

As Passed by the Senate

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 425

Representatives Antani, Craig

Cosponsors: Representatives Becker, Seitz, Sheehy, Lang, Anielski, Arndt, Barnes, Brown, Celebrezze, Cupp, Dever, Duffey, Fedor, Gavarone, Ginter, Gonzales, Green, Hagan, Hambley, Henne, Holmes, Hoops, Howse, Hughes, Ingram, Kent, Kick, Landis, Leland, Lepore-Hagan, Manning, Miller, O'Brien, Patterson, Patton, Perales, Ramos, Reece, Reineke, Rezabek, Riedel, Roegner, Rogers, Ryan, Schaffer, Scherer, Schuring, Smith, K., Stein, Sykes, West, Wiggam, Wilkin, Young

Senators Coley, Uecker, Beagle, Hackett, Hoagland, Hottinger, Kunze, Oelslager, Peterson, Schiavoni, Tavares, Terhar, Thomas, Wilson, Yuko

A BILL

To amend sections 149.43, 149.433, 2151.34, 1
2903.213, 2903.214, 2919.26, 2953.32, 2953.37, 2
2953.38, 2953.53, and 3113.31 and to repeal 3
sections 109.38 and 109.381 of the Revised Code 4
to provide that specified portions of peace 5
officers' body-worn camera or dashboard camera 6
recordings and the infrastructure record of a 7
public school are not public records for 8
purposes of the Public Records Law, to replace 9
expungement with sealing of ex parte protection 10
orders and records under certain circumstances, 11
to clarify the appellate process for the court's 12
refusal to grant certain protection orders, and 13
to repeal the pilot program regarding the 14
removal of sealed or expunged records from 15
certain databases. 16

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

Section 1. That sections 149.43, 149.433, 2151.34, 17
2903.213, 2903.214, 2919.26, 2953.32, 2953.37, 2953.38, 2953.53, 18
and 3113.31 of the Revised Code be amended to read as follows: 19

Sec. 149.43. (A) As used in this section: 20

(1) "Public record" means records kept by any public 21
office, including, but not limited to, state, county, city, 22
village, township, and school district units, and records 23
pertaining to the delivery of educational services by an 24
alternative school in this state kept by the nonprofit or for- 25
profit entity operating the alternative school pursuant to 26
section 3313.533 of the Revised Code. "Public record" does not 27
mean any of the following: 28

(a) Medical records; 29

(b) Records pertaining to probation and parole proceedings 30
or to proceedings related to the imposition of community control 31
sanctions and post-release control sanctions; 32

(c) Records pertaining to actions under section 2151.85 33
and division (C) of section 2919.121 of the Revised Code and to 34
appeals of actions arising under those sections; 35

(d) Records pertaining to adoption proceedings, including 36
the contents of an adoption file maintained by the department of 37
health under sections 3705.12 to 3705.124 of the Revised Code; 38

(e) Information in a record contained in the putative 39
father registry established by section 3107.062 of the Revised 40
Code, regardless of whether the information is held by the 41
department of job and family services or, pursuant to section 42

3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	43 44
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	45 46
(g) Trial preparation records;	47
(h) Confidential law enforcement investigatory records;	48
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	49 50
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	51 52
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	53 54 55 56
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	57 58 59 60
(m) Intellectual property records;	61
(n) Donor profile records;	62
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	63 64
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and	65 66 67 68 69

investigation, or federal law enforcement officer residential 70
and familial information; 71

(q) In the case of a county hospital operated pursuant to 72
Chapter 339. of the Revised Code or a municipal hospital 73
operated pursuant to Chapter 749. of the Revised Code, 74
information that constitutes a trade secret, as defined in 75
section 1333.61 of the Revised Code; 76

(r) Information pertaining to the recreational activities 77
of a person under the age of eighteen; 78

(s) In the case of a child fatality review board acting 79
under sections 307.621 to 307.629 of the Revised Code or a 80
review conducted pursuant to guidelines established by the 81
director of health under section 3701.70 of the Revised Code, 82
records provided to the board or director, statements made by 83
board members during meetings of the board or by persons 84
participating in the director's review, and all work products of 85
the board or director, and in the case of a child fatality 86
review board, child fatality review data submitted by the board 87
to the department of health or a national child death review 88
database, other than the report prepared pursuant to division 89
(A) of section 307.626 of the Revised Code; 90

(t) Records provided to and statements made by the 91
executive director of a public children services agency or a 92
prosecuting attorney acting pursuant to section 5153.171 of the 93
Revised Code other than the information released under that 94
section; 95

(u) Test materials, examinations, or evaluation tools used 96
in an examination for licensure as a nursing home administrator 97
that the board of executives of long-term services and supports 98

administers under section 4751.04 of the Revised Code or	99
contracts under that section with a private or government entity	100
to administer;	101
(v) Records the release of which is prohibited by state or	102
federal law;	103
(w) Proprietary information of or relating to any person	104
that is submitted to or compiled by the Ohio venture capital	105
authority created under section 150.01 of the Revised Code;	106
(x) Financial statements and data any person submits for	107
any purpose to the Ohio housing finance agency or the	108
controlling board in connection with applying for, receiving, or	109
accounting for financial assistance from the agency, and	110
information that identifies any individual who benefits directly	111
or indirectly from financial assistance from the agency;	112
(y) Records listed in section 5101.29 of the Revised Code;	113
(z) Discharges recorded with a county recorder under	114
section 317.24 of the Revised Code, as specified in division (B)	115
(2) of that section;	116
(aa) Usage information including names and addresses of	117
specific residential and commercial customers of a municipally	118
owned or operated public utility;	119
(bb) Records described in division (C) of section 187.04	120
of the Revised Code that are not designated to be made available	121
to the public as provided in that division;	122
(cc) Information and records that are made confidential,	123
privileged, and not subject to disclosure under divisions (B)	124
and (C) of section 2949.221 of the Revised Code;	125
(dd) Personal information, as defined in section 149.45 of	126

the Revised Code;	127
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.	128 129 130 131 132 133 134 135 136 137 138 139 140 141
(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order.	142 143 144 145 146 147
<u>(gg) Restricted portions of a body-worn camera or dashboard camera recording.</u>	148 149
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	150 151 152 153 154
(a) The identity of a suspect who has not been charged	155

with the offense to which the record pertains, or of an 156
information source or witness to whom confidentiality has been 157
reasonably promised; 158

(b) Information provided by an information source or 159
witness to whom confidentiality has been reasonably promised, 160
which information would reasonably tend to disclose the source's 161
or witness's identity; 162

(c) Specific confidential investigatory techniques or 163
procedures or specific investigatory work product; 164

(d) Information that would endanger the life or physical 165
safety of law enforcement personnel, a crime victim, a witness, 166
or a confidential information source. 167

(3) "Medical record" means any document or combination of 168
documents, except births, deaths, and the fact of admission to 169
or discharge from a hospital, that pertains to the medical 170
history, diagnosis, prognosis, or medical condition of a patient 171
and that is generated and maintained in the process of medical 172
treatment. 173

(4) "Trial preparation record" means any record that 174
contains information that is specifically compiled in reasonable 175
anticipation of, or in defense of, a civil or criminal action or 176
proceeding, including the independent thought processes and 177
personal trial preparation of an attorney. 178

(5) "Intellectual property record" means a record, other 179
than a financial or administrative record, that is produced or 180
collected by or for faculty or staff of a state institution of 181
higher learning in the conduct of or as a result of study or 182
research on an educational, commercial, scientific, artistic, 183
technical, or scholarly issue, regardless of whether the study 184

or research was sponsored by the institution alone or in 185
conjunction with a governmental body or private concern, and 186
that has not been publicly released, published, or patented. 187

(6) "Donor profile record" means all records about donors 188
or potential donors to a public institution of higher education 189
except the names and reported addresses of the actual donors and 190
the date, amount, and conditions of the actual donation. 191

(7) "Peace officer, parole officer, probation officer, 192
bailiff, prosecuting attorney, assistant prosecuting attorney, 193
correctional employee, community-based correctional facility 194
employee, youth services employee, firefighter, EMT, 195
investigator of the bureau of criminal identification and 196
investigation, or federal law enforcement officer residential 197
and familial information" means any information that discloses 198
any of the following about a peace officer, parole officer, 199
probation officer, bailiff, prosecuting attorney, assistant 200
prosecuting attorney, correctional employee, community-based 201
correctional facility employee, youth services employee, 202
firefighter, EMT, investigator of the bureau of criminal 203
identification and investigation, or federal law enforcement 204
officer: 205

(a) The address of the actual personal residence of a 206
peace officer, parole officer, probation officer, bailiff, 207
assistant prosecuting attorney, correctional employee, 208
community-based correctional facility employee, youth services 209
employee, firefighter, EMT, an investigator of the bureau of 210
criminal identification and investigation, or federal law 211
enforcement officer, except for the state or political 212
subdivision in which the peace officer, parole officer, 213
probation officer, bailiff, assistant prosecuting attorney, 214

correctional employee, community-based correctional facility	215
employee, youth services employee, firefighter, EMT,	216
investigator of the bureau of criminal identification and	217
investigation, or federal law enforcement officer resides;	218
(b) Information compiled from referral to or participation	219
in an employee assistance program;	220
(c) The social security number, the residential telephone	221
number, any bank account, debit card, charge card, or credit	222
card number, or the emergency telephone number of, or any	223
medical information pertaining to, a peace officer, parole	224
officer, probation officer, bailiff, prosecuting attorney,	225
assistant prosecuting attorney, correctional employee,	226
community-based correctional facility employee, youth services	227
employee, firefighter, EMT, investigator of the bureau of	228
criminal identification and investigation, or federal law	229
enforcement officer;	230
(d) The name of any beneficiary of employment benefits,	231
including, but not limited to, life insurance benefits, provided	232
to a peace officer, parole officer, probation officer, bailiff,	233
prosecuting attorney, assistant prosecuting attorney,	234
correctional employee, community-based correctional facility	235
employee, youth services employee, firefighter, EMT,	236
investigator of the bureau of criminal identification and	237
investigation, or federal law enforcement officer by the peace	238
officer's, parole officer's, probation officer's, bailiff's,	239
prosecuting attorney's, assistant prosecuting attorney's,	240
correctional employee's, community-based correctional facility	241
employee's, youth services employee's, firefighter's, EMT's,	242
investigator of the bureau of criminal identification and	243
investigation's, or federal law enforcement officer's employer;	244

(e) The identity and amount of any charitable or 245
employment benefit deduction made by the peace officer's, parole 246
officer's, probation officer's, bailiff's, prosecuting 247
attorney's, assistant prosecuting attorney's, correctional 248
employee's, community-based correctional facility employee's, 249
youth services employee's, firefighter's, EMT's, investigator of 250
the bureau of criminal identification and investigation's, or 251
federal law enforcement officer's employer from the peace 252
officer's, parole officer's, probation officer's, bailiff's, 253
prosecuting attorney's, assistant prosecuting attorney's, 254
correctional employee's, community-based correctional facility 255
employee's, youth services employee's, firefighter's, EMT's, 256
investigator of the bureau of criminal identification and 257
investigation's, or federal law enforcement officer's 258
compensation unless the amount of the deduction is required by 259
state or federal law; 260

(f) The name, the residential address, the name of the 261
employer, the address of the employer, the social security 262
number, the residential telephone number, any bank account, 263
debit card, charge card, or credit card number, or the emergency 264
telephone number of the spouse, a former spouse, or any child of 265
a peace officer, parole officer, probation officer, bailiff, 266
prosecuting attorney, assistant prosecuting attorney, 267
correctional employee, community-based correctional facility 268
employee, youth services employee, firefighter, EMT, 269
investigator of the bureau of criminal identification and 270
investigation, or federal law enforcement officer; 271

(g) A photograph of a peace officer who holds a position 272
or has an assignment that may include undercover or plain 273
clothes positions or assignments as determined by the peace 274
officer's appointing authority. 275

As used in divisions (A) (7), (A) (13) to (15), and (B) (9) 276
of this section, "peace officer" has the same meaning as in 277
section 109.71 of the Revised Code and also includes the 278
superintendent and troopers of the state highway patrol; it does 279
not include the sheriff of a county or a supervisory employee 280
who, in the absence of the sheriff, is authorized to stand in 281
for, exercise the authority of, and perform the duties of the 282
sheriff. 283

As used in divisions (A) (7) and (B) (9) of this section, 284
"correctional employee" means any employee of the department of 285
rehabilitation and correction who in the course of performing 286
the employee's job duties has or has had contact with inmates 287
and persons under supervision. 288

As used in divisions (A) (7) and (B) (9) of this section, 289
"youth services employee" means any employee of the department 290
of youth services who in the course of performing the employee's 291
job duties has or has had contact with children committed to the 292
custody of the department of youth services. 293

As used in divisions (A) (7) and (B) (9) of this section, 294
"firefighter" means any regular, paid or volunteer, member of a 295
lawfully constituted fire department of a municipal corporation, 296
township, fire district, or village. 297

As used in divisions (A) (7) and (B) (9) of this section, 298
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 299
emergency medical services for a public emergency medical 300
service organization. "Emergency medical service organization," 301
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 302
in section 4765.01 of the Revised Code. 303

As used in divisions (A) (7) and (B) (9) of this section, 304

"investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code. 305
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As used in divisions (A)(7) and (B)(9) of this section, "federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code. 308
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(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following: 311
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(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person; 316
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(b) The social security number, birth date, or photographic image of a person under the age of eighteen; 320
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(c) Any medical record, history, or information pertaining to a person under the age of eighteen; 322
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(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. 324
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(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 330
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(10) "Post-release control sanction" has the same meaning 332

as in section 2967.01 of the Revised Code. 333

(11) "Redaction" means obscuring or deleting any 334
information that is exempt from the duty to permit public 335
inspection or copying from an item that otherwise meets the 336
definition of a "record" in section 149.011 of the Revised Code. 337

(12) "Designee" and "elected official" have the same 338
meanings as in section 109.43 of the Revised Code. 339

(13) "Body-worn camera" means a visual and audio recording 340
device worn on the person of a peace officer while the peace 341
officer is engaged in the performance of the peace officer's 342
duties. 343

(14) "Dashboard camera" means a visual and audio recording 344
device mounted on a peace officer's vehicle or vessel that is 345
used while the peace officer is engaged in the performance of 346
the peace officer's duties. 347

(15) "Restricted portions of a body-worn camera or 348
dashboard camera recording" means any visual or audio portion of 349
a body-worn camera or dashboard camera recording that shows, 350
communicates, or discloses any of the following: 351

(a) The image or identity of a child or information that 352
could lead to the identification of a child who is a primary 353
subject of the recording when the law enforcement agency knows 354
or has reason to know the person is a child based on the law 355
enforcement agency's records or the content of the recording; 356

(b) The death of a person or a deceased person's body, 357
unless the death was caused by a peace officer or, subject to 358
division (H)(1) of this section, the consent of the decedent's 359
executor or administrator has been obtained; 360

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained; 361
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(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 366
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(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 370
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(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 375
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(g) An act of severe violence resulting in serious physical harm against a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 381
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(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained; 387
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(i) Protected health information, the identity of a person 389

in a health care facility who is not the subject of a law 390
enforcement encounter, or any other information in a health care 391
facility that could identify a person who is not the subject of 392
a law enforcement encounter; 393

(j) Information that could identify the alleged victim of 394
a sex offense, menacing by stalking, or domestic violence; 395

(k) Information, that does not constitute a confidential 396
law enforcement investigatory record, that could identify a 397
person who provides sensitive or confidential information to a 398
law enforcement agency when the disclosure of the person's 399
identity or the information provided could reasonably be 400
expected to threaten or endanger the safety or property of the 401
person or another person; 402

(l) Personal information of a person who is not arrested, 403
cited, charged, or issued a written warning by a peace officer; 404

(m) Proprietary police contingency plans or tactics that 405
are intended to prevent crime and maintain public order and 406
safety; 407

(n) A personal conversation unrelated to work between 408
peace officers or between a peace officer and an employee of a 409
law enforcement agency; 410

(o) A conversation between a peace officer and a member of 411
the public that does not concern law enforcement activities; 412

(p) The interior of a residence, unless the interior of a 413
residence is the location of an adversarial encounter with, or a 414
use of force by, a peace officer; 415

(q) Any portion of the interior of a private business that 416
is not open to the public, unless an adversarial encounter with, 417

<u>or a use of force by, a peace officer occurs in that location.</u>	418
<u>As used in division (A) (15) of this section:</u>	419
<u>"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.</u>	420 421
<u>"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.</u>	422 423
<u>"Protected health information" has the same meaning as in 45 C.F.R. 160.103.</u>	424 425
<u>"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.</u>	426 427
<u>"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.</u>	428 429 430 431
<u>"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.</u>	432 433
<u>"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.</u>	434 435
(B) (1) Upon request and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or	436 437 438 439 440 441 442 443 444 445

the person responsible for the public record shall make 446
available all of the information within the public record that 447
is not exempt. When making that public record available for 448
public inspection or copying that public record, the public 449
office or the person responsible for the public record shall 450
notify the requester of any redaction or make the redaction 451
plainly visible. A redaction shall be deemed a denial of a 452
request to inspect or copy the redacted information, except if 453
federal or state law authorizes or requires a public office to 454
make the redaction. 455

(2) To facilitate broader access to public records, a 456
public office or the person responsible for public records shall 457
organize and maintain public records in a manner that they can 458
be made available for inspection or copying in accordance with 459
division (B) of this section. A public office also shall have 460
available a copy of its current records retention schedule at a 461
location readily available to the public. If a requester makes 462
an ambiguous or overly broad request or has difficulty in making 463
a request for copies or inspection of public records under this 464
section such that the public office or the person responsible 465
for the requested public record cannot reasonably identify what 466
public records are being requested, the public office or the 467
person responsible for the requested public record may deny the 468
request but shall provide the requester with an opportunity to 469
revise the request by informing the requester of the manner in 470
which records are maintained by the public office and accessed 471
in the ordinary course of the public office's or person's 472
duties. 473

(3) If a request is ultimately denied, in part or in 474
whole, the public office or the person responsible for the 475
requested public record shall provide the requester with an 476

explanation, including legal authority, setting forth why the 477
request was denied. If the initial request was provided in 478
writing, the explanation also shall be provided to the requester 479
in writing. The explanation shall not preclude the public office 480
or the person responsible for the requested public record from 481
relying upon additional reasons or legal authority in defending 482
an action commenced under division (C) of this section. 483

(4) Unless specifically required or authorized by state or 484
federal law or in accordance with division (B) of this section, 485
no public office or person responsible for public records may 486
limit or condition the availability of public records by 487
requiring disclosure of the requester's identity or the intended 488
use of the requested public record. Any requirement that the 489
requester disclose the requester's identity or the intended use 490
of the requested public record constitutes a denial of the 491
request. 492

(5) A public office or person responsible for public 493
records may ask a requester to make the request in writing, may 494
ask for the requester's identity, and may inquire about the 495
intended use of the information requested, but may do so only 496
after disclosing to the requester that a written request is not 497
mandatory and that the requester may decline to reveal the 498
requester's identity or the intended use and when a written 499
request or disclosure of the identity or intended use would 500
benefit the requester by enhancing the ability of the public 501
office or person responsible for public records to identify, 502
locate, or deliver the public records sought by the requester. 503

(6) If any person chooses to obtain a copy of a public 504
record in accordance with division (B) of this section, the 505
public office or person responsible for the public record may 506

require that person to pay in advance the cost involved in 507
providing the copy of the public record in accordance with the 508
choice made by the person seeking the copy under this division. 509
The public office or the person responsible for the public 510
record shall permit that person to choose to have the public 511
record duplicated upon paper, upon the same medium upon which 512
the public office or person responsible for the public record 513
keeps it, or upon any other medium upon which the public office 514
or person responsible for the public record determines that it 515
reasonably can be duplicated as an integral part of the normal 516
operations of the public office or person responsible for the 517
public record. When the person seeking the copy makes a choice 518
under this division, the public office or person responsible for 519
the public record shall provide a copy of it in accordance with 520
the choice made by the person seeking the copy. Nothing in this 521
section requires a public office or person responsible for the 522
public record to allow the person seeking a copy of the public 523
record to make the copies of the public record. 524

(7) (a) Upon a request made in accordance with division (B) 525
of this section and subject to division (B) (6) of this section, 526
a public office or person responsible for public records shall 527
transmit a copy of a public record to any person by United 528
States mail or by any other means of delivery or transmission 529
within a reasonable period of time after receiving the request 530
for the copy. The public office or person responsible for the 531
public record may require the person making the request to pay 532
in advance the cost of postage if the copy is transmitted by 533
United States mail or the cost of delivery if the copy is 534
transmitted other than by United States mail, and to pay in 535
advance the costs incurred for other supplies used in the 536
mailing, delivery, or transmission. 537

(b) Any public office may adopt a policy and procedures 538
that it will follow in transmitting, within a reasonable period 539
of time after receiving a request, copies of public records by 540
United States mail or by any other means of delivery or 541
transmission pursuant to division (B) (7) of this section. A 542
public office that adopts a policy and procedures under division 543
(B) (7) of this section shall comply with them in performing its 544
duties under that division. 545

(c) In any policy and procedures adopted under division 546
(B) (7) of this section: 547

(i) A public office may limit the number of records 548
requested by a person that the office will physically deliver by 549
United States mail or by another delivery service to ten per 550
month, unless the person certifies to the office in writing that 551
the person does not intend to use or forward the requested 552
records, or the information contained in them, for commercial 553
purposes; 554

(ii) A public office that chooses to provide some or all 555
of its public records on a web site that is fully accessible to 556
and searchable by members of the public at all times, other than 557
during acts of God outside the public office's control or 558
maintenance, and that charges no fee to search, access, 559
download, or otherwise receive records provided on the web site, 560
may limit to ten per month the number of records requested by a 561
person that the office will deliver in a digital format, unless 562
the requested records are not provided on the web site and 563
unless the person certifies to the office in writing that the 564
person does not intend to use or forward the requested records, 565
or the information contained in them, for commercial purposes. 566

(iii) For purposes of division (B) (7) of this section, 567

"commercial" shall be narrowly construed and does not include 568
reporting or gathering news, reporting or gathering information 569
to assist citizen oversight or understanding of the operation or 570
activities of government, or nonprofit educational research. 571

(8) A public office or person responsible for public 572
records is not required to permit a person who is incarcerated 573
pursuant to a criminal conviction or a juvenile adjudication to 574
inspect or to obtain a copy of any public record concerning a 575
criminal investigation or prosecution or concerning what would 576
be a criminal investigation or prosecution if the subject of the 577
investigation or prosecution were an adult, unless the request 578
to inspect or to obtain a copy of the record is for the purpose 579
of acquiring information that is subject to release as a public 580
record under this section and the judge who imposed the sentence 581
or made the adjudication with respect to the person, or the 582
judge's successor in office, finds that the information sought 583
in the public record is necessary to support what appears to be 584
a justiciable claim of the person. 585

(9) (a) Upon written request made and signed by a 586
journalist on or after December 16, 1999, a public office, or 587
person responsible for public records, having custody of the 588
records of the agency employing a specified peace officer, 589
parole officer, probation officer, bailiff, prosecuting 590
attorney, assistant prosecuting attorney, correctional employee, 591
community-based correctional facility employee, youth services 592
employee, firefighter, EMT, investigator of the bureau of 593
criminal identification and investigation, or federal law 594
enforcement officer shall disclose to the journalist the address 595
of the actual personal residence of the peace officer, parole 596
officer, probation officer, bailiff, prosecuting attorney, 597
assistant prosecuting attorney, correctional employee, 598

community-based correctional facility employee, youth services 599
employee, firefighter, EMT, investigator of the bureau of 600
criminal identification and investigation, or federal law 601
enforcement officer and, if the peace officer's, parole 602
officer's, probation officer's, bailiff's, prosecuting 603
attorney's, assistant prosecuting attorney's, correctional 604
employee's, community-based correctional facility employee's, 605
youth services employee's, firefighter's, EMT's, investigator of 606
the bureau of criminal identification and investigation's, or 607
federal law enforcement officer's spouse, former spouse, or 608
child is employed by a public office, the name and address of 609
the employer of the peace officer's, parole officer's, probation 610
officer's, bailiff's, prosecuting attorney's, assistant 611
prosecuting attorney's, correctional employee's, community-based 612
correctional facility employee's, youth services employee's, 613
firefighter's, EMT's, investigator of the bureau of criminal 614
identification and investigation's, or federal law enforcement 615
officer's spouse, former spouse, or child. The request shall 616
include the journalist's name and title and the name and address 617
of the journalist's employer and shall state that disclosure of 618
the information sought would be in the public interest. 619

(b) Division (B) (9) (a) of this section also applies to 620
journalist requests for customer information maintained by a 621
municipally owned or operated public utility, other than social 622
security numbers and any private financial information such as 623
credit reports, payment methods, credit card numbers, and bank 624
account information. 625

(c) As used in division (B) (9) of this section, 626
"journalist" means a person engaged in, connected with, or 627
employed by any news medium, including a newspaper, magazine, 628
press association, news agency, or wire service, a radio or 629

television station, or a similar medium, for the purpose of 630
gathering, processing, transmitting, compiling, editing, or 631
disseminating information for the general public. 632

(C) (1) If a person allegedly is aggrieved by the failure 633
of a public office or the person responsible for public records 634
to promptly prepare a public record and to make it available to 635
the person for inspection in accordance with division (B) of 636
this section or by any other failure of a public office or the 637
person responsible for public records to comply with an 638
obligation in accordance with division (B) of this section, the 639
person allegedly aggrieved may do only one of the following, and 640
not both: 641

(a) File a complaint with the clerk of the court of claims 642
or the clerk of the court of common pleas under section 2743.75 643
of the Revised Code; 644

(b) Commence a mandamus action to obtain a judgment that 645
orders the public office or the person responsible for the 646
public record to comply with division (B) of this section, that 647
awards court costs and reasonable attorney's fees to the person 648
that instituted the mandamus action, and, if applicable, that 649
includes an order fixing statutory damages under division (C) (2) 650
of this section. The mandamus action may be commenced in the 651
court of common pleas of the county in which division (B) of 652
this section allegedly was not complied with, in the supreme 653
court pursuant to its original jurisdiction under Section 2 of 654
Article IV, Ohio Constitution, or in the court of appeals for 655
the appellate district in which division (B) of this section 656
allegedly was not complied with pursuant to its original 657
jurisdiction under Section 3 of Article IV, Ohio Constitution. 658

(2) If a requester transmits a written request by hand 659

delivery or certified mail to inspect or receive copies of any 660
public record in a manner that fairly describes the public 661
record or class of public records to the public office or person 662
responsible for the requested public records, except as 663
otherwise provided in this section, the requester shall be 664
entitled to recover the amount of statutory damages set forth in 665
this division if a court determines that the public office or 666
the person responsible for public records failed to comply with 667
an obligation in accordance with division (B) of this section. 668

The amount of statutory damages shall be fixed at one 669
hundred dollars for each business day during which the public 670
office or person responsible for the requested public records 671
failed to comply with an obligation in accordance with division 672
(B) of this section, beginning with the day on which the 673
requester files a mandamus action to recover statutory damages, 674
up to a maximum of one thousand dollars. The award of statutory 675
damages shall not be construed as a penalty, but as compensation 676
for injury arising from lost use of the requested information. 677
The existence of this injury shall be conclusively presumed. The 678
award of statutory damages shall be in addition to all other 679
remedies authorized by this section. 680

The court may reduce an award of statutory damages or not 681
award statutory damages if the court determines both of the 682
following: 683

(a) That, based on the ordinary application of statutory 684
law and case law as it existed at the time of the conduct or 685
threatened conduct of the public office or person responsible 686
for the requested public records that allegedly constitutes a 687
failure to comply with an obligation in accordance with division 688
(B) of this section and that was the basis of the mandamus 689

action, a well-informed public office or person responsible for 690
the requested public records reasonably would believe that the 691
conduct or threatened conduct of the public office or person 692
responsible for the requested public records did not constitute 693
a failure to comply with an obligation in accordance with 694
division (B) of this section; 695

(b) That a well-informed public office or person 696
responsible for the requested public records reasonably would 697
believe that the conduct or threatened conduct of the public 698
office or person responsible for the requested public records 699
would serve the public policy that underlies the authority that 700
is asserted as permitting that conduct or threatened conduct. 701

(3) In a mandamus action filed under division (C) (1) of 702
this section, the following apply: 703

(a) (i) If the court orders the public office or the person 704
responsible for the public record to comply with division (B) of 705
this section, the court shall determine and award to the relator 706
all court costs, which shall be construed as remedial and not 707
punitive. 708

(ii) If the court makes a determination described in 709
division (C) (3) (b) (iii) of this section, the court shall 710
determine and award to the relator all court costs, which shall 711
be construed as remedial and not punitive. 712

(b) If the court renders a judgment that orders the public 713
office or the person responsible for the public record to comply 714
with division (B) of this section or if the court determines any 715
of the following, the court may award reasonable attorney's fees 716
to the relator, subject to the provisions of division (C) (4) of 717
this section: 718

(i) The public office or the person responsible for the 719
public records failed to respond affirmatively or negatively to 720
the public records request in accordance with the time allowed 721
under division (B) of this section. 722

(ii) The public office or the person responsible for the 723
public records promised to permit the relator to inspect or 724
receive copies of the public records requested within a 725
specified period of time but failed to fulfill that promise 726
within that specified period of time. 727

(iii) The public office or the person responsible for the 728
public records acted in bad faith when the office or person 729
voluntarily made the public records available to the relator for 730
the first time after the relator commenced the mandamus action, 731
but before the court issued any order concluding whether or not 732
the public office or person was required to comply with division 733
(B) of this section. No discovery may be conducted on the issue 734
of the alleged bad faith of the public office or person 735
responsible for the public records. This division shall not be 736
construed as creating a presumption that the public office or 737
the person responsible for the public records acted in bad faith 738
when the office or person voluntarily made the public records 739
available to the relator for the first time after the relator 740
commenced the mandamus action, but before the court issued any 741
order described in this division. 742

(c) The court shall not award attorney's fees to the 743
relator if the court determines both of the following: 744

(i) That, based on the ordinary application of statutory 745
law and case law as it existed at the time of the conduct or 746
threatened conduct of the public office or person responsible 747
for the requested public records that allegedly constitutes a 748

failure to comply with an obligation in accordance with division 749
(B) of this section and that was the basis of the mandamus 750
action, a well-informed public office or person responsible for 751
the requested public records reasonably would believe that the 752
conduct or threatened conduct of the public office or person 753
responsible for the requested public records did not constitute 754
a failure to comply with an obligation in accordance with 755
division (B) of this section; 756

(ii) That a well-informed public office or person 757
responsible for the requested public records reasonably would 758
believe that the conduct or threatened conduct of the public 759
office or person responsible for the requested public records 760
would serve the public policy that underlies the authority that 761
is asserted as permitting that conduct or threatened conduct. 762

(4) All of the following apply to any award of reasonable 763
attorney's fees awarded under division (C) (3) (b) of this 764
section: 765

(a) The fees shall be construed as remedial and not 766
punitive. 767

(b) The fees awarded shall not exceed the total of the 768
reasonable attorney's fees incurred before the public record was 769
made available to the relator and the fees described in division 770
(C) (4) (c) of this section. 771

(c) Reasonable attorney's fees shall include reasonable 772
fees incurred to produce proof of the reasonableness and amount 773
of the fees and to otherwise litigate entitlement to the fees. 774

(d) The court may reduce the amount of fees awarded if the 775
court determines that, given the factual circumstances involved 776
with the specific public records request, an alternative means 777

should have been pursued to more effectively and efficiently 778
resolve the dispute that was subject to the mandamus action 779
filed under division (C) (1) of this section. 780

(5) If the court does not issue a writ of mandamus under 781
division (C) of this section and the court determines at that 782
time that the bringing of the mandamus action was frivolous 783
conduct as defined in division (A) of section 2323.51 of the 784
Revised Code, the court may award to the public office all court 785
costs, expenses, and reasonable attorney's fees, as determined 786
by the court. 787

(D) Chapter 1347. of the Revised Code does not limit the 788
provisions of this section. 789

(E) (1) To ensure that all employees of public offices are 790
appropriately educated about a public office's obligations under 791
division (B) of this section, all elected officials or their 792
appropriate designees shall attend training approved by the 793
attorney general as provided in section 109.43 of the Revised 794
Code. In addition, all public offices shall adopt a public 795
records policy in compliance with this section for responding to 796
public records requests. In adopting a public records policy 797
under this division, a public office may obtain guidance from 798
the model public records policy developed and provided to the 799
public office by the attorney general under section 109.43 of 800
the Revised Code. Except as otherwise provided in this section, 801
the policy may not limit the number of public records that the 802
public office will make available to a single person, may not 803
limit the number of public records that it will make available 804
during a fixed period of time, and may not establish a fixed 805
period of time before it will respond to a request for 806
inspection or copying of public records, unless that period is 807

less than eight hours. 808

(2) The public office shall distribute the public records 809
policy adopted by the public office under division (E)(1) of 810
this section to the employee of the public office who is the 811
records custodian or records manager or otherwise has custody of 812
the records of that office. The public office shall require that 813
employee to acknowledge receipt of the copy of the public 814
records policy. The public office shall create a poster that 815
describes its public records policy and shall post the poster in 816
a conspicuous place in the public office and in all locations 817
where the public office has branch offices. The public office 818
may post its public records policy on the internet web site of 819
the public office if the public office maintains an internet web 820
site. A public office that has established a manual or handbook 821
of its general policies and procedures for all employees of the 822
public office shall include the public records policy of the 823
public office in the manual or handbook. 824

(F)(1) The bureau of motor vehicles may adopt rules 825
pursuant to Chapter 119. of the Revised Code to reasonably limit 826
the number of bulk commercial special extraction requests made 827
by a person for the same records or for updated records during a 828
calendar year. The rules may include provisions for charges to 829
be made for bulk commercial special extraction requests for the 830
actual cost of the bureau, plus special extraction costs, plus 831
ten per cent. The bureau may charge for expenses for redacting 832
information, the release of which is prohibited by law. 833

(2) As used in division (F)(1) of this section: 834

(a) "Actual cost" means the cost of depleted supplies, 835
records storage media costs, actual mailing and alternative 836
delivery costs, or other transmitting costs, and any direct 837

equipment operating and maintenance costs, including actual 838
costs paid to private contractors for copying services. 839

(b) "Bulk commercial special extraction request" means a 840
request for copies of a record for information in a format other 841
than the format already available, or information that cannot be 842
extracted without examination of all items in a records series, 843
class of records, or database by a person who intends to use or 844
forward the copies for surveys, marketing, solicitation, or 845
resale for commercial purposes. "Bulk commercial special 846
extraction request" does not include a request by a person who 847
gives assurance to the bureau that the person making the request 848
does not intend to use or forward the requested copies for 849
surveys, marketing, solicitation, or resale for commercial 850
purposes. 851

(c) "Commercial" means profit-seeking production, buying, 852
or selling of any good, service, or other product. 853

(d) "Special extraction costs" means the cost of the time 854
spent by the lowest paid employee competent to perform the task, 855
the actual amount paid to outside private contractors employed 856
by the bureau, or the actual cost incurred to create computer 857
programs to make the special extraction. "Special extraction 858
costs" include any charges paid to a public agency for computer 859
or records services. 860

(3) For purposes of divisions (F) (1) and (2) of this 861
section, "surveys, marketing, solicitation, or resale for 862
commercial purposes" shall be narrowly construed and does not 863
include reporting or gathering news, reporting or gathering 864
information to assist citizen oversight or understanding of the 865
operation or activities of government, or nonprofit educational 866
research. 867

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

(H) (1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A) (15) (b) to (h) of this section may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A) (15) of this section, any person may file a mandamus action pursuant to this section or a complaint with the clerk of the court of claims pursuant to section 2743.75 of the Revised Code, requesting the court to order the release of all or portions of the recording. If the court considering the request determines that the filing

articulates by clear and convincing evidence that the public 898
interest in the recording substantially outweighs privacy 899
interests and other interests asserted to deny release, the 900
court shall order the public office to release the recording. 901

Sec. 149.433. (A) As used in this section: 902

"Act of terrorism" has the same meaning as in section 903
2909.21 of the Revised Code. 904

"Express statement" means a written statement 905
substantially similar to the following: "This information is 906
voluntarily submitted to a public office in expectation of 907
protection from disclosure as provided by section 149.433 of the 908
Revised Code." 909

"Infrastructure record" means any record that discloses 910
the configuration of critical systems including, but not limited 911
to, communication, computer, electrical, mechanical, 912
ventilation, water, and plumbing systems, security codes, or the 913
infrastructure or structural configuration of a building. 914

"Infrastructure record" includes a risk assessment of 915
infrastructure performed by a state or local law enforcement 916
agency at the request of a property owner or manager. 917

"Infrastructure record" does not mean a simple floor plan 918
that discloses only the spatial relationship of components of 919
the building. 920

"Security record" means any of the following: 921

(1) Any record that contains information directly used for 922
protecting or maintaining the security of a public office 923
against attack, interference, or sabotage; 924

(2) Any record assembled, prepared, or maintained by a 925

public office or public body to prevent, mitigate, or respond to	926
acts of terrorism, including any of the following:	927
(a) Those portions of records containing specific and	928
unique vulnerability assessments or specific and unique response	929
plans either of which is intended to prevent or mitigate acts of	930
terrorism, and communication codes or deployment plans of law	931
enforcement or emergency response personnel;	932
(b) Specific intelligence information and specific	933
investigative records shared by federal and international law	934
enforcement agencies with state and local law enforcement and	935
public safety agencies;	936
(c) National security records classified under federal	937
executive order and not subject to public disclosure under	938
federal law that are shared by federal agencies, and other	939
records related to national security briefings to assist state	940
and local government with domestic preparedness for acts of	941
terrorism.	942
(3) An emergency management plan adopted pursuant to	943
section 3313.536 of the Revised Code.	944
(B) (1) A record kept by a public office that is a security	945
record is not a public record under section 149.43 of the	946
Revised Code and is not subject to mandatory release or	947
disclosure under that section.	948
(2) A record kept by a public office that is an	949
infrastructure record of a public office, <u>public school</u> , or a	950
chartered nonpublic school is not a public record under section	951
149.43 of the Revised Code and is not subject to mandatory	952
release or disclosure under that section.	953
(3) A record kept by a public office that is an	954

infrastructure record of a private entity may be exempted from 955
release or disclosure under division (C) of this section. 956

(C) A record prepared by, submitted to, or kept by a 957
public office that is an infrastructure record of a private 958
entity, which is submitted to the public office for use by the 959
public office, when accompanied by an express statement, is 960
exempt from release or disclosure under section 149.43 of the 961
Revised Code for a period of twenty-five years after its 962
creation if it is retained by the public office for that length 963
of time. 964

(D) Notwithstanding any other section of the Revised Code, 965
disclosure by a public office, public employee, chartered 966
nonpublic school, or chartered nonpublic school employee of a 967
security record or infrastructure record that is necessary for 968
construction, renovation, or remodeling work on any public 969
building or project or chartered nonpublic school does not 970
constitute public disclosure for purposes of waiving division 971
(B) of this section and does not result in that record becoming 972
a public record for purposes of section 149.43 of the Revised 973
Code. 974

Sec. 2151.34. (A) As used in this section: 975

(1) "Court" means the juvenile division of the court of 976
common pleas of the county in which the person to be protected 977
by the protection order resides. 978

(2) "Victim advocate" means a person who provides support 979
and assistance for a person who files a petition under this 980
section. 981

(3) "Family or household member" has the same meaning as 982
in section 3113.31 of the Revised Code. 983

(4) "Protection order issued by a court of another state"	984
has the same meaning as in section 2919.27 of the Revised Code.	985
(5) "Petitioner" means a person who files a petition under	986
this section and includes a person on whose behalf a petition	987
under this section is filed.	988
(6) "Respondent" means a person who is under eighteen	989
years of age and against whom a petition is filed under this	990
section.	991
(7) "Sexually oriented offense" has the same meaning as in	992
section 2950.01 of the Revised Code.	993
(8) "Electronic monitoring" has the same meaning as in	994
section 2929.01 of the Revised Code.	995
(9) "Companion animal" has the same meaning as in section	996
959.131 of the Revised Code.	997
(10) "Expunge" has the same meaning as in section 2151.355	998
of the Revised Code.	999
(B) The court has jurisdiction over all proceedings under	1000
this section.	1001
(C) (1) Any of the following persons may seek relief under	1002
this section by filing a petition with the court:	1003
(a) Any person on behalf of that person;	1004
(b) Any parent or adult family or household member on	1005
behalf of any other family or household member;	1006
(c) Any person who is determined by the court in its	1007
discretion as an appropriate person to seek relief under this	1008
section on behalf of any child.	1009
(2) The petition shall contain or state all of the	1010

following: 1011

(a) An allegation that the respondent engaged in a 1012
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 1013
2903.211, 2903.22, or 2911.211 of the Revised Code, committed a 1014
sexually oriented offense, or engaged in a violation of any 1015
municipal ordinance that is substantially equivalent to any of 1016
those offenses against the person to be protected by the 1017
protection order, including a description of the nature and 1018
extent of the violation; 1019

(b) If the petitioner seeks relief in the form of 1020
electronic monitoring of the respondent, an allegation that at 1021
any time preceding the filing of the petition the respondent 1022
engaged in conduct that would cause a reasonable person to 1023
believe that the health, welfare, or safety of the person to be 1024
protected was at risk, a description of the nature and extent of 1025
that conduct, and an allegation that the respondent presents a 1026
continuing danger to the person to be protected; 1027

(c) A request for relief under this section. 1028

(3) The court in its discretion may determine whether or 1029
not to give notice that a petition has been filed under division 1030
(C)(1) of this section on behalf of a child to any of the 1031
following: 1032

(a) A parent of the child if the petition was filed by any 1033
person other than a parent of the child; 1034

(b) Any person who is determined by the court to be an 1035
appropriate person to receive notice of the filing of the 1036
petition. 1037

(D)(1) If a person who files a petition pursuant to this 1038
section requests an ex parte order, the court shall hold an ex 1039

parte hearing as soon as possible after the petition is filed, 1040
but not later than the next day after the court is in session 1041
after the petition is filed. The court, for good cause shown at 1042
the ex parte hearing, may enter any temporary orders, with or 1043
without bond, that the court finds necessary for the safety and 1044
protection of the person to be protected by the order. Immediate 1045
and present danger to the person to be protected by the 1046
protection order constitutes good cause for purposes of this 1047
section. Immediate and present danger includes, but is not 1048
limited to, situations in which the respondent has threatened 1049
the person to be protected by the protection order with bodily 1050
harm or in which the respondent previously has been convicted 1051
of, pleaded guilty to, or been adjudicated a delinquent child 1052
for committing a violation of section 2903.11, 2903.12, 2903.13, 1053
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 1054
sexually oriented offense, or a violation of any municipal 1055
ordinance that is substantially equivalent to any of those 1056
offenses against the person to be protected by the protection 1057
order. 1058

(2) (a) If the court, after an ex parte hearing, issues a 1059
protection order described in division (E) of this section, the 1060
court shall schedule a full hearing for a date that is within 1061
ten court days after the ex parte hearing. The court shall give 1062
the respondent notice of, and an opportunity to be heard at, the 1063
full hearing. The court also shall give notice of the full 1064
hearing to the parent, guardian, or legal custodian of the 1065
respondent. The court shall hold the full hearing on the date 1066
scheduled under this division unless the court grants a 1067
continuance of the hearing in accordance with this division. 1068
Under any of the following circumstances or for any of the 1069
following reasons, the court may grant a continuance of the full 1070

hearing to a reasonable time determined by the court: 1071

(i) Prior to the date scheduled for the full hearing under 1072
this division, the respondent has not been served with the 1073
petition filed pursuant to this section and notice of the full 1074
hearing. 1075

(ii) The parties consent to the continuance. 1076

(iii) The continuance is needed to allow a party to obtain 1077
counsel. 1078

(iv) The continuance is needed for other good cause. 1079

(b) An ex parte order issued under this section does not 1080
expire because of a failure to serve notice of the full hearing 1081
upon the respondent before the date set for the full hearing 1082
under division (D) (2) (a) of this section or because the court 1083
grants a continuance under that division. 1084

(3) If a person who files a petition pursuant to this 1085
section does not request an ex parte order, or if a person 1086
requests an ex parte order but the court does not issue an ex 1087
parte order after an ex parte hearing, the court shall proceed 1088
as in a normal civil action and grant a full hearing on the 1089
matter. 1090

(E) (1) (a) After an ex parte or full hearing, the court may 1091
issue any protection order, with or without bond, that contains 1092
terms designed to ensure the safety and protection of the person 1093
to be protected by the protection order. The court may include 1094
within a protection order issued under this section a term 1095
requiring that the respondent not remove, damage, hide, harm, or 1096
dispose of any companion animal owned or possessed by the person 1097
to be protected by the order, and may include within the order a 1098
term authorizing the person to be protected by the order to 1099

remove a companion animal owned by the person to be protected by 1100
the order from the possession of the respondent. 1101

(b) After a full hearing, if the court considering a 1102
petition that includes an allegation of the type described in 1103
division (C) (2) (b) of this section or the court, upon its own 1104
motion, finds upon clear and convincing evidence that the 1105
petitioner reasonably believed that the respondent's conduct at 1106
any time preceding the filing of the petition endangered the 1107
health, welfare, or safety of the person to be protected and 1108
that the respondent presents a continuing danger to the person 1109
to be protected and if division (N) of this section does not 1110
prohibit the issuance of an order that the respondent be 1111
electronically monitored, the court may order that the 1112
respondent be electronically monitored for a period of time and 1113
under the terms and conditions that the court determines are 1114
appropriate. Electronic monitoring shall be in addition to any 1115
other relief granted to the petitioner. 1116

(2) (a) Any protection order issued pursuant to this 1117
section shall be valid until a date certain but not later than 1118
the date the respondent attains nineteen years of age. 1119

(b) Any protection order issued pursuant to this section 1120
may be renewed in the same manner as the original order was 1121
issued. 1122

(3) A court may not issue a protection order that requires 1123
a petitioner to do or to refrain from doing an act that the 1124
court may require a respondent to do or to refrain from doing 1125
under division (E) (1) of this section unless all of the 1126
following apply: 1127

(a) The respondent files a separate petition for a 1128

protection order in accordance with this section. 1129

(b) The petitioner is served with notice of the 1130
respondent's petition at least forty-eight hours before the 1131
court holds a hearing with respect to the respondent's petition, 1132
or the petitioner waives the right to receive this notice. 1133

(c) If the petitioner has requested an ex parte order 1134
pursuant to division (D) of this section, the court does not 1135
delay any hearing required by that division beyond the time 1136
specified in that division in order to consolidate the hearing 1137
with a hearing on the petition filed by the respondent. 1138

(d) After a full hearing at which the respondent presents 1139
evidence in support of the request for a protection order and 1140
the petitioner is afforded an opportunity to defend against that 1141
evidence, the court determines that the petitioner has committed 1142
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 1143
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 1144
oriented offense, or a violation of any municipal ordinance that 1145
is substantially equivalent to any of those offenses against the 1146
person to be protected by the protection order issued pursuant 1147
to division (E) (3) of this section, or has violated a protection 1148
order issued pursuant to this section or section 2903.213 of the 1149
Revised Code relative to the person to be protected by the 1150
protection order issued pursuant to division (E) (3) of this 1151
section. 1152

(4) No protection order issued pursuant to this section 1153
shall in any manner affect title to any real property. 1154

(5) (a) A protection order issued under this section shall 1155
clearly state that the person to be protected by the order 1156
cannot waive or nullify by invitation or consent any requirement 1157

in the order. 1158

(b) Division (E) (5) (a) of this section does not limit any 1159
discretion of a court to determine that a respondent alleged to 1160
have violated section 2919.27 of the Revised Code, violated a 1161
municipal ordinance substantially equivalent to that section, or 1162
committed contempt of court, which allegation is based on an 1163
alleged violation of a protection order issued under this 1164
section, did not commit the violation or was not in contempt of 1165
court. 1166

(6) Any protection order issued pursuant to this section 1167
shall include a provision that the court will automatically seal 1168
all of the records of the proceeding in which the order is 1169
issued on the date the respondent attains the age of nineteen 1170
years unless the petitioner provides the court with evidence 1171
that the respondent has not complied with all of the terms of 1172
the protection order. The protection order shall specify the 1173
date when the respondent attains the age of nineteen years. 1174

(F) (1) The court shall cause the delivery of a copy of any 1175
protection order that is issued under this section to the 1176
petitioner, to the respondent, and to all law enforcement 1177
agencies that have jurisdiction to enforce the order. The court 1178
shall direct that a copy of the order be delivered to the 1179
respondent and the parent, guardian, or legal custodian of the 1180
respondent on the same day that the order is entered. 1181

(2) Upon the issuance of a protection order under this 1182
section, the court shall provide the parties to the order with 1183
the following notice orally or by form: 1184

"NOTICE 1185

As a result of this order, it may be unlawful for you to 1186

possess or purchase a firearm, including a rifle, pistol, or 1187
revolver, or ammunition pursuant to federal law under 18 U.S.C. 1188
922(g) (8) for the duration of this order. If you have any 1189
questions whether this law makes it illegal for you to possess 1190
or purchase a firearm or ammunition, you should consult an 1191
attorney." 1192

(3) All law enforcement agencies shall establish and 1193
maintain an index for the protection orders delivered to the 1194
agencies pursuant to division (F) (1) of this section. With 1195
respect to each order delivered, each agency shall note on the 1196
index the date and time that it received the order. 1197

(4) Regardless of whether the petitioner has registered 1198
the protection order in the county in which the officer's agency 1199
has jurisdiction pursuant to division (M) of this section, any 1200
officer of a law enforcement agency shall enforce a protection 1201
order issued pursuant to this section by any court in this state 1202
in accordance with the provisions of the order, including 1203
removing the respondent from the premises, if appropriate. 1204

(G) (1) Any proceeding under this section shall be 1205
conducted in accordance with the Rules of Civil Procedure, 1206
except that a protection order may be obtained under this 1207
section with or without bond. An order issued under this 1208
section, other than an ex parte order, that grants a protection 1209
order, or that refuses to grant a protection order, is a final, 1210
appealable order. The remedies and procedures provided in this 1211
section are in addition to, and not in lieu of, any other 1212
available civil or criminal remedies or any other available 1213
remedies under Chapter 2151. or 2152. of the Revised Code. 1214

(2) If as provided in division (G) (1) of this section an 1215
order issued under this section, other than an ex parte order, 1216

refuses to grant a protection order, the court, on its own 1217
motion, shall order that the ex parte order issued under this 1218
section and all of the records pertaining to that ex parte order 1219
be ~~expunged~~ sealed after either of the following occurs: 1220

(a) ~~The period of the notice of appeal from the order that~~ 1221
~~refuses to grant a protection order has expired~~ No party has 1222
exercised the right to appeal pursuant to Rule 4 of the Rules of 1223
Appellate Procedure. 1224

(b) ~~The order that refuses to grant the protection order~~ 1225
~~is appealed and an appellate court to which the last appeal of~~ 1226
~~that order is taken affirms the order~~ All appellate rights have 1227
been exhausted. 1228

(H) The filing of proceedings under this section does not 1229
excuse a person from filing any report or giving any notice 1230
required by section 2151.421 of the Revised Code or by any other 1231
law. 1232

(I) Any law enforcement agency that investigates an 1233
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 1234
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 1235
commission of a sexually oriented offense, or an alleged 1236
violation of a municipal ordinance that is substantially 1237
equivalent to any of those offenses shall provide information to 1238
the victim and the family or household members of the victim 1239
regarding the relief available under this section. 1240

(J) (1) Subject to division (J) (2) of this section and 1241
regardless of whether a protection order is issued or a consent 1242
agreement is approved by a court of another county or by a court 1243
of another state, no court or unit of state or local government 1244
shall charge the petitioner any fee, cost, deposit, or money in 1245

connection with the filing of a petition pursuant to this 1246
section, in connection with the filing, issuance, registration, 1247
modification, enforcement, dismissal, withdrawal, or service of 1248
a protection order, consent agreement, or witness subpoena or 1249
for obtaining a certified copy of a protection order or consent 1250
agreement. 1251

(2) Regardless of whether a protection order is issued or 1252
a consent agreement is approved pursuant to this section, the 1253
court may assess costs against the respondent in connection with 1254
the filing, issuance, registration, modification, enforcement, 1255
dismissal, withdrawal, or service of a protection order, consent 1256
agreement, or witness subpoena or for obtaining a certified copy 1257
of a protection order or consent agreement. 1258

(K) (1) A person who violates a protection order issued 1259
under this section is subject to the following sanctions: 1260

(a) A delinquent child proceeding or a criminal 1261
prosecution for a violation of section 2919.27 of the Revised 1262
Code, if the violation of the protection order constitutes a 1263
violation of that section; 1264

(b) Punishment for contempt of court. 1265

(2) The punishment of a person for contempt of court for 1266
violation of a protection order issued under this section does 1267
not bar criminal prosecution of the person or a delinquent child 1268
proceeding concerning the person for a violation of section 1269
2919.27 of the Revised Code. However, a person punished for 1270
contempt of court is entitled to credit for the punishment 1271
imposed upon conviction of or adjudication as a delinquent child 1272
for a violation of that section, and a person convicted of or 1273
adjudicated a delinquent child for a violation of that section 1274

shall not subsequently be punished for contempt of court arising 1275
out of the same activity. 1276

(L) In all stages of a proceeding under this section, a 1277
petitioner may be accompanied by a victim advocate. 1278

(M) (1) A petitioner who obtains a protection order under 1279
this section may provide notice of the issuance or approval of 1280
the order to the judicial and law enforcement officials in any 1281
county other than the county in which the order is issued by 1282
registering that order in the other county pursuant to division 1283
(M) (2) of this section and filing a copy of the registered order 1284
with a law enforcement agency in the other county in accordance 1285
with that division. A person who obtains a protection order 1286
issued by a court of another state may provide notice of the 1287
issuance of the order to the judicial and law enforcement 1288
officials in any county of this state by registering the order 1289
in that county pursuant to section 2919.272 of the Revised Code 1290
and filing a copy of the registered order with a law enforcement 1291
agency in that county. 1292

(2) A petitioner may register a protection order issued 1293
pursuant to this section in a county other than the county in 1294
which the court that issued the order is located in the 1295
following manner: 1296

(a) The petitioner shall obtain a certified copy of the 1297
order from the clerk of the court that issued the order and 1298
present that certified copy to the clerk of the court of common 1299
pleas or the clerk of a municipal court or county court in the 1300
county in which the order is to be registered. 1301

(b) Upon accepting the certified copy of the order for 1302
registration, the clerk of the court of common pleas, municipal 1303

court, or county court shall place an endorsement of 1304
registration on the order and give the petitioner a copy of the 1305
order that bears that proof of registration. 1306

(3) The clerk of each court of common pleas, municipal 1307
court, or county court shall maintain a registry of certified 1308
copies of protection orders that have been issued by courts in 1309
other counties pursuant to this section and that have been 1310
registered with the clerk. 1311

(N) If the court orders electronic monitoring of the 1312
respondent under this section, the court shall direct the 1313
sheriff's office or any other appropriate law enforcement agency 1314
to install the electronic monitoring device and to monitor the 1315
respondent. Unless the court determines that the respondent is 1316
indigent, the court shall order the respondent to pay the cost 1317
of the installation and monitoring of the electronic monitoring 1318
device. If the court determines that the respondent is indigent 1319
and subject to the maximum amount allowable to be paid in any 1320
year from the fund and the rules promulgated by the attorney 1321
general under section 2903.214 of the Revised Code, the cost of 1322
the installation and monitoring of the electronic monitoring 1323
device may be paid out of funds from the reparations fund 1324
created pursuant to section 2743.191 of the Revised Code. The 1325
total amount paid from the reparations fund created pursuant to 1326
section 2743.191 of the Revised Code for electronic monitoring 1327
under this section and sections 2903.214 and 2919.27 of the 1328
Revised Code shall not exceed three hundred thousand dollars per 1329
year. When the total amount paid from the reparations fund in 1330
any year for electronic monitoring under those sections equals 1331
or exceeds three hundred thousand dollars, the court shall not 1332
order pursuant to this section that an indigent respondent be 1333
electronically monitored. 1334

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

Sec. 2903.213. (A) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of a municipal ordinance substantially similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file a motion that requests the issuance of a 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. If the complaint involves a person who is a family or household member, the complainant, the alleged victim, or the family or household member may file a motion for a temporary protection order pursuant to section 2919.26 of the Revised Code.

(B) A motion for a protection order under this section shall be prepared on a form that is provided by the clerk of the court, and the form shall be substantially as follows:

"Motion for Protection Order
.....
Name and address of court

State of Ohio	1364
v. No.	1365
.....	1366
Name of Defendant	1367
(Name of person), moves the court to issue a protection order	1368
containing terms designed to ensure the safety and protection of	1369
the complainant or the alleged victim in the above-captioned	1370
case, in relation to the named defendant, pursuant to its	1371
authority to issue a protection order under section 2903.213 of	1372
the Revised Code.	1373
A complaint, a copy of which has been attached to this	1374
motion, has been filed in this court charging the named	1375
defendant with a violation of section 2903.11, 2903.12, 2903.13,	1376
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a	1377
violation of a municipal ordinance substantially similar to	1378
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the	1379
Revised Code, or the commission of a sexually oriented offense.	1380
I understand that I must appear before the court, at a	1381
time set by the court not later than the next day that the court	1382
is in session after the filing of this motion, for a hearing on	1383
the motion, and that any protection order granted pursuant to	1384
this motion is a pretrial condition of release and is effective	1385
only until the disposition of the criminal proceeding arising	1386
out of the attached complaint or until the issuance under	1387
section 2903.214 of the Revised Code of a protection order	1388
arising out of the same activities as those that were the basis	1389
of the attached complaint.	1390
.....	1391
Signature of person	1392

.....	1393
Address of person"	1394
(C) (1) As soon as possible after the filing of a motion	1395
that requests the issuance of a protection order under this	1396
section, but not later than the next day that the court is in	1397
session after the filing of the motion, the court shall conduct	1398
a hearing to determine whether to issue the order. The person	1399
who requested the order shall appear before the court and	1400
provide the court with the information that it requests	1401
concerning the basis of the motion. If the court finds that the	1402
safety and protection of the complainant or the alleged victim	1403
may be impaired by the continued presence of the alleged	1404
offender, the court may issue a protection order under this	1405
section, as a pretrial condition of release, that contains terms	1406
designed to ensure the safety and protection of the complainant	1407
or the alleged victim, including a requirement that the alleged	1408
offender refrain from entering the residence, school, business,	1409
or place of employment of the complainant or the alleged victim.	1410
The court may include within a protection order issued under	1411
this section a term requiring that the alleged offender not	1412
remove, damage, hide, harm, or dispose of any companion animal	1413
owned or possessed by the complainant or the alleged victim, and	1414
may include within the order a term authorizing the complainant	1415
or the alleged victim to remove a companion animal owned by the	1416
complainant or the alleged victim from the possession of the	1417
alleged offender.	1418
(2) (a) If the court issues a protection order under this	1419
section that includes a requirement that the alleged offender	1420
refrain from entering the residence, school, business, or place	1421
of employment of the complainant or the alleged victim, the	1422
order shall clearly state that the order cannot be waived or	1423

nullified by an invitation to the alleged offender from the 1424
complainant, the alleged victim, or a family or household member 1425
to enter the residence, school, business, or place of employment 1426
or by the alleged offender's entry into one of those places 1427
otherwise upon the consent of the complainant, the alleged 1428
victim, or a family or household member. 1429

(b) Division (C) (2) (a) of this section does not limit any 1430
discretion of a court to determine that an alleged offender 1431
charged with a violation of section 2919.27 of the Revised Code, 1432
with a violation of a municipal ordinance substantially 1433
equivalent to that section, or with contempt of court, which 1434
charge is based on an alleged violation of a protection order 1435
issued under this section, did not commit the violation or was 1436
not in contempt of court. 1437

(D) (1) Except when the complaint involves a person who is 1438
a family or household member as defined in section 2919.25 of 1439
the Revised Code, upon the filing of a complaint that alleges a 1440
violation specified in division (A) of this section, the court, 1441
upon its own motion, may issue a protection order under this 1442
section as a pretrial condition of release of the alleged 1443
offender if it finds that the safety and protection of the 1444
complainant or the alleged victim may be impaired by the 1445
continued presence of the alleged offender. 1446

(2) ~~(a)~~ If the court issues a protection order under this 1447
section as an ex parte order, it shall conduct, as soon as 1448
possible after the issuance of the order but not later than the 1449
next day that the court is in session after its issuance, a 1450
hearing to determine whether the order should remain in effect, 1451
be modified, or be revoked. The hearing shall be conducted under 1452
the standards set forth in division (C) of this section. 1453

~~(b) If at a hearing conducted under division (D) (2) (a) of this section the court determines that the ex parte order that the court issued should be revoked, the court, on its own motion, shall order that the ex parte order that is revoked and all of the records pertaining to that ex parte order be expunged.~~

(3) If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E) (2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

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

(1) Is in addition to, but shall not be construed as a 1484
part of, any bail set under Criminal Rule 46; 1485

(2) Is effective only until the disposition, by the court 1486
that issued the order or, in the circumstances described in 1487
division (D)(3) of this section, by the court of common pleas to 1488
which the alleged offender is bound over for prosecution, of the 1489
criminal proceeding arising out of the complaint upon which the 1490
order is based or until the issuance under section 2903.214 of 1491
the Revised Code of a protection order arising out of the same 1492
activities as those that were the basis of the complaint filed 1493
under this section; 1494

(3) Shall not be construed as a finding that the alleged 1495
offender committed the alleged offense and shall not be 1496
introduced as evidence of the commission of the offense at the 1497
trial of the alleged offender on the complaint upon which the 1498
order is based. 1499

(F) A person who meets the criteria for bail under 1500
Criminal Rule 46 and who, if required to do so pursuant to that 1501
rule, executes or posts bond or deposits cash or securities as 1502
bail, shall not be held in custody pending a hearing before the 1503
court on a motion requesting a protection order under this 1504
section. 1505

(G) (1) A copy of a protection order that is issued under 1506
this section shall be issued by the court to the complainant, to 1507
the alleged victim, to the person who requested the order, to 1508
the defendant, and to all law enforcement agencies that have 1509
jurisdiction to enforce the order. The court shall direct that a 1510
copy of the order be delivered to the defendant on the same day 1511
that the order is entered. If a municipal court or a county 1512
court issues a protection order under this section and if, 1513

subsequent to the issuance of the order, the defendant who is 1514
the subject of the order is bound over to the court of common 1515
pleas for prosecution as described in division (D) (3) of this 1516
section, the municipal court or county court shall direct that a 1517
copy of the order be delivered to the court of common pleas to 1518
which the defendant is bound over. 1519

(2) All law enforcement agencies shall establish and 1520
maintain an index for the protection orders delivered to the 1521
agencies pursuant to division (G) (1) of this section. With 1522
respect to each order delivered, each agency shall note on the 1523
index the date and time of the agency's receipt of the order. 1524

(3) Regardless of whether the petitioner has registered 1525
the protection order in the county in which the officer's agency 1526
has jurisdiction, any officer of a law enforcement agency shall 1527
enforce a protection order issued pursuant to this section in 1528
accordance with the provisions of the order. 1529

(H) Upon a violation of a protection order issued pursuant 1530
to this section, the court may issue another protection order 1531
under this section, as a pretrial condition of release, that 1532
modifies the terms of the order that was violated. 1533

(I) (1) Subject to division (I) (2) of this section and 1534
regardless of whether a protection order is issued or a consent 1535
agreement is approved by a court of another county or by a court 1536
of another state, no court or unit of state or local government 1537
shall charge the movant any fee, cost, deposit, or money in 1538
connection with the filing of a motion pursuant to this section, 1539
in connection with the filing, issuance, registration, 1540
modification, enforcement, dismissal, withdrawal, or service of 1541
a protection order, consent agreement, or witness subpoena or 1542
for obtaining certified copies of a protection order or consent 1543

agreement. 1544

(2) Regardless of whether a protection order is issued or 1545
a consent agreement is approved pursuant to this section, if the 1546
defendant is convicted the court may assess costs against the 1547
defendant in connection with the filing, issuance, registration, 1548
modification, enforcement, dismissal, withdrawal, or service of 1549
a protection order, consent agreement, or witness subpoena or 1550
for obtaining a certified copy of a protection order or consent 1551
agreement. 1552

(J) As used in this section: 1553

(1) "Sexually oriented offense" has the same meaning as in 1554
section 2950.01 of the Revised Code. 1555

(2) "Companion animal" has the same meaning as in section 1556
959.131 of the Revised Code. 1557

~~(3) "Expunge" means to destroy, delete, and erase a 1558
record, as appropriate for the record's physical or electronic 1559
form or characteristic, so that the record is permanently 1560
irretrievable. 1561~~

Sec. 2903.214. (A) As used in this section: 1562

(1) "Court" means the court of common pleas of the county 1563
in which the person to be protected by the protection order 1564
resides. 1565

(2) "Victim advocate" means a person who provides support 1566
and assistance for a person who files a petition under this 1567
section. 1568

(3) "Family or household member" has the same meaning as 1569
in section 3113.31 of the Revised Code. 1570

(4) "Protection order issued by a court of another state"	1571
has the same meaning as in section 2919.27 of the Revised Code.	1572
(5) "Sexually oriented offense" has the same meaning as in	1573
section 2950.01 of the Revised Code.	1574
(6) "Electronic monitoring" has the same meaning as in	1575
section 2929.01 of the Revised Code.	1576
(7) "Companion animal" has the same meaning as in section	1577
959.131 of the Revised Code.	1578
(8) "Expunge" has the same meaning as in section 2903.213	1579
of the Revised Code.	1580
(B) The court has jurisdiction over all proceedings under	1581
this section.	1582
(C) A person may seek relief under this section for the	1583
person, or any parent or adult household member may seek relief	1584
under this section on behalf of any other family or household	1585
member, by filing a petition with the court. The petition shall	1586
contain or state all of the following:	1587
(1) An allegation that the respondent is eighteen years of	1588
age or older and engaged in a violation of section 2903.211 of	1589
the Revised Code against the person to be protected by the	1590
protection order or committed a sexually oriented offense	1591
against the person to be protected by the protection order,	1592
including a description of the nature and extent of the	1593
violation;	1594
(2) If the petitioner seeks relief in the form of	1595
electronic monitoring of the respondent, an allegation that at	1596
any time preceding the filing of the petition the respondent	1597
engaged in conduct that would cause a reasonable person to	1598

believe that the health, welfare, or safety of the person to be 1599
protected was at risk, a description of the nature and extent of 1600
that conduct, and an allegation that the respondent presents a 1601
continuing danger to the person to be protected; 1602

(3) A request for relief under this section. 1603

(D) (1) If a person who files a petition pursuant to this 1604
section requests an ex parte order, the court shall hold an ex 1605
parte hearing as soon as possible after the petition is filed, 1606
but not later than the next day that the court is in session 1607
after the petition is filed. The court, for good cause shown at 1608
the ex parte hearing, may enter any temporary orders, with or 1609
without bond, that the court finds necessary for the safety and 1610
protection of the person to be protected by the order. Immediate 1611
and present danger to the person to be protected by the 1612
protection order constitutes good cause for purposes of this 1613
section. Immediate and present danger includes, but is not 1614
limited to, situations in which the respondent has threatened 1615
the person to be protected by the protection order with bodily 1616
harm or in which the respondent previously has been convicted of 1617
or pleaded guilty to a violation of section 2903.211 of the 1618
Revised Code or a sexually oriented offense against the person 1619
to be protected by the protection order. 1620

(2) (a) If the court, after an ex parte hearing, issues a 1621
protection order described in division (E) of this section, the 1622
court shall schedule a full hearing for a date that is within 1623
ten court days after the ex parte hearing. The court shall give 1624
the respondent notice of, and an opportunity to be heard at, the 1625
full hearing. The court shall hold the full hearing on the date 1626
scheduled under this division unless the court grants a 1627
continuance of the hearing in accordance with this division. 1628

Under any of the following circumstances or for any of the 1629
following reasons, the court may grant a continuance of the full 1630
hearing to a reasonable time determined by the court: 1631

(i) Prior to the date scheduled for the full hearing under 1632
this division, the respondent has not been served with the 1633
petition filed pursuant to this section and notice of the full 1634
hearing. 1635

(ii) The parties consent to the continuance. 1636

(iii) The continuance is needed to allow a party to obtain 1637
counsel. 1638

(iv) The continuance is needed for other good cause. 1639

(b) An ex parte order issued under this section does not 1640
expire because of a failure to serve notice of the full hearing 1641
upon the respondent before the date set for the full hearing 1642
under division (D) (2) (a) of this section or because the court 1643
grants a continuance under that division. 1644

(3) If a person who files a petition pursuant to this 1645
section does not request an ex parte order, or if a person 1646
requests an ex parte order but the court does not issue an ex 1647
parte order after an ex parte hearing, the court shall proceed 1648
as in a normal civil action and grant a full hearing on the 1649
matter. 1650

(E) (1) (a) After an ex parte or full hearing, the court may 1651
issue any protection order, with or without bond, that contains 1652
terms designed to ensure the safety and protection of the person 1653
to be protected by the protection order, including, but not 1654
limited to, a requirement that the respondent refrain from 1655
entering the residence, school, business, or place of employment 1656
of the petitioner or family or household member. If the court 1657

includes a requirement that the respondent refrain from entering 1658
the residence, school, business, or place of employment of the 1659
petitioner or family or household member in the order, it also 1660
shall include in the order provisions of the type described in 1661
division (E) (5) of this section. The court may include within a 1662
protection order issued under this section a term requiring that 1663
the respondent not remove, damage, hide, harm, or dispose of any 1664
companion animal owned or possessed by the person to be 1665
protected by the order, and may include within the order a term 1666
authorizing the person to be protected by the order to remove a 1667
companion animal owned by the person to be protected by the 1668
order from the possession of the respondent. 1669

(b) After a full hearing, if the court considering a 1670
petition that includes an allegation of the type described in 1671
division (C) (2) of this section, or the court upon its own 1672
motion, finds upon clear and convincing evidence that the 1673
petitioner reasonably believed that the respondent's conduct at 1674
any time preceding the filing of the petition endangered the 1675
health, welfare, or safety of the person to be protected and 1676
that the respondent presents a continuing danger to the person 1677
to be protected, the court may order that the respondent be 1678
electronically monitored for a period of time and under the 1679
terms and conditions that the court determines are appropriate. 1680
Electronic monitoring shall be in addition to any other relief 1681
granted to the petitioner. 1682

(2) (a) Any protection order issued pursuant to this 1683
section shall be valid until a date certain but not later than 1684
five years from the date of its issuance. 1685

(b) Any protection order issued pursuant to this section 1686
may be renewed in the same manner as the original order was 1687

issued. 1688

(3) A court may not issue a protection order that requires 1689
a petitioner to do or to refrain from doing an act that the 1690
court may require a respondent to do or to refrain from doing 1691
under division (E)(1) of this section unless all of the 1692
following apply: 1693

(a) The respondent files a separate petition for a 1694
protection order in accordance with this section. 1695

(b) The petitioner is served with notice of the 1696
respondent's petition at least forty-eight hours before the 1697
court holds a hearing with respect to the respondent's petition, 1698
or the petitioner waives the right to receive this notice. 1699

(c) If the petitioner has requested an ex parte order 1700
pursuant to division (D) of this section, the court does not 1701
delay any hearing required by that division beyond the time 1702
specified in that division in order to consolidate the hearing 1703
with a hearing on the petition filed by the respondent. 1704

(d) After a full hearing at which the respondent presents 1705
evidence in support of the request for a protection order and 1706
the petitioner is afforded an opportunity to defend against that 1707
evidence, the court determines that the petitioner has committed 1708
a violation of section 2903.211 of the Revised Code against the 1709
person to be protected by the protection order issued pursuant 1710
to division (E)(3) of this section, has committed a sexually 1711
oriented offense against the person to be protected by the 1712
protection order issued pursuant to division (E)(3) of this 1713
section, or has violated a protection order issued pursuant to 1714
section 2903.213 of the Revised Code relative to the person to 1715
be protected by the protection order issued pursuant to division 1716

(E) (3) of this section. 1717

(4) No protection order issued pursuant to this section 1718
shall in any manner affect title to any real property. 1719

(5) (a) If the court issues a protection order under this 1720
section that includes a requirement that the alleged offender 1721
refrain from entering the residence, school, business, or place 1722
of employment of the petitioner or a family or household member, 1723
the order shall clearly state that the order cannot be waived or 1724
nullified by an invitation to the alleged offender from the 1725
complainant to enter the residence, school, business, or place 1726
of employment or by the alleged offender's entry into one of 1727
those places otherwise upon the consent of the petitioner or 1728
family or household member. 1729

(b) Division (E) (5) (a) of this section does not limit any 1730
discretion of a court to determine that an alleged offender 1731
charged with a violation of section 2919.27 of the Revised Code, 1732
with a violation of a municipal ordinance substantially 1733
equivalent to that section, or with contempt of court, which 1734
charge is based on an alleged violation of a protection order 1735
issued under this section, did not commit the violation or was 1736
not in contempt of court. 1737

(F) (1) The court shall cause the delivery of a copy of any 1738
protection order that is issued under this section to the 1739
petitioner, to the respondent, and to all law enforcement 1740
agencies that have jurisdiction to enforce the order. The court 1741
shall direct that a copy of the order be delivered to the 1742
respondent on the same day that the order is entered. 1743

(2) Upon the issuance of a protection order under this 1744
section, the court shall provide the parties to the order with 1745

the following notice orally or by form: 1746

"NOTICE 1747

As a result of this order, it may be unlawful for you to 1748
possess or purchase a firearm, including a rifle, pistol, or 1749
revolver, or ammunition pursuant to federal law under 18 U.S.C. 1750
922(g) (8) for the duration of this order. If you have any 1751
questions whether this law makes it illegal for you to possess 1752
or purchase a firearm or ammunition, you should consult an 1753
attorney." 1754

(3) All law enforcement agencies shall establish and 1755
maintain an index for the protection orders delivered to the 1756
agencies pursuant to division (F) (1) of this section. With 1757
respect to each order delivered, each agency shall note on the 1758
index the date and time that it received the order. 1759

(4) Regardless of whether the petitioner has registered 1760
the protection order in the county in which the officer's agency 1761
has jurisdiction pursuant to division (M) of this section, any 1762
officer of a law enforcement agency shall enforce a protection 1763
order issued pursuant to this section by any court in this state 1764
in accordance with the provisions of the order, including 1765
removing the respondent from the premises, if appropriate. 1766

(G) (1) Any proceeding under this section shall be 1767
conducted in accordance with the Rules of Civil Procedure, 1768
except that a protection order may be obtained under this 1769
section with or without bond. An order issued under this 1770
section, other than an ex parte order, that grants a protection 1771
order, or that refuses to grant a protection order, is a final, 1772
appealable order. The remedies and procedures provided in this 1773
section are in addition to, and not in lieu of, any other 1774

available civil or criminal remedies. 1775

(2) If as provided in division (G)(1) of this section an 1776
order issued under this section, other than an ex parte order, 1777
refuses to grant a protection order, the court, on its own 1778
motion, shall order that the ex parte order issued under this 1779
section and all of the records pertaining to that ex parte order 1780
be ~~expunged~~ sealed after either of the following occurs: 1781

(a) ~~The period of the notice of appeal from the order that~~ 1782
~~refuses to grant a protection order has expired. No party has~~ 1783
exercised the right to appeal pursuant to Rule 4 of the Rules of 1784
Appellate Procedure. 1785

(b) ~~The order that refuses to grant the protection order~~ 1786
~~is appealed and an appellate court to which the last appeal of~~ 1787
~~that order is taken affirms the order. All appellate rights have~~ 1788
been exhausted. 1789

(H) The filing of proceedings under this section does not 1790
excuse a person from filing any report or giving any notice 1791
required by section 2151.421 of the Revised Code or by any other 1792
law. 1793

(I) Any law enforcement agency that investigates an 1794
alleged violation of section 2903.211 of the Revised Code or an 1795
alleged commission of a sexually oriented offense shall provide 1796
information to the victim and the family or household members of 1797
the victim regarding the relief available under this section and 1798
section 2903.213 of the Revised Code. 1799

(J) (1) Subject to division (J) (2) of this section and 1800
regardless of whether a protection order is issued or a consent 1801
agreement is approved by a court of another county or by a court 1802
of another state, no court or unit of state or local government 1803

shall charge the petitioner any fee, cost, deposit, or money in 1804
connection with the filing of a petition pursuant to this 1805
section, in connection with the filing, issuance, registration, 1806
modification, enforcement, dismissal, withdrawal, or service of 1807
a protection order, consent agreement, or witness subpoena or 1808
for obtaining a certified copy of a protection order or consent 1809
agreement. 1810

(2) Regardless of whether a protection order is issued or 1811
a consent agreement is approved pursuant to this section, the 1812
court may assess costs against the respondent in connection with 1813
the filing, issuance, registration, modification, enforcement, 1814
dismissal, withdrawal, or service of a protection order, consent 1815
agreement, or witness subpoena or for obtaining a certified copy 1816
of a protection order or consent agreement. 1817

(K) (1) A person who violates a protection order issued 1818
under this section is subject to the following sanctions: 1819

(a) Criminal prosecution for a violation of section 1820
2919.27 of the Revised Code, if the violation of the protection 1821
order constitutes a violation of that section; 1822

(b) Punishment for contempt of court. 1823

(2) The punishment of a person for contempt of court for 1824
violation of a protection order issued under this section does 1825
not bar criminal prosecution of the person for a violation of 1826
section 2919.27 of the Revised Code. However, a person punished 1827
for contempt of court is entitled to credit for the punishment 1828
imposed upon conviction of a violation of that section, and a 1829
person convicted of a violation of that section shall not 1830
subsequently be punished for contempt of court arising out of 1831
the same activity. 1832

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

(M) (1) A petitioner who obtains a protection order under this section or a protection order under section 2903.213 of the Revised Code may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M) (2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

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

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

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

order that bears that proof of registration. 1863

(3) The clerk of each court of common pleas, municipal 1864
court, or county court shall maintain a registry of certified 1865
copies of protection orders that have been issued by courts in 1866
other counties pursuant to this section or section 2903.213 of 1867
the Revised Code and that have been registered with the clerk. 1868

(N) (1) If the court orders electronic monitoring of the 1869
respondent under this section, the court shall direct the 1870
sheriff's office or any other appropriate law enforcement agency 1871
to install the electronic monitoring device and to monitor the 1872
respondent. Unless the court determines that the respondent is 1873
indigent, the court shall order the respondent to pay the cost 1874
of the installation and monitoring of the electronic monitoring 1875
device. If the court determines that the respondent is indigent 1876
and subject to the maximum amount allowable to be paid in any 1877
year from the fund and the rules promulgated by the attorney 1878
general under division (N) (2) of this section, the cost of the 1879
installation and monitoring of the electronic monitoring device 1880
may be paid out of funds from the reparations fund created 1881
pursuant to section 2743.191 of the Revised Code. The total 1882
amount of costs for the installation and monitoring of 1883
electronic monitoring devices paid pursuant to this division and 1884
sections 2151.34 and 2919.27 of the Revised Code from the 1885
reparations fund shall not exceed three hundred thousand dollars 1886
per year. 1887

(2) The attorney general may promulgate rules pursuant to 1888
section 111.15 of the Revised Code to govern payments made from 1889
the reparations fund pursuant to this division and sections 1890
2151.34 and 2919.27 of the Revised Code. The rules may include 1891
reasonable limits on the total cost paid pursuant to this 1892

division and sections 2151.34 and 2919.27 of the Revised Code 1893
per respondent, the amount of the three hundred thousand dollars 1894
allocated to each county, and how invoices may be submitted by a 1895
county, court, or other entity. 1896

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 1897
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1898
2911.211 of the Revised Code if the alleged victim of the 1899
violation was a family or household member at the time of the 1900
violation, a violation of a municipal ordinance that is 1901
substantially similar to any of those sections if the alleged 1902
victim of the violation was a family or household member at the 1903
time of the violation, any offense of violence if the alleged 1904
victim of the offense was a family or household member at the 1905
time of the commission of the offense, or any sexually oriented 1906
offense if the alleged victim of the offense was a family or 1907
household member at the time of the commission of the offense, 1908
the complainant, the alleged victim, or a family or household 1909
member of an alleged victim may file, or, if in an emergency the 1910
alleged victim is unable to file, a person who made an arrest 1911
for the alleged violation or offense under section 2935.03 of 1912
the Revised Code may file on behalf of the alleged victim, a 1913
motion that requests the issuance of a temporary protection 1914
order as a pretrial condition of release of the alleged 1915
offender, in addition to any bail set under Criminal Rule 46. 1916
The motion shall be filed with the clerk of the court that has 1917
jurisdiction of the case at any time after the filing of the 1918
complaint. 1919

(2) For purposes of section 2930.09 of the Revised Code, 1920
all stages of a proceeding arising out of a complaint alleging 1921
the commission of a violation, offense of violence, or sexually 1922
oriented offense described in division (A) (1) of this section, 1923

including all proceedings on a motion for a temporary protection order, are critical stages of the case, and a victim may be accompanied by a victim advocate or another person to provide support to the victim as provided in that section.

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

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v. No.

.....

Name of Defendant

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

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with (name of the specified violation, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation, offense of violence, or

sexually oriented offense charged), or charging the named 1951
defendant with a violation of a municipal ordinance that is 1952
substantially similar to (section of 1953
the Revised Code designating the specified violation, offense of 1954
violence, or sexually oriented offense charged) involving a 1955
family or household member. 1956

I understand that I must appear before the court, at a 1957
time set by the court within twenty-four hours after the filing 1958
of this motion, for a hearing on the motion or that, if I am 1959
unable to appear because of hospitalization or a medical 1960
condition resulting from the offense alleged in the complaint, a 1961
person who can provide information about my need for a temporary 1962
protection order must appear before the court in lieu of my 1963
appearing in court. I understand that any temporary protection 1964
order granted pursuant to this motion is a pretrial condition of 1965
release and is effective only until the disposition of the 1966
criminal proceeding arising out of the attached complaint, or 1967
the issuance of a civil protection order or the approval of a 1968
consent agreement, arising out of the same activities as those 1969
that were the basis of the complaint, under section 3113.31 of 1970
the Revised Code. 1971

..... 1972

Signature of person 1973

(or signature of the arresting officer who filed the motion on 1974
behalf of the alleged victim) 1975

..... 1976

Address of person (or office address of the arresting officer 1977
who filed the motion on behalf of the alleged victim)" 1978

(C) (1) As soon as possible after the filing of a motion 1979

that requests the issuance of a temporary protection order, but 1980
not later than twenty-four hours after the filing of the motion, 1981
the court shall conduct a hearing to determine whether to issue 1982
the order. The person who requested the order shall appear 1983
before the court and provide the court with the information that 1984
it requests concerning the basis of the motion. If the person 1985
who requested the order is unable to appear and if the court 1986
finds that the failure to appear is because of the person's 1987
hospitalization or medical condition resulting from the offense 1988
alleged in the complaint, another person who is able to provide 1989
the court with the information it requests may appear in lieu of 1990
the person who requested the order. If the court finds that the 1991
safety and protection of the complainant, alleged victim, or any 1992
other family or household member of the alleged victim may be 1993
impaired by the continued presence of the alleged offender, the 1994
court may issue a temporary protection order, as a pretrial 1995
condition of release, that contains terms designed to ensure the 1996
safety and protection of the complainant, alleged victim, or the 1997
family or household member, including a requirement that the 1998
alleged offender refrain from entering the residence, school, 1999
business, or place of employment of the complainant, alleged 2000
victim, or the family or household member. The court may include 2001
within a protection order issued under this section a term 2002
requiring that the alleged offender not remove, damage, hide, 2003
harm, or dispose of any companion animal owned or possessed by 2004
the complainant, alleged victim, or any other family or 2005
household member of the alleged victim, and may include within 2006
the order a term authorizing the complainant, alleged victim, or 2007
other family or household member of the alleged victim to remove 2008
a companion animal owned by the complainant, alleged victim, or 2009
other family or household member from the possession of the 2010
alleged offender. 2011

(2) (a) If the court issues a temporary protection order 2012
that includes a requirement that the alleged offender refrain 2013
from entering the residence, school, business, or place of 2014
employment of the complainant, the alleged victim, or the family 2015
or household member, the order shall state clearly that the 2016
order cannot be waived or nullified by an invitation to the 2017
alleged offender from the complainant, alleged victim, or family 2018
or household member to enter the residence, school, business, or 2019
place of employment or by the alleged offender's entry into one 2020
of those places otherwise upon the consent of the complainant, 2021
alleged victim, or family or household member. 2022

(b) Division (C) (2) (a) of this section does not limit any 2023
discretion of a court to determine that an alleged offender 2024
charged with a violation of section 2919.27 of the Revised Code, 2025
with a violation of a municipal ordinance substantially 2026
equivalent to that section, or with contempt of court, which 2027
charge is based on an alleged violation of a temporary 2028
protection order issued under this section, did not commit the 2029
violation or was not in contempt of court. 2030

(D) (1) Upon the filing of a complaint that alleges a 2031
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 2032
the Revised Code if the alleged victim of the violation was a 2033
family or household member at the time of the violation, a 2034
violation of a municipal ordinance that is substantially similar 2035
to any of those sections if the alleged victim of the violation 2036
was a family or household member at the time of the violation, 2037
any offense of violence if the alleged victim of the offense was 2038
a family or household member at the time of the commission of 2039
the offense, or any sexually oriented offense if the alleged 2040
victim of the offense was a family or household member at the 2041
time of the commission of the offense, the court, upon its own 2042

motion, may issue a temporary protection order as a pretrial 2043
condition of release if it finds that the safety and protection 2044
of the complainant, alleged victim, or other family or household 2045
member of the alleged offender may be impaired by the continued 2046
presence of the alleged offender. 2047

(2) ~~(a)~~ If the court issues a temporary protection order 2048
under this section as an ex parte order, it shall conduct, as 2049
soon as possible after the issuance of the order, a hearing in 2050
the presence of the alleged offender not later than the next day 2051
on which the court is scheduled to conduct business after the 2052
day on which the alleged offender was arrested or at the time of 2053
the appearance of the alleged offender pursuant to summons to 2054
determine whether the order should remain in effect, be 2055
modified, or be revoked. The hearing shall be conducted under 2056
the standards set forth in division (C) of this section. 2057

~~(b) If at a hearing conducted under division (D) (2) (a) of 2058
this section the court determines that the ex parte order that 2059
the court issued should be revoked, the court, on its own 2060
motion, shall order that the ex parte order that is revoked and 2061
all of the records pertaining to that ex parte order be 2062
expunged. 2063~~

(3) An order issued under this section shall contain only 2064
those terms authorized in orders issued under division (C) of 2065
this section. 2066

(4) If a municipal court or a county court issues a 2067
temporary protection order under this section and if, subsequent 2068
to the issuance of the order, the alleged offender who is the 2069
subject of the order is bound over to the court of common pleas 2070
for prosecution of a felony arising out of the same activities 2071
as those that were the basis of the complaint upon which the 2072

order is based, notwithstanding the fact that the order was 2073
issued by a municipal court or county court, the order shall 2074
remain in effect, as though it were an order of the court of 2075
common pleas, while the charges against the alleged offender are 2076
pending in the court of common pleas, for the period of time 2077
described in division (E)(2) of this section, and the court of 2078
common pleas has exclusive jurisdiction to modify the order 2079
issued by the municipal court or county court. This division 2080
applies when the alleged offender is bound over to the court of 2081
common pleas as a result of the person waiving a preliminary 2082
hearing on the felony charge, as a result of the municipal court 2083
or county court having determined at a preliminary hearing that 2084
there is probable cause to believe that the felony has been 2085
committed and that the alleged offender committed it, as a 2086
result of the alleged offender having been indicted for the 2087
felony, or in any other manner. 2088

(E) A temporary protection order that is issued as a 2089
pretrial condition of release under this section: 2090

(1) Is in addition to, but shall not be construed as a 2091
part of, any bail set under Criminal Rule 46; 2092

(2) Is effective only until the occurrence of either of 2093
the following: 2094

(a) The disposition, by the court that issued the order 2095
or, in the circumstances described in division (D)(4) of this 2096
section, by the court of common pleas to which the alleged 2097
offender is bound over for prosecution, of the criminal 2098
proceeding arising out of the complaint upon which the order is 2099
based; 2100

(b) The issuance of a protection order or the approval of 2101

a consent agreement, arising out of the same activities as those 2102
that were the basis of the complaint upon which the order is 2103
based, under section 3113.31 of the Revised Code. 2104

(3) Shall not be construed as a finding that the alleged 2105
offender committed the alleged offense, and shall not be 2106
introduced as evidence of the commission of the offense at the 2107
trial of the alleged offender on the complaint upon which the 2108
order is based. 2109

(F) A person who meets the criteria for bail under 2110
Criminal Rule 46 and who, if required to do so pursuant to that 2111
rule, executes or posts bond or deposits cash or securities as 2112
bail, shall not be held in custody pending a hearing before the 2113
court on a motion requesting a temporary protection order. 2114

(G) (1) A copy of any temporary protection order that is 2115
issued under this section shall be issued by the court to the 2116
complainant, to the alleged victim, to the person who requested 2117
the order, to the defendant, and to all law enforcement agencies 2118
that have jurisdiction to enforce the order. The court shall 2119
direct that a copy of the order be delivered to the defendant on 2120
the same day that the order is entered. If a municipal court or 2121
a county court issues a temporary protection order under this 2122
section and if, subsequent to the issuance of the order, the 2123
defendant who is the subject of the order is bound over to the 2124
court of common pleas for prosecution as described in division 2125
(D) (4) of this section, the municipal court or county court 2126
shall direct that a copy of the order be delivered to the court 2127
of common pleas to which the defendant is bound over. 2128

(2) Upon the issuance of a protection order under this 2129
section, the court shall provide the parties to the order with 2130
the following notice orally or by form: 2131

"NOTICE 2132

As a result of this protection order, it may be unlawful 2133
for you to possess or purchase a firearm, including a rifle, 2134
pistol, or revolver, or ammunition pursuant to federal law under 2135
18 U.S.C. 922(g)(8) for the duration of this order. If you have 2136
any questions whether this law makes it illegal for you to 2137
possess or purchase a firearm or ammunition, you should consult 2138
an attorney." 2139

(3) All law enforcement agencies shall establish and 2140
maintain an index for the temporary protection orders delivered 2141
to the agencies pursuant to division (G)(1) of this section. 2142
With respect to each order delivered, each agency shall note on 2143
the index, the date and time of the receipt of the order by the 2144
agency. 2145

(4) A complainant, alleged victim, or other person who 2146
obtains a temporary protection order under this section may 2147
provide notice of the issuance of the temporary protection order 2148
to the judicial and law enforcement officials in any county 2149
other than the county in which the order is issued by 2150
registering that order in the other county in accordance with 2151
division (N) of section 3113.31 of the Revised Code and filing a 2152
copy of the registered protection order with a law enforcement 2153
agency in the other county in accordance with that division. 2154

(5) Any officer of a law enforcement agency shall enforce 2155
a temporary protection order issued by any court in this state 2156
in accordance with the provisions of the order, including 2157
removing the defendant from the premises, regardless of whether 2158
the order is registered in the county in which the officer's 2159
agency has jurisdiction as authorized by division (G)(4) of this 2160
section. 2161

(H) Upon a violation of a temporary protection order, the 2162
court may issue another temporary protection order, as a 2163
pretrial condition of release, that modifies the terms of the 2164
order that was violated. 2165

(I) (1) As used in divisions (I) (1) and (2) of this 2166
section, "defendant" means a person who is alleged in a 2167
complaint to have committed a violation, offense of violence, or 2168
sexually oriented offense of the type described in division (A) 2169
of this section. 2170

(2) If a complaint is filed that alleges that a person 2171
committed a violation, offense of violence, or sexually oriented 2172
offense of the type described in division (A) of this section, 2173
the court may not issue a temporary protection order under this 2174
section that requires the complainant, the alleged victim, or 2175
another family or household member of the defendant to do or 2176
refrain from doing an act that the court may require the 2177
defendant to do or refrain from doing under a temporary 2178
protection order unless both of the following apply: 2179

(a) The defendant has filed a separate complaint that 2180
alleges that the complainant, alleged victim, or other family or 2181
household member in question who would be required under the 2182
order to do or refrain from doing the act committed a violation 2183
or offense of violence of the type described in division (A) of 2184
this section. 2185

(b) The court determines that both the complainant, 2186
alleged victim, or other family or household member in question 2187
who would be required under the order to do or refrain from 2188
doing the act and the defendant acted primarily as aggressors, 2189
that neither the complainant, alleged victim, or other family or 2190
household member in question who would be required under the 2191

order to do or refrain from doing the act nor the defendant 2192
acted primarily in self-defense, and, in accordance with the 2193
standards and criteria of this section as applied in relation to 2194
the separate complaint filed by the defendant, that it should 2195
issue the order to require the complainant, alleged victim, or 2196
other family or household member in question to do or refrain 2197
from doing the act. 2198

(J) (1) Subject to division (J) (2) of this section and 2199
regardless of whether a protection order is issued or a consent 2200
agreement is approved by a court of another county or a court of 2201
another state, no court or unit of state or local government 2202
shall charge the movant any fee, cost, deposit, or money in 2203
connection with the filing of a motion pursuant to this section, 2204
in connection with the filing, issuance, registration, 2205
modification, enforcement, dismissal, withdrawal, or service of 2206
a protection order, consent agreement, or witness subpoena or 2207
for obtaining a certified copy of a protection order or consent 2208
agreement. 2209

(2) Regardless of whether a protection order is issued or 2210
a consent agreement is approved pursuant to this section, if the 2211
defendant is convicted the court may assess costs against the 2212
defendant in connection with the filing, issuance, registration, 2213
modification, enforcement, dismissal, withdrawal, or service of 2214
a protection order, consent agreement, or witness subpoena or 2215
for obtaining a certified copy of a protection order or consent 2216
agreement. 2217

(K) As used in this section: 2218

(1) "Companion animal" has the same meaning as in section 2219
959.131 of the Revised Code. 2220

(2) "Sexually oriented offense" has the same meaning as in 2221
section 2950.01 of the Revised Code. 2222

(3) "Victim advocate" means a person who provides support 2223
and assistance for a victim of an offense during court 2224
proceedings. 2225

~~(4) "Expunge" has the same meaning as in section 2903.213~~ 2226
~~of the Revised Code.~~ 2227

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 2228
of the Revised Code, an eligible offender may apply to the 2229
sentencing court if convicted in this state, or to a court of 2230
common pleas if convicted in another state or in a federal 2231
court, for the sealing of the record of the case that pertains 2232
to the conviction. Application may be made at one of the 2233
following times: 2234

(a) At the expiration of three years after the offender's 2235
final discharge if convicted of one felony; 2236

(b) When division (A) (1) (a) of section 2953.31 of the 2237
Revised Code applies to the offender, at the expiration of four 2238
years after the offender's final discharge if convicted of two 2239
felonies, or at the expiration of five years after final 2240
discharge if convicted of three, four, or five felonies; 2241

(c) At the expiration of one year after the offender's 2242
final discharge if convicted of a misdemeanor. 2243

(2) Any person who has been arrested for any misdemeanor 2244
offense and who has effected a bail forfeiture for the offense 2245
charged may apply to the court in which the misdemeanor criminal 2246
case was pending when bail was forfeited for the sealing of the 2247
record of the case that pertains to the charge. Except as 2248
provided in section 2953.61 of the Revised Code, the application 2249

may be filed at any time after the expiration of one year from 2250
the date on which the bail forfeiture was entered upon the 2251
minutes of the court or the journal, whichever entry occurs 2252
first. 2253

(B) Upon the filing of an application under this section, 2254
the court shall set a date for a hearing and shall notify the 2255
prosecutor for the case of the hearing on the application. The 2256
prosecutor may object to the granting of the application by 2257
filing an objection with the court prior to the date set for the 2258
hearing. The prosecutor shall specify in the objection the 2259
reasons for believing a denial of the application is justified. 2260
The court shall direct its regular probation officer, a state 2261
probation officer, or the department of probation of the county 2262
in which the applicant resides to make inquiries and written 2263
reports as the court requires concerning the applicant. The 2264
probation officer or county department of probation that the 2265
court directs to make inquiries concerning the applicant shall 2266
determine whether or not the applicant was fingerprinted at the 2267
time of arrest or under section 109.60 of the Revised Code. If 2268
the applicant was so fingerprinted, the probation officer or 2269
county department of probation shall include with the written 2270
report a record of the applicant's fingerprints. If the 2271
applicant was convicted of or pleaded guilty to a violation of 2272
division (A) (2) or (B) of section 2919.21 of the Revised Code, 2273
the probation officer or county department of probation that the 2274
court directed to make inquiries concerning the applicant shall 2275
contact the child support enforcement agency enforcing the 2276
applicant's obligations under the child support order to inquire 2277
about the offender's compliance with the child support order. 2278

(C) (1) The court shall do each of the following: 2279

(a) Determine whether the applicant is an eligible offender or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case. If the applicant applies as an eligible offender pursuant to division (A)(1) of this section and has two or three convictions that result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, in making its determination under this division, the court initially shall determine whether it is not in the public interest for the two or three convictions to be counted as one conviction. If the court determines that it is not in the public interest for the two or three convictions to be counted as one conviction, the court shall determine that the applicant is not an eligible offender; if the court does not make that determination, the court shall determine that the offender is an eligible offender.

(b) Determine whether criminal proceedings are pending against the applicant;

(c) If the applicant is an eligible offender who applies pursuant to division (A)(1) of this section, determine whether the applicant has been rehabilitated to the satisfaction of the court;

(d) If the prosecutor has filed an objection in accordance with division (B) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail

forfeiture sealed against the legitimate needs, if any, of the 2310
government to maintain those records. 2311

(2) If the court determines, after complying with division 2312
(C)(1) of this section, that the applicant is an eligible 2313
offender or the subject of a bail forfeiture, that no criminal 2314
proceeding is pending against the applicant, that the interests 2315
of the applicant in having the records pertaining to the 2316
applicant's conviction or bail forfeiture sealed are not 2317
outweighed by any legitimate governmental needs to maintain 2318
those records, and that the rehabilitation of an applicant who 2319
is an eligible offender applying pursuant to division (A)(1) of 2320
this section has been attained to the satisfaction of the court, 2321
the court, except as provided in division (C)(4), (G), (H), or 2322
(I) of this section, shall order all official records of the 2323
case that pertain to the conviction or bail forfeiture sealed 2324
and, except as provided in division (F) of this section, all 2325
index references to the case that pertain to the conviction or 2326
bail forfeiture deleted and, in the case of bail forfeitures, 2327
shall dismiss the charges in the case. The proceedings in the 2328
case that pertain to the conviction or bail forfeiture shall be 2329
considered not to have occurred and the conviction or bail 2330
forfeiture of the person who is the subject of the proceedings 2331
shall be sealed, except that upon conviction of a subsequent 2332
offense, the sealed record of prior conviction or bail 2333
forfeiture may be considered by the court in determining the 2334
sentence or other appropriate disposition, including the relief 2335
provided for in sections 2953.31 to 2953.33 of the Revised Code. 2336

(3) An applicant may request the sealing of the records of 2337
more than one case in a single application under this section. 2338
Upon the filing of an application under this section, the 2339
applicant, unless indigent, shall pay a fee of fifty dollars, 2340

regardless of the number of records the application requests to 2341
have sealed. The court shall pay thirty dollars of the fee into 2342
the state treasury. It shall pay twenty dollars of the fee into 2343
the county general revenue fund if the sealed conviction or bail 2344
forfeiture was pursuant to a state statute, or into the general 2345
revenue fund of the municipal corporation involved if the sealed 2346
conviction or bail forfeiture was pursuant to a municipal 2347
ordinance. 2348

(4) If the court orders the official records pertaining to 2349
the case sealed, the court shall do one of the following: 2350

(a) If the applicant was fingerprinted at the time of 2351
arrest or under section 109.60 of the Revised Code and the 2352
record of the applicant's fingerprints was provided to the court 2353
under division (B) of this section, forward a copy of the 2354
sealing order and the record of the applicant's fingerprints to 2355
the bureau of criminal identification and investigation. 2356

(b) If the applicant was not fingerprinted at the time of 2357
arrest or under section 109.60 of the Revised Code, or the 2358
record of the applicant's fingerprints was not provided to the 2359
court under division (B) of this section, but fingerprinting was 2360
required for the offense, order the applicant to appear before a 2361
sheriff to have the applicant's fingerprints taken according to 2362
the fingerprint system of identification on the forms furnished 2363
by the superintendent of the bureau of criminal identification 2364
and investigation. The sheriff shall forward the applicant's 2365
fingerprints to the court. The court shall forward the 2366
applicant's fingerprints and a copy of the sealing order to the 2367
bureau of criminal identification and investigation. 2368

Failure of the court to order fingerprints at the time of 2369
sealing does not constitute a reversible error. 2370

~~(5) At the time an applicant files an application under
division (A) of this section, the following shall apply:~~ 2371
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~~(a) The clerk of court shall notify the applicant in
writing that the court will send notice of any order under
division (C) (2) of this section to the qualified third party
selected by the attorney general under section 109.38 of the
Revised Code and shall inform the applicant of the procedures
under section 109.381 of the Revised Code.~~ 2373
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~~(b) The applicant shall then notify the clerk if the
applicant wishes to opt out of receiving the benefits of having
the court send notice of its order under division (C) (2) of this
section to the qualified third party and having the procedures
under section 109.381 of the Revised Code apply to the records
that are subject to the order.~~ 2379
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~~(c) If the applicant does not opt out under division (C)
(5) (b) of this section, the applicant shall pay to the clerk of
court the fee provided in the contract between the attorney
general and the qualified third party under division (D) (2) (b)
of section 109.38 of the Revised Code.~~ 2385
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~~(6) (a) Upon the issuance of an order under division (C) (2)
of this section, and unless the applicant opts out under
division (C) (5) (b) of this section, the clerk shall remit the
fee paid by the applicant under division (C) (5) (c) of this
section to the qualified third party. The court shall send
notice of the order under division (C) (2) of this section to the
qualified third party.~~ 2390
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~~(b) If the applicant's application under division (A) of
this section is denied for any reason or if the applicant
informs the clerk of court in writing, before the issuance of~~ 2397
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~~the order under division (C) (2) of this section, that the~~ 2400
~~applicant wishes to opt out of having the court send notice of~~ 2401
~~its order under division (C) (2) of this section to the qualified~~ 2402
~~third party, the clerk shall remit the fee paid by the applicant~~ 2403
~~under division (C) (5) (c) of this section that is intended for~~ 2404
~~the qualified third party back to the applicant.~~ 2405

(D) Inspection of the sealed records included in the order 2406
may be made only by the following persons or for the following 2407
purposes: 2408

(1) By a law enforcement officer or prosecutor, or the 2409
assistants of either, to determine whether the nature and 2410
character of the offense with which a person is to be charged 2411
would be affected by virtue of the person's previously having 2412
been convicted of a crime; 2413

(2) By the parole or probation officer of the person who 2414
is the subject of the records, for the exclusive use of the 2415
officer in supervising the person while on parole or under a 2416
community control sanction or a post-release control sanction, 2417
and in making inquiries and written reports as requested by the 2418
court or adult parole authority; 2419

(3) Upon application by the person who is the subject of 2420
the records, by the persons named in the application; 2421

(4) By a law enforcement officer who was involved in the 2422
case, for use in the officer's defense of a civil action arising 2423
out of the officer's involvement in that case; 2424

(5) By a prosecuting attorney or the prosecuting 2425
attorney's assistants, to determine a defendant's eligibility to 2426
enter a pre-trial diversion program established pursuant to 2427
section 2935.36 of the Revised Code; 2428

(6) By any law enforcement agency or any authorized 2429
employee of a law enforcement agency or by the department of 2430
rehabilitation and correction or department of youth services as 2431
part of a background investigation of a person who applies for 2432
employment with the agency or with the department; 2433

(7) By any law enforcement agency or any authorized 2434
employee of a law enforcement agency, for the purposes set forth 2435
in, and in the manner provided in, section 2953.321 of the 2436
Revised Code; 2437

(8) By the bureau of criminal identification and 2438
investigation or any authorized employee of the bureau for the 2439
purpose of providing information to a board or person pursuant 2440
to division (F) or (G) of section 109.57 of the Revised Code; 2441

(9) By the bureau of criminal identification and 2442
investigation or any authorized employee of the bureau for the 2443
purpose of performing a criminal history records check on a 2444
person to whom a certificate as prescribed in section 109.77 of 2445
the Revised Code is to be awarded; 2446

(10) By the bureau of criminal identification and 2447
investigation or any authorized employee of the bureau for the 2448
purpose of conducting a criminal records check of an individual 2449
pursuant to division (B) of section 109.572 of the Revised Code 2450
that was requested pursuant to any of the sections identified in 2451
division (B)(1) of that section; 2452

(11) By the bureau of criminal identification and 2453
investigation, an authorized employee of the bureau, a sheriff, 2454
or an authorized employee of a sheriff in connection with a 2455
criminal records check described in section 311.41 of the 2456
Revised Code; 2457

(12) By the attorney general or an authorized employee of 2458
the attorney general or a court for purposes of determining a 2459
person's classification pursuant to Chapter 2950. of the Revised 2460
Code; 2461

(13) By a court, the registrar of motor vehicles, a 2462
prosecuting attorney or the prosecuting attorney's assistants, 2463
or a law enforcement officer for the purpose of assessing points 2464
against a person under section 4510.036 of the Revised Code or 2465
for taking action with regard to points assessed. 2466

When the nature and character of the offense with which a 2467
person is to be charged would be affected by the information, it 2468
may be used for the purpose of charging the person with an 2469
offense. 2470

(E) In any criminal proceeding, proof of any otherwise 2471
admissible prior conviction may be introduced and proved, 2472
notwithstanding the fact that for any such prior conviction an 2473
order of sealing previously was issued pursuant to sections 2474
2953.31 to 2953.36 of the Revised Code. 2475

(F) The person or governmental agency, office, or 2476
department that maintains sealed records pertaining to 2477
convictions or bail forfeitures that have been sealed pursuant 2478
to this section may maintain a manual or computerized index to 2479
the sealed records. The index shall contain only the name of, 2480
and alphanumeric identifiers that relate to, the persons who are 2481
the subject of the sealed records, the word "sealed," and the 2482
name of the person, agency, office, or department that has 2483
custody of the sealed records, and shall not contain the name of 2484
the crime committed. The index shall be made available by the 2485
person who has custody of the sealed records only for the 2486
purposes set forth in divisions (C), (D), and (E) of this 2487

section. 2488

(G) Notwithstanding any provision of this section or 2489
section 2953.33 of the Revised Code that requires otherwise, a 2490
board of education of a city, local, exempted village, or joint 2491
vocational school district that maintains records of an 2492
individual who has been permanently excluded under sections 2493
3301.121 and 3313.662 of the Revised Code is permitted to 2494
maintain records regarding a conviction that was used as the 2495
basis for the individual's permanent exclusion, regardless of a 2496
court order to seal the record. An order issued under this 2497
section to seal the record of a conviction does not revoke the 2498
adjudication order of the superintendent of public instruction 2499
to permanently exclude the individual who is the subject of the 2500
sealing order. An order issued under this section to seal the 2501
record of a conviction of an individual may be presented to a 2502
district superintendent as evidence to support the contention 2503
that the superintendent should recommend that the permanent 2504
exclusion of the individual who is the subject of the sealing 2505
order be revoked. Except as otherwise authorized by this 2506
division and sections 3301.121 and 3313.662 of the Revised Code, 2507
any school employee in possession of or having access to the 2508
sealed conviction records of an individual that were the basis 2509
of a permanent exclusion of the individual is subject to section 2510
2953.35 of the Revised Code. 2511

(H) For purposes of sections 2953.31 to 2953.36 of the 2512
Revised Code, DNA records collected in the DNA database and 2513
fingerprints filed for record by the superintendent of the 2514
bureau of criminal identification and investigation shall not be 2515
sealed unless the superintendent receives a certified copy of a 2516
final court order establishing that the offender's conviction 2517
has been overturned. For purposes of this section, a court order 2518

is not "final" if time remains for an appeal or application for
discretionary review with respect to the order.

(I) The sealing of a record under this section does not
affect the assessment of points under section 4510.036 of the
Revised Code and does not erase points assessed against a person
as a result of the sealed record.

Sec. 2953.37. (A) As used in this section:

(1) "Expunge" means to destroy, delete, and erase a record
as appropriate for the record's physical or electronic form or
characteristic so that the record is permanently irretrievable.

(2) "Official records" has the same meaning as in section
2953.51 of the Revised Code.

(3) "Prosecutor" has the same meaning as in section
2953.31 of the Revised Code.

(4) "Record of conviction" means the record related to a
conviction of or plea of guilty to an offense.

(B) Any person who is convicted of, was convicted of,
pleads guilty to, or has pleaded guilty to a violation of
division (B), (C), or (E) of section 2923.16 of the Revised Code
as the division existed prior to September 30, 2011, and who is
authorized by division (H) (2) (a) of that section to file an
application under this section for the expungement of the
conviction record may apply to the sentencing court for the
expungement of the record of conviction. The person may file the
application at any time on or after September 30, 2011. The
application shall do all of the following:

(1) Identify the applicant, the offense for which the
expungement is sought, the date of the conviction of or plea of

guilty to that offense, and the court in which the conviction 2547
occurred or the plea of guilty was entered; 2548

(2) Include evidence that the offense was a violation of 2549
division (B), (C), or (E) of section 2923.16 of the Revised Code 2550
as the division existed prior to September 30, 2011, and that 2551
the applicant is authorized by division (H) (2) (a) of that 2552
section to file an application under this section; 2553

(3) Include a request for expungement of the record of 2554
conviction of that offense under this section. 2555

(C) Upon the filing of an application under division (B) 2556
of this section and the payment of the fee described in division 2557
(D) (3) of this section if applicable, the court shall set a date 2558
for a hearing and shall notify the prosecutor for the case of 2559
the hearing on the application. The prosecutor may object to the 2560
granting of the application by filing an objection with the 2561
court prior to the date set for the hearing. The prosecutor 2562
shall specify in the objection the reasons for believing a 2563
denial of the application is justified. The court shall direct 2564
its regular probation officer, a state probation officer, or the 2565
department of probation of the county in which the applicant 2566
resides to make inquiries and written reports as the court 2567
requires concerning the applicant. The court shall hold the 2568
hearing scheduled under this division. 2569

(D) (1) At the hearing held under division (C) of this 2570
section, the court shall do each of the following: 2571

(a) Determine whether the applicant has been convicted of 2572
or pleaded guilty to a violation of division (E) of section 2573
2923.16 of the Revised Code as the division existed prior to 2574
September 30, 2011, and whether the conduct that was the basis 2575

of the violation no longer would be a violation of that division 2576
on or after September 30, 2011; 2577

(b) Determine whether the applicant has been convicted of 2578
or pleaded guilty to a violation of division (B) or (C) of 2579
section 2923.16 of the Revised Code as the division existed 2580
prior to September 30, 2011, and whether the conduct that was 2581
the basis of the violation no longer would be a violation of 2582
that division on or after September 30, 2011, due to the 2583
application of division (F) (5) of that section as it exists on 2584
and after September 30, 2011; 2585

(c) If the prosecutor has filed an objection in accordance 2586
with division (C) of this section, consider the reasons against 2587
granting the application specified by the prosecutor in the 2588
objection; 2589

(d) Weigh the interests of the applicant in having the 2590
records pertaining to the applicant's conviction or guilty plea 2591
expunged against the legitimate needs, if any, of the government 2592
to maintain those records. 2593

(2) (a) The court may order the expungement of all official 2594
records pertaining to the case and the deletion of all index 2595
references to the case and, if it does order the expungement, 2596
shall send notice of the order to each public office or agency 2597
that the court has reason to believe may have an official record 2598
pertaining to the case if the court, after complying with 2599
division (D) (1) of this section, determines both of the 2600
following: 2601

(i) That the applicant has been convicted of or pleaded 2602
guilty to a violation of division (E) of section 2923.16 of the 2603
Revised Code as it existed prior to September 30, 2011, and the 2604

conduct that was the basis of the violation no longer would be a 2605
violation of that division on or after September 30, 2011, or 2606
that the applicant has been convicted of or pleaded guilty to a 2607
violation of division (B) or (C) of section 2923.16 of the 2608
Revised Code as the division existed prior to September 30, 2609
2011, and the conduct that was the basis of the violation no 2610
longer would be a violation of that division on or after 2611
September 30, 2011, due to the application of division (F) (5) of 2612
that section as it exists on and after September 30, 2011; 2613

(ii) That the interests of the applicant in having the 2614
records pertaining to the applicant's conviction or guilty plea 2615
expunged are not outweighed by any legitimate needs of the 2616
government to maintain those records. 2617

(b) The proceedings in the case that is the subject of an 2618
order issued under division (D) (2) (a) of this section shall be 2619
considered not to have occurred and the conviction or guilty 2620
plea of the person who is the subject of the proceedings shall 2621
be expunged. The record of the conviction shall not be used for 2622
any purpose, including, but not limited to, a criminal records 2623
check under section 109.572 of the Revised Code or a 2624
determination under section 2923.125 or 2923.1212 of the Revised 2625
Code of eligibility for a concealed handgun license. The 2626
applicant may, and the court shall, reply that no record exists 2627
with respect to the applicant upon any inquiry into the matter. 2628

(3) Upon the filing of an application under this section, 2629
the applicant, unless indigent, shall pay a fee of fifty 2630
dollars. The court shall pay thirty dollars of the fee into the 2631
state treasury and shall pay twenty dollars of the fee into the 2632
county general revenue fund. 2633

~~(4) At the time an applicant files an application under~~ 2634

~~division (B) of this section, the following shall apply: 2635~~

~~(a) The clerk of court shall notify the applicant in 2636
writing that the court will send notice of any order under 2637
division (D) (2) (a) of this section to the qualified third party 2638
selected by the attorney general under section 109.38 of the 2639
Revised Code and shall inform the applicant of the procedures 2640
under section 109.381 of the Revised Code. 2641~~

~~(b) The applicant shall then notify the clerk if the 2642
applicant wishes to opt out of receiving the benefits of having 2643
the court send notice of its order under division (D) (2) (a) of 2644
this section to the qualified third party and having the 2645
procedures under section 109.381 of the Revised Code apply to 2646
the records that are subject to the order. 2647~~

~~(c) If the applicant does not opt out under division (D) 2648
(4) (b) of this section, the applicant shall pay to the clerk of 2649
court the fee provided in the contract between the attorney 2650
general and the qualified third party under division (D) (2) (b) 2651
of section 109.38 of the Revised Code. 2652~~

~~(5) (a) Upon issuance of an order under division (D) (2) (a) 2653
of this section, and unless the applicant opts out under 2654
division (D) (4) (b) of this section, the clerk shall remit the 2655
fee paid by the applicant under division (D) (4) (c) of this 2656
section to the qualified third party. The court shall send 2657
notice of the order under division (D) (2) (a) of this section to 2658
the qualified third party. 2659~~

~~(b) If the applicant's application under division (B) of 2660
this section is denied for any reason or if the applicant 2661
informs the clerk of court in writing, before the issuance of 2662
the order under division (D) (2) (a) of this section, that the 2663~~

~~applicant wishes to opt out of having the court send notice of~~ 2664
~~its order under division (D) (2) (a) of this section to the~~ 2665
~~qualified third party, the clerk shall remit the fee paid by the~~ 2666
~~applicant under division (D) (4) (c) of this section that is~~ 2667
~~intended for the qualified third party back to the applicant.~~ 2668

Sec. 2953.38. (A) As used in this section: 2669

(1) "Expunge" means to destroy, delete, or erase a record 2670
as appropriate for the record's physical or electronic form or 2671
characteristic so that the record is permanently irretrievable. 2672

(2) "Prosecutor" has the same meaning as in section 2673
2953.31 of the Revised Code. 2674

(3) "Record of conviction" means any record related to a 2675
conviction of or plea of guilty to an offense. 2676

(4) "Victim of human trafficking" means a person who is or 2677
was a victim of a violation of section 2905.32 of the Revised 2678
Code, regardless of whether anyone has been convicted of a 2679
violation of that section or of any other section for 2680
victimizing the person. 2681

(B) Any person who is or was convicted of a violation of 2682
section 2907.24, 2907.241, or 2907.25 of the Revised Code may 2683
apply to the sentencing court for the expungement of the record 2684
of conviction of any offense, other than a record of conviction 2685
of a violation of section 2903.01, 2903.02, or 2907.02 of the 2686
Revised Code, the person's participation in which was a result 2687
of the person having been a victim of human trafficking. The 2688
person may file the application at any time. The application may 2689
request an order to expunge the record of conviction for more 2690
than one offense, but if it does, the court shall consider the 2691
request for each offense separately as if a separate application 2692

had been made for each offense and all references in divisions 2693
(B) to (H) of this section to "the offense" or "that offense" 2694
mean each of those offenses that are the subject of the 2695
application. The application shall do all of the following: 2696

(1) Identify the applicant, the offense for which the 2697
expungement is sought, the date of the conviction of that 2698
offense, and the court in which the conviction occurred; 2699

(2) Describe the evidence and provide copies of any 2700
documentation showing that the person is entitled to relief 2701
under this section; 2702

(3) Include a request for expungement of the record of 2703
conviction of that offense under this section. 2704

(C) The court may deny an application made under division 2705
(B) of this section if it finds that the application fails to 2706
assert grounds on which relief may be granted. 2707

(D) If the court does not deny an application under 2708
division (C) of this section, it shall set a date for a hearing 2709
and shall notify the prosecutor for the case from which the 2710
record of conviction resulted of the hearing on the application. 2711
The prosecutor may object to the granting of the application by 2712
filing an objection with the court prior to the date set for the 2713
hearing. The prosecutor shall specify in the objection the 2714
reasons for believing a denial of the application is justified. 2715
The court may direct its regular probation officer, a state 2716
probation officer, or the department of probation of the county 2717
in which the applicant resides to make inquiries and written 2718
reports as the court requires concerning the applicant. 2719

(E) (1) At the hearing held under division (D) of this 2720
section, the court shall do both of the following: 2721

(a) If the prosecutor has filed an objection, consider the 2722
reasons against granting the application specified by the 2723
prosecutor in the objection; 2724

(b) Determine whether the applicant has demonstrated by a 2725
preponderance of the evidence that the applicant's participation 2726
in the offense that is the subject of the application was a 2727
result of the applicant having been a victim of human 2728
trafficking. 2729

(2) If the court at the hearing held under division (D) of 2730
this section determines that the applicant's participation in 2731
the offense that is the subject of the application was a result 2732
of the applicant having been a victim of human trafficking and 2733
if that subject offense is a felony of the first or second 2734
degree, the court at the hearing also shall consider all of the 2735
following factors and, upon consideration of the factors, shall 2736
determine whether the interests of the applicant in having the 2737
record of the conviction of that offense expunged are outweighed 2738
by any legitimate needs of the government to maintain that 2739
record of conviction: 2740

(a) The degree of duress under which the applicant acted 2741
in committing the subject offense, including, but not limited 2742
to, the history of the use of force or threatened use of force 2743
against the applicant or another person, whether the applicant's 2744
judgment or control was impaired by the administration to the 2745
applicant of any intoxicant, drug, or controlled substance, and 2746
the threat of withholding from the applicant food, water, or any 2747
drug; 2748

(b) The seriousness of the subject offense; 2749

(c) The relative degree of physical harm done to any 2750

person in the commission of the subject offense; 2751

(d) The length of time that has expired since the 2752
commission of the subject offense; 2753

(e) Whether the prosecutor represents to the court that 2754
criminal proceedings are likely to still be initiated against 2755
the applicant for a felony offense for which the period of 2756
limitations has not expired; 2757

(f) Whether the applicant at the time of the hearing is 2758
subject to supervision as a result of the subject offense. 2759

(F) If after a hearing held under division (D) of this 2760
section the court finds that the applicant has demonstrated by a 2761
preponderance of the evidence that the applicant's participation 2762
in the offense that is the subject of the application was the 2763
result of the applicant having been a victim of human 2764
trafficking, and, if the offense that is the subject of the 2765
application is a felony of the first or second degree, after 2766
consideration of the factors required under division (E) (2) of 2767
this section, it finds that the interests of the applicant in 2768
having the record of the conviction of that offense expunged are 2769
not outweighed by any legitimate needs of the government to 2770
maintain that record of conviction, the court shall grant the 2771
application and order that the record of conviction be expunged. 2772

(G) (1) The court shall send notice of the order of 2773
expungement issued under division (F) of this section to each 2774
public office or agency that the court has reason to believe may 2775
have an official record pertaining to the case if the court, 2776
after complying with division (E) of this section, determines 2777
both of the following: 2778

(a) That the applicant has been convicted of a violation 2779

of section 2907.24, 2907.241, or 2907.25 of the Revised Code; 2780

(b) That the interests of the applicant in having the 2781
records pertaining to the applicant's conviction expunged are 2782
not outweighed by any legitimate needs of the government to 2783
maintain those records. 2784

(2) The proceedings in the case that is the subject of an 2785
order of expungement issued under division (F) of this section 2786
shall be considered not to have occurred and the conviction of 2787
the person who is the subject of the proceedings shall be 2788
expunged. The record of the conviction shall not be used for any 2789
purpose, including, but not limited to, a criminal records check 2790
under section 109.572 of the Revised Code. The applicant may, 2791
and the court shall, reply that no record exists with respect to 2792
the applicant upon any inquiry into the matter. 2793

(H) Upon the filing of an application under this section, 2794
the applicant, unless indigent, shall pay a fee of fifty 2795
dollars. The court shall pay thirty dollars of the fee into the 2796
state treasury and shall pay twenty dollars of the fee into the 2797
county general revenue fund. 2798

~~(I) At the time an applicant files an application under 2799
division (B) of this section, the following shall apply: 2800~~

~~(1) The clerk of court shall notify the applicant in 2801
writing that the court will send notice of any order under 2802
division (F) of this section to the qualified third party 2803
selected by the attorney general under section 109.38 of the 2804
Revised Code and shall inform the applicant of the procedures 2805
under section 109.381 of the Revised Code. 2806~~

~~(2) The applicant shall then notify the clerk if the 2807
applicant wishes to opt out of receiving the benefits of having 2808~~

~~the court send notice of its order under division (F) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.~~ 2809
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~~(3) If the applicant does not opt out under division (I) (2) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (D) (2) (b) of section 109.38 of the Revised Code.~~ 2813
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~~(J) (1) Upon the issuance of an order under division (F) of this section, and unless the applicant opts out under division (I) (2) of this section, the clerk shall remit the fee paid by the applicant under division (I) (3) of this section to the qualified third party. The court shall send notice of the order under division (F) of this section to the qualified third party.~~ 2818
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~~(2) If the applicant's application under division (B) of this section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (F) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (F) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (I) (3) of this section that is intended for the qualified third party back to the applicant.~~ 2824
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Sec. 2953.53. (A) ~~(1)~~ The court shall send notice of any order to seal official records issued pursuant to division (B) (3) of section 2953.52 of the Revised Code to the bureau of criminal identification and investigation and shall send notice of any order issued pursuant to division (B) (4) of that section to any public office or agency that the court knows or has 2833
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reason to believe may have any record of the case, whether or 2839
not it is an official record, that is the subject of the order. 2840

~~(2) (a) At the time an applicant files an application under 2841
division (A) of section 2953.52 of the Revised Code, the 2842
following shall apply:— 2843~~

~~(i) The clerk of court shall notify the applicant in 2844
writing that the court will send notice of any order under 2845
division (B) (4) of section 2953.52 of the Revised Code to the 2846
qualified third party selected by the attorney general under 2847
section 109.38 of the Revised Code and shall inform the 2848
applicant of the procedures under section 109.381 of the Revised 2849
Code.— 2850~~

~~(ii) The applicant shall then notify the clerk if the 2851
applicant wishes to opt out of receiving the benefits of having 2852
the court send notice of its order under division (B) (4) of 2853
section 2953.52 of the Revised Code to the qualified third party 2854
and having the procedures under section 109.381 of the Revised 2855
Code apply to the records that are subject to the order.— 2856~~

~~(iii) If the applicant does not opt out under division (A) 2857
(2) (a) (ii) of this section, the applicant shall pay to the clerk 2858
of court the fee provided in the contract between the attorney 2859
general and the qualified third party under division (D) (2) (b) 2860
of section 109.38 of the Revised Code.— 2861~~

~~(b) Upon the issuance of an order under division (B) (4) of 2862
section 2953.52 of the Revised Code, and unless the applicant 2863
opts out under division (A) (2) (a) (ii) of this section, the clerk 2864
shall remit the fee paid by the applicant under division (A) (2) 2865
(a) (iii) of this section to the qualified third party. The court 2866
shall send notice of the order under division (B) (4) of section 2867~~

~~2953.52 of the Revised Code to the qualified third party.~~ 2868

~~(c) If the applicant's application under division (A) of section 2953.52 of the Revised Code is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (B) (4) of that section, that the applicant wishes to opt out of having the court send notice of its order under division (B) (4) of that section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (A) (2) (a) (iii) of this section that is intended for the qualified third party back to the applicant.~~ 2869
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(B) A person whose official records have been sealed pursuant to an order issued pursuant to section 2953.52 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order. 2878
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(C) An order to seal official records issued pursuant to section 2953.52 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal the official records or receives a copy of the order to seal the official records pursuant to division (A) or (B) of this section. 2883
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(D) Upon receiving a copy of an order to seal official records pursuant to division (A) or (B) of this section or upon otherwise becoming aware of an applicable order to seal official records issued pursuant to section 2953.52 of the Revised Code, a public office or agency shall comply with the order and, if applicable, with the provisions of section 2953.54 of the Revised Code, except that it may maintain a record of the case 2891
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that is the subject of the order if the record is maintained for 2898
the purpose of compiling statistical data only and does not 2899
contain any reference to the person who is the subject of the 2900
case and the order. 2901

A public office or agency also may maintain an index of 2902
sealed official records, in a form similar to that for sealed 2903
records of conviction as set forth in division (F) of section 2904
2953.32 of the Revised Code, access to which may not be afforded 2905
to any person other than the person who has custody of the 2906
sealed official records. The sealed official records to which 2907
such an index pertains shall not be available to any person, 2908
except that the official records of a case that have been sealed 2909
may be made available to the following persons for the following 2910
purposes: 2911

(1) To the person who is the subject of the records upon 2912
written application, and to any other person named in the 2913
application, for any purpose; 2914

(2) To a law enforcement officer who was involved in the 2915
case, for use in the officer's defense of a civil action arising 2916
out of the officer's involvement in that case; 2917

(3) To a prosecuting attorney or the prosecuting 2918
attorney's assistants to determine a defendant's eligibility to 2919
enter a pre-trial diversion program established pursuant to 2920
section 2935.36 of the Revised Code; 2921

(4) To a prosecuting attorney or the prosecuting 2922
attorney's assistants to determine a defendant's eligibility to 2923
enter a pre-trial diversion program under division (E) (2) (b) of 2924
section 4301.69 of the Revised Code. 2925

Sec. 3113.31. (A) As used in this section: 2926

(1) "Domestic violence" means any of the following:	2927
(a) The occurrence of one or more of the following acts	2928
against a family or household member:	2929
(i) Attempting to cause or recklessly causing bodily	2930
injury;	2931
(ii) Placing another person by the threat of force in fear	2932
of imminent serious physical harm or committing a violation of	2933
section 2903.211 or 2911.211 of the Revised Code;	2934
(iii) Committing any act with respect to a child that	2935
would result in the child being an abused child, as defined in	2936
section 2151.031 of the Revised Code;	2937
(iv) Committing a sexually oriented offense.	2938
(b) The occurrence of one or more of the acts identified	2939
in divisions (A) (1) (a) (i) to (iv) of this section against a	2940
person with whom the respondent is or was in a dating	2941
relationship.	2942
(2) "Court" means the domestic relations division of the	2943
court of common pleas in counties that have a domestic relations	2944
division and the court of common pleas in counties that do not	2945
have a domestic relations division, or the juvenile division of	2946
the court of common pleas of the county in which the person to	2947
be protected by a protection order issued or a consent agreement	2948
approved under this section resides if the respondent is less	2949
than eighteen years of age.	2950
(3) "Family or household member" means any of the	2951
following:	2952
(a) Any of the following who is residing with or has	2953
resided with the respondent:	2954

(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	2955 2956
(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	2957 2958 2959
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	2960 2961 2962 2963
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	2964 2965 2966
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	2967 2968 2969 2970 2971 2972
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	2973 2974 2975
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	2976 2977
(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	2978 2979
(8) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a	2980 2981 2982

casual acquaintanceship or ordinary fraternization in a business 2983
or social context. 2984

(9) "Person with whom the respondent is or was in a dating 2985
relationship" means an adult who, at the time of the conduct in 2986
question, is in a dating relationship with the respondent who 2987
also is an adult or who, within the twelve months preceding the 2988
conduct in question, has had a dating relationship with the 2989
respondent who also is an adult. 2990

~~(10) "Expunge" has the same meaning as in section 2903.213 2991
of the Revised Code. 2992~~

(B) The court has jurisdiction over all proceedings under 2993
this section. The petitioner's right to relief under this 2994
section is not affected by the petitioner's leaving the 2995
residence or household to avoid further domestic violence. 2996

(C) A person may seek relief under this section on the 2997
person's own behalf, or any parent or adult household member may 2998
seek relief under this section on behalf of any other family or 2999
household member, by filing a petition with the court. The 3000
petition shall contain or state: 3001

(1) An allegation that the respondent engaged in domestic 3002
violence against a family or household member of the respondent 3003
or against a person with whom the respondent is or was in a 3004
dating relationship, including a description of the nature and 3005
extent of the domestic violence; 3006

(2) The relationship of the respondent to the petitioner, 3007
and to the victim if other than the petitioner; 3008

(3) If the petition is for protection of a person with 3009
whom the respondent is or was in a dating relationship, the 3010
facts upon which the court may conclude that a dating 3011

relationship existed between the person to be protected and the 3012
respondent; 3013

(4) A request for relief under this section. 3014

(D) (1) If a person who files a petition pursuant to this 3015
section requests an ex parte order, the court shall hold an ex 3016
parte hearing on the same day that the petition is filed. The 3017
court, for good cause shown at the ex parte hearing, may enter 3018
any temporary orders, with or without bond, including, but not 3019
limited to, an order described in division (E) (1) (a), (b), or 3020
(c) of this section, that the court finds necessary to protect 3021
the family or household member or the person with whom the 3022
respondent is or was in a dating relationship from domestic 3023
violence. Immediate and present danger of domestic violence to 3024
the family or household member or to the person with whom the 3025
respondent is or was in a dating relationship constitutes good 3026
cause for purposes of this section. Immediate and present danger 3027
includes, but is not limited to, situations in which the 3028
respondent has threatened the family or household member or 3029
person with whom the respondent is or was in a dating 3030
relationship with bodily harm, in which the respondent has 3031
threatened the family or household member or person with whom 3032
the respondent is or was in a dating relationship with a 3033
sexually oriented offense, or in which the respondent previously 3034
has been convicted of, pleaded guilty to, or been adjudicated a 3035
delinquent child for an offense that constitutes domestic 3036
violence against the family or household member or person with 3037
whom the respondent is or was in a dating relationship. 3038

(2) (a) If the court, after an ex parte hearing, issues an 3039
order described in division (E) (1) (b) or (c) of this section, 3040
the court shall schedule a full hearing for a date that is 3041

within seven court days after the ex parte hearing. If any other 3042
type of protection order that is authorized under division (E) 3043
of this section is issued by the court after an ex parte 3044
hearing, the court shall schedule a full hearing for a date that 3045
is within ten court days after the ex parte hearing. The court 3046
shall give the respondent notice of, and an opportunity to be 3047
heard at, the full hearing. The court shall hold the full 3048
hearing on the date scheduled under this division unless the 3049
court grants a continuance of the hearing in accordance with 3050
this division. Under any of the following circumstances or for 3051
any of the following reasons, the court may grant a continuance 3052
of the full hearing to a reasonable time determined by the 3053
court: 3054

(i) Prior to the date scheduled for the full hearing under 3055
this division, the respondent has not been served with the 3056
petition filed pursuant to this section and notice of the full 3057
hearing. 3058

(ii) The parties consent to the continuance. 3059

(iii) The continuance is needed to allow a party to obtain 3060
counsel. 3061

(iv) The continuance is needed for other good cause. 3062

(b) An ex parte order issued under this section does not 3063
expire because of a failure to serve notice of the full hearing 3064
upon the respondent before the date set for the full hearing 3065
under division (D) (2) (a) of this section or because the court 3066
grants a continuance under that division. 3067

(3) If a person who files a petition pursuant to this 3068
section does not request an ex parte order, or if a person 3069
requests an ex parte order but the court does not issue an ex 3070

parte order after an ex parte hearing, the court shall proceed 3071
as in a normal civil action and grant a full hearing on the 3072
matter. 3073

(E) (1) After an ex parte or full hearing, the court may 3074
grant any protection order, with or without bond, or approve any 3075
consent agreement to bring about a cessation of domestic 3076
violence against the family or household members or persons with 3077
whom the respondent is or was in a dating relationship. The 3078
order or agreement may: 3079

(a) Direct the respondent to refrain from abusing or from 3080
committing sexually oriented offenses against the family or 3081
household members or persons with whom the respondent is or was 3082
in a dating relationship; 3083

(b) With respect to a petition involving family or 3084
household members, grant possession of the residence or 3085
household to the petitioner or other family or household member, 3086
to the exclusion of the respondent, by evicting the respondent, 3087
when the residence or household is owned or leased solely by the 3088
petitioner or other family or household member, or by ordering 3089
the respondent to vacate the premises, when the residence or 3090
household is jointly owned or leased by the respondent, and the 3091
petitioner or other family or household member; 3092

(c) With respect to a petition involving family or 3093
household members, when the respondent has a duty to support the 3094
petitioner or other family or household member living in the 3095
residence or household and the respondent is the sole owner or 3096
lessee of the residence or household, grant possession of the 3097
residence or household to the petitioner or other family or 3098
household member, to the exclusion of the respondent, by 3099
ordering the respondent to vacate the premises, or, in the case 3100

of a consent agreement, allow the respondent to provide 3101
suitable, alternative housing; 3102

(d) With respect to a petition involving family or 3103
household members, temporarily allocate parental rights and 3104
responsibilities for the care of, or establish temporary 3105
parenting time rights with regard to, minor children, if no 3106
other court has determined, or is determining, the allocation of 3107
parental rights and responsibilities for the minor children or 3108
parenting time rights; 3109

(e) With respect to a petition involving family or 3110
household members, require the respondent to maintain support, 3111
if the respondent customarily provides for or contributes to the 3112
support of the family or household member, or if the respondent 3113
has a duty to support the petitioner or family or household 3114
member; 3115

(f) Require the respondent, petitioner, victim of domestic 3116
violence, or any combination of those persons, to seek 3117
counseling; 3118

(g) Require the respondent to refrain from entering the 3119
residence, school, business, or place of employment of the 3120
petitioner or, with respect to a petition involving family or 3121
household members, a family or household member; 3122

(h) Grant other relief that the court considers equitable 3123
and fair, including, but not limited to, ordering the respondent 3124
to permit the use of a motor vehicle by the petitioner or, with 3125
respect to a petition involving family or household members, 3126
other family or household members and the apportionment of 3127
household and family personal property; 3128

(i) Require that the respondent not remove, damage, hide, 3129

harm, or dispose of any companion animal owned or possessed by 3130
the petitioner; 3131

(j) Authorize the petitioner to remove a companion animal 3132
owned by the petitioner from the possession of the respondent; 3133

(k) Require a wireless service transfer in accordance with 3134
sections 3113.45 to 3113.459 of the Revised Code. 3135

(2) If a protection order has been issued pursuant to this 3136
section in a prior action involving the respondent and the 3137
petitioner or, with respect to a petition involving family or 3138
household members, one or more of the family or household 3139
members or victims, the court may include in a protection order 3140
that it issues a prohibition against the respondent returning to 3141
the residence or household. If it includes a prohibition against 3142
the respondent returning to the residence or household in the 3143
order, it also shall include in the order provisions of the type 3144
described in division (E) (7) of this section. This division does 3145
not preclude the court from including in a protection order or 3146
consent agreement, in circumstances other than those described 3147
in this division, a requirement that the respondent be evicted 3148
from or vacate the residence or household or refrain from 3149
entering the residence, school, business, or place of employment 3150
of the petitioner or, with respect to a petition involving 3151
family or household members, a family or household member, and, 3152
if the court includes any requirement of that type in an order 3153
or agreement, the court also shall include in the order 3154
provisions of the type described in division (E) (7) of this 3155
section. 3156

(3) (a) Any protection order issued or consent agreement 3157
approved under this section shall be valid until a date certain, 3158
but not later than five years from the date of its issuance or 3159

approval, or not later than the date a respondent who is less 3160
than eighteen years of age attains nineteen years of age, unless 3161
modified or terminated as provided in division (E) (8) of this 3162
section. 3163

(b) With respect to an order involving family or household 3164
members, subject to the limitation on the duration of an order 3165
or agreement set forth in division (E) (3) (a) of this section, 3166
any order under division (E) (1) (d) of this section shall 3167
terminate on the date that a court in an action for divorce, 3168
dissolution of marriage, or legal separation brought by the 3169
petitioner or respondent issues an order allocating parental 3170
rights and responsibilities for the care of children or on the 3171
date that a juvenile court in an action brought by the 3172
petitioner or respondent issues an order awarding legal custody 3173
of minor children. Subject to the limitation on the duration of 3174
an order or agreement set forth in division (E) (3) (a) of this 3175
section, any order under division (E) (1) (e) of this section 3176
shall terminate on the date that a court in an action for 3177
divorce, dissolution of marriage, or legal separation brought by 3178
the petitioner or respondent issues a support order or on the 3179
date that a juvenile court in an action brought by the 3180
petitioner or respondent issues a support order. 3181

(c) Any protection order issued or consent agreement 3182
approved pursuant to this section may be renewed in the same 3183
manner as the original order or agreement was issued or 3184
approved. 3185

(4) A court may not issue a protection order that requires 3186
a petitioner to do or to refrain from doing an act that the 3187
court may require a respondent to do or to refrain from doing 3188
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 3189

this section unless all of the following apply: 3190

(a) The respondent files a separate petition for a 3191
protection order in accordance with this section. 3192

(b) The petitioner is served notice of the respondent's 3193
petition at least forty-eight hours before the court holds a 3194
hearing with respect to the respondent's petition, or the 3195
petitioner waives the right to receive this notice. 3196

(c) If the petitioner has requested an ex parte order 3197
pursuant to division (D) of this section, the court does not 3198
delay any hearing required by that division beyond the time 3199
specified in that division in order to consolidate the hearing 3200
with a hearing on the petition filed by the respondent. 3201

(d) After a full hearing at which the respondent presents 3202
evidence in support of the request for a protection order and 3203
the petitioner is afforded an opportunity to defend against that 3204
evidence, the court determines that the petitioner has committed 3205
an act of domestic violence or has violated a temporary 3206
protection order issued pursuant to section 2919.26 of the 3207
Revised Code, that both the petitioner and the respondent acted 3208
primarily as aggressors, and that neither the petitioner nor the 3209
respondent acted primarily in self-defense. 3210

(5) No protection order issued or consent agreement 3211
approved under this section shall in any manner affect title to 3212
any real property. 3213

(6) (a) With respect to an order involving family or 3214
household members, if a petitioner, or the child of a 3215
petitioner, who obtains a protection order or consent agreement 3216
pursuant to division (E)(1) of this section or a temporary 3217
protection order pursuant to section 2919.26 of the Revised Code 3218

and is the subject of a parenting time order issued pursuant to 3219
section 3109.051 or 3109.12 of the Revised Code or a visitation 3220
or companionship order issued pursuant to section 3109.051, 3221
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 3222
this section granting parenting time rights to the respondent, 3223
the court may require the public children services agency of the 3224
county in which the court is located to provide supervision of 3225
the respondent's exercise of parenting time or visitation or 3226
companionship rights with respect to the child for a period not 3227
to exceed nine months, if the court makes the following findings 3228
of fact: 3229

(i) The child is in danger from the respondent; 3230

(ii) No other person or agency is available to provide the 3231
supervision. 3232

(b) A court that requires an agency to provide supervision 3233
pursuant to division (E) (6) (a) of this section shall order the 3234
respondent to reimburse the agency for the cost of providing the 3235
supervision, if it determines that the respondent has sufficient 3236
income or resources to pay that cost. 3237

(7) (a) If a protection order issued or consent agreement 3238
approved under this section includes a requirement that the 3239
respondent be evicted from or vacate the residence or household 3240
or refrain from entering the residence, school, business, or 3241
place of employment of the petitioner or, with respect to a 3242
petition involving family or household members, a family or 3243
household member, the order or agreement shall state clearly 3244
that the order or agreement cannot be waived or nullified by an 3245
invitation to the respondent from the petitioner or other family 3246
or household member to enter the residence, school, business, or 3247
place of employment or by the respondent's entry into one of 3248

those places otherwise upon the consent of the petitioner or 3249
other family or household member. 3250

(b) Division (E) (7) (a) of this section does not limit any 3251
discretion of a court to determine that a respondent charged 3252
with a violation of section 2919.27 of the Revised Code, with a 3253
violation of a municipal ordinance substantially equivalent to 3254
that section, or with contempt of court, which charge is based 3255
on an alleged violation of a protection order issued or consent 3256
agreement approved under this section, did not commit the 3257
violation or was not in contempt of court. 3258

(8) (a) The court may modify or terminate as provided in 3259
division (E) (8) of this section a protection order or consent 3260
agreement that was issued after a full hearing under this 3261
section. The court that issued the protection order or approved 3262
the consent agreement shall hear a motion for modification or 3263
termination of the protection order or consent agreement 3264
pursuant to division (E) (8) of this section. 3265

(b) Either the petitioner or the respondent of the 3266
original protection order or consent agreement may bring a 3267
motion for modification or termination of a protection order or 3268
consent agreement that was issued or approved after a full 3269
hearing. The court shall require notice of the motion to be made 3270
as provided by the Rules of Civil Procedure. If the petitioner 3271
for the original protection order or consent agreement has 3272
requested that the petitioner's address be kept confidential, 3273
the court shall not disclose the address to the respondent of 3274
the original protection order or consent agreement or any other 3275
person, except as otherwise required by law. The moving party 3276
has the burden of proof to show, by a preponderance of the 3277
evidence, that modification or termination of the protection 3278

order or consent agreement is appropriate because either the 3279
protection order or consent agreement is no longer needed or 3280
because the terms of the original protection order or consent 3281
agreement are no longer appropriate. 3282

(c) In considering whether to modify or terminate a 3283
protection order or consent agreement issued or approved under 3284
this section, the court shall consider all relevant factors, 3285
including, but not limited to, the following: 3286

(i) Whether the petitioner consents to modification or 3287
termination of the protection order or consent agreement; 3288

(ii) Whether the petitioner fears the respondent; 3289

(iii) The current nature of the relationship between the 3290
petitioner and the respondent; 3291

(iv) The circumstances of the petitioner and respondent, 3292
including the relative proximity of the petitioner's and 3293
respondent's workplaces and residences and whether the 3294
petitioner and respondent have minor children together; 3295

(v) Whether the respondent has complied with the terms and 3296
conditions of the original protection order or consent 3297
agreement; 3298

(vi) Whether the respondent has a continuing involvement 3299
with illegal drugs or alcohol; 3300

(vii) Whether the respondent has been convicted of, 3301
pleaded guilty to, or been adjudicated a delinquent child for an 3302
offense of violence since the issuance of the protection order 3303
or approval of the consent agreement; 3304

(viii) Whether any other protection orders, consent 3305
agreements, restraining orders, or no contact orders have been 3306

issued against the respondent pursuant to this section, section 3307
2919.26 of the Revised Code, any other provision of state law, 3308
or the law of any other state; 3309

(ix) Whether the respondent has participated in any 3310
domestic violence treatment, intervention program, or other 3311
counseling addressing domestic violence and whether the 3312
respondent has completed the treatment, program, or counseling; 3313

(x) The time that has elapsed since the protection order 3314
was issued or since the consent agreement was approved; 3315

(xi) The age and health of the respondent; 3316

(xii) When the last incident of abuse, threat of harm, or 3317
commission of a sexually oriented offense occurred or other 3318
relevant information concerning the safety and protection of the 3319
petitioner or other protected parties. 3320

(d) If a protection order or consent agreement is modified 3321
or terminated as provided in division (E) (8) of this section, 3322
the court shall issue copies of the modified or terminated order 3323
or agreement as provided in division (F) of this section. A 3324
petitioner may also provide notice of the modification or 3325
termination to the judicial and law enforcement officials in any 3326
county other than the county in which the order or agreement is 3327
modified or terminated as provided in division (N) of this 3328
section. 3329

(e) If the respondent moves for modification or 3330
termination of a protection order or consent agreement pursuant 3331
to this section and the court denies the motion, the court may 3332
assess costs against the respondent for the filing of the 3333
motion. 3334

(9) Any protection order issued or any consent agreement 3335

approved pursuant to this section shall include a provision that 3336
the court will automatically seal all of the records of the 3337
proceeding in which the order is issued or agreement approved on 3338
the date the respondent attains the age of nineteen years unless 3339
the petitioner provides the court with evidence that the 3340
respondent has not complied with all of the terms of the 3341
protection order or consent agreement. The protection order or 3342
consent agreement shall specify the date when the respondent 3343
attains the age of nineteen years. 3344

(F) (1) A copy of any protection order, or consent 3345
agreement, that is issued, approved, modified, or terminated 3346
under this section shall be issued by the court to the 3347
petitioner, to the respondent, and to all law enforcement 3348
agencies that have jurisdiction to enforce the order or 3349
agreement. The court shall direct that a copy of an order be 3350
delivered to the respondent on the same day that the order is 3351
entered. 3352

(2) Upon the issuance of a protection order or the 3353
approval of a consent agreement under this section, the court 3354
shall provide the parties to the order or agreement with the 3355
following notice orally or by form: 3356

"NOTICE 3357

As a result of this order or consent agreement, it may be 3358
unlawful for you to possess or purchase a firearm, including a 3359
rifle, pistol, or revolver, or ammunition pursuant to federal 3360
law under 18 U.S.C. 922(g) (8) for the duration of this order or 3361
consent agreement. If you have any questions whether this law 3362
makes it illegal for you to possess or purchase a firearm or 3363
ammunition, you should consult an attorney." 3364

(3) All law enforcement agencies shall establish and 3365
maintain an index for the protection orders and the approved 3366
consent agreements delivered to the agencies pursuant to 3367
division (F) (1) of this section. With respect to each order and 3368
consent agreement delivered, each agency shall note on the index 3369
the date and time that it received the order or consent 3370
agreement. 3371

(4) Regardless of whether the petitioner has registered 3372
the order or agreement in the county in which the officer's 3373
agency has jurisdiction pursuant to division (N) of this 3374
section, any officer of a law enforcement agency shall enforce a 3375
protection order issued or consent agreement approved by any 3376
court in this state in accordance with the provisions of the 3377
order or agreement, including removing the respondent from the 3378
premises, if appropriate. 3379

(G) (1) Any proceeding under this section shall be 3380
conducted in accordance with the Rules of Civil Procedure, 3381
except that an order under this section may be obtained with or 3382
without bond. An order issued under this section, other than an 3383
ex parte order, that grants a protection order or approves a 3384
consent agreement, that refuses to grant a protection order or 3385
approve a consent agreement that modifies or terminates a 3386
protection order or consent agreement, or that refuses to modify 3387
or terminate a protection order or consent agreement, is a 3388
final, appealable order. The remedies and procedures provided in 3389
this section are in addition to, and not in lieu of, any other 3390
available civil or criminal remedies. 3391

(2) If as provided in division (G) (1) of this section an 3392
order issued under this section, other than an ex parte order, 3393
refuses to grant a protection order, the court, on its own 3394

motion, shall order that the ex parte order issued under this 3395
section and all of the records pertaining to that ex parte order 3396
be ~~expunged~~ sealed after either of the following occurs: 3397

(a) ~~The period of the notice of appeal from the order~~ 3398
~~that refuses to grant a protection order has expired~~ No party 3399
has exercised the right to appeal pursuant to Rule 4 of the 3400
Rules of Appellate Procedure. 3401

(b) ~~The order that refuses to grant the protection order~~ 3402
~~is appealed and an appellate court to which the last appeal of~~ 3403
~~that order is taken affirms the order~~ All appellate rights have 3404
been exhausted. 3405

(H) The filing of proceedings under this section does not 3406
excuse a person from filing any report or giving any notice 3407
required by section 2151.421 of the Revised Code or by any other 3408
law. When a petition under this section alleges domestic 3409
violence against minor children, the court shall report the 3410
fact, or cause reports to be made, to a county, township, or 3411
municipal peace officer under section 2151.421 of the Revised 3412
Code. 3413

(I) Any law enforcement agency that investigates a 3414
domestic dispute shall provide information to the family or 3415
household members involved, or the persons in the dating 3416
relationship who are involved, whichever is applicable regarding 3417
the relief available under this section and, for family or 3418
household members, section 2919.26 of the Revised Code. 3419

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 3420
section and regardless of whether a protection order is issued 3421
or a consent agreement is approved by a court of another county 3422
or a court of another state, no court or unit of state or local 3423

government shall charge the petitioner any fee, cost, deposit, 3424
or money in connection with the filing of a petition pursuant to 3425
this section or in connection with the filing, issuance, 3426
registration, modification, enforcement, dismissal, withdrawal, 3427
or service of a protection order, consent agreement, or witness 3428
subpoena or for obtaining a certified copy of a protection order 3429
or consent agreement. 3430

(2) Regardless of whether a protection order is issued or 3431
a consent agreement is approved pursuant to this section, the 3432
court may assess costs against the respondent in connection with 3433
the filing, issuance, registration, modification, enforcement, 3434
dismissal, withdrawal, or service of a protection order, consent 3435
agreement, or witness subpoena or for obtaining a certified copy 3436
of a protection order or consent agreement. 3437

(K) (1) The court shall comply with Chapters 3119., 3121., 3438
3123., and 3125. of the Revised Code when it makes or modifies 3439
an order for child support under this section. 3440

(2) If any person required to pay child support under an 3441
order made under this section on or after April 15, 1985, or 3442
modified under this section on or after December 31, 1986, is 3443
found in contempt of court for failure to make support payments 3444
under the order, the court that makes the finding, in addition 3445
to any other penalty or remedy imposed, shall assess all court 3446
costs arising out of the contempt proceeding against the person 3447
and require the person to pay any reasonable attorney's fees of 3448
any adverse party, as determined by the court, that arose in 3449
relation to the act of contempt. 3450

(L) (1) A person who violates a protection order issued or 3451
a consent agreement approved under this section is subject to 3452
the following sanctions: 3453

(a) Criminal prosecution or a delinquent child proceeding 3454
for a violation of section 2919.27 of the Revised Code, if the 3455
violation of the protection order or consent agreement 3456
constitutes a violation of that section; 3457

(b) Punishment for contempt of court. 3458

(2) The punishment of a person for contempt of court for 3459
violation of a protection order issued or a consent agreement 3460
approved under this section does not bar criminal prosecution of 3461
the person or a delinquent child proceeding concerning the 3462
person for a violation of section 2919.27 of the Revised Code. 3463
However, a person punished for contempt of court is entitled to 3464
credit for the punishment imposed upon conviction of or 3465
adjudication as a delinquent child for a violation of that 3466
section, and a person convicted of or adjudicated a delinquent 3467
child for a violation of that section shall not subsequently be 3468
punished for contempt of court arising out of the same activity. 3469

(M) In all stages of a proceeding under this section, a 3470
petitioner may be accompanied by a victim advocate. 3471

(N) (1) A petitioner who obtains a protection order or 3472
consent agreement under this section or a temporary protection 3473
order under section 2919.26 of the Revised Code may provide 3474
notice of the issuance or approval of the order or agreement to 3475
the judicial and law enforcement officials in any county other 3476
than the county in which the order is issued or the agreement is 3477
approved by registering that order or agreement in the other 3478
county pursuant to division (N) (2) of this section and filing a 3479
copy of the registered order or registered agreement with a law 3480
enforcement agency in the other county in accordance with that 3481
division. A person who obtains a protection order issued by a 3482
court of another state may provide notice of the issuance of the 3483

order to the judicial and law enforcement officials in any 3484
county of this state by registering the order in that county 3485
pursuant to section 2919.272 of the Revised Code and filing a 3486
copy of the registered order with a law enforcement agency in 3487
that county. 3488

(2) A petitioner may register a temporary protection 3489
order, protection order, or consent agreement in a county other 3490
than the county in which the court that issued the order or 3491
approved the agreement is located in the following manner: 3492

(a) The petitioner shall obtain a certified copy of the 3493
order or agreement from the clerk of the court that issued the 3494
order or approved the agreement and present that certified copy 3495
to the clerk of the court of common pleas or the clerk of a 3496
municipal court or county court in the county in which the order 3497
or agreement is to be registered. 3498

(b) Upon accepting the certified copy of the order or 3499
agreement for registration, the clerk of the court of common 3500
pleas, municipal court, or county court shall place an 3501
endorsement of registration on the order or agreement and give 3502
the petitioner a copy of the order or agreement that bears that 3503
proof of registration. 3504

(3) The clerk of each court of common pleas, the clerk of 3505
each municipal court, and the clerk of each county court shall 3506
maintain a registry of certified copies of temporary protection 3507
orders, protection orders, or consent agreements that have been 3508
issued or approved by courts in other counties and that have 3509
been registered with the clerk. 3510

(0) Nothing in this section prohibits the domestic 3511
relations division of a court of common pleas in counties that 3512

have a domestic relations division or a court of common pleas in 3513
counties that do not have a domestic relations division from 3514
designating a minor child as a protected party on a protection 3515
order or consent agreement. 3516

Section 2. That existing sections 149.43, 149.433, 3517
2151.34, 2903.213, 2903.214, 2919.26, 2953.32, 2953.37, 2953.38, 3518
2953.53, and 3113.31 and sections 109.38 and 109.381 of the 3519
Revised Code are hereby repealed. 3520

Section 3. The General Assembly, applying the principle 3521
stated in division (B) of section 1.52 of the Revised Code that 3522
amendments are to be harmonized if reasonably capable of 3523
simultaneous operation, finds that the following sections, 3524
presented in this act as composites of the sections as amended 3525
by the acts indicated, are the resulting versions of the 3526
sections in effect prior to the effective date of the sections 3527
as presented in this act: 3528

Section 2151.34 of the Revised Code as amended by both 3529
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 3530

Section 2903.214 of the Revised Code as amended by both 3531
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 3532

Section 2919.26 of the Revised Code as amended by both 3533
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 3534

Section 2953.38 of the Revised Code as amended by both Am. 3535
Sub. H.B. 49 and Sub. S.B. 4 of the 132nd General Assembly. 3536

Section 3113.31 of the Revised Code as amended by both 3537
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 3538