

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 392

Representatives Sykes, Kuhns

**Cosponsors: Representatives Bishoff, Butler, Clyde, DeVitis, Driehaus, Fedor,
Howse, Smith, K., Lepore-Hagan, Ramos, Reece, Sheehy, Stinziano**

A BILL

To amend sections 109.42, 2151.23, and 3113.33 and 1
to enact section 3113.311 of the Revised Code to 2
authorize the issuance of domestic violence 3
protection orders with respect to conduct 4
directed at an intimate partner, to provide 5
access to domestic violence shelters for 6
intimate partners who are victims of domestic 7
violence, and to require the Attorney General's 8
victim's bill of rights pamphlet to include a 9
notice that an intimate partner who is the 10
victim of domestic violence has the right to 11
petition for a civil protection order. 12

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

Section 1. That sections 109.42, 2151.23, and 3113.33 be 13
amended and section 3113.311 of the Revised Code be enacted to 14
read as follows: 15

Sec. 109.42. (A) The attorney general shall prepare and 16
have printed a pamphlet that contains a compilation of all 17
statutes relative to victim's rights in which the attorney 18

general lists and explains the statutes in the form of a 19
victim's bill of rights. The attorney general shall distribute 20
the pamphlet to all sheriffs, marshals, municipal corporation 21
and township police departments, constables, and other law 22
enforcement agencies, to all prosecuting attorneys, city 23
directors of law, village solicitors, and other similar chief 24
legal officers of municipal corporations, and to organizations 25
that represent or provide services for victims of crime. The 26
victim's bill of rights set forth in the pamphlet shall contain 27
a description of all of the rights of victims that are provided 28
for in Chapter 2930. or in any other section of the Revised Code 29
and shall include, but not be limited to, all of the following: 30

(1) The right of a victim or a victim's representative to 31
attend a proceeding before a grand jury, in a juvenile case, or 32
in a criminal case pursuant to a subpoena without being 33
discharged from the victim's or representative's employment, 34
having the victim's or representative's employment terminated, 35
having the victim's or representative's pay decreased or 36
withheld, or otherwise being punished, penalized, or threatened 37
as a result of time lost from regular employment because of the 38
victim's or representative's attendance at the proceeding 39
pursuant to the subpoena, as set forth in section 2151.211, 40
2930.18, 2939.121, or 2945.451 of the Revised Code; 41

(2) The potential availability pursuant to section 42
2151.359 or 2152.61 of the Revised Code of a forfeited 43
recognizance to pay damages caused by a child when the 44
delinquency of the child or child's violation of probation or 45
community control is found to be proximately caused by the 46
failure of the child's parent or guardian to subject the child 47
to reasonable parental authority or to faithfully discharge the 48
conditions of probation or community control; 49

(3) The availability of awards of reparations pursuant to 50
sections 2743.51 to 2743.72 of the Revised Code for injuries 51
caused by criminal offenses; 52

(4) The right of the victim in certain criminal or 53
juvenile cases or a victim's representative to receive, pursuant 54
to section 2930.06 of the Revised Code, notice of the date, 55
time, and place of the trial or delinquency proceeding in the 56
case or, if there will not be a trial or delinquency proceeding, 57
information from the prosecutor, as defined in section 2930.01 58
of the Revised Code, regarding the disposition of the case; 59

(5) The right of the victim in certain criminal or 60
juvenile cases or a victim's representative to receive, pursuant 61
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 62
notice of the name of the person charged with the violation, the 63
case or docket number assigned to the charge, and a telephone 64
number or numbers that can be called to obtain information about 65
the disposition of the case; 66

(6) The right of the victim in certain criminal or 67
juvenile cases or of the victim's representative pursuant to 68
section 2930.13 or 2930.14 of the Revised Code, subject to any 69
reasonable terms set by the court as authorized under section 70
2930.14 of the Revised Code, to make a statement about the 71
victimization and, if applicable, a statement relative to the 72
sentencing or disposition of the offender; 73

(7) The opportunity to obtain a court order, pursuant to 74
section 2945.04 of the Revised Code, to prevent or stop the 75
commission of the offense of intimidation of a crime victim or 76
witness or an offense against the person or property of the 77
complainant, or of the complainant's ward or child; 78

(8) The right of the victim in certain criminal or 79
juvenile cases or a victim's representative pursuant to sections 80
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 81
Code to receive notice of a pending motion for judicial release, 82
release pursuant to section 2967.19 of the Revised Code, or 83
other early release of the person who committed the offense 84
against the victim, to make an oral or written statement at the 85
court hearing on the motion, and to be notified of the court's 86
decision on the motion; 87

(9) The right of the victim in certain criminal or 88
juvenile cases or a victim's representative pursuant to section 89
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 90
receive notice of any pending commutation, pardon, parole, 91
transitional control, discharge, other form of authorized 92
release, post-release control, or supervised release for the 93
person who committed the offense against the victim or any 94
application for release of that person and to send a written 95
statement relative to the victimization and the pending action 96
to the adult parole authority or the release authority of the 97
department of youth services; 98

(10) The right of the victim to bring a civil action 99
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 100
obtain money from the offender's profit fund; 101

(11) The right, pursuant to section 3109.09 of the Revised 102
Code, to maintain a civil action to recover compensatory damages 103
not exceeding ten thousand dollars and costs from the parent of 104
a minor who willfully damages property through the commission of 105
an act that would be a theft offense, as defined in section 106
2913.01 of the Revised Code, if committed by an adult; 107

(12) The right, pursuant to section 3109.10 of the Revised 108

Code, to maintain a civil action to recover compensatory damages 109
not exceeding ten thousand dollars and costs from the parent of 110
a minor who willfully and maliciously assaults a person; 111

(13) The possibility of receiving restitution from an 112
offender or a delinquent child pursuant to section 2152.20, 113
2929.18, or 2929.28 of the Revised Code; 114

(14) The right of the victim in certain criminal or 115
juvenile cases or a victim's representative, pursuant to section 116
2930.16 of the Revised Code, to receive notice of the escape 117
from confinement or custody of the person who committed the 118
offense, to receive that notice from the custodial agency of the 119
person at the victim's last address or telephone number provided 120
to the custodial agency, and to receive notice that, if either 121
the victim's address or telephone number changes, it is in the 122
victim's interest to provide the new address or telephone number 123
to the custodial agency; 124

(15) The right of a victim of domestic violence to seek 125
the issuance of a civil protection order pursuant to ~~section~~ 126
sections 3113.31 and 3113.311 of the Revised Code, the right of 127
a victim of a violation of section 2903.14, 2909.06, 2909.07, 128
2911.12, 2911.211, or 2919.22 of the Revised Code, a violation 129
of a substantially similar municipal ordinance, or an offense of 130
violence who is a family or household member of the offender at 131
the time of the offense to seek the issuance of a temporary 132
protection order pursuant to section 2919.26 of the Revised 133
Code, and the right of both types of victims to be accompanied 134
by a victim advocate during court proceedings; 135

(16) The right of a victim of a sexually oriented offense 136
or of a child-victim oriented offense that is committed by a 137
person who is convicted of, pleads guilty to, or is adjudicated 138

a delinquent child for committing the offense and who is in a 139
category specified in division (B) of section 2950.10 of the 140
Revised Code to receive, pursuant to that section, notice that 141
the person has registered with a sheriff under section 2950.04, 142
2950.041, or 2950.05 of the Revised Code and notice of the 143
person's name, the person's residence that is registered, and 144
the offender's school, institution of higher education, or place 145
of employment address or addresses that are registered, the 146
person's photograph, and a summary of the manner in which the 147
victim must make a request to receive the notice. As used in 148
this division, "sexually oriented offense" and "child-victim 149
oriented offense" have the same meanings as in section 2950.01 150
of the Revised Code. 151

(17) The right of a victim of certain sexually violent 152
offenses committed by an offender who also is convicted of or 153
pleads guilty to a sexually violent predator specification and 154
who is sentenced to a prison term pursuant to division (A) (3) of 155
section 2971.03 of the Revised Code, of a victim of a violation 156
of division (A) (1) (b) of section 2907.02 of the Revised Code 157
committed on or after January 2, 2007, by an offender who is 158
sentenced for the violation pursuant to division (B) (1) (a), (b), 159
or (c) of section 2971.03 of the Revised Code, of a victim of an 160
attempted rape committed on or after January 2, 2007, by an 161
offender who also is convicted of or pleads guilty to a 162
specification of the type described in section 2941.1418, 163
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 164
the violation pursuant to division (B) (2) (a), (b), or (c) of 165
section 2971.03 of the Revised Code, and of a victim of an 166
offense that is described in division (B) (3) (a), (b), (c), or 167
(d) of section 2971.03 of the Revised Code and is committed by 168
an offender who is sentenced pursuant to one of those divisions 169

to receive, pursuant to section 2930.16 of the Revised Code, 170
notice of a hearing to determine whether to modify the 171
requirement that the offender serve the entire prison term in a 172
state correctional facility, whether to continue, revise, or 173
revoke any existing modification of that requirement, or whether 174
to terminate the prison term. As used in this division, 175
"sexually violent offense" and "sexually violent predator 176
specification" have the same meanings as in section 2971.01 of 177
the Revised Code. 178

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 179
prosecuting attorney, assistant prosecuting attorney, city 180
director of law, assistant city director of law, village 181
solicitor, assistant village solicitor, or similar chief legal 182
officer of a municipal corporation or an assistant of any of 183
those officers who prosecutes an offense committed in this 184
state, upon first contact with the victim of the offense, the 185
victim's family, or the victim's dependents, shall give the 186
victim, the victim's family, or the victim's dependents a copy 187
of the pamphlet prepared pursuant to division (A) of this 188
section and explain, upon request, the information in the 189
pamphlet to the victim, the victim's family, or the victim's 190
dependents. 191

(b) Subject to division (B) (1) (c) of this section, a law 192
enforcement agency that investigates an offense or delinquent 193
act committed in this state shall give the victim of the offense 194
or delinquent act, the victim's family, or the victim's 195
dependents a copy of the pamphlet prepared pursuant to division 196
(A) of this section at one of the following times: 197

(i) Upon first contact with the victim, the victim's 198
family, or the victim's dependents; 199

(ii) If the offense or delinquent act is an offense of 200
violence, if the circumstances of the offense or delinquent act 201
and the condition of the victim, the victim's family, or the 202
victim's dependents indicate that the victim, the victim's 203
family, or the victim's dependents will not be able to 204
understand the significance of the pamphlet upon first contact 205
with the agency, and if the agency anticipates that it will have 206
an additional contact with the victim, the victim's family, or 207
the victim's dependents, upon the agency's second contact with 208
the victim, the victim's family, or the victim's dependents. 209

If the agency does not give the victim, the victim's 210
family, or the victim's dependents a copy of the pamphlet upon 211
first contact with them and does not have a second contact with 212
the victim, the victim's family, or the victim's dependents, the 213
agency shall mail a copy of the pamphlet to the victim, the 214
victim's family, or the victim's dependents at their last known 215
address. 216

(c) In complying on and after December 9, 1994, with the 217
duties imposed by division (B) (1) (a) or (b) of this section, an 218
official or a law enforcement agency shall use copies of the 219
pamphlet that are in the official's or agency's possession on 220
December 9, 1994, until the official or agency has distributed 221
all of those copies. After the official or agency has 222
distributed all of those copies, the official or agency shall 223
use only copies of the pamphlet that contain at least the 224
information described in divisions (A) (1) to (17) of this 225
section. 226

(2) The failure of a law enforcement agency or of a 227
prosecuting attorney, assistant prosecuting attorney, city 228
director of law, assistant city director of law, village 229

solicitor, assistant village solicitor, or similar chief legal 230
officer of a municipal corporation or an assistant to any of 231
those officers to give, as required by division (B)(1) of this 232
section, the victim of an offense or delinquent act, the 233
victim's family, or the victim's dependents a copy of the 234
pamphlet prepared pursuant to division (A) of this section does 235
not give the victim, the victim's family, the victim's 236
dependents, or a victim's representative any rights under 237
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 238
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 239
other provision of the Revised Code and does not affect any 240
right under those sections. 241

(3) A law enforcement agency, a prosecuting attorney or 242
assistant prosecuting attorney, or a city director of law, 243
assistant city director of law, village solicitor, assistant 244
village solicitor, or similar chief legal officer of a municipal 245
corporation that distributes a copy of the pamphlet prepared 246
pursuant to division (A) of this section shall not be required 247
to distribute a copy of an information card or other printed 248
material provided by the clerk of the court of claims pursuant 249
to section 2743.71 of the Revised Code. 250

(C) The cost of printing and distributing the pamphlet 251
prepared pursuant to division (A) of this section shall be paid 252
out of the reparations fund, created pursuant to section 253
2743.191 of the Revised Code, in accordance with division (D) of 254
that section. 255

(D) As used in this section: 256

(1) "Victim's representative" has the same meaning as in 257
section 2930.01 of the Revised Code; 258

(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	259 260
Sec. 2151.23. (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:	261 262
(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly or delinquent child for being an habitual or chronic truant;	263 264 265 266 267 268 269 270 271 272
(2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;	273 274 275
(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	276 277
(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code;	278 279 280 281 282 283
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	284 285
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section	286 287

2919.21, division (B) (1) of section 2919.22, section 2919.222,	288
division (B) of section 2919.23, or section 2919.24 of the	289
Revised Code, provided the charge is not included in an	290
indictment that also charges the alleged adult offender with the	291
commission of a felony arising out of the same actions that are	292
the basis of the alleged violation of division (C) of section	293
2919.21, division (B) (1) of section 2919.22, section 2919.222,	294
division (B) of section 2919.23, or section 2919.24 of the	295
Revised Code;	296
(7) Under the interstate compact on juveniles in section	297
2151.56 of the Revised Code;	298
(8) Concerning any child who is to be taken into custody	299
pursuant to section 2151.31 of the Revised Code, upon being	300
notified of the intent to take the child into custody and the	301
reasons for taking the child into custody;	302
(9) To hear and determine requests for the extension of	303
temporary custody agreements, and requests for court approval of	304
permanent custody agreements, that are filed pursuant to section	305
5103.15 of the Revised Code;	306
(10) To hear and determine applications for consent to	307
marry pursuant to section 3101.04 of the Revised Code;	308
(11) Subject to divisions (G), (K), and (V) of section	309
2301.03 of the Revised Code, to hear and determine a request for	310
an order for the support of any child if the request is not	311
ancillary to an action for divorce, dissolution of marriage,	312
annulment, or legal separation, a criminal or civil action	313
involving an allegation of domestic violence, or an action for	314
support brought under Chapter 3115. of the Revised Code;	315
(12) Concerning an action commenced under section 121.38	316

of the Revised Code;	317
(13) To hear and determine violations of section 3321.38	318
of the Revised Code;	319
(14) To exercise jurisdiction and authority over the	320
parent, guardian, or other person having care of a child alleged	321
to be a delinquent child, unruly child, or juvenile traffic	322
offender, based on and in relation to the allegation pertaining	323
to the child;	324
(15) To conduct the hearings, and to make the	325
determinations, adjudications, and orders authorized or required	326
under sections 2152.82 to 2152.86 and Chapter 2950. of the	327
Revised Code regarding a child who has been adjudicated a	328
delinquent child and to refer the duties conferred upon the	329
juvenile court judge under sections 2152.82 to 2152.86 and	330
Chapter 2950. of the Revised Code to magistrates appointed by	331
the juvenile court judge in accordance with Juvenile Rule 40;	332
(16) To hear and determine a petition for a protection	333
order against a child under section 2151.34 or, 3113.31, or	334
<u>3113.311</u> of the Revised Code and to enforce a protection order	335
issued or a consent agreement approved under either section any	336
<u>of these sections</u> against a child until a date certain but not	337
later than the date the child attains nineteen years of age.	338
(B) Except as provided in divisions (G) and (I) of section	339
2301.03 of the Revised Code, the juvenile court has original	340
jurisdiction under the Revised Code:	341
(1) To hear and determine all cases of misdemeanors	342
charging adults with any act or omission with respect to any	343
child, which act or omission is a violation of any state law or	344
any municipal ordinance;	345

(2) To determine the paternity of any child alleged to	346
have been born out of wedlock pursuant to sections 3111.01 to	347
3111.18 of the Revised Code;	348
(3) Under the uniform interstate family support act in	349
Chapter 3115. of the Revised Code;	350
(4) To hear and determine an application for an order for	351
the support of any child, if the child is not a ward of another	352
court of this state;	353
(5) To hear and determine an action commenced under	354
section 3111.28 of the Revised Code;	355
(6) To hear and determine a motion filed under section	356
3119.961 of the Revised Code;	357
(7) To receive filings under section 3109.74 of the	358
Revised Code, and to hear and determine actions arising under	359
sections 3109.51 to 3109.80 of the Revised Code.	360
(8) To enforce an order for the return of a child made	361
under the Hague Convention on the Civil Aspects of International	362
Child Abduction pursuant to section 3127.32 of the Revised Code;	363
(9) To grant any relief normally available under the laws	364
of this state to enforce a child custody determination made by a	365
court of another state and registered in accordance with section	366
3127.35 of the Revised Code.	367
(C) The juvenile court, except as to juvenile courts that	368
are a separate division of the court of common pleas or a	369
separate and independent juvenile court, has jurisdiction to	370
hear, determine, and make a record of any action for divorce or	371
legal separation that involves the custody or care of children	372
and that is filed in the court of common pleas and certified by	373

the court of common pleas with all the papers filed in the 374
action to the juvenile court for trial, provided that no 375
certification of that nature shall be made to any juvenile court 376
unless the consent of the juvenile judge first is obtained. 377
After a certification of that nature is made and consent is 378
obtained, the juvenile court shall proceed as if the action 379
originally had been begun in that court, except as to awards for 380
spousal support or support due and unpaid at the time of 381
certification, over which the juvenile court has no 382
jurisdiction. 383

(D) The juvenile court, except as provided in divisions 384
(G) and (I) of section 2301.03 of the Revised Code, has 385
jurisdiction to hear and determine all matters as to custody and 386
support of children duly certified by the court of common pleas 387
to the juvenile court after a divorce decree has been granted, 388
including jurisdiction to modify the judgment and decree of the 389
court of common pleas as the same relate to the custody and 390
support of children. 391

(E) The juvenile court, except as provided in divisions 392
(G) and (I) of section 2301.03 of the Revised Code, has 393
jurisdiction to hear and determine the case of any child 394
certified to the court by any court of competent jurisdiction if 395
the child comes within the jurisdiction of the juvenile court as 396
defined by this section. 397

(F) (1) The juvenile court shall exercise its jurisdiction 398
in child custody matters in accordance with sections 3109.04 and 399
3127.01 to 3127.53 of the Revised Code and, as applicable, 400
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 401
Revised Code. 402

(2) The juvenile court shall exercise its jurisdiction in 403

child support matters in accordance with section 3109.05 of the Revised Code. 404
405

(G) Any juvenile court that makes or modifies an order for child support shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 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. 406
407
408
409
410
411
412
413
414
415
416
417

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, except as provided in section 2152.121 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, subject to section 2152.121 of the Revised Code, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child 418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434

for the commission of the offense that was the basis of the 435
transfer of the case for criminal prosecution, whether the 436
conviction is for the same degree or a lesser degree of the 437
offense charged, for the commission of a lesser-included 438
offense, or for the commission of another offense that is 439
different from the offense charged. 440

(I) If a person under eighteen years of age allegedly 441
commits an act that would be a felony if committed by an adult 442
and if the person is not taken into custody or apprehended for 443
that act until after the person attains twenty-one years of age, 444
the juvenile court does not have jurisdiction to hear or 445
determine any portion of the case charging the person with 446
committing that act. In those circumstances, divisions (A) and 447
(B) of section 2152.12 of the Revised Code do not apply 448
regarding the act, and the case charging the person with 449
committing the act shall be a criminal prosecution commenced and 450
heard in the appropriate court having jurisdiction of the 451
offense as if the person had been eighteen years of age or older 452
when the person committed the act. All proceedings pertaining to 453
the act shall be within the jurisdiction of the court having 454
jurisdiction of the offense, and that court has all the 455
authority and duties in the case that it has in other criminal 456
cases in that court. 457

(J) In exercising its exclusive original jurisdiction 458
under division (A) (16) of this section with respect to any 459
proceedings brought under section 2151.34 ~~or~~, 3113.31, ~~or~~ 460
3113.311 of the Revised Code in which the respondent is a child, 461
the juvenile court retains all dispositional powers consistent 462
with existing rules of juvenile procedure and may also exercise 463
its discretion to adjudicate proceedings as provided in sections 464
2151.34 ~~and~~, 3113.31, ~~and~~ 3113.311 of the Revised Code, 465

including the issuance of protection orders or the approval of consent agreements under those sections. 466
467

Sec. 3113.311. (A) As used in this section: 468

(1) "Domestic violence" means the occurrence of one or more of the following acts against an intimate partner: 469
470

(a) Attempting to cause or recklessly causing bodily injury; 471
472

(b) Placing the intimate partner 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; 473
474
475

(c) Committing a sexually oriented offense. 476

(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age. 477
478
479
480
481
482
483
484

(3) (a) "Intimate partner" means a person who has or has had a continuing and significant relationship of a romantic nature with the respondent. "Intimate partner" does not include, with respect to a specified respondent, another person who has only a casual relationship with the specified respondent or another person who has engaged solely in ordinary fraternization in a business or social context with the specified respondent. 485
486
487
488
489
490
491

(b) The existence of a continuing and significant relationship of a romantic nature between two persons shall be 492
493

determined based on a consideration of all of the following 494
factors: 495

(i) A dating relationship must have existed between the 496
two persons within the six months preceding the date of the 497
conduct in question. 498

(ii) The nature of the relationship must have been 499
characterized by the expectation of affection or sexual 500
involvement between the two persons. 501

(iii) The frequency and type of interaction between the 502
two persons involved in the relationship must have included that 503
the persons have been involved over time and on a continuous 504
basis during the course of the relationship. 505

(4) "Victim advocate" means a person who provides support 506
and assistance for a person who files a petition under this 507
section. 508

(5) "Sexually oriented offense" has the same meaning as in 509
section 2950.01 of the Revised Code. 510

(6) "Companion animal" has the same meaning as in section 511
959.131 of the Revised Code. 512

(B) The court has jurisdiction over all proceedings under 513
this section. 514

(C) An intimate partner may seek relief under this section 515
on the person's own behalf, or any parent or adult household 516
member of an intimate partner may seek relief under this section 517
on behalf of an intimate partner, by filing a petition with the 518
court. The petition shall contain or state: 519

(1) An allegation that the respondent engaged in domestic 520
violence against the intimate partner, including a description 521

of the nature and extent of the domestic violence; 522

(2) The relationship of the respondent to the petitioner, 523
and to the victim if other than the petitioner; 524

(3) A request for relief under this section. 525

(D) (1) If a person who files a petition pursuant to this 526
section requests an ex parte order, the court shall hold an ex 527
parte hearing on the same day that the petition is filed. The 528
court, for good cause shown at the ex parte hearing, may enter 529
any temporary orders, with or without bond, including, but not 530
limited to, an order described in division (E) (1) (a) of this 531
section, that the court finds necessary to protect the intimate 532
partner from domestic violence. Immediate and present danger of 533
domestic violence to the intimate partner constitutes good cause 534
for purposes of this section. Immediate and present danger 535
includes, but is not limited to, situations in which the 536
respondent has threatened the intimate partner with bodily harm, 537
in which the respondent has threatened the intimate partner with 538
a sexually oriented offense, or in which the respondent 539
previously has been convicted of, pleaded guilty to, or been 540
adjudicated a delinquent child for an offense that constitutes 541
domestic violence against the intimate partner. 542

(2) (a) If the court, after an ex parte hearing, issues any 543
protection order that is authorized under division (E) of this 544
section, the court shall schedule a full hearing for a date that 545
is within ten court days after the ex parte hearing. The court 546
shall give the respondent notice of, and an opportunity to be 547
heard at, the full hearing. The court shall hold the full 548
hearing on the date scheduled under this division unless the 549
court grants a continuance of the hearing in accordance with 550
this division. Under any of the following circumstances or for 551

any of the following reasons, the court may grant a continuance 552
of the full hearing to a reasonable time determined by the 553
court: 554

(i) Prior to the date scheduled for the full hearing under 555
this division, the respondent has not been served with the 556
petition filed pursuant to this section and notice of the full 557
hearing. 558

(ii) The parties consent to the continuance. 559

(iii) The continuance is needed to allow a party to obtain 560
counsel. 561

(iv) The continuance is needed for other good cause. 562

(b) An ex parte order issued under this section does not 563
expire because of a failure to serve notice of the full hearing 564
upon the respondent before the date set for the full hearing 565
under division (D) (2) (a) of this section or because the court 566
grants a continuance under that division. 567

(3) If a person who files a petition pursuant to this 568
section does not request an ex parte order, or if a person 569
requests an ex parte order but the court does not issue an ex 570
parte order after an ex parte hearing, the court shall proceed 571
as in a normal civil action and grant a full hearing on the 572
matter. 573

(E) (1) After an ex parte or full hearing, the court may 574
grant any protection order, with or without bond, or approve any 575
consent agreement to bring about a cessation of domestic 576
violence against the intimate partner. The order or agreement 577
may: 578

(a) Direct the respondent to refrain from abusing or from 579

<u>committing sexually oriented offenses against the intimate</u>	580
<u>partner;</u>	581
<u>(b) Require the respondent, petitioner, intimate partner,</u>	582
<u>or any combination of those persons, to seek counseling;</u>	583
<u>(c) Require the respondent to refrain from entering the</u>	584
<u>residence, school, business, or place of employment of the</u>	585
<u>intimate partner or petitioner;</u>	586
<u>(d) Require that the respondent not remove, damage, hide,</u>	587
<u>harm, or dispose of any companion animal owned or possessed by</u>	588
<u>the petitioner;</u>	589
<u>(e) Authorize the petitioner to remove a companion animal</u>	590
<u>owned by the petitioner from the possession of the respondent;</u>	591
<u>(f) Grant other relief that the court considers equitable</u>	592
<u>and fair.</u>	593
<u>(2) If a protection order has been issued pursuant to this</u>	594
<u>section in a prior action involving the respondent and the</u>	595
<u>intimate partner or petitioner, the court may include in a</u>	596
<u>protection order that it issues a prohibition against the</u>	597
<u>respondent returning to the residence, school, business, or</u>	598
<u>place of employment.</u>	599
<u>(3) (a) Any protection order issued or consent agreement</u>	600
<u>approved under this section shall be valid until a date certain,</u>	601
<u>but not later than five years from the date of its issuance or</u>	602
<u>approval, or not later than the date a respondent who is less</u>	603
<u>than eighteen years of age attains nineteen years of age, unless</u>	604
<u>modified or terminated as provided in division (E) (6) of this</u>	605
<u>section.</u>	606
<u>(b) Any protection order issued or consent agreement</u>	607

approved pursuant to this section may be renewed in the same 608
manner as the original order or agreement was issued or 609
approved. 610

(4) A court may not issue a protection order that requires 611
a petitioner to do or to refrain from doing an act that the 612
court may require a respondent to do or to refrain from doing 613
under division (E) (1) (a), (c), (d), (e), or (f) of this section 614
unless all of the following apply: 615

(a) The respondent files a separate petition for a 616
protection order in accordance with this section. 617

(b) The petitioner is served notice of the respondent's 618
petition at least forty-eight hours before the court holds a 619
hearing with respect to the respondent's petition, or the 620
petitioner waives the right to receive this notice. 621

(c) If the petitioner has requested an ex parte order 622
pursuant to division (D) of this section, the court does not 623
delay any hearing required by that division beyond the time 624
specified in that division in order to consolidate the hearing 625
with a hearing on the petition filed by the respondent. 626

(d) After a full hearing at which the respondent presents 627
evidence in support of the request for a protection order and 628
the petitioner is afforded an opportunity to defend against that 629
evidence, the court determines that the petitioner has committed 630
an act of domestic violence, that both the petitioner and the 631
respondent acted primarily as aggressors, and that neither the 632
petitioner nor the respondent acted primarily in self-defense. 633

(5) (a) If a protection order issued or consent agreement 634
approved under this section includes a requirement that the 635
respondent refrain from entering the residence, school, 636

business, or place of employment of the intimate partner or 637
petitioner, the order or agreement shall state clearly that the 638
order or agreement cannot be waived or nullified by an 639
invitation to the respondent from the petitioner or intimate 640
partner to enter the residence, school, business, or place of 641
employment or by the respondent's entry into one of those places 642
otherwise upon the consent of the petitioner or intimate 643
partner. 644

(b) Division (E) (5) (a) of this section does not limit any 645
discretion of a court to determine that a respondent charged 646
with contempt of court, which charge is based on an alleged 647
violation of a protection order issued or consent agreement 648
approved under this section, did not commit the violation or was 649
not in contempt of court. 650

(6) (a) The court may modify or terminate as provided in 651
division (E) (6) of this section a protection order or consent 652
agreement that was issued after a full hearing under this 653
section. The court that issued the protection order or approved 654
the consent agreement shall hear a motion for modification or 655
termination of the protection order or consent agreement 656
pursuant to division (E) (6) of this section. 657

(b) Either the petitioner or the respondent of the 658
original protection order or consent agreement may bring a 659
motion for modification or termination of a protection order or 660
consent agreement that was issued or approved after a full 661
hearing. The court shall require notice of the motion to be made 662
as provided by the Rules of Civil Procedure. If the petitioner 663
for the original protection order or consent agreement has 664
requested that the petitioner's address be kept confidential, 665
the court shall not disclose the address to the respondent of 666

the original protection order or consent agreement or any other 667
person, except as otherwise required by law. The moving party 668
has the burden of proof to show, by a preponderance of the 669
evidence, that modification or termination of the protection 670
order or consent agreement is appropriate because either the 671
protection order or consent agreement is no longer needed or 672
because the terms of the original protection order or consent 673
agreement are no longer appropriate. 674

(c) In considering whether to modify or terminate a 675
protection order or consent agreement issued or approved under 676
this section, the court shall consider all relevant factors, 677
including, but not limited to, the following: 678

(i) Whether the petitioner consents to modification or 679
termination of the protection order or consent agreement; 680

(ii) Whether the petitioner fears the respondent; 681

(iii) The current nature of the relationship between the 682
petitioner and the respondent; 683

(iv) The circumstances of the petitioner and respondent, 684
including the relative proximity of the petitioner's and 685
respondent's workplaces and residences; 686

(v) Whether the respondent has complied with the terms and 687
conditions of the original protection order or consent 688
agreement; 689

(vi) Whether the respondent has a continuing involvement 690
with illegal drugs or alcohol; 691

(vii) Whether the respondent has been convicted of, 692
pleaded guilty to, or been adjudicated a delinquent child for an 693
offense of violence since the issuance of the protection order 694

or approval of the consent agreement; 695

(viii) Whether any other protection orders, consent 696
agreements, restraining orders, or no contact orders have been 697
issued against the respondent pursuant to this section, section 698
2919.26 or 3113.31 of the Revised Code, any other provision of 699
state law, or the law of any other state; 700

(ix) Whether the respondent has participated in any 701
domestic violence treatment, intervention program, or other 702
counseling addressing domestic violence and whether the 703
respondent has completed the treatment, program, or counseling; 704

(x) The time that has elapsed since the protection order 705
was issued or since the consent agreement was approved; 706

(xi) The age and health of the respondent; 707

(xii) When the last incident of abuse, threat of harm, or 708
commission of a sexually oriented offense occurred or other 709
relevant information concerning the safety and protection of the 710
petitioner or intimate partner. 711

(d) If a protection order or consent agreement is modified 712
or terminated as provided in division (E) (6) of this section, 713
the court shall issue copies of the modified or terminated order 714
or agreement as provided in division (F) of this section. A 715
petitioner may also provide notice of the modification or 716
termination to the judicial and law enforcement officials in any 717
county other than the county in which the order or agreement is 718
modified or terminated as provided in division (L) of this 719
section. 720

(e) If the respondent moves for modification or 721
termination of a protection order or consent agreement pursuant 722
to this section and the court denies the motion, the court may 723

assess costs against the respondent for the filing of the 724
motion. 725

(7) Any protection order issued or any consent agreement 726
approved pursuant to this section shall include a provision that 727
the court will automatically seal all of the records of the 728
proceeding in which the order is issued or agreement approved on 729
the date the respondent attains the age of nineteen years unless 730
the petitioner provides the court with evidence that the 731
respondent has not complied with all of the terms of the 732
protection order or consent agreement. The protection order or 733
consent agreement shall specify the date when the respondent 734
attains the age of nineteen years. 735

(F) (1) A copy of any protection order, or consent 736
agreement, that is issued, approved, modified, or terminated 737
under this section shall be issued by the court to the 738
petitioner, to the respondent, and to all law enforcement 739
agencies that have jurisdiction to enforce the order or 740
agreement. The court shall direct that a copy of an order be 741
delivered to the respondent on the same day that the order is 742
entered. 743

(2) Upon the issuance of a protection order or the 744
approval of a consent agreement under this section, the court 745
shall provide the parties to the order or agreement with the 746
following notice orally or by form: 747

"NOTICE 748

As a result of this order or consent agreement, it may be 749
unlawful for you to possess or purchase a firearm, including a 750
rifle, pistol, or revolver, or ammunition pursuant to federal 751
law under 18 U.S.C. 922(g) (8). If you have any questions whether 752

this law makes it illegal for you to possess or purchase a 753
firearm or ammunition, you should consult an attorney." 754

(3) All law enforcement agencies shall establish and 755
maintain an index for the protection orders and the approved 756
consent agreements delivered to the agencies pursuant to 757
division (F) (1) of this section. With respect to each order and 758
consent agreement delivered, each agency shall note on the index 759
the date and time that it received the order or consent 760
agreement. 761

(4) Regardless of whether the petitioner has registered 762
the order or agreement in the county in which the officer's 763
agency has jurisdiction pursuant to division (L) of this 764
section, any officer of a law enforcement agency shall enforce a 765
protection order issued or consent agreement approved by any 766
court in this state in accordance with the provisions of the 767
order or agreement, including removing the respondent from the 768
premises, if appropriate. 769

(G) Any proceeding under this section shall be conducted 770
in accordance with the Rules of Civil Procedure, except that an 771
order under this section may be obtained with or without bond. 772
An order issued under this section, other than an ex parte 773
order, that grants a protection order or approves a consent 774
agreement, that refuses to grant a protection order or approve a 775
consent agreement that modifies or terminates a protection order 776
or consent agreement, or that refuses to modify or terminate a 777
protection order or consent agreement, is a final, appealable 778
order. The remedies and procedures provided in this section are 779
in addition to, and not in lieu of, any other available civil or 780
criminal remedies. 781

(H) Any law enforcement agency that investigates a 782

domestic dispute shall provide information to the intimate 783
partner involved regarding the relief available under this 784
section. 785

(I) (1) Subject to divisions (E) (6) (e) and (I) (2) of this 786
section and regardless of whether a protection order is issued 787
or a consent agreement is approved by a court of another county 788
or a court of another state, no court or unit of state or local 789
government shall charge the petitioner any fee, cost, deposit, 790
or money in connection with the filing of a petition pursuant to 791
this section or in connection with the filing, issuance, 792
registration, modification, enforcement, dismissal, withdrawal, 793
or service of a protection order, consent agreement, or witness 794
subpoena or for obtaining a certified copy of a protection order 795
or consent agreement. 796

(2) Regardless of whether a protection order is issued or 797
a consent agreement is approved pursuant to this section, the 798
court may assess costs against the respondent in connection with 799
the filing, issuance, registration, modification, enforcement, 800
dismissal, withdrawal, or service of a protection order, consent 801
agreement, or witness subpoena or for obtaining a certified copy 802
of a protection order or consent agreement. 803

(J) A person who violates a protection order issued or a 804
consent agreement approved under this section is subject to 805
punishment for contempt of court. 806

(K) In all stages of a proceeding under this section, a 807
petitioner may be accompanied by a victim advocate. 808

(L) (1) A petitioner who obtains a protection order or 809
consent agreement under this section may provide notice of the 810
issuance or approval of the order or agreement to the judicial 811

and law enforcement officials in any county other than the 812
county in which the order is issued or the agreement is approved 813
by registering that order or agreement in the other county 814
pursuant to division (L) (2) of this section and filing a copy of 815
the registered order or registered agreement with a law 816
enforcement agency in the other county in accordance with that 817
division. A person who obtains a protection order issued by a 818
court of another state may provide notice of the issuance of the 819
order to the judicial and law enforcement officials in any 820
county of this state by registering the order in that county 821
pursuant to section 2919.272 of the Revised Code and filing a 822
copy of the registered order with a law enforcement agency in 823
that county. 824

(2) A petitioner may register a temporary protection 825
order, protection order, or consent agreement in a county other 826
than the county in which the court that issued the order or 827
approved the agreement is located in the following manner: 828

(a) The petitioner shall obtain a certified copy of the 829
order or agreement from the clerk of the court that issued the 830
order or approved the agreement and present that certified copy 831
to the clerk of the court of common pleas or the clerk of a 832
municipal court or county court in the county in which the order 833
or agreement is to be registered. 834

(b) Upon accepting the certified copy of the order or 835
agreement for registration, the clerk of the court of common 836
pleas, municipal court, or county court shall place an 837
endorsement of registration on the order or agreement and give 838
the petitioner a copy of the order or agreement that bears that 839
proof of registration. 840

(3) The clerk of each court of common pleas, the clerk of 841

each municipal court, and the clerk of each county court shall 842
maintain a registry of certified copies of temporary protection 843
orders, protection orders, or consent agreements that have been 844
issued or approved by courts in other counties and that have 845
been registered with the clerk. 846

Sec. 3113.33. As used in sections 3113.33 to 3113.40 of 847
the Revised Code: 848

(A) "Domestic violence" means attempting to cause or 849
causing bodily injury to a family or household member, or 850
placing a family or household member by threat of force in fear 851
of imminent physical harm. 852

(B) "Family or household member" means any of the 853
following: 854

(1) Any of the following who is residing or has resided 855
with the person committing the domestic violence: 856

(a) A spouse, a person living as a spouse, or a former 857
spouse of the person committing the domestic violence; 858

(b) A parent, foster parent, or child of the person 859
committing the domestic violence, or another person related by 860
consanguinity or affinity to the person committing the domestic 861
violence; 862

(c) A parent or a child of a spouse, person living as a 863
spouse, or former spouse of the person committing the domestic 864
violence, or another person related by consanguinity or affinity 865
to a spouse, person living as a spouse, or former spouse of the 866
person committing the domestic violence; 867

(d) The dependents of any person listed in division (B)(1) 868
(a), (b), or (c) of this section. 869

(2) The natural parent of any child of whom the person 870
committing the domestic violence is the other natural parent or 871
is the putative other natural parent; 872

(3) An intimate partner of the person committing the 873
domestic violence. 874

(C) "Shelter for victims of domestic violence" or 875
"shelter" means a facility that provides temporary residential 876
service or facilities to family or household members who are 877
victims of domestic violence. 878

(D) "Person living as a spouse" means a person who is 879
living or has lived with the person committing the domestic 880
violence in a common law marital relationship, who otherwise is 881
cohabiting with the person committing the domestic violence, or 882
who otherwise has cohabited with the person committing the 883
domestic violence within five years prior to the date of the 884
alleged occurrence of the act in question. 885

(E) "Intimate partner" has the same meaning as in section 886
3113.311 of the Revised Code. 887

Section 2. That existing sections 109.42, 2151.23, and 888
3113.33 of the Revised Code are hereby repealed. 889