

As Reported by the Senate Judiciary--Criminal Justice Committee

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 471

Representative Setzer

Cosponsors: Representatives Gibbs, Combs, Bacon, Domenick, Dyer,

Evans, Flowers, Grady, Hughes, Letson, Schneider

Senators Schaffer, Stivers, Turner, Seitz

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A B I L L

To amend sections 313.05, 313.10, 313.16, 2743.191, 1
2903.214, and 2919.27 and to enact section 313.211 2
of the Revised Code to change certain powers and 3
duties of coroners, to specify that certain 4
records of a decedent relating to the criminal 5
investigation of the decedent's death are not 6
public records, to authorize the court to require 7
that certain persons who engage in menacing by 8
stalking and against whom a civil order of 9
protection is granted be electronically monitored, 10
and to authorize the court to require that certain 11
persons convicted of violating a protection order 12
that requires electronic monitoring be 13
electronically monitored. 14

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

Section 1. That sections 313.05, 313.10, 313.16, 2743.191, 15
2903.214, and 2919.27 be amended and section 313.211 of the 16
Revised Code be enacted to read as follows: 17

Sec. 313.05. (A)(1) The coroner may appoint, in writing, 18
deputy coroners, who shall be licensed physicians of good standing 19
in their profession, one of whom may be designated as the chief 20
deputy coroner. The coroner also may appoint pathologists as 21
deputy coroners, who may perform autopsies, make pathological and 22
chemical examinations, and perform other duties as directed by the 23
coroner or recommended by the prosecuting attorney. The coroner 24
may appoint any necessary technicians. 25

The coroner may contract for the services of deputy coroners 26
to aid the coroner in the execution of the coroner's powers and 27
duties. Contracts for the services of deputy coroners are exempt 28
from any competitive bidding requirements of the Revised Code. 29

(2) The coroner may appoint, in writing, one or more 30
secretaries and an official stenographer, who shall record the 31
testimony of witnesses in attendance upon the coroner's inquest, 32
preserve and file properly indexed records of all official 33
reports, acts, and communications of the office, and perform other 34
services as required by the coroner. 35

(3) The coroner may appoint clerks, stenographers, 36
custodians, and investigators and shall define their duties. 37

(4) For the performance of their duties, deputy coroners, 38
pathologists serving as deputy coroners, and technicians, 39
stenographers, secretaries, clerks, custodians, and investigators 40
shall receive salaries fixed by the coroner and payable from the 41
county treasury upon the warrant of the county auditor. The 42
compensation shall not exceed, in the aggregate, the amount fixed 43
by the board of county commissioners for the coroner's office. 44

(B) A coroner may appoint, as a deputy coroner, as a 45
pathologist serving as a deputy coroner, or as a technician, 46
stenographer, secretary, clerk, custodian, investigator, or other 47
employee a person who is an associate of, or who is employed by, 48

the coroner or a deputy coroner in the private practice of 49
medicine in a partnership, professional association, or other 50
medical business arrangement. A coroner may appoint, as an 51
investigator, a deputy sheriff within the county or a law 52
enforcement officer of a political subdivision located within the 53
county. 54

Sec. 313.10. (A)(1) Except as otherwise provided in this 55
section, the records of the coroner who has jurisdiction over the 56
case, including, but not limited to, the detailed descriptions of 57
the observations written during the progress of an autopsy and the 58
conclusions drawn from those observations filed in the office of 59
the coroner under division (A) of section 313.13 of the Revised 60
Code, made personally by the coroner or by anyone acting under the 61
coroner's direction or supervision, are public records. Those 62
records, or transcripts or photostatic copies of them, certified 63
by the coroner shall be received as evidence in any criminal or 64
civil action or proceeding in a court in this state, as to the 65
facts contained in those records. The coroner of the county where 66
the death was pronounced shall be responsible for the release of 67
all public records relating to that death. 68

(2) Except as otherwise provided in division (D) or (E) of 69
this section, the following records in a coroner's office are not 70
public records: 71

(a) Preliminary autopsy and investigative notes and findings 72
made by the coroner or by anyone acting under the coroner's 73
direction or supervision; 74

(b) Photographs of a decedent made by the coroner or by 75
anyone acting under the coroner's direction or supervision; 76

(c) Suicide notes; 77

(d) Medical and psychiatric records provided to the coroner, 78

a deputy coroner, or a representative of the coroner or a deputy coroner under section 313.091 of the Revised Code; 79
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(e) Records of a deceased individual that are confidential law enforcement investigatory records as defined in section 149.43 of the Revised Code; 81
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(f) Laboratory reports generated from the analysis of physical evidence by the coroner's laboratory that is discoverable under Criminal Rule 16. 84
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(3) In the coroner's discretion, photographs of a decedent may be used for medical, legal, or educational purposes. 87
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(B) All records in the coroner's office that are public records are open to inspection by the public, and any person may receive a copy of any such record or part of it upon demand in writing, accompanied by payment of a record retrieval and copying fee, at the rate of twenty-five cents per page or a minimum fee of one dollar. 89
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(C)(1) The coroner shall provide a copy of the full and complete records of the coroner with respect to a decedent to a person who makes a written request as the next of kin of the decedent. The following persons may make a request pursuant to this division as the next of kin of a decedent: 95
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(a) The surviving spouse of the decedent; 100

(b) If there is no surviving spouse, or if the surviving spouse has died without having made a request pursuant to this division, any child of the decedent over eighteen years of age, with each child over eighteen years of age having an independent right to make a request pursuant to this division; 101
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(c) If there is no surviving spouse or child over eighteen years of age, or if the surviving spouse and all children over eighteen years of age have died without having made a request 106
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pursuant to this division, the parents of the decedent, with each 109
parent having an independent right to make a request pursuant to 110
this division; 111

(d) If there is no surviving spouse, child over eighteen 112
years of age, or parents of the decedent, or if all have died 113
without having made a request pursuant to this division, the 114
brothers and sisters of the decedent, whether of the whole or the 115
half blood, with each having an independent right to make a 116
request pursuant to this division. 117

(2) If there is no surviving person who may make a written 118
request as next of kin for a copy of the full and complete records 119
of the coroner pursuant to division (C)(1) of this section, or if 120
all next of kin of the decedent have died without having made a 121
request pursuant to that division, the coroner shall provide a 122
copy of the full and complete records of the coroner with respect 123
to a decedent to the representative of the estate of the decedent 124
who is the subject of the records upon written request made by the 125
representative. 126

(D) A journalist may submit to the coroner a written request 127
to view preliminary autopsy and investigative notes and findings, 128
suicide notes, or photographs of the decedent made by the coroner 129
or by anyone acting under the coroner's discretion or supervision. 130
The request shall include the journalist's name and title and the 131
name and address of the journalist's employer and state that the 132
granting of the request would be in the best interest of the 133
public. If a journalist submits a written request to the coroner 134
to view the records described in this division, the coroner shall 135
grant the journalist's request. The journalist shall not copy the 136
preliminary autopsy and investigative notes and findings, suicide 137
notes, or photographs of the decedent. 138

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(E)(1) An insurer may submit to the coroner a written request 140

to obtain a copy of the full and complete records of the coroner 141
with respect to a deceased person. The request shall include the 142
name of the deceased person, the type of policy to which the 143
written request relates, and the name and address of the insurer. 144

(2) If an insurer submits a written request to the coroner to 145
obtain a copy of records pursuant to division (E)(1) of this 146
section, the coroner shall grant that request. 147

(3) Upon the granting of a written request to obtain a copy 148
of records by the coroner, the insurer may utilize the records for 149
the following purposes: 150

(a) To investigate any first party claim or third party claim 151
asserted under a policy of insurance issued by the insurer that 152
arises from the death of the deceased person; 153

(b) To determine coverage for any first party claim or third 154
party claim asserted under a policy of insurance issued by the 155
insurer that arises from the death of the deceased person; 156

(c) To determine the insurer's liability for any first party 157
claim or third party claim asserted under a policy of insurance 158
issued by the insurer that arises from the death of the deceased 159
person. 160

(4) Prior to the delivery of records that are the subject of 161
a request made pursuant to division (E)(1) of this section, the 162
coroner may require the insurer who submitted the written request 163
for the records to provide a payment to the coroner of a record 164
retrieval and copying fee at the rate of twenty-five cents per 165
page or a minimum fee of one dollar. 166

(5) Any records produced by the coroner in response to a 167
written request under division (E)(1) of this section shall remain 168
in the care, custody, and control of the insurer and its employees 169
or representatives at all times. The insurer may not release or 170
disclose the records to any other person unless any of the 171

following apply:	172
(a) The release of the records is reasonably necessary to further a purpose described in division (E)(3) of this section.	173 174
(b) A court of competent jurisdiction orders the insurer to produce the records.	175 176
(c) The insurer is required to produce the records in response to a civil or criminal subpoena.	177 178
(d) The insurer is responding to a request for the records from a law enforcement agency, the department of insurance or a department of insurance from another state, or another governmental authority.	179 180 181 182
(F) The coroner may contact the decedent's next of kin to inform the next of kin that a journalist or an insurer has submitted a written request pursuant to division (D) or (E) of this section and whether the coroner has granted the journalist's or the insurer's request.	183 184 185 186 187
(G) As used in this section:	188
(1) "Full and complete records of the coroner" includes, but is not limited to, the following:	189 190
(a) The detailed descriptions of the observations written by the coroner or by anyone acting under the coroner's direction or supervision during the progress of an autopsy and the conclusions drawn from those observations that are filed in the office of the coroner under division (A) of section 313.13 of the Revised Code;	191 192 193 194 195
(b) Preliminary autopsy and investigative notes and findings made by the coroner or by anyone acting under the coroner's direction or supervision;	196 197 198
(c) Photographs of a decedent made by the coroner or by anyone acting under the coroner's direction or supervision;	199 200
(d) Suicide notes;	201

(e) Medical and psychiatric records provided to the coroner, 202
a deputy coroner, or a representative of the coroner or a deputy 203
coroner under section 313.091 of the Revised Code; 204

(f) Records of a deceased individual that are confidential 205
law enforcement investigatory records as defined in section 149.43 206
of the Revised Code; 207

(g) Laboratory reports generated from the analysis of 208
physical evidence by the coroner's laboratory that is discoverable 209
under Criminal Rule 16. 210

(2) "Insurer" has the same meaning as in section 3901.07 of 211
the Revised Code. 212

(3) "Journalist" has the same meaning as in section 149.43 of 213
the Revised Code. 214

Sec. 313.16. In counties where no coroner's laboratory has 215
been established or where the coroner's laboratory does not have 216
the equipment or personnel to follow the protocol established by 217
rule of the public health council adopted under section 313.122 of 218
the Revised Code, the coroner may request a coroner of a county in 219
which such a laboratory is established or that has a laboratory 220
able to follow the public health council's protocol to perform 221
necessary laboratory examinations, the cost of which shall be no 222
greater than the actual value of the services of technicians and 223
the materials used in performing such examination. Money derived 224
from the fees paid for these examinations shall be kept in a 225
special fund, for the use of the coroner's laboratory, from which 226
fund replacements can be made. Such funds shall be used to 227
purchase necessary supplies and equipment for the laboratory and 228
to pay any associated costs incurred in the administration of this 229
section at the coroner's discretion. 230

Sec. 313.211. The coroner may secure, catalog, record, and, 231

with the approval of the prosecuting attorney, destroy any 232
dangerous drugs found at the scene of an investigation the coroner 233
conducts, if the dangerous drugs are no longer needed for 234
investigative or scientific purposes. 235

Sec. 2743.191. (A)(1) There is hereby created in the state 236
treasury the reparations fund, which shall be used only for the 237
following purposes: 238

(a) The payment of awards of reparations that are granted by 239
the attorney general; 240

(b) The compensation of any personnel needed by the attorney 241
general to administer sections 2743.51 to 2743.72 of the Revised 242
Code; 243

(c) The compensation of witnesses as provided in division (J) 244
of section 2743.65 of the Revised Code; 245

(d) Other administrative costs of hearing and determining 246
claims for an award of reparations by the attorney general; 247

(e) The costs of administering sections 2907.28 and 2969.01 248
to 2969.06 of the Revised Code; 249

(f) The costs of investigation and decision-making as 250
certified by the attorney general; 251

(g) The provision of state financial assistance to victim 252
assistance programs in accordance with sections 109.91 and 109.92 253
of the Revised Code; 254

(h) The costs of paying the expenses of sex offense-related 255
examinations and antibiotics pursuant to section 2907.28 of the 256
Revised Code; 257

(i) The cost of printing and distributing the pamphlet 258
prepared by the attorney general pursuant to section 109.42 of the 259
Revised Code; 260

(j) Subject to division (D) of section 2743.71 of the Revised Code, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to section 2743.71 of the Revised Code;

(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of the Revised Code, of performing DNA analysis of those DNA specimens, and of entering the resulting DNA records regarding those analyses into the DNA database pursuant to section 109.573 of the Revised Code;

(l) The payment of actual costs associated with initiatives by the attorney general for the apprehension, prosecution, and accountability of offenders, and the enhancing of services to crime victims. The amount of payments made pursuant to division (A)(1)(l) of this section during any given fiscal year shall not exceed five per cent of the balance of the reparations fund at the close of the immediately previous fiscal year;

(m) The costs of administering the adult parole authority's supervision pursuant to division (E) of section 2971.05 of the Revised Code of sexually violent predators who are sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code and of offenders who are sentenced to a prison term pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of that section;

(n) The costs of installation and monitoring of an electronic monitoring device used in the monitoring of a respondent pursuant to an electronic monitoring order issued by a court under division (E)(1)(b) of section 2903.214 of the Revised Code if the court determines that the respondent is indigent or in the monitoring of an offender pursuant to an electronic monitoring order issued

under division (B)(5) of section 2919.27 of the Revised Code if 293
the court determines that the offender is indigent. 294

(2) All costs paid pursuant to section 2743.70 of the Revised 295
Code, the portions of license reinstatement fees mandated by 296
division (F)(2)(b) of section 4511.191 of the Revised Code to be 297
credited to the fund, the portions of the proceeds of the sale of 298
a forfeited vehicle specified in division (C)(2) of section 299
4503.234 of the Revised Code, payments collected by the department 300
of rehabilitation and correction from prisoners who voluntarily 301
participate in an approved work and training program pursuant to 302
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 303
all moneys collected by the state pursuant to its right of 304
subrogation provided in section 2743.72 of the Revised Code shall 305
be deposited in the fund. 306

(B) In making an award of reparations, the attorney general 307
shall render the award against the state. The award shall be 308
accomplished only through the following procedure, and the 309
following procedure may be enforced by writ of mandamus directed 310
to the appropriate official: 311

(1) The attorney general shall provide for payment of the 312
claimant or providers in the amount of the award only if the 313
amount of the award is fifty dollars or more. 314

(2) The expense shall be charged against all available 315
unencumbered moneys in the fund. 316

(3) If sufficient unencumbered moneys do not exist in the 317
fund, the attorney general shall make application for payment of 318
the award out of the emergency purposes account or any other 319
appropriation for emergencies or contingencies, and payment out of 320
this account or other appropriation shall be authorized if there 321
are sufficient moneys greater than the sum total of then pending 322
emergency purposes account requests or requests for releases from 323

the other appropriations. 324

(4) If sufficient moneys do not exist in the account or any 325
other appropriation for emergencies or contingencies to pay the 326
award, the attorney general shall request the general assembly to 327
make an appropriation sufficient to pay the award, and no payment 328
shall be made until the appropriation has been made. The attorney 329
general shall make this appropriation request during the current 330
biennium and during each succeeding biennium until a sufficient 331
appropriation is made. If, prior to the time that an appropriation 332
is made by the general assembly pursuant to this division, the 333
fund has sufficient unencumbered funds to pay the award or part of 334
the award, the available funds shall be used to pay the award or 335
part of the award, and the appropriation request shall be amended 336
to request only sufficient funds to pay that part of the award 337
that is unpaid. 338

(C) The attorney general shall not make payment on a decision 339
or order granting an award until all appeals have been determined 340
and all rights to appeal exhausted, except as otherwise provided 341
in this section. If any party to a claim for an award of 342
reparations appeals from only a portion of an award, and a 343
remaining portion provides for the payment of money by the state, 344
that part of the award calling for the payment of money by the 345
state and not a subject of the appeal shall be processed for 346
payment as described in this section. 347

(D) The attorney general shall prepare itemized bills for the 348
costs of printing and distributing the pamphlet the attorney 349
general prepares pursuant to section 109.42 of the Revised Code. 350
The itemized bills shall set forth the name and address of the 351
persons owed the amounts set forth in them. 352

(E) As used in this section, "DNA analysis" and "DNA 353
specimen" have the same meanings as in section 109.573 of the 354
Revised Code. 355

Sec. 2903.214. (A) As used in this section:	356
(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.	357 358
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	359 360
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	361 362
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	363 364
(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	365 366
<u>(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.</u>	367 368
(B) The court has jurisdiction over all proceedings under this section.	369 370
(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state both <u>all</u> of the following:	371 372 373 374 375
(1) An allegation that the respondent engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;	376 377 378 379 380 381
(2) <u>If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in</u>	382 383 384

conduct that would cause a reasonable person to believe that the 385
health, welfare, or safety of the person to be protected was at 386
risk, a description of the nature and extent of that conduct, and 387
an allegation that the respondent presents a continuing danger to 388
the person to be protected; 389

(3) A request for relief under this section. 390

(D)(1) If a person who files a petition pursuant to this 391
section requests an ex parte order, the court shall hold an ex 392
parte hearing as soon as possible after the petition is filed, but 393
not later than the next day that the court is in session after the 394
petition is filed. The court, for good cause shown at the ex parte 395
hearing, may enter any temporary orders, with or without bond, 396
that the court finds necessary for the safety and protection of 397
the person to be protected by the order. Immediate and present 398
danger to the person to be protected by the protection order 399
constitutes good cause for purposes of this section. Immediate and 400
present danger includes, but is not limited to, situations in 401
which the respondent has threatened the person to be protected by 402
the protection order with bodily harm or in which the respondent 403
previously has been convicted of or pleaded guilty to a violation 404
of section 2903.211 of the Revised Code or a sexually oriented 405
offense against the person to be protected by the protection 406
order. 407

(2)(a) If the court, after an ex parte hearing, issues a 408
protection order described in division (E) of this section, the 409
court shall schedule a full hearing for a date that is within ten 410
court days after the ex parte hearing. The court shall give the 411
respondent notice of, and an opportunity to be heard at, the full 412
hearing. The court shall hold the full hearing on the date 413
scheduled under this division unless the court grants a 414
continuance of the hearing in accordance with this division. Under 415
any of the following circumstances or for any of the following 416

reasons, the court may grant a continuance of the full hearing to 417
a reasonable time determined by the court: 418

(i) Prior to the date scheduled for the full hearing under 419
this division, the respondent has not been served with the 420
petition filed pursuant to this section and notice of the full 421
hearing. 422

(ii) The parties consent to the continuance. 423

(iii) The continuance is needed to allow a party to obtain 424
counsel. 425

(iv) The continuance is needed for other good cause. 426

(b) An ex parte order issued under this section does not 427
expire because of a failure to serve notice of the full hearing 428
upon the respondent before the date set for the full hearing under 429
division (D)(2)(a) of this section or because the court grants a 430
continuance under that division. 431

(3) If a person who files a petition pursuant to this section 432
does not request an ex parte order, or if a person requests an ex 433
parte order but the court does not issue an ex parte order after 434
an ex parte hearing, the court shall proceed as in a normal civil 435
action and grant a full hearing on the matter. 436

(E)(1)(a) After an ex parte or full hearing, the court may 437
issue any protection order, with or without bond, that contains 438
terms designed to ensure the safety and protection of the person 439
to be protected by the protection order, including, but not 440
limited to, a requirement that the respondent refrain from 441
entering the residence, school, business, or place of employment 442
of the petitioner or family or household member. If the court 443
includes a requirement that the respondent refrain from entering 444
the residence, school, business, or place of employment of the 445
petitioner or family or household member in the order, it also 446
shall include in the order provisions of the type described in 447

division (E)(5) of this section. 448

(b) After a full hearing, if the court considering a petition 449
that includes an allegation of the type described in division 450
(C)(2) of this section, or the court upon its own motion, finds 451
upon clear and convincing evidence that the petitioner reasonably 452
believed that the respondent's conduct at any time preceding the 453
filing of the petition endangered the health, welfare, or safety 454
of the person to be protected and that the respondent presents a 455
continuing danger to the person to be protected, the court may 456
order that the respondent be electronically monitored for a period 457
of time and under the terms and conditions that the court 458
determines are appropriate. Electronic monitoring shall be in 459
addition to any other relief granted to the petitioner. 460

(2)(a) Any protection order issued pursuant to this section 461
shall be valid until a date certain but not later than five years 462
from the date of its issuance. 463

(b) Any protection order issued pursuant to this section may 464
be renewed in the same manner as the original order was issued. 465

(3) A court may not issue a protection order that requires a 466
petitioner to do or to refrain from doing an act that the court 467
may require a respondent to do or to refrain from doing under 468
division (E)(1) of this section unless all of the following apply: 469

(a) The respondent files a separate petition for a protection 470
order in accordance with this section. 471

(b) The petitioner is served with notice of the respondent's 472
petition at least forty-eight hours before the court holds a 473
hearing with respect to the respondent's petition, or the 474
petitioner waives the right to receive this notice. 475

(c) If the petitioner has requested an ex parte order 476
pursuant to division (D) of this section, the court does not delay 477
any hearing required by that division beyond the time specified in 478

that division in order to consolidate the hearing with a hearing 479
on the petition filed by the respondent. 480

(d) After a full hearing at which the respondent presents 481
evidence in support of the request for a protection order and the 482
petitioner is afforded an opportunity to defend against that 483
evidence, the court determines that the petitioner has committed a 484
violation of section 2903.211 of the Revised Code against the 485
person to be protected by the protection order issued pursuant to 486
this section, has committed a sexually oriented offense against 487
the person to be protected by the protection order, or has 488
violated a protection order issued pursuant to section 2903.213 of 489
the Revised Code relative to the person to be protected by the 490
protection order issued pursuant to this section. 491

(4) No protection order issued pursuant to this section shall 492
in any manner affect title to any real property. 493

(5)(a) If the court issues a protection order under this 494
section that includes a requirement that the alleged offender 495
refrain from entering the residence, school, business, or place of 496
employment of the petitioner or a family or household member, the 497
order shall clearly state that the order cannot be waived or 498
nullified by an invitation to the alleged offender from the 499
complainant to enter the residence, school, business, or place of 500
employment or by the alleged offender's entry into one of those 501
places otherwise upon the consent of the petitioner or family or 502
household member. 503

(b) Division (E)(5)(a) of this section does not limit any 504
discretion of a court to determine that an alleged offender 505
charged with a violation of section 2919.27 of the Revised Code, 506
with a violation of a municipal ordinance substantially equivalent 507
to that section, or with contempt of court, which charge is based 508
on an alleged violation of a protection order issued under this 509
section, did not commit the violation or was not in contempt of 510

court. 511

(F)(1) The court shall cause the delivery of a copy of any 512
protection order that is issued under this section to the 513
petitioner, to the respondent, and to all law enforcement agencies 514
that have jurisdiction to enforce the order. The court shall 515
direct that a copy of the order be delivered to the respondent on 516
the same day that the order is entered. 517

(2) Upon the issuance of a protection order under this 518
section, the court shall provide the parties to the order with the 519
following notice orally or by form: 520

"NOTICE 521

As a result of this order, it may be unlawful for you to 522
possess or purchase a firearm, including a rifle, pistol, or 523
revolver, or ammunition pursuant to federal law under 18 U.S.C. 524
922(g)(8). If you have any questions whether this law makes it 525
illegal for you to possess or purchase a firearm or ammunition, 526
you should consult an attorney." 527

(3) All law enforcement agencies shall establish and maintain 528
an index for the protection orders delivered to the agencies 529
pursuant to division (F)(1) of this section. With respect to each 530
order delivered, each agency shall note on the index the date and 531
time that it received the order. 532

(4) Regardless of whether the petitioner has registered the 533
protection order in the county in which the officer's agency has 534
jurisdiction pursuant to division (M) of this section, any officer 535
of a law enforcement agency shall enforce a protection order 536
issued pursuant to this section by any court in this state in 537
accordance with the provisions of the order, including removing 538
the respondent from the premises, if appropriate. 539

(G) Any proceeding under this section shall be conducted in 540
accordance with the Rules of Civil Procedure, except that a 541

protection order may be obtained under this section with or 542
without bond. An order issued under this section, other than an ex 543
parte order, that grants a protection order, or that refuses to 544
grant a protection order, is a final, appealable order. The 545
remedies and procedures provided in this section are in addition 546
to, and not in lieu of, any other available civil or criminal 547
remedies. 548

(H) The filing of proceedings under this section does not 549
excuse a person from filing any report or giving any notice 550
required by section 2151.421 of the Revised Code or by any other 551
law. 552

(I) Any law enforcement agency that investigates an alleged 553
violation of section 2903.211 of the Revised Code or an alleged 554
commission of a sexually oriented offense shall provide 555
information to the victim and the family or household members of 556
the victim regarding the relief available under this section and 557
section 2903.213 of the Revised Code. 558

(J) Notwithstanding any provision of law to the contrary and 559
regardless of whether a protection order is issued or a consent 560
agreement is approved by a court of another county or by a court 561
of another state, no court or unit of state or local government 562
shall charge any fee, cost, deposit, or money in connection with 563
the filing of a petition pursuant to this section, in connection 564
with the filing, issuance, registration, or service of a 565
protection order or consent agreement, or for obtaining a 566
certified copy of a protection order or consent agreement. 567

(K)(1) A person who violates a protection order issued under 568
this section is subject to the following sanctions: 569

(a) Criminal prosecution for a violation of section 2919.27 570
of the Revised Code, if the violation of the protection order 571
constitutes a violation of that section; 572

(b) Punishment for contempt of court.	573
(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.	574 575 576 577 578 579 580 581
(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.	582 583
(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.	584 585 586 587 588 589 590 591 592 593 594 595 596 597
(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:	598 599 600 601
(a) The petitioner shall obtain a certified copy of the order from the clerk of the court that issued the order and present that	602 603

certified copy to the clerk of the court of common pleas or the 604
clerk of a municipal court or county court in the county in which 605
the order is to be registered. 606

(b) Upon accepting the certified copy of the order for 607
registration, the clerk of the court of common pleas, municipal 608
court, or county court shall place an endorsement of registration 609
on the order and give the petitioner a copy of the order that 610
bears that proof of registration. 611

(3) The clerk of each court of common pleas, municipal court, 612
or county court shall maintain a registry of certified copies of 613
protection orders that have been issued by courts in other 614
counties pursuant to this section or section 2903.213 of the 615
Revised Code and that have been registered with the clerk. 616

(N) If the court orders electronic monitoring of the 617
respondent under this section, the court shall direct the 618
sheriff's office or any other appropriate law enforcement agency 619
to install the electronic monitoring device and to monitor the 620
respondent. Unless the court determines that the respondent is 621
indigent, the court shall order the respondent to pay the cost of 622
the installation and monitoring of the electronic monitoring 623
device. If the court determines that the respondent is indigent, 624
the cost of the installation and monitoring of the electronic 625
monitoring device shall be paid out of funds from the reparations 626
fund created pursuant to section 2743.191 of the Revised Code. 627

Sec. 2919.27. (A) No person shall recklessly violate the 628
terms of any of the following: 629

(1) A protection order issued or consent agreement approved 630
pursuant to section 2919.26 or 3113.31 of the Revised Code; 631

(2) A protection order issued pursuant to section 2903.213 or 632
2903.214 of the Revised Code; 633

(3) A protection order issued by a court of another state. 634

(B)(1) Whoever violates this section is guilty of violating a 635
protection order. 636

(2) Except as otherwise provided in division (B)(3) or (4) of 637
this section, violating a protection order is a misdemeanor of the 638
first degree. 639

(3) If the offender previously has been convicted of or 640
pleaded guilty to a violation of a protection order issued 641
pursuant to section 2903.213 or 2903.214 of the Revised Code, two 642
or more violations of section 2903.21, 2903.211, 2903.22, or 643
2911.211 of the Revised Code that involved the same person who is 644
the subject of the protection order or consent agreement, or one 645
or more violations of this section, violating a protection order 646
is a felony of the fifth degree. 647

(4) If the offender violates a protection order or consent 648
agreement while committing a felony offense, violating a 649
protection order is a felony of the third degree. 650

(5) If the protection order violated by the offender was an 651
order issued pursuant to section 2903.214 of the Revised Code that 652
required electronic monitoring of the offender pursuant to that 653
section, the court may require in addition to any other sentence 654
imposed upon the offender that the offender be electronically 655
monitored for a period not exceeding five years by a law 656
enforcement agency designated by the court. If the court requires 657
under this division that the offender be electronically monitored, 658
unless the court determines that the offender is indigent, the 659
court shall order that the offender pay the costs of the 660
installation of the electronic monitoring device and the cost of 661
monitoring the electronic monitoring device. If the court 662
determines that the offender is indigent, the costs of the 663
installation of the electronic monitoring device and the cost of 664

monitoring the electronic monitoring device shall be paid out of 665
funds from the reparations fund created pursuant to section 666
2743.191 of the Revised Code. 667

(C) It is an affirmative defense to a charge under division 668
(A)(3) of this section that the protection order issued by a court 669
of another state does not comply with the requirements specified 670
in 18 U.S.C. 2265(b) for a protection order that must be accorded 671
full faith and credit by a court of this state or that it is not 672
entitled to full faith and credit under 18 U.S.C. 2265(c). 673

(D) As used in this section, "protection order issued by a 674
court of another state" means an injunction or another order 675
issued by a criminal court of another state for the purpose of 676
preventing violent or threatening acts or harassment against, 677
contact or communication with, or physical proximity to another 678
person, including a temporary order, and means an injunction or 679
order of that nature issued by a civil court of another state, 680
including a temporary order and a final order issued in an 681
independent action or as a pendente lite order in a proceeding for 682
other relief, if the court issued it in response to a complaint, 683
petition, or motion filed by or on behalf of a person seeking 684
protection. "Protection order issued by a court of another state" 685
does not include an order for support or for custody of a child 686
issued pursuant to the divorce and child custody laws of another 687
state, except to the extent that the order for support or for 688
custody of a child is entitled to full faith and credit under the 689
laws of the United States. 690

Section 2. That existing sections 313.05, 313.10, 313.16, 691
2743.191, 2903.214, and 2919.27 of the Revised Code are hereby 692
repealed. 693