

As Passed by the House

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 392

Representatives Sykes, Kuhns

Cosponsors: Representatives Bishoff, Butler, Clyde, DeVitis, Driehaus, Fedor, Howse, Smith, K., Lepore-Hagan, Ramos, Reece, Sheehy, Stinziano, Johnson, G., Boggs, Dever, McColley, Anielski, Antonio, Arndt, Ashford, Baker, Barnes, Boccieri, Boyd, Brenner, Brown, Buchy, Burkley, Celebrezze, Cera, Conditt, Craig, Curtin, Derickson, Dovilla, Duffey, Ginter, Hall, Hambley, Kunze, Landis, Leland, Manning, McClain, O'Brien, M., O'Brien, S., Patmon, Patterson, Pelanda, Perales, Phillips, Reineke, Rogers, Romanchuk, Ryan, Smith, R., Sprague, Strahorn, Sweeney, Thompson, Young

A BILL

To amend sections 109.42, 2151.23, 2919.27, and 3113.33 and to enact section 3113.311 of the Revised Code to authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order.

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

Section 1. That sections 109.42, 2151.23, 2919.27, and 3113.33 be amended and section 3113.311 of the Revised Code be enacted to read as follows:

Sec. 109.42. (A) The attorney general shall prepare and 15
have printed a pamphlet that contains a compilation of all 16
statutes relative to victim's rights in which the attorney 17
general lists and explains the statutes in the form of a 18
victim's bill of rights. The attorney general shall distribute 19
the pamphlet to all sheriffs, marshals, municipal corporation 20
and township police departments, constables, and other law 21
enforcement agencies, to all prosecuting attorneys, city 22
directors of law, village solicitors, and other similar chief 23
legal officers of municipal corporations, and to organizations 24
that represent or provide services for victims of crime. The 25
victim's bill of rights set forth in the pamphlet shall contain 26
a description of all of the rights of victims that are provided 27
for in Chapter 2930. or in any other section of the Revised Code 28
and shall include, but not be limited to, all of the following: 29

(1) The right of a victim or a victim's representative to 30
attend a proceeding before a grand jury, in a juvenile case, or 31
in a criminal case pursuant to a subpoena without being 32
discharged from the victim's or representative's employment, 33
having the victim's or representative's employment terminated, 34
having the victim's or representative's pay decreased or 35
withheld, or otherwise being punished, penalized, or threatened 36
as a result of time lost from regular employment because of the 37
victim's or representative's attendance at the proceeding 38
pursuant to the subpoena, as set forth in section 2151.211, 39
2930.18, 2939.121, or 2945.451 of the Revised Code; 40

(2) The potential availability pursuant to section 41
2151.359 or 2152.61 of the Revised Code of a forfeited 42
recognizance to pay damages caused by a child when the 43
delinquency of the child or child's violation of probation or 44
community control is found to be proximately caused by the 45

failure of the child's parent or guardian to subject the child 46
to reasonable parental authority or to faithfully discharge the 47
conditions of probation or community control; 48

(3) The availability of awards of reparations pursuant to 49
sections 2743.51 to 2743.72 of the Revised Code for injuries 50
caused by criminal offenses; 51

(4) The right of the victim in certain criminal or 52
juvenile cases or a victim's representative to receive, pursuant 53
to section 2930.06 of the Revised Code, notice of the date, 54
time, and place of the trial or delinquency proceeding in the 55
case or, if there will not be a trial or delinquency proceeding, 56
information from the prosecutor, as defined in section 2930.01 57
of the Revised Code, regarding the disposition of the case; 58

(5) The right of the victim in certain criminal or 59
juvenile cases or a victim's representative to receive, pursuant 60
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 61
notice of the name of the person charged with the violation, the 62
case or docket number assigned to the charge, and a telephone 63
number or numbers that can be called to obtain information about 64
the disposition of the case; 65

(6) The right of the victim in certain criminal or 66
juvenile cases or of the victim's representative pursuant to 67
section 2930.13 or 2930.14 of the Revised Code, subject to any 68
reasonable terms set by the court as authorized under section 69
2930.14 of the Revised Code, to make a statement about the 70
victimization and, if applicable, a statement relative to the 71
sentencing or disposition of the offender; 72

(7) The opportunity to obtain a court order, pursuant to 73
section 2945.04 of the Revised Code, to prevent or stop the 74

commission of the offense of intimidation of a crime victim or 75
witness or an offense against the person or property of the 76
complainant, or of the complainant's ward or child; 77

(8) The right of the victim in certain criminal or 78
juvenile cases or a victim's representative pursuant to sections 79
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 80
Code to receive notice of a pending motion for judicial release, 81
release pursuant to section 2967.19 of the Revised Code, or 82
other early release of the person who committed the offense 83
against the victim, to make an oral or written statement at the 84
court hearing on the motion, and to be notified of the court's 85
decision on the motion; 86

(9) The right of the victim in certain criminal or 87
juvenile cases or a victim's representative pursuant to section 88
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 89
receive notice of any pending commutation, pardon, parole, 90
transitional control, discharge, other form of authorized 91
release, post-release control, or supervised release for the 92
person who committed the offense against the victim or any 93
application for release of that person and to send a written 94
statement relative to the victimization and the pending action 95
to the adult parole authority or the release authority of the 96
department of youth services; 97

(10) The right of the victim to bring a civil action 98
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 99
obtain money from the offender's profit fund; 100

(11) The right, pursuant to section 3109.09 of the Revised 101
Code, to maintain a civil action to recover compensatory damages 102
not exceeding ten thousand dollars and costs from the parent of 103
a minor who willfully damages property through the commission of 104

an act that would be a theft offense, as defined in section 105
2913.01 of the Revised Code, if committed by an adult; 106

(12) The right, pursuant to section 3109.10 of the Revised 107
Code, to maintain a civil action to recover compensatory damages 108
not exceeding ten thousand dollars and costs from the parent of 109
a minor who willfully and maliciously assaults a person; 110

(13) The possibility of receiving restitution from an 111
offender or a delinquent child pursuant to section 2152.20, 112
2929.18, or 2929.28 of the Revised Code; 113

(14) The right of the victim in certain criminal or 114
juvenile cases or a victim's representative, pursuant to section 115
2930.16 of the Revised Code, to receive notice of the escape 116
from confinement or custody of the person who committed the 117
offense, to receive that notice from the custodial agency of the 118
person at the victim's last address or telephone number provided 119
to the custodial agency, and to receive notice that, if either 120
the victim's address or telephone number changes, it is in the 121
victim's interest to provide the new address or telephone number 122
to the custodial agency; 123

(15) The right of a victim of domestic violence to seek 124
the issuance of a civil protection order pursuant to section 125
3113.31 of the Revised Code, the right of a petitioner alleging 126
dating violence to seek the issuance of a protection order under 127
section 3113.311 of the Revised Code, the right of a victim of a 128
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 129
2911.211, or 2919.22 of the Revised Code, a violation of a 130
substantially similar municipal ordinance, or an offense of 131
violence who is a family or household member of the offender at 132
the time of the offense to seek the issuance of a temporary 133
protection order pursuant to section 2919.26 of the Revised 134

Code, and the right of both types of victims to be accompanied 135
by a victim advocate during court proceedings; 136

(16) The right of a victim of a sexually oriented offense 137
or of a child-victim oriented offense that is committed by a 138
person who is convicted of, pleads guilty to, or is adjudicated 139
a delinquent child for committing the offense and who is in a 140
category specified in division (B) of section 2950.10 of the 141
Revised Code to receive, pursuant to that section, notice that 142
the person has registered with a sheriff under section 2950.04, 143
2950.041, or 2950.05 of the Revised Code and notice of the 144
person's name, the person's residence that is registered, and 145
the offender's school, institution of higher education, or place 146
of employment address or addresses that are registered, the 147
person's photograph, and a summary of the manner in which the 148
victim must make a request to receive the notice. As used in 149
this division, "sexually oriented offense" and "child-victim 150
oriented offense" have the same meanings as in section 2950.01 151
of the Revised Code. 152

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

the violation pursuant to division (B) (2) (a), (b), or (c) of 166
section 2971.03 of the Revised Code, and of a victim of an 167
offense that is described in division (B) (3) (a), (b), (c), or 168
(d) of section 2971.03 of the Revised Code and is committed by 169
an offender who is sentenced pursuant to one of those divisions 170
to receive, pursuant to section 2930.16 of the Revised Code, 171
notice of a hearing to determine whether to modify the 172
requirement that the offender serve the entire prison term in a 173
state correctional facility, whether to continue, revise, or 174
revoke any existing modification of that requirement, or whether 175
to terminate the prison term. As used in this division, 176
"sexually violent offense" and "sexually violent predator 177
specification" have the same meanings as in section 2971.01 of 178
the Revised Code. 179

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 180
prosecuting attorney, assistant prosecuting attorney, city 181
director of law, assistant city director of law, village 182
solicitor, assistant village solicitor, or similar chief legal 183
officer of a municipal corporation or an assistant of any of 184
those officers who prosecutes an offense committed in this 185
state, upon first contact with the victim of the offense, the 186
victim's family, or the victim's dependents, shall give the 187
victim, the victim's family, or the victim's dependents a copy 188
of the pamphlet prepared pursuant to division (A) of this 189
section and explain, upon request, the information in the 190
pamphlet to the victim, the victim's family, or the victim's 191
dependents. 192

(b) Subject to division (B) (1) (c) of this section, a law 193
enforcement agency that investigates an offense or delinquent 194
act committed in this state shall give the victim of the offense 195
or delinquent act, the victim's family, or the victim's 196

dependents a copy of the pamphlet prepared pursuant to division 197
(A) of this section at one of the following times: 198

(i) Upon first contact with the victim, the victim's 199
family, or the victim's dependents; 200

(ii) If the offense or delinquent act is an offense of 201
violence, if the circumstances of the offense or delinquent act 202
and the condition of the victim, the victim's family, or the 203
victim's dependents indicate that the victim, the victim's 204
family, or the victim's dependents will not be able to 205
understand the significance of the pamphlet upon first contact 206
with the agency, and if the agency anticipates that it will have 207
an additional contact with the victim, the victim's family, or 208
the victim's dependents, upon the agency's second contact with 209
the victim, the victim's family, or the victim's dependents. 210

If the agency does not give the victim, the victim's 211
family, or the victim's dependents a copy of the pamphlet upon 212
first contact with them and does not have a second contact with 213
the victim, the victim's family, or the victim's dependents, the 214
agency shall mail a copy of the pamphlet to the victim, the 215
victim's family, or the victim's dependents at their last known 216
address. 217

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

section.	227
(2) The failure of a law enforcement agency or of a	228
prosecuting attorney, assistant prosecuting attorney, city	229
director of law, assistant city director of law, village	230
solicitor, assistant village solicitor, or similar chief legal	231
officer of a municipal corporation or an assistant to any of	232
those officers to give, as required by division (B)(1) of this	233
section, the victim of an offense or delinquent act, the	234
victim's family, or the victim's dependents a copy of the	235
pamphlet prepared pursuant to division (A) of this section does	236
not give the victim, the victim's family, the victim's	237
dependents, or a victim's representative any rights under	238
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to	239
2969.06, 3109.09, or 3109.10 of the Revised Code or under any	240
other provision of the Revised Code and does not affect any	241
right under those sections.	242
(3) A law enforcement agency, a prosecuting attorney or	243
assistant prosecuting attorney, or a city director of law,	244
assistant city director of law, village solicitor, assistant	245
village solicitor, or similar chief legal officer of a municipal	246
corporation that distributes a copy of the pamphlet prepared	247
pursuant to division (A) of this section shall not be required	248
to distribute a copy of an information card or other printed	249
material provided by the clerk of the court of claims pursuant	250
to section 2743.71 of the Revised Code.	251
(C) The cost of printing and distributing the pamphlet	252
prepared pursuant to division (A) of this section shall be paid	253
out of the reparations fund, created pursuant to section	254
2743.191 of the Revised Code, in accordance with division (D) of	255
that section.	256

(D) As used in this section:	257
(1) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code;	258 259
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	260 261
Sec. 2151.23. (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:	262 263
(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;	264 265 266 267 268 269 270 271 272 273
(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;	274 275 276
(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	277 278
(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;	279 280 281 282 283 284

(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	285 286
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	287 288 289 290 291 292 293 294 295 296 297
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	298 299
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	300 301 302 303
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	304 305 306 307
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	308 309
(11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage,	310 311 312 313

annulment, or legal separation, a criminal or civil action 314
involving an allegation of domestic violence, or an action for 315
support brought under Chapter 3115. of the Revised Code; 316

(12) Concerning an action commenced under section 121.38 317
of the Revised Code; 318

(13) To hear and determine violations of section 3321.38 319
of the Revised Code; 320

(14) To exercise jurisdiction and authority over the 321
parent, guardian, or other person having care of a child alleged 322
to be a delinquent child, unruly child, or juvenile traffic 323
offender, based on and in relation to the allegation pertaining 324
to the child; 325

(15) To conduct the hearings, and to make the 326
determinations, adjudications, and orders authorized or required 327
under sections 2152.82 to 2152.86 and Chapter 2950. of the 328
Revised Code regarding a child who has been adjudicated a 329
delinquent child and to refer the duties conferred upon the 330
juvenile court judge under sections 2152.82 to 2152.86 and 331
Chapter 2950. of the Revised Code to magistrates appointed by 332
the juvenile court judge in accordance with Juvenile Rule 40; 333

(16) To hear and determine a petition for a protection 334
order against a child under section 2151.34 ~~or, 3113.31, or~~ 335
3113.311 of the Revised Code and to enforce a protection order 336
issued or a consent agreement approved under ~~either section any~~ 337
of these sections against a child until a date certain but not 338
later than the date the child attains nineteen years of age. 339

(B) Except as provided in divisions (G) and (I) of section 340
2301.03 of the Revised Code, the juvenile court has original 341
jurisdiction under the Revised Code: 342

(1) To hear and determine all cases of misdemeanors	343
charging adults with any act or omission with respect to any	344
child, which act or omission is a violation of any state law or	345
any municipal ordinance;	346
(2) To determine the paternity of any child alleged to	347
have been born out of wedlock pursuant to sections 3111.01 to	348
3111.18 of the Revised Code;	349
(3) Under the uniform interstate family support act in	350
Chapter 3115. of the Revised Code;	351
(4) To hear and determine an application for an order for	352
the support of any child, if the child is not a ward of another	353
court of this state;	354
(5) To hear and determine an action commenced under	355
section 3111.28 of the Revised Code;	356
(6) To hear and determine a motion filed under section	357
3119.961 of the Revised Code;	358
(7) To receive filings under section 3109.74 of the	359
Revised Code, and to hear and determine actions arising under	360
sections 3109.51 to 3109.80 of the Revised Code.	361
(8) To enforce an order for the return of a child made	362
under the Hague Convention on the Civil Aspects of International	363
Child Abduction pursuant to section 3127.32 of the Revised Code;	364
(9) To grant any relief normally available under the laws	365
of this state to enforce a child custody determination made by a	366
court of another state and registered in accordance with section	367
3127.35 of the Revised Code.	368
(C) The juvenile court, except as to juvenile courts that	369
are a separate division of the court of common pleas or a	370

separate and independent juvenile court, has jurisdiction to 371
hear, determine, and make a record of any action for divorce or 372
legal separation that involves the custody or care of children 373
and that is filed in the court of common pleas and certified by 374
the court of common pleas with all the papers filed in the 375
action to the juvenile court for trial, provided that no 376
certification of that nature shall be made to any juvenile court 377
unless the consent of the juvenile judge first is obtained. 378
After a certification of that nature is made and consent is 379
obtained, the juvenile court shall proceed as if the action 380
originally had been begun in that court, except as to awards for 381
spousal support or support due and unpaid at the time of 382
certification, over which the juvenile court has no 383
jurisdiction. 384

(D) The juvenile court, except as provided in divisions 385
(G) and (I) of section 2301.03 of the Revised Code, has 386
jurisdiction to hear and determine all matters as to custody and 387
support of children duly certified by the court of common pleas 388
to the juvenile court after a divorce decree has been granted, 389
including jurisdiction to modify the judgment and decree of the 390
court of common pleas as the same relate to the custody and 391
support of children. 392

(E) The juvenile court, except as provided in divisions 393
(G) and (I) of section 2301.03 of the Revised Code, has 394
jurisdiction to hear and determine the case of any child 395
certified to the court by any court of competent jurisdiction if 396
the child comes within the jurisdiction of the juvenile court as 397
defined by this section. 398

(F) (1) The juvenile court shall exercise its jurisdiction 399
in child custody matters in accordance with sections 3109.04 and 400

3127.01 to 3127.53 of the Revised Code and, as applicable, 401
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 402
Revised Code. 403

(2) The juvenile court shall exercise its jurisdiction in 404
child support matters in accordance with section 3109.05 of the 405
Revised Code. 406

(G) Any juvenile court that makes or modifies an order for 407
child support shall comply with Chapters 3119., 3121., 3123., 408
and 3125. of the Revised Code. If any person required to pay 409
child support under an order made by a juvenile court on or 410
after April 15, 1985, or modified on or after December 1, 1986, 411
is found in contempt of court for failure to make support 412
payments under the order, the court that makes the finding, in 413
addition to any other penalty or remedy imposed, shall assess 414
all court costs arising out of the contempt proceeding against 415
the person and require the person to pay any reasonable 416
attorney's fees of any adverse party, as determined by the 417
court, that arose in relation to the act of contempt. 418

(H) If a child who is charged with an act that would be an 419
offense if committed by an adult was fourteen years of age or 420
older and under eighteen years of age at the time of the alleged 421
act and if the case is transferred for criminal prosecution 422
pursuant to section 2152.12 of the Revised Code, except as 423
provided in section 2152.121 of the Revised Code, the juvenile 424
court does not have jurisdiction to hear or determine the case 425
subsequent to the transfer. The court to which the case is 426
transferred for criminal prosecution pursuant to that section 427
has jurisdiction subsequent to the transfer to hear and 428
determine the case in the same manner as if the case originally 429
had been commenced in that court, subject to section 2152.121 of 430

the Revised Code, including, but not limited to, jurisdiction to 431
accept a plea of guilty or another plea authorized by Criminal 432
Rule 11 or another section of the Revised Code and jurisdiction 433
to accept a verdict and to enter a judgment of conviction 434
pursuant to the Rules of Criminal Procedure against the child 435
for the commission of the offense that was the basis of the 436
transfer of the case for criminal prosecution, whether the 437
conviction is for the same degree or a lesser degree of the 438
offense charged, for the commission of a lesser-included 439
offense, or for the commission of another offense that is 440
different from the offense charged. 441

(I) If a person under eighteen years of age allegedly 442
commits an act that would be a felony if committed by an adult 443
and if the person is not taken into custody or apprehended for 444
that act until after the person attains twenty-one years of age, 445
the juvenile court does not have jurisdiction to hear or 446
determine any portion of the case charging the person with 447
committing that act. In those circumstances, divisions (A) and 448
(B) of section 2152.12 of the Revised Code do not apply 449
regarding the act, and the case charging the person with 450
committing the act shall be a criminal prosecution commenced and 451
heard in the appropriate court having jurisdiction of the 452
offense as if the person had been eighteen years of age or older 453
when the person committed the act. All proceedings pertaining to 454
the act shall be within the jurisdiction of the court having 455
jurisdiction of the offense, and that court has all the 456
authority and duties in the case that it has in other criminal 457
cases in that court. 458

(J) In exercising its exclusive original jurisdiction 459
under division (A) (16) of this section with respect to any 460
proceedings brought under section 2151.34 ~~or~~, 3113.31, or 461

3113.311 of the Revised Code in which the respondent is a child, 462
the juvenile court retains all dispositional powers consistent 463
with existing rules of juvenile procedure and may also exercise 464
its discretion to adjudicate proceedings as provided in sections 465
2151.34 ~~and,~~ 3113.31, and 3113.311 of the Revised Code, 466
including the issuance of protection orders or the approval of 467
consent agreements under those sections. 468

Sec. 2919.27. (A) No person shall recklessly violate the 469
terms of any of the following: 470

(1) A protection order issued or consent agreement 471
approved pursuant to section 2919.26 ~~or,~~ 3113.31, or 3113.311 472
of the Revised Code; 473

(2) A protection order issued pursuant to section 2151.34, 474
2903.213, or 2903.214 of the Revised Code; 475

(3) A protection order issued by a court of another state. 476

(B) (1) Whoever violates this section is guilty of 477
violating a protection order. 478

(2) Except as otherwise provided in division (B) (3) or (4) 479
of this section, violating a protection order is a misdemeanor 480
of the first degree. 481

(3) If the offender previously has been convicted of, 482
pleaded guilty to, or been adjudicated a delinquent child for a 483
violation of a protection order issued pursuant to section 484
2151.34, 2903.213, or 2903.214 of the Revised Code, two or more 485
violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of 486
the Revised Code that involved the same person who is the 487
subject of the protection order or consent agreement, or one or 488
more violations of this section, violating a protection order is 489
a felony of the fifth degree. 490

(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony of the third degree.

(5) If the protection order violated by the offender was an order issued pursuant to section 2151.34 or 2903.214 of the Revised Code that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this division that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the attorney general under section 2903.214 of the Revised Code, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to section 2743.191 of the Revised Code. The total amount paid from the reparations fund created pursuant to section 2743.191 of the Revised Code for electronic monitoring under this section and sections 2151.34 and 2903.214 of the Revised Code shall not exceed three hundred thousand dollars per year.

(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 522
this state or that it is not entitled to full faith and credit 523
under 18 U.S.C. 2265(c). 524

(D) As used in this section, "protection order issued by a 525
court of another state" means an injunction or another order 526
issued by a criminal court of another state for the purpose of 527
preventing violent or threatening acts or harassment against, 528
contact or communication with, or physical proximity to another 529
person, including a temporary order, and means an injunction or 530
order of that nature issued by a civil court of another state, 531
including a temporary order and a final order issued in an 532
independent action or as a pendente lite order in a proceeding 533
for other relief, if the court issued it in response to a 534
complaint, petition, or motion filed by or on behalf of a person 535
seeking protection. "Protection order issued by a court of 536
another state" does not include an order for support or for 537
custody of a child issued pursuant to the divorce and child 538
custody laws of another state, except to the extent that the 539
order for support or for custody of a child is entitled to full 540
faith and credit under the laws of the United States. 541

Sec. 3113.311. (A) As used in this section: 542

(1) "Dating violence" means the occurrence of one or more 543
of the following acts against a petitioner alleging dating 544
violence: 545

(a) Attempting to cause or recklessly causing bodily 546
injury; 547

(b) Placing the petitioner alleging dating violence by the 548
threat of force in fear of imminent serious physical harm or 549
committing a violation of section 2903.211 or 2911.211 of the 550

<u>Revised Code;</u>	551
<u>(c) Committing a sexually oriented offense.</u>	552
<u>(2) "Court" means the domestic relations division of the</u>	553
<u>court of common pleas in counties that have a domestic relations</u>	554
<u>division and the court of common pleas in counties that do not</u>	555
<u>have a domestic relations division, or the juvenile division of</u>	556
<u>the court of common pleas of the county in which the person to</u>	557
<u>be protected by a protection order issued or a consent agreement</u>	558
<u>approved under this section resides if the respondent is less</u>	559
<u>than eighteen years of age.</u>	560
<u>(3) (a) "Petitioner alleging dating violence" or "person</u>	561
<u>alleging dating violence" means a person who has or has had a</u>	562
<u>dating relationship with the respondent within the twelve months</u>	563
<u>preceding the date of the conduct in question that constitutes</u>	564
<u>the alleged dating violence. "Petitioner alleging dating</u>	565
<u>violence" or "person alleging dating violence" does not include,</u>	566
<u>with respect to a specified respondent, another person who has</u>	567
<u>only a casual relationship with the specified respondent or</u>	568
<u>another person who has engaged solely in ordinary fraternization</u>	569
<u>in a business or social context with the specified respondent.</u>	570
<u>(b) The existence of a dating relationship between two</u>	571
<u>persons shall be determined based on a consideration of either</u>	572
<u>of the following factors:</u>	573
<u>(i) The nature of the relationship must have been</u>	574
<u>characterized by the expectation of affection between the two</u>	575
<u>persons.</u>	576
<u>(ii) The frequency and type of interaction between the two</u>	577
<u>persons involved in the relationship must have included that the</u>	578
<u>persons have been involved over time and on a continuous basis</u>	579

during the course of the relationship. 580

(4) "Victim advocate" means a person who provides support 581
and assistance for a person who files a petition under this 582
section. 583

(5) "Sexually oriented offense" has the same meaning as in 584
section 2950.01 of the Revised Code. 585

(6) "Companion animal" has the same meaning as in section 586
959.131 of the Revised Code. 587

(B) The court has jurisdiction over all proceedings under 588
this section. 589

(C) A petitioner alleging dating violence may seek relief 590
under this section on the person's own behalf, or any parent or 591
adult household member of a person alleging dating violence may 592
seek relief under this section on behalf of that person, by 593
filing a petition with the court. The petition shall contain or 594
state: 595

(1) An allegation that the respondent engaged in dating 596
violence against the petitioner alleging dating violence, 597
including a description of the nature and extent of the dating 598
violence; 599

(2) The relationship of the respondent to the petitioner 600
alleging dating violence and to the person alleging dating 601
violence if other than the petitioner filing the petition; 602

(3) A request for relief under this section. 603

(D) (1) If a person who files a petition pursuant to this 604
section requests an ex parte order, the court shall hold an ex 605
parte hearing on the same day that the petition is filed. The 606
court, for good cause shown at the ex parte hearing, may enter 607

any temporary orders, with or without bond, including, but not 608
limited to, an order described in division (E) (1) (a) of this 609
section, that the court finds necessary to protect the 610
petitioner alleging dating violence from any dating violence. 611
Immediate and present danger of dating violence to the 612
petitioner alleging dating violence constitutes good cause for 613
purposes of this section. Immediate and present danger includes, 614
but is not limited to, situations in which the respondent has 615
threatened the petitioner alleging dating violence with bodily 616
harm, in which the respondent has threatened that petitioner 617
with a sexually oriented offense, or in which the respondent 618
previously has been convicted of, pleaded guilty to, or been 619
adjudicated a delinquent child for an offense that constitutes 620
dating violence against the petitioner alleging dating violence. 621

(2) (a) If the court, after an ex parte hearing, issues any 622
protection order that is authorized under division (E) of this 623
section, the court shall schedule a full hearing for a date that 624
is within ten court days after the ex parte hearing. The court 625
shall give the respondent notice of, and an opportunity to be 626
heard at, the full hearing. The court shall hold the full 627
hearing on the date scheduled under this division unless the 628
court grants a continuance of the hearing in accordance with 629
this division. Under any of the following circumstances or for 630
any of the following reasons, the court may grant a continuance 631
of the full hearing to a reasonable time determined by the 632
court: 633

(i) Prior to the date scheduled for the full hearing under 634
this division, the respondent has not been served with the 635
petition filed pursuant to this section and notice of the full 636
hearing. 637

<u>(ii) The parties consent to the continuance.</u>	638
<u>(iii) The continuance is needed to allow a party to obtain counsel.</u>	639 640
<u>(iv) The continuance is needed for other good cause.</u>	641
<u>(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.</u>	642 643 644 645 646
<u>(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.</u>	647 648 649 650 651 652
<u>(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of dating violence against the petitioner alleging dating violence. The order or agreement may:</u>	653 654 655 656 657
<u>(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the petitioner alleging dating violence;</u>	658 659 660
<u>(b) Require the respondent, the petitioner alleging dating violence, the petitioner filing the petition if other than the person alleging dating violence, or any combination of those persons, to seek counseling;</u>	661 662 663 664
<u>(c) Require the respondent to refrain from entering the</u>	665

residence, school, business, or place of employment of the 666
petitioner alleging dating violence or the petitioner filing the 667
petition if other than the person alleging dating violence; 668

(d) Require that the respondent not remove, damage, hide, 669
harm, or dispose of any companion animal owned or possessed by 670
the petitioner alleging dating violence; 671

(e) Authorize the petitioner alleging dating violence to 672
remove a companion animal owned by that petitioner from the 673
possession of the respondent; 674

(f) Grant other relief that the court considers equitable 675
and fair. 676

(2) If a protection order has been issued pursuant to this 677
section in a prior action involving the respondent and the 678
petitioner alleging dating violence or the petitioner filing the 679
petition if other than the person alleging dating violence, the 680
court may include in a protection order that it issues a 681
prohibition against the respondent returning to the residence, 682
school, business, or place of employment. 683

(3) (a) Any protection order issued or consent agreement 684
approved under this section shall be valid until a date certain, 685
but not later than five years from the date of its issuance or 686
approval, or not later than the date a respondent who is less 687
than eighteen years of age attains nineteen years of age, unless 688
modified or terminated as provided in division (E) (6) of this 689
section. 690

(b) Any protection order issued or consent agreement 691
approved pursuant to this section may be renewed in the same 692
manner as the original order or agreement was issued or 693
approved. 694

(4) A court may not issue a protection order that requires 695
a petitioner alleging dating violence to do or to refrain from 696
doing an act that the court may require a respondent to do or to 697
refrain from doing under division (E) (1) (a), (c), (d), (e), or 698
(f) of this section unless all of the following apply: 699

(a) The respondent files a separate petition for a 700
protection order in accordance with this section. 701

(b) The petitioner is served notice of the respondent's 702
petition at least forty-eight hours before the court holds a 703
hearing with respect to the respondent's petition, or the 704
petitioner waives the right to receive this notice. 705

(c) If the petitioner has requested an ex parte order 706
pursuant to division (D) of this section, the court does not 707
delay any hearing required by that division beyond the time 708
specified in that division in order to consolidate the hearing 709
with a hearing on the petition filed by the respondent. 710

(d) After a full hearing at which the respondent presents 711
evidence in support of the request for a protection order and 712
the petitioner is afforded an opportunity to defend against that 713
evidence, the court determines that the petitioner has committed 714
an act of dating violence, that both the petitioner and the 715
respondent acted primarily as aggressors, and that neither the 716
petitioner nor the respondent acted primarily in self-defense. 717

(5) (a) If a protection order issued or consent agreement 718
approved under this section includes a requirement that the 719
respondent refrain from entering the residence, school, 720
business, or place of employment of the petitioner alleging 721
dating violence or the petitioner filing the petition if other 722
than the person alleging dating violence, the order or agreement 723

shall state clearly that the order or agreement cannot be waived 724
or nullified by an invitation to the respondent from the 725
petitioner alleging dating violence or the petitioner filing the 726
petition to enter the residence, school, business, or place of 727
employment or by the respondent's entry into one of those places 728
otherwise upon the consent of the applicable petitioner. 729

(b) Division (E) (5) (a) of this section does not limit any 730
discretion of a court to determine that a respondent charged 731
with contempt of court, which charge is based on an alleged 732
violation of a protection order issued or consent agreement 733
approved under this section, did not commit the violation or was 734
not in contempt of court. 735

(6) (a) The court may modify or terminate as provided in 736
division (E) (6) of this section a protection order or consent 737
agreement that was issued after a full hearing under this 738
section. The court that issued the protection order or approved 739
the consent agreement shall hear a motion for modification or 740
termination of the protection order or consent agreement 741
pursuant to division (E) (6) of this section. 742

(b) Either the petitioner alleging dating violence or the 743
respondent of the original protection order or consent agreement 744
may bring a motion for modification or termination of a 745
protection order or consent agreement that was issued or 746
approved after a full hearing. The court shall require notice of 747
the motion to be made as provided by the Rules of Civil 748
Procedure. If that petitioner for the original protection order 749
or consent agreement has requested that the petitioner's address 750
be kept confidential, the court shall not disclose the address 751
to the respondent of the original protection order or consent 752
agreement or any other person, except as otherwise required by 753

law. The moving party has the burden of proof to show, by a 754
preponderance of the evidence, that modification or termination 755
of the protection order or consent agreement is appropriate 756
because either the protection order or consent agreement is no 757
longer needed or because the terms of the original protection 758
order or consent agreement are no longer appropriate. 759

(c) In considering whether to modify or terminate a 760
protection order or consent agreement issued or approved under 761
this section, the court shall consider all relevant factors, 762
including, but not limited to, the following: 763

(i) Whether the petitioner consents to modification or 764
termination of the protection order or consent agreement; 765

(ii) Whether the petitioner fears the respondent; 766

(iii) The current nature of the relationship between the 767
petitioner and the respondent; 768

(iv) The circumstances of the petitioner and respondent, 769
including the relative proximity of the petitioner's and 770
respondent's workplaces and residences; 771

(v) Whether the respondent has complied with the terms and 772
conditions of the original protection order or consent 773
agreement; 774

(vi) Whether the respondent has a continuing involvement 775
with illegal drugs or alcohol; 776

(vii) Whether the respondent has been convicted of, 777
pleaded guilty to, or been adjudicated a delinquent child for an 778
offense of violence since the issuance of the protection order 779
or approval of the consent agreement; 780

(viii) Whether any other protection orders, consent 781

agreements, restraining orders, or no contact orders have been 782
issued against the respondent pursuant to this section, section 783
2919.26 or 3113.31 of the Revised Code, any other provision of 784
state law, or the law of any other state; 785

(ix) Whether the respondent has participated in any dating 786
violence treatment, intervention program, or other counseling 787
addressing dating violence and whether the respondent has 788
completed the treatment, program, or counseling; 789

(x) The time that has elapsed since the protection order 790
was issued or since the consent agreement was approved; 791

(xi) The age and health of the respondent; 792

(xii) When the last incident of abuse, threat of harm, or 793
commission of a sexually oriented offense occurred or other 794
relevant information concerning the safety and protection of the 795
petitioner alleging dating violence, or the petitioner filing 796
the petition if other than the person alleging dating violence. 797

(d) If a protection order or consent agreement is modified 798
or terminated as provided in division (E)(6) of this section, 799
the court shall issue copies of the modified or terminated order 800
or agreement as provided in division (F) of this section. A 801
petitioner may also provide notice of the modification or 802
termination to the judicial and law enforcement officials in any 803
county other than the county in which the order or agreement is 804
modified or terminated as provided in division (L) of this 805
section. 806

(e) If the respondent moves for modification or 807
termination of a protection order or consent agreement pursuant 808
to this section and the court denies the motion, the court may 809
assess costs against the respondent for the filing of the 810

motion. 811

(7) Any protection order issued or any consent agreement 812
approved pursuant to this section shall include a provision that 813
the court will automatically seal all of the records of the 814
proceeding in which the order is issued or agreement approved on 815
the date the respondent attains the age of nineteen years unless 816
the petitioner provides the court with evidence that the 817
respondent has not complied with all of the terms of the 818
protection order or consent agreement. The protection order or 819
consent agreement shall specify the date when the respondent 820
attains the age of nineteen years. 821

(F) (1) A copy of any protection order, or consent 822
agreement, that is issued, approved, modified, or terminated 823
under this section shall be issued by the court to the 824
petitioner, to the respondent, and to all law enforcement 825
agencies that have jurisdiction to enforce the order or 826
agreement. The court shall direct that a copy of an order be 827
delivered to the respondent on the same day that the order is 828
entered. 829

(2) Upon the issuance of a protection order or the 830
approval of a consent agreement under this section, the court 831
shall provide the parties to the order or agreement with the 832
following notice orally or by form: 833

"NOTICE 834

As a result of this order or consent agreement, it may be 835
unlawful for you to possess or purchase a firearm, including a 836
rifle, pistol, or revolver, or ammunition pursuant to federal 837
law under 18 U.S.C. 922(g)(8). If you have any questions whether 838
this law makes it illegal for you to possess or purchase a 839

firearm or ammunition, you should consult an attorney." 840

(3) All law enforcement agencies shall establish and 841
maintain an index for the protection orders and the approved 842
consent agreements delivered to the agencies pursuant to 843
division (F) (1) of this section. With respect to each order and 844
consent agreement delivered, each agency shall note on the index 845
the date and time that it received the order or consent 846
agreement. 847

(4) Regardless of whether the petitioner has registered 848
the order or agreement in the county in which the officer's 849
agency has jurisdiction pursuant to division (L) of this 850
section, any officer of a law enforcement agency shall enforce a 851
protection order issued or consent agreement approved by any 852
court in this state in accordance with the provisions of the 853
order or agreement, including removing the respondent from the 854
premises, if appropriate. 855

(G) Any proceeding under this section shall be conducted 856
in accordance with the Rules of Civil Procedure, except that an 857
order under this section may be obtained with or without bond. 858
An order issued under this section, other than an ex parte 859
order, that grants a protection order or approves a consent 860
agreement, that refuses to grant a protection order or approve a 861
consent agreement that modifies or terminates a protection order 862
or consent agreement, or that refuses to modify or terminate a 863
protection order or consent agreement, is a final, appealable 864
order. The remedies and procedures provided in this section are 865
in addition to, and not in lieu of, any other available civil or 866
criminal remedies. 867

(H) Any law enforcement agency that investigates a dispute 868
involving persons in a dating relationship shall provide 869

information to the potential petitioner alleging dating violence 870
involved regarding the relief available under this section. 871

(I) (1) Subject to divisions (E) (6) (e) and (I) (2) of this 872
section and regardless of whether a protection order is issued 873
or a consent agreement is approved by a court of another county 874
or a court of another state, no court or unit of state or local 875
government shall charge the petitioner any fee, cost, deposit, 876
or money in connection with the filing of a petition pursuant to 877
this section or in connection with the filing, issuance, 878
registration, modification, enforcement, dismissal, withdrawal, 879
or service of a protection order, consent agreement, or witness 880
subpoena or for obtaining a certified copy of a protection order 881
or consent agreement. 882

(2) Regardless of whether a protection order is issued or 883
a consent agreement is approved pursuant to this section, the 884
court may assess costs against the respondent in connection with 885
the filing, issuance, registration, modification, enforcement, 886
dismissal, withdrawal, or service of a protection order, consent 887
agreement, or witness subpoena or for obtaining a certified copy 888
of a protection order or consent agreement. 889

(J) A person who violates a protection order issued or a 890
consent agreement approved under this section is guilty of a 891
violation of section 2919.27 of the Revised Code. 892

(K) In all stages of a proceeding under this section, a 893
petitioner may be accompanied by a victim advocate. 894

(L) (1) A petitioner who obtains a protection order or 895
consent agreement under this section may provide notice of the 896
issuance or approval of the order or agreement to the judicial 897
and law enforcement officials in any county other than the 898

county in which the order is issued or the agreement is approved 899
by registering that order or agreement in the other county 900
pursuant to division (L) (2) of this section and filing a copy of 901
the registered order or registered agreement with a law 902
enforcement agency in the other county in accordance with that 903
division. A person who obtains a protection order issued by a 904
court of another state may provide notice of the issuance of the 905
order to the judicial and law enforcement officials in any 906
county of this state by registering the order in that county 907
pursuant to section 2919.272 of the Revised Code and filing a 908
copy of the registered order with a law enforcement agency in 909
that county. 910

(2) A petitioner may register a temporary protection 911
order, protection order, or consent agreement in a county other 912
than the county in which the court that issued the order or 913
approved the agreement is located in the following manner: 914

(a) The petitioner shall obtain a certified copy of the 915
order or agreement from the clerk of the court that issued the 916
order or approved the agreement and present that certified copy 917
to the clerk of the court of common pleas or the clerk of a 918
municipal court or county court in the county in which the order 919
or agreement is to be registered. 920

(b) Upon accepting the certified copy of the order or 921
agreement for registration, the clerk of the court of common 922
pleas, municipal court, or county court shall place an 923
endorsement of registration on the order or agreement and give 924
the petitioner a copy of the order or agreement that bears that 925
proof of registration. 926

(3) The clerk of each court of common pleas, the clerk of 927
each municipal court, and the clerk of each county court shall 928

maintain a registry of certified copies of temporary protection 929
orders, protection orders, or consent agreements that have been 930
issued or approved by courts in other counties and that have 931
been registered with the clerk. 932

Sec. 3113.33. As used in sections 3113.33 to 3113.40 of 933
the Revised Code: 934

(A) "Domestic violence" means attempting to cause or 935
causing bodily injury to a family or household member, or 936
placing a family or household member by threat of force in fear 937
of imminent physical harm. "Domestic violence" includes dating 938
violence. 939

(B) "Family or household member" means any of the 940
following: 941

(1) Any of the following who is residing or has resided 942
with the person committing the domestic violence: 943

(a) A spouse, a person living as a spouse, or a former 944
spouse of the person committing the domestic violence; 945

(b) A parent, foster parent, or child of the person 946
committing the domestic violence, or another person related by 947
consanguinity or affinity to the person committing the domestic 948
violence; 949

(c) A parent or a child of a spouse, person living as a 950
spouse, or former spouse of the person committing the domestic 951
violence, or another person related by consanguinity or affinity 952
to a spouse, person living as a spouse, or former spouse of the 953
person committing the domestic violence; 954

(d) The dependents of any person listed in division (B)(1) 955
(a), (b), or (c) of this section. 956

(2) The natural parent of any child of whom the person 957
committing the domestic violence is the other natural parent or 958
is the putative other natural parent; 959

(3) A person in a dating relationship with the person 960
committing the dating violence and who is the victim of that 961
dating violence. 962

(C) "Shelter for victims of domestic violence" or 963
"shelter" means a facility that provides temporary residential 964
service or facilities to family or household members who are 965
victims of domestic violence. 966

(D) "Person living as a spouse" means a person who is 967
living or has lived with the person committing the domestic 968
violence in a common law marital relationship, who otherwise is 969
cohabiting with the person committing the domestic violence, or 970
who otherwise has cohabited with the person committing the 971
domestic violence within five years prior to the date of the 972
alleged occurrence of the act in question. 973

(E) "Dating violence" has the same meaning as in section 974
3113.311 of the Revised Code. 975

Section 2. That existing sections 109.42, 2151.23, 976
2919.27, and 3113.33 of the Revised Code are hereby repealed. 977