

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 338

Representative Greenspan

A BILL

To amend sections 2151.34, 2903.213, 2903.214, 1
2919.26, 2923.13, 2923.14, 3113.31, 3113.99, and 2
5122.10 and to enact sections 3113.26, 3113.261, 3
3113.27, 3113.28, 3113.29, and 3113.30 of the 4
Revised Code to enact the Mental Health 5
Awareness and Community Violence Protection Act. 6

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

Section 1. That sections 2151.34, 2903.213, 2903.214, 7
2919.26, 2923.13, 2923.14, 3113.31, 3113.99, and 5122.10 be 8
amended and sections 3113.26, 3113.261, 3113.27, 3113.28, 9
3113.29, and 3113.30 of the Revised Code be enacted to read as 10
follows: 11

Sec. 2151.34. (A) As used in this section: 12

(1) "Court" means the juvenile division of the court of 13
common pleas of the county in which the person to be protected 14
by the protection order resides. 15

(2) "Victim advocate" means a person who provides support 16
and assistance for a person who files a petition under this 17
section. 18

(3) "Family or household member" has the same meaning as	19
in section 3113.31 of the Revised Code.	20
(4) "Protection order issued by a court of another state"	21
has the same meaning as in section 2919.27 of the Revised Code.	22
(5) "Petitioner" means a person who files a petition under	23
this section and includes a person on whose behalf a petition	24
under this section is filed.	25
(6) "Respondent" means a person who is under eighteen	26
years of age and against whom a petition is filed under this	27
section.	28
(7) "Sexually oriented offense" has the same meaning as in	29
section 2950.01 of the Revised Code.	30
(8) "Electronic monitoring" has the same meaning as in	31
section 2929.01 of the Revised Code.	32
(9) "Companion animal" has the same meaning as in section	33
959.131 of the Revised Code.	34
(B) The court has jurisdiction over all proceedings under	35
this section.	36
(C) (1) Any of the following persons may seek relief under	37
this section by filing a petition with the court:	38
(a) Any person on behalf of that person;	39
(b) Any parent or adult family or household member on	40
behalf of any other family or household member;	41
(c) Any person who is determined by the court in its	42
discretion as an appropriate person to seek relief under this	43
section on behalf of any child.	44
(2) The petition shall contain or state all of the	45

following:	46
(a) An allegation that the respondent engaged in a	47
violation of section 2903.11, 2903.12, 2903.13, 2903.21,	48
2903.211, 2903.22, or 2911.211 of the Revised Code, committed a	49
sexually oriented offense, or engaged in a violation of any	50
municipal ordinance that is substantially equivalent to any of	51
those offenses against the person to be protected by the	52
protection order, including a description of the nature and	53
extent of the violation;	54
(b) If the petitioner seeks relief in the form of	55
electronic monitoring of the respondent, an allegation that at	56
any time preceding the filing of the petition the respondent	57
engaged in conduct that would cause a reasonable person to	58
believe that the health, welfare, or safety of the person to be	59
protected was at risk, a description of the nature and extent of	60
that conduct, and an allegation that the respondent presents a	61
continuing danger to the person to be protected;	62
(c) A request for relief under this section.	63
(3) The court in its discretion may determine whether or	64
not to give notice that a petition has been filed under division	65
(C) (1) of this section on behalf of a child to any of the	66
following:	67
(a) A parent of the child if the petition was filed by any	68
person other than a parent of the child;	69
(b) Any person who is determined by the court to be an	70
appropriate person to receive notice of the filing of the	71
petition.	72
(D) (1) If a person who files a petition pursuant to this	73
section requests an ex parte order, the court shall hold an ex	74

parte hearing as soon as possible after the petition is filed, 75
but not later than the next day after the court is in session 76
after the petition is filed. The court, for good cause shown at 77
the ex parte hearing, may enter any temporary orders, with or 78
without bond, that the court finds necessary for the safety and 79
protection of the person to be protected by the order. Immediate 80
and present danger to the person to be protected by the 81
protection order constitutes good cause for purposes of this 82
section. Immediate and present danger includes, but is not 83
limited to, situations in which the respondent has threatened 84
the person to be protected by the protection order with bodily 85
harm or in which the respondent previously has been convicted 86
of, pleaded guilty to, or been adjudicated a delinquent child 87
for committing a violation of section 2903.11, 2903.12, 2903.13, 88
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 89
sexually oriented offense, or a violation of any municipal 90
ordinance that is substantially equivalent to any of those 91
offenses against the person to be protected by the protection 92
order. 93

(2) (a) If the court, after an ex parte hearing, issues a 94
protection order described in division (E) of this section, the 95
court shall schedule a full hearing for a date that is within 96
ten court days after the ex parte hearing. The court shall give 97
the respondent notice of, and an opportunity to be heard at, the 98
full hearing. The court also shall give notice of the full 99
hearing to the parent, guardian, or legal custodian of the 100
respondent. The court shall hold the full hearing on the date 101
scheduled under this division unless the court grants a 102
continuance of the hearing in accordance with this division. 103
Under any of the following circumstances or for any of the 104
following reasons, the court may grant a continuance of the full 105

hearing to a reasonable time determined by the court:	106
(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.	107 108 109 110
(ii) The parties consent to the continuance.	111
(iii) The continuance is needed to allow a party to obtain counsel.	112 113
(iv) The continuance is needed for other good cause.	114
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D) (2) (a) of this section or because the court grants a continuance under that division.	115 116 117 118 119
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	120 121 122 123 124 125
(E) (1) (a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to	126 127 128 129 130 131 132 133 134

remove a companion animal owned by the person to be protected by 135
the order from the possession of the respondent. 136

(b) After a full hearing, if the court considering a 137
petition that includes an allegation of the type described in 138
division (C) (2) (b) of this section or the court, upon its own 139
motion, finds upon clear and convincing evidence that the 140
petitioner reasonably believed that the respondent's conduct at 141
any time preceding the filing of the petition endangered the 142
health, welfare, or safety of the person to be protected and 143
that the respondent presents a continuing danger to the person 144
to be protected and if division (N) of this section does not 145
prohibit the issuance of an order that the respondent be 146
electronically monitored, the court may order that the 147
respondent be electronically monitored for a period of time and 148
under the terms and conditions that the court determines are 149
appropriate. Electronic monitoring shall be in addition to any 150
other relief granted to the petitioner. 151

(2) (a) Any protection order issued pursuant to this 152
section shall be valid until a date certain but not later than 153
the date the respondent attains nineteen years of age. 154

(b) Any protection order issued pursuant to this section 155
may be renewed in the same manner as the original order was 156
issued. 157

(3) A court may not issue a protection order that requires 158
a petitioner to do or to refrain from doing an act that the 159
court may require a respondent to do or to refrain from doing 160
under division (E) (1) of this section unless all of the 161
following apply: 162

(a) The respondent files a separate petition for a 163

protection order in accordance with this section. 164

(b) The petitioner is served with notice of the 165
respondent's petition at least forty-eight hours before the 166
court holds a hearing with respect to the respondent's petition, 167
or the petitioner waives the right to receive this notice. 168

(c) If the petitioner has requested an ex parte order 169
pursuant to division (D) of this section, the court does not 170
delay any hearing required by that division beyond the time 171
specified in that division in order to consolidate the hearing 172
with a hearing on the petition filed by the respondent. 173

(d) After a full hearing at which the respondent presents 174
evidence in support of the request for a protection order and 175
the petitioner is afforded an opportunity to defend against that 176
evidence, the court determines that the petitioner has committed 177
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 178
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 179
oriented offense, or a violation of any municipal ordinance that 180
is substantially equivalent to any of those offenses against the 181
person to be protected by the protection order issued pursuant 182
to division (E) (3) of this section, or has violated a protection 183
order issued pursuant to this section or section 2903.213 of the 184
Revised Code relative to the person to be protected by the 185
protection order issued pursuant to division (E) (3) of this 186
section. 187

(4) No protection order issued pursuant to this section 188
shall in any manner affect title to any real property. 189

(5) (a) A protection order issued under this section shall 190
clearly state that the person to be protected by the order 191
cannot waive or nullify by invitation or consent any requirement 192

in the order. 193

(b) Division (E) (5) (a) of this section does not limit any 194
discretion of a court to determine that a respondent alleged to 195
have violated section 2919.27 of the Revised Code, violated a 196
municipal ordinance substantially equivalent to that section, or 197
committed contempt of court, which allegation is based on an 198
alleged violation of a protection order issued under this 199
section, did not commit the violation or was not in contempt of 200
court. 201

(6) Any protection order issued pursuant to this section 202
shall include a provision that the court will automatically seal 203
all of the records of the proceeding in which the order is 204
issued on the date the respondent attains the age of nineteen 205
years unless the petitioner provides the court with evidence 206
that the respondent has not complied with all of the terms of 207
the protection order. The protection order shall specify the 208
date when the respondent attains the age of nineteen years. 209

(F) (1) The court shall cause the delivery of a copy of any 210
protection order that is issued under this section to the 211
petitioner, to the respondent, and to all law enforcement 212
agencies that have jurisdiction to enforce the order. If the 213
protection order will be valid subsequent to the date on which 214
the respondent attains eighteen years of age, the order shall be 215
in a form that ensures that the protection order is accepted 216
into the protection order database of the national crime 217
information center (NCIC) maintained by the federal bureau of 218
investigation. The court shall direct that a copy of the order 219
be delivered to the respondent and the parent, guardian, or 220
legal custodian of the respondent on the same day that the order 221
is entered. If the court terminates or cancels the order, the 222

court shall cause the delivery of notice of the termination or 223
cancellation to the same persons and entities that were 224
delivered a copy of the order. 225

(2) Upon the issuance of a protection order under this 226
section, the court shall provide the parties to the order with 227
the following notice orally or by form: 228

"NOTICE 229

As a result of this order, it may be unlawful for you to 230
possess or purchase a firearm, including a rifle, pistol, or 231
revolver, or ammunition pursuant to federal law under 18 U.S.C. 232
922(g) (8) for the duration of this order. If you have any 233
questions whether this law makes it illegal for you to possess 234
or purchase a firearm or ammunition, you should consult an 235
attorney." 236

(3) All law enforcement agencies shall establish and 237
maintain an index for the protection orders delivered to the 238
agencies pursuant to division (F) (1) of this section. With 239
respect to each order delivered, each agency shall note on the 240
index the date and time that it received the order. Each 241
protection order received by a law enforcement agency pursuant 242
to this section that will be valid subsequent to the date on 243
which the respondent attains eighteen years of age shall be 244
entered by the agency into the law enforcement automated data 245
system created by section 5503.10 of the Revised Code, and known 246
as LEADS, within twenty-four hours after receipt. Upon the 247
termination or cancellation of the order, the agency shall take 248
all steps necessary to ensure that the order is removed from 249
LEADS within twenty-four hours after receipt of notice of the 250
termination or cancellation and that it is terminated, cleared, 251
or canceled in the protection order database of the national 252

crime information center (NCIC) maintained by the federal bureau 253
of investigation. 254

(4) Regardless of whether the petitioner has registered 255
the protection order in the county in which the officer's agency 256
has jurisdiction pursuant to division (M) of this section, any 257
officer of a law enforcement agency shall enforce a protection 258
order issued pursuant to this section by any court in this state 259
in accordance with the provisions of the order, including 260
removing the respondent from the premises, if appropriate. 261

(G) (1) Any proceeding under this section shall be 262
conducted in accordance with the Rules of Civil Procedure, 263
except that a protection order may be obtained under this 264
section with or without bond. An order issued under this 265
section, other than an ex parte order, that grants a protection 266
order, or that refuses to grant a protection order, is a final, 267
appealable order. The remedies and procedures provided in this 268
section are in addition to, and not in lieu of, any other 269
available civil or criminal remedies or any other available 270
remedies under Chapter 2151. or 2152. of the Revised Code. 271

(2) If as provided in division (G) (1) of this section an 272
order issued under this section, other than an ex parte order, 273
refuses to grant a protection order, the court, on its own 274
motion, shall order that the ex parte order issued under this 275
section and all of the records pertaining to that ex parte order 276
be sealed after either of the following occurs: 277

(a) No party has exercised the right to appeal pursuant to 278
Rule 4 of the Rules of Appellate Procedure. 279

(b) All appellate rights have been exhausted. 280

(H) The filing of proceedings under this section does not 281

excuse a person from filing any report or giving any notice 282
required by section 2151.421 of the Revised Code or by any other 283
law. 284

(I) Any law enforcement agency that investigates an 285
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 286
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 287
commission of a sexually oriented offense, or an alleged 288
violation of a municipal ordinance that is substantially 289
equivalent to any of those offenses shall provide information to 290
the victim and the family or household members of the victim 291
regarding the relief available under this section. 292

(J) (1) Subject to division (J) (2) of this section and 293
regardless of whether a protection order is issued or a consent 294
agreement is approved by a court of another county or by a court 295
of another state, no court or unit of state or local government 296
shall charge the petitioner any fee, cost, deposit, or money in 297
connection with the filing of a petition pursuant to this 298
section, in connection with the filing, issuance, registration, 299
modification, enforcement, dismissal, withdrawal, or service of 300
a protection order, consent agreement, or witness subpoena or 301
for obtaining a certified copy of a protection order or consent 302
agreement. 303

(2) Regardless of whether a protection order is issued or 304
a consent agreement is approved pursuant to this section, the 305
court may assess costs against the respondent in connection with 306
the filing, issuance, registration, modification, enforcement, 307
dismissal, withdrawal, or service of a protection order, consent 308
agreement, or witness subpoena or for obtaining a certified copy 309
of a protection order or consent agreement. 310

(K) (1) A person who violates a protection order issued 311

under this section is subject to the following sanctions:	312
(a) A delinquent child proceeding or a criminal	313
prosecution for a violation of section 2919.27 of the Revised	314
Code, if the violation of the protection order constitutes a	315
violation of that section;	316
(b) Punishment for contempt of court.	317
(2) The punishment of a person for contempt of court for	318
violation of a protection order issued under this section does	319
not bar criminal prosecution of the person or a delinquent child	320
proceeding concerning the person for a violation of section	321
2919.27 of the Revised Code. However, a person punished for	322
contempt of court is entitled to credit for the punishment	323
imposed upon conviction of or adjudication as a delinquent child	324
for a violation of that section, and a person convicted of or	325
adjudicated a delinquent child for a violation of that section	326
shall not subsequently be punished for contempt of court arising	327
out of the same activity.	328
(L) In all stages of a proceeding under this section, a	329
petitioner may be accompanied by a victim advocate.	330
(M) (1) A petitioner who obtains a protection order under	331
this section may provide notice of the issuance or approval of	332
the order to the judicial and law enforcement officials in any	333
county other than the county in which the order is issued by	334
registering that order in the other county pursuant to division	335
(M) (2) of this section and filing a copy of the registered order	336
with a law enforcement agency in the other county in accordance	337
with that division. A person who obtains a protection order	338
issued by a court of another state may provide notice of the	339
issuance of the order to the judicial and law enforcement	340

officials in any county of this state by registering the order 341
in that county pursuant to section 2919.272 of the Revised Code 342
and filing a copy of the registered order with a law enforcement 343
agency in that county. 344

(2) A petitioner may register a protection order issued 345
pursuant to this section in a county other than the county in 346
which the court that issued the order is located in the 347
following manner: 348

(a) The petitioner shall obtain a certified copy of the 349
order from the clerk of the court that issued the order and 350
present that certified copy to the clerk of the court of common 351
pleas or the clerk of a municipal court or county court in the 352
county in which the order is to be registered. 353

(b) Upon accepting the certified copy of the order for 354
registration, the clerk of the court of common pleas, municipal 355
court, or county court shall place an endorsement of 356
registration on the order and give the petitioner a copy of the 357
order that bears that proof of registration. 358

(3) The clerk of each court of common pleas, municipal 359
court, or county court shall maintain a registry of certified 360
copies of protection orders that have been issued by courts in 361
other counties pursuant to this section and that have been 362
registered with the clerk. 363

(N) If the court orders electronic monitoring of the 364
respondent under this section, the court shall direct the 365
sheriff's office or any other appropriate law enforcement agency 366
to install the electronic monitoring device and to monitor the 367
respondent. Unless the court determines that the respondent is 368
indigent, the court shall order the respondent to pay the cost 369

of the installation and monitoring of the electronic monitoring 370
device. If the court determines that the respondent is indigent 371
and subject to the maximum amount allowable to be paid in any 372
year from the fund and the rules promulgated by the attorney 373
general under section 2903.214 of the Revised Code, the cost of 374
the installation and monitoring of the electronic monitoring 375
device may be paid out of funds from the reparations fund 376
created pursuant to section 2743.191 of the Revised Code. The 377
total amount paid from the reparations fund created pursuant to 378
section 2743.191 of the Revised Code for electronic monitoring 379
under this section and sections 2903.214 and 2919.27 of the 380
Revised Code shall not exceed three hundred thousand dollars per 381
year. When the total amount paid from the reparations fund in 382
any year for electronic monitoring under those sections equals 383
or exceeds three hundred thousand dollars, the court shall not 384
order pursuant to this section that an indigent respondent be 385
electronically monitored. 386

(O) The court, in its discretion, may determine if the 387
respondent is entitled to court-appointed counsel in a 388
proceeding under this section. 389

Sec. 2903.213. (A) Except when the complaint involves a 390
person who is a family or household member as defined in section 391
2919.25 of the Revised Code, upon the filing of a complaint that 392
alleges a violation of section 2903.11, 2903.12, 2903.13, 393
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 394
violation of a municipal ordinance substantially similar to 395
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 396
Revised Code, or the commission of a sexually oriented offense, 397
the complainant, the alleged victim, or a family or household 398
member of an alleged victim may file a motion that requests the 399
issuance of a protection order as a pretrial condition of 400

release of the alleged offender, in addition to any bail set 401
under Criminal Rule 46. The motion shall be filed with the clerk 402
of the court that has jurisdiction of the case at any time after 403
the filing of the complaint. If the complaint involves a person 404
who is a family or household member, the complainant, the 405
alleged victim, or the family or household member may file a 406
motion for a temporary protection order pursuant to section 407
2919.26 of the Revised Code. 408

(B) A motion for a protection order under this section 409
shall be prepared on a form that is provided by the clerk of the 410
court, and the form shall be substantially as follows: 411

"Motion for Protection Order 412

..... 413

Name and address of court 414

415

State of Ohio 416

v. No. 417

..... 418

Name of Defendant 419

A complaint, a copy of which has been attached to this 420
motion, has been filed in this court charging the named 421
defendant with a violation of section 2903.11, 2903.12, 2903.13, 422
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 423
violation of a municipal ordinance substantially similar to 424
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 425
Revised Code, or the commission of a sexually oriented offense. 426

I understand that I must appear before the court, at a 427

time set by the court not later than the next day that the court 428
is in session after the filing of this motion, for a hearing on 429
the motion, and that any protection order granted pursuant to 430
this motion is a pretrial condition of release and is effective 431
only until the disposition of the criminal proceeding arising 432
out of the attached complaint or until the issuance under 433
section 2903.214 of the Revised Code of a protection order 434
arising out of the same activities as those that were the basis 435
of the attached complaint. 436

..... 437

Signature of person 438

..... 439

Address of person" 440

(C) (1) As soon as possible after the filing of a motion 441
that requests the issuance of a protection order under this 442
section, but not later than the next day that the court is in 443
session after the filing of the motion, the court shall conduct 444
a hearing to determine whether to issue the order. The person 445
who requested the order shall appear before the court and 446
provide the court with the information that it requests 447
concerning the basis of the motion. If the court finds that the 448
safety and protection of the complainant or the alleged victim 449
may be impaired by the continued presence of the alleged 450
offender, the court may issue a protection order under this 451
section, as a pretrial condition of release, that contains terms 452
designed to ensure the safety and protection of the complainant 453
or the alleged victim, including a requirement that the alleged 454
offender refrain from entering the residence, school, business, 455
or place of employment of the complainant or the alleged victim. 456

The court may include within a protection order issued under 457
this section a term requiring that the alleged offender not 458
remove, damage, hide, harm, or dispose of any companion animal 459
owned or possessed by the complainant or the alleged victim, and 460
may include within the order a term authorizing the complainant 461
or the alleged victim to remove a companion animal owned by the 462
complainant or the alleged victim from the possession of the 463
alleged offender. 464

(2) (a) If the court issues a protection order under this 465
section that includes a requirement that the alleged offender 466
refrain from entering the residence, school, business, or place 467
of employment of the complainant or the alleged victim, the 468
order shall clearly state that the order cannot be waived or 469
nullified by an invitation to the alleged offender from the 470
complainant, the alleged victim, or a family or household member 471
to enter the residence, school, business, or place of employment 472
or by the alleged offender's entry into one of those places 473
otherwise upon the consent of the complainant, the alleged 474
victim, or a family or household member. 475

(b) Division (C) (2) (a) of this section does not limit any 476
discretion of a court to determine that an alleged offender 477
charged with a violation of section 2919.27 of the Revised Code, 478
with a violation of a municipal ordinance substantially 479
equivalent to that section, or with contempt of court, which 480
charge is based on an alleged violation of a protection order 481
issued under this section, did not commit the violation or was 482
not in contempt of court. 483

(D) (1) Except when the complaint involves a person who is 484
a family or household member as defined in section 2919.25 of 485
the Revised Code, upon the filing of a complaint that alleges a 486

violation specified in division (A) of this section, the court, 487
upon its own motion, may issue a protection order under this 488
section as a pretrial condition of release of the alleged 489
offender if it finds that the safety and protection of the 490
complainant or the alleged victim may be impaired by the 491
continued presence of the alleged offender. 492

(2) If the court issues a protection order under this 493
section as an ex parte order, it shall conduct, as soon as 494
possible after the issuance of the order but not later than the 495
next day that the court is in session after its issuance, a 496
hearing to determine whether the order should remain in effect, 497
be modified, or be revoked. The hearing shall be conducted under 498
the standards set forth in division (C) of this section. 499

(3) If a municipal court or a county court issues a 500
protection order under this section and if, subsequent to the 501
issuance of the order, the alleged offender who is the subject 502
of the order is bound over to the court of common pleas for 503
prosecution of a felony arising out of the same activities as 504
those that were the basis of the complaint upon which the order 505
is based, notwithstanding the fact that the order was issued by 506
a municipal court or county court, the order shall remain in 507
effect, as though it were an order of the court of common pleas, 508
while the charges against the alleged offender are pending in 509
the court of common pleas, for the period of time described in 510
division (E)(2) of this section, and the court of common pleas 511
has exclusive jurisdiction to modify the order issued by the 512
municipal court or county court. This division applies when the 513
alleged offender is bound over to the court of common pleas as a 514
result of the person waiving a preliminary hearing on the felony 515
charge, as a result of the municipal court or county court 516
having determined at a preliminary hearing that there is 517

probable cause to believe that the felony has been committed and 518
that the alleged offender committed it, as a result of the 519
alleged offender having been indicted for the felony, or in any 520
other manner. 521

(E) A protection order that is issued as a pretrial 522
condition of release under this section: 523

(1) Is in addition to, but shall not be construed as a 524
part of, any bail set under Criminal Rule 46; 525

(2) Is effective only until the disposition, by the court 526
that issued the order or, in the circumstances described in 527
division (D)(3) of this section, by the court of common pleas to 528
which the alleged offender is bound over for prosecution, of the 529
criminal proceeding arising out of the complaint upon which the 530
order is based or until the issuance under section 2903.214 of 531
the Revised Code of a protection order arising out of the same 532
activities as those that were the basis of the complaint filed 533
under this section; 534

(3) Shall not be construed as a finding that the alleged 535
offender committed the alleged offense and shall not be 536
introduced as evidence of the commission of the offense at the 537
trial of the alleged offender on the complaint upon which the 538
order is based. 539

(F) A person who meets the criteria for bail under 540
Criminal Rule 46 and who, if required to do so pursuant to that 541
rule, executes or posts bond or deposits cash or securities as 542
bail, shall not be held in custody pending a hearing before the 543
court on a motion requesting a protection order under this 544
section. 545

(G) (1) A copy of a protection order that is issued under 546

this section shall be issued by the court to the complainant, to 547
the alleged victim, to the person who requested the order, to 548
the defendant, and to all law enforcement agencies that have 549
jurisdiction to enforce the order. The protection order shall be 550
in a form that ensures that the protection order is accepted 551
into the protection order database of the national crime 552
information center (NCIC) maintained by the federal bureau of 553
investigation. The court shall direct that a copy of the order 554
be delivered to the defendant on the same day that the order is 555
entered. If a municipal court or a county court issues a 556
protection order under this section and if, subsequent to the 557
issuance of the order, the defendant who is the subject of the 558
order is bound over to the court of common pleas for prosecution 559
as described in division (D) (3) of this section, the municipal 560
court or county court shall direct that a copy of the order be 561
delivered to the court of common pleas to which the defendant is 562
bound over. If the court that issued the order, or the court of 563
common pleas if the defendant is bound over to that court for 564
prosecution, terminates or cancels the order, the court shall 565
cause the delivery of notice of the termination or cancellation 566
to the same persons and entities that were issued or delivered a 567
copy of the order. 568

(2) All law enforcement agencies shall establish and 569
maintain an index for the protection orders delivered to the 570
agencies pursuant to division (G) (1) of this section. With 571
respect to each order delivered, each agency shall note on the 572
index the date and time of the agency's receipt of the order. 573
Each protection order received by a law enforcement agency 574
pursuant to this section shall be entered by the agency into the 575
law enforcement automated data system created by section 5503.10 576
of the Revised Code, and known as LEADS, within twenty-four 577

hours after receipt. Upon the termination or cancellation of the 578
order, the agency shall take all steps necessary to ensure that 579
the order is removed from LEADS within twenty-four hours after 580
receipt of notice of the termination or cancellation and that it 581
is terminated, cleared, or canceled in the protection order 582
database of the national crime information center (NCIC) 583
maintained by the federal bureau of investigation. 584

(3) Regardless of whether the petitioner has registered 585
the protection order in the county in which the officer's agency 586
has jurisdiction, any officer of a law enforcement agency shall 587
enforce a protection order issued pursuant to this section in 588
accordance with the provisions of the order. 589

(H) Upon a violation of a protection order issued pursuant 590
to this section, the court may issue another protection order 591
under this section, as a pretrial condition of release, that 592
modifies the terms of the order that was violated. 593

(I) (1) Subject to division (I) (2) of this section and 594
regardless of whether a protection order is issued or a consent 595
agreement is approved by a court of another county or by a court 596
of another state, no court or unit of state or local government 597
shall charge the movant any fee, cost, deposit, or money in 598
connection with the filing of a motion pursuant to this section, 599
in connection with the filing, issuance, registration, 600
modification, enforcement, dismissal, withdrawal, or service of 601
a protection order, consent agreement, or witness subpoena or 602
for obtaining certified copies of a protection order or consent 603
agreement. 604

(2) Regardless of whether a protection order is issued or 605
a consent agreement is approved pursuant to this section, if the 606
defendant is convicted the court may assess costs against the 607

defendant in connection with the filing, issuance, registration, 608
modification, enforcement, dismissal, withdrawal, or service of 609
a protection order, consent agreement, or witness subpoena or 610
for obtaining a certified copy of a protection order or consent 611
agreement. 612

(J) As used in this section: 613

(1) "Sexually oriented offense" has the same meaning as in 614
section 2950.01 of the Revised Code. 615

(2) "Companion animal" has the same meaning as in section 616
959.131 of the Revised Code. 617

Sec. 2903.214. (A) As used in this section: 618

(1) "Court" means the court of common pleas of the county 619
in which the person to be protected by the protection order 620
resides. 621

(2) "Victim advocate" means a person who provides support 622
and assistance for a person who files a petition under this 623
section. 624

(3) "Family or household member" has the same meaning as 625
in section 3113.31 of the Revised Code. 626

(4) "Protection order issued by a court of another state" 627
has the same meaning as in section 2919.27 of the Revised Code. 628

(5) "Sexually oriented offense" has the same meaning as in 629
section 2950.01 of the Revised Code. 630

(6) "Electronic monitoring" has the same meaning as in 631
section 2929.01 of the Revised Code. 632

(7) "Companion animal" has the same meaning as in section 633
959.131 of the Revised Code. 634

(B) The court has jurisdiction over all proceedings under 635
this section. 636

(C) A person may seek relief under this section for the 637
person, or any parent or adult household member may seek relief 638
under this section on behalf of any other family or household 639
member, by filing a petition with the court. The petition shall 640
contain or state all of the following: 641

(1) An allegation that the respondent is eighteen years of 642
age or older and engaged in a violation of section 2903.211 of 643
the Revised Code against the person to be protected by the 644
protection order or committed a sexually oriented offense 645
against the person to be protected by the protection order, 646
including a description of the nature and extent of the 647
violation; 648

(2) If the petitioner seeks relief in the form of 649
electronic monitoring of the respondent, an allegation that at 650
any time preceding the filing of the petition the respondent 651
engaged in conduct that would cause a reasonable person to 652
believe that the health, welfare, or safety of the person to be 653
protected was at risk, a description of the nature and extent of 654
that conduct, and an allegation that the respondent presents a 655
continuing danger to the person to be protected; 656

(3) A request for relief under this section. 657

(D) (1) If a person who files a petition pursuant to this 658
section requests an ex parte order, the court shall hold an ex 659
parte hearing as soon as possible after the petition is filed, 660
but not later than the next day that the court is in session 661
after the petition is filed. The court, for good cause shown at 662
the ex parte hearing, may enter any temporary orders, with or 663

without bond, that the court finds necessary for the safety and 664
protection of the person to be protected by the order. Immediate 665
and present danger to the person to be protected by the 666
protection order constitutes good cause for purposes of this 667
section. Immediate and present danger includes, but is not 668
limited to, situations in which the respondent has threatened 669
the person to be protected by the protection order with bodily 670
harm or in which the respondent previously has been convicted of 671
or pleaded guilty to a violation of section 2903.211 of the 672
Revised Code or a sexually oriented offense against the person 673
to be protected by the protection order. 674

(2) (a) If the court, after an ex parte hearing, issues a 675
protection order described in division (E) of this section, the 676
court shall schedule a full hearing for a date that is within 677
ten court days after the ex parte hearing. The court shall give 678
the respondent notice of, and an opportunity to be heard at, the 679
full hearing. The court shall hold the full hearing on the date 680
scheduled under this division unless the court grants a 681
continuance of the hearing in accordance with this division. 682
Under any of the following circumstances or for any of the 683
following reasons, the court may grant a continuance of the full 684
hearing to a reasonable time determined by the court: 685

(i) Prior to the date scheduled for the full hearing under 686
this division, the respondent has not been served with the 687
petition filed pursuant to this section and notice of the full 688
hearing. 689

(ii) The parties consent to the continuance. 690

(iii) The continuance is needed to allow a party to obtain 691
counsel. 692

(iv) The continuance is needed for other good cause.	693
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D) (2) (a) of this section or because the court grants a continuance under that division.	694 695 696 697 698
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	699 700 701 702 703 704
(E) (1) (a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order, including, but not limited to, a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member. If the court includes a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member in the order, it also shall include in the order provisions of the type described in division (E) (5) of this section. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the	705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722

order from the possession of the respondent. 723

(b) After a full hearing, if the court considering a 724
petition that includes an allegation of the type described in 725
division (C) (2) of this section, or the court upon its own 726
motion, finds upon clear and convincing evidence that the 727
petitioner reasonably believed that the respondent's conduct at 728
any time preceding the filing of the petition endangered the 729
health, welfare, or safety of the person to be protected and 730
that the respondent presents a continuing danger to the person 731
to be protected, the court may order that the respondent be 732
electronically monitored for a period of time and under the 733
terms and conditions that the court determines are appropriate. 734
Electronic monitoring shall be in addition to any other relief 735
granted to the petitioner. 736

(2) (a) Any protection order issued pursuant to this 737
section shall be valid until a date certain but not later than 738
five years from the date of its issuance. 739

(b) Any protection order issued pursuant to this section 740
may be renewed in the same manner as the original order was 741
issued. 742

(3) A court may not issue a protection order that requires 743
a petitioner to do or to refrain from doing an act that the 744
court may require a respondent to do or to refrain from doing 745
under division (E) (1) of this section unless all of the 746
following apply: 747

(a) The respondent files a separate petition for a 748
protection order in accordance with this section. 749

(b) The petitioner is served with notice of the 750
respondent's petition at least forty-eight hours before the 751

court holds a hearing with respect to the respondent's petition, 752
or the petitioner waives the right to receive this notice. 753

(c) If the petitioner has requested an ex parte order 754
pursuant to division (D) of this section, the court does not 755
delay any hearing required by that division beyond the time 756
specified in that division in order to consolidate the hearing 757
with a hearing on the petition filed by the respondent. 758

(d) After a full hearing at which the respondent presents 759
evidence in support of the request for a protection order and 760
the petitioner is afforded an opportunity to defend against that 761
evidence, the court determines that the petitioner has committed 762
a violation of section 2903.211 of the Revised Code against the 763
person to be protected by the protection order issued pursuant 764
to division (E) (3) of this section, has committed a sexually 765
oriented offense against the person to be protected by the 766
protection order issued pursuant to division (E) (3) of this 767
section, or has violated a protection order issued pursuant to 768
section 2903.213 of the Revised Code relative to the person to 769
be protected by the protection order issued pursuant to division 770
(E) (3) of this section. 771

(4) No protection order issued pursuant to this section 772
shall in any manner affect title to any real property. 773

(5) (a) If the court issues a protection order under this 774
section that includes a requirement that the alleged offender 775
refrain from entering the residence, school, business, or place 776
of employment of the petitioner or a family or household member, 777
the order shall clearly state that the order cannot be waived or 778
nullified by an invitation to the alleged offender from the 779
complainant to enter the residence, school, business, or place 780
of employment or by the alleged offender's entry into one of 781

those places otherwise upon the consent of the petitioner or 782
family or household member. 783

(b) Division (E) (5) (a) of this section does not limit any 784
discretion of a court to determine that an alleged offender 785
charged with a violation of section 2919.27 of the Revised Code, 786
with a violation of a municipal ordinance substantially 787
equivalent to that section, or with contempt of court, which 788
charge is based on an alleged violation of a protection order 789
issued under this section, did not commit the violation or was 790
not in contempt of court. 791

(F) (1) The court shall cause the delivery of a copy of any 792
protection order that is issued under this section to the 793
petitioner, to the respondent, and to all law enforcement 794
agencies that have jurisdiction to enforce the order. The 795
protection order shall be in a form that ensures that the 796
protection order is accepted into the protection order database 797
of the national crime information center (NCIC) maintained by 798
the federal bureau of investigation. The court shall direct that 799
a copy of the order be delivered to the respondent on the same 800
day that the order is entered. If the court terminates or 801
cancels the order, the court shall cause the delivery of notice 802
of the termination or cancellation to the same persons and 803
entities that were delivered a copy of the order. 804

(2) Upon the issuance of a protection order under this 805
section, the court shall provide the parties to the order with 806
the following notice orally or by form: 807

"NOTICE 808

As a result of this order, it may be unlawful for you to 809
possess or purchase a firearm, including a rifle, pistol, or 810

revolver, or ammunition pursuant to federal law under 18 U.S.C. 811
922(g) (8) for the duration of this order. If you have any 812
questions whether this law makes it illegal for you to possess 813
or purchase a firearm or ammunition, you should consult an 814
attorney." 815

(3) All law enforcement agencies shall establish and 816
maintain an index for the protection orders delivered to the 817
agencies pursuant to division (F) (1) of this section. With 818
respect to each order delivered, each agency shall note on the 819
index the date and time that it received the order. Each 820
protection order received by a law enforcement agency pursuant 821
to this section shall be entered by the agency into the law 822
enforcement automated data system created by section 5503.10 of 823
the Revised Code, and known as LEADS, within twenty-four hours 824
after receipt. Upon the termination or cancellation of the 825
order, the agency shall take all steps necessary to ensure that 826
the order is removed from LEADS within twenty-four hours after 827
receipt of notice of the termination or cancellation and that it 828
is terminated, cleared, or canceled in the protection order 829
database of the national crime information center (NCIC) 830
maintained by the federal bureau of investigation. 831

(4) Regardless of whether the petitioner has registered 832
the protection order in the county in which the officer's agency 833
has jurisdiction pursuant to division (M) of this section, any 834
officer of a law enforcement agency shall enforce a protection 835
order issued pursuant to this section by any court in this state 836
in accordance with the provisions of the order, including 837
removing the respondent from the premises, if appropriate. 838

(G) (1) Any proceeding under this section shall be 839
conducted in accordance with the Rules of Civil Procedure, 840

except that a protection order may be obtained under this 841
section with or without bond. An order issued under this 842
section, other than an ex parte order, that grants a protection 843
order, or that refuses to grant a protection order, is a final, 844
appealable order. The remedies and procedures provided in this 845
section are in addition to, and not in lieu of, any other 846
available civil or criminal remedies. 847

(2) If as provided in division (G) (1) of this section an 848
order issued under this section, other than an ex parte order, 849
refuses to grant a protection order, the court, on its own 850
motion, shall order that the ex parte order issued under this 851
section and all of the records pertaining to that ex parte order 852
be sealed after either of the following occurs: 853

(a) No party has exercised the right to appeal pursuant to 854
Rule 4 of the Rules of Appellate Procedure. 855

(b) All appellate rights have been exhausted. 856

(H) The filing of proceedings under this section does not 857
excuse a person from filing any report or giving any notice 858
required by section 2151.421 of the Revised Code or by any other 859
law. 860

(I) Any law enforcement agency that investigates an 861
alleged violation of section 2903.211 of the Revised Code or an 862
alleged commission of a sexually oriented offense shall provide 863
information to the victim and the family or household members of 864
the victim regarding the relief available under this section and 865
section 2903.213 of the Revised Code. 866

(J) (1) Subject to division (J) (2) of this section and 867
regardless of whether a protection order is issued or a consent 868
agreement is approved by a court of another county or by a court 869

of another state, no court or unit of state or local government 870
shall charge the petitioner any fee, cost, deposit, or money in 871
connection with the filing of a petition pursuant to this 872
section, in connection with the filing, issuance, registration, 873
modification, enforcement, dismissal, withdrawal, or service of 874
a protection order, consent agreement, or witness subpoena or 875
for obtaining a certified copy of a protection order or consent 876
agreement. 877

(2) Regardless of whether a protection order is issued or 878
a consent agreement is approved pursuant to this section, the 879
court may assess costs against the respondent in connection with 880
the filing, issuance, registration, modification, enforcement, 881
dismissal, withdrawal, or service of a protection order, consent 882
agreement, or witness subpoena or for obtaining a certified copy 883
of a protection order or consent agreement. 884

(K) (1) A person who violates a protection order issued 885
under this section is subject to the following sanctions: 886

(a) Criminal prosecution for a violation of section 887
2919.27 of the Revised Code, if the violation of the protection 888
order constitutes a violation of that section; 889

(b) Punishment for contempt of court. 890

(2) The punishment of a person for contempt of court for 891
violation of a protection order issued under this section does 892
not bar criminal prosecution of the person for a violation of 893
section 2919.27 of the Revised Code. However, a person punished 894
for contempt of court is entitled to credit for the punishment 895
imposed upon conviction of a violation of that section, and a 896
person convicted of a violation of that section shall not 897
subsequently be punished for contempt of court arising out of 898

the same activity. 899

(L) In all stages of a proceeding under this section, a 900
petitioner may be accompanied by a victim advocate. 901

(M) (1) A petitioner who obtains a protection order under 902
this section or a protection order under section 2903.213 of the 903
Revised Code may provide notice of the issuance or approval of 904
the order to the judicial and law enforcement officials in any 905
county other than the county in which the order is issued by 906
registering that order in the other county pursuant to division 907
(M) (2) of this section and filing a copy of the registered order 908
with a law enforcement agency in the other county in accordance 909
with that division. A person who obtains a protection order 910
issued by a court of another state may provide notice of the 911
issuance of the order to the judicial and law enforcement 912
officials in any county of this state by registering the order 913
in that county pursuant to section 2919.272 of the Revised Code 914
and filing a copy of the registered order with a law enforcement 915
agency in that county. 916

(2) A petitioner may register a protection order issued 917
pursuant to this section or section 2903.213 of the Revised Code 918
in a county other than the county in which the court that issued 919
the order is located in the following manner: 920

(a) The petitioner shall obtain a certified copy of the 921
order from the clerk of the court that issued the order and 922
present that certified copy to the clerk of the court of common 923
pleas or the clerk of a municipal court or county court in the 924
county in which the order is to be registered. 925

(b) Upon accepting the certified copy of the order for 926
registration, the clerk of the court of common pleas, municipal 927

court, or county court shall place an endorsement of 928
registration on the order and give the petitioner a copy of the 929
order that bears that proof of registration. 930

(3) The clerk of each court of common pleas, municipal 931
court, or county court shall maintain a registry of certified 932
copies of protection orders that have been issued by courts in 933
other counties pursuant to this section or section 2903.213 of 934
the Revised Code and that have been registered with the clerk. 935

(N) (1) If the court orders electronic monitoring of the 936
respondent under this section, the court shall direct the 937
sheriff's office or any other appropriate law enforcement agency 938
to install the electronic monitoring device and to monitor the 939
respondent. Unless the court determines that the respondent is 940
indigent, the court shall order the respondent to pay the cost 941
of the installation and monitoring of the electronic monitoring 942
device. If the court determines that the respondent is indigent 943
and subject to the maximum amount allowable to be paid in any 944
year from the fund and the rules promulgated by the attorney 945
general under division (N) (2) of this section, the cost of the 946
installation and monitoring of the electronic monitoring device 947
may be paid out of funds from the reparations fund created 948
pursuant to section 2743.191 of the Revised Code. The total 949
amount of costs for the installation and monitoring of 950
electronic monitoring devices paid pursuant to this division and 951
sections 2151.34 and 2919.27 of the Revised Code from the 952
reparations fund shall not exceed three hundred thousand dollars 953
per year. 954

(2) The attorney general may promulgate rules pursuant to 955
section 111.15 of the Revised Code to govern payments made from 956
the reparations fund pursuant to this division and sections 957

2151.34 and 2919.27 of the Revised Code. The rules may include 958
reasonable limits on the total cost paid pursuant to this 959
division and sections 2151.34 and 2919.27 of the Revised Code 960
per respondent, the amount of the three hundred thousand dollars 961
allocated to each county, and how invoices may be submitted by a 962
county, court, or other entity. 963

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 964
alleges a violation of section 2909.06, 2909.07, 2911.12, or 965
2911.211 of the Revised Code if the alleged victim of the 966
violation was a family or household member at the time of the 967
violation, a violation of a municipal ordinance that is 968
substantially similar to any of those sections if the alleged 969
victim of the violation was a family or household member at the 970
time of the violation, any offense of violence if the alleged 971
victim of the offense was a family or household member at the 972
time of the commission of the offense, or any sexually oriented 973
offense if the alleged victim of the offense was a family or 974
household member at the time of the commission of the offense, 975
the complainant, the alleged victim, or a family or household 976
member of an alleged victim may file, or, if in an emergency the 977
alleged victim is unable to file, a person who made an arrest 978
for the alleged violation or offense under section 2935.03 of 979
the Revised Code may file on behalf of the alleged victim, a 980
motion that requests the issuance of a temporary protection 981
order as a pretrial condition of release of the alleged 982
offender, in addition to any bail set under Criminal Rule 46. 983
The motion shall be filed with the clerk of the court that has 984
jurisdiction of the case at any time after the filing of the 985
complaint. 986

(2) For purposes of section 2930.09 of the Revised Code, 987
all stages of a proceeding arising out of a complaint alleging 988

the commission of a violation, offense of violence, or sexually oriented offense described in division (A)(1) of this section, 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

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. 1017

I understand that I must appear before the court, at a 1018
time set by the court within twenty-four hours after the filing 1019
of this motion, for a hearing on the motion or that, if I am 1020
unable to appear because of hospitalization or a medical 1021
condition resulting from the offense alleged in the complaint, a 1022
person who can provide information about my need for a temporary 1023
protection order must appear before the court in lieu of my 1024
appearing in court. I understand that any temporary protection 1025
order granted pursuant to this motion is a pretrial condition of 1026
release and is effective only until the disposition of the 1027
criminal proceeding arising out of the attached complaint, or 1028
the issuance of a civil protection order or the approval of a 1029
consent agreement, arising out of the same activities as those 1030
that were the basis of the complaint, under section 3113.31 of 1031
the Revised Code. 1032

..... 1033

Signature of person 1034

(or signature of the arresting officer who filed the motion on behalf of 1035
the alleged victim) 1036

..... 1037

Address of person (or office address of the arresting officer who filed 1038
the motion on behalf of the alleged victim)" 1039

(C) (1) As soon as possible after the filing of a motion 1040
that requests the issuance of a temporary protection order, but 1041
not later than twenty-four hours after the filing of the motion, 1042
the court shall conduct a hearing to determine whether to issue 1043
the order. The person who requested the order shall appear 1044
before the court and provide the court with the information that 1045

it requests concerning the basis of the motion. If the person 1046
who requested the order is unable to appear and if the court 1047
finds that the failure to appear is because of the person's 1048
hospitalization or medical condition resulting from the offense 1049
alleged in the complaint, another person who is able to provide 1050
the court with the information it requests may appear in lieu of 1051
the person who requested the order. If the court finds that the 1052
safety and protection of the complainant, alleged victim, or any 1053
other family or household member of the alleged victim may be 1054
impaired by the continued presence of the alleged offender, the 1055
court may issue a temporary protection order, as a pretrial 1056
condition of release, that contains terms designed to ensure the 1057
safety and protection of the complainant, alleged victim, or the 1058
family or household member, including a requirement that the 1059
alleged offender refrain from entering the residence, school, 1060
business, or place of employment of the complainant, alleged 1061
victim, or the family or household member. The court may include 1062
within a protection order issued under this section a term 1063
requiring that the alleged offender not remove, damage, hide, 1064
harm, or dispose of any companion animal owned or possessed by 1065
the complainant, alleged victim, or any other family or 1066
household member of the alleged victim, and may include within 1067
the order a term authorizing the complainant, alleged victim, or 1068
other family or household member of the alleged victim to remove 1069
a companion animal owned by the complainant, alleged victim, or 1070
other family or household member from the possession of the 1071
alleged offender. 1072

(2) (a) If the court issues a temporary protection order 1073
that includes a requirement that the alleged offender refrain 1074
from entering the residence, school, business, or place of 1075
employment of the complainant, the alleged victim, or the family 1076

or household member, the order shall state clearly that the 1077
order cannot be waived or nullified by an invitation to the 1078
alleged offender from the complainant, alleged victim, or family 1079
or household member to enter the residence, school, business, or 1080
place of employment or by the alleged offender's entry into one 1081
of those places otherwise upon the consent of the complainant, 1082
alleged victim, or family or household member. 1083

(b) Division (C) (2) (a) of this section does not limit any 1084
discretion of a court to determine that an alleged offender 1085
charged with a violation of section 2919.27 of the Revised Code, 1086
with a violation of a municipal ordinance substantially 1087
equivalent to that section, or with contempt of court, which 1088
charge is based on an alleged violation of a temporary 1089
protection order issued under this section, did not commit the 1090
violation or was not in contempt of court. 1091

(D) (1) Upon the filing of a complaint that alleges a 1092
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1093
the Revised Code if the alleged victim of the violation was a 1094
family or household member at the time of the violation, a 1095
violation of a municipal ordinance that is substantially similar 1096
to any of those sections if the alleged victim of the violation 1097
was a family or household member at the time of the violation, 1098
any offense of violence if the alleged victim of the offense was 1099
a family or household member at the time of the commission of 1100
the offense, or any sexually oriented offense if the alleged 1101
victim of the offense was a family or household member at the 1102
time of the commission of the offense, the court, upon its own 1103
motion, may issue a temporary protection order as a pretrial 1104
condition of release if it finds that the safety and protection 1105
of the complainant, alleged victim, or other family or household 1106
member of the alleged offender may be impaired by the continued 1107

presence of the alleged offender. 1108

(2) If the court issues a temporary protection order under 1109
this section as an ex parte order, it shall conduct, as soon as 1110
possible after the issuance of the order, a hearing in the 1111
presence of the alleged offender not later than the next day on 1112
which the court is scheduled to conduct business after the day 1113
on which the alleged offender was arrested or at the time of the 1114
appearance of the alleged offender pursuant to summons to 1115
determine whether the order should remain in effect, be 1116
modified, or be revoked. The hearing shall be conducted under 1117
the standards set forth in division (C) of this section. 1118

(3) An order issued under this section shall contain only 1119
those terms authorized in orders issued under division (C) of 1120
this section. 1121

(4) If a municipal court or a county court issues a 1122
temporary protection order under this section and if, subsequent 1123
to the issuance of the order, the alleged offender who is the 1124
subject of the order is bound over to the court of common pleas 1125
for prosecution of a felony arising out of the same activities 1126
as those that were the basis of the complaint upon which the 1127
order is based, notwithstanding the fact that the order was 1128
issued by a municipal court or county court, the order shall 1129
remain in effect, as though it were an order of the court of 1130
common pleas, while the charges against the alleged offender are 1131
pending in the court of common pleas, for the period of time 1132
described in division (E)(2) of this section, and the court of 1133
common pleas has exclusive jurisdiction to modify the order 1134
issued by the municipal court or county court. This division 1135
applies when the alleged offender is bound over to the court of 1136
common pleas as a result of the person waiving a preliminary 1137

hearing on the felony charge, as a result of the municipal court 1138
or county court having determined at a preliminary hearing that 1139
there is probable cause to believe that the felony has been 1140
committed and that the alleged offender committed it, as a 1141
result of the alleged offender having been indicted for the 1142
felony, or in any other manner. 1143

(E) A temporary protection order that is issued as a 1144
pretrial condition of release under this section: 1145

(1) Is in addition to, but shall not be construed as a 1146
part of, any bail set under Criminal Rule 46; 1147

(2) Is effective only until the occurrence of either of 1148
the following: 1149

(a) The disposition, by the court that issued the order 1150
or, in the circumstances described in division (D) (4) of this 1151
section, by the court of common pleas to which the alleged 1152
offender is bound over for prosecution, of the criminal 1153
proceeding arising out of the complaint upon which the order is 1154
based; 1155

(b) The issuance of a protection order or the approval of 1156
a consent agreement, arising out of the same activities as those 1157
that were the basis of the complaint upon which the order is 1158
based, under section 3113.31 of the Revised Code. 1159

(3) Shall not be construed as a finding that the alleged 1160
offender committed the alleged offense, and shall not be 1161
introduced as evidence of the commission of the offense at the 1162
trial of the alleged offender on the complaint upon which the 1163
order is based. 1164

(F) A person who meets the criteria for bail under 1165
Criminal Rule 46 and who, if required to do so pursuant to that 1166

rule, executes or posts bond or deposits cash or securities as 1167
bail, shall not be held in custody pending a hearing before the 1168
court on a motion requesting a temporary protection order. 1169

(G) (1) A copy of any temporary protection order that is 1170
issued under this section shall be issued by the court to the 1171
complainant, to the alleged victim, to the person who requested 1172
the order, to the defendant, and to all law enforcement agencies 1173
that have jurisdiction to enforce the order. The protection 1174
order shall be in a form that ensures that the protection order 1175
is accepted into the protection order database of the national 1176
crime information center (NCIC) maintained by the federal bureau 1177
of investigation. The court shall direct that a copy of the 1178
order be delivered to the defendant on the same day that the 1179
order is entered. If a municipal court or a county court issues 1180
a temporary protection order under this section and if, 1181
subsequent to the issuance of the order, the defendant who is 1182
the subject of the order is bound over to the court of common 1183
pleas for prosecution as described in division (D) (4) of this 1184
section, the municipal court or county court shall direct that a 1185
copy of the order be delivered to the court of common pleas to 1186
which the defendant is bound over. If the court that issued the 1187
order, or the court of common pleas if the defendant is bound 1188
over to that court for prosecution, terminates or cancels the 1189
order, the court shall cause the delivery of notice of the 1190
termination or cancellation to the same persons and entities 1191
that were issued or delivered a copy of the order. 1192

(2) Upon the issuance of a protection order under this 1193
section, the court shall provide the parties to the order with 1194
the following notice orally or by form: 1195

"NOTICE 1196

As a result of this protection order, it may be unlawful 1197
for you to possess or purchase a firearm, including a rifle, 1198
pistol, or revolver, or ammunition pursuant to federal law under 1199
18 U.S.C. 922(g) (8) for the duration of this order. If you have 1200
any questions whether this law makes it illegal for you to 1201
possess or purchase a firearm or ammunition, you should consult 1202
an attorney." 1203

(3) All law enforcement agencies shall establish and 1204
maintain an index for the temporary protection orders delivered 1205
to the agencies pursuant to division (G) (1) of this section. 1206
With respect to each order delivered, each agency shall note on 1207
the index, the date and time of the receipt of the order by the 1208
agency. Each protection order received by a law enforcement 1209
agency pursuant to this section shall be entered by the agency 1210
into the law enforcement automated data system created by 1211
section 5503.10 of the Revised Code, and known as LEADS, within 1212
twenty-four hours after receipt. Upon the termination or 1213
cancellation of the order, the agency shall take all steps 1214
necessary to ensure that the order is removed from LEADS within 1215
twenty-four hours after receipt of notice of the termination or 1216
cancellation and that it is terminated, cleared, or canceled in 1217
the protection order database of the national crime information 1218
center (NCIC) maintained by the federal bureau of investigation. 1219

(4) A complainant, alleged victim, or other person who 1220
obtains a temporary protection order under this section may 1221
provide notice of the issuance of the temporary protection order 1222
to the judicial and law enforcement officials in any county 1223
other than the county in which the order is issued by 1224
registering that order in the other county in accordance with 1225
division (N) of section 3113.31 of the Revised Code and filing a 1226
copy of the registered protection order with a law enforcement 1227

agency in the other county in accordance with that division. 1228

(5) Any officer of a law enforcement agency shall enforce 1229
a temporary protection order issued by any court in this state 1230
in accordance with the provisions of the order, including 1231
removing the defendant from the premises, regardless of whether 1232
the order is registered in the county in which the officer's 1233
agency has jurisdiction as authorized by division (G) (4) of this 1234
section. 1235

(H) Upon a violation of a temporary protection order, the 1236
court may issue another temporary protection order, as a 1237
pretrial condition of release, that modifies the terms of the 1238
order that was violated. 1239

(I) (1) As used in divisions (I) (1) and (2) of this 1240
section, "defendant" means a person who is alleged in a 1241
complaint to have committed a violation, offense of violence, or 1242
sexually oriented offense of the type described in division (A) 1243
of this section. 1244

(2) If a complaint is filed that alleges that a person 1245
committed a violation, offense of violence, or sexually oriented 1246
offense of the type described in division (A) of this section, 1247
the court may not issue a temporary protection order under this 1248
section that requires the complainant, the alleged victim, or 1249
another family or household member of the defendant to do or 1250
refrain from doing an act that the court may require the 1251
defendant to do or refrain from doing under a temporary 1252
protection order unless both of the following apply: 1253

(a) The defendant has filed a separate complaint that 1254
alleges that the complainant, alleged victim, or other family or 1255
household member in question who would be required under the 1256

order to do or refrain from doing the act committed a violation 1257
or offense of violence of the type described in division (A) of 1258
this section. 1259

(b) The court determines that both the complainant, 1260
alleged victim, or other family or household member in question 1261
who would be required under the order to do or refrain from 1262
doing the act and the defendant acted primarily as aggressors, 1263
that neither the complainant, alleged victim, or other family or 1264
household member in question who would be required under the 1265
order to do or refrain from doing the act nor the defendant 1266
acted primarily in self-defense, and, in accordance with the 1267
standards and criteria of this section as applied in relation to 1268
the separate complaint filed by the defendant, that it should 1269
issue the order to require the complainant, alleged victim, or 1270
other family or household member in question to do or refrain 1271
from doing the act. 1272

(J) (1) Subject to division (J) (2) of this section and 1273
regardless of whether a protection order is issued or a consent 1274
agreement is approved by a court of another county or a court of 1275
another state, no court or unit of state or local government 1276
shall charge the movant any fee, cost, deposit, or money in 1277
connection with the filing of a motion pursuant to this section, 1278
in connection with the filing, issuance, registration, 1279
modification, enforcement, dismissal, withdrawal, or service of 1280
a protection order, consent agreement, or witness subpoena or 1281
for obtaining a certified copy of a protection order or consent 1282
agreement. 1283

(2) Regardless of whether a protection order is issued or 1284
a consent agreement is approved pursuant to this section, if the 1285
defendant is convicted the court may assess costs against the 1286

defendant in connection with the filing, issuance, registration, 1287
modification, enforcement, dismissal, withdrawal, or service of 1288
a protection order, consent agreement, or witness subpoena or 1289
for obtaining a certified copy of a protection order or consent 1290
agreement. 1291

(K) As used in this section: 1292

(1) "Companion animal" has the same meaning as in section 1293
959.131 of the Revised Code. 1294

(2) "Sexually oriented offense" has the same meaning as in 1295
section 2950.01 of the Revised Code. 1296

(3) "Victim advocate" means a person who provides support 1297
and assistance for a victim of an offense during court 1298
proceedings. 1299

Sec. 2923.13. (A) Unless relieved from disability under 1300
operation of law or legal process, no person shall knowingly 1301
acquire, have, carry, or use any firearm or dangerous ordnance, 1302
if any of the following apply: 1303

(1) The person is a fugitive from justice. 1304

(2) The person is under indictment for or has been 1305
convicted of any felony offense of violence or has been 1306
adjudicated a delinquent child for the commission of an offense 1307
that, if committed by an adult, would have been a felony offense 1308
of violence. 1309

(3) The person is under indictment for or has been 1310
convicted of any felony offense involving the illegal 1311
possession, use, sale, administration, distribution, or 1312
trafficking in any drug of abuse or has been adjudicated a 1313
delinquent child for the commission of an offense that, if 1314

committed by an adult, would have been a felony offense 1315
involving the illegal possession, use, sale, administration, 1316
distribution, or trafficking in any drug of abuse. 1317

(4) The person has been convicted of a violation of 1318
section 2919.25 or 2919.27 of the Revised Code. 1319

(5) The person is drug dependent, in danger of drug 1320
dependence, or a chronic alcoholic. 1321

~~(5)~~(6) The person is under adjudication of mental 1322
incompetence, has been adjudicated as a mental defective, has 1323
been committed to a mental institution, has been found by a 1324
court to be a mentally ill person subject to court order, or is 1325
an involuntary patient other than one who is a patient only for 1326
purposes of observation. As used in this division, "mentally ill 1327
person subject to court order" and "patient" have the same 1328
meanings as in section 5122.01 of the Revised Code. 1329

(7) The person is subject to a potential risk protection 1330
order issued under section 3113.27 of the Revised Code or an 1331
extension of such an order under section 3113.29 of the Revised 1332
Code, during the time that the order or extension is in effect. 1333

(B) Whoever violates this section is guilty of having 1334
weapons while under disability, a felony of the third degree. 1335

(C) For the purposes of this section, "under operation of 1336
law or legal process" shall not itself include mere completion, 1337
termination, or expiration of a sentence imposed as a result of 1338
a criminal conviction. 1339

Sec. 2923.14. (A) (1) Except as otherwise provided in 1340
division (A) (2) of this section, any person who is prohibited 1341
from acquiring, having, carrying, or using firearms may apply to 1342
the court of common pleas in the county in which the person 1343

resides for relief from such prohibition. 1344

(2) Division (A)(1) of this section does not apply to a 1345
person who has been convicted of or pleaded guilty to a 1346
violation of section 2923.132 of the Revised Code or to a person 1347
who, two or more times, has been convicted of or pleaded guilty 1348
to a felony and a specification of the type described in section 1349
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 1350
of the Revised Code. 1351

(B) The application shall recite the following: 1352

(1) All indictments, convictions, or adjudications upon 1353
which the applicant's disability is based, the sentence imposed 1354
and served, and any release granted under a community control 1355
sanction, post-release control sanction, or parole, any partial 1356
or conditional pardon granted, or other disposition of each 1357
case, or, if the disability is based upon a factor other than an 1358
indictment, a conviction, or an adjudication, the factor upon 1359
which the disability is based and all details related to that 1360
factor; 1361

(2) Facts showing the applicant to be a fit subject for 1362
relief under this section. 1363

(C) A copy of the application shall be served on the 1364
county prosecutor. The county prosecutor shall cause the matter 1365
to be investigated and shall raise before the court any 1366
objections to granting relief that the investigation reveals. 1367

(D) Upon hearing, the court may grant the applicant relief 1368
pursuant to this section, if all of the following apply: 1369

(1) One of the following applies: 1370

(a) If the disability is based upon an indictment, a 1371

conviction, or an adjudication, the applicant has been fully 1372
discharged from imprisonment, community control, post-release 1373
control, and parole, or, if the applicant is under indictment, 1374
has been released on bail or recognizance. 1375

(b) If the disability is based upon a factor other than an 1376
indictment, a conviction, or an adjudication, that factor no 1377
longer is applicable to the applicant. 1378

(2) The applicant has led a law-abiding life since 1379
discharge or release, and appears likely to continue to do so. 1380

(3) The applicant is not otherwise prohibited by law from 1381
acquiring, having, or using firearms. 1382

(E) Costs of the proceeding shall be charged as in other 1383
civil cases, and taxed to the applicant. 1384

(F) Relief from disability granted pursuant to this 1385
section restores the applicant to all civil firearm rights to 1386
the full extent enjoyed by any citizen, and is subject to the 1387
following conditions: 1388

(1) Applies only with respect to indictments, convictions, 1389
or adjudications, or to the other factor, recited in the 1390
application as the basis for the applicant's disability; 1391

(2) Applies only with respect to firearms lawfully 1392
acquired, possessed, carried, or used by the applicant; 1393

(3) May be revoked by the court at any time for good cause 1394
shown and upon notice to the applicant; 1395

(4) Is automatically void upon commission by the applicant 1396
of any offense set forth in division (A) (2) or (3) of section 1397
2923.13 of the Revised Code, upon conviction of the applicant of 1398
any offense set forth in division (A) (4) of that section, or 1399

upon the applicant's becoming one of the class of persons named 1400
in division (A) (1), ~~(4), or (5)~~, (6), or (7) of that section. 1401

(G) As used in this section: 1402

(1) "Community control sanction" has the same meaning as 1403
in section 2929.01 of the Revised Code. 1404

(2) "Post-release control" and "post-release control 1405
sanction" have the same meanings as in section 2967.01 of the 1406
Revised Code. 1407

Sec. 3113.26. As used in sections 3113.26 to 3113.30 of 1408
the Revised Code: 1409

(A) "Court" means the probate court in each county as 1410
defined in section 2101.01 of the Revised Code, unless the 1411
reference expressly refers to a court other than a probate 1412
court. 1413

(B) "Deadly weapon" has the same meaning as in section 1414
2923.11 of the Revised Code. 1415

(C) "Law enforcement officer" means a sheriff, deputy 1416
sheriff, member of the organized police department of any 1417
municipal corporation, member of a police force employed by a 1418
metropolitan housing authority under division (D) of section 1419
3735.31 of the Revised Code, or a state university law 1420
enforcement officer appointed under section 3345.04 of the 1421
Revised Code. 1422

(D) "Mental illness" and "mentally ill person subject to 1423
court order" have the same meanings as in section 5122.01 of the 1424
Revised Code. 1425

(E) "Family or household member" has the same meaning as 1426
in section 3113.31 of the Revised Code. 1427

(F) "Nonexempt deadly weapon" means any deadly weapon, 1428
other than a motor vehicle or equipment that the court issuing a 1429
potential risk protection order after a hearing has exempted 1430
from the order under division (B) (1) of section 3113.27 of the 1431
Revised Code. 1432

(G) "Petitioner" means a law enforcement officer who files 1433
a petition for a potential risk protection order under section 1434
3113.27 of the Revised Code. 1435

(H) "Respondent" means a person who is identified in a 1436
petition for a potential risk protection order filed under 1437
section 3113.27 of the Revised Code as the person with respect 1438
to whom the potential risk protection order will apply if the 1439
order is issued. 1440

(I) "Extended potential risk protection order" and 1441
"extended order" mean a potential risk protection order that has 1442
been extended under division (D) of section 3113.29 of the 1443
Revised Code. 1444

(J) "Public safety emergency" means either of the 1445
following: 1446

(1) A law enforcement officer has filed a petition under 1447
division (A) of section 3113.27 of the Revised Code based on 1448
division (A) of section 3113.261 of the Revised Code, and the 1449
officer has reasonable cause to believe that a person has 1450
possession, custody, or control of one or more deadly weapons 1451
and that it might be appropriate for the person to be subjected 1452
to a potential risk protection order; 1453

(2) A law enforcement officer has interviewed a person 1454
under division (B) of section 3113.261 of the Revised Code, 1455
division (B) (2) (a) of that section does not apply based on the 1456

interview, and the officer has reasonable cause to believe that 1457
the person has possession, custody, or control of one or more 1458
deadly weapons and that it might be appropriate for the person 1459
to be subjected to a potential risk protection order. 1460

(K) "Mental health professional" has the same meaning as 1461
in section 2305.51 of the Revised Code. 1462

Sec. 3113.261. (A) If a law enforcement officer arrests a 1463
person for a violation of section 2903.21, 2903.211, 2903.22, 1464
2909.23, 2909.24, 2911.11, 2911.211, 2917.21, 2917.31, or 1465
2917.32 of the Revised Code, and if the officer has reasonable 1466
cause to believe that the person has possession, custody, or 1467
control of one or more deadly weapons and that it might be 1468
appropriate for the person to be subjected to a potential risk 1469
protection order, the officer may file a petition under division 1470
(A) (1) of section 3113.27 of the Revised Code requesting that 1471
the court issue a potential risk protection order temporarily 1472
enjoining the person, who would be the respondent under the 1473
order, from having in the person's possession, custody, or 1474
control any deadly weapon. 1475

If a law enforcement officer files a petition under 1476
division (A) (1) of section 3113.27 of the Revised Code under 1477
authority of this division, all of the following apply: 1478

(1) The officer's filing of the petition based on the 1479
officer's reasonable cause to believe that the person has 1480
possession, custody, or control of one or more deadly weapons 1481
and that it might be appropriate for the person to be subjected 1482
to a potential risk protection order constitutes a public safety 1483
emergency; 1484

(2) Because of the public safety emergency described in 1485

division (A) (1) of this section, notwithstanding any other 1486
provision of the Revised Code or the Criminal Rules to the 1487
contrary, the person arrested shall be confined and shall not be 1488
released from confinement while the petition is pending, 1489
provided that in no case shall the person be confined due to the 1490
pendency of the petition for more than seventy-two hours after 1491
the petition is filed; 1492

(3) If bail is set for the person after the arrest and the 1493
filing of the petition, because of the public safety emergency 1494
described in division (A) (1) of this section, notwithstanding 1495
any other provision of the Revised Code or the Criminal Rules to 1496
the contrary, the person shall not be released on bail while the 1497
petition is pending, provided that in no case shall the person 1498
be confined due to the pendency of the petition for more than 1499
seventy-two hours after the petition is filed. 1500

(B) (1) Any person may present information to a law 1501
enforcement officer that asserts that the person has reasonable 1502
cause to believe that another person presents a significant risk 1503
of a type described in division (A) (2) (a) of section 3113.27 of 1504
the Revised Code. If a person presents information of that 1505
nature to a law enforcement officer with respect to another 1506
person, or if a law enforcement officer otherwise has reasonable 1507
cause to believe that a person presents a significant risk of a 1508
type described in division (A) (2) (a) of section 3113.27 of the 1509
Revised Code, the officer may interview the subject person. 1510

(2) Upon completion of an interview described in division 1511
(B) (1) of this section, the officer shall do one of the 1512
following: 1513

(a) If the officer has reason to believe that the person 1514
is a mentally ill person subject to court order and represents a 1515

substantial risk of physical harm to self or others if allowed 1516
to remain at liberty pending examination, the officer may take 1517
the person into custody and transport the person to a hospital 1518
or general hospital pursuant to division (A) (3) of section 1519
5122.10 of the Revised Code for the purposes described in that 1520
division and the officer may file a petition under division (A) 1521
(1) of section 3113.27 of the Revised Code requesting that the 1522
court issue a potential risk protection order temporarily 1523
enjoining the person, who would be the respondent under the 1524
order, from having in the person's possession, custody, or 1525
control any deadly weapon; 1526

(b) If the officer does not have reason to believe that 1527
the person is a mentally ill person subject to court order and 1528
represents a substantial risk of physical harm to self or others 1529
if allowed to remain at liberty pending examination, but the 1530
officer has reasonable cause to believe that the person has 1531
possession, custody, or control of one or more deadly weapons 1532
and that it might be appropriate for the person to be subjected 1533
to a potential risk protection order, the officer's reasonable 1534
cause to believe those facts constitutes a public safety 1535
emergency. 1536

Because of the public safety emergency described in this 1537
division, the officer immediately shall contact a mental health 1538
professional, consult with the mental health professional, and 1539
have the mental health professional interview the person and 1540
conduct a preliminary evaluation of the person. The mental 1541
health professional shall conduct the interview and preliminary 1542
evaluation at the same location at which the officer interviewed 1543
the person or, if that is not possible, at a mental health 1544
facility, a detention facility, or another suitable location. 1545
The officer shall remain with the person from the conclusion of 1546

the officer's interview with the person until the conclusion of 1547
the mental health professional's interview with, and preliminary 1548
evaluation of, the person. 1549

Because of the public safety emergency described in this 1550
division, notwithstanding any other provision of the Revised 1551
Code or the Criminal Rules to the contrary, the person may be 1552
confined at a mental health facility, a detention facility, or 1553
another suitable location until the mental health professional 1554
makes a decision based on the professional's interview with, and 1555
evaluation of, the person. The mental health professional shall 1556
make a decision based on the professional's interview with, and 1557
evaluation of, the person not later than twenty-four hours after 1558
being contacted by the law enforcement officer, and no person 1559
shall be confined under authority of this division for more than 1560
twenty-four hours. 1561

Upon the mental health professional's making a decision 1562
under this division, one of the following applies: 1563

(i) If the mental health professional and officer have 1564
reason to believe that the person is a mentally ill person 1565
subject to court order and represents a substantial risk of 1566
physical harm to self or others if allowed to remain at liberty 1567
pending examination, the officer may take the person into 1568
custody and transport the person to a hospital or general 1569
hospital pursuant to division (A) (3) of section 5122.10 of the 1570
Revised Code for the purposes described in that division and the 1571
officer may file a petition under division (A) (1) of section 1572
3113.27 of the Revised Code requesting that the court issue a 1573
potential risk protection order temporarily enjoining the 1574
person, who would be the respondent under the order, from having 1575
in the person's possession, custody, or control any deadly 1576

weapon; 1577

(ii) If the mental health professional and officer do not 1578
have reason to believe that the person is a mentally ill person 1579
subject to court order and represents a substantial risk of 1580
physical harm to self or others if allowed to remain at liberty 1581
pending examination, the person shall be released and the 1582
officer shall take no further action based on the officer's 1583
belief before the officer's interview that it might be 1584
appropriate for the person to be subjected to a potential risk 1585
protection order. This division does not affect the authority of 1586
a law enforcement officer to file a petition for a potential 1587
risk protection order under authority of division (A) of this 1588
section. 1589

(c) If neither division (B) (2) (a) nor (B) (2) (b) of this 1590
section applies, the officer shall take no further action based 1591
on the officer's interview or the officer's belief before the 1592
interview that it might be appropriate for the person to be 1593
subjected to a potential risk protection order. This division 1594
does not affect the authority of a law enforcement officer to 1595
file a petition for a potential risk protection order under 1596
authority of division (A) of this section. 1597

Sec. 3113.27. (A) (1) In the circumstances described in 1598
division (A) or (B) of section 3113.261 of the Revised Code, a 1599
law enforcement officer may file a petition in the probate court 1600
of the county in which a respondent resides, or in the probate 1601
court of a county in which a respondent engaged in an activity 1602
or made statements that were the basis of the law enforcement 1603
officer determining that the petition should be filed, 1604
requesting that the court issue a potential risk protection 1605
order temporarily enjoining the respondent from having in the 1606

respondent's possession, custody, or control any deadly weapon. 1607
The probate court has jurisdiction over all proceedings under 1608
this section and sections 3113.28 and 3113.29 of the Revised 1609
Code, unless the reference to a court expressly refers to a 1610
court other than a probate court. 1611

(2) A petition filed under division (A)(1) of this section 1612
shall do all of the following: 1613

(a) Allege facts showing that the respondent presents a 1614
significant risk in the near future of committing suicide, 1615
committing another form of serious self-harm less than death, or 1616
causing physical injury to another person; 1617

(b) Identify the number, types, and locations of any 1618
deadly weapons the petitioner believes to be in the respondent's 1619
possession, custody, or control at the time the petition is 1620
filed; 1621

(c) Include the respondent's residence address at the time 1622
the petition is filed as well as any other information the 1623
petitioner has concerning the whereabouts of the respondent, so 1624
that service of the petition on the respondent promptly can be 1625
made under division (A)(6) of this section; 1626

(d) Identify whether there is a current protection order 1627
or restraining order governing the respondent under section 1628
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1629
Code or under any other applicable statute; 1630

(e) If, at the time of the filing of the petition, the 1631
respondent is in custody under division (A) of section 5122.10 1632
of the Revised Code for an examination as a person who is 1633
believed to be a mentally ill person subject to court order and 1634
to represent a substantial risk of physical harm to self or 1635

others if allowed to remain at liberty pending examination, or 1636
is under confinement or disposition after the examination that 1637
is subsequent to that custody as described in division (E) or 1638
(F) of that section, state the fact of the custody or the 1639
confinement or disposition and the date on which the person was 1640
taken into custody, identify the location of the custody, and 1641
include a request that the hearing on the petition be expedited. 1642

(3) A petition for a potential risk protection order filed 1643
under division (A) (1) of this section shall be supported by a 1644
written affidavit signed by the petitioner under oath, an oral 1645
statement given by the petitioner under oath, or any other 1646
admissible evidence the petitioner may choose to produce that 1647
sets forth the facts alleged in the petition that give rise to a 1648
reasonable belief on the part of the petitioner that the 1649
respondent presents a significant risk of the type described in 1650
the petition. The petitioner also shall include with the 1651
petition an affidavit under oath that the petitioner has 1652
conducted an independent investigation of the circumstances 1653
giving rise to the filing of the petition and that there is good 1654
cause for the filing of the petition. 1655

(4) In any proceeding before the court in which the 1656
petitioner is seeking a potential risk protection order or an 1657
extension of an existing potential risk protection order, the 1658
petitioner has the burden of proof. 1659

(5) In any proceeding before the court in which the 1660
petitioner is seeking a potential risk protection order, the 1661
Rules of Civil Procedure and the Rules of Evidence shall apply. 1662

(6) Upon the filing of a petition for a potential risk 1663
protection order under division (A) (1) of this section, the 1664
court shall set a date for a hearing on the petition that is not 1665

later than three calendar days after the day on which the 1666
petition is filed. If the petition includes a request that the 1667
hearing be expedited, as described in division (A) (2) (e) of this 1668
section, the court shall hold the hearing at the earliest 1669
possible time, but not later than three calendar days after the 1670
day on which the petition is filed. On the same business day the 1671
petitioner files the petition, the court shall direct a law 1672
enforcement officer to serve on the respondent a copy of the 1673
petition and a notice of the hearing. The notice of the hearing 1674
shall notify the respondent of the date, time, and location of 1675
the hearing, of the respondent's opportunity to be heard to 1676
contest the issuance of a potential risk protection order, and 1677
of the opportunity for a family or household member of the 1678
respondent or business partner or associate of the respondent to 1679
be heard to request an exemption from the order of a motor 1680
vehicle or equipment needed by the family or household member, 1681
partner, or associate. On motion of the petitioner or 1682
respondent, or on its own motion, the court may grant a 1683
continuance of the hearing for any of the circumstances or 1684
reasons identified in divisions (A) (6) (a) to (e) of this section 1685
and, upon granting a continuance, the court shall notify the 1686
petitioner and respondent of the new date, time, and location of 1687
the hearing. Under any of the following circumstances or for any 1688
of the following reasons, the court may grant a continuance of 1689
the hearing to a reasonable time determined by the court: 1690

(a) Prior to the date scheduled for the hearing under this 1691
division, the respondent has not been served with the petition 1692
filed under this section and the notice of the hearing. 1693

(b) The petitioner and the respondent consent to the 1694
continuance. 1695

(c) The continuance is to allow either the petitioner or the respondent to obtain counsel. 1696
1697

(d) The continuance is needed for other good cause. 1698

(e) At the time of the filing of the petition, the respondent is in custody as described in division (A) (2) (e) of this section. 1699
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(7) If, at the time scheduled for the hearing under division (A) (6) of this section, the respondent is in custody or under confinement or disposition as described in division (A) (2) (e) of this section, the respondent shall be temporarily released from the custody or the confinement or disposition for the purpose of attending the hearing. If, on completion of the hearing, the period of the custody of the respondent for the examination or of the confinement or disposition as described in division (A) (2) (e) of this section has not ended and the respondent has not been discharged from that custody, confinement, or disposition, the respondent shall return to the hospital or other facility from which the respondent was temporarily released to attend the hearing. The court may direct that a law enforcement officer transport the respondent to and from the hearing. 1702
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(B) (1) (a) At the hearing for a potential risk protection order provided under division (A) (6) of this section, the petitioner must prove, by proof beyond a reasonable doubt, that the respondent presents a significant risk of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person in the near future to such an extent that the respondent should be immediately and temporarily enjoined from having in the respondent's possession, custody, or control any deadly weapon. 1717
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If the court at the hearing finds that the petitioner has so 1726
proved, the court may issue a potential risk protection order. 1727
Absent such a finding, the court shall not issue a potential 1728
risk protection order. 1729

(b) At the hearing for a potential risk protection order 1730
provided under division (A) (6) of this section, any family or 1731
household member of the respondent or business partner or 1732
associate of the respondent may request an exemption from the 1733
order of a motor vehicle or equipment that is needed by the 1734
family or household member, partner, or associate and present 1735
evidence as to the need for the motor vehicle or equipment. If 1736
the court at the hearing finds that the family or household 1737
member, partner, or associate has proved that the family or 1738
household member, partner, or associate needs the motor vehicle 1739
or equipment, except as otherwise provided in this division, the 1740
court may exempt the motor vehicle or equipment from the order. 1741
If the court exempts any motor vehicle or equipment from the 1742
order under authority of this division, the motor vehicle or 1743
equipment is not subject to retrieval under section 3113.28 of 1744
the Revised Code, the retrieval provisions of that section do 1745
not apply with respect to that motor vehicle or equipment, the 1746
respondent shall not possess or maintain the motor vehicle or 1747
equipment while the order is in effect, and the motor vehicle or 1748
equipment shall be possessed or used while the order is in 1749
effect only by the family or household member, partner, or 1750
associate. The limitations on the respondent's possession, 1751
maintenance, or use of the motor vehicle or equipment do not 1752
apply after the expiration or termination of the order. 1753

A court shall not exempt any motor vehicle or equipment 1754
from a potential risk protection order under authority of this 1755
division if the petitioner or a prosecutor proves to the court 1756

that the motor vehicle or equipment is needed as evidence in any 1757
pending or contemplated criminal action or proceeding. 1758

(2) In determining whether to issue a potential risk 1759
protection order under this section, the court shall consider 1760
all of the factors listed in division (C) of this section. 1761

(3) If the court at the hearing provided under division 1762
(A) (6) of this section finds, by proof beyond a reasonable 1763
doubt, that a potential risk protection order should be issued 1764
and issues the order, the order shall include all of the 1765
following: 1766

(a) A statement of the evidence presented and the court's 1767
findings supporting issuance of the order; 1768

(b) The date the order was issued; 1769

(c) The duration of the order, which shall be one hundred 1770
eighty days after the date on which the order is issued, and a 1771
notice that the duration of the order may be extended upon 1772
request of the petitioner if the court makes certain findings; 1773

(d) A notice to the respondent that, beginning ninety days 1774
after the order is issued, the respondent may file a petition 1775
with the court pursuant to section 3113.29 of the Revised Code 1776
for a hearing under that section to terminate the order and 1777
reclaim possession of the respondent's deadly weapons; 1778

(e) A notice that the order can be appealed to the court 1779
of appeals; 1780

(f) A notice that the issuance of a potential risk 1781
protection order under division (B) of this section, or the 1782
extension of such an order under section 3113.29 of the Revised 1783
Code, shall make it unlawful for the respondent to possess, 1784

purchase, acquire, or obtain any deadly weapon that is within 1785
the scope of the prohibition set forth in section 2923.13 of the 1786
Revised Code while the potential risk protection order or the 1787
extension is in effect; 1788

(g) If the court has exempted a motor vehicle or equipment 1789
from the order, a specific description of that motor vehicle or 1790
equipment, a statement that that motor vehicle or equipment is 1791
not subject to retrieval under section 3113.28 of the Revised 1792
Code, and a statement informing the respondent and law 1793
enforcement officers that the retrieval provisions of section 1794
3113.28 of the Revised Code do not apply with respect to that 1795
motor vehicle or equipment. 1796

(4) If the court issues a potential risk protection order 1797
under division (B) of this section, the court shall immediately 1798
direct a law enforcement officer to serve the order on the 1799
respondent as soon as possible, either at the residence address 1800
of the respondent as set forth in the petition or at any other 1801
location that either the petitioner or the law enforcement 1802
officer has reason to believe the respondent can be found and 1803
served. If, at that time, the respondent is in custody or under 1804
confinement or disposition as described in division (A) (2) (e) of 1805
this section, the law enforcement officer shall serve the order 1806
on the respondent at the hospital or other facility in which the 1807
respondent is in custody or under confinement or disposition. 1808
After the law enforcement officer serves the order on the 1809
respondent, the officer shall file with the court notice of 1810
service on the respondent. The notice of service shall state the 1811
date and time the respondent was served and the location at 1812
which the respondent was served. 1813

(5) A potential risk protection order issued under 1814

division (B) of this section shall inform the respondent that 1815
the court will issue a warrant under division (B) of section 1816
3113.28 of the Revised Code commanding a law enforcement officer 1817
in the county in which the respondent resides, or in a county in 1818
which the respondent engaged in an activity or made statements 1819
that were the basis of the law enforcement officer determining 1820
that the petition for the order should be filed, to enter the 1821
respondent's residence or any other property owned, leased, 1822
controlled, or inhabited by the respondent to search for and 1823
retrieve all nonexempt deadly weapons in the respondent's 1824
possession, custody, or control. A court that otherwise is 1825
required to issue a warrant as described in this paragraph may 1826
decide to not issue the warrant or to delay the issuance of the 1827
warrant, in the circumstances specified in division (B)(2) or 1828
(3) of section 3113.28 of the Revised Code. 1829

(C) (1) In determining whether to issue a potential risk 1830
protection order, the court shall consider all of the following: 1831

(a) Recent threats or acts of violence by the respondent 1832
directed toward any person; 1833

(b) Recent acts of the respondent's cruelty to animals; 1834

(c) The respondent's reckless use, display, or brandishing 1835
of any deadly weapon; 1836

(d) A history of suicide threats or attempts by the 1837
respondent or other attempts by the respondent to engage in any 1838
form of self-harm; 1839

(e) A history of the use, attempted use, or threatened use 1840
of physical force or violence by the respondent against another 1841
person; 1842

(f) The respondent's illegal use of controlled substances 1843

or abuse of alcohol; 1844

(g) A prior confinement of the respondent under section 1845
5122.10 or 5122.11 of the Revised Code that resulted in the 1846
respondent being found to be a mentally ill person subject to 1847
court order; 1848

(h) Any other factors that are relevant to an evaluation 1849
of whether the respondent presents a significant risk in the 1850
near future of committing suicide, committing another form of 1851
self-harm less than death, or causing physical injury to another 1852
person. 1853

(2) As used in division (C) (1) of this section: 1854

(a) "Recent" means at any time within the six-month period 1855
immediately prior to the filing of the petition requesting the 1856
issuance of a potential risk protection order with respect to 1857
which the hearing pertains. 1858

(b) "A history of" a specified type of activity or conduct 1859
means that the specified activity or conduct has occurred 1860
multiple times within the six-month period immediately prior to 1861
the filing of the petition requesting the issuance of a 1862
potential risk protection order with respect to which the 1863
hearing pertains. 1864

(D) Any evidence presented in a petition for a potential 1865
risk protection order under division (A) (1) of this section or 1866
in any hearing on such a petition that the respondent has been 1867
diagnosed with any mental illness or any other mental health 1868
condition is not sufficient by itself for the court to issue a 1869
potential risk protection order. For the potential risk 1870
protection order to be issued, the court must find that one or 1871
more of the factors listed in division (C) of this section 1872

applies, in addition to any mental illness or any other mental 1873
health condition from which the respondent may suffer. 1874

(E)(1) A copy of a potential risk protection order issued 1875
under division (B) of this section shall be issued to the 1876
petitioner, to the respondent, and to all law enforcement 1877
agencies that have jurisdiction to enforce the order. If the 1878
court that issued the order terminates or cancels the order, or 1879
if the order automatically terminates as a matter of law, the 1880
court shall cause the delivery of notice of the termination or 1881
cancellation to the same persons and entities that were issued a 1882
copy of the order. If the respondent appeals the order or an 1883
extension of the order to the court of appeals and the court of 1884
appeals overturns the decision of the probate court to issue or 1885
extend the order, the court of appeals shall cause the delivery 1886
of notice of its decision to the same persons and entities that 1887
were issued a copy of the order or of the extension of the 1888
order. 1889

(2) Any potential risk protection order issued under 1890
division (B) of this section shall be in a form that ensures 1891
that the order is accepted into the protection order database of 1892
the national crime information center (NCIC) maintained by the 1893
federal bureau of investigation. 1894

(3) Each law enforcement agency provided a copy of a 1895
potential risk protection order pursuant to division (E)(1) of 1896
this section shall ensure the order is entered into the law 1897
enforcement automated data system created by section 5503.10 of 1898
the Revised Code and known as LEADS within twenty-four hours of 1899
receipt. Upon the termination or cancellation of the order, or 1900
upon a decision of a court of appeals that overturns the 1901
decision of the probate court to issue or extend the order, the 1902

agency shall take all steps necessary to ensure that the order 1903
is removed from LEADS within twenty-four hours after receipt of 1904
notice of the termination, cancellation, or overturning of the 1905
order or extension and that the order is terminated, cleared, or 1906
canceled in the database of the national crime information 1907
center (NCIC) maintained by the federal bureau of investigation 1908
into which the order has been entered, as described in division 1909
(E) (2) of this section. 1910

Sec. 3113.28. (A) (1) If a court issues a potential risk 1911
protection order under section 3113.27 of the Revised Code , 1912
except as otherwise described in division (A) (2) of this 1913
section, the court that issued the order immediately shall issue 1914
a warrant to a law enforcement officer commanding the officer to 1915
search for and retrieve all non-exempt deadly weapons in the 1916
possession or control of the respondent. The law enforcement 1917
officer who served the warrant, not later than forty-eight hours 1918
after the warrant was served, shall file a return with the court 1919
that states that the warrant was served and that sets forth the 1920
time and date on which the warrant was served, the name and 1921
address of the respondent named in the warrant, and the serial 1922
number, make, and model or any other relevant description of 1923
each deadly weapon retrieved by the law enforcement officer. 1924

This division applies even if, when the order is issued, 1925
the respondent is in custody or under confinement or disposition 1926
as described in division (A) (2) (e) of section 3113.27 of the 1927
Revised Code. 1928

(2) If a court that otherwise is required to issue a 1929
warrant under division (A) (1) of this section determines that 1930
the respondent is in custody or that the respondent's deadly 1931
weapons already have been surrendered to and are in the 1932

possession of a law enforcement agency, the court may decide to 1933
delay the issuance of the warrant pending the respondent's 1934
release or the return of the deadly weapons to the respondent. 1935

(B)(1) Any law enforcement agency that has taken 1936
possession of a respondent's nonexempt deadly weapons pursuant 1937
to a potential risk protection order issued under section 1938
3113.27 of the Revised Code by a retrieval by a law enforcement 1939
officer under division (A) of this section, shall not mark, 1940
damage, deface, or destroy the deadly weapons while they are in 1941
the agency's possession. The agency shall maintain the integrity 1942
and identity of the deadly weapons in such a manner that, if the 1943
deadly weapons subsequently are to be returned to the 1944
respondent, they can be identified and returned to the 1945
respondent in the same condition they were in when they were 1946
retrieved. The agency shall not relinquish control of the deadly 1947
weapons other than pursuant to a provision of section 3113.29 of 1948
the Revised Code, pursuant to a sale as specified in division 1949
(F) of that section, or pursuant to a court order. 1950

(2) Any law enforcement agency that has taken possession 1951
of a respondent's nonexempt deadly weapons pursuant to a 1952
potential risk protection order issued under section 3113.27 of 1953
the Revised Code by a retrieval by a law enforcement officer 1954
under division (A) of this section, may transfer the 1955
respondent's deadly weapons for storage by the state highway 1956
patrol for the duration of the order. The state highway patrol 1957
shall issue the law enforcement agency that originally took 1958
possession of the respondent's deadly weapons a proof of 1959
transfer that includes the name and address of the respondent 1960
from whom the deadly weapons were received and the serial 1961
number, make, and model or any other relevant description of 1962
each transferred deadly weapon. The state highway patrol shall 1963

notify the court, the petitioner, and the respondent that the 1964
state highway patrol then is in possession of the respondent's 1965
deadly weapons. 1966

(3) A law enforcement agency that has taken possession of 1967
a respondent's nonexempt deadly weapons as described in division 1968
(B) (1) or (2) of this section, or the state highway patrol that 1969
has custody of a respondent's nonexempt deadly weapons as 1970
described in division (B) (2) of this section, shall make a 1971
record of the deadly weapons for purposes of sections 3113.26 to 1972
3113.30 of the Revised Code. Notwithstanding section 149.43 of 1973
the Revised Code, the record is confidential, is not a public 1974
record, and shall be used only for purposes of sections 3113.26 1975
to 3113.30 of the Revised Code. No person shall disseminate the 1976
record or any information on it, other than as required for 1977
purposes of sections 3113.26 to 3113.30 of the Revised Code or 1978
as required to do so pursuant to a court order. The agency or 1979
state highway patrol shall not submit the record or any 1980
information on it to any government entity for purposes of a 1981
centralized database and no government entity shall establish or 1982
maintain any centralized database including the record or any 1983
information on it. 1984

Sec. 3113.29. (A) A potential risk protection order issued 1985
by a court under section 3113.27 of the Revised Code shall be 1986
for a period of one hundred eighty days beginning on the date of 1987
issuance of the order, subject to termination as described in 1988
division (B) of this section. The initial one-hundred-eighty-day 1989
period may be extended for an additional period under division 1990
(D) of this section, and an order extended under that division 1991
may be further extended under that division. 1992

(B) (1) With respect to a potential risk protection order 1993

issued by a court under section 3113.27 of the Revised Code, 1994
beginning ninety days after the date of issuance of the order, 1995
the respondent may file a petition with the court that issued 1996
the order requesting a hearing to terminate the order and 1997
reclaim possession of the respondent's deadly weapons. If the 1998
order has been extended for an additional period under division 1999
(D) of this section, the respondent may file a motion of the 2000
type described in this division at any time after the extension. 2001

(2) Upon receipt of a petition described in division (B) 2002
(1) of this section, the court shall schedule a hearing on the 2003
petition and notify the petitioner and the respondent of the 2004
date, time, and location of the hearing. 2005

(3) In a hearing on a petition described in division (B) 2006
(1) of this section, the respondent has the burden of proving by 2007
a preponderance of the evidence that the respondent no longer 2008
presents a significant risk in the near future of committing 2009
suicide, committing another form of serious self-harm less than 2010
death, or causing physical injury to another person to such an 2011
extent that the respondent should be enjoined from having in the 2012
respondent's possession, custody, or control any deadly weapon. 2013
At any such hearing, the petitioner may present evidence to 2014
rebut the respondent's evidence or assertion that the respondent 2015
presently does not present such a risk. 2016

(4) Upon the completion of the hearing on a respondent's 2017
petition under division (B)(1) of this section and consideration 2018
of the record, the court shall do one of the following: 2019

(a) If the court finds that the respondent no longer 2020
presents a significant risk in the near future of committing 2021
suicide, committing another form of serious self-harm less than 2022
death, or causing physical injury to another person to such an 2023

extent that the respondent should be enjoined from having in the 2024
respondent's possession, custody, or control any deadly weapon, 2025
the court shall grant the respondent's petition, terminate the 2026
potential risk protection order, and order the law enforcement 2027
agency having custody of the deadly weapons to return them to 2028
the respondent upon the respondent's request as soon as 2029
possible, but not later than the end of the next business day 2030
after, the day on which the respondent makes the request. Upon 2031
receipt of the order, the law enforcement agency shall return 2032
the deadly weapons to the respondent upon the respondent's 2033
request. The agency shall return the deadly weapons to the 2034
respondent as soon as possible after, but not later than the end 2035
of the next business day after the day on which, the respondent 2036
makes the request. 2037

(b) If the court finds that the respondent continues to 2038
present a significant risk in the near future of committing 2039
suicide, committing another form of serious self-harm less than 2040
death, or causing physical injury to another person to such an 2041
extent that the respondent should be enjoined from having in the 2042
respondent's possession, custody, or control any deadly weapon, 2043
the court shall deny the respondent's petition and the potential 2044
risk protection order shall remain in effect for the remainder 2045
of the duration of the one-hundred-eighty-day period. In such a 2046
case, the respondent may not file a subsequent petition to 2047
reclaim the deadly weapons at any time during the remainder of 2048
the duration of the one-hundred-eighty-day period. 2049

(C) If a potential risk protection order has been issued 2050
by a court under section 3113.27 of the Revised Code and if the 2051
court has not terminated the order and ordered that the 2052
respondent's deadly weapons be returned to the respondent after 2053
a hearing under division (B) of this section, unless the order 2054

is extended for an additional period of not longer than one 2055
hundred eighty days under division (D) of this section, at the 2056
conclusion of the one-hundred-eighty-day period the order 2057
automatically terminates and the law enforcement agency having 2058
possession of the respondent's deadly weapons shall return them 2059
to the respondent upon the respondent's request. The agency 2060
shall return the deadly weapons to the respondent as soon as 2061
possible after, but not later than the end of the next business 2062
day after the day on which, the respondent makes the request. 2063

(D) (1) If a potential risk protection order has been 2064
issued by the court under section 3113.27 of the Revised Code 2065
and if the court has not terminated that original order and 2066
ordered that the respondent's deadly weapons be returned to the 2067
respondent after a hearing under division (B) of this section 2068
and the order has not automatically terminated by operation of 2069
law as described in division (C) of this section, at any time 2070
prior to the day that is one hundred sixty-five days after the 2071
date on which the order was issued, the petitioner may file a 2072
motion with the court that issued the order to extend the order 2073
for an additional period of not longer than one hundred eighty 2074
days. 2075

If a potential risk protection order has been issued by 2076
the court under section 3113.27 of the Revised Code, if the 2077
order has been extended under this division, and if the court 2078
has not terminated the extended potential risk protection order 2079
and ordered that the respondent's deadly weapons be returned to 2080
the respondent after a hearing under division (B) of this 2081
section and the order has not automatically terminated by 2082
operation of law as described in division (C) of this section, 2083
at any time prior to the day that is fifteen days before the 2084
date of termination of the extended order, the petitioner may 2085

file a motion with the court that issued the order to extend the 2086
order for an additional period of not longer than one hundred 2087
eighty days. 2088

Upon the filing of a motion as described in this division, 2089
the court shall schedule a hearing for a date and time that is 2090
prior to the expiration of the one-hundred-eighty-day period in 2091
the original potential risk protection order or prior to the 2092
expiration of the date of termination of the extended order, 2093
whichever is applicable. The court shall notify the petitioner 2094
and the respondent of the date, time, and location of the 2095
hearing. 2096

(2) At the hearing on a motion filed under division (D) (1) 2097
of this section, the petitioner must prove, by proof beyond a 2098
reasonable doubt, that the respondent continues to present a 2099
significant risk of committing suicide, committing another form 2100
of serious self-harm less than death, or causing physical injury 2101
to another person in the near future to such an extent that the 2102
respondent should remain temporarily enjoined from having in the 2103
respondent's possession, custody, or control any deadly weapon. 2104

(3) In determining at a hearing on a motion filed under 2105
division (D) (1) of this section whether to extend a potential 2106
risk protection order, whether an initial order or a previously 2107
extended order, the court shall consider all of the factors 2108
listed in division (C) of section 3113.27 of the Revised Code. 2109

(4) Upon the completion of a hearing on the petitioner's 2110
motion filed under division (D) (1) of this section and 2111
consideration of the record, the court shall do one of the 2112
following: 2113

(a) If the court finds that the petitioner has not proven 2114

by proof beyond a reasonable doubt that the respondent continues 2115
to present a significant risk in the near future of committing 2116
suicide, committing another form of serious self-harm less than 2117
death, or causing physical injury to another person to such an 2118
extent that the respondent should be enjoined from having 2119
possession, custody, or control of any deadly weapon, the court 2120
shall deny the petitioner's motion. If the court denies the 2121
petitioner's motion, the potential risk protection order shall 2122
expire at the end of the specified one-hundred-eighty-day period 2123
if the order is an initial order or on the date of termination 2124
of the extension if the order is an extended order, whichever is 2125
applicable, and the law enforcement agency having custody of the 2126
deadly weapons shall return them to the respondent upon the 2127
respondent's request after the expiration of the applicable 2128
specified period. The agency shall return the deadly weapons to 2129
the respondent as soon as possible after, but not later than the 2130
end of the next business day after the day on which, the 2131
respondent makes the request. 2132

(b) If the court finds that the petitioner has proven by 2133
proof beyond a reasonable doubt that the respondent continues to 2134
present a significant risk in the near future of committing 2135
suicide, committing another form of serious self-harm less than 2136
death, or causing physical injury to another person to such an 2137
extent that the respondent should be enjoined from having 2138
possession, custody, or control of any deadly weapon, the court 2139
shall grant the petitioner's motion and the court shall extend 2140
the current potential risk protection order for an additional 2141
period of not longer than one hundred eighty days immediately 2142
following the expiration of the specified one-hundred-eighty-day 2143
period if the order is an initial order or the date of 2144
termination of the extension if the order is an extended order, 2145

whichever is applicable. 2146

(5) Whether the court grants or denies the petitioner's 2147
motion under division (D) (1) of this section to extend the 2148
potential risk protection order, the court shall make a written 2149
statement of the evidence presented and the court's findings 2150
supporting the grant or denial of the motion and provide the 2151
same to the petitioner and the respondent. 2152

(6) If the court grants the petitioner's motion under 2153
division (D) (1) of this section to extend the potential risk 2154
protection order for an additional period of not longer than one 2155
hundred eighty days, the court shall do all of the following: 2156

(a) Notify the law enforcement agency that then possesses 2157
the respondent's deadly weapons that the court has extended the 2158
order for an additional period of not longer than one hundred 2159
eighty days and of the duration of the extension; 2160

(b) Notify the respondent that, at any time after the 2161
extension, the respondent may file a petition to terminate the 2162
order and reclaim the respondent's deadly weapons under the 2163
procedure set forth in division (B) of this section or that the 2164
respondent may appeal the extension of the order to the court of 2165
appeals. 2166

(E) A law enforcement agency having custody of any deadly 2167
weapons that were retrieved from a respondent who was subject to 2168
a potential risk protection order issued under section 3113.27 2169
of the Revised Code shall safely keep the deadly weapons until 2170
further order of the court that issued the order. 2171

(F) (1) A respondent who is subject to a potential risk 2172
protection order issued under section 3113.27 of the Revised 2173
Code and whose deadly weapons are in the possession of a law 2174

enforcement agency may request the court to order the law 2175
enforcement agency to sell one or more of those deadly weapons 2176
that lawfully may be sold, with the sale to be at auction, and 2177
to return the proceeds to the individual. The auction shall be 2178
under division (A) (2) of section 2981.12 of the Revised Code as 2179
if the deadly weapons were unclaimed or forfeited deadly weapons 2180
in the custody of the agency. The request shall specify each 2181
deadly weapon the respondent wishes to be sold. 2182

(2) If the respondent requests a sale of one or more 2183
deadly weapons under division (F) (1) of this section, the court 2184
shall order the law enforcement agency having custody of the 2185
specified deadly weapons to sell the specified deadly weapons at 2186
auction, unless the specified deadly weapons have or had serial 2187
numbers and the serial numbers have been obliterated. The 2188
auction shall be under division (A) (2) of section 2981.12 of the 2189
Revised Code as if the specified deadly weapons were unclaimed 2190
or forfeited deadly weapons in the custody of the agency. 2191

(3) If a court issues an order under division (F) (2) of 2192
this section, the court's order must require that all deadly 2193
weapons that are subject to the order be sold not more than 2194
three months after receipt of the order, and that the proceeds 2195
of the sale be distributed as follows: 2196

(a) The law enforcement agency may retain not more than 2197
three per cent of the sale price to pay the costs of the sale, 2198
including administrative costs and the auctioneer's fee and, if 2199
the agency retains any of the sale price under authority of this 2200
provision, the remainder of the proceeds of the sale shall be 2201
returned to the individual who owns the deadly weapon that is 2202
sold. 2203

(b) If the law enforcement agency does not retain any of 2204

the sale price under authority of division (F) (3) (a) of this 2205
section, the entire amount of the proceeds shall be returned to 2206
the respondent or individual who owns the deadly weapon that is 2207
sold. 2208

Sec. 3113.30. (A) No person shall file a petition for a 2209
potential risk protection order under section 3113.27 of the 2210
Revised Code alleging that a respondent presents a significant 2211
risk in the near future of committing suicide, committing 2212
another form of serious self-harm less than death, or causing 2213
physical injury to another person to such an extent that the 2214
respondent should be temporarily enjoined from having in the 2215
respondent's possession, custody, or control any deadly weapon 2216
if the person knows the allegation is false. 2217

(B) An individual injured in person or property by a 2218
violation of division (A) of this section has, and may recover 2219
full damages in, a civil action under section 2307.60 of the 2220
Revised Code. A civil action described in this division is in 2221
addition to, and does not preclude, any possible criminal 2222
prosecution of the person who violates division (A) of this 2223
section for the violation. 2224

Sec. 3113.31. (A) As used in this section: 2225

(1) "Domestic violence" means any of the following: 2226

(a) The occurrence of one or more of the following acts 2227
against a family or household member: 2228

(i) Attempting to cause or recklessly causing bodily 2229
injury; 2230

(ii) Placing another person by the threat of force in fear 2231
of imminent serious physical harm or committing a violation of 2232
section 2903.211 or 2911.211 of the Revised Code; 2233

(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	2234 2235 2236
(iv) Committing a sexually oriented offense.	2237
(b) The occurrence of one or more of the acts identified in divisions (A) (1) (a) (i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.	2238 2239 2240 2241
(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.	2242 2243 2244 2245 2246 2247 2248 2249
(3) "Family or household member" means any of the following:	2250 2251
(a) Any of the following who is residing with or has resided with the respondent:	2252 2253
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	2254 2255
(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	2256 2257 2258
(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	2259 2260 2261

as a spouse, or former spouse of the respondent.	2262
(b) The natural parent of any child of whom the respondent	2263
is the other natural parent or is the putative other natural	2264
parent.	2265
(4) "Person living as a spouse" means a person who is	2266
living or has lived with the respondent in a common law marital	2267
relationship, who otherwise is cohabiting with the respondent,	2268
or who otherwise has cohabited with the respondent within five	2269
years prior to the date of the alleged occurrence of the act in	2270
question.	2271
(5) "Victim advocate" means a person who provides support	2272
and assistance for a person who files a petition under this	2273
section.	2274
(6) "Sexually oriented offense" has the same meaning as in	2275
section 2950.01 of the Revised Code.	2276
(7) "Companion animal" has the same meaning as in section	2277
959.131 of the Revised Code.	2278
(8) "Dating relationship" means a relationship between	2279
individuals who have, or have had, a relationship of a romantic	2280
or intimate nature. "Dating relationship" does not include a	2281
casual acquaintanceship or ordinary fraternization in a business	2282
or social context.	2283
(9) "Person with whom the respondent is or was in a dating	2284
relationship" means an adult who, at the time of the conduct in	2285
question, is in a dating relationship with the respondent who	2286
also is an adult or who, within the twelve months preceding the	2287
conduct in question, has had a dating relationship with the	2288
respondent who also is an adult.	2289

(B) The court has jurisdiction over all proceedings under 2290
this section. The petitioner's right to relief under this 2291
section is not affected by the petitioner's leaving the 2292
residence or household to avoid further domestic violence. 2293

(C) A person may seek relief under this section on the 2294
person's own behalf, or any parent or adult household member may 2295
seek relief under this section on behalf of any other family or 2296
household member, by filing a petition with the court. The 2297
petition shall contain or state: 2298

(1) An allegation that the respondent engaged in domestic 2299
violence against a family or household member of the respondent 2300
or against a person with whom the respondent is or was in a 2301
dating relationship, including a description of the nature and 2302
extent of the domestic violence; 2303

(2) The relationship of the respondent to the petitioner, 2304
and to the victim if other than the petitioner; 2305

(3) If the petition is for protection of a person with 2306
whom the respondent is or was in a dating relationship, the 2307
facts upon which the court may conclude that a dating 2308
relationship existed between the person to be protected and the 2309
respondent; 2310

(4) A request for relief under this section. 2311

(D) (1) If a person who files a petition pursuant to this 2312
section requests an ex parte order, the court shall hold an ex 2313
parte hearing on the same day that the petition is filed. The 2314
court, for good cause shown at the ex parte hearing, may enter 2315
any temporary orders, with or without bond, including, but not 2316
limited to, an order described in division (E) (1) (a), (b), or 2317
(c) of this section, that the court finds necessary to protect 2318

the family or household member or the person with whom the 2319
respondent is or was in a dating relationship from domestic 2320
violence. Immediate and present danger of domestic violence to 2321
the family or household member or to the person with whom the 2322
respondent is or was in a dating relationship constitutes good 2323
cause for purposes of this section. Immediate and present danger 2324
includes, but is not limited to, situations in which the 2325
respondent has threatened the family or household member or 2326
person with whom the respondent is or was in a dating 2327
relationship with bodily harm, in which the respondent has 2328
threatened the family or household member or person with whom 2329
the respondent is or was in a dating relationship with a 2330
sexually oriented offense, or in which the respondent previously 2331
has been convicted of, pleaded guilty to, or been adjudicated a 2332
delinquent child for an offense that constitutes domestic 2333
violence against the family or household member or person with 2334
whom the respondent is or was in a dating relationship. 2335

(2) (a) If the court, after an ex parte hearing, issues an 2336
order described in division (E) (1) (b) or (c) of this section, 2337
the court shall schedule a full hearing for a date that is 2338
within seven court days after the ex parte hearing. If any other 2339
type of protection order that is authorized under division (E) 2340
of this section is issued by the court after an ex parte 2341
hearing, the court shall schedule a full hearing for a date that 2342
is within ten court days after the ex parte hearing. The court 2343
shall give the respondent notice of, and an opportunity to be 2344
heard at, the full hearing. The court shall hold the full 2345
hearing on the date scheduled under this division unless the 2346
court grants a continuance of the hearing in accordance with 2347
this division. Under any of the following circumstances or for 2348
any of the following reasons, the court may grant a continuance 2349

of the full hearing to a reasonable time determined by the 2350
court: 2351

(i) Prior to the date scheduled for the full hearing under 2352
this division, the respondent has not been served with the 2353
petition filed pursuant to this section and notice of the full 2354
hearing. 2355

(ii) The parties consent to the continuance. 2356

(iii) The continuance is needed to allow a party to obtain 2357
counsel. 2358

(iv) The continuance is needed for other good cause. 2359

(b) An ex parte order issued under this section does not 2360
expire because of a failure to serve notice of the full hearing 2361
upon the respondent before the date set for the full hearing 2362
under division (D) (2) (a) of this section or because the court 2363
grants a continuance under that division. 2364

(3) If a person who files a petition pursuant to this 2365
section does not request an ex parte order, or if a person 2366
requests an ex parte order but the court does not issue an ex 2367
parte order after an ex parte hearing, the court shall proceed 2368
as in a normal civil action and grant a full hearing on the 2369
matter. 2370

(E) (1) After an ex parte or full hearing, the court may 2371
grant any protection order, with or without bond, or approve any 2372
consent agreement to bring about a cessation of domestic 2373
violence against the family or household members or persons with 2374
whom the respondent is or was in a dating relationship. The 2375
order or agreement may: 2376

(a) Direct the respondent to refrain from abusing or from 2377

committing sexually oriented offenses against the family or 2378
household members or persons with whom the respondent is or was 2379
in a dating relationship; 2380

(b) With respect to a petition involving family or 2381
household members, grant possession of the residence or 2382
household to the petitioner or other family or household member, 2383
to the exclusion of the respondent, by evicting the respondent, 2384
when the residence or household is owned or leased solely by the 2385
petitioner or other family or household member, or by ordering 2386
the respondent to vacate the premises, when the residence or 2387
household is jointly owned or leased by the respondent, and the 2388
petitioner or other family or household member; 2389

(c) With respect to a petition involving family or 2390
household members, when the respondent has a duty to support the 2391
petitioner or other family or household member living in the 2392
residence or household and the respondent is the sole owner or 2393
lessee of the residence or household, grant possession of the 2394
residence or household to the petitioner or other family or 2395
household member, to the exclusion of the respondent, by 2396
ordering the respondent to vacate the premises, or, in the case 2397
of a consent agreement, allow the respondent to provide 2398
suitable, alternative housing; 2399

(d) With respect to a petition involving family or 2400
household members, temporarily allocate parental rights and 2401
responsibilities for the care of, or establish temporary 2402
parenting time rights with regard to, minor children, if no 2403
other court has determined, or is determining, the allocation of 2404
parental rights and responsibilities for the minor children or 2405
parenting time rights; 2406

(e) With respect to a petition involving family or 2407

household members, require the respondent to maintain support, 2408
if the respondent customarily provides for or contributes to the 2409
support of the family or household member, or if the respondent 2410
has a duty to support the petitioner or family or household 2411
member; 2412

(f) Require the respondent, petitioner, victim of domestic 2413
violence, or any combination of those persons, to seek 2414
counseling; 2415

(g) Require the respondent to refrain from entering the 2416
residence, school, business, or place of employment of the 2417
petitioner or, with respect to a petition involving family or 2418
household members, a family or household member; 2419

(h) Grant other relief that the court considers equitable 2420
and fair, including, but not limited to, ordering the respondent 2421
to permit the use of a motor vehicle by the petitioner or, with 2422
respect to a petition involving family or household members, 2423
other family or household members and the apportionment of 2424
household and family personal property; 2425

(i) Require that the respondent not remove, damage, hide, 2426
harm, or dispose of any companion animal owned or possessed by 2427
the petitioner; 2428

(j) Authorize the petitioner to remove a companion animal 2429
owned by the petitioner from the possession of the respondent; 2430

(k) Require a wireless service transfer in accordance with 2431
sections 3113.45 to 3113.459 of the Revised Code. 2432

(2) If a protection order has been issued pursuant to this 2433
section in a prior action involving the respondent and the 2434
petitioner or, with respect to a petition involving family or 2435
household members, one or more of the family or household 2436

members or victims, the court may include in a protection order 2437
that it issues a prohibition against the respondent returning to 2438
the residence or household. If it includes a prohibition against 2439
the respondent returning to the residence or household in the 2440
order, it also shall include in the order provisions of the type 2441
described in division (E) (7) of this section. This division does 2442
not preclude the court from including in a protection order or 2443
consent agreement, in circumstances other than those described 2444
in this division, a requirement that the respondent be evicted 2445
from or vacate the residence or household or refrain from 2446
entering the residence, school, business, or place of employment 2447
of the petitioner or, with respect to a petition involving 2448
family or household members, a family or household member, and, 2449
if the court includes any requirement of that type in an order 2450
or agreement, the court also shall include in the order 2451
provisions of the type described in division (E) (7) of this 2452
section. 2453

(3) (a) Any protection order issued or consent agreement 2454
approved under this section shall be valid until a date certain, 2455
but not later than five years from the date of its issuance or 2456
approval, or not later than the date a respondent who is less 2457
than eighteen years of age attains nineteen years of age, unless 2458
modified or terminated as provided in division (E) (8) of this 2459
section. 2460

(b) With respect to an order involving family or household 2461
members, subject to the limitation on the duration of an order 2462
or agreement set forth in division (E) (3) (a) of this section, 2463
any order under division (E) (1) (d) of this section shall 2464
terminate on the date that a court in an action for divorce, 2465
dissolution of marriage, or legal separation brought by the 2466
petitioner or respondent issues an order allocating parental 2467

rights and responsibilities for the care of children or on the 2468
date that a juvenile court in an action brought by the 2469
petitioner or respondent issues an order awarding legal custody 2470
of minor children. Subject to the limitation on the duration of 2471
an order or agreement set forth in division (E)(3)(a) of this 2472
section, any order under division (E)(1)(e) of this section 2473
shall terminate on the date that a court in an action for 2474
divorce, dissolution of marriage, or legal separation brought by 2475
the petitioner or respondent issues a support order or on the 2476
date that a juvenile court in an action brought by the 2477
petitioner or respondent issues a support order. 2478

(c) Any protection order issued or consent agreement 2479
approved pursuant to this section may be renewed in the same 2480
manner as the original order or agreement was issued or 2481
approved. 2482

(4) A court may not issue a protection order that requires 2483
a petitioner to do or to refrain from doing an act that the 2484
court may require a respondent to do or to refrain from doing 2485
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 2486
this section unless all of the following apply: 2487

(a) The respondent files a separate petition for a 2488
protection order in accordance with this section. 2489

(b) The petitioner is served notice of the respondent's 2490
petition at least forty-eight hours before the court holds a 2491
hearing with respect to the respondent's petition, or the 2492
petitioner waives the right to receive this notice. 2493

(c) If the petitioner has requested an ex parte order 2494
pursuant to division (D) of this section, the court does not 2495
delay any hearing required by that division beyond the time 2496

specified in that division in order to consolidate the hearing 2497
with a hearing on the petition filed by the respondent. 2498

(d) After a full hearing at which the respondent presents 2499
evidence in support of the request for a protection order and 2500
the petitioner is afforded an opportunity to defend against that 2501
evidence, the court determines that the petitioner has committed 2502
an act of domestic violence or has violated a temporary 2503
protection order issued pursuant to section 2919.26 of the 2504
Revised Code, that both the petitioner and the respondent acted 2505
primarily as aggressors, and that neither the petitioner nor the 2506
respondent acted primarily in self-defense. 2507

(5) No protection order issued or consent agreement 2508
approved under this section shall in any manner affect title to 2509
any real property. 2510

(6) (a) With respect to an order involving family or 2511
household members, if a petitioner, or the child of a 2512
petitioner, who obtains a protection order or consent agreement 2513
pursuant to division (E) (1) of this section or a temporary 2514
protection order pursuant to section 2919.26 of the Revised Code 2515
and is the subject of a parenting time order issued pursuant to 2516
section 3109.051 or 3109.12 of the Revised Code or a visitation 2517
or companionship order issued pursuant to section 3109.051, 2518
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 2519
this section granting parenting time rights to the respondent, 2520
the court may require the public children services agency of the 2521
county in which the court is located to provide supervision of 2522
the respondent's exercise of parenting time or visitation or 2523
companionship rights with respect to the child for a period not 2524
to exceed nine months, if the court makes the following findings 2525
of fact: 2526

(i) The child is in danger from the respondent;	2527
(ii) No other person or agency is available to provide the supervision.	2528 2529
(b) A court that requires an agency to provide supervision pursuant to division (E) (6) (a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.	2530 2531 2532 2533 2534
(7) (a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or 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, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.	2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547
(b) Division (E) (7) (a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court.	2548 2549 2550 2551 2552 2553 2554 2555

(8) (a) The court may modify or terminate as provided in 2556
division (E) (8) of this section a protection order or consent 2557
agreement that was issued after a full hearing under this 2558
section. The court that issued the protection order or approved 2559
the consent agreement shall hear a motion for modification or 2560
termination of the protection order or consent agreement 2561
pursuant to division (E) (8) of this section. 2562

(b) Either the petitioner or the respondent of the 2563
original protection order or consent agreement may bring a 2564
motion for modification or termination of a protection order or 2565
consent agreement that was issued or approved after a full 2566
hearing. The court shall require notice of the motion to be made 2567
as provided by the Rules of Civil Procedure. If the petitioner 2568
for the original protection order or consent agreement has 2569
requested that the petitioner's address be kept confidential, 2570
the court shall not disclose the address to the respondent of 2571
the original protection order or consent agreement or any other 2572
person, except as otherwise required by law. The moving party 2573
has the burden of proof to show, by a preponderance of the 2574
evidence, that modification or termination of the protection 2575
order or consent agreement is appropriate because either the 2576
protection order or consent agreement is no longer needed or 2577
because the terms of the original protection order or consent 2578
agreement are no longer appropriate. 2579

(c) In considering whether to modify or terminate a 2580
protection order or consent agreement issued or approved under 2581
this section, the court shall consider all relevant factors, 2582
including, but not limited to, the following: 2583

(i) Whether the petitioner consents to modification or 2584
termination of the protection order or consent agreement; 2585

(ii) Whether the petitioner fears the respondent;	2586
(iii) The current nature of the relationship between the petitioner and the respondent;	2587 2588
(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together;	2589 2590 2591 2592
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	2593 2594 2595
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	2596 2597
(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;	2598 2599 2600 2601
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	2602 2603 2604 2605 2606
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	2607 2608 2609 2610
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	2611 2612
(xi) The age and health of the respondent;	2613

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

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

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

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

(F) (1) A copy of any protection order, or consent agreement, that is issued, approved, modified, or terminated

under this section shall be issued by the court to the 2644
petitioner, to the respondent, and to all law enforcement 2645
agencies that have jurisdiction to enforce the order or 2646
agreement. The protection order or consent agreement shall be in 2647
a form that ensures that the protection order or consent 2648
agreement is accepted into the protection order database of the 2649
national crime information center (NCIC) maintained by the 2650
federal bureau of investigation. The court shall direct that a 2651
copy of an order be delivered to the respondent on the same day 2652
that the order is entered. If the court terminates or cancels 2653
the order, the court shall cause the delivery of notice of the 2654
termination or cancellation to the same persons and entities 2655
that were issued or delivered a copy of the order. 2656

(2) Upon the issuance of a protection order or the 2657
approval of a consent agreement under this section, the court 2658
shall provide the parties to the order or agreement with the 2659
following notice orally or by form: 2660

"NOTICE 2661

As a result of this order or consent agreement, it may be 2662
unlawful for you to possess or purchase a firearm, including a 2663
rifle, pistol, or revolver, or ammunition pursuant to federal 2664
law under 18 U.S.C. 922(g)(8) for the duration of this order or 2665
consent agreement. If you have any questions whether this law 2666
makes it illegal for you to possess or purchase a firearm or 2667
ammunition, you should consult an attorney." 2668

(3) All law enforcement agencies shall establish and 2669
maintain an index for the protection orders and the approved 2670
consent agreements delivered to the agencies pursuant to 2671
division (F)(1) of this section. With respect to each order and 2672
consent agreement delivered, each agency shall note on the index 2673

the date and time that it received the order or consent 2674
agreement. Each protection order and consent agreement received 2675
by a law enforcement agency pursuant to this section shall be 2676
entered by the agency into the law enforcement automated data 2677
system created by section 5503.10 of the Revised Code, and known 2678
as LEADS, within twenty-four hours after receipt. Upon the 2679
termination or cancellation of the order, the agency shall take 2680
all steps necessary to ensure that the order is removed from 2681
LEADS within twenty-four hours after receipt of notice of the 2682
termination or cancellation and that it is terminated, cleared, 2683
or canceled in the protection order database of the national 2684
crime information center (NCIC) maintained by the federal bureau 2685
of investigation. 2686

(4) Regardless of whether the petitioner has registered 2687
the order or agreement in the county in which the officer's 2688
agency has jurisdiction pursuant to division (N) of this 2689
section, any officer of a law enforcement agency shall enforce a 2690
protection order issued or consent agreement approved by any 2691
court in this state in accordance with the provisions of the 2692
order or agreement, including removing the respondent from the 2693
premises, if appropriate. 2694

(G) (1) Any proceeding under this section shall be 2695
conducted in accordance with the Rules of Civil Procedure, 2696
except that an order under this section may be obtained with or 2697
without bond. An order issued under this section, other than an 2698
ex parte order, that grants a protection order or approves a 2699
consent agreement, that refuses to grant a protection order or 2700
approve a consent agreement that modifies or terminates a 2701
protection order or consent agreement, or that refuses to modify 2702
or terminate a protection order or consent agreement, is a 2703
final, appealable order. The remedies and procedures provided in 2704

this section are in addition to, and not in lieu of, any other 2705
available civil or criminal remedies. 2706

(2) If as provided in division (G) (1) of this section an 2707
order issued under this section, other than an ex parte order, 2708
refuses to grant a protection order, the court, on its own 2709
motion, shall order that the ex parte order issued under this 2710
section and all of the records pertaining to that ex parte order 2711
be sealed after either of the following occurs: 2712

(a) No party has exercised the right to appeal pursuant to 2713
Rule 4 of the Rules of Appellate Procedure. 2714

(b) All appellate rights have been exhausted. 2715

(H) The filing of proceedings under this section does not 2716
excuse a person from filing any report or giving any notice 2717
required by section 2151.421 of the Revised Code or by any other 2718
law. When a petition under this section alleges domestic 2719
violence against minor children, the court shall report the 2720
fact, or cause reports to be made, to a county, township, or 2721
municipal peace officer under section 2151.421 of the Revised 2722
Code. 2723

(I) Any law enforcement agency that investigates a 2724
domestic dispute shall provide information to the family or 2725
household members involved, or the persons in the dating 2726
relationship who are involved, whichever is applicable regarding 2727
the relief available under this section and, for family or 2728
household members, section 2919.26 of the Revised Code. 2729

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2730
section and regardless of whether a protection order is issued 2731
or a consent agreement is approved by a court of another county 2732
or a court of another state, no court or unit of state or local 2733

government shall charge the petitioner any fee, cost, deposit, 2734
or money in connection with the filing of a petition pursuant to 2735
this section or in connection with the filing, issuance, 2736
registration, modification, enforcement, dismissal, withdrawal, 2737
or service of a protection order, consent agreement, or witness 2738
subpoena or for obtaining a certified copy of a protection order 2739
or consent agreement. 2740

(2) Regardless of whether a protection order is issued or 2741
a consent agreement is approved pursuant to this section, the 2742
court may assess costs against the respondent in connection with 2743
the filing, issuance, registration, modification, enforcement, 2744
dismissal, withdrawal, or service of a protection order, consent 2745
agreement, or witness subpoena or for obtaining a certified copy 2746
of a protection order or consent agreement. 2747

(K) (1) The court shall comply with Chapters 3119., 3121., 2748
3123., and 3125. of the Revised Code when it makes or modifies 2749
an order for child support under this section. 2750

(2) If any person required to pay child support under an 2751
order made under this section on or after April 15, 1985, or 2752
modified under this section on or after December 31, 1986, is 2753
found in contempt of court for failure to make support payments 2754
under the order, the court that makes the finding, in addition 2755
to any other penalty or remedy imposed, shall assess all court 2756
costs arising out of the contempt proceeding against the person 2757
and require the person to pay any reasonable attorney's fees of 2758
any adverse party, as determined by the court, that arose in 2759
relation to the act of contempt. 2760

(L) (1) A person who violates a protection order issued or 2761
a consent agreement approved under this section is subject to 2762
the following sanctions: 2763

(a) Criminal prosecution or a delinquent child proceeding 2764
for a violation of section 2919.27 of the Revised Code, if the 2765
violation of the protection order or consent agreement 2766
constitutes a violation of that section; 2767

(b) Punishment for contempt of court. 2768

(2) The punishment of a person for contempt of court for 2769
violation of a protection order issued or a consent agreement 2770
approved under this section does not bar criminal prosecution of 2771
the person or a delinquent child proceeding concerning the 2772
person for a violation of section 2919.27 of the Revised Code. 2773
However, a person punished for contempt of court is entitled to 2774
credit for the punishment imposed upon conviction of or 2775
adjudication as a delinquent child for a violation of that 2776
section, and a person convicted of or adjudicated a delinquent 2777
child for a violation of that section shall not subsequently be 2778
punished for contempt of court arising out of the same activity. 2779

(M) In all stages of a proceeding under this section, a 2780
petitioner may be accompanied by a victim advocate. 2781

(N) (1) A petitioner who obtains a protection order or 2782
consent agreement under this section or a temporary protection 2783
order under section 2919.26 of the Revised Code may provide 2784
notice of the issuance or approval of the order or agreement to 2785
the judicial and law enforcement officials in any county other 2786
than the county in which the order is issued or the agreement is 2787
approved by registering that order or agreement in the other 2788
county pursuant to division (N) (2) of this section and filing a 2789
copy of the registered order or registered agreement with a law 2790
enforcement agency in the other county in accordance with that 2791
division. A person who obtains a protection order issued by a 2792
court of another state may provide notice of the issuance of the 2793

order to the judicial and law enforcement officials in any 2794
county of this state by registering the order in that county 2795
pursuant to section 2919.272 of the Revised Code and filing a 2796
copy of the registered order with a law enforcement agency in 2797
that county. 2798

(2) A petitioner may register a temporary protection 2799
order, protection order, or consent agreement in a county other 2800
than the county in which the court that issued the order or 2801
approved the agreement is located in the following manner: 2802

(a) The petitioner shall obtain a certified copy of the 2803
order or agreement from the clerk of the court that issued the 2804
order or approved the agreement and present that certified copy 2805
to the clerk of the court of common pleas or the clerk of a 2806
municipal court or county court in the county in which the order 2807
or agreement is to be registered. 2808

(b) Upon accepting the certified copy of the order or 2809
agreement for registration, the clerk of the court of common 2810
pleas, municipal court, or county court shall place an 2811
endorsement of registration on the order or agreement and give 2812
the petitioner a copy of the order or agreement that bears that 2813
proof of registration. 2814

(3) The clerk of each court of common pleas, the clerk of 2815
each municipal court, and the clerk of each county court shall 2816
maintain a registry of certified copies of temporary protection 2817
orders, protection orders, or consent agreements that have been 2818
issued or approved by courts in other counties and that have 2819
been registered with the clerk. 2820

(O) Nothing in this section prohibits the domestic 2821
relations division of a court of common pleas in counties that 2822

have a domestic relations division or a court of common pleas in 2823
counties that do not have a domestic relations division from 2824
designating a minor child as a protected party on a protection 2825
order or consent agreement. 2826

Sec. 3113.99. (A) Whoever violates section 3113.06 of the 2827
Revised Code is guilty of a misdemeanor of the first degree. If 2828
the offender previously has been convicted of or pleaded guilty 2829
to a violation of section 3113.06 of the Revised Code or if the 2830
court finds that the offender has failed to pay the cost of 2831
child maintenance under section 3113.06 of the Revised Code for 2832
a total accumulated period of twenty-six weeks out of one 2833
hundred four consecutive weeks, whether or not the twenty-six 2834
weeks were consecutive, a violation of section 3113.06 of the 2835
Revised Code is a felony of the fifth degree. 2836

(B) Whoever violates division (A) of section 3113.30 of 2837
the Revised Code is guilty of a felony of the fifth degree. 2838

Sec. 5122.10. (A) (1) Any of the following who has reason 2839
to believe that a person is a mentally ill person subject to 2840
court order and represents a substantial risk of physical harm 2841
to self or others if allowed to remain at liberty pending 2842
examination may take the person into custody and may immediately 2843
transport the person to a hospital or, notwithstanding section 2844
5119.33 of the Revised Code, to a general hospital not licensed 2845
by the department of mental health and addiction services where 2846
the person may be held for the period prescribed in divisions 2847
(A) to (E) of this section: 2848

(a) A psychiatrist; 2849

(b) A licensed physician; 2850

(c) A licensed clinical psychologist; 2851

(d) A clinical nurse specialist who is certified as a 2852
psychiatric-mental health CNS by the American nurses 2853
credentialing center; 2854

(e) A certified nurse practitioner who is certified as a 2855
psychiatric-mental health NP by the American nurses 2856
credentialing center; 2857

(f) A health officer; 2858

(g) A parole officer; 2859

(h) A police officer; 2860

(i) A sheriff. 2861

(2) If the chief of the adult parole authority or a parole 2862
or probation officer with the approval of the chief of the 2863
authority has reason to believe that a parolee, an offender 2864
under a community control sanction or post-release control 2865
sanction, or an offender under transitional control is a 2866
mentally ill person subject to court order and represents a 2867
substantial risk of physical harm to self or others if allowed 2868
to remain at liberty pending examination, the chief or officer 2869
may take the parolee or offender into custody and may 2870
immediately transport the parolee or offender to a hospital or, 2871
notwithstanding section 5119.33 of the Revised Code, to a 2872
general hospital not licensed by the department of mental health 2873
and addiction services where the parolee or offender may be held 2874
for the period prescribed in divisions (A) to (E) of this 2875
section. 2876

(3) In the circumstances described in division (B) (2) (a) 2877
or (B) (2) (b) (i) of section 3113.261 of the Revised Code, upon 2878
the filing under section 3113.27 of the Revised Code of the 2879
petition requesting the issuance of a potential risk protection 2880

order with respect to the person, a law enforcement officer may 2881
take a person into custody and may immediately transport the 2882
person to a hospital or, notwithstanding section 5119.33 of the 2883
Revised Code, to a general hospital not licensed by the 2884
department of mental health and addiction services where the 2885
person may be held for the period prescribed in division (F) of 2886
this section. Division (A) (3) of this section is separate from 2887
and independent of, and does not limit or affect the operation 2888
of, divisions (A) (1) and (2) of this section. The filing of the 2889
petition under section 3113.27 of the Revised Code requesting 2890
the issuance of a potential risk protection order with respect 2891
to the person and the taking of the person into custody and 2892
transport of the person to a facility under this section is a 2893
public safety emergency. 2894

If a person, parolee, or offender is taken into custody 2895
under division (A) (1) or (2) of this section, divisions (A) (3) 2896
and (F) of this section do not limit or affect the authority of 2897
a law enforcement officer to file a petition with a court under 2898
section 3113.27 of the Revised Code requesting the issuance of a 2899
potential risk protection order to apply with respect to the 2900
person under authority of division (A) of section 3113.261 of 2901
the Revised Code. 2902

(B) A written statement shall be given to the hospital by 2903
the individual authorized under division (A) (1) or (2) of this 2904
section to transport the person. The statement shall specify the 2905
circumstances under which such person was taken into custody and 2906
the reasons for the belief that the person is a mentally ill 2907
person subject to court order and represents a substantial risk 2908
of physical harm to self or others if allowed to remain at 2909
liberty pending examination. This statement shall be made 2910
available to the respondent or the respondent's attorney upon 2911

request of either. 2912

(C) Every reasonable and appropriate effort shall be made 2913
to take persons into custody under division (A) of this section 2914
in the least conspicuous manner possible. A person taking the 2915
respondent into custody pursuant to division (A) of this section 2916
shall explain to the respondent: the name and professional 2917
designation and affiliation of the person taking the respondent 2918
into custody; that the custody-taking is not a criminal arrest; 2919
and that the person is being taken for examination by mental 2920
health professionals at a specified mental health facility 2921
identified by name. If the person is taken into custody under 2922
division (A) (3) of this section, the law enforcement officer who 2923
takes the person into custody shall inform the person that an 2924
officer has petitioned a court under section 3113.27 of the 2925
Revised Code requesting the issuance of a potential risk 2926
protection order to apply with respect to the person. 2927

(D) If a person taken into custody under division (A) of 2928
this section is transported to a general hospital, the general 2929
hospital may admit the person, or provide care and treatment for 2930
the person, or both, notwithstanding section 5119.33 of the 2931
Revised Code, but by the end of twenty-four hours after arrival 2932
at the general hospital, the person shall be transferred to a 2933
hospital as defined in section 5122.01 of the Revised Code. 2934

(E) A person transported or transferred to a hospital or 2935
community mental health services provider under divisions (A) to 2936
(D) of this section shall be examined by the staff of the 2937
hospital or services provider within twenty-four hours after 2938
arrival at the hospital or services provider. If to conduct the 2939
examination requires that the person remain overnight, the 2940
hospital or services provider shall admit the person in an 2941

unclassified status until making a disposition under this 2942
section. After the examination, if the chief clinical officer of 2943
the hospital or services provider believes that the person is 2944
not a mentally ill person subject to court order, subject to 2945
divisions (F) (2) and (3) of this section, the chief clinical 2946
officer shall release or discharge the person immediately unless 2947
a court has issued a temporary order of detention applicable to 2948
the person under section 5122.11 of the Revised Code. After the 2949
examination, if the chief clinical officer believes that the 2950
person is a mentally ill person subject to court order, the 2951
chief clinical officer may detain the person for not more than 2952
three court days following the day of the examination, subject 2953
to extension under divisions (F) (2) and (3) of this section, and 2954
during such period admit the person as a voluntary patient under 2955
section 5122.02 of the Revised Code or file an affidavit under 2956
section 5122.11 of the Revised Code. If neither action is taken 2957
and a court has not otherwise issued a temporary order of 2958
detention applicable to the person under section 5122.11 of the 2959
Revised Code, subject to divisions (F) (2) and (3) of this 2960
section, the chief clinical officer shall discharge the person 2961
at the end of the three-day period unless the person has been 2962
sentenced to the department of rehabilitation and correction and 2963
has not been released from the person's sentence, in which case 2964
the person shall be returned to that department. 2965

(F) (1) When a person is taken into custody as described in 2966
division (A) (3) of this section for transport or transfer to a 2967
hospital, except as otherwise provided in this division, the law 2968
enforcement officer who takes the person into custody shall not 2969
take custody or possession of any deadly weapons present when 2970
the person is taken into custody. This division does not limit 2971
or restrict a law enforcement officer who takes a person into 2972

custody as described in this division from taking custody or 2973
possession of any deadly weapons as otherwise permitted by law. 2974

(2) If a person is taken into custody as described in 2975
division (A) (3) of this section for transport or transfer to a 2976
hospital and if, after the examination of the person under 2977
division (E) of this section, the chief clinical officer of the 2978
hospital or services provider believes that the person is not a 2979
mentally ill person subject to court order, one of the following 2980
applies: 2981

(a) If a court has issued a temporary order of detention 2982
applicable to the person under section 5122.11 of the Revised 2983
Code that provides for a longer period of detention, the person 2984
shall be detained in accordance with the order, provided that, 2985
because of the public safety emergency, except as otherwise 2986
provided in this division, the person shall remain confined 2987
pending the hearing under section 3113.27 of the Revised Code on 2988
the petition requesting the issuance of a potential risk 2989
protection order with respect to the person. In no case shall 2990
the person be confined due to the pendency of the petition for 2991
more than seventy-two hours after the petition is filed. 2992

(b) If the person is not detained as described in division 2993
(F) (2) (a) of this section, because of the public safety 2994
emergency, the person shall remain confined pending the hearing 2995
under section 3113.27 of the Revised Code on the petition 2996
requesting the issuance of a potential risk protection order 2997
with respect to the person, provided that in no case shall the 2998
person be confined due to the pendency of the petition for more 2999
than seventy-two hours after the petition is filed. 3000

(3) If a person is taken into custody under division (A) 3001
(3) of this section for transport or transfer to a hospital and 3002

if, after the examination of the person under division (E) of 3003
this section, the chief clinical officer of the hospital or 3004
services provider believes that the person is a mentally ill 3005
person subject to court order and detains the person following 3006
the examination under authority of division (E) of this section, 3007
one of the following applies: 3008

(a) If the chief clinical officer admits the person as a 3009
voluntary patient under section 5122.02 of the Revised Code or 3010
files an affidavit under section 5122.11 of the Revised Code or 3011
if a court has issued a temporary order of detention applicable 3012
to the person under section 5122.11 of the Revised Code, the 3013
person shall be detained in accordance with the provisions of 3014
the applicable section or order, provided that, because of the 3015
public safety emergency, except as otherwise specified in this 3016
division, the person shall remain confined pending the hearing 3017
under section 3113.27 of the Revised Code on the petition 3018
requesting the issuance of a potential risk protection order 3019
with respect to the person. In no case shall the person be 3020
confined due to the pendency of the petition for more than 3021
seventy-two hours after the petition is filed. 3022

(b) If the chief clinical officer does not admit the 3023
person as a voluntary patient or file an affidavit and a court 3024
has not issued a temporary order of detention, as described in 3025
division (F)(3)(a) of this section, because of the public safety 3026
emergency, the person shall remain confined pending the hearing 3027
under section 3113.27 of the Revised Code on the petition 3028
requesting the issuance of a potential risk protection order 3029
with respect to the person, provided that in no case shall the 3030
person be confined due to the pendency of the petition for more 3031
than seventy-two hours after the petition is filed. 3032

(4) If a person is taken into custody as described in 3033
division (A) (1), (2), or (3) of this section for transport or 3034
transfer to a hospital, and if the person was taken into such 3035
custody after the issuance of a potential risk protection order 3036
that applies to the person but before the person's deadly 3037
weapons were retrieved under the order or the person was taken 3038
into such custody before the issuance of a potential risk 3039
protection order that applies to the person and such an order 3040
was issued while the person was in that custody or under any 3041
other disposition of a type described in division (E) of this 3042
section that is subsequent and related to that custody, division 3043
(A) (1) of section 3113.28 of the Revised Code applies with 3044
respect to the person. 3045

(5) As used in divisions (F) (1) to (5) of this section: 3046

(a) "Deadly weapon" has the same meaning as in section 3047
2923.11 of the Revised Code. 3048

(b) "Potential risk protection order" means an order 3049
issued under section 3113.27 of the Revised Code. 3050

Section 2. That existing sections 2151.34, 2903.213, 3051
2903.214, 2919.26, 2923.13, 2923.14, 3113.31, 3113.99, and 3052
5122.10 of the Revised Code are hereby repealed. 3053

Section 3. Section 2923.13 of the Revised Code is 3054
presented in this act as a composite of the section as amended 3055
by both H.B. 234 and S.B. 43 of the 130th General Assembly. The 3056
General Assembly, applying the principle stated in division (B) 3057
of section 1.52 of the Revised Code that amendments are to be 3058
harmonized if reasonably capable of simultaneous operation, 3059
finds that the composite is the resulting version of the section 3060
in effect prior to the effective date of the section as 3061

presented in this act. 3062

Section 4. This act shall be known as the Mental Health 3063
Awareness and Community Violence Protection Act. 3064