

As Introduced

131st General Assembly

Regular Session

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H. B. No. 494

Representatives Antonio, Boyd

Cosponsors: Representatives Strahorn, Celebrezze, Sykes, Howse, Lepore-Hagan, Slesnick, Fedor, Johnson, G., Clyde

A BILL

To amend sections 2151.34, 2903.13, 2903.21, 1
2903.214, 2919.25, 2919.26, 2923.13, and 3113.31 2
and to enact section 2923.132 of the Revised 3
Code to require a court that issues a protection 4
order to determine if the respondent is 5
prohibited from carrying or possessing a 6
firearm, to require a court to determine whether 7
an offender who has been convicted of specified 8
offenses is prohibited from carrying or 9
possessing a firearm, and to require a 10
respondent or offender who the court determines 11
is prohibited from carrying or possessing a 12
firearm to transfer all firearms in the person's 13
possession to a law enforcement agency or a 14
federally licensed firearms dealer. 15

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

Section 1. That sections 2151.34, 2903.13, 2903.21, 16
2903.214, 2919.25, 2919.26, 2923.13, and 3113.31 be amended and 17
section 2923.132 of the Revised Code be enacted to read as 18

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| follows: | 19 |
| Sec. 2151.34. (A) As used in this section: | 20 |
| (1) "Court" means the juvenile division of the court of common pleas of the county in which the person to be protected by the protection order resides. | 21 22 23 |
| (2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. | 24 25 26 |
| (3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code. | 27 28 |
| (4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. | 29 30 |
| (5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed. | 31 32 33 |
| (6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section. | 34 35 36 |
| (7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. | 37 38 |
| (8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. | 39 40 |
| (9) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. | 41 42 |
| (B) The court has jurisdiction over all proceedings under this section. | 43 44 |
| (C) (1) Any of the following persons may seek relief under | 45 |

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| this section by filing a petition with the court: | 46 |
| (a) Any person on behalf of that person; | 47 |
| (b) Any parent or adult family or household member on behalf of any other family or household member; | 48 49 |
| (c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child. | 50 51 52 |
| (2) The petition shall contain or state all of the following: | 53 54 |
| (a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation; | 55 56 57 58 59 60 61 62 |
| (b) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected; | 63 64 65 66 67 68 69 70 |
| (c) A request for relief under this section. | 71 |
| (3) <u>A petitioner may include a statement in the petition that describes the number, types, and locations of any firearms</u> | 72 73 |

that the petitioner knows to be in the possession or control of 74
the respondent. 75

(4) The court in its discretion may determine whether or 76
not to give notice that a petition has been filed under division 77
(C) (1) of this section on behalf of a child to any of the 78
following: 79

(a) A parent of the child if the petition was filed by any 80
person other than a parent of the child; 81

(b) Any person who is determined by the court to be an 82
appropriate person to receive notice of the filing of the 83
petition. 84

(D) (1) If a person who files a petition pursuant to this 85
section requests an ex parte order, the court shall hold an ex 86
parte hearing as soon as possible after the petition is filed, 87
but not later than the next day after the court is in session 88
after the petition is filed. The court, for good cause shown at 89
the ex parte hearing, may enter any temporary orders, with or 90
without bond, that the court finds necessary for the safety and 91
protection of the person to be protected by the order. Immediate 92
and present danger to the person to be protected by the 93
protection order constitutes good cause for purposes of this 94
section. Immediate and present danger includes, but is not 95
limited to, situations in which the respondent has threatened 96
the person to be protected by the protection order with bodily 97
harm or in which the respondent previously has been convicted 98
of, pleaded guilty to, or been adjudicated a delinquent child 99
for committing a violation of section 2903.11, 2903.12, 2903.13, 100
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 101
sexually oriented offense, or a violation of any municipal 102
ordinance that is substantially equivalent to any of those 103

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| offenses against the person to be protected by the protection order. | 104 105 |
| (2) (a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court: | 106 107 108 109 110 111 112 113 114 115 116 117 118 |
| (i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing. | 119 120 121 122 |
| (ii) The parties consent to the continuance. | 123 |
| (iii) The continuance is needed to allow a party to obtain counsel. | 124 125 |
| (iv) The continuance is needed for other good cause. | 126 |
| (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. | 127 128 129 130 131 |
| (3) If a person who files a petition pursuant to this | 132 |

section does not request an ex parte order, or if a person 133
requests an ex parte order but the court does not issue an ex 134
parte order after an ex parte hearing, the court shall proceed 135
as in a normal civil action and grant a full hearing on the 136
matter. 137

(E) (1) (a) After an ex parte or full hearing, the court may 138
issue any protection order, with or without bond, that contains 139
terms designed to ensure the safety and protection of the person 140
to be protected by the protection order. The court may include 141
within a protection order issued under this section a term 142
requiring that the respondent not remove, damage, hide, harm, or 143
dispose of any companion animal owned or possessed by the person 144
to be protected by the order, and may include within the order a 145
term authorizing the person to be protected by the order to 146
remove a companion animal owned by the person to be protected by 147
the order from the possession of the respondent. 148

(b) After a full hearing, if the court considering a 149
petition that includes an allegation of the type described in 150
division (C) (2) (b) of this section or the court, upon its own 151
motion, finds upon clear and convincing evidence that the 152
petitioner reasonably believed that the respondent's conduct at 153
any time preceding the filing of the petition endangered the 154
health, welfare, or safety of the person to be protected and 155
that the respondent presents a continuing danger to the person 156
to be protected and if division (N) of this section does not 157
prohibit the issuance of an order that the respondent be 158
electronically monitored, the court may order that the 159
respondent be electronically monitored for a period of time and 160
under the terms and conditions that the court determines are 161
appropriate. Electronic monitoring shall be in addition to any 162
other relief granted to the petitioner. 163

(2) (a) Any protection order issued pursuant to this 164
section shall be valid until a date certain but not later than 165
the date the respondent attains nineteen years of age. 166

(b) Any protection order issued pursuant to this section 167
may be renewed in the same manner as the original order was 168
issued. 169

(3) A court may not issue a protection order that requires 170
a petitioner to do or to refrain from doing an act that the 171
court may require a respondent to do or to refrain from doing 172
under division (E) (1) of this section unless all of the 173
following apply: 174

(a) The respondent files a separate petition for a 175
protection order in accordance with this section. 176

(b) The petitioner is served with notice of the 177
respondent's petition at least forty-eight hours before the 178
court holds a hearing with respect to the respondent's petition, 179
or the petitioner waives the right to receive this notice. 180

(c) If the petitioner has requested an ex parte order 181
pursuant to division (D) of this section, the court does not 182
delay any hearing required by that division beyond the time 183
specified in that division in order to consolidate the hearing 184
with a hearing on the petition filed by the respondent. 185

(d) After a full hearing at which the respondent presents 186
evidence in support of the request for a protection order and 187
the petitioner is afforded an opportunity to defend against that 188
evidence, the court determines that the petitioner has committed 189
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 190
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 191
oriented offense, or a violation of any municipal ordinance that 192

is substantially equivalent to any of those offenses against the 193
person to be protected by the protection order issued pursuant 194
to division (E) (3) of this section, or has violated a protection 195
order issued pursuant to this section or section 2903.213 of the 196
Revised Code relative to the person to be protected by the 197
protection order issued pursuant to division (E) (3) of this 198
section. 199

(4) No protection order issued pursuant to this section 200
shall in any manner affect title to any real property. 201

(5) (a) A protection order issued under this section shall 202
clearly state that the person to be protected by the order 203
cannot waive or nullify by invitation or consent any requirement 204
in the order. 205

(b) Division (E) (5) (a) of this section does not limit any 206
discretion of a court to determine that a respondent alleged to 207
have violated section 2919.27 of the Revised Code, violated a 208
municipal ordinance substantially equivalent to that section, or 209
committed contempt of court, which allegation is based on an 210
alleged violation of a protection order issued under this 211
section, did not commit the violation or was not in contempt of 212
court. 213

(6) Any protection order issued pursuant to this section 214
shall include a provision that the court will automatically seal 215
all of the records of the proceeding in which the order is 216
issued on the date the respondent attains the age of nineteen 217
years unless the petitioner provides the court with evidence 218
that the respondent has not complied with all of the terms of 219
the protection order. The protection order shall specify the 220
date when the respondent attains the age of nineteen years. 221

(F) (1) The court shall cause the delivery of a copy of any protection order that is issued under this section to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the respondent and the parent, guardian, or legal custodian of the respondent on the same day that the order is entered.

(2) Upon the issuance of a protection order under this section, the court shall determine whether, as a result of the order, it is unlawful for the respondent to possess or purchase a firearm under division (A) (6) of section 2923.13 of the Revised Code or 18 U.S.C. 922(g) (8). If the court determines that the respondent is prohibited from possessing or purchasing a firearm, the court shall order the respondent to transfer all firearms in the respondent's possession or control, and shall ensure that the transfer is made, in accordance with section 2923.132 of the Revised Code. If the respondent is so prohibited, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

As a result of this order, it ~~may be~~ is unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to ~~federal law under section 2923.13 of the Revised Code or 18 U.S.C. 922(g) (8).~~ If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney. You are required to transfer all firearms in your possession or control within twenty-four hours after service of this order in accordance with section 2923.132 of the Revised Code. You are required to file with this court a proof of

transfer and an affidavit that you possess no firearms within 252
forty-eight hours after service of this order." 253

(3) All law enforcement agencies shall establish and 254
maintain an index for the protection orders delivered to the 255
agencies pursuant to division (F)(1) of this section. With 256
respect to each order delivered, each agency shall note on the 257
index the date and time that it received the order. 258

(4) Regardless of whether the petitioner has registered 259
the protection order in the county in which the officer's agency 260
has jurisdiction pursuant to division (M) of this section, any 261
officer of a law enforcement agency shall enforce a protection 262
order issued pursuant to this section by any court in this state 263
in accordance with the provisions of the order, including 264
removing the respondent from the premises, if appropriate. 265

(G) Any proceeding under this section shall be conducted 266
in accordance with the Rules of Civil Procedure, except that a 267
protection order may be obtained under this section with or 268
without bond. An order issued under this section, other than an 269
ex parte order, that grants a protection order, or that refuses 270
to grant a protection order, is a final, appealable order. The 271
remedies and procedures provided in this section are in addition 272
to, and not in lieu of, any other available civil or criminal 273
remedies or any other available remedies under Chapter 2151. or 274
2152. of the Revised Code. 275

(H) The filing of proceedings under this section does not 276
excuse a person from filing any report or giving any notice 277
required by section 2151.421 of the Revised Code or by any other 278
law. 279

(I) Any law enforcement agency that investigates an 280

alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 281
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 282
commission of a sexually oriented offense, or an alleged 283
violation of a municipal ordinance that is substantially 284
equivalent to any of those offenses shall provide information to 285
the victim and the family or household members of the victim 286
regarding the relief available under this section. 287

(J) (1) Subject to division (J) (2) of this section and 288
regardless of whether a protection order is issued or a consent 289
agreement is approved by a court of another county or by a court 290
of another state, no court or unit of state or local government 291
shall charge the petitioner any fee, cost, deposit, or money in 292
connection with the filing of a petition pursuant to this 293
section, in connection with the filing, issuance, registration, 294
modification, enforcement, dismissal, withdrawal, or service of 295
a protection order, consent agreement, or witness subpoena or 296
for obtaining a certified copy of a protection order or consent 297
agreement. 298

(2) Regardless of whether a protection order is issued or 299
a consent agreement is approved pursuant to this section, the 300
court may assess costs against the respondent in connection with 301
the filing, issuance, registration, modification, enforcement, 302
dismissal, withdrawal, or service of a protection order, consent 303
agreement, or witness subpoena or for obtaining a certified copy 304
of a protection order or consent agreement. 305

(K) (1) A person who violates a protection order issued 306
under this section is subject to the following sanctions: 307

(a) A delinquent child proceeding or a criminal 308
prosecution for a violation of section 2919.27 of the Revised 309
Code, if the violation of the protection order constitutes a 310

violation of that section; 311

(b) Punishment for contempt of court. 312

(2) The punishment of a person for contempt of court for 313
violation of a protection order issued under this section does 314
not bar criminal prosecution of the person or a delinquent child 315
proceeding concerning the person for a violation of section 316
2919.27 of the Revised Code. However, a person punished for 317
contempt of court is entitled to credit for the punishment 318
imposed upon conviction of or adjudication as a delinquent child 319
for a violation of that section, and a person convicted of or 320
adjudicated a delinquent child for a violation of that section 321
shall not subsequently be punished for contempt of court arising 322
out of the same activity. 323

(L) In all stages of a proceeding under this section, a 324
petitioner may be accompanied by a victim advocate. 325

(M) (1) A petitioner who obtains a protection order under 326
this section may provide notice of the issuance or approval of 327
the order to the judicial and law enforcement officials in any 328
county other than the county in which the order is issued by 329
registering that order in the other county pursuant to division 330
(M) (2) of this section and filing a copy of the registered order 331
with a law enforcement agency in the other county in accordance 332
with that division. A person who obtains a protection order 333
issued by a court of another state may provide notice of the 334
issuance of the order to the judicial and law enforcement 335
officials in any county of this state by registering the order 336
in that county pursuant to section 2919.272 of the Revised Code 337
and filing a copy of the registered order with a law enforcement 338
agency in that county. 339

(2) A petitioner may register a protection order issued 340
pursuant to this section in a county other than the county in 341
which the court that issued the order is located in the 342
following manner: 343

(a) The petitioner shall obtain a certified copy of the 344
order from the clerk of the court that issued the order and 345
present that certified copy to the clerk of the court of common 346
pleas or the clerk of a municipal court or county court in the 347
county in which the order is to be registered. 348

(b) Upon accepting the certified copy of the order for 349
registration, the clerk of the court of common pleas, municipal 350
court, or county court shall place an endorsement of 351
registration on the order and give the petitioner a copy of the 352
order that bears that proof of registration. 353

(3) The clerk of each court of common pleas, municipal 354
court, or county court shall maintain a registry of certified 355
copies of protection orders that have been issued by courts in 356
other counties pursuant to this section and that have been 357
registered with the clerk. 358

(N) If the court orders electronic monitoring of the 359
respondent under this section, the court shall direct the 360
sheriff's office or any other appropriate law enforcement agency 361
to install the electronic monitoring device and to monitor the 362
respondent. Unless the court determines that the respondent is 363
indigent, the court shall order the respondent to pay the cost 364
of the installation and monitoring of the electronic monitoring 365
device. If the court determines that the respondent is indigent 366
and subject to the maximum amount allowable to be paid in any 367
year from the fund and the rules promulgated by the attorney 368
general under section 2903.214 of the Revised Code, the cost of 369

the installation and monitoring of the electronic monitoring 370
device may be paid out of funds from the reparations fund 371
created pursuant to section 2743.191 of the Revised Code. The 372
total amount paid from the reparations fund created pursuant to 373
section 2743.191 of the Revised Code for electronic monitoring 374
under this section and sections 2903.214 and 2919.27 of the 375
Revised Code shall not exceed three hundred thousand dollars per 376
year. When the total amount paid from the reparations fund in 377
any year for electronic monitoring under those sections equals 378
or exceeds three hundred thousand dollars, the court shall not 379
order pursuant to this section that an indigent respondent be 380
electronically monitored. 381

(O) The court, in its discretion, may determine if the 382
respondent is entitled to court-appointed counsel in a 383
proceeding under this section. 384

Sec. 2903.13. (A) No person shall knowingly cause or 385
attempt to cause physical harm to another or to another's 386
unborn. 387

(B) No person shall recklessly cause serious physical harm 388
to another or to another's unborn. 389

(C) (1) Whoever violates this section is guilty of assault, 390
and the court shall sentence the offender as provided in this 391
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 392
(8), (9), and (10) of this section. Except as otherwise provided 393
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 394
section, assault is a misdemeanor of the first degree. 395

(2) Except as otherwise provided in this division, if the 396
offense is committed by a caretaker against a functionally 397
impaired person under the caretaker's care, assault is a felony 398

of the fourth degree. If the offense is committed by a caretaker 399
against a functionally impaired person under the caretaker's 400
care, if the offender previously has been convicted of or 401
pleaded guilty to a violation of this section or section 2903.11 402
or 2903.16 of the Revised Code, and if in relation to the 403
previous conviction the offender was a caretaker and the victim 404
was a functionally impaired person under the offender's care, 405
assault is a felony of the third degree. 406

(3) If the offense occurs in or on the grounds of a state 407
correctional institution or an institution of the department of 408
youth services, the victim of the offense is an employee of the 409
department of rehabilitation and correction or the department of 410
youth services, and the offense is committed by a person 411
incarcerated in the state correctional institution or by a 412
person institutionalized in the department of youth services 413
institution pursuant to a commitment to the department of youth 414
services, assault is a felony of the third degree. 415

(4) If the offense is committed in any of the following 416
circumstances, assault is a felony of the fifth degree: 417

(a) The offense occurs in or on the grounds of a local 418
correctional facility, the victim of the offense is an employee 419
of the local correctional facility or a probation department or 420
is on the premises of the facility for business purposes or as a 421
visitor, and the offense is committed by a person who is under 422
custody in the facility subsequent to the person's arrest for 423
any crime or delinquent act, subsequent to the person's being 424
charged with or convicted of any crime, or subsequent to the 425
person's being alleged to be or adjudicated a delinquent child. 426

(b) The offense occurs off the grounds of a state 427
correctional institution and off the grounds of an institution 428

of the department of youth services, the victim of the offense 429
is an employee of the department of rehabilitation and 430
correction, the department of youth services, or a probation 431
department, the offense occurs during the employee's official 432
work hours and while the employee is engaged in official work 433
responsibilities, and the offense is committed by a person 434
incarcerated in a state correctional institution or 435
institutionalized in the department of youth services who 436
temporarily is outside of the institution for any purpose, by a 437
parolee, by an offender under transitional control, under a 438
community control sanction, or on an escorted visit, by a person 439
under post-release control, or by an offender under any other 440
type of supervision by a government agency. 441

(c) The offense occurs off the grounds of a local 442
correctional facility, the victim of the offense is an employee 443
of the local correctional facility or a probation department, 444
the offense occurs during the employee's official work hours and 445
while the employee is engaged in official work responsibilities, 446
and the offense is committed by a person who is under custody in 447
the facility subsequent to the person's arrest for any crime or 448
delinquent act, subsequent to the person being charged with or 449
convicted of any crime, or subsequent to the person being 450
alleged to be or adjudicated a delinquent child and who 451
temporarily is outside of the facility for any purpose or by a 452
parolee, by an offender under transitional control, under a 453
community control sanction, or on an escorted visit, by a person 454
under post-release control, or by an offender under any other 455
type of supervision by a government agency. 456

(d) The victim of the offense is a school teacher or 457
administrator or a school bus operator, and the offense occurs 458
in a school, on school premises, in a school building, on a 459

school bus, or while the victim is outside of school premises or 460
a school bus and is engaged in duties or official 461
responsibilities associated with the victim's employment or 462
position as a school teacher or administrator or a school bus 463
operator, including, but not limited to, driving, accompanying, 464
or chaperoning students at or on class or field trips, athletic 465
events, or other school extracurricular activities or functions 466
outside of school premises. 467

(5) If the victim of the offense is a peace officer or an 468
investigator of the bureau of criminal identification and 469
investigation, a firefighter, or a person performing emergency 470
medical service, while in the performance of their official 471
duties, assault is a felony of the fourth degree. 472

(6) If the victim of the offense is a peace officer or an 473
investigator of the bureau of criminal identification and 474
investigation and if the victim suffered serious physical harm 475
as a result of the commission of the offense, assault is a 476
felony of the fourth degree, and the court, pursuant to division 477
(F) of section 2929.13 of the Revised Code, shall impose as a 478
mandatory prison term one of the prison terms prescribed for a 479
felony of the fourth degree that is at least twelve months in 480
duration. 481

(7) If the victim of the offense is an officer or employee 482
of a public children services agency or a private child placing 483
agency and the offense relates to the officer's or employee's 484
performance or anticipated performance of official 485
responsibilities or duties, assault is either a felony of the 486
fifth degree or, if the offender previously has been convicted 487
of or pleaded guilty to an offense of violence, the victim of 488
that prior offense was an officer or employee of a public 489

children services agency or private child placing agency, and 490
that prior offense related to the officer's or employee's 491
performance or anticipated performance of official 492
responsibilities or duties, a felony of the fourth degree. 493

(8) If the victim of the offense is a health care 494
professional of a hospital, a health care worker of a hospital, 495
or a security officer of a hospital whom the offender knows or 496
has reasonable cause to know is a health care professional of a 497
hospital, a health care worker of a hospital, or a security 498
officer of a hospital, if the victim is engaged in the 499
performance of the victim's duties, and if the hospital offers 500
de-escalation or crisis intervention training for such 501
professionals, workers, or officers, assault is one of the 502
following: 503

(a) Except as otherwise provided in division (C) (8) (b) of 504
this section, assault committed in the specified circumstances 505
is a misdemeanor of the first degree. Notwithstanding the fine 506
specified in division (A) (2) (b) of section 2929.28 of the 507
Revised Code for a misdemeanor of the first degree, in 508
sentencing the offender under this division and if the court 509
decides to impose a fine, the court may impose upon the offender 510
a fine of not more than five thousand dollars. 511

(b) If the offender previously has been convicted of or 512
pleaded guilty to one or more assault or homicide offenses 513
committed against hospital personnel, assault committed in the 514
specified circumstances is a felony of the fifth degree. 515

(9) If the victim of the offense is a judge, magistrate, 516
prosecutor, or court official or employee whom the offender 517
knows or has reasonable cause to know is a judge, magistrate, 518
prosecutor, or court official or employee, and if the victim is 519

engaged in the performance of the victim's duties, assault is 520
one of the following: 521

(a) Except as otherwise provided in division (C) (8) (b) of 522
this section, assault committed in the specified circumstances 523
is a misdemeanor of the first degree. In sentencing the offender 524
under this division, if the court decides to impose a fine, 525
notwithstanding the fine specified in division (A) (2) (b) of 526
section 2929.28 of the Revised Code for a misdemeanor of the 527
first degree, the court may impose upon the offender a fine of 528
not more than five thousand dollars. 529

(b) If the offender previously has been convicted of or 530
pleaded guilty to one or more assault or homicide offenses 531
committed against justice system personnel, assault committed in 532
the specified circumstances is a felony of the fifth degree. 533

(10) If an offender who is convicted of or pleads guilty 534
to assault when it is a misdemeanor also is convicted of or 535
pleads guilty to a specification as described in section 536
2941.1423 of the Revised Code that was included in the 537
indictment, count in the indictment, or information charging the 538
offense, the court shall sentence the offender to a mandatory 539
jail term as provided in division (G) of section 2929.24 of the 540
Revised Code. 541

If an offender who is convicted of or pleads guilty to 542
assault when it is a felony also is convicted of or pleads 543
guilty to a specification as described in section 2941.1423 of 544
the Revised Code that was included in the indictment, count in 545
the indictment, or information charging the offense, except as 546
otherwise provided in division (C) (6) of this section, the court 547
shall sentence the offender to a mandatory prison term as 548
provided in division (B) (8) of section 2929.14 of the Revised 549

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| Code. | 550 |
| (D) <u>Upon a person's conviction of a violation of this</u> | 551 |
| <u>section, the court shall determine whether, as a result of the</u> | 552 |
| <u>violation, it is unlawful for the offender to possess or</u> | 553 |
| <u>purchase a firearm under section 2923.13 of the Revised Code or</u> | 554 |
| <u>18 U.S.C. 922(g)(9). If the court determines that the offender</u> | 555 |
| <u>is prohibited from possessing or purchasing a firearm, the court</u> | 556 |
| <u>shall order the offender to transfer all firearms in the</u> | 557 |
| <u>offender's possession or control in accordance with section</u> | 558 |
| <u>2923.132 of the Revised Code.</u> | 559 |
| (E) As used in this section: | 560 |
| (1) "Peace officer" has the same meaning as in section | 561 |
| 2935.01 of the Revised Code. | 562 |
| (2) "Firefighter" has the same meaning as in section | 563 |
| 3937.41 of the Revised Code. | 564 |
| (3) "Emergency medical service" has the same meaning as in | 565 |
| section 4765.01 of the Revised Code. | 566 |
| (4) "Local correctional facility" means a county, | 567 |
| multicounty, municipal, municipal-county, or multicounty- | 568 |
| municipal jail or workhouse, a minimum security jail established | 569 |
| under section 341.23 or 753.21 of the Revised Code, or another | 570 |
| county, multicounty, municipal, municipal-county, or | 571 |
| multicounty-municipal facility used for the custody of persons | 572 |
| arrested for any crime or delinquent act, persons charged with | 573 |
| or convicted of any crime, or persons alleged to be or | 574 |
| adjudicated a delinquent child. | 575 |
| (5) "Employee of a local correctional facility" means a | 576 |
| person who is an employee of the political subdivision or of one | 577 |
| or more of the affiliated political subdivisions that operates | 578 |

the local correctional facility and who operates or assists in 579
the operation of the facility. 580

(6) "School teacher or administrator" means either of the 581
following: 582

(a) A person who is employed in the public schools of the 583
state under a contract described in section 3311.77 or 3319.08 584
of the Revised Code in a position in which the person is 585
required to have a certificate issued pursuant to sections 586
3319.22 to 3319.311 of the Revised Code. 587

(b) A person who is employed by a nonpublic school for 588
which the state board of education prescribes minimum standards 589
under section 3301.07 of the Revised Code and who is 590
certificated in accordance with section 3301.071 of the Revised 591
Code. 592

(7) "Community control sanction" has the same meaning as 593
in section 2929.01 of the Revised Code. 594

(8) "Escorted visit" means an escorted visit granted under 595
section 2967.27 of the Revised Code. 596

(9) "Post-release control" and "transitional control" have 597
the same meanings as in section 2967.01 of the Revised Code. 598

(10) "Investigator of the bureau of criminal 599
identification and investigation" has the same meaning as in 600
section 2903.11 of the Revised Code. 601

(11) "Health care professional" and "health care worker" 602
have the same meanings as in section 2305.234 of the Revised 603
Code. 604

(12) "Assault or homicide offense committed against 605
hospital personnel" means a violation of this section or of 606

section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 607
2903.12, or 2903.14 of the Revised Code committed in 608
circumstances in which all of the following apply: 609

(a) The victim of the offense was a health care 610
professional of a hospital, a health care worker of a hospital, 611
or a security officer of a hospital. 612

(b) The offender knew or had reasonable cause to know that 613
the victim was a health care professional of a hospital, a 614
health care worker of a hospital, or a security officer of a 615
hospital. 616

(c) The victim was engaged in the performance of the 617
victim's duties. 618

(d) The hospital offered de-escalation or crisis 619
intervention training for such professionals, workers, or 620
officers. 621

(13) "De-escalation or crisis intervention training" means 622
de-escalation or crisis intervention training for health care 623
professionals of a hospital, health care workers of a hospital, 624
and security officers of a hospital to facilitate interaction 625
with patients, members of a patient's family, and visitors, 626
including those with mental impairments. 627

(14) "Assault or homicide offense committed against 628
justice system personnel" means a violation of this section or 629
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 630
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 631
circumstances in which the victim of the offense was a judge, 632
magistrate, prosecutor, or court official or employee whom the 633
offender knew or had reasonable cause to know was a judge, 634
magistrate, prosecutor, or court official or employee, and the 635

victim was engaged in the performance of the victim's duties. 636

(15) "Court official or employee" means any official or 637
employee of a court created under the constitution or statutes 638
of this state or of a United States court located in this state. 639

(16) "Judge" means a judge of a court created under the 640
constitution or statutes of this state or of a United States 641
court located in this state. 642

(17) "Magistrate" means an individual who is appointed by 643
a court of record of this state and who has the powers and may 644
perform the functions specified in Civil Rule 53, Criminal Rule 645
19, or Juvenile Rule 40, or an individual who is appointed by a 646
United States court located in this state who has similar powers 647
and functions. 648

(18) "Prosecutor" has the same meaning as in section 649
2935.01 of the Revised Code. 650

(19) (a) "Hospital" means, subject to division (D) (19) (b) 651
of this section, an institution classified as a hospital under 652
section 3701.01 of the Revised Code in which are provided to 653
patients diagnostic, medical, surgical, obstetrical, 654
psychiatric, or rehabilitation care or a hospital operated by a 655
health maintenance organization. 656

(b) "Hospital" does not include any of the following: 657

(i) A facility licensed under Chapter 3721. of the Revised 658
Code, a health care facility operated by the department of 659
mental health or the department of developmental disabilities, a 660
health maintenance organization that does not operate a 661
hospital, or the office of any private, licensed health care 662
professional, whether organized for individual or group 663
practice; 664

(ii) An institution for the sick that is operated 665
exclusively for patients who use spiritual means for healing and 666
for whom the acceptance of medical care is inconsistent with 667
their religious beliefs, accredited by a national accrediting 668
organization, exempt from federal income taxation under section 669
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 670
U.S.C. 1, as amended, and providing twenty-four-hour nursing 671
care pursuant to the exemption in division (E) of section 672
4723.32 of the Revised Code from the licensing requirements of 673
Chapter 4723. of the Revised Code. 674

(20) "Health maintenance organization" has the same 675
meaning as in section 3727.01 of the Revised Code. 676

Sec. 2903.21. (A) No person shall knowingly cause another 677
to believe that the offender will cause serious physical harm to 678
the person or property of the other person, the other person's 679
unborn, or a member of the other person's immediate family. In 680
addition to any other basis for the other person's belief that 681
the offender will cause serious physical harm to the person or 682
property of the other person, the other person's unborn, or a 683
member of the other person's immediate family, the other 684
person's belief may be based on words or conduct of the offender 685
that are directed at or identify a corporation, association, or 686
other organization that employs the other person or to which the 687
other person belongs. 688

(B) Whoever violates this section is guilty of aggravated 689
menacing. Except as otherwise provided in this division, 690
aggravated menacing is a misdemeanor of the first degree. If the 691
victim of the offense is an officer or employee of a public 692
children services agency or a private child placing agency and 693
the offense relates to the officer's or employee's performance 694

or anticipated performance of official responsibilities or 695
duties, aggravated menacing is a felony of the fifth degree or, 696
if the offender previously has been convicted of or pleaded 697
guilty to an offense of violence, the victim of that prior 698
offense was an officer or employee of a public children services 699
agency or private child placing agency, and that prior offense 700
related to the officer's or employee's performance or 701
anticipated performance of official responsibilities or duties, 702
a felony of the fourth degree. 703

(C) Upon a person's conviction of a violation of this 704
section, the court shall determine whether, as a result of the 705
violation, it is unlawful for the offender to possess or 706
purchase a firearm under section 2923.13 of the Revised Code. If 707
the offender is prohibited from possessing or purchasing a 708
firearm, the court shall order the offender to transfer all 709
firearms in the offender's possession or control in accordance 710
with section 2923.132 of the Revised Code. 711

(D) As used in this section, "organization" includes an 712
entity that is a governmental employer. 713

Sec. 2903.214. (A) As used in this section: 714

(1) "Court" means the court of common pleas of the county 715
in which the person to be protected by the protection order 716
resides. 717

(2) "Victim advocate" means a person who provides support 718
and assistance for a person who files a petition under this 719
section. 720

(3) "Family or household member" has the same meaning as 721
in section 3113.31 of the Revised Code. 722

(4) "Protection order issued by a court of another state" 723

has the same meaning as in section 2919.27 of the Revised Code. 724

(5) "Sexually oriented offense" has the same meaning as in 725
section 2950.01 of the Revised Code. 726

(6) "Electronic monitoring" has the same meaning as in 727
section 2929.01 of the Revised Code. 728

(7) "Companion animal" has the same meaning as in section 729
959.131 of the Revised Code. 730

(B) The court has jurisdiction over all proceedings under 731
this section. 732

(C) A person may seek relief under this section for the 733
person, or any parent or adult household member may seek relief 734
under this section on behalf of any other family or household 735
member, by filing a petition with the court. The petition shall 736
contain or state all of the following: 737

(1) An allegation that the respondent is eighteen years of 738
age or older and engaged in a violation of section 2903.211 of 739
the Revised Code against the person to be protected by the 740
protection order or committed a sexually oriented offense 741
against the person to be protected by the protection order, 742
including a description of the nature and extent of the 743
violation; 744

(2) If the petitioner seeks relief in the form of 745
electronic monitoring of the respondent, an allegation that at 746
any time preceding the filing of the petition the respondent 747
engaged in conduct that would cause a reasonable person to 748
believe that the health, welfare, or safety of the person to be 749
protected was at risk, a description of the nature and extent of 750
that conduct, and an allegation that the respondent presents a 751
continuing danger to the person to be protected; 752

(3) A petitioner may include a statement in the petition that describes the number, types, and locations of any firearms that the petitioner knows to be in the possession or control of the respondent. 753
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(4) A request for relief under this section. 757

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order. 758
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(2) (a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. 775
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Under any of the following circumstances or for any of the 783
following reasons, the court may grant a continuance of the full 784
hearing to a reasonable time determined by the court: 785

(i) Prior to the date scheduled for the full hearing under 786
this division, the respondent has not been served with the 787
petition filed pursuant to this section and notice of the full 788
hearing. 789

(ii) The parties consent to the continuance. 790

(iii) The continuance is needed to allow a party to obtain 791
counsel. 792

(iv) The continuance is needed for other good cause. 793

(b) An ex parte order issued under this section does not 794
expire because of a failure to serve notice of the full hearing 795
upon the respondent before the date set for the full hearing 796
under division (D) (2) (a) of this section or because the court 797
grants a continuance under that division. 798

(3) If a person who files a petition pursuant to this 799
section does not request an ex parte order, or if a person 800
requests an ex parte order but the court does not issue an ex 801
parte order after an ex parte hearing, the court shall proceed 802
as in a normal civil action and grant a full hearing on the 803
matter. 804

(E) (1) (a) After an ex parte or full hearing, the court may 805
issue any protection order, with or without bond, that contains 806
terms designed to ensure the safety and protection of the person 807
to be protected by the protection order, including, but not 808
limited to, a requirement that the respondent refrain from 809
entering the residence, school, business, or place of employment 810
of the petitioner or family or household member. If the court 811

includes a requirement that the respondent refrain from entering 812
the residence, school, business, or place of employment of the 813
petitioner or family or household member in the order, it also 814
shall include in the order provisions of the type described in 815
division (E) (5) of this section. The court may include within a 816
protection order issued under this section a term requiring that 817
the respondent not remove, damage, hide, harm, or dispose of any 818
companion animal owned or possessed by the person to be 819
protected by the order, and may include within the order a term 820
authorizing the person to be protected by the order to remove a 821
companion animal owned by the person to be protected by the 822
order from the possession of the respondent. 823

(b) After a full hearing, if the court considering a 824
petition that includes an allegation of the type described in 825
division (C) (2) of this section, or the court upon its own 826
motion, finds upon clear and convincing evidence that the 827
petitioner reasonably believed that the respondent's conduct at 828
any time preceding the filing of the petition endangered the 829
health, welfare, or safety of the person to be protected and 830
that the respondent presents a continuing danger to the person 831
to be protected, the court may order that the respondent be 832
electronically monitored for a period of time and under the 833
terms and conditions that the court determines are appropriate. 834
Electronic monitoring shall be in addition to any other relief 835
granted to the petitioner. 836

(2) (a) Any protection order issued pursuant to this 837
section shall be valid until a date certain but not later than 838
five years from the date of its issuance. 839

(b) Any protection order issued pursuant to this section 840
may be renewed in the same manner as the original order was 841

issued. 842

(3) A court may not issue a protection order that requires 843
a petitioner to do or to refrain from doing an act that the 844
court may require a respondent to do or to refrain from doing 845
under division (E)(1) of this section unless all of the 846
following apply: 847

(a) The respondent files a separate petition for a 848
protection order in accordance with this section. 849

(b) The petitioner is served with notice of the 850
respondent's petition at least forty-eight hours before the 851
court holds a hearing with respect to the respondent's petition, 852
or the petitioner waives the right to receive this notice. 853

(c) If the petitioner has requested an ex parte order 854
pursuant to division (D) of this section, the court does not 855
delay any hearing required by that division beyond the time 856
specified in that division in order to consolidate the hearing 857
with a hearing on the petition filed by the respondent. 858

(d) After a full hearing at which the respondent presents 859
evidence in support of the request for a protection order and 860
the petitioner is afforded an opportunity to defend against that 861
evidence, the court determines that the petitioner has committed 862
a violation of section 2903.211 of the Revised Code against the 863
person to be protected by the protection order issued pursuant 864
to division (E)(3) of this section, has committed a sexually 865
oriented offense against the person to be protected by the 866
protection order issued pursuant to division (E)(3) of this 867
section, or has violated a protection order issued pursuant to 868
section 2903.213 of the Revised Code relative to the person to 869
be protected by the protection order issued pursuant to division 870

(E) (3) of this section. 871

(4) No protection order issued pursuant to this section 872
shall in any manner affect title to any real property. 873

(5) (a) If the court issues a protection order under this 874
section that includes a requirement that the alleged offender 875
refrain from entering the residence, school, business, or place 876
of employment of the petitioner or a family or household member, 877
the order shall clearly state that the order cannot be waived or 878
nullified by an invitation to the alleged offender from the 879
complainant to enter the residence, school, business, or place 880
of employment or by the alleged offender's entry into one of 881
those places otherwise upon the consent of the petitioner or 882
family or household member. 883

(b) Division (E) (5) (a) of this section does not limit any 884
discretion of a court to determine that an alleged offender 885
charged with a violation of section 2919.27 of the Revised Code, 886
with a violation of a municipal ordinance substantially 887
equivalent to that section, or with contempt of court, which 888
charge is based on an alleged violation of a protection order 889
issued under this section, did not commit the violation or was 890
not in contempt of court. 891

(F) (1) The court shall cause the delivery of a copy of any 892
protection order that is issued under this section to the 893
petitioner, to the respondent, and to all law enforcement 894
agencies that have jurisdiction to enforce the order. The court 895
shall direct that a copy of the order be delivered to the 896
respondent on the same day that the order is entered. 897

(2) Upon the issuance of a protection order under this 898
section, the court shall determine whether, as a result of the 899

order, it is unlawful for the respondent to possess or purchase 900
a firearm under division (A) (6) of section 2923.13 of the 901
Revised Code or 18 U.S.C. 922(g) (8). If the court determines 902
that the respondent is prohibited from possessing or purchasing 903
a firearm, the court shall order the respondent to transfer all 904
firearms in the respondent's possession or control, and shall 905
ensure that the transfer is made, in accordance with section 906
2923.132 of the Revised Code. If the respondent is so 907
prohibited, the court shall provide the parties to the order 908
with the following notice ~~orally or~~ by form: 909

"NOTICE 910

As a result of this order, it ~~may be~~ is unlawful for you 911
to possess or purchase a firearm, including a rifle, pistol, or 912
revolver, or ammunition pursuant to section 2923.13 of the 913
Revised Code or 18 U.S.C. 922(g) (8). ~~If you have any questions~~ 914
~~whether this law makes it illegal for you to possess or purchase~~ 915
~~a firearm or ammunition, you should consult an attorney.~~ You are 916
required to transfer all firearms in your possession or control 917
within twenty-four hours after service of this order in 918
accordance with section 2923.132 of the Revised Code. You are 919
required to file with this court a proof of transfer and an 920
affidavit that you possess no firearms within forty-eight hours 921
after service of this order." 922

(3) All law enforcement agencies shall establish and 923
maintain an index for the protection orders delivered to the 924
agencies pursuant to division (F) (1) of this section. With 925
respect to each order delivered, each agency shall note on the 926
index the date and time that it received the order. 927

(4) Regardless of whether the petitioner has registered 928
the protection order in the county in which the officer's agency 929

has jurisdiction pursuant to division (M) of this section, any 930
officer of a law enforcement agency shall enforce a protection 931
order issued pursuant to this section by any court in this state 932
in accordance with the provisions of the order, including 933
removing the respondent from the premises, if appropriate. 934

(G) Any proceeding under this section shall be conducted 935
in accordance with the Rules of Civil Procedure, except that a 936
protection order may be obtained under this section with or 937
without bond. An order issued under this section, other than an 938
ex parte order, that grants a protection order, or that refuses 939
to grant a protection order, is a final, appealable order. The 940
remedies and procedures provided in this section are in addition 941
to, and not in lieu of, any other available civil or criminal 942
remedies. 943

(H) The filing of proceedings under this section does not 944
excuse a person from filing any report or giving any notice 945
required by section 2151.421 of the Revised Code or by any other 946
law. 947

(I) Any law enforcement agency that investigates an 948
alleged violation of section 2903.211 of the Revised Code or an 949
alleged commission of a sexually oriented offense shall provide 950
information to the victim and the family or household members of 951
the victim regarding the relief available under this section and 952
section 2903.213 of the Revised Code. 953

(J) (1) Subject to division (J) (2) of this section and 954
regardless of whether a protection order is issued or a consent 955
agreement is approved by a court of another county or by a court 956
of another state, no court or unit of state or local government 957
shall charge the petitioner any fee, cost, deposit, or money in 958
connection with the filing of a petition pursuant to this 959

section, in connection with the filing, issuance, registration, 960
modification, enforcement, dismissal, withdrawal, or service of 961
a protection order, consent agreement, or witness subpoena or 962
for obtaining a certified copy of a protection order or consent 963
agreement. 964

(2) Regardless of whether a protection order is issued or 965
a consent agreement is approved pursuant to this section, the 966
court may assess costs against the respondent in connection with 967
the filing, issuance, registration, modification, enforcement, 968
dismissal, withdrawal, or service of a protection order, consent 969
agreement, or witness subpoena or for obtaining a certified copy 970
of a protection order or consent agreement. 971

(K) (1) A person who violates a protection order issued 972
under this section is subject to the following sanctions: 973

(a) Criminal prosecution for a violation of section 974
2919.27 of the Revised Code, if the violation of the protection 975
order constitutes a violation of that section; 976

(b) Punishment for contempt of court. 977

(2) The punishment of a person for contempt of court for 978
violation of a protection order issued under this section does 979
not bar criminal prosecution of the person for a violation of 980
section 2919.27 of the Revised Code. However, a person punished 981
for contempt of court is entitled to credit for the punishment 982
imposed upon conviction of a violation of that section, and a 983
person convicted of a violation of that section shall not 984
subsequently be punished for contempt of court arising out of 985
the same activity. 986

(L) In all stages of a proceeding under this section, a 987
petitioner may be accompanied by a victim advocate. 988

(M) (1) A petitioner who obtains a protection order under 989
this section or a protection order under section 2903.213 of the 990
Revised Code may provide notice of the issuance or approval of 991
the order to the judicial and law enforcement officials in any 992
county other than the county in which the order is issued by 993
registering that order in the other county pursuant to division 994
(M) (2) of this section and filing a copy of the registered order 995
with a law enforcement agency in the other county in accordance 996
with that division. A person who obtains a protection order 997
issued by a court of another state may provide notice of the 998
issuance of the order to the judicial and law enforcement 999
officials in any county of this state by registering the order 1000
in that county pursuant to section 2919.272 of the Revised Code 1001
and filing a copy of the registered order with a law enforcement 1002
agency in that county. 1003

(2) A petitioner may register a protection order issued 1004
pursuant to this section or section 2903.213 of the Revised Code 1005
in a county other than the county in which the court that issued 1006
the order is located in the following manner: 1007

(a) The petitioner shall obtain a certified copy of the 1008
order from the clerk of the court that issued the order and 1009
present that certified copy to the clerk of the court of common 1010
pleas or the clerk of a municipal court or county court in the 1011
county in which the order is to be registered. 1012

(b) Upon accepting the certified copy of the order for 1013
registration, the clerk of the court of common pleas, municipal 1014
court, or county court shall place an endorsement of 1015
registration on the order and give the petitioner a copy of the 1016
order that bears that proof of registration. 1017

(3) The clerk of each court of common pleas, municipal 1018

court, or county court shall maintain a registry of certified 1019
copies of protection orders that have been issued by courts in 1020
other counties pursuant to this section or section 2903.213 of 1021
the Revised Code and that have been registered with the clerk. 1022

(N) (1) If the court orders electronic monitoring of the 1023
respondent under this section, the court shall direct the 1024
sheriff's office or any other appropriate law enforcement agency 1025
to install the electronic monitoring device and to monitor the 1026
respondent. Unless the court determines that the respondent is 1027
indigent, the court shall order the respondent to pay the cost 1028
of the installation and monitoring of the electronic monitoring 1029
device. If the court determines that the respondent is indigent 1030
and subject to the maximum amount allowable to be paid in any 1031
year from the fund and the rules promulgated by the attorney 1032
general under division (N) (2) of this section, the cost of the 1033
installation and monitoring of the electronic monitoring device 1034
may be paid out of funds from the reparations fund created 1035
pursuant to section 2743.191 of the Revised Code. The total 1036
amount of costs for the installation and monitoring of 1037
electronic monitoring devices paid pursuant to this division and 1038
sections 2151.34 and 2919.27 of the Revised Code from the 1039
reparations fund shall not exceed three hundred thousand dollars 1040
per year. 1041

(2) The attorney general may promulgate rules pursuant to 1042
section 111.15 of the Revised Code to govern payments made from 1043
the reparations fund pursuant to this division and sections 1044
2151.34 and 2919.27 of the Revised Code. The rules may include 1045
reasonable limits on the total cost paid pursuant to this 1046
division and sections 2151.34 and 2919.27 of the Revised Code 1047
per respondent, the amount of the three hundred thousand dollars 1048
allocated to each county, and how invoices may be submitted by a 1049

county, court, or other entity. 1050

Sec. 2919.25. (A) No person shall knowingly cause or 1051
attempt to cause physical harm to a family or household member. 1052

(B) No person shall recklessly cause serious physical harm 1053
to a family or household member. 1054

(C) No person, by threat of force, shall knowingly cause a 1055
family or household member to believe that the offender will 1056
cause imminent physical harm to the family or household member. 1057

(D) (1) Whoever violates this section is guilty of domestic 1058
violence, and the court shall sentence the offender as provided 1059
in divisions (D) (2) to (6) of this section. 1060

(2) Except as otherwise provided in divisions (D) (3) to 1061
(5) of this section, a violation of division (C) of this section 1062
is a misdemeanor of the fourth degree, and a violation of 1063
division (A) or (B) of this section is a misdemeanor of the 1064
first degree. 1065

(3) Except as otherwise provided in division (D) (4) of 1066
this section, if the offender previously has pleaded guilty to 1067
or been convicted of domestic violence, a violation of an 1068
existing or former municipal ordinance or law of this or any 1069
other state or the United States that is substantially similar 1070
to domestic violence, a violation of section 2903.14, 2909.06, 1071
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 1072
the victim of the violation was a family or household member at 1073
the time of the violation, a violation of an existing or former 1074
municipal ordinance or law of this or any other state or the 1075
United States that is substantially similar to any of those 1076
sections if the victim of the violation was a family or 1077
household member at the time of the commission of the violation, 1078

or any offense of violence if the victim of the offense was a 1079
family or household member at the time of the commission of the 1080
offense, a violation of division (A) or (B) of this section is a 1081
felony of the fourth degree, and, if the offender knew that the 1082
victim of the violation was pregnant at the time of the 1083
violation, the court shall impose a mandatory prison term on the 1084
offender pursuant to division (D)(6) of this section, and a 1085
violation of division (C) of this section is a misdemeanor of 1086
the second degree. 1087

(4) If the offender previously has pleaded guilty to or 1088
been convicted of two or more offenses of domestic violence or 1089
two or more violations or offenses of the type described in 1090
division (D)(3) of this section involving a person who was a 1091
family or household member at the time of the violations or 1092
offenses, a violation of division (A) or (B) of this section is 1093
a felony of the third degree, and, if the offender knew that the 1094
victim of the violation was pregnant at the time of the 1095
violation, the court shall impose a mandatory prison term on the 1096
offender pursuant to division (D)(6) of this section, and a 1097
violation of division (C) of this section is a misdemeanor of 1098
the first degree. 1099

(5) Except as otherwise provided in division (D)(3) or (4) 1100
of this section, if the offender knew that the victim of the 1101
violation was pregnant at the time of the violation, a violation 1102
of division (A) or (B) of this section is a felony of the fifth 1103
degree, and the court shall impose a mandatory prison term on 1104
the offender pursuant to division (D)(6) of this section, and a 1105
violation of division (C) of this section is a misdemeanor of 1106
the third degree. 1107

(6) If division (D)(3), (4), or (5) of this section 1108

requires the court that sentences an offender for a violation of 1109
division (A) or (B) of this section to impose a mandatory prison 1110
term on the offender pursuant to this division, the court shall 1111
impose the mandatory prison term as follows: 1112

(a) If the violation of division (A) or (B) of this 1113
section is a felony of the fourth or fifth degree, except as 1114
otherwise provided in division (D) (6) (b) or (c) of this section, 1115
the court shall impose a mandatory prison term on the offender 1116
of at least six months. 1117

(b) If the violation of division (A) or (B) of this 1118
section is a felony of the fifth degree and the offender, in 1119
committing the violation, caused serious physical harm to the 1120
pregnant woman's unborn or caused the termination of the 1121
pregnant woman's pregnancy, the court shall impose a mandatory 1122
prison term on the offender of twelve months. 1123

(c) If the violation of division (A) or (B) of this 1124
section is a felony of the fourth degree and the offender, in 1125
committing the violation, caused serious physical harm to the 1126
pregnant woman's unborn or caused the termination of the 1127
pregnant woman's pregnancy, the court shall impose a mandatory 1128
prison term on the offender of at least twelve months. 1129

(d) If the violation of division (A) or (B) of this 1130
section is a felony of the third degree, except as otherwise 1131
provided in division (D) (6) (e) of this section and 1132
notwithstanding the range of prison terms prescribed in section 1133
2929.14 of the Revised Code for a felony of the third degree, 1134
the court shall impose a mandatory prison term on the offender 1135
of either a definite term of six months or one of the prison 1136
terms prescribed in section 2929.14 of the Revised Code for 1137
felonies of the third degree. 1138

(e) If the violation of division (A) or (B) of this section is a felony of the third degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, notwithstanding the range of prison terms prescribed in section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of one year or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the third degree.

(E) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or a municipal ordinance substantially similar to this section or in connection with the prosecution of any charges so filed.

(F) Upon a person's conviction of a violation of this section, the court shall determine whether, as a result of the violation, it is unlawful for the offender to possess or purchase a firearm under section 2923.13 of the Revised Code or 18 U.S.C. 922(g)(9). If the court determines that the offender is prohibited from possessing or purchasing a firearm, the court shall order the offender to transfer all firearms in the offender's possession or control in accordance with section 2923.132 of the Revised Code.

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

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

| | |
|--|------|
| (a) Any of the following who is residing or has resided | 1169 |
| with the offender: | 1170 |
| (i) A spouse, a person living as a spouse, or a former | 1171 |
| spouse of the offender; | 1172 |
| (ii) A parent, a foster parent, or a child of the | 1173 |
| offender, or another person related by consanguinity or affinity | 1174 |
| to the offender; | 1175 |
| (iii) A parent or a child of a spouse, person living as a | 1176 |
| spouse, or former spouse of the offender, or another person | 1177 |
| related by consanguinity or affinity to a spouse, person living | 1178 |
| as a spouse, or former spouse of the offender. | 1179 |
| (b) The natural parent of any child of whom the offender | 1180 |
| is the other natural parent or is the putative other natural | 1181 |
| parent. | 1182 |
| (2) "Person living as a spouse" means a person who is | 1183 |
| living or has lived with the offender in a common law marital | 1184 |
| relationship, who otherwise is cohabiting with the offender, or | 1185 |
| who otherwise has cohabited with the offender within five years | 1186 |
| prior to the date of the alleged commission of the act in | 1187 |
| question. | 1188 |
| (3) "Pregnant woman's unborn" has the same meaning as | 1189 |
| "such other person's unborn," as set forth in section 2903.09 of | 1190 |
| the Revised Code, as it relates to the pregnant woman. Division | 1191 |
| (C) of that section applies regarding the use of the term in | 1192 |
| this section, except that the second and third sentences of | 1193 |
| division (C)(1) of that section shall be construed for purposes | 1194 |
| of this section as if they included a reference to this section | 1195 |
| in the listing of Revised Code sections they contain. | 1196 |
| (4) "Termination of the pregnant woman's pregnancy" has | 1197 |

the same meaning as "unlawful termination of another's pregnancy," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C) (1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.

Sec. 2919.26. (A) (1) Upon the filing of a complaint that alleges a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if the alleged victim of the violation was a family or household member at the time of the violation, a violation of a municipal ordinance that is substantially similar to any of those sections if the alleged victim of the violation was a family or household member at the time of the violation, any offense of violence if the alleged victim of the offense was a family or household member at the time of the commission of the offense, or any sexually oriented offense if the alleged victim of the offense was a family or household member at the time of the commission of the offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file, or, if in an emergency the alleged victim is unable to file, a person who made an arrest for the alleged violation or offense under section 2935.03 of the Revised Code may file on behalf of the alleged victim, a motion that requests the issuance of a temporary protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint.

(2) For purposes of section 2930.09 of the Revised Code, 1229
all stages of a proceeding arising out of a complaint alleging 1230
the commission of a violation, offense of violence, or sexually 1231
oriented offense described in division (A)(1) of this section, 1232
including all proceedings on a motion for a temporary protection 1233
order, are critical stages of the case, and a victim may be 1234
accompanied by a victim advocate or another person to provide 1235
support to the victim as provided in that section. 1236

(B) (1) The motion shall be prepared on a form that is 1237
provided by the clerk of the court, which form shall be 1238
substantially as follows: 1239

"MOTION FOR TEMPORARY PROTECTION ORDER 1240

..... Court 1241

Name and address of court 1242

State of Ohio 1243

v. No.

..... 1244

Name of Defendant 1245

(name of person), moves the court to issue a temporary 1246
protection order containing terms designed to ensure the safety 1247
and protection of the complainant, alleged victim, and other 1248
family or household members, in relation to the named defendant, 1249
pursuant to its authority to issue such an order under section 1250
2919.26 of the Revised Code. 1251

A complaint, a copy of which has been attached to this 1252
motion, has been filed in this court charging the named 1253
defendant with (name of the specified 1254

violation, the offense of violence, or sexually oriented offense 1255
charged) in circumstances in which the victim was a family or 1256
household member in violation of (section of the Revised Code 1257
designating the specified violation, offense of violence, or 1258
sexually oriented offense charged), or charging the named 1259
defendant with a violation of a municipal ordinance that is 1260
substantially similar to (section of 1261
the Revised Code designating the specified violation, offense of 1262
violence, or sexually oriented offense charged) involving a 1263
family or household member. 1264

I understand that I must appear before the court, at a 1265
time set by the court within twenty-four hours after the filing 1266
of this motion, for a hearing on the motion or that, if I am 1267
unable to appear because of hospitalization or a medical 1268
condition resulting from the offense alleged in the complaint, a 1269
person who can provide information about my need for a temporary 1270
protection order must appear before the court in lieu of my 1271
appearing in court. I understand that any temporary protection 1272
order granted pursuant to this motion is a pretrial condition of 1273
release and is effective only until the disposition of the 1274
criminal proceeding arising out of the attached complaint, or 1275
the issuance of a civil protection order or the approval of a 1276
consent agreement, arising out of the same activities as those 1277
that were the basis of the complaint, under section 3113.31 of 1278
the Revised Code. 1279

..... 1280

Signature of person 1281

(or signature of the arresting officer who filed the motion on 1282
behalf of the alleged victim) 1283

..... 1284

Address of person (or office address of the arresting officer
who filed the motion on behalf of the alleged victim)" 1285
1286

(2) The petitioner may attach a document to the form that 1287
describes the number, types, and locations of any firearms that 1288
the petitioner knows to be in the possession or control of the 1289
defendant. 1290

(C) (1) As soon as possible after the filing of a motion 1291
that requests the issuance of a temporary protection order, but 1292
not later than twenty-four hours after the filing of the motion, 1293
the court shall conduct a hearing to determine whether to issue 1294
the order. The person who requested the order shall appear 1295
before the court and provide the court with the information that 1296
it requests concerning the basis of the motion. If the person 1297
who requested the order is unable to appear and if the court 1298
finds that the failure to appear is because of the person's 1299
hospitalization or medical condition resulting from the offense 1300
alleged in the complaint, another person who is able to provide 1301
the court with the information it requests may appear in lieu of 1302
the person who requested the order. If the court finds that the 1303
safety and protection of the complainant, alleged victim, or any 1304
other family or household member of the alleged victim may be 1305
impaired by the continued presence of the alleged offender, the 1306
court may issue a temporary protection order, as a pretrial 1307
condition of release, that contains terms designed to ensure the 1308
safety and protection of the complainant, alleged victim, or the 1309
family or household member, including a requirement that the 1310
alleged offender refrain from entering the residence, school, 1311
business, or place of employment of the complainant, alleged 1312
victim, or the family or household member. The court may include 1313

within a protection order issued under this section a term 1314
requiring that the alleged offender not remove, damage, hide, 1315
harm, or dispose of any companion animal owned or possessed by 1316
the complainant, alleged victim, or any other family or 1317
household member of the alleged victim, and may include within 1318
the order a term authorizing the complainant, alleged victim, or 1319
other family or household member of the alleged victim to remove 1320
a companion animal owned by the complainant, alleged victim, or 1321
other family or household member from the possession of the 1322
alleged offender. 1323

(2) (a) If the court issues a temporary protection order 1324
that includes a requirement that the alleged offender refrain 1325
from entering the residence, school, business, or place of 1326
employment of the complainant, the alleged victim, or the family 1327
or household member, the order shall state clearly that the 1328
order cannot be waived or nullified by an invitation to the 1329
alleged offender from the complainant, alleged victim, or family 1330
or household member to enter the residence, school, business, or 1331
place of employment or by the alleged offender's entry into one 1332
of those places otherwise upon the consent of the complainant, 1333
alleged victim, or family or household member. 1334

(b) Division (C) (2) (a) of this section does not limit any 1335
discretion of a court to determine that an alleged offender 1336
charged with a violation of section 2919.27 of the Revised Code, 1337
with a violation of a municipal ordinance substantially 1338
equivalent to that section, or with contempt of court, which 1339
charge is based on an alleged violation of a temporary 1340
protection order issued under this section, did not commit the 1341
violation or was not in contempt of court. 1342

(D) (1) Upon the filing of a complaint that alleges a 1343

violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1344
the Revised Code if the alleged victim of the violation was a 1345
family or household member at the time of the violation, a 1346
violation of a municipal ordinance that is substantially similar 1347
to any of those sections if the alleged victim of the violation 1348
was a family or household member at the time of the violation, 1349
any offense of violence if the alleged victim of the offense was 1350
a family or household member at the time of the commission of 1351
the offense, or any sexually oriented offense if the alleged 1352
victim of the offense was a family or household member at the 1353
time of the commission of the offense, the court, upon its own 1354
motion, may issue a temporary protection order as a pretrial 1355
condition of release if it finds that the safety and protection 1356
of the complainant, alleged victim, or other family or household 1357
member of the alleged offender may be impaired by the continued 1358
presence of the alleged offender. 1359

(2) If the court issues a temporary protection order under 1360
this section as an ex parte order, it shall conduct, as soon as 1361
possible after the issuance of the order, a hearing in the 1362
presence of the alleged offender not later than the next day on 1363
which the court is scheduled to conduct business after the day 1364
on which the alleged offender was arrested or at the time of the 1365
appearance of the alleged offender pursuant to summons to 1366
determine whether the order should remain in effect, be 1367
modified, or be revoked. The hearing shall be conducted under 1368
the standards set forth in division (C) of this section. 1369

(3) An order issued under this section shall contain only 1370
those terms authorized in orders issued under division (C) of 1371
this section. 1372

(4) If a municipal court or a county court issues a 1373

temporary protection order under this section and if, subsequent 1374
to the issuance of the order, the alleged offender who is the 1375
subject of the order is bound over to the court of common pleas 1376
for prosecution of a felony arising out of the same activities 1377
as those that were the basis of the complaint upon which the 1378
order is based, notwithstanding the fact that the order was 1379
issued by a municipal court or county court, the order shall 1380
remain in effect, as though it were an order of the court of 1381
common pleas, while the charges against the alleged offender are 1382
pending in the court of common pleas, for the period of time 1383
described in division (E) (2) of this section, and the court of 1384
common pleas has exclusive jurisdiction to modify the order 1385
issued by the municipal court or county court. This division 1386
applies when the alleged offender is bound over to the court of 1387
common pleas as a result of the person waiving a preliminary 1388
hearing on the felony charge, as a result of the municipal court 1389
or county court having determined at a preliminary hearing that 1390
there is probable cause to believe that the felony has been 1391
committed and that the alleged offender committed it, as a 1392
result of the alleged offender having been indicted for the 1393
felony, or in any other manner. 1394

(E) A temporary protection order that is issued as a 1395
pretrial condition of release under this section: 1396

(1) Is in addition to, but shall not be construed as a 1397
part of, any bail set under Criminal Rule 46; 1398

(2) Is effective only until the occurrence of either of 1399
the following: 1400

(a) The disposition, by the court that issued the order 1401
or, in the circumstances described in division (D) (4) of this 1402
section, by the court of common pleas to which the alleged 1403

offender is bound over for prosecution, of the criminal 1404
proceeding arising out of the complaint upon which the order is 1405
based; 1406

(b) The issuance of a protection order or the approval of 1407
a consent agreement, arising out of the same activities as those 1408
that were the basis of the complaint upon which the order is 1409
based, under section 3113.31 of the Revised Code;. 1410

(3) Shall not be construed as a finding that the alleged 1411
offender committed the alleged offense, and shall not be 1412
introduced as evidence of the commission of the offense at the 1413
trial of the alleged offender on the complaint upon which the 1414
order is based. 1415

(F) A person who meets the criteria for bail under 1416
Criminal Rule 46 and who, if required to do so pursuant to that 1417
rule, executes or posts bond or deposits cash or securities as 1418
bail, shall not be held in custody pending a hearing before the 1419
court on a motion requesting a temporary protection order. 1420

(G) (1) A copy of any temporary protection order that is 1421
issued under this section shall be issued by the court to the 1422
complainant, to the alleged victim, to the person who requested 1423
the order, to the defendant, and to all law enforcement agencies 1424
that have jurisdiction to enforce the order. The court shall 1425
direct that a copy of the order be delivered to the defendant on 1426
the same day that the order is entered. If a municipal court or 1427
a county court issues a temporary protection order under this 1428
section and if, subsequent to the issuance of the order, the 1429
defendant who is the subject of the order is bound over to the 1430
court of common pleas for prosecution as described in division 1431
(D) (4) of this section, the municipal court or county court 1432
shall direct that a copy of the order be delivered to the court 1433

of common pleas to which the defendant is bound over. 1434

(2) Upon the issuance of a protection order under this 1435
section, the court shall determine whether, as a result of the 1436
order, it is unlawful for the defendant to possess or purchase a 1437
firearm under division (A) (6) of section 2923.13 of the Revised 1438
Code or 18 U.S.C. 922(g) (8). If the court determines that the 1439
defendant is prohibited from possessing or purchasing a firearm, 1440
the court shall order the defendant to transfer all firearms in 1441
the defendant's possession or control, and shall ensure that the 1442
transfer is made, in accordance with section 2923.132 of the 1443
Revised Code. If the defendant is so prohibited, the court shall 1444
provide the parties to the order with the following notice 1445
orally or by form: 1446

"NOTICE 1447

As a result of this protection order, it ~~may be~~ is 1448
unlawful for you to possess or purchase a firearm, including a 1449
rifle, pistol, or revolver, or ammunition pursuant to ~~federal~~ 1450
~~law under section 2923.13 of the Revised Code or 18 U.S.C.~~ 1451
922(g) (8). ~~If you have any questions whether this law makes it~~ 1452
~~illegal for you to possess or purchase a firearm or ammunition,~~ 1453
~~you should consult an attorney~~ You are required to transfer all 1454
firearms in your possession or control within twenty-four hours 1455
after service of this order in accordance with section 2923.132 1456
of the Revised Code. You are required to file with this court a 1457
proof of transfer and an affidavit that you possess no firearms 1458
within forty-eight hours after service of this order." 1459

(3) All law enforcement agencies shall establish and 1460
maintain an index for the temporary protection orders delivered 1461
to the agencies pursuant to division (G) (1) of this section. 1462
With respect to each order delivered, each agency shall note on 1463

the index, the date and time of the receipt of the order by the 1464
agency. 1465

(4) A complainant, alleged victim, or other person who 1466
obtains a temporary protection order under this section may 1467
provide notice of the issuance of the temporary protection order 1468
to the judicial and law enforcement officials in any county 1469
other than the county in which the order is issued by 1470
registering that order in the other county in accordance with 1471
division (N) of section 3113.31 of the Revised Code and filing a 1472
copy of the registered protection order with a law enforcement 1473
agency in the other county in accordance with that division. 1474

(5) Any officer of a law enforcement agency shall enforce 1475
a temporary protection order issued by any court in this state 1476
in accordance with the provisions of the order, including 1477
removing the defendant from the premises, regardless of whether 1478
the order is registered in the county in which the officer's 1479
agency has jurisdiction as authorized by division (G) (4) of this 1480
section. 1481

(H) Upon a violation of a temporary protection order, the 1482
court may issue another temporary protection order, as a 1483
pretrial condition of release, that modifies the terms of the 1484
order that was violated. 1485

(I) (1) As used in divisions (I) (1) and (2) of this 1486
section, "defendant" means a person who is alleged in a 1487
complaint to have committed a violation, offense of violence, or 1488
sexually oriented offense of the type described in division (A) 1489
of this section. 1490

(2) If a complaint is filed that alleges that a person 1491
committed a violation, offense of violence, or sexually oriented 1492

offense of the type described in division (A) of this section, 1493
the court may not issue a temporary protection order under this 1494
section that requires the complainant, the alleged victim, or 1495
another family or household member of the defendant to do or 1496
refrain from doing an act that the court may require the 1497
defendant to do or refrain from doing under a temporary 1498
protection order unless both of the following apply: 1499

(a) The defendant has filed a separate complaint that 1500
alleges that the complainant, alleged victim, or other family or 1501
household member in question who would be required under the 1502
order to do or refrain from doing the act committed a violation 1503
or offense of violence of the type described in division (A) of 1504
this section. 1505

(b) The court determines that both the complainant, 1506
alleged victim, or other family or household member in question 1507
who would be required under the order to do or refrain from 1508
doing the act and the defendant acted primarily as aggressors, 1509
that neither the complainant, alleged victim, or other family or 1510
household member in question who would be required under the 1511
order to do or refrain from doing the act nor the defendant 1512
acted primarily in self-defense, and, in accordance with the 1513
standards and criteria of this section as applied in relation to 1514
the separate complaint filed by the defendant, that it should 1515
issue the order to require the complainant, alleged victim, or 1516
other family or household member in question to do or refrain 1517
from doing the act. 1518

(J) (1) Subject to division (J) (2) of this section and 1519
regardless of whether a protection order is issued or a consent 1520
agreement is approved by a court of another county or a court of 1521
another state, no court or unit of state or local government 1522

shall charge the movant any fee, cost, deposit, or money in 1523
connection with the filing of a motion pursuant to this section, 1524
in connection with the filing, issuance, registration, 1525
modification, enforcement, dismissal, withdrawal, or service of 1526
a protection order, consent agreement, or witness subpoena or 1527
for obtaining a certified copy of a protection order or consent 1528
agreement. 1529

(2) Regardless of whether a protection order is issued or 1530
a consent agreement is approved pursuant to this section, if the 1531
defendant is convicted the court may assess costs against the 1532
defendant in connection with the filing, issuance, registration, 1533
modification, enforcement, dismissal, withdrawal, or service of 1534
a protection order, consent agreement, or witness subpoena or 1535
for obtaining a certified copy of a protection order or consent 1536
agreement. 1537

(K) As used in this section: 1538

(1) "Companion animal" has the same meaning as in section 1539
959.131 of the Revised Code. 1540

(2) "Sexually oriented offense" has the same meaning as in 1541
section 2950.01 of the Revised Code. 1542

(3) "Victim advocate" means a person who provides support 1543
and assistance for a victim of an offense during court 1544
proceedings. 1545

Sec. 2923.13. (A) Unless relieved from disability under 1546
operation of law or legal process, no person shall knowingly 1547
acquire, have, carry, or use any firearm or dangerous ordnance, 1548
if any of the following apply: 1549

(1) The person is a fugitive from justice. 1550

(2) The person is under indictment for or has been 1551
convicted of any felony offense of violence or has been 1552
adjudicated a delinquent child for the commission of an offense 1553
that, if committed by an adult, would have been a felony offense 1554
of violence. 1555

(3) The person is under indictment for or has been 1556
convicted of any felony offense involving the illegal 1557
possession, use, sale, administration, distribution, or 1558
trafficking in any drug of abuse or has been adjudicated a 1559
delinquent child for the commission of an offense that, if 1560
committed by an adult, would have been a felony offense 1561
involving the illegal possession, use, sale, administration, 1562
distribution, or trafficking in any drug of abuse. 1563

(4) The person is drug dependent, in danger of drug 1564
dependence, or a chronic alcoholic. 1565

(5) The person has been convicted of any of the following 1566
offenses, whether the offense is classified as a felony or 1567
misdemeanor: 1568

(a) Domestic violence; 1569

(b) Assault or aggravated menacing, if the victim is a 1570
family or household member as defined in section 2919.25 of the 1571
Revised Code; 1572

(d) Any offense that has, as an element, the use or 1573
attempted use of physical force or threatened use of a deadly 1574
weapon, if the victim is a family or household member as defined 1575
in section 2919.25 of the Revised Code. 1576

(6) The person is subject to a court order, granted after 1577
a full hearing for which the person received notice and an 1578
opportunity to be heard, that restrains the person from 1579

harassing, stalking, threatening, or engaging in other conduct 1580
that would place a family or household member in reasonable fear 1581
of bodily injury, or is subject to a temporary protection order 1582
issued under section 2919.26 of the Revised Code. 1583

(7) The person is under adjudication of mental 1584
incompetence, has been adjudicated as a mental defective, has 1585
been committed to a mental institution, has been found by a 1586
court to be a mentally ill person subject to court order, or is 1587
an involuntary patient other than one who is a patient only for 1588
purposes of observation. As used in this division, "mentally ill 1589
person subject to court order" and "patient" have the same 1590
meanings as in section 5122.01 of the Revised Code. 1591

(B) Whoever violates this section is guilty of having 1592
weapons while under disability, a felony of the third degree. 1593

(C) For the purposes of this section, "under operation of 1594
law or legal process" shall not itself include mere completion, 1595
termination, or expiration of a sentence imposed as a result of 1596
a criminal conviction. 1597

(D) As used in this section, "family or household member" 1598
has the same meaning as in section 3113.31 of the Revised Code. 1599

Sec. 2923.132. (A) Any person who is subject to a court 1600
order described in division (A) (6) of section 2923.13 of the 1601
Revised Code and has been served with a court order requiring 1602
the person to transfer all firearms in the person's possession 1603
or control in accordance with this section shall transfer all 1604
firearms in the person's possession or control as described in 1605
this division. 1606

(1) Within twenty-four hours after being served with the 1607
court order, the respondent shall transfer all firearms in the 1608

respondent's possession to a law enforcement agency or federally 1609
licensed firearms dealer. The respondent shall provide a copy of 1610
the court order to the law enforcement agency or federally 1611
licensed firearms dealer at the time of transfer, along with a 1612
copy of the protection order. The law enforcement agency or 1613
federally licensed firearms dealer shall issue a proof of 1614
transfer to the respondent. The proof of transfer shall include 1615
the name of the respondent, the date of transfer, and the serial 1616
number, make, and model of each transferred firearm. 1617

(2) Within forty-eight hours after being served with the 1618
court order, the respondent shall do one of the following: 1619

(a) File a copy of the proof of transfer with the court 1620
that issued the order and an affidavit that all firearms in the 1621
respondent's possession or control at the time the respondent 1622
was served with the order have been transferred in accordance 1623
with this section and that the respondent currently has no 1624
firearms in the respondent's possession or control; 1625

(b) File an affidavit with the court that issued the order 1626
that at the time the respondent was served with the order the 1627
respondent had no firearms in the respondent's possession or 1628
control and that the respondent currently has no firearms in the 1629
respondent's possession or control. 1630

(3) (a) Upon the expiration of the court order, the law 1631
enforcement agency or federally licensed firearms dealer in 1632
possession of the respondent's firearms shall, at the 1633
respondent's request, return those firearms to the respondent, 1634
unless either of the following applies: 1635

(i) The order is extended or another court order described 1636
in division (A) (6) of section 2923.13 of the Revised Code is in 1637

effect; 1638

(ii) The respondent is prohibited from possessing a 1639
firearm under state or federal law. 1640

(b) Before returning a firearm pursuant to this division, 1641
the law enforcement agency or federally licensed firearms dealer 1642
may require the respondent to sign a statement that the court 1643
order has expired and has not been extended and that the 1644
respondent is not prohibited from possessing a firearm under 1645
state or federal law. 1646

(4) (a) If the respondent is prohibited from possessing a 1647
firearm under state or federal law, the respondent shall have 1648
sixty days after the expiration of the court order and any 1649
extensions to the court order to make one sale to a federally 1650
licensed firearms dealer of any transferred firearms in the 1651
possession of a law enforcement agency. The law enforcement 1652
agency shall transfer possession of the firearms to a federally 1653
licensed firearms dealer at the request of the firearms dealer, 1654
if the firearms dealer provides the law enforcement agency with 1655
a copy of a bill of sale that indicates the respondent has sold 1656
the firearms to the firearms dealer. If the law enforcement 1657
agency accepts any proceeds from the sale on behalf of the 1658
respondent, the law enforcement agency shall transfer the 1659
proceeds of the sale to the respondent. 1660

(b) If the respondent or a federally licensed firearms 1661
dealer does not provide a copy of a bill of sale for the 1662
respondent's firearms to the law enforcement agency within sixty 1663
days after the expiration of the court order and any extensions 1664
to the court order, the firearms shall be considered to be 1665
abandoned. The law enforcement agency may establish policies for 1666
the disposal of abandoned firearms, provided the policies 1667

require that the respondent be notified of the disposal and 1668
receive any financial value from the disposal of the firearms. 1669

(5) A law enforcement agency or federally licensed 1670
firearms dealer may charge a respondent a reasonable fee in 1671
connection with the storage of any firearm pursuant to division 1672
(A) of this section. The fee charged by a law enforcement agency 1673
shall not exceed the costs associated with taking possession of, 1674
storing, and disposing of the firearms. 1675

(B) Any offender who has been convicted of an offense 1676
described in division (A) (5) of section 2923.13 of the Revised 1677
Code and has been served with a court order requiring the 1678
offender to transfer all firearms in the offender's possession 1679
or control in accordance with this section shall transfer all 1680
firearms under the offender's possession or control as described 1681
in this division. 1682

(1) Within twenty-four hours after being served with the 1683
court order, the offender shall transfer all firearms in the 1684
offender's possession or control to a law enforcement agency or 1685
federally licensed firearms dealer. The offender shall provide a 1686
copy of the court order to the law enforcement agency or 1687
firearms dealer at the time of transfer. Prior to accepting a 1688
transfer of firearms from the offender, a law enforcement agency 1689
shall notify the offender that if the firearms are transferred 1690
to a law enforcement agency the firearms shall be considered to 1691
be abandoned and are subject to disposal under division (B) (3) 1692
of this section. The law enforcement agency or federally 1693
licensed firearms dealer taking possession of the firearm or 1694
firearms shall issue a proof of transfer to the offender. The 1695
proof of transfer shall include the name of the offender, the 1696
date of transfer, and the serial number, make, and model of each 1697

transferred firearm. 1698

(2) Within forty-eight hours after being served with the 1699
court order, the offender shall do one of the following: 1700

(a) File a copy of proof of transfer with the court that 1701
issued the order and an affidavit that all firearms in the 1702
offender's possession or control at the time the offender was 1703
served with the court order have been transferred in accordance 1704
with this section and that the offender currently has no 1705
firearms in the offender's possession or control; 1706

(b) File an affidavit with the court that issued the order 1707
that at the time the offender was served with the order the 1708
offender had no firearms in the offender's possession or control 1709
and that the offender currently has no firearms in the 1710
offender's possession or control. 1711

(3) If the offender transfers the firearm to a law 1712
enforcement agency, the firearm shall be considered to be 1713
abandoned. The law enforcement agency may establish policies for 1714
disposal of abandoned firearms, provided such policies require 1715
that the offender be notified of the disposal and receive any 1716
financial value from the disposal less the costs to the law 1717
enforcement agency associated with taking possession of, 1718
storing, and disposing of the firearms. 1719

(C) Notwithstanding division (B) of this section, if the 1720
offender is incarcerated at the time the offender is served with 1721
the court order and is unable to comply with the order due to 1722
the offender's incarceration, the offender may file an affidavit 1723
with the court that these circumstances are applicable to the 1724
offender. 1725

(D) A person who recklessly violates this section is 1726

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| <u>guilty of a felony of the fifth degree.</u> | 1727 |
| <u>(E) As used in this section:</u> | 1728 |
| <u>(1) "Law enforcement agency" means the state highway</u> | 1729 |
| <u>patrol, or a police department of a municipal corporation or</u> | 1730 |
| <u>sheriff's office under the court's jurisdiction.</u> | 1731 |
| <u>(2) "Respondent" includes a defendant who is subject to a</u> | 1732 |
| <u>temporary protection order under section 2919.26 of the Revised</u> | 1733 |
| <u>Code.</u> | 1734 |
| Sec. 3113.31. (A) As used in this section: | 1735 |
| (1) "Domestic violence" means the occurrence of one or | 1736 |
| more of the following acts against a family or household member: | 1737 |
| (a) Attempting to cause or recklessly causing bodily | 1738 |
| injury; | 1739 |
| (b) Placing another person by the threat of force in fear | 1740 |
| of imminent serious physical harm or committing a violation of | 1741 |
| section 2903.211 or 2911.211 of the Revised Code; | 1742 |
| (c) Committing any act with respect to a child that would | 1743 |
| result in the child being an abused child, as defined in section | 1744 |
| 2151.031 of the Revised Code; | 1745 |
| (d) Committing a sexually oriented offense. | 1746 |
| (2) "Court" means the domestic relations division of the | 1747 |
| court of common pleas in counties that have a domestic relations | 1748 |
| division and the court of common pleas in counties that do not | 1749 |
| have a domestic relations division, or the juvenile division of | 1750 |
| the court of common pleas of the county in which the person to | 1751 |
| be protected by a protection order issued or a consent agreement | 1752 |
| approved under this section resides if the respondent is less | 1753 |

than eighteen years of age. 1754

(3) "Family or household member" means any of the 1755
following: 1756

(a) Any of the following who is residing with or has 1757
resided with the respondent: 1758

(i) A spouse, a person living as a spouse, or a former 1759
spouse of the respondent; 1760

(ii) A parent, a foster parent, or a child of the 1761
respondent, or another person related by consanguinity or 1762
affinity to the respondent; 1763

(iii) A parent or a child of a spouse, person living as a 1764
spouse, or former spouse of the respondent, or another person 1765
related by consanguinity or affinity to a spouse, person living 1766
as a spouse, or former spouse of the respondent. 1767

(b) The natural parent of any child of whom the respondent 1768
is the other natural parent or is the putative other natural 1769
parent. 1770

(4) "Person living as a spouse" means a person who is 1771
living or has lived with the respondent in a common law marital 1772
relationship, who otherwise is cohabiting with the respondent, 1773
or who otherwise has cohabited with the respondent within five 1774
years prior to the date of the alleged occurrence of the act in 1775
question. 1776

(5) "Victim advocate" means a person who provides support 1777
and assistance for a person who files a petition under this 1778
section. 1779

(6) "Sexually oriented offense" has the same meaning as in 1780
section 2950.01 of the Revised Code. 1781

(7) "Companion animal" has the same meaning as in section 1782
959.131 of the Revised Code. 1783

(B) The court has jurisdiction over all proceedings under 1784
this section. The petitioner's right to relief under this 1785
section is not affected by the petitioner's leaving the 1786
residence or household to avoid further domestic violence. 1787

(C) (1) A person may seek relief under this section on the 1788
person's own behalf, or any parent or adult household member may 1789
seek relief under this section on behalf of any other family or 1790
household member, by filing a petition with the court. The 1791
petition shall contain or state: 1792

~~(1)~~ (a) An allegation that the respondent engaged in 1793
domestic violence against a family or household member of the 1794
respondent, including a description of the nature and extent of 1795
the domestic violence; 1796

~~(2)~~ (b) The relationship of the respondent to the 1797
petitioner, and to the victim if other than the petitioner; 1798

~~(3)~~ (c) A request for relief under this section. 1799

(2) A petitioner may include a statement in the petition 1800
that describes the number, types, and locations of any firearms 1801
that the petitioner knows to be in the possession or control of 1802
the respondent. 1803

(D) (1) If a person who files a petition pursuant to this 1804
section requests an ex parte order, the court shall hold an ex 1805
parte hearing on the same day that the petition is filed. The 1806
court, for good cause shown at the ex parte hearing, may enter 1807
any temporary orders, with or without bond, including, but not 1808
limited to, an order described in division (E) (1) (a), (b), or 1809
(c) of this section, that the court finds necessary to protect 1810

the family or household member from domestic violence. Immediate 1811
and present danger of domestic violence to the family or 1812
household member constitutes good cause for purposes of this 1813
section. Immediate and present danger includes, but is not 1814
limited to, situations in which the respondent has threatened 1815
the family or household member with bodily harm, in which the 1816
respondent has threatened the family or household member with a 1817
sexually oriented offense, or in which the respondent previously 1818
has been convicted of, pleaded guilty to, or been adjudicated a 1819
delinquent child for an offense that constitutes domestic 1820
violence against the family or household member. 1821

(2) (a) If the court, after an ex parte hearing, issues an 1822
order described in division (E) (1) (b) or (c) of this section, 1823
the court shall schedule a full hearing for a date that is 1824
within seven court days after the ex parte hearing. If any other 1825
type of protection order that is authorized under division (E) 1826
of this section is issued by the court after an ex parte 1827
hearing, the court shall schedule a full hearing for a date that 1828
is within ten court days after the ex parte hearing. The court 1829
shall give the respondent notice of, and an opportunity to be 1830
heard at, the full hearing. The court shall hold the full 1831
hearing on the date scheduled under this division unless the 1832
court grants a continuance of the hearing in accordance with 1833
this division. Under any of the following circumstances or for 1834
any of the following reasons, the court may grant a continuance 1835
of the full hearing to a reasonable time determined by the 1836
court: 1837

(i) Prior to the date scheduled for the full hearing under 1838
this division, the respondent has not been served with the 1839
petition filed pursuant to this section and notice of the full 1840
hearing. 1841

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| (ii) The parties consent to the continuance. | 1842 |
| (iii) The continuance is needed to allow a party to obtain counsel. | 1843 1844 |
| (iv) The continuance is needed for other good cause. | 1845 |
| (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. | 1846 1847 1848 1849 1850 |
| (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. | 1851 1852 1853 1854 1855 1856 |
| (E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may: | 1857 1858 1859 1860 1861 |
| (a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members; | 1862 1863 1864 |
| (b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or | 1865 1866 1867 1868 1869 1870 |

household is jointly owned or leased by the respondent, and the 1871
petitioner or other family or household member; 1872

(c) When the respondent has a duty to support the 1873
petitioner or other family or household member living in the 1874
residence or household and the respondent is the sole owner or 1875
lessee of the residence or household, grant possession of the 1876
residence or household to the petitioner or other family or 1877
household member, to the exclusion of the respondent, by 1878
ordering the respondent to vacate the premises, or, in the case 1879
of a consent agreement, allow the respondent to provide 1880
suitable, alternative housing; 1881

(d) Temporarily allocate parental rights and 1882
responsibilities for the care of, or establish temporary 1883
parenting time rights with regard to, minor children, if no 1884
other court has determined, or is determining, the allocation of 1885
parental rights and responsibilities for the minor children or 1886
parenting time rights; 1887

(e) Require the respondent to maintain support, if the 1888
respondent customarily provides for or contributes to the 1889
support of the family or household member, or if the respondent 1890
has a duty to support the petitioner or family or household 1891
member; 1892

(f) Require the respondent, petitioner, victim of domestic 1893
violence, or any combination of those persons, to seek 1894
counseling; 1895

(g) Require the respondent to refrain from entering the 1896
residence, school, business, or place of employment of the 1897
petitioner or family or household member; 1898

(h) Grant other relief that the court considers equitable 1899

and fair, including, but not limited to, ordering the respondent 1900
to permit the use of a motor vehicle by the petitioner or other 1901
family or household member and the apportionment of household 1902
and family personal property; 1903

(i) Require that the respondent not remove, damage, hide, 1904
harm, or dispose of any companion animal owned or possessed by 1905
the petitioner; 1906

(j) Authorize the petitioner to remove a companion animal 1907
owned by the petitioner from the possession of the respondent. 1908

(2) If a protection order has been issued pursuant to this 1909
section in a prior action involving the respondent and the 1910
petitioner or one or more of the family or household members or 1911
victims, the court may include in a protection order that it 1912
issues a prohibition against the respondent returning to the 1913
residence or household. If it includes a prohibition against the 1914
respondent returning to the residence or household in the order, 1915
it also shall include in the order provisions of the type 1916
described in division (E)(7) of this section. This division does 1917
not preclude the court from including in a protection order or 1918
consent agreement, in circumstances other than those described 1919
in this division, a requirement that the respondent be evicted 1920
from or vacate the residence or household or refrain from 1921
entering the residence, school, business, or place of employment 1922
of the petitioner or a family or household member, and, if the 1923
court includes any requirement of that type in an order or 1924
agreement, the court also shall include in the order provisions 1925
of the type described in division (E)(7) of this section. 1926

(3) (a) Any protection order issued or consent agreement 1927
approved under this section shall be valid until a date certain, 1928
but not later than five years from the date of its issuance or 1929

approval, or not later than the date a respondent who is less than eighteen years of age attains nineteen years of age, unless modified or terminated as provided in division (E) (8) of this section.

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

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

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

- (a) The respondent files a separate petition for a protection order in accordance with this section. 1960
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- (b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 1962
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- (c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 1966
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- (d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense. 1971
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- (5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property. 1980
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- (6) (a) If a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E) (1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or 1983
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companionship order issued pursuant to section 3109.051, 1989
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 1990
this section granting parenting time rights to the respondent, 1991
the court may require the public children services agency of the 1992
county in which the court is located to provide supervision of 1993
the respondent's exercise of parenting time or visitation or 1994
companionship rights with respect to the child for a period not 1995
to exceed nine months, if the court makes the following findings 1996
of fact: 1997

(i) The child is in danger from the respondent; 1998

(ii) No other person or agency is available to provide the 1999
supervision. 2000

(b) A court that requires an agency to provide supervision 2001
pursuant to division (E) (6) (a) of this section shall order the 2002
respondent to reimburse the agency for the cost of providing the 2003
supervision, if it determines that the respondent has sufficient 2004
income or resources to pay that cost. 2005

(7) (a) If a protection order issued or consent agreement 2006
approved under this section includes a requirement that the 2007
respondent be evicted from or vacate the residence or household 2008
or refrain from entering the residence, school, business, or 2009
place of employment of the petitioner or a family or household 2010
member, the order or agreement shall state clearly that the 2011
order or agreement cannot be waived or nullified by an 2012
invitation to the respondent from the petitioner or other family 2013
or household member to enter the residence, school, business, or 2014
place of employment or by the respondent's entry into one of 2015
those places otherwise upon the consent of the petitioner or 2016
other family or household member. 2017

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

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

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

agreement are no longer appropriate. 2049

(c) In considering whether to modify or terminate a 2050
protection order or consent agreement issued or approved under 2051
this section, the court shall consider all relevant factors, 2052
including, but not limited to, the following: 2053

(i) Whether the petitioner consents to modification or 2054
termination of the protection order or consent agreement; 2055

(ii) Whether the petitioner fears the respondent; 2056

(iii) The current nature of the relationship between the 2057
petitioner and the respondent; 2058

(iv) The circumstances of the petitioner and respondent, 2059
including the relative proximity of the petitioner's and 2060
respondent's workplaces and residences and whether the 2061
petitioner and respondent have minor children together; 2062

(v) Whether the respondent has complied with the terms and 2063
conditions of the original protection order or consent 2064
agreement; 2065

(vi) Whether the respondent has a continuing involvement 2066
with illegal drugs or alcohol; 2067

(vii) Whether the respondent has been convicted of, 2068
pleaded guilty to, or been adjudicated a delinquent child for an 2069
offense of violence since the issuance of the protection order 2070
or approval of the consent agreement; 2071

(viii) Whether any other protection orders, consent 2072
agreements, restraining orders, or no contact orders have been 2073
issued against the respondent pursuant to this section, section 2074
2919.26 of the Revised Code, any other provision of state law, 2075
or the law of any other state; 2076

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

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

(xi) The age and health of the respondent;

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

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

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

(9) Any protection order issued or any consent agreement approved pursuant to this section shall include a provision that the court will automatically seal all of the records of the proceeding in which the order is issued or agreement approved on

the date the respondent attains the age of nineteen years unless 2106
the petitioner provides the court with evidence that the 2107
respondent has not complied with all of the terms of the 2108
protection order or consent agreement. The protection order or 2109
consent agreement shall specify the date when the respondent 2110
attains the age of nineteen years. 2111

(F) (1) A copy of any protection order, or consent 2112
agreement, that is issued, approved, modified, or terminated 2113
under this section shall be issued by the court to the 2114
petitioner, to the respondent, and to all law enforcement 2115
agencies that have jurisdiction to enforce the order or 2116
agreement. The court shall direct that a copy of an order be 2117
delivered to the respondent on the same day that the order is 2118
entered. 2119

(2) Upon the issuance of a protection order or the 2120
approval of a consent agreement under this section, the court 2121
shall determine whether, as a result of the order, it is 2122
unlawful for the respondent to possess or purchase a firearm 2123
under division (A) (6) of section 2923.13 of the Revised Code or 2124
18 U.S.C. 922(g) (8). If the court determines that the respondent 2125
is prohibited from possessing or purchasing a firearm, the court 2126
shall order the respondent to transfer all firearms in the 2127
respondent's possession or control, and shall ensure that the 2128
transfer is made, in accordance with section 2923.132 of the 2129
Revised Code. If the respondent is so prohibited, the court 2130
shall provide the parties to the order or agreement with the 2131
following notice ~~orally or by~~ form: 2132

"NOTICE 2133

As a result of this order or consent agreement, it ~~may be~~ 2134
is unlawful for you to possess or purchase a firearm, including 2135

a rifle, pistol, or revolver, or ammunition pursuant to ~~federal~~ 2136
~~law under section 2923.13 of the Revised Code or 18 U.S.C.~~ 2137
922(g) (8). ~~If you have any questions whether this law makes it~~ 2138
~~illegal for you to possess or purchase a firearm or ammunition,~~ 2139
~~you should consult an attorney~~ You are required to transfer all 2140
firearms in your possession or control within twenty-four hours 2141
after service of this order in accordance with section 2923.132 2142
of the Revised Code. You are required to file with this court a 2143
proof of transfer and an affidavit that you possess no firearms 2144
within forty-eight hours after service of this order." 2145

(3) All law enforcement agencies shall establish and 2146
maintain an index for the protection orders and the approved 2147
consent agreements delivered to the agencies pursuant to 2148
division (F) (1) of this section. With respect to each order and 2149
consent agreement delivered, each agency shall note on the index 2150
the date and time that it received the order or consent 2151
agreement. 2152

(4) Regardless of whether the petitioner has registered 2153
the order or agreement in the county in which the officer's 2154
agency has jurisdiction pursuant to division (N) of this 2155
section, any officer of a law enforcement agency shall enforce a 2156
protection order issued or consent agreement approved by any 2157
court in this state in accordance with the provisions of the 2158
order or agreement, including removing the respondent from the 2159
premises, if appropriate. 2160

(G) Any proceeding under this section shall be conducted 2161
in accordance with the Rules of Civil Procedure, except that an 2162
order under this section may be obtained with or without bond. 2163
An order issued under this section, other than an ex parte 2164
order, that grants a protection order or approves a consent 2165

agreement, that refuses to grant a protection order or approve a 2166
consent agreement that modifies or terminates a protection order 2167
or consent agreement, or that refuses to modify or terminate a 2168
protection order or consent agreement, is a final, appealable 2169
order. The remedies and procedures provided in this section are 2170
in addition to, and not in lieu of, any other available civil or 2171
criminal remedies. 2172

(H) The filing of proceedings under this section does not 2173
excuse a person from filing any report or giving any notice 2174
required by section 2151.421 of the Revised Code or by any other 2175
law. When a petition under this section alleges domestic 2176
violence against minor children, the court shall report the 2177
fact, or cause reports to be made, to a county, township, or 2178
municipal peace officer under section 2151.421 of the Revised 2179
Code. 2180

(I) Any law enforcement agency that investigates a 2181
domestic dispute shall provide information to the family or 2182
household members involved regarding the relief available under 2183
this section and section 2919.26 of the Revised Code. 2184

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2185
section and regardless of whether a protection order is issued 2186
or a consent agreement is approved by a court of another county 2187
or a court of another state, no court or unit of state or local 2188
government shall charge the petitioner any fee, cost, deposit, 2189
or money in connection with the filing of a petition pursuant to 2190
this section or in connection with the filing, issuance, 2191
registration, modification, enforcement, dismissal, withdrawal, 2192
or service of a protection order, consent agreement, or witness 2193
subpoena or for obtaining a certified copy of a protection order 2194
or consent agreement. 2195

(2) Regardless of whether a protection order is issued or 2196
a consent agreement is approved pursuant to this section, the 2197
court may assess costs against the respondent in connection with 2198
the filing, issuance, registration, modification, enforcement, 2199
dismissal, withdrawal, or service of a protection order, consent 2200
agreement, or witness subpoena or for obtaining a certified copy 2201
of a protection order or consent agreement. 2202

(K) (1) The court shall comply with Chapters 3119., 3121., 2203
3123., and 3125. of the Revised Code when it makes or modifies 2204
an order for child support under this section. 2205

(2) If any person required to pay child support under an 2206
order made under this section on or after April 15, 1985, or 2207
modified under this section on or after December 31, 1986, is 2208
found in contempt of court for failure to make support payments 2209
under the order, the court that makes the finding, in addition 2210
to any other penalty or remedy imposed, shall assess all court 2211
costs arising out of the contempt proceeding against the person 2212
and require the person to pay any reasonable attorney's fees of 2213
any adverse party, as determined by the court, that arose in 2214
relation to the act of contempt. 2215

(L) (1) A person who violates a protection order issued or 2216
a consent agreement approved under this section is subject to 2217
the following sanctions: 2218

(a) Criminal prosecution or a delinquent child proceeding 2219
for a violation of section 2919.27 of the Revised Code, if the 2220
violation of the protection order or consent agreement 2221
constitutes a violation of that section; 2222

(b) Punishment for contempt of court. 2223

(2) The punishment of a person for contempt of court for 2224

violation of a protection order issued or a consent agreement 2225
approved under this section does not bar criminal prosecution of 2226
the person or a delinquent child proceeding concerning the 2227
person for a violation of section 2919.27 of the Revised Code. 2228
However, a person punished for contempt of court is entitled to 2229
credit for the punishment imposed upon conviction of or 2230
adjudication as a delinquent child for a violation of that 2231
section, and a person convicted of or adjudicated a delinquent 2232
child for a violation of that section shall not subsequently be 2233
punished for contempt of court arising out of the same activity. 2234

(M) In all stages of a proceeding under this section, a 2235
petitioner may be accompanied by a victim advocate. 2236

(N) (1) A petitioner who obtains a protection order or 2237
consent agreement under this section or a temporary protection 2238
order under section 2919.26 of the Revised Code may provide 2239
notice of the issuance or approval of the order or agreement to 2240
the judicial and law enforcement officials in any county other 2241
than the county in which the order is issued or the agreement is 2242
approved by registering that order or agreement in the other 2243
county pursuant to division (N) (2) of this section and filing a 2244
copy of the registered order or registered agreement with a law 2245
enforcement agency in the other county in accordance with that 2246
division. A person who obtains a protection order issued by a 2247
court of another state may provide notice of the issuance of the 2248
order to the judicial and law enforcement officials in any 2249
county of this state by registering the order in that county 2250
pursuant to section 2919.272 of the Revised Code and filing a 2251
copy of the registered order with a law enforcement agency in 2252
that county. 2253

(2) A petitioner may register a temporary protection 2254

order, protection order, or consent agreement in a county other 2255
than the county in which the court that issued the order or 2256
approved the agreement is located in the following manner: 2257

(a) The petitioner shall obtain a certified copy of the 2258
order or agreement from the clerk of the court that issued the 2259
order or approved the agreement and present that certified copy 2260
to the clerk of the court of common pleas or the clerk of a 2261
municipal court or county court in the county in which the order 2262
or agreement is to be registered. 2263

(b) Upon accepting the certified copy of the order or 2264
agreement for registration, the clerk of the court of common 2265
pleas, municipal court, or county court shall place an 2266
endorsement of registration on the order or agreement and give 2267
the petitioner a copy of the order or agreement that bears that 2268
proof of registration. 2269

(3) The clerk of each court of common pleas, the clerk of 2270
each municipal court, and the clerk of each county court shall 2271
maintain a registry of certified copies of temporary protection 2272
orders, protection orders, or consent agreements that have been 2273
issued or approved by courts in other counties and that have 2274
been registered with the clerk. 2275

(O) Nothing in this section prohibits the domestic 2276
relations division of a court of common pleas in counties that 2277
have a domestic relations division or a court of common pleas in 2278
counties that do not have a domestic relations division from 2279
designating a minor child as a protected party on a protection 2280
order or consent agreement. 2281

Section 2. That existing sections 2151.34, 2903.13, 2282
2903.21, 2903.214, 2919.25, 2919.26, 2923.13, and 3113.31 of the 2283

Revised Code are hereby repealed. 2284

Section 3. The General Assembly, applying the principle 2285
stated in division (B) of section 1.52 of the Revised Code that 2286
amendments are to be harmonized if reasonably capable of 2287
simultaneous operation, finds that the following sections, 2288
presented in this act as composites of the sections as amended 2289
by the acts indicated, are the resulting versions of the 2290
sections in effect prior to the effective date of the sections 2291
as presented in this act. 2292

Section 2151.34 of the Revised Code as amended by both 2293
Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 2294
Assembly. 2295

Section 2903.214 of the Revised Code as amended by both 2296
Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 2297
Assembly. 2298

Section 2919.26 of the Revised Code as amended by both 2299
Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 2300
Assembly. 2301

Section 2923.13 of the Revised Code as amended by both 2302
Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General 2303
Assembly. 2304

Section 3113.31 of the Revised Code as amended by both 2305
Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 2306
Assembly. 2307