

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 21

Senator Coughlin

Cosponsor: Senator Amstutz

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A B I L L

To amend section 2919.27 and to enact sections 1
2919.31 to 2919.39 of the Revised Code to adopt 2
the Uniform Interstate Enforcement of 3
Domestic-Violence Protection Orders Act. 4

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

Section 1. That section 2919.27 be amended and sections 5
2919.31, 2919.32, 2919.33, 2919.34, 2919.35, 2919.36, 2919.37, 6
2919.38, and 2919.39 of the Revised Code be enacted to read as 7
follows: 8

Sec. 2919.27. (A) No person shall recklessly violate the 9
terms of any of the following: 10

(1) A protection order issued or consent agreement approved 11
pursuant to section 2919.26 or 3113.31 of the Revised Code; 12

(2) A protection order issued pursuant to section 2903.213 or 13
2903.214 of the Revised Code; 14

(3) A foreign protection order, including but not limited to, 15
a protection order issued by a court of another state. 16

(B)(1) Whoever violates this section is guilty of violating a 17
protection order. 18

(2) Except as otherwise provided in division (B)(3) or (4) of this section, violating a protection order is a misdemeanor of the first degree. 19
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(3) If the offender previously has been convicted of or pleaded guilty to a violation of a protection order issued pursuant to section 2903.213 or 2903.214 of the Revised Code, two or more violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code that involved the same person who is the subject of the protection order or consent agreement, or one or more violations of this section, violating a protection order is a felony of the fifth degree. 22
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(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony of the third degree. 30
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(C) It is an affirmative defense to a charge under division (A)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this state or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c). 33
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(D) As used in this section, ~~"protection:~~ 39

(1) "Protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition, or motion filed by or on behalf 40
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of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child issued pursuant to the divorce and child custody laws of another state, except to the extent that the order for support or for custody of a child is entitled to full faith and credit under the laws of the United States.

(2) "Foreign protection order" has the same meaning as in section 2919.32 of the Revised Code.

Sec. 2919.31. Sections 2919.31 to 2919.39 of the Revised Code may be cited as the uniform interstate enforcement of domestic-violence protection orders act.

Sec. 2919.32. As used in sections 2919.32 through 2919.39 of the Revised Code:

(A) "Civil protection order" and "temporary protection order" have the same meanings as in section 2923.124 of the Revised Code.

(B) "Foreign protection order" means either of the following:

(1) A protection order issued by a court of another state;

(2) Any other injunction or order that is issued by a tribunal of another state under the domestic-violence, family-violence, or anti-stalking laws of the issuing state to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual.

(C) "Issuing state" means the state whose tribunal issues a protection order.

(D) "Mutual foreign protection order" means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.

(E) "Protected individual" means an individual protected by a protection order. 79
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(F) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. 81
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(G) "Respondent" means the individual against whom enforcement of a protection order is sought. 83
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(H) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States and includes an Indian tribe or band that has jurisdiction to issue protection orders. 85
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(I) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order. 90
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Sec. 2919.33. (A) A person authorized by the laws of this state to seek enforcement of a civil protection order or temporary protection order may seek enforcement of a valid foreign protection order in a court of this state. The court shall enforce the terms of the order, including any terms that provide relief that a court of this state would lack power to provide but for this section. The court shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the court shall follow the procedures of this state for the enforcement of civil protection orders or temporary protection orders. 92
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(B) A court of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order. 105
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(C) A court of this state shall enforce the provisions of a valid foreign protection order that govern custody and visitation if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state. 109
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(D) A foreign protection order is valid if it meets all of the following criteria: 114
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(1) It identifies the protected individual and the respondent. 116
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(2) It is currently in effect. 118

(3) It was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state. 119
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(4) It was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order, or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued and in a manner consistent with the right of the respondent to due process. 121
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(E) A foreign protection order valid on its face is prima facie evidence of its validity. 128
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(F) The absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order. 130
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(G) A court of this state may enforce provisions of a mutual foreign protection order that favor a respondent only if the respondent filed a written pleading seeking a protection order from the tribunal of the issuing state and the tribunal of the issuing state made specific findings in favor of the respondent. 133
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Sec. 2919.34. (A) An officer of a law enforcement agency, 138

upon determining that there is probable cause to believe that a 139
valid foreign protection order exists and that the order has been 140
violated, shall enforce the order as if it were the order of a 141
court of this state. Presentation of a foreign protection order 142
that identifies both the protected individual and the respondent 143
and, on its face, is currently in effect constitutes probable 144
cause to believe that a valid foreign protection order exists. For 145
the purposes of this section, the foreign protection order may be 146
inscribed on a tangible medium or may have been stored in an 147
electronic or other medium if it is retrievable in perceivable 148
form. Presentation of a certified copy of a foreign protection 149
order is not required for enforcement. 150

(B) If a foreign protection order is not presented, an 151
officer of a law enforcement agency may consider other information 152
in determining whether there is probable cause to believe that a 153
valid foreign protection order exists. 154

(C) If an officer of a law enforcement agency determines that 155
an otherwise valid foreign protection order cannot be enforced 156
because the respondent has not been notified or served with the 157
order, the officer shall inform the respondent of the order, make 158
a reasonable effort to serve the order upon the respondent, and 159
allow the respondent a reasonable opportunity to comply with the 160
order before enforcing the order. 161

(D) Registration or filing of an order in this state is not 162
required for the enforcement of a valid foreign protection order 163
pursuant to this section. 164

Sec. 2919.35. A foreign protection order may be registered in 165
the same manner as a protection order issued by a court of another 166
state under section 2919.272 of the Revised Code. 167

Sec. 2919.36. This state, a political subdivision of the 168

state, or a law enforcement officer, prosecuting attorney, clerk 169
of court, or any state or local governmental official acting in an 170
official capacity, is immune from civil and criminal liability for 171
an act or omission arising out of the registration or enforcement 172
of a foreign protection order or the detention or arrest of an 173
alleged violator of a foreign protection order if the act or 174
omission was done in good faith in an effort to comply with 175
section 2919.33, 2919.34, or 2919.35 of the Revised Code. 176

Sec. 2919.37. A protected individual who pursues remedies 177
under section 2919.33, 2919.34, or 2919.35 of the Revised Code is 178
not precluded from pursuing other legal or equitable remedies 179
against the respondent. 180

Sec. 2919.38. In applying and construing the uniform 181
interstate enforcement of domestic-violence protection orders act, 182
a court shall consider the need to promote uniformity of the law 183
with respect to its subject matter among states that enact it. 184

Sec. 2919.39. Sections 2919.31 to 2919.38 of the Revised Code 185
apply to foreign protection orders issued before the effective 186
date of those sections and to continuing actions for enforcement 187
of foreign protection orders commenced before the effective date 188
of those sections. A request for enforcement of a foreign 189
protection order made on or after the effective date of those 190
sections for violations of a foreign protection order occurring 191
before that effective date is governed by those sections. 192

Section 2. That existing section 2919.27 of the Revised Code 194
is hereby repealed. 195