

As Introduced

**130th General Assembly
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H. B. No. 243

Representatives Slaby, Stinziano

**Cosponsors: Representatives Antonio, Beck, Brenner, Celebrezze, Curtin,
Fedor, Gerberry, Grossman, Hagan, R., Henne**

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A B I L L

To amend sections 959.99, 2152.19, 2903.213, 1
2903.214, 2919.26, and 3113.31 of the Revised Code 2
to require a child who is adjudicated a delinquent 3
child for cruelty to a companion animal to undergo 4
a psychological evaluation and, if recommended, 5
counseling, to require the court to sentence other 6
offenders who commit that offense to probation 7
supervision, and to include the protection of 8
companion animals in temporary protection orders, 9
domestic violence protection orders, anti-stalking 10
protection orders, and related protection orders. 11

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

Section 1. That sections 959.99, 2152.19, 2903.213, 2903.214, 12
2919.26, and 3113.31 of the Revised Code be amended to read as 13
follows: 14

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of 15
the Revised Code is guilty of a minor misdemeanor. 16

(B) Except as otherwise provided in this division, whoever 17
violates section 959.02 of the Revised Code is guilty of a 18

misdemeanor of the second degree. If the value of the animal 19
killed or the injury done amounts to three hundred dollars or 20
more, whoever violates section 959.02 of the Revised Code is 21
guilty of a misdemeanor of the first degree. 22

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, 23
or 959.17 of the Revised Code is guilty of a misdemeanor of the 24
fourth degree. 25

(D) Whoever violates division (A) of section 959.13 of the 26
Revised Code is guilty of a misdemeanor of the second degree. In 27
addition, the court may order the offender to forfeit the animal 28
or livestock and may provide for its disposition, including, but 29
not limited to, the sale of the animal or livestock. If an animal 30
or livestock is forfeited and sold pursuant to this division, the 31
proceeds from the sale first shall be applied to pay the expenses 32
incurred with regard to the care of the animal from the time it 33
was taken from the custody of the former owner. The balance of the 34
proceeds from the sale, if any, shall be paid to the former owner 35
of the animal. 36

(E)(1)(a) Whoever violates division (B) of section 959.131 of 37
the Revised Code is guilty of a misdemeanor of the first degree on 38
a first offense and a felony of the fifth degree on each 39
subsequent offense. In addition to any other sanction imposed for 40
a felony violation of division (B) of section 959.131 of the 41
Revised Code if the offender is not already undergoing counseling 42
pursuant to division (E)(4) of this section, a court shall impose 43
a term of basic probation supervision or a term of intensive 44
probation supervision. 45

(b) As used in division (E)(1)(a) of this section, "basic 46
probation supervision" and "intensive probation supervision" have 47
the same meanings as in section 2929.01 of the Revised Code. 48

(2) Whoever violates section 959.01 of the Revised Code or 49

division (C) of section 959.131 of the Revised Code is guilty of a 50
misdemeanor of the second degree on a first offense and a 51
misdemeanor of the first degree on each subsequent offense. 52

(3)(a) A court may order a person who is convicted of or 53
pleads guilty to a violation of section 959.131 of the Revised 54
Code to forfeit to an impounding agency, as defined in section 55
959.132 of the Revised Code, any or all of the companion animals 56
in that person's ownership or care. The court also may prohibit or 57
place limitations on the person's ability to own or care for any 58
companion animals for a specified or indefinite period of time. 59

(b) A court may order a person who is convicted of or pleads 60
guilty to a violation of section 959.131 of the Revised Code to 61
reimburse an impounding agency for the reasonably necessary costs 62
incurred by the agency for the care of a companion animal that the 63
agency impounded as a result of the investigation or prosecution 64
of the violation, provided that the costs were not otherwise paid 65
under section 959.132 of the Revised Code. 66

(4) ~~If (a) Except as otherwise provided in division (E)(4)(b)~~ 67
of this section, if a court has reason to believe that a person 68
who is convicted of or pleads guilty to a violation of section 69
959.131 of the Revised Code suffers from a mental or emotional 70
disorder that contributed to the violation, the court may impose 71
as a community control sanction or as a condition of probation a 72
requirement that the offender undergo psychological evaluation or 73
counseling. The court shall order the offender to pay the costs of 74
the evaluation or counseling. 75

(b) The court shall require a child under eighteen years of 76
age who is adjudicated a delinquent child under Chapter 2152. of 77
the Revised Code for a violation of division (B) of section 78
959.131 of the Revised Code to undergo psychological evaluation 79
and, if the evaluation determines that it is appropriate, to 80
undergo counseling in accordance with division (F) of section 81

<u>2152.19 of the Revised Code.</u>	82
(F) Whoever violates section 959.14 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.	83 84 85
(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree.	86 87
(H) Whoever violates section 959.16 of the Revised Code is guilty of a felony of the fourth degree for <u>on</u> a first offense and a felony of the third degree on each subsequent offense.	88 89 90
Sec. 2152.19. (A) If a child is adjudicated a delinquent child, the court may make any of the following orders of disposition, in addition to any other disposition authorized or required by this chapter:	91 92 93 94
(1) Any order that is authorized by section 2151.353 of the Revised Code for the care and protection of an abused, neglected, or dependent child;	95 96 97
(2) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children by the county, by a district organized under section 2152.41 or 2151.65 <u>or 2152.41</u> of the Revised Code, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or placement required, including, but not limited to, a school, camp, or facility operated under section 2151.65 of the Revised Code;	98 99 100 101 102 103 104 105
(3) Place the child in a detention facility or district detention facility operated under section 2152.41 of the Revised Code, for up to ninety days;	106 107 108
(4) Place the child on community control under any sanctions, services, and conditions that the court prescribes. As a condition of community control in every case and in addition to any other	109 110 111

condition that it imposes upon the child, the court shall require 112
the child to abide by the law during the period of community 113
control. As referred to in this division, community control 114
includes, but is not limited to, the following sanctions and 115
conditions: 116

(a) A period of basic probation supervision in which the 117
child is required to maintain contact with a person appointed to 118
supervise the child in accordance with sanctions imposed by the 119
court; 120

(b) A period of intensive probation supervision in which the 121
child is required to maintain frequent contact with a person 122
appointed by the court to supervise the child while the child is 123
seeking or maintaining employment and participating in training, 124
education, and treatment programs as the order of disposition; 125

(c) A period of day reporting in which the child is required 126
each day to report to and leave a center or another approved 127
reporting location at specified times in order to participate in 128
work, education or training, treatment, and other approved 129
programs at the center or outside the center; 130

(d) A period of community service of up to five hundred hours 131
for an act that would be a felony or a misdemeanor of the first 132
degree if committed by an adult, up to two hundred hours for an 133
act that would be a misdemeanor of the second, third, or fourth 134
degree if committed by an adult, or up to thirty hours for an act 135
that would be a minor misdemeanor if committed by an adult; 136

(e) A requirement that the child obtain a high school 137
diploma, a certificate of high school equivalence, vocational 138
training, or employment; 139

(f) A period of drug and alcohol use monitoring; 140

(g) A requirement of alcohol or drug assessment or 141
counseling, or a period in an alcohol or drug treatment program 142

with a level of security for the child as determined necessary by 143
the court; 144

(h) A period in which the court orders the child to observe a 145
curfew that may involve daytime or evening hours; 146

(i) A requirement that the child serve monitored time; 147

(j) A period of house arrest without electronic monitoring or 148
continuous alcohol monitoring; 149

(k) A period of electronic monitoring or continuous alcohol 150
monitoring without house arrest, or house arrest with electronic 151
monitoring or continuous alcohol monitoring or both electronic 152
monitoring and continuous alcohol monitoring, that does not exceed 153
the maximum sentence of imprisonment that could be imposed upon an 154
adult who commits the same act. 155

A period of house arrest with electronic monitoring or 156
continuous alcohol monitoring or both electronic monitoring and 157
continuous alcohol monitoring, imposed under this division shall 158
not extend beyond the child's twenty-first birthday. If a court 159
imposes a period of house arrest with electronic monitoring or 160
continuous alcohol monitoring or both electronic monitoring and 161
continuous alcohol monitoring, upon a child under this division, 162
it shall require the child: to remain in the child's home or other 163
specified premises for the entire period of house arrest with 164
electronic monitoring or continuous alcohol monitoring or both 165
except when the court permits the child to leave those premises to 166
go to school or to other specified premises. Regarding electronic 167
monitoring, the court also shall require the child to be monitored 168
by a central system that can determine the child's location at 169
designated times; to report periodically to a person designated by 170
the court; and to enter into a written contract with the court 171
agreeing to comply with all requirements imposed by the court, 172
agreeing to pay any fee imposed by the court for the costs of the 173

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:

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

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

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

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

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

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

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

convicted of a crime, under arrest, or charged with a crime is 237
held; 238

(b) A community corrections facility, if the child would be 239
covered by the definition of public safety beds for purposes of 240
sections 5139.41 to 5139.43 of the Revised Code if the court 241
exercised its authority to commit the child to the legal custody 242
of the department of youth services for institutionalization or 243
institutionalization in a secure facility pursuant to this 244
chapter. 245

(B) If a child is adjudicated a delinquent child, in addition 246
to any order of disposition made under division (A) of this 247
section, the court, in the following situations and for the 248
specified periods of time, shall suspend the child's temporary 249
instruction permit, restricted license, probationary driver's 250
license, or nonresident operating privilege, or suspend the 251
child's ability to obtain such a permit: 252

(1) If the child is adjudicated a delinquent child for 253
violating section 2923.122 of the Revised Code, impose a class 254
four suspension of the child's license, permit, or privilege from 255
the range specified in division (A)(4) of section 4510.02 of the 256
Revised Code or deny the child the issuance of a license or permit 257
in accordance with division (F)(1) of section 2923.122 of the 258
Revised Code. 259

(2) If the child is adjudicated a delinquent child for 260
committing an act that if committed by an adult would be a drug 261
abuse offense or for violating division (B) of section 2917.11 of 262
the Revised Code, suspend the child's license, permit, or 263
privilege for a period of time prescribed by the court. The court, 264
in its discretion, may terminate the suspension if the child 265
attends and satisfactorily completes a drug abuse or alcohol abuse 266
education, intervention, or treatment program specified by the 267
court. During the time the child is attending a program described 268

in this division, the court shall retain the child's temporary 269
instruction permit, probationary driver's license, or driver's 270
license, and the court shall return the permit or license if it 271
terminates the suspension as described in this division. 272

(C) The court may establish a victim-offender mediation 273
program in which victims and their offenders meet to discuss the 274
offense and suggest possible restitution. If the court obtains the 275
assent of the victim of the delinquent act committed by the child, 276
the court may require the child to participate in the program. 277

(D)(1) If a child is adjudicated a delinquent child for 278
committing an act that would be a felony if committed by an adult 279
and if the child caused, attempted to cause, threatened to cause, 280
or created a risk of physical harm to the victim of the act, the 281
court, prior to issuing an order of disposition under this 282
section, shall order the preparation of a victim impact statement 283
by the probation department of the county in which the victim of 284
the act resides, by the court's own probation department, or by a 285
victim assistance program that is operated by the state, a county, 286
a municipal corporation, or another governmental entity. The court 287
shall consider the victim impact statement in determining the 288
order of disposition to issue for the child. 289

(2) Each victim impact statement shall identify the victim of 290
the act for which the child was adjudicated a delinquent child, 291
itemize any economic loss suffered by the victim as a result of 292
the act, identify any physical injury suffered by the victim as a 293
result of the act and the seriousness and permanence of the 294
injury, identify any change in the victim's personal welfare or 295
familial relationships as a result of the act and any 296
psychological impact experienced by the victim or the victim's 297
family as a result of the act, and contain any other information 298
related to the impact of the act upon the victim that the court 299
requires. 300

(3) A victim impact statement shall be kept confidential and 301
is not a public record. However, the court may furnish copies of 302
the statement to the department of youth services if the 303
delinquent child is committed to the department or to both the 304
adjudicated delinquent child or the adjudicated delinquent child's 305
counsel and the prosecuting attorney. The copy of a victim impact 306
statement furnished by the court to the department pursuant to 307
this section shall be kept confidential and is not a public 308
record. If an officer is preparing pursuant to section 2947.06 or 309
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 310
investigation report pertaining to a person, the court shall make 311
available to the officer, for use in preparing the report, a copy 312
of any victim impact statement regarding that person. The copies 313
of a victim impact statement that are made available to the 314
adjudicated delinquent child or the adjudicated delinquent child's 315
counsel and the prosecuting attorney pursuant to this division 316
shall be returned to the court by the person to whom they were 317
made available immediately following the imposition of an order of 318
disposition for the child under this chapter. 319

The copy of a victim impact statement that is made available 320
pursuant to this division to an officer preparing a criminal 321
presentence investigation report shall be returned to the court by 322
the officer immediately following its use in preparing the report. 323

(4) The department of youth services shall work with local 324
probation departments and victim assistance programs to develop a 325
standard victim impact statement. 326

(E) If a child is adjudicated a delinquent child for being a 327
chronic truant or a habitual truant who previously has been 328
adjudicated an unruly child for being a habitual truant and the 329
court determines that the parent, guardian, or other person having 330
care of the child has failed to cause the child's attendance at 331
school in violation of section 3321.38 of the Revised Code, in 332

addition to any order of disposition it makes under this section, 333
the court shall warn the parent, guardian, or other person having 334
care of the child that any subsequent adjudication of the child as 335
an unruly or delinquent child for being a habitual or chronic 336
truant may result in a criminal charge against the parent, 337
guardian, or other person having care of the child for a violation 338
of division (C) of section 2919.21 or section 2919.24 of the 339
Revised Code. 340

(F) If a child under eighteen years of age is adjudicated a 341
delinquent child for a violation of division (B) of section 342
959.131 of the Revised Code, the court, in addition to any other 343
disposition that it makes under this section, shall require the 344
child to undergo a psychological evaluation. The evaluation shall 345
determine if the child needs individual or family counseling and 346
shall make a recommendation as to the frequency and the length of 347
time that the counseling should occur. If individual or family 348
counseling is recommended by the evaluation, the court shall 349
require the counseling to take place and shall establish the 350
frequency and the length of time of the counseling. The court may 351
order the parent, guardian, or other person having care of the 352
child to pay the costs of the evaluation, any counseling, or both. 353

(G)(1) During the period of a delinquent child's community 354
control granted under this section, authorized probation officers 355
who are engaged within the scope of their supervisory duties or 356
responsibilities may search, with or without a warrant, the person 357
of the delinquent child, the place of residence of the delinquent 358
child, and a motor vehicle, another item of tangible or intangible 359
personal property, or other real property in which the delinquent 360
child has a right, title, or interest or for which the delinquent 361
child has the express or implied permission of a person with a 362
right, title, or interest to use, occupy, or possess if the 363
probation officers have reasonable grounds to believe that the 364

delinquent child is not abiding by the law or otherwise is not 365
complying with the conditions of the delinquent child's community 366
control. The court that places a delinquent child on community 367
control under this section shall provide the delinquent child with 368
a written notice that informs the delinquent child that authorized 369
probation officers who are engaged within the scope of their 370
supervisory duties or responsibilities may conduct those types of 371
searches during the period of community control if they have 372
reasonable grounds to believe that the delinquent child is not 373
abiding by the law or otherwise is not complying with the 374
conditions of the delinquent child's community control. The court 375
also shall provide the written notice described in division 376
~~(E)~~(G)(2) of this section to each parent, guardian, or custodian 377
of the delinquent child who is described in that division. 378

(2) The court that places a child on community control under 379
this section shall provide the child's parent, guardian, or other 380
custodian with a written notice that informs them that authorized 381
probation officers may conduct searches pursuant to division 382
(E)(1) of this section. The notice shall specifically state that a 383
permissible search might extend to a motor vehicle, another item 384
of tangible or intangible personal property, or a place of 385
residence or other real property in which a notified parent, 386
guardian, or custodian has a right, title, or interest and that 387
the parent, guardian, or custodian expressly or impliedly permits 388
the child to use, occupy, or possess. 389

~~(G)~~(H) If a juvenile court commits a delinquent child to the 390
custody of any person, organization, or entity pursuant to this 391
section and if the delinquent act for which the child is so 392
committed is a sexually oriented offense or is a child-victim 393
oriented offense, the court in the order of disposition shall do 394
one of the following: 395

(1) Require that the child be provided treatment as described 396

in division (A)(2) of section 5139.13 of the Revised Code; 397

(2) Inform the person, organization, or entity that it is the 398
preferred course of action in this state that the child be 399
provided treatment as described in division (A)(2) of section 400
5139.13 of the Revised Code and encourage the person, 401
organization, or entity to provide that treatment. 402

Sec. 2903.213. (A) Except when the complaint involves a 403
person who is a family or household member as defined in section 404
2919.25 of the Revised Code, upon the filing of a complaint that 405
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 406
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 407
a municipal ordinance substantially similar to section 2903.13, 408
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 409
the commission of a sexually oriented offense, the complainant, 410
the alleged victim, or a family or household member of an alleged 411
victim may file a motion that requests the issuance of a 412
protection order as a pretrial condition of release of the alleged 413
offender, in addition to any bail set under Criminal Rule 46. The 414
motion shall be filed with the clerk of the court that has 415
jurisdiction of the case at any time after the filing of the 416
complaint. If the complaint involves a person who is a family or 417
household member, the complainant, the alleged victim, or the 418
family or household member may file a motion for a temporary 419
protection order pursuant to section 2919.26 of the Revised Code. 420

(B) A motion for a protection order under this section shall 421
be prepared on a form that is provided by the clerk of the court, 422
and the form shall be substantially as follows: 423

"Motion for Protection Order 424
..... 425
Name and address of court 426

State of Ohio 427

v.	No.	428
.....		429
Name of Defendant		430
(Name of person), moves the court to issue a protection order		431
containing terms designed to ensure the safety and protection of		432
the complainant or the alleged victim in the above-captioned case,		433
in relation to the named defendant, pursuant to its authority to		434
issue a protection order under section 2903.213 of the Revised		435
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 and may issue 475
additional orders as it considers appropriate for the protection 476
of the companion animal, including any listed in division (D)(1) 477
of this section. 478

(2)(a) If the court issues a protection order under this 479
section that includes a requirement that the alleged offender 480
refrain from entering the residence, school, business, or place of 481
employment of the complainant or the alleged victim, the order 482
shall clearly state that the order cannot be waived or nullified 483
by an invitation to the alleged offender from the complainant, the 484
alleged victim, or a family or household member to enter the 485
residence, school, business, or place of employment or by the 486
alleged offender's entry into one of those places otherwise upon 487
the consent of the complainant, the alleged victim, or a family or 488
household member. 489

(b) Division (C)(2)(a) of this section does not limit any 490
discretion of a court to determine that an alleged offender 491
charged with a violation of section 2919.27 of the Revised Code, 492
with a violation of a municipal ordinance substantially equivalent 493
to that section, or with contempt of court, which charge is based 494
on an alleged violation of a protection order issued under this 495
section, did not commit the violation or was not in contempt of 496
court. 497

(D)(1) Except when the complaint involves a person who is a 498
family or household member as defined in section 2919.25 of the 499
Revised Code, upon the filing of a complaint that alleges a 500
violation specified in division (A) of this section, the court, 501
upon its own motion, may issue a protection order under this 502
section as a pretrial condition of release of the alleged offender 503
if it finds that the safety and protection of the complainant or 504
the alleged victim may be impaired by the continued presence of 505
the alleged offender. The court may include within the scope of a 506
protection order issued under this section any companion animal 507
that is in the complainant's or alleged victim's residence and may 508
issue additional orders as it considers appropriate for the 509
protection of the companion animal, including any of the 510
following: 511

(a) An order directing the alleged offender to refrain from 512
abusing, threatening, injuring, concealing, disposing of, or 513
interfering with the care, custody, and control of a companion 514
animal that is in the possession of the complainant or the alleged 515
victim or the alleged offender or that is owned by the complainant 516
or the alleged victim; 517

(b) An order to remove a companion animal from the possession 518
of the alleged offender; 519

(c) An order permitting the complainant or the alleged victim 520
to return to the residence to remove a companion animal from the 521

possession of the alleged offender; 522

(d) An order prohibiting the alleged offender from having any 523
contact with the companion animal; 524

(e) An order directing law enforcement to assist in the safe 525
removal of a companion animal from the possession of the alleged 526
offender. 527

(2) If the court issues a protection order under this section 528
as an ex parte order, it shall conduct, as soon as possible after 529
the issuance of the order but not later than the next day that the 530
court is in session after its issuance, a hearing to determine 531
whether the order should remain in effect, be modified, or be 532
revoked. The hearing shall be conducted under the standards set 533
forth in division (C) of this section. 534

(3) If a municipal court or a county court issues a 535
protection order under this section and if, subsequent to the 536
issuance of the order, the alleged offender who is the subject of 537
the order is bound over to the court of common pleas for 538
prosecution of a felony arising out of the same activities as 539
those that were the basis of the complaint upon which the order is 540
based, notwithstanding the fact that the order was issued by a 541
municipal court or county court, the order shall remain in effect, 542
as though it were an order of the court of common pleas, while the 543
charges against the alleged offender are pending in the court of 544
common pleas, for the period of time described in division (E)(2) 545
of this section, and the court of common pleas has exclusive 546
jurisdiction to modify the order issued by the municipal court or 547
county court. This division applies when the alleged offender is 548
bound over to the court of common pleas as a result of the person 549
waiving a preliminary hearing on the felony charge, as a result of 550
the municipal court or county court having determined at a 551
preliminary hearing that there is probable cause to believe that 552
the felony has been committed and that the alleged offender 553

committed it, as a result of the alleged offender having been 554
indicted for the felony, or in any other manner. 555

(E) A protection order that is issued as a pretrial condition 556
of release under this section: 557

(1) Is in addition to, but shall not be construed as a part 558
of, any bail set under Criminal Rule 46; 559

(2) Is effective only until the disposition, by the court 560
that issued the order or, in the circumstances described in 561
division (D)(3) of this section, by the court of common pleas to 562
which the alleged offender is bound over for prosecution, of the 563
criminal proceeding arising out of the complaint upon which the 564
order is based or until the issuance under section 2903.214 of the 565
Revised Code of a protection order arising out of the same 566
activities as those that were the basis of the complaint filed 567
under this section; 568

(3) Shall not be construed as a finding that the alleged 569
offender committed the alleged offense and shall not be introduced 570
as evidence of the commission of the offense at the trial of the 571
alleged offender on the complaint upon which the order is based. 572

(F) A person who meets the criteria for bail under Criminal 573
Rule 46 and who, if required to do so pursuant to that rule, 574
executes or posts bond or deposits cash or securities as bail, 575
shall not be held in custody pending a hearing before the court on 576
a motion requesting a protection order under this section. 577

(G)(1) A copy of a protection order that is issued under this 578
section shall be issued by the court to the complainant, to the 579
alleged victim, to the person who requested the order, to the 580
defendant, and to all law enforcement agencies that have 581
jurisdiction to enforce the order. The court shall direct that a 582
copy of the order be delivered to the defendant on the same day 583
that the order is entered. If a municipal court or a county court 584

issues a protection order under this section and if, subsequent to 585
the issuance of the order, the defendant who is the subject of the 586
order is bound over to the court of common pleas for prosecution 587
as described in division (D)(3) of this section, the municipal 588
court or county court shall direct that a copy of the order be 589
delivered to the court of common pleas to which the defendant is 590
bound over. 591

(2) All law enforcement agencies shall establish and maintain 592
an index for the protection orders delivered to the agencies 593
pursuant to division (G)(1) of this section. With respect to each 594
order delivered, each agency shall note on the index the date and 595
time of the agency's receipt of the order. 596

(3) Regardless of whether the petitioner has registered the 597
protection order in the county in which the officer's agency has 598
jurisdiction, any officer of a law enforcement agency shall 599
enforce a protection order issued pursuant to this section in 600
accordance with the provisions of the order. 601

(H) Upon a violation of a protection order issued pursuant to 602
this section, the court may issue another protection order under 603
this section, as a pretrial condition of release, that modifies 604
the terms of the order that was violated. 605

(I) Notwithstanding any provision of law to the contrary and 606
regardless of whether a protection order is issued or a consent 607
agreement is approved by a court of another county or by a court 608
of another state, no court or unit of state or local government 609
shall charge any fee, cost, deposit, or money in connection with 610
the filing of a motion pursuant to this section, in connection 611
with the filing, issuance, registration, or service of a 612
protection order or consent agreement, or for obtaining certified 613
copies of a protection order or consent agreement. 614

(J) As used in this section, ~~"sexually;~~ 615

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 616
617

(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 618
619

Sec. 2903.214. (A) As used in this section: 620

(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides. 621
622

(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 623
624

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code. 625
626

(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. 627
628

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 629
630

(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. 631
632

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 633
634

(B) The court has jurisdiction over all proceedings under this section. 635
636

(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following: 637
638
639
640
641

(1) An allegation that the respondent is eighteen years of age or older and engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection 642
643
644

order or committed a sexually oriented offense against the person 645
to be protected by the protection order, including a description 646
of the nature and extent of the violation; 647

(2) If the petitioner seeks relief in the form of electronic 648
monitoring of the respondent, an allegation that at any time 649
preceding the filing of the petition the respondent engaged in 650
conduct that would cause a reasonable person to believe that the 651
health, welfare, or safety of the person to be protected was at 652
risk, a description of the nature and extent of that conduct, and 653
an allegation that the respondent presents a continuing danger to 654
the person to be protected; 655

(3) A request for relief under this section. 656

(D)(1) If a person who files a petition pursuant to this 657
section requests an ex parte order, the court shall hold an ex 658
parte hearing as soon as possible after the petition is filed, but 659
not later than the next day that the court is in session after the 660
petition is filed. The court, for good cause shown at the ex parte 661
hearing, may enter any temporary orders, with or without bond, 662
that the court finds necessary for the safety and protection of 663
the person to be protected by the order. Immediate and present 664
danger to the person to be protected by the protection order 665
constitutes good cause for purposes of this section. Immediate and 666
present danger includes, but is not limited to, situations in 667
which the respondent has threatened the person to be protected by 668
the protection order with bodily harm or in which the respondent 669
previously has been convicted of or pleaded guilty to a violation 670
of section 2903.211 of the Revised Code or a sexually oriented 671
offense against the person to be protected by the protection 672
order. 673

(2)(a) If the court, after an ex parte hearing, issues a 674
protection order described in division (E) of this section, the 675
court shall schedule a full hearing for a date that is within ten 676

court days after the ex parte hearing. The court shall give the
respondent notice of, and an opportunity to be heard at, the full
hearing. The court shall hold the full hearing on the date
scheduled under this division unless the court grants a
continuance of the hearing in accordance with this division. Under
any of the following circumstances or for any of the following
reasons, the court may grant a continuance of the full hearing to
a reasonable time determined by the court:

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

(ii) The parties consent to the continuance.

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

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

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

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

(E)(1)(a) After an ex parte or full hearing, the court may
issue any protection order, with or without bond, that contains
terms designed to ensure the safety and protection of the person
to be protected by the protection order, including, but not
limited to, a requirement that the respondent refrain from

entering the residence, school, business, or place of employment 708
of the petitioner or family or household member. If the court 709
includes a requirement that the respondent refrain from entering 710
the residence, school, business, or place of employment of the 711
petitioner or family or household member in the order, it also 712
shall include in the order provisions of the type described in 713
division (E)(5) of this section. The court may include within the 714
scope of a protection order issued under this section any 715
companion animal that is in the residence of the person to be 716
protected and may issue additional orders as it considers 717
appropriate for the protection of the companion animal, including 718
any of the following: 719

(i) An order directing the respondent to refrain from 720
abusing, threatening, injuring, concealing, disposing of, or 721
interfering with the care, custody, and control of a companion 722
animal that is in the possession of the person to be protected or 723
the respondent or that is owned by the person to be protected; 724

(ii) An order to remove a companion animal from the 725
possession of the respondent; 726

(iii) An order permitting the person to be protected to 727
return to the residence to remove a companion animal from the 728
possession of the respondent; 729

(iv) An order prohibiting the respondent from having any 730
contact with the companion animal; 731

(v) An order directing law enforcement to assist in the safe 732
removal of a companion animal from the possession of the 733
respondent. 734

(b) After a full hearing, if the court considering a petition 735
that includes an allegation of the type described in division 736
(C)(2) of this section, or the court upon its own motion, finds 737
upon clear and convincing evidence that the petitioner reasonably 738

believed that the respondent's conduct at any time preceding the 739
filing of the petition endangered the health, welfare, or safety 740
of the person to be protected and that the respondent presents a 741
continuing danger to the person to be protected, the court may 742
order that the respondent be electronically monitored for a period 743
of time and under the terms and conditions that the court 744
determines are appropriate. Electronic monitoring shall be in 745
addition to any other relief granted to the petitioner. 746

(2)(a) Any protection order issued pursuant to this section 747
shall be valid until a date certain but not later than five years 748
from the date of its issuance. 749

(b) Any protection order issued pursuant to this section may 750
be renewed in the same manner as the original order was issued. 751

(3) A court may not issue a protection order that requires a 752
petitioner to do or to refrain from doing an act that the court 753
may require a respondent to do or to refrain from doing under 754
division (E)(1) of this section unless all of the following apply: 755

(a) The respondent files a separate petition for a protection 756
order in accordance with this section. 757

(b) The petitioner is served with notice of the respondent's 758
petition at least forty-eight hours before the court holds a 759
hearing with respect to the respondent's petition, or the 760
petitioner waives the right to receive this notice. 761

(c) If the petitioner has requested an ex parte order 762
pursuant to division (D) of this section, the court does not delay 763
any hearing required by that division beyond the time specified in 764
that division in order to consolidate the hearing with a hearing 765
on the petition filed by the respondent. 766

(d) After a full hearing at which the respondent presents 767
evidence in support of the request for a protection order and the 768
petitioner is afforded an opportunity to defend against that 769

evidence, the court determines that the petitioner has committed a 770
violation of section 2903.211 of the Revised Code against the 771
person to be protected by the protection order issued pursuant to 772
division (E)(3) of this section, has committed a sexually oriented 773
offense against the person to be protected by the protection order 774
issued pursuant to division (E)(3) of this section, or has 775
violated a protection order issued pursuant to section 2903.213 of 776
the Revised Code relative to the person to be protected by the 777
protection order issued pursuant to division (E)(3) of this 778
section. 779

(4) No protection order issued pursuant to this section shall 780
in any manner affect title to any real property. 781

(5)(a) If the court issues a protection order under this 782
section that includes a requirement that the alleged offender 783
refrain from entering the residence, school, business, or place of 784
employment of the petitioner or a family or household member, the 785
order shall clearly state that the order cannot be waived or 786
nullified by an invitation to the alleged offender from the 787
complainant to enter the residence, school, business, or place of 788
employment or by the alleged offender's entry into one of those 789
places otherwise upon the consent of the petitioner or family or 790
household member. 791

(b) Division (E)(5)(a) of this section does not limit any 792
discretion of a court to determine that an alleged offender 793
charged with a violation of section 2919.27 of the Revised Code, 794
with a violation of a municipal ordinance substantially equivalent 795
to that section, or with contempt of court, which charge is based 796
on an alleged violation of a protection order issued under this 797
section, did not commit the violation or was not in contempt of 798
court. 799

(F)(1) The court shall cause the delivery of a copy of any 800
protection order that is issued under this section to the 801

petitioner, to the respondent, and to all law enforcement agencies 802
that have jurisdiction to enforce the order. The court shall 803
direct that a copy of the order be delivered to the respondent on 804
the same day that the order is entered. 805

(2) Upon the issuance of a protection order under this 806
section, the court shall provide the parties to the order with the 807
following notice orally or by form: 808

"NOTICE 809

As a result of this order, it may be unlawful for you to 810
possess or purchase a firearm, including a rifle, pistol, or 811
revolver, or ammunition pursuant to federal law under 18 U.S.C. 812
922(g)(8). If you have any questions whether this law makes it 813
illegal for you to possess or purchase a firearm or ammunition, 814
you should consult an attorney." 815

(3) All law enforcement agencies shall establish and maintain 816
an index for the protection orders delivered to the agencies 817
pursuant to division (F)(1) of this section. With respect to each 818
order delivered, each agency shall note on the index the date and 819
time that it received the order. 820

(4) Regardless of whether the petitioner has registered the 821
protection order in the county in which the officer's agency has 822
jurisdiction pursuant to division (M) of this section, any officer 823
of a law enforcement agency shall enforce a protection order 824
issued pursuant to this section by any court in this state in 825
accordance with the provisions of the order, including removing 826
the respondent from the premises, if appropriate. 827

(G) Any proceeding under this section shall be conducted in 828
accordance with the Rules of Civil Procedure, except that a 829
protection order may be obtained under this section with or 830
without bond. An order issued under this section, other than an ex 831
parte order, that grants a protection order, or that refuses to 832

grant a protection order, is a final, appealable order. The 833
remedies and procedures provided in this section are in addition 834
to, and not in lieu of, any other available civil or criminal 835
remedies. 836

(H) The filing of proceedings under this section does not 837
excuse a person from filing any report or giving any notice 838
required by section 2151.421 of the Revised Code or by any other 839
law. 840

(I) Any law enforcement agency that investigates an alleged 841
violation of section 2903.211 of the Revised Code or an alleged 842
commission of a sexually oriented offense shall provide 843
information to the victim and the family or household members of 844
the victim regarding the relief available under this section and 845
section 2903.213 of the Revised Code. 846

(J) Notwithstanding any provision of law to the contrary and 847
regardless of whether a protection order is issued or a consent 848
agreement is approved by a court of another county or by a court 849
of another state, no court or unit of state or local government 850
shall charge any fee, cost, deposit, or money in connection with 851
the filing of a petition pursuant to this section, in connection 852
with the filing, issuance, registration, or service of a 853
protection order or consent agreement, or for obtaining a 854
certified copy of a protection order or consent agreement. 855

(K)(1) A person who violates a protection order issued under 856
this section is subject to the following sanctions: 857

(a) Criminal prosecution for a violation of section 2919.27 858
of the Revised Code, if the violation of the protection order 859
constitutes a violation of that section; 860

(b) Punishment for contempt of court. 861

(2) The punishment of a person for contempt of court for 862
violation of a protection order issued under this section does not 863

bar criminal prosecution of the person for a violation of section 864
2919.27 of the Revised Code. However, a person punished for 865
contempt of court is entitled to credit for the punishment imposed 866
upon conviction of a violation of that section, and a person 867
convicted of a violation of that section shall not subsequently be 868
punished for contempt of court arising out of the same activity. 869

(L) In all stages of a proceeding under this section, a 870
petitioner may be accompanied by a victim advocate. 871

(M)(1) A petitioner who obtains a protection order under this 872
section or a protection order under section 2903.213 of the 873
Revised Code may provide notice of the issuance or approval of the 874
order to the judicial and law enforcement officials in any county 875
other than the county in which the order is issued by registering 876
that order in the other county pursuant to division (M)(2) of this 877
section and filing a copy of the registered order with a law 878
enforcement agency in the other county in accordance with that 879
division. A person who obtains a protection order issued by a 880
court of another state may provide notice of the issuance of the 881
order to the judicial and law enforcement officials in any county 882
of this state by registering the order in that county pursuant to 883
section 2919.272 of the Revised Code and filing a copy of the 884
registered order with a law enforcement agency in that county. 885

(2) A petitioner may register a protection order issued 886
pursuant to this section or section 2903.213 of the Revised Code 887
in a county other than the county in which the court that issued 888
the order is located in the following manner: 889

(a) The petitioner shall obtain a certified copy of the order 890
from the clerk of the court that issued the order and present that 891
certified copy to the clerk of the court of common pleas or the 892
clerk of a municipal court or county court in the county in which 893
the order is to be registered. 894

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

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

(2) The attorney general may promulgate rules pursuant to section 111.15 of the Revised Code to govern payments made from the reparations fund pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code. The rules may include

reasonable limits on the total cost paid pursuant to this division 927
and sections 2151.34 and 2919.27 of the Revised Code per 928
respondent, the amount of the three hundred thousand dollars 929
allocated to each county, and how invoices may be submitted by a 930
county, court, or other entity. 931

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 932
alleges a violation of section 2909.06, 2909.07, 2911.12, or 933
2911.211 of the Revised Code if the alleged victim of the 934
violation was a family or household member at the time of the 935
violation, a violation of a municipal ordinance that is 936
substantially similar to any of those sections if the alleged 937
victim of the violation was a family or household member at the 938
time of the violation, any offense of violence if the alleged 939
victim of the offense was a family or household member at the time 940
of the commission of the offense, or any sexually oriented offense 941
if the alleged victim of the offense was a family or household 942
member at the time of the commission of the offense, the 943
complainant, the alleged victim, or a family or household member 944
of an alleged victim may file, or, if in an emergency the alleged 945
victim is unable to file, a person who made an arrest for the 946
alleged violation or offense under section 2935.03 of the Revised 947
Code may file on behalf of the alleged victim, a motion that 948
requests the issuance of a temporary protection order as a 949
pretrial condition of release of the alleged offender, in addition 950
to any bail set under Criminal Rule 46. The motion shall be filed 951
with the clerk of the court that has jurisdiction of the case at 952
any time after the filing of the complaint. 953

(2) For purposes of section 2930.09 of the Revised Code, all 954
stages of a proceeding arising out of a complaint alleging the 955
commission of a violation, offense of violence, or sexually 956
oriented offense described in division (A)(1) of this section, 957
including all proceedings on a motion for a temporary protection 958

order, are critical stages of the case, and a victim may be 959
accompanied by a victim advocate or another person to provide 960
support to the victim as provided in that section. 961

(B) The motion shall be prepared on a form that is provided 962
by the clerk of the court, which form shall be substantially as 963
follows: 964

"MOTION FOR TEMPORARY PROTECTION ORDER 965

..... Court 966

Name and address of court 967

State of Ohio 968

v. No. 969

..... 970

Name of Defendant 971

(name of person), moves the court to issue a temporary protection 972
order containing terms designed to ensure the safety and 973
protection of the complainant, alleged victim, and other family or 974
household members, in relation to the named defendant, pursuant to 975
its authority to issue such an order under section 2919.26 of the 976
Revised Code. 977

A complaint, a copy of which has been attached to this 978
motion, has been filed in this court charging the named defendant 979
with (name of the specified violation, 980
the offense of violence, or sexually oriented offense charged) in 981
circumstances in which the victim was a family or household member 982
in violation of (section of the Revised Code designating the 983
specified violation, offense of violence, or sexually oriented 984
offense charged), or charging the named defendant with a violation 985
of a municipal ordinance that is substantially similar to 986
..... (section of the Revised Code designating 987
the specified violation, offense of violence, or sexually oriented 988
offense charged) involving a family or household member. 989

I understand that I must appear before the court, at a time set by the court within twenty-four hours after the filing of this motion, for a hearing on the motion or that, if I am unable to appear because of hospitalization or a medical condition resulting from the offense alleged in the complaint, a person who can provide information about my need for a temporary protection order must appear before the court in lieu of my appearing in court. I understand that any temporary protection order granted pursuant to this motion is a pretrial condition of release and is effective only until the disposition of the criminal proceeding arising out of the attached complaint, or the issuance of a civil protection order or the approval of a consent agreement, arising out of the same activities as those that were the basis of the complaint, under section 3113.31 of the Revised Code.

.....
Signature of person

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

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

(C)(1) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the

complaint, another person who is able to provide the court with 1021
the information it requests may appear in lieu of the person who 1022
requested the order. If the court finds that the safety and 1023
protection of the complainant, alleged victim, or any other family 1024
or household member of the alleged victim may be impaired by the 1025
continued presence of the alleged offender, the court may issue a 1026
temporary protection order, as a pretrial condition of release, 1027
that contains terms designed to ensure the safety and protection 1028
of the complainant, alleged victim, or the family or household 1029
member, including a requirement that the alleged offender refrain 1030
from entering the residence, school, business, or place of 1031
employment of the complainant, alleged victim, or the family or 1032
household member. The court may include within the scope of a 1033
protection order issued under this section any companion animal 1034
that is in the complainant's or alleged victim's residence as 1035
described in division (D)(1) of this section. 1036

(2)(a) If the court issues a temporary protection order that 1037
includes a requirement that the alleged offender refrain from 1038
entering the residence, school, business, or place of employment 1039
of the complainant, the alleged victim, or the family or household 1040
member, the order shall state clearly that the order cannot be 1041
waived or nullified by an invitation to the alleged offender from 1042
the complainant, alleged victim, or family or household member to 1043
enter the residence, school, business, or place of employment or 1044
by the alleged offender's entry into one of those places otherwise 1045
upon the consent of the complainant, alleged victim, or family or 1046
household member. 1047

(b) Division (C)(2)(a) of this section does not limit any 1048
discretion of a court to determine that an alleged offender 1049
charged with a violation of section 2919.27 of the Revised Code, 1050
with a violation of a municipal ordinance substantially equivalent 1051
to that section, or with contempt of court, which charge is based 1052

on an alleged violation of a temporary protection order issued 1053
under this section, did not commit the violation or was not in 1054
contempt of court. 1055

(D)(1) Upon the filing of a complaint that alleges a 1056
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1057
Revised Code if the alleged victim of the violation was a family 1058
or household member at the time of the violation, a violation of a 1059
municipal ordinance that is substantially similar to any of those 1060
sections if the alleged victim of the violation was a family or 1061
household member at the time of the violation, any offense of 1062
violence if the alleged victim of the offense was a family or 1063
household member at the time of the commission of the offense, or 1064
any sexually oriented offense if the alleged victim of the offense 1065
was a family or household member at the time of the commission of 1066
the offense, the court, upon its own motion, may issue a temporary 1067
protection order as a pretrial condition of release if it finds 1068
that the safety and protection of the complainant, alleged victim, 1069
or other family or household member of the alleged offender may be 1070
impaired by the continued presence of the alleged offender. The 1071
court may include within the scope of a protection order issued 1072
under this section any companion animal that is in the 1073
complainant's or alleged victim's residence and may issue 1074
additional orders as it considers appropriate for the protection 1075
of the companion animal, including any of the following: 1076

(a) An order directing the alleged offender to refrain from 1077
abusing, threatening, injuring, concealing, disposing of, or 1078
interfering with the care, custody, and control of a companion 1079
animal that is in the possession of the complainant or the alleged 1080
victim or the alleged offender or that is owned by the complainant 1081
or the alleged victim; 1082

(b) An order to remove a companion animal from the possession 1083
of the alleged offender; 1084

(c) An order permitting the complainant or the alleged victim 1085
to return to the residence to remove a companion animal from the 1086
possession of the alleged offender; 1087

(d) An order prohibiting the alleged offender from having any 1088
contact with the companion animal; 1089

(e) An order directing law enforcement to assist in the safe 1090
removal of a companion animal from the possession of the alleged 1091
offender. 1092

(2) If the court issues a temporary protection order under 1093
this section as an ex parte order, it shall conduct, as soon as 1094
possible after the issuance of the order, a hearing in the 1095
presence of the alleged offender not later than the next day on 1096
which the court is scheduled to conduct business after the day on 1097
which the alleged offender was arrested or at the time of the 1098
appearance of the alleged offender pursuant to summons to 1099
determine whether the order should remain in effect, be modified, 1100
or be revoked. The hearing shall be conducted under the standards 1101
set forth in division (C) of this section. 1102

(3) An order issued under this section shall contain only 1103
those terms authorized in orders issued under division (C) of this 1104
section. 1105

(4) If a municipal court or a county court issues a temporary 1106
protection order under this section and if, subsequent to the 1107
issuance of the order, the alleged offender who is the subject of 1108
the order is bound over to the court of common pleas for 1109
prosecution of a felony arising out of the same activities as 1110
those that were the basis of the complaint upon which the order is 1111
based, notwithstanding the fact that the order was issued by a 1112
municipal court or county court, the order shall remain in effect, 1113
as though it were an order of the court of common pleas, while the 1114
charges against the alleged offender are pending in the court of 1115

common pleas, for the period of time described in division (E)(2) 1116
of this section, and the court of common pleas has exclusive 1117
jurisdiction to modify the order issued by the municipal court or 1118
county court. This division applies when the alleged offender is 1119
bound over to the court of common pleas as a result of the person 1120
waiving a preliminary hearing on the felony charge, as a result of 1121
the municipal court or county court having determined at a 1122
preliminary hearing that there is probable cause to believe that 1123
the felony has been committed and that the alleged offender 1124
committed it, as a result of the alleged offender having been 1125
indicted for the felony, or in any other manner. 1126

(E) A temporary protection order that is issued as a pretrial 1127
condition of release under this section: 1128

(1) Is in addition to, but shall not be construed as a part 1129
of, any bail set under Criminal Rule 46; 1130

(2) Is effective only until the occurrence of either of the 1131
following: 1132

(a) The disposition, by the court that issued the order or, 1133
in the circumstances described in division (D)(4) of this section, 1134
by the court of common pleas to which the alleged offender is 1135
bound over for prosecution, of the criminal proceeding arising out 1136
of the complaint upon which the order is based; 1137

(b) The issuance of a protection order or the approval of a 1138
consent agreement, arising out of the same activities as those 1139
that were the basis of the complaint upon which the order is 1140
based, under section 3113.31 of the Revised Code; 1141

(3) Shall not be construed as a finding that the alleged 1142
offender committed the alleged offense, and shall not be 1143
introduced as evidence of the commission of the offense at the 1144
trial of the alleged offender on the complaint upon which the 1145
order is based. 1146

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

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

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

"NOTICE

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

(3) All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect

to each order delivered, each agency shall note on the index, the 1179
date and time of the receipt of the order by the agency. 1180

(4) A complainant, alleged victim, or other person who 1181
obtains a temporary protection order under this section may 1182
provide notice of the issuance of the temporary protection order 1183
to the judicial and law enforcement officials in any county other 1184
than the county in which the order is issued by registering that 1185
order in the other county in accordance with division (N) of 1186
section 3113.31 of the Revised Code and filing a copy of the 1187
registered protection order with a law enforcement agency in the 1188
other county in accordance with that division. 1189

(5) Any officer of a law enforcement agency shall enforce a 1190
temporary protection order issued by any court in this state in 1191
accordance with the provisions of the order, including removing 1192
the defendant from the premises, regardless of whether the order 1193
is registered in the county in which the officer's agency has 1194
jurisdiction as authorized by division (G)(4) of this section. 1195

(H) Upon a violation of a temporary protection order, the 1196
court may issue another temporary protection order, as a pretrial 1197
condition of release, that modifies the terms of the order that 1198
was violated. 1199

(I)(1) As used in divisions (I)(1) and (2) of this section, 1200
"defendant" means a person who is alleged in a complaint to have 1201
committed a violation, offense of violence, or sexually oriented 1202
offense of the type described in division (A) of this section. 1203

(2) If a complaint is filed that alleges that a person 1204
committed a violation, offense of violence, or sexually oriented 1205
offense of the type described in division (A) of this section, the 1206
court may not issue a temporary protection order under this 1207
section that requires the complainant, the alleged victim, or 1208
another family or household member of the defendant to do or 1209

refrain from doing an act that the court may require the defendant 1210
to do or refrain from doing under a temporary protection order 1211
unless both of the following apply: 1212

(a) The defendant has filed a separate complaint that alleges 1213
that the complainant, alleged victim, or other family or household 1214
member in question who would be required under the order to do or 1215
refrain from doing the act committed a violation or offense of 1216
violence of the type described in division (A) of this section. 1217

(b) The court determines that both the complainant, alleged 1218
victim, or other family or household member in question who would 1219
be required under the order to do or refrain from doing the act 1220
and the defendant acted primarily as aggressors, that neither the 1221
complainant, alleged victim, or other family or household member 1222
in question who would be required under the order to do or refrain 1223
from doing the act nor the defendant acted primarily in 1224
self-defense, and, in accordance with the standards and criteria 1225
of this section as applied in relation to the separate complaint 1226
filed by the defendant, that it should issue the order to require 1227
the complainant, alleged victim, or other family or household 1228
member in question to do or refrain from doing the act. 1229

(J) Notwithstanding any provision of law to the contrary and 1230
regardless of whether a protection order is issued or a consent 1231
agreement is approved by a court of another county or a court of 1232
another state, no court or unit of state or local government shall 1233
charge any fee, cost, deposit, or money in connection with the 1234
filing of a motion pursuant to this section, in connection with 1235
the filing, issuance, registration, or service of a protection 1236
order or consent agreement, or for obtaining a certified copy of a 1237
protection order or consent agreement. 1238

(K) As used in this section: 1239

(1) "Companion animal" has the same meaning as in section 1240

<u>959.131 of the Revised Code.</u>	1241
(2) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	1242 1243
(2) (3) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings.	1244 1245 1246
Sec. 3113.31. (A) As used in this section:	1247
(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:	1248 1249
(a) Attempting to cause or recklessly causing bodily injury;	1250
(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	1251 1252 1253
(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	1254 1255 1256
(d) Committing a sexually oriented offense.	1257
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.	1258 1259 1260 1261 1262 1263 1264 1265
(3) "Family or household member" means any of the following:	1266
(a) Any of the following who is residing with or has resided with the respondent:	1267 1268
(i) A spouse, a person living as a spouse, or a former spouse	1269

of the respondent;	1270
(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	1271 1272 1273
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	1274 1275 1276 1277
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	1278 1279
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	1280 1281 1282 1283 1284 1285
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	1286 1287
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	1288 1289
<u>(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.</u>	1290 1291
(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.	1292 1293 1294 1295
(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The	1296 1297 1298 1299

petition shall contain or state: 1300

(1) An allegation that the respondent engaged in domestic 1301
violence against a family or household member of the respondent, 1302
including a description of the nature and extent of the domestic 1303
violence; 1304

(2) The relationship of the respondent to the petitioner, and 1305
to the victim if other than the petitioner; 1306

(3) A request for relief under this section. 1307

(D)(1) If a person who files a petition pursuant to this 1308
section requests an ex parte order, the court shall hold an ex 1309
parte hearing on the same day that the petition is filed. The 1310
court, for good cause shown at the ex parte hearing, may enter any 1311
temporary orders, with or without bond, including, but not limited 1312
to, an order described in division (E)(1)(a), (b), or (c) of this 1313
section, that the court finds necessary to protect the family or 1314
household member from domestic violence. Immediate and present 1315
danger of domestic violence to the family or household member 1316
constitutes good cause for purposes of this section. Immediate and 1317
present danger includes, but is not limited to, situations in 1318
which the respondent has threatened the family or household member 1319
with bodily harm, in which the respondent has threatened the 1320
family or household member with a sexually oriented offense, or in 1321
which the respondent previously has been convicted of, pleaded 1322
guilty to, or been adjudicated a delinquent child for an offense 1323
that constitutes domestic violence against the family or household 1324
member. 1325

(2)(a) If the court, after an ex parte hearing, issues an 1326
order described in division (E)(1)(b) or (c) of this section, the 1327
court shall schedule a full hearing for a date that is within 1328
seven court days after the ex parte hearing. If any other type of 1329
protection order that is authorized under division (E) of this 1330

section is issued by the court after an ex parte hearing, the 1331
court shall schedule a full hearing for a date that is within ten 1332
court days after the ex parte hearing. The court shall give the 1333
respondent notice of, and an opportunity to be heard at, the full 1334
hearing. The court shall hold the full hearing on the date 1335
scheduled under this division unless the court grants a 1336
continuance of the hearing in accordance with this division. Under 1337
any of the following circumstances or for any of the following 1338
reasons, the court may grant a continuance of the full hearing to 1339
a reasonable time determined by the court: 1340

(i) Prior to the date scheduled for the full hearing under 1341
this division, the respondent has not been served with the 1342
petition filed pursuant to this section and notice of the full 1343
hearing. 1344

(ii) The parties consent to the continuance. 1345

(iii) The continuance is needed to allow a party to obtain 1346
counsel. 1347

(iv) The continuance is needed for other good cause. 1348

(b) An ex parte order issued under this section does not 1349
expire because of a failure to serve notice of the full hearing 1350
upon the respondent before the date set for the full hearing under 1351
division (D)(2)(a) of this section or because the court grants a 1352
continuance under that division. 1353

(3) If a person who files a petition pursuant to this section 1354
does not request an ex parte order, or if a person requests an ex 1355
parte order but the court does not issue an ex parte order after 1356
an ex parte hearing, the court shall proceed as in a normal civil 1357
action and grant a full hearing on the matter. 1358

(E)(1) After an ex parte or full hearing, the court may grant 1359
any protection order, with or without bond, or approve any consent 1360
agreement to bring about a cessation of domestic violence against 1361

the family or household members. The order or agreement may: 1362

(a) Direct the respondent to refrain from abusing or from 1363
committing sexually oriented offenses against the family or 1364
household members; 1365

(b) Grant possession of the residence or household to the 1366
petitioner or other family or household member, to the exclusion 1367
of the respondent, by evicting the respondent, when the residence 1368
or household is owned or leased solely by the petitioner or other 1369
family or household member, or by ordering the respondent to 1370
vacate the premises, when the residence or household is jointly 1371
owned or leased by the respondent, and the petitioner or other 1372
family or household member; 1373

(c) When the respondent has a duty to support the petitioner 1374
or other family or household member living in the residence or 1375
household and the respondent is the sole owner or lessee of the 1376
residence or household, grant possession of the residence or 1377
household to the petitioner or other family or household member, 1378
to the exclusion of the respondent, by ordering the respondent to 1379
vacate the premises, or, in the case of a consent agreement, allow 1380
the respondent to provide suitable, alternative housing; 1381

(d) Temporarily allocate parental rights and responsibilities 1382
for the care of, or establish temporary parenting time rights with 1383
regard to, minor children, if no other court has determined, or is 1384
determining, the allocation of parental rights and 1385
responsibilities for the minor children or parenting time rights; 1386

(e) Require the respondent to maintain support, if the 1387
respondent customarily provides for or contributes to the support 1388
of the family or household member, or if the respondent has a duty 1389
to support the petitioner or family or household member; 1390

(f) Require the respondent, petitioner, victim of domestic 1391
violence, or any combination of those persons, to seek counseling; 1392

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

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

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

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

section. 1425

(b) Subject to the limitation on the duration of an order or 1426
agreement set forth in division (E)(3)(a) of this section, any 1427
order under division (E)(1)(d) of this section shall terminate on 1428
the date that a court in an action for divorce, dissolution of 1429
marriage, or legal separation brought by the petitioner or 1430
respondent issues an order allocating parental rights and 1431
responsibilities for the care of children or on the date that a 1432
juvenile court in an action brought by the petitioner or 1433
respondent issues an order awarding legal custody of minor 1434
children. Subject to the limitation on the duration of an order or 1435
agreement set forth in division (E)(3)(a) of this section, any 1436
order under division (E)(1)(e) of this section shall terminate on 1437
the date that a court in an action for divorce, dissolution of 1438
marriage, or legal separation brought by the petitioner or 1439
respondent issues a support order or on the date that a juvenile 1440
court in an action brought by the petitioner or respondent issues 1441
a support order. 1442

(c) Any protection order issued or consent agreement approved 1443
pursuant to this section may be renewed in the same manner as the 1444
original order or agreement was issued or approved. 1445

(4) A court may not issue a protection order that requires a 1446
petitioner to do or to refrain from doing an act that the court 1447
may require a respondent to do or to refrain from doing under 1448
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1449
section unless all of the following apply: 1450

(a) The respondent files a separate petition for a protection 1451
order in accordance with this section. 1452

(b) The petitioner is served notice of the respondent's 1453
petition at least forty-eight hours before the court holds a 1454
hearing with respect to the respondent's petition, or the 1455

petitioner waives the right to receive this notice. 1456

(c) If the petitioner has requested an ex parte order 1457
pursuant to division (D) of this section, the court does not delay 1458
any hearing required by that division beyond the time specified in 1459
that division in order to consolidate the hearing with a hearing 1460
on the petition filed by the respondent. 1461

(d) After a full hearing at which the respondent presents 1462
evidence in support of the request for a protection order and the 1463
petitioner is afforded an opportunity to defend against that 1464
evidence, the court determines that the petitioner has committed 1465
an act of domestic violence or has violated a temporary protection 1466
order issued pursuant to section 2919.26 of the Revised Code, that 1467
both the petitioner and the respondent acted primarily as 1468
aggressors, and that neither the petitioner nor the respondent 1469
acted primarily in self-defense. 1470

(5) No protection order issued or consent agreement approved 1471
under this section shall in any manner affect title to any real 1472
property. 1473

(6)(a) If a petitioner, or the child of a petitioner, who 1474
obtains a protection order or consent agreement pursuant to 1475
division (E)(1) of this section or a temporary protection order 1476
pursuant to section 2919.26 of the Revised Code and is the subject 1477
of a parenting time order issued pursuant to section 3109.051 or 1478
3109.12 of the Revised Code or a visitation or companionship order 1479
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 1480
Revised Code or division (E)(1)(d) of this section granting 1481
parenting time rights to the respondent, the court may require the 1482
public children services agency of the county in which the court 1483
is located to provide supervision of the respondent's exercise of 1484
parenting time or visitation or companionship rights with respect 1485
to the child for a period not to exceed nine months, if the court 1486
makes the following findings of fact: 1487

(i) The child is in danger from the respondent; 1488

(ii) No other person or agency is available to provide the 1489
supervision. 1490

(b) A court that requires an agency to provide supervision 1491
pursuant to division (E)(6)(a) of this section shall order the 1492
respondent to reimburse the agency for the cost of providing the 1493
supervision, if it determines that the respondent has sufficient 1494
income or resources to pay that cost. 1495

(7)(a) If a protection order issued or consent agreement 1496
approved under this section includes a requirement that the 1497
respondent be evicted from or vacate the residence or household or 1498
refrain from entering the residence, school, business, or place of 1499
employment of the petitioner or a family or household member, the 1500
order or agreement shall state clearly that the order or agreement 1501
cannot be waived or nullified by an invitation to the respondent 1502
from the petitioner or other family or household member to enter 1503
the residence, school, business, or place of employment or by the 1504
respondent's entry into one of those places otherwise upon the 1505
consent of the petitioner or other family or household member. 1506

(b) Division (E)(7)(a) of this section does not limit any 1507
discretion of a court to determine that a respondent charged with 1508
a violation of section 2919.27 of the Revised Code, with a 1509
violation of a municipal ordinance substantially equivalent to 1510
that section, or with contempt of court, which charge is based on 1511
an alleged violation of a protection order issued or consent 1512
agreement approved under this section, did not commit the 1513
violation or was not in contempt of court. 1514

(8)(a) The court may modify or terminate as provided in 1515
division (E)(8) of this section a protection order or consent 1516
agreement that was issued after a full hearing under this section. 1517
The court that issued the protection order or approved the consent 1518

agreement shall hear a motion for modification or termination of 1519
the protection order or consent agreement pursuant to division 1520
(E)(8) of this section. 1521

(b) Either the petitioner or the respondent of the original 1522
protection order or consent agreement may bring a motion for 1523
modification or termination of a protection order or consent 1524
agreement that was issued or approved after a full hearing. The 1525
court shall require notice of the motion to be made as provided by 1526
the Rules of Civil Procedure. If the petitioner for the original 1527
protection order or consent agreement has requested that the 1528
petitioner's address be kept confidential, the court shall not 1529
disclose the address to the respondent of the original protection 1530
order or consent agreement or any other person, except as 1531
otherwise required by law. The moving party has the burden of 1532
proof to show, by a preponderance of the evidence, that 1533
modification or termination of the protection order or consent 1534
agreement is appropriate because either the protection order or 1535
consent agreement is no longer needed or because the terms of the 1536
original protection order or consent agreement are no longer 1537
appropriate. 1538

(c) In considering whether to modify or terminate a 1539
protection order or consent agreement issued or approved under 1540
this section, the court shall consider all relevant factors, 1541
including, but not limited to, the following: 1542

(i) Whether the petitioner consents to modification or 1543
termination of the protection order or consent agreement; 1544

(ii) Whether the petitioner fears the respondent; 1545

(iii) The current nature of the relationship between the 1546
petitioner and the respondent; 1547

(iv) The circumstances of the petitioner and respondent, 1548
including the relative proximity of the petitioner's and 1549

respondent's workplaces and residences and whether the petitioner	1550
and respondent have minor children together;	1551
(v) Whether the respondent has complied with the terms and	1552
conditions of the original protection order or consent agreement;	1553
(vi) Whether the respondent has a continuing involvement with	1554
illegal drugs or alcohol;	1555
(vii) Whether the respondent has been convicted of, pleaded	1556
guilty to, or been adjudicated a delinquent child for an offense	1557
of violence since the issuance of the protection order or approval	1558
of the consent agreement;	1559
(viii) Whether any other protection orders, consent	1560
agreements, restraining orders, or no contact orders have been	1561
issued against the respondent pursuant to this section, section	1562
2919.26 of the Revised Code, any other provision of state law, or	1563
the law of any other state;	1564
(ix) Whether the respondent has participated in any domestic	1565
violence treatment, intervention program, or other counseling	1566
addressing domestic violence and whether the respondent has	1567
completed the treatment, program, or counseling;	1568
(x) The time that has elapsed since the protection order was	1569
issued or since the consent agreement was approved;	1570
(xi) The age and health of the respondent;	1571
(xii) When the last incident of abuse, threat of harm, or	1572
commission of a sexually oriented offense occurred or other	1573
relevant information concerning the safety and protection of the	1574
petitioner or other protected parties.	1575
(d) If a protection order or consent agreement is modified or	1576
terminated as provided in division (E)(8) of this section, the	1577
court shall issue copies of the modified or terminated order or	1578
agreement as provided in division (F) of this section. A	1579

petitioner may also provide notice of the modification or 1580
termination to the judicial and law enforcement officials in any 1581
county other than the county in which the order or agreement is 1582
modified or terminated as provided in division (N) of this 1583
section. 1584

(e) If the respondent moves for modification or termination 1585
of a protection order or consent agreement pursuant to this 1586
section, the court may assess costs against the respondent for the 1587
filing of the motion. 1588

(9) Any protection order issued or any consent agreement 1589
approved pursuant to this section shall include a provision that 1590
the court will automatically seal all of the records of the 1591
proceeding in which the order is issued or agreement approved on 1592
the date the respondent attains the age of nineteen years unless 1593
the petitioner provides the court with evidence that the 1594
respondent has not complied with all of the terms of the 1595
protection order or consent agreement. The protection order or 1596
consent agreement shall specify the date when the respondent 1597
attains the age of nineteen years. 1598

(10) The court may include in a protection order issued or 1599
consent agreement approved under this section any companion animal 1600
that is in the petitioner's residence and may issue additional 1601
orders as it considers appropriate for the protection of the 1602
companion animal, including any of the following: 1603

(a) An order directing the respondent to refrain from 1604
abusing, threatening, injuring, concealing, disposing of, or 1605
interfering with the care, custody, and control of a companion 1606
animal that is in the possession of the petitioner or the 1607
respondent or that is owned by the petitioner; 1608

(b) An order to remove a companion animal from the possession 1609
of the respondent; 1610

(c) An order permitting the petitioner to return to the residence to remove a companion animal from the possession of the respondent;

(d) An order prohibiting the respondent from having any contact with the companion animal;

(e) An order directing law enforcement to assist in the safe removal of a companion animal from the possession of the respondent.

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

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

"NOTICE

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

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

that it received the order or consent agreement. 1642

(4) Regardless of whether the petitioner has registered the 1643
order or agreement in the county in which the officer's agency has 1644
jurisdiction pursuant to division (N) of this section, any officer 1645
of a law enforcement agency shall enforce a protection order 1646
issued or consent agreement approved by any court in this state in 1647
accordance with the provisions of the order or agreement, 1648
including removing the respondent from the premises, if 1649
appropriate. 1650

(G) Any proceeding under this section shall be conducted in 1651
accordance with the Rules of Civil Procedure, except that an order 1652
under this section may be obtained with or without bond. An order 1653
issued under this section, other than an ex parte order, that 1654
grants a protection order or approves a consent agreement, that 1655
refuses to grant a protection order or approve a consent agreement 1656
that modifies or terminates a protection order or consent 1657
agreement, or that refuses to modify or terminate a protection 1658
order or consent agreement, is a final, appealable order. The 1659
remedies and procedures provided in this section are in addition 1660
to, and not in lieu of, any other available civil or criminal 1661
remedies. 1662

(H) The filing of proceedings under this section does not 1663
excuse a person from filing any report or giving any notice 1664
required by section 2151.421 of the Revised Code or by any other 1665
law. When a petition under this section alleges domestic violence 1666
against minor children, the court shall report the fact, or cause 1667
reports to be made, to a county, township, or municipal peace 1668
officer under section 2151.421 of the Revised Code. 1669

(I) Any law enforcement agency that investigates a domestic 1670
dispute shall provide information to the family or household 1671
members involved regarding the relief available under this section 1672
and section 2919.26 of the Revised Code. 1673

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

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

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

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

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

(b) Punishment for contempt of court.

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

violation of a protection order issued or a consent agreement 1705
approved under this section does not bar criminal prosecution of 1706
the person or a delinquent child proceeding concerning the person 1707
for a violation of section 2919.27 of the Revised Code. However, a 1708
person punished for contempt of court is entitled to credit for 1709
the punishment imposed upon conviction of or adjudication as a 1710
delinquent child for a violation of that section, and a person 1711
convicted of or adjudicated a delinquent child for a violation of 1712
that section shall not subsequently be punished for contempt of 1713
court arising out of the same activity. 1714

(M) In all stages of a proceeding under this section, a 1715
petitioner may be accompanied by a victim advocate. 1716

(N)(1) A petitioner who obtains a protection order or consent 1717
agreement under this section or a temporary protection order under 1718
section 2919.26 of the Revised Code may provide notice of the 1719
issuance or approval of the order or agreement to the judicial and 1720
law enforcement officials in any county other than the county in 1721
which the order is issued or the agreement is approved by 1722
registering that order or agreement in the other county pursuant 1723
to division (N)(2) of this section and filing a copy of the 1724
registered order or registered agreement with a law enforcement 1725
agency in the other county in accordance with that division. A 1726
person who obtains a protection order issued by a court of another 1727
state may provide notice of the issuance of the order to the 1728
judicial and law enforcement officials in any county of this state 1729
by registering the order in that county pursuant to section 1730
2919.272 of the Revised Code and filing a copy of the registered 1731
order with a law enforcement agency in that county. 1732

(2) A petitioner may register a temporary protection order, 1733
protection order, or consent agreement in a county other than the 1734
county in which the court that issued the order or approved the 1735
agreement is located in the following manner: 1736

(a) The petitioner shall obtain a certified copy of the order 1737
or agreement from the clerk of the court that issued the order or 1738
approved the agreement and present that certified copy to the 1739
clerk of the court of common pleas or the clerk of a municipal 1740
court or county court in the county in which the order or 1741
agreement is to be registered. 1742

(b) Upon accepting the certified copy of the order or 1743
agreement for registration, the clerk of the court of common 1744
pleas, municipal court, or county court shall place an endorsement 1745
of registration on the order or agreement and give the petitioner 1746
a copy of the order or agreement that bears that proof of 1747
registration. 1748

(3) The clerk of each court of common pleas, the clerk of 1749
each municipal court, and the clerk of each county court shall 1750
maintain a registry of certified copies of temporary protection 1751
orders, protection orders, or consent agreements that have been 1752
issued or approved by courts in other counties and that have been 1753
registered with the clerk. 1754

(0) Nothing in this section prohibits the domestic relations 1755
division of a court of common pleas in counties that have a 1756
domestic relations division or a court of common pleas in counties 1757
that do not have a domestic relations division from designating a 1758
minor child as a protected party on a protection order or consent 1759
agreement. 1760

Section 2. That existing sections 959.99, 2152.19, 2903.213, 1761
2903.214, 2919.26, and 3113.31 of the Revised Code are hereby 1762
repealed. 1763