

**As Reported by the House Criminal Justice Committee**

**129th General Assembly**

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**Sub. H. B. No. 25**

**Representative Combs**

**Cosponsors: Representatives Derickson, Grossman, Patmon, Pillich, Beck, Stinziano, Dovilla, Maag, Blair, Stebelton, Rosenberger, Hackett, Ashford, Winburn, Garland, Williams, Weddington, Bulp, Blessing, Hayes, Slaby**

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**A B I L L**

To amend sections 959.99, 2152.19, 2903.213, 1  
2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 2  
and to enact section 4731.284 of the Revised Code 3  
to revise the penalties and sentencing provisions 4  
regarding violations of the cruelty to animals 5  
statutes and to include the protection of 6  
companion animals in temporary protection orders, 7  
domestic violence protection orders, anti-stalking 8  
protection orders, and related protection orders. 9

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

**Section 1.** That sections 959.99, 2152.19, 2903.213, 2903.214, 10  
2919.26, 3113.31, 4732.141, and 4757.33 be amended and section 11  
4731.284 of the Revised Code be enacted to read as follows: 12

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 of 13  
the Revised Code is guilty of a minor misdemeanor. 14

(B) Except as otherwise provided in this division, whoever 15  
violates section 959.02 of the Revised Code is guilty of a 16  
misdemeanor of the second degree. If the value of the animal 17

killed or the injury done amounts to three hundred dollars or 18  
more, whoever violates section 959.02 of the Revised Code is 19  
guilty of a misdemeanor of the first degree. 20

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, 21  
or 959.17 of the Revised Code is guilty of a misdemeanor of the 22  
fourth degree. 23

(D) Whoever violates division (A) of section 959.13 of the 24  
Revised Code is guilty of a misdemeanor of the second degree on a 25  
first offense and a misdemeanor of the first degree on each 26  
subsequent offense. In addition, the court may order the offender 27  
to forfeit the animal or livestock and may provide for its 28  
disposition, including, but not limited to, the sale of the animal 29  
or livestock. If an animal or livestock is forfeited and sold 30  
pursuant to this division, the proceeds from the sale first shall 31  
be applied to pay the expenses incurred with regard to the care of 32  
the animal from the time it was taken from the custody of the 33  
former owner. The balance of the proceeds from the sale, if any, 34  
shall be paid to the former owner of the animal. 35

(E)(1)(a) Whoever violates division (B) of section 959.131 of 36  
the Revised Code is guilty of a misdemeanor of the first degree on 37  
a first offense and a felony of the fifth degree on each 38  
subsequent offense. In addition to any other sanction imposed for 39  
a felony violation of division (B) of section 959.131 of the 40  
Revised Code if the offender is not already undergoing counseling 41  
pursuant to division (E)(4) of this section, a court shall impose 42  
a term of basic probation supervision or a term of intensive 43  
probation supervision. 44

(b) As used in division (E)(1)(a) of this section, "basic 45  
probation supervision" and "intensive probation supervision" have 46  
the same meanings as in section 2929.01 of the Revised Code. 47

(2) Whoever violates section 959.01 of the Revised Code or 48

division (C) of section 959.131 of the Revised Code is guilty of a 49  
misdemeanor of the second degree on a first offense and a 50  
misdemeanor of the first degree on each subsequent offense. 51

(3)(a) A court may order a person who is convicted of or 52  
pleads guilty to a violation of section 959.131 of the Revised 53  
Code to forfeit to an impounding agency, as defined in section 54  
959.132 of the Revised Code, any or all of the companion animals 55  
in that person's ownership or care. The court also may prohibit or 56  
place limitations on the person's ability to own or care for any 57  
companion animals for a specified or indefinite period of time. 58

(b) A court may order a person who is convicted of or pleads 59  
guilty to a violation of section 959.131 of the Revised Code to 60  
reimburse an impounding agency for the reasonably necessary costs 61  
incurred by the agency for the care of a companion animal that the 62  
agency impounded as a result of the investigation or prosecution 63  
of the violation, provided that the costs were not otherwise paid 64  
under section 959.132 of the Revised Code. 65

(4) ~~If (a)~~ Except as otherwise provided in division (E)(4)(b) 66  
of this section, if a court has reason to believe that a person 67  
who is convicted of or pleads guilty to a violation of section 68  
959.131 of the Revised Code suffers from a mental or emotional 69  
disorder that contributed to the violation, the court may impose 70  
as a community control sanction or as a condition of probation a 71  
requirement that the offender undergo psychological evaluation or 72  
counseling. The court shall order the offender to pay the costs of 73  
the evaluation or counseling. 74

(b) The court shall require a child under eighteen years of 75  
age who is adjudicated a delinquent child under Chapter 2152. of 76  
the Revised Code for a violation of division (B) of section 77  
959.131 of the Revised Code to undergo psychological evaluation 78  
and, if the evaluation determines that it is appropriate, to 79  
undergo counseling in accordance with division (F) of section 80

2152.19 of the Revised Code. 81

(F) Whoever violates section 959.14 of the Revised Code is 82  
guilty of a misdemeanor of the second degree on a first offense 83  
and a misdemeanor of the first degree on each subsequent offense. 84

(G) Whoever violates section 959.05 or 959.20 of the Revised 85  
Code is guilty of a misdemeanor of the first degree. 86

(H) Whoever violates section 959.16 of the Revised Code is 87  
guilty of a felony of the fourth degree ~~for~~ on a first offense and 88  
a felony of the third degree on each subsequent offense. 89

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 90  
child, the court may make any of the following orders of 91  
disposition, in addition to any other disposition authorized or 92  
required by this chapter: 93

(1) Any order that is authorized by section 2151.353 of the 94  
Revised Code for the care and protection of an abused, neglected, 95  
or dependent child; 96

(2) Commit the child to the temporary custody of any school, 97  
camp, institution, or other facility operated for the care of 98  
delinquent children by the county, by a district organized under 99  
section ~~2152.41 or~~ 2151.65 or 2152.41 of the Revised Code, or by a 100  
private agency or organization, within or without the state, that 101  
is authorized and qualified to provide the care, treatment, or 102  
placement required, including, but not limited to, a school, camp, 103  
or facility operated under section 2151.65 of the Revised Code; 104

(3) Place the child in a detention facility or district 105  
detention facility operated under section 2152.41 of the Revised 106  
Code, for up to ninety days; 107

(4) Place the child on community control under any sanctions, 108  
services, and conditions that the court prescribes. As a condition 109  
of community control in every case and in addition to any other 110

condition that it imposes upon the child, the court shall require 111  
the child to abide by the law during the period of community 112  
control. As referred to in this division, community control 113  
includes, but is not limited to, the following sanctions and 114  
conditions: 115

(a) A period of basic probation supervision in which the 116  
child is required to maintain contact with a person appointed to 117  
supervise the child in accordance with sanctions imposed by the 118  
court; 119

(b) A period of intensive probation supervision in which the 120  
child is required to maintain frequent contact with a person 121  
appointed by the court to supervise the child while the child is 122  
seeking or maintaining employment and participating in training, 123  
education, and treatment programs as the order of disposition; 124

(c) A period of day reporting in which the child is required 125  
each day to report to and leave a center or another approved 126  
reporting location at specified times in order to participate in 127  
work, education or training, treatment, and other approved 128  
programs at the center or outside the center; 129

(d) A period of community service of up to five hundred hours 130  
for an act that would be a felony or a misdemeanor of the first 131  
degree if committed by an adult, up to two hundred hours for an 132  
act that would be a misdemeanor of the second, third, or fourth 133  
degree if committed by an adult, or up to thirty hours for an act 134  
that would be a minor misdemeanor if committed by an adult; 135

(e) A requirement that the child obtain a high school 136  
diploma, a certificate of high school equivalence, vocational 137  
training, or employment; 138

(f) A period of drug and alcohol use monitoring; 139

(g) A requirement of alcohol or drug assessment or 140  
counseling, or a period in an alcohol or drug treatment program 141

with a level of security for the child as determined necessary by 142  
the court; 143

(h) A period in which the court orders the child to observe a 144  
curfew that may involve daytime or evening hours; 145

(i) A requirement that the child serve monitored time; 146

(j) A period of house arrest without electronic monitoring or 147  
continuous alcohol monitoring; 148

(k) A period of electronic monitoring or continuous alcohol 149  
monitoring without house arrest, or house arrest with electronic 150  
monitoring or continuous alcohol monitoring or both electronic 151  
monitoring and continuous alcohol monitoring, that does not exceed 152  
the maximum sentence of imprisonment that could be imposed upon an 153  
adult who commits the same act. 154

A period of house arrest with electronic monitoring or 155  
continuous alcohol monitoring or both electronic monitoring and 156  
continuous alcohol monitoring, imposed under this division shall 157  
not extend beyond the child's twenty-first birthday. If a court 158  
imposes a period of house arrest with electronic monitoring or 159  
continuous alcohol monitoring or both electronic monitoring and 160  
continuous alcohol monitoring, upon a child under this division, 161  
it shall require the child: to remain in the child's home or other 162  
specified premises for the entire period of house arrest with 163  
electronic monitoring or continuous alcohol monitoring or both 164  
except when the court permits the child to leave those premises to 165  
go to school or to other specified premises. Regarding electronic 166  
monitoring, the court also shall require the child to be monitored 167  
by a central system that can determine the child's location at 168  
designated times; to report periodically to a person designated by 169  
the court; and to enter into a written contract with the court 170  
agreeing to comply with all requirements imposed by the court, 171  
agreeing to pay any fee imposed by the court for the costs of the 172

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 a chronic truant or a habitual truant who previously has been adjudicated an unruly child for being a habitual truant, do either or both of the following:	205 206 207 208
(i) Require the child to participate in a truancy prevention mediation program;	209 210
(ii) Make any order of disposition as authorized by this section, except that the court shall not commit the child to a facility described in division (A)(2) or (3) of this section unless the court determines that the child violated a lawful court order made pursuant to division (C)(1)(e) of section 2151.354 of the Revised Code or division (A)(6) of this section.	211 212 213 214 215 216
(b) If a child is adjudicated a delinquent child for being a chronic truant or a habitual truant who previously has been adjudicated an unruly child for being a habitual truant and the court determines that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, do either or both of the following:	217 218 219 220 221 222 223
(i) Require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program;	224 225 226
(ii) Require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child.	227 228 229 230 231
(8) Make any further disposition that the court finds proper, except that the child shall not be placed in any of the following:	232 233
(a) A state correctional institution, a county, multicounty, or municipal jail or workhouse, or another place in which an adult	234 235



convicted of a crime, under arrest, or charged with a crime is 236  
held; 237

(b) A community corrections facility, if the child would be 238  
covered by the definition of public safety beds for purposes of 239  
sections 5139.41 to 5139.43 of the Revised Code if the court 240  
exercised its authority to commit the child to the legal custody 241  
of the department of youth services for institutionalization or 242  
institutionalization in a secure facility pursuant to this 243  
chapter. 244

(B) If a child is adjudicated a delinquent child, in addition 245  
to any order of disposition made under division (A) of this 246  
section, the court, in the following situations and for the 247  
specified periods of time, shall suspend the child's temporary 248  
instruction permit, restricted license, probationary driver's 249  
license, or nonresident operating privilege, or suspend the 250  
child's ability to obtain such a permit: 251

(1) If the child is adjudicated a delinquent child for 252  
violating section 2923.122 of the Revised Code, impose a class 253  
four suspension of the child's license, permit, or privilege from 254  
the range specified in division (A)(4) of section 4510.02 of the 255  
Revised Code or deny the child the issuance of a license or permit 256  
in accordance with division (F)(1) of section 2923.122 of the 257  
Revised Code. 258

(2) If the child is adjudicated a delinquent child for 259  
committing an act that if committed by an adult would be a drug 260  
abuse offense or for violating division (B) of section 2917.11 of 261  
the Revised Code, suspend the child's license, permit, or 262  
privilege for a period of time prescribed by the court. The court, 263  
in its discretion, may terminate the suspension if the child 264  
attends and satisfactorily completes a drug abuse or alcohol abuse 265  
education, intervention, or treatment program specified by the 266  
court. During the time the child is attending a program described 267

in this division, the court shall retain the child's temporary 268  
instruction permit, probationary driver's license, or driver's 269  
license, and the court shall return the permit or license if it 270  
terminates the suspension as described in this division. 271

(C) The court may establish a victim-offender mediation 272  
program in which victims and their offenders meet to discuss the 273  
offense and suggest possible restitution. If the court obtains the 274  
assent of the victim of the delinquent act committed by the child, 275  
the court may require the child to participate in the program. 276

(D)(1) If a child is adjudicated a delinquent child for 277  
committing an act that would be a felony if committed by an adult 278  
and if the child caused, attempted to cause, threatened to cause, 279  
or created a risk of physical harm to the victim of the act, the 280  
court, prior to issuing an order of disposition under this 281  
section, shall order the preparation of a victim impact statement 282  
by the probation department of the county in which the victim of 283  
the act resides, by the court's own probation department, or by a 284  
victim assistance program that is operated by the state, a county, 285  
a municipal corporation, or another governmental entity. The court 286  
shall consider the victim impact statement in determining the 287  
order of disposition to issue for the child. 288

(2) Each victim impact statement shall identify the victim of 289  
the act for which the child was adjudicated a delinquent child, 290  
itemize any economic loss suffered by the victim as a result of 291  
the act, identify any physical injury suffered by the victim as a 292  
result of the act and the seriousness and permanence of the 293  
injury, identify any change in the victim's personal welfare or 294  
familial relationships as a result of the act and any 295  
psychological impact experienced by the victim or the victim's 296  
family as a result of the act, and contain any other information 297  
related to the impact of the act upon the victim that the court 298  
requires. 299

(3) A victim impact statement shall be kept confidential and 300  
is not a public record. However, the court may furnish copies of 301  
the statement to the department of youth services if the 302  
delinquent child is committed to the department or to both the 303  
adjudicated delinquent child or the adjudicated delinquent child's 304  
counsel and the prosecuting attorney. The copy of a victim impact 305  
statement furnished by the court to the department pursuant to 306  
this section shall be kept confidential and is not a public 307  
record. If an officer is preparing pursuant to section 2947.06 or 308  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 309  
investigation report pertaining to a person, the court shall make 310  
available to the officer, for use in preparing the report, a copy 311  
of any victim impact statement regarding that person. The copies 312  
of a victim impact statement that are made available to the 313  
adjudicated delinquent child or the adjudicated delinquent child's 314  
counsel and the prosecuting attorney pursuant to this division 315  
shall be returned to the court by the person to whom they were 316  
made available immediately following the imposition of an order of 317  
disposition for the child under this chapter. 318

The copy of a victim impact statement that is made available 319  
pursuant to this division to an officer preparing a criminal 320  
presentence investigation report shall be returned to the court by 321  
the officer immediately following its use in preparing the report. 322

(4) The department of youth services shall work with local 323  
probation departments and victim assistance programs to develop a 324  
standard victim impact statement. 325

(E) If a child is adjudicated a delinquent child for being a 326  
chronic truant or a habitual truant who previously has been 327  
adjudicated an unruly child for being a habitual truant and the 328  
court determines that the parent, guardian, or other person having 329  
care of the child has failed to cause the child's attendance at 330  
school in violation of section 3321.38 of the Revised Code, in 331

addition to any order of disposition it makes under this section, 332  
the court shall warn the parent, guardian, or other person having 333  
care of the child that any subsequent adjudication of the child as 334  
an unruly or delinquent child for being a habitual or chronic 335  
truant may result in a criminal charge against the parent, 336  
guardian, or other person having care of the child for a violation 337  
of division (C) of section 2919.21 or section 2919.24 of the 338  
Revised Code. 339

(F) If a child under eighteen years of age is adjudicated a 340  
delinquent child for a violation of division (B) of section 341  
959.131 of the Revised Code, the court, in addition to any other 342  
disposition that it makes under this section, shall require the 343  
child to undergo a psychological evaluation. The evaluation shall 344  
determine if the child needs individual or family counseling and 345  
shall make a recommendation as to the frequency and the length of 346  
time that the counseling should occur. If individual or family 347  
counseling is recommended by the evaluation, the court shall 348  
require the counseling to take place and shall establish the 349  
frequency and the length of time of the counseling. The court may 350  
order the parent, guardian, or other person having care of the 351  
child to pay the costs of the evaluation, any counseling, or both. 352

(G)(1) During the period of a delinquent child's community 353  
control granted under this section, authorized probation officers 354  
who are engaged within the scope of their supervisory duties or 355  
responsibilities may search, with or without a warrant, the person 356  
of the delinquent child, the place of residence of the delinquent 357  
child, and a motor vehicle, another item of tangible or intangible 358  
personal property, or other real property in which the delinquent 359  
child has a right, title, or interest or for which the delinquent 360  
child has the express or implied permission of a person with a 361  
right, title, or interest to use, occupy, or possess if the 362  
probation officers have reasonable grounds to believe that the 363

delinquent child is not abiding by the law or otherwise is not 364  
complying with the conditions of the delinquent child's community 365  
control. The court that places a delinquent child on community 366  
control under this section shall provide the delinquent child with 367  
a written notice that informs the delinquent child that authorized 368  
probation officers who are engaged within the scope of their 369  
supervisory duties or responsibilities may conduct those types of 370  
searches during the period of community control if they have 371  
reasonable grounds to believe that the delinquent child is not 372  
abiding by the law or otherwise is not complying with the 373  
conditions of the delinquent child's community control. The court 374  
also shall provide the written notice described in division 375  
~~(E)~~(G)(2) of this section to each parent, guardian, or custodian 376  
of the delinquent child who is described in that division. 377

(2) The court that places a child on community control under 378  
this section shall provide the child's parent, guardian, or other 379  
custodian with a written notice that informs them that authorized 380  
probation officers may conduct searches pursuant to division 381  
(E)(1) of this section. The notice shall specifically state that a 382  
permissible search might extend to a motor vehicle, another item 383  
of tangible or intangible personal property, or a place of 384  
residence or other real property in which a notified parent, 385  
guardian, or custodian has a right, title, or interest and that 386  
the parent, guardian, or custodian expressly or impliedly permits 387  
the child to use, occupy, or possess. 388

~~(G)~~(H) If a juvenile court commits a delinquent child to the 389  
custody of any person, organization, or entity pursuant to this 390  
section and if the delinquent act for which the child is so 391  
committed is a sexually oriented offense or is a child-victim 392  
oriented offense, the court in the order of disposition shall do 393  
one of the following: 394

(1) Require that the child be provided treatment as described 395

in division (A)(2) of section 5139.13 of the Revised Code; 396

(2) Inform the person, organization, or entity that it is the 397  
preferred course of action in this state that the child be 398  
provided treatment as described in division (A)(2) of section 399  
5139.13 of the Revised Code and encourage the person, 400  
organization, or entity to provide that treatment. 401

**Sec. 2903.213.** (A) Except when the complaint involves a 402  
person who is a family or household member as defined in section 403  
2919.25 of the Revised Code, upon the filing of a complaint that 404  
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 405  
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 406  
a municipal ordinance substantially similar to section 2903.13, 407  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 408  
the commission of a sexually oriented offense, the complainant, 409  
the alleged victim, or a family or household member of an alleged 410  
victim may file a motion that requests the issuance of a 411  
protection order as a pretrial condition of release of the alleged 412  
offender, in addition to any bail set under Criminal Rule 46. The 413  
motion shall be filed with the clerk of the court that has 414  
jurisdiction of the case at any time after the filing of the 415  
complaint. If the complaint involves a person who is a family or 416  
household member, the complainant, the alleged victim, or the 417  
family or household member may file a motion for a temporary 418  
protection order pursuant to section 2919.26 of the Revised Code. 419

(B) A motion for a protection order under this section shall 420  
be prepared on a form that is provided by the clerk of the court, 421  
and the form shall be substantially as follows: 422

"Motion for Protection Order 423  
..... 424  
Name and address of court 425

State of Ohio 426

v.	No. ....	427
.....		428
Name of Defendant		429
(Name of person), moves the court to issue a protection order		430
containing terms designed to ensure the safety and protection of		431
the complainant or the alleged victim in the above-captioned case		432
<u>and any companion animal that is in the complainant's or alleged</u>		433
<u>victim's residence</u> , in relation to the named defendant, pursuant		434
to its authority to issue a protection order under section		435
2903.213 of the Revised Code.		436
A complaint, a copy of which has been attached to this		437
motion, has been filed in this court charging the named defendant		438
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21,		439
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of		440
a municipal ordinance substantially similar to section 2903.13,		441
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or		442
the commission of a sexually oriented offense.		443
I understand that I must appear before the court, at a time		444
set by the court not later than the next day that the court is in		445
session after the filing of this motion, for a hearing on the		446
motion, and that any protection order granted pursuant to this		447
motion is a pretrial condition of release and is effective only		448
until the disposition of the criminal proceeding arising out of		449
the attached complaint or until the issuance under section		450
2903.214 of the Revised Code of a protection order arising out of		451
the same activities as those that were the basis of the attached		452
complaint.		453
.....		454
Signature of person		455
.....		456

Address of person" 457

(C)(1) As soon as possible after the filing of a motion that 458  
requests the issuance of a protection order under this section, 459  
but not later than the next day that the court is in session after 460  
the filing of the motion, the court shall conduct a hearing to 461  
determine whether to issue the order. The person who requested the 462  
order shall appear before the court and provide the court with the 463  
information that it requests concerning the basis of the motion. 464  
If the court finds that the safety and protection of the 465  
complainant or the alleged victim may be impaired by the continued 466  
presence of the alleged offender, the court may issue a protection 467  
order under this section, as a pretrial condition of release, that 468  
contains terms designed to ensure the safety and protection of the 469  
complainant or the alleged victim, including a requirement that 470  
the alleged offender refrain from entering the residence, school, 471  
business, or place of employment of the complainant or the alleged 472  
victim. The court may include within the scope of a protection 473  
order issued under this section any companion animal that is in 474  
the complainant's or alleged victim's residence. 475

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

(b) Division (C)(2)(a) of this section does not limit any 487  
discretion of a court to determine that an alleged offender 488



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

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

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

(3) If a municipal court or a county court issues a 513  
protection order under this section and if, subsequent to the 514  
issuance of the order, the alleged offender who is the subject of 515  
the order is bound over to the court of common pleas for 516  
prosecution of a felony arising out of the same activities as 517  
those that were the basis of the complaint upon which the order is 518  
based, notwithstanding the fact that the order was issued by a 519  
municipal court or county court, the order shall remain in effect, 520

as though it were an order of the court of common pleas, while the 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, 552  
executes or posts bond or deposits cash or securities as bail, 553  
shall not be held in custody pending a hearing before the court on 554  
a motion requesting a protection order under this section. 555

(G)(1) A copy of a protection order that is issued under this 556  
section shall be issued by the court to the complainant, to the 557  
alleged victim, to the person who requested the order, to the 558  
defendant, and to all law enforcement agencies that have 559  
jurisdiction to enforce the order. The court shall direct that a 560  
copy of the order be delivered to the defendant on the same day 561  
that the order is entered. If a municipal court or a county court 562  
issues a protection order under this section and if, subsequent to 563  
the issuance of the order, the defendant who is the subject of the 564  
order is bound over to the court of common pleas for prosecution 565  
as described in division (D)(3) of this section, the municipal 566  
court or county court shall direct that a copy of the order be 567  
delivered to the court of common pleas to which the defendant is 568  
bound over. 569

(2) All law enforcement agencies shall establish and maintain 570  
an index for the protection orders delivered to the agencies 571  
pursuant to division (G)(1) of this section. With respect to each 572  
order delivered, each agency shall note on the index the date and 573  
time of the agency's receipt of the order. 574

(3) Regardless of whether the petitioner has registered the 575  
protection order in the county in which the officer's agency has 576  
jurisdiction, any officer of a law enforcement agency shall 577  
enforce a protection order issued pursuant to this section in 578  
accordance with the provisions of the order. 579

(H) Upon a violation of a protection order issued pursuant to 580  
this section, the court may issue another protection order under 581  
this section, as a pretrial condition of release, that modifies 582  
the terms of the order that was violated. 583

(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:~~ 593

(1) "Sexually oriented offense" has the same meaning as in  
section 2950.01 of the Revised Code. 594  
595

(2) "Companion animal" has the same meaning as in section  
959.131 of the Revised Code. 596  
597

**Sec. 2903.214.** (A) As used in this section: 598

(1) "Court" means the court of common pleas of the county in  
which the person to be protected by the protection order resides. 599  
600

(2) "Victim advocate" means a person who provides support and  
assistance for a person who files a petition under this section. 601  
602

(3) "Family or household member" has the same meaning as in  
section 3113.31 of the Revised Code. 603  
604

(4) "Protection order issued by a court of another state" has  
the same meaning as in section 2919.27 of the Revised Code. 605  
606

(5) "Sexually oriented offense" has the same meaning as in  
section 2950.01 of the Revised Code. 607  
608

(6) "Electronic monitoring" has the same meaning as in  
section 2929.01 of the Revised Code. 609  
610

(7) "Companion animal" has the same meaning as in section  
959.131 of the Revised Code. 611  
612

(B) The court has jurisdiction over all proceedings under 613  
this section. 614

(C) A person may seek relief under this section for the 615  
person, or any parent or adult household member may seek relief 616  
under this section on behalf of any other family or household 617  
member, by filing a petition with the court. The petition shall 618  
contain or state all of the following: 619

(1) An allegation that the respondent is eighteen years of 620  
age or older and engaged in a violation of section 2903.211 of the 621  
Revised Code against the person to be protected by the protection 622  
order or committed a sexually oriented offense against the person 623  
to be protected by the protection order, including a description 624  
of the nature and extent of the violation; 625

(2) If the petitioner seeks relief in the form of electronic 626  
monitoring of the respondent, an allegation that at any time 627  
preceding the filing of the petition the respondent engaged in 628  
conduct that would cause a reasonable person to believe that the 629  
health, welfare, or safety of the person to be protected was at 630  
risk, a description of the nature and extent of that conduct, and 631  
an allegation that the respondent presents a continuing danger to 632  
the person to be protected; 633

(3) A request for relief under this section. 634

(D)(1) If a person who files a petition pursuant to this 635  
section requests an ex parte order, the court shall hold an ex 636  
parte hearing as soon as possible after the petition is filed, but 637  
not later than the next day that the court is in session after the 638  
petition is filed. The court, for good cause shown at the ex parte 639  
hearing, may enter any temporary orders, with or without bond, 640  
that the court finds necessary for the safety and protection of 641  
the person to be protected by the order. Immediate and present 642  
danger to the person to be protected by the protection order 643

constitutes good cause for purposes of this section. Immediate and 644  
present danger includes, but is not limited to, situations in 645  
which the respondent has threatened the person to be protected by 646  
the protection order with bodily harm or in which the respondent 647  
previously has been convicted of or pleaded guilty to a violation 648  
of section 2903.211 of the Revised Code or a sexually oriented 649  
offense against the person to be protected by the protection 650  
order. 651

(2)(a) If the court, after an ex parte hearing, issues a 652  
protection order described in division (E) of this section, the 653  
court shall schedule a full hearing for a date that is within ten 654  
court days after the ex parte hearing. The court shall give the 655  
respondent notice of, and an opportunity to be heard at, the full 656  
hearing. The court shall hold the full hearing on the date 657  
scheduled under this division unless the court grants a 658  
continuance of the hearing in accordance with this division. Under 659  
any of the following circumstances or for any of the following 660  
reasons, the court may grant a continuance of the full hearing to 661  
a reasonable time determined by the court: 662

(i) Prior to the date scheduled for the full hearing under 663  
this division, the respondent has not been served with the 664  
petition filed pursuant to this section and notice of the full 665  
hearing. 666

(ii) The parties consent to the continuance. 667

(iii) The continuance is needed to allow a party to obtain 668  
counsel. 669

(iv) The continuance is needed for other good cause. 670

(b) An ex parte order issued under this section does not 671  
expire because of a failure to serve notice of the full hearing 672  
upon the respondent before the date set for the full hearing under 673  
division (D)(2)(a) of this section or because the court grants a 674

continuance under that division. 675

(3) If a person who files a petition pursuant to this section 676  
does not request an ex parte order, or if a person requests an ex 677  
parte order but the court does not issue an ex parte order after 678  
an ex parte hearing, the court shall proceed as in a normal civil 679  
action and grant a full hearing on the matter. 680

(E)(1)(a) After an ex parte or full hearing, the court may 681  
issue any protection order, with or without bond, that contains 682  
terms designed to ensure the safety and protection of the person 683  
to be protected by the protection order, including, but not 684  
limited to, a requirement that the respondent refrain from 685  
entering the residence, school, business, or place of employment 686  
of the petitioner or family or household member. If the court 687  
includes a requirement that the respondent refrain from entering 688  
the residence, school, business, or place of employment of the 689  
petitioner or family or household member in the order, it also 690  
shall include in the order provisions of the type described in 691  
division (E)(5) of this section. The court may include within the 692  
scope of a protection order issued under this section any 693  
companion animal that is in the residence of the person to be 694  
protected. 695

(b) After a full hearing, if the court considering a petition 696  
that includes an allegation of the type described in division 697  
(C)(2) of this section, or the court upon its own motion, finds 698  
upon clear and convincing evidence that the petitioner reasonably 699  
believed that the respondent's conduct at any time preceding the 700  
filing of the petition endangered the health, welfare, or safety 701  
of the person to be protected and that the respondent presents a 702  
continuing danger to the person to be protected, the court may 703  
order that the respondent be electronically monitored for a period 704  
of time and under the terms and conditions that the court 705  
determines are appropriate. Electronic monitoring shall be in 706

addition to any other relief granted to the petitioner. 707

(2)(a) Any protection order issued pursuant to this section 708  
shall be valid until a date certain but not later than five years 709  
from the date of its issuance. 710

(b) Any protection order issued pursuant to this section may 711  
be renewed in the same manner as the original order was issued. 712

(3) A court may not issue a protection order that requires a 713  
petitioner to do or to refrain from doing an act that the court 714  
may require a respondent to do or to refrain from doing under 715  
division (E)(1) of this section unless all of the following apply: 716

(a) The respondent files a separate petition for a protection 717  
order in accordance with this section. 718

(b) The petitioner is served with notice of the respondent's 719  
petition at least forty-eight hours before the court holds a 720  
hearing with respect to the respondent's petition, or the 721  
petitioner waives the right to receive this notice. 722

(c) If the petitioner has requested an ex parte order 723  
pursuant to division (D) of this section, the court does not delay 724  
any hearing required by that division beyond the time specified in 725  
that division in order to consolidate the hearing with a hearing 726  
on the petition filed by the respondent. 727

(d) After a full hearing at which the respondent presents 728  
evidence in support of the request for a protection order and the 729  
petitioner is afforded an opportunity to defend against that 730  
evidence, the court determines that the petitioner has committed a 731  
violation of section 2903.211 of the Revised Code against the 732  
person to be protected by the protection order issued pursuant to 733  
division (E)(3) of this section, has committed a sexually oriented 734  
offense against the person to be protected by the protection order 735  
issued pursuant to division (E)(3) of this section, or has 736  
violated a protection order issued pursuant to section 2903.213 of 737



the Revised Code relative to the person to be protected by the 738  
protection order issued pursuant to division (E)(3) of this 739  
section. 740

(4) No protection order issued pursuant to this section shall 741  
in any manner affect title to any real property. 742

(5)(a) If the court issues a protection order under this 743  
section that includes a requirement that the alleged offender 744  
refrain from entering the residence, school, business, or place of 745  
employment of the petitioner or a family or household member, the 746  
order shall clearly state that the order cannot be waived or 747  
nullified by an invitation to the alleged offender from the 748  
complainant to enter the residence, school, business, or place of 749  
employment or by the alleged offender's entry into one of those 750  
places otherwise upon the consent of the petitioner or family or 751  
household member. 752

(b) Division (E)(5)(a) of this section does not limit any 753  
discretion of a court to determine that an alleged offender 754  
charged with a violation of section 2919.27 of the Revised Code, 755  
with a violation of a municipal ordinance substantially equivalent 756  
to that section, or with contempt of court, which charge is based 757  
on an alleged violation of a protection order issued under this 758  
section, did not commit the violation or was not in contempt of 759  
court. 760

(F)(1) The court shall cause the delivery of a copy of any 761  
protection order that is issued under this section to the 762  
petitioner, to the respondent, and to all law enforcement agencies 763  
that have jurisdiction to enforce the order. The court shall 764  
direct that a copy of the order be delivered to the respondent on 765  
the same day that the order is entered. 766

(2) Upon the issuance of a protection order under this 767  
section, the court shall provide the parties to the order with the 768

following notice orally or by form: 769

"NOTICE 770

As a result of this order, it may be unlawful for you to 771  
possess or purchase a firearm, including a rifle, pistol, or 772  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 773  
922(g)(8). If you have any questions whether this law makes it 774  
illegal for you to possess or purchase a firearm or ammunition, 775  
you should consult an attorney." 776

(3) All law enforcement agencies shall establish and maintain 777  
an index for the protection orders delivered to the agencies 778  
pursuant to division (F)(1) of this section. With respect to each 779  
order delivered, each agency shall note on the index the date and 780  
time that it received the order. 781

(4) Regardless of whether the petitioner has registered the 782  
protection order in the county in which the officer's agency has 783  
jurisdiction pursuant to division (M) of this section, any officer 784  
of a law enforcement agency shall enforce a protection order 785  
issued pursuant to this section by any court in this state in 786  
accordance with the provisions of the order, including removing 787  
the respondent from the premises, if appropriate. 788

(G) Any proceeding under this section shall be conducted in 789  
accordance with the Rules of Civil Procedure, except that a 790  
protection order may be obtained under this section with or 791  
without bond. An order issued under this section, other than an ex 792  
parte order, that grants a protection order, or that refuses to 793  
grant a protection order, is a final, appealable order. The 794  
remedies and procedures provided in this section are in addition 795  
to, and not in lieu of, any other available civil or criminal 796  
remedies. 797

(H) The filing of proceedings under this section does not 798  
excuse a person from filing any report or giving any notice 799

required by section 2151.421 of the Revised Code or by any other 800  
law. 801

(I) Any law enforcement agency that investigates an alleged 802  
violation of section 2903.211 of the Revised Code or an alleged 803  
commission of a sexually oriented offense shall provide 804  
information to the victim and the family or household members of 805  
the victim regarding the relief available under this section and 806  
section 2903.213 of the Revised Code. 807

(J) Notwithstanding any provision of law to the contrary and 808  
regardless of whether a protection order is issued or a consent 809  
agreement is approved by a court of another county or by a court 810  
of another state, no court or unit of state or local government 811  
shall charge any fee, cost, deposit, or money in connection with 812  
the filing of a petition pursuant to this section, in connection 813  
with the filing, issuance, registration, or service of a 814  
protection order or consent agreement, or for obtaining a 815  
certified copy of a protection order or consent agreement. 816

(K)(1) A person who violates a protection order issued under 817  
this section is subject to the following sanctions: 818

(a) Criminal prosecution for a violation of section 2919.27 819  
of the Revised Code, if the violation of the protection order 820  
constitutes a violation of that section; 821

(b) Punishment for contempt of court. 822

(2) The punishment of a person for contempt of court for 823  
violation of a protection order issued under this section does not 824  
bar criminal prosecution of the person for a violation of section 825  
2919.27 of the Revised Code. However, a person punished for 826  
contempt of court is entitled to credit for the punishment imposed 827  
upon conviction of a violation of that section, and a person 828  
convicted of a violation of that section shall not subsequently be 829  
punished for contempt of court arising out of the same activity. 830

(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 862  
protection orders that have been issued by courts in other 863  
counties pursuant to this section or section 2903.213 of the 864  
Revised Code and that have been registered with the clerk. 865

(N)(1) If the court orders electronic monitoring of the 866  
respondent under this section, the court shall direct the 867  
sheriff's office or any other appropriate law enforcement agency 868  
to install the electronic monitoring device and to monitor the 869  
respondent. Unless the court determines that the respondent is 870  
indigent, the court shall order the respondent to pay the cost of 871  
the installation and monitoring of the electronic monitoring 872  
device. If the court determines that the respondent is indigent 873  
and subject to the maximum amount allowable to be paid in any year 874  
from the fund and the rules promulgated by the attorney general 875  
under division (N)(2) of this section, the cost of the 876  
installation and monitoring of the electronic monitoring device 877  
may be paid out of funds from the reparations fund created 878  
pursuant to section 2743.191 of the Revised Code. The total amount 879  
of costs for the installation and monitoring of electronic 880  
monitoring devices paid pursuant to this division and sections 881  
2151.34 and 2919.27 of the Revised Code from the reparations fund 882  
shall not exceed three hundred thousand dollars per year. 883

(2) The attorney general may promulgate rules pursuant to 884  
section 111.15 of the Revised Code to govern payments made from 885  
the reparations fund pursuant to this division and sections 886  
2151.34 and 2919.27 of the Revised Code. The rules may include 887  
reasonable limits on the total cost paid pursuant to this division 888  
and sections 2151.34 and 2919.27 of the Revised Code per 889  
respondent, the amount of the three hundred thousand dollars 890  
allocated to each county, and how invoices may be submitted by a 891  
county, court, or other entity. 892

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 893  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 894  
2911.211 of the Revised Code if the alleged victim of the 895  
violation was a family or household member at the time of the 896  
violation, a violation of a municipal ordinance that is 897  
substantially similar to any of those sections if the alleged 898  
victim of the violation was a family or household member at the 899  
time of the violation, any offense of violence if the alleged 900  
victim of the offense was a family or household member at the time 901  
of the commission of the offense, or any sexually oriented offense 902  
if the alleged victim of the offense was a family or household 903  
member at the time of the commission of the offense, the 904  
complainant, the alleged victim, or a family or household member 905  
of an alleged victim may file, or, if in an emergency the alleged 906  
victim is unable to file, a person who made an arrest for the 907  
alleged violation or offense under section 2935.03 of the Revised 908  
Code may file on behalf of the alleged victim, a motion that 909  
requests the issuance of a temporary protection order as a 910  
pretrial condition of release of the alleged offender, in addition 911  
to any bail set under Criminal Rule 46. The motion shall be filed 912  
with the clerk of the court that has jurisdiction of the case at 913  
any time after the filing of the complaint. 914

(2) For purposes of section 2930.09 of the Revised Code, all 915  
stages of a proceeding arising out of a complaint alleging the 916  
commission of a violation, offense of violence, or sexually 917  
oriented offense described in division (A)(1) of this section, 918  
including all proceedings on a motion for a temporary protection 919  
order, are critical stages of the case, and a victim may be 920  
accompanied by a victim advocate or another person to provide 921  
support to the victim as provided in that section. 922

(B) The motion shall be prepared on a form that is provided 923  
by the clerk of the court, which form shall be substantially as 924

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

from the offense alleged in the complaint, a person who can 956  
provide information about my need for a temporary protection order 957  
must appear before the court in lieu of my appearing in court. I 958  
understand that any temporary protection order granted pursuant to 959  
this motion is a pretrial condition of release and is effective 960  
only until the disposition of the criminal proceeding arising out 961  
of the attached complaint, or the issuance of a civil protection 962  
order or the approval of a consent agreement, arising out of the 963  
same activities as those that were the basis of the complaint, 964  
under section 3113.31 of the Revised Code. 965  
..... 966  
Signature of person 967  
(or signature of the arresting officer who filed the motion on 968  
behalf of the alleged victim) 969  
..... 970  
Address of person (or office address of the arresting officer who 971  
filed the motion on behalf of the alleged victim)" 972  
  
(C)(1) As soon as possible after the filing of a motion that 973  
requests the issuance of a temporary protection order, but not 974  
later than twenty-four hours after the filing of the motion, the 975  
court shall conduct a hearing to determine whether to issue the 976  
order. The person who requested the order shall appear before the 977  
court and provide the court with the information that it requests 978  
concerning the basis of the motion. If the person who requested 979  
the order is unable to appear and if the court finds that the 980  
failure to appear is because of the person's hospitalization or 981  
medical condition resulting from the offense alleged in the 982  
complaint, another person who is able to provide the court with 983  
the information it requests may appear in lieu of the person who 984  
requested the order. If the court finds that the safety and 985  
protection of the complainant, alleged victim, or any other family 986



or household member of the alleged victim may be impaired by the 987  
continued presence of the alleged offender, the court may issue a 988  
temporary protection order, as a pretrial condition of release, 989  
that contains terms designed to ensure the safety and protection 990  
of the complainant, alleged victim, or the family or household 991  
member, including a requirement that the alleged offender refrain 992  
from entering the residence, school, business, or place of 993  
employment of the complainant, alleged victim, or the family or 994  
household member. The court may include within the scope of a 995  
protection order issued under this section any companion animal 996  
that is in the complainant's or alleged victim's residence. 997

(2)(a) If the court issues a temporary protection order that 998  
includes a requirement that the alleged offender refrain from 999  
entering the residence, school, business, or place of employment 1000  
of the complainant, the alleged victim, or the family or household 1001  
member, the order shall state clearly that the order cannot be 1002  
waived or nullified by an invitation to the alleged offender from 1003  
the complainant, alleged victim, or family or household member to 1004  
enter the residence, school, business, or place of employment or 1005  
by the alleged offender's entry into one of those places otherwise 1006  
upon the consent of the complainant, alleged victim, or family or 1007  
household member. 1008

(b) Division (C)(2)(a) of this section does not limit any 1009  
discretion of a court to determine that an alleged offender 1010  
charged with a violation of section 2919.27 of the Revised Code, 1011  
with a violation of a municipal ordinance substantially equivalent 1012  
to that section, or with contempt of court, which charge is based 1013  
on an alleged violation of a temporary protection order issued 1014  
under this section, did not commit the violation or was not in 1015  
contempt of court. 1016

(D)(1) Upon the filing of a complaint that alleges a 1017  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1018

Revised Code if the alleged victim of the violation was a family 1019  
or household member at the time of the violation, a violation of a 1020  
municipal ordinance that is substantially similar to any of those 1021  
sections if the alleged victim of the violation was a family or 1022  
household member at the time of the violation, any offense of 1023  
violence if the alleged victim of the offense was a family or 1024  
household member at the time of the commission of the offense, or 1025  
any sexually oriented offense if the alleged victim of the offense 1026  
was a family or household member at the time of the commission of 1027  
the offense, the court, upon its own motion, may issue a temporary 1028  
protection order as a pretrial condition of release if it finds 1029  
that the safety and protection of the complainant, alleged victim, 1030  
or other family or household member of the alleged offender may be 1031  
impaired by the continued presence of the alleged offender. The 1032  
court may include within the scope of a protection order issued 1033  
under this section any companion animal that is in the 1034  
complainant's or alleged victim's residence. 1035

(2) If the court issues a temporary protection order under 1036  
this section as an ex parte order, it shall conduct, as soon as 1037  
possible after the issuance of the order, a hearing in the 1038  
presence of the alleged offender not later than the next day on 1039  
which the court is scheduled to conduct business after the day on 1040  
which the alleged offender was arrested or at the time of the 1041  
appearance of the alleged offender pursuant to summons to 1042  
determine whether the order should remain in effect, be modified, 1043  
or be revoked. The hearing shall be conducted under the standards 1044  
set forth in division (C) of this section. 1045

(3) An order issued under this section shall contain only 1046  
those terms authorized in orders issued under division (C) of this 1047  
section. 1048

(4) If a municipal court or a county court issues a temporary 1049  
protection order under this section and if, subsequent to the 1050

issuance of the order, the alleged offender who is the subject of 1051  
the order is bound over to the court of common pleas for 1052  
prosecution of a felony arising out of the same activities as 1053  
those that were the basis of the complaint upon which the order is 1054  
based, notwithstanding the fact that the order was issued by a 1055  
municipal court or county court, the order shall remain in effect, 1056  
as though it were an order of the court of common pleas, while the 1057  
charges against the alleged offender are pending in the court of 1058  
common pleas, for the period of time described in division (E)(2) 1059  
of this section, and the court of common pleas has exclusive 1060  
jurisdiction to modify the order issued by the municipal court or 1061  
county court. This division applies when the alleged offender is 1062  
bound over to the court of common pleas as a result of the person 1063  
waiving a preliminary hearing on the felony charge, as a result of 1064  
the municipal court or county court having determined at a 1065  
preliminary hearing that there is probable cause to believe that 1066  
the felony has been committed and that the alleged offender 1067  
committed it, as a result of the alleged offender having been 1068  
indicted for the felony, or in any other manner. 1069

(E) A temporary protection order that is issued as a pretrial 1070  
condition of release under this section: 1071

(1) Is in addition to, but shall not be construed as a part 1072  
of, any bail set under Criminal Rule 46; 1073

(2) Is effective only until the occurrence of either of the 1074  
following: 1075

(a) The disposition, by the court that issued the order or, 1076  
in the circumstances described in division (D)(4) of this section, 1077  
by the court of common pleas to which the alleged offender is 1078  
bound over for prosecution, of the criminal proceeding arising out 1079  
of the complaint upon which the order is based; 1080

(b) The issuance of a protection order or the approval of a 1081

consent agreement, arising out of the same activities as those 1082  
that were the basis of the complaint upon which the order is 1083  
based, under section 3113.31 of the Revised Code; 1084

(3) Shall not be construed as a finding that the alleged 1085  
offender committed the alleged offense, and shall not be 1086  
introduced as evidence of the commission of the offense at the 1087  
trial of the alleged offender on the complaint upon which the 1088  
order is based. 1089

(F) A person who meets the criteria for bail under Criminal 1090  
Rule 46 and who, if required to do so pursuant to that rule, 1091  
executes or posts bond or deposits cash or securities as bail, 1092  
shall not be held in custody pending a hearing before the court on 1093  
a motion requesting a temporary protection order. 1094

(G)(1) A copy of any temporary protection order that is 1095  
issued under this section shall be issued by the court to the 1096  
complainant, to the alleged victim, to the person who requested 1097  
the order, to the defendant, and to all law enforcement agencies 1098  
that have jurisdiction to enforce the order. The court shall 1099  
direct that a copy of the order be delivered to the defendant on 1100  
the same day that the order is entered. If a municipal court or a 1101  
county court issues a temporary protection order under this 1102  
section and if, subsequent to the issuance of the order, the 1103  
defendant who is the subject of the order is bound over to the 1104  
court of common pleas for prosecution as described in division 1105  
(D)(4) of this section, the municipal court or county court shall 1106  
direct that a copy of the order be delivered to the court of 1107  
common pleas to which the defendant is bound over. 1108

(2) Upon the issuance of a protection order under this 1109  
section, the court shall provide the parties to the order with the 1110  
following notice orally or by form: 1111

"NOTICE 1112

As a result of this protection order, it may be unlawful for 1113  
you to possess or purchase a firearm, including a rifle, pistol, 1114  
or revolver, or ammunition pursuant to federal law under 18 U.S.C. 1115  
922(g)(8). If you have any questions whether this law makes it 1116  
illegal for you to possess or purchase a firearm or ammunition, 1117  
you should consult an attorney." 1118

(3) All law enforcement agencies shall establish and maintain 1119  
an index for the temporary protection orders delivered to the 1120  
agencies pursuant to division (G)(1) of this section. With respect 1121  
to each order delivered, each agency shall note on the index, the 1122  
date and time of the receipt of the order by the agency. 1123

(4) A complainant, alleged victim, or other person who 1124  
obtains a temporary protection order under this section may 1125  
provide notice of the issuance of the temporary protection order 1126  
to the judicial and law enforcement officials in any county other 1127  
than the county in which the order is issued by registering that 1128  
order in the other county in accordance with division (N) of 1129  
section 3113.31 of the Revised Code and filing a copy of the 1130  
registered protection order with a law enforcement agency in the 1131  
other county in accordance with that division. 1132

(5) Any officer of a law enforcement agency shall enforce a 1133  
temporary protection order issued by any court in this state in 1134  
accordance with the provisions of the order, including removing 1135  
the defendant from the premises, regardless of whether the order 1136  
is registered in the county in which the officer's agency has 1137  
jurisdiction as authorized by division (G)(4) of this section. 1138

(H) Upon a violation of a temporary protection order, the 1139  
court may issue another temporary protection order, as a pretrial 1140  
condition of release, that modifies the terms of the order that 1141  
was violated. 1142

(I)(1) As used in divisions (I)(1) and (2) of this section, 1143

"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 1176  
charge any fee, cost, deposit, or money in connection with the 1177  
filing of a motion pursuant to this section, in connection with 1178  
the filing, issuance, registration, or service of a protection 1179  
order or consent agreement, or for obtaining a certified copy of a 1180  
protection order or consent agreement. 1181

(K) As used in this section: 1182

(1) "Companion animal" has the same meaning as in section 1183  
959.131 of the Revised Code. 1184

(2) "Sexually oriented offense" has the same meaning as in 1185  
section 2950.01 of the Revised Code. 1186

~~(2)~~(3) "Victim advocate" means a person who provides support 1187  
and assistance for a victim of an offense during court 1188  
proceedings. 1189

**Sec. 3113.31.** (A) As used in this section: 1190

(1) "Domestic violence" means the occurrence of one or more 1191  
of the following acts against a family or household member: 1192

(a) Attempting to cause or recklessly causing bodily injury; 1193

(b) Placing another person by the threat of force in fear of 1194  
imminent serious physical harm or committing a violation of 1195  
section 2903.211 or 2911.211 of the Revised Code; 1196

(c) Committing any act with respect to a child that would 1197  
result in the child being an abused child, as defined in section 1198  
2151.031 of the Revised Code; 1199

(d) Committing a sexually oriented offense. 1200

(2) "Court" means the domestic relations division of the 1201  
court of common pleas in counties that have a domestic relations 1202  
division and the court of common pleas in counties that do not 1203  
have a domestic relations division, or the juvenile division of 1204

the court of common pleas of the county in which the person to be 1205  
protected by a protection order issued or a consent agreement 1206  
approved under this section resides if the respondent is less than 1207  
eighteen years of age. 1208

(3) "Family or household member" means any of the following: 1209

(a) Any of the following who is residing with or has resided 1210  
with the respondent: 1211

(i) A spouse, a person living as a spouse, or a former spouse 1212  
of the respondent; 1213

(ii) A parent, a foster parent, or a child of the respondent, 1214  
or another person related by consanguinity or affinity to the 1215  
respondent; 1216

(iii) A parent or a child of a spouse, person living as a 1217  
spouse, or former spouse of the respondent, or another person 1218  
related by consanguinity or affinity to a spouse, person living as 1219  
a spouse, or former spouse of the respondent. 1220

(b) The natural parent of any child of whom the respondent is 1221  
the other natural parent or is the putative other natural parent. 1222

(4) "Person living as a spouse" means a person who is living 1223  
or has lived with the respondent in a common law marital 1224  
relationship, who otherwise is cohabiting with the respondent, or 1225  
who otherwise has cohabited with the respondent within five years 1226  
prior to the date of the alleged occurrence of the act in 1227  
question. 1228

(5) "Victim advocate" means a person who provides support and 1229  
assistance for a person who files a petition under this section. 1230

(6) "Sexually oriented offense" has the same meaning as in 1231  
section 2950.01 of the Revised Code. 1232

(7) "Companion animal" has the same meaning as in section 1233  
959.131 of the Revised Code. 1234



(B) The court has jurisdiction over all proceedings under 1235  
this section. The petitioner's right to relief under this section 1236  
is not affected by the petitioner's leaving the residence or 1237  
household to avoid further domestic violence. 1238

(C) A person may seek relief under this section on the 1239  
person's own behalf, or any parent or adult household member may 1240  
seek relief under this section on behalf of any other family or 1241  
household member, by filing a petition with the court. The 1242  
petition shall contain or state: 1243

(1) An allegation that the respondent engaged in domestic 1244  
violence against a family or household member of the respondent, 1245  
including a description of the nature and extent of the domestic 1246  
violence; 1247

(2) The relationship of the respondent to the petitioner, and 1248  
to the victim if other than the petitioner; 1249

(3) A request for relief under this section. 1250

(D)(1) If a person who files a petition pursuant to this 1251  
section requests an ex parte order, the court shall hold an ex 1252  
parte hearing on the same day that the petition is filed. The 1253  
court, for good cause shown at the ex parte hearing, may enter any 1254  
temporary orders, with or without bond, including, but not limited 1255  
to, an order described in division (E)(1)(a), (b), or (c) of this 1256  
section, that the court finds necessary to protect the family or 1257  
household member from domestic violence. Immediate and present 1258  
danger of domestic violence to the family or household member 1259  
constitutes good cause for purposes of this section. Immediate and 1260  
present danger includes, but is not limited to, situations in 1261  
which the respondent has threatened the family or household member 1262  
with bodily harm, in which the respondent has threatened the 1263  
family or household member with a sexually oriented offense, or in 1264  
which the respondent previously has been convicted of, pleaded 1265

guilty to, or been adjudicated a delinquent child for an offense 1266  
that constitutes domestic violence against the family or household 1267  
member. 1268

(2)(a) If the court, after an ex parte hearing, issues an 1269  
order described in division (E)(1)(b) or (c) of this section, the 1270  
court shall schedule a full hearing for a date that is within 1271  
seven court days after the ex parte hearing. If any other type of 1272  
protection order that is authorized under division (E) of this 1273  
section is issued by the court after an ex parte hearing, the 1274  
court shall schedule a full hearing for a date that is within ten 1275  
court days after the ex parte hearing. The court shall give the 1276  
respondent notice of, and an opportunity to be heard at, the full 1277  
hearing. The court shall hold the full hearing on the date 1278  
scheduled under this division unless the court grants a 1279  
continuance of the hearing in accordance with this division. Under 1280  
any of the following circumstances or for any of the following 1281  
reasons, the court may grant a continuance of the full hearing to 1282  
a reasonable time determined by the court: 1283

(i) Prior to the date scheduled for the full hearing under 1284  
this division, the respondent has not been served with the 1285  
petition filed pursuant to this section and notice of the full 1286  
hearing. 1287

(ii) The parties consent to the continuance. 1288

(iii) The continuance is needed to allow a party to obtain 1289  
counsel. 1290

(iv) The continuance is needed for other good cause. 1291

(b) An ex parte order issued under this section does not 1292  
expire because of a failure to serve notice of the full hearing 1293  
upon the respondent before the date set for the full hearing under 1294  
division (D)(2)(a) of this section or because the court grants a 1295  
continuance under that division. 1296

(3) If a person who files a petition pursuant to this section 1297  
does not request an ex parte order, or if a person requests an ex 1298  
parte order but the court does not issue an ex parte order after 1299  
an ex parte hearing, the court shall proceed as in a normal civil 1300  
action and grant a full hearing on the matter. 1301

(E)(1) After an ex parte or full hearing, the court may grant 1302  
any protection order, with or without bond, or approve any consent 1303  
agreement to bring about a cessation of domestic violence against 1304  
the family or household members. The order or agreement may: 1305

(a) Direct the respondent to refrain from abusing or from 1306  
committing sexually oriented offenses against the family or 1307  
household members; 1308

(b) Grant possession of the residence or household to the 1309  
petitioner or other family or household member, to the exclusion 1310  
of the respondent, by evicting the respondent, when the residence 1311  
or household is owned or leased solely by the petitioner or other 1312  
family or household member, or by ordering the respondent to 1313  
vacate the premises, when the residence or household is jointly 1314  
owned or leased by the respondent, and the petitioner or other 1315  
family or household member; 1316

(c) When the respondent has a duty to support the petitioner 1317  
or other family or household member living in the residence or 1318  
household and the respondent is the sole owner or lessee of the 1319  
residence or household, grant possession of the residence or 1320  
household to the petitioner or other family or household member, 1321  
to the exclusion of the respondent, by ordering the respondent to 1322  
vacate the premises, or, in the case of a consent agreement, allow 1323  
the respondent to provide suitable, alternative housing; 1324

(d) Temporarily allocate parental rights and responsibilities 1325  
for the care of, or establish temporary parenting time rights with 1326  
regard to, minor children, if no other court has determined, or is 1327

determining, the allocation of parental rights and 1328  
responsibilities for the minor children or parenting time rights; 1329

(e) Require the respondent to maintain support, if the 1330  
respondent customarily provides for or contributes to the support 1331  
of the family or household member, or if the respondent has a duty 1332  
to support the petitioner or family or household member; 1333

(f) Require the respondent, petitioner, victim of domestic 1334  
violence, or any combination of those persons, to seek counseling; 1335

(g) Require the respondent to refrain from entering the 1336  
residence, school, business, or place of employment of the 1337  
petitioner or family or household member; 1338

(h) Grant other relief that the court considers equitable and 1339  
fair, including, but not limited to, ordering the respondent to 1340  
permit the use of a motor vehicle by the petitioner or other 1341  
family or household member and the apportionment of household and 1342  
family personal property. 1343

(2) If a protection order has been issued pursuant to this 1344  
section in a prior action involving the respondent and the 1345  
petitioner or one or more of the family or household members or 1346  
victims, the court may include in a protection order that it 1347  
issues a prohibition against the respondent returning to the 1348  
residence or household. If it includes a prohibition against the 1349  
respondent returning to the residence or household in the order, 1350  
it also shall include in the order provisions of the type 1351  
described in division (E)(7) of this section. This division does 1352  
not preclude the court from including in a protection order or 1353  
consent agreement, in circumstances other than those described in 1354  
this division, a requirement that the respondent be evicted from 1355  
or vacate the residence or household or refrain from entering the 1356  
residence, school, business, or place of employment of the 1357  
petitioner or a family or household member, and, if the court 1358

includes any requirement of that type in an order or agreement, 1359  
the court also shall include in the order provisions of the type 1360  
described in division (E)(7) of this section. 1361

(3)(a) Any protection order issued or consent agreement 1362  
approved under this section shall be valid until a date certain, 1363  
but not later than five years from the date of its issuance or 1364  
approval, or not later than the date a respondent who is less than 1365  
eighteen years of age attains nineteen years of age, unless 1366  
modified or terminated as provided in division (E)(8) of this 1367  
section. 1368

(b) Subject to the limitation on the duration of an order or 1369  
agreement set forth in division (E)(3)(a) of this section, any 1370  
order under division (E)(1)(d) of this section shall terminate on 1371  
the date that a court in an action for divorce, dissolution of 1372  
marriage, or legal separation brought by the petitioner or 1373  
respondent issues an order allocating parental rights and 1374  
responsibilities for the care of children or on the date that a 1375  
juvenile court in an action brought by the petitioner or 1376  
respondent issues an order awarding legal custody of minor 1377  
children. Subject to the limitation on the duration of an order or 1378  
agreement set forth in division (E)(3)(a) of this section, any 1379  
order under division (E)(1)(e) of this section shall terminate on 1380  
the date that a court in an action for divorce, dissolution of 1381  
marriage, or legal separation brought by the petitioner or 1382  
respondent issues a support order or on the date that a juvenile 1383  
court in an action brought by the petitioner or respondent issues 1384  
a support order. 1385

(c) Any protection order issued or consent agreement approved 1386  
pursuant to this section may be renewed in the same manner as the 1387  
original order or agreement was issued or approved. 1388

(4) A court may not issue a protection order that requires a 1389  
petitioner to do or to refrain from doing an act that the court 1390

may require a respondent to do or to refrain from doing under 1391  
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1392  
section unless all of the following apply: 1393

(a) The respondent files a separate petition for a protection 1394  
order in accordance with this section. 1395

(b) The petitioner is served notice of the respondent's 1396  
petition at least forty-eight hours before the court holds a 1397  
hearing with respect to the respondent's petition, or the 1398  
petitioner waives the right to receive this notice. 1399

(c) If the petitioner has requested an ex parte order 1400  
pursuant to division (D) of this section, the court does not delay 1401  
any hearing required by that division beyond the time specified in 1402  
that division in order to consolidate the hearing with a hearing 1403  
on the petition filed by the respondent. 1404

(d) After a full hearing at which the respondent presents 1405  
evidence in support of the request for a protection order and the 1406  
petitioner is afforded an opportunity to defend against that 1407  
evidence, the court determines that the petitioner has committed 1408  
an act of domestic violence or has violated a temporary protection 1409  
order issued pursuant to section 2919.26 of the Revised Code, that 1410  
both the petitioner and the respondent acted primarily as 1411  
aggressors, and that neither the petitioner nor the respondent 1412  
acted primarily in self-defense. 1413

(5) No protection order issued or consent agreement approved 1414  
under this section shall in any manner affect title to any real 1415  
property. 1416

(6)(a) If a petitioner, or the child of a petitioner, who 1417  
obtains a protection order or consent agreement pursuant to 1418  
division (E)(1) of this section or a temporary protection order 1419  
pursuant to section 2919.26 of the Revised Code and is the subject 1420  
of a parenting time order issued pursuant to section 3109.051 or 1421

3109.12 of the Revised Code or a visitation or companionship order 1422  
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 1423  
Revised Code or division (E)(1)(d) of this section granting 1424  
parenting time rights to the respondent, the court may require the 1425  
public children services agency of the county in which the court 1426  
is located to provide supervision of the respondent's exercise of 1427  
parenting time or visitation or companionship rights with respect 1428  
to the child for a period not to exceed nine months, if the court 1429  
makes the following findings of fact: 1430

(i) The child is in danger from the respondent; 1431

(ii) No other person or agency is available to provide the 1432  
supervision. 1433

(b) A court that requires an agency to provide supervision 1434  
pursuant to division (E)(6)(a) of this section shall order the 1435  
respondent to reimburse the agency for the cost of providing the 1436  
supervision, if it determines that the respondent has sufficient 1437  
income or resources to pay that cost. 1438

(7)(a) If a protection order issued or consent agreement 1439  
approved under this section includes a requirement that the 1440  
respondent be evicted from or vacate the residence or household or 1441  
refrain from entering the residence, school, business, or place of 1442  
employment of the petitioner or a family or household member, the 1443  
order or agreement shall state clearly that the order or agreement 1444  
cannot be waived or nullified by an invitation to the respondent 1445  
from the petitioner or other family or household member to enter 1446  
the residence, school, business, or place of employment or by the 1447  
respondent's entry into one of those places otherwise upon the 1448  
consent of the petitioner or other family or household member. 1449

(b) Division (E)(7)(a) of this section does not limit any 1450  
discretion of a court to determine that a respondent charged with 1451  
a violation of section 2919.27 of the Revised Code, with a 1452

violation of a municipal ordinance substantially equivalent to 1453  
that section, or with contempt of court, which charge is based on 1454  
an alleged violation of a protection order issued or consent 1455  
agreement approved under this section, did not commit the 1456  
violation or was not in contempt of court. 1457

(8)(a) The court may modify or terminate as provided in 1458  
division (E)(8) of this section a protection order or consent 1459  
agreement that was issued after a full hearing under this section. 1460  
The court that issued the protection order or approved the consent 1461  
agreement shall hear a motion for modification or termination of 1462  
the protection order or consent agreement pursuant to division 1463  
(E)(8) of this section. 1464

(b) Either the petitioner or the respondent of the original 1465  
protection order or consent agreement may bring a motion for 1466  
modification or termination of a protection order or consent 1467  
agreement that was issued or approved after a full hearing. The 1468  
court shall require notice of the motion to be made as provided by 1469  
the Rules of Civil Procedure. If the petitioner for the original 1470  
protection order or consent agreement has requested that the 1471  
petitioner's address be kept confidential, the court shall not 1472  
disclose the address to the respondent of the original protection 1473  
order or consent agreement or any other person, except as 1474  
otherwise required by law. The moving party has the burden of 1475  
proof to show, by a preponderance of the evidence, that 1476  
modification or termination of the protection order or consent 1477  
agreement is appropriate because either the protection order or 1478  
consent agreement is no longer needed or because the terms of the 1479  
original protection order or consent agreement are no longer 1480  
appropriate. 1481

(c) In considering whether to modify or terminate a 1482  
protection order or consent agreement issued or approved under 1483  
this section, the court shall consider all relevant factors, 1484



including, but not limited to, the following:	1485
(i) Whether the petitioner consents to modification or termination of the protection order or consent agreement;	1486 1487
(ii) Whether the petitioner fears the respondent;	1488
(iii) The current nature of the relationship between the petitioner and the respondent;	1489 1490
(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;	1491 1492 1493 1494
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	1495 1496
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	1497 1498
(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;	1499 1500 1501 1502
(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;	1503 1504 1505 1506 1507
(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;	1508 1509 1510 1511
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	1512 1513
(xi) The age and health of the respondent;	1514

(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 1546  
section shall be issued by the court to the petitioner, to the 1547  
respondent, and to all law enforcement agencies that have 1548  
jurisdiction to enforce the order or agreement. The court shall 1549  
direct that a copy of an order be delivered to the respondent on 1550  
the same day that the order is entered. 1551

(2) Upon the issuance of a protection order or the approval 1552  
of a consent agreement under this section, the court shall provide 1553  
the parties to the order or agreement with the following notice 1554  
orally or by form: 1555

"NOTICE 1556

As a result of this order or consent agreement, it may be 1557  
unlawful for you to possess or purchase a firearm, including a 1558  
rifle, pistol, or revolver, or ammunition pursuant to federal law 1559  
under 18 U.S.C. 922(g)(8). If you have any questions whether this 1560  
law makes it illegal for you to possess or purchase a firearm or 1561  
ammunition, you should consult an attorney." 1562

(3) All law enforcement agencies shall establish and maintain 1563  
an index for the protection orders and the approved consent 1564  
agreements delivered to the agencies pursuant to division (F)(1) 1565  
of this section. With respect to each order and consent agreement 1566  
delivered, each agency shall note on the index the date and time 1567  
that it received the order or consent agreement. 1568

(4) Regardless of whether the petitioner has registered the 1569  
order or agreement in the county in which the officer's agency has 1570  
jurisdiction pursuant to division (N) of this section, any officer 1571  
of a law enforcement agency shall enforce a protection order 1572  
issued or consent agreement approved by any court in this state in 1573  
accordance with the provisions of the order or agreement, 1574  
including removing the respondent from the premises, if 1575  
appropriate. 1576

(G) Any proceeding under this section shall be conducted in 1577  
accordance with the Rules of Civil Procedure, except that an order 1578  
under this section may be obtained with or without bond. An order 1579  
issued under this section, other than an ex parte order, that 1580  
grants a protection order or approves a consent agreement, that 1581  
refuses to grant a protection order or approve a consent agreement 1582  
that modifies or terminates a protection order or consent 1583  
agreement, or that refuses to modify or terminate a protection 1584  
order or consent agreement, is a final, appealable order. The 1585  
remedies and procedures provided in this section are in addition 1586  
to, and not in lieu of, any other available civil or criminal 1587  
remedies. 1588

(H) The filing of proceedings under this section does not 1589  
excuse a person from filing any report or giving any notice 1590  
required by section 2151.421 of the Revised Code or by any other 1591  
law. When a petition under this section alleges domestic violence 1592  
against minor children, the court shall report the fact, or cause 1593  
reports to be made, to a county, township, or municipal peace 1594  
officer under section 2151.421 of the Revised Code. 1595

(I) Any law enforcement agency that investigates a domestic 1596  
dispute shall provide information to the family or household 1597  
members involved regarding the relief available under this section 1598  
and section 2919.26 of the Revised Code. 1599

(J) Notwithstanding any provision of law to the contrary and 1600  
regardless of whether a protection order is issued or a consent 1601  
agreement is approved by a court of another county or a court of 1602  
another state, no court or unit of state or local government shall 1603  
charge any fee, cost, deposit, or money in connection with the 1604  
filing of a petition pursuant to this section or in connection 1605  
with the filing, issuance, registration, or service of a 1606  
protection order or consent agreement, or for obtaining a 1607  
certified copy of a protection order or consent agreement. 1608

(K)(1) The court shall comply with Chapters 3119., 3121., 1609  
3123., and 3125. of the Revised Code when it makes or modifies an 1610  
order for child support under this section. 1611

(2) If any person required to pay child support under an 1612  
order made under this section on or after April 15, 1985, or 1613  
modified under this section on or after December 31, 1986, is 1614  
found in contempt of court for failure to make support payments 1615  
under the order, the court that makes the finding, in addition to 1616  
any other penalty or remedy imposed, shall assess all court costs 1617  
arising out of the contempt proceeding against the person and 1618  
require the person to pay any reasonable attorney's fees of any 1619  
adverse party, as determined by the court, that arose in relation 1620  
to the act of contempt. 1621

(L)(1) A person who violates a protection order issued or a 1622  
consent agreement approved under this section is subject to the 1623  
following sanctions: 1624

(a) Criminal prosecution or a delinquent child proceeding for 1625  
a violation of section 2919.27 of the Revised Code, if the 1626  
violation of the protection order or consent agreement constitutes 1627  
a violation of that section; 1628

(b) Punishment for contempt of court. 1629

(2) The punishment of a person for contempt of court for 1630  
violation of a protection order issued or a consent agreement 1631  
approved under this section does not bar criminal prosecution of 1632  
the person or a delinquent child proceeding concerning the person 1633  
for a violation of section 2919.27 of the Revised Code. However, a 1634  
person punished for contempt of court is entitled to credit for 1635  
the punishment imposed upon conviction of or adjudication as a 1636  
delinquent child for a violation of that section, and a person 1637  
convicted of or adjudicated a delinquent child for a violation of 1638  
that section shall not subsequently be punished for contempt of 1639

court arising out of the same activity. 1640

(M) In all stages of a proceeding under this section, a 1641  
petitioner may be accompanied by a victim advocate. 1642

(N)(1) A petitioner who obtains a protection order or consent 1643  
agreement under this section or a temporary protection order under 1644  
section 2919.26 of the Revised Code may provide notice of the 1645  
issuance or approval of the order or agreement to the judicial and 1646  
law enforcement officials in any county other than the county in 1647  
which the order is issued or the agreement is approved by 1648  
registering that order or agreement in the other county pursuant 1649  
to division (N)(2) of this section and filing a copy of the 1650  
registered order or registered agreement with a law enforcement 1651  
agency in the other county in accordance with that division. A 1652  
person who obtains a protection order issued by a court of another 1653  
state may provide notice of the issuance of the order to the 1654  
judicial and law enforcement officials in any county of this state 1655  
by registering the order in that county pursuant to section 1656  
2919.272 of the Revised Code and filing a copy of the registered 1657  
order with a law enforcement agency in that county. 1658

(2) A petitioner may register a temporary protection order, 1659  
protection order, or consent agreement in a county other than the 1660  
county in which the court that issued the order or approved the 1661  
agreement is located in the following manner: 1662

(a) The petitioner shall obtain a certified copy of the order 1663  
or agreement from the clerk of the court that issued the order or 1664  
approved the agreement and present that certified copy to the 1665  
clerk of the court of common pleas or the clerk of a municipal 1666  
court or county court in the county in which the order or 1667  
agreement is to be registered. 1668

(b) Upon accepting the certified copy of the order or 1669  
agreement for registration, the clerk of the court of common 1670

pleas, municipal court, or county court shall place an endorsement 1671  
of registration on the order or agreement and give the petitioner 1672  
a copy of the order or agreement that bears that proof of 1673  
registration. 1674

(3) The clerk of each court of common pleas, the clerk of 1675  
each municipal court, and the clerk of each county court shall 1676  
maintain a registry of certified copies of temporary protection 1677  
orders, protection orders, or consent agreements that have been 1678  
issued or approved by courts in other counties and that have been 1679  
registered with the clerk. 1680

(O) Nothing in this section prohibits the domestic relations 1681  
division of a court of common pleas in counties that have a 1682  
domestic relations division or a court of common pleas in counties 1683  
that do not have a domestic relations division from designating a 1684  
minor child as a protected party on a protection order or consent 1685  
agreement. 1686

Sec. 4731.284. The state medical board shall approve one or 1687  
more continuing medical education courses of study included within 1688  
the programs certified by the Ohio state medical association and 1689  
the Ohio osteopathic association pursuant to section 4731.281 of 1690  
the Revised Code with regard to the counseling of individuals who 1691  
abuse animals. 1692

**Sec. 4732.141.** (A)(1) On or before the thirty-first day of 1693  
August of each even-numbered year beginning in 1998 and until the 1694  
requirement set forth in division (A)(2) of this section applies, 1695  
each person licensed under this chapter by the state board of 1696  
psychology shall have completed, in the preceding two-year period, 1697  
not less than twenty hours of continuing education in psychology 1698  
or the number of hours determined under division (D) of this 1699  
section. 1700

(2) On or before the thirty-first day of August of each 1701  
even-numbered year after the biennium in which this amendment 1702  
takes effect, each person licensed under this chapter by the state 1703  
board of psychology shall have completed, in the preceding 1704  
two-year period, not less than twenty-three hours of continuing 1705  
education in psychology, including not less than three hours of 1706  
continuing education in professional conduct and ethics, or the 1707  
number of hours determined under division (D) of this section. 1708

(3) Each person subject to division (A)(1) or (2) of this 1709  
section shall certify to the board, at the time of biennial 1710  
registration pursuant to section 4732.14 of the Revised Code and 1711  
on the registration form prescribed by the board under that 1712  
section, that in the preceding two years the person has completed 1713  
continuing psychology education in compliance with this section. 1714  
The board shall adopt rules establishing the procedure for a 1715  
person to certify to the board and for properly recording with the 1716  
Ohio psychological association or the state board of education 1717  
completion of the continuing education. 1718

(B) Continuing psychology education may be applied to meet 1719  
the requirement of division (A) of this section if both of the 1720  
following requirements are met: 1721

(1) It is obtained through a program or course approved by 1722  
the state board of psychology, the Ohio psychological association, 1723  
the Ohio association of black psychologists, or the American 1724  
psychological association or, in the case of a licensed school 1725  
psychologist or a licensed psychologist with a school psychology 1726  
specialty, by the state board of education, the Ohio school 1727  
psychologists association, or the national association of school 1728  
psychologists; 1729

(2) Completion of the program or course is recorded with the 1730  
Ohio psychological association or the state board of education in 1731  
accordance with rules adopted by the state board of psychology in 1732



accordance with division (A) of this section. 1733

The state board of psychology may disapprove any program or 1734  
course that has been approved by the Ohio psychological 1735  
association, Ohio association of black psychologists, American 1736  
psychological association, state board of education, Ohio school 1737  
psychologists association, or national association of school 1738  
psychologists. Such program or course may not be applied to meet 1739  
the requirement of division (A) of this section. 1740

(C) Each person licensed under this chapter shall be given a 1741  
sufficient choice of continuing education programs or courses in 1742  
psychology, including programs or courses on professional conduct 1743  
and ethics when required under division (A)(2) of this section, to 1744  
ensure that the person has had a reasonable opportunity to 1745  
participate in programs or courses that are relevant to the 1746  
person's practice in terms of subject matter and level. 1747

(D) The board shall adopt rules providing for reductions of 1748  
the hours of continuing psychology education required by this 1749  
section for persons in their first registration period. 1750

(E) Each person licensed under this chapter shall retain in 1751  
the person's records for at least three years the receipts, 1752  
vouchers, or certificates necessary to document completion of 1753  
continuing psychology education. Proof of continuing psychology 1754  
education recorded with the Ohio psychological association or the 1755  
state board of education in accordance with the procedures 1756  
established pursuant to division (A) of this section shall serve 1757  
as sufficient documentation of completion. With cause, the board 1758  
may request the documentation from the person. The board also may 1759  
request the documentation from persons licensed under this chapter 1760  
selected at random, without cause. The board may review any 1761  
continuing psychology education records recorded by the Ohio 1762  
psychological association or the state board of education. 1763

(F) The board may excuse persons licensed under this chapter, 1764  
as a group or as individuals, from all or any part of the 1765  
requirements of this section because of an unusual circumstance, 1766  
emergency, or special hardship. 1767

(G) The state board of psychology shall approve one or more 1768  
continuing education courses of study that assist psychologists 1769  
and school psychologists in recognizing the signs of domestic 1770  
violence and its relationship to child abuse. Psychologists and 1771  
school psychologists are not required to take the courses. 1772

(H) The state board of psychology shall approve one or more 1773  
continuing education courses of study with regard to the 1774  
counseling of individuals who abuse animals. 1775

**Sec. 4757.33.** (A) Except as provided in division (B) of this 1776  
section, each person who holds a license or certificate of 1777  
registration issued under this chapter shall complete during the 1778  
period that the license or certificate is in effect not less than 1779  
thirty clock hours of continuing professional education as a 1780  
condition of receiving a renewed license or certificate. To have a 1781  
lapsed license or certificate of registration restored, a person 1782  
shall complete the number of hours of continuing education 1783  
specified by the counselor, social worker, and marriage and family 1784  
therapist board in rules it shall adopt in accordance with Chapter 1785  
119. of the Revised Code. 1786

The professional standards committees of the counselor, 1787  
social worker, and marriage and family therapist board shall adopt 1788  
rules in accordance with Chapter 119. of the Revised Code 1789  
establishing standards and procedures to be followed by the 1790  
committees in conducting the continuing education approval 1791  
process. 1792

(B) The board may waive the continuing education requirements 1793  
established under this section for persons who are unable to 1794

fulfill them because of military service, illness, residence 1795  
abroad, or any other reason the committee considers acceptable. 1796

In the case of a social worker licensed by virtue of 1797  
receiving, prior to October 10, 1992, a baccalaureate degree in a 1798  
program closely related to social work, as a condition of the 1799  
first renewal of the license, the social worker ~~must~~ shall 1800  
complete at an accredited educational institution a minimum of 1801  
five semester hours of social work graduate or undergraduate 1802  
credit, or their equivalent, that is acceptable to the committee 1803  
and includes a course in social work theory and a course in social 1804  
work methods. 1805

(C) The professional standards committees of the counselor, 1806  
social worker, and marriage and family therapist board shall 1807  
approve one or more continuing education courses of study with 1808  
regard to the counseling of individuals who abuse animals. 1809

**Section 2.** That existing sections 959.99, 2152.19, 2903.213, 1810  
2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 of the Revised 1811  
Code are hereby repealed. 1812