

As Passed by the Senate

130th General Assembly

Regular Session

2013-2014

Sub. H. B. No. 309

Representatives Pelanda, Antonio

Cosponsors: Representatives Ruhl, Barborak, Gonzales, Ramos, Sheehy, Maag, Cera, Heard, Lundy, Hagan, R., Fedor, Phillips, Williams, Ashford, Grossman, Celebrezze, Reece, Scherer, O'Brien, Stinziano, Adams, J., Amstutz, Baker, Barnes, Bishoff, Blair, Brown, Buchy, Burkley, Conditt, Driehaus, Hackett, Hayes, Huffman, Letson, Mallory, McClain, Milkovich, Pillich, Rogers, Schuring, Sears, Sprague, Strahorn, Wachtmann, Winburn,

Young Speaker Batchelder

Senators Kearney, LaRose, Brown, Coley, Eklund, Gardner, Hite, Hughes, Lehner, Patton, Sawyer, Smith, Tavares, Turner, Uecker, Widener

—

A B I L L

To amend sections 2151.34, 2301.14, 2311.14, 2335.09, 1
2335.11, 2903.213, 2903.214, 2919.26, 2919.272, 2
and 3113.31 of the Revised Code to prohibit the 3
taxation of interpreter's fees as court costs if 4
the party to be taxed is indigent and require 5
payment of the fees by the county or municipal 6
corporation in which the court is located, to 7
eliminate the requirement that a court evaluate 8
the qualifications of an interpreter for a 9
mentally retarded or developmentally disabled 10
person before appointing the interpreter, and to 11
provide that no fee, cost, deposit, or money may 12
be charged to a person who seeks a protection 13
order for the modification, enforcement, 14
dismissal, or withdrawal of a domestic violence, 15

anti-stalking, sexually oriented offense, or other 16
type of protection order or consent agreement or 17
for the service of a witness subpoena. 18

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

Section 1. That sections 2151.34, 2301.14, 2311.14, 2335.09, 19
2335.11, 2903.213, 2903.214, 2919.26, 2919.272, and 3113.31 of the 20
Revised Code be amended to read as follows: 21

Sec. 2151.34. (A) As used in this section: 22

(1) "Court" means the juvenile division of the court of 23
common pleas of the county in which the person to be protected by 24
the protection order resides. 25

(2) "Victim advocate" means a person who provides support and 26
assistance for a person who files a petition under this section. 27

(3) "Family or household member" has the same meaning as in 28
section 3113.31 of the Revised Code. 29

(4) "Protection order issued by a court of another state" has 30
the same meaning as in section 2919.27 of the Revised Code. 31

(5) "Petitioner" means a person who files a petition under 32
this section and includes a person on whose behalf a petition 33
under this section is filed. 34

(6) "Respondent" means a person who is under eighteen years 35
of age and against whom a petition is filed under this section. 36

(7) "Sexually oriented offense" has the same meaning as in 37
section 2950.01 of the Revised Code. 38

(8) "Electronic monitoring" has the same meaning as in 39
section 2929.01 of the Revised Code. 40

(B) The court has jurisdiction over all proceedings under 41

this section. 42

(C)(1) Any of the following persons may seek relief under 43
this section by filing a petition with the court: 44

(a) Any person on behalf of that person; 45

(b) Any parent or adult family or household member on behalf 46
of any other family or household member; 47

(c) Any person who is determined by the court in its 48
discretion as an appropriate person to seek relief under this 49
section on behalf of any child. 50

(2) The petition shall contain or state all of the following: 51

(a) An allegation that the respondent engaged in a violation 52
of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, 53
or 2911.211 of the Revised Code, committed a sexually oriented 54
offense, or engaged in a violation of any municipal ordinance that 55
is substantially equivalent to any of those offenses against the 56
person to be protected by the protection order, including a 57
description of the nature and extent of the violation; 58

(b) If the petitioner seeks relief in the form of electronic 59
monitoring of the respondent, an allegation that at any time 60
preceding the filing of the petition the respondent engaged in 61
conduct that would cause a reasonable person to believe that the 62
health, welfare, or safety of the person to be protected was at 63
risk, a description of the nature and extent of that conduct, and 64
an allegation that the respondent presents a continuing danger to 65
the person to be protected; 66

(c) A request for relief under this section. 67

(3) The court in its discretion may determine whether or not 68
to give notice that a petition has been filed under division 69
(C)(1) of this section on behalf of a child to any of the 70
following: 71

(a) A parent of the child if the petition was filed by any 72
person other than a parent of the child; 73

(b) Any person who is determined by the court to be an 74
appropriate person to receive notice of the filing of the 75
petition. 76

(D)(1) If a person who files a petition pursuant to this 77
section requests an ex parte order, the court shall hold an ex 78
parte hearing as soon as possible after the petition is filed, but 79
not later than the next day after the court is in session after 80
the petition is filed. The court, for good cause shown at the ex 81
parte hearing, may enter any temporary orders, with or without 82
bond, that the court finds necessary for the safety and protection 83
of the person to be protected by the order. Immediate and present 84
danger to the person to be protected by the protection order 85
constitutes good cause for purposes of this section. Immediate and 86
present danger includes, but is not limited to, situations in 87
which the respondent has threatened the person to be protected by 88
the protection order with bodily harm or in which the respondent 89
previously has been convicted of, pleaded guilty to, or been 90
adjudicated a delinquent child for committing a violation of 91
section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 92
2911.211 of the Revised Code, a sexually oriented offense, or a 93
violation of any municipal ordinance that is substantially 94
equivalent to any of those offenses against the person to be 95
protected by the protection order. 96

(2)(a) If the court, after an ex parte hearing, issues a 97
protection order described in division (E) of this section, the 98
court shall schedule a full hearing for a date that is within ten 99
court days after the ex parte hearing. The court shall give the 100
respondent notice of, and an opportunity to be heard at, the full 101
hearing. The court also shall give notice of the full hearing to 102
the parent, guardian, or legal custodian of the respondent. The 103

court shall hold the full hearing on the date scheduled under this 104
division unless the court grants a continuance of the hearing in 105
accordance with this division. Under any of the following 106
circumstances or for any of the following reasons, the court may 107
grant a continuance of the full hearing to a reasonable time 108
determined by the court: 109

(i) Prior to the date scheduled for the full hearing under 110
this division, the respondent has not been served with the 111
petition filed pursuant to this section and notice of the full 112
hearing. 113

(ii) The parties consent to the continuance. 114

(iii) The continuance is needed to allow a party to obtain 115
counsel. 116

(iv) The continuance is needed for other good cause. 117

(b) An ex parte order issued under this section does not 118
expire because of a failure to serve notice of the full hearing 119
upon the respondent before the date set for the full hearing under 120
division (D)(2)(a) of this section or because the court grants a 121
continuance under that division. 122

(3) If a person who files a petition pursuant to this section 123
does not request an ex parte order, or if a person requests an ex 124
parte order but the court does not issue an ex parte order after 125
an ex parte hearing, the court shall proceed as in a normal civil 126
action and grant a full hearing on the matter. 127

(E)(1)(a) After an ex parte or full hearing, the court may 128
issue any protection order, with or without bond, that contains 129
terms designed to ensure the safety and protection of the person 130
to be protected by the protection order. 131

(b) After a full hearing, if the court considering a petition 132
that includes an allegation of the type described in division 133

(C)(2)(b) of this section or the court, upon its own motion, finds 134
upon clear and convincing evidence that the petitioner reasonably 135
believed that the respondent's conduct at any time preceding the 136
filing of the petition endangered the health, welfare, or safety 137
of the person to be protected and that the respondent presents a 138
continuing danger to the person to be protected and if division 139
(N) of this section does not prohibit the issuance of an order 140
that the respondent be electronically monitored, the court may 141
order that the respondent be electronically monitored for a period 142
of time and under the terms and conditions that the court 143
determines are appropriate. Electronic monitoring shall be in 144
addition to any other relief granted to the petitioner. 145

(2)(a) Any protection order issued pursuant to this section 146
shall be valid until a date certain but not later than the date 147
the respondent attains nineteen years of age. 148

(b) Any protection order issued pursuant to this section may 149
be renewed in the same manner as the original order was issued. 150

(3) A court may not issue a protection order that requires a 151
petitioner to do or to refrain from doing an act that the court 152
may require a respondent to do or to refrain from doing under 153
division (E)(1) of this section unless all of the following apply: 154

(a) The respondent files a separate petition for a protection 155
order in accordance with this section. 156

(b) The petitioner is served with notice of the respondent's 157
petition at least forty-eight hours before the court holds a 158
hearing with respect to the respondent's petition, or the 159
petitioner waives the right to receive this notice. 160

(c) If the petitioner has requested an ex parte order 161
pursuant to division (D) of this section, the court does not delay 162
any hearing required by that division beyond the time specified in 163
that division in order to consolidate the hearing with a hearing 164

on the petition filed by the respondent. 165

(d) After a full hearing at which the respondent presents 166
evidence in support of the request for a protection order and the 167
petitioner is afforded an opportunity to defend against that 168
evidence, the court determines that the petitioner has committed a 169
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 170
2903.22, or 2911.211 of the Revised Code, a sexually oriented 171
offense, or a violation of any municipal ordinance that is 172
substantially equivalent to any of those offenses against the 173
person to be protected by the protection order issued pursuant to 174
division (E)(3) of this section, or has violated a protection 175
order issued pursuant to this section or section 2903.213 of the 176
Revised Code relative to the person to be protected by the 177
protection order issued pursuant to division (E)(3) of this 178
section. 179

(4) No protection order issued pursuant to this section shall 180
in any manner affect title to any real property. 181

(5)(a) A protection order issued under this section shall 182
clearly state that the person to be protected by the order cannot 183
waive or nullify by invitation or consent any requirement in the 184
order. 185

(b) Division (E)(5)(a) of this section does not limit any 186
discretion of a court to determine that a respondent alleged to 187
have violated section 2919.27 of the Revised Code, violated a 188
municipal ordinance substantially equivalent to that section, or 189
committed contempt of court, which allegation is based on an 190
alleged violation of a protection order issued under this section, 191
did not commit the violation or was not in contempt of court. 192

(6) Any protection order issued pursuant to this section 193
shall include a provision that the court will automatically seal 194
all of the records of the proceeding in which the order is issued 195

on the date the respondent attains the age of nineteen years 196
unless the petitioner provides the court with evidence that the 197
respondent has not complied with all of the terms of the 198
protection order. The protection order shall specify the date when 199
the respondent attains the age of nineteen years. 200

(F)(1) The court shall cause the delivery of a copy of any 201
protection order that is issued under this section to the 202
petitioner, to the respondent, and to all law enforcement agencies 203
that have jurisdiction to enforce the order. The court shall 204
direct that a copy of the order be delivered to the respondent and 205
the parent, guardian, or legal custodian of the respondent on the 206
same day that the order is entered. 207

(2) Upon the issuance of a protection order under this 208
section, the court shall provide the parties to the order with the 209
following notice orally or by form: 210

"NOTICE 211

As a result of this order, it may be unlawful for you to 212
possess or purchase a firearm, including a rifle, pistol, or 213
revolver, or ammunition pursuant to federal law under 18 U.S.C. 214
922(g)(8). If you have any questions whether this law makes it 215
illegal for you to possess or purchase a firearm or ammunition, 216
you should consult an attorney." 217

(3) All law enforcement agencies shall establish and maintain 218
an index for the protection orders delivered to the agencies 219
pursuant to division (F)(1) of this section. With respect to each 220
order delivered, each agency shall note on the index the date and 221
time that it received the order. 222

(4) Regardless of whether the petitioner has registered the 223
protection order in the county in which the officer's agency has 224
jurisdiction pursuant to division (M) of this section, any officer 225
of a law enforcement agency shall enforce a protection order 226

issued pursuant to this section by any court in this state in 227
accordance with the provisions of the order, including removing 228
the respondent from the premises, if appropriate. 229

(G) Any proceeding under this section shall be conducted in 230
accordance with the Rules of Civil Procedure, except that a 231
protection order may be obtained under this section with or 232
without bond. An order issued under this section, other than an ex 233
parte order, that grants a protection order, or that refuses to 234
grant a protection order, is a final, appealable order. The 235
remedies and procedures provided in this section are in addition 236
to, and not in lieu of, any other available civil or criminal 237
remedies or any other available remedies under Chapter 2151. or 238
2152. of the Revised Code. 239

(H) The filing of proceedings under this section does not 240
excuse a person from filing any report or giving any notice 241
required by section 2151.421 of the Revised Code or by any other 242
law. 243

(I) Any law enforcement agency that investigates an alleged 244
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 245
2903.22, or 2911.211 of the Revised Code, an alleged commission of 246
a sexually oriented offense, or an alleged violation of a 247
municipal ordinance that is substantially equivalent to any of 248
those offenses shall provide information to the victim and the 249
family or household members of the victim regarding the relief 250
available under this section. 251

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 252
Subject to division (J)(2) of this section and regardless of 253
whether a protection order is issued or a consent agreement is 254
approved by a court of another county or by a court of another 255
state, no court or unit of state or local government shall charge 256
the petitioner any fee, cost, deposit, or money in connection with 257
the filing of a petition pursuant to this section, in connection 258

with the filing, issuance, registration, modification, 259
enforcement, dismissal, withdrawal, or service of a protection 260
order ~~or~~, consent agreement, or witness subpoena or for obtaining 261
a certified copy of a protection order or consent agreement. 262

(2) Regardless of whether a protection order is issued or a 263
consent agreement is approved pursuant to this section, the court 264
may assess costs against the respondent in connection with the 265
filing, issuance, registration, modification, enforcement, 266
dismissal, withdrawal, or service of a protection order, consent 267
agreement, or witness subpoena or for obtaining a certified copy 268
of a protection order or consent agreement. 269

(K)(1) A person who violates a protection order issued under 270
this section is subject to the following sanctions: 271

(a) A delinquent child proceeding or a criminal prosecution 272
for a violation of section 2919.27 of the Revised Code, if the 273
violation of the protection order constitutes a violation of that 274
section; 275

(b) Punishment for contempt of court. 276

(2) The punishment of a person for contempt of court for 277
violation of a protection order issued under this section does not 278
bar criminal prosecution of the person or a delinquent child 279
proceeding concerning the person for a violation of section 280
2919.27 of the Revised Code. However, a person punished for 281
contempt of court is entitled to credit for the punishment imposed 282
upon conviction of or adjudication as a delinquent child for a 283
violation of that section, and a person convicted of or 284
adjudicated a delinquent child for a violation of that section 285
shall not subsequently be punished for contempt of court arising 286
out of the same activity. 287

(L) In all stages of a proceeding under this section, a 288
petitioner may be accompanied by a victim advocate. 289

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

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

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

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

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

(N) 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 section 2903.214 of the Revised Code, 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 paid from the reparations fund created pursuant to section 2743.191 of the Revised Code for electronic monitoring under this section and sections 2903.214 and 2919.27 of the Revised Code shall not exceed three hundred thousand dollars per year. When the total amount paid from the reparations fund in any year for electronic monitoring under those sections equals or exceeds three hundred thousand dollars, the court shall not order pursuant to this section that an indigent respondent be electronically monitored.

(O) The court, in its discretion, may determine if the respondent is entitled to court-appointed counsel in a proceeding under this section.

Sec. 2301.14. The clerk of the court of common pleas in which the service of a court interpreter is rendered shall tax in the cost bill in such case, to be collected as other costs, the sum of three dollars for each day of service of such interpreter, which fees shall be paid into the county treasury to the credit of the county fund. If the party taxed with costs is indigent, the clerk

shall not tax the interpreter's fees as costs, and the county 354
shall pay the interpreter's fees. 355

Sec. 2311.14. (A)(1) Whenever because of a hearing, speech, 356
or other impairment a party to or witness in a legal proceeding 357
cannot readily understand or communicate, the court shall appoint 358
a qualified interpreter to assist such person. ~~Before appointing~~ 359
~~any interpreter under this division for a party or witness who is~~ 360
~~a mentally retarded person or developmentally disabled person, the~~ 361
~~court shall evaluate the qualifications of the interpreter and~~ 362
~~shall make a determination as to the ability of the interpreter to~~ 363
~~effectively interpret on behalf of the party or witness that the~~ 364
~~interpreter will assist, and the court may appoint the interpreter~~ 365
~~only if the court is satisfied that the interpreter is able to~~ 366
~~effectively interpret on behalf of that party or witness.~~ 367

(2) This section is not limited to a person who speaks a 368
language other than English. It also applies to the language and 369
descriptions of any mentally retarded person or developmentally 370
disabled person who cannot be reasonably understood, or who cannot 371
understand questioning, without the aid of an interpreter. The 372
interpreter may aid the parties in formulating methods of 373
questioning the person with mental retardation or a developmental 374
disability and in interpreting the answers of the person. 375

(B) Before entering upon official duties, the interpreter 376
shall take an oath that the interpreter will make a true 377
interpretation of the proceedings to the party or witness, and 378
that the interpreter will truly repeat the statements made by such 379
party or witness to the court, to the best of the interpreter's 380
ability. If the interpreter is appointed to assist a mentally 381
retarded person or developmentally disabled person as described in 382
division (A)(2) of this section, the oath also shall include an 383
oath that the interpreter will not prompt, lead, suggest, or 384

otherwise improperly influence the testimony of the witness or 385
party. 386

(C) The court shall determine a reasonable fee for all such 387
interpreter service which shall be paid out of the same funds as 388
witness fees. If the party taxed with costs is indigent, the court 389
shall not tax the interpreter's fees as costs, and the county or, 390
if the court is a municipal court that is not a county-operated 391
municipal court, the municipal corporation in which the court is 392
located shall pay the interpreter's fees. 393

(D) As used in this section, "mentally retarded person" and 394
"developmentally disabled person" have the same meanings as in 395
section 5123.01 of the Revised Code. 396

Sec. 2335.09. Whenever, in any criminal proceeding or 397
prosecution for the violation of an ordinance, or in a hearing 398
before a coroner, an interpreter is necessary, the judge, 399
magistrate, or coroner may appoint interpreters, who shall receive 400
fees as witnesses in the case or proceeding. Such fees shall be 401
taxed and paid as provided by sections 2335.05 to 2335.08~~7~~ 402
~~inclusive~~, of the Revised Code for other witness fees. If the 403
party taxed with costs is indigent, interpreter's fees shall not 404
be taxed as costs, and the county or, if the court is a municipal 405
court that is not a county-operated municipal court, the municipal 406
corporation in which the court is located shall pay the 407
interpreter's fees. This section shall not apply if, by law, an 408
interpreter is otherwise provided. 409

Sec. 2335.11. In felony cases in which the defendant is 410
convicted, the fees of the various magistrates and their officers, 411
the witness fees, and interpreter's fees shall be inserted in the 412
judgment of conviction and, when collected shall be disbursed by 413
the clerk of the court of common pleas to the persons entitled 414

thereto. In minor state cases, which have come to the court of 415
common pleas through such magistrate's courts, the fees enumerated 416
by this section shall be inserted in the judgment of conviction 417
and, when collected shall be disbursed by the clerk to the persons 418
entitled thereto. In both felonies and minor state cases, such 419
clerk shall pay the witness and interpreter's fees into the county 420
treasury, monthly. 421

If the defendant is indigent, the interpreter's fees shall 422
not be inserted in the judgment of conviction, and the county 423
shall pay the interpreter's fees. 424

In all cases in which recognizances are taken, forfeited, and 425
collected, the amount recovered shall be paid into the county 426
treasury, and if no conviction is had, such costs shall be paid by 427
the county upon the allowance of the county auditor. 428

Sec. 2903.213. (A) Except when the complaint involves a 429
person who is a family or household member as defined in section 430
2919.25 of the Revised Code, upon the filing of a complaint that 431
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 432
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 433
a municipal ordinance substantially similar to section 2903.13, 434
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 435
the commission of a sexually oriented offense, the complainant, 436
the alleged victim, or a family or household member of an alleged 437
victim may file a motion that requests the issuance of a 438
protection order as a pretrial condition of release of the alleged 439
offender, in addition to any bail set under Criminal Rule 46. The 440
motion shall be filed with the clerk of the court that has 441
jurisdiction of the case at any time after the filing of the 442
complaint. If the complaint involves a person who is a family or 443
household member, the complainant, the alleged victim, or the 444
family or household member may file a motion for a temporary 445

protection order pursuant to section 2919.26 of the Revised Code. 446

(B) A motion for a protection order under this section shall 447
be prepared on a form that is provided by the clerk of the court, 448
and the form shall be substantially as follows: 449

"Motion for Protection Order 450

..... 451

Name and address of court 452

State of Ohio 453

v. No. 454

..... 455

Name of Defendant 456

(Name of person), moves the court to issue a protection order 457
containing terms designed to ensure the safety and protection of 458
the complainant or the alleged victim in the above-captioned case, 459
in relation to the named defendant, pursuant to its authority to 460
issue a protection order under section 2903.213 of the Revised 461
Code. 462

A complaint, a copy of which has been attached to this 463
motion, has been filed in this court charging the named defendant 464
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 465
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 466
a municipal ordinance substantially similar to section 2903.13, 467
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 468
the commission of a sexually oriented offense. 469

I understand that I must appear before the court, at a time 470
set by the court not later than the next day that the court is in 471
session after the filing of this motion, for a hearing on the 472
motion, and that any protection order granted pursuant to this 473
motion is a pretrial condition of release and is effective only 474
until the disposition of the criminal proceeding arising out of 475
the attached complaint or until the issuance under section 476

| | |
|--|-----|
| 2903.214 of the Revised Code of a protection order arising out of | 477 |
| the same activities as those that were the basis of the attached | 478 |
| complaint. | 479 |
| | 480 |
| Signature of person | 481 |
| | 482 |
| Address of person" | 483 |
| (C)(1) As soon as possible after the filing of a motion that | 484 |
| requests the issuance of a protection order under this section, | 485 |
| but not later than the next day that the court is in session after | 486 |
| the filing of the motion, the court shall conduct a hearing to | 487 |
| determine whether to issue the order. The person who requested the | 488 |
| order shall appear before the court and provide the court with the | 489 |
| information that it requests concerning the basis of the motion. | 490 |
| If the court finds that the safety and protection of the | 491 |
| complainant or the alleged victim may be impaired by the continued | 492 |
| presence of the alleged offender, the court may issue a protection | 493 |
| order under this section, as a pretrial condition of release, that | 494 |
| contains terms designed to ensure the safety and protection of the | 495 |
| complainant or the alleged victim, including a requirement that | 496 |
| the alleged offender refrain from entering the residence, school, | 497 |
| business, or place of employment of the complainant or the alleged | 498 |
| victim. | 499 |
| (2)(a) If the court issues a protection order under this | 500 |
| section that includes a requirement that the alleged offender | 501 |
| refrain from entering the residence, school, business, or place of | 502 |
| employment of the complainant or the alleged victim, the order | 503 |
| shall clearly state that the order cannot be waived or nullified | 504 |
| by an invitation to the alleged offender from the complainant, the | 505 |
| alleged victim, or a family or household member to enter the | 506 |
| residence, school, business, or place of employment or by the | 507 |

alleged offender's entry into one of those places otherwise upon 508
the consent of the complainant, the alleged victim, or a family or 509
household member. 510

(b) Division (C)(2)(a) of this section does not limit any 511
discretion of a court to determine that an alleged offender 512
charged with a violation of section 2919.27 of the Revised Code, 513
with a violation of a municipal ordinance substantially equivalent 514
to that section, or with contempt of court, which charge is based 515
on an alleged violation of a protection order issued under this 516
section, did not commit the violation or was not in contempt of 517
court. 518

(D)(1) Except when the complaint involves a person who is a 519
family or household member as defined in section 2919.25 of the 520
Revised Code, upon the filing of a complaint that alleges a 521
violation specified in division (A) of this section, the court, 522
upon its own motion, may issue a protection order under this 523
section as a pretrial condition of release of the alleged offender 524
if it finds that the safety and protection of the complainant or 525
the alleged victim may be impaired by the continued presence of 526
the alleged 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 based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

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

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

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

(3) Shall not be construed as a finding that the alleged offender committed the alleged offense and shall not be introduced as evidence of the commission of the offense at the trial of the

alleged offender on the complaint upon which the order is based. 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 (1)~~ 606
Subject to division (I)(2) of this section and regardless of 607
whether a protection order is issued or a consent agreement is 608
approved by a court of another county or by a court of another 609
state, no court or unit of state or local government shall charge 610
the movant any fee, cost, deposit, or money in connection with the 611
filing of a motion pursuant to this section, in connection with 612
the filing, issuance, registration, modification, enforcement, 613
dismissal, withdrawal, or service of a protection order ~~or,~~ 614
consent agreement, or witness subpoena or for obtaining certified 615
copies of a protection order or consent agreement. 616

(2) Regardless of whether a protection order is issued or a 617
consent agreement is approved pursuant to this section, if the 618
defendant is convicted the court may assess costs against the 619
defendant in connection with the filing, issuance, registration, 620
modification, enforcement, dismissal, withdrawal, or service of a 621
protection order, consent agreement, or witness subpoena or for 622
obtaining a certified copy of a protection order or consent 623
agreement. 624

(J) As used in this section, "sexually oriented offense" has 625
the same meaning as in section 2950.01 of the Revised Code. 626

Sec. 2903.214. (A) As used in this section: 627

(1) "Court" means the court of common pleas of the county in 628
which the person to be protected by the protection order resides. 629

(2) "Victim advocate" means a person who provides support and 630
assistance for a person who files a petition under this section. 631

(3) "Family or household member" has the same meaning as in 632

| | |
|---|--|
| section 3113.31 of the Revised Code. | 633 |
| (4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. | 634 635 |
| (5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. | 636 637 |
| (6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. | 638 639 |
| (B) The court has jurisdiction over all proceedings under this section. | 640 641 |
| (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: | 642 643 644 645 646 |
| (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 order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation; | 647 648 649 650 651 652 |
| (2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected; | 653 654 655 656 657 658 659 660 |
| (3) A request for relief under this section. | 661 |
| (D)(1) If a person who files a petition pursuant to this | 662 |

section requests an ex parte order, the court shall hold an ex 663
parte hearing as soon as possible after the petition is filed, but 664
not later than the next day that the court is in session after the 665
petition is filed. The court, for good cause shown at the ex parte 666
hearing, may enter any temporary orders, with or without bond, 667
that the court finds necessary for the safety and protection of 668
the person to be protected by the order. Immediate and present 669
danger to the person to be protected by the protection order 670
constitutes good cause for purposes of this section. Immediate and 671
present danger includes, but is not limited to, situations in 672
which the respondent has threatened the person to be protected by 673
the protection order with bodily harm or in which the respondent 674
previously has been convicted of or pleaded guilty to a violation 675
of section 2903.211 of the Revised Code or a sexually oriented 676
offense against the person to be protected by the protection 677
order. 678

(2)(a) If the court, after an ex parte hearing, issues a 679
protection order described in division (E) of this section, the 680
court shall schedule a full hearing for a date that is within ten 681
court days after the ex parte hearing. The court shall give the 682
respondent notice of, and an opportunity to be heard at, the full 683
hearing. The court shall hold the full hearing on the date 684
scheduled under this division unless the court grants a 685
continuance of the hearing in accordance with this division. Under 686
any of the following circumstances or for any of the following 687
reasons, the court may grant a continuance of the full hearing to 688
a reasonable time determined by the court: 689

(i) Prior to the date scheduled for the full hearing under 690
this division, the respondent has not been served with the 691
petition filed pursuant to this section and notice of the full 692
hearing. 693

(ii) The parties consent to the continuance. 694

(iii) The continuance is needed to allow a party to obtain
counsel. 695
696

(iv) The continuance is needed for other good cause. 697

(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. 698
699
700
701
702

(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. 703
704
705
706
707

(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
of the petitioner or family or household member. If the court
includes a requirement that the respondent refrain from entering
the residence, school, business, or place of employment of the
petitioner or family or household member in the order, it also
shall include in the order provisions of the type described in
division (E)(5) of this section. 708
709
710
711
712
713
714
715
716
717
718
719

(b) After a full hearing, if the court considering a petition
that includes an allegation of the type described in division
(C)(2) of this section, or the court upon its own motion, finds
upon clear and convincing evidence that the petitioner reasonably
believed that the respondent's conduct at any time preceding the
filing of the petition endangered the health, welfare, or safety 720
721
722
723
724
725

of the person to be protected and that the respondent presents a 726
continuing danger to the person to be protected, the court may 727
order that the respondent be electronically monitored for a period 728
of time and under the terms and conditions that the court 729
determines are appropriate. Electronic monitoring shall be in 730
addition to any other relief granted to the petitioner. 731

(2)(a) Any protection order issued pursuant to this section 732
shall be valid until a date certain but not later than five years 733
from the date of its issuance. 734

(b) Any protection order issued pursuant to this section may 735
be renewed in the same manner as the original order was issued. 736

(3) A court may not issue a protection order that requires a 737
petitioner to do or to refrain from doing an act that the court 738
may require a respondent to do or to refrain from doing under 739
division (E)(1) of this section unless all of the following apply: 740

(a) The respondent files a separate petition for a protection 741
order in accordance with this section. 742

(b) The petitioner is served with notice of the respondent's 743
petition at least forty-eight hours before the court holds a 744
hearing with respect to the respondent's petition, or the 745
petitioner waives the right to receive this notice. 746

(c) If the petitioner has requested an ex parte order 747
pursuant to division (D) of this section, the court does not delay 748
any hearing required by that division beyond the time specified in 749
that division in order to consolidate the hearing with a hearing 750
on the petition filed by the respondent. 751

(d) After a full hearing at which the respondent presents 752
evidence in support of the request for a protection order and the 753
petitioner is afforded an opportunity to defend against that 754
evidence, the court determines that the petitioner has committed a 755
violation of section 2903.211 of the Revised Code against the 756

person to be protected by the protection order issued pursuant to 757
division (E)(3) of this section, has committed a sexually oriented 758
offense against the person to be protected by the protection order 759
issued pursuant to division (E)(3) of this section, or has 760
violated a protection order issued pursuant to section 2903.213 of 761
the Revised Code relative to the person to be protected by the 762
protection order issued pursuant to division (E)(3) of this 763
section. 764

(4) No protection order issued pursuant to this section shall 765
in any manner affect title to any real property. 766

(5)(a) If the court issues a protection order under this 767
section that includes a requirement that the alleged offender 768
refrain from entering the residence, school, business, or place of 769
employment of the petitioner or a family or household member, the 770
order shall clearly state that the order cannot be waived or 771
nullified by an invitation to the alleged offender from the 772
complainant to enter the residence, school, business, or place of 773
employment or by the alleged offender's entry into one of those 774
places otherwise upon the consent of the petitioner or family or 775
household member. 776

(b) Division (E)(5)(a) of this section does not limit any 777
discretion of a court to determine that an alleged offender 778
charged with a violation of section 2919.27 of the Revised Code, 779
with a violation of a municipal ordinance substantially equivalent 780
to that section, or with contempt of court, which charge is based 781
on an alleged violation of a protection order issued under this 782
section, did not commit the violation or was not in contempt of 783
court. 784

(F)(1) The court shall cause the delivery of a copy of any 785
protection order that is issued under this section to the 786
petitioner, to the respondent, and to all law enforcement agencies 787
that have jurisdiction to enforce the order. The court shall 788

direct that a copy of the order be delivered to the respondent on 789
the same day that the order is entered. 790

(2) Upon the issuance of a protection order under this 791
section, the court shall provide the parties to the order with the 792
following notice orally or by form: 793

"NOTICE 794

As a result of this order, it may be unlawful for you to 795
possess or purchase a firearm, including a rifle, pistol, or 796
revolver, or ammunition pursuant to federal law under 18 U.S.C. 797
922(g)(8). If you have any questions whether this law makes it 798
illegal for you to possess or purchase a firearm or ammunition, 799
you should consult an attorney." 800

(3) All law enforcement agencies shall establish and maintain 801
an index for the protection orders delivered to the agencies 802
pursuant to division (F)(1) of this section. With respect to each 803
order delivered, each agency shall note on the index the date and 804
time that it received the order. 805

(4) Regardless of whether the petitioner has registered the 806
protection order in the county in which the officer's agency has 807
jurisdiction pursuant to division (M) of this section, any officer 808
of a law enforcement agency shall enforce a protection order 809
issued pursuant to this section by any court in this state in 810
accordance with the provisions of the order, including removing 811
the respondent from the premises, if appropriate. 812

(G) Any proceeding under this section shall be conducted in 813
accordance with the Rules of Civil Procedure, except that a 814
protection order may be obtained under this section with or 815
without bond. An order issued under this section, other than an ex 816
parte order, that grants a protection order, or that refuses to 817
grant a protection order, is a final, appealable order. The 818
remedies and procedures provided in this section are in addition 819

to, and not in lieu of, any other available civil or criminal 820
remedies. 821

(H) The filing of proceedings under this section does not 822
excuse a person from filing any report or giving any notice 823
required by section 2151.421 of the Revised Code or by any other 824
law. 825

(I) Any law enforcement agency that investigates an alleged 826
violation of section 2903.211 of the Revised Code or an alleged 827
commission of a sexually oriented offense shall provide 828
information to the victim and the family or household members of 829
the victim regarding the relief available under this section and 830
section 2903.213 of the Revised Code. 831

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 832
Subject to division (J)(2) of this section and regardless of 833
whether a protection order is issued or a consent agreement is 834
approved by a court of another county or by a court of another 835
state, no court or unit of state or local government shall charge 836
the petitioner any fee, cost, deposit, or money in connection with 837
the filing of a petition pursuant to this section, in connection 838
with the filing, issuance, registration, modification, 839
enforcement, dismissal, withdrawal, or service of a protection 840
order ~~or,~~ consent agreement, or witness subpoena or for obtaining 841
a certified copy of a protection order or consent agreement. 842

(2) Regardless of whether a protection order is issued or a 843
consent agreement is approved pursuant to this section, the court 844
may assess costs against the respondent in connection with the 845
filing, issuance, registration, modification, enforcement, 846
dismissal, withdrawal, or service of a protection order, consent 847
agreement, or witness subpoena or for obtaining a certified copy 848
of a protection order or consent agreement. 849

(K)(1) A person who violates a protection order issued under 850

this section is subject to the following sanctions: 851

(a) Criminal prosecution for a violation of section 2919.27 852
of the Revised Code, if the violation of the protection order 853
constitutes a violation of that section; 854

(b) Punishment for contempt of court. 855

(2) The punishment of a person for contempt of court for 856
violation of a protection order issued under this section does not 857
bar criminal prosecution of the person for a violation of section 858
2919.27 of the Revised Code. However, a person punished for 859
contempt of court is entitled to credit for the punishment imposed 860
upon conviction of a violation of that section, and a person 861
convicted of a violation of that section shall not subsequently be 862
punished for contempt of court arising out of the same activity. 863

(L) In all stages of a proceeding under this section, a 864
petitioner may be accompanied by a victim advocate. 865

(M)(1) A petitioner who obtains a protection order under this 866
section or a protection order under section 2903.213 of the 867
Revised Code may provide notice of the issuance or approval of the 868
order to the judicial and law enforcement officials in any county 869
other than the county in which the order is issued by registering 870
that order in the other county pursuant to division (M)(2) of this 871
section and filing a copy of the registered order with a law 872
enforcement agency in the other county in accordance with that 873
division. A person who obtains a protection order issued by a 874
court of another state may provide notice of the issuance of the 875
order to the judicial and law enforcement officials in any county 876
of this state by registering the order in that county pursuant to 877
section 2919.272 of the Revised Code and filing a copy of the 878
registered order with a law enforcement agency in that county. 879

(2) A petitioner may register a protection order issued 880
pursuant to this section or section 2903.213 of the Revised Code 881

in a county other than the county in which the court that issued 882
the order is located in the following manner: 883

(a) The petitioner shall obtain a certified copy of the order 884
from the clerk of the court that issued the order and present that 885
certified copy to the clerk of the court of common pleas or the 886
clerk of a municipal court or county court in the county in which 887
the order is to be registered. 888

(b) Upon accepting the certified copy of the order for 889
registration, the clerk of the court of common pleas, municipal 890
court, or county court shall place an endorsement of registration 891
on the order and give the petitioner a copy of the order that 892
bears that proof of registration. 893

(3) The clerk of each court of common pleas, municipal court, 894
or county court shall maintain a registry of certified copies of 895
protection orders that have been issued by courts in other 896
counties pursuant to this section or section 2903.213 of the 897
Revised Code and that have been registered with the clerk. 898

(N)(1) If the court orders electronic monitoring of the 899
respondent under this section, the court shall direct the 900
sheriff's office or any other appropriate law enforcement agency 901
to install the electronic monitoring device and to monitor the 902
respondent. Unless the court determines that the respondent is 903
indigent, the court shall order the respondent to pay the cost of 904
the installation and monitoring of the electronic monitoring 905
device. If the court determines that the respondent is indigent 906
and subject to the maximum amount allowable to be paid in any year 907
from the fund and the rules promulgated by the attorney general 908
under division (N)(2) of this section, the cost of the 909
installation and monitoring of the electronic monitoring device 910
may be paid out of funds from the reparations fund created 911
pursuant to section 2743.191 of the Revised Code. The total amount 912
of costs for the installation and monitoring of electronic 913

monitoring devices paid pursuant to this division and sections 914
2151.34 and 2919.27 of the Revised Code from the reparations fund 915
shall not exceed three hundred thousand dollars per year. 916

(2) The attorney general may promulgate rules pursuant to 917
section 111.15 of the Revised Code to govern payments made from 918
the reparations fund pursuant to this division and sections 919
2151.34 and 2919.27 of the Revised Code. The rules may include 920
reasonable limits on the total cost paid pursuant to this division 921
and sections 2151.34 and 2919.27 of the Revised Code per 922
respondent, the amount of the three hundred thousand dollars 923
allocated to each county, and how invoices may be submitted by a 924
county, court, or other entity. 925

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 926
alleges a violation of section 2909.06, 2909.07, 2911.12, or 927
2911.211 of the Revised Code if the alleged victim of the 928
violation was a family or household member at the time of the 929
violation, a violation of a municipal ordinance that is 930
substantially similar to any of those sections if the alleged 931
victim of the violation was a family or household member at the 932
time of the violation, any offense of violence if the alleged 933
victim of the offense was a family or household member at the time 934
of the commission of the offense, or any sexually oriented offense 935
if the alleged victim of the offense was a family or household 936
member at the time of the commission of the offense, the 937
complainant, the alleged victim, or a family or household member 938
of an alleged victim may file, or, if in an emergency the alleged 939
victim is unable to file, a person who made an arrest for the 940
alleged violation or offense under section 2935.03 of the Revised 941
Code may file on behalf of the alleged victim, a motion that 942
requests the issuance of a temporary protection order as a 943
pretrial condition of release of the alleged offender, in addition 944
to any bail set under Criminal Rule 46. The motion shall be filed 945

with the clerk of the court that has jurisdiction of the case at 946
any time after the filing of the complaint. 947

(2) For purposes of section 2930.09 of the Revised Code, all 948
stages of a proceeding arising out of a complaint alleging the 949
commission of a violation, offense of violence, or sexually 950
oriented offense described in division (A)(1) of this section, 951
including all proceedings on a motion for a temporary protection 952
order, are critical stages of the case, and a victim may be 953
accompanied by a victim advocate or another person to provide 954
support to the victim as provided in that section. 955

(B) The motion shall be prepared on a form that is provided 956
by the clerk of the court, which form shall be substantially as 957
follows: 958

"MOTION FOR TEMPORARY PROTECTION ORDER 959

..... Court 960

Name and address of court 961

State of Ohio 962

v. No. 963

..... 964

Name of Defendant 965

(name of person), moves the court to issue a temporary protection 966
order containing terms designed to ensure the safety and 967
protection of the complainant, alleged victim, and other family or 968
household members, in relation to the named defendant, pursuant to 969
its authority to issue such an order under section 2919.26 of the 970
Revised Code. 971

A complaint, a copy of which has been attached to this 972
motion, has been filed in this court charging the named defendant 973
with (name of the specified violation, 974
the offense of violence, or sexually oriented offense charged) in 975
circumstances in which the victim was a family or household member 976

in violation of (section of the Revised Code designating the 977
specified violation, offense of violence, or sexually oriented 978
offense charged), or charging the named defendant with a violation 979
of a municipal ordinance that is substantially similar to 980
..... (section of the Revised Code designating 981
the specified violation, offense of violence, or sexually oriented 982
offense charged) involving a family or household member. 983

I understand that I must appear before the court, at a time 984
set by the court within twenty-four hours after the filing of this 985
motion, for a hearing on the motion or that, if I am unable to 986
appear because of hospitalization or a medical condition resulting 987
from the offense alleged in the complaint, a person who can 988
provide information about my need for a temporary protection order 989
must appear before the court in lieu of my appearing in court. I 990
understand that any temporary protection order granted pursuant to 991
this motion is a pretrial condition of release and is effective 992
only until the disposition of the criminal proceeding arising out 993
of the attached complaint, or the issuance of a civil protection 994
order or the approval of a consent agreement, arising out of the 995
same activities as those that were the basis of the complaint, 996
under section 3113.31 of the Revised Code. 997

..... 998

Signature of person 999

(or signature of the arresting officer who filed the motion on 1000
behalf of the alleged victim) 1001

..... 1002

Address of person (or office address of the arresting officer who 1003
filed the motion on behalf of the alleged victim)" 1004

(C)(1) As soon as possible after the filing of a motion that 1005
requests the issuance of a temporary protection order, but not 1006
later than twenty-four hours after the filing of the motion, the 1007

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 the information it requests may appear in lieu of the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member.

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

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

discretion of a court to determine that an alleged offender 1040
charged with a violation of section 2919.27 of the Revised Code, 1041
with a violation of a municipal ordinance substantially equivalent 1042
to that section, or with contempt of court, which charge is based 1043
on an alleged violation of a temporary protection order issued 1044
under this section, did not commit the violation or was not in 1045
contempt of court. 1046

(D)(1) Upon the filing of a complaint that alleges a 1047
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1048
Revised Code if the alleged victim of the violation was a family 1049
or household member at the time of the violation, a violation of a 1050
municipal ordinance that is substantially similar to any of those 1051
sections if the alleged victim of the violation was a family or 1052
household member at the time of the violation, any offense of 1053
violence if the alleged victim of the offense was a family or 1054
household member at the time of the commission of the offense, or 1055
any sexually oriented offense if the alleged victim of the offense 1056
was a family or household member at the time of the commission of 1057
the offense, the court, upon its own motion, may issue a temporary 1058
protection order as a pretrial condition of release if it finds 1059
that the safety and protection of the complainant, alleged victim, 1060
or other family or household member of the alleged offender may be 1061
impaired by the continued presence of the alleged offender. 1062

(2) If the court issues a temporary protection order under 1063
this section as an ex parte order, it shall conduct, as soon as 1064
possible after the issuance of the order, a hearing in the 1065
presence of the alleged offender not later than the next day on 1066
which the court is scheduled to conduct business after the day on 1067
which the alleged offender was arrested or at the time of the 1068
appearance of the alleged offender pursuant to summons to 1069
determine whether the order should remain in effect, be modified, 1070
or be revoked. The hearing shall be conducted under the standards 1071

set forth in division (C) of this section. 1072

(3) An order issued under this section shall contain only 1073
those terms authorized in orders issued under division (C) of this 1074
section. 1075

(4) If a municipal court or a county court issues a temporary 1076
protection order under this section and if, subsequent to the 1077
issuance of the order, the alleged offender who is the subject of 1078
the order is bound over to the court of common pleas for 1079
prosecution of a felony arising out of the same activities as 1080
those that were the basis of the complaint upon which the order is 1081
based, notwithstanding the fact that the order was issued by a 1082
municipal court or county court, the order shall remain in effect, 1083
as though it were an order of the court of common pleas, while the 1084
charges against the alleged offender are pending in the court of 1085
common pleas, for the period of time described in division (E)(2) 1086
of this section, and the court of common pleas has exclusive 1087
jurisdiction to modify the order issued by the municipal court or 1088
county court. This division applies when the alleged offender is 1089
bound over to the court of common pleas as a result of the person 1090
waiving a preliminary hearing on the felony charge, as a result of 1091
the municipal court or county court having determined at a 1092
preliminary hearing that there is probable cause to believe that 1093
the felony has been committed and that the alleged offender 1094
committed it, as a result of the alleged offender having been 1095
indicted for the felony, or in any other manner. 1096

(E) A temporary protection order that is issued as a pretrial 1097
condition of release under this section: 1098

(1) Is in addition to, but shall not be construed as a part 1099
of, any bail set under Criminal Rule 46; 1100

(2) Is effective only until the occurrence of either of the 1101
following: 1102

(a) The disposition, by the court that issued the order or, 1103
in the circumstances described in division (D)(4) of this section, 1104
by the court of common pleas to which the alleged offender is 1105
bound over for prosecution, of the criminal proceeding arising out 1106
of the complaint upon which the order is based; 1107

(b) The issuance of a protection order or the approval of a 1108
consent agreement, arising out of the same activities as those 1109
that were the basis of the complaint upon which the order is 1110
based, under section 3113.31 of the Revised Code; 1111

(3) Shall not be construed as a finding that the alleged 1112
offender committed the alleged offense, and shall not be 1113
introduced as evidence of the commission of the offense at the 1114
trial of the alleged offender on the complaint upon which the 1115
order is based. 1116

(F) A person who meets the criteria for bail under Criminal 1117
Rule 46 and who, if required to do so pursuant to that rule, 1118
executes or posts bond or deposits cash or securities as bail, 1119
shall not be held in custody pending a hearing before the court on 1120
a motion requesting a temporary protection order. 1121

(G)(1) A copy of any temporary protection order that is 1122
issued under this section shall be issued by the court to the 1123
complainant, to the alleged victim, to the person who requested 1124
the order, to the defendant, and to all law enforcement agencies 1125
that have jurisdiction to enforce the order. The court shall 1126
direct that a copy of the order be delivered to the defendant on 1127
the same day that the order is entered. If a municipal court or a 1128
county court issues a temporary protection order under this 1129
section and if, subsequent to the issuance of the order, the 1130
defendant who is the subject of the order is bound over to the 1131
court of common pleas for prosecution as described in division 1132
(D)(4) of this section, the municipal court or county court shall 1133
direct that a copy of the order be delivered to the court of 1134

common pleas to which the defendant is bound over. 1135

(2) Upon the issuance of a protection order under this 1136
section, the court shall provide the parties to the order with the 1137
following notice orally or by form: 1138

"NOTICE 1139

As a result of this protection order, it may be unlawful for 1140
you to possess or purchase a firearm, including a rifle, pistol, 1141
or revolver, or ammunition pursuant to federal law under 18 U.S.C. 1142
922(g)(8). If you have any questions whether this law makes it 1143
illegal for you to possess or purchase a firearm or ammunition, 1144
you should consult an attorney." 1145

(3) All law enforcement agencies shall establish and maintain 1146
an index for the temporary protection orders delivered to the 1147
agencies pursuant to division (G)(1) of this section. With respect 1148
to each order delivered, each agency shall note on the index, the 1149
date and time of the receipt of the order by the agency. 1150

(4) A complainant, alleged victim, or other person who 1151
obtains a temporary protection order under this section may 1152
provide notice of the issuance of the temporary protection order 1153
to the judicial and law enforcement officials in any county other 1154
than the county in which the order is issued by registering that 1155
order in the other county in accordance with division (N) of 1156
section 3113.31 of the Revised Code and filing a copy of the 1157
registered protection order with a law enforcement agency in the 1158
other county in accordance with that division. 1159

(5) Any officer of a law enforcement agency shall enforce a 1160
temporary protection order issued by any court in this state in 1161
accordance with the provisions of the order, including removing 1162
the defendant from the premises, regardless of whether the order 1163
is registered in the county in which the officer's agency has 1164
jurisdiction as authorized by division (G)(4) of this section. 1165

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

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

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

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

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

the complainant, alleged victim, or other family or household member in question to do or refrain from doing the act.

~~(J) Notwithstanding any provision of law to the contrary (1)~~
Subject to division (J)(2) of this section 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 the movant any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order ~~or,~~ consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, if the defendant is convicted the court may assess costs against the defendant in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(K) As used in this section:

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

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

Sec. 2919.272. (A) As used in this section, "protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(B) A person who has obtained a protection order issued by a

court of another state may provide notice of the issuance of the 1228
order to judicial and law enforcement officials in any county of 1229
this state by registering the order in that county and filing a 1230
copy of the registered order with a law enforcement agency in that 1231
county. To register the order, the person shall obtain a certified 1232
copy of the order from the clerk of the court that issued the 1233
order and present that certified copy to the clerk of the court of 1234
common pleas or the clerk of a municipal court or county court in 1235
the county in which the order is to be registered. Upon accepting 1236
the certified copy of the order for registration, the clerk shall 1237
place an endorsement of registration on the order and give the 1238
person a copy of the order that bears proof of registration. The 1239
person then may file with a law enforcement agency in that county 1240
a copy of the order that bears proof of registration. 1241

(C) The clerk of each court of common pleas and the clerk of 1242
each municipal court and county court shall maintain a registry of 1243
certified copies of protection orders issued by courts of another 1244
state that have been registered with the clerk. Each law 1245
enforcement agency shall establish and maintain a registry for 1246
protection orders delivered to the agency pursuant to this 1247
section. The agency shall note in the registry the date and time 1248
that the agency received an order. 1249

(D) An officer of a law enforcement agency shall enforce a 1250
protection order issued by a court of another state in accordance 1251
with the provisions of the order, including removing the person 1252
allegedly violating the order from the premises, regardless of 1253
whether the order is registered as authorized by division (B) of 1254
this section in the county in which the officer's agency has 1255
jurisdiction. 1256

(E) ~~Notwithstanding any provision of law to the contrary (1)~~ 1257
Subject to division (E)(2) of this section and regardless of 1258
whether a protection order is issued or a consent agreement is 1259

approved by a court of another county or a court of another state, 1260
no court or unit of state or local government shall charge a 1261
person who registers and files an order any fee, cost, deposit, or 1262
money in connection with the filing, issuance, registration, 1263
modification, enforcement, dismissal, withdrawal, or service of a 1264
protection order ~~or~~, consent agreement, or witness subpoena or for 1265
obtaining a certified copy of a protection order or consent 1266
agreement, including a protection order issued by a court of 1267
another state. 1268

(2) Regardless of whether a protection order is issued or a 1269
consent agreement is approved pursuant to this section, the court 1270
may assess costs against the person who is subject to a registered 1271
and filed order in connection with the filing, issuance, 1272
registration, modification, enforcement, dismissal, withdrawal, or 1273
service of a protection order, consent agreement, or witness 1274
subpoena or for obtaining a certified copy of a protection order 1275
or consent agreement. 1276

Sec. 3113.31. (A) As used in this section: 1277

(1) "Domestic violence" means the occurrence of one or more 1278
of the following acts against a family or household member: 1279

(a) Attempting to cause or recklessly causing bodily injury; 1280

(b) Placing another person by the threat of force in fear of 1281
imminent serious physical harm or committing a violation of 1282
section 2903.211 or 2911.211 of the Revised Code; 1283

(c) Committing any act with respect to a child that would 1284
result in the child being an abused child, as defined in section 1285
2151.031 of the Revised Code; 1286

(d) Committing a sexually oriented offense. 1287

(2) "Court" means the domestic relations division of the 1288
court of common pleas in counties that have a domestic relations 1289

division and the court of common pleas in counties that do not 1290
have a domestic relations division, or the juvenile division of 1291
the court of common pleas of the county in which the person to be 1292
protected by a protection order issued or a consent agreement 1293
approved under this section resides if the respondent is less than 1294
eighteen years of age. 1295

(3) "Family or household member" means any of the following: 1296

(a) Any of the following who is residing with or has resided 1297
with the respondent: 1298

(i) A spouse, a person living as a spouse, or a former spouse 1299
of the respondent; 1300

(ii) A parent, a foster parent, or a child of the respondent, 1301
or another person related by consanguinity or affinity to the 1302
respondent; 1303

(iii) A parent or a child of a spouse, person living as a 1304
spouse, or former spouse of the respondent, or another person 1305
related by consanguinity or affinity to a spouse, person living as 1306
a spouse, or former spouse of the respondent. 1307

(b) The natural parent of any child of whom the respondent is 1308
the other natural parent or is the putative other natural parent. 1309

(4) "Person living as a spouse" means a person who is living 1310
or has lived with the respondent in a common law marital 1311
relationship, who otherwise is cohabiting with the respondent, or 1312
who otherwise has cohabited with the respondent within five years 1313
prior to the date of the alleged occurrence of the act in 1314
question. 1315

(5) "Victim advocate" means a person who provides support and 1316
assistance for a person who files a petition under this section. 1317

(6) "Sexually oriented offense" has the same meaning as in 1318
section 2950.01 of the Revised Code. 1319

(B) The court has jurisdiction over all proceedings under 1320
this section. The petitioner's right to relief under this section 1321
is not affected by the petitioner's leaving the residence or 1322
household to avoid further domestic violence. 1323

(C) A person may seek relief under this section on the 1324
person's own behalf, or any parent or adult household member may 1325
seek relief under this section on behalf of any other family or 1326
household member, by filing a petition with the court. The 1327
petition shall contain or state: 1328

(1) An allegation that the respondent engaged in domestic 1329
violence against a family or household member of the respondent, 1330
including a description of the nature and extent of the domestic 1331
violence; 1332

(2) The relationship of the respondent to the petitioner, and 1333
to the victim if other than the petitioner; 1334

(3) A request for relief under this section. 1335

(D)(1) If a person who files a petition pursuant to this 1336
section requests an ex parte order, the court shall hold an ex 1337
parte hearing on the same day that the petition is filed. The 1338
court, for good cause shown at the ex parte hearing, may enter any 1339
temporary orders, with or without bond, including, but not limited 1340
to, an order described in division (E)(1)(a), (b), or (c) of this 1341
section, that the court finds necessary to protect the family or 1342
household member from domestic violence. Immediate and present 1343
danger of domestic violence to the family or household member 1344
constitutes good cause for purposes of this section. Immediate and 1345
present danger includes, but is not limited to, situations in 1346
which the respondent has threatened the family or household member 1347
with bodily harm, in which the respondent has threatened the 1348
family or household member with a sexually oriented offense, or in 1349
which the respondent previously has been convicted of, pleaded 1350

guilty to, or been adjudicated a delinquent child for an offense 1351
that constitutes domestic violence against the family or household 1352
member. 1353

(2)(a) If the court, after an ex parte hearing, issues an 1354
order described in division (E)(1)(b) or (c) of this section, the 1355
court shall schedule a full hearing for a date that is within 1356
seven court days after the ex parte hearing. If any other type of 1357
protection order that is authorized under division (E) of this 1358
section is issued by the court after an ex parte hearing, the 1359
court shall schedule a full hearing for a date that is within ten 1360
court days after the ex parte hearing. The court shall give the 1361
respondent notice of, and an opportunity to be heard at, the full 1362
hearing. The court shall hold the full hearing on the date 1363
scheduled under this division unless the court grants a 1364
continuance of the hearing in accordance with this division. Under 1365
any of the following circumstances or for any of the following 1366
reasons, the court may grant a continuance of the full hearing to 1367
a reasonable time determined by the court: 1368

(i) Prior to the date scheduled for the full hearing under 1369
this division, the respondent has not been served with the 1370
petition filed pursuant to this section and notice of the full 1371
hearing. 1372

(ii) The parties consent to the continuance. 1373

(iii) The continuance is needed to allow a party to obtain 1374
counsel. 1375

(iv) The continuance is needed for other good cause. 1376

(b) An ex parte order issued under this section does not 1377
expire because of a failure to serve notice of the full hearing 1378
upon the respondent before the date set for the full hearing under 1379
division (D)(2)(a) of this section or because the court grants a 1380
continuance under that division. 1381

(3) If a person who files a petition pursuant to this section 1382
does not request an ex parte order, or if a person requests an ex 1383
parte order but the court does not issue an ex parte order after 1384
an ex parte hearing, the court shall proceed as in a normal civil 1385
action and grant a full hearing on the matter. 1386

(E)(1) After an ex parte or full hearing, the court may grant 1387
any protection order, with or without bond, or approve any consent 1388
agreement to bring about a cessation of domestic violence against 1389
the family or household members. The order or agreement may: 1390

(a) Direct the respondent to refrain from abusing or from 1391
committing sexually oriented offenses against the family or 1392
household members; 1393

(b) Grant possession of the residence or household to the 1394
petitioner or other family or household member, to the exclusion 1395
of the respondent, by evicting the respondent, when the residence 1396
or household is owned or leased solely by the petitioner or other 1397
family or household member, or by ordering the respondent to 1398
vacate the premises, when the residence or household is jointly 1399
owned or leased by the respondent, and the petitioner or other 1400
family or household member; 1401

(c) When the respondent has a duty to support the petitioner 1402
or other family or household member living in the residence or 1403
household and the respondent is the sole owner or lessee of the 1404
residence or household, grant possession of the residence or 1405
household to the petitioner or other family or household member, 1406
to the exclusion of the respondent, by ordering the respondent to 1407
vacate the premises, or, in the case of a consent agreement, allow 1408
the respondent to provide suitable, alternative housing; 1409

(d) Temporarily allocate parental rights and responsibilities 1410
for the care of, or establish temporary parenting time rights with 1411
regard to, minor children, if no other court has determined, or is 1412

determining, the allocation of parental rights and 1413
responsibilities for the minor children or parenting time rights; 1414

(e) Require the respondent to maintain support, if the 1415
respondent customarily provides for or contributes to the support 1416
of the family or household member, or if the respondent has a duty 1417
to support the petitioner or family or household member; 1418

(f) Require the respondent, petitioner, victim of domestic 1419
violence, or any combination of those persons, to seek counseling; 1420

(g) Require the respondent to refrain from entering the 1421
residence, school, business, or place of employment of the 1422
petitioner or family or household member; 1423

(h) Grant other relief that the court considers equitable and 1424
fair, including, but not limited to, ordering the respondent to 1425
permit the use of a motor vehicle by the petitioner or other 1426
family or household member and the apportionment of household and 1427
family personal property. 1428

(2) If a protection order has been issued pursuant to this 1429
section in a prior action involving the respondent and the 1430
petitioner or one or more of the family or household members or 1431
victims, the court may include in a protection order that it 1432
issues a prohibition against the respondent returning to the 1433
residence or household. If it includes a prohibition against the 1434
respondent returning to the residence or household in the order, 1435
it also shall include in the order provisions of the type 1436
described in division (E)(7) of this section. This division does 1437
not preclude the court from including in a protection order or 1438
consent agreement, in circumstances other than those described in 1439
this division, a requirement that the respondent be evicted from 1440
or vacate the residence or household or refrain from entering the 1441
residence, school, business, or place of employment of the 1442
petitioner or a family or household member, and, if the court 1443

includes any requirement of that type in an order or agreement, 1444
the court also shall include in the order provisions of the type 1445
described in division (E)(7) of this section. 1446

(3)(a) Any protection order issued or consent agreement 1447
approved under this section shall be valid until a date certain, 1448
but not later than five years from the date of its issuance or 1449
approval, or not later than the date a respondent who is less than 1450
eighteen years of age attains nineteen years of age, unless 1451
modified or terminated as provided in division (E)(8) of this 1452
section. 1453

(b) Subject to the limitation on the duration of an order or 1454
agreement set forth in division (E)(3)(a) of this section, any 1455
order under division (E)(1)(d) of this section shall terminate on 1456
the date that a court in an action for divorce, dissolution of 1457
marriage, or legal separation brought by the petitioner or 1458
respondent issues an order allocating parental rights and 1459
responsibilities for the care of children or on the date that a 1460
juvenile court in an action brought by the petitioner or 1461
respondent issues an order awarding legal custody of minor 1462
children. Subject to the limitation on the duration of an order or 1463
agreement set forth in division (E)(3)(a) of this section, any 1464
order under division (E)(1)(e) of this section shall terminate on 1465
the date that a court in an action for divorce, dissolution of 1466
marriage, or legal separation brought by the petitioner or 1467
respondent issues a support order or on the date that a juvenile 1468
court in an action brought by the petitioner or respondent issues 1469
a support order. 1470

(c) Any protection order issued or consent agreement approved 1471
pursuant to this section may be renewed in the same manner as the 1472
original order or agreement was issued or approved. 1473

(4) A court may not issue a protection order that requires a 1474
petitioner to do or to refrain from doing an act that the court 1475

may require a respondent to do or to refrain from doing under 1476
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1477
section unless all of the following apply: 1478

(a) The respondent files a separate petition for a protection 1479
order in accordance with this section. 1480

(b) The petitioner is served notice of the respondent's 1481
petition at least forty-eight hours before the court holds a 1482
hearing with respect to the respondent's petition, or the 1483
petitioner waives the right to receive this notice. 1484

(c) If the petitioner has requested an ex parte order 1485
pursuant to division (D) of this section, the court does not delay 1486
any hearing required by that division beyond the time specified in 1487
that division in order to consolidate the hearing with a hearing 1488
on the petition filed by the respondent. 1489

(d) After a full hearing at which the respondent presents 1490
evidence in support of the request for a protection order and the 1491
petitioner is afforded an opportunity to defend against that 1492
evidence, the court determines that the petitioner has committed 1493
an act of domestic violence or has violated a temporary protection 1494
order issued pursuant to section 2919.26 of the Revised Code, that 1495
both the petitioner and the respondent acted primarily as 1496
aggressors, and that neither the petitioner nor the respondent 1497
acted primarily in self-defense. 1498

(5) No protection order issued or consent agreement approved 1499
under this section shall in any manner affect title to any real 1500
property. 1501

(6)(a) If a petitioner, or the child of a petitioner, who 1502
obtains a protection order or consent agreement pursuant to 1503
division (E)(1) of this section or a temporary protection order 1504
pursuant to section 2919.26 of the Revised Code and is the subject 1505
of a parenting time order issued pursuant to section 3109.051 or 1506

3109.12 of the Revised Code or a visitation or companionship order 1507
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 1508
Revised Code or division (E)(1)(d) of this section granting 1509
parenting time rights to the respondent, the court may require the 1510
public children services agency of the county in which the court 1511
is located to provide supervision of the respondent's exercise of 1512
parenting time or visitation or companionship rights with respect 1513
to the child for a period not to exceed nine months, if the court 1514
makes the following findings of fact: 1515

(i) The child is in danger from the respondent; 1516

(ii) No other person or agency is available to provide the 1517
supervision. 1518

(b) A court that requires an agency to provide supervision 1519
pursuant to division (E)(6)(a) of this section shall order the 1520
respondent to reimburse the agency for the cost of providing the 1521
supervision, if it determines that the respondent has sufficient 1522
income or resources to pay that cost. 1523

(7)(a) If a protection order issued or consent agreement 1524
approved under this section includes a requirement that the 1525
respondent be evicted from or vacate the residence or household or 1526
refrain from entering the residence, school, business, or place of 1527
employment of the petitioner or a family or household member, the 1528
order or agreement shall state clearly that the order or agreement 1529
cannot be waived or nullified by an invitation to the respondent 1530
from the petitioner or other family or household member to enter 1531
the residence, school, business, or place of employment or by the 1532
respondent's entry into one of those places otherwise upon the 1533
consent of the petitioner or other family or household member. 1534

(b) Division (E)(7)(a) of this section does not limit any 1535
discretion of a court to determine that a respondent charged with 1536
a violation of section 2919.27 of the Revised Code, with a 1537

violation of a municipal ordinance substantially equivalent to 1538
that section, or with contempt of court, which charge is based on 1539
an alleged violation of a protection order issued or consent 1540
agreement approved under this section, did not commit the 1541
violation or was not in contempt of court. 1542

(8)(a) The court may modify or terminate as provided in 1543
division (E)(8) of this section a protection order or consent 1544
agreement that was issued after a full hearing under this section. 1545
The court that issued the protection order or approved the consent 1546
agreement shall hear a motion for modification or termination of 1547
the protection order or consent agreement pursuant to division 1548
(E)(8) of this section. 1549

(b) Either the petitioner or the respondent of the original 1550
protection order or consent agreement may bring a motion for 1551
modification or termination of a protection order or consent 1552
agreement that was issued or approved after a full hearing. The 1553
court shall require notice of the motion to be made as provided by 1554
the Rules of Civil Procedure. If the petitioner for the original 1555
protection order or consent agreement has requested that the 1556
petitioner's address be kept confidential, the court shall not 1557
disclose the address to the respondent of the original protection 1558
order or consent agreement or any other person, except as 1559
otherwise required by law. The moving party has the burden of 1560
proof to show, by a preponderance of the evidence, that 1561
modification or termination of the protection order or consent 1562
agreement is appropriate because either the protection order or 1563
consent agreement is no longer needed or because the terms of the 1564
original protection order or consent agreement are no longer 1565
appropriate. 1566

(c) In considering whether to modify or terminate a 1567
protection order or consent agreement issued or approved under 1568
this section, the court shall consider all relevant factors, 1569

| | |
|--|--------------------------------------|
| including, but not limited to, the following: | 1570 |
| (i) Whether the petitioner consents to modification or termination of the protection order or consent agreement; | 1571 1572 |
| (ii) Whether the petitioner fears the respondent; | 1573 |
| (iii) The current nature of the relationship between the petitioner and the respondent; | 1574 1575 |
| (iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together; | 1576 1577 1578 1579 |
| (v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement; | 1580 1581 |
| (vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol; | 1582 1583 |
| (vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement; | 1584 1585 1586 1587 |
| (viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state; | 1588 1589 1590 1591 1592 |
| (ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling; | 1593 1594 1595 1596 |
| (x) The time that has elapsed since the protection order was issued or since the consent agreement was approved; | 1597 1598 |
| (xi) The age and health of the respondent; | 1599 |

(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.

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

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

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

(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 1632
the same day that the order is entered. 1633

(2) Upon the issuance of a protection order or the approval 1634
of a consent agreement under this section, the court shall provide 1635
the parties to the order or agreement with the following notice 1636
orally or by form: 1637

"NOTICE 1638

As a result of this order or consent agreement, it may be 1639
unlawful for you to possess or purchase a firearm, including a 1640
rifle, pistol, or revolver, or ammunition pursuant to federal law 1641
under 18 U.S.C. 922(g)(8). If you have any questions whether this 1642
law makes it illegal for you to possess or purchase a firearm or 1643
ammunition, you should consult an attorney." 1644

(3) All law enforcement agencies shall establish and maintain 1645
an index for the protection orders and the approved consent 1646
agreements delivered to the agencies pursuant to division (F)(1) 1647
of this section. With respect to each order and consent agreement 1648
delivered, each agency shall note on the index the date and time 1649
that it received the order or consent agreement. 1650

(4) Regardless of whether the petitioner has registered the 1651
order or agreement in the county in which the officer's agency has 1652
jurisdiction pursuant to division (N) of this section, any officer 1653
of a law enforcement agency shall enforce a protection order 1654
issued or consent agreement approved by any court in this state in 1655
accordance with the provisions of the order or agreement, 1656
including removing the respondent from the premises, if 1657
appropriate. 1658

(G) Any proceeding under this section shall be conducted in 1659
accordance with the Rules of Civil Procedure, except that an order 1660
under this section may be obtained with or without bond. An order 1661
issued under this section, other than an ex parte order, that 1662

grants a protection order or approves a consent agreement, that 1663
refuses to grant a protection order or approve a consent agreement 1664
that modifies or terminates a protection order or consent 1665
agreement, or that refuses to modify or terminate a protection 1666
order or consent agreement, is a final, appealable order. The 1667
remedies and procedures provided in this section are in addition 1668
to, and not in lieu of, any other available civil or criminal 1669
remedies. 1670

(H) The filing of proceedings under this section does not 1671
excuse a person from filing any report or giving any notice 1672
required by section 2151.421 of the Revised Code or by any other 1673
law. When a petition under this section alleges domestic violence 1674
against minor children, the court shall report the fact, or cause 1675
reports to be made, to a county, township, or municipal peace 1676
officer under section 2151.421 of the Revised Code. 1677

(I) Any law enforcement agency that investigates a domestic 1678
dispute shall provide information to the family or household 1679
members involved regarding the relief available under this section 1680
and section 2919.26 of the Revised Code. 1681

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 1682
Subject to divisions (E)(8)(e) and (J)(2) of this section and 1683
regardless of whether a protection order is issued or a consent 1684
agreement is approved by a court of another county or a court of 1685
another state, no court or unit of state or local government shall 1686
charge the petitioner any fee, cost, deposit, or money in 1687
connection with the filing of a petition pursuant to this section 1688
or in connection with the filing, issuance, registration, 1689
modification, enforcement, dismissal, withdrawal, or service of a 1690
protection order ~~or~~, consent agreement, or witness subpoena or for 1691
obtaining a certified copy of a protection order or consent 1692
agreement. 1693

(2) Regardless of whether a protection order is issued or a 1694

consent agreement is approved pursuant to this section, the court 1695
may assess costs against the respondent in connection with the 1696
filing, issuance, registration, modification, enforcement, 1697
dismissal, withdrawal, or service of a protection order, consent 1698
agreement, or witness subpoena or for obtaining a certified copy 1699
of a protection order or consent agreement. 1700

(K)(1) The court shall comply with Chapters 3119., 3121., 1701
3123., and 3125. of the Revised Code when it makes or modifies an 1702
order for child support under this section. 1703

(2) If any person required to pay child support under an 1704
order made under this section on or after April 15, 1985, or 1705
modified under this section on or after December 31, 1986, is 1706
found in contempt of court for failure to make support payments 1707
under the order, the court that makes the finding, in addition to 1708
any other penalty or remedy imposed, shall assess all court costs 1709
arising out of the contempt proceeding against the person and 1710
require the person to pay any reasonable attorney's fees of any 1711
adverse party, as determined by the court, that arose in relation 1712
to the act of contempt. 1713

(L)(1) A person who violates a protection order issued or a 1714
consent agreement approved under this section is subject to the 1715
following sanctions: 1716

(a) Criminal prosecution or a delinquent child proceeding for 1717
a violation of section 2919.27 of the Revised Code, if the 1718
violation of the protection order or consent agreement constitutes 1719
a violation of that section; 1720

(b) Punishment for contempt of court. 1721

(2) The punishment of a person for contempt of court for 1722
violation of a protection order issued or a consent agreement 1723
approved under this section does not bar criminal prosecution of 1724
the person or a delinquent child proceeding concerning the person 1725

for a violation of section 2919.27 of the Revised Code. However, a 1726
person punished for contempt of court is entitled to credit for 1727
the punishment imposed upon conviction of or adjudication as a 1728
delinquent child for a violation of that section, and a person 1729
convicted of or adjudicated a delinquent child for a violation of 1730
that section shall not subsequently be punished for contempt of 1731
court arising out of the same activity. 1732

(M) In all stages of a proceeding under this section, a 1733
petitioner may be accompanied by a victim advocate. 1734

(N)(1) A petitioner who obtains a protection order or consent 1735
agreement under this section or a temporary protection order under 1736
section 2919.26 of the Revised Code may provide notice of the 1737
issuance or approval of the order or agreement to the judicial and 1738
law enforcement officials in any county other than the county in 1739
which the order is issued or the agreement is approved by 1740
registering that order or agreement in the other county pursuant 1741
to division (N)(2) of this section and filing a copy of the 1742
registered order or registered agreement with a law enforcement 1743
agency in the other county in accordance with that division. A 1744
person who obtains a protection order issued by a court of another 1745
state may provide notice of the issuance of the order to the 1746
judicial and law enforcement officials in any county of this state 1747
by registering the order in that county pursuant to section 1748
2919.272 of the Revised Code and filing a copy of the registered 1749
order with a law enforcement agency in that county. 1750

(2) A petitioner may register a temporary protection order, 1751
protection order, or consent agreement in a county other than the 1752
county in which the court that issued the order or approved the 1753
agreement is located in the following manner: 1754

(a) The petitioner shall obtain a certified copy of the order 1755
or agreement from the clerk of the court that issued the order or 1756
approved the agreement and present that certified copy to the 1757

clerk of the court of common pleas or the clerk of a municipal 1758
court or county court in the county in which the order or 1759
agreement is to be registered. 1760

(b) Upon accepting the certified copy of the order or 1761
agreement for registration, the clerk of the court of common 1762
pleas, municipal court, or county court shall place an endorsement 1763
of registration on the order or agreement and give the petitioner 1764
a copy of the order or agreement that bears that proof of 1765
registration. 1766

(3) The clerk of each court of common pleas, the clerk of 1767
each municipal court, and the clerk of each county court shall 1768
maintain a registry of certified copies of temporary protection 1769
orders, protection orders, or consent agreements that have been 1770
issued or approved by courts in other counties and that have been 1771
registered with the clerk. 1772

(O) Nothing in this section prohibits the domestic relations 1773
division of a court of common pleas in counties that have a 1774
domestic relations division or a court of common pleas in counties 1775
that do not have a domestic relations division from designating a 1776
minor child as a protected party on a protection order or consent 1777
agreement. 1778

Section 2. That existing sections 2151.34, 2301.14, 2311.14, 1779
2335.09, 2335.11, 2903.213, 2903.214, 2919.26, 2919.272, and 1780
3113.31 of the Revised Code are hereby repealed. 1781