

As Re-referred to the Senate Civil Justice Committee

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Am. Sub. H. B. No. 309

Representatives Pelanda, Antonio

**Cosponsors: Representatives Ruhl, Barborak, Gonzales, Ramos, Sheehy,
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A B I L L

To amend sections 2151.34, 2301.14, 2303.201, 1
2311.14, 2335.09, 2335.11, 2903.213, 2903.214, 2
2919.26, 2919.272, and 3113.31 of the Revised Code 3
to prohibit the taxation of interpreter's fees as 4
court costs if the party to be taxed is indigent 5
and require payment of the fees by the county or 6
municipal corporation in which the court is 7
located, to eliminate the requirement that a court 8
evaluate the qualifications of an interpreter for 9
a mentally retarded or developmentally disabled 10
person before appointing the interpreter, 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, and to 18
remove certain exemptions from the collection of 19
additional filing fees for civil actions. 20

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

Section 1. That sections 2151.34, 2301.14, 2303.201, 2311.14, 21
2335.09, 2335.11, 2903.213, 2903.214, 2919.26, 2919.272, and 22
3113.31 of the Revised Code be amended to read as follows: 23

Sec. 2151.34. (A) As used in this section: 24

(1) "Court" means the juvenile division of the court of 25
common pleas of the county in which the person to be protected by 26
the protection order resides. 27

(2) "Victim advocate" means a person who provides support and 28
assistance for a person who files a petition under this section. 29

(3) "Family or household member" has the same meaning as in 30
section 3113.31 of the Revised Code. 31

(4) "Protection order issued by a court of another state" has 32
the same meaning as in section 2919.27 of the Revised Code. 33

(5) "Petitioner" means a person who files a petition under 34
this section and includes a person on whose behalf a petition 35
under this section is filed. 36

(6) "Respondent" means a person who is under eighteen years 37
of age and against whom a petition is filed under this section. 38

(7) "Sexually oriented offense" has the same meaning as in 39
section 2950.01 of the Revised Code. 40

(8) "Electronic monitoring" has the same meaning as in 41
section 2929.01 of the Revised Code. 42

(B) The court has jurisdiction over all proceedings under this section.	43 44
(C)(1) Any of the following persons may seek relief under this section by filing a petition with the court:	45 46
(a) Any person on behalf of that person;	47
(b) Any parent or adult family or household member on behalf of any other family or household member;	48 49
(c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child.	50 51 52
(2) The petition shall contain or state all of the following:	53
(a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation;	54 55 56 57 58 59 60
(b) 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;	61 62 63 64 65 66 67 68
(c) A request for relief under this section.	69
(3) The court in its discretion may determine whether or not to give notice that a petition has been filed under division (C)(1) of this section on behalf of a child to any of the	70 71 72

following:	73
(a) A parent of the child if the petition was filed by any person other than a parent of the child;	74 75
(b) Any person who is determined by the court to be an appropriate person to receive notice of the filing of the petition.	76 77 78
(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day after the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order.	79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98
(2)(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to	99 100 101 102 103 104

the parent, guardian, or legal custodian of the respondent. The 105
court shall hold the full hearing on the date scheduled under this 106
division unless the court grants a continuance of the hearing in 107
accordance with this division. Under any of the following 108
circumstances or for any of the following reasons, the court may 109
grant a continuance of the full hearing to a reasonable time 110
determined by the court: 111

(i) Prior to the date scheduled for the full hearing under 112
this division, the respondent has not been served with the 113
petition filed pursuant to this section and notice of the full 114
hearing. 115

(ii) The parties consent to the continuance. 116

(iii) The continuance is needed to allow a party to obtain 117
counsel. 118

(iv) The continuance is needed for other good cause. 119

(b) An ex parte order issued under this section does not 120
expire because of a failure to serve notice of the full hearing 121
upon the respondent before the date set for the full hearing under 122
division (D)(2)(a) of this section or because the court grants a 123
continuance under that division. 124

(3) If a person who files a petition pursuant to this section 125
does not request an ex parte order, or if a person requests an ex 126
parte order but the court does not issue an ex parte order after 127
an ex parte hearing, the court shall proceed as in a normal civil 128
action and grant a full hearing on the matter. 129

(E)(1)(a) After an ex parte or full hearing, the court may 130
issue any protection order, with or without bond, that contains 131
terms designed to ensure the safety and protection of the person 132
to be protected by the protection order. 133

(b) After a full hearing, if the court considering a petition 134

that includes an allegation of the type described in division 135
(C)(2)(b) of this section or the court, upon its own motion, finds 136
upon clear and convincing evidence that the petitioner reasonably 137
believed that the respondent's conduct at any time preceding the 138
filing of the petition endangered the health, welfare, or safety 139
of the person to be protected and that the respondent presents a 140
continuing danger to the person to be protected and if division 141
(N) of this section does not prohibit the issuance of an order 142
that the respondent be electronically monitored, the court may 143
order that the respondent be electronically monitored for a period 144
of time and under the terms and conditions that the court 145
determines are appropriate. Electronic monitoring shall be in 146
addition to any other relief granted to the petitioner. 147

(2)(a) Any protection order issued pursuant to this section 148
shall be valid until a date certain but not later than the date 149
the respondent attains nineteen years of age. 150

(b) Any protection order issued pursuant to this section may 151
be renewed in the same manner as the original order was issued. 152

(3) A court may not issue a protection order that requires a 153
petitioner to do or to refrain from doing an act that the court 154
may require a respondent to do or to refrain from doing under 155
division (E)(1) of this section unless all of the following apply: 156

(a) The respondent files a separate petition for a protection 157
order in accordance with this section. 158

(b) The petitioner is served with notice of the respondent's 159
petition at least forty-eight hours before the court holds a 160
hearing with respect to the respondent's petition, or the 161
petitioner waives the right to receive this notice. 162

(c) If the petitioner has requested an ex parte order 163
pursuant to division (D) of this section, the court does not delay 164
any hearing required by that division beyond the time specified in 165

that division in order to consolidate the hearing with a hearing 166
on the petition filed by the respondent. 167

(d) After a full hearing at which the respondent presents 168
evidence in support of the request for a protection order and the 169
petitioner is afforded an opportunity to defend against that 170
evidence, the court determines that the petitioner has committed a 171
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 172
2903.22, or 2911.211 of the Revised Code, a sexually oriented 173
offense, or a violation of any municipal ordinance that is 174
substantially equivalent to any of those offenses against the 175
person to be protected by the protection order issued pursuant to 176
division (E)(3) of this section, or has violated a protection 177
order issued pursuant to this section or section 2903.213 of the 178
Revised Code relative to the person to be protected by the 179
protection order issued pursuant to division (E)(3) of this 180
section. 181

(4) No protection order issued pursuant to this section shall 182
in any manner affect title to any real property. 183

(5)(a) A protection order issued under this section shall 184
clearly state that the person to be protected by the order cannot 185
waive or nullify by invitation or consent any requirement in the 186
order. 187

(b) Division (E)(5)(a) of this section does not limit any 188
discretion of a court to determine that a respondent alleged to 189
have violated section 2919.27 of the Revised Code, violated a 190
municipal ordinance substantially equivalent to that section, or 191
committed contempt of court, which allegation is based on an 192
alleged violation of a protection order issued under this section, 193
did not commit the violation or was not in contempt of court. 194

(6) Any protection order issued pursuant to this section 195
shall include a provision that the court will automatically seal 196

all of the records of the proceeding in which the order is issued 197
on the date the respondent attains the age of nineteen years 198
unless the petitioner provides the court with evidence that the 199
respondent has not complied with all of the terms of the 200
protection order. The protection order shall specify the date when 201
the respondent attains the age of nineteen years. 202

(F)(1) The court shall cause the delivery of a copy of any 203
protection order that is issued under this section to the 204
petitioner, to the respondent, and to all law enforcement agencies 205
that have jurisdiction to enforce the order. The court shall 206
direct that a copy of the order be delivered to the respondent and 207
the parent, guardian, or legal custodian of the respondent on the 208
same day that the order is entered. 209

(2) Upon the issuance of a protection order under this 210
section, the court shall provide the parties to the order with the 211
following notice orally or by form: 212

"NOTICE 213

As a result of this order, it may be unlawful for you to 214
possess or purchase a firearm, including a rifle, pistol, or 215
revolver, or ammunition pursuant to federal law under 18 U.S.C. 216
922(g)(8). If you have any questions whether this law makes it 217
illegal for you to possess or purchase a firearm or ammunition, 218
you should consult an attorney." 219

(3) All law enforcement agencies shall establish and maintain 220
an index for the protection orders delivered to the agencies 221
pursuant to division (F)(1) of this section. With respect to each 222
order delivered, each agency shall note on the index the date and 223
time that it received the order. 224

(4) Regardless of whether the petitioner has registered the 225
protection order in the county in which the officer's agency has 226
jurisdiction pursuant to division (M) of this section, any officer 227

of a law enforcement agency shall enforce a protection order 228
issued pursuant to this section by any court in this state in 229
accordance with the provisions of the order, including removing 230
the respondent from the premises, if appropriate. 231

(G) Any proceeding under this section shall be conducted in 232
accordance with the Rules of Civil Procedure, except that a 233
protection order may be obtained under this section with or 234
without bond. An order issued under this section, other than an ex 235
parte order, that grants a protection order, or that refuses to 236
grant a protection order, is a final, appealable order. The 237
remedies and procedures provided in this section are in addition 238
to, and not in lieu of, any other available civil or criminal 239
remedies or any other available remedies under Chapter 2151. or 240
2152. of the Revised Code. 241

(H) The filing of proceedings under this section does not 242
excuse a person from filing any report or giving any notice 243
required by section 2151.421 of the Revised Code or by any other 244
law. 245

(I) Any law enforcement agency that investigates an alleged 246
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 247
2903.22, or 2911.211 of the Revised Code, an alleged commission of 248
a sexually oriented offense, or an alleged violation of a 249
municipal ordinance that is substantially equivalent to any of 250
those offenses shall provide information to the victim and the 251
family or household members of the victim regarding the relief 252
available under this section. 253

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 254
Subject to division (J)(2) of this section and regardless of 255
whether a protection order is issued or a consent agreement is 256
approved by a court of another county or by a court of another 257
state, no court or unit of state or local government shall charge 258
the petitioner any fee, cost, deposit, or money in connection with 259

the filing of a petition pursuant to this section, in connection 260
with the filing, issuance, registration, modification, 261
enforcement, dismissal, withdrawal, or service of a protection 262
order ~~or~~, consent agreement, or witness subpoena or for obtaining 263
a certified copy of a protection order or consent agreement. 264

(2) Regardless of whether a protection order is issued or a 265
consent agreement is approved pursuant to this section, the court 266
may assess costs against the respondent in connection with the 267
filing, issuance, registration, modification, enforcement, 268
dismissal, withdrawal, or service of a protection order, consent 269
agreement, or witness subpoena or for obtaining a certified copy 270
of a protection order or consent agreement. 271

(K)(1) A person who violates a protection order issued under 272
this section is subject to the following sanctions: 273

(a) A delinquent child proceeding or a criminal prosecution 274
for a violation of section 2919.27 of the Revised Code, if the 275
violation of the protection order constitutes a violation of that 276
section; 277

(b) Punishment for contempt of court. 278

(2) The punishment of a person for contempt of court for 279
violation of a protection order issued under this section does not 280
bar criminal prosecution of the person or a delinquent child 281
proceeding concerning the person for a violation of section 282
2919.27 of the Revised Code. However, a person punished for 283
contempt of court is entitled to credit for the punishment imposed 284
upon conviction of or adjudication as a delinquent child for a 285
violation of that section, and a person convicted of or 286
adjudicated a delinquent child for a violation of that section 287
shall not subsequently be punished for contempt of court arising 288
out of the same activity. 289

(L) In all stages of a proceeding under this section, a 290

petitioner may be accompanied by a victim advocate. 291

(M)(1) A petitioner who obtains a protection order under this 292
section may provide notice of the issuance or approval of the 293
order to the judicial and law enforcement officials in any county 294
other than the county in which the order is issued by registering 295
that order in the other county pursuant to division (M)(2) of this 296
section and filing a copy of the registered order with a law 297
enforcement agency in the other county in accordance with that 298
division. A person who obtains a protection order issued by a 299
court of another state may provide notice of the issuance of the 300
order to the judicial and law enforcement officials in any county 301
of this state by registering the order in that county pursuant to 302
section 2919.272 of the Revised Code and filing a copy of the 303
registered order with a law enforcement agency in that county. 304

(2) A petitioner may register a protection order issued 305
pursuant to this section in a county other than the county in 306
which the court that issued the order is located in the following 307
manner: 308

(a) The petitioner shall obtain a certified copy of the order 309
from the clerk of the court that issued the order and present that 310
certified copy to the clerk of the court of common pleas or the 311
clerk of a municipal court or county court in the county in which 312
the order is to be registered. 313

(b) Upon accepting the certified copy of the order for 314
registration, the clerk of the court of common pleas, municipal 315
court, or county court shall place an endorsement of registration 316
on the order and give the petitioner a copy of the order that 317
bears that proof of registration. 318

(3) The clerk of each court of common pleas, municipal court, 319
or county court shall maintain a registry of certified copies of 320
protection orders that have been issued by courts in other 321

counties pursuant to this section and that have been registered 322
with the clerk. 323

(N) If the court orders electronic monitoring of the 324
respondent under this section, the court shall direct the 325
sheriff's office or any other appropriate law enforcement agency 326
to install the electronic monitoring device and to monitor the 327
respondent. Unless the court determines that the respondent is 328
indigent, the court shall order the respondent to pay the cost of 329
the installation and monitoring of the electronic monitoring 330
device. If the court determines that the respondent is indigent 331
and subject to the maximum amount allowable to be paid in any year 332
from the fund and the rules promulgated by the attorney general 333
under section 2903.214 of the Revised Code, the cost of the 334
installation and monitoring of the electronic monitoring device 335
may be paid out of funds from the reparations fund created 336
pursuant to section 2743.191 of the Revised Code. The total amount 337
paid from the reparations fund created pursuant to section 338
2743.191 of the Revised Code for electronic monitoring under this 339
section and sections 2903.214 and 2919.27 of the Revised Code 340
shall not exceed three hundred thousand dollars per year. When the 341
total amount paid from the reparations fund in any year for 342
electronic monitoring under those sections equals or exceeds three 343
hundred thousand dollars, the court shall not order pursuant to 344
this section that an indigent respondent be electronically 345
monitored. 346

(O) The court, in its discretion, may determine if the 347
respondent is entitled to court-appointed counsel in a proceeding 348
under this section. 349

Sec. 2301.14. The clerk of the court of common pleas in which 350
the service of a court interpreter is rendered shall tax in the 351
cost bill in such case, to be collected as other costs, the sum of 352

three dollars for each day of service of such interpreter, which 353
fees shall be paid into the county treasury to the credit of the 354
county fund. If the party taxed with costs is indigent, the clerk 355
shall not tax the interpreter's fees as costs, and the county 356
shall pay the interpreter's fees. 357

Sec. 2303.201. (A)(1) The court of common pleas of any county 358
may determine that for the efficient operation of the court 359
additional funds are required to computerize the court, to make 360
available computerized legal research services, or to do both. 361
Upon making a determination that additional funds are required for 362
either or both of those purposes, the court shall authorize and 363
direct the clerk of the court of common pleas to charge one 364
additional fee, not to exceed six dollars, on the filing of each 365
cause of action or appeal under divisions (A), (Q), and (U) of 366
section 2303.20 of the Revised Code. 367

(2) All fees collected under division (A)(1) of this section 368
shall be paid to the county treasurer. The treasurer shall place 369
the funds from the fees in a separate fund to be disbursed either 370
upon an order of the court, subject to an appropriation by the 371
board of county commissioners, or upon an order of the court, 372
subject to the court making an annual report available to the 373
public listing the use of all such funds, in an amount not greater 374
than the actual cost to the court of procuring and maintaining 375
computerization of the court, computerized legal research 376
services, or both. 377

(3) If the court determines that the funds in the fund 378
described in division (A)(2) of this section are more than 379
sufficient to satisfy the purpose for which the additional fee 380
described in division (A)(1) of this section was imposed, the 381
court may declare a surplus in the fund and, subject to an 382
appropriation by the board of county commissioners, expend those 383

surplus funds, or upon an order of the court, subject to the court 384
making an annual report available to the public listing the use of 385
all such funds, expend those surplus funds, for other appropriate 386
technological expenses of the court. 387

(B)(1) The court of common pleas of any county may determine 388
that, for the efficient operation of the court, additional funds 389
are required to make technological advances in or to computerize 390
the office of the clerk of the court of common pleas and, upon 391
that determination, authorize and direct the clerk of the court of 392
common pleas to charge an additional fee, not to exceed twenty 393
dollars, on the filing of each cause of action or appeal, on the 394
filing, docketing, and endorsing of each certificate of judgment, 395
or on the docketing and indexing of each aid in execution or 396
petition to vacate, revive, or modify a judgment under divisions 397
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 398
and not to exceed one dollar each for the services described in 399
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 400
the Revised Code. Subject to division (B)(2) of this section, all 401
moneys collected under division (B)(1) of this section shall be 402
paid to the county treasurer to be disbursed, upon an order of the 403
court of common pleas and subject to appropriation by the board of 404
county commissioners, in an amount no greater than the actual cost 405
to the court of procuring and maintaining technology and computer 406
systems for the office of the clerk of the court of common pleas. 407

(2) If the court of common pleas of a county makes the 408
determination described in division (B)(1) of this section, the 409
board of county commissioners of that county may issue one or more 410
general obligation bonds for the purpose of procuring and 411
maintaining the technology and computer systems for the office of 412
the clerk of the court of common pleas. In addition to the 413
purposes stated in division (B)(1) of this section for which the 414
moneys collected under that division may be expended, the moneys 415

additionally may be expended to pay debt charges on and financing 416
costs related to any general obligation bonds issued pursuant to 417
division (B)(2) of this section as they become due. General 418
obligation bonds issued pursuant to division (B)(2) of this 419
section are Chapter 133. securities. 420

(C) The court of common pleas shall collect the sum of 421
twenty-six dollars as additional filing fees in each new civil 422
action or proceeding for the charitable public purpose of 423
providing financial assistance to legal aid societies that operate 424
within the state and to support the office of the state public 425
defender. This division does not apply to ~~proceedings concerning~~ 426
~~annulments, dissolutions of marriage, divorces, legal separation,~~ 427
~~spousal support, marital property or separate property~~ 428
~~distribution, support, or other domestic relations matters;~~ to a 429
juvenile division of a court of common pleas, except that an 430
additional filing fee of fifteen dollars shall apply to custody, 431
visitation, and parentage actions; to a probate division of a 432
court of common pleas, except that the additional filing fees 433
shall apply to name change, guardianship, adoption, and decedents' 434
estate proceedings; or to an execution on a judgment, proceeding 435
in aid of execution, or other post-judgment proceeding arising out 436
of a civil action. The filing fees required to be collected under 437
this division shall be in addition to any other filing fees 438
imposed in the action or proceeding and shall be collected at the 439
time of the filing of the action or proceeding. The court shall 440
not waive the payment of the additional filing fees in a new civil 441
action or proceeding unless the court waives the advanced payment 442
of all filing fees in the action or proceeding. All such moneys 443
collected during a month except for an amount equal to up to one 444
per cent of those moneys retained to cover administrative costs 445
shall be transmitted on or before the twentieth day of the 446
following month by the clerk of the court to the treasurer of 447
state in a manner prescribed by the treasurer of state or by the 448

Ohio legal assistance foundation. The treasurer of state shall 449
deposit four per cent of the funds collected under this division 450
to the credit of the civil case filing fee fund established under 451
section 120.07 of the Revised Code and ninety-six per cent of the 452
funds collected under this division to the credit of the legal aid 453
fund established under section 120.52 of the Revised Code. 454

The court may retain up to one per cent of the moneys it 455
collects under this division to cover administrative costs, 456
including the hiring of any additional personnel necessary to 457
implement this division. If the court fails to transmit to the 458
treasurer of state the moneys the court collects under this 459
division in a manner prescribed by the treasurer of state or by 460
the Ohio legal assistance foundation, the court shall forfeit the 461
moneys the court retains under this division to cover 462
administrative costs, including the hiring of any additional 463
personnel necessary to implement this division, and shall transmit 464
to the treasurer of state all moneys collected under this 465
division, including the forfeited amount retained for 466
administrative costs, for deposit in the legal aid fund. 467

(D) On and after the thirtieth day after December 9, 1994, 468
the court of common pleas shall collect the sum of thirty-two 469
dollars as additional filing fees in each new action or proceeding 470
for annulment, divorce, or dissolution of marriage for the purpose 471
of funding shelters for victims of domestic violence pursuant to 472
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 473
required to be collected under this division shall be in addition 474
to any other filing fees imposed in the action or proceeding and 475
shall be collected at the time of the filing of the action or 476
proceeding. The court shall not waive the payment of the 477
additional filing fees in a new action or proceeding for 478
annulment, divorce, or dissolution of marriage unless the court 479
waives the advanced payment of all filing fees in the action or 480

proceeding. On or before the twentieth day of each month, all 481
moneys collected during the immediately preceding month pursuant 482
to this division shall be deposited by the clerk of the court into 483
the county treasury in the special fund used for deposit of 484
additional marriage license fees as described in section 3113.34 485
of the Revised Code. Upon their deposit into the fund, the moneys 486
shall be retained in the fund and expended only as described in 487
section 3113.34 of the Revised Code. 488

(E)(1) The court of common pleas may determine that, for the 489
efficient operation of the court, additional funds are necessary 490
to acquire and pay for special projects of the court, including, 491
but not limited to, the acquisition of additional facilities or 492
the rehabilitation of existing facilities, the acquisition of 493
equipment, the hiring and training of staff, community service 494
programs, mediation or dispute resolution services, the employment 495
of magistrates, the training and education of judges, acting 496
judges, and magistrates, and other related services. Upon that 497
determination, the court by rule may charge a fee, in addition to 498
all other court costs, on the filing of each criminal cause, civil 499
action or proceeding, or judgment by confession. 500

If the court of common pleas offers or requires a special 501
program or additional services in cases of a specific type, the 502
court by rule may assess an additional charge in a case of that 503
type, over and above court costs, to cover the special program or 504
service. The court shall adjust the special assessment 505
periodically, but not retroactively, so that the amount assessed 506
in those cases does not exceed the actual cost of providing the 507
service or program. 508

All moneys collected under division (E) of this section shall 509
be paid to the county treasurer for deposit into either a general 510
special projects fund or a fund established for a specific special 511
project. Moneys from a fund of that nature shall be disbursed upon 512

an order of the court, subject to an appropriation by the board of 513
county commissioners, in an amount no greater than the actual cost 514
to the court of a project. If a specific fund is terminated 515
because of the discontinuance of a program or service established 516
under division (E) of this section, the court may order, subject 517
to an appropriation by the board of county commissioners, that 518
moneys remaining in the fund be transferred to an account 519
established under this division for a similar purpose. 520

(2) As used in division (E) of this section: 521

(a) "Criminal cause" means a charge alleging the violation of 522
a statute or ordinance, or subsection of a statute or ordinance, 523
that requires a separate finding of fact or a separate plea before 524
disposition and of which the defendant may be found guilty, 525
whether filed as part of a multiple charge on a single summons, 526
citation, or complaint or as a separate charge on a single 527
summons, citation, or complaint. "Criminal cause" does not include 528
separate violations of the same statute or ordinance, or 529
subsection of the same statute or ordinance, unless each charge is 530
filed on a separate summons, citation, or complaint. 531

(b) "Civil action or proceeding" means any civil litigation 532
that must be determined by judgment entry. 533

Sec. 2311.14. (A)(1) Whenever because of a hearing, speech, 534
or other impairment a party to or witness in a legal proceeding 535
cannot readily understand or communicate, the court shall appoint 536
a qualified interpreter to assist such person. ~~Before appointing~~ 537
~~any interpreter under this division for a party or witness who is~~ 538
~~a mentally retarded person or developmentally disabled person, the~~ 539
~~court shall evaluate the qualifications of the interpreter and~~ 540
~~shall make a determination as to the ability of the interpreter to~~ 541
~~effectively interpret on behalf of the party or witness that the~~ 542
~~interpreter will assist, and the court may appoint the interpreter~~ 543

~~only if the court is satisfied that the interpreter is able to~~ 544
~~effectively interpret on behalf of that party or witness.~~ 545

(2) This section is not limited to a person who speaks a 546
language other than English. It also applies to the language and 547
descriptions of any mentally retarded person or developmentally 548
disabled person who cannot be reasonably understood, or who cannot 549
understand questioning, without the aid of an interpreter. The 550
interpreter may aid the parties in formulating methods of 551
questioning the person with mental retardation or a developmental 552
disability and in interpreting the answers of the person. 553

(B) Before entering upon official duties, the interpreter 554
shall take an oath that the interpreter will make a true 555
interpretation of the proceedings to the party or witness, and 556
that the interpreter will truly repeat the statements made by such 557
party or witness to the court, to the best of the interpreter's 558
ability. If the interpreter is appointed to assist a mentally 559
retarded person or developmentally disabled person as described in 560
division (A)(2) of this section, the oath also shall include an 561
oath that the interpreter will not prompt, lead, suggest, or 562
otherwise improperly influence the testimony of the witness or 563
party. 564

(C) The court shall determine a reasonable fee for all such 565
interpreter service which shall be paid out of the same funds as 566
witness fees. If the party taxed with costs is indigent, the court 567
shall not tax the interpreter's fees as costs, and the county or, 568
if the court is a municipal court that is not a county-operated 569
municipal court, the municipal corporation in which the court is 570
located shall pay the interpreter's fees. 571

(D) As used in this section, "mentally retarded person" and 572
"developmentally disabled person" have the same meanings as in 573
section 5123.01 of the Revised Code. 574

Sec. 2335.09. Whenever, in any criminal proceeding or 575
prosecution for the violation of an ordinance, or in a hearing 576
before a coroner, an interpreter is necessary, the judge, 577
magistrate, or coroner may appoint interpreters, who shall receive 578
fees as witnesses in the case or proceeding. Such fees shall be 579
taxed and paid as provided by sections 2335.05 to 2335.08~~7~~ 580
~~inclusive~~, of the Revised Code for other witness fees. If the 581
party taxed with costs is indigent, interpreter's fees shall not 582
be taxed as costs, and the county or, if the court is a municipal 583
court that is not a county-operated municipal court, the municipal 584
corporation in which the court is located shall pay the 585
interpreter's fees. This section shall not apply if, by law, an 586
interpreter is otherwise provided. 587

Sec. 2335.11. In felony cases in which the defendant is 588
convicted, the fees of the various magistrates and their officers, 589
the witness fees, and interpreter's fees shall be inserted in the 590
judgment of conviction and, when collected shall be disbursed by 591
the clerk of the court of common pleas to the persons entitled 592
thereto. In minor state cases, which have come to the court of 593
common pleas through such magistrate's courts, the fees enumerated 594
by this section shall be inserted in the judgment of conviction 595
and, when collected shall be disbursed by the clerk to the persons 596
entitled thereto. In both felonies and minor state cases, such 597
clerk shall pay the witness and interpreter's fees into the county 598
treasury, monthly. 599

If the defendant is indigent, the interpreter's fees shall 600
not be inserted in the judgment of conviction, and the county 601
shall pay the interpreter's fees. 602

In all cases in which recognizances are taken, forfeited, and 603
collected, the amount recovered shall be paid into the county 604
treasury, and if no conviction is had, such costs shall be paid by 605

the county upon the allowance of the county auditor. 606

Sec. 2903.213. (A) Except when the complaint involves a 607
person who is a family or household member as defined in section 608
2919.25 of the Revised Code, upon the filing of a complaint that 609
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 610
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 611
a municipal ordinance substantially similar to section 2903.13, 612
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 613
the commission of a sexually oriented offense, the complainant, 614
the alleged victim, or a family or household member of an alleged 615
victim may file a motion that requests the issuance of a 616
protection order as a pretrial condition of release of the alleged 617
offender, in addition to any bail set under Criminal Rule 46. The 618
motion shall be filed with the clerk of the court that has 619
jurisdiction of the case at any time after the filing of the 620
complaint. If the complaint involves a person who is a family or 621
household member, the complainant, the alleged victim, or the 622
family or household member may file a motion for a temporary 623
protection order pursuant to section 2919.26 of the Revised Code. 624

(B) A motion for a protection order under this section shall 625
be prepared on a form that is provided by the clerk of the court, 626
and the form shall be substantially as follows: 627

"Motion for Protection Order 628

..... 629

Name and address of court 630

State of Ohio 631

v. No. 632

..... 633

Name of Defendant 634

(Name of person), moves the court to issue a protection order 635

containing terms designed to ensure the safety and protection of 636
the complainant or the alleged victim in the above-captioned case, 637
in relation to the named defendant, pursuant to its authority to 638
issue a protection order under section 2903.213 of the Revised 639
Code. 640

A complaint, a copy of which has been attached to this 641
motion, has been filed in this court charging the named defendant 642
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 643
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 644
a municipal ordinance substantially similar to section 2903.13, 645
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 646
the commission of a sexually oriented offense. 647

I understand that I must appear before the court, at a time 648
set by the court not later than the next day that the court is in 649
session after the filing of this motion, for a hearing on the 650
motion, and that any protection order granted pursuant to this 651
motion is a pretrial condition of release and is effective only 652
until the disposition of the criminal proceeding arising out of 653
the attached complaint or until the issuance under section 654
2903.214 of the Revised Code of a protection order arising out of 655
the same activities as those that were the basis of the attached 656
complaint. 657

..... 658

Signature of person 659

..... 660

Address of person" 661

(C)(1) As soon as possible after the filing of a motion that 662
requests the issuance of a protection order under this section, 663
but not later than the next day that the court is in session after 664
the filing of the motion, the court shall conduct a hearing to 665
determine whether to issue the order. The person who requested the 666

order shall appear before the court and provide the court with the 667
information that it requests concerning the basis of the motion. 668
If the court finds that the safety and protection of the 669
complainant or the alleged victim may be impaired by the continued 670
presence of the alleged offender, the court may issue a protection 671
order under this section, as a pretrial condition of release, that 672
contains terms designed to ensure the safety and protection of the 673
complainant or the alleged victim, including a requirement that 674
the alleged offender refrain from entering the residence, school, 675
business, or place of employment of the complainant or the alleged 676
victim. 677

(2)(a) If the court issues a protection order under this 678
section that includes a requirement that the alleged offender 679
refrain from entering the residence, school, business, or place of 680
employment of the complainant or the alleged victim, the order 681
shall clearly state that the order cannot be waived or nullified 682
by an invitation to the alleged offender from the complainant, the 683
alleged victim, or a family or household member to enter the 684
residence, school, business, or place of employment or by the 685
alleged offender's entry into one of those places otherwise upon 686
the consent of the complainant, the alleged victim, or a family or 687
household member. 688

(b) Division (C)(2)(a) of this section does not limit any 689
discretion of a court to determine that an alleged offender 690
charged with a violation of section 2919.27 of the Revised Code, 691
with a violation of a municipal ordinance substantially equivalent 692
to that section, or with contempt of court, which charge is based 693
on an alleged violation of a protection order issued under this 694
section, did not commit the violation or was not in contempt of 695
court. 696

(D)(1) Except when the complaint involves a person who is a 697
family or household member as defined in section 2919.25 of the 698

Revised Code, upon the filing of a complaint that alleges a 699
violation specified in division (A) of this section, the court, 700
upon its own motion, may issue a protection order under this 701
section as a pretrial condition of release of the alleged offender 702
if it finds that the safety and protection of the complainant or 703
the alleged victim may be impaired by the continued presence of 704
the alleged offender. 705

(2) If the court issues a protection order under this section 706
as an ex parte order, it shall conduct, as soon as possible after 707
the issuance of the order but not later than the next day that the 708
court is in session after its issuance, a hearing to determine 709
whether the order should remain in effect, be modified, or be 710
revoked. The hearing shall be conducted under the standards set 711
forth in division (C) of this section. 712

(3) If a municipal court or a county court issues a 713
protection order under this section and if, subsequent to the 714
issuance of the order, the alleged offender who is the subject of 715
the order is bound over to the court of common pleas for 716
prosecution of a felony arising out of the same activities as 717
those that were the basis of the complaint upon which the order is 718
based, notwithstanding the fact that the order was issued by a 719
municipal court or county court, the order shall remain in effect, 720
as though it were an order of the court of common pleas, while the 721
charges against the alleged offender are pending in the court of 722
common pleas, for the period of time described in division (E)(2) 723
of this section, and the court of common pleas has exclusive 724
jurisdiction to modify the order issued by the municipal court or 725
county court. This division applies when the alleged offender is 726
bound over to the court of common pleas as a result of the person 727
waiving a preliminary hearing on the felony charge, as a result of 728
the municipal court or county court having determined at a 729
preliminary hearing that there is probable cause to believe that 730

the felony has been committed and that the alleged offender 731
committed it, as a result of the alleged offender having been 732
indicted for the felony, or in any other manner. 733

(E) A protection order that is issued as a pretrial condition 734
of release under this section: 735

(1) Is in addition to, but shall not be construed as a part 736
of, any bail set under Criminal Rule 46; 737

(2) Is effective only until the disposition, by the court 738
that issued the order or, in the circumstances described in 739
division (D)(3) of this section, by the court of common pleas to 740
which the alleged offender is bound over for prosecution, of the 741
criminal proceeding arising out of the complaint upon which the 742
order is based or until the issuance under section 2903.214 of the 743
Revised Code of a protection order arising out of the same 744
activities as those that were the basis of the complaint filed 745
under this section; 746

(3) Shall not be construed as a finding that the alleged 747
offender committed the alleged offense and shall not be introduced 748
as evidence of the commission of the offense at the trial of the 749
alleged offender on the complaint upon which the order is based. 750

(F) A person who meets the criteria for bail under Criminal 751
Rule 46 and who, if required to do so pursuant to that rule, 752
executes or posts bond or deposits cash or securities as bail, 753
shall not be held in custody pending a hearing before the court on 754
a motion requesting a protection order under this section. 755

(G)(1) A copy of a protection order that is issued under this 756
section shall be issued by the court to the complainant, to the 757
alleged victim, to the person who requested the order, to the 758
defendant, and to all law enforcement agencies that have 759
jurisdiction to enforce the order. The court shall direct that a 760
copy of the order be delivered to the defendant on the same day 761

that the order is entered. If a municipal court or a county court 762
issues a protection order under this section and if, subsequent to 763
the issuance of the order, the defendant who is the subject of the 764
order is bound over to the court of common pleas for prosecution 765
as described in division (D)(3) of this section, the municipal 766
court or county court shall direct that a copy of the order be 767
delivered to the court of common pleas to which the defendant is 768
bound over. 769

(2) All law enforcement agencies shall establish and maintain 770
an index for the protection orders delivered to the agencies 771
pursuant to division (G)(1) of this section. With respect to each 772
order delivered, each agency shall note on the index the date and 773
time of the agency's receipt of the order. 774

(3) Regardless of whether the petitioner has registered the 775
protection order in the county in which the officer's agency has 776
jurisdiction, any officer of a law enforcement agency shall 777
enforce a protection order issued pursuant to this section in 778
accordance with the provisions of the order. 779

(H) Upon a violation of a protection order issued pursuant to 780
this section, the court may issue another protection order under 781
this section, as a pretrial condition of release, that modifies 782
the terms of the order that was violated. 783

(I) ~~Notwithstanding any provision of law to the contrary (1)~~ 784
Subject to division (I)(2) of this section and regardless of 785
whether a protection order is issued or a consent agreement is 786
approved by a court of another county or by a court of another 787
state, no court or unit of state or local government shall charge 788
the movant any fee, cost, deposit, or money in connection with the 789
filing of a motion pursuant to this section, in connection with 790
the filing, issuance, registration, modification, enforcement, 791
dismissal, withdrawal, or service of a protection order ~~or,~~ 792
consent agreement, or witness subpoena or for obtaining certified 793

copies of a protection order or consent agreement. 794

(2) Regardless of whether a protection order is issued or a 795
consent agreement is approved pursuant to this section, if the 796
defendant is convicted the court may assess costs against the 797
defendant in connection with the filing, issuance, registration, 798
modification, enforcement, dismissal, withdrawal, or service of a 799
protection order, consent agreement, or witness subpoena or for 800
obtaining a certified copy of a protection order or consent 801
agreement. 802

(J) As used in this section, "sexually oriented offense" has 803
the same meaning as in section 2950.01 of the Revised Code. 804

Sec. 2903.214. (A) As used in this section: 805

(1) "Court" means the court of common pleas of the county in 806
which the person to be protected by the protection order resides. 807

(2) "Victim advocate" means a person who provides support and 808
assistance for a person who files a petition under this section. 809

(3) "Family or household member" has the same meaning as in 810
section 3113.31 of the Revised Code. 811

(4) "Protection order issued by a court of another state" has 812
the same meaning as in section 2919.27 of the Revised Code. 813

(5) "Sexually oriented offense" has the same meaning as in 814
section 2950.01 of the Revised Code. 815

(6) "Electronic monitoring" has the same meaning as in 816
section 2929.01 of the Revised Code. 817

(B) The court has jurisdiction over all proceedings under 818
this section. 819

(C) A person may seek relief under this section for the 820
person, or any parent or adult household member may seek relief 821
under this section on behalf of any other family or household 822

member, by filing a petition with the court. The petition shall 823
contain or state all of the following: 824

(1) An allegation that the respondent is eighteen years of 825
age or older and engaged in a violation of section 2903.211 of the 826
Revised Code against the person to be protected by the protection 827
order or committed a sexually oriented offense against the person 828
to be protected by the protection order, including a description 829
of the nature and extent of the violation; 830

(2) If the petitioner seeks relief in the form of electronic 831
monitoring of the respondent, an allegation that at any time 832
preceding the filing of the petition the respondent engaged in 833
conduct that would cause a reasonable person to believe that the 834
health, welfare, or safety of the person to be protected was at 835
risk, a description of the nature and extent of that conduct, and 836
an allegation that the respondent presents a continuing danger to 837
the person to be protected; 838

(3) A request for relief under this section. 839

(D)(1) If a person who files a petition pursuant to this 840
section requests an ex parte order, the court shall hold an ex 841
parte hearing as soon as possible after the petition is filed, but 842
not later than the next day that the court is in session after the 843
petition is filed. The court, for good cause shown at the ex parte 844
hearing, may enter any temporary orders, with or without bond, 845
that the court finds necessary for the safety and protection of 846
the person to be protected by the order. Immediate and present 847
danger to the person to be protected by the protection order 848
constitutes good cause for purposes of this section. Immediate and 849
present danger includes, but is not limited to, situations in 850
which the respondent has threatened the person to be protected by 851
the protection order with bodily harm or in which the respondent 852
previously has been convicted of or pleaded guilty to a violation 853
of section 2903.211 of the Revised Code or a sexually oriented 854

offense against the person to be protected by the protection order. 855
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(2)(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court: 857
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(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing. 868
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(ii) The parties consent to the continuance. 872

(iii) The continuance is needed to allow a party to obtain counsel. 873
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(iv) The continuance is needed for other good cause. 875

(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. 876
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(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. 881
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(E)(1)(a) After an ex parte or full hearing, the court may 886
issue any protection order, with or without bond, that contains 887
terms designed to ensure the safety and protection of the person 888
to be protected by the protection order, including, but not 889
limited to, a requirement that the respondent refrain from 890
entering the residence, school, business, or place of employment 891
of the petitioner or family or household member. If the court 892
includes a requirement that the respondent refrain from entering 893
the residence, school, business, or place of employment of the 894
petitioner or family or household member in the order, it also 895
shall include in the order provisions of the type described in 896
division (E)(5) of this section. 897

(b) After a full hearing, if the court considering a petition 898
that includes an allegation of the type described in division 899
(C)(2) of this section, or the court upon its own motion, finds 900
upon clear and convincing evidence that the petitioner reasonably 901
believed that the respondent's conduct at any time preceding the 902
filing of the petition endangered the health, welfare, or safety 903
of the person to be protected and that the respondent presents a 904
continuing danger to the person to be protected, the court may 905
order that the respondent be electronically monitored for a period 906
of time and under the terms and conditions that the court 907
determines are appropriate. Electronic monitoring shall be in 908
addition to any other relief granted to the petitioner. 909

(2)(a) Any protection order issued pursuant to this section 910
shall be valid until a date certain but not later than five years 911
from the date of its issuance. 912

(b) Any protection order issued pursuant to this section may 913
be renewed in the same manner as the original order was issued. 914

(3) A court may not issue a protection order that requires a 915
petitioner to do or to refrain from doing an act that the court 916
may require a respondent to do or to refrain from doing under 917

division (E)(1) of this section unless all of the following apply: 918

(a) The respondent files a separate petition for a protection 919
order in accordance with this section. 920

(b) The petitioner is served with notice of the respondent's 921
petition at least forty-eight hours before the court holds a 922
hearing with respect to the respondent's petition, or the 923
petitioner waives the right to receive this notice. 924

(c) If the petitioner has requested an ex parte order 925
pursuant to division (D) of this section, the court does not delay 926
any hearing required by that division beyond the time specified in 927
that division in order to consolidate the hearing with a hearing 928
on the petition filed by the respondent. 929

(d) After a full hearing at which the respondent presents 930
evidence in support of the request for a protection order and the 931
petitioner is afforded an opportunity to defend against that 932
evidence, the court determines that the petitioner has committed a 933
violation of section 2903.211 of the Revised Code against the 934
person to be protected by the protection order issued pursuant to 935
division (E)(3) of this section, has committed a sexually oriented 936
offense against the person to be protected by the protection order 937
issued pursuant to division (E)(3) of this section, or has 938
violated a protection order issued pursuant to section 2903.213 of 939
the Revised Code relative to the person to be protected by the 940
protection order issued pursuant to division (E)(3) of this 941
section. 942

(4) No protection order issued pursuant to this section shall 943
in any manner affect title to any real property. 944

(5)(a) If the court issues a protection order under this 945
section that includes a requirement that the alleged offender 946
refrain from entering the residence, school, business, or place of 947
employment of the petitioner or a family or household member, the 948

order shall clearly state that the order cannot be waived or 949
nullified by an invitation to the alleged offender from the 950
complainant to enter the residence, school, business, or place of 951
employment or by the alleged offender's entry into one of those 952
places otherwise upon the consent of the petitioner or family or 953
household member. 954

(b) Division (E)(5)(a) of this section does not limit any 955
discretion of a court to determine that an alleged offender 956
charged with a violation of section 2919.27 of the Revised Code, 957
with a violation of a municipal ordinance substantially equivalent 958
to that section, or with contempt of court, which charge is based 959
on an alleged violation of a protection order issued under this 960
section, did not commit the violation or was not in contempt of 961
court. 962

(F)(1) The court shall cause the delivery of a copy of any 963
protection order that is issued under this section to the 964
petitioner, to the respondent, and to all law enforcement agencies 965
that have jurisdiction to enforce the order. The court shall 966
direct that a copy of the order be delivered to the respondent on 967
the same day that the order is entered. 968

(2) Upon the issuance of a protection order under this 969
section, the court shall provide the parties to the order with the 970
following notice orally or by form: 971

"NOTICE 972

As a result of this order, it may be unlawful for you to 973
possess or purchase a firearm, including a rifle, pistol, or 974
revolver, or ammunition pursuant to federal law under 18 U.S.C. 975
922(g)(8). If you have any questions whether this law makes it 976
illegal for you to possess or purchase a firearm or ammunition, 977
you should consult an attorney." 978

(3) All law enforcement agencies shall establish and maintain 979

an index for the protection orders delivered to the agencies 980
pursuant to division (F)(1) of this section. With respect to each 981
order delivered, each agency shall note on the index the date and 982
time that it received the order. 983

(4) Regardless of whether the petitioner has registered the 984
protection order in the county in which the officer's agency has 985
jurisdiction pursuant to division (M) of this section, any officer 986
of a law enforcement agency shall enforce a protection order 987
issued pursuant to this section by any court in this state in 988
accordance with the provisions of the order, including removing 989
the respondent from the premises, if appropriate. 990

(G) Any proceeding under this section shall be conducted in 991
accordance with the Rules of Civil Procedure, except that a 992
protection order may be obtained under this section with or 993
without bond. An order issued under this section, other than an ex 994
parte order, that grants a protection order, or that refuses to 995
grant a protection order, is a final, appealable order. The 996
remedies and procedures provided in this section are in addition 997
to, and not in lieu of, any other available civil or criminal 998
remedies. 999

(H) The filing of proceedings under this section does not 1000
excuse a person from filing any report or giving any notice 1001
required by section 2151.421 of the Revised Code or by any other 1002
law. 1003

(I) Any law enforcement agency that investigates an alleged 1004
violation of section 2903.211 of the Revised Code or an alleged 1005
commission of a sexually oriented offense shall provide 1006
information to the victim and the family or household members of 1007
the victim regarding the relief available under this section and 1008
section 2903.213 of the Revised Code. 1009

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 1010

Subject to division (J)(2) of this section and regardless of 1011
whether a protection order is issued or a consent agreement is 1012
approved by a court of another county or by a court of another 1013
state, no court or unit of state or local government shall charge 1014
the petitioner any fee, cost, deposit, or money in connection with 1015
the filing of a petition pursuant to this section, in connection 1016
with the filing, issuance, registration, modification, 1017
enforcement, dismissal, withdrawal, or service of a protection 1018
order ~~or,~~ consent agreement, or witness subpoena or for obtaining 1019
a certified copy of a protection order or consent agreement. 1020

(2) Regardless of whether a protection order is issued or a 1021
consent agreement is approved pursuant to this section, the court 1022
may assess costs against the respondent in connection with the 1023
filing, issuance, registration, modification, enforcement, 1024
dismissal, withdrawal, or service of a protection order, consent 1025
agreement, or witness subpoena or for obtaining a certified copy 1026
of a protection order or consent agreement. 1027

(K)(1) A person who violates a protection order issued under 1028
this section is subject to the following sanctions: 1029

(a) Criminal prosecution for a violation of section 2919.27 1030
of the Revised Code, if the violation of the protection order 1031
constitutes a violation of that section; 1032

(b) Punishment for contempt of court. 1033

(2) The punishment of a person for contempt of court for 1034
violation of a protection order issued under this section does not 1035
bar criminal prosecution of the person for a violation of section 1036
2919.27 of the Revised Code. However, a person punished for 1037
contempt of court is entitled to credit for the punishment imposed 1038
upon conviction of a violation of that section, and a person 1039
convicted of a violation of that section shall not subsequently be 1040
punished for contempt of court arising out of the same activity. 1041

(L) In all stages of a proceeding under this section, a 1042
petitioner may be accompanied by a victim advocate. 1043

(M)(1) A petitioner who obtains a protection order under this 1044
section or a protection order under section 2903.213 of the 1045
Revised Code may provide notice of the issuance or approval of the 1046
order to the judicial and law enforcement officials in any county 1047
other than the county in which the order is issued by registering 1048
that order in the other county pursuant to division (M)(2) of this 1049
section and filing a copy of the registered order with a law 1050
enforcement agency in the other county in accordance with that 1051
division. A person who obtains a protection order issued by a 1052
court of another state may provide notice of the issuance of the 1053
order to the judicial and law enforcement officials in any county 1054
of this state by registering the order in that county pursuant to 1055
section 2919.272 of the Revised Code and filing a copy of the 1056
registered order with a law enforcement agency in that county. 1057

(2) A petitioner may register a protection order issued 1058
pursuant to this section or section 2903.213 of the Revised Code 1059
in a county other than the county in which the court that issued 1060
the order is located in the following manner: 1061

(a) The petitioner shall obtain a certified copy of the order 1062
from the clerk of the court that issued the order and present that 1063
certified copy to the clerk of the court of common pleas or the 1064
clerk of a municipal court or county court in the county in which 1065
the order is to be registered. 1066

(b) Upon accepting the certified copy of the order for 1067
registration, the clerk of the court of common pleas, municipal 1068
court, or county court shall place an endorsement of registration 1069
on the order and give the petitioner a copy of the order that 1070
bears that proof of registration. 1071

(3) The clerk of each court of common pleas, municipal court, 1072

or county court shall maintain a registry of certified copies of 1073
protection orders that have been issued by courts in other 1074
counties pursuant to this section or section 2903.213 of the 1075
Revised Code and that have been registered with the clerk. 1076

(N)(1) If the court orders electronic monitoring of the 1077
respondent under this section, the court shall direct the 1078
sheriff's office or any other appropriate law enforcement agency 1079
to install the electronic monitoring device and to monitor the 1080
respondent. Unless the court determines that the respondent is 1081
indigent, the court shall order the respondent to pay the cost of 1082
the installation and monitoring of the electronic monitoring 1083
device. If the court determines that the respondent is indigent 1084
and subject to the maximum amount allowable to be paid in any year 1085
from the fund and the rules promulgated by the attorney general 1086
under division (N)(2) of this section, the cost of the 1087
installation and monitoring of the electronic monitoring device 1088
may be paid out of funds from the reparations fund created 1089
pursuant to section 2743.191 of the Revised Code. The total amount 1090
of costs for the installation and monitoring of electronic 1091
monitoring devices paid pursuant to this division and sections 1092
2151.34 and 2919.27 of the Revised Code from the reparations fund 1093
shall not exceed three hundred thousand dollars per year. 1094

(2) The attorney general may promulgate rules pursuant to 1095
section 111.15 of the Revised Code to govern payments made from 1096
the reparations fund pursuant to this division and sections 1097
2151.34 and 2919.27 of the Revised Code. The rules may include 1098
reasonable limits on the total cost paid pursuant to this division 1099
and sections 2151.34 and 2919.27 of the Revised Code per 1100
respondent, the amount of the three hundred thousand dollars 1101
allocated to each county, and how invoices may be submitted by a 1102
county, court, or other entity. 1103

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 1104
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1105
2911.211 of the Revised Code if the alleged victim of the 1106
violation was a family or household member at the time of the 1107
violation, a violation of a municipal ordinance that is 1108
substantially similar to any of those sections if the alleged 1109
victim of the violation was a family or household member at the 1110
time of the violation, any offense of violence if the alleged 1111
victim of the offense was a family or household member at the time 1112
of the commission of the offense, or any sexually oriented offense 1113
if the alleged victim of the offense was a family or household 1114
member at the time of the commission of the offense, the 1115
complainant, the alleged victim, or a family or household member 1116
of an alleged victim may file, or, if in an emergency the alleged 1117
victim is unable to file, a person who made an arrest for the 1118
alleged violation or offense under section 2935.03 of the Revised 1119
Code may file on behalf of the alleged victim, a motion that 1120
requests the issuance of a temporary protection order as a 1121
pretrial condition of release of the alleged offender, in addition 1122
to any bail set under Criminal Rule 46. The motion shall be filed 1123
with the clerk of the court that has jurisdiction of the case at 1124
any time after the filing of the complaint. 1125

(2) For purposes of section 2930.09 of the Revised Code, all 1126
stages of a proceeding arising out of a complaint alleging the 1127
commission of a violation, offense of violence, or sexually 1128
oriented offense described in division (A)(1) of this section, 1129
including all proceedings on a motion for a temporary protection 1130
order, are critical stages of the case, and a victim may be 1131
accompanied by a victim advocate or another person to provide 1132
support to the victim as provided in that section. 1133

(B) The motion shall be prepared on a form that is provided 1134
by the clerk of the court, which form shall be substantially as 1135

follows:	1136
"MOTION FOR TEMPORARY PROTECTION ORDER	1137
..... Court	1138
Name and address of court	1139
State of Ohio	1140
v.	No. 1141
.....	1142
Name of Defendant	1143
(name of person), moves the court to issue a temporary protection	1144
order containing terms designed to ensure the safety and	1145
protection of the complainant, alleged victim, and other family or	1146
household members, in relation to the named defendant, pursuant to	1147
its authority to issue such an order under section 2919.26 of the	1148
Revised Code.	1149
A complaint, a copy of which has been attached to this	1150
motion, has been filed in this court charging the named defendant	1151
with (name of the specified violation,	1152
the offense of violence, or sexually oriented offense charged) in	1153
circumstances in which the victim was a family or household member	1154
in violation of (section of the Revised Code designating the	1155
specified violation, offense of violence, or sexually oriented	1156
offense charged), or charging the named defendant with a violation	1157
of a municipal ordinance that is substantially similar to	1158
..... (section of the Revised Code designating	1159
the specified violation, offense of violence, or sexually oriented	1160
offense charged) involving a family or household member.	1161
I understand that I must appear before the court, at a time	1162
set by the court within twenty-four hours after the filing of this	1163
motion, for a hearing on the motion or that, if I am unable to	1164
appear because of hospitalization or a medical condition resulting	1165
from the offense alleged in the complaint, a person who can	1166

provide information about my need for a temporary protection order 1167
must appear before the court in lieu of my appearing in court. I 1168
understand that any temporary protection order granted pursuant to 1169
this motion is a pretrial condition of release and is effective 1170
only until the disposition of the criminal proceeding arising out 1171
of the attached complaint, or the issuance of a civil protection 1172
order or the approval of a consent agreement, arising out of the 1173
same activities as those that were the basis of the complaint, 1174
under section 3113.31 of the Revised Code. 1175

..... 1176

Signature of person 1177

(or signature of the arresting officer who filed the motion on 1178
behalf of the alleged victim) 1179

..... 1180

Address of person (or office address of the arresting officer who 1181
filed the motion on behalf of the alleged victim)" 1182

(C)(1) As soon as possible after the filing of a motion that 1183
requests the issuance of a temporary protection order, but not 1184
later than twenty-four hours after the filing of the motion, the 1185
court shall conduct a hearing to determine whether to issue the 1186
order. The person who requested the order shall appear before the 1187
court and provide the court with the information that it requests 1188
concerning the basis of the motion. If the person who requested 1189
the order is unable to appear and if the court finds that the 1190
failure to appear is because of the person's hospitalization or 1191
medical condition resulting from the offense alleged in the 1192
complaint, another person who is able to provide the court with 1193
the information it requests may appear in lieu of the person who 1194
requested the order. If the court finds that the safety and 1195
protection of the complainant, alleged victim, or any other family 1196
or household member of the alleged victim may be impaired by the 1197

continued presence of the alleged offender, the court may issue a 1198
temporary protection order, as a pretrial condition of release, 1199
that contains terms designed to ensure the safety and protection 1200
of the complainant, alleged victim, or the family or household 1201
member, including a requirement that the alleged offender refrain 1202
from entering the residence, school, business, or place of 1203
employment of the complainant, alleged victim, or the family or 1204
household member. 1205

(2)(a) If the court issues a temporary protection order that 1206
includes a requirement that the alleged offender refrain from 1207
entering the residence, school, business, or place of employment 1208
of the complainant, the alleged victim, or the family or household 1209
member, the order shall state clearly that the order cannot be 1210
waived or nullified by an invitation to the alleged offender from 1211
the complainant, alleged victim, or family or household member to 1212
enter the residence, school, business, or place of employment or 1213
by the alleged offender's entry into one of those places otherwise 1214
upon the consent of the complainant, alleged victim, or family or 1215
household member. 1216

(b) Division (C)(2)(a) of this section does not limit any 1217
discretion of a court to determine that an alleged offender 1218
charged with a violation of section 2919.27 of the Revised Code, 1219
with a violation of a municipal ordinance substantially equivalent 1220
to that section, or with contempt of court, which charge is based 1221
on an alleged violation of a temporary protection order issued 1222
under this section, did not commit the violation or was not in 1223
contempt of court. 1224

(D)(1) Upon the filing of a complaint that alleges a 1225
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1226
Revised Code if the alleged victim of the violation was a family 1227
or household member at the time of the violation, a violation of a 1228
municipal ordinance that is substantially similar to any of those 1229

sections if the alleged victim of the violation was a family or 1230
household member at the time of the violation, any offense of 1231
violence if the alleged victim of the offense was a family or 1232
household member at the time of the commission of the offense, or 1233
any sexually oriented offense if the alleged victim of the offense 1234
was a family or household member at the time of the commission of 1235
the offense, the court, upon its own motion, may issue a temporary 1236
protection order as a pretrial condition of release if it finds 1237
that the safety and protection of the complainant, alleged victim, 1238
or other family or household member of the alleged offender may be 1239
impaired by the continued presence of the alleged offender. 1240

(2) If the court issues a temporary protection order under 1241
this section as an ex parte order, it shall conduct, as soon as 1242
possible after the issuance of the order, a hearing in the 1243
presence of the alleged offender not later than the next day on 1244
which the court is scheduled to conduct business after the day on 1245
which the alleged offender was arrested or at the time of the 1246
appearance of the alleged offender pursuant to summons to 1247
determine whether the order should remain in effect, be modified, 1248
or be revoked. The hearing shall be conducted under the standards 1249
set forth in division (C) of this section. 1250

(3) An order issued under this section shall contain only 1251
those terms authorized in orders issued under division (C) of this 1252
section. 1253

(4) If a municipal court or a county court issues a temporary 1254
protection order under this section and if, subsequent to the 1255
issuance of the order, the alleged offender who is the subject of 1256
the order is bound over to the court of common pleas for 1257
prosecution of a felony arising out of the same activities as 1258
those that were the basis of the complaint upon which the order is 1259
based, notwithstanding the fact that the order was issued by a 1260
municipal court or county court, the order shall remain in effect, 1261

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

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

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

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

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

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

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

trial of the alleged offender on the complaint upon which the 1293
order is based. 1294

(F) A person who meets the criteria for bail under Criminal 1295
Rule 46 and who, if required to do so pursuant to that rule, 1296
executes or posts bond or deposits cash or securities as bail, 1297
shall not be held in custody pending a hearing before the court on 1298
a motion requesting a temporary protection order. 1299

(G)(1) A copy of any temporary protection order that is 1300
issued under this section shall be issued by the court to the 1301
complainant, to the alleged victim, to the person who requested 1302
the order, to the defendant, and to all law enforcement agencies 1303
that have jurisdiction to enforce the order. The court shall 1304
direct that a copy of the order be delivered to the defendant on 1305
the same day that the order is entered. If a municipal court or a 1306
county court issues a temporary protection order under this 1307
section and if, subsequent to the issuance of the order, the 1308
defendant who is the subject of the order is bound over to the 1309
court of common pleas for prosecution as described in division 1310
(D)(4) of this section, the municipal court or county court shall 1311
direct that a copy of the order be delivered to the court of 1312
common pleas to which the defendant is bound over. 1313

(2) Upon the issuance of a protection order under this 1314
section, the court shall provide the parties to the order with the 1315
following notice orally or by form: 1316

"NOTICE 1317

As a result of this protection order, it may be unlawful for 1318
you to possess or purchase a firearm, including a rifle, pistol, 1319
or revolver, or ammunition pursuant to federal law under 18 U.S.C. 1320
922(g)(8). If you have any questions whether this law makes it 1321
illegal for you to possess or purchase a firearm or ammunition, 1322
you should consult an attorney." 1323

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

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

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

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

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

(2) If a complaint is filed that alleges that a person committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section, the

court may not issue a temporary protection order under this 1355
section that requires the complainant, the alleged victim, or 1356
another family or household member of the defendant to do or 1357
refrain from doing an act that the court may require the defendant 1358
to do or refrain from doing under a temporary protection order 1359
unless both of the following apply: 1360

(a) The defendant has filed a separate complaint that alleges 1361
that the complainant, alleged victim, or other family or household 1362
member in question who would be required under the order to do or 1363
refrain from doing the act committed a violation or offense of 1364
violence of the type described in division (A) of this section. 1365

(b) The court determines that both the complainant, alleged 1366
victim, or other family or household member in question who would 1367
be required under the order to do or refrain from doing the act 1368
and the defendant acted primarily as aggressors, that neither the 1369
complainant, alleged victim, or other family or household member 1370
in question who would be required under the order to do or refrain 1371
from doing the act nor the defendant acted primarily in 1372
self-defense, and, in accordance with the standards and criteria 1373
of this section as applied in relation to the separate complaint 1374
filed by the defendant, that it should issue the order to require 1375
the complainant, alleged victim, or other family or household 1376
member in question to do or refrain from doing the act. 1377

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 1378
Subject to division (J)(2) of this section and regardless of 1379
whether a protection order is issued or a consent agreement is 1380
approved by a court of another county or a court of another state, 1381
no court or unit of state or local government shall charge the 1382
movant any fee, cost, deposit, or money in connection with the 1383
filing of a motion pursuant to this section, in connection with 1384
the filing, issuance, registration, modification, enforcement, 1385
dismissal, withdrawal, or service of a protection order ~~or,~~ 1386

consent agreement, or witness subpoena or for obtaining a 1387
certified copy of a protection order or consent agreement. 1388

(2) Regardless of whether a protection order is issued or a 1389
consent agreement is approved pursuant to this section, if the 1390
defendant is convicted the court may assess costs against the 1391
defendant in connection with the filing, issuance, registration, 1392
modification, enforcement, dismissal, withdrawal, or service of a 1393
protection order, consent agreement, or witness subpoena or for 1394
obtaining a certified copy of a protection order or consent 1395
agreement. 1396

(K) As used in this section: 1397

(1) "Sexually oriented offense" has the same meaning as in 1398
section 2950.01 of the Revised Code. 1399

(2) "Victim advocate" means a person who provides support and 1400
assistance for a victim of an offense during court proceedings. 1401

Sec. 2919.272. (A) As used in this section, "protection order 1402
issued by a court of another state" has the same meaning as in 1403
section 2919.27 of the Revised Code. 1404

(B) A person who has obtained a protection order issued by a 1405
court of another state may provide notice of the issuance of the 1406
order to judicial and law enforcement officials in any county of 1407
this state by registering the order in that county and filing a 1408
copy of the registered order with a law enforcement agency in that 1409
county. To register the order, the person shall obtain a certified 1410
copy of the order from the clerk of the court that issued the 1411
order and present that certified copy to the clerk of the court of 1412
common pleas or the clerk of a municipal court or county court in 1413
the county in which the order is to be registered. Upon accepting 1414
the certified copy of the order for registration, the clerk shall 1415
place an endorsement of registration on the order and give the 1416

person a copy of the order that bears proof of registration. The 1417
person then may file with a law enforcement agency in that county 1418
a copy of the order that bears proof of registration. 1419

(C) The clerk of each court of common pleas and the clerk of 1420
each municipal court and county court shall maintain a registry of 1421
certified copies of protection orders issued by courts of another 1422
state that have been registered with the clerk. Each law 1423
enforcement agency shall establish and maintain a registry for 1424
protection orders delivered to the agency pursuant to this 1425
section. The agency shall note in the registry the date and time 1426
that the agency received an order. 1427

(D) An officer of a law enforcement agency shall enforce a 1428
protection order issued by a court of another state in accordance 1429
with the provisions of the order, including removing the person 1430
allegedly violating the order from the premises, regardless of 1431
whether the order is registered as authorized by division (B) of 1432
this section in the county in which the officer's agency has 1433
jurisdiction. 1434

(E) ~~Notwithstanding any provision of law to the contrary (1)~~ 1435
Subject to division (E)(2) of this section and regardless of 1436
whether a protection order is issued or a consent agreement is 1437
approved by a court of another county or a court of another state, 1438
no court or unit of state or local government shall charge a 1439
person who registers and files an order any fee, cost, deposit, or 1440
money in connection with the filing, issuance, registration, 1441
modification, enforcement, dismissal, withdrawal, or service of a 1442
protection order ~~or~~, consent agreement, or witness subpoena or for 1443
obtaining a certified copy of a protection order or consent 1444
agreement, including a protection order issued by a court of 1445
another state. 1446

(2) Regardless of whether a protection order is issued or a 1447
consent agreement is approved pursuant to this section, the court 1448

may assess costs against the person who is subject to a registered 1449
and filed order in connection with the filing, issuance, 1450
registration, modification, enforcement, dismissal, withdrawal, or 1451
service of a protection order, consent agreement, or witness 1452
subpoena or for obtaining a certified copy of a protection order 1453
or consent agreement. 1454

Sec. 3113.31. (A) As used in this section: 1455

(1) "Domestic violence" means the occurrence of one or more 1456
of the following acts against a family or household member: 1457

(a) Attempting to cause or recklessly causing bodily injury; 1458

(b) Placing another person by the threat of force in fear of 1459
imminent serious physical harm or committing a violation of 1460
section 2903.211 or 2911.211 of the Revised Code; 1461

(c) Committing any act with respect to a child that would 1462
result in the child being an abused child, as defined in section 1463
2151.031 of the Revised Code; 1464

(d) Committing a sexually oriented offense. 1465

(2) "Court" means the domestic relations division of the 1466
court of common pleas in counties that have a domestic relations 1467
division and the court of common pleas in counties that do not 1468
have a domestic relations division, or the juvenile division of 1469
the court of common pleas of the county in which the person to be 1470
protected by a protection order issued or a consent agreement 1471
approved under this section resides if the respondent is less than 1472
eighteen years of age. 1473

(3) "Family or household member" means any of the following: 1474

(a) Any of the following who is residing with or has resided 1475
with the respondent: 1476

(i) A spouse, a person living as a spouse, or a former spouse 1477

of the respondent; 1478

(ii) A parent, a foster parent, or a child of the respondent, 1479
or another person related by consanguinity or affinity to the 1480
respondent; 1481

(iii) A parent or a child of a spouse, person living as a 1482
spouse, or former spouse of the respondent, or another person 1483
related by consanguinity or affinity to a spouse, person living as 1484
a spouse, or former spouse of the respondent. 1485

(b) The natural parent of any child of whom the respondent is 1486
the other natural parent or is the putative other natural parent. 1487

(4) "Person living as a spouse" means a person who is living 1488
or has lived with the respondent in a common law marital 1489
relationship, who otherwise is cohabiting with the respondent, or 1490
who otherwise has cohabited with the respondent within five years 1491
prior to the date of the alleged occurrence of the act in 1492
question. 1493

(5) "Victim advocate" means a person who provides support and 1494
assistance for a person who files a petition under this section. 1495

(6) "Sexually oriented offense" has the same meaning as in 1496
section 2950.01 of the Revised Code. 1497

(B) The court has jurisdiction over all proceedings under 1498
this section. The petitioner's right to relief under this section 1499
is not affected by the petitioner's leaving the residence or 1500
household to avoid further domestic violence. 1501

(C) A person may seek relief under this section on the 1502
person's own behalf, or any parent or adult household member may 1503
seek relief under this section on behalf of any other family or 1504
household member, by filing a petition with the court. The 1505
petition shall contain or state: 1506

(1) An allegation that the respondent engaged in domestic 1507

violence against a family or household member of the respondent, 1508
including a description of the nature and extent of the domestic 1509
violence; 1510

(2) The relationship of the respondent to the petitioner, and 1511
to the victim if other than the petitioner; 1512

(3) A request for relief under this section. 1513

(D)(1) If a person who files a petition pursuant to this 1514
section requests an ex parte order, the court shall hold an ex 1515
parte hearing on the same day that the petition is filed. The 1516
court, for good cause shown at the ex parte hearing, may enter any 1517
temporary orders, with or without bond, including, but not limited 1518
to, an order described in division (E)(1)(a), (b), or (c) of this 1519
section, that the court finds necessary to protect the family or 1520
household member from domestic violence. Immediate and present 1521
danger of domestic violence to the family or household member 1522
constitutes good cause for purposes of this section. Immediate and 1523
present danger includes, but is not limited to, situations in 1524
which the respondent has threatened the family or household member 1525
with bodily harm, in which the respondent has threatened the 1526
family or household member with a sexually oriented offense, or in 1527
which the respondent previously has been convicted of, pleaded 1528
guilty to, or been adjudicated a delinquent child for an offense 1529
that constitutes domestic violence against the family or household 1530
member. 1531

(2)(a) If the court, after an ex parte hearing, issues an 1532
order described in division (E)(1)(b) or (c) of this section, the 1533
court shall schedule a full hearing for a date that is within 1534
seven court days after the ex parte hearing. If any other type of 1535
protection order that is authorized under division (E) of this 1536
section is issued by the court after an ex parte hearing, the 1537
court shall schedule a full hearing for a date that is within ten 1538
court days after the ex parte hearing. The court shall give the 1539

respondent notice of, and an opportunity to be heard at, the full 1540
hearing. The court shall hold the full hearing on the date 1541
scheduled under this division unless the court grants a 1542
continuance of the hearing in accordance with this division. Under 1543
any of the following circumstances or for any of the following 1544
reasons, the court may grant a continuance of the full hearing to 1545
a reasonable time determined by the court: 1546

(i) Prior to the date scheduled for the full hearing under 1547
this division, the respondent has not been served with the 1548
petition filed pursuant to this section and notice of the full 1549
hearing. 1550

(ii) The parties consent to the continuance. 1551

(iii) The continuance is needed to allow a party to obtain 1552
counsel. 1553

(iv) The continuance is needed for other good cause. 1554

(b) An ex parte order issued under this section does not 1555
expire because of a failure to serve notice of the full hearing 1556
upon the respondent before the date set for the full hearing under 1557
division (D)(2)(a) of this section or because the court grants a 1558
continuance under that division. 1559

(3) If a person who files a petition pursuant to this section 1560
does not request an ex parte order, or if a person requests an ex 1561
parte order but the court does not issue an ex parte order after 1562
an ex parte hearing, the court shall proceed as in a normal civil 1563
action and grant a full hearing on the matter. 1564

(E)(1) After an ex parte or full hearing, the court may grant 1565
any protection order, with or without bond, or approve any consent 1566
agreement to bring about a cessation of domestic violence against 1567
the family or household members. The order or agreement may: 1568

(a) Direct the respondent to refrain from abusing or from 1569

committing sexually oriented offenses against the family or 1570
household members; 1571

(b) Grant possession of the residence or household to the 1572
petitioner or other family or household member, to the exclusion 1573
of the respondent, by evicting the respondent, when the residence 1574
or household is owned or leased solely by the petitioner or other 1575
family or household member, or by ordering the respondent to 1576
vacate the premises, when the residence or household is jointly 1577
owned or leased by the respondent, and the petitioner or other 1578
family or household member; 1579

(c) When the respondent has a duty to support the petitioner 1580
or other family or household member living in the residence or 1581
household and the respondent is the sole owner or lessee of the 1582
residence or household, grant possession of the residence or 1583
household to the petitioner or other family or household member, 1584
to the exclusion of the respondent, by ordering the respondent to 1585
vacate the premises, or, in the case of a consent agreement, allow 1586
the respondent to provide suitable, alternative housing; 1587

(d) Temporarily allocate parental rights and responsibilities 1588
for the care of, or establish temporary parenting time rights with 1589
regard to, minor children, if no other court has determined, or is 1590
determining, the allocation of parental rights and 1591
responsibilities for the minor children or parenting time rights; 1592

(e) Require the respondent to maintain support, if the 1593
respondent customarily provides for or contributes to the support 1594
of the family or household member, or if the respondent has a duty 1595
to support the petitioner or family or household member; 1596

(f) Require the respondent, petitioner, victim of domestic 1597
violence, or any combination of those persons, to seek counseling; 1598

(g) Require the respondent to refrain from entering the 1599
residence, school, business, or place of employment of the 1600

petitioner or family or household member; 1601

(h) Grant other relief that the court considers equitable and 1602
fair, including, but not limited to, ordering the respondent to 1603
permit the use of a motor vehicle by the petitioner or other 1604
family or household member and the apportionment of household and 1605
family personal property. 1606

(2) If a protection order has been issued pursuant to this 1607
section in a prior action involving the respondent and the 1608
petitioner or one or more of the family or household members or 1609
victims, the court may include in a protection order that it 1610
issues a prohibition against the respondent returning to the 1611
residence or household. If it includes a prohibition against the 1612
respondent returning to the residence or household in the order, 1613
it also shall include in the order provisions of the type 1614
described in division (E)(7) of this section. This division does 1615
not preclude the court from including in a protection order or 1616
consent agreement, in circumstances other than those described in 1617
this division, a requirement that the respondent be evicted from 1618
or vacate the residence or household or refrain from entering the 1619
residence, school, business, or place of employment of the 1620
petitioner or a family or household member, and, if the court 1621
includes any requirement of that type in an order or agreement, 1622
the court also shall include in the order provisions of the type 1623
described in division (E)(7) of this section. 1624

(3)(a) Any protection order issued or consent agreement 1625
approved under this section shall be valid until a date certain, 1626
but not later than five years from the date of its issuance or 1627
approval, or not later than the date a respondent who is less than 1628
eighteen years of age attains nineteen years of age, unless 1629
modified or terminated as provided in division (E)(8) of this 1630
section. 1631

(b) Subject to the limitation on the duration of an order or 1632

agreement set forth in division (E)(3)(a) of this section, any 1633
order under division (E)(1)(d) of this section shall terminate on 1634
the date that a court in an action for divorce, dissolution of 1635
marriage, or legal separation brought by the petitioner or 1636
respondent issues an order allocating parental rights and 1637
responsibilities for the care of children or on the date that a 1638
juvenile court in an action brought by the petitioner or 1639
respondent issues an order awarding legal custody of minor 1640
children. Subject to the limitation on the duration of an order or 1641
agreement set forth in division (E)(3)(a) of this section, any 1642
order under division (E)(1)(e) of this section shall terminate on 1643
the date that a court in an action for divorce, dissolution of 1644
marriage, or legal separation brought by the petitioner or 1645
respondent issues a support order or on the date that a juvenile 1646
court in an action brought by the petitioner or respondent issues 1647
a support order. 1648

(c) Any protection order issued or consent agreement approved 1649
pursuant to this section may be renewed in the same manner as the 1650
original order or agreement was issued or approved. 1651

(4) A court may not issue a protection order that requires a 1652
petitioner to do or to refrain from doing an act that the court 1653
may require a respondent to do or to refrain from doing under 1654
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1655
section unless all of the following apply: 1656

(a) The respondent files a separate petition for a protection 1657
order in accordance with this section. 1658

(b) The petitioner is served notice of the respondent's 1659
petition at least forty-eight hours before the court holds a 1660
hearing with respect to the respondent's petition, or the 1661
petitioner waives the right to receive this notice. 1662

(c) If the petitioner has requested an ex parte order 1663

pursuant to division (D) of this section, the court does not delay 1664
any hearing required by that division beyond the time specified in 1665
that division in order to consolidate the hearing with a hearing 1666
on the petition filed by the respondent. 1667

(d) After a full hearing at which the respondent presents 1668
evidence in support of the request for a protection order and the 1669
petitioner is afforded an opportunity to defend against that 1670
evidence, the court determines that the petitioner has committed 1671
an act of domestic violence or has violated a temporary protection 1672
order issued pursuant to section 2919.26 of the Revised Code, that 1673
both the petitioner and the respondent acted primarily as 1674
aggressors, and that neither the petitioner nor the respondent 1675
acted primarily in self-defense. 1676

(5) No protection order issued or consent agreement approved 1677
under this section shall in any manner affect title to any real 1678
property. 1679

(6)(a) If a petitioner, or the child of a petitioner, who 1680
obtains a protection order or consent agreement pursuant to 1681
division (E)(1) of this section or a temporary protection order 1682
pursuant to section 2919.26 of the Revised Code and is the subject 1683
of a parenting time order issued pursuant to section 3109.051 or 1684
3109.12 of the Revised Code or a visitation or companionship order 1685
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 1686
Revised Code or division (E)(1)(d) of this section granting 1687
parenting time rights to the respondent, the court may require the 1688
public children services agency of the county in which the court 1689
is located to provide supervision of the respondent's exercise of 1690
parenting time or visitation or companionship rights with respect 1691
to the child for a period not to exceed nine months, if the court 1692
makes the following findings of fact: 1693

(i) The child is in danger from the respondent; 1694

(ii) No other person or agency is available to provide the supervision. 1695
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(b) A court that requires an agency to provide supervision pursuant to division (E)(6)(a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost. 1697
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(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member. 1702
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(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court. 1713
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(8)(a) The court may modify or terminate as provided in division (E)(8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved the consent agreement shall hear a motion for modification or termination of the protection order or consent agreement pursuant to division 1721
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(E)(8) of this section. 1727

(b) Either the petitioner or the respondent of the original 1728
protection order or consent agreement may bring a motion for 1729
modification or termination of a protection order or consent 1730
agreement that was issued or approved after a full hearing. The 1731
court shall require notice of the motion to be made as provided by 1732
the Rules of Civil Procedure. If the petitioner for the original 1733
protection order or consent agreement has requested that the 1734
petitioner's address be kept confidential, the court shall not 1735
disclose the address to the respondent of the original protection 1736
order or consent agreement or any other person, except as 1737
otherwise required by law. The moving party has the burden of 1738
proof to show, by a preponderance of the evidence, that 1739
modification or termination of the protection order or consent 1740
agreement is appropriate because either the protection order or 1741
consent agreement is no longer needed or because the terms of the 1742
original protection order or consent agreement are no longer 1743
appropriate. 1744

(c) In considering whether to modify or terminate a 1745
protection order or consent agreement issued or approved under 1746
this section, the court shall consider all relevant factors, 1747
including, but not limited to, the following: 1748

(i) Whether the petitioner consents to modification or 1749
termination of the protection order or consent agreement; 1750

(ii) Whether the petitioner fears the respondent; 1751

(iii) The current nature of the relationship between the 1752
petitioner and the respondent; 1753

(iv) The circumstances of the petitioner and respondent, 1754
including the relative proximity of the petitioner's and 1755
respondent's workplaces and residences and whether the petitioner 1756
and respondent have minor children together; 1757

(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	1758 1759
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	1760 1761
(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;	1762 1763 1764 1765
(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;	1766 1767 1768 1769 1770
(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;	1771 1772 1773 1774
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	1775 1776
(xi) The age and health of the respondent;	1777
(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.	1778 1779 1780 1781
(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	1782 1783 1784 1785 1786 1787

county other than the county in which the order or agreement is 1788
modified or terminated as provided in division (N) of this 1789
section. 1790

(e) If the respondent moves for modification or termination 1791
of a protection order or consent agreement pursuant to this 1792
section and the court denies the motion, the court may assess 1793
costs against the respondent for the filing of the motion. 1794

(9) Any protection order issued or any consent agreement 1795
approved pursuant to this section shall include a provision that 1796
the court will automatically seal all of the records of the 1797
proceeding in which the order is issued or agreement approved on 1798
the date the respondent attains the age of nineteen years unless 1799
the petitioner provides the court with evidence that the 1800
respondent has not complied with all of the terms of the 1801
protection order or consent agreement. The protection order or 1802
consent agreement shall specify the date when the respondent 1803
attains the age of nineteen years. 1804

(F)(1) A copy of any protection order, or consent agreement, 1805
that is issued, approved, modified, or terminated under this 1806
section shall be issued by the court to the petitioner, to the 1807
respondent, and to all law enforcement agencies that have 1808
jurisdiction to enforce the order or agreement. The court shall 1809
direct that a copy of an order be delivered to the respondent on 1810
the same day that the order is entered. 1811

(2) Upon the issuance of a protection order or the approval 1812
of a consent agreement under this section, the court shall provide 1813
the parties to the order or agreement with the following notice 1814
orally or by form: 1815

"NOTICE 1816

As a result of this order or consent agreement, it may be 1817
unlawful for you to possess or purchase a firearm, including a 1818

rifle, pistol, or revolver, or ammunition pursuant to federal law 1819
under 18 U.S.C. 922(g)(8). If you have any questions whether this 1820
law makes it illegal for you to possess or purchase a firearm or 1821
ammunition, you should consult an attorney." 1822

(3) All law enforcement agencies shall establish and maintain 1823
an index for the protection orders and the approved consent 1824
agreements delivered to the agencies pursuant to division (F)(1) 1825
of this section. With respect to each order and consent agreement 1826
delivered, each agency shall note on the index the date and time 1827
that it received the order or consent agreement. 1828

(4) Regardless of whether the petitioner has registered the 1829
order or agreement in the county in which the officer's agency has 1830
jurisdiction pursuant to division (N) of this section, any officer 1831
of a law enforcement agency shall enforce a protection order 1832
issued or consent agreement approved by any court in this state in 1833
accordance with the provisions of the order or agreement, 1834
including removing the respondent from the premises, if 1835
appropriate. 1836

(G) Any proceeding under this section shall be conducted in 1837
accordance with the Rules of Civil Procedure, except that an order 1838
under this section may be obtained with or without bond. An order 1839
issued under this section, other than an ex parte order, that 1840
grants a protection order or approves a consent agreement, that 1841
refuses to grant a protection order or approve a consent agreement 1842
that modifies or terminates a protection order or consent 1843
agreement, or that refuses to modify or terminate a protection 1844
order or consent agreement, is a final, appealable order. The 1845
remedies and procedures provided in this section are in addition 1846
to, and not in lieu of, any other available civil or criminal 1847
remedies. 1848

(H) The filing of proceedings under this section does not 1849
excuse a person from filing any report or giving any notice 1850

required by section 2151.421 of the Revised Code or by any other 1851
law. When a petition under this section alleges domestic violence 1852
against minor children, the court shall report the fact, or cause 1853
reports to be made, to a county, township, or municipal peace 1854
officer under section 2151.421 of the Revised Code. 1855

(I) Any law enforcement agency that investigates a domestic 1856
dispute shall provide information to the family or household 1857
members involved regarding the relief available under this section 1858
and section 2919.26 of the Revised Code. 1859

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 1860
Subject to divisions (E)(8)(e) and (J)(2) of this section and 1861
regardless of whether a protection order is issued or a consent 1862
agreement is approved by a court of another county or a court of 1863
another state, no court or unit of state or local government shall 1864
charge the petitioner any fee, cost, deposit, or money in 1865
connection with the filing of a petition pursuant to this section 1866
or in connection with the filing, issuance, registration, 1867
modification, enforcement, dismissal, withdrawal, or service of a 1868
protection order ~~or~~, consent agreement, or witness subpoena or for 1869
obtaining a certified copy of a protection order or consent 1870
agreement. 1871

(2) Regardless of whether a protection order is issued or a 1872
consent agreement is approved pursuant to this section, the court 1873
may assess costs against the respondent in connection with the 1874
filing, issuance, registration, modification, enforcement, 1875
dismissal, withdrawal, or service of a protection order, consent 1876
agreement, or witness subpoena or for obtaining a certified copy 1877
of a protection order or consent agreement. 1878

(K)(1) The court shall comply with Chapters 3119., 3121., 1879
3123., and 3125. of the Revised Code when it makes or modifies an 1880
order for child support under this section. 1881

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

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

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

(b) Punishment for contempt of court.

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

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

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N)(2) of this section and filing a copy of the registered order or registered agreement 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 temporary protection order, protection order, or consent agreement in a county other than the county in which the court that issued the order or approved the agreement is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order or agreement from the clerk of the court that issued the order or approved the agreement 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 or agreement is to be registered.

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

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

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

Section 2. That existing sections 2151.34, 2301.14, 2303.201, 2311.14, 2335.09, 2335.11, 2903.213, 2903.214, 2919.26, 2919.272, and 3113.31 of the Revised Code are hereby repealed.