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S.B. 487
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Timken

Ashley F. Dean, Attorney

SUMMARY

- Adds strangulation as an offense for which a person may file a motion requesting a protection order.
- Increases the penalty for violating a protection order.
- Specifies that an offender convicted of a fourth degree felony offense for violating a protection order is not eligible to participate in a targeted community alternatives to prison program (T-CAP).

DETAILED ANALYSIS

Protection order for strangulation

Under the bill, a person may file a petition for a protection order alleging that the respondent did, or attempted to, cause serious physical harm, create a substantial risk of serious physical harm, or cause or create a substantial risk of physical harm to the person to be protected by the protection order by means of strangulation or suffocation.[1]

Violating a protection order

The bill increases the penalty for violating a protection order to a fourth degree felony if the offender has previously been convicted of, pleaded guilty to, or been adjudicated a delinquent child for either a violation of a protection order or consent agreement, or two or more offenses of aggravated menacing, menacing by stalking, menacing, or aggravated trespass, or any combination of those offenses, that involved the same person who is the subject of the protection order or consent agreement.[2] An offender convicted of a fourth degree felony offense

[1] R.C. 2151.34(C)(2)(a), (D)(1), (E)(3)(d), and (I) and 2903.213(A) and (B).

[2] R.C. 2919.27(B)(3).

for violating a protection order is not eligible to participate in a targeted community alternatives to prison program (T-CAP).[3]

The penalty for violating a protection order is increased under the bill to a third degree felony if any of the following apply:[4]

- The offender violates a protection order or consent agreement while committing a felony offense;
- The offender violates a protection order or consent agreement while committing an offense of violence;
- The offender two or more times previously has been convicted of or pleaded guilty to violating a protection order.[5]

HISTORY

Action	Date
Introduced	11-09-26

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[3] R.C. 2929.34(B)(3)(d)(i).

[4] R.C. 2919.27(B)(4).

[5] R.C. 2919.27(B)(4)