

As Introduced

**129th General Assembly
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H. B. No. 25

Representative Combs

**Cosponsors: Representatives Derickson, Grossman, Patmon, Pillich, Beck,
Stinziano, Dovilla, Maag, Blair, Stebelton, Rosenberger, Hackett, Ashford**

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A B I L L

To amend sections 955.11, 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, to include the protection of companion 6
animals in temporary protection orders, domestic 7
violence protection orders, anti-stalking 8
protection orders, and related protection orders, 9
and to remove pit bulls from the definition of 10
"vicious dog" in state law. 11

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

Section 1. That sections 955.11, 959.99, 2152.19, 2903.213, 12
2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 be amended and 13
section 4731.284 of the Revised Code be enacted to read as 14
follows: 15

Sec. 955.11. (A) As used in this section: 16

(1)(a) "Dangerous dog" means a dog that, without provocation, 17
and subject to division (A)(1)(b) of this section, has chased or 18

approached in either a menacing fashion or an apparent attitude of
attack, or has attempted to bite or otherwise endanger any person,
while that dog is off the premises of its owner, keeper, or
harborer and not under the reasonable control of its owner,
keeper, harborer, or some other responsible person, or not
physically restrained or confined in a locked pen ~~which~~ that has a
top, locked fenced yard, or other locked enclosure ~~which~~ that has
a top.

(b) "Dangerous dog" does not include a police dog that has
chased or approached in either a menacing fashion or an apparent
attitude of attack, or has attempted to bite or otherwise endanger
any person while the police dog is being used to assist one or
more law enforcement officers in the performance of their official
duties.

(2) "Menacing fashion" means that a dog would cause any
person being chased or approached to reasonably believe that the
dog will cause physical injury to that person.

(3) "Police dog" means a dog that has been trained, and may
be used, to assist one or more law enforcement officers in the
performance of their official duties.

(4)(a) "Vicious dog" means a dog that, without provocation
and subject to division (A)(4)(b) of this section, meets ~~any~~
either of the following:

(i) Has killed or caused serious injury to any person;

(ii) Has caused injury, other than killing or serious injury,
to any person, or has killed another dog.

~~(iii) Belongs to a breed that is commonly known as a pit bull
dog. The ownership, keeping, or harboring of such a breed of dog
shall be prima facie evidence of the ownership, keeping, or
harboring of a vicious dog.~~

(b) "Vicious dog" does not include either of the following: 49

(i) A police dog that has killed or caused serious injury to 50
any person or that has caused injury, other than killing or 51
serious injury, to any person while the police dog is being used 52
to assist one or more law enforcement officers in the performance 53
of their official duties; 54

(ii) A dog that has killed or caused serious injury to any 55
person while a person was committing or attempting to commit a 56
trespass or other criminal offense on the property of the owner, 57
keeper, or harborer of the dog. 58

(5) "Without provocation" means that a dog was not teased, 59
tormented, or abused by a person, or that the dog was not coming 60
to the aid or the defense of a person who was not engaged in 61
illegal or criminal activity and who was not using the dog as a 62
means of carrying out such activity. 63

(B) Upon the transfer of ownership of any dog, the seller of 64
the dog shall give the buyer a transfer of ownership certificate 65
that shall be signed by the seller. The certificate shall contain 66
the registration number of the dog, the name of the seller, and a 67
brief description of the dog. Blank forms of the certificate may 68
be obtained from the county auditor. A transfer of ownership shall 69
be recorded by the auditor upon presentation of a transfer of 70
ownership certificate that is signed by the former owner of a dog 71
and that is accompanied by a fee of twenty-five cents. 72

(C) Prior to the transfer of ownership or possession of any 73
dog, upon the buyer's or other transferee's request, the seller or 74
other transferor of the dog shall give to the person a written 75
notice relative to the behavior and propensities of the dog. 76

(D) Within ten days after the transfer of ownership or 77
possession of any dog, if the seller or other transferor of the 78
dog has knowledge that the dog is a dangerous or vicious dog, he 79

the seller or other transferor shall give to the buyer or other transferee, the board of health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides, a completed copy of a written form on which the seller shall furnish the following information:

(1) The name and address of the buyer or other transferee of the dog;

(2) The age, sex, color, breed, and current registration number of the dog.

In addition, the seller shall answer the following questions, which shall be specifically stated on the form as follows:

"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section.

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

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

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

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

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

(E)(1)(a) Whoever violates division (B) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense. In addition to any other sanction imposed for a felony violation of division (B) of section 959.131 of the Revised Code if the offender is not already undergoing counseling pursuant to division (E)(4) of this section, a court shall impose a term of basic probation supervision or a term of intensive probation supervision.

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

(2) Whoever violates section 959.01 of the Revised Code or

division (C) of section 959.131 of the Revised Code is guilty of a 140
misdemeanor of the second degree on a first offense and a 141
misdemeanor of the first degree on each subsequent offense. 142

(3)(a) A court may order a person who is convicted of or 143
pleads guilty to a violation of section 959.131 of the Revised 144
Code to forfeit to an impounding agency, as defined in section 145
959.132 of the Revised Code, any or all of the companion animals 146
in that person's ownership or care. The court also may prohibit or 147
place limitations on the person's ability to own or care for any 148
companion animals for a specified or indefinite period of time. 149

(b) A court may order a person who is convicted of or pleads 150
guilty to a violation of section 959.131 of the Revised Code to 151
reimburse an impounding agency for the reasonably necessary costs 152
incurred by the agency for the care of a companion animal that the 153
agency impounded as a result of the investigation or prosecution 154
of the violation, provided that the costs were not otherwise paid 155
under section 959.132 of the Revised Code. 156

(4) ~~If (a) Except as otherwise provided in division (E)(4)(b)~~ 157
of this section, if a court has reason to believe that a person 158
who is convicted of or pleads guilty to a violation of section 159
959.131 of the Revised Code suffers from a mental or emotional 160
disorder that contributed to the violation, the court may impose 161
as a community control sanction or as a condition of probation a 162
requirement that the offender undergo psychological evaluation or 163
counseling. The court shall order the offender to pay the costs of 164
the evaluation or counseling. 165

(b) The court shall require a child under eighteen years of 166
age who is adjudicated a delinquent child under Chapter 2152. of 167
the Revised Code for a violation of division (B) of section 168
959.131 of the Revised Code to undergo psychological evaluation 169
and, if the evaluation determines that it is appropriate, to 170
undergo counseling in accordance with division (F) of section 171

<u>2152.19 of the Revised Code.</u>	172
(F) Whoever violates section 959.14 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.	173 174 175
(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree.	176 177
(H) Whoever violates section 959.16 of the Revised Code is guilty of a felony of the fourth degree for <u>on</u> a first offense and a felony of the third degree on each subsequent offense.	178 179 180
Sec. 2152.19. (A) If a child is adjudicated a delinquent child, the court may make any of the following orders of disposition, in addition to any other disposition authorized or required by this chapter:	181 182 183 184
(1) Any order that is authorized by section 2151.353 of the Revised Code for the care and protection of an abused, neglected, or dependent child;	185 186 187
(2) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children by the county, by a district organized under section 2152.41 or 2151.65 <u>or 2152.41</u> of the Revised Code, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or placement required, including, but not limited to, a school, camp, or facility operated under section 2151.65 of the Revised Code;	188 189 190 191 192 193 194 195
(3) Place the child in a detention facility or district detention facility operated under section 2152.41 of the Revised Code, for up to ninety days;	196 197 198
(4) Place the child on community control under any sanctions, services, and conditions that the court prescribes. As a condition of community control in every case and in addition to any other	199 200 201

condition that it imposes upon the child, the court shall require 202
the child to abide by the law during the period of community 203
control. As referred to in this division, community control 204
includes, but is not limited to, the following sanctions and 205
conditions: 206

(a) A period of basic probation supervision in which the 207
child is required to maintain contact with a person appointed to 208
supervise the child in accordance with sanctions imposed by the 209
court; 210

(b) A period of intensive probation supervision in which the 211
child is required to maintain frequent contact with a person 212
appointed by the court to supervise the child while the child is 213
seeking or maintaining employment and participating in training, 214
education, and treatment programs as the order of disposition; 215

(c) A period of day reporting in which the child is required 216
each day to report to and leave a center or another approved 217
reporting location at specified times in order to participate in 218
work, education or training, treatment, and other approved 219
programs at the center or outside the center; 220

(d) A period of community service of up to five hundred hours 221
for an act that would be a felony or a misdemeanor of the first 222
degree if committed by an adult, up to two hundred hours for an 223
act that would be a misdemeanor of the second, third, or fourth 224
degree if committed by an adult, or up to thirty hours for an act 225
that would be a minor misdemeanor if committed by an adult; 226

(e) A requirement that the child obtain a high school 227
diploma, a certificate of high school equivalence, vocational 228
training, or employment; 229

(f) A period of drug and alcohol use monitoring; 230

(g) A requirement of alcohol or drug assessment or 231
counseling, or a period in an alcohol or drug treatment program 232

with a level of security for the child as determined necessary by	233
the court;	234
(h) A period in which the court orders the child to observe a	235
curfew that may involve daytime or evening hours;	236
(i) A requirement that the child serve monitored time;	237
(j) A period of house arrest without electronic monitoring or	238
continuous alcohol monitoring;	239
(k) A period of electronic monitoring or continuous alcohol	240
monitoring without house arrest, or house arrest with electronic	241
monitoring or continuous alcohol monitoring or both electronic	242
monitoring and continuous alcohol monitoring, that does not exceed	243
the maximum sentence of imprisonment that could be imposed upon an	244
adult who commits the same act.	245
A period of house arrest with electronic monitoring or	246
continuous alcohol monitoring or both electronic monitoring and	247
continuous alcohol monitoring, imposed under this division shall	248
not extend beyond the child's twenty-first birthday. If a court	249
imposes a period of house arrest with electronic monitoring or	250
continuous alcohol monitoring or both electronic monitoring and	251
continuous alcohol monitoring, upon a child under this division,	252
it shall require the child: to remain in the child's home or other	253
specified premises for the entire period of house arrest with	254
electronic monitoring or continuous alcohol monitoring or both	255
except when the court permits the child to leave those premises to	256
go to school or to other specified premises. Regarding electronic	257
monitoring, the court also shall require the child to be monitored	258
by a central system that can determine the child's location at	259
designated times; to report periodically to a person designated by	260
the court; and to enter into a written contract with the court	261
agreeing to comply with all requirements imposed by the court,	262
agreeing to pay any fee imposed by the court for the costs of the	263

house arrest with electronic monitoring, and agreeing to waive the right to receive credit for any time served on house arrest with electronic monitoring toward the period of any other dispositional order imposed upon the child if the child violates any of the requirements of the dispositional order of house arrest with electronic monitoring. The court also may impose other reasonable requirements upon the child.

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

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

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

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

(7)(a) If a child is adjudicated a delinquent child for being 296
a chronic truant or a habitual truant who previously has been 297
adjudicated an unruly child for being a habitual truant, do either 298
or both of the following: 299

(i) Require the child to participate in a truancy prevention 300
mediation program; 301

(ii) Make any order of disposition as authorized by this 302
section, except that the court shall not commit the child to a 303
facility described in division (A)(2) or (3) of this section 304
unless the court determines that the child violated a lawful court 305
order made pursuant to division (C)(1)(e) of section 2151.354 of 306
the Revised Code or division (A)(6) of this section. 307

(b) If a child is adjudicated a delinquent child for being a 308
chronic truant or a habitual truant who previously has been 309
adjudicated an unruly child for being a habitual truant and the 310
court determines that the parent, guardian, or other person having 311
care of the child has failed to cause the child's attendance at 312
school in violation of section 3321.38 of the Revised Code, do 313
either or both of the following: 314

(i) Require the parent, guardian, or other person having care 315
of the child to participate in a truancy prevention mediation 316
program; 317

(ii) Require the parent, guardian, or other person having 318
care of the child to participate in any community service program, 319
preferably a community service program that requires the 320
involvement of the parent, guardian, or other person having care 321
of the child in the school attended by the child. 322

(8) Make any further disposition that the court finds proper, 323
except that the child shall not be placed in any of the following: 324

(a) A state correctional institution, a county, multicounty, 325
or municipal jail or workhouse, or another place in which an adult 326

convicted of a crime, under arrest, or charged with a crime is 327
held; 328

(b) A community corrections facility, if the child would be 329
covered by the definition of public safety beds for purposes of 330
sections 5139.41 to 5139.43 of the Revised Code if the court 331
exercised its authority to commit the child to the legal custody 332
of the department of youth services for institutionalization or 333
institutionalization in a secure facility pursuant to this 334
chapter. 335

(B) If a child is adjudicated a delinquent child, in addition 336
to any order of disposition made under division (A) of this 337
section, the court, in the following situations and for the 338
specified periods of time, shall suspend the child's temporary 339
instruction permit, restricted license, probationary driver's 340
license, or nonresident operating privilege, or suspend the 341
child's ability to obtain such a permit: 342

(1) If the child is adjudicated a delinquent child for 343
violating section 2923.122 of the Revised Code, impose a class 344
four suspension of the child's license, permit, or privilege from 345
the range specified in division (A)(4) of section 4510.02 of the 346
Revised Code or deny the child the issuance of a license or permit 347
in accordance with division (F)(1) of section 2923.122 of the 348
Revised Code. 349

(2) If the child is adjudicated a delinquent child for 350
committing an act that if committed by an adult would be a drug 351
abuse offense or for violating division (B) of section 2917.11 of 352
the Revised Code, suspend the child's license, permit, or 353
privilege for a period of time prescribed by the court. The court, 354
in its discretion, may terminate the suspension if the child 355
attends and satisfactorily completes a drug abuse or alcohol abuse 356
education, intervention, or treatment program specified by the 357
court. During the time the child is attending a program described 358

in this division, the court shall retain the child's temporary 359
instruction permit, probationary driver's license, or driver's 360
license, and the court shall return the permit or license if it 361
terminates the suspension as described in this division. 362

(C) The court may establish a victim-offender mediation 363
program in which victims and their offenders meet to discuss the 364
offense and suggest possible restitution. If the court obtains the 365
assent of the victim of the delinquent act committed by the child, 366
the court may require the child to participate in the program. 367

(D)(1) If a child is adjudicated a delinquent child for 368
committing an act that would be a felony if committed by an adult 369
and if the child caused, attempted to cause, threatened to cause, 370
or created a risk of physical harm to the victim of the act, the 371
court, prior to issuing an order of disposition under this 372
section, shall order the preparation of a victim impact statement 373
by the probation department of the county in which the victim of 374
the act resides, by the court's own probation department, or by a 375
victim assistance program that is operated by the state, a county, 376
a municipal corporation, or another governmental entity. The court 377
shall consider the victim impact statement in determining the 378
order of disposition to issue for the child. 379

(2) Each victim impact statement shall identify the victim of 380
the act for which the child was adjudicated a delinquent child, 381
itemize any economic loss suffered by the victim as a result of 382
the act, identify any physical injury suffered by the victim as a 383
result of the act and the seriousness and permanence of the 384
injury, identify any change in the victim's personal welfare or 385
familial relationships as a result of the act and any 386
psychological impact experienced by the victim or the victim's 387
family as a result of the act, and contain any other information 388
related to the impact of the act upon the victim that the court 389
requires. 390

(3) A victim impact statement shall be kept confidential and 391
is not a public record. However, the court may furnish copies of 392
the statement to the department of youth services if the 393
delinquent child is committed to the department or to both the 394
adjudicated delinquent child or the adjudicated delinquent child's 395
counsel and the prosecuting attorney. The copy of a victim impact 396
statement furnished by the court to the department pursuant to 397
this section shall be kept confidential and is not a public 398
record. If an officer is preparing pursuant to section 2947.06 or 399
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 400
investigation report pertaining to a person, the court shall make 401
available to the officer, for use in preparing the report, a copy 402
of any victim impact statement regarding that person. The copies 403
of a victim impact statement that are made available to the 404
adjudicated delinquent child or the adjudicated delinquent child's 405
counsel and the prosecuting attorney pursuant to this division 406
shall be returned to the court by the person to whom they were 407
made available immediately following the imposition of an order of 408
disposition for the child under this chapter. 409

The copy of a victim impact statement that is made available 410
pursuant to this division to an officer preparing a criminal 411
presentence investigation report shall be returned to the court by 412
the officer immediately following its use in preparing the report. 413

(4) The department of youth services shall work with local 414
probation departments and victim assistance programs to develop a 415
standard victim impact statement. 416

(E) If a child is adjudicated a delinquent child for being a 417
chronic truant or a habitual truant who previously has been 418
adjudicated an unruly child for being a habitual truant and the 419
court determines that the parent, guardian, or other person having 420
care of the child has failed to cause the child's attendance at 421
school in violation of section 3321.38 of the Revised Code, in 422

addition to any order of disposition it makes under this section, 423
the court shall warn the parent, guardian, or other person having 424
care of the child that any subsequent adjudication of the child as 425
an unruly or delinquent child for being a habitual or chronic 426
truant may result in a criminal charge against the parent, 427
guardian, or other person having care of the child for a violation 428
of division (C) of section 2919.21 or section 2919.24 of the 429
Revised Code. 430

(F) If a child under eighteen years of age is adjudicated a 431
delinquent child for a violation of division (B) of section 432
959.131 of the Revised Code, the court, in addition to any other 433
disposition that it makes under this section, shall require the 434
child to undergo a psychological evaluation. The evaluation shall 435
determine if the child needs individual or family counseling and 436
shall make a recommendation as to the frequency and the length of 437
time that the counseling should occur. If individual or family 438
counseling is recommended by the evaluation, the court shall 439
require the counseling to take place and shall establish the 440
frequency and the length of time of the counseling. The court may 441
order the parent, guardian, or other person having care of the 442
child to pay the costs of the evaluation, any counseling, or both. 443

(G)(1) During the period of a delinquent child's community 444
control granted under this section, authorized probation officers 445
who are engaged within the scope of their supervisory duties or 446
responsibilities may search, with or without a warrant, the person 447
of the delinquent child, the place of residence of the delinquent 448
child, and a motor vehicle, another item of tangible or intangible 449
personal property, or other real property in which the delinquent 450
child has a right, title, or interest or for which the delinquent 451
child has the express or implied permission of a person with a 452
right, title, or interest to use, occupy, or possess if the 453
probation officers have reasonable grounds to believe that the 454

delinquent child is not abiding by the law or otherwise is not 455
complying with the conditions of the delinquent child's community 456
control. The court that places a delinquent child on community 457
control under this section shall provide the delinquent child with 458
a written notice that informs the delinquent child that authorized 459
probation officers who are engaged within the scope of their 460
supervisory duties or responsibilities may conduct those types of 461
searches during the period of community control if they have 462
reasonable grounds to believe that the delinquent child is not 463
abiding by the law or otherwise is not complying with the 464
conditions of the delinquent child's community control. The court 465
also shall provide the written notice described in division 466
~~(E)~~(G)(2) of this section to each parent, guardian, or custodian 467
of the delinquent child who is described in that division. 468

(2) The court that places a child on community control under 469
this section shall provide the child's parent, guardian, or other 470
custodian with a written notice that informs them that authorized 471
probation officers may conduct searches pursuant to division 472
(E)(1) of this section. The notice shall specifically state that a 473
permissible search might extend to a motor vehicle, another item 474
of tangible or intangible personal property, or a place of 475
residence or other real property in which a notified parent, 476
guardian, or custodian has a right, title, or interest and that 477
the parent, guardian, or custodian expressly or impliedly permits 478
the child to use, occupy, or possess. 479

~~(G)~~(H) If a juvenile court commits a delinquent child to the 480
custody of any person, organization, or entity pursuant to this 481
section and if the delinquent act for which the child is so 482
committed is a sexually oriented offense or is a child-victim 483
oriented offense, the court in the order of disposition shall do 484
one of the following: 485

(1) Require that the child be provided treatment as described 486

in division (A)(2) of section 5139.13 of the Revised Code; 487

(2) Inform the person, organization, or entity that it is the 488
preferred course of action in this state that the child be 489
provided treatment as described in division (A)(2) of section 490
5139.13 of the Revised Code and encourage the person, 491
organization, or entity to provide that treatment. 492

Sec. 2903.213. (A) Except when the complaint involves a 493
person who is a family or household member as defined in section 494
2919.25 of the Revised Code, upon the filing of a complaint that 495
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 496
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 497
a municipal ordinance substantially similar to section 2903.13, 498
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 499
the commission of a sexually oriented offense, the complainant, 500
the alleged victim, or a family or household member of an alleged 501
victim may file a motion that requests the issuance of a 502
protection order as a pretrial condition of release of the alleged 503
offender, in addition to any bail set under Criminal Rule 46. The 504
motion shall be filed with the clerk of the court that has 505
jurisdiction of the case at any time after the filing of the 506
complaint. If the complaint involves a person who is a family or 507
household member, the complainant, the alleged victim, or the 508
family or household member may file a motion for a temporary 509
protection order pursuant to section 2919.26 of the Revised Code. 510

(B) A motion for a protection order under this section shall 511
be prepared on a form that is provided by the clerk of the court, 512
and the form shall be substantially as follows: 513

"Motion for Protection Order 514

..... 515

Name and address of court 516

State of Ohio 517

v.	No.	518
.....		519
Name of Defendant		520
(Name of person), moves the court to issue a protection order		521
containing terms designed to ensure the safety and protection of		522
the complainant or the alleged victim in the above-captioned case		523
<u>and any companion animal that is in the complainant's or alleged</u>		524
<u>victim's residence</u> , in relation to the named defendant, pursuant		525
to its authority to issue a protection order under section		526
2903.213 of the Revised Code.		527
A complaint, a copy of which has been attached to this		528
motion, has been filed in this court charging the named defendant		529
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21,		530
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of		531
a municipal ordinance substantially similar to section 2903.13,		532
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or		533
the commission of a sexually oriented offense.		534
I understand that I must appear before the court, at a time		535
set by the court not later than the next day that the court is in		536
session after the filing of this motion, for a hearing on the		537
motion, and that any protection order granted pursuant to this		538
motion is a pretrial condition of release and is effective only		539
until the disposition of the criminal proceeding arising out of		540
the attached complaint or until the issuance under section		541
2903.214 of the Revised Code of a protection order arising out of		542
the same activities as those that were the basis of the attached		543
complaint.		544
.....		545
Signature of person		546
.....		547

Address of person" 548

(C)(1) As soon as possible after the filing of a motion that 549
requests the issuance of a protection order under this section, 550
but not later than the next day that the court is in session after 551
the filing of the motion, the court shall conduct a hearing to 552
determine whether to issue the order. The person who requested the 553
order shall appear before the court and provide the court with the 554
information that it requests concerning the basis of the motion. 555
If the court finds that the safety and protection of the 556
complainant or the alleged victim may be impaired by the continued 557
presence of the alleged offender, the court may issue a protection 558
order under this section, as a pretrial condition of release, that 559
contains terms designed to ensure the safety and protection of the 560
complainant or the alleged victim, including a requirement that 561
the alleged offender refrain from entering the residence, school, 562
business, or place of employment of the complainant or the alleged 563
victim. The court may include within the scope of a protection 564
order issued under this section any companion animal that is in 565
the complainant's or alleged victim's residence. 566

(2)(a) If the court issues a protection order under this 567
section that includes a requirement that the alleged offender 568
refrain from entering the residence, school, business, or place of 569
employment of the complainant or the alleged victim, the order 570
shall clearly state that the order cannot be waived or nullified 571
by an invitation to the alleged offender from the complainant, the 572
alleged victim, or a family or household member to enter the 573
residence, school, business, or place of employment or by the 574
alleged offender's entry into one of those places otherwise upon 575
the consent of the complainant, the alleged victim, or a family or 576
household member. 577

(b) Division (C)(2)(a) of this section does not limit any 578
discretion of a court to determine that an alleged offender 579

charged with a violation of section 2919.27 of the Revised Code, 580
with a violation of a municipal ordinance substantially equivalent 581
to that section, or with contempt of court, which charge is based 582
on an alleged violation of a protection order issued under this 583
section, did not commit the violation or was not in contempt of 584
court. 585

(D)(1) Except when the complaint involves a person who is a 586
family or household member as defined in section 2919.25 of the 587
Revised Code, upon the filing of a complaint that alleges a 588
violation specified in division (A) of this section, the court, 589
upon its own motion, may issue a protection order under this 590
section as a pretrial condition of release of the alleged offender 591
if it finds that the safety and protection of the complainant or 592
the alleged victim may be impaired by the continued presence of 593
the alleged offender. The court may include within the scope of a 594
protection order issued under this section any companion animal 595
that is in the complainant's or alleged victim's residence. 596

(2) If the court issues a protection order under this section 597
as an ex parte order, it shall conduct, as soon as possible after 598
the issuance of the order but not later than the next day that the 599
court is in session after its issuance, a hearing to determine 600
whether the order should remain in effect, be modified, or be 601
revoked. The hearing shall be conducted under the standards set 602
forth in division (C) of this section. 603

(3) If a municipal court or a county court issues a 604
protection order under this section and if, subsequent to the 605
issuance of the order, the alleged offender who is the subject of 606
the order is bound over to the court of common pleas for 607
prosecution of a felony arising out of the same activities as 608
those that were the basis of the complaint upon which the order is 609
based, notwithstanding the fact that the order was issued by a 610
municipal court or county court, the order shall remain in effect, 611

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 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 disposition, by the court that issued the order or, in the circumstances described in division (D)(3) 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 or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the complaint filed under this section;

(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, 643
executes or posts bond or deposits cash or securities as bail, 644
shall not be held in custody pending a hearing before the court on 645
a motion requesting a protection order under this section. 646

(G)(1) A copy of a protection order that is issued under this 647
section shall be issued by the court to the complainant, to the 648
alleged victim, to the person who requested the order, to the 649
defendant, and to all law enforcement agencies that have 650
jurisdiction to enforce the order. The court shall direct that a 651
copy of the order be delivered to the defendant on the same day 652
that the order is entered. If a municipal court or a county court 653
issues a protection order under this section and if, subsequent to 654
the issuance of the order, the defendant who is the subject of the 655
order is bound over to the court of common pleas for prosecution 656
as described in division (D)(3) of this section, the municipal 657
court or county court shall direct that a copy of the order be 658
delivered to the court of common pleas to which the defendant is 659
bound over. 660

(2) All law enforcement agencies shall establish and maintain 661
an index for the protection orders delivered to the agencies 662
pursuant to division (G)(1) of this section. With respect to each 663
order delivered, each agency shall note on the index the date and 664
time of the agency's receipt of the order. 665

(3) Regardless of whether the petitioner has registered the 666
protection order in the county in which the officer's agency has 667
jurisdiction, any officer of a law enforcement agency shall 668
enforce a protection order issued pursuant to this section in 669
accordance with the provisions of the order. 670

(H) Upon a violation of a protection order issued pursuant to 671
this section, the court may issue another protection order under 672
this section, as a pretrial condition of release, that modifies 673
the terms of the order that was violated. 674

(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.

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

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

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

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

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

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

(B) The court has jurisdiction over all proceedings under 704
this section. 705

(C) A person may seek relief under this section for the 706
person, or any parent or adult household member may seek relief 707
under this section on behalf of any other family or household 708
member, by filing a petition with the court. The petition shall 709
contain or state all of the following: 710

(1) An allegation that the respondent is eighteen years of 711
age or older and engaged in a violation of section 2903.211 of the 712
Revised Code against the person to be protected by the protection 713
order or committed a sexually oriented offense against the person 714
to be protected by the protection order, including a description 715
of the nature and extent of the violation; 716

(2) If the petitioner seeks relief in the form of electronic 717
monitoring of the respondent, an allegation that at any time 718
preceding the filing of the petition the respondent engaged in 719
conduct that would cause a reasonable person to believe that the 720
health, welfare, or safety of the person to be protected was at 721
risk, a description of the nature and extent of that conduct, and 722
an allegation that the respondent presents a continuing danger to 723
the person to be protected; 724

(3) A request for relief under this section. 725

(D)(1) If a person who files a petition pursuant to this 726
section requests an ex parte order, the court shall hold an ex 727
parte hearing as soon as possible after the petition is filed, but 728
not later than the next day that the court is in session after the 729
petition is filed. The court, for good cause shown at the ex parte 730
hearing, may enter any temporary orders, with or without bond, 731
that the court finds necessary for the safety and protection of 732
the person to be protected by the order. Immediate and present 733
danger to the person to be protected by the protection order 734

constitutes good cause for purposes of this section. Immediate and 735
present danger includes, but is not limited to, situations in 736
which the respondent has threatened the person to be protected by 737
the protection order with bodily harm or in which the respondent 738
previously has been convicted of or pleaded guilty to a violation 739
of section 2903.211 of the Revised Code or a sexually oriented 740
offense against the person to be protected by the protection 741
order. 742

(2)(a) If the court, after an ex parte hearing, issues a 743
protection order described in division (E) of this section, the 744
court shall schedule a full hearing for a date that is within ten 745
court days after the ex parte hearing. The court shall give the 746
respondent notice of, and an opportunity to be heard at, the full 747
hearing. The court shall hold the full hearing on the date 748
scheduled under this division unless the court grants a 749
continuance of the hearing in accordance with this division. Under 750
any of the following circumstances or for any of the following 751
reasons, the court may grant a continuance of the full hearing to 752
a reasonable time determined by the court: 753

(i) Prior to the date scheduled for the full hearing under 754
this division, the respondent has not been served with the 755
petition filed pursuant to this section and notice of the full 756
hearing. 757

(ii) The parties consent to the continuance. 758

(iii) The continuance is needed to allow a party to obtain 759
counsel. 760

(iv) The continuance is needed for other good cause. 761

(b) An ex parte order issued under this section does not 762
expire because of a failure to serve notice of the full hearing 763
upon the respondent before the date set for the full hearing under 764
division (D)(2)(a) of this section or because the court grants a 765

continuance under that division. 766

(3) If a person who files a petition pursuant to this section 767
does not request an ex parte order, or if a person requests an ex 768
parte order but the court does not issue an ex parte order after 769
an ex parte hearing, the court shall proceed as in a normal civil 770
action and grant a full hearing on the matter. 771

(E)(1)(a) After an ex parte or full hearing, the court may 772
issue any protection order, with or without bond, that contains 773
terms designed to ensure the safety and protection of the person 774
to be protected by the protection order, including, but not 775
limited to, a requirement that the respondent refrain from 776
entering the residence, school, business, or place of employment 777
of the petitioner or family or household member. If the court 778
includes a requirement that the respondent refrain from entering 779
the residence, school, business, or place of employment of the 780
petitioner or family or household member in the order, it also 781
shall include in the order provisions of the type described in 782
division (E)(5) of this section. The court may include within the 783
scope of a protection order issued under this section any 784
companion animal that is in the residence of the person to be 785
protected. 786

(b) After a full hearing, if the court considering a petition 787
that includes an allegation of the type described in division 788
(C)(2) of this section, or the court upon its own motion, finds 789
upon clear and convincing evidence that the petitioner reasonably 790
believed that the respondent's conduct at any time preceding the 791
filing of the petition endangered the health, welfare, or safety 792
of the person to be protected and that the respondent presents a 793
continuing danger to the person to be protected, the court may 794
order that the respondent be electronically monitored for a period 795
of time and under the terms and conditions that the court 796
determines are appropriate. Electronic monitoring shall be in 797

addition to any other relief granted to the petitioner. 798

(2)(a) Any protection order issued pursuant to this section 799
shall be valid until a date certain but not later than five years 800
from the date of its issuance. 801

(b) Any protection order issued pursuant to this section may 802
be renewed in the same manner as the original order was issued. 803

(3) A court may not issue a protection order that requires a 804
petitioner to do or to refrain from doing an act that the court 805
may require a respondent to do or to refrain from doing under 806
division (E)(1) of this section unless all of the following apply: 807

(a) The respondent files a separate petition for a protection 808
order in accordance with this section. 809

(b) The petitioner is served with notice of the respondent's 810
petition at least forty-eight hours before the court holds a 811
hearing with respect to the respondent's petition, or the 812
petitioner waives the right to receive this notice. 813

(c) If the petitioner has requested an ex parte order 814
pursuant to division (D) of this section, the court does not delay 815
any hearing required by that division beyond the time specified in 816
that division in order to consolidate the hearing with a hearing 817
on the petition filed by the respondent. 818

(d) After a full hearing at which the respondent presents 819
evidence in support of the request for a protection order and the 820
petitioner is afforded an opportunity to defend against that 821
evidence, the court determines that the petitioner has committed a 822
violation of section 2903.211 of the Revised Code against the 823
person to be protected by the protection order issued pursuant to 824
division (E)(3) of this section, has committed a sexually oriented 825
offense against the person to be protected by the protection order 826
issued pursuant to division (E)(3) of this section, or has 827
violated a protection order issued pursuant to section 2903.213 of 828

the Revised Code relative to the person to be protected by the 829
protection order issued pursuant to division (E)(3) of this 830
section. 831

(4) No protection order issued pursuant to this section shall 832
in any manner affect title to any real property. 833

(5)(a) If the court issues a protection order under this 834
section that includes a requirement that the alleged offender 835
refrain from entering the residence, school, business, or place of 836
employment of the petitioner or a family or household member, the 837
order shall clearly state that the order cannot be waived or 838
nullified by an invitation to the alleged offender from the 839
complainant to enter the residence, school, business, or place of 840
employment or by the alleged offender's entry into one of those 841
places otherwise upon the consent of the petitioner or family or 842
household member. 843

(b) Division (E)(5)(a) of this section does not limit any 844
discretion of a court to determine that an alleged offender 845
charged with a violation of section 2919.27 of the Revised Code, 846
with a violation of a municipal ordinance substantially equivalent 847
to that section, or with contempt of court, which charge is based 848
on an alleged violation of a protection order issued under this 849
section, did not commit the violation or was not in contempt of 850
court. 851

(F)(1) The court shall cause the delivery of a copy of any 852
protection order that is issued under this section to the 853
petitioner, to the respondent, and to all law enforcement agencies 854
that have jurisdiction to enforce the order. The court shall 855
direct that a copy of the order be delivered to the respondent on 856
the same day that the order is entered. 857

(2) Upon the issuance of a protection order under this 858
section, the court shall provide the parties to the order with the 859

following notice orally or by form: 860

"NOTICE 861

As a result of this order, it may be unlawful for you to 862
possess or purchase a firearm, including a rifle, pistol, or 863
revolver, or ammunition pursuant to federal law under 18 U.S.C. 864
922(g)(8). If you have any questions whether this law makes it 865
illegal for you to possess or purchase a firearm or ammunition, 866
you should consult an attorney." 867

(3) All law enforcement agencies shall establish and maintain 868
an index for the protection orders delivered to the agencies 869
pursuant to division (F)(1) of this section. With respect to each 870
order delivered, each agency shall note on the index the date and 871
time that it received the order. 872

(4) Regardless of whether the petitioner has registered the 873
protection order in the county in which the officer's agency has 874
jurisdiction pursuant to division (M) of this section, any officer 875
of a law enforcement agency shall enforce a protection order 876
issued pursuant to this section by any court in this state in 877
accordance with the provisions of the order, including removing 878
the respondent from the premises, if appropriate. 879

(G) Any proceeding under this section shall be conducted in 880
accordance with the Rules of Civil Procedure, except that a 881
protection order may be obtained under this section with or 882
without bond. An order issued under this section, other than an ex 883
parte order, that grants a protection order, or that refuses to 884
grant a protection order, is a final, appealable order. The 885
remedies and procedures provided in this section are in addition 886
to, and not in lieu of, any other available civil or criminal 887
remedies. 888

(H) The filing of proceedings under this section does not 889
excuse a person from filing any report or giving any notice 890

required by section 2151.421 of the Revised Code or by any other 891
law. 892

(I) Any law enforcement agency that investigates an alleged 893
violation of section 2903.211 of the Revised Code or an alleged 894
commission of a sexually oriented offense shall provide 895
information to the victim and the family or household members of 896
the victim regarding the relief available under this section and 897
section 2903.213 of the Revised Code. 898

(J) Notwithstanding any provision of law to the contrary and 899
regardless of whether a protection order is issued or a consent 900
agreement is approved by a court of another county or by a court 901
of another state, no court or unit of state or local government 902
shall charge any fee, cost, deposit, or money in connection with 903
the filing of a petition pursuant to this section, in connection 904
with the filing, issuance, registration, or service of a 905
protection order or consent agreement, or for obtaining a 906
certified copy of a protection order or consent agreement. 907

(K)(1) A person who violates a protection order issued under 908
this section is subject to the following sanctions: 909

(a) Criminal prosecution for a violation of section 2919.27 910
of the Revised Code, if the violation of the protection order 911
constitutes a violation of that section; 912

(b) Punishment for contempt of court. 913

(2) The punishment of a person for contempt of court for 914
violation of a protection order issued under this section does not 915
bar criminal prosecution of the person for a violation of section 916
2919.27 of the Revised Code. However, a person punished for 917
contempt of court is entitled to credit for the punishment imposed 918
upon conviction of a violation of that section, and a person 919
convicted of a violation of that section shall not subsequently be 920
punished for contempt of court arising out of the same activity. 921

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

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

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

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

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

(3) The clerk of each court of common pleas, municipal court,

or county court shall maintain a registry of certified copies of 953
protection orders that have been issued by courts in other 954
counties pursuant to this section or section 2903.213 of the 955
Revised Code and that have been registered with the clerk. 956

(N)(1) If the court orders electronic monitoring of the 957
respondent under this section, the court shall direct the 958
sheriff's office or any other appropriate law enforcement agency 959
to install the electronic monitoring device and to monitor the 960
respondent. Unless the court determines that the respondent is 961
indigent, the court shall order the respondent to pay the cost of 962
the installation and monitoring of the electronic monitoring 963
device. If the court determines that the respondent is indigent 964
and subject to the maximum amount allowable to be paid in any year 965
from the fund and the rules promulgated by the attorney general 966
under division (N)(2) of this section, the cost of the 967
installation and monitoring of the electronic monitoring device 968
may be paid out of funds from the reparations fund created 969
pursuant to section 2743.191 of the Revised Code. The total amount 970
of costs for the installation and monitoring of electronic 971
monitoring devices paid pursuant to this division and sections 972
2151.34 and 2919.27 of the Revised Code from the reparations fund 973
shall not exceed three hundred thousand dollars per year. 974

(2) The attorney general may promulgate rules pursuant to 975
section 111.15 of the Revised Code to govern payments made from 976
the reparations fund pursuant to this division and sections 977
2151.34 and 2919.27 of the Revised Code. The rules may include 978
reasonable limits on the total cost paid pursuant to this division 979
and sections 2151.34 and 2919.27 of the Revised Code per 980
respondent, the amount of the three hundred thousand dollars 981
allocated to each county, and how invoices may be submitted by a 982
county, court, or other entity. 983

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 984
alleges a violation of section 2909.06, 2909.07, 2911.12, or 985
2911.211 of the Revised Code if the alleged victim of the 986
violation was a family or household member at the time of the 987
violation, a violation of a municipal ordinance that is 988
substantially similar to any of those sections if the alleged 989
victim of the violation was a family or household member at the 990
time of the violation, any offense of violence if the alleged 991
victim of the offense was a family or household member at the time 992
of the commission of the offense, or any sexually oriented offense 993
if the alleged victim of the offense was a family or household 994
member at the time of the commission of the offense, the 995
complainant, the alleged victim, or a family or household member 996
of an alleged victim may file, or, if in an emergency the alleged 997
victim is unable to file, a person who made an arrest for the 998
alleged violation or offense under section 2935.03 of the Revised 999
Code may file on behalf of the alleged victim, a motion that 1000
requests the issuance of a temporary protection order as a 1001
pretrial condition of release of the alleged offender, in addition 1002
to any bail set under Criminal Rule 46. The motion shall be filed 1003
with the clerk of the court that has jurisdiction of the case at 1004
any time after the filing of the complaint. 1005

(2) For purposes of section 2930.09 of the Revised Code, all 1006
stages of a proceeding arising out of a complaint alleging the 1007
commission of a violation, offense of violence, or sexually 1008
oriented offense described in division (A)(1) of this section, 1009
including all proceedings on a motion for a temporary protection 1010
order, are critical stages of the case, and a victim may be 1011
accompanied by a victim advocate or another person to provide 1012
support to the victim as provided in that section. 1013

(B) The motion shall be prepared on a form that is provided 1014
by the clerk of the court, which form shall be substantially as 1015

from the offense alleged in the complaint, a person who can 1047
provide information about my need for a temporary protection order 1048
must appear before the court in lieu of my appearing in court. I 1049
understand that any temporary protection order granted pursuant to 1050
this motion is a pretrial condition of release and is effective 1051
only until the disposition of the criminal proceeding arising out 1052
of the attached complaint, or the issuance of a civil protection 1053
order or the approval of a consent agreement, arising out of the 1054
same activities as those that were the basis of the complaint, 1055
under section 3113.31 of the Revised Code. 1056

..... 1057

Signature of person 1058

(or signature of the arresting officer who filed the motion on 1059
behalf of the alleged victim) 1060

..... 1061

Address of person (or office address of the arresting officer who 1062
filed the motion on behalf of the alleged victim)" 1063

(C)(1) As soon as possible after the filing of a motion that 1064
requests the issuance of a temporary protection order, but not 1065
later than twenty-four hours after the filing of the motion, the 1066
court shall conduct a hearing to determine whether to issue the 1067
order. The person who requested the order shall appear before the 1068
court and provide the court with the information that it requests 1069
concerning the basis of the motion. If the person who requested 1070
the order is unable to appear and if the court finds that the 1071
failure to appear is because of the person's hospitalization or 1072
medical condition resulting from the offense alleged in the 1073
complaint, another person who is able to provide the court with 1074
the information it requests may appear in lieu of the person who 1075
requested the order. If the court finds that the safety and 1076
protection of the complainant, alleged victim, or any other family 1077

or household member of the alleged victim may be impaired by the 1078
continued presence of the alleged offender, the court may issue a 1079
temporary protection order, as a pretrial condition of release, 1080
that contains terms designed to ensure the safety and protection 1081
of the complainant, alleged victim, or the family or household 1082
member, including a requirement that the alleged offender refrain 1083
from entering the residence, school, business, or place of 1084
employment of the complainant, alleged victim, or the family or 1085
household member. The court may include within the scope of a 1086
protection order issued under this section any companion animal 1087
that is in the complainant's or alleged victim's residence. 1088

(2)(a) If the court issues a temporary protection order that 1089
includes a requirement that the alleged offender refrain from 1090
entering the residence, school, business, or place of employment 1091
of the complainant, the alleged victim, or the family or household 1092
member, the order shall state clearly that the order cannot be 1093
waived or nullified by an invitation to the alleged offender from 1094
the complainant, alleged victim, or family or household member to 1095
enter the residence, school, business, or place of employment or 1096
by the alleged offender's entry into one of those places otherwise 1097
upon the consent of the complainant, alleged victim, or family or 1098
household member. 1099

(b) Division (C)(2)(a) of this section does not limit any 1100
discretion of a court to determine that an alleged offender 1101
charged with a violation of section 2919.27 of the Revised Code, 1102
with a violation of a municipal ordinance substantially equivalent 1103
to that section, or with contempt of court, which charge is based 1104
on an alleged violation of a temporary protection order issued 1105
under this section, did not commit the violation or was not in 1106
contempt of court. 1107

(D)(1) Upon the filing of a complaint that alleges a 1108
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1109

Revised Code if the alleged victim of the violation was a family 1110
or household member at the time of the violation, a violation of a 1111
municipal ordinance that is substantially similar to any of those 1112
sections if the alleged victim of the violation was a family or 1113
household member at the time of the violation, any offense of 1114
violence if the alleged victim of the offense was a family or 1115
household member at the time of the commission of the offense, or 1116
any sexually oriented offense if the alleged victim of the offense 1117
was a family or household member at the time of the commission of 1118
the offense, the court, upon its own motion, may issue a temporary 1119
protection order as a pretrial condition of release if it finds 1120
that the safety and protection of the complainant, alleged victim, 1121
or other family or household member of the alleged offender may be 1122
impaired by the continued presence of the alleged offender. The 1123
court may include within the scope of a protection order issued 1124
under this section any companion animal that is in the 1125
complainant's or alleged victim's residence. 1126

(2) If the court issues a temporary protection order under 1127
this section as an ex parte order, it shall conduct, as soon as 1128
possible after the issuance of the order, a hearing in the 1129
presence of the alleged offender not later than the next day on 1130
which the court is scheduled to conduct business after the day on 1131
which the alleged offender was arrested or at the time of the 1132
appearance of the alleged offender pursuant to summons to 1133
determine whether the order should remain in effect, be modified, 1134
or be revoked. The hearing shall be conducted under the standards 1135
set forth in division (C) of this section. 1136

(3) An order issued under this section shall contain only 1137
those terms authorized in orders issued under division (C) of this 1138
section. 1139

(4) If a municipal court or a county court issues a temporary 1140
protection order under this section and if, subsequent to the 1141

issuance of the order, the alleged offender who is the subject of 1142
the order is bound over to the court of common pleas for 1143
prosecution of a felony arising out of the same activities as 1144
those that were the basis of the complaint upon which the order is 1145
based, notwithstanding the fact that the order was issued by a 1146
municipal court or county court, the order shall remain in effect, 1147
as though it were an order of the court of common pleas, while the 1148
charges against the alleged offender are pending in the court of 1149
common pleas, for the period of time described in division (E)(2) 1150
of this section, and the court of common pleas has exclusive 1151
jurisdiction to modify the order issued by the municipal court or 1152
county court. This division applies when the alleged offender is 1153
bound over to the court of common pleas as a result of the person 1154
waiving a preliminary hearing on the felony charge, as a result of 1155
the municipal court or county court having determined at a 1156
preliminary hearing that there is probable cause to believe that 1157
the felony has been committed and that the alleged offender 1158
committed it, as a result of the alleged offender having been 1159
indicted for the felony, or in any other manner. 1160

(E) A temporary protection order that is issued as a pretrial 1161
condition of release under this section: 1162

(1) Is in addition to, but shall not be construed as a part 1163
of, any bail set under Criminal Rule 46; 1164

(2) Is effective only until the occurrence of either of the 1165
following: 1166

(a) The disposition, by the court that issued the order or, 1167
in the circumstances described in division (D)(4) of this section, 1168
by the court of common pleas to which the alleged offender is 1169
bound over for prosecution, of the criminal proceeding arising out 1170
of the complaint upon which the order is based; 1171

(b) The issuance of a protection order or the approval of a 1172

consent agreement, arising out of the same activities as those 1173
that were the basis of the complaint upon which the order is 1174
based, under section 3113.31 of the Revised Code; 1175

(3) Shall not be construed as a finding that the alleged 1176
offender committed the alleged offense, and shall not be 1177
introduced as evidence of the commission of the offense at the 1178
trial of the alleged offender on the complaint upon which the 1179
order is based. 1180

(F) A person who meets the criteria for bail under Criminal 1181
Rule 46 and who, if required to do so pursuant to that rule, 1182
executes or posts bond or deposits cash or securities as bail, 1183
shall not be held in custody pending a hearing before the court on 1184
a motion requesting a temporary protection order. 1185

(G)(1) A copy of any temporary protection order that is 1186
issued under this section shall be issued by the court to the 1187
complainant, to the alleged victim, to the person who requested 1188
the order, to the defendant, and to all law enforcement agencies 1189
that have jurisdiction to enforce the order. The court shall 1190
direct that a copy of the order be delivered to the defendant on 1191
the same day that the order is entered. If a municipal court or a 1192
county court issues a temporary protection order under this 1193
section and if, subsequent to the issuance of the order, the 1194
defendant who is the subject of the order is bound over to the 1195
court of common pleas for prosecution as described in division 1196
(D)(4) of this section, the municipal court or county court shall 1197
direct that a copy of the order be delivered to the court of 1198
common pleas to which the defendant is bound over. 1199

(2) Upon the issuance of a protection order under this 1200
section, the court shall provide the parties to the order with the 1201
following notice orally or by form: 1202

"NOTICE 1203

As a result of this protection order, 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)(8). 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 temporary protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index, the date and time of the receipt of the order by the agency.

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

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

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

(I)(1) As used in divisions (I)(1) and (2) of this section,

"defendant" means a person who is alleged in a complaint to have committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section.

(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 1267
charge any fee, cost, deposit, or money in connection with the 1268
filing of a motion pursuant to this section, in connection with 1269
the filing, issuance, registration, or service of a protection 1270
order or consent agreement, or for obtaining a certified copy of a 1271
protection order or consent agreement. 1272

(K) As used in this section: 1273

(1) "Companion animal" has the same meaning as in section 1274
959.131 of the Revised Code. 1275

(2) "Sexually oriented offense" has the same meaning as in 1276
section 2950.01 of the Revised Code. 1277

~~(2)~~(3) "Victim advocate" means a person who provides support 1278
and assistance for a victim of an offense during court 1279
proceedings. 1280

Sec. 3113.31. (A) As used in this section: 1281

(1) "Domestic violence" means the occurrence of one or more 1282
of the following acts against a family or household member: 1283

(a) Attempting to cause or recklessly causing bodily injury; 1284

(b) Placing another person by the threat of force in fear of 1285
imminent serious physical harm or committing a violation of 1286
section 2903.211 or 2911.211 of the Revised Code; 1287

(c) Committing any act with respect to a child that would 1288
result in the child being an abused child, as defined in section 1289
2151.031 of the Revised Code; 1290

(d) Committing a sexually oriented offense. 1291

(2) "Court" means the domestic relations division of the 1292
court of common pleas in counties that have a domestic relations 1293
division and the court of common pleas in counties that do not 1294
have a domestic relations division, or the juvenile division of 1295

the court of common pleas of the county in which the person to be 1296
protected by a protection order issued or a consent agreement 1297
approved under this section resides if the respondent is less than 1298
eighteen years of age. 1299

(3) "Family or household member" means any of the following: 1300

(a) Any of the following who is residing with or has resided 1301
with the respondent: 1302

(i) A spouse, a person living as a spouse, or a former spouse 1303
of the respondent; 1304

(ii) A parent, a foster parent, or a child of the respondent, 1305
or another person related by consanguinity or affinity to the 1306
respondent; 1307

(iii) A parent or a child of a spouse, person living as a 1308
spouse, or former spouse of the respondent, or another person 1309
related by consanguinity or affinity to a spouse, person living as 1310
a spouse, or former spouse of the respondent. 1311

(b) The natural parent of any child of whom the respondent is 1312
the other natural parent or is the putative other natural parent. 1313

(4) "Person living as a spouse" means a person who is living 1314
or has lived with the respondent in a common law marital 1315
relationship, who otherwise is cohabiting with the respondent, or 1316
who otherwise has cohabited with the respondent within five years 1317
prior to the date of the alleged occurrence of the act in 1318
question. 1319

(5) "Victim advocate" means a person who provides support and 1320
assistance for a person who files a petition under this section. 1321

(6) "Sexually oriented offense" has the same meaning as in 1322
section 2950.01 of the Revised Code. 1323

(7) "Companion animal" has the same meaning as in section 1324
959.131 of the Revised Code. 1325

(B) The court has jurisdiction over all proceedings under 1326
this section. The petitioner's right to relief under this section 1327
is not affected by the petitioner's leaving the residence or 1328
household to avoid further domestic violence. 1329

(C) A person may seek relief under this section on the 1330
person's own behalf, or any parent or adult household member may 1331
seek relief under this section on behalf of any other family or 1332
household member, by filing a petition with the court. The 1333
petition shall contain or state: 1334

(1) An allegation that the respondent engaged in domestic 1335
violence against a family or household member of the respondent, 1336
including a description of the nature and extent of the domestic 1337
violence; 1338

(2) The relationship of the respondent to the petitioner, and 1339
to the victim if other than the petitioner; 1340

(3) A request for relief under this section. 1341

(D)(1) If a person who files a petition pursuant to this 1342
section requests an ex parte order, the court shall hold an ex 1343
parte hearing on the same day that the petition is filed. The 1344
court, for good cause shown at the ex parte hearing, may enter any 1345
temporary orders, with or without bond, including, but not limited 1346
to, an order described in division (E)(1)(a), (b), or (c) of this 1347
section, that the court finds necessary to protect the family or 1348
household member from domestic violence. Immediate and present 1349
danger of domestic violence to the family or household member 1350
constitutes good cause for purposes of this section. Immediate and 1351
present danger includes, but is not limited to, situations in 1352
which the respondent has threatened the family or household member 1353
with bodily harm, in which the respondent has threatened the 1354
family or household member with a sexually oriented offense, or in 1355
which the respondent previously has been convicted of, pleaded 1356

guilty to, or been adjudicated a delinquent child for an offense 1357
that constitutes domestic violence against the family or household 1358
member. 1359

(2)(a) If the court, after an ex parte hearing, issues an 1360
order described in division (E)(1)(b) or (c) of this section, the 1361
court shall schedule a full hearing for a date that is within 1362
seven court days after the ex parte hearing. If any other type of 1363
protection order that is authorized under division (E) of this 1364
section is issued by the court after an ex parte hearing, the 1365
court shall schedule a full hearing for a date that is within ten 1366
court days after the ex parte hearing. The court shall give the 1367
respondent notice of, and an opportunity to be heard at, the full 1368
hearing. The court shall hold the full hearing on the date 1369
scheduled under this division unless the court grants a 1370
continuance of the hearing in accordance with this division. Under 1371
any of the following circumstances or for any of the following 1372
reasons, the court may grant a continuance of the full hearing to 1373
a reasonable time determined by the court: 1374

(i) Prior to the date scheduled for the full hearing under 1375
this division, the respondent has not been served with the 1376
petition filed pursuant to this section and notice of the full 1377
hearing. 1378

(ii) The parties consent to the continuance. 1379

(iii) The continuance is needed to allow a party to obtain 1380
counsel. 1381

(iv) The continuance is needed for other good cause. 1382

(b) An ex parte order issued under this section does not 1383
expire because of a failure to serve notice of the full hearing 1384
upon the respondent before the date set for the full hearing under 1385
division (D)(2)(a) of this section or because the court grants a 1386
continuance under that division. 1387

(3) If a person who files a petition pursuant to this section 1388
does not request an ex parte order, or if a person requests an ex 1389
parte order but the court does not issue an ex parte order after 1390
an ex parte hearing, the court shall proceed as in a normal civil 1391
action and grant a full hearing on the matter. 1392

(E)(1) After an ex parte or full hearing, the court may grant 1393
any protection order, with or without bond, or approve any consent 1394
agreement to bring about a cessation of domestic violence against 1395
the family or household members. The order or agreement may: 1396

(a) Direct the respondent to refrain from abusing or from 1397
committing sexually oriented offenses against the family or 1398
household members; 1399

(b) Grant possession of the residence or household to the 1400
petitioner or other family or household member, to the exclusion 1401
of the respondent, by evicting the respondent, when the residence 1402
or household is owned or leased solely by the petitioner or other 1403
family or household member, or by ordering the respondent to 1404
vacate the premises, when the residence or household is jointly 1405
owned or leased by the respondent, and the petitioner or other 1406
family or household member; 1407

(c) When the respondent has a duty to support the petitioner 1408
or other family or household member living in the residence or 1409
household and the respondent is the sole owner or lessee of the 1410
residence or household, grant possession of the residence or 1411
household to the petitioner or other family or household member, 1412
to the exclusion of the respondent, by ordering the respondent to 1413
vacate the premises, or, in the case of a consent agreement, allow 1414
the respondent to provide suitable, alternative housing; 1415

(d) Temporarily allocate parental rights and responsibilities 1416
for the care of, or establish temporary parenting time rights with 1417
regard to, minor children, if no other court has determined, or is 1418

determining, the allocation of parental rights and 1419
responsibilities for the minor children or parenting time rights; 1420

(e) Require the respondent to maintain support, if the 1421
respondent customarily provides for or contributes to the support 1422
of the family or household member, or if the respondent has a duty 1423
to support the petitioner or family or household member; 1424

(f) Require the respondent, petitioner, victim of domestic 1425
violence, or any combination of those persons, to seek counseling; 1426

(g) Require the respondent to refrain from entering the 1427
residence, school, business, or place of employment of the 1428
petitioner or family or household member; 1429

(h) Grant other relief that the court considers equitable and 1430
fair, including, but not limited to, ordering the respondent to 1431
permit the use of a motor vehicle by the petitioner or other 1432
family or household member and the apportionment of household and 1433
family personal property. 1434

(2) If a protection order has been issued pursuant to this 1435
section in a prior action involving the respondent and the 1436
petitioner or one or more of the family or household members or 1437
victims, the court may include in a protection order that it 1438
issues a prohibition against the respondent returning to the 1439
residence or household. If it includes a prohibition against the 1440
respondent returning to the residence or household in the order, 1441
it also shall include in the order provisions of the type 1442
described in division (E)(7) of this section. This division does 1443
not preclude the court from including in a protection order or 1444
consent agreement, in circumstances other than those described in 1445
this division, a requirement that the respondent be evicted from 1446
or vacate the residence or household or refrain from entering the 1447
residence, school, business, or place of employment of the 1448
petitioner or a family or household member, and, if the court 1449

includes any requirement of that type in an order or agreement, 1450
the court also shall include in the order provisions of the type 1451
described in division (E)(7) of this section. 1452

(3)(a) Any protection order issued or consent agreement 1453
approved under this section shall be valid until a date certain, 1454
but not later than five years from the date of its issuance or 1455
approval, or not later than the date a respondent who is less than 1456
eighteen years of age attains nineteen years of age, unless 1457
modified or terminated as provided in division (E)(8) of this 1458
section. 1459

(b) Subject to the limitation on the duration of an order or 1460
agreement set forth in division (E)(3)(a) of this section, any 1461
order under division (E)(1)(d) of this section shall terminate on 1462
the date that a court in an action for divorce, dissolution of 1463
marriage, or legal separation brought by the petitioner or 1464
respondent issues an order allocating parental rights and 1465
responsibilities for the care of children or on the date that a 1466
juvenile court in an action brought by the petitioner or 1467
respondent issues an order awarding legal custody of minor 1468
children. Subject to the limitation on the duration of an order or 1469
agreement set forth in division (E)(3)(a) of this section, any 1470
order under division (E)(1)(e) of this section shall terminate on 1471
the date that a court in an action for divorce, dissolution of 1472
marriage, or legal separation brought by the petitioner or 1473
respondent issues a support order or on the date that a juvenile 1474
court in an action brought by the petitioner or respondent issues 1475
a support order. 1476

(c) Any protection order issued or consent agreement approved 1477
pursuant to this section may be renewed in the same manner as the 1478
original order or agreement was issued or approved. 1479

(4) A court may not issue a protection order that requires a 1480
petitioner to do or to refrain from doing an act that the court 1481

may require a respondent to do or to refrain from doing under 1482
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1483
section unless all of the following apply: 1484

(a) The respondent files a separate petition for a protection 1485
order in accordance with this section. 1486

(b) The petitioner is served notice of the respondent's 1487
petition at least forty-eight hours before the court holds a 1488
hearing with respect to the respondent's petition, or the 1489
petitioner waives the right to receive this notice. 1490

(c) If the petitioner has requested an ex parte order 1491
pursuant to division (D) of this section, the court does not delay 1492
any hearing required by that division beyond the time specified in 1493
that division in order to consolidate the hearing with a hearing 1494
on the petition filed by the respondent. 1495

(d) After a full hearing at which the respondent presents 1496
evidence in support of the request for a protection order and the 1497
petitioner is afforded an opportunity to defend against that 1498
evidence, the court determines that the petitioner has committed 1499
an act of domestic violence or has violated a temporary protection 1500
order issued pursuant to section 2919.26 of the Revised Code, that 1501
both the petitioner and the respondent acted primarily as 1502
aggressors, and that neither the petitioner nor the respondent 1503
acted primarily in self-defense. 1504

(5) No protection order issued or consent agreement approved 1505
under this section shall in any manner affect title to any real 1506
property. 1507

(6)(a) If a petitioner, or the child of a petitioner, who 1508
obtains a protection order or consent agreement pursuant to 1509
division (E)(1) of this section or a temporary protection order 1510
pursuant to section 2919.26 of the Revised Code and is the subject 1511
of a parenting time order issued pursuant to section 3109.051 or 1512

3109.12 of the Revised Code or a visitation or companionship order 1513
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 1514
Revised Code or division (E)(1)(d) of this section granting 1515
parenting time rights to the respondent, the court may require the 1516
public children services agency of the county in which the court 1517
is located to provide supervision of the respondent's exercise of 1518
parenting time or visitation or companionship rights with respect 1519
to the child for a period not to exceed nine months, if the court 1520
makes the following findings of fact: 1521

(i) The child is in danger from the respondent; 1522

(ii) No other person or agency is available to provide the 1523
supervision. 1524

(b) A court that requires an agency to provide supervision 1525
pursuant to division (E)(6)(a) of this section shall order the 1526
respondent to reimburse the agency for the cost of providing the 1527
supervision, if it determines that the respondent has sufficient 1528
income or resources to pay that cost. 1529

(7)(a) If a protection order issued or consent agreement 1530
approved under this section includes a requirement that the 1531
respondent be evicted from or vacate the residence or household or 1532
refrain from entering the residence, school, business, or place of 1533
employment of the petitioner or a family or household member, the 1534
order or agreement shall state clearly that the order or agreement 1535
cannot be waived or nullified by an invitation to the respondent 1536
from the petitioner or other family or household member to enter 1537
the residence, school, business, or place of employment or by the 1538
respondent's entry into one of those places otherwise upon the 1539
consent of the petitioner or other family or household member. 1540

(b) Division (E)(7)(a) of this section does not limit any 1541
discretion of a court to determine that a respondent charged with 1542
a violation of section 2919.27 of the Revised Code, with a 1543

violation of a municipal ordinance substantially equivalent to 1544
that section, or with contempt of court, which charge is based on 1545
an alleged violation of a protection order issued or consent 1546
agreement approved under this section, did not commit the 1547
violation or was not in contempt of court. 1548

(8)(a) The court may modify or terminate as provided in 1549
division (E)(8) of this section a protection order or consent 1550
agreement that was issued after a full hearing under this section. 1551
The court that issued the protection order or approved the consent 1552
agreement shall hear a motion for modification or termination of 1553
the protection order or consent agreement pursuant to division 1554
(E)(8) of this section. 1555

(b) Either the petitioner or the respondent of the original 1556
protection order or consent agreement may bring a motion for 1557
modification or termination of a protection order or consent 1558
agreement that was issued or approved after a full hearing. The 1559
court shall require notice of the motion to be made as provided by 1560
the Rules of Civil Procedure. If the petitioner for the original 1561
protection order or consent agreement has requested that the 1562
petitioner's address be kept confidential, the court shall not 1563
disclose the address to the respondent of the original protection 1564
order or consent agreement or any other person, except as 1565
otherwise required by law. The moving party has the burden of 1566
proof to show, by a preponderance of the evidence, that 1567
modification or termination of the protection order or consent 1568
agreement is appropriate because either the protection order or 1569
consent agreement is no longer needed or because the terms of the 1570
original protection order or consent agreement are no longer 1571
appropriate. 1572

(c) In considering whether to modify or terminate a 1573
protection order or consent agreement issued or approved under 1574
this section, the court shall consider all relevant factors, 1575

including, but not limited to, the following:	1576
(i) Whether the petitioner consents to modification or termination of the protection order or consent agreement;	1577 1578
(ii) Whether the petitioner fears the respondent;	1579
(iii) The current nature of the relationship between the petitioner and the respondent;	1580 1581
(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together;	1582 1583 1584 1585
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	1586 1587
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	1588 1589
(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;	1590 1591 1592 1593
(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;	1594 1595 1596 1597 1598
(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;	1599 1600 1601 1602
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	1603 1604
(xi) The age and health of the respondent;	1605

(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.

(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section.

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

(9) Any protection order issued or any consent agreement approved pursuant to this section shall include a provision that the court will automatically seal all of the records of the proceeding in which the order is issued or agreement approved on the date the respondent attains the age of nineteen years unless the petitioner provides the court with evidence that the respondent has not complied with all of the terms of the protection order or consent agreement. The protection order or consent agreement shall specify the date when the respondent attains the age of nineteen years.

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

(F)(1) A copy of any protection order, or consent agreement,

that is issued, approved, modified, or terminated under this 1637
section shall be issued by the court to the petitioner, to the 1638
respondent, and to all law enforcement agencies that have 1639
jurisdiction to enforce the order or agreement. The court shall 1640
direct that a copy of an order be delivered to the respondent on 1641
the same day that the order is entered. 1642

(2) Upon the issuance of a protection order or the approval 1643
of a consent agreement under this section, the court shall provide 1644
the parties to the order or agreement with the following notice 1645
orally or by form: 1646

"NOTICE 1647

As a result of this order or consent agreement, it may be 1648
unlawful for you to possess or purchase a firearm, including a 1649
rifle, pistol, or revolver, or ammunition pursuant to federal law 1650
under 18 U.S.C. 922(g)(8). If you have any questions whether this 1651
law makes it illegal for you to possess or purchase a firearm or 1652
ammunition, you should consult an attorney." 1653

(3) All law enforcement agencies shall establish and maintain 1654
an index for the protection orders and the approved consent 1655
agreements delivered to the agencies pursuant to division (F)(1) 1656
of this section. With respect to each order and consent agreement 1657
delivered, each agency shall note on the index the date and time 1658
that it received the order or consent agreement. 1659

(4) Regardless of whether the petitioner has registered the 1660
order or agreement in the county in which the officer's agency has 1661
jurisdiction pursuant to division (N) of this section, any officer 1662
of a law enforcement agency shall enforce a protection order 1663
issued or consent agreement approved by any court in this state in 1664
accordance with the provisions of the order or agreement, 1665
including removing the respondent from the premises, if 1666
appropriate. 1667

(G) Any proceeding under this section shall be conducted in 1668
accordance with the Rules of Civil Procedure, except that an order 1669
under this section may be obtained with or without bond. An order 1670
issued under this section, other than an ex parte order, that 1671
grants a protection order or approves a consent agreement, that 1672
refuses to grant a protection order or approve a consent agreement 1673
that modifies or terminates a protection order or consent 1674
agreement, or that refuses to modify or terminate a protection 1675
order or consent agreement, is a final, appealable order. The 1676
remedies and procedures provided in this section are in addition 1677
to, and not in lieu of, any other available civil or criminal 1678
remedies. 1679

(H) The filing of proceedings under this section does not 1680
excuse a person from filing any report or giving any notice 1681
required by section 2151.421 of the Revised Code or by any other 1682
law. When a petition under this section alleges domestic violence 1683
against minor children, the court shall report the fact, or cause 1684
reports to be made, to a county, township, or municipal peace 1685
officer under section 2151.421 of the Revised Code. 1686

(I) Any law enforcement agency that investigates a domestic 1687
dispute shall provide information to the family or household 1688
members involved regarding the relief available under this section 1689
and section 2919.26 of the Revised Code. 1690

(J) Notwithstanding any provision of law to the contrary and 1691
regardless of whether a protection order is issued or a consent 1692
agreement is approved by a court of another county or a court of 1693
another state, no court or unit of state or local government shall 1694
charge any fee, cost, deposit, or money in connection with the 1695
filing of a petition pursuant to this section or in connection 1696
with the filing, issuance, registration, or service of a 1697
protection order or consent agreement, or for obtaining a 1698
certified copy of a protection order or consent agreement. 1699

(K)(1) The court shall comply with Chapters 3119., 3121., 1700
3123., and 3125. of the Revised Code when it makes or modifies an 1701
order for child support under this section. 1702

(2) If any person required to pay child support under an 1703
order made under this section on or after April 15, 1985, or 1704
modified under this section on or after December 31, 1986, is 1705
found in contempt of court for failure to make support payments 1706
under the order, the court that makes the finding, in addition to 1707
any other penalty or remedy imposed, shall assess all court costs 1708
arising out of the contempt proceeding against the person and 1709
require the person to pay any reasonable attorney's fees of any 1710
adverse party, as determined by the court, that arose in relation 1711
to the act of contempt. 1712

(L)(1) A person who violates a protection order issued or a 1713
consent agreement approved under this section is subject to the 1714
following sanctions: 1715

(a) Criminal prosecution or a delinquent child proceeding for 1716
a violation of section 2919.27 of the Revised Code, if the 1717
violation of the protection order or consent agreement constitutes 1718
a violation of that section; 1719

(b) Punishment for contempt of court. 1720

(2) The punishment of a person for contempt of court for 1721
violation of a protection order issued or a consent agreement 1722
approved under this section does not bar criminal prosecution of 1723
the person or a delinquent child proceeding concerning the person 1724
for a violation of section 2919.27 of the Revised Code. However, a 1725
person punished for contempt of court is entitled to credit for 1726
the punishment imposed upon conviction of or adjudication as a 1727
delinquent child for a violation of that section, and a person 1728
convicted of or adjudicated a delinquent child for a violation of 1729
that section shall not subsequently be punished for contempt of 1730

court arising out of the same activity. 1731

(M) In all stages of a proceeding under this section, a 1732
petitioner may be accompanied by a victim advocate. 1733

(N)(1) A petitioner who obtains a protection order or consent 1734
agreement under this section or a temporary protection order under 1735
section 2919.26 of the Revised Code may provide notice of the 1736
issuance or approval of the order or agreement to the judicial and 1737
law enforcement officials in any county other than the county in 1738
which the order is issued or the agreement is approved by 1739
registering that order or agreement in the other county pursuant 1740
to division (N)(2) of this section and filing a copy of the 1741
registered order or registered agreement with a law enforcement 1742
agency in the other county in accordance with that division. A 1743
person who obtains a protection order issued by a court of another 1744
state may provide notice of the issuance of the order to the 1745
judicial and law enforcement officials in any county of this state 1746
by registering the order in that county pursuant to section 1747
2919.272 of the Revised Code and filing a copy of the registered 1748
order with a law enforcement agency in that county. 1749

(2) A petitioner may register a temporary protection order, 1750
protection order, or consent agreement in a county other than the 1751
county in which the court that issued the order or approved the 1752
agreement is located in the following manner: 1753

(a) The petitioner shall obtain a certified copy of the order 1754
or agreement from the clerk of the court that issued the order or 1755
approved the agreement and present that certified copy to the 1756
clerk of the court of common pleas or the clerk of a municipal 1757
court or county court in the county in which the order or 1758
agreement is to be registered. 1759

(b) Upon accepting the certified copy of the order or 1760
agreement for registration, the clerk of the court of common 1761

pleas, municipal court, or county court shall place an endorsement 1762
of registration on the order or agreement and give the petitioner 1763
a copy of the order or agreement that bears that proof of 1764
registration. 1765

(3) The clerk of each court of common pleas, the clerk of 1766
each municipal court, and the clerk of each county court shall 1767
maintain a registry of certified copies of temporary protection 1768
orders, protection orders, or consent agreements that have been 1769
issued or approved by courts in other counties and that have been 1770
registered with the clerk. 1771

(O) Nothing in this section prohibits the domestic relations 1772
division of a court of common pleas in counties that have a 1773
domestic relations division or a court of common pleas in counties 1774
that do not have a domestic relations division from designating a 1775
minor child as a protected party on a protection order or consent 1776
agreement. 1777

Sec. 4731.284. The state medical board shall approve one or 1778
more continuing medical education courses of study included within 1779
the programs certified by the Ohio state medical association and 1780
the Ohio osteopathic association pursuant to section 4731.281 of 1781
the Revised Code with regard to the counseling of individuals who 1782
abuse animals. 1783

Sec. 4732.141. (A)(1) On or before the thirty-first day of 1784
August of each even-numbered year beginning in 1998 and until the 1785
requirement set forth in division (A)(2) of this section applies, 1786
each person licensed under this chapter by the state board of 1787
psychology shall have completed, in the preceding two-year period, 1788
not less than twenty hours of continuing education in psychology 1789
or the number of hours determined under division (D) of this 1790
section. 1791

(2) On or before the thirty-first day of August of each 1792
even-numbered year after the biennium in which this amendment 1793
takes effect, each person licensed under this chapter by the state 1794
board of psychology shall have completed, in the preceding 1795
two-year period, not less than twenty-three hours of continuing 1796
education in psychology, including not less than three hours of 1797
continuing education in professional conduct and ethics, or the 1798
number of hours determined under division (D) of this section. 1799

(3) Each person subject to division (A)(1) or (2) of this 1800
section shall certify to the board, at the time of biennial 1801
registration pursuant to section 4732.14 of the Revised Code and 1802
on the registration form prescribed by the board under that 1803
section, that in the preceding two years the person has completed 1804
continuing psychology education in compliance with this section. 1805
The board shall adopt rules establishing the procedure for a 1806
person to certify to the board and for properly recording with the 1807
Ohio psychological association or the state board of education 1808
completion of the continuing education. 1809

(B) Continuing psychology education may be applied to meet 1810
the requirement of division (A) of this section if both of the 1811
following requirements are met: 1812

(1) It is obtained through a program or course approved by 1813
the state board of psychology, the Ohio psychological association, 1814
the Ohio association of black psychologists, or the American 1815
psychological association or, in the case of a licensed school 1816
psychologist or a licensed psychologist with a school psychology 1817
specialty, by the state board of education, the Ohio school 1818
psychologists association, or the national association of school 1819
psychologists; 1820

(2) Completion of the program or course is recorded with the 1821
Ohio psychological association or the state board of education in 1822
accordance with rules adopted by the state board of psychology in 1823

accordance with division (A) of this section. 1824

The state board of psychology may disapprove any program or 1825
course that has been approved by the Ohio psychological 1826
association, Ohio association of black psychologists, American 1827
psychological association, state board of education, Ohio school 1828
psychologists association, or national association of school 1829
psychologists. Such program or course may not be applied to meet 1830
the requirement of division (A) of this section. 1831

(C) Each person licensed under this chapter shall be given a 1832
sufficient choice of continuing education programs or courses in 1833
psychology, including programs or courses on professional conduct 1834
and ethics when required under division (A)(2) of this section, to 1835
ensure that the person has had a reasonable opportunity to 1836
participate in programs or courses that are relevant to the 1837
person's practice in terms of subject matter and level. 1838

(D) The board shall adopt rules providing for reductions of 1839
the hours of continuing psychology education required by this 1840
section for persons in their first registration period. 1841

(E) Each person licensed under this chapter shall retain in 1842
the person's records for at least three years the receipts, 1843
vouchers, or certificates necessary to document completion of 1844
continuing psychology education. Proof of continuing psychology 1845
education recorded with the Ohio psychological association or the 1846
state board of education in accordance with the procedures 1847
established pursuant to division (A) of this section shall serve 1848
as sufficient documentation of completion. With cause, the board 1849
may request the documentation from the person. The board also may 1850
request the documentation from persons licensed under this chapter 1851
selected at random, without cause. The board may review any 1852
continuing psychology education records recorded by the Ohio 1853
psychological association or the state board of education. 1854

(F) The board may excuse persons licensed under this chapter, 1855
as a group or as individuals, from all or any part of the 1856
requirements of this section because of an unusual circumstance, 1857
emergency, or special hardship. 1858

(G) The state board of psychology shall approve one or more 1859
continuing education courses of study that assist psychologists 1860
and school psychologists in recognizing the signs of domestic 1861
violence and its relationship to child abuse. Psychologists and 1862
school psychologists are not required to take the courses. 1863

(H) The state board of psychology shall approve one or more 1864
continuing education courses of study with regard to the 1865
counseling of individuals who abuse animals. 1866

Sec. 4757.33. (A) Except as provided in division (B) of this 1867
section, each person who holds a license or certificate of 1868
registration issued under this chapter shall complete during the 1869
period that the license or certificate is in effect not less than 1870
thirty clock hours of continuing professional education as a 1871
condition of receiving a renewed license or certificate. To have a 1872
lapsed license or certificate of registration restored, a person 1873
shall complete the number of hours of continuing education 1874
specified by the counselor, social worker, and marriage and family 1875
therapist board in rules it shall adopt in accordance with Chapter 1876
119. of the Revised Code. 1877

The professional standards committees of the counselor, 1878
social worker, and marriage and family therapist board shall adopt 1879
rules in accordance with Chapter 119. of the Revised Code 1880
establishing standards and procedures to be followed by the 1881
committees in conducting the continuing education approval 1882
process. 1883

(B) The board may waive the continuing education requirements 1884
established under this section for persons who are unable to 1885

fulfill them because of military service, illness, residence 1886
abroad, or any other reason the committee considers acceptable. 1887

In the case of a social worker licensed by virtue of 1888
receiving, prior to October 10, 1992, a baccalaureate degree in a 1889
program closely related to social work, as a condition of the 1890
first renewal of the license, the social worker ~~must~~ shall 1891
complete at an accredited educational institution a minimum of 1892
five semester hours of social work graduate or undergraduate 1893
credit, or their equivalent, that is acceptable to the committee 1894
and includes a course in social work theory and a course in social 1895
work methods. 1896

(C) The professional standards committees of the counselor, 1897
social worker, and marriage and family therapist board shall 1898
approve one or more continuing education courses of study with 1899
regard to the counseling of individuals who abuse animals. 1900

Section 2. That existing sections 955.11, 959.99, 2152.19, 1901
2903.213, 2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 of the 1902
Revised Code are hereby repealed. 1903