

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 778**

**Representatives Rogers, Patterson**

**Cosponsors: Representatives Lightbody, O'Brien, Sheehy, Sobecki, Patton**

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**A BILL**

To amend section 2919.27 of the Revised Code to 1  
allow a court to order electronic monitoring of 2  
a person who violates a protection order. 3

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

**Section 1.** That section 2919.27 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 2919.27.** (A) No person shall recklessly violate the 6  
terms of any of the following: 7

(1) A protection order issued or consent agreement 8  
approved pursuant to section 2919.26 or 3113.31 of the Revised 9  
Code; 10

(2) A protection order issued pursuant to section 2151.34, 11  
2903.213, or 2903.214 of the Revised Code; 12

(3) A protection order issued by a court of another state. 13

(B) (1) Whoever violates this section is guilty of 14  
violating a protection order. 15

(2) Except as otherwise provided in division (B) (3) or (4) 16

of this section, violating a protection order is a misdemeanor 17  
of the first degree. 18

(3) Violating a protection order is a felony of the fifth 19  
degree if the offender previously has been convicted of, pleaded 20  
guilty to, or been adjudicated a delinquent child for any of the 21  
following: 22

(a) A violation of a protection order issued or consent 23  
agreement approved pursuant to section 2151.34, 2903.213, 24  
2903.214, 2919.26, or 3113.31 of the Revised Code; 25

(b) Two or more violations of section 2903.21, 2903.211, 26  
2903.22, or 2911.211 of the Revised Code, or any combination of 27  
those offenses, that involved the same person who is the subject 28  
of the protection order or consent agreement; 29

(c) One or more violations of this section. 30

(4) If the offender violates a protection order or consent 31  
agreement while committing a felony offense, violating a 32  
protection order is a felony of the third degree. 33

~~(5) If the protection order violated by the offender was~~ 34  
~~an order issued pursuant to section 2151.34 or 2903.214 of the~~ 35  
~~Revised Code that required electronic monitoring of the offender~~ 36  
~~pursuant to that section, the~~ The court may require, in addition 37  
to any other sentence imposed upon the offender, that the 38  
offender be electronically monitored for a period not exceeding 39  
five years by a law enforcement agency designated by the court. 40  
If the court requires under this division that the offender be 41  
electronically monitored, ~~unless all of the following shall~~ 42  
occur: 43

(a) The law enforcement agency shall electronically 44  
monitor the offender with an active global positioning system 45

device. 46

(b) The court shall specify exclusion zones and inclusion zones for the offender. 47  
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(c) If the offender is within five hundred yards of an exclusion zone or if the offender enters an exclusion zone, the law enforcement agency shall immediately send an alert to the person to be protected by the protection order or consent agreement. 49  
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(d) Unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the ~~electronic monitoring active global positioning system~~ device and the cost of monitoring the ~~electronic monitoring active global positioning system~~ device. 54  
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(C) It is an affirmative defense to a charge under 72  
division (A) (3) of this section that the protection order issued 73  
by a court of another state does not comply with the 74  
requirements specified in 18 U.S.C. 2265(b) for a protection 75

order that must be accorded full faith and credit by a court of 76  
this state or that it is not entitled to full faith and credit 77  
under 18 U.S.C. 2265(c). 78

(D) In a prosecution for a violation of this section, it 79  
is not necessary for the prosecution to prove that the 80  
protection order or consent agreement was served on the 81  
defendant if the prosecution proves that the defendant was shown 82  
the protection order or consent agreement or a copy of either or 83  
a judge, magistrate, or law enforcement officer informed the 84  
defendant that a protection order or consent agreement had been 85  
issued, and proves that the defendant recklessly violated the 86  
terms of the order or agreement. 87

(E) As used in this section, "protection order issued by a 88  
court of another state" means an injunction or another order 89  
issued by a criminal court of another state for the purpose of 90  
preventing violent or threatening acts or harassment against, 91  
contact or communication with, or physical proximity to another 92  
person, including a temporary order, and means an injunction or 93  
order of that nature issued by a civil court of another state, 94  
including a temporary order and a final order issued in an 95  
independent action or as a pendente lite order in a proceeding 96  
for other relief, if the court issued it in response to a 97  
complaint, petition, or motion filed by or on behalf of a person 98  
seeking protection. "Protection order issued by a court of 99  
another state" does not include an order for support or for 100  
custody of a child issued pursuant to the divorce and child 101  
custody laws of another state, except to the extent that the 102  
order for support or for custody of a child is entitled to full 103  
faith and credit under the laws of the United States. 104

**Section 2.** That existing section 2919.27 of the Revised 105

Code is hereby repealed.

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