

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 305**

**Representatives Antonio, Boyd**

**Cosponsors: Representatives Smith, K., Lepore-Hagan, Kent, Boggs, Sheehy,  
Craig, Kelly, Sykes, Celebrezze, Fedor**

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**A BILL**

To amend sections 2151.34, 2903.13, 2903.21, 1  
2903.214, 2919.25, 2919.26, 2923.13, and 3113.31 2  
and to enact section 2923.133 of the Revised 3  
Code to require a court that issues a protection 4  
order to determine if the respondent is 5  
prohibited from carrying or possessing a 6  
firearm, to require a court to determine whether 7  
an offender who has been convicted of specified 8  
offenses is prohibited from carrying or 9  
possessing a firearm, and to require a 10  
respondent or offender who the court determines 11  
is prohibited from carrying or possessing a 12  
firearm to transfer all firearms in the person's 13  
possession to a law enforcement agency or a 14  
federally licensed firearms dealer. 15

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

**Section 1.** That sections 2151.34, 2903.13, 2903.21, 16  
2903.214, 2919.25, 2919.26, 2923.13, and 3113.31 be amended and 17  
section 2923.133 of the Revised Code be enacted to read as 18

follows:	19
<b>Sec. 2151.34.</b> (A) As used in this section:	20
(1) "Court" means the juvenile division of the court of common pleas of the county in which the person to be protected by the protection order resides.	21 22 23
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	24 25 26
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	27 28
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	29 30
(5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed.	31 32 33
(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.	34 35 36
(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	37 38
(8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	39 40
(9) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	41 42
(B) The court has jurisdiction over all proceedings under this section.	43 44
(C) (1) Any of the following persons may seek relief under	45

this section by filing a petition with the court:	46
(a) Any person on behalf of that person;	47
(b) Any parent or adult family or household member on behalf of any other family or household member;	48 49
(c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child.	50 51 52
(2) The petition shall contain or state all of the following:	53 54
(a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation;	55 56 57 58 59 60 61 62
(b) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;	63 64 65 66 67 68 69 70
(c) A request for relief under this section.	71
(3) <u>A petitioner may include a statement in the petition that describes the number, types, and locations of any firearms</u>	72 73

that the petitioner knows to be in the possession or control of 74  
the respondent. 75

(4) The court in its discretion may determine whether or 76  
not to give notice that a petition has been filed under division 77  
(C) (1) of this section on behalf of a child to any of the 78  
following: 79

(a) A parent of the child if the petition was filed by any 80  
person other than a parent of the child; 81

(b) Any person who is determined by the court to be an 82  
appropriate person to receive notice of the filing of the 83  
petition. 84

(D) (1) If a person who files a petition pursuant to this 85  
section requests an ex parte order, the court shall hold an ex 86  
parte hearing as soon as possible after the petition is filed, 87  
but not later than the next day after the court is in session 88  
after the petition is filed. The court, for good cause shown at 89  
the ex parte hearing, may enter any temporary orders, with or 90  
without bond, that the court finds necessary for the safety and 91  
protection of the person to be protected by the order. Immediate 92  
and present danger to the person to be protected by the 93  
protection order constitutes good cause for purposes of this 94  
section. Immediate and present danger includes, but is not 95  
limited to, situations in which the respondent has threatened 96  
the person to be protected by the protection order with bodily 97  
harm or in which the respondent previously has been convicted 98  
of, pleaded guilty to, or been adjudicated a delinquent child 99  
for committing a violation of section 2903.11, 2903.12, 2903.13, 100  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 101  
sexually oriented offense, or a violation of any municipal 102  
ordinance that is substantially equivalent to any of those 103

offenses against the person to be protected by the protection order.	104 105
(2) (a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:	106 107 108 109 110 111 112 113 114 115 116 117 118
(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.	119 120 121 122
(ii) The parties consent to the continuance.	123
(iii) The continuance is needed to allow a party to obtain counsel.	124 125
(iv) The continuance is needed for other good cause.	126
(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.	127 128 129 130 131
(3) If a person who files a petition pursuant to this	132

section does not request an ex parte order, or if a person 133  
requests an ex parte order but the court does not issue an ex 134  
parte order after an ex parte hearing, the court shall proceed 135  
as in a normal civil action and grant a full hearing on the 136  
matter. 137

(E) (1) (a) After an ex parte or full hearing, the court may 138  
issue any protection order, with or without bond, that contains 139  
terms designed to ensure the safety and protection of the person 140  
to be protected by the protection order. The court may include 141  
within a protection order issued under this section a term 142  
requiring that the respondent not remove, damage, hide, harm, or 143  
dispose of any companion animal owned or possessed by the person 144  
to be protected by the order, and may include within the order a 145  
term authorizing the person to be protected by the order to 146  
remove a companion animal owned by the person to be protected by 147  
the order from the possession of the respondent. 148

(b) After a full hearing, if the court considering a 149  
petition that includes an allegation of the type described in 150  
division (C) (2) (b) of this section or the court, upon its own 151  
motion, finds upon clear and convincing evidence that the 152  
petitioner reasonably believed that the respondent's conduct at 153  
any time preceding the filing of the petition endangered the 154  
health, welfare, or safety of the person to be protected and 155  
that the respondent presents a continuing danger to the person 156  
to be protected and if division (N) of this section does not 157  
prohibit the issuance of an order that the respondent be 158  
electronically monitored, the court may order that the 159  
respondent be electronically monitored for a period of time and 160  
under the terms and conditions that the court determines are 161  
appropriate. Electronic monitoring shall be in addition to any 162  
other relief granted to the petitioner. 163

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

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

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

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

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

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

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that

is substantially equivalent to any of those offenses against the 193  
person to be protected by the protection order issued pursuant 194  
to division (E) (3) of this section, or has violated a protection 195  
order issued pursuant to this section or section 2903.213 of the 196  
Revised Code relative to the person to be protected by the 197  
protection order issued pursuant to division (E) (3) of this 198  
section. 199

(4) No protection order issued pursuant to this section 200  
shall in any manner affect title to any real property. 201

(5) (a) A protection order issued under this section shall 202  
clearly state that the person to be protected by the order 203  
cannot waive or nullify by invitation or consent any requirement 204  
in the order. 205

(b) Division (E) (5) (a) of this section does not limit any 206  
discretion of a court to determine that a respondent alleged to 207  
have violated section 2919.27 of the Revised Code, violated a 208  
municipal ordinance substantially equivalent to that section, or 209  
committed contempt of court, which allegation is based on an 210  
alleged violation of a protection order issued under this 211  
section, did not commit the violation or was not in contempt of 212  
court. 213

(6) Any protection order issued pursuant to this section 214  
shall include a provision that the court will automatically seal 215  
all of the records of the proceeding in which the order is 216  
issued on the date the respondent attains the age of nineteen 217  
years unless the petitioner provides the court with evidence 218  
that the respondent has not complied with all of the terms of 219  
the protection order. The protection order shall specify the 220  
date when the respondent attains the age of nineteen years. 221



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

(2) Upon the issuance of a protection order under this section, the court shall determine whether, as a result of the order, it is unlawful for the respondent to possess or purchase a firearm under division (A) (6) of section 2923.13 of the Revised Code or 18 U.S.C. 922(g) (8). If the court determines that the respondent is prohibited from possessing or purchasing a firearm, the court shall order the respondent to transfer all firearms in the respondent's possession or control, and shall ensure that the transfer is made, in accordance with section 2923.133 of the Revised Code. If the respondent is so prohibited, the court shall notify the petitioner of this prohibition and provide the parties to the order respondent with the following notice orally or by form:

"NOTICE

As a result of this order, it ~~may be~~ is unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to ~~federal law under section 2923.13 of the Revised Code or 18 U.S.C. 922(g) (8).~~ ~~If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney.~~ You are required to transfer all firearms in your possession or control within twenty-four hours after service of this order in accordance with section 2923.133 of the Revised

Code. You are required to file with this court a proof of 252  
transfer and an affidavit that you possess no firearms within 253  
forty-eight hours after service of this order." 254

(3) All law enforcement agencies shall establish and 255  
maintain an index for the protection orders delivered to the 256  
agencies pursuant to division (F)(1) of this section. With 257  
respect to each order delivered, each agency shall note on the 258  
index the date and time that it received the order. 259

(4) Regardless of whether the petitioner has registered 260  
the protection order in the county in which the officer's agency 261  
has jurisdiction pursuant to division (M) of this section, any 262  
officer of a law enforcement agency shall enforce a protection 263  
order issued pursuant to this section by any court in this state 264  
in accordance with the provisions of the order, including 265  
removing the respondent from the premises, if appropriate. 266

(G) Any proceeding under this section shall be conducted 267  
in accordance with the Rules of Civil Procedure, except that a 268  
protection order may be obtained under this section with or 269  
without bond. An order issued under this section, other than an 270  
ex parte order, that grants a protection order, or that refuses 271  
to grant a protection order, is a final, appealable order. The 272  
remedies and procedures provided in this section are in addition 273  
to, and not in lieu of, any other available civil or criminal 274  
remedies or any other available remedies under Chapter 2151. or 275  
2152. of the Revised Code. 276

(H) The filing of proceedings under this section does not 277  
excuse a person from filing any report or giving any notice 278  
required by section 2151.421 of the Revised Code or by any other 279  
law. 280

(I) Any law enforcement agency that investigates an 281  
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 282  
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 283  
commission of a sexually oriented offense, or an alleged 284  
violation of a municipal ordinance that is substantially 285  
equivalent to any of those offenses shall provide information to 286  
the victim and the family or household members of the victim 287  
regarding the relief available under this section. 288

(J) (1) Subject to division (J) (2) of this section and 289  
regardless of whether a protection order is issued or a consent 290  
agreement is approved by a court of another county or by a court 291  
of another state, no court or unit of state or local government 292  
shall charge the petitioner any fee, cost, deposit, or money in 293  
connection with the filing of a petition pursuant to this 294  
section, in connection with the filing, issuance, registration, 295  
modification, enforcement, dismissal, withdrawal, or service of 296  
a protection order, consent agreement, or witness subpoena or 297  
for obtaining a certified copy of a protection order or consent 298  
agreement. 299

(2) Regardless of whether a protection order is issued or 300  
a consent agreement is approved pursuant to this section, the 301  
court may assess costs against the respondent in connection with 302  
the filing, issuance, registration, modification, enforcement, 303  
dismissal, withdrawal, or service of a protection order, consent 304  
agreement, or witness subpoena or for obtaining a certified copy 305  
of a protection order or consent agreement. 306

(K) (1) A person who violates a protection order issued 307  
under this section is subject to the following sanctions: 308

(a) A delinquent child proceeding or a criminal 309  
prosecution for a violation of section 2919.27 of the Revised 310

Code, if the violation of the protection order constitutes a 311  
violation of that section; 312

(b) Punishment for contempt of court. 313

(2) The punishment of a person for contempt of court for 314  
violation of a protection order issued under this section does 315  
not bar criminal prosecution of the person or a delinquent child 316  
proceeding concerning the person for a violation of section 317  
2919.27 of the Revised Code. However, a person punished for 318  
contempt of court is entitled to credit for the punishment 319  
imposed upon conviction of or adjudication as a delinquent child 320  
for a violation of that section, and a person convicted of or 321  
adjudicated a delinquent child for a violation of that section 322  
shall not subsequently be punished for contempt of court arising 323  
out of the same activity. 324

(L) In all stages of a proceeding under this section, a 325  
petitioner may be accompanied by a victim advocate. 326

(M) (1) A petitioner who obtains a protection order under 327  
this section may provide notice of the issuance or approval of 328  
the order to the judicial and law enforcement officials in any 329  
county other than the county in which the order is issued by 330  
registering that order in the other county pursuant to division 331  
(M) (2) of this section and filing a copy of the registered order 332  
with a law enforcement agency in the other county in accordance 333  
with that division. A person who obtains a protection order 334  
issued by a court of another state may provide notice of the 335  
issuance of the order to the judicial and law enforcement 336  
officials in any county of this state by registering the order 337  
in that county pursuant to section 2919.272 of the Revised Code 338  
and filing a copy of the registered order with a law enforcement 339  
agency in that county. 340

(2) A petitioner may register a protection order issued 341  
pursuant to this section in a county other than the county in 342  
which the court that issued the order is located in the 343  
following manner: 344

(a) The petitioner shall obtain a certified copy of the 345  
order from the clerk of the court that issued the order and 346  
present that certified copy to the clerk of the court of common 347  
pleas or the clerk of a municipal court or county court in the 348  
county in which the order is to be registered. 349

(b) Upon accepting the certified copy of the order for 350  
registration, the clerk of the court of common pleas, municipal 351  
court, or county court shall place an endorsement of 352  
registration on the order and give the petitioner a copy of the 353  
order that bears that proof of registration. 354

(3) The clerk of each court of common pleas, municipal 355  
court, or county court shall maintain a registry of certified 356  
copies of protection orders that have been issued by courts in 357  
other counties pursuant to this section and that have been 358  
registered with the clerk. 359

(N) If the court orders electronic monitoring of the 360  
respondent under this section, the court shall direct the 361  
sheriff's office or any other appropriate law enforcement agency 362  
to install the electronic monitoring device and to monitor the 363  
respondent. Unless the court determines that the respondent is 364  
indigent, the court shall order the respondent to pay the cost 365  
of the installation and monitoring of the electronic monitoring 366  
device. If the court determines that the respondent is indigent 367  
and subject to the maximum amount allowable to be paid in any 368  
year from the fund and the rules promulgated by the attorney 369  
general under section 2903.214 of the Revised Code, the cost of 370

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

(O) The court, in its discretion, may determine if the 383  
respondent is entitled to court-appointed counsel in a 384  
proceeding under this section. 385

**Sec. 2903.13.** (A) No person shall knowingly cause or 386  
attempt to cause physical harm to another or to another's 387  
unborn. 388

(B) No person shall recklessly cause serious physical harm 389  
to another or to another's unborn. 390

(C) (1) Whoever violates this section is guilty of assault, 391  
and the court shall sentence the offender as provided in this 392  
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 393  
(8), (9), and (10) of this section. Except as otherwise provided 394  
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 395  
section, assault is a misdemeanor of the first degree. 396

(2) Except as otherwise provided in this division, if the 397  
offense is committed by a caretaker against a functionally 398  
impaired person under the caretaker's care, assault is a felony 399

of the fourth degree. If the offense is committed by a caretaker 400  
against a functionally impaired person under the caretaker's 401  
care, if the offender previously has been convicted of or 402  
pleaded guilty to a violation of this section or section 2903.11 403  
or 2903.16 of the Revised Code, and if in relation to the 404  
previous conviction the offender was a caretaker and the victim 405  
was a functionally impaired person under the offender's care, 406  
assault is a felony of the third degree. 407

(3) If the offense occurs in or on the grounds of a state 408  
correctional institution or an institution of the department of 409  
youth services, the victim of the offense is an employee of the 410  
department of rehabilitation and correction or the department of 411  
youth services, and the offense is committed by a person 412  
incarcerated in the state correctional institution or by a 413  
person institutionalized in the department of youth services 414  
institution pursuant to a commitment to the department of youth 415  
services, assault is a felony of the third degree. 416

(4) If the offense is committed in any of the following 417  
circumstances, assault is a felony of the fifth degree: 418

(a) The offense occurs in or on the grounds of a local 419  
correctional facility, the victim of the offense is an employee 420  
of the local correctional facility or a probation department or 421  
is on the premises of the facility for business purposes or as a 422  
visitor, and the offense is committed by a person who is under 423  
custody in the facility subsequent to the person's arrest for 424  
any crime or delinquent act, subsequent to the person's being 425  
charged with or convicted of any crime, or subsequent to the 426  
person's being alleged to be or adjudicated a delinquent child. 427

(b) The offense occurs off the grounds of a state 428  
correctional institution and off the grounds of an institution 429

of the department of youth services, the victim of the offense 430  
is an employee of the department of rehabilitation and 431  
correction, the department of youth services, or a probation 432  
department, the offense occurs during the employee's official 433  
work hours and while the employee is engaged in official work 434  
responsibilities, and the offense is committed by a person 435  
incarcerated in a state correctional institution or 436  
institutionalized in the department of youth services who 437  
temporarily is outside of the institution for any purpose, by a 438  
parolee, by an offender under transitional control, under a 439  
community control sanction, or on an escorted visit, by a person 440  
under post-release control, or by an offender under any other 441  
type of supervision by a government agency. 442

(c) The offense occurs off the grounds of a local 443  
correctional facility, the victim of the offense is an employee 444  
of the local correctional facility or a probation department, 445  
the offense occurs during the employee's official work hours and 446  
while the employee is engaged in official work responsibilities, 447  
and the offense is committed by a person who is under custody in 448  
the facility subsequent to the person's arrest for any crime or 449  
delinquent act, subsequent to the person being charged with or 450  
convicted of any crime, or subsequent to the person being 451  
alleged to be or adjudicated a delinquent child and who 452  
temporarily is outside of the facility for any purpose or by a 453  
parolee, by an offender under transitional control, under a 454  
community control sanction, or on an escorted visit, by a person 455  
under post-release control, or by an offender under any other 456  
type of supervision by a government agency. 457

(d) The victim of the offense is a school teacher or 458  
administrator or a school bus operator, and the offense occurs 459  
in a school, on school premises, in a school building, on a 460



school bus, or while the victim is outside of school premises or 461  
a school bus and is engaged in duties or official 462  
responsibilities associated with the victim's employment or 463  
position as a school teacher or administrator or a school bus 464  
operator, including, but not limited to, driving, accompanying, 465  
or chaperoning students at or on class or field trips, athletic 466  
events, or other school extracurricular activities or functions 467  
outside of school premises. 468

(5) If the victim of the offense is a peace officer or an 469  
investigator of the bureau of criminal identification and 470  
investigation, a firefighter, or a person performing emergency 471  
medical service, while in the performance of their official 472  
duties, assault is a felony of the fourth degree. 473

(6) If the victim of the offense is a peace officer or an 474  
investigator of the bureau of criminal identification and 475  
investigation and if the victim suffered serious physical harm 476  
as a result of the commission of the offense, assault is a 477  
felony of the fourth degree, and the court, pursuant to division 478  
(F) of section 2929.13 of the Revised Code, shall impose as a 479  
mandatory prison term one of the prison terms prescribed for a 480  
felony of the fourth degree that is at least twelve months in 481  
duration. 482

(7) If the victim of the offense is an officer or employee 483  
of a public children services agency or a private child placing 484  
agency and the offense relates to the officer's or employee's 485  
performance or anticipated performance of official 486  
responsibilities or duties, assault is either a felony of the 487  
fifth degree or, if the offender previously has been convicted 488  
of or pleaded guilty to an offense of violence, the victim of 489  
that prior offense was an officer or employee of a public 490

children services agency or private child placing agency, and 491  
that prior offense related to the officer's or employee's 492  
performance or anticipated performance of official 493  
responsibilities or duties, a felony of the fourth degree. 494

(8) If the victim of the offense is a health care 495  
professional of a hospital, a health care worker of a hospital, 496  
or a security officer of a hospital whom the offender knows or 497  
has reasonable cause to know is a health care professional of a 498  
hospital, a health care worker of a hospital, or a security 499  
officer of a hospital, if the victim is engaged in the 500  
performance of the victim's duties, and if the hospital offers 501  
de-escalation or crisis intervention training for such 502  
professionals, workers, or officers, assault is one of the 503  
following: 504

(a) Except as otherwise provided in division (C) (8) (b) of 505  
this section, assault committed in the specified circumstances 506  
is a misdemeanor of the first degree. Notwithstanding the fine 507  
specified in division (A) (2) (b) of section 2929.28 of the 508  
Revised Code for a misdemeanor of the first degree, in 509  
sentencing the offender under this division and if the court 510  
decides to impose a fine, the court may impose upon the offender 511  
a fine of not more than five thousand dollars. 512

(b) If the offender previously has been convicted of or 513  
pleaded guilty to one or more assault or homicide offenses 514  
committed against hospital personnel, assault committed in the 515  
specified circumstances is a felony of the fifth degree. 516

(9) If the victim of the offense is a judge, magistrate, 517  
prosecutor, or court official or employee whom the offender 518  
knows or has reasonable cause to know is a judge, magistrate, 519  
prosecutor, or court official or employee, and if the victim is 520

engaged in the performance of the victim's duties, assault is 521  
one of the following: 522

(a) Except as otherwise provided in division (C) (8) (b) of 523  
this section, assault committed in the specified circumstances 524  
is a misdemeanor of the first degree. In sentencing the offender 525  
under this division, if the court decides to impose a fine, 526  
notwithstanding the fine specified in division (A) (2) (b) of 527  
section 2929.28 of the Revised Code for a misdemeanor of the 528  
first degree, the court may impose upon the offender a fine of 529  
not more than five thousand dollars. 530

(b) If the offender previously has been convicted of or 531  
pleaded guilty to one or more assault or homicide offenses 532  
committed against justice system personnel, assault committed in 533  
the specified circumstances is a felony of the fifth degree. 534

(10) If an offender who is convicted of or pleads guilty 535  
to assault when it is a misdemeanor also is convicted of or 536  
pleads guilty to a specification as described in section 537  
2941.1423 of the Revised Code that was included in the 538  
indictment, count in the indictment, or information charging the 539  
offense, the court shall sentence the offender to a mandatory 540  
jail term as provided in division (G) of section 2929.24 of the 541  
Revised Code. 542

If an offender who is convicted of or pleads guilty to 543  
assault when it is a felony also is convicted of or pleads 544  
guilty to a specification as described in section 2941.1423 of 545  
the Revised Code that was included in the indictment, count in 546  
the indictment, or information charging the offense, except as 547  
otherwise provided in division (C) (6) of this section, the court 548  
shall sentence the offender to a mandatory prison term as 549  
provided in division (B) (8) of section 2929.14 of the Revised 550

Code. 551

(D) Upon a person's conviction of a violation of this 552  
section, the court shall determine whether, as a result of the 553  
violation, it is unlawful for the offender to possess or 554  
purchase a firearm under section 2923.13 of the Revised Code or 555  
18 U.S.C. 922(g)(9). If the court determines that the offender 556  
is prohibited from possessing or purchasing a firearm, the court 557  
shall order the offender to transfer all firearms in the 558  
offender's possession or control in accordance with section 559  
2923.133 of the Revised Code. 560

(E) As used in this section: 561

(1) "Peace officer" has the same meaning as in section 562  
2935.01 of the Revised Code. 563

(2) "Firefighter" has the same meaning as in section 564  
3937.41 of the Revised Code. 565

(3) "Emergency medical service" has the same meaning as in 566  
section 4765.01 of the Revised Code. 567

(4) "Local correctional facility" means a county, 568  
multicounty, municipal, municipal-county, or multicounty- 569  
municipal jail or workhouse, a minimum security jail established 570  
under section 341.23 or 753.21 of the Revised Code, or another 571  
county, multicounty, municipal, municipal-county, or 572  
multicounty-municipal facility used for the custody of persons 573  
arrested for any crime or delinquent act, persons charged with 574  
or convicted of any crime, or persons alleged to be or 575  
adjudicated a delinquent child. 576

(5) "Employee of a local correctional facility" means a 577  
person who is an employee of the political subdivision or of one 578  
or more of the affiliated political subdivisions that operates 579

the local correctional facility and who operates or assists in 580  
the operation of the facility. 581

(6) "School teacher or administrator" means either of the 582  
following: 583

(a) A person who is employed in the public schools of the 584  
state under a contract described in section 3311.77 or 3319.08 585  
of the Revised Code in a position in which the person is 586  
required to have a certificate issued pursuant to sections 587  
3319.22 to 3319.311 of the Revised Code. 588

(b) A person who is employed by a nonpublic school for 589  
which the state board of education prescribes minimum standards 590  
under section 3301.07 of the Revised Code and who is 591  
certificated in accordance with section 3301.071 of the Revised 592  
Code. 593

(7) "Community control sanction" has the same meaning as 594  
in section 2929.01 of the Revised Code. 595

(8) "Escorted visit" means an escorted visit granted under 596  
section 2967.27 of the Revised Code. 597

(9) "Post-release control" and "transitional control" have 598  
the same meanings as in section 2967.01 of the Revised Code. 599

(10) "Investigator of the bureau of criminal 600  
identification and investigation" has the same meaning as in 601  
section 2903.11 of the Revised Code. 602

(11) "Health care professional" and "health care worker" 603  
have the same meanings as in section 2305.234 of the Revised 604  
Code. 605

(12) "Assault or homicide offense committed against 606  
hospital personnel" means a violation of this section or of 607

section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 608  
2903.12, or 2903.14 of the Revised Code committed in 609  
circumstances in which all of the following apply: 610

(a) The victim of the offense was a health care 611  
professional of a hospital, a health care worker of a hospital, 612  
or a security officer of a hospital. 613

(b) The offender knew or had reasonable cause to know that 614  
the victim was a health care professional of a hospital, a 615  
health care worker of a hospital, or a security officer of a 616  
hospital. 617

(c) The victim was engaged in the performance of the 618  
victim's duties. 619

(d) The hospital offered de-escalation or crisis 620  
intervention training for such professionals, workers, or 621  
officers. 622

(13) "De-escalation or crisis intervention training" means 623  
de-escalation or crisis intervention training for health care 624  
professionals of a hospital, health care workers of a hospital, 625  
and security officers of a hospital to facilitate interaction 626  
with patients, members of a patient's family, and visitors, 627  
including those with mental impairments. 628

(14) "Assault or homicide offense committed against 629  
justice system personnel" means a violation of this section or 630  
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 631  
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 632  
circumstances in which the victim of the offense was a judge, 633  
magistrate, prosecutor, or court official or employee whom the 634  
offender knew or had reasonable cause to know was a judge, 635  
magistrate, prosecutor, or court official or employee, and the 636

victim was engaged in the performance of the victim's duties. 637

(15) "Court official or employee" means any official or 638  
employee of a court created under the constitution or statutes 639  
of this state or of a United States court located in this state. 640

(16) "Judge" means a judge of a court created under the 641  
constitution or statutes of this state or of a United States 642  
court located in this state. 643

(17) "Magistrate" means an individual who is appointed by 644  
a court of record of this state and who has the powers and may 645  
perform the functions specified in Civil Rule 53, Criminal Rule 646  
19, or Juvenile Rule 40, or an individual who is appointed by a 647  
United States court located in this state who has similar powers 648  
and functions. 649

(18) "Prosecutor" has the same meaning as in section 650  
2935.01 of the Revised Code. 651

(19) (a) "Hospital" means, subject to division (D) (19) (b) 652  
of this section, an institution classified as a hospital under 653  
section 3701.01 of the Revised Code in which are provided to 654  
patients diagnostic, medical, surgical, obstetrical, 655  
psychiatric, or rehabilitation care or a hospital operated by a 656  
health maintenance organization. 657

(b) "Hospital" does not include any of the following: 658

(i) A facility licensed under Chapter 3721. of the Revised 659  
Code, a health care facility operated by the department of 660  
mental health or the department of developmental disabilities, a 661  
health maintenance organization that does not operate a 662  
hospital, or the office of any private, licensed health care 663  
professional, whether organized for individual or group 664  
practice; 665

(ii) An institution for the sick that is operated 666  
exclusively for patients who use spiritual means for healing and 667  
for whom the acceptance of medical care is inconsistent with 668  
their religious beliefs, accredited by a national accrediting 669  
organization, exempt from federal income taxation under section 670  
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 671  
U.S.C. 1, as amended, and providing twenty-four-hour nursing 672  
care pursuant to the exemption in division (E) of section 673  
4723.32 of the Revised Code from the licensing requirements of 674  
Chapter 4723. of the Revised Code. 675

(20) "Health maintenance organization" has the same 676  
meaning as in section 3727.01 of the Revised Code. 677

**Sec. 2903.21.** (A) No person shall knowingly cause another 678  
to believe that the offender will cause serious physical harm to 679  
the person or property of the other person, the other person's 680  
unborn, or a member of the other person's immediate family. In 681  
addition to any other basis for the other person's belief that 682  
the offender will cause serious physical harm to the person or 683  
property of the other person, the other person's unborn, or a 684  
member of the other person's immediate family, the other 685  
person's belief may be based on words or conduct of the offender 686  
that are directed at or identify a corporation, association, or 687  
other organization that employs the other person or to which the 688  
other person belongs. 689

(B) Whoever violates this section is guilty of aggravated 690  
menacing. Except as otherwise provided in this division, 691  
aggravated menacing is a misdemeanor of the first degree. If the 692  
victim of the offense is an officer or employee of a public 693  
children services agency or a private child placing agency and 694  
the offense relates to the officer's or employee's performance 695



or anticipated performance of official responsibilities or 696  
duties, aggravated menacing is a felony of the fifth degree or, 697  
if the offender previously has been convicted of or pleaded 698  
guilty to an offense of violence, the victim of that prior 699  
offense was an officer or employee of a public children services 700  
agency or private child placing agency, and that prior offense 701  
related to the officer's or employee's performance or 702  
anticipated performance of official responsibilities or duties, 703  
a felony of the fourth degree. 704

(C) Upon a person's conviction of a violation of this 705  
section, the court shall determine whether, as a result of the 706  
violation, it is unlawful for the offender to possess or 707  
purchase a firearm under section 2923.13 of the Revised Code. If 708  
the offender is prohibited from possessing or purchasing a 709  
firearm, the court shall order the offender to transfer all 710  
firearms in the offender's possession or control in accordance 711  
with section 2923.133 of the Revised Code. 712

(D) As used in this section, "organization" includes an 713  
entity that is a governmental employer. 714

**Sec. 2903.214.** (A) As used in this section: 715

(1) "Court" means the court of common pleas of the county 716  
in which the person to be protected by the protection order 717  
resides. 718

(2) "Victim advocate" means a person who provides support 719  
and assistance for a person who files a petition under this 720  
section. 721

(3) "Family or household member" has the same meaning as 722  
in section 3113.31 of the Revised Code. 723

(4) "Protection order issued by a court of another state" 724

has the same meaning as in section 2919.27 of the Revised Code. 725

(5) "Sexually oriented offense" has the same meaning as in 726  
section 2950.01 of the Revised Code. 727

(6) "Electronic monitoring" has the same meaning as in 728  
section 2929.01 of the Revised Code. 729

(7) "Companion animal" has the same meaning as in section 730  
959.131 of the Revised Code. 731

(B) The court has jurisdiction over all proceedings under 732  
this section. 733

(C) A person may seek relief under this section for the 734  
person, or any parent or adult household member may seek relief 735  
under this section on behalf of any other family or household 736  
member, by filing a petition with the court. The petition shall 737  
contain or state all of the following: 738

(1) An allegation that the respondent is eighteen years of 739  
age or older and engaged in a violation of section 2903.211 of 740  
the Revised Code against the person to be protected by the 741  
protection order or committed a sexually oriented offense 742  
against the person to be protected by the protection order, 743  
including a description of the nature and extent of the 744  
violation; 745

(2) If the petitioner seeks relief in the form of 746  
electronic monitoring of the respondent, an allegation that at 747  
any time preceding the filing of the petition the respondent 748  
engaged in conduct that would cause a reasonable person to 749  
believe that the health, welfare, or safety of the person to be 750  
protected was at risk, a description of the nature and extent of 751  
that conduct, and an allegation that the respondent presents a 752  
continuing danger to the person to be protected; 753

(3) A petitioner may include a statement in the petition that describes the number, types, and locations of any firearms that the petitioner knows to be in the possession or control of the respondent. 754  
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(4) A request for relief under this section. 758

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order. 759  
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(2) (a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. 776  
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Under any of the following circumstances or for any of the 784  
following reasons, the court may grant a continuance of the full 785  
hearing to a reasonable time determined by the court: 786

(i) Prior to the date scheduled for the full hearing under 787  
this division, the respondent has not been served with the 788  
petition filed pursuant to this section and notice of the full 789  
hearing. 790

(ii) The parties consent to the continuance. 791

(iii) The continuance is needed to allow a party to obtain 792  
counsel. 793

(iv) The continuance is needed for other good cause. 794

(b) An ex parte order issued under this section does not 795  
expire because of a failure to serve notice of the full hearing 796  
upon the respondent before the date set for the full hearing 797  
under division (D) (2) (a) of this section or because the court 798  
grants a continuance under that division. 799

(3) If a person who files a petition pursuant to this 800  
section does not request an ex parte order, or if a person 801  
requests an ex parte order but the court does not issue an ex 802  
parte order after an ex parte hearing, the court shall proceed 803  
as in a normal civil action and grant a full hearing on the 804  
matter. 805

(E) (1) (a) After an ex parte or full hearing, the court may 806  
issue any protection order, with or without bond, that contains 807  
terms designed to ensure the safety and protection of the person 808  
to be protected by the protection order, including, but not 809  
limited to, a requirement that the respondent refrain from 810  
entering the residence, school, business, or place of employment 811  
of the petitioner or family or household member. If the court 812

includes a requirement that the respondent refrain from entering 813  
the residence, school, business, or place of employment of the 814  
petitioner or family or household member in the order, it also 815  
shall include in the order provisions of the type described in 816  
division (E) (5) of this section. The court may include within a 817  
protection order issued under this section a term requiring that 818  
the respondent not remove, damage, hide, harm, or dispose of any 819  
companion animal owned or possessed by the person to be 820  
protected by the order, and may include within the order a term 821  
authorizing the person to be protected by the order to remove a 822  
companion animal owned by the person to be protected by the 823  
order from the possession of the respondent. 824

(b) After a full hearing, if the court considering a 825  
petition that includes an allegation of the type described in 826  
division (C) (2) of this section, or the court upon its own 827  
motion, finds upon clear and convincing evidence that the 828  
petitioner reasonably believed that the respondent's conduct at 829  
any time preceding the filing of the petition endangered the 830  
health, welfare, or safety of the person to be protected and 831  
that the respondent presents a continuing danger to the person 832  
to be protected, the court may order that the respondent be 833  
electronically monitored for a period of time and under the 834  
terms and conditions that the court determines are appropriate. 835  
Electronic monitoring shall be in addition to any other relief 836  
granted to the petitioner. 837

(2) (a) Any protection order issued pursuant to this 838  
section shall be valid until a date certain but not later than 839  
five years from the date of its issuance. 840

(b) Any protection order issued pursuant to this section 841  
may be renewed in the same manner as the original order was 842

issued. 843

(3) A court may not issue a protection order that requires 844  
a petitioner to do or to refrain from doing an act that the 845  
court may require a respondent to do or to refrain from doing 846  
under division (E)(1) of this section unless all of the 847  
following apply: 848

(a) The respondent files a separate petition for a 849  
protection order in accordance with this section. 850

(b) The petitioner is served with notice of the 851  
respondent's petition at least forty-eight hours before the 852  
court holds a hearing with respect to the respondent's petition, 853  
or the petitioner waives the right to receive this notice. 854

(c) If the petitioner has requested an ex parte order 855  
pursuant to division (D) of this section, the court does not 856  
delay any hearing required by that division beyond the time 857  
specified in that division in order to consolidate the hearing 858  
with a hearing on the petition filed by the respondent. 859

(d) After a full hearing at which the respondent presents 860  
evidence in support of the request for a protection order and 861  
the petitioner is afforded an opportunity to defend against that 862  
evidence, the court determines that the petitioner has committed 863  
a violation of section 2903.211 of the Revised Code against the 864  
person to be protected by the protection order issued pursuant 865  
to division (E)(3) of this section, has committed a sexually 866  
oriented offense against the person to be protected by the 867  
protection order issued pursuant to division (E)(3) of this 868  
section, or has violated a protection order issued pursuant to 869  
section 2903.213 of the Revised Code relative to the person to 870  
be protected by the protection order issued pursuant to division 871

(E) (3) of this section. 872

(4) No protection order issued pursuant to this section 873  
shall in any manner affect title to any real property. 874

(5) (a) If the court issues a protection order under this 875  
section that includes a requirement that the alleged offender 876  
refrain from entering the residence, school, business, or place 877  
of employment of the petitioner or a family or household member, 878  
the order shall clearly state that the order cannot be waived or 879  
nullified by an invitation to the alleged offender from the 880  
complainant to enter the residence, school, business, or place 881  
of employment or by the alleged offender's entry into one of 882  
those places otherwise upon the consent of the petitioner or 883  
family or household member. 884

(b) Division (E) (5) (a) of this section does not limit any 885  
discretion of a court to determine that an alleged offender 886  
charged with a violation of section 2919.27 of the Revised Code, 887  
with a violation of a municipal ordinance substantially 888  
equivalent to that section, or with contempt of court, which 889  
charge is based on an alleged violation of a protection order 890  
issued under this section, did not commit the violation or was 891  
not in contempt of court. 892

(F) (1) The court shall cause the delivery of a copy of any 893  
protection order that is issued under this section to the 894  
petitioner, to the respondent, and to all law enforcement 895  
agencies that have jurisdiction to enforce the order. The court 896  
shall direct that a copy of the order be delivered to the 897  
respondent on the same day that the order is entered. 898

(2) Upon the issuance of a protection order under this 899  
section, the court shall determine whether, as a result of the 900

order, it is unlawful for the respondent to possess or purchase 901  
a firearm under division (A) (6) of section 2923.13 of the 902  
Revised Code or 18 U.S.C. 922(g) (8). If the court determines 903  
that the respondent is prohibited from possessing or purchasing 904  
a firearm, the court shall order the respondent to transfer all 905  
firearms in the respondent's possession or control, and shall 906  
ensure that the transfer is made, in accordance with section 907  
2923.133 of the Revised Code. If the respondent is so 908  
prohibited, the court shall notify the petitioner of this 909  
prohibition and provide the ~~parties to the order~~ respondent with 910  
the following notice ~~orally or~~ by form: 911

"NOTICE 912

As a result of this order, it ~~may be~~ is unlawful for you 913  
to possess or purchase a firearm, including a rifle, pistol, or 914  
revolver, or ammunition pursuant to section 2923.13 of the 915  
Revised Code or 18 U.S.C. 922(g) (8). ~~If you have any questions~~ 916  
~~whether this law makes it illegal for you to possess or purchase~~ 917  
~~a firearm or ammunition, you should consult an attorney.~~ You are 918  
required to transfer all firearms in your possession or control 919  
within twenty-four hours after service of this order in 920  
accordance with section 2923.133 of the Revised Code. You are 921  
required to file with this court a proof of transfer and an 922  
affidavit that you possess no firearms within forty-eight hours 923  
after service of this order." 924

(3) All law enforcement agencies shall establish and 925  
maintain an index for the protection orders delivered to the 926  
agencies pursuant to division (F) (1) of this section. With 927  
respect to each order delivered, each agency shall note on the 928  
index the date and time that it received the order. 929

(4) Regardless of whether the petitioner has registered 930



the protection order in the county in which the officer's agency 931  
has jurisdiction pursuant to division (M) of this section, any 932  
officer of a law enforcement agency shall enforce a protection 933  
order issued pursuant to this section by any court in this state 934  
in accordance with the provisions of the order, including 935  
removing the respondent from the premises, if appropriate. 936

(G) Any proceeding under this section shall be conducted 937  
in accordance with the Rules of Civil Procedure, except that a 938  
protection order may be obtained under this section with or 939  
without bond. An order issued under this section, other than an 940  
ex parte order, that grants a protection order, or that refuses 941  
to grant a protection order, is a final, appealable order. The 942  
remedies and procedures provided in this section are in addition 943  
to, and not in lieu of, any other available civil or criminal 944  
remedies. 945

(H) The filing of proceedings under this section does not 946  
excuse a person from filing any report or giving any notice 947  
required by section 2151.421 of the Revised Code or by any other 948  
law. 949

(I) Any law enforcement agency that investigates an 950  
alleged violation of section 2903.211 of the Revised Code or an 951  
alleged commission of a sexually oriented offense shall provide 952  
information to the victim and the family or household members of 953  
the victim regarding the relief available under this section and 954  
section 2903.213 of the Revised Code. 955

(J) (1) Subject to division (J) (2) of this section and 956  
regardless of whether a protection order is issued or a consent 957  
agreement is approved by a court of another county or by a court 958  
of another state, no court or unit of state or local government 959  
shall charge the petitioner any fee, cost, deposit, or money in 960

connection with the filing of a petition pursuant to this 961  
section, in connection with the filing, issuance, registration, 962  
modification, enforcement, dismissal, withdrawal, or service of 963  
a protection order, consent agreement, or witness subpoena or 964  
for obtaining a certified copy of a protection order or consent 965  
agreement. 966

(2) Regardless of whether a protection order is issued or 967  
a consent agreement is approved pursuant to this section, the 968  
court may assess costs against the respondent in connection with 969  
the filing, issuance, registration, modification, enforcement, 970  
dismissal, withdrawal, or service of a protection order, consent 971  
agreement, or witness subpoena or for obtaining a certified copy 972  
of a protection order or consent agreement. 973

(K) (1) A person who violates a protection order issued 974  
under this section is subject to the following sanctions: 975

(a) Criminal prosecution for a violation of section 976  
2919.27 of the Revised Code, if the violation of the protection 977  
order constitutes a violation of that section; 978

(b) Punishment for contempt of court. 979

(2) The punishment of a person for contempt of court for 980  
violation of a protection order issued under this section does 981  
not bar criminal prosecution of the person for a violation of 982  
section 2919.27 of the Revised Code. However, a person punished 983  
for contempt of court is entitled to credit for the punishment 984  
imposed upon conviction of a violation of that section, and a 985  
person convicted of a violation of that section shall not 986  
subsequently be punished for contempt of court arising out of 987  
the same activity. 988

(L) In all stages of a proceeding under this section, a 989

petitioner may be accompanied by a victim advocate. 990

(M) (1) A petitioner who obtains a protection order under 991  
this section or a protection order under section 2903.213 of the 992  
Revised Code may provide notice of the issuance or approval of 993  
the order to the judicial and law enforcement officials in any 994  
county other than the county in which the order is issued by 995  
registering that order in the other county pursuant to division 996  
(M) (2) of this section and filing a copy of the registered order 997  
with a law enforcement agency in the other county in accordance 998  
with that division. A person who obtains a protection order 999  
issued by a court of another state may provide notice of the 1000  
issuance of the order to the judicial and law enforcement 1001  
officials in any county of this state by registering the order 1002  
in that county pursuant to section 2919.272 of the Revised Code 1003  
and filing a copy of the registered order with a law enforcement 1004  
agency in that county. 1005

(2) A petitioner may register a protection order issued 1006  
pursuant to this section or section 2903.213 of the Revised Code 1007  
in a county other than the county in which the court that issued 1008  
the order is located in the following manner: 1009

(a) The petitioner shall obtain a certified copy of the 1010  
order from the clerk of the court that issued the order and 1011  
present that certified copy to the clerk of the court of common 1012  
pleas or the clerk of a municipal court or county court in the 1013  
county in which the order is to be registered. 1014

(b) Upon accepting the certified copy of the order for 1015  
registration, the clerk of the court of common pleas, municipal 1016  
court, or county court shall place an endorsement of 1017  
registration on the order and give the petitioner a copy of the 1018  
order that bears that proof of registration. 1019

(3) The clerk of each court of common pleas, municipal 1020  
court, or county court shall maintain a registry of certified 1021  
copies of protection orders that have been issued by courts in 1022  
other counties pursuant to this section or section 2903.213 of 1023  
the Revised Code and that have been registered with the clerk. 1024

(N) (1) If the court orders electronic monitoring of the 1025  
respondent under this section, the court shall direct the 1026  
sheriff's office or any other appropriate law enforcement agency 1027  
to install the electronic monitoring device and to monitor the 1028  
respondent. Unless the court determines that the respondent is 1029  
indigent, the court shall order the respondent to pay the cost 1030  
of the installation and monitoring of the electronic monitoring 1031  
device. If the court determines that the respondent is indigent 1032  
and subject to the maximum amount allowable to be paid in any 1033  
year from the fund and the rules promulgated by the attorney 1034  
general under division (N) (2) of this section, the cost of the 1035  
installation and monitoring of the electronic monitoring device 1036  
may be paid out of funds from the reparations fund created 1037  
pursuant to section 2743.191 of the Revised Code. The total 1038  
amount of costs for the installation and monitoring of 1039  
electronic monitoring devices paid pursuant to this division and 1040  
sections 2151.34 and 2919.27 of the Revised Code from the 1041  
reparations fund shall not exceed three hundred thousand dollars 1042  
per year. 1043

(2) The attorney general may promulgate rules pursuant to 1044  
section 111.15 of the Revised Code to govern payments made from 1045  
the reparations fund pursuant to this division and sections 1046  
2151.34 and 2919.27 of the Revised Code. The rules may include 1047  
reasonable limits on the total cost paid pursuant to this 1048  
division and sections 2151.34 and 2919.27 of the Revised Code 1049  
per respondent, the amount of the three hundred thousand dollars 1050

allocated to each county, and how invoices may be submitted by a 1051  
county, court, or other entity. 1052

**Sec. 2919.25.** (A) No person shall knowingly cause or 1053  
attempt to cause physical harm to a family or household member. 1054

(B) No person shall recklessly cause serious physical harm 1055  
to a family or household member. 1056

(C) No person, by threat of force, shall knowingly cause a 1057  
family or household member to believe that the offender will 1058  
cause imminent physical harm to the family or household member. 1059

(D) (1) Whoever violates this section is guilty of domestic 1060  
violence, and the court shall sentence the offender as provided 1061  
in divisions (D) (2) to (6) of this section. 1062

(2) Except as otherwise provided in divisions (D) (3) to 1063  
(5) of this section, a violation of division (C) of this section 1064  
is a misdemeanor of the fourth degree, and a violation of 1065  
division (A) or (B) of this section is a misdemeanor of the 1066  
first degree. 1067

(3) Except as otherwise provided in division (D) (4) of 1068  
this section, if the offender previously has pleaded guilty to 1069  
or been convicted of domestic violence, a violation of an 1070  
existing or former municipal ordinance or law of this or any 1071  
other state or the United States that is substantially similar 1072  
to domestic violence, a violation of section 2903.14, 2909.06, 1073  
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 1074  
the victim of the violation was a family or household member at 1075  
the time of the violation, a violation of an existing or former 1076  
municipal ordinance or law of this or any other state or the 1077  
United States that is substantially similar to any of those 1078  
sections if the victim of the violation was a family or 1079

household member at the time of the commission of the violation, 1080  
or any offense of violence if the victim of the offense was a 1081  
family or household member at the time of the commission of the 1082  
offense, a violation of division (A) or (B) of this section is a 1083  
felony of the fourth degree, and, if the offender knew that the 1084  
victim of the violation was pregnant at the time of the 1085  
violation, the court shall impose a mandatory prison term on the 1086  
offender pursuant to division (D)(6) of this section, and a 1087  
violation of division (C) of this section is a misdemeanor of 1088  
the second degree. 1089

(4) If the offender previously has pleaded guilty to or 1090  
been convicted of two or more offenses of domestic violence or 1091  
two or more violations or offenses of the type described in 1092  
division (D)(3) of this section involving a person who was a 1093  
family or household member at the time of the violations or 1094  
offenses, a violation of division (A) or (B) of this section is 1095  
a felony of the third degree, and, if the offender knew that the 1096  
victim of the violation was pregnant at the time of the 1097  
violation, the court shall impose a mandatory prison term on the 1098  
offender pursuant to division (D)(6) of this section, and a 1099  
violation of division (C) of this section is a misdemeanor of 1100  
the first degree. 1101

(5) Except as otherwise provided in division (D)(3) or (4) 1102  
of this section, if the offender knew that the victim of the 1103  
violation was pregnant at the time of the violation, a violation 1104  
of division (A) or (B) of this section is a felony of the fifth 1105  
degree, and the court shall impose a mandatory prison term on 1106  
the offender pursuant to division (D)(6) of this section, and a 1107  
violation of division (C) of this section is a misdemeanor of 1108  
the third degree. 1109

(6) If division (D) (3), (4), or (5) of this section 1110  
requires the court that sentences an offender for a violation of 1111  
division (A) or (B) of this section to impose a mandatory prison 1112  
term on the offender pursuant to this division, the court shall 1113  
impose the mandatory prison term as follows: 1114

(a) If the violation of division (A) or (B) of this 1115  
section is a felony of the fourth or fifth degree, except as 1116  
otherwise provided in division (D) (6) (b) or (c) of this section, 1117  
the court shall impose a mandatory prison term on the offender 1118  
of at least six months. 1119

(b) If the violation of division (A) or (B) of this 1120  
section is a felony of the fifth degree and the offender, in 1121  
committing the violation, caused serious physical harm to the 1122  
pregnant woman's unborn or caused the termination of the 1123  
pregnant woman's pregnancy, the court shall impose a mandatory 1124  
prison term on the offender of twelve months. 1125

(c) If the violation of division (A) or (B) of this 1126  
section is a felony of the fourth degree and the offender, in 1127  
committing the violation, caused serious physical harm to the 1128  
pregnant woman's unborn or caused the termination of the 1129  
pregnant woman's pregnancy, the court shall impose a mandatory 1130  
prison term on the offender of at least twelve months. 1131

(d) If the violation of division (A) or (B) of this 1132  
section is a felony of the third degree, except as otherwise 1133  
provided in division (D) (6) (e) of this section and 1134  
notwithstanding the range of prison terms prescribed in section 1135  
2929.14 of the Revised Code for a felony of the third degree, 1136  
the court shall impose a mandatory prison term on the offender 1137  
of either a definite term of six months or one of the prison 1138  
terms prescribed in section 2929.14 of the Revised Code for 1139

felonies of the third degree. 1140

(e) If the violation of division (A) or (B) of this 1141  
section is a felony of the third degree and the offender, in 1142  
committing the violation, caused serious physical harm to the 1143  
pregnant woman's unborn or caused the termination of the 1144  
pregnant woman's pregnancy, notwithstanding the range of prison 1145  
terms prescribed in section 2929.14 of the Revised Code for a 1146  
felony of the third degree, the court shall impose a mandatory 1147  
prison term on the offender of either a definite term of one 1148  
year or one of the prison terms prescribed in section 2929.14 of 1149  
the Revised Code for felonies of the third degree. 1150

(E) Notwithstanding any provision of law to the contrary, 1151  
no court or unit of state or local government shall charge any 1152  
fee, cost, deposit, or money in connection with the filing of 1153  
charges against a person alleging that the person violated this 1154  
section or a municipal ordinance substantially similar to this 1155  
section or in connection with the prosecution of any charges so 1156  
filed. 1157

(F) Upon a person's conviction of a violation of this 1158  
section, the court shall determine whether, as a result of the 1159  
violation, it is unlawful for the offender to possess or 1160  
purchase a firearm under section 2923.13 of the Revised Code or 1161  
18 U.S.C. 922(g)(9). If the court determines that the offender 1162  
is prohibited from possessing or purchasing a firearm, the court 1163  
shall order the offender to transfer all firearms in the 1164  
offender's possession or control in accordance with section 1165  
2923.133 of the Revised Code. 1166

(G) As used in this section and sections 2919.251 and 1167  
2919.26 of the Revised Code: 1168



(1) "Family or household member" means any of the	1169
following:	1170
(a) Any of the following who is residing or has resided	1171
with the offender:	1172
(i) A spouse, a person living as a spouse, or a former	1173
spouse of the offender;	1174
(ii) A parent, a foster parent, or a child of the	1175
offender, or another person related by consanguinity or affinity	1176
to the offender;	1177
(iii) A parent or a child of a spouse, person living as a	1178
spouse, or former spouse of the offender, or another person	1179
related by consanguinity or affinity to a spouse, person living	1180
as a spouse, or former spouse of the offender.	1181
(b) The natural parent of any child of whom the offender	1182
is the other natural parent or is the putative other natural	1183
parent.	1184
(2) "Person living as a spouse" means a person who is	1185
living or has lived with the offender in a common law marital	1186
relationship, who otherwise is cohabiting with the offender, or	1187
who otherwise has cohabited with the offender within five years	1188
prior to the date of the alleged commission of the act in	1189
question.	1190
(3) "Pregnant woman's unborn" has the same meaning as	1191
"such other person's unborn," as set forth in section 2903.09 of	1192
the Revised Code, as it relates to the pregnant woman. Division	1193
(C) of that section applies regarding the use of the term in	1194
this section, except that the second and third sentences of	1195
division (C)(1) of that section shall be construed for purposes	1196
of this section as if they included a reference to this section	1197

in the listing of Revised Code sections they contain. 1198

(4) "Termination of the pregnant woman's pregnancy" has 1199  
the same meaning as "unlawful termination of another's 1200  
pregnancy," as set forth in section 2903.09 of the Revised Code, 1201  
as it relates to the pregnant woman. Division (C) of that 1202  
section applies regarding the use of the term in this section, 1203  
except that the second and third sentences of division (C)(1) of 1204  
that section shall be construed for purposes of this section as 1205  
if they included a reference to this section in the listing of 1206  
Revised Code sections they contain. 1207

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint that 1208  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1209  
2911.211 of the Revised Code if the alleged victim of the 1210  
violation was a family or household member at the time of the 1211  
violation, a violation of a municipal ordinance that is 1212  
substantially similar to any of those sections if the alleged 1213  
victim of the violation was a family or household member at the 1214  
time of the violation, any offense of violence if the alleged 1215  
victim of the offense was a family or household member at the 1216  
time of the commission of the offense, or any sexually oriented 1217  
offense if the alleged victim of the offense was a family or 1218  
household member at the time of the commission of the offense, 1219  
the complainant, the alleged victim, or a family or household 1220  
member of an alleged victim may file, or, if in an emergency the 1221  
alleged victim is unable to file, a person who made an arrest 1222  
for the alleged violation or offense under section 2935.03 of 1223  
the Revised Code may file on behalf of the alleged victim, a 1224  
motion that requests the issuance of a temporary protection 1225  
order as a pretrial condition of release of the alleged 1226  
offender, in addition to any bail set under Criminal Rule 46. 1227  
The motion shall be filed with the clerk of the court that has 1228

jurisdiction of the case at any time after the filing of the 1229  
complaint. 1230

(2) For purposes of section 2930.09 of the Revised Code, 1231  
all stages of a proceeding arising out of a complaint alleging 1232  
the commission of a violation, offense of violence, or sexually 1233  
oriented offense described in division (A)(1) of this section, 1234  
including all proceedings on a motion for a temporary protection 1235  
order, are critical stages of the case, and a victim may be 1236  
accompanied by a victim advocate or another person to provide 1237  
support to the victim as provided in that section. 1238

(B) (1) The motion shall be prepared on a form that is 1239  
provided by the clerk of the court, which form shall be 1240  
substantially as follows: 1241

"MOTION FOR TEMPORARY PROTECTION ORDER 1242

..... Court 1243

Name and address of court 1244

State of Ohio 1245

v. No. ....

..... 1246

Name of Defendant 1247

(name of person), moves the court to issue a temporary 1248  
protection order containing terms designed to ensure the safety 1249  
and protection of the complainant, alleged victim, and other 1250  
family or household members, in relation to the named defendant, 1251  
pursuant to its authority to issue such an order under section 1252  
2919.26 of the Revised Code. 1253

A complaint, a copy of which has been attached to this 1254

motion, has been filed in this court charging the named 1255  
defendant with ..... (name of the specified 1256  
violation, the offense of violence, or sexually oriented offense 1257  
charged) in circumstances in which the victim was a family or 1258  
household member in violation of (section of the Revised Code 1259  
designating the specified violation, offense of violence, or 1260  
sexually oriented offense charged), or charging the named 1261  
defendant with a violation of a municipal ordinance that is 1262  
substantially similar to ..... (section of 1263  
the Revised Code designating the specified violation, offense of 1264  
violence, or sexually oriented offense charged) involving a 1265  
family or household member. 1266

I understand that I must appear before the court, at a 1267  
time set by the court within twenty-four hours after the filing 1268  
of this motion, for a hearing on the motion or that, if I am 1269  
unable to appear because of hospitalization or a medical 1270  
condition resulting from the offense alleged in the complaint, a 1271  
person who can provide information about my need for a temporary 1272  
protection order must appear before the court in lieu of my 1273  
appearing in court. I understand that any temporary protection 1274  
order granted pursuant to this motion is a pretrial condition of 1275  
release and is effective only until the disposition of the 1276  
criminal proceeding arising out of the attached complaint, or 1277  
the issuance of a civil protection order or the approval of a 1278  
consent agreement, arising out of the same activities as those 1279  
that were the basis of the complaint, under section 3113.31 of 1280  
the Revised Code. 1281

..... 1282

Signature of person 1283

(or signature of the arresting officer who filed the motion on 1284

behalf of the alleged victim) 1285

..... 1286

Address of person (or office address of the arresting officer  
who filed the motion on behalf of the alleged victim)" 1287  
1288

(2) The petitioner may attach a document to the form that 1289  
describes the number, types, and locations of any firearms that 1290  
the petitioner knows to be in the possession or control of the 1291  
defendant. 1292

(C) (1) As soon as possible after the filing of a motion 1293  
that requests the issuance of a temporary protection order, but 1294  
not later than twenty-four hours after the filing of the motion, 1295  
the court shall conduct a hearing to determine whether to issue 1296  
the order. The person who requested the order shall appear 1297  
before the court and provide the court with the information that 1298  
it requests concerning the basis of the motion. If the person 1299  
who requested the order is unable to appear and if the court 1300  
finds that the failure to appear is because of the person's 1301  
hospitalization or medical condition resulting from the offense 1302  
alleged in the complaint, another person who is able to provide 1303  
the court with the information it requests may appear in lieu of 1304  
the person who requested the order. If the court finds that the 1305  
safety and protection of the complainant, alleged victim, or any 1306  
other family or household member of the alleged victim may be 1307  
impaired by the continued presence of the alleged offender, the 1308  
court may issue a temporary protection order, as a pretrial 1309  
condition of release, that contains terms designed to ensure the 1310  
safety and protection of the complainant, alleged victim, or the 1311  
family or household member, including a requirement that the 1312  
alleged offender refrain from entering the residence, school, 1313  
business, or place of employment of the complainant, alleged 1314

victim, or the family or household member. The court may include 1315  
within a protection order issued under this section a term 1316  
requiring that the alleged offender not remove, damage, hide, 1317  
harm, or dispose of any companion animal owned or possessed by 1318  
the complainant, alleged victim, or any other family or 1319  
household member of the alleged victim, and may include within 1320  
the order a term authorizing the complainant, alleged victim, or 1321  
other family or household member of the alleged victim to remove 1322  
a companion animal owned by the complainant, alleged victim, or 1323  
other family or household member from the possession of the 1324  
alleged offender. 1325

(2) (a) If the court issues a temporary protection order 1326  
that includes a requirement that the alleged offender refrain 1327  
from entering the residence, school, business, or place of 1328  
employment of the complainant, the alleged victim, or the family 1329  
or household member, the order shall state clearly that the 1330  
order cannot be waived or nullified by an invitation to the 1331  
alleged offender from the complainant, alleged victim, or family 1332  
or household member to enter the residence, school, business, or 1333  
place of employment or by the alleged offender's entry into one 1334  
of those places otherwise upon the consent of the complainant, 1335  
alleged victim, or family or household member. 1336

(b) Division (C) (2) (a) of this section does not limit any 1337  
discretion of a court to determine that an alleged offender 1338  
charged with a violation of section 2919.27 of the Revised Code, 1339  
with a violation of a municipal ordinance substantially 1340  
equivalent to that section, or with contempt of court, which 1341  
charge is based on an alleged violation of a temporary 1342  
protection order issued under this section, did not commit the 1343  
violation or was not in contempt of court. 1344

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

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

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

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

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

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

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

(a) The disposition, by the court that issued the order or, in the circumstances described in division (D) (4) of this



section, by the court of common pleas to which the alleged 1405  
offender is bound over for prosecution, of the criminal 1406  
proceeding arising out of the complaint upon which the order is 1407  
based; 1408

(b) The issuance of a protection order or the approval of 1409  
a consent agreement, arising out of the same activities as those 1410  
that were the basis of the complaint upon which the order is 1411  
based, under section 3113.31 of the Revised Code;. 1412

(3) Shall not be construed as a finding that the alleged 1413  
offender committed the alleged offense, and shall not be 1414  
introduced as evidence of the commission of the offense at the 1415  
trial of the alleged offender on the complaint upon which the 1416  
order is based. 1417

(F) A person who meets the criteria for bail under 1418  
Criminal Rule 46 and who, if required to do so pursuant to that 1419  
rule, executes or posts bond or deposits cash or securities as 1420  
bail, shall not be held in custody pending a hearing before the 1421  
court on a motion requesting a temporary protection order. 1422

(G) (1) A copy of any temporary protection order that is 1423  
issued under this section shall be issued by the court to the 1424  
complainant, to the alleged victim, to the person who requested 1425  
the order, to the defendant, and to all law enforcement agencies 1426  
that have jurisdiction to enforce the order. The court shall 1427  
direct that a copy of the order be delivered to the defendant on 1428  
the same day that the order is entered. If a municipal court or 1429  
a county court issues a temporary protection order under this 1430  
section and if, subsequent to the issuance of the order, the 1431  
defendant who is the subject of the order is bound over to the 1432  
court of common pleas for prosecution as described in division 1433  
(D) (4) of this section, the municipal court or county court 1434

shall direct that a copy of the order be delivered to the court 1435  
of common pleas to which the defendant is bound over. 1436

(2) Upon the issuance of a protection order under this 1437  
section, the court shall determine whether, as a result of the 1438  
order, it is unlawful for the defendant to possess or purchase a 1439  
firearm under division (A) (6) of section 2923.13 of the Revised 1440  
Code or 18 U.S.C. 922(g) (8). If the court determines that the 1441  
defendant is prohibited from possessing or purchasing a firearm, 1442  
the court shall order the defendant to transfer all firearms in 1443  
the defendant's possession or control, and shall ensure that the 1444  
transfer is made, in accordance with section 2923.133 of the 1445  
Revised Code. If the defendant is so prohibited, the court shall 1446  
notify the complainant, the alleged victim, and the person who 1447  
requested the order and shall provide the ~~parties to the order~~ 1448  
defendant with the following notice orally or by form: 1449

"NOTICE 1450

As a result of this protection order, it ~~may be~~ is 1451  
unlawful for you to possess or purchase a firearm, including a 1452  
rifle, pistol, or revolver, or ammunition pursuant to ~~federal~~ 1453  
~~law under section 2923.13 of the Revised Code or 18 U.S.C.~~ 1454  
~~922(g) (8). If you have any questions whether this law makes it~~ 1455  
~~illegal for you to possess or purchase a firearm or ammunition,~~ 1456  
~~you should consult an attorney~~ You are required to transfer all 1457  
firearms in your possession or control within twenty-four hours 1458  
after service of this order in accordance with section 2923.133 1459  
of the Revised Code. You are required to file with this court a 1460  
proof of transfer and an affidavit that you possess no firearms 1461  
within forty-eight hours after service of this order." 1462

(3) All law enforcement agencies shall establish and 1463  
maintain an index for the temporary protection orders delivered 1464

to the agencies pursuant to division (G) (1) of this section. 1465  
With respect to each order delivered, each agency shall note on 1466  
the index, the date and time of the receipt of the order by the 1467  
agency. 1468

(4) A complainant, alleged victim, or other person who 1469  
obtains a temporary protection order under this section may 1470  
provide notice of the issuance of the temporary protection order 1471  
to the judicial and law enforcement officials in any county 1472  
other than the county in which the order is issued by 1473  
registering that order in the other county in accordance with 1474  
division (N) of section 3113.31 of the Revised Code and filing a 1475  
copy of the registered protection order with a law enforcement 1476  
agency in the other county in accordance with that division. 1477

(5) Any officer of a law enforcement agency shall enforce 1478  
a temporary protection order issued by any court in this state 1479  
in accordance with the provisions of the order, including 1480  
removing the defendant from the premises, regardless of whether 1481  
the order is registered in the county in which the officer's 1482  
agency has jurisdiction as authorized by division (G) (4) of this 1483  
section. 1484

(H) Upon a violation of a temporary protection order, the 1485  
court may issue another temporary protection order, as a 1486  
pretrial condition of release, that modifies the terms of the 1487  
order that was violated. 1488

(I) (1) As used in divisions (I) (1) and (2) of this 1489  
section, "defendant" means a person who is alleged in a 1490  
complaint to have committed a violation, offense of violence, or 1491  
sexually oriented offense of the type described in division (A) 1492  
of this section. 1493

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

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

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

(J) (1) Subject to division (J) (2) of this section and regardless of whether a protection order is issued or a consent

agreement is approved by a court of another county or a court of 1524  
another state, no court or unit of state or local government 1525  
shall charge the movant any fee, cost, deposit, or money in 1526  
connection with the filing of a motion pursuant to this section, 1527  
in connection with the filing, issuance, registration, 1528  
modification, enforcement, dismissal, withdrawal, or service of 1529  
a protection order, consent agreement, or witness subpoena or 1530  
for obtaining a certified copy of a protection order or consent 1531  
agreement. 1532

(2) Regardless of whether a protection order is issued or 1533  
a consent agreement is approved pursuant to this section, if the 1534  
defendant is convicted the court may assess costs against the 1535  
defendant in connection with the filing, issuance, registration, 1536  
modification, enforcement, dismissal, withdrawal, or service of 1537  
a protection order, consent agreement, or witness subpoena or 1538  
for obtaining a certified copy of a protection order or consent 1539  
agreement. 1540

(K) As used in this section: 1541

(1) "Companion animal" has the same meaning as in section 1542  
959.131 of the Revised Code. 1543

(2) "Sexually oriented offense" has the same meaning as in 1544  
section 2950.01 of the Revised Code. 1545

(3) "Victim advocate" means a person who provides support 1546  
and assistance for a victim of an offense during court 1547  
proceedings. 1548

**Sec. 2923.13.** (A) Unless relieved from disability under 1549  
operation of law or legal process, no person shall knowingly 1550  
acquire, have, carry, or use any firearm or dangerous ordnance, 1551  
if any of the following apply: 1552

- (1) The person is a fugitive from justice. 1553
- (2) The person is under indictment for or has been 1554  
convicted of any felony offense of violence or has been 1555  
adjudicated a delinquent child for the commission of an offense 1556  
that, if committed by an adult, would have been a felony offense 1557  
of violence. 1558
- (3) The person is under indictment for or has been 1559  
convicted of any felony offense involving the illegal 1560  
possession, use, sale, administration, distribution, or 1561  
trafficking in any drug of abuse or has been adjudicated a 1562  
delinquent child for the commission of an offense that, if 1563  
committed by an adult, would have been a felony offense 1564  
involving the illegal possession, use, sale, administration, 1565  
distribution, or trafficking in any drug of abuse. 1566
- (4) The person is drug dependent, in danger of drug 1567  
dependence, or a chronic alcoholic. 1568
- (5) The person has been convicted of any of the following 1569  
offenses, whether the offense is classified as a felony or 1570  
misdemeanor: 1571
- (a) Domestic violence; 1572
- (b) Assault or aggravated menacing, if the victim is a 1573  
family or household member as defined in section 2919.25 of the 1574  
Revised Code; 1575
- (c) Any offense that has, as an element, the use or 1576  
attempted use of physical force or threatened use of a deadly 1577  
weapon, if the victim is a family or household member as defined 1578  
in section 2919.25 of the Revised Code. 1579
- (6) The person is subject to a court order, granted after 1580

a full hearing for which the person received notice and an 1581  
opportunity to be heard, that restrains the person from 1582  
harassing, stalking, threatening, or engaging in other conduct 1583  
that would place a family or household member in reasonable fear 1584  
of bodily injury, or is subject to a temporary protection order 1585  
issued under section 2919.26 of the Revised Code. 1586

(7) The person is under adjudication of mental 1587  
incompetence, has been adjudicated as a mental defective, has 1588  
been committed to a mental institution, has been found by a 1589  
court to be a mentally ill person subject to court order, or is 1590  
an involuntary patient other than one who is a patient only for 1591  
purposes of observation. As used in this division, "mentally ill 1592  
person subject to court order" and "patient" have the same 1593  
meanings as in section 5122.01 of the Revised Code. 1594

(B) Whoever violates this section is guilty of having 1595  
weapons while under disability, a felony of the third degree. 1596

(C) For the purposes of this section, "under operation of 1597  
law or legal process" shall not itself include mere completion, 1598  
termination, or expiration of a sentence imposed as a result of 1599  
a criminal conviction. 1600

(D) As used in this section, "family or household member" 1601  
has the same meaning as in section 3113.31 of the Revised Code. 1602

**Sec. 2923.133.** (A) Any person who is subject to a court 1603  
order described in division (A)(6) of section 2923.13 of the 1604  
Revised Code and has been served with a court order requiring 1605  
the person to transfer all firearms in the person's possession 1606  
or control in accordance with this section shall transfer all 1607  
firearms in the person's possession or control as described in 1608  
this division. 1609

(1) Within twenty-four hours after being served with the 1610  
court order, the respondent shall transfer all firearms in the 1611  
respondent's possession to a law enforcement agency or federally 1612  
licensed firearms dealer. The respondent shall provide a copy of 1613  
the court order to the law enforcement agency or federally 1614  
licensed firearms dealer at the time of transfer, along with a 1615  
copy of the protection order. The law enforcement agency or 1616  
federally licensed firearms dealer shall issue a proof of 1617  
transfer to the respondent. The proof of transfer shall include 1618  
the name of the respondent, the date of transfer, and the serial 1619  
number, make, and model of each transferred firearm. 1620

(2) Within forty-eight hours after being served with the 1621  
court order, the respondent shall do one of the following: 1622

(a) File a copy of the proof of transfer with the court 1623  
that issued the order and an affidavit that all firearms in the 1624  
respondent's possession or control at the time the respondent 1625  
was served with the order have been transferred in accordance 1626  
with this section and that the respondent currently has no 1627  
firearms in the respondent's possession or control; 1628

(b) File an affidavit with the court that issued the order 1629  
that at the time the respondent was served with the order the 1630  
respondent had no firearms in the respondent's possession or 1631  
control and that the respondent currently has no firearms in the 1632  
respondent's possession or control. 1633

(3) (a) Upon the expiration of the court order, the law 1634  
enforcement agency or federally licensed firearms dealer in 1635  
possession of the respondent's firearms shall, at the 1636  
respondent's request, return those firearms to the respondent, 1637  
unless either of the following applies: 1638



(i) The order is extended or another court order described 1639  
in division (A) (6) of section 2923.13 of the Revised Code is in 1640  
effect. 1641

(ii) The respondent is prohibited from possessing a 1642  
firearm under state or federal law. 1643

(b) Before returning a firearm pursuant to this division, 1644  
the law enforcement agency or federally licensed firearms dealer 1645  
may require the respondent to sign a statement that the court 1646  
order has expired and has not been extended and that the 1647  
respondent is not prohibited from possessing a firearm under 1648  
state or federal law. 1649

(4) (a) If the respondent is prohibited from possessing a 1650  
firearm under state or federal law, the respondent shall have 1651  
sixty days after the expiration of the court order and any 1652  
extensions to the court order to make one sale to a federally 1653  
licensed firearms dealer of any transferred firearms in the 1654  
possession of a law enforcement agency. The law enforcement 1655  
agency shall transfer possession of the firearms to a federally 1656  
licensed firearms dealer at the request of the firearms dealer, 1657  
if the firearms dealer provides the law enforcement agency with 1658  
a copy of a bill of sale that indicates the respondent has sold 1659  
the firearms to the firearms dealer. If the law enforcement 1660  
agency accepts any proceeds from the sale on behalf of the 1661  
respondent, the law enforcement agency shall transfer the 1662  
proceeds of the sale to the respondent. 1663

(b) If the respondent or a federally licensed firearms 1664  
dealer does not provide a copy of a bill of sale for the 1665  
respondent's firearms to the law enforcement agency within sixty 1666  
days after the expiration of the court order and any extensions 1667  
to the court order, the firearms shall be considered to be 1668

abandoned. The law enforcement agency may establish policies for 1669  
the disposal of abandoned firearms, provided the policies 1670  
require that the respondent be notified of the disposal and 1671  
receive any financial value from the disposal of the firearms. 1672

(5) A law enforcement agency or federally licensed 1673  
firearms dealer may charge a respondent a reasonable fee in 1674  
connection with the storage of any firearm pursuant to division 1675  
(A) of this section. The fee charged by a law enforcement agency 1676  
shall not exceed the costs associated with taking possession of, 1677  
storing, and disposing of the firearms. 1678

(B) Any offender who has been convicted of an offense 1679  
described in division (A) (5) of section 2923.13 of the Revised 1680  
Code and has been served with a court order requiring the 1681  
offender to transfer all firearms in the offender's possession 1682  
or control in accordance with this section shall transfer all 1683  
firearms under the offender's possession or control as described 1684  
in this division. 1685

(1) Within twenty-four hours after being served with the 1686  
court order, the offender shall transfer all firearms in the 1687  
offender's possession or control to a law enforcement agency or 1688  
federally licensed firearms dealer. The offender shall provide a 1689  
copy of the court order to the law enforcement agency or 1690  
firearms dealer at the time of transfer. Prior to accepting a 1691  
transfer of firearms from the offender, a law enforcement agency 1692  
shall notify the offender that if the firearms are transferred 1693  
to a law enforcement agency the firearms shall be considered to 1694  
be abandoned and are subject to disposal under division (B) (3) 1695  
of this section. The law enforcement agency or federally 1696  
licensed firearms dealer taking possession of the firearm or 1697  
firearms shall issue a proof of transfer to the offender. The 1698

proof of transfer shall include the name of the offender, the 1699  
date of transfer, and the serial number, make, and model of each 1700  
transferred firearm. 1701

(2) Within forty-eight hours after being served with the 1702  
court order, the offender shall do one of the following: 1703

(a) File a copy of proof of transfer with the court that 1704  
issued the order and an affidavit that all firearms in the 1705  
offender's possession or control at the time the offender was 1706  
served with the court order have been transferred in accordance 1707  
with this section and that the offender currently has no 1708  
firearms in the offender's possession or control; 1709

(b) File an affidavit with the court that issued the order 1710  
that at the time the offender was served with the order the 1711  
offender had no firearms in the offender's possession or control 1712  
and that the offender currently has no firearms in the 1713  
offender's possession or control. 1714

(3) If the offender transfers the firearm to a law 1715  
enforcement agency, the firearm shall be considered to be 1716  
abandoned. The law enforcement agency may establish policies for 1717  
disposal of abandoned firearms, provided such policies require 1718  
that the offender be notified of the disposal and receive any 1719  
financial value from the disposal less the costs to the law 1720  
enforcement agency associated with taking possession of, 1721  
storing, and disposing of the firearms. 1722

(C) Notwithstanding division (B) of this section, if the 1723  
offender is incarcerated at the time the offender is served with 1724  
the court order and is unable to comply with the order due to 1725  
the offender's incarceration, the offender may file an affidavit 1726  
with the court that these circumstances are applicable to the 1727

<u>offender.</u>	1728
<u>(D) A person who recklessly violates this section is</u>	1729
<u>guilty of a felony of the fifth degree.</u>	1730
<u>(E) As used in this section:</u>	1731
<u>(1) "Law enforcement agency" means the state highway</u>	1732
<u>patrol, or a police department of a municipal corporation or</u>	1733
<u>sheriff's office under the court's jurisdiction.</u>	1734
<u>(2) "Respondent" includes a defendant who is subject to a</u>	1735
<u>temporary protection order under section 2919.26 of the Revised</u>	1736
<u>Code.</u>	1737
<b>Sec. 3113.31.</b> (A) As used in this section:	1738
(1) "Domestic violence" means the occurrence of one or	1739
more of the following acts against a family or household member:	1740
(a) Attempting to cause or recklessly causing bodily	1741
injury;	1742
(b) Placing another person by the threat of force in fear	1743
of imminent serious physical harm or committing a violation of	1744
section 2903.211 or 2911.211 of the Revised Code;	1745
(c) Committing any act with respect to a child that would	1746
result in the child being an abused child, as defined in section	1747
2151.031 of the Revised Code;	1748
(d) Committing a sexually oriented offense.	1749
(2) "Court" means the domestic relations division of the	1750
court of common pleas in counties that have a domestic relations	1751
division and the court of common pleas in counties that do not	1752
have a domestic relations division, or the juvenile division of	1753
the court of common pleas of the county in which the person to	1754

be protected by a protection order issued or a consent agreement 1755  
approved under this section resides if the respondent is less 1756  
than eighteen years of age. 1757

(3) "Family or household member" means any of the 1758  
following: 1759

(a) Any of the following who is residing with or has 1760  
resided with the respondent: 1761

(i) A spouse, a person living as a spouse, or a former 1762  
spouse of the respondent; 1763

(ii) A parent, a foster parent, or a child of the 1764  
respondent, or another person related by consanguinity or 1765  
affinity to the respondent; 1766

(iii) A parent or a child of a spouse, person living as a 1767  
spouse, or former spouse of the respondent, or another person 1768  
related by consanguinity or affinity to a spouse, person living 1769  
as a spouse, or former spouse of the respondent. 1770

(b) The natural parent of any child of whom the respondent 1771  
is the other natural parent or is the putative other natural 1772  
parent. 1773

(4) "Person living as a spouse" means a person who is 1774  
living or has lived with the respondent in a common law marital 1775  
relationship, who otherwise is cohabiting with the respondent, 1776  
or who otherwise has cohabited with the respondent within five 1777  
years prior to the date of the alleged occurrence of the act in 1778  
question. 1779

(5) "Victim advocate" means a person who provides support 1780  
and assistance for a person who files a petition under this 1781  
section. 1782

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 1783  
1784

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 1785  
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(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence. 1787  
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(C) (1) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state: 1791  
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~~(1)~~ (a) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence; 1796  
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~~(2)~~ (b) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner; 1800  
1801

~~(3)~~ (c) A request for relief under this section. 1802

(2) A petitioner may include a statement in the petition that describes the number, types, and locations of any firearms that the petitioner knows to be in the possession or control of the respondent. 1803  
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(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter 1807  
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any temporary orders, with or without bond, including, but not 1811  
limited to, an order described in division (E) (1) (a), (b), or 1812  
(c) of this section, that the court finds necessary to protect 1813  
the family or household member from domestic violence. Immediate 1814  
and present danger of domestic violence to the family or 1815  
household member constitutes good cause for purposes of this 1816  
section. Immediate and present danger includes, but is not 1817  
limited to, situations in which the respondent has threatened 1818  
the family or household member with bodily harm, in which the 1819  
respondent has threatened the family or household member with a 1820  
sexually oriented offense, or in which the respondent previously 1821  
has been convicted of, pleaded guilty to, or been adjudicated a 1822  
delinquent child for an offense that constitutes domestic 1823  
violence against the family or household member. 1824

(2) (a) If the court, after an ex parte hearing, issues an 1825  
order described in division (E) (1) (b) or (c) of this section, 1826  
the court shall schedule a full hearing for a date that is 1827  
within seven court days after the ex parte hearing. If any other 1828  
type of protection order that is authorized under division (E) 1829  
of this section is issued by the court after an ex parte 1830  
hearing, the court shall schedule a full hearing for a date that 1831  
is within ten court days after the ex parte hearing. The court 1832  
shall give the respondent notice of, and an opportunity to be 1833  
heard at, the full hearing. The court shall hold the full 1834  
hearing on the date scheduled under this division unless the 1835  
court grants a continuance of the hearing in accordance with 1836  
this division. Under any of the following circumstances or for 1837  
any of the following reasons, the court may grant a continuance 1838  
of the full hearing to a reasonable time determined by the 1839  
court: 1840

(i) Prior to the date scheduled for the full hearing under 1841

this division, the respondent has not been served with the 1842  
petition filed pursuant to this section and notice of the full 1843  
hearing. 1844

(ii) The parties consent to the continuance. 1845

(iii) The continuance is needed to allow a party to obtain 1846  
counsel. 1847

(iv) The continuance is needed for other good cause. 1848

(b) An ex parte order issued under this section does not 1849  
expire because of a failure to serve notice of the full hearing 1850  
upon the respondent before the date set for the full hearing 1851  
under division (D) (2) (a) of this section or because the court 1852  
grants a continuance under that division. 1853

(3) If a person who files a petition pursuant to this 1854  
section does not request an ex parte order, or if a person 1855  
requests an ex parte order but the court does not issue an ex 1856  
parte order after an ex parte hearing, the court shall proceed 1857  
as in a normal civil action and grant a full hearing on the 1858  
matter. 1859

(E) (1) After an ex parte or full hearing, the court may 1860  
grant any protection order, with or without bond, or approve any 1861  
consent agreement to bring about a cessation of domestic 1862  
violence against the family or household members. The order or 1863  
agreement may: 1864

(a) Direct the respondent to refrain from abusing or from 1865  
committing sexually oriented offenses against the family or 1866  
household members; 1867

(b) Grant possession of the residence or household to the 1868  
petitioner or other family or household member, to the exclusion 1869



of the respondent, by evicting the respondent, when the 1870  
residence or household is owned or leased solely by the 1871  
petitioner or other family or household member, or by ordering 1872  
the respondent to vacate the premises, when the residence or 1873  
household is jointly owned or leased by the respondent, and the 1874  
petitioner or other family or household member; 1875

(c) When the respondent has a duty to support the 1876  
petitioner or other family or household member living in the 1877  
residence or household and the respondent is the sole owner or 1878  
lessee of the residence or household, grant possession of the 1879  
residence or household to the petitioner or other family or 1880  
household member, to the exclusion of the respondent, by 1881  
ordering the respondent to vacate the premises, or, in the case 1882  
of a consent agreement, allow the respondent to provide 1883  
suitable, alternative housing; 1884

(d) Temporarily allocate parental rights and 1885  
responsibilities for the care of, or establish temporary 1886  
parenting time rights with regard to, minor children, if no 1887  
other court has determined, or is determining, the allocation of 1888  
parental rights and responsibilities for the minor children or 1889  
parenting time rights; 1890

(e) Require the respondent to maintain support, if the 1891  
respondent customarily provides for or contributes to the 1892  
support of the family or household member, or if the respondent 1893  
has a duty to support the petitioner or family or household 1894  
member; 1895

(f) Require the respondent, petitioner, victim of domestic 1896  
violence, or any combination of those persons, to seek 1897  
counseling; 1898

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member; 1899  
1900  
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(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the apportionment of household and family personal property; 1902  
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(i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner; 1907  
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1909

(j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent; 1910  
1911

(k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code. 1912  
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(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E) (7) of this section. This division does not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, 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 1914  
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of the petitioner or a family or household member, and, if the 1928  
court includes any requirement of that type in an order or 1929  
agreement, the court also shall include in the order provisions 1930  
of the type described in division (E) (7) of this section. 1931

(3) (a) Any protection order issued or consent agreement 1932  
approved under this section shall be valid until a date certain, 1933  
but not later than five years from the date of its issuance or 1934  
approval, or not later than the date a respondent who is less 1935  
than eighteen years of age attains nineteen years of age, unless 1936  
modified or terminated as provided in division (E) (8) of this 1937  
section. 1938

(b) Subject to the limitation on the duration of an order 1939  
or agreement set forth in division (E) (3) (a) of this section, 1940  
any order under division (E) (1) (d) of this section shall 1941  
terminate on the date that a court in an action for divorce, 1942  
dissolution of marriage, or legal separation brought by the 1943  
petitioner or respondent issues an order allocating parental 1944  
rights and responsibilities for the care of children or on the 1945  
date that a juvenile court in an action brought by the 1946  
petitioner or respondent issues an order awarding legal custody 1947  
of minor children. Subject to the limitation on the duration of 1948  
an order or agreement set forth in division (E) (3) (a) of this 1949  
section, any order under division (E) (1) (e) of this section 1950  
shall terminate on the date that a court in an action for 1951  
divorce, dissolution of marriage, or legal separation brought by 1952  
the petitioner or respondent issues a support order or on the 1953  
date that a juvenile court in an action brought by the 1954  
petitioner or respondent issues a support order. 1955

(c) Any protection order issued or consent agreement 1956  
approved pursuant to this section may be renewed in the same 1957

manner as the original order or agreement was issued or 1958  
approved. 1959

(4) A court may not issue a protection order that requires 1960  
a petitioner to do or to refrain from doing an act that the 1961  
court may require a respondent to do or to refrain from doing 1962  
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 1963  
this section unless all of the following apply: 1964

(a) The respondent files a separate petition for a 1965  
protection order in accordance with this section. 1966

(b) The petitioner is served notice of the respondent's 1967  
petition at least forty-eight hours before the court holds a 1968  
hearing with respect to the respondent's petition, or the 1969  
petitioner waives the right to receive this notice. 1970

(c) If the petitioner has requested an ex parte order 1971  
pursuant to division (D) of this section, the court does not 1972  
delay any hearing required by that division beyond the time 1973  
specified in that division in order to consolidate the hearing 1974  
with a hearing on the petition filed by the respondent. 1975

(d) After a full hearing at which the respondent presents 1976  
evidence in support of the request for a protection order and 1977  
the petitioner is afforded an opportunity to defend against that 1978  
evidence, the court determines that the petitioner has committed 1979  
an act of domestic violence or has violated a temporary 1980  
protection order issued pursuant to section 2919.26 of the 1981  
Revised Code, that both the petitioner and the respondent acted 1982  
primarily as aggressors, and that neither the petitioner nor the 1983  
respondent acted primarily in self-defense. 1984

(5) No protection order issued or consent agreement 1985  
approved under this section shall in any manner affect title to 1986

any real property. 1987

(6) (a) If a petitioner, or the child of a petitioner, who 1988  
obtains a protection order or consent agreement pursuant to 1989  
division (E) (1) of this section or a temporary protection order 1990  
pursuant to section 2919.26 of the Revised Code and is the 1991  
subject of a parenting time order issued pursuant to section 1992  
3109.051 or 3109.12 of the Revised Code or a visitation or 1993  
companionship order issued pursuant to section 3109.051, 1994  
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 1995  
this section granting parenting time rights to the respondent, 1996  
the court may require the public children services agency of the 1997  
county in which the court is located to provide supervision of 1998  
the respondent's exercise of parenting time or visitation or 1999  
companionship rights with respect to the child for a period not 2000  
to exceed nine months, if the court makes the following findings 2001  
of fact: 2002

(i) The child is in danger from the respondent; 2003

(ii) No other person or agency is available to provide the 2004  
supervision. 2005

(b) A court that requires an agency to provide supervision 2006  
pursuant to division (E) (6) (a) of this section shall order the 2007  
respondent to reimburse the agency for the cost of providing the 2008  
supervision, if it determines that the respondent has sufficient 2009  
income or resources to pay that cost. 2010

(7) (a) If a protection order issued or consent agreement 2011  
approved under this section includes a requirement that the 2012  
respondent be evicted from or vacate the residence or household 2013  
or refrain from entering the residence, school, business, or 2014  
place of employment of the petitioner or a family or household 2015

member, the order or agreement shall state clearly that the 2016  
order or agreement cannot be waived or nullified by an 2017  
invitation to the respondent from the petitioner or other family 2018  
or household member to enter the residence, school, business, or 2019  
place of employment or by the respondent's entry into one of 2020  
those places otherwise upon the consent of the petitioner or 2021  
other family or household member. 2022

(b) Division (E) (7) (a) of this section does not limit any 2023  
discretion of a court to determine that a respondent charged 2024  
with a violation of section 2919.27 of the Revised Code, with a 2025  
violation of a municipal ordinance substantially equivalent to 2026  
that section, or with contempt of court, which charge is based 2027  
on an alleged violation of a protection order issued or consent 2028  
agreement approved under this section, did not commit the 2029  
violation or was not in contempt of court. 2030

(8) (a) The court may modify or terminate as provided in 2031  
division (E) (8) of this section a protection order or consent 2032  
agreement that was issued after a full hearing under this 2033  
section. The court that issued the protection order or approved 2034  
the consent agreement shall hear a motion for modification or 2035  
termination of the protection order or consent agreement 2036  
pursuant to division (E) (8) of this section. 2037

(b) Either the petitioner or the respondent of the 2038  
original protection order or consent agreement may bring a 2039  
motion for modification or termination of a protection order or 2040  
consent agreement that was issued or approved after a full 2041  
hearing. The court shall require notice of the motion to be made 2042  
as provided by the Rules of Civil Procedure. If the petitioner 2043  
for the original protection order or consent agreement has 2044  
requested that the petitioner's address be kept confidential, 2045

the court shall not disclose the address to the respondent of 2046  
the original protection order or consent agreement or any other 2047  
person, except as otherwise required by law. The moving party 2048  
has the burden of proof to show, by a preponderance of the 2049  
evidence, that modification or termination of the protection 2050  
order or consent agreement is appropriate because either the 2051  
protection order or consent agreement is no longer needed or 2052  
because the terms of the original protection order or consent 2053  
agreement are no longer appropriate. 2054

(c) In considering whether to modify or terminate a 2055  
protection order or consent agreement issued or approved under 2056  
this section, the court shall consider all relevant factors, 2057  
including, but not limited to, the following: 2058

(i) Whether the petitioner consents to modification or 2059  
termination of the protection order or consent agreement; 2060

(ii) Whether the petitioner fears the respondent; 2061

(iii) The current nature of the relationship between the 2062  
petitioner and the respondent; 2063

(iv) The circumstances of the petitioner and respondent, 2064  
including the relative proximity of the petitioner's and 2065  
respondent's workplaces and residences and whether the 2066  
petitioner and respondent have minor children together; 2067

(v) Whether the respondent has complied with the terms and 2068  
conditions of the original protection order or consent 2069  
agreement; 2070

(vi) Whether the respondent has a continuing involvement 2071  
with illegal drugs or alcohol; 2072

(vii) Whether the respondent has been convicted of, 2073

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;

(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;

(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;

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

(xi) The age and health of the respondent;

(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 2103  
to this section and the court denies the motion, the court may 2104  
assess costs against the respondent for the filing of the 2105  
motion. 2106

(9) Any protection order issued or any consent agreement 2107  
approved pursuant to this section shall include a provision that 2108  
the court will automatically seal all of the records of the 2109  
proceeding in which the order is issued or agreement approved on 2110  
the date the respondent attains the age of nineteen years unless 2111  
the petitioner provides the court with evidence that the 2112  
respondent has not complied with all of the terms of the 2113  
protection order or consent agreement. The protection order or 2114  
consent agreement shall specify the date when the respondent 2115  
attains the age of nineteen years. 2116

(F) (1) A copy of any protection order, or consent 2117  
agreement, that is issued, approved, modified, or terminated 2118  
under this section shall be issued by the court to the 2119  
petitioner, to the respondent, and to all law enforcement 2120  
agencies that have jurisdiction to enforce the order or 2121  
agreement. The court shall direct that a copy of an order be 2122  
delivered to the respondent on the same day that the order is 2123  
entered. 2124

(2) Upon the issuance of a protection order or the 2125  
approval of a consent agreement under this section, the court 2126  
shall determine whether, as a result of the order, it is 2127  
unlawful for the respondent to possess or purchase a firearm 2128  
under division (A) (6) of section 2923.13 of the Revised Code or 2129  
18 U.S.C. 922(g) (8). If the court determines that the respondent 2130  
is prohibited from possessing or purchasing a firearm, the court 2131  
shall order the respondent to transfer all firearms in the 2132

respondent's possession or control, and shall ensure that the 2133  
transfer is made, in accordance with section 2923.133 of the 2134  
Revised Code. If the respondent is so prohibited, the court 2135  
shall notify the petitioner and provide the parties to the order 2136  
or agreement respondent with the following notice orally or by 2137  
form: 2138

"NOTICE 2139

As a result of this order or consent agreement, it ~~may be~~ 2140  
is unlawful for you to possess or purchase a firearm, including 2141  
a rifle, pistol, or revolver, or ammunition pursuant to ~~federal~~ 2142  
~~law under section 2923.13 of the Revised Code or 18 U.S.C.~~ 2143  
~~922(g) (8). If you have any questions whether this law makes it~~ 2144  
~~illegal for you to possess or purchase a firearm or ammunition,~~ 2145  
you should consult an attorney You are required to transfer all 2146  
firearms in your possession or control within twenty-four hours 2147  
after service of this order in accordance with section 2923.133 2148  
of the Revised Code. You are required to file with this court a 2149  
proof of transfer and an affidavit that you possess no firearms 2150  
within forty-eight hours after service of this order." 2151

(3) All law enforcement agencies shall establish and 2152  
maintain an index for the protection orders and the approved 2153  
consent agreements delivered to the agencies pursuant to 2154  
division (F)(1) of this section. With respect to each order and 2155  
consent agreement delivered, each agency shall note on the index 2156  
the date and time that it received the order or consent 2157  
agreement. 2158

(4) Regardless of whether the petitioner has registered 2159  
the order or agreement in the county in which the officer's 2160  
agency has jurisdiction pursuant to division (N) of this 2161  
section, any officer of a law enforcement agency shall enforce a 2162

protection order issued or consent agreement approved by any 2163  
court in this state in accordance with the provisions of the 2164  
order or agreement, including removing the respondent from the 2165  
premises, if appropriate. 2166

(G) Any proceeding under this section shall be conducted 2167  
in accordance with the Rules of Civil Procedure, except that an 2168  
order under this section may be obtained with or without bond. 2169  
An order issued under this section, other than an ex parte 2170  
order, that grants a protection order or approves a consent 2171  
agreement, that refuses to grant a protection order or approve a 2172  
consent agreement that modifies or terminates a protection order 2173  
or consent agreement, or that refuses to modify or terminate a 2174  
protection order or consent agreement, is a final, appealable 2175  
order. The remedies and procedures provided in this section are 2176  
in addition to, and not in lieu of, any other available civil or 2177  
criminal remedies. 2178

(H) The filing of proceedings under this section does not 2179  
excuse a person from filing any report or giving any notice 2180  
required by section 2151.421 of the Revised Code or by any other 2181  
law. When a petition under this section alleges domestic 2182  
violence against minor children, the court shall report the 2183  
fact, or cause reports to be made, to a county, township, or 2184  
municipal peace officer under section 2151.421 of the Revised 2185  
Code. 2186

(I) Any law enforcement agency that investigates a 2187  
domestic dispute shall provide information to the family or 2188  
household members involved regarding the relief available under 2189  
this section and section 2919.26 of the Revised Code. 2190

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2191  
section and regardless of whether a protection order is issued 2192

or a consent agreement is approved by a court of another county 2193  
or a court of another state, no court or unit of state or local 2194  
government shall charge the petitioner any fee, cost, deposit, 2195  
or money in connection with the filing of a petition pursuant to 2196  
this section or in connection with the filing, issuance, 2197  
registration, modification, enforcement, dismissal, withdrawal, 2198  
or service of a protection order, consent agreement, or witness 2199  
subpoena or for obtaining a certified copy of a protection order 2200  
or consent agreement. 2201

(2) Regardless of whether a protection order is issued or 2202  
a consent agreement is approved pursuant to this section, the 2203  
court may assess costs against the respondent in connection with 2204  
the filing, issuance, registration, modification, enforcement, 2205  
dismissal, withdrawal, or service of a protection order, consent 2206  
agreement, or witness subpoena or for obtaining a certified copy 2207  
of a protection order or consent agreement. 2208

(K) (1) The court shall comply with Chapters 3119., 3121., 2209  
3123., and 3125. of the Revised Code when it makes or modifies 2210  
an order for child support under this section. 2211

(2) If any person required to pay child support under an 2212  
order made under this section on or after April 15, 1985, or 2213  
modified under this section on or after December 31, 1986, is 2214  
found in contempt of court for failure to make support payments 2215  
under the order, the court that makes the finding, in addition 2216  
to any other penalty or remedy imposed, shall assess all court 2217  
costs arising out of the contempt proceeding against the person 2218  
and require the person to pay any reasonable attorney's fees of 2219  
any adverse party, as determined by the court, that arose in 2220  
relation to the act of contempt. 2221

(L) (1) A person who violates a protection order issued or 2222

a consent agreement approved under this section is subject to 2223  
the following sanctions: 2224

(a) Criminal prosecution or a delinquent child proceeding 2225  
for a violation of section 2919.27 of the Revised Code, if the 2226  
violation of the protection order or consent agreement 2227  
constitutes a violation of that section; 2228

(b) Punishment for contempt of court. 2229

(2) The punishment of a person for contempt of court for 2230  
violation of a protection order issued or a consent agreement 2231  
approved under this section does not bar criminal prosecution of 2232  
the person or a delinquent child proceeding concerning the 2233  
person for a violation of section 2919.27 of the Revised Code. 2234  
However, a person punished for contempt of court is entitled to 2235  
credit for the punishment imposed upon conviction of or 2236  
adjudication as a delinquent child for a violation of that 2237  
section, and a person convicted of or adjudicated a delinquent 2238  
child for a violation of that section shall not subsequently be 2239  
punished for contempt of court arising out of the same activity. 2240

(M) In all stages of a proceeding under this section, a 2241  
petitioner may be accompanied by a victim advocate. 2242

(N) (1) A petitioner who obtains a protection order or 2243  
consent agreement under this section or a temporary protection 2244  
order under section 2919.26 of the Revised Code may provide 2245  
notice of the issuance or approval of the order or agreement to 2246  
the judicial and law enforcement officials in any county other 2247  
than the county in which the order is issued or the agreement is 2248  
approved by registering that order or agreement in the other 2249  
county pursuant to division (N) (2) of this section and filing a 2250  
copy of the registered order or registered agreement with a law 2251

enforcement agency in the other county in accordance with that 2252  
division. A person who obtains a protection order issued by a 2253  
court of another state may provide notice of the issuance of the 2254  
order to the judicial and law enforcement officials in any 2255  
county of this state by registering the order in that county 2256  
pursuant to section 2919.272 of the Revised Code and filing a 2257  
copy of the registered order with a law enforcement agency in 2258  
that county. 2259

(2) A petitioner may register a temporary protection 2260  
order, protection order, or consent agreement in a county other 2261  
than the county in which the court that issued the order or 2262  
approved the agreement is located in the following manner: 2263

(a) The petitioner shall obtain a certified copy of the 2264  
order or agreement from the clerk of the court that issued the 2265  
order or approved the agreement and present that certified copy 2266  
to the clerk of the court of common pleas or the clerk of a 2267  
municipal court or county court in the county in which the order 2268  
or agreement is to be registered. 2269

(b) Upon accepting the certified copy of the order or 2270  
agreement for registration, the clerk of the court of common 2271  
pleas, municipal court, or county court shall place an 2272  
endorsement of registration on the order or agreement and give 2273  
the petitioner a copy of the order or agreement that bears that 2274  
proof of registration. 2275

(3) The clerk of each court of common pleas, the clerk of 2276  
each municipal court, and the clerk of each county court shall 2277  
maintain a registry of certified copies of temporary protection 2278  
orders, protection orders, or consent agreements that have been 2279  
issued or approved by courts in other counties and that have 2280  
been registered with the clerk. 2281

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

**Section 2.** That existing sections 2151.34, 2903.13, 2903.21, 2903.214, 2919.25, 2919.26, 2923.13, and 3113.31 of the Revised Code are hereby repealed.

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

Section 2151.34 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.

Section 2903.214 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.

Section 2919.26 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.

Section 2923.13 of the Revised Code as amended by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General Assembly.