

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 55

Representatives Williams, B., Combs

**Cosponsors: Representatives Bolon, Book, Boyd, Chandler, Domenick,
Evans, Fende, Foley, Gerberry, Hagan, Harris, Letson, Skindell, Slesnick,
Williams, S., Winburn, Yuko**

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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

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| 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 a chronic truant or a habitual truant who previously has been adjudicated an unruly child for being a habitual truant, do either or both of the following:

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

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

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

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

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

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

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

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
require the counseling to take place and shall establish the 348
frequency and the length of time of the counseling. The court may 349
order the parent, guardian, or other person having care of the 350
child to pay the costs of the evaluation, any counseling, or both. 351

(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)(1) of this section. The notice shall specifically state that a 382
permissible search might extend to a motor vehicle, another item 383
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

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| 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

(2)(a) If the court issues a protection order under this 476
section that includes a requirement that the alleged offender 477
refrain from entering the residence, school, business, or place of 478
employment of the complainant or the alleged victim, the order 479
shall clearly state that the order cannot be waived or nullified 480
by an invitation to the alleged offender from the complainant, the 481
alleged victim, or a family or household member to enter the 482
residence, school, business, or place of employment or by the 483
alleged offender's entry into one of those places otherwise upon 484
the consent of the complainant, the alleged victim, or a family or 485
household member. 486

(b) Division (C)(2)(a) of this section does not limit any 487

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

(D)(1) Except when the complaint involves a person who is a 495
family or household member as defined in section 2919.25 of the 496
Revised Code, upon the filing of a complaint that alleges a 497
violation specified in division (A) of this section, the court, 498
upon its own motion, may issue a protection order under this 499
section as a pretrial condition of release of the alleged offender 500
if it finds that the safety and protection of the complainant or 501
the alleged victim may be impaired by the continued presence of 502
the alleged offender. The court may include within the scope of a 503
protection order issued under this section any companion animal 504
that is in the complainant's or alleged victim's residence. 505

(2) If the court issues a protection order under this section 506
as an ex parte order, it shall conduct, as soon as possible after 507
the issuance of the order but not later than the next day that the 508
court is in session after its issuance, a hearing to determine 509
whether the order should remain in effect, be modified, or be 510
revoked. The hearing shall be conducted under the standards set 511
forth in division (C) of this section. 512

(3) If a municipal court or a county court issues a 513
protection order under this section and if, subsequent to the 514
issuance of the order, the alleged offender who is the subject of 515
the order is bound over to the court of common pleas for 516
prosecution of a felony arising out of the same activities as 517
those that were the basis of the complaint upon which the order is 518
based, notwithstanding the fact that the order was issued by a 519

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

(E) A protection order that is issued as a pretrial condition 534
of release under this section: 535

(1) Is in addition to, but shall not be construed as a part 536
of, any bail set under Criminal Rule 46; 537

(2) Is effective only until the disposition, by the court 538
that issued the order or, in the circumstances described in 539
division (D)(3) of this section, by the court of common pleas to 540
which the alleged offender is bound over for prosecution, of the 541
criminal proceeding arising out of the complaint upon which the 542
order is based or until the issuance under section 2903.214 of the 543
Revised Code of a protection order arising out of the same 544
activities as those that were the basis of the complaint filed 545
under this section; 546

(3) Shall not be construed as a finding that the alleged 547
offender committed the alleged offense and shall not be introduced 548
as evidence of the commission of the offense at the trial of the 549
alleged offender on the complaint upon which the order is based. 550

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

"NOTICE

If you are convicted of a misdemeanor crime involving violence in which you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(9). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) 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.

(4) 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.

(I) 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 motion pursuant to this section, in connection with the filing, issuance, registration, or service of a protection order or consent agreement, or for obtaining certified copies of a protection order or consent agreement.

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

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

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

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

(1) "Court" means the court of common pleas of the county in

which the person to be protected by the protection order resides. 613

(2) "Victim advocate" means a person who provides support and 614
assistance for a person who files a petition under this section. 615

(3) "Family or household member" has the same meaning as in 616
section 3113.31 of the Revised Code. 617

(4) "Protection order issued by a court of another state" has 618
the same meaning as in section 2919.27 of the Revised Code. 619

(5) "Sexually oriented offense" has the same meaning as in 620
section 2950.01 of the Revised Code. 621

(6) "Electronic monitoring" has the same meaning as in 622
section 2929.01 of the Revised Code. 623

(7) "Companion animal" has the same meaning as in section 624
959.131 of the Revised Code. 625

(B) The court has jurisdiction over all proceedings under 626
this section. 627

(C) A person may seek relief under this section for the 628
person, or any parent or adult household member may seek relief 629
under this section on behalf of any other family or household 630
member, by filing a petition with the court. The petition shall 631
contain or state all of the following: 632

(1) An allegation that the respondent engaged in a violation 633
of section 2903.211 of the Revised Code against the person to be 634
protected by the protection order or committed a sexually oriented 635
offense against the person to be protected by the protection 636
order, including a description of the nature and extent of the 637
violation; 638

(2) If the petitioner seeks relief in the form of electronic 639
monitoring of the respondent, an allegation that at any time 640
preceding the filing of the petition the respondent engaged in 641
conduct that would cause a reasonable person to believe that the 642

health, welfare, or safety of the person to be protected was at 643
risk, a description of the nature and extent of that conduct, and 644
an allegation that the respondent presents a continuing danger to 645
the person to be protected; 646

(3) A request for relief under this section. 647

(D)(1) If a person who files a petition pursuant to this 648
section requests an ex parte order, the court shall hold an ex 649
parte hearing as soon as possible after the petition is filed, but 650
not later than the next day that the court is in session after the 651
petition is filed. The court, for good cause shown at the ex parte 652
hearing, may enter any temporary orders, with or without bond, 653
that the court finds necessary for the safety and protection of 654
the person to be protected by the order. Immediate and present 655
danger to the person to be protected by the protection order 656
constitutes good cause for purposes of this section. Immediate and 657
present danger includes, but is not limited to, situations in 658
which the respondent has threatened the person to be protected by 659
the protection order with bodily harm or in which the respondent 660
previously has been convicted of or pleaded guilty to a violation 661
of section 2903.211 of the Revised Code or a sexually oriented 662
offense against the person to be protected by the protection 663
order. 664

(2)(a) If the court, after an ex parte hearing, issues a 665
protection order described in division (E) of this section, the 666
court shall schedule a full hearing for a date that is within ten 667
court days after the ex parte hearing. The court shall give the 668
respondent notice of, and an opportunity to be heard at, the full 669
hearing. The court shall hold the full hearing on the date 670
scheduled under this division unless the court grants a 671
continuance of the hearing in accordance with this division. Under 672
any of the following circumstances or for any of the following 673
reasons, the court may grant a continuance of the full hearing to 674

a reasonable time determined by the court: 675

(i) Prior to the date scheduled for the full hearing under 676
this division, the respondent has not been served with the 677
petition filed pursuant to this section and notice of the full 678
hearing. 679

(ii) The parties consent to the continuance. 680

(iii) The continuance is needed to allow a party to obtain 681
counsel. 682

(iv) The continuance is needed for other good cause. 683

(b) An ex parte order issued under this section does not 684
expire because of a failure to serve notice of the full hearing 685
upon the respondent before the date set for the full hearing under 686
division (D)(2)(a) of this section or because the court grants a 687
continuance under that division. 688

(3) If a person who files a petition pursuant to this section 689
does not request an ex parte order, or if a person requests an ex 690
parte order but the court does not issue an ex parte order after 691
an ex parte hearing, the court shall proceed as in a normal civil 692
action and grant a full hearing on the matter. 693

(E)(1)(a) After an ex parte or full hearing, the court may 694
issue any protection order, with or without bond, that contains 695
terms designed to ensure the safety and protection of the person 696
to be protected by the protection order, including, but not 697
limited to, a requirement that the respondent refrain from 698
entering the residence, school, business, or place of employment 699
of the petitioner or family or household member. If the court 700
includes a requirement that the respondent refrain from entering 701
the residence, school, business, or place of employment of the 702
petitioner or family or household member in the order, it also 703
shall include in the order provisions of the type described in 704
division (E)(5) of this section. The court may include within the 705

scope of a protection order issued under this section any 706
companion animal that is in the residence of the person to be 707
protected. 708

(b) After a full hearing, if the court considering a petition 709
that includes an allegation of the type described in division 710
(C)(2) of this section, or the court upon its own motion, finds 711
upon clear and convincing evidence that the petitioner reasonably 712
believed that the respondent's conduct at any time preceding the 713
filing of the petition endangered the health, welfare, or safety 714
of the person to be protected and that the respondent presents a 715
continuing danger to the person to be protected, the court may 716
order that the respondent be electronically monitored for a period 717
of time and under the terms and conditions that the court 718
determines are appropriate. Electronic monitoring shall be in 719
addition to any other relief granted to the petitioner. 720

(2)(a) Any protection order issued pursuant to this section 721
shall be valid until a date certain but not later than five years 722
from the date of its issuance. 723

(b) Any protection order issued pursuant to this section may 724
be renewed in the same manner as the original order was issued. 725

(3) A court may not issue a protection order that requires a 726
petitioner to do or to refrain from doing an act that the court 727
may require a respondent to do or to refrain from doing under 728
division (E)(1) of this section unless all of the following apply: 729

(a) The respondent files a separate petition for a protection 730
order in accordance with this section. 731

(b) The petitioner is served with notice of the respondent's 732
petition at least forty-eight hours before the court holds a 733
hearing with respect to the respondent's petition, or the 734
petitioner waives the right to receive this notice. 735

(c) If the petitioner has requested an ex parte order 736

pursuant to division (D) of this section, the court does not delay 737
any hearing required by that division beyond the time specified in 738
that division in order to consolidate the hearing with a hearing 739
on the petition filed by the respondent. 740

(d) After a full hearing at which the respondent presents 741
evidence in support of the request for a protection order and the 742
petitioner is afforded an opportunity to defend against that 743
evidence, the court determines that the petitioner has committed a 744
violation of section 2903.211 of the Revised Code against the 745
person to be protected by the protection order issued pursuant to 746
this section, has committed a sexually oriented offense against 747
the person to be protected by the protection order, or has 748
violated a protection order issued pursuant to section 2903.213 of 749
the Revised Code relative to the person to be protected by the 750
protection order issued pursuant to this section. 751

(4) No protection order issued pursuant to this section shall 752
in any manner affect title to any real property. 753

(5)(a) If the court issues a protection order under this 754
section that includes a requirement that the alleged offender 755
refrain from entering the residence, school, business, or place of 756
employment of the petitioner or a family or household member, the 757
order shall clearly state that the order cannot be waived or 758
nullified by an invitation to the alleged offender from the 759
complainant to enter the residence, school, business, or place of 760
employment or by the alleged offender's entry into one of those 761
places otherwise upon the consent of the petitioner or family or 762
household member. 763

(b) Division (E)(5)(a) of this section does not limit any 764
discretion of a court to determine that an alleged offender 765
charged with a violation of section 2919.27 of the Revised Code, 766
with a violation of a municipal ordinance substantially equivalent 767
to that section, or with contempt of court, which charge is based 768

on an alleged violation of a protection order issued under this 769
section, did not commit the violation or was not in contempt of 770
court. 771

(F)(1) The court shall cause the delivery of a copy of any 772
protection order that is issued under this section to the 773
petitioner, to the respondent, and to all law enforcement agencies 774
that have jurisdiction to enforce the order. The court shall 775
direct that a copy of the order be delivered to the respondent on 776
the same day that the order is entered. 777

(2) Upon the issuance of a protection order under this 778
section, the court shall provide the parties to the order with the 779
following notice orally or by form: 780

"NOTICE 781

As a result of this order, it may be unlawful for you to 782
possess or purchase a firearm, including a rifle, pistol, or 783
revolver, or ammunition pursuant to federal law under 18 U.S.C. 784
922(g)(8). If you have any questions whether this law makes it 785
illegal for you to possess or purchase a firearm or ammunition, 786
you should consult an attorney." 787

(3) All law enforcement agencies shall establish and maintain 788
an index for the protection orders delivered to the agencies 789
pursuant to division (F)(1) of this section. With respect to each 790
order delivered, each agency shall note on the index the date and 791
time that it received the order. 792

(4) Regardless of whether the petitioner has registered the 793
protection order in the county in which the officer's agency has 794
jurisdiction pursuant to division (M) of this section, any officer 795
of a law enforcement agency shall enforce a protection order 796
issued pursuant to this section by any court in this state in 797
accordance with the provisions of the order, including removing 798
the respondent from the premises, if appropriate. 799

(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 831
constitutes a violation of that section; 832

(b) Punishment for contempt of court. 833

(2) The punishment of a person for contempt of court for 834
violation of a protection order issued under this section does not 835
bar criminal prosecution of the person for a violation of section 836
2919.27 of the Revised Code. However, a person punished for 837
contempt of court is entitled to credit for the punishment imposed 838
upon conviction of a violation of that section, and a person 839
convicted of a violation of that section shall not subsequently be 840
punished for contempt of court arising out of the same activity. 841

(L) In all stages of a proceeding under this section, a 842
petitioner may be accompanied by a victim advocate. 843

(M)(1) A petitioner who obtains a protection order under this 844
section or a protection order under section 2903.213 of the 845
Revised Code may provide notice of the issuance or approval of the 846
order to the judicial and law enforcement officials in any county 847
other than the county in which the order is issued by registering 848
that order in the other county pursuant to division (M)(2) of this 849
section and filing a copy of the registered order with a law 850
enforcement agency in the other county in accordance with that 851
division. A person who obtains a protection order issued by a 852
court of another state may provide notice of the issuance of the 853
order to the judicial and law enforcement officials in any county 854
of this state by registering the order in that county pursuant to 855
section 2919.272 of the Revised Code and filing a copy of the 856
registered order with a law enforcement agency in that county. 857

(2) A petitioner may register a protection order issued 858
pursuant to this section or section 2903.213 of the Revised Code 859
in a county other than the county in which the court that issued 860
the order is located in the following manner: 861

(a) The petitioner shall obtain a certified copy of the order 862
from the clerk of the court that issued the order and present that 863
certified copy to the clerk of the court of common pleas or the 864
clerk of a municipal court or county court in the county in which 865
the order is to be registered. 866

(b) Upon accepting the certified copy of the order for 867
registration, the clerk of the court of common pleas, municipal 868
court, or county court shall place an endorsement of registration 869
on the order and give the petitioner a copy of the order that 870
bears that proof of registration. 871

(3) The clerk of each court of common pleas, municipal court, 872
or county court shall maintain a registry of certified copies of 873
protection orders that have been issued by courts in other 874
counties pursuant to this section or section 2903.213 of the 875
Revised Code and that have been registered with the clerk. 876

(N) If the court orders electronic monitoring of the 877
respondent under this section, the court shall direct the 878
sheriff's office or any other appropriate law enforcement agency 879
to install the electronic monitoring device and to monitor the 880
respondent. Unless the court determines that the respondent is 881
indigent, the court shall order the respondent to pay the cost of 882
the installation and monitoring of the electronic monitoring 883
device. If the court determines that the respondent is indigent, 884
the cost of the installation and monitoring of the electronic 885
monitoring device shall be paid out of funds from the reparations 886
fund created pursuant to section 2743.191 of the Revised Code. 887

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 888
alleges a violation of section 2909.06, 2909.07, 2911.12, or 889
2911.211 of the Revised Code if the alleged victim of the 890
violation was a family or household member at the time of the 891
violation, a violation of a municipal ordinance that is 892

substantially similar to any of those sections if the alleged 893
victim of the violation was a family or household member at the 894
time of the violation, any offense of violence if the alleged 895
victim of the offense was a family or household member at the time 896
of the commission of the offense, or any sexually oriented offense 897
if the alleged victim of the offense was a family or household 898
member at the time of the commission of the offense, the 899
complainant, the alleged victim, or a family or household member 900
of an alleged victim may file, or, if in an emergency the alleged 901
victim is unable to file, a person who made an arrest for the 902
alleged violation or offense under section 2935.03 of the Revised 903
Code may file on behalf of the alleged victim, a motion that 904
requests the issuance of a temporary protection order as a 905
pretrial condition of release of the alleged offender, in addition 906
to any bail set under Criminal Rule 46. The motion shall be filed 907
with the clerk of the court that has jurisdiction of the case at 908
any time after the filing of the complaint. 909

(2) For purposes of section 2930.09 of the Revised Code, all 910
stages of a proceeding arising out of a complaint alleging the 911
commission of a violation, offense of violence, or sexually 912
oriented offense described in division (A)(1) of this section, 913
including all proceedings on a motion for a temporary protection 914
order, are critical stages of the case, and a victim may be 915
accompanied by a victim advocate or another person to provide 916
support to the victim as provided in that section. 917

(B) The motion shall be prepared on a form that is provided 918
by the clerk of the court, which form shall be substantially as 919
follows: 920

"MOTION FOR TEMPORARY PROTECTION ORDER 921

..... Court 922

Name and address of court 923

State of Ohio 924

| | | |
|---|----------|-----|
| v. | No. | 925 |
| | | 926 |
| Name of Defendant | | 927 |
| (name of person), moves the court to issue a temporary protection | | 928 |
| order containing terms designed to ensure the safety and | | 929 |
| protection of the complainant, alleged victim, and other family or | | 930 |
| household members, <u>and any companion animal that is in the</u> | | 931 |
| <u>complainant's or alleged victim's residence</u> , in relation to the | | 932 |
| named defendant, pursuant to its authority to issue such an order | | 933 |
| under section 2919.26 of the Revised Code. | | 934 |
| A complaint, a copy of which has been attached to this | | 935 |
| motion, has been filed in this court charging the named defendant | | 936 |
| with (name of the specified violation, | | 937 |
| the offense of violence, or sexually oriented offense charged) in | | 938 |
| circumstances in which the victim was a family or household member | | 939 |
| in violation of (section of the Revised Code designating the | | 940 |
| specified violation, offense of violence, or sexually oriented | | 941 |
| offense charged), or charging the named defendant with a violation | | 942 |
| of a municipal ordinance that is substantially similar to | | 943 |
| (section of the Revised Code designating | | 944 |
| the specified violation, offense of violence, or sexually oriented | | 945 |
| offense charged) involving a family or household member. | | 946 |
| I understand that I must appear before the court, at a time | | 947 |
| set by the court within twenty-four hours after the filing of this | | 948 |
| motion, for a hearing on the motion or that, if I am unable to | | 949 |
| appear because of hospitalization or a medical condition resulting | | 950 |
| from the offense alleged in the complaint, a person who can | | 951 |
| provide information about my need for a temporary protection order | | 952 |
| must appear before the court in lieu of my appearing in court. I | | 953 |
| understand that any temporary protection order granted pursuant to | | 954 |
| this motion is a pretrial condition of release and is effective | | 955 |
| only until the disposition of the criminal proceeding arising out | | 956 |

| | |
|--|-----|
| of the attached complaint, or the issuance of a civil protection | 957 |
| order or the approval of a consent agreement, arising out of the | 958 |
| same activities as those that were the basis of the complaint, | 959 |
| under section 3113.31 of the Revised Code. | 960 |
| | 961 |
| Signature of person | 962 |
| (or signature of the arresting officer who filed the motion on | 963 |
| behalf of the alleged victim) | 964 |
| | 965 |
| Address of person (or office address of the arresting officer who | 966 |
| filed the motion on behalf of the alleged victim)" | 967 |
| (C)(1) As soon as possible after the filing of a motion that | 968 |
| requests the issuance of a temporary protection order, but not | 969 |
| later than twenty-four hours after the filing of the motion, the | 970 |
| court shall conduct a hearing to determine whether to issue the | 971 |
| order. The person who requested the order shall appear before the | 972 |
| court and provide the court with the information that it requests | 973 |
| concerning the basis of the motion. If the person who requested | 974 |
| the order is unable to appear and if the court finds that the | 975 |
| failure to appear is because of the person's hospitalization or | 976 |
| medical condition resulting from the offense alleged in the | 977 |
| complaint, another person who is able to provide the court with | 978 |
| the information it requests may appear in lieu of the person who | 979 |
| requested the order. If the court finds that the safety and | 980 |
| protection of the complainant, alleged victim, or any other family | 981 |
| or household member of the alleged victim may be impaired by the | 982 |
| continued presence of the alleged offender, the court may issue a | 983 |
| temporary protection order, as a pretrial condition of release, | 984 |
| that contains terms designed to ensure the safety and protection | 985 |
| of the complainant, alleged victim, or the family or household | 986 |
| member, including a requirement that the alleged offender refrain | 987 |

from entering the residence, school, business, or place of 988
employment of the complainant, alleged victim, or the family or 989
household member. The court may include within the scope of a 990
protection order issued under this section any companion animal 991
that is in the complainant's or alleged victim's residence. 992

(2)(a) If the court issues a temporary protection order that 993
includes a requirement that the alleged offender refrain from 994
entering the residence, school, business, or place of employment 995
of the complainant, the alleged victim, or the family or household 996
member, the order shall state clearly that the order cannot be 997
waived or nullified by an invitation to the alleged offender from 998
the complainant, alleged victim, or family or household member to 999
enter the residence, school, business, or place of employment or 1000
by the alleged offender's entry into one of those places otherwise 1001
upon the consent of the complainant, alleged victim, or family or 1002
household member. 1003

(b) Division (C)(2)(a) of this section does not limit any 1004
discretion of a court to determine that an alleged offender 1005
charged with a violation of section 2919.27 of the Revised Code, 1006
with a violation of a municipal ordinance substantially equivalent 1007
to that section, or with contempt of court, which charge is based 1008
on an alleged violation of a temporary protection order issued 1009
under this section, did not commit the violation or was not in 1010
contempt of court. 1011

(D)(1) Upon the filing of a complaint that alleges a 1012
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1013
Revised Code if the alleged victim of the violation was a family 1014
or household member at the time of the violation, a violation of a 1015
municipal ordinance that is substantially similar to any of those 1016
sections if the alleged victim of the violation was a family or 1017
household member at the time of the violation, any offense of 1018
violence if the alleged victim of the offense was a family or 1019

household member at the time of the commission of the offense, or 1020
any sexually oriented offense if the alleged victim of the offense 1021
was a family or household member at the time of the commission of 1022
the offense, the court, upon its own motion, may issue a temporary 1023
protection order as a pretrial condition of release if it finds 1024
that the safety and protection of the complainant, alleged victim, 1025
or other family or household member of the alleged offender may be 1026
impaired by the continued presence of the alleged offender. The 1027
court may include within the scope of a protection order issued 1028
under this section any companion animal that is in the 1029
complainant's or alleged victim's residence. 1030

(2) If the court issues a temporary protection order under 1031
this section as an ex parte order, it shall conduct, as soon as 1032
possible after the issuance of the order, a hearing in the 1033
presence of the alleged offender not later than the next day on 1034
which the court is scheduled to conduct business after the day on 1035
which the alleged offender was arrested or at the time of the 1036
appearance of the alleged offender pursuant to summons to 1037
determine whether the order should remain in effect, be modified, 1038
or be revoked. The hearing shall be conducted under the standards 1039
set forth in division (C) of this section. 1040

(3) An order issued under this section shall contain only 1041
those terms authorized in orders issued under division (C) of this 1042
section. 1043

(4) If a municipal court or a county court issues a temporary 1044
protection order under this section and if, subsequent to the 1045
issuance of the order, the alleged offender who is the subject of 1046
the order is bound over to the court of common pleas for 1047
prosecution of a felony arising out of the same activities as 1048
those that were the basis of the complaint upon which the order is 1049
based, notwithstanding the fact that the order was issued by a 1050
municipal court or county court, the order shall remain in effect, 1051

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

"NOTICE

If you are convicted of a misdemeanor crime involving violence in which you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(9). If you have any questions whether this law

makes it illegal for you to possess or purchase a firearm or 1115
ammunition, you should consult an attorney." 1116

(3) All law enforcement agencies shall establish and maintain 1117
an index for the temporary protection orders delivered to the 1118
agencies pursuant to division (G)(1) of this section. With respect 1119
to each order delivered, each agency shall note on the index, the 1120
date and time of the receipt of the order by the agency. 1121

(4) A complainant, alleged victim, or other person who 1123
obtains a temporary protection order under this section may 1124
provide notice of the issuance of the temporary protection order 1125
to the judicial and law enforcement officials in any county other 1126
than the county in which the order is issued by registering that 1127
order in the other county in accordance with division (N) of 1128
section 3113.31 of the Revised Code and filing a copy of the 1129
registered protection order with a law enforcement agency in the 1130
other county in accordance with that division. 1131

(5) Any officer of a law enforcement agency shall enforce a 1132
temporary protection order issued by any court in this state in 1133
accordance with the provisions of the order, including removing 1134
the defendant from the premises, regardless of whether the order 1135
is registered in the county in which the officer's agency has 1136
jurisdiction as authorized by division (G)(4) of this section. 1137

(H) Upon a violation of a temporary protection order, the 1138
court may issue another temporary protection order, as a pretrial 1139
condition of release, that modifies the terms of the order that 1140
was violated. 1141

(I)(1) As used in divisions (I)(1) and (2) of this section, 1142
"defendant" means a person who is alleged in a complaint to have 1143
committed a violation, offense of violence, or sexually oriented 1144
offense of the type described in division (A) of this section. 1145

(2) If a complaint is filed that alleges that a person committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section, the court may not issue a temporary protection order under this section that requires the complainant, the alleged victim, or another family or household member of the defendant to do or refrain from doing an act that the court may require the defendant to do or refrain from doing under a temporary protection order unless both of the following apply:

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

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

(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 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 motion 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) As used in this section:

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

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

~~(2)~~(3) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings.

Sec. 3113.31. (A) As used in this section:

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

(a) Attempting to cause or recklessly causing bodily injury;

(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;

(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;

(d) Committing a sexually oriented offense.

(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.

(3) "Family or household member" means any of the following:

(a) Any of the following who is residing with or has resided

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| with the respondent: | 1206 |
| (i) A spouse, a person living as a spouse, or a former spouse of the respondent; | 1207 1208 |
| (ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent; | 1209 1210 |
| (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. | 1211 1212 1213 1214 |
| (b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent. | 1215 1216 |
| (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. | 1217 1218 1219 1220 1221 1222 |
| (5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. | 1223 1224 |
| (6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. | 1225 1226 |
| <u>(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.</u> | 1227 1228 |
| (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. | 1229 1230 1231 1232 |
| (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 | 1233 1234 1235 |

household member, by filing a petition with the court. The 1236
petition shall contain or state: 1237

(1) An allegation that the respondent engaged in domestic 1238
violence against a family or household member of the respondent, 1239
including a description of the nature and extent of the domestic 1240
violence; 1241

(2) The relationship of the respondent to the petitioner, and 1242
to the victim if other than the petitioner; 1243

(3) A request for relief under this section. 1244

(D)(1) If a person who files a petition pursuant to this 1245
section requests an ex parte order, the court shall hold an ex 1246
parte hearing on the same day that the petition is filed. The 1247
court, for good cause shown at the ex parte hearing, may enter any 1248
temporary orders, with or without bond, including, but not limited 1249
to, an order described in division (E)(1)(a), (b), or (c) of this 1250
section, that the court finds necessary to protect the family or 1251
household member from domestic violence. Immediate and present 1252
danger of domestic violence to the family or household member 1253
constitutes good cause for purposes of this section. Immediate and 1254
present danger includes, but is not limited to, situations in 1255
which the respondent has threatened the family or household member 1256
with bodily harm, in which the respondent has threatened the 1257
family or household member with a sexually oriented offense, or in 1258
which the respondent previously has been convicted of or pleaded 1259
guilty to an offense that constitutes domestic violence against 1260
the family or household member. 1261

(2)(a) If the court, after an ex parte hearing, issues an 1262
order described in division (E)(1)(b) or (c) of this section, the 1263
court shall schedule a full hearing for a date that is within 1264
seven court days after the ex parte hearing. If any other type of 1265
protection order that is authorized under division (E) of this 1266

section is issued by the court after an ex parte hearing, the 1267
court shall schedule a full hearing for a date that is within ten 1268
court days after the ex parte hearing. The court shall give the 1269
respondent notice of, and an opportunity to be heard at, the full 1270
hearing. The court shall hold the full hearing on the date 1271
scheduled under this division unless the court grants a 1272
continuance of the hearing in accordance with this division. Under 1273
any of the following circumstances or for any of the following 1274
reasons, the court may grant a continuance of the full hearing to 1275
a reasonable time determined by the court: 1276

(i) Prior to the date scheduled for the full hearing under 1277
this division, the respondent has not been served with the 1278
petition filed pursuant to this section and notice of the full 1279
hearing. 1280

(ii) The parties consent to the continuance. 1281

(iii) The continuance is needed to allow a party to obtain 1282
counsel. 1283

(iv) The continuance is needed for other good cause. 1284

(b) An ex parte order issued under this section does not 1285
expire because of a failure to serve notice of the full hearing 1286
upon the respondent before the date set for the full hearing under 1287
division (D)(2)(a) of this section or because the court grants a 1288
continuance under that division. 1289

(3) If a person who files a petition pursuant to this section 1290
does not request an ex parte order, or if a person requests an ex 1291
parte order but the court does not issue an ex parte order after 1292
an ex parte hearing, the court shall proceed as in a normal civil 1293
action and grant a full hearing on the matter. 1294

(E)(1) After an ex parte or full hearing, the court may grant 1295
any protection order, with or without bond, or approve any consent 1296
agreement to bring about a cessation of domestic violence against 1297

the family or household members. The order or agreement may: 1298

(a) Direct the respondent to refrain from abusing or from 1299
committing sexually oriented offenses against the family or 1300
household members; 1301

(b) Grant possession of the residence or household to the 1302
petitioner or other family or household member, to the exclusion 1303
of the respondent, by evicting the respondent, when the residence 1304
or household is owned or leased solely by the petitioner or other 1305
family or household member, or by ordering the respondent to 1306
vacate the premises, when the residence or household is jointly 1307
owned or leased by the respondent, and the petitioner or other 1308
family or household member; 1309

(c) When the respondent has a duty to support the petitioner 1310
or other family or household member living in the residence or 1311
household and the respondent is the sole owner or lessee of the 1312
residence or household, grant possession of the residence or 1313
household to the petitioner or other family or household member, 1314
to the exclusion of the respondent, by ordering the respondent to 1315
vacate the premises, or, in the case of a consent agreement, allow 1316
the respondent to provide suitable, alternative housing; 1317

(d) Temporarily allocate parental rights and responsibilities 1318
for the care of, or establish temporary parenting time rights with 1319
regard to, minor children, if no other court has determined, or is 1320
determining, the allocation of parental rights and 1321
responsibilities for the minor children or parenting time rights; 1322

(e) Require the respondent to maintain support, if the 1323
respondent customarily provides for or contributes to the support 1324
of the family or household member, or if the respondent has a duty 1325
to support the petitioner or family or household member; 1326

(f) Require the respondent, petitioner, victim of domestic 1327
violence, or any combination of those persons, to seek counseling; 1328

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

(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the apportionment of household and family personal property.

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

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

(b) Subject to the limitation on the duration of an order or

agreement set forth in division (E)(3)(a) of this section, any 1361
order under division (E)(1)(d) of this section shall terminate on 1362
the date that a court in an action for divorce, dissolution of 1363
marriage, or legal separation brought by the petitioner or 1364
respondent issues an order allocating parental rights and 1365
responsibilities for the care of children or on the date that a 1366
juvenile court in an action brought by the petitioner or 1367
respondent issues an order awarding legal custody of minor 1368
children. Subject to the limitation on the duration of an order or 1369
agreement set forth in division (E)(3)(a) of this section, any 1370
order under division (E)(1)(e) of this section shall terminate on 1371
the date that a court in an action for divorce, dissolution of 1372
marriage, or legal separation brought by the petitioner or 1373
respondent issues a support order or on the date that a juvenile 1374
court in an action brought by the petitioner or respondent issues 1375
a support order. 1376

(c) Any protection order issued or consent agreement approved 1377
pursuant to this section may be renewed in the same manner as the 1378
original order or agreement was issued or approved. 1379

(4) A court may not issue a protection order that requires a 1380
petitioner to do or to refrain from doing an act that the court 1381
may require a respondent to do or to refrain from doing under 1382
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1383
section unless all of the following apply: 1384

(a) The respondent files a separate petition for a protection 1385
order in accordance with this section. 1386

(b) The petitioner is served notice of the respondent's 1387
petition at least forty-eight hours before the court holds a 1388
hearing with respect to the respondent's petition, or the 1389
petitioner waives the right to receive this notice. 1390

(c) If the petitioner has requested an ex parte order 1391

pursuant to division (D) of this section, the court does not delay 1392
any hearing required by that division beyond the time specified in 1393
that division in order to consolidate the hearing with a hearing 1394
on the petition filed by the respondent. 1395

(d) After a full hearing at which the respondent presents 1396
evidence in support of the request for a protection order and the 1397
petitioner is afforded an opportunity to defend against that 1398
evidence, the court determines that the petitioner has committed 1399
an act of domestic violence or has violated a temporary protection 1400
order issued pursuant to section 2919.26 of the Revised Code, that 1401
both the petitioner and the respondent acted primarily as 1402
aggressors, and that neither the petitioner nor the respondent 1403
acted primarily in self-defense. 1404

(5) No protection order issued or consent agreement approved 1405
under this section shall in any manner affect title to any real 1406
property. 1407

(6)(a) If a petitioner, or the child of a petitioner, who 1408
obtains a protection order or consent agreement pursuant to 1409
division (E)(1) of this section or a temporary protection order 1410
pursuant to section 2919.26 of the Revised Code and is the subject 1411
of a parenting time order issued pursuant to section 3109.051 or 1412
3109.12 of the Revised Code or a visitation or companionship order 1413
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 1414
Revised Code or division (E)(1)(d) of this section granting 1415
parenting time rights to the respondent, the court may require the 1416
public children services agency of the county in which the court 1417
is located to provide supervision of the respondent's exercise of 1418
parenting time or visitation or companionship rights with respect 1419
to the child for a period not to exceed nine months, if the court 1420
makes the following findings of fact: 1421

(i) The child is in danger from the respondent; 1422

(ii) No other person or agency is available to provide the supervision. 1423
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(b) A court that requires an agency to provide supervision pursuant to division (E)(6)(a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost. 1425
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(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member. 1430
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(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court. 1441
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(8)(a) The court may modify or terminate as provided in division (E)(8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved the consent agreement shall hear a motion for modification or termination of the protection order or consent agreement pursuant to division 1449
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(E)(8) of this section. 1455

(b) Either the petitioner or the respondent of the original 1456
protection order or consent agreement may bring a motion for 1457
modification or termination of a protection order or consent 1458
agreement that was issued or approved after a full hearing. The 1459
court shall require notice of the motion to be made as provided by 1460
the Rules of Civil Procedure. If the petitioner for the original 1461
protection order or consent agreement has requested that the 1462
petitioner's address be kept confidential, the court shall not 1463
disclose the address to the respondent of the original protection 1464
order or consent agreement or any other person, except as 1465
otherwise required by law. The moving party has the burden of 1466
proof to show, by a preponderance of the evidence, that 1467
modification or termination of the protection order or consent 1468
agreement is appropriate because either the protection order or 1469
consent agreement is no longer needed or because the terms of the 1470
original protection order or consent agreement are no longer 1471
appropriate. 1472

(c) In considering whether to modify or terminate a 1473
protection order or consent agreement issued or approved under 1474
this section, the court shall consider all relevant factors, 1475
including, but not limited to, the following: 1476

(i) Whether the petitioner consents to modification or 1477
termination of the protection order or consent agreement; 1478

(ii) Whether the petitioner fears the respondent; 1479

(iii) The current nature of the relationship between the 1480
petitioner and the respondent; 1481

(iv) The circumstances of the petitioner and respondent, 1482
including the relative proximity of the petitioner's and 1483
respondent's workplaces and residences and whether the petitioner 1484
and respondent have minor children together; 1485

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| (v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement; | 1486 1487 |
| (vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol; | 1488 1489 |
| (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; | 1490 1491 1492 |
| (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; | 1493 1494 1495 1496 1497 |
| (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; | 1498 1499 1500 1501 |
| (x) The time that has elapsed since the protection order was issued or since the consent agreement was approved; | 1502 1503 |
| (xi) The age and health of the respondent; | 1504 |
| (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. | 1505 1506 1507 1508 |
| (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 | 1509 1510 1511 1512 1513 1514 1515 |

modified or terminated as provided in division (N) of this 1516
section. 1517

(e) If the respondent moves for modification or termination 1518
of a protection order or consent agreement pursuant to this 1519
section, the court may assess costs against the respondent for the 1520
filing of the motion. 1521

(9) The court shall include in a protection order issued or 1522
consent agreement approved under this section any companion animal 1523
that is in the petitioner's residence. 1524

(F)(1) A copy of any protection order, or consent agreement, 1525
that is issued, approved, modified, or terminated under this 1526
section shall be issued by the court to the petitioner, to the 1527
respondent, and to all law enforcement agencies that have 1528
jurisdiction to enforce the order or agreement. The court shall 1529
direct that a copy of an order be delivered to the respondent on 1530
the same day that the order is entered. 1531

(2) Upon the issuance of a protection order or the approval 1532
of a consent agreement under this section, the court shall provide 1533
the parties to the order or agreement with the following notice 1534
orally or by form: 1535

"NOTICE 1536

As a result of this order or consent agreement, it may be 1537
unlawful for you to possess or purchase a firearm, including a 1538
rifle, pistol, or revolver, or ammunition pursuant to federal law 1539
under 18 U.S.C. 922(g)(8). If you have any questions whether this 1540
law makes it illegal for you to possess or purchase a firearm or 1541
ammunition, you should consult an attorney." 1542

(3) All law enforcement agencies shall establish and maintain 1543
an index for the protection orders and the approved consent 1544
agreements delivered to the agencies pursuant to division (F)(1) 1545
of this section. With respect to each order and consent agreement 1546

delivered, each agency shall note on the index the date and time 1547
that it received the order or consent agreement. 1548

(4) Regardless of whether the petitioner has registered the 1549
order or agreement in the county in which the officer's agency has 1550
jurisdiction pursuant to division (N) of this section, any officer 1551
of a law enforcement agency shall enforce a protection order 1552
issued or consent agreement approved by any court in this state in 1553
accordance with the provisions of the order or agreement, 1554
including removing the respondent from the premises, if 1555
appropriate. 1556

(G) Any proceeding under this section shall be conducted in 1557
accordance with the Rules of Civil Procedure, except that an order 1558
under this section may be obtained with or without bond. An order 1559
issued under this section, other than an ex parte order, that 1560
grants a protection order or approves a consent agreement, that 1561
refuses to grant a protection order or approve a consent agreement 1562
that modifies or terminates a protection order or consent 1563
agreement, or that refuses to modify or terminate a protection 1564
order or consent agreement, is a final, appealable order. The 1565
remedies and procedures provided in this section are in addition 1566
to, and not in lieu of, any other available civil or criminal 1567
remedies. 1568

(H) The filing of proceedings under this section does not 1569
excuse a person from filing any report or giving any notice 1570
required by section 2151.421 of the Revised Code or by any other 1571
law. When a petition under this section alleges domestic violence 1572
against minor children, the court shall report the fact, or cause 1573
reports to be made, to a county, township, or municipal peace 1574
officer under section 2151.421 of the Revised Code. 1575

(I) Any law enforcement agency that investigates a domestic 1576
dispute shall provide information to the family or household 1577
members involved regarding the relief available under this section 1578

and section 2919.26 of the Revised Code. 1579

(J) Notwithstanding any provision of law to the contrary and 1580
regardless of whether a protection order is issued or a consent 1581
agreement is approved by a court of another county or a court of 1582
another state, no court or unit of state or local government shall 1583
charge any fee, cost, deposit, or money in connection with the 1584
filing of a petition pursuant to this section or in connection 1585
with the filing, issuance, registration, or service of a 1586
protection order or consent agreement, or for obtaining a 1587
certified copy of a protection order or consent agreement. 1588

(K)(1) The court shall comply with Chapters 3119., 3121., 1589
3123., and 3125. of the Revised Code when it makes or modifies an 1590
order for child support under this section. 1591

(2) If any person required to pay child support under an 1592
order made under this section on or after April 15, 1985, or 1593
modified under this section on or after December 31, 1986, is 1594
found in contempt of court for failure to make support payments 1595
under the order, the court that makes the finding, in addition to 1596
any other penalty or remedy imposed, shall assess all court costs 1597
arising out of the contempt proceeding against the person and 1598
require the person to pay any reasonable attorney's fees of any 1599
adverse party, as determined by the court, that arose in relation 1600
to the act of contempt. 1601

(L)(1) A person who violates a protection order issued or a 1602
consent agreement approved under this section is subject to the 1603
following sanctions: 1604

(a) Criminal prosecution for a violation of section 2919.27 1605
of the Revised Code, if the violation of the protection order or 1606
consent agreement constitutes a violation of that section; 1607

(b) Punishment for contempt of court. 1608

(2) The punishment of a person for contempt of court for 1609

violation of a protection order issued or a consent agreement 1610
approved under this section does not bar criminal prosecution of 1611
the person for a violation of section 2919.27 of the Revised Code. 1612
However, a person punished for contempt of court is entitled to 1613
credit for the punishment imposed upon conviction of a violation 1614
of that section, and a person convicted of a violation of that 1615
section shall not subsequently be punished for contempt of court 1616
arising out of the same activity. 1617

(M) In all stages of a proceeding under this section, a 1618
petitioner may be accompanied by a victim advocate. 1619

(N)(1) A petitioner who obtains a protection order or consent 1620
agreement under this section or a temporary protection order under 1621
section 2919.26 of the Revised Code may provide notice of the 1622
issuance or approval of the order or agreement to the judicial and 1623
law enforcement officials in any county other than the county in 1624
which the order is issued or the agreement is approved by 1625
registering that order or agreement in the other county pursuant 1626
to division (N)(2) of this section and filing a copy of the 1627
registered order or registered agreement with a law enforcement 1628
agency in the other county in accordance with that division. A 1629
person who obtains a protection order issued by a court of another 1630
state may provide notice of the issuance of the order to the 1631
judicial and law enforcement officials in any county of this state 1632
by registering the order in that county pursuant to section 1633
2919.272 of the Revised Code and filing a copy of the registered 1634
order with a law enforcement agency in that county. 1635

(2) A petitioner may register a temporary protection order, 1636
protection order, or consent agreement in a county other than the 1637
county in which the court that issued the order or approved the 1638
agreement is located in the following manner: 1639

(a) The petitioner shall obtain a certified copy of the order 1640
or agreement from the clerk of the court that issued the order or 1641

approved the agreement and present that certified copy to the 1642
clerk of the court of common pleas or the clerk of a municipal 1643
court or county court in the county in which the order or 1644
agreement is to be registered. 1645

(b) Upon accepting the certified copy of the order or 1646
agreement for registration, the clerk of the court of common 1647
pleas, municipal court, or county court shall place an endorsement 1648
of registration on the order or agreement and give the petitioner 1649
a copy of the order or agreement that bears that proof of 1650
registration. 1651

(3) The clerk of each court of common pleas, the clerk of 1652
each municipal court, and the clerk of each county court shall 1653
maintain a registry of certified copies of temporary protection 1654
orders, protection orders, or consent agreements that have been 1655
issued or approved by courts in other counties and that have been 1656
registered with the clerk. 1657

Sec. 4731.284. The state medical board shall approve one or 1658
more continuing medical education courses of study included within 1659
the programs certified by the Ohio state medical association and 1660
the Ohio osteopathic association pursuant to section 4731.281 of 1661
the Revised Code with regard to the counseling of individuals who 1662
abuse animals. 1663

Sec. 4732.141. (A)(1) On or before the thirty-first day of 1664
August of each even-numbered year beginning in 1998 and until the 1665
requirement set forth in division (A)(2) of this section applies, 1666
each person licensed under this chapter by the state board of 1667
psychology shall have completed, in the preceding two-year period, 1668
not less than twenty hours of continuing education in psychology 1669
or the number of hours determined under division (D) of this 1670
section. 1671

(2) On or before the thirty-first day of August of each 1672
even-numbered year after the biennium in which this amendment 1673
takes effect, each person licensed under this chapter by the state 1674
board of psychology shall have completed, in the preceding 1675
two-year period, not less than twenty-three hours of continuing 1676
education in psychology, including not less than three hours of 1677
continuing education in professional conduct and ethics, or the 1678
number of hours determined under division (D) of this section. 1679

(3) Each person subject to division (A)(1) or (2) of this 1680
section shall certify to the board, at the time of biennial 1681
registration pursuant to section 4732.14 of the Revised Code and 1682
on the registration form prescribed by the board under that 1683
section, that in the preceding two years the person has completed 1684
continuing psychology education in compliance with this section. 1685
The board shall adopt rules establishing the procedure for a 1686
person to certify to the board and for properly recording with the 1687
Ohio psychological association or the state board of education 1688
completion of the continuing education. 1689

(B) Continuing psychology education may be applied to meet 1690
the requirement of division (A) of this section if both of the 1691
following requirements are met: 1692

(1) It is obtained through a program or course approved by 1693
the state board of psychology, the Ohio psychological association, 1694
the Ohio association of black psychologists, or the American 1695
psychological association or, in the case of a licensed school 1696
psychologist or a licensed psychologist with a school psychology 1697
specialty, by the state board of education, the Ohio school 1698
psychologists association, or the national association of school 1699
psychologists; 1700

(2) Completion of the program or course is recorded with the 1701
Ohio psychological association or the state board of education in 1702
accordance with rules adopted by the state board of psychology in 1703

accordance with division (A) of this section. 1704

The state board of psychology may disapprove any program or 1705
course that has been approved by the Ohio psychological 1706
association, Ohio association of black psychologists, American 1707
psychological association, state board of education, Ohio school 1708
psychologists association, or national association of school 1709
psychologists. Such program or course may not be applied to meet 1710
the requirement of division (A) of this section. 1711

(C) Each person licensed under this chapter shall be given a 1712
sufficient choice of continuing education programs or courses in 1713
psychology, including programs or courses on professional conduct 1714
and ethics when required under division (A)(2) of this section, to 1715
ensure that the person has had a reasonable opportunity to 1716
participate in programs or courses that are relevant to the 1717
person's practice in terms of subject matter and level. 1718

(D) The board shall adopt rules providing for reductions of 1719
the hours of continuing psychology education required by this 1720
section for persons in their first registration period. 1721

(E) Each person licensed under this chapter shall retain in 1722
the person's records for at least three years the receipts, 1723
vouchers, or certificates necessary to document completion of 1724
continuing psychology education. Proof of continuing psychology 1725
education recorded with the Ohio psychological association or the 1726
state board of education in accordance with the procedures 1727
established pursuant to division (A) of this section shall serve 1728
as sufficient documentation of completion. With cause, the board 1729
may request the documentation from the person. The board also may 1730
request the documentation from persons licensed under this chapter 1731
selected at random, without cause. The board may review any 1732
continuing psychology education records recorded by the Ohio 1733
psychological association or the state board of education. 1734

(F) The board may excuse persons licensed under this chapter, 1735
as a group or as individuals, from all or any part of the 1736
requirements of this section because of an unusual circumstance, 1737
emergency, or special hardship. 1738

(G) The state board of psychology shall approve one or more 1739
continuing education courses of study that assist psychologists 1740
and school psychologists in recognizing the signs of domestic 1741
violence and its relationship to child abuse. Psychologists and 1742
school psychologists are not required to take the courses. 1743

(H) The state board of psychology shall approve one or more 1744
continuing education courses of study with regard to the 1745
counseling of individuals who abuse animals. 1746

Sec. 4757.33. (A) Except as provided in division (B) of this 1747
section, each person who holds a license or certificate of 1748
registration issued under this chapter shall complete during the 1749
period that the license or certificate is in effect not less than 1750
thirty clock hours of continuing professional education as a 1751
condition of receiving a renewed license or certificate. To have a 1752
lapsed license or certificate of registration restored, a person 1753
shall complete the number of hours of continuing education 1754
specified by the counselor, social worker, and marriage and family 1755
therapist board in rules it shall adopt in accordance with Chapter 1756
119. of the Revised Code. 1757

The professional standards committees of the counselor, 1758
social worker, and marriage and family therapist board shall adopt 1759
rules in accordance with Chapter 119. of the Revised Code 1760
establishing standards and procedures to be followed by the 1761
committees in conducting the continuing education approval 1762
process. 1763

(B) The board may waive the continuing education requirements 1764
established under this section for persons who are unable to 1765

fulfill them because of military service, illness, residence 1766
abroad, or any other reason the committee considers acceptable. 1767

In the case of a social worker licensed by virtue of 1768
receiving, prior to October 10, 1992, a baccalaureate degree in a 1769
program closely related to social work, as a condition of the 1770
first renewal of the license, the social worker ~~must~~ shall 1771
complete at an accredited educational institution a minimum of 1772
five semester hours of social work graduate or undergraduate 1773
credit, or their equivalent, that is acceptable to the committee 1774
and includes a course in social work theory and a course in social 1775
work methods. 1776

(C) The professional standards committees of the counselor, 1777
social worker, and marriage and family therapist board shall 1778
approve one or more continuing education courses of study with 1779
regard to the counseling of individuals who abuse animals. 1780

Section 2. That existing sections 959.99, 2152.19, 2903.213, 1781
2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 of the Revised 1782
Code are hereby repealed. 1783