

**As Reported by the House Criminal Justice Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. H. B. No. 418**

**Representatives Combs, Williams, B.**

**Cosponsors: Representatives Evans, Lundy, Setzer, Fende, DeBose,  
Domenick, Brown, Yuko, Stebelton, Hughes, Harwood, Heard, Mandel, Dyer**

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**A B I L L**

To amend sections 959.99, 2152.19, 2903.213, 1  
2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 2  
and to enact section 4731.284 of the Revised Code 3  
to revise the penalties and sentencing provisions 4  
regarding violations of the cruelty to animals 5  
statutes and to include the protection of 6  
companion animals in temporary protection orders, 7  
domestic violence protection orders, anti-stalking 8  
protection orders, and related protection orders. 9  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 959.99, 2152.19, 2903.213, 2903.214, 11  
2919.26, 3113.31, 4732.141, and 4757.33 be amended and section 12  
4731.284 of the Revised Code be enacted to read as follows: 13

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 of 14  
the Revised Code is guilty of a minor misdemeanor. 15

(B) Except as otherwise provided in this division, whoever 16  
violates section 959.02 of the Revised Code is guilty of a 17  
misdemeanor of the second degree. If the value of the animal 18

killed or the injury done amounts to three hundred dollars or 19  
more, whoever violates section 959.02 of the Revised Code is 20  
guilty of a misdemeanor of the first degree. 21

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, 22  
or 959.17 of the Revised Code is guilty of a misdemeanor of the 23  
fourth degree. 24

(D) Whoever violates division (A) of section 959.13 of the 25  
Revised Code is guilty of a misdemeanor of the second degree on a 26  
first offense and a misdemeanor of the first degree on each 27  
subsequent offense. In addition, the court may order the offender 28  
to forfeit the animal or livestock and may provide for its 29  
disposition, including, but not limited to, the sale of the animal 30  
or livestock. If an animal or livestock is forfeited and sold 31  
pursuant to this division, the proceeds from the sale first shall 32  
be applied to pay the expenses incurred with regard to the care of 33  
the animal from the time it was taken from the custody of the 34  
former owner. The balance of the proceeds from the sale, if any, 35  
shall be paid to the former owner of the animal. 36

(E)(1)(a) Whoever violates division (B) of section 959.131 of 37  
the Revised Code is guilty of a misdemeanor of the first degree on 38  
a first offense and a felony of the fifth degree on each 39  
subsequent offense. In addition to any other sanction imposed for 40  
a felony violation of division (B) of section 959.131 of the 41  
Revised Code, a court shall impose a term of basic probation 42  
supervision or a term of intensive probation supervision. 43

(b) As used in division (E)(1)(a) of this section, "basic 44  
probation supervision" and "intensive probation supervision" have 45  
the same meanings as in section 2929.01 of the Revised Code. 46

(2) Whoever violates section 959.01 of the Revised Code or 47  
division (C) of section 959.131 of the Revised Code is guilty of a 48  
misdemeanor of the second degree on a first offense and a 49

misdemeanor of the first degree on each subsequent offense. 50

(3)(a) A court may order a person who is convicted of or 51  
pleads guilty to a violation of section 959.131 of the Revised 52  
Code to forfeit to an impounding agency, as defined in section 53  
959.132 of the Revised Code, any or all of the companion animals 54  
in that person's ownership or care. The court also may prohibit or 55  
place limitations on the person's ability to own or care for any 56  
companion animals for a specified or indefinite period of time. 57

(b) A court may order a person who is convicted of or pleads 58  
guilty to a violation of section 959.131 of the Revised Code to 59  
reimburse an impounding agency for the reasonably necessary costs 60  
incurred by the agency for the care of a companion animal that the 61  
agency impounded as a result of the investigation or prosecution 62  
of the violation, provided that the costs were not otherwise paid 63  
under section 959.132 of the Revised Code. 64

(4) ~~If (a) Except as otherwise provided in division (E)(4)(b)~~ 65  
~~of this section, if~~ a court has reason to believe that a person 66  
who is convicted of or pleads guilty to a violation of section 67  
959.131 of the Revised Code suffers from a mental or emotional 68  
disorder that contributed to the violation, the court may impose 69  
as a community control sanction or as a condition of probation a 70  
requirement that the offender undergo psychological evaluation or 71  
counseling. The court shall order the offender to pay the costs of 72  
the evaluation or counseling. 73

~~(b) The court shall require a child under eighteen years of~~ 74  
~~age who is adjudicated a delinquent child under Chapter 2152. of~~ 75  
~~the Revised Code for a violation of division (B) of section~~ 76  
~~959.131 of the Revised Code to undergo psychological evaluation~~ 77  
~~and, if the evaluation determines that it is appropriate, to~~ 78  
~~undergo counseling in accordance with division (F) of section~~ 79  
~~2152.19 of the Revised Code.~~ 80

(F) Whoever violates section 959.14 of the Revised Code is 81  
guilty of a misdemeanor of the second degree on a first offense 82  
and a misdemeanor of the first degree on each subsequent offense. 83

(G) Whoever violates section 959.05 or 959.20 of the Revised 84  
Code is guilty of a misdemeanor of the first degree. 85

(H) Whoever violates section 959.16 of the Revised Code is 86  
guilty of a felony of the fourth degree ~~for~~ on a first offense and 87  
a felony of the third degree on each subsequent offense. 88

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 89  
child, the court may make any of the following orders of 90  
disposition, in addition to any other disposition authorized or 91  
required by this chapter: 92

(1) Any order that is authorized by section 2151.353 of the 93  
Revised Code for the care and protection of an abused, neglected, 94  
or dependent child; 95

(2) Commit the child to the temporary custody of any school, 96  
camp, institution, or other facility operated for the care of 97  
delinquent children by the county, by a district organized under 98  
section ~~2152.41~~ or 2151.65 or 2152.41 of the Revised Code, or by a 99  
private agency or organization, within or without the state, that 100  
is authorized and qualified to provide the care, treatment, or 101  
placement required, including, but not limited to, a school, camp, 102  
or facility operated under section 2151.65 of the Revised Code; 103

(3) Place the child in a detention facility or district 104  
detention facility operated under section 2152.41 of the Revised 105  
Code, for up to ninety days; 106

(4) Place the child on community control under any sanctions, 107  
services, and conditions that the court prescribes. As a condition 108  
of community control in every case and in addition to any other 109  
condition that it imposes upon the child, the court shall require 110

the child to abide by the law during the period of community control. As referred to in this division, community control includes, but is not limited to, the following sanctions and conditions:

(a) A period of basic probation supervision in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;

(b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;

(c) A period of day reporting in which the child is required each day to report to and leave a center or another approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center;

(d) A period of community service of up to five hundred hours for an act that would be a felony or a misdemeanor of the first degree if committed by an adult, up to two hundred hours for an act that would be a misdemeanor of the second, third, or fourth degree if committed by an adult, or up to thirty hours for an act that would be a minor misdemeanor if committed by an adult;

(e) A requirement that the child obtain a high school diploma, a certificate of high school equivalence, vocational training, or employment;

(f) A period of drug and alcohol use monitoring;

(g) A requirement of alcohol or drug assessment or counseling, or a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by

the court;	142
(h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours;	143 144
(i) A requirement that the child serve monitored time;	145
(j) A period of house arrest without electronic monitoring or continuous alcohol monitoring;	146 147
(k) A period of electronic monitoring or continuous alcohol monitoring without house arrest, or house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act.	148 149 150 151 152 153
A period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, imposed under this division shall not extend beyond the child's twenty-first birthday. If a court imposes a period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, upon a child under this division, it shall require the child: to remain in the child's home or other specified premises for the entire period of house arrest with electronic monitoring or continuous alcohol monitoring or both except when the court permits the child to leave those premises to go to school or to other specified premises. Regarding electronic monitoring, the court also shall require the child to be monitored by a central system that can determine the child's location at designated times; to report periodically to a person designated by the court; and to enter into a written contract with the court agreeing to comply with all requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the house arrest with electronic monitoring, and agreeing to waive the	154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172

right to receive credit for any time served on house arrest with 173  
electronic monitoring toward the period of any other dispositional 174  
order imposed upon the child if the child violates any of the 175  
requirements of the dispositional order of house arrest with 176  
electronic monitoring. The court also may impose other reasonable 177  
requirements upon the child. 178

Unless ordered by the court, a child shall not receive credit 179  
for any time served on house arrest with electronic monitoring or 180  
continuous alcohol monitoring or both toward any other 181  
dispositional order imposed upon the child for the act for which 182  
was imposed the dispositional order of house arrest with 183  
electronic monitoring or continuous alcohol monitoring. As used in 184  
this division and division (A)(4)~~(i)~~(j) of this section, 185  
"continuous alcohol monitoring" has the same meaning as in section 186  
2929.01 of the Revised Code. 187

(1) A suspension of the driver's license, probationary 188  
driver's license, or temporary instruction permit issued to the 189  
child for a period of time prescribed by the court, or a 190  
suspension of the registration of all motor vehicles registered in 191  
the name of the child for a period of time prescribed by the 192  
court. A child whose license or permit is so suspended is 193  
ineligible for issuance of a license or permit during the period 194  
of suspension. At the end of the period of suspension, the child 195  
shall not be reissued a license or permit until the child has paid 196  
any applicable reinstatement fee and complied with all 197  
requirements governing license reinstatement. 198

(5) Commit the child to the custody of the court; 199

(6) Require the child to not be absent without legitimate 200  
excuse from the public school the child is supposed to attend for 201  
five or more consecutive days, seven or more school days in one 202  
school month, or twelve or more school days in a school year; 203

(7)(a) If a child is adjudicated a delinquent child for being 204  
a chronic truant or a habitual truant who previously has been 205  
adjudicated an unruly child for being a habitual truant, do either 206  
or both of the following: 207

(i) Require the child to participate in a truancy prevention 208  
mediation program; 209

(ii) Make any order of disposition as authorized by this 210  
section, except that the court shall not commit the child to a 211  
facility described in division (A)(2) or (3) of this section 212  
unless the court determines that the child violated a lawful court 213  
order made pursuant to division (C)(1)(e) of section 2151.354 of 214  
the Revised Code or division (A)(6) of this section. 215

(b) If a child is adjudicated a delinquent child for being a 216  
chronic truant or a habitual truant who previously has been 217  
adjudicated an unruly child for being a habitual truant and the 218  
court determines that the parent, guardian, or other person having 219  
care of the child has failed to cause the child's attendance at 220  
school in violation of section 3321.38 of the Revised Code, do 221  
either or both of the following: 222

(i) Require the parent, guardian, or other person having care 223  
of the child to participate in a truancy prevention mediation 224  
program; 225

(ii) Require the parent, guardian, or other person having 226  
care of the child to participate in any community service program, 227  
preferably a community service program that requires the 228  
involvement of the parent, guardian, or other person having care 229  
of the child in the school attended by the child. 230

(8) Make any further disposition that the court finds proper, 231  
except that the child shall not be placed in any of the following: 232

(a) A state correctional institution, a county, multicounty, 233  
or municipal jail or workhouse, or another place in which an adult 234



convicted of a crime, under arrest, or charged with a crime is 235  
held; 236

(b) A community corrections facility, if the child would be 237  
covered by the definition of public safety beds for purposes of 238  
sections 5139.41 to 5139.43 of the Revised Code if the court 239  
exercised its authority to commit the child to the legal custody 240  
of the department of youth services for institutionalization or 241  
institutionalization in a secure facility pursuant to this 242  
chapter. 243

(B) If a child is adjudicated a delinquent child, in addition 244  
to any order of disposition made under division (A) of this 245  
section, the court, in the following situations and for the 246  
specified periods of time, shall suspend the child's temporary 247  
instruction permit, restricted license, probationary driver's 248  
license, or nonresident operating privilege, or suspend the 249  
child's ability to obtain such a permit: 250

(1) If the child is adjudicated a delinquent child for 251  
violating section 2923.122 of the Revised Code, impose a class 252  
four suspension of the child's license, permit, or privilege from 253  
the range specified in division (A)(4) of section 4510.02 of the 254  
Revised Code or deny the child the issuance of a license or permit 255  
in accordance with division (F)(1) of section 2923.122 of the 256  
Revised Code. 257

(2) If the child is adjudicated a delinquent child for 258  
committing an act that if committed by an adult would be a drug 259  
abuse offense or for violating division (B) of section 2917.11 of 260  
the Revised Code, suspend the child's license, permit, or 261  
privilege for a period of time prescribed by the court. The court, 262  
in its discretion, may terminate the suspension if the child 263  
attends and satisfactorily completes a drug abuse or alcohol abuse 264  
education, intervention, or treatment program specified by the 265  
court. During the time the child is attending a program described 266

in this division, the court shall retain the child's temporary 267  
instruction permit, probationary driver's license, or driver's 268  
license, and the court shall return the permit or license if it 269  
terminates the suspension as described in this division. 270

(C) The court may establish a victim-offender mediation 271  
program in which victims and their offenders meet to discuss the 272  
offense and suggest possible restitution. If the court obtains the 273  
assent of the victim of the delinquent act committed by the child, 274  
the court may require the child to participate in the program. 275

(D)(1) If a child is adjudicated a delinquent child for 276  
committing an act that would be a felony if committed by an adult 277  
and if the child caused, attempted to cause, threatened to cause, 278  
or created a risk of physical harm to the victim of the act, the 279  
court, prior to issuing an order of disposition under this 280  
section, shall order the preparation of a victim impact statement 281  
by the probation department of the county in which the victim of 282  
the act resides, by the court's own probation department, or by a 283  
victim assistance program that is operated by the state, a county, 284  
a municipal corporation, or another governmental entity. The court 285  
shall consider the victim impact statement in determining the 286  
order of disposition to issue for the child. 287

(2) Each victim impact statement shall identify the victim of 288  
the act for which the child was adjudicated a delinquent child, 289  
itemize any economic loss suffered by the victim as a result of 290  
the act, identify any physical injury suffered by the victim as a 291  
result of the act and the seriousness and permanence of the 292  
injury, identify any change in the victim's personal welfare or 293  
familial relationships as a result of the act and any 294  
psychological impact experienced by the victim or the victim's 295  
family as a result of the act, and contain any other information 296  
related to the impact of the act upon the victim that the court 297  
requires. 298

(3) A victim impact statement shall be kept confidential and 299  
is not a public record. However, the court may furnish copies of 300  
the statement to the department of youth services if the 301  
delinquent child is committed to the department or to both the 302  
adjudicated delinquent child or the adjudicated delinquent child's 303  
counsel and the prosecuting attorney. The copy of a victim impact 304  
statement furnished by the court to the department pursuant to 305  
this section shall be kept confidential and is not a public 306  
record. If an officer is preparing pursuant to section 2947.06 or 307  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 308  
investigation report pertaining to a person, the court shall make 309  
available to the officer, for use in preparing the report, a copy 310  
of any victim impact statement regarding that person. The copies 311  
of a victim impact statement that are made available to the 312  
adjudicated delinquent child or the adjudicated delinquent child's 313  
counsel and the prosecuting attorney pursuant to this division 314  
shall be returned to the court by the person to whom they were 315  
made available immediately following the imposition of an order of 316  
disposition for the child under this chapter. 317

The copy of a victim impact statement that is made available 318  
pursuant to this division to an officer preparing a criminal 319  
presentence investigation report shall be returned to the court by 320  
the officer immediately following its use in preparing the report. 321

(4) The department of youth services shall work with local 322  
probation departments and victim assistance programs to develop a 323  
standard victim impact statement. 324

(E) If a child is adjudicated a delinquent child for being a 325  
chronic truant or a habitual truant who previously has been 326  
adjudicated an unruly child for being a habitual truant and the 327  
court determines that the parent, guardian, or other person having 328  
care of the child has failed to cause the child's attendance at 329  
school in violation of section 3321.38 of the Revised Code, in 330

addition to any order of disposition it makes under this section, 331  
the court shall warn the parent, guardian, or other person having 332  
care of the child that any subsequent adjudication of the child as 333  
an unruly or delinquent child for being a habitual or chronic 334  
truant may result in a criminal charge against the parent, 335  
guardian, or other person having care of the child for a violation 336  
of division (C) of section 2919.21 or section 2919.24 of the 337  
Revised Code. 338

(F) If a child under eighteen years of age is adjudicated a 339  
delinquent child for a violation of division (B) of section 340  
959.131 of the Revised Code, the court, in addition to any other 341  
disposition that it makes under this section, shall require the 342  
child to undergo a psychological evaluation. The evaluation shall 343  
determine if the child needs individual or family counseling and 344  
shall make a recommendation as to the frequency and the length of 345  
time that the counseling should occur. If individual or family 346  
counseling is recommended by the evaluation, the court shall 347  
consider that recommendation and may require the counseling to 348  
take place and may establish the frequency and the length of time 349  
of the counseling. The court may order the parent, guardian, or 350  
other person having care of the child to pay the costs of the 351  
evaluation, any counseling, or both. 352

(G)(1) During the period of a delinquent child's community 353  
control granted under this section, authorized probation officers 354  
who are engaged within the scope of their supervisory duties or 355  
responsibilities may search, with or without a warrant, the person 356  
of the delinquent child, the place of residence of the delinquent 357  
child, and a motor vehicle, another item of tangible or intangible 358  
personal property, or other real property in which the delinquent 359  
child has a right, title, or interest or for which the delinquent 360  
child has the express or implied permission of a person with a 361  
right, title, or interest to use, occupy, or possess if the 362

probation officers have reasonable grounds to believe that the 363  
delinquent child is not abiding by the law or otherwise is not 364  
complying with the conditions of the delinquent child's community 365  
control. The court that places a delinquent child on community 366  
control under this section shall provide the delinquent child with 367  
a written notice that informs the delinquent child that authorized 368  
probation officers who are engaged within the scope of their 369  
supervisory duties or responsibilities may conduct those types of 370  
searches during the period of community control if they have 371  
reasonable grounds to believe that the delinquent child is not 372  
abiding by the law or otherwise is not complying with the 373  
conditions of the delinquent child's community control. The court 374  
also shall provide the written notice described in division 375  
~~(E)~~(G)(2) of this section to each parent, guardian, or custodian 376  
of the delinquent child who is described in that division. 377

(2) The court that places a child on community control under 378  
this section shall provide the child's parent, guardian, or other 379  
custodian with a written notice that informs them that authorized 380  
probation officers may conduct searches pursuant to division 381  
~~(E)~~(G)(1) of this section. The notice shall specifically state 382  
that a permissible search might extend to a motor vehicle, another 383  
item of tangible or intangible personal property, or a place of 384  
residence or other real property in which a notified parent, 385  
guardian, or custodian has a right, title, or interest and that 386  
the parent, guardian, or custodian expressly or impliedly permits 387  
the child to use, occupy, or possess. 388

~~(G)~~(H) If a juvenile court commits a delinquent child to the 389  
custody of any person, organization, or entity pursuant to this 390  
section and if the delinquent act for which the child is so 391  
committed is a sexually oriented offense or is a child-victim 392  
oriented offense, the court in the order of disposition shall do 393  
one of the following: 394

(1) Require that the child be provided treatment as described 395  
in division (A)(2) of section 5139.13 of the Revised Code; 396

(2) Inform the person, organization, or entity that it is the 397  
preferred course of action in this state that the child be 398  
provided treatment as described in division (A)(2) of section 399  
5139.13 of the Revised Code and encourage the person, 400  
organization, or entity to provide that treatment. 401

**Sec. 2903.213.** (A) Except when the complaint involves a 402  
person who is a family or household member as defined in section 403  
2919.25 of the Revised Code, upon the filing of a complaint that 404  
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 405  
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 406  
a municipal ordinance substantially similar to section 2903.13, 407  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 408  
the commission of a sexually oriented offense, the complainant, 409  
the alleged victim, or a family or household member of an alleged 410  
victim may file a motion that requests the issuance of a 411  
protection order as a pretrial condition of release of the alleged 412  
offender, in addition to any bail set under Criminal Rule 46. The 413  
motion shall be filed with the clerk of the court that has 414  
jurisdiction of the case at any time after the filing of the 415  
complaint. If the complaint involves a person who is a family or 416  
household member, the complainant, the alleged victim, or the 417  
family or household member may file a motion for a temporary 418  
protection order pursuant to section 2919.26 of the Revised Code. 419

(B) A motion for a protection order under this section shall 420  
be prepared on a form that is provided by the clerk of the court, 421  
and the form shall be substantially as follows: 422

"Motion for Protection Order 423  
..... 424  
Name and address of court 425

State of Ohio	426
v.	No. .... 427
.....	428
Name of Defendant	429
(Name of person), moves the court to issue a protection order	430
containing terms designed to ensure the safety and protection of	431
the complainant or the alleged victim in the above-captioned case	432
<u>and any companion animal that is in the complainant's or alleged</u>	433
<u>victim's residence</u> , in relation to the named defendant, pursuant	434
to its authority to issue a protection order under section	435
2903.213 of the Revised Code.	436
A complaint, a copy of which has been attached to this	437
motion, has been filed in this court charging the named defendant	438
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21,	439
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of	440
a municipal ordinance substantially similar to section 2903.13,	441
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or	442
the commission of a sexually oriented offense.	443
I understand that I must appear before the court, at a time	444
set by the court not later than the next day that the court is in	445
session after the filing of this motion, for a hearing on the	446
motion, and that any protection order granted pursuant to this	447
motion is a pretrial condition of release and is effective only	448
until the disposition of the criminal proceeding arising out of	449
the attached complaint or until the issuance under section	450
2903.214 of the Revised Code of a protection order arising out of	451
the same activities as those that were the basis of the attached	452
complaint.	453
.....	454
Signature of person	455

..... 456

Address of person" 457

(C)(1) As soon as possible after the filing of a motion that 458  
requests the issuance of a protection order under this section, 459  
but not later than the next day that the court is in session after 460  
the filing of the motion, the court shall conduct a hearing to 461  
determine whether to issue the order. The person who requested the 462  
order shall appear before the court and provide the court with the 463  
information that it requests concerning the basis of the motion. 464  
If the court finds that the safety and protection of the 465  
complainant or the alleged victim may be impaired by the continued 466  
presence of the alleged offender, the court may issue a protection 467  
order under this section, as a pretrial condition of release, that 468  
contains terms designed to ensure the safety and protection of the 469  
complainant or the alleged victim, including a requirement that 470  
the alleged offender refrain from entering the residence, school, 471  
business, or place of employment of the complainant or the alleged 472  
victim. The court may include within the scope of a protection 473  
order issued under this section any companion animal that is in 474  
the complainant's or alleged victim's residence. 475  
476

(2)(a) If the court issues a protection order under this 477  
section that includes a requirement that the alleged offender 478  
refrain from entering the residence, school, business, or place of 479  
employment of the complainant or the alleged victim, the order 480  
shall clearly state that the order cannot be waived or nullified 481  
by an invitation to the alleged offender from the complainant, the 482  
alleged victim, or a family or household member to enter the 483  
residence, school, business, or place of employment or by the 484  
alleged offender's entry into one of those places otherwise upon 485  
the consent of the complainant, the alleged victim, or a family or 486  
household member. 487



(b) Division (C)(2)(a) of this section does not limit any 488  
discretion of a court to determine that an alleged offender 489  
charged with a violation of section 2919.27 of the Revised Code, 490  
with a violation of a municipal ordinance substantially equivalent 491  
to that section, or with contempt of court, which charge is based 492  
on an alleged violation of a protection order issued under this 493  
section, did not commit the violation or was not in contempt of 494  
court. 495

(D)(1) Except when the complaint involves a person who is a 496  
family or household member as defined in section 2919.25 of the 497  
Revised Code, upon the filing of a complaint that alleges a 498  
violation specified in division (A) of this section, the court, 499  
upon its own motion, may issue a protection order under this 500  
section as a pretrial condition of release of the alleged offender 501  
if it finds that the safety and protection of the complainant or 502  
the alleged victim may be impaired by the continued presence of 503  
the alleged offender. The court may include within the scope of a 504  
protection order issued under this section any companion animal 505  
that is in the complainant's or alleged victim's residence. 506

(2) If the court issues a protection order under this section 507  
as an ex parte order, it shall conduct, as soon as possible after 508  
the issuance of the order but not later than the next day that the 509  
court is in session after its issuance, a hearing to determine 510  
whether the order should remain in effect, be modified, or be 511  
revoked. The hearing shall be conducted under the standards set 512  
forth in division (C) of this section. 513

(3) If a municipal court or a county court issues a 514  
protection order under this section and if, subsequent to the 515  
issuance of the order, the alleged offender who is the subject of 516  
the order is bound over to the court of common pleas for 517  
prosecution of a felony arising out of the same activities as 518  
those that were the basis of the complaint upon which the order is 519

based, notwithstanding the fact that the order was issued by a 520  
municipal court or county court, the order shall remain in effect, 521  
as though it were an order of the court of common pleas, while the 522  
charges against the alleged offender are pending in the court of 523  
common pleas, for the period of time described in division (E)(2) 524  
of this section, and the court of common pleas has exclusive 525  
jurisdiction to modify the order issued by the municipal court or 526  
county court. This division applies when the alleged offender is 527  
bound over to the court of common pleas as a result of the person 528  
waiving a preliminary hearing on the felony charge, as a result of 529  
the municipal court or county court having determined at a 530  
preliminary hearing that there is probable cause to believe that 531  
the felony has been committed and that the alleged offender 532  
committed it, as a result of the alleged offender having been 533  
indicted for the felony, or in any other manner. 534

(E) A protection order that is issued as a pretrial condition 535  
of release under this section: 536

(1) Is in addition to, but shall not be construed as a part 537  
of, any bail set under Criminal Rule 46; 538

(2) Is effective only until the disposition, by the court 539  
that issued the order or, in the circumstances described in 540  
division (D)(3) of this section, by the court of common pleas to 541  
which the alleged offender is bound over for prosecution, of the 542  
criminal proceeding arising out of the complaint upon which the 543  
order is based or until the issuance under section 2903.214 of the 544  
Revised Code of a protection order arising out of the same 545  
activities as those that were the basis of the complaint filed 546  
under this section; 547

(3) Shall not be construed as a finding that the alleged 548  
offender committed the alleged offense and shall not be introduced 549  
as evidence of the commission of the offense at the trial of the 550  
alleged offender on the complaint upon which the order is based. 551

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

(G)(1) A copy of a protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered. If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the defendant who is the subject of the order is bound over to the court of common pleas for prosecution as described in division (D)(3) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over.

(2) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time of the agency's receipt of the order.

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

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

the terms of the order that was violated. 584

(I) Notwithstanding any provision of law to the contrary and 585  
regardless of whether a protection order is issued or a consent 586  
agreement is approved by a court of another county or by a court 587  
of another state, no court or unit of state or local government 588  
shall charge any fee, cost, deposit, or money in connection with 589  
the filing of a motion pursuant to this section, in connection 590  
with the filing, issuance, registration, or service of a 591  
protection order or consent agreement, or for obtaining certified 592  
copies of a protection order or consent agreement. 593

(J) As used in this section, ~~"sexually:~~ 594

(1) "Sexually oriented offense" has the same meaning as in 595  
section 2950.01 of the Revised Code. 596

(2) "Companion animal" has the same meaning as in section 597  
959.131 of the Revised Code. 598

**Sec. 2903.214.** (A) As used in this section: 599

(1) "Court" means the court of common pleas of the county in 600  
which the person to be protected by the protection order resides. 601

(2) "Victim advocate" means a person who provides support and 602  
assistance for a person who files a petition under this section. 603

(3) "Family or household member" has the same meaning as in 604  
section 3113.31 of the Revised Code. 605

(4) "Protection order issued by a court of another state" has 606  
the same meaning as in section 2919.27 of the Revised Code. 607

(5) "Sexually oriented offense" has the same meaning as in 608  
section 2950.01 of the Revised Code. 609

(6) "Companion animal" has the same meaning as in section 610  
959.131 of the Revised Code. 611

(B) The court has jurisdiction over all proceedings under 612

this section. 613

(C) A person may seek relief under this section for the 614  
person, or any parent or adult household member may seek relief 615  
under this section on behalf of any other family or household 616  
member, by filing a petition with the court. The petition shall 617  
contain or state both of the following: 618

(1) An allegation that the respondent engaged in a violation 619  
of section 2903.211 of the Revised Code against the person to be 620  
protected by the protection order or committed a sexually oriented 621  
offense against the person to be protected by the protection 622  
order, including a description of the nature and extent of the 623  
violation; 624

(2) A request for relief under this section. 625

(D)(1) If a person who files a petition pursuant to this 626  
section requests an ex parte order, the court shall hold an ex 627  
parte hearing as soon as possible after the petition is filed, but 628  
not later than the next day that the court is in session after the 629  
petition is filed. The court, for good cause shown at the ex parte 630  
hearing, may enter any temporary orders, with or without bond, 631  
that the court finds necessary for the safety and protection of 632  
the person to be protected by the order. Immediate and present 633  
danger to the person to be protected by the protection order 634  
constitutes good cause for purposes of this section. Immediate and 635  
present danger includes, but is not limited to, situations in 636  
which the respondent has threatened the person to be protected by 637  
the protection order with bodily harm or in which the respondent 638  
previously has been convicted of or pleaded guilty to a violation 639  
of section 2903.211 of the Revised Code or a sexually oriented 640  
offense against the person to be protected by the protection 641  
order. 642

(2)(a) If the court, after an ex parte hearing, issues a 643

protection order described in division (E) of this section, the 644  
court shall schedule a full hearing for a date that is within ten 645  
court days after the ex parte hearing. The court shall give the 646  
respondent notice of, and an opportunity to be heard at, the full 647  
hearing. The court shall hold the full hearing on the date 648  
scheduled under this division unless the court grants a 649  
continuance of the hearing in accordance with this division. Under 650  
any of the following circumstances or for any of the following 651  
reasons, the court may grant a continuance of the full hearing to 652  
a reasonable time determined by the court: 653

(i) Prior to the date scheduled for the full hearing under 654  
this division, the respondent has not been served with the 655  
petition filed pursuant to this section and notice of the full 656  
hearing. 657

(ii) The parties consent to the continuance. 658

(iii) The continuance is needed to allow a party to obtain 659  
counsel. 660

(iv) The continuance is needed for other good cause. 661

(b) An ex parte order issued under this section does not 662  
expire because of a failure to serve notice of the full hearing 663  
upon the respondent before the date set for the full hearing under 664  
division (D)(2)(a) of this section or because the court grants a 665  
continuance under that division. 666

(3) If a person who files a petition pursuant to this section 667  
does not request an ex parte order, or if a person requests an ex 668  
parte order but the court does not issue an ex parte order after 669  
an ex parte hearing, the court shall proceed as in a normal civil 670  
action and grant a full hearing on the matter. 671

(E)(1) After an ex parte or full hearing, the court may issue 672  
any protection order, with or without bond, that contains terms 673  
designed to ensure the safety and protection of the person to be 674

protected by the protection order, including, but not limited to, 675  
a requirement that the respondent refrain from entering the 676  
residence, school, business, or place of employment of the 677  
petitioner or family or household member. If the court includes a 678  
requirement that the respondent refrain from entering the 679  
residence, school, business, or place of employment of the 680  
petitioner or family or household member in the order, it also 681  
shall include in the order provisions of the type described in 682  
division (E)(5) of this section. The court may include within the 683  
scope of a protection order issued under this section any 684  
companion animal that is in the residence of the person to be 685  
protected. 686

(2)(a) Any protection order issued pursuant to this section 687  
shall be valid until a date certain but not later than five years 688  
from the date of its issuance. 689

(b) Any protection order issued pursuant to this section may 690  
be renewed in the same manner as the original order was issued. 691

(3) A court may not issue a protection order that requires a 692  
petitioner to do or to refrain from doing an act that the court 693  
may require a respondent to do or to refrain from doing under 694  
division (E)(1) of this section unless all of the following apply: 695

(a) The respondent files a separate petition for a protection 696  
order in accordance with this section. 697

(b) The petitioner is served with notice of the respondent's 698  
petition at least forty-eight hours before the court holds a 699  
hearing with respect to the respondent's petition, or the 700  
petitioner waives the right to receive this notice. 701

(c) If the petitioner has requested an ex parte order 702  
pursuant to division (D) of this section, the court does not delay 703  
any hearing required by that division beyond the time specified in 704  
that division in order to consolidate the hearing with a hearing 705

on the petition filed by the respondent. 706

(d) After a full hearing at which the respondent presents 707  
evidence in support of the request for a protection order and the 708  
petitioner is afforded an opportunity to defend against that 709  
evidence, the court determines that the petitioner has committed a 710  
violation of section 2903.211 of the Revised Code against the 711  
person to be protected by the protection order issued pursuant to 712  
this section, has committed a sexually oriented offense against 713  
the person to be protected by the protection order, or has 714  
violated a protection order issued pursuant to section 2903.213 of 715  
the Revised Code relative to the person to be protected by the 716  
protection order issued pursuant to this section. 717

(4) No protection order issued pursuant to this section shall 718  
in any manner affect title to any real property. 719

(5)(a) If the court issues a protection order under this 720  
section that includes a requirement that the alleged offender 721  
refrain from entering the residence, school, business, or place of 722  
employment of the petitioner or a family or household member, the 723  
order shall clearly state that the order cannot be waived or 724  
nullified by an invitation to the alleged offender from the 725  
complainant to enter the residence, school, business, or place of 726  
employment or by the alleged offender's entry into one of those 727  
places otherwise upon the consent of the petitioner or family or 728  
household member. 729

(b) Division (E)(5)(a) of this section does not limit any 730  
discretion of a court to determine that an alleged offender 731  
charged with a violation of section 2919.27 of the Revised Code, 732  
with a violation of a municipal ordinance substantially equivalent 733  
to that section, or with contempt of court, which charge is based 734  
on an alleged violation of a protection order issued under this 735  
section, did not commit the violation or was not in contempt of 736  
court. 737



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

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

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

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

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

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

(J) Notwithstanding any provision of law to the contrary and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, in connection with the filing, issuance, registration, or service of a protection order or consent agreement, or for obtaining a certified copy of a protection order or consent agreement.

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

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

(b) Punishment for contempt of court.

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

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

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

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

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

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

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

Revised Code and that have been registered with the clerk. 832

**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that 833  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 834  
2911.211 of the Revised Code if the alleged victim of the 835  
violation was a family or household member at the time of the 836  
violation, a violation of a municipal ordinance that is 837  
substantially similar to any of those sections if the alleged 838  
victim of the violation was a family or household member at the 839  
time of the violation, any offense of violence if the alleged 840  
victim of the offense was a family or household member at the time 841  
of the commission of the offense, or any sexually oriented offense 842  
if the alleged victim of the offense was a family or household 843  
member at the time of the commission of the offense, the 844  
complainant, the alleged victim, or a family or household member 845  
of an alleged victim may file, or, if in an emergency the alleged 846  
victim is unable to file, a person who made an arrest for the 847  
alleged violation or offense under section 2935.03 of the Revised 848  
Code may file on behalf of the alleged victim, a motion that 849  
requests the issuance of a temporary protection order as a 850  
pretrial condition of release of the alleged offender, in addition 851  
to any bail set under Criminal Rule 46. The motion shall be filed 852  
with the clerk of the court that has jurisdiction of the case at 853  
any time after the filing of the complaint. 854

(2) For purposes of section 2930.09 of the Revised Code, all 855  
stages of a proceeding arising out of a complaint alleging the 856  
commission of a violation, offense of violence, or sexually 857  
oriented offense described in division (A)(1) of this section, 858  
including all proceedings on a motion for a temporary protection 859  
order, are critical stages of the case, and a victim may be 860  
accompanied by a victim advocate or another person to provide 861  
support to the victim as provided in that section. 862

(B) The motion shall be prepared on a form that is provided 863  
by the clerk of the court, which form shall be substantially as 864  
follows: 865

"MOTION FOR TEMPORARY PROTECTION ORDER 866

..... Court 867

Name and address of court 868

State of Ohio 869

v. No. .... 870

..... 871

Name of Defendant 872

(name of person), moves the court to issue a temporary protection 873  
order containing terms designed to ensure the safety and 874  
protection of the complainant, alleged victim, ~~and~~ other family or 875  
household members, and any companion animal that is in the 876  
complainant's or alleged victim's residence, in relation to the 877  
named defendant, pursuant to its authority to issue such an order 878  
under section 2919.26 of the Revised Code. 879

A complaint, a copy of which has been attached to this 880  
motion, has been filed in this court charging the named defendant 881  
with ..... (name of the specified violation, 882  
the offense of violence, or sexually oriented offense charged) in 883  
circumstances in which the victim was a family or household member 884  
in violation of (section of the Revised Code designating the 885  
specified violation, offense of violence, or sexually oriented 886  
offense charged), or charging the named defendant with a violation 887  
of a municipal ordinance that is substantially similar to 888  
..... (section of the Revised Code designating 889  
the specified violation, offense of violence, or sexually oriented 890  
offense charged) involving a family or household member. 891

I understand that I must appear before the court, at a time 892  
set by the court within twenty-four hours after the filing of this 893

motion, for a hearing on the motion or that, if I am unable to 894  
appear because of hospitalization or a medical condition resulting 895  
from the offense alleged in the complaint, a person who can 896  
provide information about my need for a temporary protection order 897  
must appear before the court in lieu of my appearing in court. I 898  
understand that any temporary protection order granted pursuant to 899  
this motion is a pretrial condition of release and is effective 900  
only until the disposition of the criminal proceeding arising out 901  
of the attached complaint, or the issuance of a civil protection 902  
order or the approval of a consent agreement, arising out of the 903  
same activities as those that were the basis of the complaint, 904  
under section 3113.31 of the Revised Code. 905

..... 906

Signature of person 907

(or signature of the arresting officer who filed the motion on 908  
behalf of the alleged victim) 909

..... 910

Address of person (or office address of the arresting officer who 911  
filed the motion on behalf of the alleged victim)" 912

(C)(1) As soon as possible after the filing of a motion that 913  
requests the issuance of a temporary protection order, but not 914  
later than twenty-four hours after the filing of the motion, the 915  
court shall conduct a hearing to determine whether to issue the 916  
order. The person who requested the order shall appear before the 917  
court and provide the court with the information that it requests 918  
concerning the basis of the motion. If the person who requested 919  
the order is unable to appear and if the court finds that the 920  
failure to appear is because of the person's hospitalization or 921  
medical condition resulting from the offense alleged in the 922  
complaint, another person who is able to provide the court with 923  
the information it requests may appear in lieu of the person who 924

requested the order. If the court finds that the safety and 925  
protection of the complainant, alleged victim, or any other family 926  
or household member of the alleged victim may be impaired by the 927  
continued presence of the alleged offender, the court may issue a 928  
temporary protection order, as a pretrial condition of release, 929  
that contains terms designed to ensure the safety and protection 930  
of the complainant, alleged victim, or the family or household 931  
member, including a requirement that the alleged offender refrain 932  
from entering the residence, school, business, or place of 933  
employment of the complainant, alleged victim, or the family or 934  
household member. The court may include within the scope of a 935  
protection order issued under this section any companion animal 936  
that is in the complainant's or alleged victim's residence. 937

(2)(a) If the court issues a temporary protection order that 938  
includes a requirement that the alleged offender refrain from 939  
entering the residence, school, business, or place of employment 940  
of the complainant, the alleged victim, or the family or household 941  
member, the order shall state clearly that the order cannot be 942  
waived or nullified by an invitation to the alleged offender from 943  
the complainant, alleged victim, or family or household member to 944  
enter the residence, school, business, or place of employment or 945  
by the alleged offender's entry into one of those places otherwise 946  
upon the consent of the complainant, alleged victim, or family or 947  
household member. 948

(b) Division (C)(2)(a) of this section does not limit any 949  
discretion of a court to determine that an alleged offender 950  
charged with a violation of section 2919.27 of the Revised Code, 951  
with a violation of a municipal ordinance substantially equivalent 952  
to that section, or with contempt of court, which charge is based 953  
on an alleged violation of a temporary protection order issued 954  
under this section, did not commit the violation or was not in 955  
contempt of court. 956

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

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

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



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

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

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

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

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

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

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

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

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

(2) All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index, the

date and time of the receipt of the order by the agency. 1053

1054

(3) A complainant, alleged victim, or other person who 1055  
obtains a temporary protection order under this section may 1056  
provide notice of the issuance of the temporary protection order 1057  
to the judicial and law enforcement officials in any county other 1058  
than the county in which the order is issued by registering that 1059  
order in the other county in accordance with division (N) of 1060  
section 3113.31 of the Revised Code and filing a copy of the 1061  
registered protection order with a law enforcement agency in the 1062  
other county in accordance with that division. 1063

(4) Any officer of a law enforcement agency shall enforce a 1064  
temporary protection order issued by any court in this state in 1065  
accordance with the provisions of the order, including removing 1066  
the defendant from the premises, regardless of whether the order 1067  
is registered in the county in which the officer's agency has 1068  
jurisdiction as authorized by division (G)(3) of this section. 1069

(H) Upon a violation of a temporary protection order, the 1070  
court may issue another temporary protection order, as a pretrial 1071  
condition of release, that modifies the terms of the order that 1072  
was violated. 1073

(I)(1) As used in divisions (I)(1) and (2) of this section, 1074  
"defendant" means a person who is alleged in a complaint to have 1075  
committed a violation, offense of violence, or sexually oriented 1076  
offense of the type described in division (A) of this section. 1077

(2) If a complaint is filed that alleges that a person 1078  
committed a violation, offense of violence, or sexually oriented 1079  
offense of the type described in division (A) of this section, the 1080  
court may not issue a temporary protection order under this 1081  
section that requires the complainant, the alleged victim, or 1082  
another family or household member of the defendant to do or 1083

refrain from doing an act that the court may require the defendant 1084  
to do or refrain from doing under a temporary protection order 1085  
unless both of the following apply: 1086

(a) The defendant has filed a separate complaint that alleges 1087  
that the complainant, alleged victim, or other family or household 1088  
member in question who would be required under the order to do or 1089  
refrain from doing the act committed a violation or offense of 1090  
violence of the type described in division (A) of this section. 1091

(b) The court determines that both the complainant, alleged 1092  
victim, or other family or household member in question who would 1093  
be required under the order to do or refrain from doing the act 1094  
and the defendant acted primarily as aggressors, that neither the 1095  
complainant, alleged victim, or other family or household member 1096  
in question who would be required under the order to do or refrain 1097  
from doing the act nor the defendant acted primarily in 1098  
self-defense, and, in accordance with the standards and criteria 1099  
of this section as applied in relation to the separate complaint 1100  
filed by the defendant, that it should issue the order to require 1101  
the complainant, alleged victim, or other family or household 1102  
member in question to do or refrain from doing the act. 1103

(J) Notwithstanding any provision of law to the contrary and 1104  
regardless of whether a protection order is issued or a consent 1105  
agreement is approved by a court of another county or a court of 1106  
another state, no court or unit of state or local government shall 1107  
charge any fee, cost, deposit, or money in connection with the 1108  
filing of a motion pursuant to this section, in connection with 1109  
the filing, issuance, registration, or service of a protection 1110  
order or consent agreement, or for obtaining a certified copy of a 1111  
protection order or consent agreement. 1112

(K) As used in this section: 1113

(1) "Companion animal" has the same meaning as in section 1114

<u>959.131 of the Revised Code.</u>	1115
(2) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	1116 1117
<del>(2)</del> (3) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings.	1118 1119 1120
<b>Sec. 3113.31.</b> (A) As used in this section:	1121
(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:	1122 1123
(a) Attempting to cause or recklessly causing bodily injury;	1124
(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	1125 1126 1127
(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	1128 1129 1130
(d) Committing a sexually oriented offense.	1131
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not have a domestic relations division.	1132 1133 1134 1135
(3) "Family or household member" means any of the following:	1136
(a) Any of the following who is residing with or has resided with the respondent:	1137 1138
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	1139 1140
(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	1141 1142

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

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

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

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

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

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

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

(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic

violence; 1173

(2) The relationship of the respondent to the petitioner, and 1174  
to the victim if other than the petitioner; 1175

(3) A request for relief under this section. 1176

(D)(1) If a person who files a petition pursuant to this 1177  
section requests an ex parte order, the court shall hold an ex 1178  
parte hearing on the same day that the petition is filed. The 1179  
court, for good cause shown at the ex parte hearing, may enter any 1180  
temporary orders, with or without bond, including, but not limited 1181  
to, an order described in division (E)(1)(a), (b), or (c) of this 1182  
section, that the court finds necessary to protect the family or 1183  
household member from domestic violence. Immediate and present 1184  
danger of domestic violence to the family or household member 1185  
constitutes good cause for purposes of this section. Immediate and 1186  
present danger includes, but is not limited to, situations in 1187  
which the respondent has threatened the family or household member 1188  
with bodily harm, in which the respondent has threatened the 1189  
family or household member with a sexually oriented offense, or in 1190  
which the respondent previously has been convicted of or pleaded 1191  
guilty to an offense that constitutes domestic violence against 1192  
the family or household member. 1193

(2)(a) If the court, after an ex parte hearing, issues an 1194  
order described in division (E)(1)(b) or (c) of this section, the 1195  
court shall schedule a full hearing for a date that is within 1196  
seven court days after the ex parte hearing. If any other type of 1197  
protection order that is authorized under division (E) of this 1198  
section is issued by the court after an ex parte hearing, the 1199  
court shall schedule a full hearing for a date that is within ten 1200  
court days after the ex parte hearing. The court shall give the 1201  
respondent notice of, and an opportunity to be heard at, the full 1202  
hearing. The court shall hold the full hearing on the date 1203  
scheduled under this division unless the court grants a 1204

continuance of the hearing in accordance with this division. Under 1205  
any of the following circumstances or for any of the following 1206  
reasons, the court may grant a continuance of the full hearing to 1207  
a reasonable time determined by the court: 1208

(i) Prior to the date scheduled for the full hearing under 1209  
this division, the respondent has not been served with the 1210  
petition filed pursuant to this section and notice of the full 1211  
hearing. 1212

(ii) The parties consent to the continuance. 1213

(iii) The continuance is needed to allow a party to obtain 1214  
counsel. 1215

(iv) The continuance is needed for other good cause. 1216

(b) An ex parte order issued under this section does not 1217  
expire because of a failure to serve notice of the full hearing 1218  
upon the respondent before the date set for the full hearing under 1219  
division (D)(2)(a) of this section or because the court grants a 1220  
continuance under that division. 1221

(3) If a person who files a petition pursuant to this section 1222  
does not request an ex parte order, or if a person requests an ex 1223  
parte order but the court does not issue an ex parte order after 1224  
an ex parte hearing, the court shall proceed as in a normal civil 1225  
action and grant a full hearing on the matter. 1226

(E)(1) After an ex parte or full hearing, the court may grant 1227  
any protection order, with or without bond, or approve any consent 1228  
agreement to bring about a cessation of domestic violence against 1229  
the family or household members. The order or agreement may: 1230

(a) Direct the respondent to refrain from abusing or from 1231  
committing sexually oriented offenses against the family or 1232  
household members; 1233

(b) Grant possession of the residence or household to the 1234



petitioner or other family or household member, to the exclusion 1235  
of the respondent, by evicting the respondent, when the residence 1236  
or household is owned or leased solely by the petitioner or other 1237  
family or household member, or by ordering the respondent to 1238  
vacate the premises, when the residence or household is jointly 1239  
owned or leased by the respondent, and the petitioner or other 1240  
family or household member; 1241

(c) When the respondent has a duty to support the petitioner 1242  
or other family or household member living in the residence or 1243  
household and the respondent is the sole owner or lessee of the 1244  
residence or household, grant possession of the residence or 1245  
household to the petitioner or other family or household member, 1246  
to the exclusion of the respondent, by ordering the respondent to 1247  
vacate the premises, or, in the case of a consent agreement, allow 1248  
the respondent to provide suitable, alternative housing; 1249

(d) Temporarily allocate parental rights and responsibilities 1250  
for the care of, or establish temporary parenting time rights with 1251  
regard to, minor children, if no other court has determined, or is 1252  
determining, the allocation of parental rights and 1253  
responsibilities for the minor children or parenting time rights; 1254

(e) Require the respondent to maintain support, if the 1255  
respondent customarily provides for or contributes to the support 1256  
of the family or household member, or if the respondent has a duty 1257  
to support the petitioner or family or household member; 1258

(f) Require the respondent, petitioner, victim of domestic 1259  
violence, or any combination of those persons, to seek counseling; 1260

(g) Require the respondent to refrain from entering the 1261  
residence, school, business, or place of employment of the 1262  
petitioner or family or household member; 1263

(h) Grant other relief that the court considers equitable and 1264  
fair, including, but not limited to, ordering the respondent to 1265

permit the use of a motor vehicle by the petitioner or other 1266  
family or household member and the apportionment of household and 1267  
family personal property. 1268

The court shall include in a protection order issued or 1269  
consent agreement approved under this section any companion animal 1270  
that is in the petitioner's residence. 1271

(2) If a protection order has been issued pursuant to this 1272  
section in a prior action involving the respondent and the 1273  
petitioner or one or more of the family or household members or 1274  
victims, the court may include in a protection order that it 1275  
issues a prohibition against the respondent returning to the 1276  
residence or household. If it includes a prohibition against the 1277  
respondent returning to the residence or household in the order, 1278  
it also shall include in the order provisions of the type 1279  
described in division (E)(7) of this section. This division does 1280  
not preclude the court from including in a protection order or 1281  
consent agreement, in circumstances other than those described in 1282  
this division, a requirement that the respondent be evicted from 1283  
or vacate the residence or household or refrain from entering the 1284  
residence, school, business, or place of employment of the 1285  
petitioner or a family or household member, and, if the court 1286  
includes any requirement of that type in an order or agreement, 1287  
the court also shall include in the order provisions of the type 1288  
described in division (E)(7) of this section. 1289

(3)(a) Any protection order issued or consent agreement 1290  
approved under this section shall be valid until a date certain, 1291  
but not later than five years from the date of its issuance or 1292  
approval unless modified or terminated as provided in division 1293  
(E)(8) of this section. 1294

(b) Subject to the limitation on the duration of an order or 1295  
agreement set forth in division (E)(3)(a) of this section, any 1296  
order under division (E)(1)(d) of this section shall terminate on 1297

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

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

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

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

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

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

that division in order to consolidate the hearing with a hearing 1329  
on the petition filed by the respondent. 1330

(d) After a full hearing at which the respondent presents 1331  
evidence in support of the request for a protection order and the 1332  
petitioner is afforded an opportunity to defend against that 1333  
evidence, the court determines that the petitioner has committed 1334  
an act of domestic violence or has violated a temporary protection 1335  
order issued pursuant to section 2919.26 of the Revised Code, that 1336  
both the petitioner and the respondent acted primarily as 1337  
aggressors, and that neither the petitioner nor the respondent 1338  
acted primarily in self-defense. 1339

(5) No protection order issued or consent agreement approved 1340  
under this section shall in any manner affect title to any real 1341  
property. 1342

(6)(a) If a petitioner, or the child of a petitioner, who 1343  
obtains a protection order or consent agreement pursuant to 1344  
division (E)(1) of this section or a temporary protection order 1345  
pursuant to section 2919.26 of the Revised Code and is the subject 1346  
of a parenting time order issued pursuant to section 3109.051 or 1347  
3109.12 of the Revised Code or a visitation or companionship order 1348  
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 1349  
Revised Code or division (E)(1)(d) of this section granting 1350  
parenting time rights to the respondent, the court may require the 1351  
public children services agency of the county in which the court 1352  
is located to provide supervision of the respondent's exercise of 1353  
parenting time or visitation or companionship rights with respect 1354  
to the child for a period not to exceed nine months, if the court 1355  
makes the following findings of fact: 1356

(i) The child is in danger from the respondent; 1357

(ii) No other person or agency is available to provide the 1358  
supervision. 1359

(b) A court that requires an agency to provide supervision 1360  
pursuant to division (E)(6)(a) of this section shall order the 1361  
respondent to reimburse the agency for the cost of providing the 1362  
supervision, if it determines that the respondent has sufficient 1363  
income or resources to pay that cost. 1364

(7)(a) If a protection order issued or consent agreement 1365  
approved under this section includes a requirement that the 1366  
respondent be evicted from or vacate the residence or household or 1367  
refrain from entering the residence, school, business, or place of 1368  
employment of the petitioner or a family or household member, the 1369  
order or agreement shall state clearly that the order or agreement 1370  
cannot be waived or nullified by an invitation to the respondent 1371  
from the petitioner or other family or household member to enter 1372  
the residence, school, business, or place of employment or by the 1373  
respondent's entry into one of those places otherwise upon the 1374  
consent of the petitioner or other family or household member. 1375

(b) Division (E)(7)(a) of this section does not limit any 1376  
discretion of a court to determine that a respondent charged with 1377  
a violation of section 2919.27 of the Revised Code, with a 1378  
violation of a municipal ordinance substantially equivalent to 1379  
that section, or with contempt of court, which charge is based on 1380  
an alleged violation of a protection order issued or consent 1381  
agreement approved under this section, did not commit the 1382  
violation or was not in contempt of court. 1383

(8)(a) The court may modify or terminate as provided in 1384  
division (E)(8) of this section a protection order or consent 1385  
agreement that was issued after a full hearing under this section. 1386  
The court that issued the protection order or approved the consent 1387  
agreement shall hear a motion for modification or termination of 1388  
the protection order or consent agreement pursuant to division 1389  
(E)(8) of this section. 1390

(b) Either the petitioner or the respondent of the original 1391

protection order or consent agreement may bring a motion for 1392  
modification or termination of a protection order or consent 1393  
agreement that was issued or approved after a full hearing. The 1394  
court shall require notice of the motion to be made as provided by 1395  
the Rules of Civil Procedure. If the petitioner for the original 1396  
protection order or consent agreement has requested that the 1397  
petitioner's address be kept confidential, the court shall not 1398  
disclose the address to the respondent of the original protection 1399  
order or consent agreement or any other person, except as 1400  
otherwise required by law. The moving party has the burden of 1401  
proof to show, by a preponderance of the evidence, that 1402  
modification or termination of the protection order or consent 1403  
agreement is appropriate because either the protection order or 1404  
consent agreement is no longer needed or because the terms of the 1405  
original protection order or consent agreement are no longer 1406  
appropriate. 1407

(c) In considering whether to modify or terminate a 1408  
protection order or consent agreement issued or approved under 1409  
this section, the court shall consider all relevant factors, 1410  
including, but not limited to, the following: 1411

(i) Whether the petitioner consents to modification or 1412  
termination of the protection order or consent agreement; 1413

(ii) Whether the petitioner fears the respondent; 1414

(iii) The current nature of the relationship between the 1415  
petitioner and the respondent; 1416

(iv) The circumstances of the petitioner and respondent, 1417  
including the relative proximity of the petitioner's and 1418  
respondent's workplaces and residences and whether the petitioner 1419  
and respondent have minor children together; 1420

(v) Whether the respondent has complied with the terms and 1421  
conditions of the original protection order or consent agreement; 1422

(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	1423 1424
(vii) Whether the respondent has been convicted of or pleaded guilty to an offense of violence since the issuance of the protection order or approval of the consent agreement;	1425 1426 1427
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	1428 1429 1430 1431 1432
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	1433 1434 1435 1436
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	1437 1438
(xi) The age and health of the respondent;	1439
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	1440 1441 1442 1443
(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section.	1444 1445 1446 1447 1448 1449 1450 1451 1452

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

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

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

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

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



agreement, or that refuses to modify or terminate a protection 1485  
order or consent agreement, is a final, appealable order. The 1486  
remedies and procedures provided in this section are in addition 1487  
to, and not in lieu of, any other available civil or criminal 1488  
remedies. 1489

(H) The filing of proceedings under this section does not 1490  
excuse a person from filing any report or giving any notice 1491  
required by section 2151.421 of the Revised Code or by any other 1492  
law. When a petition under this section alleges domestic violence 1493  
against minor children, the court shall report the fact, or cause 1494  
reports to be made, to a county, township, or municipal peace 1495  
officer under section 2151.421 of the Revised Code. 1496

(I) Any law enforcement agency that investigates a domestic 1497  
dispute shall provide information to the family or household 1498  
members involved regarding the relief available under this section 1499  
and section 2919.26 of the Revised Code. 1500

(J) Notwithstanding any provision of law to the contrary and 1501  
regardless of whether a protection order is issued or a consent 1502  
agreement is approved by a court of another county or a court of 1503  
another state, no court or unit of state or local government shall 1504  
charge any fee, cost, deposit, or money in connection with the 1505  
filing of a petition pursuant to this section or in connection 1506  
with the filing, issuance, registration, or service of a 1507  
protection order or consent agreement, or for obtaining a 1508  
certified copy of a protection order or consent agreement. 1509

(K)(1) The court shall comply with Chapters 3119., 3121., 1510  
3123., and 3125. of the Revised Code when it makes or modifies an 1511  
order for child support under this section. 1512

(2) If any person required to pay child support under an 1513  
order made under this section on or after April 15, 1985, or 1514  
modified under this section on or after December 31, 1986, is 1515

found in contempt of court for failure to make support payments 1516  
under the order, the court that makes the finding, in addition to 1517  
any other penalty or remedy imposed, shall assess all court costs 1518  
arising out of the contempt proceeding against the person and 1519  
require the person to pay any reasonable attorney's fees of any 1520  
adverse party, as determined by the court, that arose in relation 1521  
to the act of contempt. 1522

(L)(1) A person who violates a protection order issued or a 1523  
consent agreement approved under this section is subject to the 1524  
following sanctions: 1525

(a) Criminal prosecution for a violation of section 2919.27 1526  
of the Revised Code, if the violation of the protection order or 1527  
consent agreement constitutes a violation of that section; 1528

(b) Punishment for contempt of court. 1529

(2) The punishment of a person for contempt of court for 1530  
violation of a protection order issued or a consent agreement 1531  
approved under this section does not bar criminal prosecution of 1532  
the person for a violation of section 2919.27 of the Revised Code. 1533  
However, a person punished for contempt of court is entitled to 1534  
credit for the punishment imposed upon conviction of a violation 1535  
of that section, and a person convicted of a violation of that 1536  
section shall not subsequently be punished for contempt of court 1537  
arising out of the same activity. 1538

(M) In all stages of a proceeding under this section, a 1539  
petitioner may be accompanied by a victim advocate. 1540

(N)(1) A petitioner who obtains a protection order or consent 1541  
agreement under this section or a temporary protection order under 1542  
section 2919.26 of the Revised Code may provide notice of the 1543  
issuance or approval of the order or agreement to the judicial and 1544  
law enforcement officials in any county other than the county in 1545  
which the order is issued or the agreement is approved by 1546

registering that order or agreement in the other county pursuant 1547  
to division (N)(2) of this section and filing a copy of the 1548  
registered order or registered agreement with a law enforcement 1549  
agency in the other county in accordance with that division. A 1550  
person who obtains a protection order issued by a court of another 1551  
state may provide notice of the issuance of the order to the 1552  
judicial and law enforcement officials in any county of this state 1553  
by registering the order in that county pursuant to section 1554  
2919.272 of the Revised Code and filing a copy of the registered 1555  
order with a law enforcement agency in that county. 1556

(2) A petitioner may register a temporary protection order, 1557  
protection order, or consent agreement in a county other than the 1558  
county in which the court that issued the order or approved the 1559  
agreement is located in the following manner: 1560

(a) The petitioner shall obtain a certified copy of the order 1561  
or agreement from the clerk of the court that issued the order or 1562  
approved the agreement and present that certified copy to the 1563  
clerk of the court of common pleas or the clerk of a municipal 1564  
court or county court in the county in which the order or 1565  
agreement is to be registered. 1566

(b) Upon accepting the certified copy of the order or 1567  
agreement for registration, the clerk of the court of common 1568  
pleas, municipal court, or county court shall place an endorsement 1569  
of registration on the order or agreement and give the petitioner 1570  
a copy of the order or agreement that bears that proof of 1571  
registration. 1572

(3) The clerk of each court of common pleas, the clerk of 1573  
each municipal court, and the clerk of each county court shall 1574  
maintain a registry of certified copies of temporary protection 1575  
orders, protection orders, or consent agreements that have been 1576  
issued or approved by courts in other counties and that have been 1577  
registered with the clerk. 1578

Sec. 4731.284. The state medical board shall approve one or 1579  
more continuing medical education courses of study included within 1580  
the programs certified by the Ohio state medical association and 1581  
the Ohio osteopathic association pursuant to section 4731.281 of 1582  
the Revised Code with regard to the counseling of individuals who 1583  
abuse animals. 1584

**Sec. 4732.141.** (A)(1) On or before the thirty-first day of 1585  
August of each even-numbered year beginning in 1998 and until the 1586  
requirement set forth in division (A)(2) of this section applies, 1587  
each person licensed under this chapter by the state board of 1588  
psychology shall have completed, in the preceding two-year period, 1589  
not less than twenty hours of continuing education in psychology 1590  
or the number of hours determined under division (D) of this 1591  
section. 1592

(2) On or before the thirty-first day of August of each 1593  
even-numbered year after the biennium in which this amendment 1594  
takes effect, each person licensed under this chapter by the state 1595  
board of psychology shall have completed, in the preceding 1596  
two-year period, not less than twenty-three hours of continuing 1597  
education in psychology, including not less than three hours of 1598  
continuing education in professional conduct and ethics, or the 1599  
number of hours determined under division (D) of this section. 1600

(3) Each person subject to division (A)(1) or (2) of this 1601  
section shall certify to the board, at the time of biennial 1602  
registration pursuant to section 4732.14 of the Revised Code and 1603  
on the registration form prescribed by the board under that 1604  
section, that in the preceding two years the person has completed 1605  
continuing psychology education in compliance with this section. 1606  
The board shall adopt rules establishing the procedure for a 1607  
person to certify to the board and for properly recording with the 1608  
Ohio psychological association or the state board of education 1609

completion of the continuing education. 1610

(B) Continuing psychology education may be applied to meet 1611  
the requirement of division (A) of this section if both of the 1612  
following requirements are met: 1613

(1) It is obtained through a program or course approved by 1614  
the state board of psychology, the Ohio psychological association, 1615  
the Ohio association of black psychologists, or the American 1616  
psychological association or, in the case of a licensed school 1617  
psychologist or a licensed psychologist with a school psychology 1618  
specialty, by the state board of education, the Ohio school 1619  
psychologists association, or the national association of school 1620  
psychologists; 1621

(2) Completion of the program or course is recorded with the 1622  
Ohio psychological association or the state board of education in 1623  
accordance with rules adopted by the state board of psychology in 1624  
accordance with division (A) of this section. 1625

The state board of psychology may disapprove any program or 1626  
course that has been approved by the Ohio psychological 1627  
association, Ohio association of black psychologists, American 1628  
psychological association, state board of education, Ohio school 1629  
psychologists association, or national association of school 1630  
psychologists. Such program or course may not be applied to meet 1631  
the requirement of division (A) of this section. 1632

(C) Each person licensed under this chapter shall be given a 1633  
sufficient choice of continuing education programs or courses in 1634  
psychology, including programs or courses on professional conduct 1635  
and ethics when required under division (A)(2) of this section, to 1636  
ensure that the person has had a reasonable opportunity to 1637  
participate in programs or courses that are relevant to the 1638  
person's practice in terms of subject matter and level. 1639

(D) The board shall adopt rules providing for reductions of 1640

the hours of continuing psychology education required by this 1641  
section for persons in their first registration period. 1642

(E) Each person licensed under this chapter shall retain in 1643  
the person's records for at least three years the receipts, 1644  
vouchers, or certificates necessary to document completion of 1645  
continuing psychology education. Proof of continuing psychology 1646  
education recorded with the Ohio psychological association or the 1647  
state board of education in accordance with the procedures 1648  
established pursuant to division (A) of this section shall serve 1649  
as sufficient documentation of completion. With cause, the board 1650  
may request the documentation from the person. The board also may 1651  
request the documentation from persons licensed under this chapter 1652  
selected at random, without cause. The board may review any 1653  
continuing psychology education records recorded by the Ohio 1654  
psychological association or the state board of education. 1655

(F) The board may excuse persons licensed under this chapter, 1656  
as a group or as individuals, from all or any part of the 1657  
requirements of this section because of an unusual circumstance, 1658  
emergency, or special hardship. 1659

(G) The state board of psychology shall approve one or more 1660  
continuing education courses of study that assist psychologists 1661  
and school psychologists in recognizing the signs of domestic 1662  
violence and its relationship to child abuse. Psychologists and 1663  
school psychologists are not required to take the courses. 1664

(H) The state board of psychology shall approve one or more 1665  
continuing education courses of study with regard to the 1666  
counseling of individuals who abuse animals. 1667

**Sec. 4757.33.** (A) Except as provided in division (B) of this 1668  
section, each person who holds a license or certificate of 1669  
registration issued under this chapter shall complete during the 1670  
period that the license or certificate is in effect not less than 1671

thirty clock hours of continuing professional education as a 1672  
condition of receiving a renewed license or certificate. To have a 1673  
lapsed license or certificate of registration restored, a person 1674  
shall complete the number of hours of continuing education 1675  
specified by the counselor, social worker, and marriage and family 1676  
therapist board in rules it shall adopt in accordance with Chapter 1677  
119. of the Revised Code. 1678

The professional standards committees of the counselor, 1679  
social worker, and marriage and family therapist board shall adopt 1680  
rules in accordance with Chapter 119. of the Revised Code 1681  
establishing standards and procedures to be followed by the 1682  
committees in conducting the continuing education approval 1683  
process. 1684

(B) The board may waive the continuing education requirements 1685  
established under this section for persons who are unable to 1686  
fulfill them because of military service, illness, residence 1687  
abroad, or any other reason the committee considers acceptable. 1688

In the case of a social worker licensed by virtue of 1689  
receiving, prior to October 10, 1992, a baccalaureate degree in a 1690  
program closely related to social work, as a condition of the 1691  
first renewal of the license, the social worker ~~must~~ shall 1692  
complete at an accredited educational institution a minimum of 1693  
five semester hours of social work graduate or undergraduate 1694  
credit, or their equivalent, that is acceptable to the committee 1695  
and includes a course in social work theory and a course in social 1696  
work methods. 1697

(C) The continuing professional education that is required by 1698  
this section shall include a course of study with regard to the 1699  
counseling of individuals who abuse animals. 1700

**Section 2.** That existing sections 959.99, 2152.19, 2903.213, 1701  
2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 of the Revised 1702

Code are hereby repealed.

1703