

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 354**

**Representatives Plummer, Swearingen**

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**A BILL**

To amend sections 2151.358, 2903.214, 2919.26, 1  
2923.13, 2923.14, 2929.44, 2945.402, 3113.31, 2  
and 5122.01 and to enact sections 5502.80, 3  
5502.81, and 5502.82 of the Revised Code to 4  
require the juvenile court to expunge all 5  
records sealed pursuant to the juvenile sealing 6  
law upon the person's twenty-eighth birthday, to 7  
expand the circumstances under which a person 8  
has a weapon under disability, to specify that 9  
moderate or severe substance use disorder is a 10  
mental illness for purposes of the law governing 11  
civil commitments, to require the Director of 12  
Public Safety to create and maintain the weapons 13  
disability data portal, to impose certain 14  
consequences on specified entities that fail to 15  
comply with data submission requirements, and to 16  
make an appropriation. 17

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

**Section 1.** That sections 2151.358, 2903.214, 2919.26, 18  
2923.13, 2923.14, 2929.44, 2945.402, 3113.31, and 5122.01 be 19  
amended and sections 5502.80, 5502.81, and 5502.82 of the 20

Revised Code be enacted to read as follows: 21

**Sec. 2151.358.** (A) The juvenile court shall expunge all 22  
records sealed under section 2151.356 of the Revised Code ~~five-~~ 23  
~~years after the court issues a sealing order or upon the twenty-~~ 24  
~~third~~ twenty-eighth birthday of the person who is the subject of 25  
the sealing order, ~~whichever date is earlier.~~ 26

(B) Notwithstanding division (A) of this section, upon 27  
application by the person who has had a record sealed under 28  
section 2151.356 of the Revised Code, the juvenile court may 29  
expunge a record sealed under section 2151.356 of the Revised 30  
Code. In making the determination whether to expunge records, 31  
all of the following apply: 32

(1) The court may require a person filing an application 33  
for expungement to submit any relevant documentation to support 34  
the application. 35

(2) The court may cause an investigation to be made to 36  
determine if the person who is the subject of the proceedings 37  
has been rehabilitated to a satisfactory degree. 38

(3) The court shall promptly notify the prosecuting 39  
attorney of any proceedings to expunge records. 40

(4) (a) The prosecuting attorney may file a response with 41  
the court within thirty days of receiving notice of the 42  
expungement proceedings. 43

(b) If the prosecuting attorney does not file a response 44  
with the court or if the prosecuting attorney files a response 45  
but indicates that the prosecuting attorney does not object to 46  
the expungement of the records, the court may order the records 47  
of the person that are under consideration to be expunged 48  
without conducting a hearing on the application. If the court 49

decides in its discretion to conduct a hearing on the 50  
application, the court shall conduct the hearing within thirty 51  
days after making that decision and shall give notice, by 52  
regular mail, of the date, time, and location of the hearing to 53  
the prosecuting attorney and to the person who is the subject of 54  
the records under consideration. 55

(c) If the prosecuting attorney files a response with the 56  
court that indicates that the prosecuting attorney objects to 57  
the expungement of the records, the court shall conduct a 58  
hearing on the application within thirty days after the court 59  
receives the response. The court shall give notice, by regular 60  
mail, of the date, time, and location of the hearing to the 61  
prosecuting attorney and to the person who is the subject of the 62  
records under consideration. 63

(5) After conducting a hearing in accordance with division 64  
(B) (4) of this section or after due consideration when a hearing 65  
is not conducted, the court may order the records of the person 66  
that are the subject of the application to be expunged if it 67  
finds that the person has been rehabilitated to a satisfactory 68  
degree. In determining whether the person has been rehabilitated 69  
to a satisfactory degree, the court may consider all of the 70  
following: 71

(a) The age of the person; 72

(b) The nature of the case; 73

(c) The cessation or continuation of delinquent, unruly, 74  
or criminal behavior; 75

(d) The education and employment history of the person; 76

(e) Any other circumstances that may relate to the 77  
rehabilitation of the person who is the subject of the records 78

under consideration. 79

(C) If the juvenile court is notified by any party in a 80  
civil action that a civil action has been filed based on a case 81  
the records for which are the subject of a sealing order, the 82  
juvenile court shall not expunge a record sealed under section 83  
2151.356 of the Revised Code until the civil action has been 84  
resolved and is not subject to further appellate review, at 85  
which time the records shall be expunged pursuant to division 86  
(A) of this section. 87

(D) (1) A juvenile court that issues a protection order or 88  
approves a consent agreement under section 2151.34 or 3113.31 of 89  
the Revised Code shall automatically seal all of the records of 90  
the proceeding in which the order was issued or agreement 91  
approved on the date the person against whom the protection 92  
order was issued or the consent agreement approved attains the 93  
age of nineteen years if the court determines that the person 94  
has complied with all of the terms of the protection order or 95  
consent agreement. 96

(2) In a proceeding under section 2151.34 of the Revised 97  
Code, if the juvenile court does not issue any protection order 98  
under division (E) of that section, the court shall 99  
automatically seal all of the records in that proceeding. In a 100  
proceeding under section 3113.31 of the Revised Code, if the 101  
juvenile court does not issue any protection order or approve 102  
any consent agreement under division (E) of that section, the 103  
court shall automatically seal all of the records in that 104  
proceeding. 105

(3) (a) If a juvenile court that issues a protection order 106  
or approves a consent agreement under section 2151.34 or 3113.31 107  
of the Revised Code determines that the person against whom the 108

protection order was issued or the consent agreement approved 109  
has not complied with all of the terms of the protection order 110  
or consent agreement, the court shall consider sealing all of 111  
the records of the proceeding in which the order was issued or 112  
agreement approved upon the court's own motion or upon the 113  
application of a person. The court may make the motion or the 114  
person who is the subject of the records under consideration may 115  
apply for an order sealing the records of the proceeding at any 116  
time after two years after the expiration of the protection 117  
order or consent agreement. 118

(b) In making a determination whether to seal records 119  
pursuant to division (D) (3) of this section, all of the 120  
following apply: 121

(i) The court may require a person filing an application 122  
under division (D) (3) of this section to submit any relevant 123  
documentation to support the application. 124

(ii) The court shall promptly notify the victim or the 125  
victim's attorney of any proceedings to seal records initiated 126  
pursuant to division (D) (3) of this section. 127

(iii) The victim or the victim's attorney may file a 128  
response with the court within thirty days of receiving notice 129  
of the sealing proceedings. 130

If the victim or the victim's attorney does not file a 131  
response with the court or if the victim or the victim's 132  
attorney files a response but indicates that the victim or the 133  
victim's attorney does not object to the sealing of the records, 134  
the court may order the records of the person that are under 135  
consideration to be sealed without conducting a hearing on the 136  
motion or application. If the court decides in its discretion to 137

conduct a hearing on the motion or application, the court shall 138  
conduct the hearing within thirty days after making that 139  
decision and shall give notice, by regular mail, of the date, 140  
time, and location of the hearing to the victim or the victim's 141  
attorney and to the person who is the subject of the records 142  
under consideration. 143

If the victim or the victim's attorney files a response 144  
with the court that indicates that the victim or the victim's 145  
attorney objects to the sealing of the records, the court shall 146  
conduct a hearing on the motion or application within thirty 147  
days after the court receives the response. The court shall give 148  
notice, by regular mail, of the date, time, and location of the 149  
hearing to the victim or the victim's attorney and to the person 150  
who is the subject of the records under consideration. 151

(iv) After conducting a hearing in accordance with 152  
division (D) (3) (b) (iii) of this section or after due 153  
consideration when a hearing is not conducted, the court may 154  
order the records of the person that are the subject of the 155  
motion or application to be sealed. 156

(4) Inspection of the records sealed pursuant to division 157  
(D) (1), (2), or (3) of this section may be made only by the 158  
following persons or for the following purposes: 159

(a) By a law enforcement officer or prosecutor, or the 160  
assistants of either, to determine whether the nature and 161  
character of the offense with which a person is to be charged 162  
would be affected by virtue of the person's previously having 163  
been convicted of a crime; 164

(b) By the parole or probation officer of the person who 165  
is the subject of the records, for the exclusive use of the 166

officer in supervising the person while on parole or under a 167  
community control sanction or a post-release control sanction, 168  
and in making inquiries and written reports as requested by the 169  
court or adult parole authority; 170

(c) Upon application by the person who is the subject of 171  
the records, by the persons named in the application; 172

(d) By a law enforcement officer who was involved in the 173  
case, for use in the officer's defense of a civil action arising 174  
out of the officer's involvement in that case; 175

(e) By a prosecuting attorney or the prosecuting 176  
attorney's assistants, to determine a defendant's eligibility to 177  
enter a pre-trial diversion program established pursuant to 178  
section 2935.36 of the Revised Code; 179

(f) By any law enforcement agency or any authorized 180  
employee of a law enforcement agency or by the department of 181  
rehabilitation and correction as part of a background 182  
investigation of a person who applies for employment with the 183  
agency as a law enforcement officer or with the department as a 184  
corrections officer; 185

(g) By any law enforcement agency or any authorized 186  
employee of a law enforcement agency, for the purposes set forth 187  
in, and in the manner provided in, section 2953.321 of the 188  
Revised Code; 189

(h) By the bureau of criminal identification and 190  
investigation or any authorized employee of the bureau for the 191  
purpose of providing information to a board or person pursuant 192  
to division (F) or (G) of section 109.57 of the Revised Code; 193

(i) By the bureau of criminal identification and 194  
investigation or any authorized employee of the bureau for the 195

purpose of performing a criminal history records check on a 196  
person to whom a certificate as prescribed in section 109.77 of 197  
the Revised Code is to be awarded; 198

(j) By the bureau of criminal identification and 199  
investigation or any authorized employee of the bureau for the 200  
purpose of conducting a criminal records check of an individual 201  
pursuant to division (B) of section 109.572 of the Revised Code 202  
that was requested pursuant to any of the sections identified in 203  
division (B)(1) of that section; 204

(k) By the bureau of criminal identification and 205  
investigation, an authorized employee of the bureau, a sheriff, 206  
or an authorized employee of a sheriff in connection with a 207  
criminal records check described in section 311.41 of the 208  
Revised Code; 209

(l) By the attorney general or an authorized employee of 210  
the attorney general or a court for purposes of determining a 211  
person's classification pursuant to Chapter 2950. of the Revised 212  
Code. 213

When the nature and character of the offense with which a 214  
person is to be charged would be affected by the information, it 215  
may be used for the purpose of charging the person with an 216  
offense. 217

(E) In addition to the methods of expungement provided for 218  
in divisions (A) and (B) of this section, a person who has been 219  
adjudicated a delinquent child for having committed an act that 220  
would be a violation of section 2907.24, 2907.241, or 2907.25 of 221  
the Revised Code if the child were an adult may apply to the 222  
adjudicating court for the expungement of the record of 223  
adjudication if the person's participation in the act was a 224



result of the person having been a victim of human trafficking. 225  
The application shall be made in the same manner as an 226  
application for expungement under section 2953.38 of the Revised 227  
Code, and all of the provisions of that section shall apply to 228  
the expungement procedure. 229

(F) After the records have been expunged under this 230  
section, the person who is the subject of the expunged records 231  
properly may, and the court shall, reply that no record exists 232  
with respect to the person upon any inquiry in the matter. 233

**Sec. 2903.214.** (A) As used in this section: 234

(1) "Court" means the court of common pleas of the county 235  
in which the person to be protected by the protection order 236  
resides. 237

(2) "Victim advocate" means a person who provides support 238  
and assistance for a person who files a petition under this 239  
section. 240

(3) "Family or household member" has the same meaning as 241  
in section 3113.31 of the Revised Code. 242

(4) "Protection order issued by a court of another state" 243  
has the same meaning as in section 2919.27 of the Revised Code. 244

(5) "Sexually oriented offense" has the same meaning as in 245  
section 2950.01 of the Revised Code. 246

(6) "Electronic monitoring" has the same meaning as in 247  
section 2929.01 of the Revised Code. 248

(7) "Companion animal" has the same meaning as in section 249  
959.131 of the Revised Code. 250

(B) The court has jurisdiction over all proceedings under 251

this section.	252
(C) A person may seek relief under this section for the	253
person, or any parent or adult household member may seek relief	254
under this section on behalf of any other family or household	255
member, by filing a petition with the court. The petition shall	256
contain or state all of the following:	257
(1) An allegation that the respondent is eighteen years of	258
age or older and engaged in a violation of section 2903.211 of	259
the Revised Code against the person to be protected by the	260
protection order or committed a sexually oriented offense	261
against the person to be protected by the protection order,	262
including a description of the nature and extent of the	263
violation;	264
(2) If the petitioner seeks relief in the form of	265
electronic monitoring of the respondent, an allegation that at	266
any time preceding the filing of the petition the respondent	267
engaged in conduct that would cause a reasonable person to	268
believe that the health, welfare, or safety of the person to be	269
protected was at risk, a description of the nature and extent of	270
that conduct, and an allegation that the respondent presents a	271
continuing danger to the person to be protected;	272
(3) A request for relief under this section.	273
(D) (1) If a person who files a petition pursuant to this	274
section requests an ex parte order, the court shall hold an ex	275
parte hearing as soon as possible after the petition is filed,	276
but not later than the next day that the court is in session	277
after the petition is filed. The court, for good cause shown at	278
the ex parte hearing, may enter any temporary orders, with or	279
without bond, that the court finds necessary for the safety and	280

protection of the person to be protected by the order. Immediate 281  
and present danger to the person to be protected by the 282  
protection order constitutes good cause for purposes of this 283  
section. Immediate and present danger includes, but is not 284  
limited to, situations in which the respondent has threatened 285  
the person to be protected by the protection order with bodily 286  
harm or in which the respondent previously has been convicted of 287  
or pleaded guilty to a violation of section 2903.211 of the 288  
Revised Code or a sexually oriented offense against the person 289  
to be protected by the protection order. 290

(2) (a) If the court, after an ex parte hearing, issues a 291  
protection order described in division (E) of this section, the 292  
court shall schedule a full hearing for a date that is within 293  
ten court days after the ex parte hearing. The court shall give 294  
the respondent notice of, and an opportunity to be heard at, the 295  
full hearing. The court shall hold the full hearing on the date 296  
scheduled under this division unless the court grants a 297  
continuance of the hearing in accordance with this division. 298  
Under any of the following circumstances or for any of the 299  
following reasons, the court may grant a continuance of the full 300  
hearing to a reasonable time determined by the court: 301

(i) Prior to the date scheduled for the full hearing under 302  
this division, the respondent has not been served with the 303  
petition filed pursuant to this section and notice of the full 304  
hearing. 305

(ii) The parties consent to the continuance. 306

(iii) The continuance is needed to allow a party to obtain 307  
counsel. 308

(iv) The continuance is needed for other good cause. 309

(b) An ex parte order issued under this section does not 310  
expire because of a failure to serve notice of the full hearing 311  
upon the respondent before the date set for the full hearing 312  
under division (D) (2) (a) of this section or because the court 313  
grants a continuance under that division. 314

(3) If a person who files a petition pursuant to this 315  
section does not request an ex parte order, or if a person 316  
requests an ex parte order but the court does not issue an ex 317  
parte order after an ex parte hearing, the court shall proceed 318  
as in a normal civil action and grant a full hearing on the 319  
matter. 320

(E) (1) (a) After an ex parte or full hearing, the court may 321  
issue any protection order, with or without bond, that contains 322  
terms designed to ensure the safety and protection of the person 323  
to be protected by the protection order, including, but not 324  
limited to, a requirement that the respondent refrain from 325  
entering the residence, school, business, or place of employment 326  
of the petitioner or family or household member. If the court 327  
includes a requirement that the respondent refrain from entering 328  
the residence, school, business, or place of employment of the 329  
petitioner or family or household member in the order, it also 330  
shall include in the order provisions of the type described in 331  
division (E) (5) of this section. The court may include within a 332  
protection order issued under this section a term requiring that 333  
the respondent not remove, damage, hide, harm, or dispose of any 334  
companion animal owned or possessed by the person to be 335  
protected by the order, and may include within the order a term 336  
authorizing the person to be protected by the order to remove a 337  
companion animal owned by the person to be protected by the 338  
order from the possession of the respondent. 339

(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. 369

(c) If the petitioner has requested an ex parte order 370  
pursuant to division (D) of this section, the court does not 371  
delay any hearing required by that division beyond the time 372  
specified in that division in order to consolidate the hearing 373  
with a hearing on the petition filed by the respondent. 374

(d) After a full hearing at which the respondent presents 375  
evidence in support of the request for a protection order and 376  
the petitioner is afforded an opportunity to defend against that 377  
evidence, the court determines that the petitioner has committed 378  
a violation of section 2903.211 of the Revised Code against the 379  
person to be protected by the protection order issued pursuant 380  
to division (E) (3) of this section, has committed a sexually 381  
oriented offense against the person to be protected by the 382  
protection order issued pursuant to division (E) (3) of this 383  
section, or has violated a protection order issued pursuant to 384  
section 2903.213 of the Revised Code relative to the person to 385  
be protected by the protection order issued pursuant to division 386  
(E) (3) of this section. 387

(4) No protection order issued pursuant to this section 388  
shall in any manner affect title to any real property. 389

(5) (a) If the court issues a protection order under this 390  
section that includes a requirement that the alleged offender 391  
refrain from entering the residence, school, business, or place 392  
of employment of the petitioner or a family or household member, 393  
the order shall clearly state that the order cannot be waived or 394  
nullified by an invitation to the alleged offender from the 395  
complainant to enter the residence, school, business, or place 396  
of employment or by the alleged offender's entry into one of 397  
those places otherwise upon the consent of the petitioner or 398

family or household member. 399

(b) Division (E) (5) (a) of this section does not limit any 400  
discretion of a court to determine that an alleged offender 401  
charged with a violation of section 2919.27 of the Revised Code, 402  
with a violation of a municipal ordinance substantially 403  
equivalent to that section, or with contempt of court, which 404  
charge is based on an alleged violation of a protection order 405  
issued under this section, did not commit the violation or was 406  
not in contempt of court. 407

(F) (1) The court shall cause the delivery of a copy of any 408  
protection order that is issued under this section to the 409  
petitioner, to the respondent, and to all law enforcement 410  
agencies that have jurisdiction to enforce the order. The court 411  
shall direct that a copy of the order be delivered to the 412  
respondent on the same day that the order is entered. 413

(2) The court shall enter a copy of a protection order 414  
that is issued under this section after a full hearing into the 415  
weapons disability data portal created in section 5502.80 of the 416  
Revised Code within one business day after it is issued and, if 417  
the protection order is terminated, shall enter into the weapons 418  
disability data portal a record that the protection order has 419  
been terminated within one business day after the protection 420  
order is terminated. 421

(3) Upon the issuance of a protection order under this 422  
section, the court shall provide the parties to the order with 423  
the following notice orally or by form: 424

"NOTICE 425

As a result of this order, it may be unlawful for you to 426  
possess or purchase a firearm, including a rifle, pistol, or 427

revolver, or ammunition pursuant to federal law under 18 U.S.C. 428  
922(g) (8) for the duration of this order. If you have any 429  
questions whether this law makes it illegal for you to possess 430  
or purchase a firearm or ammunition, you should consult an 431  
attorney." 432

~~(3)~~ (4) All law enforcement agencies shall establish and 433  
maintain an index for the protection orders delivered to the 434  
agencies pursuant to division (F) (1) of this section. With 435  
respect to each order delivered, each agency shall note on the 436  
index the date and time that it received the order. 437

~~(4)~~ (5) Regardless of whether the petitioner has 438  
registered the protection order in the county in which the 439  
officer's agency has jurisdiction pursuant to division (M) of 440  
this section, any officer of a law enforcement agency shall 441  
enforce a protection order issued pursuant to this section by 442  
any court in this state in accordance with the provisions of the 443  
order, including removing the respondent from the premises, if 444  
appropriate. 445

(G) (1) Any proceeding under this section shall be 446  
conducted in accordance with the Rules of Civil Procedure, 447  
except that a protection order may be obtained under this 448  
section with or without bond. An order issued under this 449  
section, other than an ex parte order, that grants a protection 450  
order, or that refuses to grant a protection order, is a final, 451  
appealable order. The remedies and procedures provided in this 452  
section are in addition to, and not in lieu of, any other 453  
available civil or criminal remedies. 454

(2) If as provided in division (G) (1) of this section an 455  
order issued under this section, other than an ex parte order, 456  
refuses to grant a protection order, the court, on its own 457



motion, shall order that the ex parte order issued under this 458  
section and all of the records pertaining to that ex parte order 459  
be sealed after either of the following occurs: 460

(a) No party has exercised the right to appeal pursuant to 461  
Rule 4 of the Rules of Appellate Procedure. 462

(b) All appellate rights have been exhausted. 463

(H) The filing of proceedings under this section does not 464  
excuse a person from filing any report or giving any notice 465  
required by section 2151.421 of the Revised Code or by any other 466  
law. 467

(I) Any law enforcement agency that investigates an 468  
alleged violation of section 2903.211 of the Revised Code or an 469  
alleged commission of a sexually oriented offense shall provide 470  
information to the victim and the family or household members of 471  
the victim regarding the relief available under this section and 472  
section 2903.213 of the Revised Code. 473

(J) (1) Subject to division (J) (2) of this section and 474  
regardless of whether a protection order is issued or a consent 475  
agreement is approved by a court of another county or by a court 476  
of another state, no court or unit of state or local government 477  
shall charge the petitioner any fee, cost, deposit, or money in 478  
connection with the filing of a petition pursuant to this 479  
section, in connection with the filing, issuance, registration, 480  
modification, enforcement, dismissal, withdrawal, or service of 481  
a protection order, consent agreement, or witness subpoena or 482  
for obtaining a certified copy of a protection order or consent 483  
agreement. 484

(2) Regardless of whether a protection order is issued or 485  
a consent agreement is approved pursuant to this section, the 486

court may assess costs against the respondent in connection with 487  
the filing, issuance, registration, modification, enforcement, 488  
dismissal, withdrawal, or service of a protection order, consent 489  
agreement, or witness subpoena or for obtaining a certified copy 490  
of a protection order or consent agreement. 491

(K) (1) A person who violates a protection order issued 492  
under this section is subject to the following sanctions: 493

(a) Criminal prosecution for a violation of section 494  
2919.27 of the Revised Code, if the violation of the protection 495  
order constitutes a violation of that section; 496

(b) Punishment for contempt of court. 497

(2) The punishment of a person for contempt of court for 498  
violation of a protection order issued under this section does 499  
not bar criminal prosecution of the person for a violation of 500  
section 2919.27 of the Revised Code. However, a person punished 501  
for contempt of court is entitled to credit for the punishment 502  
imposed upon conviction of a violation of that section, and a 503  
person convicted of a violation of that section shall not 504  
subsequently be punished for contempt of court arising out of 505  
the same activity. 506

(L) In all stages of a proceeding under this section, a 507  
petitioner may be accompanied by a victim advocate. 508

(M) (1) A petitioner who obtains a protection order under 509  
this section or a protection order under section 2903.213 of the 510  
Revised Code may provide notice of the issuance or approval of 511  
the order to the judicial and law enforcement officials in any 512  
county other than the county in which the order is issued by 513  
registering that order in the other county pursuant to division 514  
(M) (2) of this section and filing a copy of the registered order 515

with a law enforcement agency in the other county in accordance 516  
with that division. A person who obtains a protection order 517  
issued by a court of another state may provide notice of the 518  
issuance of the order to the judicial and law enforcement 519  
officials in any county of this state by registering the order 520  
in that county pursuant to section 2919.272 of the Revised Code 521  
and filing a copy of the registered order with a law enforcement 522  
agency in that county. 523

(2) A petitioner may register a protection order issued 524  
pursuant to this section or section 2903.213 of the Revised Code 525  
in a county other than the county in which the court that issued 526  
the order is located in the following manner: 527

(a) The petitioner shall obtain a certified copy of the 528  
order from the clerk of the court that issued the order and 529  
present that certified copy to the clerk of the court of common 530  
pleas or the clerk of a municipal court or county court in the 531  
county in which the order is to be registered. 532

(b) Upon accepting the certified copy of the order for 533  
registration, the clerk of the court of common pleas, municipal 534  
court, or county court shall place an endorsement of 535  
registration on the order and give the petitioner a copy of the 536  
order that bears that proof of registration. 537

(3) The clerk of each court of common pleas, municipal 538  
court, or county court shall maintain a registry of certified 539  
copies of protection orders that have been issued by courts in 540  
other counties pursuant to this section or section 2903.213 of 541  
the Revised Code and that have been registered with the clerk. 542

(N) (1) If the court orders electronic monitoring of the 543  
respondent under this section, the court shall direct the 544

sheriff's office or any other appropriate law enforcement agency 545  
to install the electronic monitoring device and to monitor the 546  
respondent. Unless the court determines that the respondent is 547  
indigent, the court shall order the respondent to pay the cost 548  
of the installation and monitoring of the electronic monitoring 549  
device. If the court determines that the respondent is indigent 550  
and subject to the maximum amount allowable to be paid in any 551  
year from the fund and the rules promulgated by the attorney 552  
general under division (N) (2) of this section, the cost of the 553  
installation and monitoring of the electronic monitoring device 554  
may be paid out of funds from the reparations fund created 555  
pursuant to section 2743.191 of the Revised Code. The total 556  
amount of costs for the installation and monitoring of 557  
electronic monitoring devices paid pursuant to this division and 558  
sections 2151.34 and 2919.27 of the Revised Code from the 559  
reparations fund shall not exceed three hundred thousand dollars 560  
per year. 561

(2) The attorney general may promulgate rules pursuant to 562  
section 111.15 of the Revised Code to govern payments made from 563  
the reparations fund pursuant to this division and sections 564  
2151.34 and 2919.27 of the Revised Code. The rules may include 565  
reasonable limits on the total cost paid pursuant to this 566  
division and sections 2151.34 and 2919.27 of the Revised Code 567  
per respondent, the amount of the three hundred thousand dollars 568  
allocated to each county, and how invoices may be submitted by a 569  
county, court, or other entity. 570

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint that 571  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 572  
2911.211 of the Revised Code if the alleged victim of the 573  
violation was a family or household member at the time of the 574  
violation, a violation of a municipal ordinance that is 575

substantially similar to any of those sections if the alleged 576  
victim of the violation was a family or household member at the 577  
time of the violation, any offense of violence if the alleged 578  
victim of the offense was a family or household member at the 579  
time of the commission of the offense, or any sexually oriented 580  
offense if the alleged victim of the offense was a family or 581  
household member at the time of the commission of the offense, 582  
the complainant, the alleged victim, or a family or household 583  
member of an alleged victim may file, or, if in an emergency the 584  
alleged victim is unable to file, a person who made an arrest 585  
for the alleged violation or offense under section 2935.03 of 586  
the Revised Code may file on behalf of the alleged victim, a 587  
motion that requests the issuance of a temporary protection 588  
order as a pretrial condition of release of the alleged 589  
offender, in addition to any bail set under Criminal Rule 46. 590  
The motion shall be filed with the clerk of the court that has 591  
jurisdiction of the case at any time after the filing of the 592  
complaint. 593

(2) For purposes of section 2930.09 of the Revised Code, 594  
all stages of a proceeding arising out of a complaint alleging 595  
the commission of a violation, offense of violence, or sexually 596  
oriented offense described in division (A)(1) of this section, 597  
including all proceedings on a motion for a temporary protection 598  
order, are critical stages of the case, and a victim may be 599  
accompanied by a victim advocate or another person to provide 600  
support to the victim as provided in that section. 601

(B) The motion shall be prepared on a form that is 602  
provided by the clerk of the court, which form shall be 603  
substantially as follows: 604

"MOTION FOR TEMPORARY PROTECTION ORDER 605

..... Court	606
Name and address of court	607
State of Ohio	608
v.No. ....	609
.....	610
Name of Defendant	611
(name of person), moves the court to issue a temporary protection order	612
containing terms designed to ensure the safety and protection of the	613
complainant, alleged victim, and other family or household members, in	614
relation to the named defendant, pursuant to its authority to issue such	615
an order under section 2919.26 of the Revised Code.	616
A complaint, a copy of which has been attached to this	617
motion, has been filed in this court charging the named	618
defendant with ..... (name of the specified	619
violation, the offense of violence, or sexually oriented offense	620
charged) in circumstances in which the victim was a family or	621
household member in violation of (section of the Revised Code	622
designating the specified violation, offense of violence, or	623
sexually oriented offense charged), or charging the named	624
defendant with a violation of a municipal ordinance that is	625
substantially similar to ..... (section of	626
the Revised Code designating the specified violation, offense of	627
violence, or sexually oriented offense charged) involving a	628
family or household member.	629
I understand that I must appear before the court, at a	630
time set by the court within twenty-four hours after the filing	631
of this motion, for a hearing on the motion or that, if I am	632
unable to appear because of hospitalization or a medical	633

condition resulting from the offense alleged in the complaint, a 634  
person who can provide information about my need for a temporary 635  
protection order must appear before the court in lieu of my 636  
appearing in court. I understand that any temporary protection 637  
order granted pursuant to this motion is a pretrial condition of 638  
release and is effective only until the disposition of the 639  
criminal proceeding arising out of the attached complaint, or 640  
the issuance of a civil protection order or the approval of a 641  
consent agreement, arising out of the same activities as those 642  
that were the basis of the complaint, under section 3113.31 of 643  
the Revised Code. 644

..... 645

Signature of person 646

(or signature of the arresting officer who filed the motion on behalf of 647  
the alleged victim) 648

..... 649

Address of person (or office address of the arresting officer who filed 650  
the motion on behalf of the alleged victim)" 651

(C) (1) As soon as possible after the filing of a motion 652  
that requests the issuance of a temporary protection order, but 653  
not later than twenty-four hours after the filing of the motion, 654  
the court shall conduct a hearing to determine whether to issue 655  
the order. The person who requested the order shall appear 656  
before the court and provide the court with the information that 657  
it requests concerning the basis of the motion. If the person 658  
who requested the order is unable to appear and if the court 659  
finds that the failure to appear is because of the person's 660  
hospitalization or medical condition resulting from the offense 661  
alleged in the complaint, another person who is able to provide 662

the court with the information it requests may appear in lieu of 663  
the person who requested the order. If the court finds that the 664  
safety and protection of the complainant, alleged victim, or any 665  
other family or household member of the alleged victim may be 666  
impaired by the continued presence of the alleged offender, the 667  
court may issue a temporary protection order, as a pretrial 668  
condition of release, that contains terms designed to ensure the 669  
safety and protection of the complainant, alleged victim, or the 670  
family or household member, including a requirement that the 671  
alleged offender refrain from entering the residence, school, 672  
business, or place of employment of the complainant, alleged 673  
victim, or the family or household member. The court may include 674  
within a protection order issued under this section a term 675  
requiring that the alleged offender not remove, damage, hide, 676  
harm, or dispose of any companion animal owned or possessed by 677  
the complainant, alleged victim, or any other family or 678  
household member of the alleged victim, and may include within 679  
the order a term authorizing the complainant, alleged victim, or 680  
other family or household member of the alleged victim to remove 681  
a companion animal owned by the complainant, alleged victim, or 682  
other family or household member from the possession of the 683  
alleged offender. 684

(2) (a) If the court issues a temporary protection order 685  
that includes a requirement that the alleged offender refrain 686  
from entering the residence, school, business, or place of 687  
employment of the complainant, the alleged victim, or the family 688  
or household member, the order shall state clearly that the 689  
order cannot be waived or nullified by an invitation to the 690  
alleged offender from the complainant, alleged victim, or family 691  
or household member to enter the residence, school, business, or 692  
place of employment or by the alleged offender's entry into one 693



of those places otherwise upon the consent of the complainant, 694  
alleged victim, or family or household member. 695

(b) Division (C) (2) (a) of this section does not limit any 696  
discretion of a court to determine that an alleged offender 697  
charged with a violation of section 2919.27 of the Revised Code, 698  
with a violation of a municipal ordinance substantially 699  
equivalent to that section, or with contempt of court, which 700  
charge is based on an alleged violation of a temporary 701  
protection order issued under this section, did not commit the 702  
violation or was not in contempt of court. 703

(D) (1) Upon the filing of a complaint that alleges a 704  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 705  
the Revised Code if the alleged victim of the violation was a 706  
family or household member at the time of the violation, a 707  
violation of a municipal ordinance that is substantially similar 708  
to any of those sections if the alleged victim of the violation 709  
was a family or household member at the time of the violation, 710  
any offense of violence if the alleged victim of the offense was 711  
a family or household member at the time of the commission of 712  
the offense, or any sexually oriented offense if the alleged 713  
victim of the offense was a family or household member at the 714  
time of the commission of the offense, the court, upon its own 715  
motion, may issue a temporary protection order as a pretrial 716  
condition of release if it finds that the safety and protection 717  
of the complainant, alleged victim, or other family or household 718  
member of the alleged offender may be impaired by the continued 719  
presence of the alleged offender. 720

(2) If the court issues a temporary protection order under 721  
this section as an ex parte order, it shall conduct, as soon as 722  
possible after the issuance of the order, a hearing in the 723

presence of the alleged offender not later than the next day on 724  
which the court is scheduled to conduct business after the day 725  
on which the alleged offender was arrested or at the time of the 726  
appearance of the alleged offender pursuant to summons to 727  
determine whether the order should remain in effect, be 728  
modified, or be revoked. The hearing shall be conducted under 729  
the standards set forth in division (C) of this section. 730

(3) An order issued under this section shall contain only 731  
those terms authorized in orders issued under division (C) of 732  
this section. 733

(4) If a municipal court or a county court issues a 734  
temporary protection order under this section and if, subsequent 735  
to the issuance of the order, the alleged offender who is the 736  
subject of the order is bound over to the court of common pleas 737  
for prosecution of a felony arising out of the same activities 738  
as those that were the basis of the complaint upon which the 739  
order is based, notwithstanding the fact that the order was 740  
issued by a municipal court or county court, the order shall 741  
remain in effect, as though it were an order of the court of 742  
common pleas, while the charges against the alleged offender are 743  
pending in the court of common pleas, for the period of time 744  
described in division (E)(2) of this section, and the court of 745  
common pleas has exclusive jurisdiction to modify the order 746  
issued by the municipal court or county court. This division 747  
applies when the alleged offender is bound over to the court of 748  
common pleas as a result of the person waiving a preliminary 749  
hearing on the felony charge, as a result of the municipal court 750  
or county court having determined at a preliminary hearing that 751  
there is probable cause to believe that the felony has been 752  
committed and that the alleged offender committed it, as a 753  
result of the alleged offender having been indicted for the 754

felony, or in any other manner. 755

(E) A temporary protection order that is issued as a 756  
pretrial condition of release under this section: 757

(1) Is in addition to, but shall not be construed as a 758  
part of, any bail set under Criminal Rule 46; 759

(2) Is effective only until the occurrence of either of 760  
the following: 761

(a) The disposition, by the court that issued the order 762  
or, in the circumstances described in division (D)(4) of this 763  
section, by the court of common pleas to which the alleged 764  
offender is bound over for prosecution, of the criminal 765  
proceeding arising out of the complaint upon which the order is 766  
based; 767

(b) The issuance of a protection order or the approval of 768  
a consent agreement, arising out of the same activities as those 769  
that were the basis of the complaint upon which the order is 770  
based, under section 3113.31 of the Revised Code. 771

(3) Shall not be construed as a finding that the alleged 772  
offender committed the alleged offense, and shall not be 773  
introduced as evidence of the commission of the offense at the 774  
trial of the alleged offender on the complaint upon which the 775  
order is based. 776

(F) A person who meets the criteria for bail under 777  
Criminal Rule 46 and who, if required to do so pursuant to that 778  
rule, executes or posts bond or deposits cash or securities as 779  
bail, shall not be held in custody pending a hearing before the 780  
court on a motion requesting a temporary protection order. 781

(G) (1) A copy of any temporary protection order that is 782

issued under this section shall be issued by the court to the 783  
complainant, to the alleged victim, to the person who requested 784  
the order, to the defendant, and to all law enforcement agencies 785  
that have jurisdiction to enforce the order. The court shall 786  
direct that a copy of the order be delivered to the defendant on 787  
the same day that the order is entered. If a municipal court or 788  
a county court issues a temporary protection order under this 789  
section and if, subsequent to the issuance of the order, the 790  
defendant who is the subject of the order is bound over to the 791  
court of common pleas for prosecution as described in division 792  
(D) (4) of this section, the municipal court or county court 793  
shall direct that a copy of the order be delivered to the court 794  
of common pleas to which the defendant is bound over. 795

(2) The court shall enter a copy of a temporary protection 796  
order issued under this section after a full hearing into the 797  
weapons disability data portal created in section 5502.80 of the 798  
Revised Code within one business day after it is issued and, if 799  
the temporary protection order is terminated, shall enter into 800  
the weapons disability data portal a record that the temporary 801  
protection order has been terminated within one business day 802  
after the temporary protection order is terminated. 803

(3) Upon the issuance of a protection order under this 804  
section, the court shall provide the parties to the order with 805  
the following notice orally or by form: 806

"NOTICE 807

As a result of this protection order, it may be unlawful 808  
for you to possess or purchase a firearm, including a rifle, 809  
pistol, or revolver, or ammunition pursuant to federal law under 810  
18 U.S.C. 922 (g) (8) for the duration of this order. If you have 811  
any questions whether this law makes it illegal for you to 812

possess or purchase a firearm or ammunition, you should consult an attorney." 813  
814

~~(3)~~ (4) 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. 815  
816  
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. 817  
818  
819  
820

~~(4)~~ (5) 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. 821  
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829

~~(5)~~ (6) 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)~~ (G) (5) of this section. 830  
831  
832  
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836

(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. 837  
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839  
840

(I) (1) As used in divisions (I) (1) and (2) of this 841

section, "defendant" means a person who is alleged in a 842  
complaint to have committed a violation, offense of violence, or 843  
sexually oriented offense of the type described in division (A) 844  
of this section. 845

(2) If a complaint is filed that alleges that a person 846  
committed a violation, offense of violence, or sexually oriented 847  
offense of the type described in division (A) of this section, 848  
the court may not issue a temporary protection order under this 849  
section that requires the complainant, the alleged victim, or 850  
another family or household member of the defendant to do or 851  
refrain from doing an act that the court may require the 852  
defendant to do or refrain from doing under a temporary 853  
protection order unless both of the following apply: 854

(a) The defendant has filed a separate complaint that 855  
alleges that the complainant, alleged victim, or other family or 856  
household member in question who would be required under the 857  
order to do or refrain from doing the act committed a violation 858  
or offense of violence of the type described in division (A) of 859  
this section. 860

(b) The court determines that both the complainant, 861  
alleged victim, or other family or household member in question 862  
who would be required under the order to do or refrain from 863  
doing the act and the defendant acted primarily as aggressors, 864  
that neither the complainant, alleged victim, or other family or 865  
household member in question who would be required under the 866  
order to do or refrain from doing the act nor the defendant 867  
acted primarily in self-defense, and, in accordance with the 868  
standards and criteria of this section as applied in relation to 869  
the separate complaint filed by the defendant, that it should 870  
issue the order to require the complainant, alleged victim, or 871

other family or household member in question to do or refrain 872  
from doing the act. 873

(J) (1) Subject to division (J) (2) of this section and 874  
regardless of whether a protection order is issued or a consent 875  
agreement is approved by a court of another county or a court of 876  
another state, no court or unit of state or local government 877  
shall charge the movant any fee, cost, deposit, or money in 878  
connection with the filing of a motion pursuant to this section, 879  
in connection with the filing, issuance, registration, 880  
modification, enforcement, dismissal, withdrawal, or service of 881  
a protection order, consent agreement, or witness subpoena or 882  
for obtaining a certified copy of a protection order or consent 883  
agreement. 884

(2) Regardless of whether a protection order is issued or 885  
a consent agreement is approved pursuant to this section, if the 886  
defendant is convicted the court may assess costs against the 887  
defendant in connection with the filing, issuance, registration, 888  
modification, enforcement, dismissal, withdrawal, or service of 889  
a protection order, consent agreement, or witness subpoena or 890  
for obtaining a certified copy of a protection order or consent 891  
agreement. 892

(K) As used in this section: 893

(1) "Companion animal" has the same meaning as in section 894  
959.131 of the Revised Code. 895

(2) "Sexually oriented offense" has the same meaning as in 896  
section 2950.01 of the Revised Code. 897

(3) "Victim advocate" means a person who provides support 898  
and assistance for a victim of an offense during court 899  
proceedings. 900

**Sec. 2923.13.** (A) Unless relieved from disability under 901  
operation of law or legal process, no person shall knowingly 902  
acquire, have, carry, or use any firearm or dangerous ordnance, 903  
if any of the following apply: 904

(1) The person is a fugitive from justice. 905

(2) The person is under indictment for or has been 906  
convicted of any felony offense of violence or has been 907  
adjudicated a delinquent child for the commission of an offense 908  
that, if committed by an adult, would have been a felony offense 909  
of violence. 910

(3) The person is under indictment for or has been 911  
convicted of any felony offense involving the illegal 912  
possession, use, sale, administration, distribution, or 913  
trafficking in any drug of abuse or has been adjudicated a 914  
delinquent child for the commission of an offense that, if 915  
committed by an adult, would have been a felony offense 916  
involving the illegal possession, use, sale, administration, 917  
distribution, or trafficking in any drug of abuse. 918

(4) The person is drug dependent, in danger of drug 919  
dependence, or a chronic alcoholic. 920

(5) The person is under adjudication of mental 921  
incompetence, has been adjudicated as a mental defective, has 922  
been committed to a mental institution, has been found by a 923  
court to be a mentally ill person subject to court order, or is 924  
an involuntary patient other than one who is a patient only for 925  
purposes of observation. As used in this division, "mentally ill 926  
person subject to court order" and "patient" have the same 927  
meanings as in section 5122.01 of the Revised Code. 928

(6) The person is under indictment for or has been 929



convicted of, pleaded guilty to, or adjudicated a delinquent 930  
child for committing an offense that is punishable by 931  
imprisonment for a term exceeding one year. 932

(7) The person has been convicted of, pleaded guilty to, 933  
or adjudicated a delinquent child for committing a violation of 934  
section 2919.25 of the Revised Code. 935

(8) The person has been discharged from the armed forces 936  
of the United States under dishonorable conditions. 937

(9) The person has renounced the person's United States 938  
citizenship, if applicable. 939

(10) The person is unlawfully present in the United 940  
States. 941

(11) If the person is an alien, the person has been 942  
admitted to the United States under a nonimmigrant visa, as 943  
defined in the "Immigration and Nationality Act," 8 U.S.C. 944  
1101(a)(26). 945

(12) The person is subject to a temporary protection order 946  
issued, after a full hearing, under section 2919.26 of the 947  
Revised Code or a protection order issued or consent agreement 948  
approved under section 3113.31 of the Revised Code. 949

(13) The person was adjudicated a delinquent child for a 950  
violation of any prohibition under Chapter 2907. of the Revised 951  
Code or for committing an offense of violence, until the date 952  
the juvenile court expunges the person's records in the case, if 953  
applicable, under section 2151.358 of the Revised Code. 954

(B) Whoever violates this section is guilty of having 955  
weapons while under disability, a felony of the third degree. 956

(C) For the purposes of this section, ~~"under:~~ 957

(1) "Offense that is punishable by imprisonment for a term exceeding one year" does not include any of the following: 958  
959

(a) A violation of the laws of this state pertaining to antitrust laws, unfair trade practices, restraints of trade, or similar violations relating to the regulation of business trade practices; 960  
961  
962  
963

(b) Any misdemeanor punishable by a term of imprisonment of two years or less; 964  
965

(c) Any conviction that has been expunged or set aside or for which the person has been pardoned or has had civil rights restored, unless the pardon, expungement, or restoration of civil rights specifies that the person may not acquire, have, carry, or use any firearm or dangerous ordnance. 966  
967  
968  
969  
970

(2) "Under operation of law or legal process" shall not itself include mere completion, termination, or expiration of a sentence imposed as a result of a criminal conviction. 971  
972  
973

**Sec. 2923.14.** (A) (1) Except as otherwise provided in 974  
division (A) (2) of this section, any person who is prohibited 975  
from acquiring, having, carrying, or using firearms may apply to 976  
the court of common pleas in the county in which the person 977  
resides for relief from such prohibition. 978

(2) Division (A) (1) of this section does not apply to a 979  
person who has been convicted of or pleaded guilty to a 980  
violation of section 2923.132 of the Revised Code or to a person 981  
who, two or more times, has been convicted of or pleaded guilty 982  
to a felony and a specification of the type described in section 983  
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 984  
of the Revised Code. 985

(B) The application shall recite the following: 986

(1) All indictments, convictions, or adjudications upon	987
which the applicant's disability is based, the sentence imposed	988
and served, and any release granted under a community control	989
sanction, post-release control sanction, or parole, any partial	990
or conditional pardon granted, or other disposition of each	991
case, or, if the disability is based upon a factor other than an	992
indictment, a conviction, or an adjudication, the factor upon	993
which the disability is based and all details related to that	994
factor;	995
(2) Facts showing the applicant to be a fit subject for	996
relief under this section.	997
(C) A copy of the application shall be served on the	998
county prosecutor. The county prosecutor shall cause the matter	999
to be investigated and shall raise before the court any	1000
objections to granting relief that the investigation reveals.	1001
(D) Upon hearing, the court may grant the applicant relief	1002
pursuant to this section, if all of the following apply:	1003
(1) One of the following applies:	1004
(a) If the disability is based upon an indictment, a	1005
conviction, or an adjudication, the applicant has been fully	1006
discharged from imprisonment, community control, post-release	1007
control, and parole, or, if the applicant is under indictment,	1008
has been released on bail or recognizance.	1009
(b) If the disability is based upon a factor other than an	1010
indictment, a conviction, or an adjudication, that factor no	1011
longer is applicable to the applicant.	1012
(2) The applicant has led a law-abiding life since	1013
discharge or release, and appears likely to continue to do so.	1014

(3) The applicant is not otherwise prohibited by law from  
acquiring, having, or using firearms. 1015  
1016

(E) Costs of the proceeding shall be charged as in other  
civil cases, and taxed to the applicant. 1017  
1018

(F) Relief from disability granted pursuant to this  
section restores the applicant to all civil firearm rights to  
the full extent enjoyed by any citizen, and is subject to the  
following conditions: 1019  
1020  
1021  
1022

(1) Applies only with respect to indictments, convictions,  
or adjudications, or to the other factor, recited in the  
application as the basis for the applicant's disability; 1023  
1024  
1025

(2) Applies only with respect to firearms lawfully  
acquired, possessed, carried, or used by the applicant; 1026  
1027

(3) May be revoked by the court at any time for good cause  
shown and upon notice to the applicant; 1028  
1029

(4) Is automatically void upon commission by the applicant  
of any offense set forth in division (A) (2) ~~or~~, (3), (6), or (7)  
of section 2923.13 of the Revised Code, or upon the applicant's  
becoming one of the class of persons named in division (A) (1),  
(4), ~~or~~ (5), (8), (9), (10), (11), (12), or (13) of that  
section. 1030  
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(G) As used in this section: 1036

(1) "Community control sanction" has the same meaning as  
in section 2929.01 of the Revised Code. 1037  
1038

(2) "Post-release control" and "post-release control  
sanction" have the same meanings as in section 2967.01 of the  
Revised Code. 1039  
1040  
1041

<b>Sec. 2929.44.</b> (A) As used in this section:	1042
(1) "Local law enforcement agency" means the police department of a municipal corporation in which an offense occurred or, if the offense did not occur in a municipal corporation, the sheriff of the county in which the offense occurred.	1043 1044 1045 1046 1047
(2) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.	1048 1049
(3) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code.	1050 1051
(B) If a court orders a person who pleads guilty to or who is convicted of an offense of violence to receive a mental health evaluation or treatment for a mental illness, the court shall report the conviction and required evaluation or treatment to the local law enforcement agency. The local law enforcement agency shall enter the conviction and required treatment into the national crime information center supervised release file through the law enforcement automated data system <u>and shall enter the information into the weapons disability data portal created in section 5502.80 of the Revised Code within one business day of receiving the information.</u> The information reported and entered shall include all of the following:	1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063
(1) The name of the court providing the information;	1064
(2) The offense or offenses of violence to which the offender pleaded guilty or of which the offender was convicted;	1065 1066
(3) Any other information required for the entry of information into the national crime information center supervised release file;	1067 1068 1069

(4) Any other information required in rules adopted by the 1070  
director of public safety for information entered into the 1071  
weapons disability data portal. 1072

(C) Information entered into the national crime 1073  
information center supervised release file pursuant to this 1074  
section shall remain in the file until further order of the 1075  
court. 1076

**Sec. 2945.402.** (A) In approving a conditional release, the 1077  
trial court may set any conditions on the release with respect 1078  
to the treatment, evaluation, counseling, or control of the 1079  
defendant or person that the court considers necessary to 1080  
protect the public safety and the welfare of the defendant or 1081  
person. The trial court may revoke a defendant's or person's 1082  
conditional release and order reinstatement of the previous 1083  
placement or reinstitutionalization at any time the conditions 1084  
of the release have not been satisfied, provided that the 1085  
revocation shall be in accordance with this section. 1086

(B) A conditional release is a commitment. The hearings on 1087  
continued commitment as described in section 2945.401 of the 1088  
Revised Code apply to a defendant or person on conditional 1089  
release. 1090

(C) A person, agency, or facility that is assigned to 1091  
monitor a defendant or person on conditional release immediately 1092  
shall notify the trial court on learning that the defendant or 1093  
person being monitored has violated the terms of the conditional 1094  
release. Upon learning of any violation of the terms of the 1095  
conditional release, the trial court may issue a temporary order 1096  
of detention or, if necessary, an arrest warrant for the 1097  
defendant or person. Within ten court days after the defendant's 1098  
or person's detention or arrest, the trial court shall conduct a 1099

hearing to determine whether the conditional release should be 1100  
modified or terminated. At the hearing, the defendant or person 1101  
shall have the same rights as are described in division (C) of 1102  
section 2945.40 of the Revised Code. The trial court may order a 1103  
continuance of the ten-court-day period for no longer than ten 1104  
days for good cause shown or for any period on motion of the 1105  
defendant or person. If the trial court fails to conduct the 1106  
hearing within the ten-court-day period and does not order a 1107  
continuance in accordance with this division, the defendant or 1108  
person shall be restored to the prior conditional release 1109  
status. 1110

(D) The trial court shall give all parties reasonable 1111  
notice of a hearing conducted under this section. At the 1112  
hearing, the prosecutor shall present the case demonstrating 1113  
that the defendant or person violated the terms of the 1114  
conditional release. If the court finds by a preponderance of 1115  
the evidence that the defendant or person violated the terms of 1116  
the conditional release, the court may continue, modify, or 1117  
terminate the conditional release and shall enter its order 1118  
accordingly. 1119

(E) (1) If a court approves a conditional release, the 1120  
court shall report the approval and information pertaining to 1121  
the release to the local law enforcement agency. The local law 1122  
enforcement agency shall enter the approval and information into 1123  
the national crime information center supervised release file 1124  
through the law enforcement automated data system and shall 1125  
enter the approval and information into the weapons disability 1126  
data portal created in section 5502.80 of the Revised Code 1127  
within one business day of receiving the approval and 1128  
information from the court. The information required by 1129  
divisions (E) (1) (c) and (d) of this section shall be entered 1130

into the national crime information center supervised release 1131  
file's miscellaneous field. The information reported and entered 1132  
shall include all of the following: 1133

(a) The name of the court providing the information; 1134

(b) The offense or offenses with which the defendant or 1135  
person was charged; 1136

(c) Whether the person was found not guilty by reason of 1137  
insanity or incompetent to stand trial with no substantial 1138  
probability of becoming competent even with a course of 1139  
treatment; 1140

(d) The reason for the conditional release; 1141

(e) Any other information required for the entry of 1142  
information into the national crime information center 1143  
supervised release file; 1144

(f) Any other information required in rules adopted by the 1145  
director of public safety for information entered into the 1146  
weapons disability data portal. 1147

(2) Information entered into the national crime 1148  
information center supervised release file pursuant to this 1149  
section shall remain in the file until the termination of the 1150  
conditional release or commitment. 1151

(3) If a defendant or person about whom information is 1152  
entered into the national crime information center supervised 1153  
release file pursuant to division (E)(1) of this section has 1154  
contact with a law enforcement agency after the information is 1155  
entered, the agency shall report the contact to the department 1156  
of mental health and addiction services and, if the terms of the 1157  
release require the defendant or person to receive mental health 1158



treatment, to the person, office, or agency providing the 1159  
treatment. 1160

(4) As used in division (E) of this section, "local law 1161  
enforcement agency" means the police department of a municipal 1162  
corporation in which the offense with which a releasee was 1163  
charged allegedly occurred or, if the offense did not allegedly 1164  
occur in a municipal corporation, the sheriff of the county in 1165  
which the offense allegedly occurred. 1166

**Sec. 3113.31.** (A) As used in this section: 1167

(1) "Domestic violence" means any of the following: 1168

(a) The occurrence of one or more of the following acts 1169  
against a family or household member: 1170

(i) Attempting to cause or recklessly causing bodily 1171  
injury; 1172

(ii) Placing another person by the threat of force in fear 1173  
of imminent serious physical harm or committing a violation of 1174  
section 2903.211 or 2911.211 of the Revised Code; 1175

(iii) Committing any act with respect to a child that 1176  
would result in the child being an abused child, as defined in 1177  
section 2151.031 of the Revised Code; 1178

(iv) Committing a sexually oriented offense. 1179

(b) The occurrence of one or more of the acts identified 1180  
in divisions (A) (1) (a) (i) to (iv) of this section against a 1181  
person with whom the respondent is or was in a dating 1182  
relationship. 1183

(2) "Court" means the domestic relations division of the 1184  
court of common pleas in counties that have a domestic relations 1185

division and the court of common pleas in counties that do not 1186  
have a domestic relations division, or the juvenile division of 1187  
the court of common pleas of the county in which the person to 1188  
be protected by a protection order issued or a consent agreement 1189  
approved under this section resides if the respondent is less 1190  
than eighteen years of age. 1191

(3) "Family or household member" means any of the 1192  
following: 1193

(a) Any of the following who is residing with or has 1194  
resided with the respondent: 1195

(i) A spouse, a person living as a spouse, or a former 1196  
spouse of the respondent; 1197

(ii) A parent, a foster parent, or a child of the 1198  
respondent, or another person related by consanguinity or 1199  
affinity to the respondent; 1200

(iii) A parent or a child of a spouse, person living as a 1201  
spouse, or former spouse of the respondent, or another person 1202  
related by consanguinity or affinity to a spouse, person living 1203  
as a spouse, or former spouse of the respondent. 1204

(b) The natural parent of any child of whom the respondent 1205  
is the other natural parent or is the putative other natural 1206  
parent. 1207

(4) "Person living as a spouse" means a person who is 1208  
living or has lived with the respondent in a common law marital 1209  
relationship, who otherwise is cohabiting with the respondent, 1210  
or who otherwise has cohabited with the respondent within five 1211  
years prior to the date of the alleged occurrence of the act in 1212  
question. 1213

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 1214  
1215  
1216

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 1217  
1218

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 1219  
1220

(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. 1221  
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(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. 1226  
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(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence. 1232  
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1234  
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(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: 1236  
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1238  
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1240

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent 1241  
1242

or against a person with whom the respondent is or was in a 1243  
dating relationship, including a description of the nature and 1244  
extent of the domestic violence; 1245

(2) The relationship of the respondent to the petitioner, 1246  
and to the victim if other than the petitioner; 1247

(3) If the petition is for protection of a person with 1248  
whom the respondent is or was in a dating relationship, the 1249  
facts upon which the court may conclude that a dating 1250  
relationship existed between the person to be protected and the 1251  
respondent; 1252

(4) A request for relief under this section. 1253

(D) (1) If a person who files a petition pursuant to this 1254  
section requests an ex parte order, the court shall hold an ex 1255  
parte hearing on the same day that the petition is filed. The 1256  
court, for good cause shown at the ex parte hearing, may enter 1257  
any temporary orders, with or without bond, including, but not 1258  
limited to, an order described in division (E) (1) (a), (b), or 1259  
(c) of this section, that the court finds necessary to protect 1260  
the family or household member or the person with whom the 1261  
respondent is or was in a dating relationship from domestic 1262  
violence. Immediate and present danger of domestic violence to 1263  
the family or household member or to the person with whom the 1264  
respondent is or was in a dating relationship constitutes good 1265  
cause for purposes of this section. Immediate and present danger 1266  
includes, but is not limited to, situations in which the 1267  
respondent has threatened the family or household member or 1268  
person with whom the respondent is or was in a dating 1269  
relationship with bodily harm, in which the respondent has 1270  
threatened the family or household member or person with whom 1271  
the respondent is or was in a dating relationship with a 1272

sexually oriented offense, or in which the respondent previously 1273  
has been convicted of, pleaded guilty to, or been adjudicated a 1274  
delinquent child for an offense that constitutes domestic 1275  
violence against the family or household member or person with 1276  
whom the respondent is or was in a dating relationship. 1277

(2) (a) If the court, after an ex parte hearing, issues an 1278  
order described in division (E) (1) (b) or (c) of this section, 1279  
the court shall schedule a full hearing for a date that is 1280  
within seven court days after the ex parte hearing. If any other 1281  
type of protection order that is authorized under division (E) 1282  
of this section is issued by the court after an ex parte 1283  
hearing, the court shall schedule a full hearing for a date that 1284  
is within ten court days after the ex parte hearing. The court 1285  
shall give the respondent notice of, and an opportunity to be 1286  
heard at, the full hearing. The court shall hold the full 1287  
hearing on the date scheduled under this division unless the 1288  
court grants a continuance of the hearing in accordance with 1289  
this division. Under any of the following circumstances or for 1290  
any of the following reasons, the court may grant a continuance 1291  
of the full hearing to a reasonable time determined by the 1292  
court: 1293

(i) Prior to the date scheduled for the full hearing under 1294  
this division, the respondent has not been served with the 1295  
petition filed pursuant to this section and notice of the full 1296  
hearing. 1297

(ii) The parties consent to the continuance. 1298

(iii) The continuance is needed to allow a party to obtain 1299  
counsel. 1300

(iv) The continuance is needed for other good cause. 1301

(b) An ex parte order issued under this section does not 1302  
expire because of a failure to serve notice of the full hearing 1303  
upon the respondent before the date set for the full hearing 1304  
under division (D) (2) (a) of this section or because the court 1305  
grants a continuance under that division. 1306

(3) If a person who files a petition pursuant to this 1307  
section does not request an ex parte order, or if a person 1308  
requests an ex parte order but the court does not issue an ex 1309  
parte order after an ex parte hearing, the court shall proceed 1310  
as in a normal civil action and grant a full hearing on the 1311  
matter. 1312

(E) (1) After an ex parte or full hearing, the court may 1313  
grant any protection order, with or without bond, or approve any 1314  
consent agreement to bring about a cessation of domestic 1315  
violence against the family or household members or persons with 1316  
whom the respondent is or was in a dating relationship. The 1317  
order or agreement may: 1318

(a) Direct the respondent to refrain from abusing or from 1319  
committing sexually oriented offenses against the family or 1320  
household members or persons with whom the respondent is or was 1321  
in a dating relationship; 1322

(b) With respect to a petition involving family or 1323  
household members, grant possession of the residence or 1324  
household to the petitioner or other family or household member, 1325  
to the exclusion of the respondent, by evicting the respondent, 1326  
when the residence or household is owned or leased solely by the 1327  
petitioner or other family or household member, or by ordering 1328  
the respondent to vacate the premises, when the residence or 1329  
household is jointly owned or leased by the respondent, and the 1330  
petitioner or other family or household member; 1331

(c) With respect to a petition involving family or 1332  
household members, when the respondent has a duty to support the 1333  
petitioner or other family or household member living in the 1334  
residence or household and the respondent is the sole owner or 1335  
lessee of the residence or household, grant possession of the 1336  
residence or household to the petitioner or other family or 1337  
household member, to the exclusion of the respondent, by 1338  
ordering the respondent to vacate the premises, or, in the case 1339  
of a consent agreement, allow the respondent to provide 1340  
suitable, alternative housing; 1341

(d) With respect to a petition involving family or 1342  
household members, temporarily allocate parental rights and 1343  
responsibilities for the care of, or establish temporary 1344  
parenting time rights with regard to, minor children, if no 1345  
other court has determined, or is determining, the allocation of 1346  
parental rights and responsibilities for the minor children or 1347  
parenting time rights; 1348

(e) With respect to a petition involving family or 1349  
household members, require the respondent to maintain support, 1350  
if the respondent customarily provides for or contributes to the 1351  
support of the family or household member, or if the respondent 1352  
has a duty to support the petitioner or family or household 1353  
member; 1354

(f) Require the respondent, petitioner, victim of domestic 1355  
violence, or any combination of those persons, to seek 1356  
counseling; 1357

(g) Require the respondent to refrain from entering the 1358  
residence, school, business, or place of employment of the 1359  
petitioner or, with respect to a petition involving family or 1360  
household members, a family or household member; 1361

(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 1392  
or agreement, the court also shall include in the order 1393  
provisions of the type described in division (E) (7) of this 1394  
section. 1395

(3) (a) Any protection order issued or consent agreement 1396  
approved under this section shall be valid until a date certain, 1397  
but not later than five years from the date of its issuance or 1398  
approval, or not later than the date a respondent who is less 1399  
than eighteen years of age attains nineteen years of age, unless 1400  
modified or terminated as provided in division (E) (8) of this 1401  
section. 1402

(b) With respect to an order involving family or household 1403  
members, subject to the limitation on the duration of an order 1404  
or agreement set forth in division (E) (3) (a) of this section, 1405  
any order under division (E) (1) (d) of this section shall 1406  
terminate on the date that a court in an action for divorce, 1407  
dissolution of marriage, or legal separation brought by the 1408  
petitioner or respondent issues an order allocating parental 1409  
rights and responsibilities for the care of children or on the 1410  
date that a juvenile court in an action brought by the 1411  
petitioner or respondent issues an order awarding legal custody 1412  
of minor children. Subject to the limitation on the duration of 1413  
an order or agreement set forth in division (E) (3) (a) of this 1414  
section, any order under division (E) (1) (e) of this section 1415  
shall terminate on the date that a court in an action for 1416  
divorce, dissolution of marriage, or legal separation brought by 1417  
the petitioner or respondent issues a support order or on the 1418  
date that a juvenile court in an action brought by the 1419  
petitioner or respondent issues a support order. 1420

(c) Any protection order issued or consent agreement 1421

approved pursuant to this section may be renewed in the same 1422  
manner as the original order or agreement was issued or 1423  
approved. 1424

(4) A court may not issue a protection order that requires 1425  
a petitioner to do or to refrain from doing an act that the 1426  
court may require a respondent to do or to refrain from doing 1427  
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 1428  
this section unless all of the following apply: 1429

(a) The respondent files a separate petition for a 1430  
protection order in accordance with this section. 1431

(b) The petitioner is served notice of the respondent's 1432  
petition at least forty-eight hours before the court holds a 1433  
hearing with respect to the respondent's petition, or the 1434  
petitioner waives the right to receive this notice. 1435

(c) If the petitioner has requested an ex parte order 1436  
pursuant to division (D) of this section, the court does not 1437  
delay any hearing required by that division beyond the time 1438  
specified in that division in order to consolidate the hearing 1439  
with a hearing on the petition filed by the respondent. 1440

(d) After a full hearing at which the respondent presents 1441  
evidence in support of the request for a protection order and 1442  
the petitioner is afforded an opportunity to defend against that 1443  
evidence, the court determines that the petitioner has committed 1444  
an act of domestic violence or has violated a temporary 1445  
protection order issued pursuant to section 2919.26 of the 1446  
Revised Code, that both the petitioner and the respondent acted 1447  
primarily as aggressors, and that neither the petitioner nor the 1448  
respondent acted primarily in self-defense. 1449

(5) No protection order issued or consent agreement 1450

approved under this section shall in any manner affect title to 1451  
any real property. 1452

(6) (a) With respect to an order involving family or 1453  
household members, if a petitioner, or the child of a 1454  
petitioner, who obtains a protection order or consent agreement 1455  
pursuant to division (E) (1) of this section or a temporary 1456  
protection order pursuant to section 2919.26 of the Revised Code 1457  
and is the subject of a parenting time order issued pursuant to 1458  
section 3109.051 or 3109.12 of the Revised Code or a visitation 1459  
or companionship order issued pursuant to section 3109.051, 1460  
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 1461  
this section granting parenting time rights to the respondent, 1462  
the court may require the public children services agency of the 1463  
county in which the court is located to provide supervision of 1464  
the respondent's exercise of parenting time or visitation or 1465  
companionship rights with respect to the child for a period not 1466  
to exceed nine months, if the court makes the following findings 1467  
of fact: 1468

(i) The child is in danger from the respondent; 1469

(ii) No other person or agency is available to provide the 1470  
supervision. 1471

(b) A court that requires an agency to provide supervision 1472  
pursuant to division (E) (6) (a) of this section shall order the 1473  
respondent to reimburse the agency for the cost of providing the 1474  
supervision, if it determines that the respondent has sufficient 1475  
income or resources to pay that cost. 1476

(7) (a) If a protection order issued or consent agreement 1477  
approved under this section includes a requirement that the 1478  
respondent be evicted from or vacate the residence or household 1479

or refrain from entering the residence, school, business, or 1480  
place of employment of the petitioner or, with respect to a 1481  
petition involving family or household members, a family or 1482  
household member, the order or agreement shall state clearly 1483  
that the order or agreement cannot be waived or nullified by an 1484  
invitation to the respondent from the petitioner or other family 1485  
or household member to enter the residence, school, business, or 1486  
place of employment or by the respondent's entry into one of 1487  
those places otherwise upon the consent of the petitioner or 1488  
other family or household member. 1489

(b) Division (E) (7) (a) of this section does not limit any 1490  
discretion of a court to determine that a respondent charged 1491  
with a violation of section 2919.27 of the Revised Code, with a 1492  
violation of a municipal ordinance substantially equivalent to 1493  
that section, or with contempt of court, which charge is based 1494  
on an alleged violation of a protection order issued or consent 1495  
agreement approved under this section, did not commit the 1496  
violation or was not in contempt of court. 1497

(8) (a) The court may modify or terminate as provided in 1498  
division (E) (8) of this section a protection order or consent 1499  
agreement that was issued after a full hearing under this 1500  
section. The court that issued the protection order or approved 1501  
the consent agreement shall hear a motion for modification or 1502  
termination of the protection order or consent agreement 1503  
pursuant to division (E) (8) of this section. 1504

(b) Either the petitioner or the respondent of the 1505  
original protection order or consent agreement may bring a 1506  
motion for modification or termination of a protection order or 1507  
consent agreement that was issued or approved after a full 1508  
hearing. The court shall require notice of the motion to be made 1509

as provided by the Rules of Civil Procedure. If the petitioner 1510  
for the original protection order or consent agreement has 1511  
requested that the petitioner's address be kept confidential, 1512  
the court shall not disclose the address to the respondent of 1513  
the original protection order or consent agreement or any other 1514  
person, except as otherwise required by law. The moving party 1515  
has the burden of proof to show, by a preponderance of the 1516  
evidence, that modification or termination of the protection 1517  
order or consent agreement is appropriate because either the 1518  
protection order or consent agreement is no longer needed or 1519  
because the terms of the original protection order or consent 1520  
agreement are no longer appropriate. 1521

(c) In considering whether to modify or terminate a 1522  
protection order or consent agreement issued or approved under 1523  
this section, the court shall consider all relevant factors, 1524  
including, but not limited to, the following: 1525

(i) Whether the petitioner consents to modification or 1526  
termination of the protection order or consent agreement; 1527

(ii) Whether the petitioner fears the respondent; 1528

(iii) The current nature of the relationship between the 1529  
petitioner and the respondent; 1530

(iv) The circumstances of the petitioner and respondent, 1531  
including the relative proximity of the petitioner's and 1532  
respondent's workplaces and residences and whether the 1533  
petitioner and respondent have minor children together; 1534

(v) Whether the respondent has complied with the terms and 1535  
conditions of the original protection order or consent 1536  
agreement; 1537

(vi) Whether the respondent has a continuing involvement 1538

with illegal drugs or alcohol; 1539

(vii) Whether the respondent has been convicted of, 1540  
pleaded guilty to, or been adjudicated a delinquent child for an 1541  
offense of violence since the issuance of the protection order 1542  
or approval of the consent agreement; 1543

(viii) Whether any other protection orders, consent 1544  
agreements, restraining orders, or no contact orders have been 1545  
issued against the respondent pursuant to this section, section 1546  
2919.26 of the Revised Code, any other provision of state law, 1547  
or the law of any other state; 1548

(ix) Whether the respondent has participated in any 1549  
domestic violence treatment, intervention program, or other 1550  
counseling addressing domestic violence and whether the 1551  
respondent has completed the treatment, program, or counseling; 1552

(x) The time that has elapsed since the protection order 1553  
was issued or since the consent agreement was approved; 1554

(xi) The age and health of the respondent; 1555

(xii) When the last incident of abuse, threat of harm, or 1556  
commission of a sexually oriented offense occurred or other 1557  
relevant information concerning the safety and protection of the 1558  
petitioner or other protected parties. 1559

(d) If a protection order or consent agreement is modified 1560  
or terminated as provided in division (E) (8) of this section, 1561  
the court shall issue copies of the modified or terminated order 1562  
or agreement as provided in division (F) of this section. A 1563  
petitioner may also provide notice of the modification or 1564  
termination to the judicial and law enforcement officials in any 1565  
county other than the county in which the order or agreement is 1566  
modified or terminated as provided in division (N) of this 1567

section. 1568

(e) If the respondent moves for modification or 1569  
termination of a protection order or consent agreement pursuant 1570  
to this section and the court denies the motion, the court may 1571  
assess costs against the respondent for the filing of the 1572  
motion. 1573

(9) Any protection order issued or any consent agreement 1574  
approved pursuant to this section shall include a provision that 1575  
the court will automatically seal all of the records of the 1576  
proceeding in which the order is issued or agreement approved on 1577  
the date the respondent attains the age of nineteen years unless 1578  
the petitioner provides the court with evidence that the 1579  
respondent has not complied with all of the terms of the 1580  
protection order or consent agreement. The protection order or 1581  
consent agreement shall specify the date when the respondent 1582  
attains the age of nineteen years. 1583

(F) (1) A copy of any protection order, or consent 1584  
agreement, that is issued, approved, modified, or terminated 1585  
under this section shall be issued by the court to the 1586  
petitioner, to the respondent, and to all law enforcement 1587  
agencies that have jurisdiction to enforce the order or 1588  
agreement and shall be entered into the weapons disability data 1589  
portal created in section 5502.80 of the Revised Code within one 1590  
business day after it is issued. The court shall direct that a 1591  
copy of an order be delivered to the respondent on the same day 1592  
that the order is entered. 1593

(2) Upon the issuance of a protection order or the 1594  
approval of a consent agreement under this section, the court 1595  
shall provide the parties to the order or agreement with the 1596  
following notice orally or by form: 1597

"NOTICE 1598

As a result of this order or consent agreement, it may be 1599  
unlawful for you to possess or purchase a firearm, including a 1600  
rifle, pistol, or revolver, or ammunition pursuant to federal 1601  
law under 18 U.S.C. 922(g)(8) for the duration of this order or 1602  
consent agreement. If you have any questions whether this law 1603  
makes it illegal for you to possess or purchase a firearm or 1604  
ammunition, you should consult an attorney." 1605

(3) All law enforcement agencies shall establish and 1606  
maintain an index for the protection orders and the approved 1607  
consent agreements delivered to the agencies pursuant to 1608  
division (F)(1) of this section. With respect to each order and 1609  
consent agreement delivered, each agency shall note on the index 1610  
the date and time that it received the order or consent 1611  
agreement. 1612

(4) Regardless of whether the petitioner has registered 1613  
the order or agreement in the county in which the officer's 1614  
agency has jurisdiction pursuant to division (N) of this 1615  
section, any officer of a law enforcement agency shall enforce a 1616  
protection order issued or consent agreement approved by any 1617  
court in this state in accordance with the provisions of the 1618  
order or agreement, including removing the respondent from the 1619  
premises, if appropriate. 1620

(G)(1) Any proceeding under this section shall be 1621  
conducted in accordance with the Rules of Civil Procedure, 1622  
except that an order under this section may be obtained with or 1623  
without bond. An order issued under this section, other than an 1624  
ex parte order, that grants a protection order or approves a 1625  
consent agreement, that refuses to grant a protection order or 1626  
approve a consent agreement that modifies or terminates a 1627



protection order or consent agreement, or that refuses to modify 1628  
or terminate a protection order or consent agreement, is a 1629  
final, appealable order. The remedies and procedures provided in 1630  
this section are in addition to, and not in lieu of, any other 1631  
available civil or criminal remedies. 1632

(2) If as provided in division (G)(1) of this section an 1633  
order issued under this section, other than an ex parte order, 1634  
refuses to grant a protection order, the court, on its own 1635  
motion, shall order that the ex parte order issued under this 1636  
section and all of the records pertaining to that ex parte order 1637  
be sealed after either of the following occurs: 1638

(a) No party has exercised the right to appeal pursuant to 1639  
Rule 4 of the Rules of Appellate Procedure. 1640

(b) All appellate rights have been exhausted. 1641

(H) The filing of proceedings under this section does not 1642  
excuse a person from filing any report or giving any notice 1643  
required by section 2151.421 of the Revised Code or by any other 1644  
law. When a petition under this section alleges domestic 1645  
violence against minor children, the court shall report the 1646  
fact, or cause reports to be made, to a county, township, or 1647  
municipal peace officer under section 2151.421 of the Revised 1648  
Code. 1649

(I) Any law enforcement agency that investigates a 1650  
domestic dispute shall provide information to the family or 1651  
household members involved, or the persons in the dating 1652  
relationship who are involved, whichever is applicable regarding 1653  
the relief available under this section and, for family or 1654  
household members, section 2919.26 of the Revised Code. 1655

(J)(1) Subject to divisions (E)(8)(e) and (J)(2) of this 1656

section and regardless of whether a protection order is issued 1657  
or a consent agreement is approved by a court of another county 1658  
or a court of another state, no court or unit of state or local 1659  
government shall charge the petitioner any fee, cost, deposit, 1660  
or money in connection with the filing of a petition pursuant to 1661  
this section or in connection with the filing, issuance, 1662  
registration, modification, enforcement, dismissal, withdrawal, 1663  
or service of a protection order, consent agreement, or witness 1664  
subpoena or for obtaining a certified copy of a protection order 1665  
or consent agreement. 1666

(2) Regardless of whether a protection order is issued or 1667  
a consent agreement is approved pursuant to this section, the 1668  
court may assess costs against the respondent in connection with 1669  
the filing, issuance, registration, modification, enforcement, 1670  
dismissal, withdrawal, or service of a protection order, consent 1671  
agreement, or witness subpoena or for obtaining a certified copy 1672  
of a protection order or consent agreement. 1673

(K) (1) The court shall comply with Chapters 3119., 3121., 1674  
3123., and 3125. of the Revised Code when it makes or modifies 1675  
an order for child support under this section. 1676

(2) If any person required to pay child support under an 1677  
order made under this section on or after April 15, 1985, or 1678  
modified under this section on or after December 31, 1986, is 1679  
found in contempt of court for failure to make support payments 1680  
under the order, the court that makes the finding, in addition 1681  
to any other penalty or remedy imposed, shall assess all court 1682  
costs arising out of the contempt proceeding against the person 1683  
and require the person to pay any reasonable attorney's fees of 1684  
any adverse party, as determined by the court, that arose in 1685  
relation to the act of contempt. 1686

(L) (1) A person who violates a protection order issued or 1687  
a consent agreement approved under this section is subject to 1688  
the following sanctions: 1689

(a) Criminal prosecution or a delinquent child proceeding 1690  
for a violation of section 2919.27 of the Revised Code, if the 1691  
violation of the protection order or consent agreement 1692  
constitutes a violation of that section; 1693

(b) Punishment for contempt of court. 1694

(2) The punishment of a person for contempt of court for 1695  
violation of a protection order issued or a consent agreement 1696  
approved under this section does not bar criminal prosecution of 1697  
the person or a delinquent child proceeding concerning the 1698  
person for a violation of section 2919.27 of the Revised Code. 1699  
However, a person punished for contempt of court is entitled to 1700  
credit for the punishment imposed upon conviction of or 1701  
adjudication as a delinquent child for a violation of that 1702  
section, and a person convicted of or adjudicated a delinquent 1703  
child for a violation of that section shall not subsequently be 1704  
punished for contempt of court arising out of the same activity. 1705

(M) In all stages of a proceeding under this section, a 1706  
petitioner may be accompanied by a victim advocate. 1707

(N) (1) A petitioner who obtains a protection order or 1708  
consent agreement under this section or a temporary protection 1709  
order under section 2919.26 of the Revised Code may provide 1710  
notice of the issuance or approval of the order or agreement to 1711  
the judicial and law enforcement officials in any county other 1712  
than the county in which the order is issued or the agreement is 1713  
approved by registering that order or agreement in the other 1714  
county pursuant to division (N) (2) of this section and filing a 1715

copy of the registered order or registered agreement with a law 1716  
enforcement agency in the other county in accordance with that 1717  
division. A person who obtains a protection order issued by a 1718  
court of another state may provide notice of the issuance of the 1719  
order to the judicial and law enforcement officials in any 1720  
county of this state by registering the order in that county 1721  
pursuant to section 2919.272 of the Revised Code and filing a 1722  
copy of the registered order with a law enforcement agency in 1723  
that county. 1724

(2) A petitioner may register a temporary protection 1725  
order, protection order, or consent agreement in a county other 1726  
than the county in which the court that issued the order or 1727  
approved the agreement is located in the following manner: 1728

(a) The petitioner shall obtain a certified copy of the 1729  
order or agreement from the clerk of the court that issued the 1730  
order or approved the agreement and present that certified copy 1731  
to the clerk of the court of common pleas or the clerk of a 1732  
municipal court or county court in the county in which the order 1733  
or agreement is to be registered. 1734

(b) Upon accepting the certified copy of the order or 1735  
agreement for registration, the clerk of the court of common 1736  
pleas, municipal court, or county court shall place an 1737  
endorsement of registration on the order or agreement and give 1738  
the petitioner a copy of the order or agreement that bears that 1739  
proof of registration. 1740

(3) The clerk of each court of common pleas, the clerk of 1741  
each municipal court, and the clerk of each county court shall 1742  
maintain a registry of certified copies of temporary protection 1743  
orders, protection orders, or consent agreements that have been 1744  
issued or approved by courts in other counties and that have 1745

been registered with the clerk. 1746

(O) Nothing in this section prohibits the domestic 1747  
relations division of a court of common pleas in counties that 1748  
have a domestic relations division or a court of common pleas in 1749  
counties that do not have a domestic relations division from 1750  
designating a minor child as a protected party on a protection 1751  
order or consent agreement. 1752

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 1753  
the Revised Code: 1754

(A) "Mental illness" means a substantial disorder of 1755  
thought, mood, perception, orientation, or memory that grossly 1756  
impairs judgment, behavior, capacity to recognize reality, or 1757  
ability to meet the ordinary demands of life. "Mental illness" 1758  
includes a moderate or severe substance use disorder as 1759  
determined according to the symptoms specified in the fifth 1760  
edition of the diagnostic and statistical manual of mental 1761  
disorders published by the American psychiatric association. 1762

(B) "Mentally ill person subject to court order" means a 1763  
~~mentally ill person~~ with a mental illness who, because of the 1764  
person's illness: 1765

(1) Represents a substantial risk of physical harm to self 1766  
as manifested by evidence of threats of, or attempts at, suicide 1767  
or serious self-inflicted bodily harm; 1768

(2) Represents a substantial risk of physical harm to 1769  
others as manifested by evidence of recent homicidal or other 1770  
violent behavior, evidence of recent threats that place another 1771  
in reasonable fear of violent behavior and serious physical 1772  
harm, or other evidence of present dangerousness; 1773

(3) Represents a substantial and immediate risk of serious 1774

physical impairment or injury to self as manifested by evidence 1775  
that the person is unable to provide for and is not providing 1776  
for the person's basic physical needs because of the person's 1777  
mental illness and that appropriate provision for those needs 1778  
cannot be made immediately available in the community; 1779

(4) Would benefit from treatment for the person's mental 1780  
illness and is in need of such treatment as manifested by 1781  
evidence of behavior that creates a grave and imminent risk to 1782  
substantial rights of others or the person; 1783

(5) (a) Would benefit from treatment as manifested by 1784  
evidence of behavior that indicates all of the following: 1785

(i) The person is unlikely to survive safely in the 1786  
community without supervision, based on a clinical 1787  
determination. 1788

(ii) The person has a history of lack of compliance with 1789  
treatment for mental illness and one of the following applies: 1790

(I) At least twice within the thirty-six months prior to 1791  
the filing of an affidavit seeking court-ordered treatment of 1792  
the person under section 5122.111 of the Revised Code, the lack 1793  
of compliance has been a significant factor in necessitating 1794  
hospitalization in a hospital or receipt of services in a 1795  
forensic or other mental health unit of a correctional facility, 1796  
provided that the thirty-six-month period shall be extended by 1797  
the length of any hospitalization or incarceration of the person 1798  
that occurred within the thirty-six-month period. 1799

(II) Within the forty-eight months prior to the filing of 1800  
an affidavit seeking court-ordered treatment of the person under 1801  
section 5122.111 of the Revised Code, the lack of compliance 1802  
resulted in one or more acts of serious violent behavior toward 1803

self or others or threats of, or attempts at, serious physical 1804  
harm to self or others, provided that the forty-eight-month 1805  
period shall be extended by the length of any hospitalization or 1806  
incarceration of the person that occurred within the forty- 1807  
eight-month period. 1808

(iii) The person, as a result of the person's mental 1809  
illness, is unlikely to voluntarily participate in necessary 1810  
treatment. 1811

(iv) In view of the person's treatment history and current 1812  
behavior, the person is in need of treatment in order to prevent 1813  
a relapse or deterioration that would be likely to result in 1814  
substantial risk of serious harm to the person or others. 1815

(b) An individual who meets only the criteria described in 1816  
division (B) (5) (a) of this section is not subject to 1817  
hospitalization. 1818

(C) (1) "Patient" means, subject to division (C) (2) of this 1819  
section, a person who is admitted either voluntarily or 1820  
involuntarily to a hospital or other place under section 1821  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 1822  
subsequent to a finding of not guilty by reason of insanity or 1823  
incompetence to stand trial or under this chapter, who is under 1824  
observation or receiving treatment in such place. 1825

(2) "Patient" does not include a person admitted to a 1826  
hospital or other place under section 2945.39, 2945.40, 1827  
2945.401, or 2945.402 of the Revised Code to the extent that the 1828  
reference in this chapter to patient, or the context in which 1829  
the reference occurs, is in conflict with any provision of 1830  
sections 2945.37 to 2945.402 of the Revised Code. 1831

(D) "Licensed physician" means a person licensed under the 1832

laws of this state to practice medicine or a medical officer of 1833  
the government of the United States while in this state in the 1834  
performance of the person's official duties. 1835

(E) "Psychiatrist" means a licensed physician who has 1836  
satisfactorily completed a residency training program in 1837  
psychiatry, as approved by the residency review committee of the 1838  
American medical association, the committee on post-graduate 1839  
education of the American osteopathic association, or the 1840  
American osteopathic board of neurology and psychiatry, or who 1841  
on July 1, 1989, has been recognized as a psychiatrist by the 1842  
Ohio state medical association or the Ohio osteopathic 1843  
association on the basis of formal training and five or more 1844  
years of medical practice limited to psychiatry. 1845

(F) "Hospital" means a hospital or inpatient unit licensed 1846  
by the department of mental health and addiction services under 1847  
section 5119.33 of the Revised Code, and any institution, 1848  
hospital, or other place established, controlled, or supervised 1849  
by the department under Chapter 5119. of the Revised Code. 1850

(G) "Public hospital" means a facility that is tax- 1851  
supported and under the jurisdiction of the department of mental 1852  
health and addiction services. 1853

(H) "Community mental health services provider" means an 1854  
agency, association, corporation, individual, or program that 1855  
provides community mental health services that are certified by 1856  
the director of mental health and addiction services under 1857  
section 5119.36 of the Revised Code. 1858

(I) "Licensed clinical psychologist" means a person who 1859  
holds a current, valid psychologist license issued under section 1860  
4732.12 of the Revised Code, and in addition, meets the 1861



educational requirements set forth in division (B) of section 1862  
4732.10 of the Revised Code and has a minimum of two years' 1863  
full-time professional experience, or the equivalent as 1864  
determined by rule of the state board of psychology, at least 1865  
one year of which shall be a predoctoral internship, in clinical 1866  
psychological work in a public or private hospital or clinic or 1867  
in private practice, diagnosing and treating problems of mental 1868  
illness or intellectual disability under the supervision of a 1869  
psychologist who is licensed or who holds a diploma issued by 1870  
the American board of professional psychology, or whose 1871  
qualifications are substantially similar to those required for 1872  
licensure by the state board of psychology when the supervision 1873  
has occurred prior to enactment of laws governing the practice 1874  
of psychology. 1875

(J) "Health officer" means any public health physician; 1876  
public health nurse; or other person authorized or designated by 1877  
a city or general health district or a board of alcohol, drug 1878  
addiction, and mental health services to perform the duties of a 1879  
health officer under this chapter. 1880

(K) "Chief clinical officer" means the medical director of 1881  
a hospital, community mental health services provider, or board 1882  
of alcohol, drug addiction, and mental health services, or, if 1883  
there is no medical director, the licensed physician responsible 1884  
for the treatment provided by a hospital or community mental 1885  
health services provider. The chief clinical officer may 1886  
delegate to the attending physician responsible for a patient's 1887  
care the duties imposed on the chief clinical officer by this 1888  
chapter. In the case of a community mental health services 1889  
provider, the chief clinical officer shall be designated by the 1890  
governing body of the services provider and shall be a licensed 1891  
physician or licensed clinical psychologist who supervises 1892

diagnostic and treatment services. A licensed physician or 1893  
licensed clinical psychologist designated by the chief clinical 1894  
officer may perform the duties and accept the responsibilities 1895  
of the chief clinical officer in the chief clinical officer's 1896  
absence. 1897

(L) "Working day" or "court day" means Monday, Tuesday, 1898  
Wednesday, Thursday, and Friday, except when such day is a 1899  
holiday. 1900

(M) "Indigent" means unable without deprivation of 1901  
satisfaction of basic needs to provide for the payment of an 1902  
attorney and other necessary expenses of legal representation, 1903  
including expert testimony. 1904

(N) "Respondent" means the person whose detention, 1905  
commitment, hospitalization, continued hospitalization or 1906  
commitment, or discharge is being sought in any proceeding under 1907  
this chapter. 1908

(O) "Ohio protection and advocacy system" has the same 1909  
meaning as in section 5123.60 of the Revised Code. 1910

(P) "Independent expert evaluation" means an evaluation 1911  
conducted by a licensed clinical psychologist, psychiatrist, or 1912  
licensed physician who has been selected by the respondent or 1913  
the respondent's counsel and who consents to conducting the 1914  
evaluation. 1915

(Q) "Court" means the probate division of the court of 1916  
common pleas. 1917

(R) "Expunge" means: 1918

(1) The removal and destruction of court files and 1919  
records, originals and copies, and the deletion of all index 1920

references;	1921
(2) The reporting to the person of the nature and extent	1922
of any information about the person transmitted to any other	1923
person by the court;	1924
(3) Otherwise insuring that any examination of court files	1925
and records in question shall show no record whatever with	1926
respect to the person;	1927
(4) That all rights and privileges are restored, and that	1928
the person, the court, and any other person may properly reply	1929
that no such record exists, as to any matter expunged.	1930
(S) "Residence" means a person's physical presence in a	1931
county with intent to remain there, except that:	1932
(1) If a person is receiving a mental health service at a	1933
facility that includes nighttime sleeping accommodations,	1934
residence means that county in which the person maintained the	1935
person's primary place of residence at the time the person	1936
entered the facility;	1937
(2) If a person is committed pursuant to section 2945.38,	1938
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code,	1939
residence means the county where the criminal charges were	1940
filed.	1941
When the residence of a person is disputed, the matter of	1942
residence shall be referred to the department of mental health	1943
and addiction services for investigation and determination.	1944
Residence shall not be a basis for a board of alcohol, drug	1945
addiction, and mental health services to deny services to any	1946
person present in the board's service district, and the board	1947
shall provide services for a person whose residence is in	1948
dispute while residence is being determined and for a person in	1949

an emergency situation.	1950
(T) "Admission" to a hospital or other place means that a patient is accepted for and stays at least one night at the hospital or other place.	1951 1952 1953
(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.	1954 1955 1956 1957 1958 1959 1960
(V) (1) "Treatment plan" means a written statement of reasonable objectives and goals for an individual established by the treatment team, with specific criteria to evaluate progress towards achieving those objectives.	1961 1962 1963 1964
(2) The active participation of the patient in establishing the objectives and goals shall be documented. The treatment plan shall be based on patient needs and include services to be provided to the patient while the patient is hospitalized, after the patient is discharged, or in an outpatient setting. The treatment plan shall address services to be provided. In the establishment of the treatment plan, consideration should be given to the availability of services, which may include but are not limited to all of the following:	1965 1966 1967 1968 1969 1970 1971 1972 1973
(a) Community psychiatric supportive treatment;	1974
(b) Assertive community treatment;	1975
(c) Medications;	1976
(d) Individual or group therapy;	1977

(e) Peer support services;	1978
(f) Financial services;	1979
(g) Housing or supervised living services;	1980
(h) Alcohol or substance abuse treatment;	1981
(i) Any other services prescribed to treat the patient's mental illness and to either assist the patient in living and functioning in the community or to help prevent a relapse or a deterioration of the patient's current condition.	1982 1983 1984 1985
(3) If the person subject to the treatment plan has executed an advance directive for mental health treatment, the treatment team shall consider any directions included in such advance directive in developing the treatment plan.	1986 1987 1988 1989
(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	1990 1991
(X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	1992 1993
(Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code.	1994 1995
(Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code.	1996 1997 1998
<u>Sec. 5502.80. (A) The director of public safety shall</u> <u>establish and maintain the weapons disability data portal, an</u> <u>electronic portal that utilizes the platform established by the</u> <u>office of innovateohio within the office of the governor to</u> <u>allow for the collection and distribution of data relevant to</u> <u>state and federal firearms disability status.</u>	1999 2000 2001 2002 2003 2004

<u>(B) The director of public safety shall ensure that all of</u>	2005
<u>the following records may be entered into the weapons disability</u>	2006
<u>data portal to provide up-to-date information on weapons</u>	2007
<u>disability:</u>	2008
<u>(1) (a) A record of each time a person is indicted for, is</u>	2009
<u>charged with, or is convicted of or pleads guilty to one of the</u>	2010
<u>following:</u>	2011
<u>(i) A felony offense of violence;</u>	2012
<u>(ii) A felony offense involving the illegal possession,</u>	2013
<u>use, sale, administration, distribution, or trafficking in any</u>	2014
<u>drug of abuse;</u>	2015
<u>(iii) An offense that is punishable by imprisonment for a</u>	2016
<u>term exceeding one year;</u>	2017
<u>(iv) A violation of section 2919.25 of the Revised Code.</u>	2018
<u>(b) A record of each time an indictment or charge is</u>	2019
<u>dismissed or a conviction or plea of guilty is overturned on</u>	2020
<u>appeal or vacated for any of the offenses described in division</u>	2021
<u>(B) (1) (a) of this section.</u>	2022
<u>(2) (a) A record of each time a person has been adjudicated</u>	2023
<u>a delinquent child for the commission of an offense that, if</u>	2024
<u>committed by an adult, would have been one of the following:</u>	2025
<u>(i) A felony offense of violence;</u>	2026
<u>(ii) A felony offense involving the illegal possession,</u>	2027
<u>use, sale, administration, distribution, or trafficking in any</u>	2028
<u>drug of abuse;</u>	2029
<u>(iii) An offense that is punishable by imprisonment for a</u>	2030
<u>term exceeding one year;</u>	2031

<u>(iv) A violation of section 2919.25 of the Revised Code or</u>	2032
<u>any prohibition under Chapter 2907. of the Revised Code.</u>	2033
<u>(b) A record of each time an adjudication of a delinquent</u>	2034
<u>child for the commission of an offense that, if committed by an</u>	2035
<u>adult, would have been one of the offenses described in division</u>	2036
<u>(B) (2) (a) of this section is overturned on appeal or vacated.</u>	2037
<u>(3) (a) A record of each time a person is adjudged by a</u>	2038
<u>probate court to be mentally incompetent;</u>	2039
<u>(b) A record of each time a person who, having been</u>	2040
<u>formerly adjudged to be incompetent, is found by the probate</u>	2041
<u>court to be competent.</u>	2042
<u>(4) A record of each time a person is committed by a court</u>	2043
<u>to a mental institution.</u>	2044
<u>(5) A record of each time a person is found to be a</u>	2045
<u>mentally ill person subject to court order.</u>	2046
<u>(6) (a) A record of each time a person becomes an</u>	2047
<u>involuntary patient in a mental institution other than persons</u>	2048
<u>who are patients only for purposes of observation;</u>	2049
<u>(b) A record of each time a person who, having become an</u>	2050
<u>involuntary patient in a mental institution other than persons</u>	2051
<u>who are patients only for purposes of observation, is released</u>	2052
<u>from the mental institution.</u>	2053
<u>(7) (a) A record of each warrant issued for the arrest of a</u>	2054
<u>person charged with an offense;</u>	2055
<u>(b) A record of each service of a warrant issued for the</u>	2056
<u>arrest of a person charged with an offense.</u>	2057
<u>(8) (a) A record of each time a person demonstrated as</u>	2058

being drug dependent, in danger of drug dependence, or a chronic alcoholic; 2059  
2060

(b) A record of each time a person who demonstrated as being drug dependent, in danger of drug dependence, or a chronic alcoholic demonstrates that the person is not drug dependent, in danger of drug dependence, or a chronic alcoholic. 2061  
2062  
2063  
2064

(9) (a) A record of each time a protection order is issued, after a full hearing, under section 2903.214 of the Revised Code; 2065  
2066  
2067

(b) A record of each time a protection order that was issued, after a full hearing, under section 2903.214 of the Revised Code, is terminated. 2068  
2069  
2070

(10) (a) A record of each time a protection order is issued, after a full hearing, under section 2919.26 of the Revised Code; 2071  
2072  
2073

(b) A record of each time a protection order that was issued, after a full hearing, under section 2919.26 of the Revised Code, is terminated. 2074  
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(11) A record of each time a domestic violence civil protection order or consent agreement is issued, approved, modified, or terminated under section 3113.31 of the Revised Code. 2077  
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(12) (a) A record of each time the director of public safety receives any other credible information that indicates a person may be under weapons disability in accordance with state or federal law; 2081  
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(b) A record of each time the director of public safety receives any other credible information that indicates a person 2085  
2086



who may have been under weapons disability in accordance with 2087  
state or federal law is no longer under weapons disability in 2088  
accordance with state or federal law. 2089

(C)(1)(a) A court that charges a person with, indicts a 2090  
person for, convicts a person of, or accepts a plea of guilty to 2091  
an offense specified in division (B)(1)(a) of this section, that 2092  
adjudicates a person a delinquent child for the commission of an 2093  
offense specified in division (B)(2)(a) of this section, that 2094  
issues a warrant for the arrest of a person, or that commits a 2095  
person to a mental institution, shall enter into the weapons 2096  
disability data portal, within one business day after the 2097  
charge, indictment, conviction, plea, adjudication, issuance, or 2098  
commitment a record of that charge, indictment, conviction, 2099  
plea, adjudication, issuance, or commitment. 2100

(b) A court that is described in division (C)(1)(a) of 2101  
this section that dismisses an indictment or charge or receives 2102  
notice that a conviction, plea of guilty, or adjudication as a 2103  
delinquent child for a violation of an offense described in 2104  
division (B)(1)(a) or (B)(2)(a) of this section has been 2105  
overturned on appeal or vacated, or receives notice that a 2106  
warrant has been served shall enter into the weapons disability 2107  
data portal, within one business day after the indictment or 2108  
charge is dismissed, the notice of the conviction, plea of 2109  
guilty, or adjudication is overturned on appeal or vacated, or 2110  
the notice that the warrant was served, a record of that 2111  
dismissal or notice. 2112

(2) A probate court that adjudges a person to be mentally 2113  
incompetent, finds a person competent after having formerly 2114  
adjudged the person to be incompetent, or finds the person to be 2115  
a mentally ill person subject to court order, shall enter into 2116

the weapons disability data portal, within one business day 2117  
after the adjudication, finding, or order, a copy of the 2118  
adjudication, finding, or order. 2119

(3) A state agency or any other entity that receives a 2120  
person as an involuntary patient in a mental institution, other 2121  
than as an involuntary patient for observation only, or releases 2122  
that involuntary patient from the mental institution shall enter 2123  
a record of that intake or release into the weapons disability 2124  
data portal within one business day after that intake or 2125  
release. 2126

(D) Any entity described in division (C) of this section 2127  
and any other person or entity that is required to enter records 2128  
or information described in division (B) of this section into 2129  
the weapons disability data portal within one business day after 2130  
receiving that record or information shall be assessed a civil 2131  
penalty of five hundred dollars for each time the person or 2132  
entity fails to input a record or information into the weapons 2133  
disability data portal. 2134

(E) The director of public safety shall adopt rules under 2135  
Chapter 119. of the Revised Code establishing guidelines for the 2136  
operation of the weapons disability data portal including rules 2137  
for transmitting records entered into the portal to existing 2138  
databases or to the law enforcement automated data system and 2139  
rules for determining whether a court, law enforcement agency, 2140  
or state agency has complied with the data portal reporting 2141  
requirements in this section. 2142

(F) As used in this section, "offense that is punishable 2143  
by imprisonment for a term exceeding one year" does not include 2144  
any of the following: 2145

(1) A violation of the laws of this state pertaining to 2146  
antitrust laws, unfair trade practices, restraints of trade, or 2147  
similar violations relating to the regulation of business trade 2148  
practices; 2149

(2) Any misdemeanor punishable by a term of imprisonment 2150  
of two years or less; 2151

(3) Any conviction that has been expunged or set aside or 2152  
for which the person has been pardoned or has had civil rights 2153  
restored, unless the pardon, expungement, or restoration of 2154  
civil rights specifies that the person may not acquire, have, 2155  
carry, or use any firearm or dangerous ordnance. 2156

**Sec. 5502.81.** (A) The director of public safety shall 2157  
appoint a number of regional information officers to monitor and 2158  
facilitate the submission of information to the weapons 2159  
disability data portal created in section 5502.80 of the Revised 2160  
Code. 2161

(B) A regional information officer appointed under this 2162  
section shall do both of the following in the region designated 2163  
for the officer by the director of public safety: 2164

(1) Monitor the submission of records required to be 2165  
submitted to the weapons disability data portal from law 2166  
enforcement agencies, courts, and state agencies; 2167

(2) Assist law enforcement agencies, courts, and other 2168  
state agencies in accessing the weapons disability data portal 2169  
and submitting required records to the portal. 2170

(C) The director of public safety shall provide to the 2171  
auditor of state any information the auditor of state determines 2172  
is necessary to perform a quarterly compliance audit of the 2173  
weapons disability data portal under section 5502.82 of the 2174

Revised Code and the degree to which law enforcement agencies, 2175  
courts, and state agencies have complied with the requirements 2176  
of sections 5502.80 and 5502.81 of the Revised Code. 2177

**Sec. 5502.82.** (A) The auditor of state shall conduct a 2178  
quarterly audit of the weapons disability data portal created in 2179  
section 5502.80 of the Revised Code to determine compliance with 2180  
the requirements of sections 5502.80 and 5502.81 of the Revised 2181  
Code. 2182

(B) The auditor of state shall adopt rules under Chapter 2183  
119. of the Revised Code for the operation of quarterly audits 2184  
required by this section, including rules defining compliance by 2185  
a law enforcement agency, court, or state agency with the 2186  
requirements of sections 5502.80 and 5502.81 of the Revised Code 2187  
and rules for determining when one of those entities is 2188  
habitually out of compliance with those sections. 2189

(C) The auditor of state shall publish a quarterly list of 2190  
law enforcement agencies, courts, and state agencies that the 2191  
auditor of state has found to be out of compliance with the 2192  
requirements of sections 5502.80 and 5502.81 of the Revised 2193  
Code. 2194

(D) (1) A law enforcement agency, court, or state agency 2195  
that the auditor of state determines is habitually out of 2196  
compliance with the requirements of sections 5502.80 and 5502.81 2197  
of the Revised Code is ineligible to apply for grants 2198  
administered by the department of public safety and shall be 2199  
assessed a civil penalty of one thousand dollars for each time 2200  
the law enforcement agency, court, or state agency fails to 2201  
input a record or information into the weapons disability data 2202  
portal as required under division (C) of section 5502.80 of the 2203  
Revised Code. The law enforcement agency, court, or state agency 2204

shall remain ineligible to apply for grants administered by the 2205  
department of public safety and shall be assessed the civil 2206  
penalty of one thousand dollars until the law enforcement 2207  
agency, court, or state agency is determined by the auditor of 2208  
state to be in compliance with the requirements of those 2209  
sections. 2210

(2) A private mental hospital that the auditor of state 2211  
determines is habitually out of compliance with the requirements 2212  
of sections 5502.80 and 5502.81 of the Revised Code is 2213  
prohibited from receiving persons admitted to the hospital 2214  
pursuant to section 5122.10 or 5122.11 of the Revised Code and 2215  
shall be assessed a civil penalty of one thousand dollars for 2216  
each time the private mental hospital fails to input a record or 2217  
information into the weapons disability data portal as required 2218  
under division (C) of section 5502.80 of the Revised Code. The 2219  
private mental hospital shall remain prohibited from receiving 2220  
persons admitted to the hospital pursuant to section 5122.10 or 2221  
5122.11 of the Revised Code and shall be assessed that civil 2222  
penalty until the private mental hospital is determined by the 2223  
auditor of state to be in compliance with the requirements of 2224  
those sections. 2225

(3) A clerk of a court or other court personnel 2226  
responsible for entering records into the weapons disability 2227  
data portal that the auditor of state determines is habitually 2228  
out of compliance with the requirements of sections 5502.80 and 2229  
5502.81 of the Revised Code shall be assessed a civil penalty of 2230  
one thousand dollars for each time the clerk or other court 2231  
personnel fails to input a record or information into the 2232  
weapons disability data portal as required under division (C) of 2233  
section 5502.80 of the Revised Code. That civil penalty shall be 2234  
assessed until the clerk of court or other court personnel is 2235

determined by the auditor of state to be in compliance with the 2236  
requirements of those sections. 2237

(E) As used in this section: 2238

(1) "Habitually out of compliance" means when ten per cent 2239  
or more of the entity's data submissions exceed the one business 2240  
day input requirement for records or information required to be 2241  
entered into the weapons disability data portal. 2242

(2) "Private mental hospital" means a hospital or 2243  
inpatient unit licensed by the department of mental health and 2244  
addiction services under section 5119.33 of the Revised Code 2245  
that is not owned, leased, or controlled by this state or any 2246  
agency, institution, instrumentality, or political subdivision 2247  
of this state. 2248

**Section 2.** That existing sections 2151.358, 2903.214, 2249  
2919.26, 2923.13, 2923.14, 2929.44, 2945.402, 3113.31, and 2250  
5122.01 of the Revised Code are hereby repealed. 2251

**Section 3.** All items in this section are hereby 2252  
appropriated as designated out of any moneys in the state 2253  
treasury to the credit of the designated fund. For all 2254  
appropriations made in this act, those in the first column are 2255  
for fiscal year 2020 and those in the second column are for 2256  
fiscal year 2021. The appropriations made in this act are in 2257  
addition to any other appropriations made for the FY 2020-FY 2258  
2021 biennium. 2259

2260

A	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			
B	General Revenue Fund			
C	GRF	100462	Weapons Disability Data Portal	\$ 10,000,000 \$ 0
D	TOTAL General Revenue Fund			\$ 10,000,000 \$ 0
E	TOTAL ALL BUDGET FUND GROUPS			\$ 10,000,000 \$ 0

WEAPONS DISABILITY DATA PORTAL 2261

The foregoing appropriation item 100462, Weapons  
 Disability Data Portal, shall be used by the Department of  
 Administrative Services, in conjunction with the Department of  
 Public Safety and in accordance with section 5502.80 of the  
 Revised Code, to create the Weapons Disability Data Portal. The  
 portal shall use the platform established by the Office of  
 InnovateOhio within the Office of the Governor to allow for the  
 collection and distribution of data relevant to state and  
 federal firearms disability status.

An amount equal to the unexpended, unencumbered portion of  
 the foregoing appropriation item 100462, Weapons Disability Data  
 Portal, at the end of fiscal year 2020 is hereby reappropriated  
 to fiscal year 2021 for the same purpose.

2275

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A DPS DEPARTMENT OF PUBLIC SAFETY

B	General Revenue Fund					
C	GRF	761409	Weapons	\$	2,400,000	\$ 2,400,000
			Disability			
			Data Portal			
D	TOTAL General Revenue Fund			\$	2,400,000	\$ 2,400,000
E	TOTAL ALL BUDGET FUND GROUPS			\$	2,400,000	\$ 2,400,000

WEAPONS DISABILITY DATA PORTAL 2276

The foregoing appropriation item 761409, Weapons 2277  
 Disability Data Portal, shall be used by the Department of 2278  
 Public Safety for personnel and training costs associated with 2279  
 the Weapons Disability Data Portal created in section 5502.80 of 2280  
 the Revised Code. 2281

Within the limits set forth in this act, the Director of 2282  
 Budget and Management shall establish accounts indicating the 2283  
 source and amount of funds for each appropriation made in this 2284  
 act, and shall determine the form and manner in which 2285  
 appropriation accounts shall be maintained. Expenditures from 2286  
 appropriations contained in this act shall be accounted for as 2287  
 though made in the main operating appropriations act of the 2288  
 133rd General Assembly. 2289

The appropriations made in this act are subject to all 2290  
 provisions of H.B. 166 of the 133rd General Assembly that are 2291  
 generally applicable to such appropriations. 2292

**Section 4.** Section 2923.13 of the Revised Code is 2293  
 presented in this act as a composite of the section as amended 2294  
 by both H.B. 234 and S.B. 43 of the 130th General Assembly. The 2295  
 General Assembly, applying the principle stated in division (B) 2296



of section 1.52 of the Revised Code that amendments are to be	2297
harmonized if reasonably capable of simultaneous operation,	2298
finds that the composite is the resulting version of the section	2299
in effect prior to the effective date of the section as	2300
presented in this act.	2301