency for the cost of 1209
providing the supervision or other services, if it determines that 1210
the respondent has sufficient income or resources to pay that 1211
cost. 1212

(7) If an order or agreement issued or approved under this 1213
section includes a requirement that the respondent be evicted from 1214
or vacate the residence or household or refrain from entering the 1215
residence, school, business, or place of employment of the 1216
petitioner or family or household member, the order or agreement 1217
shall state clearly that the order or agreement cannot be waived 1218
or nullified by an invitation to the respondent from the 1219
petitioner or other family or household member to enter the 1220
residence, school, business, or place of employment or by the 1221
respondent's entry into one of those places otherwise upon the 1222

consent of the petitioner or other family or household member. 1223

(F)(1) A copy of any protection order, or consent agreement, 1224
that is issued or approved under this section shall be issued by 1225
the court to the petitioner, to the respondent, and to all law 1226
enforcement agencies that have jurisdiction to enforce the order 1227
or agreement. The court shall direct that a copy of an order be 1228
delivered to the respondent on the same day that the order is 1229
entered. 1230

(2) All law enforcement agencies shall establish and maintain 1231
an index for the protection orders and the approved consent 1232
agreements delivered to the agencies pursuant to division (F)(1) 1233
of this section. With respect to each order and consent agreement 1234
delivered, each agency shall note on the index, the date and time 1235
that it received the order or consent agreement. 1236

(3) Regardless of whether the petitioner has registered the 1237
order or agreement in the county in which the officer's agency has 1238
jurisdiction pursuant to division (N) of this section, any officer 1239
of a law enforcement agency shall enforce a protection order 1240
issued or consent agreement approved by any court in this state in 1241
accordance with the provisions of the order or agreement, 1242
including removing the respondent from the premises, if 1243
appropriate. 1244

(G) Any proceeding under this section shall be conducted in 1245
accordance with the Rules of Civil Procedure, except that an order 1246
under this section may be obtained with or without bond. An order 1247
issued under this section, other than an ex parte order, that 1248
grants a protection order or that refuses to grant a protection 1249
order is a final, appealable order. The remedies and procedures 1250
provided in this section are in addition to, and not in lieu of, 1251
any other available civil or criminal remedies. 1252

(H) The filing of proceedings under this section does not 1253

excuse a person from filing any report or giving any notice 1254
required by section 2151.421 of the Revised Code or by any other 1255
law. When a petition under this section alleges domestic violence 1256
against minor children, the court shall report the fact, or cause 1257
reports to be made, to a county, township, or municipal peace 1258
officer under section 2151.421 of the Revised Code. 1259

(I) Any law enforcement agency that investigates a domestic 1260
dispute shall provide information to the family or household 1261
members involved regarding the relief available under this section 1262
and section 2919.26 of the Revised Code. 1263

(J) Notwithstanding any provision of law to the contrary, no 1264
court shall charge a fee for the filing of a petition pursuant to 1265
this section. 1266

(K)(1) Each order for support made or modified under this 1267
section on or after December 31, 1993, shall include as part of 1268
the order a general provision, as described in division (A)(1) of 1269
section 3113.21 of the Revised Code, requiring the withholding or 1270
deduction of wages or assets of the obligor under the order as 1271
described in division (D) of section 3113.21 of the Revised Code 1272
or another type of appropriate requirement as described in 1273
division (D)(6), (D)(7), or (H) of that section, to ensure that 1274
withholding or deduction from the wages or assets of the obligor 1275
is available from the commencement of the support order for 1276
collection of the support and of any arrearages that occur; a 1277
statement requiring all parties to the order to notify the child 1278
support enforcement agency in writing of their current mailing 1279
address, their current residence address, and any changes in 1280
either address; and a notice that the requirement to notify the 1281
agency of all changes in either address continues until further 1282
notice from the court. The court shall comply with sections 1283
3113.21 to 3113.219 of the Revised Code when it makes or modifies 1284
an order for child support under this section on or after April 1285

12, 1990.

1286

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

1287
1288
1289
1290
1291
1292
1293
1294
1295
1296

(2) Notwithstanding section 3109.01 of the Revised Code, if a court issues a child support order under this section, the order shall remain in effect beyond the child's eighteenth birthday as long as the child continuously attends on a full-time basis any recognized and accredited high school. Any parent ordered to pay support under a child support order issued under this section shall continue to pay support under the order, including during seasonal vacation periods, until the order terminates.

1297
1298
1299
1300
1301
1302
1303
1304

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

1305
1306
1307

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

1308
1309
1310

(b) Punishment for contempt of court.

1311

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to

1312
1313
1314
1315
1316

credit for the punishment imposed upon conviction of a violation 1317
of that section, and a person convicted of a violation of that 1318
section shall not subsequently be punished for contempt of court 1319
arising out of the same activity. 1320

(M) In all stages of a proceeding under this section, a 1321
petitioner may be accompanied by a victim advocate. 1322

(N)(1) A petitioner who obtains a protection order or consent 1323
agreement under this section or a temporary protection order under 1324
section 2919.26 of the Revised Code may provide notice of the 1325
issuance or approval of the order or agreement to the judicial and 1326
law enforcement officials in any county other than the county in 1327
which the order is issued or the agreement is approved by 1328
registering that order or agreement in the other county pursuant 1329
to division (N)(2) of this section and filing a copy of the 1330
registered order or registered agreement with a law enforcement 1331
agency in the other county in accordance with that division. 1332

1333

(2) A petitioner may register a temporary protection order, 1334
protection order, or consent agreement in a county other than the 1335
county in which the court that issued the order or approved the 1336
agreement is located in the following manner: 1337

(a) The petitioner shall obtain a certified copy of the order 1338
or agreement from the clerk of the court that issued the order or 1339
approved the agreement and present that certified copy to the 1340
clerk of the court of common pleas or the clerk of a municipal 1341
court in the county in which the order or agreement is to be 1342
registered. 1343

(b) Upon accepting the certified copy of the order or 1344
agreement for registration, the clerk of the court of common pleas 1345
or municipal court shall place an endorsement of registration on 1346
the order or agreement and give the petitioner a copy of the order 1347

or agreement that bears that proof of registration. 1348

(3) The clerk of each court of common pleas and the clerk of 1349
each municipal court shall maintain a registry of certified copies 1350
of temporary protection orders, protection orders, or consent 1351
agreements that have been issued or approved by courts in other 1352
counties and that have been registered with the clerk. 1353

(4) If a petitioner who obtains a protection order or consent 1354
agreement under this section or a temporary protection order under 1355
section 2919.26 of the Revised Code wishes to register the order 1356
or agreement in any county other than the county in which the 1357
order was issued or the agreement was approved, pursuant to 1358
divisions (N)(1) to (3) of this section, and if the petitioner is 1359
indigent, both of the following apply: 1360

(a) If the petitioner submits to the clerk of the court that 1361
issued the order or approved the agreement satisfactory proof that 1362
the petitioner is indigent, the clerk may waive any fee that 1363
otherwise would be required for providing the petitioner with a 1364
certified copy of the order or agreement to be used for purposes 1365
of divisions (N)(1) to (3) of this section; 1366

(b) If the petitioner submits to the clerk of the court of 1367
common pleas or the clerk of a municipal court in the county in 1368
which the order or agreement is to be registered satisfactory 1369
proof that the petitioner is indigent, the clerk may waive any fee 1370
that otherwise would be required for accepting for registration a 1371
certified copy of the order or agreement, for placing an 1372
endorsement of registration on the order or agreement, or for 1373
giving the petitioner a copy of the order or agreement that bears 1374
the proof of registration. 1375

(O) This is an interim section effective until July 1, 1997. 1376

Sec. 3113.33. As used in sections 3113.33 to 3113.39 of the 1377

Revised Code:	1378
(A) "Domestic violence" means attempting to cause or causing bodily injury to a family or household member, or placing a family or household member by threat of force in fear of imminent physical harm.	1379 1380 1381 1382
(B) "Family or household member" means any of the following:	1383
(1) Any of the following who is residing or has resided with the person committing the domestic violence:	1384 1385
(a) A spouse, a person living as a spouse, or a former spouse of the person committing the domestic violence;	1386 1387
(b) A parent or child of the person committing the domestic violence, or another person related by consanguinity or affinity to the person committing the domestic violence;	1388 1389 1390
(c) A parent or a child of a spouse, person living as a spouse, or former spouse of the person committing the domestic violence, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the person committing the domestic violence;	1391 1392 1393 1394 1395
(d) The dependents of any person listed in division (B)(1)(a), (b), or (c) of this section.	1396 1397
(2) The <u>alleged</u> natural parent of any child of whom the person committing the domestic violence is the other natural parent.	1398 1399 1400
(C) "Shelter for victims of domestic violence" or "shelter" means a facility that provides temporary residential service or facilities to family or household members who are victims of domestic violence.	1401 1402 1403 1404
(D) "Person living as a spouse" means a person who is living or has lived with the person committing the domestic violence in a	1405 1406

common law marital relationship, who otherwise is cohabiting with 1407
the person committing the domestic violence, or who otherwise has 1408
cohabited with the person committing the domestic violence within 1409
~~one year~~ five years prior to the date of the alleged occurrence of 1410
the act in question. 1411

Section 2. That existing sections 737.11, 1901.18, 1901.19, 1412
1907.18, 2919.25, 2919.26, 2919.27, 2919.271, 2935.032, 2937.23, 1413
3113.31, and 3113.33 of the Revised Code are hereby repealed. 1414

Section 3. That section 1901.19 of the Revised Code, as 1415
amended by Am. Sub. H.B. 438 of the 121st General Assembly, and 1416
section 3113.31 of the Revised Code, as amended by Sub. H.B. 274 1417
and Am. Sub. H.B. 438 of the 121st General Assembly, be amended to 1418
read as follows: 1419

Sec. 1901.19. (A) Subject to the monetary jurisdiction of 1420
municipal courts as set forth in section 1901.17 of the Revised 1421
Code and the subject matter jurisdiction of municipal courts as 1422
set forth in section 1901.18 of the Revised Code, a municipal 1423
court and a housing or environmental division of a municipal court 1424
have jurisdiction within its territory to perform all of the 1425
following functions: 1426

(1) To compel attendance of witnesses in any pending action 1427
or proceeding in the same manner as the court of common pleas; 1428

(2) To issue executions on its own judgments; 1429

(3) In any legal or equitable action or proceeding, to 1430
enforce the collection of its own judgments; 1431

(4) To issue and enforce any order of attachment; 1432

(5) In any action or proceeding in the nature of creditors' 1433
bills, and in aid of execution, to subject the interest of a 1434

judgment debtor in personal property to the payment of a judgment 1435
of the court; 1436

(6) To issue and enforce temporary protection orders pursuant 1437
to section 2919.26 of the Revised Code and anti-stalking 1438
protection orders pursuant to section 2903.213 of the Revised Code 1439
and to enforce protection orders issued by courts of another 1440
state, as defined in section 2919.27 Of the Revised Code. 1441

(B) Subject to the limitation set forth in this division, a 1442
municipal court or a housing or environmental division of a 1443
municipal court has jurisdiction outside its territory in a 1444
proceeding in aid of execution to subject to the payment of the 1445
judgment the interest in personal property of a judgment debtor 1446
under a judgment rendered by the court or division. The 1447
jurisdiction provided in this division includes the county or 1448
counties in which the territory of the court or division in 1449
question is situated and any county that is contiguous to that in 1450
which the court or division is located. A court or division that 1451
has jurisdiction under this division outside its territory in a 1452
proceeding in aid of execution has the same powers, duties, and 1453
functions relative to the proceeding that it has relative to 1454
proceedings in aid of execution over which it has jurisdiction 1455
other than under this division. 1456

(C)(1) In any action for garnishment of personal earnings 1457
brought in a municipal court, the court has jurisdiction to serve 1458
process pursuant to section 2716.05 of the Revised Code upon a 1459
garnishee who resides in a county contiguous to that in which the 1460
court is located. 1461

(2) In any action for garnishment of property, other than 1462
personal earnings, brought in a municipal court under section 1463
2716.11 of the Revised Code, the court has jurisdiction to serve 1464
process pursuant to section 2716.13 of the Revised Code upon a 1465

garnishee who resides in a county contiguous to that in which the court is located. 1466
1467

(3) Whenever a motion for attachment is filed in a municipal court under section 2715.03 of the Revised Code, the court has jurisdiction to serve process pursuant to section 2715.091 of the Revised Code upon a garnishee who resides in a county contiguous to that in which the court is located. 1468
1469
1470
1471
1472

(D) The municipal court of Cleveland also has jurisdiction in all actions and proceedings in the nature of creditors' bills, and in aid of execution to subject the interests of a judgment debtor in real or personal property to the payment of a judgment of the court. In such actions and proceedings, the court may proceed to marshal and foreclose all liens on the property irrespective of the amount of the lien, and all vested or contingent rights in the property. 1473
1474
1475
1476
1477
1478
1479
1480

Sec. 3113.31. (A) As used in this section: 1481

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member: 1482
1483

(a) Attempting to cause or recklessly causing bodily injury; 1484

(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code; 1485
1486
1487

(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code. 1488
1489
1490

(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not have a domestic relations division. 1491
1492
1493
1494

(3) "Family or household member" means any of the following:	1495
(a) Any of the following who is residing with or has resided with the respondent:	1496
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	1497
(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	1498
(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.	1499
(b) The <u>alleged</u> natural parent of any child of whom the respondent is the other natural parent.	1500
(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 one year <u>five years</u> prior to the date of the alleged occurrence of the act in question.	1501
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	1502
(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.	1503
(C) A person may seek relief under this section the person on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The	1504
	1505
	1506
	1507
	1508
	1509
	1510
	1511
	1512
	1513
	1514
	1515
	1516
	1517
	1518
	1519
	1520
	1521
	1522
	1523
	1524

petition shall contain or state: 1525

(1) An allegation that the respondent engaged in domestic 1526
violence against a family or household member of the respondent, 1527
including a description of the nature and extent of the domestic 1528
violence; 1529

(2) The relationship of the respondent to the petitioner, and 1530
to the victim if other than the petitioner; 1531

(3) A request for relief under this section. 1532

(D) If a person who files a petition pursuant to this section 1533
requests an ex parte order, the court shall hold an ex parte 1534
hearing on the same day that the petition is filed. The court may, 1535
for good cause shown at the ex parte hearing, enter any temporary 1536
orders, with or without bond, including, but not limited to, an 1537
order described in division (E)(1)(a), (b), or (c) of this 1538
section, that the court finds necessary to protect the family or 1539
household member from domestic violence. Immediate and present 1540
danger of domestic violence to the family or household member 1541
constitutes good cause for purposes of this section. Immediate and 1542
present danger includes, but is not limited to, situations in 1543
which the respondent has threatened the family or household member 1544
with bodily harm or in which the respondent has previously engaged 1545
in domestic violence against the family or household member. 1546

If the court, after an ex parte hearing, issues an order 1547
described in division (E)(1)(b) or (c) of this section, the court 1548
~~shall schedule a full hearing that shall be held,~~ within seven 1549
court days after the ex parte hearing, shall schedule a full 1550
hearing. If any other type of protection order that is authorized 1551
under division (E) of this section is issued by the court after an 1552
ex parte hearing, the ~~full hearing shall be held~~ court, within ten 1553
days after the ex parte hearing, shall schedule a full hearing. 1554
The respondent shall be given notice of, and an opportunity to be 1555

heard at, the full hearing. An ex parte order issued under this 1556
section does not expire because of a failure to serve notice upon 1557
the respondent before the date set for the hearing or because the 1558
court grants a continuance so that notice may be served upon the 1559
respondent. 1560

If a person who files a petition pursuant to this section 1561
does not request an ex parte order, or if a person requests an ex 1562
parte order but the court does not issue an ex parte order after 1563
an ex parte hearing, the court shall proceed as in a normal civil 1564
action and grant a full hearing on the matter. 1565

(E)(1) After an ex parte or full hearing, the court may grant 1566
any protection order, with or without bond, or approve any consent 1567
agreement to bring about a cessation of domestic violence against 1568
the family or household members. The order or agreement may: 1569
1570

(a) Direct the respondent to refrain from abusing the family 1571
or household members; 1572

(b) Grant possession of the residence or household to the 1573
petitioner or other family or household member, to the exclusion 1574
of the respondent, by evicting the respondent, when the residence 1575
or household is owned or leased solely by the petitioner or other 1576
family or household member, or by ordering the respondent to 1577
vacate the premises, when the residence or household is jointly 1578
owned or leased by the respondent, and the petitioner or other 1579
family or household member; 1580

(c) When the respondent has a duty to support the petitioner 1581
or other family or household member living in the residence or 1582
household and the respondent is the sole owner or lessee of the 1583
residence or household, grant possession of the residence or 1584
household to the petitioner or other family or household member, 1585
to the exclusion of the respondent, by ordering the respondent to 1586

vacate the premises, or, in the case of a consent agreement, allow 1587
the respondent to provide suitable, alternative housing; 1588

(d) Temporarily allocate parental rights and responsibilities 1589
for the care of, or establish temporary visitation rights with 1590
regard to, minor children, if no other court has determined, or is 1591
determining, the allocation of parental rights and 1592
responsibilities for the minor children or visitation rights; 1593
1594

(e) Require the respondent to maintain support, if the 1595
respondent customarily provides for or contributes to the support 1596
of the family or household member, or if the respondent has a duty 1597
to support the petitioner or family or household member; 1598

(f) Require the respondent, petitioner, victim of domestic 1599
violence, or any combination of those persons, to seek counseling; 1600

(g) Require the respondent to refrain from entering the 1601
residence, school, business, or place of employment of the 1602
petitioner or family or household member; 1603

(h) Grant other relief that the court considers equitable and 1604
fair, including, but not limited to, ordering the respondent to 1605
permit the use of a motor vehicle by the petitioner or other 1606
family or household member and the apportionment of household and 1607
family personal property. 1608

(2) If a protection order has been issued pursuant to this 1609
section in a prior action involving the respondent and the 1610
petitioner or one or more of the family or household members, the 1611
court may include in a protection order that it issues a 1612
prohibition against the respondent returning to the residence or 1613
household and a prohibition against the petitioner inviting or 1614
admitting the respondent to the residence or household while the 1615
order is in effect. 1616

(3)(a) Any protection order or approved consent agreement 1617
shall be valid until a date certain, but not later than ~~two~~ five 1618
years from the date of its issuance or approval. 1619

(b) Subject to the limitation on the duration of an order or 1620
agreement set forth in division (E)(3)(a) of this section, any 1621
order under division (E)(1)(d) of this section shall terminate on 1622
the date that a court in an action for divorce, dissolution of 1623
marriage, or legal separation brought by the petitioner or 1624
respondent issues an order allocating parental rights and 1625
responsibilities for the care of children or on the date that a 1626
juvenile court in an action brought by the petitioner or 1627
respondent issues an order awarding legal custody of minor 1628
children. Subject to the limitation on the duration of an order or 1629
agreement set forth in division (E)(3)(a) of this section, any 1630
order under division (E)(1)(e) of this section shall terminate on 1631
the date that a court in an action for divorce, dissolution of 1632
marriage, or legal separation brought by the petitioner or 1633
respondent issues a support order or on the date that a juvenile 1634
court in an action brought by the petitioner or respondent issues 1635
a support order. 1636

(c) Any protection order issued or consent agreement approved 1637
pursuant to this section may be renewed in the same manner as the 1638
original order or agreement was issued or approved. 1639

(4) A court may not issue a protection order that requires a 1640
petitioner to do or to refrain from doing an act that the court 1641
may require a respondent to do or to refrain from doing under 1642
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1643
section unless all of the following apply: 1644

(a) The respondent files a separate petition for a protection 1645
order in accordance with this section. 1646

(b) The petitioner is served notice of the respondent's 1647

petition at least forty-eight hours before the court holds a 1648
hearing with respect to the respondent's petition, or the 1649
petitioner waives the right to receive this notice. 1650

(c) If the petitioner has requested an ex parte order 1651
pursuant to division (D) of this section, the court does not delay 1652
any hearing required by that division beyond the time specified in 1653
that division in order to consolidate the hearing with a hearing 1654
on the petition filed by the respondent. 1655

(d) After a full hearing at which the respondent presents 1656
evidence in support of the request for a protection order and the 1657
petitioner is afforded an opportunity to defend against that 1658
evidence, the court determines that the petitioner has committed 1659
an act of domestic violence or has violated a temporary protection 1660
order issued pursuant to section 2919.26 of the Revised Code, that 1661
both the petitioner and the respondent acted primarily as 1662
aggressors, and that neither the petitioner nor the respondent 1663
acted primarily in self-defense. 1664

(5) No order or agreement under this section shall in any 1665
manner affect title to any real property. 1666

(6)(a) If a petitioner, or the child of a petitioner, who 1667
obtains a protection order or consent agreement pursuant to 1668
division (E)(1) of this section or a temporary protection order 1669
pursuant to section 2919.26 of the Revised Code and is the subject 1670
of a visitation or companionship order issued pursuant to section 1671
3109.051, 3109.11, or 3109.12 of the Revised Code or division 1672
(E)(1)(d) of this section granting visitation or companionship 1673
rights to the respondent, the court may require the public 1674
children services agency of the county in which the court is 1675
located to provide supervision of the respondent's exercise of 1676
visitation or companionship rights with respect to the child for a 1677
period not to exceed nine months, if the court makes the following 1678

findings of fact: 1679

(i) The child is in danger from the respondent; 1680

(ii) No other person or agency is available to provide the 1681
supervision or other services. 1682

(b) A court that requires an agency to provide supervision or 1683
other services pursuant to division (E)(6)(a) of this section 1684
shall order the respondent to reimburse the agency for the cost of 1685
providing the supervision or other services, if it determines that 1686
the respondent has sufficient income or resources to pay that 1687
cost. 1688

(7) If an order or agreement issued or approved under this 1689
section includes a requirement that the respondent be evicted from 1690
or vacate the residence or household or refrain from entering the 1691
residence, school, business, or place of employment of the 1692
petitioner or family or household member, the order or agreement 1693
shall state clearly that the order or agreement cannot be waived 1694
or nullified by an invitation to the respondent from the 1695
petitioner or other family or household member to enter the 1696
residence, school, business, or place of employment or by the 1697
respondent's entry into one of those places otherwise upon the 1698
consent of the petitioner or other family or household member. 1699

(F)(1) A copy of any protection order, or consent agreement, 1700
that is issued or approved under this section shall be issued by 1701
the court to the petitioner, to the respondent, and to all law 1702
enforcement agencies that have jurisdiction to enforce the order 1703
or agreement. The court shall direct that a copy of an order be 1704
delivered to the respondent on the same day that the order is 1705
entered. 1706

(2) All law enforcement agencies shall establish and maintain 1707
an index for the protection orders and the approved consent 1708
agreements delivered to the agencies pursuant to division (F)(1) 1709

of this section. With respect to each order and consent agreement 1710
delivered, each agency shall note on the index, the date and time 1711
that it received the order or consent agreement. 1712

(3) Regardless of whether the petitioner has registered the 1713
order or agreement in the county in which the officer's agency has 1714
jurisdiction pursuant to division (N) of this section, any officer 1715
of a law enforcement agency shall enforce a protection order 1716
issued or consent agreement approved by any court in this state in 1717
accordance with the provisions of the order or agreement, 1718
including removing the respondent from the premises, if 1719
appropriate. 1720

(G) Any proceeding under this section shall be conducted in 1721
accordance with the Rules of Civil Procedure, except that an order 1722
under this section may be obtained with or without bond. An order 1723
issued under this section, other than an ex parte order, that 1724
grants a protection order or that refuses to grant a protection 1725
order is a final, appealable order. The remedies and procedures 1726
provided in this section are in addition to, and not in lieu of, 1727
any other available civil or criminal remedies. 1728

(H) The filing of proceedings under this section does not 1729
excuse a person from filing any report or giving any notice 1730
required by section 2151.421 of the Revised Code or by any other 1731
law. When a petition under this section alleges domestic violence 1732
against minor children, the court shall report the fact, or cause 1733
reports to be made, to a county, township, or municipal peace 1734
officer under section 2151.421 of the Revised Code. 1735

(I) Any law enforcement agency that investigates a domestic 1736
dispute shall provide information to the family or household 1737
members involved regarding the relief available under this section 1738
and section 2919.26 of the Revised Code. 1739

(J) Notwithstanding any provision of law to the contrary, no 1740

court shall charge a fee for the filing of a petition pursuant to 1741
this section. 1742

(K)(1) Each order for support made or modified under this 1743
section on or after December 31, 1993, shall include as part of 1744
the order a general provision, as described in division (A)(1) of 1745
section 3113.21 of the Revised Code, requiring the withholding or 1746
deduction of wages or assets of the obligor under the order as 1747
described in division (D) of section 3113.21 of the Revised Code 1748
or another type of appropriate requirement as described in 1749
division (D)(6), (D)(7), or (H) of that section, to ensure that 1750
withholding or deduction from the wages or assets of the obligor 1751
is available from the commencement of the support order for 1752
collection of the support and of any arrearages that occur; a 1753
statement requiring all parties to the order to notify the child 1754
support enforcement agency in writing of their current mailing 1755
address, their current residence address, and any changes in 1756
either address; and a notice that the requirement to notify the 1757
agency of all changes in either address continues until further 1758
notice from the court. The court shall comply with sections 1759
3113.21 to 3113.219 of the Revised Code when it makes or modifies 1760
an order for child support under this section on or after April 1761
12, 1990. 1762

If any person required to pay child support under an order 1763
made under this section on or after April 15, 1985, or modified 1764
under this section on or after December 31, 1986, is found in 1765
contempt of court for failure to make support payments under the 1766
order, the court that makes the finding, in addition to any other 1767
penalty or remedy imposed, shall assess all court costs arising 1768
out of the contempt proceeding against the person and require the 1769
person to pay any reasonable attorney's fees of any adverse party, 1770
as determined by the court, that arose in relation to the act of 1771
contempt. 1772

(2) Notwithstanding section 3109.01 of the Revised Code, if a court issues a child support order under this section, the order shall remain in effect beyond the child's eighteenth birthday as long as the child continuously attends on a full-time basis any recognized and accredited high school. Any parent ordered to pay support under a child support order issued under this section shall continue to pay support under the order, including during seasonal vacation periods, until the order terminates.

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

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

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

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

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in

which the order is issued or the agreement is approved by 1804
registering that order or agreement in the other county pursuant 1805
to division (N)(2) of this section and filing a copy of the 1806
registered order or registered agreement with a law enforcement 1807
agency in the other county in accordance with that division. 1808
1809

(2) A petitioner may register a temporary protection order, 1810
protection order, or consent agreement in a county other than the 1811
county in which the court that issued the order or approved the 1812
agreement is located in the following manner: 1813

(a) The petitioner shall obtain a certified copy of the order 1814
or agreement from the clerk of the court that issued the order or 1815
approved the agreement and present that certified copy to the 1816
clerk of the court of common pleas or the clerk of a municipal 1817
court or county court in the county in which the order or 1818
agreement is to be registered. 1819

(b) Upon accepting the certified copy of the order or 1820
agreement for registration, the clerk of the court of common 1821
pleas, municipal court, or county court shall place an endorsement 1822
of registration on the order or agreement and give the petitioner 1823
a copy of the order or agreement that bears that proof of 1824
registration. 1825

(3) The clerk of each court of common pleas, the clerk of 1826
each municipal court, and the clerk of each county court shall 1827
maintain a registry of certified copies of temporary protection 1828
orders, protection orders, or consent agreements that have been 1829
issued or approved by courts in other counties and that have been 1830
registered with the clerk. 1831

(4) If a petitioner who obtains a protection order or consent 1832
agreement under this section or a temporary protection order under 1833
section 2919.26 of the Revised Code wishes to register the order 1834

or agreement in any county other than the county in which the
order was issued or the agreement was approved, pursuant to
divisions (N)(1) to (3) of this section, and if the petitioner is
indigent, both of the following apply:

(a) If the petitioner submits to the clerk of the court that
issued the order or approved the agreement satisfactory proof that
the petitioner is indigent, the clerk may waive any fee that
otherwise would be required for providing the petitioner with a
certified copy of the order or agreement to be used for purposes
of divisions (N)(1) to (3) of this section;

(b) If the petitioner submits to the clerk of the court of
common pleas or the clerk of a municipal court or county court in
the county in which the order or agreement is to be registered
satisfactory proof that the petitioner is indigent, the clerk may
waive any fee that otherwise would be required for accepting for
registration a certified copy of the order or agreement, for
placing an endorsement of registration on the order or agreement,
or for giving the petitioner a copy of the order or agreement that
bears the proof of registration.

Section 4. That all existing versions of sections 1901.19 and
3113.31 of the Revised Code are hereby repealed.

Section 5. Sections 3 and 4 of this act shall take effective
July 1, 1997.

Section 6. Section 3113.31 of the Revised Code is presented
in Section 3 of this act as a composite of the section as amended
by both Sub. H.B. 274 and Am. Sub. H.B. 438 of the 121st General
Assembly, with the new language of neither of the acts shown in
capital letters. This is in recognition of the principle stated in
division (B) of section 1.52 of the Revised Code that such
amendments are to be harmonized where not substantively

irreconcilable and constitutes a legislative finding that such is	1865
the resulting version in effect on the effective date of Sections	1866
3 and 4 of this act.	1867