



# Ohio Judicial Conference

The Voice of Ohio Judges

**House Criminal Justice Committee**  
**Paul Pfeifer**  
**Interested Party Testimony on House Bill 3**  
**May 20, 2021**

Chair LaRe, Vice Chair Swearingen, Ranking Member Leland and members of the House Criminal Justice Committee, I thank you for this opportunity to submit interested party testimony for House Bill 3 on behalf of the Ohio Judicial Conference. I am Paul Pfeifer, Executive Director of the Judicial Conference.

The OJC's Criminal and Domestic Relations Law & Procedure Committees have reviewed and discussed H.B. 3 and its prior versions on numerous occasions. This legislation has improved significantly since the OJC provided opponent testimony nearly two years ago. We believe the current version of this bill has been well-vetted thanks to the sponsors' interested party process during the 133rd General Assembly. We have spent significant time working with the sponsors to improve the bill, especially the "Emergency Protection Order" statute in proposed R.C. 2919.261. The EPO is our preferred way to provide additional protection for victims when courts are closed on weekends, rather than require that the courts to remain open 24/7 to receive a protection order petition. We have no concerns with the bill as currently written, but would be happy to discuss further improvements with this Committee if warranted.

We would also like to take this opportunity to mention two issues with domestic violence law that we would like to see addressed in H.B. 3 or another bill. First, R.C. 2903.214, the Civil Stalking Protection Order statute, contains a drafting error. It states that "'Family or household member' has the same meaning as in section 3113.31 of the Revised Code." The definition of "Family or household member" in R.C. 3113.31, the Dating Violence and Domestic Violence statute, concerns relatives of the respondent. R.C. 2903.214 allows someone to petition the court on behalf of their "Family or household member," thus it applies to relatives of the petitioner. There could be fixed by copying the definition from R.C. 3113.31 and substituting "respondent" with "petitioner."

The second issue appears to be an unintended gap in R.C. 3113.31, the Dating Violence and Domestic Violence statute. Several judges have reported an inability to grant a dating violence protection order to a minor who was dating an adult. This comes up most often with a teenage girl, age 15 to 17, who was dating an adult, age 18 to 20, and now needs a protection order against their ex-boyfriend. The (A)(9) provision requires both the petitioner and respondent to be adults. Since the respondent is an adult, the petition could not be filed in juvenile court, leaving no venue for the minor domestic violence victim. We think this could be fixed by amending (A)(9) like this:

“Person with whom the respondent is or was in a dating relationship’ means ~~an adult~~ a person who, at the time of the conduct in question, is in a dating relationship with the respondent who ~~also~~ is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the respondent who ~~also~~ is an adult.”

We thank you for the opportunity to testify on H.B. 3. We also thank the sponsors, Representative Boyd and Representative Carruthers, for their work on this bill, and their willingness to listen to and incorporate our feedback into the prior versions of this bill. If any changes are being considered for this bill, we would be happy to review them. Although I am unavailable to testify in-person, I can follow-up on any questions you may have.