

# OHIO PROSECUTING ATTORNEYS ASSOCIATION

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John E. Murphy  
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**SB-7; Protection Orders**  
**Proponent Testimony**  
**March 28, 2017**  
**House Criminal Justice Committee**

The Ohio Prosecuting Attorneys Association supports SB-7 to specify that service of a protection order or consent agreement is not necessary for conviction for the offense of violating the order if the person had actual notice of the order and recklessly violated its terms.

A defendant who is aware of a protection order or consent agreement should not be able to avoid criminal culpability simply because the order was not formally served on him when it can be shown that he was aware of the order and recklessly violated its terms. This bill will reverse the court's holding in *State v. Smith*, 2013-Ohio-1698 that interpreted the statute to require service as a precondition for prosecution for the offense of violating the order.

The bill also amends the penalty section of 2919.27 to clarify the language in cases where the offender has prior convictions. It does not increase the penalties, which remain a first degree misdemeanor and a fifth degree felony in the case of priors. It only restructures the language somewhat to make it more readily understandable.

We believe the bill will make protection orders more effective and help protect victims of domestic violence. We urge the committee to act favorably on the bill.

cc: Sen. Bacon