

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, NOVEMBER 14, 2018

TWO HUNDRED SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, November 14, 2018, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Pelanda was selected to preside under the Rule.

The journal of yesterday was read and approved.

Representative Blessing moved that the House advance to the sixth order of business, being motions and resolutions.

The motion was agreed to.

Representative Blessing moved that **Sub. H. B. No. 189**-Representatives Roegner, Reece, et al., be taken from the calendar and re-referred to the committee on Rules and Reference.

The motion was agreed to without objection.

Representative Blessing moved that the House revert to the second order of business, being introduction of bills.

The motion was agreed to.

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

Prayer was offered by Pastor Daniel Page of the Cornerstone Community Church in Stow, Ohio, followed by the Pledge of Allegiance to the Flag.

The following guests of the House of Representatives were recognized prior to the commencement of business:

The McClain High School livestock judging team received H.R. 576, presented by Representative Wilkin-91st district.

Dixie Jeffers received H.R. 547, presented by Representatives Boggs-18th district and Brown-20th district.

The Gahanna Lincoln High School girls bowling and track and field teams received H.Rs. 437 and 542 respectively, presented by Representative Gonzales-19th district.

The Wheelersburg Little League 11-and 12-year-old girls softball team received H.R. 571, presented by Representative Johnson-90th district.

Harrison Wright, a guest of Representative Craig-26th district.

Students from Xavier, guests of Representatives Kelly-31st district, Ingram-32nd district, and Reece-33rd district.

Scott and Carrie Weidle, guests of Representatives Antani-42nd district and Edwards-94th district.

Mona Al-Hayani, a guest of Representative Ashford-44th district.

Jordan Reeves and Kyle Moskowitz, guests of Representative Carfagna-68th district.

Jim Rickel, a guest of Representative Perales-73rd district.

Cameron Tong, a guest of Representative Riedel-82nd district.

Maleah and Diana Lee, guests of Representative Faber-84th district.

Blaise Tayese, a guest of Representative Scherer-92nd district.

Jamie Ebersole, a guest of Representative Patterson-99th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 767 - Representative Brown.

Cosponsors: Representatives Sheehy, Ashford, West, Smith, K., Ramos, Fedor, Sykes, Antonio, Miller, Kelly, Patterson, Boggs.

To enact section 107.64 of the Revised Code to establish the Governor's Office of Drug Policy.

H. B. No. 768 - Representative Dever.

To amend sections 4765.01, 4765.11, and 4765.16 and to enact section 4765.53 of the Revised Code to require that emergency medical service personnel receive training for the recognition, reading, and proper response to a patient with a medical identification product.

H. B. No. 769 - Representative Dever.

To enact section 1349.72 of the Revised Code to require a commercial credit reporting agency to provide credit reports to businesses and to establish a procedure whereby a business may dispute statements on the report.

H. B. No. 770 - Representative Seitz.

To amend sections 1733.01, 1733.04, 1733.041, 1733.05, 1733.13, 1733.14, 1733.16, 1733.19, 1733.22, 1733.24, 1733.329, and 1733.39, to enact sections 1733.051 and 1733.152, and to repeal section 1733.26 of the Revised Code to revise the laws governing credit unions.

H. B. No. 771 - Representative Stein.

To amend sections 3748.03, 5725.98, 5726.98, 5729.98, 5747.02, 5747.98, and 5751.98 and to enact sections 122.97, 3748.23, 4164.01, 4164.02,

4164.03, 4164.05, 4164.07, 4164.09, 4164.11, 4164.13, 4164.15, 4164.17, 4164.19, 4164.21, 4164.23, 4164.25, 4164.27, 4164.29, 4164.31, 4164.33, 4164.35, 4164.41, 4164.43, 4164.45, 4164.46, 4164.48, 4164.49, 4164.50, 4164.51, 4164.52, 4164.54, 4164.56, 4164.58, 4164.59, 4164.60, 4164.61, 4164.63, 4164.64, 4164.66, 4164.68, 4164.70, 4164.71, 4164.72, 4164.73, 4164.74, 4164.75, 4164.76, 4164.78, 4164.80, 4164.81, 4164.82, 4164.83, 4164.84, 4164.86, 4164.87, 4164.88, 4164.91, 4164.93, 4164.95, and 4164.97 of the Revised Code to establish the Ohio Medical-Isotope Economic Development Consortium and Authority and to authorize tax credits for investments therein.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Celebrezze submitted the following report:

The standing committee on Rules and Reference to which was referred **Sub. H. B. No. 189**-Representatives Roegner, Reece, et. al., having had the same under consideration, reports it back and recommends its re-referral to the committee on Government Accountability and Oversight.

RE: CHANGE COSMETOLOGY LICENSING LAW

RYAN SMITH
FRED STRAHORN
KRISTIN BOGGS
NICHOLAS CELEBREZZE
SARAH LATOURETTE
DOROTHY PELANDA
BILL SEITZ

KIRK SCHURING
LOUIS W. BLESSING III
ANDREW BRENNER
BRIGID KELLY
THOMAS F. PATTON
GARY SCHERER
EMILIA STRONG SYKES

The report was agreed to.

The bill was ordered to be engrossed and re-referred to the committee on Government Accountability and Oversight.

MOTIONS AND RESOLUTIONS

Representative Celebrezze reported for the Rules and Reference committee recommending that the following House Resolution be read and approved:

H. R. No. 536 - Representative Rogers

In memory of Patrolman Mathew J. Mazany.

/s/RYAN SMITH
Ryan Smith, Chair

Representative Schuring moved that the Rules and Reference committee report on resolutions be agreed to and that the resolution contained therein be approved.

The motion was agreed to.

Representative Schuring moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 580-Speaker Smith

Relative to the election of Bride Rose Sweeney to fill the vacancy in the membership of the House of Representatives created by the resignation of Martin J. Sweeney of the 14th House District.

WHEREAS, Section 11 of Article II of the Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Martin J. Sweeney of the 14th House District, has resigned as a member of the House of Representatives of the 132nd General Assembly effective October 1, 2018, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Democrat party that Bride Rose Sweeney, Democrat, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 14th House District, is hereby elected, effective November 14, 2018, pursuant to Section 11 of Article II of the Ohio Constitution, as a member of the House of Representatives from the 14th House District, to fill the vacancy created by the unexpired portion of the term of said Martin J. Sweeney, ending on December 31, 2018; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Democrat party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The question being, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted – yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Antonio	Ashford	Bocchieri	Boggs
Boyd	Brown	Celebrezze	Cera
Clyde	Craig	Galonski	Holmes
Howse	Ingram	Kelly	Kent
Leland	Lepore-Hagan	Miller	O'Brien
Patterson	Ramos	Reece	Rogers
Sheehy	Smith, K.	Strahorn	Sykes
			West-29

The resolution was adopted.

Ms. Sweeney was escorted to the bar of the House by Representatives Boyd, Celebrezze, Leland, Lepore-Hagan, Smith, K., Anielski, LaTourette, Patton, and Greenspan, took the oath of office administered by Speaker Smith, and entered upon the discharge of her duties.

State of Ohio

County of Franklin

I, Bride Rose Sweeney, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ BRIDE ROSE SWEENEY
Bride Rose Sweeney

Sworn to and subscribed before me this 14th day of November, 2018.

/s/ RYAN SMITH
Ryan Smith
Speaker
House District 93

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 228-Representatives Johnson, LaTourette.

Cosponsors: Representatives Conditt, Schuring, Pelanda, Patton, McColley, Antani, Becker, Brenner, Brinkman, Carfagna, Dean, Duffey, Ginter, Goodman, Green, Henne, Hill, Hood, Householder, Huffman, Keller, Koehler, Lipps, Merrin, Riedel, Roegner, Romanchuk, Schaffer, Slaby, Smith, R., Sprague, Stein, Thompson, Vitale, Wiggam, Retherford.

To amend sections 9.68, 307.932, 2307.601, 2901.05, 2901.09, 2923.11,

2923.12, 2923.126, 2923.16, 2923.18, 2923.20, 2953.37, 5321.01, and 5321.13 and to repeal section 2923.1212 of the Revised Code to modify the state preemption of local firearm regulations and related remedies; to assign to the prosecution the burden of disproving a self-defense or related claim; to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law; to limit the use of the affirmative defense of self-defense, defense of another, or defense of a person's residence under both civil and criminal law; to modify the Concealed Handgun Licensing Law regarding the carrying of additional identification and a licensee's duty to keep the licensee's hands in plain sight; to modify penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle; to expand the offense and penalties for unlawful transactions in weapons; to repeal the required posting of warning signs regarding the possession of weapons on specified premises; to provide an affirmative defense to improperly handling firearms in a motor vehicle for handguns in the vehicle without the defendant's knowledge; to generally bar any subsidized residential premises lease from requiring a tenant to agree to a restriction on a lawful firearm, a firearm component, or ammunition within the tenant's rental dwelling unit; and to exclude certain firearms from the definitions of sawed-off firearm and dangerous ordnance, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Johnson moved to amend, amendment 3000, as follows:

In line 58, strike through "sell,"

The question being, "Shall the motion to amend be agreed to?"

Representative Johnson moved to amend the amendment, amendment 3015, as follows:

After line 2 of the amendment, insert:

"In line 1393, after "state" insert "who has been issued a concealed handgun license under section 2923.125 of the Revised Code"

The question being, "Shall the motion to amend the amendment be agreed to?"

The motion was agreed to and the amendment so amended.

The question recurring, "Shall the motion to amend be agreed to?"

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Antonio moved to amend, amendment 2665, as follows:

In line 1 of the title, after "307.932," insert "2151.34,"

In line 2 of the title, after "2901.09," insert "2903.213, 2903.214, 2919.26,"

In line 3 of the title, after "2953.37," insert "3113.31, 3113.99, 5122.10,"; after "5321.13" insert ", to enact sections 3113.26, 3113.27, 3113.28, 3113.29, and 3113.30,"

In line 32 of the title, delete "and"

In line 34 of the title, after "ordnance" insert "; to provide for the entry of protection orders into, and removal of the orders from, the federal NCIC protection order database and LEADS; and to provide for the issuance by a court of an extreme risk protection order"

In line 35, after "307.932," insert "2151.34,"

In line 36, after "2901.09," insert "2903.213, 2903.214, 2919.26,"

In line 37, after "2953.37," insert "3113.31, 3113.99, 5122.10,"; after "5321.13" insert "be amended and sections 3113.26, 3113.27, 3113.28, 3113.29, and 3113.30"; delete "amended" and insert "enacted"

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

(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.

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

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

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

(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.

(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.

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

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

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

(10) "Expunge" has the same meaning as in section 2151.355 of the Revised Code.

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

(C)(1) Any of the following persons may seek relief under this section by filing a petition with the court:

(a) Any person on behalf of that person;

(b) Any parent or adult family or household member on behalf of any other family or household member;

(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.

(2) The petition shall contain or state all of the following:

(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;

(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;

(c) A request for relief under this section.

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

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

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

(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 after 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, pleaded guilty to, or been adjudicated a delinquent child for committing 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 person to be protected by the protection order.

(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:

(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.

(ii) The parties consent to the continuance.

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

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

(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.

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

(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order. The court may include within a protection order issued

under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.

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

(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 person to be protected by the protection order issued pursuant to division (E)(3) of this section, or has violated a protection order issued pursuant to this section or section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E)(3) of this section.

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

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

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

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

(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. If the protection order will be valid subsequent to the date on which the respondent attains eighteen years of age, the order shall be in a form that ensures that the protection order is accepted into the protection order database of the national crime information center (NCIC) maintained by the federal bureau of investigation. 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. If the court terminates or cancels the order, the court shall cause the delivery of notice of the termination or cancellation to the same persons and entities that were delivered a copy of the order.

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

"NOTICE

As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8) for the duration of this order. 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."

(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order. Each protection order received by a law enforcement agency pursuant to this section that will be valid subsequent to the date on which the respondent attains eighteen years of age shall be entered by the agency into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS, within twenty-four hours after receipt. Upon the termination or cancellation of the order, the agency shall take all steps necessary to ensure that the order is removed from LEADS within twenty-four hours after receipt of notice of the termination or cancellation and that it is terminated, cleared, or canceled in the protection order database of the national crime information center (NCIC) maintained by the federal bureau of investigation.

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

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

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

(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.

(b) The order that refuses to grant the protection order is appealed and an appellate court to which the last appeal of that order is taken affirms the order.

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

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

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

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

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

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

(b) Punishment for contempt of court.

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

delinquent child for a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

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

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

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

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

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

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

(N) If the court orders electronic monitoring of the respondent under this section, the court shall direct the sheriff's office or any other appropriate law enforcement agency to install the electronic monitoring device and to monitor the respondent. Unless the court determines that the respondent is indigent, the court shall order the respondent to pay the cost of the installation and monitoring of the electronic monitoring device. If the court determines that the respondent is indigent and subject to the maximum amount allowable to be paid in any year from the fund and the rules promulgated by the attorney general under section 2903.214 of the Revised Code, the cost of the installation and monitoring of the electronic monitoring device may be paid out of funds from the reparations fund created pursuant

to section 2743.191 of the Revised Code. The total amount paid from the reparations fund created pursuant to section 2743.191 of the Revised Code for electronic monitoring under this section and sections 2903.214 and 2919.27 of the Revised Code shall not exceed three hundred thousand dollars per year. When the total amount paid from the reparations fund in any year for electronic monitoring under those sections equals or exceeds three hundred thousand dollars, the court shall not order pursuant to this section that an indigent respondent be electronically monitored.

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

"Sec. 2903.213. (A) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of a municipal ordinance substantially similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file a motion that requests the issuance of a protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint. If the complaint involves a person who is a family or household member, the complainant, the alleged victim, or the family or household member may file a motion for a temporary protection order pursuant to section 2919.26 of the Revised Code.

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

"Motion for Protection Order

.....

Name and address of court

State of Ohio

v.

No.

.....

Name of Defendant

(Name of person), moves the court to issue a protection order containing terms designed to ensure the safety and protection of the complainant or the alleged victim in the above-captioned case, in relation to the named defendant, pursuant to its authority to issue a protection order under section

2903.213 of the Revised Code.

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

I understand that I must appear before the court, at a time set by the court not later than the next day that the court is in session after the filing of this motion, for a hearing on the motion, and that any protection order granted pursuant to this motion is a pretrial condition of release and is effective only until the disposition of the criminal proceeding arising out of the attached complaint or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the attached complaint.

.....

Signature of person

.....

Address of person"

(C)(1) As soon as possible after the filing of a motion that requests the issuance of a protection order under this section, but not later than the next day that the court is in session after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant or the alleged victim, and may include within the order a term authorizing the complainant or the alleged victim to remove a companion animal owned by the complainant or the alleged victim from the possession of the alleged offender.

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

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

(D)(1) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation specified in division (A) of this section, the court, upon its own motion, may issue a protection order under this section as a pretrial condition of release of the alleged offender if it finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender.

(2)(a) If the court issues a protection order under this section as an ex parte order, it shall conduct, as soon as possible after the issuance of the order but not later than the next day that the court is in session after its issuance, a hearing 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.

(b) If at a hearing conducted under division (D)(2)(a) of this section the court determines that the ex parte order that the court issued should be revoked, the court, on its own motion, shall order that the ex parte order that is revoked and all of the records pertaining to that ex parte order be expunged.

(3) If a municipal court or a county court issues a 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 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 disposition, by the court that issued the order or, in the circumstances described in division (D)(3) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the complaint filed under this section;

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

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

(G)(1) A copy of a protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The protection order shall be in a form that ensures that the protection order is accepted into the protection order database of the national crime information center (NCIC) maintained by the federal bureau of investigation. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered. If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the defendant who is the subject of the order is bound over to the court of

common pleas for prosecution as described in division (D)(3) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over. If the court that issued the order, or the court of common pleas if the defendant is bound over to that court for prosecution, terminates or cancels the order, the court shall cause the delivery of notice of the termination or cancellation to the same persons and entities that were issued or delivered a copy of the order.

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

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

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

(I)(1) Subject to division (I)(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 by a court of another state, no court or unit of state or local government shall charge the movant any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining certified copies of a protection order or consent agreement.

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, if the defendant is convicted the court may assess costs against the defendant in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or

service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(J) As used in this section:

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

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

(3) "Expunge" means to destroy, delete, and erase a record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable.

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

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

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

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

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

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

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

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

(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.

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

(C) A person may seek relief under this section for the person, 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 all of the following:

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

(2) 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;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing 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.

(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. 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:

(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.

(ii) The parties consent to the continuance.

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

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

(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.

(3) If a person who files a petition pursuant to this section does not

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

(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order, including, but not limited to, a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member. If the court includes a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member in the order, it also shall include in the order provisions of the type described in division (E)(5) of this section. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.

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

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

(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 2903.211 of the Revised Code against the person to be protected by the protection order issued pursuant to division (E)(3) of this section, has committed a sexually oriented offense against the person to be protected by the protection order issued pursuant to division (E)(3) of this section, or has violated a protection order issued pursuant to section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E)(3) of this section.

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

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

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

(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 protection order shall be in a form that ensures that the protection order is accepted into the protection order database of the national crime information center (NCIC) maintained by the federal bureau of investigation. The court shall direct that a copy of the order be delivered to the respondent on the same day that the order is entered. If the court terminates or cancels the order, the court shall cause the delivery of notice of the termination or

cancellation to the same persons and entities that were delivered a copy of the order.

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

"NOTICE

As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8) for the duration of this order. 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."

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

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

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

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

expunged after either of the following occurs:

(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.

(b) The order that refuses to grant the protection order is appealed and an appellate court to which the last appeal of that order is taken affirms the order.

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

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

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

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

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

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

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently

be punished for contempt of court arising out of the same activity.

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

(M)(1) A petitioner who obtains a protection order under this section or a protection order under section 2903.213 of the Revised Code may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M)(2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

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

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

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

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

(N)(1) If the court orders electronic monitoring of the respondent under this section, the court shall direct the sheriff's office or any other appropriate law enforcement agency to install the electronic monitoring device and to monitor the respondent. Unless the court determines that the respondent is indigent, the court shall order the respondent to pay the cost of the installation and monitoring of the electronic monitoring device. If the court determines that the respondent is indigent and subject to the maximum amount allowable to be paid in any year from the fund and the rules promulgated by the attorney general under division (N)(2) of this section, the cost of the installation and monitoring of the electronic monitoring device

may be paid out of funds from the reparations fund created pursuant to section 2743.191 of the Revised Code. The total amount of costs for the installation and monitoring of electronic monitoring devices paid pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code from the reparations fund shall not exceed three hundred thousand dollars per year.

(2) The attorney general may promulgate rules pursuant to section 111.15 of the Revised Code to govern payments made from the reparations fund pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code. The rules may include reasonable limits on the total cost paid pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code per respondent, the amount of the three hundred thousand dollars allocated to each county, and how invoices may be submitted by a county, court, or other entity.

Sec. 2919.26. (A)(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 complainant, the alleged victim, or a family or household member of an alleged victim may file, or, if in an emergency the alleged victim is unable to file, a person who made an arrest for the alleged violation or offense under section 2935.03 of the Revised Code may file on behalf of the alleged victim, a motion that requests the issuance of a temporary protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint.

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

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

"MOTION FOR TEMPORARY PROTECTION ORDER
..... Court

Name and address of court

State of Ohio

v.

No.

.....

Name of Defendant

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

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with (name of the specified violation, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented offense charged), or charging the named defendant with a violation of a municipal ordinance that is substantially similar to (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented offense charged) involving a family or household member.

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

.....

Signature of person

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

.....

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

(C)(1) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the complaint, another person who is able to provide the court with the information it requests may appear in lieu of the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant, alleged victim, or any other family or household member of the alleged victim, and may include within the order a term authorizing the complainant, alleged victim, or other family or household member of the alleged victim to remove a companion animal owned by the complainant, alleged victim, or other family or household member from the possession of the alleged offender.

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

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court,

which charge is based on an alleged violation of a temporary protection order issued under this section, did not commit the violation or was not in contempt of court.

(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)(a) 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.

(b) If at a hearing conducted under division (D)(2)(a) of this section the court determines that the ex parte order that the court issued should be revoked, the court, on its own motion, shall order that the ex parte order that is revoked and all of the records pertaining to that ex parte order be expunged.

(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 offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based;

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

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

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

(G)(1) A copy of any temporary protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The protection order shall be in a form that ensures that the protection order is accepted into the protection order database of the national crime information center (NCIC) maintained by the federal bureau of investigation. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered. 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 defendant who is the subject of the order is bound over to the court of common pleas for prosecution as described in division (D)(4) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over. If the court that issued the order, or the court of common pleas if the defendant is bound over to that court for prosecution, terminates or cancels the order, the court shall cause the delivery of notice of the termination or cancellation to the same persons and entities that were issued or delivered a copy of the order.

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

"NOTICE

As a result of this protection order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8) for the duration of this order. 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."

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

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

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

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

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

(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 another state, no court or unit of state or local government shall charge the movant any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal,

withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

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

(K) As used in this section:

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

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

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

(4) "Expunge" has the same meaning as in section 2903.213 of the Revised Code."

Between lines 2237 and 2238, insert:

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

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

(B) "Family or household member" and "person living as a spouse" have the same meanings as in section 3113.31 of the Revised Code.

(C) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(D) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.

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

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

(G) "Petitioner" means a family or household member, a person

living as a spouse, or a law enforcement officer who files a petition for an extreme risk protection order under section 3113.27 of the Revised Code.

(H) "Respondent" means a person who is identified in a petition for an extreme risk protection order filed under section 3113.27 of the Revised Code as the person to which the extreme risk protection order will apply if the order is issued.

(I) "Extended extreme risk protection order" and "extended order" mean an extreme risk protection order that has been extended under division (D) of section 3113.29 of the Revised Code.

Sec. 3113.27.(A)(1) A family or household member of a respondent, a person living as a spouse of a respondent, or a law enforcement officer may file a petition in the probate court of the county in which the respondent resides requesting that the court issue an extreme risk protection order temporarily enjoining the respondent from having in the respondent's possession, custody, or control any firearm.

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

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

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

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

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

(e) If, at the time of the filing of the petition, the respondent is in custody under section 5122.10 of the Revised Code for an examination as a person who is believed to be a mentally ill person subject to court order and to represent a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination, state the fact of the custody and the date on which the person was taken into custody, and identify the location of the custody.

(3) A petition for an extreme risk protection order filed under division (A)(1) of this section shall be supported by a written affidavit signed

by the petitioner under oath, an oral statement given by the petitioner under oath, or any other admissible evidence the petitioner may choose to produce that sets forth the facts alleged in the petition that give rise to a reasonable belief on the part of the petitioner that the respondent presents a significant risk of the type described in the petition. If the petitioner is a law enforcement officer, the law enforcement officer also shall include in the affidavit under oath that the officer has conducted an independent investigation of the circumstances giving rise to the filing of the petition and that there is good cause for the filing of the petition.

(4) In any proceeding before the court in which the petitioner is seeking an extreme risk protection order or an extension of an existing extreme risk protection order, the petitioner has the burden of proof.

(5) In any proceeding before the court in which the petitioner is seeking an extreme risk protection order, the Rules of Civil Procedure and the Rules of Evidence shall apply.

(6) Upon the filing of a petition for an extreme risk protection order under division (A)(1) of this section, the court shall set a date for a hearing on the petition that is not later than three calendar days after the day on which the petition is filed. On the same business day the petitioner files the petition, the court shall direct a law enforcement officer to serve on the respondent a copy of the petition and a notice of the hearing. The notice of the hearing shall notify the respondent of the date, time, and location of the hearing and of the respondent's opportunity to be heard to contest the issuance of an extreme risk protection order. On motion of the petitioner or respondent, or on its own motion, the court may grant a continuance of the hearing for any of the circumstances or reasons identified in divisions (A)(6)(a) to (e) of this section and, upon granting a continuance, the court shall notify the petitioner and respondent of the new date, time, and location of the hearing. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the hearing to a reasonable time determined by the court:

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

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

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

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

(e) At the time of the filing of the petition, the respondent is in custody as described in division (A)(2)(e) of this section.

(7) If, at the time scheduled for the hearing under division (A)(6) of

this section, the respondent is in custody as described in division (A)(2)(e) of this section, the respondent shall be released from the custody for the purpose of attending the hearing. If, on completion of the hearing, the period of the custody of the respondent for an examination as described in division (A)(2)(e) of this section has not ended and the respondent has not been discharged from that custody, the respondent shall return to the hospital from which the respondent was released to attend the hearing. The court may direct that a law enforcement officer transport the respondent to and from the hearing.

(B)(1) At the hearing for an extreme risk protection order provided under division (A)(6) of this section, the petitioner must prove, by clear and convincing evidence, that the respondent presents a significant risk of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person in the near future to such an extent that the respondent should be immediately and temporarily enjoined from having in the respondent's possession, custody, or control any firearm. If the court at the hearing finds that the petitioner has so proved, the court may issue an extreme risk protection order. Absent such a finding, the court shall not issue an extreme risk protection order.

(2) In determining whether to issue an extreme risk protection order under this section, the court shall consider all of the factors listed in division (C) of this section.

(3) If the court at the hearing provided under division (A)(6) of this section finds, by clear and convincing evidence, that an extreme risk protection order should be issued and issues the order, the order shall include all of the following:

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

(b) The date the order was issued;

(c) The duration of the order, which shall be one hundred eighty days after the date on which a copy of the proof of a voluntary transfer or an affidavit is filed with a court under division (A)(2) of section 3113.28 of the Revised Code or a return is filed with a court under division (B) of that section, and a notice that the duration of the order may be extended upon request of the petitioner if the court makes certain findings;

(d) A notice to the respondent that, beginning ninety days after a copy of the proof of a voluntary transfer or an affidavit is filed with a court under division (A)(2) of section 3113.28 of the Revised Code or a return is filed with a court under division (B) of that section, the respondent may file a petition with the court pursuant to section 3113.29 of the Revised Code for a hearing under that section to terminate the order and reclaim possession of the respondent's firearms;

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

(f) A notice that the issuance of an extreme risk protection order under division (B) of this section shall make it unlawful for the respondent to possess, purchase, acquire, or obtain a firearm, including ammunition, while the extreme risk protection order is in effect.

(4) If the court issues an extreme risk protection order under division (B) of this section, the court shall immediately direct a law enforcement officer to serve the order on the respondent as soon as possible, either at the residence address of the respondent as set forth in the petition or at any other location that either the petitioner or the law enforcement officer has reason to believe the respondent can be found and served. If, at that time, the respondent is in custody as described in division (A)(2)(e) of this section, the law enforcement officer shall serve the order on the respondent at the hospital in which the respondent is in custody. After the law enforcement officer serves the order on the respondent, the officer shall file with the court notice of service on the respondent. The notice of service shall state the date and time the respondent was served and the location at which the respondent was served.

(5) An extreme risk protection order issued under division (B) of this section shall order the respondent, within twenty-four hours of being served with a copy of the order, to transfer all firearms in the respondent's possession, custody, or control to a law enforcement agency or federally licensed firearms dealer, in accordance with division (A) of section 3113.28 of the Revised Code. The order also shall inform the respondent of the affidavit provisions of divisions (A)(2)(b) and (c) of that section and that if the respondent files an affidavit of the type described in either of those divisions, the twenty-four hour transfer requirement included in the order does not apply to the respondent. The order also shall inform the respondent that, if the twenty-four hour transfer requirement applies to the respondent and the respondent does not transfer the firearms in accordance with division (A) of section 3113.28 of the Revised Code, the court will issue a warrant as described in this division for seizure of the firearms.

If the twenty-four hour transfer requirement included in the order applies to the respondent and the respondent does not transfer all firearms under the respondent's possession, custody, or control within twenty-four hours in accordance with division (A) of section 3113.28 of the Revised Code, except as otherwise described in this paragraph, the court shall issue a warrant under division (B) of that section commanding a law enforcement officer in the county in which the respondent resides to enter the respondent's residence or any other property owned, leased, or controlled by the respondent to search for and seize all firearms in the respondent's possession, custody, or control. A court that otherwise is required to issue a warrant as described in this paragraph may decide to not issue the warrant or

to delay the issuance of the warrant, in the circumstances specified in division (B) of section 3113.28 of the Revised Code.

(C)(1) In determining whether to issue an extreme risk protection order, the court shall consider all of the following:

(a) Recent threats or acts of violence by the respondent directed toward the petitioner;

(b) Recent threats or acts of violence by the respondent directed toward any other person;

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

(d) The respondent's reckless use, display, or brandishing of a firearm;

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

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

(g) The respondent's illegal use of controlled substances or abuse of alcohol;

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

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

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

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

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

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

illness or any other mental health condition from which the respondent may suffer.

(E)(1) A copy of an extreme risk protection order issued pursuant to division (B) of this section shall be issued to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. If the court that issued the order terminates or cancels the order, the court shall cause the delivery of notice of the termination or cancellation to the same persons and entities that were issued a copy of the order. If the respondent appeals the order or an extension of the order to the court of appeals and the court of appeals overturns the decision of the probate court to issue or extend the order, the court of appeals shall cause the delivery of notice of its decision to the same persons and entities that were issued a copy of the order or of the extension of the order.

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

(3) Each law enforcement agency provided a copy of an order pursuant to division (E)(1) of this section shall ensure the order is entered into the law enforcement automated data system created by section 5503.10 of the Revised Code and known as LEADS within twenty-four hours of receipt. Upon the termination or cancellation of the order, or upon a decision of a court of appeals that overturns the decision of the probate court to issue or extend the order, the agency shall take all steps necessary to ensure that the order is removed from LEADS within twenty-four hours after receipt of notice of the termination, cancellation, or overturning of the order or extension and that the order is terminated, cleared, or canceled in the database of the national crime information center (NCIC) maintained by the federal bureau of investigation into which the order has been entered, as described in division (E)(2) of this section.

Sec. 3113.28.(A) Any person who is a respondent subject to an extreme risk protection order issued under section 3113.27 of the Revised Code and who has been served with the order may voluntarily transfer all firearms in the respondent's possession, custody, or control as described in this division. A respondent's compliance with both divisions (A)(1) and (2) of this section constitutes a voluntary transfer of the firearms. To voluntarily transfer the firearms, the respondent shall comply with the following:

(1)(a) Subject to division (A)(1)(b) of this section, within twenty-four hours after being served with the extreme risk protection order, the respondent shall transfer all firearms in the respondent's possession, custody, or control to a law enforcement agency or federally licensed firearms dealer. The respondent shall provide a copy of the order to the law enforcement

agency or federally licensed firearms dealer at the time of transfer. The law enforcement agency or federally licensed firearms dealer shall issue a proof of transfer to the respondent. The proof of transfer shall include the name of the respondent, the date of transfer, and the serial number, make, and model or any other relevant description of each transferred firearm and shall identify the law enforcement agency or federally licensed firearms dealer and provide an address and telephone number for the agency or dealer and the name of a person who may be contacted at the agency or dealer's premises.

(b) If the respondent was taken into custody under division (A)(1) or (2) of section 5122.10 of the Revised Code after the issuance of the extreme risk protection order but before the respondent's compliance with division (A)(1)(a) of this section, or was taken into custody under division (A)(1) or (2) of section 5122.10 of the Revised Code before the issuance of the extreme risk protection order and the order was issued while the respondent was in that custody or under any other disposition of a type described in divisions (A) to (E) of section 5122.10 of the Revised Code that is subsequent and related to that custody, division (A)(1)(a) of this section does not apply to the respondent while the respondent remains in that custody or under that other disposition. Upon the respondent's release or discharge from that custody or other disposition, if the extreme risk protection order remains in effect, within twenty-four hours of that release or discharge, the respondent shall comply with division (A)(1)(a) of this section and the provisions of that division apply with respect to transfers made under it.

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section, within forty-eight hours after being served with the extreme risk protection order, the respondent shall do one of the following:

(i) File a copy of the proof of transfer with the court that issued the order and an affidavit stating that all firearms in the respondent's possession, custody, or control at the time the respondent was served with the order have been transferred in accordance with this division and that the respondent currently has no firearms in the respondent's possession, custody, or control;

(ii) File an affidavit with the court that issued the order stating that at the time the respondent was served with the order, the respondent had no firearms in the respondent's possession, custody, or control, and that the respondent currently has no firearms in the respondent's possession, custody, or control.

(b) If the respondent was taken into custody under division (A)(1) or (2) of section 5122.10 of the Revised Code after the issuance of the extreme risk protection order but before the respondent's compliance with division (A)(1)(a) of this section, division (A)(2)(a) of this section does not apply to the respondent while the respondent remains in that custody or under any other disposition of a type described in divisions (A) to (E) of section

5122.10 of the Revised Code that is subsequent and related to that custody. Instead, within forty-eight hours after being taken into custody, the respondent shall file an affidavit with the court that issued the order stating that the respondent is in custody under division (A)(1) or (2) of section 5122.10 of the Revised Code or under another disposition of a type described in divisions (A) to (E) of that section that is subsequent and related to that custody. Upon the respondent's release or discharge from that custody or other disposition, if the extreme risk protection order remains in effect, the respondent shall comply with division (A)(1)(a) of this section as specified under division (A)(1)(b) of this section and, within forty-eight hours after that release, shall comply with division (A)(2)(a)(i) or (ii) of this section.

(c) If the respondent was taken into custody under division (A)(1) or (2) of section 5122.10 of the Revised Code before the issuance of the extreme risk protection order and the order was issued while the respondent was in that custody or under any other disposition of a type described in divisions (A) to (E) of section 5122.10 of the Revised Code that is subsequent and related to that custody, division (A)(2)(a) of this section does not apply to the respondent while the respondent remains in that custody or under that other disposition. Instead, within forty-eight hours after being served with the extreme risk protection order, the respondent shall file an affidavit of the type described in division (A)(2)(b) of this section with the court that issued the order. Upon the respondent's release or discharge from that custody or other disposition, if the extreme risk protection order remains in effect, the respondent shall comply with division (A)(1)(a) of this section as specified under division (A)(1)(b) of this section and, within forty-eight hours after that release, shall comply with division (A)(2)(a)(i) or (ii) of this section.

(B) If a respondent who is subject to an extreme risk protection order issued under section 3113.27 of the Revised Code does not voluntarily transfer all firearms in compliance with division (A) of this section within the transfer period applicable to the respondent, as specified in that division, except as otherwise described in this division, the court that issued the order shall issue a warrant to a law enforcement officer commanding the officer to search for and seize all firearms in the possession or control of the respondent. The law enforcement officer who served the warrant, not later than forty-eight hours after the warrant was served, shall file a return with the court that states that the warrant was served and that sets forth the time and date on which the warrant was served, the name and address of the respondent named in the warrant, and the serial number, make, and model or any other relevant description of each firearm seized by the law enforcement officer. If a court that otherwise is required to issue a warrant under this division determines that the respondent is in custody or that the respondent's firearms already have been surrendered to and are in the possession of a law

enforcement agency, the court may decide to not issue the warrant or to delay the issuance of the warrant pending the respondent's release or the return of the firearms to the respondent.

(C) The enforcement of an extreme risk protection order issued under section 3113.27 of the Revised Code is separate from, and independent of, the taking of temporary custody of firearms under division (F) of section 5122.10 of the Revised Code and, in the circumstances described in divisions (A)(1)(b), (2)(b), and (2)(c) of this section, the procedures described in those divisions apply with respect to the respondent under the order.

(D)(1) Any law enforcement agency or federally licensed firearms dealer that has taken possession of a respondent's firearms pursuant to an extreme risk protection order issued under section 3113.27 of the Revised Code, whether by a voluntary transfer by the respondent pursuant to division (A) of this section or by a seizure by a law enforcement officer pursuant to division (B) of this section, shall not mark, damage, deface, or destroy the firearms while they are in the agency's or dealer's possession. The agency or dealer shall maintain the integrity and identity of the firearms in such a manner that, if the firearms subsequently are to be returned to the respondent, they can be identified and returned to the respondent in the same condition they were in when they were voluntarily transferred or seized. The agency or dealer shall not relinquish control of the firearms other than pursuant to a provision of section 3113.29 of the Revised Code, pursuant to a sale as specified in division (F) of that section, or pursuant to a court order.

(2) Any law enforcement agency that has taken possession of a respondent's firearms pursuant to an extreme risk protection order issued under section 3113.27 of the Revised Code, whether by a voluntary transfer by the respondent pursuant to division (A) of this section or by a seizure by a law enforcement officer pursuant to division (B) of this section, may transfer the respondent's firearms for storage by the state highway patrol for the duration of the order. The state highway patrol shall issue the law enforcement agency that originally took possession of the respondent's firearms a proof of transfer that includes the name and address of the respondent from whom the firearms were received and the serial number, make, and model or any other relevant description of each transferred firearm. The state highway patrol shall notify the court, the petitioner, and the respondent that the state highway patrol then is in possession of the respondent's firearms. This division does not apply to a federally licensed firearms dealer that has taken possession of a respondent's firearms pursuant to an extreme risk protection order issued under section 3113.27 of the Revised Code by a voluntary transfer by the respondent pursuant to division (A) of this section.

(3) A law enforcement agency or federally licensed firearms dealer that has taken possession of a respondent's firearms as described in division

(D)(1) or (2) of this section, or the state highway patrol that has custody of a respondent's firearms as described in division (D)(2) of this section, shall make a record of the firearms for purposes of sections 3113.26 to 3113.30 of the Revised Code. Notwithstanding section 149.43 of the Revised Code, the record is confidential, is not a public record, and shall be used only for purposes of sections 3113.26 to 3113.30 of the Revised Code. No person shall disseminate the record or any information on it, other than as required for purposes of sections 3113.26 to 3113.30 of the Revised Code or as required to do so pursuant to a court order. The agency, dealer, or state highway patrol shall not submit the record or any information on it to any government entity for purposes of a centralized database and no government entity shall establish or maintain any centralized database including the record or any information on it.

Sec. 3113.29.(A) An extreme risk protection order issued by a court pursuant to division (A)(6) of section 3113.27 of the Revised Code shall be for a period of one hundred eighty days beginning after a copy of the proof of a voluntary transfer or an affidavit is filed with a court under division (A)(2) of section 3113.28 of the Revised Code or a return is filed with a court under division (B) of that section, subject to termination as described in division (B) of this section. The initial one-hundred-eighty-day period may be extended for an additional period under division (D) of this section, and an order extended under that division may be further extended under that division.

(B)(1) With respect to an extreme risk protection order issued by a court pursuant to division (A)(6) of section 3113.27 of the Revised Code, beginning ninety days after a copy of the proof of a voluntary transfer or an affidavit is filed with a court under division (A)(2) of section 3113.28 or a return is filed with a court under division (B) of that section, the respondent may file a petition with the court that issued the order requesting a hearing to terminate the order and reclaim possession of the respondent's firearms. If the order has been extended for an additional period under division (D) of this section, the respondent may file a motion of the type described in this division at any time after the extension.

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

(3) In a hearing on a petition described in division (B)(1) of this section, the respondent has the burden of proving by a preponderance of the evidence that the respondent no longer presents a significant risk in the near future of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person to such an extent that the respondent should be enjoined from having in the respondent's possession, custody, or control any firearm. At any such hearing, the

petitioner may present evidence to rebut the respondent's evidence or assertion that the respondent presently does not present such a risk.

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

(a) If the court finds that the respondent no longer presents a significant risk in the near future of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person to such an extent that the respondent should be enjoined from having in the respondent's possession, custody, or control any firearm, the court shall grant the respondent's petition, terminate the extreme risk protection order, and order the law enforcement agency or federally licensed firearms dealer having custody of the firearms to return them to the respondent upon the respondent's request as soon as possible, but not later than the end of the next business day after the day on which the respondent makes the request. Upon receipt of the order, the law enforcement agency or federally licensed firearms dealer shall return the firearms to the respondent upon the respondent's request. The agency or dealer shall return the firearms to the respondent as soon as possible after, but not later than the end of the next business day after the day on which, the respondent makes the request.

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

(C) If an extreme risk protection order has been issued by a court pursuant to division (A)(6) of section 3113.27 of the Revised Code for a one-hundred-eighty-day period and if the court has not terminated the order and ordered that the respondent's firearms be returned to the respondent after a hearing under division (B) of this section, unless the order is extended for an additional period of not longer than one hundred eighty days under division (D) of this section, at the conclusion of the one-hundred-eighty-day period the order terminates and the law enforcement agency or federally licensed firearms dealer having possession of the respondent's firearms shall return them to the respondent upon the respondent's request. The agency or dealer shall return the firearms to the respondent as soon as possible after, but not later than the end of the next business day after the day on which, the respondent makes the request.

(D)(1) If an extreme risk protection order has been issued by the court pursuant to division (A)(6) of section 3113.27 of the Revised Code for a one-hundred-eighty-day period and if the court has not terminated that original order and ordered that the respondent's firearms be returned to the respondent after a hearing under division (B) of this section, at any time prior to the day that is one hundred sixty-five days after the order was issued, the petitioner may file a motion with the court that issued the order to extend the order for an additional period of not longer than one hundred eighty days.

If an extreme risk protection order has been issued by the court pursuant to division (A)(6) of section 3113.27 of the Revised Code, if the order has been extended under this division, and if the court has not terminated the extended extreme risk protection order and ordered that the respondent's firearms be returned to the respondent after a hearing under division (B) of this section, at any time prior to the day that is fifteen days before the date of termination of the extended order, the petitioner may file a motion with the court that issued the order to extend the order for an additional period of not longer than one hundred eighty days.

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

(2) At the hearing on a motion filed under division (D)(1) of this section, the petitioner must prove, by clear and convincing evidence, that the respondent continues to present a significant risk of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person in the near future to such an extent that the respondent should remain temporarily enjoined from having in the respondent's possession, custody, or control any firearm.

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

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

(a) If the court finds that the petitioner has not proven by clear and convincing evidence that the respondent continues to present a significant risk in the near future of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person

to such an extent that the respondent should be enjoined from having possession, custody, or control of any firearm, the court shall deny the petitioner's motion. If the court denies the petitioner's motion, the extreme risk protection order shall expire at the end of the specified one-hundred-eighty-day period if the order is an initial order or on the date of termination of the extension if the order is an extended order, whichever is applicable, and the law enforcement agency or federally licensed firearms dealer having custody of the firearms shall return them to the respondent upon the respondent's request after the expiration of the applicable specified period. The agency or dealer shall return the firearms to the respondent as soon as possible after, but not later than the end of the next business day after the day on which, the respondent makes the request.

(b) If the court finds that the petitioner has proven by clear and convincing evidence that the respondent continues to present a significant risk in the near future of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person to such an extent that the respondent should be enjoined from having possession, custody, or control of any firearm, the court shall grant the petitioner's motion and the court shall extend the current extreme risk protection order for an additional period of not longer than one hundred eighty days immediately following the expiration of the specified one-hundred-eighty-day period if the order is an initial order or the date of termination of the extension if the order is an extended order, whichever is applicable.

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

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

(a) Notify the law enforcement agency or federally licensed firearms dealer that then possesses the respondent's firearms that the court has extended the order for an additional period of not longer than one hundred eighty days and of the duration of the extension;

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

(E) A law enforcement agency or federally licensed firearms dealer having custody of any firearms that were voluntarily transferred by, or that were seized from, a respondent who was subject to an extreme risk protection order issued under section 3113.27 of the Revised Code shall safely keep the firearms until further order of the court that issued the order.

(F)(1) A respondent who is subject to an extreme risk protection order issued under section 3113.27 of the Revised Code and whose firearms are in the possession of a law enforcement agency or federally licensed firearms dealer may request the court to order the law enforcement agency or federally licensed firearms dealer to sell one or more of the firearms that lawfully may be sold, with the sale to be at auction, and to return the proceeds to the individual. If the firearms are in the possession of a law enforcement agency, the auction shall be under division (A)(2) of section 2981.12 of the Revised Code as if the firearms were unclaimed or forfeited firearms in the custody of the agency. The request shall specify each firearm the respondent wishes to be sold.

(2) If the respondent requests a sale of one or more firearms under division (F)(1) of this section, the court shall order the law enforcement agency or federally licensed firearms dealer having custody of the specified firearms to sell the specified firearms at auction, unless the serial numbers of the specified firearms have been obliterated. If the firearms are in the possession of a law enforcement agency, the auction shall be under division (A)(2) of section 2981.12 of the Revised Code as if the specified firearms were unclaimed or forfeited firearms in the custody of the agency.

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

(a) The law enforcement agency or federally licensed firearms dealer may retain not more than three per cent of the sale price to pay the costs of the sale, including administrative costs and the auctioneer's fee and, if the agency or dealer retains any of the sale price under authority of this provision, the remainder of the proceeds of the sale shall be returned to the individual who owns the firearm.

(b) If the law enforcement agency or federally licensed firearms dealer does not retain any of the sale price under authority of division (F)(3)(a) of this section, the entire amount of the proceeds shall be returned to the respondent or individual who owns the firearm that is sold.

Sec. 3113.30.(A) No person shall file a petition for an extreme risk protection order under section 3113.27 of the Revised Code alleging that a respondent presents a significant risk in the near future of committing suicide, committing another form of serious self-harm less than death, or

causing physical injury to another person to such an extent that the respondent should be temporarily enjoined from having in the respondent's possession, custody, or control any firearm if the person knows the allegation is false.

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

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

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

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

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

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

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

(iv) Committing a sexually oriented offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.

(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.

(C) 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:

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

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

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

(4) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member or the person with whom the respondent is or was in a dating relationship from domestic violence. Immediate and present danger of domestic violence to the family or household member or to the person with whom the respondent is or was in a dating relationship 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 family or household member or person with whom the respondent is or was in a dating relationship with bodily harm, in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with a sexually oriented offense, or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense that constitutes domestic violence against the family or household member or person with whom the respondent is or was in a dating relationship.

(2)(a) If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, 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. 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:

(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.

(ii) The parties consent to the continuance.

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

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

(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.

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

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

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

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

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

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

rights;

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

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

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

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

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

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

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

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or, with respect to a petition involving family or household members, one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against 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 of the petitioner or, with respect to a petition involving family or household members, a family or household member, and, if the court includes any requirement of that type in an order or agreement, the court also shall include in the order provisions of the type described in division (E)(7) of this section.

(3)(a) Any protection order issued or consent agreement approved

under this section shall be valid until a date certain, but not later than five years from the date of its issuance or approval, or not later than the date a respondent who is less than eighteen years of age attains nineteen years of age, unless modified or terminated as provided in division (E)(8) of this section.

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

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

(4) 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)(a), (b), (c), (d), (e), (g), or (h) 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 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 an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as

aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.

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

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

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

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

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

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

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

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

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

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

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

(ii) Whether the petitioner fears the respondent;

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

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

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

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

(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;

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

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

(F)(1) A copy of any protection order, or consent agreement, that is issued, approved, modified, or terminated under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The protection order or consent agreement shall be in a form that ensures that the protection order or consent agreement is accepted into the protection order database of the national crime information center (NCIC) maintained by the federal bureau of investigation. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered. If the

court terminates or cancels the order, the court shall cause the delivery of notice of the termination or cancellation to the same persons and entities that were issued or delivered a copy of the order.

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

"NOTICE

As a result of this order or consent agreement, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8) for the duration of this order or consent agreement. 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."

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

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

(G)(1) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that an order under this section may be obtained with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order or approves a consent agreement, that refuses to grant a protection order or approve a consent agreement that modifies or terminates a protection order or consent agreement, or that refuses to modify or terminate a protection

order or consent agreement, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies.

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

(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.

(b) The order that refuses to grant the protection order is appealed and an appellate court to which the last appeal of that order is taken affirms the order.

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

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

(J)(1) Subject to divisions (E)(8)(e) and (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 another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section or in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

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

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

support under this section.

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

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

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

(b) Punishment for contempt of court.

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

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

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N)(2) of this section and filing a copy of the registered order or registered agreement with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

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

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

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

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

(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.

Sec. 3113.99. (A) For purposes of this section:

(1) "Child support order" means an order for support issued or modified under Chapter 3115. or section 2151.23, 2151.231, 2151.232, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code.

(2) "Obligor" means a person who is required to pay support under a child support order.

(B)(1) Whoever violates section 3113.06 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of section 3113.06 of the Revised Code or if the court finds that the offender has failed to pay the cost of child maintenance under section 3113.06 of the Revised Code for a total accumulated period of twenty-six weeks out of one hundred four consecutive weeks, whether or not the twenty-six weeks were consecutive, a violation of section 3113.06 of the Revised Code is a felony of the fifth degree.

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

(C) An obligor who violates division (D)(1)(c) of section 3113.21 of the Revised Code shall be fined not more than fifty dollars for a first offense, not more than one hundred dollars for a second offense, and not more than five hundred dollars for each subsequent offense.

(D) An obligor who violates division (G)(2) of section 3113.21 of the Revised Code shall be fined not more than fifty dollars for a first offense, not more than one hundred dollars for a second offense, and not more than five hundred dollars for each subsequent offense.

(E) A fine amount imposed pursuant to division (C) or (D) of this section shall be paid to the division of child support in the department of human services or, pursuant to division (H)(4) of section 2301.35 of the Revised Code, the child support enforcement agency. The amount of the fine that does not exceed the amount of arrearage under the child support order shall be disbursed in accordance with the child support order. The amount of the fine that exceeds the amount of the arrearage order shall be called program income and collected in accordance with section 5101.325 of the Revised Code.

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

- (a) A psychiatrist;
- (b) A licensed physician;
- (c) A licensed clinical psychologist;
- (d) A clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center;
- (e) A certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center;
- (f) A health officer;
- (g) A parole officer;
- (h) A police officer;
- (i) A sheriff.

(2) If the chief of the adult parole authority or a parole or probation officer with the approval of the chief of the authority has reason to believe that a parolee, an offender under a community control sanction or post-release control sanction, or an offender under transitional control is a

mentally ill person subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination, the chief or officer may take the parolee or offender into custody and may immediately transport the parolee or offender to a hospital or, notwithstanding section 5119.33 of the Revised Code, to a general hospital not licensed by the department of mental health and addiction services where the parolee or offender may be held for the period prescribed in divisions (A) to (E) of this section.

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

(C) Every reasonable and appropriate effort shall be made to take persons into custody under division (A)(1) or (2) of this section in the least conspicuous manner possible. A person taking the respondent into custody pursuant to division (A)(1) or (2) of this section shall explain to the respondent: the name and professional designation and affiliation of the person taking the respondent into custody; that the custody-taking is not a criminal arrest; and that the person is being taken for examination by mental health professionals at a specified mental health facility identified by name; that a law enforcement officer who takes the person into custody might take temporary custody of any firearms that are in plain sight or discovered pursuant to a lawful search if it is necessary to take them for the protection of the officer or other persons present; and that the firearms taken will be returned to the person upon court order or release.

(D) If a person taken into custody under division (A)(1) or (2) of this section is transported to a general hospital, the general hospital may admit the person, or provide care and treatment for the person, or both, notwithstanding section 5119.33 of the Revised Code, but by the end of twenty-four hours after arrival at the general hospital, the person shall be transferred to a hospital as defined in section 5122.01 of the Revised Code.

(E) A person transported or transferred to a hospital or community mental health services provider under division (A)(1) or (2) of this section shall be examined by the staff of the hospital or services provider within twenty-four hours after arrival at the hospital or services provider. If to conduct the examination requires that the person remain overnight, the hospital or services provider shall admit the person in an unclassified status until making a disposition under this division or division (D) of this section. After the examination, if the chief clinical officer of the hospital or services

provider believes that the person is not a mentally ill person subject to court order, the chief clinical officer shall release or discharge the person immediately unless a court has issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code. After the examination, if the chief clinical officer believes that the person is a mentally ill person subject to court order, the chief clinical officer may detain the person for not more than three court days following the day of the examination and during such period admit the person as a voluntary patient under section 5122.02 of the Revised Code or file an affidavit under section 5122.11 of the Revised Code. If neither action is taken and a court has not otherwise issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code, the chief clinical officer shall discharge the person at the end of the three-day period unless the person has been sentenced to the department of rehabilitation and correction and has not been released from the person's sentence, in which case the person shall be returned to that department.

(F)(1) When a person is taken into custody under division (A)(1) or (2) of this section for transport or transfer to a hospital, the law enforcement officer who takes the person into custody on the officer's initiative or in assisting the psychiatrist, psychologist, physician, nurse specialist, nurse practitioner, health officer, parole officer, probation officer, or chief of the adult parole authority who takes the person into custody may take temporary custody of any firearms that are in plain sight or discovered pursuant to a consensual or other lawful search if it is necessary to take custody of the firearms for the protection of the law enforcement officer or other persons present. The law enforcement officer's agency shall retain all firearms taken under authority of this division, pending either a court order or discharge as described in division (F)(2) of this section.

(2) If a person is taken into custody under division (A)(1) or (2) of this section for transport or transfer to a hospital and a law enforcement officer takes temporary custody of any firearms under authority of division (F)(1) of this section, one of the following applies:

(a) If, after the examination of the person under divisions (A) to (E) of this section, the chief clinical officer of the hospital or services provider believes that the person is not a mentally ill person subject to court order, one of the following applies:

(i) If the chief clinical officer releases or discharges the person, upon or after the release or discharge, the agency shall return the firearms upon the person's request.

(ii) If a court has issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code, the agency shall retain the firearms, pending either a court order or release.

(b) If, after the examination of the person under divisions (A) to (E) of this section, the chief clinical officer believes that the person is a mentally ill person subject to court order and detains the person for not more than three court days following the examination, one of the following applies:

(i) If the chief clinical officer discharges the person at the end of the period of detention, upon or after the release or discharge, the agency shall return the firearms upon the person's request.

(ii) If the chief clinical officer does not discharge the person at the end of the period of detention as described in division (F)(2)(a) of this section and another disposition authorized under divisions (A) to (E) of this section is made of the person, the agency shall retain the firearms, pending either a court order or release.

(G) If a person is taken into custody under division (A)(1) or (2) of this section for transport or transfer to a hospital, if a law enforcement officer takes temporary custody of any firearms under authority of division (F)(1) of this section, if the firearms are to be returned as described in division (F)(2) (a) or (b) of this section, and if the person who is to receive the firearms requests their return, the law enforcement agency with custody of the firearms shall return them to the person as soon as possible after, but not later than the end of the next business day after the day on which, the person makes the request.

(H)(1) If a person is taken into custody under division (A)(1) or (2) of this section for transport or transfer to a hospital and if a law enforcement officer takes temporary custody of any firearms under authority of division (F)(1) of this section, the law enforcement officer's agency shall not mark, damage, deface, or destroy the firearms while they are in the agency's possession. The agency shall maintain the integrity and identity of the firearms in such a manner that, if the firearms subsequently are to be returned to a person, they can be identified and returned to the person in the same condition they were in when they were taken. The agency shall not relinquish control of the firearms other than as described in division (G) of this section.

(2) If a person is taken into custody under division (A)(1) or (2) of this section for transport or transfer to a hospital and if a law enforcement officer takes temporary custody of any firearms under authority of division (F)(1) of this section, the law enforcement officer's agency shall make a record of the firearms for purposes of this section and sections 3113.26 to 3113.30 of the Revised Code. Notwithstanding section 149.43 of the Revised Code, the record is confidential, is not a public record, and shall be used only for purposes of this section and sections 3113.26 to 3113.30 of the Revised Code. No person shall disseminate the record or any information on it, other than as required for purposes of this section and sections 3113.26 to 3113.30

of the Revised Code or as required to do so pursuant to a court order. The agency shall not submit the record or any information on it to any government entity for purposes of a centralized database and no government entity shall establish or maintain any centralized database including the record or any information on it.

(I) As used in divisions (F) to (H) of this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code."

In line 2407, after "307.932," insert "2151.34,"

In line 2408, after "2901.09," insert "2903.213, 2903.214, 2919.26,"

In line 2409, after "2953.37," insert "3113.31, 3113.99, 5122.10,"

After line 2410, insert:

"Section 3. Section 2151.34 of the Revised Code is presented in this act as a composite of the section as amended by both Sub H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 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 composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 2903.214 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 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 composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 2919.26 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 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 composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 3113.31 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 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 composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act."

The question being, "Shall the motion to amend be agreed to?"

Representative Seitz moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 65, nays 32, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Arndt	Becker
Blessing	Brenner	Brinkman	Butler
Carfagna	Cupp	Dever	DeVitis
Duffey	Edwards	Faber	Gavarone
Ginter	Gonzales	Green	Greenspan
Hagan	Hambley	Henne	Hill
Hood	Hoops	Householder	Huffman
Hughes	Johnson	Keller	Kick
Koehler	Landis	Lanese	Lang
LaTourette	Lipps	Manning	McClain
Merrin	Patton	Pelanda	Perales
Reineke	Retherford	Riedel	Roegner
Romanchuk	Ryan	Schaffer	Scherer
Schuring	Seitz	Slaby	Smith, T.
Sprague	Stein	Thompson	Vitale
Wiggam	Wilkin	Young	Zeltwanger
			Smith, R.-65

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bocchieri
Boggs	Boyd	Brown	Celebrezze
Cera	Clyde	Craig	Galonski
Holmes	Howse	Ingram	Kelly
Kent	Leland	Lepore-Hagan	Miller
O'Brien	Patmon	Patterson	Ramos
Reece	Rogers	Sheehy	Smith, K.
Strahorn	Sweeney, B.	Sykes	West-32

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Zeltwanger moved that **Sub. H. B. No. 228**—Representatives Johnson, LaTourette, et al., be re-referred to the committee on Federalism and Interstate Relations.

The question being, "Shall the motion to re-refer be agreed to?"

The yeas and nays were taken and resulted – yeas 44, nays 53, as follows:

Those who voted in the affirmative were: Representatives

Antonio	Ashford	Barnes	Becker
Bocchieri	Boggs	Boyd	Brinkman
Brown	Celebrezze	Cera	Clyde
Craig	Dever	DeVitis	Edwards
Galonski	Holmes	Hood	Householder
Howse	Ingram	Keller	Kelly
Kent	Leland	Lepore-Hagan	Miller

O'Brien	Patmon	Patterson	Ramos
Reece	Retherford	Rogers	Sheehy
Slaby	Smith, K.	Strahorn	Sweeney, B.
Sykes	Vitale	West	Zeltwanger-44

Those who voted in the negative were: Representatives

Anielski	Antani	Arndt	Blessing
Brenner	Butler	Carfagna	Cupp
Duffey	Faber	Gavarone	Ginter
Gonzales	Green	Greenspan	Hagan
Hambley	Henne	Hill	Hoops
Huffman	Hughes	Johnson	Kick
Koehler	Landis	Lanese	Lang
LaTourette	Lipps	Manning	McClain
Merrin	Patton	Pelanda	Perales
Reineke	Riedel	Roegner	Romanchuk
Ryan	Schaffer	Scherer	Schuring
Seitz	Smith, T.	Sprague	Stein
Thompson	Wiggam	Wilkin	Young
			Smith, R.-53

The motion was not agreed to.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted – yeas 65, nays 32, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Arndt	Becker
Blessing	Brenner	Brinkman	Butler
Carfagna	Cera	Cupp	Dever
DeVitis	Duffey	Edwards	Faber
Gavarone	Ginter	Green	Greenspan
Hagan	Hambley	Henne	Hill
Hood	Hoops	Householder	Huffman
Hughes	Johnson	Keller	Kick
Koehler	Landis	Lanese	Lang
LaTourette	Lipps	Manning	McClain
Merrin	Patton	Pelanda	Perales
Reineke	Retherford	Riedel	Roegner
Romanchuk	Ryan	Schaffer	Scherer
Schuring	Seitz	Slaby	Smith, T.
Sprague	Stein	Thompson	Vitale
Wiggam	Wilkin	Young	Zeltwanger
			Smith, R.-65

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bocchieri
Boggs	Boyd	Brown	Celebrezze
Clyde	Craig	Galonski	Gonzales
Holmes	Howse	Ingram	Kelly
Kent	Leland	Lepore-Hagan	Miller
O'Brien	Patmon	Patterson	Ramos
Reece	Rogers	Sheehy	Smith, K.
Strahorn	Sweeney, B.	Sykes	West-32

The bill passed.

Representative LaTourette moved to amend the title as follows:

Add the names: "Butler, Faber, Gavarone, Hagan, Hoops, Kick, McClain, Perales, Seitz, Smith, T., Wilkin, Young."

Remove the name: "Brinkman."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 167-Representative Edwards.

Cosponsor: Representative Householder.

To amend sections 4723.52, 4730.56, 4731.83, and 5119.363, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3715.08 (3719.064), and to enact sections 3719.063 and 4729.283 of the Revised Code regarding naltrexone and medication-assisted treatment, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Arndt
Ashford	Barnes	Becker	Blessing
Bocchieri	Boggs	Boyd	Brenner
Brinkman	Brown	Butler	Carfagna
Celebrezze	Cera	Clyde	Craig
Cupp	Dever	DeVitis	Duffey
Edwards	Faber	Galonski	Gavarone
Ginter	Gonzales	Green	Greenspan
Hagan	Hambley	Henne	Hill
Holmes	Hood	Hoops	Householder
Hughes	Ingram	Johnson	Keller
Kelly	Kent	Kick	Koehler
Landis	Lanese	Lang	LaTourette
Leland	Lepore-Hagan	Lipps	Manning
McClain	Merrin	Miller	O'Brien
Patmon	Patterson	Patton	Pelanda
Perales	Ramos	Reineke	Retherford
Riedel	Roegner	Rogers	Romanchuk
Ryan	Schaffer	Scherer	Schuring
Seitz	Sheehy	Slaby	Smith, K.
Smith, T.	Sprague	Stein	Strahorn
Sweeney, B.	Sykes	Thompson	Vitale
West	Wiggam	Wilkin	Young
Zeltwanger			Smith, R.-94

The bill passed.

Representative Edwards moved to amend the title as follows:

Add the names: "Anielski, Antani, Antonio, Arndt, Blessing, Brenner, Brown, Butler, Carfagna, Clyde, Craig, Cupp, Dever, Gavarone, Ginter, Gonzales, Green, Hagan, Hambley, Henne, Hoops, Hughes, Ingram, Johnson, Keller, Kick, Landis, Lanese, Lang, Leland, Manning, McClain, Merrin, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Reineke, Riedel, Roegner, Rogers, Romanchuk, Ryan, Scherer, Schuring, Seitz, Sheehy, Smith, T., Stein, Thompson, West, Wiggam, Wilkin, Young, Speaker Smith."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 598-Representatives West, Green.

Cosponsors: Representatives Thompson, Smith, K., Seitz, Ashford, Scherer, Hambley, Holmes.

To amend sections 5722.14, 5723.04, and 5723.06, to enact section 5723.20, and to repeal section 5722.13 of the Revised Code to increase from one to six years the interval within which county auditors must offer tax-forfeited land for sale, to give county auditors more discretion as to how and where such sales are conducted, to expressly immunize counties from civil liability in connection with such land, and to remove a requirement that property held by a land bank for more than fifteen years must be offered for sale at a public auction, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

November 14, 2018

The Honorable Ryan Smith, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Smith,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. H. B. No. 598**-Representatives West, Green, et al., because it might be construed that I have an interest in the legislation.

Sincerely,

/s/JOHN M. ROGERS
John M. Rogers
State Representative
60th House District

The request was granted.

The yeas and nays were taken and resulted – yeas 81, nays 9, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antonio	Arndt	Ashford
Barnes	Becker	Blessing	Boccieri
Boggs	Boyd	Brenner	Brown
Butler	Carfagna	Celebrezze	Cera
Clyde	Craig	Cupp	DeVitis
Duffey	Edwards	Faber	Galonski
Gavarone	Ginter	Gonzales	Green
Greenspan	Hagan	Hambley	Henne
Hill	Holmes	Hood	Hoops
Hughes	Ingram	Johnson	Keller
Kelly	Kent	Kick	Koehler
Landis	Lanese	LaTourette	Leland
Lepore-Hagan	Lipps	Manning	McClain
Miller	O'Brien	Patmon	Patterson
Patton	Pelanda	Perales	Ramos
Reineke	Riedel	Roegner	Romanchuk
Ryan	Schaffer	Scherer	Schuring
Seitz	Sheehy	Slaby	Smith, K.
Stein	Sweeney, B.	Sykes	Thompson
West	Wiggam	Wilkin	Young
			Smith, R.-81

Those who voted in the negative were: Representatives

Antani	Brinkman	Dever	Householder
Lang	Merrin	Retherford	Smith, T.
			Vitale-9

The bill passed.

Representative Green moved to amend the title as follows:

Add the names: "Anielski, Lepore-Hagan, Miller, Patton."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 147-Representative Hambley.

Cosponsors: Representatives Hill, Lipps, O'Brien, Celebrezze, Manning.

To amend sections 109.73, 935.19, 935.20, 959.131, 959.132, 1717.01, 1717.02, 1717.03, 1717.04, 1717.06, 1717.07, 1717.09, 1717.10, 2151.421, 2921.02, and 2931.18, to enact sections 1717.061, 1717.062, 1717.16, 1717.17, and 1717.18, and to repeal section 1717.14 of the Revised Code to make changes to humane society law, to make humane society agents subject to bribery law, and to establish procedures for the seizure and impoundment of certain animals and livestock, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 87, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Arndt
Ashford	Barnes	Becker	Blessing
Bocchieri	Boggs	Boyd	Brenner
Brinkman	Brown	Butler	Carfagna
Celebrezze	Cera	Clyde	Craig
Cupp	DeVitis	Duffey	Edwards
Faber	Galonski	Gavarone	Ginter
Green	Greenspan	Hagan	Hambley
Henne	Hill	Holmes	Hoops
Householder	Huffman	Hughes	Ingram
Johnson	Kelly	Kent	Kick
Koehler	Landis	Lanese	Lang
LaTourette	Leland	Lepore-Hagan	Lipps
Manning	McClain	Merrin	Miller
O'Brien	Patmon	Patterson	Patton
Pelanda	Perales	Ramos	Reineke
Retherford	Riedel	Roegner	Rogers
Romanchuk	Ryan	Schaffer	Scherer
Schuring	Seitz	Sheehy	Slaby
Smith, K.	Smith, T.	Stein	Sweeney, B.
Sykes	Thompson	West	Wiggam
Wilkin	Young		Smith, R.-87

Representatives Hood and Vitale voted in the negative-2.

The bill passed.

Representative Hambley moved to amend the title as follows:

Add the names: "Anielski, Antonio, Butler, Green, Holmes, Hughes, Kick, Lang, Patton, Pelanda, Perales, Wiggam."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. C. R. No. 21-Representative Schaffer.

Cosponsors: Representatives Johnson, Kick, Craig, Brown, Landis, Miller, Perales, Riedel, Zeltwanger.

To urge the Congress of the United States to enact the Mark Takai Atomic Veterans Healthcare Parity Act, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Schaffer moved to amend the title as follows:

Add the names: "Anielski, Antonio, Ashford, Bocchieri, Boyd, Brenner, Celebrezze, Galonski, Ginter, Green, Holmes, Hoops, Kent, Patton, Pelanda, Retherford, Rogers, Romanchuk, Ryan, Scherer, Schuring, West, Young, Speaker Smith."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the concurrent resolution be adopted?"

The yeas and nays were taken and resulted – yeas 89, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Arndt
Ashford	Barnes	Becker	Blessing
Bocchieri	Boggs	Boyd	Brenner
Brinkman	Brown	Butler	Carfagna
Celebrezze	Cera	Clyde	Craig
Cupp	DeVitis	Duffey	Edwards
Faber	Galonski	Gavarone	Ginter
Green	Greenspan	Hagan	Hambley
Henne	Hill	Holmes	Hood
Hoops	Householder	Howse	Huffman
Hughes	Ingram	Johnson	Kelly
Kent	Kick	Koehler	Landis
Lanese	Lang	LaTourette	Leland
Lepore-Hagan	Lipps	Manning	McClain
Merrin	Miller	O'Brien	Patterson
Patton	Pelanda	Perales	Ramos
Reineke	Retherford	Riedel	Roegner
Rogers	Romanchuk	Ryan	Schaffer
Scherer	Schuring	Seitz	Sheehy
Slaby	Smith, K.	Smith, T.	Stein
Sweeney, B.	Sykes	Thompson	Vitale
West	Wiggam	Wilkin	Young
			Smith, R.-89

The concurrent resolution was adopted.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. Sub. H. B. No. 250 - Representative Brinkman

Cosponsors: Representatives Becker, Seitz, Blessing, Green, Greenspan, Householder, Hughes, Johnson, Anielski, Antonio, Ashford, Barnes, Bocchieri, Boggs, Boyd, Brown, Celebrezze, Craig, Dever, Galonski, Holmes, Hoops, Howse, Landis, LaTourette, Leland, Lepore-Hagan, Manning, Miller, O'Brien, Patterson, Patton, Ramos, Riedel, Rogers, Sheehy, Stein, Strahorn, West, Wiggam, Young Senators LaRose, Brown, Tavares, Uecker, Hackett, Kunze, McColley, O'Brien, Sykes, Wilson, Yuko

To amend sections 4501.01, 4509.01, 4511.01, 4511.051, 4511.132, 4511.27, 4511.39, 4511.40, 4511.52, 4511.53, 4511.54, 4511.55, 4511.56, 4511.68, and 4511.711 and to enact section 4511.522 of the Revised Code to

establish requirements for the use of electric bicycles.

With the following additional amendments, in which the concurrence of the House is requested.

In line 1170, delete "2018" and insert "2020"

In line 1190, after "brakes" insert "or releases or activates a switch or similar mechanism"

Attest:

Vincent L. Keeran,
Clerk.

Representative Schuring moved that the Senate amendments to **Am. Sub. H. B. No. 250**-Representative Brinkman, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 250**-Representative Brinkman, et al., were taken up for consideration.

Am. Sub. H. B. No. 250-Representative Brinkman.

Cosponsors: Representatives Becker, Seitz, Blessing, Green, Greenspan, Householder, Hughes, Johnson, Anielski, Antonio, Ashford, Barnes, Boccieri, Boggs, Boyd, Brown, Celebrezze, Craig, Dever, Galonski, Holmes, Hoops, Howse, Landis, LaTourette, Leland, Lepore-Hagan, Manning, Miller, O'Brien, Patterson, Patton, Ramos, Riedel, Rogers, Sheehy, Stein, Strahorn, West, Wiggam, Young Senators LaRose, Brown, Tavares, Uecker, Hackett, Kunze, McColley, O'Brien, Sykes, Wilson, Yuko.

To amend sections 4501.01, 4509.01, 4511.01, 4511.051, 4511.132, 4511.27, 4511.39, 4511.40, 4511.52, 4511.53, 4511.54, 4511.55, 4511.56, 4511.68, and 4511.711 and to enact section 4511.522 of the Revised Code to establish requirements for the use of electric bicycles.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted – yeas 90, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Arndt
Ashford	Barnes	Becker	Blessing
Boccieri	Boggs	Boyd	Brenner
Brinkman	Brown	Butler	Carfagna
Celebrezze	Cera	Clyde	Craig
Cupp	DeVitis	Duffey	Edwards
Faber	Galonski	Gavarone	Ginter
Green	Greenspan	Hagan	Hambley
Henne	Hill	Holmes	Hood
Hoops	Householder	Howse	Huffman
Hughes	Ingram	Johnson	Kelly

Kent	Kick	Koehler	Landis
Lanese	Lang	LaTourette	Leland
Lepore-Hagan	Lipps	Manning	McClain
Merrin	Miller	O'Brien	Patterson
Patton	Pelanda	Perales	Ramos
Reineke	Retherford	Riedel	Roegner
Rogers	Romanchuk	Ryan	Schaffer
Scherer	Schuring	Seitz	Sheehy
Slaby	Smith, K.	Smith, T.	Stein
Strahorn	Sweeney, B.	Sykes	Thompson
Vitale	West	Wiggam	Wilkin
Young			Smith, R.-90

The Senate amendments were concurred in.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby appoints Representative Ramos as Ranking Member of the standing committee on Higher Education and Workforce Development, effective November 13, 2018.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Governor of Ohio, having signed **Sub. S. B. No. 221** entitled an act:

To amend sections 101.35, 103.05, 103.0511, 106.021, 106.03, 106.031, 107.52, 111.15, 119.03, 121.39, 121.71, 121.72, 121.73, 121.74, 121.75, 127.18, 145.09, 742.10, 1707.20, 3304.15, 3307.04, 3309.04, 3375.01, and 5505.04; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 127.18 (106.024); to enact sections 101.352, 101.353, 106.032, 121.93, 121.931, and 121.933; and to repeal section 121.76 of the Revised Code to reform agency rule-making and legislative review thereof, objected to the bill.

The Senate proceeded to reconsider the bill to which the Governor objected. The bill, having received the required constitutional majority, passed notwithstanding the objections of the Governor.

I am directed by the Senate to communicate a copy of said bill, the message of the Governor with his objections, and the proceedings of the Senate thereon to the House of Representatives.

Attest:

Vincent L. Keeran,
Clerk.

The Speaker handed down the following communication from the Governor:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

**STATEMENT OF THE REASONS FOR THE VETO OF
SUBSTITUTE SENATE BILL 221**

Pursuant to Article II, Section 16 of the Ohio Constitution, which states that the Governor may disapprove of any bill, I hereby disapprove Substitute Senate Bill 221 (SB 221) and set forth below the reasons for so doing.

The established process by which state agencies promulgate administrative rules already has multiple opportunities for interested parties and the public to have input on proposed rules before the rules become final. During my administration, we added another level of review and input to proposed rules before they become final - the Common Sense Initiative (CSI). The implementation of CSI was part of a collaborative process with the General Assembly that advanced the shared goal of reducing or streamlining regulations. In furtherance of this shared goal, CSI reviews any proposed administrative rule that has a potential impact on businesses. Since CSI became operational in 2012, approximately 60% of the proposed rules submitted to CSI for analysis were either amended before they became final or were rescinded and never implemented. By adding this front-end, stakeholder-centric engagement to Ohio's administrative rule-making process, CSI heightened the already robust review of proposed rules performed by the General Assembly's Joint Committee on Agency Rule Review (JCARR).

Substitute Senate Bill 221 (SB 221) undermines this existing process by providing JCARR with new, open-ended, undefined powers to question the effect of a rule after multiple rounds of public comment, after CSI's review, after JCARR's scrutiny, and after the rule has begun being implemented. This eliminates any sense of finality crucial to the effective enforcement of laws and denies the private sector stakeholders subject to laws any certainty regarding the regulations and requirements the General Assembly is imposing on them. Moreover, these new powers the General Assembly is giving itself are based on wholly undefined concepts. Neither the bill nor the Ohio Revised Code contains any definition or explanation as to what constitutes a "principle of law or policy" or what rises to the level of "having an unintended or unexpected effect on business".

Because SB 221 would in effect never allow an administrative rule to be "final" because it could always be re-opened in JCARR even after JCARR had already approved the supposedly final version of the rule, the bill will create uncertainty among stakeholders and the public on whether the rule should be followed. That uncertainty will cause additional burdens and impose additional costs on those who are subject to the rule. Moreover, the General Assembly already has the power and authority to pass legislation that specifically addresses any concerns it may have with already promulgated rules, and the attempt to use JCARR to supplant the natural legislative process represents an erosion of the separation of powers. Therefore, this veto is in the public interest.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus this 2nd day of August, Two Thousand Eighteen.

[Seal]

/s/JOHN R. KASICH

John R. Kasich, Governor

Representative Schuring moved that the reading of the veto message be dispensed with.

The motion was agreed to without objection.

The House proceeded to the consideration of **Sub. S.B. 221** vetoed by the Governor.

The question being, "Shall the bill pass notwithstanding the objections of the Governor?"

The yeas and nays were taken and resulted – yeas 70, nays 22, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Arndt	Barnes
Becker	Blessing	Bocchieri	Brenner
Brinkman	Brown	Butler	Carfagna
Celebrezze	Cera	Cupp	Dever
DeVitis	Duffey	Edwards	Faber
Gavarone	Ginter	Gonzales	Green
Greenspan	Hagan	Hambley	Henne
Hill	Holmes	Hood	Hoops
Householder	Huffman	Hughes	Johnson
Kick	Koehler	Landis	Lanese
Lang	LaTourrette	Lipps	Manning
McClain	Merrin	Patton	Pelanda
Perales	Reineke	Retherford	Riedel
Roegner	Rogers	Romanchuk	Ryan
Schaffer	Scherer	Schuring	Seitz
Slaby	Smith, T.	Stein	Thompson
Vitale	Wiggam	Wilkin	Young
Zeltwanger			Smith, R.-70

Those who voted in the negative were: Representatives

Antonio	Boggs	Boyd	Clyde
Craig	Galonski	Howse	Ingram
Kelly	Kent	Leland	Lepore-Hagan
Miller	O'Brien	Patterson	Ramos
Sheehy	Smith, K.	Strahorn	Sweeney, B.
Sykes			West-22

The bill having received the required constitutional majority, passed notwithstanding the objections of the Governor.

On motion of Representative Seitz, the House adjourned until Thursday, November 15, 2018 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.