

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 335

Representatives Lepore-Hagan, Boyd

Cosponsors: Representatives Galonski, Leland, Liston, Smith, K., Howse, Russo, Weinstein, Upchurch, Sykes, Crossman, Kelly, Patterson, Miller, A., Sobecki, Strahorn, Boggs, West, Lightbody, Miranda, Sheehy, Crawley, Miller, J., Denson, O'Brien

A BILL

To amend sections 2919.26 and 3113.31 and to enact 1
sections 2919.261 and 3113.311 of the Revised 2
Code to require a person who is subject to a 3
civil or criminal domestic violence temporary 4
protection order to surrender the person's 5
firearms. 6

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

Section 1. That sections 2919.26 and 3113.31 be amended 7
and sections 2919.261 and 3113.311 of the Revised Code be 8
enacted to read as follows: 9

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 10
alleges a violation of section 2909.06, 2909.07, 2911.12, or 11
2911.211 of the Revised Code if the alleged victim of the 12
violation was a family or household member at the time of the 13
violation, a violation of a municipal ordinance that is 14
substantially similar to any of those sections if the alleged 15
victim of the violation was a family or household member at the 16

time of the violation, any offense of violence if the alleged 17
victim of the offense was a family or household member at the 18
time of the commission of the offense, or any sexually oriented 19
offense if the alleged victim of the offense was a family or 20
household member at the time of the commission of the offense, 21
the complainant, the alleged victim, or a family or household 22
member of an alleged victim may file, or, if in an emergency the 23
alleged victim is unable to file, a person who made an arrest 24
for the alleged violation or offense under section 2935.03 of 25
the Revised Code may file on behalf of the alleged victim, a 26
motion that requests the issuance of a temporary protection 27
order as a pretrial condition of release of the alleged 28
offender, in addition to any bail set under Criminal Rule 46. 29
The motion shall be filed with the clerk of the court that has 30
jurisdiction of the case at any time after the filing of the 31
complaint. 32

(2) For purposes of section 2930.09 of the Revised Code, 33
all stages of a proceeding arising out of a complaint alleging 34
the commission of a violation, offense of violence, or sexually 35
oriented offense described in division (A)(1) of this section, 36
including all proceedings on a motion for a temporary protection 37
order, are critical stages of the case, and a victim may be 38
accompanied by a victim advocate or another person to provide 39
support to the victim as provided in that section. 40

(B) The motion shall be prepared on a form that is 41
provided by the clerk of the court, which form shall be 42
substantially as follows: 43

"MOTION FOR TEMPORARY PROTECTION ORDER 44

..... Court 45

Name and address of court	46
State of Ohio	47
v.No.	48
.....	49
Name of Defendant	50
(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.	51 52 53 54 55
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 defendant with a violation of a municipal ordinance that is substantially similar to (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented offense charged) involving a family or household member.	56 57 58 59 60 61 62 63 64 65 66 67 68
<u>To the best of my knowledge, the number, types, and locations of any firearms possessed or controlled by the defendant are (listing of applicable firearms).</u>	69 70 71 72
I understand that I must appear before the court, at a	73

time set by the court within twenty-four hours after the filing 74
of this motion, for a hearing on the motion or that, if I am 75
unable to appear because of hospitalization or a medical 76
condition resulting from the offense alleged in the complaint, a 77
person who can provide information about my need for a temporary 78
protection order must appear before the court in lieu of my 79
appearing in court. I understand that any temporary protection 80
order granted pursuant to this motion is a pretrial condition of 81
release and is effective only until the disposition of the 82
criminal proceeding arising out of the attached complaint, or 83
the issuance of a civil protection order or the approval of a 84
consent agreement, arising out of the same activities as those 85
that were the basis of the complaint, under section 3113.31 of 86
the Revised Code. 87

..... 88

Signature of person 89

(or signature of the arresting officer who filed the motion on behalf of 90
the alleged victim) 91

..... 92

Address of person (or office address of the arresting officer who filed 93
the motion on behalf of the alleged victim)" 94

(C) (1) As soon as possible after the filing of a motion 95
that requests the issuance of a temporary protection order, but 96
not later than twenty-four hours after the filing of the motion, 97
the court shall conduct a hearing to determine whether to issue 98
the order. The person who requested the order shall appear 99
before the court and provide the court with the information that 100
it requests concerning the basis of the motion. If the person 101
who requested the order is unable to appear and if the court 102

finds that the failure to appear is because of the person's 103
hospitalization or medical condition resulting from the offense 104
alleged in the complaint, another person who is able to provide 105
the court with the information it requests may appear in lieu of 106
the person who requested the order. If the court finds that the 107
safety and protection of the complainant, alleged victim, or any 108
other family or household member of the alleged victim may be 109
impaired by the continued presence of the alleged offender, the 110
court may issue a temporary protection order, as a pretrial 111
condition of release, that contains terms designed to ensure the 112
safety and protection of the complainant, alleged victim, or the 113
family or household member, including a requirement that the 114
alleged offender refrain from entering the residence, school, 115
business, or place of employment of the complainant, alleged 116
victim, or the family or household member. The court may include 117
within a protection order issued under this section a term 118
requiring that the alleged offender not remove, damage, hide, 119
harm, or dispose of any companion animal owned or possessed by 120
the complainant, alleged victim, or any other family or 121
household member of the alleged victim, and may include within 122
the order a term authorizing the complainant, alleged victim, or 123
other family or household member of the alleged victim to remove 124
a companion animal owned by the complainant, alleged victim, or 125
other family or household member from the possession of the 126
alleged offender. 127

(2) (a) If the court issues a temporary protection order 128
that includes a requirement that the alleged offender refrain 129
from entering the residence, school, business, or place of 130
employment of the complainant, the alleged victim, or the family 131
or household member, the order shall state clearly that the 132
order cannot be waived or nullified by an invitation to the 133

alleged offender from the complainant, alleged victim, or family 134
or household member to enter the residence, school, business, or 135
place of employment or by the alleged offender's entry into one 136
of those places otherwise upon the consent of the complainant, 137
alleged victim, or family or household member. 138

(b) Division (C) (2) (a) of this section does not limit any 139
discretion of a court to determine that an alleged offender 140
charged with a violation of section 2919.27 of the Revised Code, 141
with a violation of a municipal ordinance substantially 142
equivalent to that section, or with contempt of court, which 143
charge is based on an alleged violation of a temporary 144
protection order issued under this section, did not commit the 145
violation or was not in contempt of court. 146

(D) (1) Upon the filing of a complaint that alleges a 147
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 148
the Revised Code if the alleged victim of the violation was a 149
family or household member at the time of the violation, a 150
violation of a municipal ordinance that is substantially similar 151
to any of those sections if the alleged victim of the violation 152
was a family or household member at the time of the violation, 153
any offense of violence if the alleged victim of the offense was 154
a family or household member at the time of the commission of 155
the offense, or any sexually oriented offense if the alleged 156
victim of the offense was a family or household member at the 157
time of the commission of the offense, the court, upon its own 158
motion, may issue a temporary protection order as a pretrial 159
condition of release if it finds that the safety and protection 160
of the complainant, alleged victim, or other family or household 161
member of the alleged offender may be impaired by the continued 162
presence of the alleged offender. 163

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

(3) An order issued under this section shall contain only those terms authorized in orders issued under division (C) of this section and those terms specified in section 2919.261 of the Revised Code.

(4) If a municipal court or a county court issues a temporary 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 195
there is probable cause to believe that the felony has been 196
committed and that the alleged offender committed it, as a 197
result of the alleged offender having been indicted for the 198
felony, or in any other manner. 199

(E) A temporary protection order that is issued as a 200
pretrial condition of release under this section: 201

(1) Is in addition to, but shall not be construed as a 202
part of, any bail set under Criminal Rule 46; 203

(2) Is effective only until the occurrence of either of 204
the following: 205

(a) The disposition, by the court that issued the order 206
or, in the circumstances described in division (D)(4) of this 207
section, by the court of common pleas to which the alleged 208
offender is bound over for prosecution, of the criminal 209
proceeding arising out of the complaint upon which the order is 210
based; 211

(b) The issuance of a protection order or the approval of 212
a consent agreement, arising out of the same activities as those 213
that were the basis of the complaint upon which the order is 214
based, under section 3113.31 of the Revised Code. 215

(3) Shall not be construed as a finding that the alleged 216
offender committed the alleged offense, and shall not be 217
introduced as evidence of the commission of the offense at the 218
trial of the alleged offender on the complaint upon which the 219
order is based. 220

(F) A person who meets the criteria for bail under 221
Criminal Rule 46 and who, if required to do so pursuant to that 222
rule, executes or posts bond or deposits cash or securities as 223

bail, shall not be held in custody pending a hearing before the 224
court on a motion requesting a temporary protection order. 225

(G) (1) A copy of any temporary protection order that is 226
issued under this section shall be issued by the court to the 227
complainant, to the alleged victim, to the person who requested 228
the order, to the defendant, and to all law enforcement agencies 229
that have jurisdiction to enforce the order. The court shall 230
direct that a copy of the order be delivered to the defendant on 231
the same day that the order is entered. If a municipal court or 232
a county court issues a temporary protection order under this 233
section and if, subsequent to the issuance of the order, the 234
defendant who is the subject of the order is bound over to the 235
court of common pleas for prosecution as described in division 236
(D) (4) of this section, the municipal court or county court 237
shall direct that a copy of the order be delivered to the court 238
of common pleas to which the defendant is bound over. 239

(2) ~~Upon~~ In addition to the notice required by division 240
(B) of section 2919.261 of the Revised Code, upon the issuance 241
of a protection order under this section, the court shall 242
provide the parties to the order with the following notice 243
orally or by form: 244

"NOTICE 245

As a result of this protection order, it may be unlawful 246
for you to possess or purchase a firearm, including a rifle, 247
pistol, or revolver, or ammunition pursuant to federal law under 248
18 U.S.C. 922(g) (8) for the duration of this order. If you have 249
any questions whether this law makes it illegal for you to 250
possess or purchase a firearm or ammunition, you should consult 251
an attorney." 252

(3) All law enforcement agencies shall establish and 253
maintain an index for the temporary protection orders delivered 254
to the agencies pursuant to division (G) (1) of this section. 255
With respect to each order delivered, each agency shall note on 256
the index, the date and time of the receipt of the order by the 257
agency. 258

(4) A complainant, alleged victim, or other person who 259
obtains a temporary protection order under this section may 260
provide notice of the issuance of the temporary protection order 261
to the judicial and law enforcement officials in any county 262
other than the county in which the order is issued by 263
registering that order in the other county in accordance with 264
division (N) of section 3113.31 of the Revised Code and filing a 265
copy of the registered protection order with a law enforcement 266
agency in the other county in accordance with that division. 267

(5) Any officer of a law enforcement agency shall enforce 268
a temporary protection order issued by any court in this state 269
in accordance with the provisions of the order, including 270
removing the defendant from the premises, regardless of whether 271
the order is registered in the county in which the officer's 272
agency has jurisdiction as authorized by division (G) (4) of this 273
section. 274

(H) Upon a violation of a temporary protection order, the 275
court may issue another temporary protection order, as a 276
pretrial condition of release, that modifies the terms of the 277
order that was violated. 278

(I) (1) As used in divisions (I) (1) and (2) of this 279
section, "defendant" means a person who is alleged in a 280
complaint to have committed a violation, offense of violence, or 281
sexually oriented offense of the type described in division (A) 282

of this section. 283

(2) If a complaint is filed that alleges that a person 284
committed a violation, offense of violence, or sexually oriented 285
offense of the type described in division (A) of this section, 286
the court may not issue a temporary protection order under this 287
section that requires the complainant, the alleged victim, or 288
another family or household member of the defendant to do or 289
refrain from doing an act that the court may require the 290
defendant to do or refrain from doing under a temporary 291
protection order unless both of the following apply: 292

(a) The defendant has filed a separate complaint that 293
alleges that the complainant, alleged victim, or other family or 294
household member in question who would be required under the 295
order to do or refrain from doing the act committed a violation 296
or offense of violence of the type described in division (A) of 297
this section. 298

(b) The court determines that both the complainant, 299
alleged victim, or other family or household member in question 300
who would be required under the order to do or refrain from 301
doing the act and the defendant acted primarily as aggressors, 302
that neither the complainant, alleged victim, or other family or 303
household member in question who would be required under the 304
order to do or refrain from doing the act nor the defendant 305
acted primarily in self-defense, and, in accordance with the 306
standards and criteria of this section as applied in relation to 307
the separate complaint filed by the defendant, that it should 308
issue the order to require the complainant, alleged victim, or 309
other family or household member in question to do or refrain 310
from doing the act. 311

(J) (1) Subject to division (J) (2) of this section and 312

regardless of whether a protection order is issued or a consent 313
agreement is approved by a court of another county or a court of 314
another state, no court or unit of state or local government 315
shall charge the movant any fee, cost, deposit, or money in 316
connection with the filing of a motion pursuant to this section, 317
in connection with the filing, issuance, registration, 318
modification, enforcement, dismissal, withdrawal, or service of 319
a protection order, consent agreement, or witness subpoena or 320
for obtaining a certified copy of a protection order or consent 321
agreement. 322

(2) Regardless of whether a protection order is issued or 323
a consent agreement is approved pursuant to this section, if the 324
defendant is convicted the court may assess costs against the 325
defendant in connection with the filing, issuance, registration, 326
modification, enforcement, dismissal, withdrawal, or service of 327
a protection order, consent agreement, or witness subpoena or 328
for obtaining a certified copy of a protection order or consent 329
agreement. 330

(K) As used in this section: 331

(1) "Companion animal" has the same meaning as in section 332
959.131 of the Revised Code. 333

(2) "Sexually oriented offense" has the same meaning as in 334
section 2950.01 of the Revised Code. 335

(3) "Victim advocate" means a person who provides support 336
and assistance for a victim of an offense during court 337
proceedings. 338

Sec. 2919.261. (A) An alleged victim or arresting officer 339
who moves for a temporary protection order pursuant to section 340
2919.26 of the Revised Code shall describe in the motion the 341

number, types, and locations of any firearms presently known by 342
the movant to be possessed or controlled by the defendant. 343

(B) A temporary order issued pursuant to section 2919.26 344
of the Revised Code shall prohibit the defendant from owning, 345
possessing, purchasing, or receiving a firearm or ammunition 346
while that order is in effect. The order shall include or be 347
accompanied by a written notice that states the defendant's 348
obligations under this section, including the specific date by 349
which any firearms must be surrendered. 350

(C) A defendant who is served with an order and notice 351
described in division (B) of this section shall promptly 352
surrender any firearms in or subject to the defendant's 353
immediate possession or control. If the order and notice are 354
served by a law enforcement officer and the officer requests the 355
surrender to the officer of any firearms, the defendant shall 356
immediately surrender the firearms in a safe manner to the 357
officer. If the order and notice are not served by a law 358
enforcement officer or the officer does not request surrender to 359
the officer of any firearms, the defendant shall surrender any 360
firearms within twenty-four hours after service of the order and 361
notice by surrendering the firearms in a safe manner to a law 362
enforcement officer or by selling the firearms to a federally 363
licensed firearms dealer. An officer or dealer who takes 364
possession of a firearm pursuant to this section shall give a 365
receipt for the firearm to the defendant at the time of 366
surrender or sale. 367

(D) Within forty-eight hours after being served with the 368
order and notice described in division (B) of this section, the 369
defendant shall do both of the following: 370

(1) File with the court that issued the order the receipt 371

showing that the firearm was surrendered to a law enforcement officer or sold to a federally licensed firearms dealer; 372
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(2) File a copy of the receipt with the law enforcement agency that employs the officer who served the order and notice or, if someone other than a law enforcement officer served the order and notice, with the municipal law enforcement agency having jurisdiction over the place where the order and notice were served or, if that place is in an unincorporated area, with the sheriff having jurisdiction over that place. 374
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(E) A law enforcement agency may charge the defendant a fee for the storage of any firearm surrendered pursuant to this section. This fee shall not exceed the costs incurred by the agency that are directly related to taking possession of and storing the firearm and either returning the firearm to the defendant or selling it to a federally licensed firearms dealer. 381
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(F) (1) Within five days after the expiration of an order described in division (B) of this section, a law enforcement agency having custody of a firearm surrendered pursuant to the order shall return the firearm to the defendant, unless another protection order has been issued that prohibits the defendant from possessing a firearm or the agency determines that the firearm has been stolen or that the defendant is prohibited from possessing a firearm under state or federal law. 387
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(2) (a) If a law enforcement agency determines that the defendant is the legal owner of any firearm deposited with the agency and is prohibited from possessing any firearm, the defendant may make one sale of all of the defendant's firearms that are in the custody of the agency to a federally licensed firearms dealer while the order remains in effect. Within five days after a dealer presents the agency with a bill of sale 395
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indicating that the defendant has sold to the dealer all of the 402
defendant's firearms that are in the agency's custody, the 403
agency shall give possession of those firearms to the dealer. 404

(b) If a law enforcement agency determines that the 405
defendant is not the legal owner of any firearm deposited with 406
the agency, the agency shall make a reasonable attempt to 407
identify and return the firearm to the legal owner. If the 408
agency cannot identify the legal owner or if the owner is 409
prohibited from possessing a firearm, the agency shall treat the 410
firearm as unclaimed property and dispose of it accordingly. 411

(G) (1) In a temporary order issued pursuant to section 412
2919.26 of the Revised Code, a court may grant an exemption from 413
the requirement that the defendant surrender any firearms if the 414
defendant can show that a particular firearm is necessary as a 415
condition of the defendant's continued employment and that the 416
current employer is unable to reassign the defendant to another 417
position where a firearm is unnecessary. If the court grants an 418
exemption, the order shall provide that the defendant shall have 419
physical possession of the firearm only during scheduled work 420
hours and during travel to and from the defendant's place of 421
employment. 422

(2) If the defendant is a peace officer who must carry a 423
firearm as a condition of employment and whose personal safety 424
depends on the ability to carry a firearm, a court may allow the 425
defendant to carry a firearm while on or off duty if, after a 426
psychological evaluation of the defendant, the court finds by a 427
preponderance of the evidence that the officer does not pose a 428
threat of harm. The court may require the peace officer to enter 429
into counseling or another remedial treatment program to deal 430
with any propensity for domestic violence. 431

(3) If the defendant notifies the court that the defendant 432
owns a firearm that is not in the defendant's immediate 433
possession, the court may limit the order to exclude that 434
firearm if the court is satisfied the defendant is unable to 435
gain access to that firearm while the protective order is in 436
effect. 437

(H) If the defendant refuses to relinquish possession of 438
any firearm on the grounds that such relinquishment would 439
constitute self-incrimination in violation of the United States 440
Constitution or Ohio Constitution, the court may grant use 441
immunity for the act of relinquishing the firearm. 442

Sec. 3113.31. (A) As used in this section: 443

(1) "Domestic violence" means any of the following: 444

(a) The occurrence of one or more of the following acts 445
against a family or household member: 446

(i) Attempting to cause or recklessly causing bodily 447
injury; 448

(ii) Placing another person by the threat of force in fear 449
of imminent serious physical harm or committing a violation of 450
section 2903.211 or 2911.211 of the Revised Code; 451

(iii) Committing any act with respect to a child that 452
would result in the child being an abused child, as defined in 453
section 2151.031 of the Revised Code; 454

(iv) Committing a sexually oriented offense. 455

(b) The occurrence of one or more of the acts identified 456
in divisions (A)(1)(a)(i) to (iv) of this section against a 457
person with whom the respondent is or was in a dating 458
relationship. 459

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

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

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

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

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

(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.

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

(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. 489

(5) "Victim advocate" means a person who provides support 490
and assistance for a person who files a petition under this 491
section. 492

(6) "Sexually oriented offense" has the same meaning as in 493
section 2950.01 of the Revised Code. 494

(7) "Companion animal" has the same meaning as in section 495
959.131 of the Revised Code. 496

(8) "Dating relationship" means a relationship between 497
individuals who have, or have had, a relationship of a romantic 498
or intimate nature. "Dating relationship" does not include a 499
casual acquaintanceship or ordinary fraternization in a business 500
or social context. 501

(9) "Person with whom the respondent is or was in a dating 502
relationship" means an adult who, at the time of the conduct in 503
question, is in a dating relationship with the respondent who 504
also is an adult or who, within the twelve months preceding the 505
conduct in question, has had a dating relationship with the 506
respondent who also is an adult. 507

(B) The court has jurisdiction over all proceedings under 508
this section. The petitioner's right to relief under this 509
section is not affected by the petitioner's leaving the 510
residence or household to avoid further domestic violence. 511

(C) A person may seek relief under this section on the 512
person's own behalf, or any parent or adult household member may 513
seek relief under this section on behalf of any other family or 514
household member, by filing a petition with the court. The 515
petition shall contain or state: 516

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

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

(3) If the petition is for protection of a person with whom the respondent is or was in a dating relationship, the facts upon which the court may conclude that a dating relationship existed between the person to be protected and the respondent;

(4) If the petitioner requests an ex parte order, a statement of the number, types, and locations of any firearms known by the petitioner to be possessed or controlled by the respondent;

(5) A request for relief under this section.

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E) (1) (a), (b), or (c) of this section, that the court finds necessary to protect the family or household member or the person with whom the respondent is or was in a dating relationship from domestic violence. If the court issues any such order, the order also shall include the terms specified in section 3113.311 of the Revised Code. Immediate and present danger of domestic violence

to the family or household member or to the person with whom the 546
respondent is or was in a dating relationship constitutes good 547
cause for purposes of this section. Immediate and present danger 548
includes, but is not limited to, situations in which the 549
respondent has threatened the family or household member or 550
person with whom the respondent is or was in a dating 551
relationship with bodily harm, in which the respondent has 552
threatened the family or household member or person with whom 553
the respondent is or was in a dating relationship with a 554
sexually oriented offense, or in which the respondent previously 555
has been convicted of, pleaded guilty to, or been adjudicated a 556
delinquent child for an offense that constitutes domestic 557
violence against the family or household member or person with 558
whom the respondent is or was in a dating relationship. 559

(2) (a) If the court, after an ex parte hearing, issues an 560
order described in division (E) (1) (b) or (c) of this section, 561
the court shall schedule a full hearing for a date that is 562
within seven court days after the ex parte hearing. If any other 563
type of protection order that is authorized under division (E) 564
of this section is issued by the court after an ex parte 565
hearing, the court shall schedule a full hearing for a date that 566
is within ten court days after the ex parte hearing. The court 567
shall give the respondent notice of, and an opportunity to be 568
heard at, the full hearing. The court shall hold the full 569
hearing on the date scheduled under this division unless the 570
court grants a continuance of the hearing in accordance with 571
this division. Under any of the following circumstances or for 572
any of the following reasons, the court may grant a continuance 573
of the full hearing to a reasonable time determined by the 574
court: 575

(i) Prior to the date scheduled for the full hearing under 576

this division, the respondent has not been served with the 577
petition filed pursuant to this section and notice of the full 578
hearing. 579

(ii) The parties consent to the continuance. 580

(iii) The continuance is needed to allow a party to obtain 581
counsel. 582

(iv) The continuance is needed for other good cause. 583

(b) An ex parte order issued under this section does not 584
expire because of a failure to serve notice of the full hearing 585
upon the respondent before the date set for the full hearing 586
under division (D) (2) (a) of this section or because the court 587
grants a continuance under that division. 588

(3) If a person who files a petition pursuant to this 589
section does not request an ex parte order, or if a person 590
requests an ex parte order but the court does not issue an ex 591
parte order after an ex parte hearing, the court shall proceed 592
as in a normal civil action and grant a full hearing on the 593
matter. 594

(E) (1) After an ex parte or full hearing, the court may 595
grant any protection order, with or without bond, or approve any 596
consent agreement to bring about a cessation of domestic 597
violence against the family or household members or persons with 598
whom the respondent is or was in a dating relationship. The 599
order or agreement may: 600

(a) Direct the respondent to refrain from abusing or from 601
committing sexually oriented offenses against the family or 602
household members or persons with whom the respondent is or was 603
in a dating relationship; 604

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

(c) With respect to a petition involving family or household members, when the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

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

(e) With respect to a petition involving family or household members, require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent

has a duty to support the petitioner or family or household member; 635
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(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling; 637
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(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member; 640
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(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or, with respect to a petition involving family or household members, other family or household members and the apportionment of household and family personal property; 644
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(i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner; 650
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(j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent; 653
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(k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code. 655
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(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or, with respect to a petition involving family or household members, one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against 657
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the respondent returning to the residence or household in the 664
order, it also shall include in the order provisions of the type 665
described in division (E) (7) of this section. This division does 666
not preclude the court from including in a protection order or 667
consent agreement, in circumstances other than those described 668
in this division, a requirement that the respondent be evicted 669
from or vacate the residence or household or refrain from 670
entering the residence, school, business, or place of employment 671
of the petitioner or, with respect to a petition involving 672
family or household members, a family or household member, and, 673
if the court includes any requirement of that type in an order 674
or agreement, the court also shall include in the order 675
provisions of the type described in division (E) (7) of this 676
section. 677

(3) (a) Any protection order issued or consent agreement 678
approved under this section shall be valid until a date certain, 679
but not later than five years from the date of its issuance or 680
approval, or not later than the date a respondent who is less 681
than eighteen years of age attains nineteen years of age, unless 682
modified or terminated as provided in division (E) (8) of this 683
section. 684

(b) With respect to an order involving family or household 685
members, subject to the limitation on the duration of an order 686
or agreement set forth in division (E) (3) (a) of this section, 687
any order under division (E) (1) (d) of this section shall 688
terminate on the date that a court in an action for divorce, 689
dissolution of marriage, or legal separation brought by the 690
petitioner or respondent issues an order allocating parental 691
rights and responsibilities for the care of children or on the 692
date that a juvenile court in an action brought by the 693
petitioner or respondent issues an order awarding legal custody 694

of minor children. Subject to the limitation on the duration of 695
an order or agreement set forth in division (E) (3) (a) of this 696
section, any order under division (E) (1) (e) of this section 697
shall terminate on the date that a court in an action for 698
divorce, dissolution of marriage, or legal separation brought by 699
the petitioner or respondent issues a support order or on the 700
date that a juvenile court in an action brought by the 701
petitioner or respondent issues a support order. 702

(c) Any protection order issued or consent agreement 703
approved pursuant to this section may be renewed in the same 704
manner as the original order or agreement was issued or 705
approved. 706

(4) A court may not issue a protection order that requires 707
a petitioner to do or to refrain from doing an act that the 708
court may require a respondent to do or to refrain from doing 709
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 710
this section unless all of the following apply: 711

(a) The respondent files a separate petition for a 712
protection order in accordance with this section. 713

(b) The petitioner is served notice of the respondent's 714
petition at least forty-eight hours before the court holds a 715
hearing with respect to the respondent's petition, or the 716
petitioner waives the right to receive this notice. 717

(c) If the petitioner has requested an ex parte order 718
pursuant to division (D) of this section, the court does not 719
delay any hearing required by that division beyond the time 720
specified in that division in order to consolidate the hearing 721
with a hearing on the petition filed by the respondent. 722

(d) After a full hearing at which the respondent presents 723

evidence in support of the request for a protection order and 724
the petitioner is afforded an opportunity to defend against that 725
evidence, the court determines that the petitioner has committed 726
an act of domestic violence or has violated a temporary 727
protection order issued pursuant to section 2919.26 of the 728
Revised Code, that both the petitioner and the respondent acted 729
primarily as aggressors, and that neither the petitioner nor the 730
respondent acted primarily in self-defense. 731

(5) No protection order issued or consent agreement 732
approved under this section shall in any manner affect title to 733
any real property. 734

(6) (a) With respect to an order involving family or 735
household members, if a petitioner, or the child of a 736
petitioner, who obtains a protection order or consent agreement 737
pursuant to division (E) (1) of this section or a temporary 738
protection order pursuant to section 2919.26 of the Revised Code 739
and is the subject of a parenting time order issued pursuant to 740
section 3109.051 or 3109.12 of the Revised Code or a visitation 741
or companionship order issued pursuant to section 3109.051, 742
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 743
this section granting parenting time rights to the respondent, 744
the court may require the public children services agency of the 745
county in which the court is located to provide supervision of 746
the respondent's exercise of parenting time or visitation or 747
companionship rights with respect to the child for a period not 748
to exceed nine months, if the court makes the following findings 749
of fact: 750

(i) The child is in danger from the respondent; 751

(ii) No other person or agency is available to provide the 752
supervision. 753

(b) A court that requires an agency to provide supervision 754
pursuant to division (E) (6) (a) of this section shall order the 755
respondent to reimburse the agency for the cost of providing the 756
supervision, if it determines that the respondent has sufficient 757
income or resources to pay that cost. 758

(7) (a) If a protection order issued or consent agreement 759
approved under this section includes a requirement that the 760
respondent be evicted from or vacate the residence or household 761
or refrain from entering the residence, school, business, or 762
place of employment of the petitioner or, with respect to a 763
petition involving family or household members, a family or 764
household member, the order or agreement shall state clearly 765
that the order or agreement cannot be waived or nullified by an 766
invitation to the respondent from the petitioner or other family 767
or household member to enter the residence, school, business, or 768
place of employment or by the respondent's entry into one of 769
those places otherwise upon the consent of the petitioner or 770
other family or household member. 771

(b) Division (E) (7) (a) of this section does not limit any 772
discretion of a court to determine that a respondent charged 773
with a violation of section 2919.27 of the Revised Code, with a 774
violation of a municipal ordinance substantially equivalent to 775
that section, or with contempt of court, which charge is based 776
on an alleged violation of a protection order issued or consent 777
agreement approved under this section, did not commit the 778
violation or was not in contempt of court. 779

(8) (a) The court may modify or terminate as provided in 780
division (E) (8) of this section a protection order or consent 781
agreement that was issued after a full hearing under this 782
section. The court that issued the protection order or approved 783

the consent agreement shall hear a motion for modification or 784
termination of the protection order or consent agreement 785
pursuant to division (E)(8) of this section. 786

(b) Either the petitioner or the respondent of the 787
original protection order or consent agreement may bring a 788
motion for modification or termination of a protection order or 789
consent agreement that was issued or approved after a full 790
hearing. The court shall require notice of the motion to be made 791
as provided by the Rules of Civil Procedure. If the petitioner 792
for the original protection order or consent agreement has 793
requested that the petitioner's address be kept confidential, 794
the court shall not disclose the address to the respondent of 795
the original protection order or consent agreement or any other 796
person, except as otherwise required by law. The moving party 797
has the burden of proof to show, by a preponderance of the 798
evidence, that modification or termination of the protection 799
order or consent agreement is appropriate because either the 800
protection order or consent agreement is no longer needed or 801
because the terms of the original protection order or consent 802
agreement are no longer appropriate. 803

(c) In considering whether to modify or terminate a 804
protection order or consent agreement issued or approved under 805
this section, the court shall consider all relevant factors, 806
including, but not limited to, the following: 807

(i) Whether the petitioner consents to modification or 808
termination of the protection order or consent agreement; 809

(ii) Whether the petitioner fears the respondent; 810

(iii) The current nature of the relationship between the 811
petitioner and the respondent; 812

(iv) The circumstances of the petitioner and respondent,	813
including the relative proximity of the petitioner's and	814
respondent's workplaces and residences and whether the	815
petitioner and respondent have minor children together;	816
(v) Whether the respondent has complied with the terms and	817
conditions of the original protection order or consent	818
agreement;	819
(vi) Whether the respondent has a continuing involvement	820
with illegal drugs or alcohol;	821
(vii) Whether the respondent has been convicted of,	822
pleaded guilty to, or been adjudicated a delinquent child for an	823
offense of violence since the issuance of the protection order	824
or approval of the consent agreement;	825
(viii) Whether any other protection orders, consent	826
agreements, restraining orders, or no contact orders have been	827
issued against the respondent pursuant to this section, section	828
2919.26 of the Revised Code, any other provision of state law,	829
or the law of any other state;	830
(ix) Whether the respondent has participated in any	831
domestic violence treatment, intervention program, or other	832
counseling addressing domestic violence and whether the	833
respondent has completed the treatment, program, or counseling;	834
(x) The time that has elapsed since the protection order	835
was issued or since the consent agreement was approved;	836
(xi) The age and health of the respondent;	837
(xii) When the last incident of abuse, threat of harm, or	838
commission of a sexually oriented offense occurred or other	839
relevant information concerning the safety and protection of the	840

petitioner or other protected parties. 841

(d) If a protection order or consent agreement is modified 842
or terminated as provided in division (E)(8) of this section, 843
the court shall issue copies of the modified or terminated order 844
or agreement as provided in division (F) of this section. A 845
petitioner may also provide notice of the modification or 846
termination to the judicial and law enforcement officials in any 847
county other than the county in which the order or agreement is 848
modified or terminated as provided in division (N) of this 849
section. 850

(e) If the respondent moves for modification or 851
termination of a protection order or consent agreement pursuant 852
to this section and the court denies the motion, the court may 853
assess costs against the respondent for the filing of the 854
motion. 855

(9) Any protection order issued or any consent agreement 856
approved pursuant to this section shall include a provision that 857
the court will automatically seal all of the records of the 858
proceeding in which the order is issued or agreement approved on 859
the date the respondent attains the age of nineteen years unless 860
the petitioner provides the court with evidence that the 861
respondent has not complied with all of the terms of the 862
protection order or consent agreement. The protection order or 863
consent agreement shall specify the date when the respondent 864
attains the age of nineteen years. 865

(F)(1) A copy of any protection order, or consent 866
agreement, that is issued, approved, modified, or terminated 867
under this section shall be issued by the court to the 868
petitioner, to the respondent, and to all law enforcement 869
agencies that have jurisdiction to enforce the order or 870

agreement. The court shall direct that a copy of an order be 871
delivered to the respondent on the same day that the order is 872
entered. 873

(2) ~~Upon~~ In addition to the notice required by division 874
(B) of section 3113.311 of the Revised Code, upon the issuance 875
of a protection order or the approval of a consent agreement 876
under this section, the court shall provide the parties to the 877
order or agreement with the following notice orally or by form: 878

"NOTICE 879

As a result of this order or consent agreement, it may be 880
unlawful for you to possess or purchase a firearm, including a 881
rifle, pistol, or revolver, or ammunition pursuant to federal 882
law under 18 U.S.C. 922(g)(8) for the duration of this order or 883
consent agreement. If you have any questions whether this law 884
makes it illegal for you to possess or purchase a firearm or 885
ammunition, you should consult an attorney." 886

(3) All law enforcement agencies shall establish and 887
maintain an index for the protection orders and the approved 888
consent agreements delivered to the agencies pursuant to 889
division (F)(1) of this section. With respect to each order and 890
consent agreement delivered, each agency shall note on the index 891
the date and time that it received the order or consent 892
agreement. 893

(4) Regardless of whether the petitioner has registered 894
the order or agreement in the county in which the officer's 895
agency has jurisdiction pursuant to division (N) of this 896
section, any officer of a law enforcement agency shall enforce a 897
protection order issued or consent agreement approved by any 898
court in this state in accordance with the provisions of the 899

order or agreement, including removing the respondent from the premises, if appropriate.

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

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

(a) No party has exercised the right to appeal pursuant to Rule 4 of the Rules of Appellate Procedure.

(b) All appellate rights have been exhausted.

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

municipal peace officer under section 2151.421 of the Revised Code. 929
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(I) Any law enforcement agency that investigates a 931
domestic dispute shall provide information to the family or 932
household members involved, or the persons in the dating 933
relationship who are involved, whichever is applicable regarding 934
the relief available under this section and, for family or 935
household members, section 2919.26 of the Revised Code. 936

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 937
section and regardless of whether a protection order is issued 938
or a consent agreement is approved by a court of another county 939
or a court of another state, no court or unit of state or local 940
government shall charge the petitioner any fee, cost, deposit, 941
or money in connection with the filing of a petition pursuant to 942
this section or in connection with the filing, issuance, 943
registration, modification, enforcement, dismissal, withdrawal, 944
or service of a protection order, consent agreement, or witness 945
subpoena or for obtaining a certified copy of a protection order 946
or consent agreement. 947

(2) Regardless of whether a protection order is issued or 948
a consent agreement is approved pursuant to this section, the 949
court may assess costs against the respondent in connection with 950
the filing, issuance, registration, modification, enforcement, 951
dismissal, withdrawal, or service of a protection order, consent 952
agreement, or witness subpoena or for obtaining a certified copy 953
of a protection order or consent agreement. 954

(K) (1) The court shall comply with Chapters 3119., 3121., 955
3123., and 3125. of the Revised Code when it makes or modifies 956
an order for child support under this section. 957

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

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

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

(b) Punishment for contempt of court.

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

(M) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate. 987
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(N) (1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N) (2) of this section and filing a copy of the registered order or registered agreement 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. 989
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(2) A petitioner may register a temporary protection order, protection order, or consent agreement in a county other than the county in which the court that issued the order or approved the agreement is located in the following manner: 1006
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(a) The petitioner shall obtain a certified copy of the order or agreement from the clerk of the court that issued the order or approved the agreement 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 or agreement is to be registered. 1010
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(b) Upon accepting the certified copy of the order or 1016

agreement for registration, the clerk of the court of common 1017
pleas, municipal court, or county court shall place an 1018
endorsement of registration on the order or agreement and give 1019
the petitioner a copy of the order or agreement that bears that 1020
proof of registration. 1021

(3) The clerk of each court of common pleas, the clerk of 1022
each municipal court, and the clerk of each county court shall 1023
maintain a registry of certified copies of temporary protection 1024
orders, protection orders, or consent agreements that have been 1025
issued or approved by courts in other counties and that have 1026
been registered with the clerk. 1027

(O) Nothing in this section prohibits the domestic 1028
relations division of a court of common pleas in counties that 1029
have a domestic relations division or a court of common pleas in 1030
counties that do not have a domestic relations division from 1031
designating a minor child as a protected party on a protection 1032
order or consent agreement. 1033

Sec. 3113.311. (A) A petitioner who requests an ex parte 1034
protection order pursuant to division (D) (1) of section 3113.31 1035
of the Revised Code shall describe in the petition the number, 1036
types, and locations of any firearms presently known by the 1037
petitioner to be possessed or controlled by the respondent. 1038

(B) An ex parte protection order issued pursuant to 1039
division (D) (1) of section 3113.31 of the Revised Code shall 1040
prohibit the respondent from owning, possessing, purchasing, or 1041
receiving a firearm or ammunition while that order is in effect. 1042
The order shall include or be accompanied by a written notice 1043
that states the respondent's obligations under this section, 1044
including the specific date by which any firearms must be 1045
surrendered. 1046

(C) A respondent who is served with an order and notice 1047
described in division (B) of this section shall promptly 1048
surrender any firearms in or subject to the respondent's 1049
immediate possession or control. If the order and notice are 1050
served by a law enforcement officer and the officer requests the 1051
surrender to the officer of any firearms, the respondent shall 1052
immediately surrender the firearms in a safe manner to the 1053
officer. If the order and notice are not served by a law 1054
enforcement officer or the officer does not request surrender to 1055
the officer of any firearms, the respondent shall surrender any 1056
firearms within twenty-four hours after service of the order and 1057
notice by surrendering the firearms in a safe manner to a law 1058
enforcement officer or by selling the firearms to a federally 1059
licensed firearms dealer. An officer or dealer who takes 1060
possession of a firearm pursuant to this section shall give a 1061
receipt for the firearm to the respondent at the time of 1062
surrender or sale. 1063

(D) Within forty-eight hours after being served with the 1064
order and notice described in division (B) of this section, the 1065
respondent shall do both of the following: 1066

(1) File with the court that issued the order the receipt 1067
showing that the firearm was surrendered to a law enforcement 1068
officer or sold to a federally licensed firearms dealer; 1069

(2) File a copy of the receipt with the law enforcement 1070
agency that employs the officer who served the order and notice 1071
or, if someone other than a law enforcement officer served the 1072
order and notice, with the municipal law enforcement agency 1073
having jurisdiction over the place where the order and notice 1074
were served or, if that place is in an unincorporated area, with 1075
the sheriff having jurisdiction over that place. 1076

(E) A law enforcement agency may charge the respondent a fee for the storage of any firearm surrendered pursuant to this section. This fee shall not exceed the costs incurred by the agency that are directly related to taking possession of and storing the firearm and either returning the firearm to the respondent or selling it to a federally licensed firearms dealer. 1077
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(F) (1) Within five days after the expiration of an order described in division (B) of this section, a law enforcement agency having custody of a firearm surrendered pursuant to the order shall return the firearm to the respondent, unless another protection order has been issued that prohibits the respondent from possessing a firearm or the agency determines that the firearm has been stolen or that the respondent is prohibited from possessing a firearm under state or federal law. 1084
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(2) (a) If a law enforcement agency determines that the respondent is the legal owner of any firearm deposited with the agency and is prohibited from possessing any firearm, the respondent may make one sale of all of the defendant's firearms that are in the custody of the agency to a federally licensed firearms dealer while the order remains in effect. Within five days after a dealer presents the agency with a bill of sale indicating that the respondent has sold to the dealer all of the respondent's firearms that are in the agency's custody, the agency shall give possession of those firearms to the dealer. 1092
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(b) If a law enforcement agency determines that the respondent is not the legal owner of any firearm deposited with the agency, the agency shall make a reasonable attempt to identify and return the firearm to the legal owner. If the agency cannot identify the legal owner or if the owner is 1102
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prohibited from possessing a firearm, the agency shall treat the 1107
firearm as unclaimed property and dispose of it accordingly. 1108

(G) (1) In an ex parte protection order issued pursuant to 1109
division (D) (1) of section 3113.31 of the Revised Code, a court 1110
may grant an exemption from the requirement that the respondent 1111
surrender any firearms if the respondent can show that a 1112
particular firearm is necessary as a condition of the 1113
respondent's continued employment and that the current employer 1114
is unable to reassign the respondent to another position where a 1115
firearm is unnecessary. If the court grants an exemption, the 1116
order shall provide that the respondent shall have physical 1117
possession of the firearm only during scheduled work hours and 1118
during travel to and from the respondent's place of employment. 1119

(2) If the respondent is a peace officer who must carry a 1120
firearm as a condition of employment and whose personal safety 1121
depends on the ability to carry a firearm, a court may allow the 1122
respondent to carry a firearm while on or off duty if, after a 1123
psychological evaluation of the respondent, the court finds by a 1124
preponderance of the evidence that the officer does not pose a 1125
threat of harm. The court may require the peace officer to enter 1126
into counseling or another remedial treatment program to deal 1127
with any propensity for domestic violence. 1128

(3) If the respondent notifies the court that the 1129
respondent owns a firearm that is not in the respondent's 1130
immediate possession, the court may limit the order to exclude 1131
that firearm if the court is satisfied the respondent is unable 1132
to gain access to that firearm while the protective order is in 1133
effect. 1134

(H) If the respondent refuses to relinquish possession of 1135
any firearm on the grounds that such relinquishment would 1136

constitute self-incrimination in violation of the United States 1137
Constitution or Ohio Constitution, the court may grant use 1138
immunity for the act of relinquishing the firearm. 1139

Section 2. That existing sections 2919.26 and 3113.31 of 1140
the Revised Code are hereby repealed. 1141