

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**127th General Assembly**

**Regular Session**

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**Sub. S. B. No. 244**

**Senator Sawyer**

**Cosponsors: Senators Mason, Kearney, Cates, Coughlin, Goodman,  
Schuler, Stivers, Fedor**

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**A B I L L**

To amend sections 2743.191, 2903.214, and 2919.27 of 1  
the Revised Code to authorize the court to require 2  
that certain persons who engage in menacing by 3  
stalking and against whom a civil order of 4  
protection is granted be electronically monitored 5  
and to authorize the court to require that certain 6  
persons convicted of violating a protection order 7  
that requires electronic monitoring be 8  
electronically monitored. 9

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

**Section 1.** That sections 2743.191, 2903.214, and 2919.27 of 10  
the Revised Code be amended to read as follows: 11

**Sec. 2743.191.** (A)(1) There is hereby created in the state 12  
treasury the reparations fund, which shall be used only for the 13  
following purposes: 14

(a) The payment of awards of reparations that are granted by 15  
the attorney general; 16

(b) The compensation of any personnel needed by the attorney 17  
general to administer sections 2743.51 to 2743.72 of the Revised 18

Code;	19
(c) The compensation of witnesses as provided in division (J) of section 2743.65 of the Revised Code;	20 21
(d) Other administrative costs of hearing and determining claims for an award of reparations by the attorney general;	22 23
(e) The costs of administering sections 2907.28 and 2969.01 to 2969.06 of the Revised Code;	24 25
(f) The costs of investigation and decision-making as certified by the attorney general;	26 27
(g) The provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code;	28 29 30
(h) The costs of paying the expenses of sex offense-related examinations and antibiotics pursuant to section 2907.28 of the Revised Code;	31 32 33
(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;	34 35 36
(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;	37 38 39 40 41 42
(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;	43 44 45 46 47 48

(1) The payment of actual costs associated with initiatives 49  
by the attorney general for the apprehension, prosecution, and 50  
accountability of offenders, and the enhancing of services to 51  
crime victims. The amount of payments made pursuant to division 52  
(A)(1)(1) of this section during any given fiscal year shall not 53  
exceed five per cent of the balance of the reparations fund at the 54  
close of the immediately previous fiscal year; 55

(m) The costs of administering the adult parole authority's 56  
supervision pursuant to division (E) of section 2971.05 of the 57  
Revised Code of sexually violent predators who are sentenced to a 58  
prison term pursuant to division (A)(3) of section 2971.03 of the 59  
Revised Code and of offenders who are sentenced to a prison term 60  
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 61  
(c), or (B)(3)(a), (b), (c), or (d) of that section; 62

(n) The costs of installation and monitoring of an electronic 63  
monitoring device used in the monitoring of a respondent pursuant 64  
to an electronic monitoring order issued by a court under division 65  
(E)(1)(b) of section 2903.214 of the Revised Code if the court 66  
determines that the respondent is indigent or in the monitoring of 67  
an offender pursuant to an electronic monitoring order issued 68  
under division (B)(5) of section 2919.27 of the Revised Code if 69  
the court determines that the offender is indigent. 70

(2) All costs paid pursuant to section 2743.70 of the Revised 71  
Code, the portions of license reinstatement fees mandated by 72  
division (F)(2)(b) of section 4511.191 of the Revised Code to be 73  
credited to the fund, the portions of the proceeds of the sale of 74  
a forfeited vehicle specified in division (C)(2) of section 75  
4503.234 of the Revised Code, payments collected by the department 76  
of rehabilitation and correction from prisoners who voluntarily 77  
participate in an approved work and training program pursuant to 78  
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 79  
all moneys collected by the state pursuant to its right of 80

subrogation provided in section 2743.72 of the Revised Code shall 81  
be deposited in the fund. 82

(B) In making an award of reparations, the attorney general 83  
shall render the award against the state. The award shall be 84  
accomplished only through the following procedure, and the 85  
following procedure may be enforced by writ of mandamus directed 86  
to the appropriate official: 87

(1) The attorney general shall provide for payment of the 88  
claimant or providers in the amount of the award only if the 89  
amount of the award is fifty dollars or more. 90

(2) The expense shall be charged against all available 91  
unencumbered moneys in the fund. 92

(3) If sufficient unencumbered moneys do not exist in the 93  
fund, the attorney general shall make application for payment of 94  
the award out of the emergency purposes account or any other 95  
appropriation for emergencies or contingencies, and payment out of 96  
this account or other appropriation shall be authorized if there 97  
are sufficient moneys greater than the sum total of then pending 98  
emergency purposes account requests or requests for releases from 99  
the other appropriations. 100

(4) If sufficient moneys do not exist in the account or any 101  
other appropriation for emergencies or contingencies to pay the 102  
award, the attorney general shall request the general assembly to 103  
make an appropriation sufficient to pay the award, and no payment 104  
shall be made until the appropriation has been made. The attorney 105  
general shall make this appropriation request during the current 106  
biennium and during each succeeding biennium until a sufficient 107  
appropriation is made. If, prior to the time that an appropriation 108  
is made by the general assembly pursuant to this division, the 109  
fund has sufficient unencumbered funds to pay the award or part of 110  
the award, the available funds shall be used to pay the award or 111

part of the award, and the appropriation request shall be amended 112  
to request only sufficient funds to pay that part of the award 113  
that is unpaid. 114

(C) The attorney general shall not make payment on a decision 115  
or order granting an award until all appeals have been determined 116  
and all rights to appeal exhausted, except as otherwise provided 117  
in this section. If any party to a claim for an award of 118  
reparations appeals from only a portion of an award, and a 119  
remaining portion provides for the payment of money by the state, 120  
that part of the award calling for the payment of money by the 121  
state and not a subject of the appeal shall be processed for 122  
payment as described in this section. 123

(D) The attorney general shall prepare itemized bills for the 124  
costs of printing and distributing the pamphlet the attorney 125  
general prepares pursuant to section 109.42 of the Revised Code. 126  
The itemized bills shall set forth the name and address of the 127  
persons owed the amounts set forth in them. 128

(E) As used in this section, "DNA analysis" and "DNA 129  
specimen" have the same meanings as in section 109.573 of the 130  
Revised Code. 131

**Sec. 2903.214.** (A) As used in this section: 132

(1) "Court" means the court of common pleas of the county in 133  
which the person to be protected by the protection order resides. 134

(2) "Victim advocate" means a person who provides support and 135  
assistance for a person who files a petition under this section. 136

(3) "Family or household member" has the same meaning as in 137  
section 3113.31 of the Revised Code. 138

(4) "Protection order issued by a court of another state" has 139  
the same meaning as in section 2919.27 of the Revised Code. 140

(5) "Sexually oriented offense" has the same meaning as in 141

section 2950.01 of the Revised Code. 142

(6) "Electronic monitoring" has the same meaning as in 143  
section 2929.01 of the Revised Code. 144

(B) The court has jurisdiction over all proceedings under 145  
this section. 146

(C) A person may seek relief under this section for the 147  
person, or any parent or adult household member may seek relief 148  
under this section on behalf of any other family or household 149  
member, by filing a petition with the court. The petition shall 150  
contain or state ~~both~~ all of the following: 151

(1) An allegation that the respondent engaged in a violation 152  
of section 2903.211 of the Revised Code against the person to be 153  
protected by the protection order or committed a sexually oriented 154  
offense against the person to be protected by the protection 155  
order, including a description of the nature and extent of the 156  
violation; 157

(2) If the petitioner seeks relief in the form of electronic 158  
monitoring of the respondent, an allegation that at any time 159  
preceding the filing of the petition the respondent engaged in 160  
conduct that would cause a reasonable person to believe that the 161  
health, welfare, or safety of the person to be protected was at 162  
risk, a description of the nature and extent of that conduct, and 163  
an allegation that the respondent presents a continuing danger to 164  
the person to be protected; 165

(3) A request for relief under this section. 166

(D)(1) If a person who files a petition pursuant to this 167  
section requests an ex parte order, the court shall hold an ex 168  
parte hearing as soon as possible after the petition is filed, but 169  
not later than the next day that the court is in session after the 170  
petition is filed. The court, for good cause shown at the ex parte 171  
hearing, may enter any temporary orders, with or without bond, 172

that the court finds necessary for the safety and protection of 173  
the person to be protected by the order. Immediate and present 174  
danger to the person to be protected by the protection order 175  
constitutes good cause for purposes of this section. Immediate and 176  
present danger includes, but is not limited to, situations in 177  
which the respondent has threatened the person to be protected by 178  
the protection order with bodily harm or in which the respondent 179  
previously has been convicted of or pleaded guilty to a violation 180  
of section 2903.211 of the Revised Code or a sexually oriented 181  
offense against the person to be protected by the protection 182  
order. 183

(2)(a) If the court, after an ex parte hearing, issues a 184  
protection order described in division (E) of this section, the 185  
court shall schedule a full hearing for a date that is within ten 186  
court days after the ex parte hearing. The court shall give the 187  
respondent notice of, and an opportunity to be heard at, the full 188  
hearing. The court shall hold the full hearing on the date 189  
scheduled under this division unless the court grants a 190  
continuance of the hearing in accordance with this division. Under 191  
any of the following circumstances or for any of the following 192  
reasons, the court may grant a continuance of the full hearing to 193  
a reasonable time determined by the court: 194

(i) Prior to the date scheduled for the full hearing under 195  
this division, the respondent has not been served with the 196  
petition filed pursuant to this section and notice of the full 197  
hearing. 198

(ii) The parties consent to the continuance. 199

(iii) The continuance is needed to allow a party to obtain 200  
counsel. 201

(iv) The continuance is needed for other good cause. 202

(b) An ex parte order issued under this section does not 203

expire because of a failure to serve notice of the full hearing 204  
upon the respondent before the date set for the full hearing under 205  
division (D)(2)(a) of this section or because the court grants a 206  
continuance under that division. 207

(3) If a person who files a petition pursuant to this section 208  
does not request an ex parte order, or if a person requests an ex 209  
parte order but the court does not issue an ex parte order after 210  
an ex parte hearing, the court shall proceed as in a normal civil 211  
action and grant a full hearing on the matter. 212

(E)(1)(a) After an ex parte or full hearing, the court may 213  
issue any protection order, with or without bond, that contains 214  
terms designed to ensure the safety and protection of the person 215  
to be protected by the protection order, including, but not 216  
limited to, a requirement that the respondent refrain from 217  
entering the residence, school, business, or place of employment 218  
of the petitioner or family or household member. If the court 219  
includes a requirement that the respondent refrain from entering 220  
the residence, school, business, or place of employment of the 221  
petitioner or family or household member in the order, it also 222  
shall include in the order provisions of the type described in 223  
division (E)(5) of this section. 224

(b) After a full hearing, if the court considering a petition 225  
that includes an allegation of the type described in division 226  
(C)(2) of this section, or the court upon its own motion, finds 227  
upon clear and convincing evidence that the petitioner reasonably 228  
believed that the respondent's conduct at any time preceding the 229  
filing of the petition endangered the health, welfare, or safety 230  
of the person to be protected and that the respondent presents a 231  
continuing danger to the person to be protected, the court may 232  
order that the respondent be electronically monitored for a period 233  
of time and under the terms and conditions that the court 234  
determines are appropriate. Electronic monitoring shall be in 235



<u>addition to any other relief granted to the petitioner.</u>	236
(2)(a) Any protection order issued pursuant to this section shall be valid until a date certain but not later than five years from the date of its issuance.	237 238 239
(b) Any protection order issued pursuant to this section may be renewed in the same manner as the original order was issued.	240 241
(3) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1) of this section unless all of the following apply:	242 243 244 245
(a) The respondent files a separate petition for a protection order in accordance with this section.	246 247
(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.	248 249 250 251
(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 on the petition filed by the respondent.	252 253 254 255 256
(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order issued pursuant to this section, has committed a sexually oriented offense against the person to be protected by the protection order, or has violated a protection order issued pursuant to section 2903.213 of the Revised Code relative to the person to be protected by the	257 258 259 260 261 262 263 264 265 266

protection order issued pursuant to this section. 267

(4) No protection order issued pursuant to this section shall 268  
in any manner affect title to any real property. 269

(5)(a) If the court issues a protection order under this 270  
section that includes a requirement that the alleged offender 271  
refrain from entering the residence, school, business, or place of 272  
employment of the petitioner or a family or household member, the 273  
order shall clearly state that the order cannot be waived or 274  
nullified by an invitation to the alleged offender from the 275  
complainant to enter the residence, school, business, or place of 276  
employment or by the alleged offender's entry into one of those 277  
places otherwise upon the consent of the petitioner or family or 278  
household member. 279

(b) Division (E)(5)(a) of this section does not limit any 280  
discretion of a court to determine that an alleged offender 281  
charged with a violation of section 2919.27 of the Revised Code, 282  
with a violation of a municipal ordinance substantially equivalent 283  
to that section, or with contempt of court, which charge is based 284  
on an alleged violation of a protection order issued under this 285  
section, did not commit the violation or was not in contempt of 286  
court. 287

(F)(1) The court shall cause the delivery of a copy of any 288  
protection order that is issued under this section to the 289  
petitioner, to the respondent, and to all law enforcement agencies 290  
that have jurisdiction to enforce the order. The court shall 291  
direct that a copy of the order be delivered to the respondent on 292  
the same day that the order is entered. 293

(2) All law enforcement agencies shall establish and maintain 294  
an index for the protection orders delivered to the agencies 295  
pursuant to division (F)(1) of this section. With respect to each 296  
order delivered, each agency shall note on the index the date and 297

time that it received the order. 298

(3) Regardless of whether the petitioner has registered the 299  
protection order in the county in which the officer's agency has 300  
jurisdiction pursuant to division (M) of this section, any officer 301  
of a law enforcement agency shall enforce a protection order 302  
issued pursuant to this section by any court in this state in 303  
accordance with the provisions of the order, including removing 304  
the respondent from the premises, if appropriate. 305

(G) Any proceeding under this section shall be conducted in 306  
accordance with the Rules of Civil Procedure, except that a 307  
protection order may be obtained under this section with or 308  
without bond. An order issued under this section, other than an ex 309  
parte order, that grants a protection order, or that refuses to 310  
grant a protection order, is a final, appealable order. The 311  
remedies and procedures provided in this section are in addition 312  
to, and not in lieu of, any other available civil or criminal 313  
remedies. 314

(H) The filing of proceedings under this section does not 315  
excuse a person from filing any report or giving any notice 316  
required by section 2151.421 of the Revised Code or by any other 317  
law. 318

(I) Any law enforcement agency that investigates an alleged 319  
violation of section 2903.211 of the Revised Code or an alleged 320  
commission of a sexually oriented offense shall provide 321  
information to the victim and the family or household members of 322  
the victim regarding the relief available under this section and 323  
section 2903.213 of the Revised Code. 324

(J) Notwithstanding any provision of law to the contrary and 325  
regardless of whether a protection order is issued or a consent 326  
agreement is approved by a court of another county or by a court 327  
of another state, no court or unit of state or local government 328

shall charge any fee, cost, deposit, or money in connection with 329  
the filing of a petition pursuant to this section, in connection 330  
with the filing, issuance, registration, or service of a 331  
protection order or consent agreement, or for obtaining a 332  
certified copy of a protection order or consent agreement. 333

(K)(1) A person who violates a protection order issued under 334  
this section is subject to the following sanctions: 335

(a) Criminal prosecution for a violation of section 2919.27 336  
of the Revised Code, if the violation of the protection order 337  
constitutes a violation of that section; 338

(b) Punishment for contempt of court. 339

(2) The punishment of a person for contempt of court for 340  
violation of a protection order issued under this section does not 341  
bar criminal prosecution of the person for a violation of section 342  
2919.27 of the Revised Code. However, a person punished for 343  
contempt of court is entitled to credit for the punishment imposed 344  
upon conviction of a violation of that section, and a person 345  
convicted of a violation of that section shall not subsequently be 346  
punished for contempt of court arising out of the same activity. 347

(L) In all stages of a proceeding under this section, a 348  
petitioner may be accompanied by a victim advocate. 349

(M)(1) A petitioner who obtains a protection order under this 350  
section or a protection order under section 2903.213 of the 351  
Revised Code may provide notice of the issuance or approval of the 352  
order to the judicial and law enforcement officials in any county 353  
other than the county in which the order is issued by registering 354  
that order in the other county pursuant to division (M)(2) of this 355  
section and filing a copy of the registered order with a law 356  
enforcement agency in the other county in accordance with that 357  
division. A person who obtains a protection order issued by a 358  
court of another state may provide notice of the issuance of the 359

order to the judicial and law enforcement officials in any county 360  
of this state by registering the order in that county pursuant to 361  
section 2919.272 of the Revised Code and filing a copy of the 362  
registered order with a law enforcement agency in that county. 363

(2) A petitioner may register a protection order issued 364  
pursuant to this section or section 2903.213 of the Revised Code 365  
in a county other than the county in which the court that issued 366  
the order is located in the following manner: 367

(a) The petitioner shall obtain a certified copy of the order 368  
from the clerk of the court that issued the order and present that 369  
certified copy to the clerk of the court of common pleas or the 370  
clerk of a municipal court or county court in the county in which 371  
the order is to be registered. 372

(b) Upon accepting the certified copy of the order for 373  
registration, the clerk of the court of common pleas, municipal 374  
court, or county court shall place an endorsement of registration 375  
on the order and give the petitioner a copy of the order that 376  
bears that proof of registration. 377

(3) The clerk of each court of common pleas, municipal court, 378  
or county court shall maintain a registry of certified copies of 379  
protection orders that have been issued by courts in other 380  
counties pursuant to this section or section 2903.213 of the 381  
Revised Code and that have been registered with the clerk. 382

(N) If the court orders electronic monitoring of the 383  
respondent under this section, the court shall direct the 384  
sheriff's office or any other appropriate law enforcement agency 385  
to install the electronic monitoring device and to monitor the 386  
respondent. Unless the court determines that the respondent is 387  
indigent, the court shall order the respondent to pay the cost of 388  
the installation and monitoring of the electronic monitoring 389  
device. If the court determines that the respondent is indigent, 390

the cost of the installation and monitoring of the electronic 391  
monitoring device shall be paid out of funds from the reparations 392  
fund created pursuant to section 2743.191 of the Revised Code. 393

**Sec. 2919.27.** (A) No person shall recklessly violate the 394  
terms of any of the following: 395

(1) A protection order issued or consent agreement approved 396  
pursuant to section 2919.26 or 3113.31 of the Revised Code; 397

(2) A protection order issued pursuant to section 2903.213 or 398  
2903.214 of the Revised Code; 399

(3) A protection order issued by a court of another state. 400

(B)(1) Whoever violates this section is guilty of violating a 401  
protection order. 402

(2) Except as otherwise provided in division (B)(3) or (4) of 403  
this section, violating a protection order is a misdemeanor of the 404  
first degree. 405

(3) If the offender previously has been convicted of or 406  
pleaded guilty to a violation of a protection order issued 407  
pursuant to section 2903.213 or 2903.214 of the Revised Code, two 408  
or more violations of section 2903.21, 2903.211, 2903.22, or 409  
2911.211 of the Revised Code that involved the same person who is 410  
the subject of the protection order or consent agreement, or one 411  
or more violations of this section, violating a protection order 412  
is a felony of the fifth degree. 413

(4) If the offender violates a protection order or consent 414  
agreement while committing a felony offense, violating a 415  
protection order is a felony of the third degree. 416

(5) If the protection order violated by the offender was an 417  
order issued pursuant to section 2903.214 of the Revised Code that 418  
required electronic monitoring of the offender pursuant to that 419  
section, the court may require in addition to any other sentence 420

imposed upon the offender that the offender be electronically 421  
monitored for a period not exceeding five years by a law 422  
enforcement agency designated by the court. If the court requires 423  
under this division that the offender be electronically monitored, 424  
unless the court determines that the offender is indigent, the 425  
court shall order that the offender pay the costs of the 426  
installation of the electronic monitoring device and the cost of 427  
monitoring the electronic monitoring device. If the court 428  
determines that the offender is indigent, the costs of the 429  
installation of the electronic monitoring device and the cost of 430  
monitoring the electronic monitoring device shall be paid out of 431  
funds from the reparations fund created pursuant to section 432  
2743.191 of the Revised Code. 433

(C) It is an affirmative defense to a charge under division 434  
(A)(3) of this section that the protection order issued by a court 435  
of another state does not comply with the requirements specified 436  
in 18 U.S.C. 2265(b) for a protection order that must be accorded 437  
full faith and credit by a court of this state or that it is not 438  
entitled to full faith and credit under 18 U.S.C. 2265(c). 439

(D) As used in this section, "protection order issued by a 440  
court of another state" means an injunction or another order 441  
issued by a criminal court of another state for the purpose of 442  
preventing violent or threatening acts or harassment against, 443  
contact or communication with, or physical proximity to another 444  
person, including a temporary order, and means an injunction or 445  
order of that nature issued by a civil court of another state, 446  
including a temporary order and a final order issued in an 447  
independent action or as a pendente lite order in a proceeding for 448  
other relief, if the court issued it in response to a complaint, 449  
petition, or motion filed by or on behalf of a person seeking 450  
protection. "Protection order issued by a court of another state" 451  
does not include an order for support or for custody of a child 452

issued pursuant to the divorce and child custody laws of another 453  
state, except to the extent that the order for support or for 454  
custody of a child is entitled to full faith and credit under the 455  
laws of the United States. 456

**Section 2.** That existing sections 2743.191, 2903.214, and 457  
2919.27 of the Revised Code are hereby repealed. 458