

CORRECTED VERSION
As Reported by the House Judiciary Committee

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Sub. H. B. No. 309

Representatives Pelanda, Antonio

**Cosponsors: Representatives Ruhl, Barborak, Gonzales, Ramos, Sheehy,
Maag, Cera, Heard, Lundy, Hagan, R., Fedor, Phillips, Williams, Ashford,
Grossman, Celebrezze, Reece, Scherer, O'Brien, Stinziano**

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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 legislative	6
authority of the court, to eliminate the	7
requirement that a court of common pleas evaluate	8
the qualifications of an interpreter for a	9
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 43
this section. 44

(C)(1) Any of the following persons may seek relief under 45
this section by filing a petition with the court: 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 following:	70 71 72 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	76

appropriate person to receive notice of the filing of the 77
petition. 78

(D)(1) If a person who files a petition pursuant to this 79
section requests an ex parte order, the court shall hold an ex 80
parte hearing as soon as possible after the petition is filed, but 81
not later than the next day after the court is in session after 82
the petition is filed. The court, for good cause shown at the ex 83
parte hearing, may enter any temporary orders, with or without 84
bond, that the court finds necessary for the safety and protection 85
of the person to be protected by the order. Immediate and present 86
danger to the person to be protected by the protection order 87
constitutes good cause for purposes of this section. Immediate and 88
present danger includes, but is not limited to, situations in 89
which the respondent has threatened the person to be protected by 90
the protection order with bodily harm or in which the respondent 91
previously has been convicted of, pleaded guilty to, or been 92
adjudicated a delinquent child for committing a violation of 93
section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 94
2911.211 of the Revised Code, a sexually oriented offense, or a 95
violation of any municipal ordinance that is substantially 96
equivalent to any of those offenses against the person to be 97
protected by the protection order. 98

(2)(a) If the court, after an ex parte hearing, issues a 99
protection order described in division (E) of this section, the 100
court shall schedule a full hearing for a date that is within ten 101
court days after the ex parte hearing. The court shall give the 102
respondent notice of, and an opportunity to be heard at, the full 103
hearing. The court also shall give notice of the full hearing to 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 consent agreement is approved pursuant to this section, the court may assess costs against the respondent in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

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

(a) A delinquent child proceeding or a criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order 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 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.

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

(M)(1) A petitioner who obtains a protection order under this section may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering

that order in the other county pursuant to division (M)(2) of this 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 568
shall pay the interpreter's fees. 569

(D) As used in this section, "mentally retarded person" and 570
"developmentally disabled person" have the same meanings as in 571
section 5123.01 of the Revised Code. 572

Sec. 2335.09. Whenever, in any criminal proceeding or 573
prosecution for the violation of an ordinance, or in a hearing 574
before a coroner, an interpreter is necessary, the judge, 575
magistrate, or coroner may appoint interpreters, who shall receive 576
fees as witnesses in the case or proceeding. Such fees shall be 577
taxed and paid as provided by sections 2335.05 to 2335.08~~7~~ 578
~~inclusive~~, of the Revised Code for other witness fees. If the 579

party taxed with costs is indigent, interpreter's fees shall not 580
be taxed as costs, and the legislative authority of the court 581
shall pay the interpreter's fees. This section shall not apply if, 582
by law, an interpreter is otherwise provided. 583

Sec. 2335.11. In felony cases in which the defendant is 584
convicted, the fees of the various magistrates and their officers, 585
the witness fees, and interpreter's fees shall be inserted in the 586
judgment of conviction and, when collected shall be disbursed by 587
the clerk of the court of common pleas to the persons entitled 588
thereto. In minor state cases, which have come to the court of 589
common pleas through such magistrate's courts, the fees enumerated 590
by this section shall be inserted in the judgment of conviction 591
and, when collected shall be disbursed by the clerk to the persons 592
entitled thereto. In both felonies and minor state cases, such 593
clerk shall pay the witness and interpreter's fees into the county 594
treasury, monthly. 595

If the defendant is indigent, the interpreter's fees shall 596
not be inserted in the judgment of conviction, and the county 597
shall pay the interpreter's fees. 598

In all cases in which recognizances are taken, forfeited, and 599
collected, the amount recovered shall be paid into the county 600
treasury, and if no conviction is had, such costs shall be paid by 601
the county upon the allowance of the county auditor. 602

Sec. 2903.213. (A) Except when the complaint involves a 603
person who is a family or household member as defined in section 604
2919.25 of the Revised Code, upon the filing of a complaint that 605
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 606
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 607
a municipal ordinance substantially similar to section 2903.13, 608
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 609

the commission of a sexually oriented offense, the complainant, 610
the alleged victim, or a family or household member of an alleged 611
victim may file a motion that requests the issuance of a 612
protection order as a pretrial condition of release of the alleged 613
offender, in addition to any bail set under Criminal Rule 46. The 614
motion shall be filed with the clerk of the court that has 615
jurisdiction of the case at any time after the filing of the 616
complaint. If the complaint involves a person who is a family or 617
household member, the complainant, the alleged victim, or the 618
family or household member may file a motion for a temporary 619
protection order pursuant to section 2919.26 of the Revised Code. 620

(B) A motion for a protection order under this section shall 621
be prepared on a form that is provided by the clerk of the court, 622
and the form shall be substantially as follows: 623

"Motion for Protection Order 624
..... 625
Name and address of court 626

State of Ohio 627

v. No. 628

..... 629

Name of Defendant 630

(Name of person), moves the court to issue a protection order 631
containing terms designed to ensure the safety and protection of 632
the complainant or the alleged victim in the above-captioned case, 633
in relation to the named defendant, pursuant to its authority to 634
issue a protection order under section 2903.213 of the Revised 635
Code. 636

A complaint, a copy of which has been attached to this 637
motion, has been filed in this court charging the named defendant 638
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 639
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 640

a municipal ordinance substantially similar to section 2903.13, 641
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 642
the commission of a sexually oriented offense. 643

I understand that I must appear before the court, at a time 644
set by the court not later than the next day that the court is in 645
session after the filing of this motion, for a hearing on the 646
motion, and that any protection order granted pursuant to this 647
motion is a pretrial condition of release and is effective only 648
until the disposition of the criminal proceeding arising out of 649
the attached complaint or until the issuance under section 650
2903.214 of the Revised Code of a protection order arising out of 651
the same activities as those that were the basis of the attached 652
complaint. 653

..... 654

Signature of person 655

..... 656

Address of person" 657

(C)(1) As soon as possible after the filing of a motion that 658
requests the issuance of a protection order under this section, 659
but not later than the next day that the court is in session after 660
the filing of the motion, the court shall conduct a hearing to 661
determine whether to issue the order. The person who requested the 662
order shall appear before the court and provide the court with the 663
information that it requests concerning the basis of the motion. 664
If the court finds that the safety and protection of the 665
complainant or the alleged victim may be impaired by the continued 666
presence of the alleged offender, the court may issue a protection 667
order under this section, as a pretrial condition of release, that 668
contains terms designed to ensure the safety and protection of the 669
complainant or the alleged victim, including a requirement that 670
the alleged offender refrain from entering the residence, school, 671

business, or place of employment of the complainant or the alleged 672
victim. 673

(2)(a) If the court issues a protection order under this 674
section that includes a requirement that the alleged offender 675
refrain from entering the residence, school, business, or place of 676
employment of the complainant or the alleged victim, the order 677
shall clearly state that the order cannot be waived or nullified 678
by an invitation to the alleged offender from the complainant, the 679
alleged victim, or a family or household member to enter the 680
residence, school, business, or place of employment or by the 681
alleged offender's entry into one of those places otherwise upon 682
the consent of the complainant, the alleged victim, or a family or 683
household member. 684

(b) Division (C)(2)(a) of this section does not limit any 685
discretion of a court to determine that an alleged offender 686
charged with a violation of section 2919.27 of the Revised Code, 687
with a violation of a municipal ordinance substantially equivalent 688
to that section, or with contempt of court, which charge is based 689
on an alleged violation of a protection order issued under this 690
section, did not commit the violation or was not in contempt of 691
court. 692

(D)(1) Except when the complaint involves a person who is a 693
family or household member as defined in section 2919.25 of the 694
Revised Code, upon the filing of a complaint that alleges a 695
violation specified in division (A) of this section, the court, 696
upon its own motion, may issue a protection order under this 697
section as a pretrial condition of release of the alleged offender 698
if it finds that the safety and protection of the complainant or 699
the alleged victim may be impaired by the continued presence of 700
the alleged offender. 701

(2) If the court issues a protection order under this section 702
as an ex parte order, it shall conduct, as soon as possible after 703

the issuance of the order but not later than the next day that the court is in session after its issuance, a hearing to determine whether the order should remain in effect, be modified, or be revoked. The hearing shall be conducted under the standards set forth in division (C) of this section.

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

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

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

(2) Is effective only until the disposition, by the court that issued the order or, in the circumstances described in

division (D)(3) of this section, by the court of common pleas to 736
which the alleged offender is bound over for prosecution, of the 737
criminal proceeding arising out of the complaint upon which the 738
order is based or until the issuance under section 2903.214 of the 739
Revised Code of a protection order arising out of the same 740
activities as those that were the basis of the complaint filed 741
under this section; 742

(3) Shall not be construed as a finding that the alleged 743
offender committed the alleged offense and shall not be introduced 744
as evidence of the commission of the offense at the trial of the 745
alleged offender on the complaint upon which the order is based. 746

(F) A person who meets the criteria for bail under Criminal 747
Rule 46 and who, if required to do so pursuant to that rule, 748
executes or posts bond or deposits cash or securities as bail, 749
shall not be held in custody pending a hearing before the court on 750
a motion requesting a protection order under this section. 751

(G)(1) A copy of a protection order that is issued under this 752
section shall be issued by the court to the complainant, to the 753
alleged victim, to the person who requested the order, to the 754
defendant, and to all law enforcement agencies that have 755
jurisdiction to enforce the order. The court shall direct that a 756
copy of the order be delivered to the defendant on the same day 757
that the order is entered. If a municipal court or a county court 758
issues a protection order under this section and if, subsequent to 759
the issuance of the order, the defendant who is the subject of the 760
order is bound over to the court of common pleas for prosecution 761
as described in division (D)(3) of this section, the municipal 762
court or county court shall direct that a copy of the order be 763
delivered to the court of common pleas to which the defendant is 764
bound over. 765

(2) All law enforcement agencies shall establish and maintain 766
an index for the protection orders delivered to the agencies 767

pursuant to division (G)(1) of this section. With respect to each 768
order delivered, each agency shall note on the index the date and 769
time of the agency's receipt of the order. 770

(3) Regardless of whether the petitioner has registered the 771
protection order in the county in which the officer's agency has 772
jurisdiction, any officer of a law enforcement agency shall 773
enforce a protection order issued pursuant to this section in 774
accordance with the provisions of the order. 775

(H) Upon a violation of a protection order issued pursuant to 776
this section, the court may issue another protection order under 777
this section, as a pretrial condition of release, that modifies 778
the terms of the order that was violated. 779

(I) ~~Notwithstanding any provision of law to the contrary (1)~~ 780
Subject to division (I)(2) of this section and regardless of 781
whether a protection order is issued or a consent agreement is 782
approved by a court of another county or by a court of another 783
state, no court or unit of state or local government shall charge 784
the movant any fee, cost, deposit, or money in connection with the 785
filing of a motion pursuant to this section, in connection with 786
the filing, issuance, registration, modification, enforcement, 787
dismissal, withdrawal, or service of a protection order ~~or,~~ 788
consent agreement, or witness subpoena or for obtaining certified 789
copies of a protection order or consent agreement. 790

(2) Regardless of whether a protection order is issued or a 791
consent agreement is approved pursuant to this section, if the 792
defendant is convicted the court may assess costs against the 793
defendant in connection with the filing, issuance, registration, 794
modification, enforcement, dismissal, withdrawal, or service of a 795
protection order, consent agreement, or witness subpoena or for 796
obtaining a certified copy of a protection order or consent 797
agreement. 798

(J) As used in this section, "sexually oriented offense" has 799
the same meaning as in section 2950.01 of the Revised Code. 800

Sec. 2903.214. (A) As used in this section: 801

(1) "Court" means the court of common pleas of the county in 802
which the person to be protected by the protection order resides. 803

(2) "Victim advocate" means a person who provides support and 804
assistance for a person who files a petition under this section. 805

(3) "Family or household member" has the same meaning as in 806
section 3113.31 of the Revised Code. 807

(4) "Protection order issued by a court of another state" has 808
the same meaning as in section 2919.27 of the Revised Code. 809

(5) "Sexually oriented offense" has the same meaning as in 810
section 2950.01 of the Revised Code. 811

(6) "Electronic monitoring" has the same meaning as in 812
section 2929.01 of the Revised Code. 813

(B) The court has jurisdiction over all proceedings under 814
this section. 815

(C) A person may seek relief under this section for the 816
person, or any parent or adult household member may seek relief 817
under this section on behalf of any other family or household 818
member, by filing a petition with the court. The petition shall 819
contain or state all of the following: 820

(1) An allegation that the respondent is eighteen years of 821
age or older and engaged in a violation of section 2903.211 of the 822
Revised Code against the person to be protected by the protection 823
order or committed a sexually oriented offense against the person 824
to be protected by the protection order, including a description 825
of the nature and extent of the violation; 826

(2) If the petitioner seeks relief in the form of electronic 827

monitoring of the respondent, an allegation that at any time 828
preceding the filing of the petition the respondent engaged in 829
conduct that would cause a reasonable person to believe that the 830
health, welfare, or safety of the person to be protected was at 831
risk, a description of the nature and extent of that conduct, and 832
an allegation that the respondent presents a continuing danger to 833
the person to be protected; 834

(3) A request for relief under this section. 835

(D)(1) If a person who files a petition pursuant to this 836
section requests an ex parte order, the court shall hold an ex 837
parte hearing as soon as possible after the petition is filed, but 838
not later than the next day that the court is in session after the 839
petition is filed. The court, for good cause shown at the ex parte 840
hearing, may enter any temporary orders, with or without bond, 841
that the court finds necessary for the safety and protection of 842
the person to be protected by the order. Immediate and present 843
danger to the person to be protected by the protection order 844
constitutes good cause for purposes of this section. Immediate and 845
present danger includes, but is not limited to, situations in 846
which the respondent has threatened the person to be protected by 847
the protection order with bodily harm or in which the respondent 848
previously has been convicted of or pleaded guilty to a violation 849
of section 2903.211 of the Revised Code or a sexually oriented 850
offense against the person to be protected by the protection 851
order. 852

(2)(a) If the court, after an ex parte hearing, issues a 853
protection order described in division (E) of this section, the 854
court shall schedule a full hearing for a date that is within ten 855
court days after the ex parte hearing. The court shall give the 856
respondent notice of, and an opportunity to be heard at, the full 857
hearing. The court shall hold the full hearing on the date 858
scheduled under this division unless the court grants a 859

continuance of the hearing in accordance with this division. Under 860
any of the following circumstances or for any of the following 861
reasons, the court may grant a continuance of the full hearing to 862
a reasonable time determined by the court: 863

(i) Prior to the date scheduled for the full hearing under 864
this division, the respondent has not been served with the 865
petition filed pursuant to this section and notice of the full 866
hearing. 867

(ii) The parties consent to the continuance. 868

(iii) The continuance is needed to allow a party to obtain 869
counsel. 870

(iv) The continuance is needed for other good cause. 871

(b) An ex parte order issued under this section does not 872
expire because of a failure to serve notice of the full hearing 873
upon the respondent before the date set for the full hearing under 874
division (D)(2)(a) of this section or because the court grants a 875
continuance under that division. 876

(3) If a person who files a petition pursuant to this section 877
does not request an ex parte order, or if a person requests an ex 878
parte order but the court does not issue an ex parte order after 879
an ex parte hearing, the court shall proceed as in a normal civil 880
action and grant a full hearing on the matter. 881

(E)(1)(a) After an ex parte or full hearing, the court may 882
issue any protection order, with or without bond, that contains 883
terms designed to ensure the safety and protection of the person 884
to be protected by the protection order, including, but not 885
limited to, a requirement that the respondent refrain from 886
entering the residence, school, business, or place of employment 887
of the petitioner or family or household member. If the court 888
includes a requirement that the respondent refrain from entering 889
the residence, school, business, or place of employment of the 890

petitioner or family or household member in the order, it also 891
shall include in the order provisions of the type described in 892
division (E)(5) of this section. 893

(b) After a full hearing, if the court considering a petition 894
that includes an allegation of the type described in division 895
(C)(2) of this section, or the court upon its own motion, finds 896
upon clear and convincing evidence that the petitioner reasonably 897
believed that the respondent's conduct at any time preceding the 898
filing of the petition endangered the health, welfare, or safety 899
of the person to be protected and that the respondent presents a 900
continuing danger to the person to be protected, the court may 901
order that the respondent be electronically monitored for a period 902
of time and under the terms and conditions that the court 903
determines are appropriate. Electronic monitoring shall be in 904
addition to any other relief granted to the petitioner. 905

(2)(a) Any protection order issued pursuant to this section 906
shall be valid until a date certain but not later than five years 907
from the date of its issuance. 908

(b) Any protection order issued pursuant to this section may 909
be renewed in the same manner as the original order was issued. 910

(3) A court may not issue a protection order that requires a 911
petitioner to do or to refrain from doing an act that the court 912
may require a respondent to do or to refrain from doing under 913
division (E)(1) of this section unless all of the following apply: 914

(a) The respondent files a separate petition for a protection 915
order in accordance with this section. 916

(b) The petitioner is served with notice of the respondent's 917
petition at least forty-eight hours before the court holds a 918
hearing with respect to the respondent's petition, or the 919
petitioner waives the right to receive this notice. 920

(c) If the petitioner has requested an ex parte order 921

pursuant to division (D) of this section, the court does not delay 922
any hearing required by that division beyond the time specified in 923
that division in order to consolidate the hearing with a hearing 924
on the petition filed by the respondent. 925

(d) After a full hearing at which the respondent presents 926
evidence in support of the request for a protection order and the 927
petitioner is afforded an opportunity to defend against that 928
evidence, the court determines that the petitioner has committed a 929
violation of section 2903.211 of the Revised Code against the 930
person to be protected by the protection order issued pursuant to 931
division (E)(3) of this section, has committed a sexually oriented 932
offense against the person to be protected by the protection order 933
issued pursuant to division (E)(3) of this section, or has 934
violated a protection order issued pursuant to section 2903.213 of 935
the Revised Code relative to the person to be protected by the 936
protection order issued pursuant to division (E)(3) of this 937
section. 938

(4) No protection order issued pursuant to this section shall 939
in any manner affect title to any real property. 940

(5)(a) If the court issues a protection order under this 941
section that includes a requirement that the alleged offender 942
refrain from entering the residence, school, business, or place of 943
employment of the petitioner or a family or household member, the 944
order shall clearly state that the order cannot be waived or 945
nullified by an invitation to the alleged offender from the 946
complainant to enter the residence, school, business, or place of 947
employment or by the alleged offender's entry into one of those 948
places otherwise upon the consent of the petitioner or family or 949
household member. 950

(b) Division (E)(5)(a) of this section does not limit any 951
discretion of a court to determine that an alleged offender 952
charged with a violation of section 2919.27 of the Revised Code, 953

with a violation of a municipal ordinance substantially equivalent 954
to that section, or with contempt of court, which charge is based 955
on an alleged violation of a protection order issued under this 956
section, did not commit the violation or was not in contempt of 957
court. 958

(F)(1) The court shall cause the delivery of a copy of any 959
protection order that is issued under this section to the 960
petitioner, to the respondent, and to all law enforcement agencies 961
that have jurisdiction to enforce the order. The court shall 962
direct that a copy of the order be delivered to the respondent on 963
the same day that the order is entered. 964

(2) Upon the issuance of a protection order under this 965
section, the court shall provide the parties to the order with the 966
following notice orally or by form: 967

"NOTICE 968

As a result of this order, it may be unlawful for you to 969
possess or purchase a firearm, including a rifle, pistol, or 970
revolver, or ammunition pursuant to federal law under 18 U.S.C. 971
922(g)(8). If you have any questions whether this law makes it 972
illegal for you to possess or purchase a firearm or ammunition, 973
you should consult an attorney." 974

(3) All law enforcement agencies shall establish and maintain 975
an index for the protection orders delivered to the agencies 976
pursuant to division (F)(1) of this section. With respect to each 977
order delivered, each agency shall note on the index the date and 978
time that it received the order. 979

(4) Regardless of whether the petitioner has registered the 980
protection order in the county in which the officer's agency has 981
jurisdiction pursuant to division (M) of this section, any officer 982
of a law enforcement agency shall enforce a protection order 983
issued pursuant to this section by any court in this state in 984

accordance with the provisions of the order, including removing 985
the respondent from the premises, if appropriate. 986

(G) Any proceeding under this section shall be conducted in 987
accordance with the Rules of Civil Procedure, except that a 988
protection order may be obtained under this section with or 989
without bond. An order issued under this section, other than an ex 990
parte order, that grants a protection order, or that refuses to 991
grant a protection order, is a final, appealable order. The 992
remedies and procedures provided in this section are in addition 993
to, and not in lieu of, any other available civil or criminal 994
remedies. 995

(H) The filing of proceedings under this section does not 996
excuse a person from filing any report or giving any notice 997
required by section 2151.421 of the Revised Code or by any other 998
law. 999

(I) Any law enforcement agency that investigates an alleged 1000
violation of section 2903.211 of the Revised Code or an alleged 1001
commission of a sexually oriented offense shall provide 1002
information to the victim and the family or household members of 1003
the victim regarding the relief available under this section and 1004
section 2903.213 of the Revised Code. 1005

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 1006
Subject to division (J)(2) of this section and regardless of 1007
whether a protection order is issued or a consent agreement is 1008
approved by a court of another county or by a court of another 1009
state, no court or unit of state or local government shall charge 1010
the petitioner any fee, cost, deposit, or money in connection with 1011
the filing of a petition pursuant to this section, in connection 1012
with the filing, issuance, registration, modification, 1013
enforcement, dismissal, withdrawal, or service of a protection 1014
order ~~or,~~ consent agreement, or witness subpoena or for obtaining 1015
a certified copy of a protection order or consent agreement. 1016

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

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

(a) Criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order 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 under this section does not bar criminal prosecution of 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 a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

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

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

division. A person who obtains a protection order issued by a 1048
court of another state may provide notice of the issuance of the 1049
order to the judicial and law enforcement officials in any county 1050
of this state by registering the order in that county pursuant to 1051
section 2919.272 of the Revised Code and filing a copy of the 1052
registered order with a law enforcement agency in that county. 1053

(2) A petitioner may register a protection order issued 1054
pursuant to this section or section 2903.213 of the Revised Code 1055
in a county other than the county in which the court that issued 1056
the order is located in the following manner: 1057

(a) The petitioner shall obtain a certified copy of the order 1058
from the clerk of the court that issued the order and present that 1059
certified copy to the clerk of the court of common pleas or the 1060
clerk of a municipal court or county court in the county in which 1061
the order is to be registered. 1062

(b) Upon accepting the certified copy of the order for 1063
registration, the clerk of the court of common pleas, municipal 1064
court, or county court shall place an endorsement of registration 1065
on the order and give the petitioner a copy of the order that 1066
bears that proof of registration. 1067

(3) The clerk of each court of common pleas, municipal court, 1068
or county court shall maintain a registry of certified copies of 1069
protection orders that have been issued by courts in other 1070
counties pursuant to this section or section 2903.213 of the 1071
Revised Code and that have been registered with the clerk. 1072

(N)(1) If the court orders electronic monitoring of the 1073
respondent under this section, the court shall direct the 1074
sheriff's office or any other appropriate law enforcement agency 1075
to install the electronic monitoring device and to monitor the 1076
respondent. Unless the court determines that the respondent is 1077
indigent, the court shall order the respondent to pay the cost of 1078

the installation and monitoring of the electronic monitoring 1079
device. If the court determines that the respondent is indigent 1080
and subject to the maximum amount allowable to be paid in any year 1081
from the fund and the rules promulgated by the attorney general 1082
under division (N)(2) of this section, the cost of the 1083
installation and monitoring of the electronic monitoring device 1084
may be paid out of funds from the reparations fund created 1085
pursuant to section 2743.191 of the Revised Code. The total amount 1086
of costs for the installation and monitoring of electronic 1087
monitoring devices paid pursuant to this division and sections 1088
2151.34 and 2919.27 of the Revised Code from the reparations fund 1089
shall not exceed three hundred thousand dollars per year. 1090

(2) The attorney general may promulgate rules pursuant to 1091
section 111.15 of the Revised Code to govern payments made from 1092
the reparations fund pursuant to this division and sections 1093
2151.34 and 2919.27 of the Revised Code. The rules may include 1094
reasonable limits on the total cost paid pursuant to this division 1095
and sections 2151.34 and 2919.27 of the Revised Code per 1096
respondent, the amount of the three hundred thousand dollars 1097
allocated to each county, and how invoices may be submitted by a 1098
county, court, or other entity. 1099

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 1100
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1101
2911.211 of the Revised Code if the alleged victim of the 1102
violation was a family or household member at the time of the 1103
violation, a violation of a municipal ordinance that is 1104
substantially similar to any of those sections if the alleged 1105
victim of the violation was a family or household member at the 1106
time of the violation, any offense of violence if the alleged 1107
victim of the offense was a family or household member at the time 1108
of the commission of the offense, or any sexually oriented offense 1109
if the alleged victim of the offense was a family or household 1110

member at the time of the commission of the offense, the 1111
complainant, the alleged victim, or a family or household member 1112
of an alleged victim may file, or, if in an emergency the alleged 1113
victim is unable to file, a person who made an arrest for the 1114
alleged violation or offense under section 2935.03 of the Revised 1115
Code may file on behalf of the alleged victim, a motion that 1116
requests the issuance of a temporary protection order as a 1117
pretrial condition of release of the alleged offender, in addition 1118
to any bail set under Criminal Rule 46. The motion shall be filed 1119
with the clerk of the court that has jurisdiction of the case at 1120
any time after the filing of the complaint. 1121

(2) For purposes of section 2930.09 of the Revised Code, all 1122
stages of a proceeding arising out of a complaint alleging the 1123
commission of a violation, offense of violence, or sexually 1124
oriented offense described in division (A)(1) of this section, 1125
including all proceedings on a motion for a temporary protection 1126
order, are critical stages of the case, and a victim may be 1127
accompanied by a victim advocate or another person to provide 1128
support to the victim as provided in that section. 1129

(B) The motion shall be prepared on a form that is provided 1130
by the clerk of the court, which form shall be substantially as 1131
follows: 1132

"MOTION FOR TEMPORARY PROTECTION ORDER 1133

..... Court 1134

Name and address of court 1135

State of Ohio 1136

v. No. 1137

..... 1138

Name of Defendant 1139

(name of person), moves the court to issue a temporary protection 1140

order containing terms designed to ensure the safety and 1141

protection of the complainant, alleged victim, and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.

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

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

.....

Signature of person

(or signature of the arresting officer who filed the motion on 1174
behalf of the alleged victim) 1175

..... 1176

Address of person (or office address of the arresting officer who 1177
filed the motion on behalf of the alleged victim)" 1178

(C)(1) As soon as possible after the filing of a motion that 1179
requests the issuance of a temporary protection order, but not 1180
later than twenty-four hours after the filing of the motion, the 1181
court shall conduct a hearing to determine whether to issue the 1182
order. The person who requested the order shall appear before the 1183
court and provide the court with the information that it requests 1184
concerning the basis of the motion. If the person who requested 1185
the order is unable to appear and if the court finds that the 1186
failure to appear is because of the person's hospitalization or 1187
medical condition resulting from the offense alleged in the 1188
complaint, another person who is able to provide the court with 1189
the information it requests may appear in lieu of the person who 1190
requested the order. If the court finds that the safety and 1191
protection of the complainant, alleged victim, or any other family 1192
or household member of the alleged victim may be impaired by the 1193
continued presence of the alleged offender, the court may issue a 1194
temporary protection order, as a pretrial condition of release, 1195
that contains terms designed to ensure the safety and protection 1196
of the complainant, alleged victim, or the family or household 1197
member, including a requirement that the alleged offender refrain 1198
from entering the residence, school, business, or place of 1199
employment of the complainant, alleged victim, or the family or 1200
household member. 1201

(2)(a) If the court issues a temporary protection order that 1202
includes a requirement that the alleged offender refrain from 1203
entering the residence, school, business, or place of employment 1204
of the complainant, the alleged victim, or the family or household 1205

member, the order shall state clearly that the order cannot be 1206
waived or nullified by an invitation to the alleged offender from 1207
the complainant, alleged victim, or family or household member to 1208
enter the residence, school, business, or place of employment or 1209
by the alleged offender's entry into one of those places otherwise 1210
upon the consent of the complainant, alleged victim, or family or 1211
household member. 1212

(b) Division (C)(2)(a) of this section does not limit any 1213
discretion of a court to determine that an alleged offender 1214
charged with a violation of section 2919.27 of the Revised Code, 1215
with a violation of a municipal ordinance substantially equivalent 1216
to that section, or with contempt of court, which charge is based 1217
on an alleged violation of a temporary protection order issued 1218
under this section, did not commit the violation or was not in 1219
contempt of court. 1220

(D)(1) Upon the filing of a complaint that alleges a 1221
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1222
Revised Code if the alleged victim of the violation was a family 1223
or household member at the time of the violation, a violation of a 1224
municipal ordinance that is substantially similar to any of those 1225
sections if the alleged victim of the violation was a family or 1226
household member at the time of the violation, any offense of 1227
violence if the alleged victim of the offense was a family or 1228
household member at the time of the commission of the offense, or 1229
any sexually oriented offense if the alleged victim of the offense 1230
was a family or household member at the time of the commission of 1231
the offense, the court, upon its own motion, may issue a temporary 1232
protection order as a pretrial condition of release if it finds 1233
that the safety and protection of the complainant, alleged victim, 1234
or other family or household member of the alleged offender may be 1235
impaired by the continued presence of the alleged offender. 1236

(2) If the court issues a temporary protection order under 1237

this section as an ex parte order, it shall conduct, as soon as 1238
possible after the issuance of the order, a hearing in the 1239
presence of the alleged offender not later than the next day on 1240
which the court is scheduled to conduct business after the day on 1241
which the alleged offender was arrested or at the time of the 1242
appearance of the alleged offender pursuant to summons to 1243
determine whether the order should remain in effect, be modified, 1244
or be revoked. The hearing shall be conducted under the standards 1245
set forth in division (C) of this section. 1246

(3) An order issued under this section shall contain only 1247
those terms authorized in orders issued under division (C) of this 1248
section. 1249

(4) If a municipal court or a county court issues a temporary 1250
protection order under this section and if, subsequent to the 1251
issuance of the order, the alleged offender who is the subject of 1252
the order is bound over to the court of common pleas for 1253
prosecution of a felony arising out of the same activities as 1254
those that were the basis of the complaint upon which the order is 1255
based, notwithstanding the fact that the order was issued by a 1256
municipal court or county court, the order shall remain in effect, 1257
as though it were an order of the court of common pleas, while the 1258
charges against the alleged offender are pending in the court of 1259
common pleas, for the period of time described in division (E)(2) 1260
of this section, and the court of common pleas has exclusive 1261
jurisdiction to modify the order issued by the municipal court or 1262
county court. This division applies when the alleged offender is 1263
bound over to the court of common pleas as a result of the person 1264
waiving a preliminary hearing on the felony charge, as a result of 1265
the municipal court or county court having determined at a 1266
preliminary hearing that there is probable cause to believe that 1267
the felony has been committed and that the alleged offender 1268
committed it, as a result of the alleged offender having been 1269

indicted for the felony, or in any other manner. 1270

(E) A temporary protection order that is issued as a pretrial 1271
condition of release under this section: 1272

(1) Is in addition to, but shall not be construed as a part 1273
of, any bail set under Criminal Rule 46; 1274

(2) Is effective only until the occurrence of either of the 1275
following: 1276

(a) The disposition, by the court that issued the order or, 1277
in the circumstances described in division (D)(4) of this section, 1278
by the court of common pleas to which the alleged offender is 1279
bound over for prosecution, of the criminal proceeding arising out 1280
of the complaint upon which the order is based; 1281

(b) The issuance of a protection order or the approval of a 1282
consent agreement, arising out of the same activities as those 1283
that were the basis of the complaint upon which the order is 1284
based, under section 3113.31 of the Revised Code; 1285

(3) Shall not be construed as a finding that the alleged 1286
offender committed the alleged offense, and shall not be 1287
introduced as evidence of the commission of the offense at the 1288
trial of the alleged offender on the complaint upon which the 1289
order is based. 1290

(F) A person who meets the criteria for bail under Criminal 1291
Rule 46 and who, if required to do so pursuant to that rule, 1292
executes or posts bond or deposits cash or securities as bail, 1293
shall not be held in custody pending a hearing before the court on 1294
a motion requesting a temporary protection order. 1295

(G)(1) A copy of any temporary protection order that is 1296
issued under this section shall be issued by the court to the 1297
complainant, to the alleged victim, to the person who requested 1298
the order, to the defendant, and to all law enforcement agencies 1299

that have jurisdiction to enforce the order. The court shall 1300
direct that a copy of the order be delivered to the defendant on 1301
the same day that the order is entered. If a municipal court or a 1302
county court issues a temporary protection order under this 1303
section and if, subsequent to the issuance of the order, the 1304
defendant who is the subject of the order is bound over to the 1305
court of common pleas for prosecution as described in division 1306
(D)(4) of this section, the municipal court or county court shall 1307
direct that a copy of the order be delivered to the court of 1308
common pleas to which the defendant is bound over. 1309

(2) Upon the issuance of a protection order under this 1310
section, the court shall provide the parties to the order with the 1311
following notice orally or by form: 1312

"NOTICE 1313

As a result of this protection order, it may be unlawful for 1314
you to possess or purchase a firearm, including a rifle, pistol, 1315
or revolver, or ammunition pursuant to federal law under 18 U.S.C. 1316
922(g)(8). If you have any questions whether this law makes it 1317
illegal for you to possess or purchase a firearm or ammunition, 1318
you should consult an attorney." 1319

(3) All law enforcement agencies shall establish and maintain 1320
an index for the temporary protection orders delivered to the 1321
agencies pursuant to division (G)(1) of this section. With respect 1322
to each order delivered, each agency shall note on the index, the 1323
date and time of the receipt of the order by the agency. 1324

(4) A complainant, alleged victim, or other person who 1325
obtains a temporary protection order under this section may 1326
provide notice of the issuance of the temporary protection order 1327
to the judicial and law enforcement officials in any county other 1328
than the county in which the order is issued by registering that 1329
order in the other county in accordance with division (N) of 1330
section 3113.31 of the Revised Code and filing a copy of the 1331

registered protection order with a law enforcement agency in the 1332
other county in accordance with that division. 1333

(5) Any officer of a law enforcement agency shall enforce a 1334
temporary protection order issued by any court in this state in 1335
accordance with the provisions of the order, including removing 1336
the defendant from the premises, regardless of whether the order 1337
is registered in the county in which the officer's agency has 1338
jurisdiction as authorized by division (G)(4) of this section. 1339

(H) Upon a violation of a temporary protection order, the 1340
court may issue another temporary protection order, as a pretrial 1341
condition of release, that modifies the terms of the order that 1342
was violated. 1343

(I)(1) As used in divisions (I)(1) and (2) of this section, 1344
"defendant" means a person who is alleged in a complaint to have 1345
committed a violation, offense of violence, or sexually oriented 1346
offense of the type described in division (A) of this section. 1347

(2) If a complaint is filed that alleges that a person 1348
committed a violation, offense of violence, or sexually oriented 1349
offense of the type described in division (A) of this section, the 1350
court may not issue a temporary protection order under this 1351
section that requires the complainant, the alleged victim, or 1352
another family or household member of the defendant to do or 1353
refrain from doing an act that the court may require the defendant 1354
to do or refrain from doing under a temporary protection order 1355
unless both of the following apply: 1356

(a) The defendant has filed a separate complaint that alleges 1357
that the complainant, alleged victim, or other family or household 1358
member in question who would be required under the order to do or 1359
refrain from doing the act committed a violation or offense of 1360
violence of the type described in division (A) of this section. 1361

(b) The court determines that both the complainant, alleged 1362

victim, or other family or household member in question who would 1363
be required under the order to do or refrain from doing the act 1364
and the defendant acted primarily as aggressors, that neither the 1365
complainant, alleged victim, or other family or household member 1366
in question who would be required under the order to do or refrain 1367
from doing the act nor the defendant acted primarily in 1368
self-defense, and, in accordance with the standards and criteria 1369
of this section as applied in relation to the separate complaint 1370
filed by the defendant, that it should issue the order to require 1371
the complainant, alleged victim, or other family or household 1372
member in question to do or refrain from doing the act. 1373

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 1374
Subject to division (J)(2) of this section and regardless of 1375
whether a protection order is issued or a consent agreement is 1376
approved by a court of another county or a court of another state, 1377
no court or unit of state or local government shall charge the 1378
movant any fee, cost, deposit, or money in connection with the 1379
filing of a motion pursuant to this section, in connection with 1380
the filing, issuance, registration, modification, enforcement, 1381
dismissal, withdrawal, or service of a protection order ~~or,~~ 1382
consent agreement, or witness subpoena or for obtaining a 1383
certified copy of a protection order or consent agreement. 1384

(2) Regardless of whether a protection order is issued or a 1385
consent agreement is approved pursuant to this section, if the 1386
defendant is convicted the court may assess costs against the 1387
defendant in connection with the filing, issuance, registration, 1388
modification, enforcement, dismissal, withdrawal, or service of a 1389
protection order, consent agreement, or witness subpoena or for 1390
obtaining a certified copy of a protection order or consent 1391
agreement. 1392

(K) As used in this section: 1393

(1) "Sexually oriented offense" has the same meaning as in 1394

section 2950.01 of the Revised Code. 1395

(2) "Victim advocate" means a person who provides support and 1396
assistance for a victim of an offense during court proceedings. 1397

Sec. 2919.272. (A) As used in this section, "protection order 1398
issued by a court of another state" has the same meaning as in 1399
section 2919.27 of the Revised Code. 1400

(B) A person who has obtained a protection order issued by a 1401
court of another state may provide notice of the issuance of the 1402
order to judicial and law enforcement officials in any county of 1403
this state by registering the order in that county and filing a 1404
copy of the registered order with a law enforcement agency in that 1405
county. To register the order, the person shall obtain a certified 1406
copy of the order from the clerk of the court that issued the 1407
order and present that certified copy to the clerk of the court of 1408
common pleas or the clerk of a municipal court or county court in 1409
the county in which the order is to be registered. Upon accepting 1410
the certified copy of the order for registration, the clerk shall 1411
place an endorsement of registration on the order and give the 1412
person a copy of the order that bears proof of registration. The 1413
person then may file with a law enforcement agency in that county 1414
a copy of the order that bears proof of registration. 1415

(C) The clerk of each court of common pleas and the clerk of 1416
each municipal court and county court shall maintain a registry of 1417
certified copies of protection orders issued by courts of another 1418
state that have been registered with the clerk. Each law 1419
enforcement agency shall establish and maintain a registry for 1420
protection orders delivered to the agency pursuant to this 1421
section. The agency shall note in the registry the date and time 1422
that the agency received an order. 1423

(D) An officer of a law enforcement agency shall enforce a 1424
protection order issued by a court of another state in accordance 1425

with the provisions of the order, including removing the person 1426
allegedly violating the order from the premises, regardless of 1427
whether the order is registered as authorized by division (B) of 1428
this section in the county in which the officer's agency has 1429
jurisdiction. 1430

(E) ~~Notwithstanding any provision of law to the contrary (1)~~ 1431
Subject to division (E)(2) of this section and regardless of 1432
whether a protection order is issued or a consent agreement is 1433
approved by a court of another county or a court of another state, 1434
no court or unit of state or local government shall charge a 1435
person who registers and files an order any fee, cost, deposit, or 1436
money in connection with the filing, issuance, registration, 1437
modification, enforcement, dismissal, withdrawal, or service of a 1438
protection order ~~or~~, consent agreement, or witness subpoena or for 1439
obtaining a certified copy of a protection order or consent 1440
agreement, including a protection order issued by a court of 1441
another state. 1442

(2) Regardless of whether a protection order is issued or a 1443
consent agreement is approved pursuant to this section, the court 1444
may assess costs against the person who is subject to a registered 1445
and filed order in connection with the filing, issuance, 1446
registration, modification, enforcement, dismissal, withdrawal, or 1447
service of a protection order, consent agreement, or witness 1448
subpoena or for obtaining a certified copy of a protection order 1449
or consent agreement. 1450

Sec. 3113.31. (A) As used in this section: 1451

(1) "Domestic violence" means the occurrence of one or more 1452
of the following acts against a family or household member: 1453

(a) Attempting to cause or recklessly causing bodily injury; 1454

(b) Placing another person by the threat of force in fear of 1455

imminent serious physical harm or committing a violation of 1456
section 2903.211 or 2911.211 of the Revised Code; 1457

(c) Committing any act with respect to a child that would 1458
result in the child being an abused child, as defined in section 1459
2151.031 of the Revised Code; 1460

(d) Committing a sexually oriented offense. 1461

(2) "Court" means the domestic relations division of the 1462
court of common pleas in counties that have a domestic relations 1463
division and the court of common pleas in counties that do not 1464
have a domestic relations division, or the juvenile division of 1465
the court of common pleas of the county in which the person to be 1466
protected by a protection order issued or a consent agreement 1467
approved under this section resides if the respondent is less than 1468
eighteen years of age. 1469

(3) "Family or household member" means any of the following: 1470

(a) Any of the following who is residing with or has resided 1471
with the respondent: 1472

(i) A spouse, a person living as a spouse, or a former spouse 1473
of the respondent; 1474

(ii) A parent, a foster parent, or a child of the respondent, 1475
or another person related by consanguinity or affinity to the 1476
respondent; 1477

(iii) A parent or a child of a spouse, person living as a 1478
spouse, or former spouse of the respondent, or another person 1479
related by consanguinity or affinity to a spouse, person living as 1480
a spouse, or former spouse of the respondent. 1481

(b) The natural parent of any child of whom the respondent is 1482
the other natural parent or is the putative other natural parent. 1483

(4) "Person living as a spouse" means a person who is living 1484
or has lived with the respondent in a common law marital 1485

relationship, who otherwise is cohabiting with the respondent, or 1486
who otherwise has cohabited with the respondent within five years 1487
prior to the date of the alleged occurrence of the act in 1488
question. 1489

(5) "Victim advocate" means a person who provides support and 1490
assistance for a person who files a petition under this section. 1491

(6) "Sexually oriented offense" has the same meaning as in 1492
section 2950.01 of the Revised Code. 1493

(B) The court has jurisdiction over all proceedings under 1494
this section. The petitioner's right to relief under this section 1495
is not affected by the petitioner's leaving the residence or 1496
household to avoid further domestic violence. 1497

(C) A person may seek relief under this section on the 1498
person's own behalf, or any parent or adult household member may 1499
seek relief under this section on behalf of any other family or 1500
household member, by filing a petition with the court. The 1501
petition shall contain or state: 1502

(1) An allegation that the respondent engaged in domestic 1503
violence against a family or household member of the respondent, 1504
including a description of the nature and extent of the domestic 1505
violence; 1506

(2) The relationship of the respondent to the petitioner, and 1507
to the victim if other than the petitioner; 1508

(3) A request for relief under this section. 1509

(D)(1) If a person who files a petition pursuant to this 1510
section requests an ex parte order, the court shall hold an ex 1511
parte hearing on the same day that the petition is filed. The 1512
court, for good cause shown at the ex parte hearing, may enter any 1513
temporary orders, with or without bond, including, but not limited 1514
to, an order described in division (E)(1)(a), (b), or (c) of this 1515

section, that the court finds necessary to protect the family or 1516
household member from domestic violence. Immediate and present 1517
danger of domestic violence to the family or household member 1518
constitutes good cause for purposes of this section. Immediate and 1519
present danger includes, but is not limited to, situations in 1520
which the respondent has threatened the family or household member 1521
with bodily harm, in which the respondent has threatened the 1522
family or household member with a sexually oriented offense, or in 1523
which the respondent previously has been convicted of, pleaded 1524
guilty to, or been adjudicated a delinquent child for an offense 1525
that constitutes domestic violence against the family or household 1526
member. 1527

(2)(a) If the court, after an ex parte hearing, issues an 1528
order described in division (E)(1)(b) or (c) of this section, the 1529
court shall schedule a full hearing for a date that is within 1530
seven court days after the ex parte hearing. If any other type of 1531
protection order that is authorized under division (E) of this 1532
section is issued by the court after an ex parte hearing, the 1533
court shall schedule a full hearing for a date that is within ten 1534
court days after the ex parte hearing. The court shall give the 1535
respondent notice of, and an opportunity to be heard at, the full 1536
hearing. The court shall hold the full hearing on the date 1537
scheduled under this division unless the court grants a 1538
continuance of the hearing in accordance with this division. Under 1539
any of the following circumstances or for any of the following 1540
reasons, the court may grant a continuance of the full hearing to 1541
a reasonable time determined by the court: 1542

(i) Prior to the date scheduled for the full hearing under 1543
this division, the respondent has not been served with the 1544
petition filed pursuant to this section and notice of the full 1545
hearing. 1546

(ii) The parties consent to the continuance. 1547

(iii) The continuance is needed to allow a party to obtain
counsel. 1548
1549

(iv) The continuance is needed for other good cause. 1550

(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. 1551
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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. 1556
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(E)(1) After an ex parte or full hearing, the court may grant
any protection order, with or without bond, or approve any consent
agreement to bring about a cessation of domestic violence against
the family or household members. The order or agreement may: 1561
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(a) Direct the respondent to refrain from abusing or from
committing sexually oriented offenses against the family or
household members; 1565
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(b) Grant possession of the residence or household to the
petitioner or other family or household member, to the exclusion
of the respondent, by evicting the respondent, when the residence
or household is owned or leased solely by the petitioner or other
family or household member, or by ordering the respondent to
vacate the premises, when the residence or household is jointly
owned or leased by the respondent, and the petitioner or other
family or household member; 1568
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(c) When the respondent has a duty to support the petitioner
or other family or household member living in the residence or
household and the respondent is the sole owner or lessee of the 1576
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1578

residence or household, grant possession of the residence or 1579
household to the petitioner or other family or household member, 1580
to the exclusion of the respondent, by ordering the respondent to 1581
vacate the premises, or, in the case of a consent agreement, allow 1582
the respondent to provide suitable, alternative housing; 1583

(d) Temporarily allocate parental rights and responsibilities 1584
for the care of, or establish temporary parenting time rights with 1585
regard to, minor children, if no other court has determined, or is 1586
determining, the allocation of parental rights and 1587
responsibilities for the minor children or parenting time rights; 1588

(e) Require the respondent to maintain support, if the 1589
respondent customarily provides for or contributes to the support 1590
of the family or household member, or if the respondent has a duty 1591
to support the petitioner or family or household member; 1592

(f) Require the respondent, petitioner, victim of domestic 1593
violence, or any combination of those persons, to seek counseling; 1594

(g) Require the respondent to refrain from entering the 1595
residence, school, business, or place of employment of the 1596
petitioner or family or household member; 1597

(h) Grant other relief that the court considers equitable and 1598
fair, including, but not limited to, ordering the respondent to 1599
permit the use of a motor vehicle by the petitioner or other 1600
family or household member and the apportionment of household and 1601
family personal property. 1602

(2) If a protection order has been issued pursuant to this 1603
section in a prior action involving the respondent and the 1604
petitioner or one or more of the family or household members or 1605
victims, the court may include in a protection order that it 1606
issues a prohibition against the respondent returning to the 1607
residence or household. If it includes a prohibition against the 1608
respondent returning to the residence or household in the order, 1609

it also shall include in the order provisions of the type 1610
described in division (E)(7) of this section. This division does 1611
not preclude the court from including in a protection order or 1612
consent agreement, in circumstances other than those described in 1613
this division, a requirement that the respondent be evicted from 1614
or vacate the residence or household or refrain from entering the 1615
residence, school, business, or place of employment of the 1616
petitioner or a family or household member, and, if the court 1617
includes any requirement of that type in an order or agreement, 1618
the court also shall include in the order provisions of the type 1619
described in division (E)(7) of this section. 1620

(3)(a) Any protection order issued or consent agreement 1621
approved under this section shall be valid until a date certain, 1622
but not later than five years from the date of its issuance or 1623
approval, or not later than the date a respondent who is less than 1624
eighteen years of age attains nineteen years of age, unless 1625
modified or terminated as provided in division (E)(8) of this 1626
section. 1627

(b) Subject to the limitation on the duration of an order or 1628
agreement set forth in division (E)(3)(a) of this section, any 1629
order under division (E)(1)(d) of this section shall terminate on 1630
the date that a court in an action for divorce, dissolution of 1631
marriage, or legal separation brought by the petitioner or 1632
respondent issues an order allocating parental rights and 1633
responsibilities for the care of children or on the date that a 1634
juvenile court in an action brought by the petitioner or 1635
respondent issues an order awarding legal custody of minor 1636
children. Subject to the limitation on the duration of an order or 1637
agreement set forth in division (E)(3)(a) of this section, any 1638
order under division (E)(1)(e) of this section shall terminate on 1639
the date that a court in an action for divorce, dissolution of 1640
marriage, or legal separation brought by the petitioner or 1641

respondent issues a support order or on the date that a juvenile 1642
court in an action brought by the petitioner or respondent issues 1643
a support order. 1644

(c) Any protection order issued or consent agreement approved 1645
pursuant to this section may be renewed in the same manner as the 1646
original order or agreement was issued or approved. 1647

(4) A court may not issue a protection order that requires a 1648
petitioner to do or to refrain from doing an act that the court 1649
may require a respondent to do or to refrain from doing under 1650
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1651
section unless all of the following apply: 1652

(a) The respondent files a separate petition for a protection 1653
order in accordance with this section. 1654

(b) The petitioner is served notice of the respondent's 1655
petition at least forty-eight hours before the court holds a 1656
hearing with respect to the respondent's petition, or the 1657
petitioner waives the right to receive this notice. 1658

(c) If the petitioner has requested an ex parte order 1659
pursuant to division (D) of this section, the court does not delay 1660
any hearing required by that division beyond the time specified in 1661
that division in order to consolidate the hearing with a hearing 1662
on the petition filed by the respondent. 1663

(d) After a full hearing at which the respondent presents 1664
evidence in support of the request for a protection order and the 1665
petitioner is afforded an opportunity to defend against that 1666
evidence, the court determines that the petitioner has committed 1667
an act of domestic violence or has violated a temporary protection 1668
order issued pursuant to section 2919.26 of the Revised Code, that 1669
both the petitioner and the respondent acted primarily as 1670
aggressors, and that neither the petitioner nor the respondent 1671
acted primarily in self-defense. 1672

(5) No protection order issued or consent agreement approved 1673
under this section shall in any manner affect title to any real 1674
property. 1675

(6)(a) If a petitioner, or the child of a petitioner, who 1676
obtains a protection order or consent agreement pursuant to 1677
division (E)(1) of this section or a temporary protection order 1678
pursuant to section 2919.26 of the Revised Code and is the subject 1679
of a parenting time order issued pursuant to section 3109.051 or 1680
3109.12 of the Revised Code or a visitation or companionship order 1681
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 1682
Revised Code or division (E)(1)(d) of this section granting 1683
parenting time rights to the respondent, the court may require the 1684
public children services agency of the county in which the court 1685
is located to provide supervision of the respondent's exercise of 1686
parenting time or visitation or companionship rights with respect 1687
to the child for a period not to exceed nine months, if the court 1688
makes the following findings of fact: 1689

(i) The child is in danger from the respondent; 1690

(ii) No other person or agency is available to provide the 1691
supervision. 1692

(b) A court that requires an agency to provide supervision 1693
pursuant to division (E)(6)(a) of this section shall order the 1694
respondent to reimburse the agency for the cost of providing the 1695
supervision, if it determines that the respondent has sufficient 1696
income or resources to pay that cost. 1697

(7)(a) If a protection order issued or consent agreement 1698
approved under this section includes a requirement that the 1699
respondent be evicted from or vacate the residence or household or 1700
refrain from entering the residence, school, business, or place of 1701
employment of the petitioner or a family or household member, the 1702
order or agreement shall state clearly that the order or agreement 1703

cannot be waived or nullified by an invitation to the respondent 1704
from the petitioner or other family or household member to enter 1705
the residence, school, business, or place of employment or by the 1706
respondent's entry into one of those places otherwise upon the 1707
consent of the petitioner or other family or household member. 1708

(b) Division (E)(7)(a) of this section does not limit any 1709
discretion of a court to determine that a respondent charged with 1710
a violation of section 2919.27 of the Revised Code, with a 1711
violation of a municipal ordinance substantially equivalent to 1712
that section, or with contempt of court, which charge is based on 1713
an alleged violation of a protection order issued or consent 1714
agreement approved under this section, did not commit the 1715
violation or was not in contempt of court. 1716

(8)(a) The court may modify or terminate as provided in 1717
division (E)(8) of this section a protection order or consent 1718
agreement that was issued after a full hearing under this section. 1719
The court that issued the protection order or approved the consent 1720
agreement shall hear a motion for modification or termination of 1721
the protection order or consent agreement pursuant to division 1722
(E)(8) of this section. 1723

(b) Either the petitioner or the respondent of the original 1724
protection order or consent agreement may bring a motion for 1725
modification or termination of a protection order or consent 1726
agreement that was issued or approved after a full hearing. The 1727
court shall require notice of the motion to be made as provided by 1728
the Rules of Civil Procedure. If the petitioner for the original 1729
protection order or consent agreement has requested that the 1730
petitioner's address be kept confidential, the court shall not 1731
disclose the address to the respondent of the original protection 1732
order or consent agreement or any other person, except as 1733
otherwise required by law. The moving party has the burden of 1734
proof to show, by a preponderance of the evidence, that 1735

modification or termination of the protection order or consent 1736
agreement is appropriate because either the protection order or 1737
consent agreement is no longer needed or because the terms of the 1738
original protection order or consent agreement are no longer 1739
appropriate. 1740

(c) In considering whether to modify or terminate a 1741
protection order or consent agreement issued or approved under 1742
this section, the court shall consider all relevant factors, 1743
including, but not limited to, the following: 1744

(i) Whether the petitioner consents to modification or 1745
termination of the protection order or consent agreement; 1746

(ii) Whether the petitioner fears the respondent; 1747

(iii) The current nature of the relationship between the 1748
petitioner and the respondent; 1749

(iv) The circumstances of the petitioner and respondent, 1750
including the relative proximity of the petitioner's and 1751
respondent's workplaces and residences and whether the petitioner 1752
and respondent have minor children together; 1753

(v) Whether the respondent has complied with the terms and 1754
conditions of the original protection order or consent agreement; 1755

(vi) Whether the respondent has a continuing involvement with 1756
illegal drugs or alcohol; 1757

(vii) Whether the respondent has been convicted of, pleaded 1758
guilty to, or been adjudicated a delinquent child for an offense 1759
of violence since the issuance of the protection order or approval 1760
of the consent agreement; 1761

(viii) Whether any other protection orders, consent 1762
agreements, restraining orders, or no contact orders have been 1763
issued against the respondent pursuant to this section, section 1764
2919.26 of the Revised Code, any other provision of state law, or 1765

the law of any other state; 1766

(ix) Whether the respondent has participated in any domestic 1767
violence treatment, intervention program, or other counseling 1768
addressing domestic violence and whether the respondent has 1769
completed the treatment, program, or counseling; 1770

(x) The time that has elapsed since the protection order was 1771
issued or since the consent agreement was approved; 1772

(xi) The age and health of the respondent; 1773

(xii) When the last incident of abuse, threat of harm, or 1774
commission of a sexually oriented offense occurred or other 1775
relevant information concerning the safety and protection of the 1776
petitioner or other protected parties. 1777

(d) If a protection order or consent agreement is modified or 1778
terminated as provided in division (E)(8) of this section, the 1779
court shall issue copies of the modified or terminated order or 1780
agreement as provided in division (F) of this section. A 1781
petitioner may also provide notice of the modification or 1782
termination to the judicial and law enforcement officials in any 1783
county other than the county in which the order or agreement is 1784
modified or terminated as provided in division (N) of this 1785
section. 1786

(e) If the respondent moves for modification or termination 1787
of a protection order or consent agreement pursuant to this 1788
section and the court denies the motion, the court may assess 1789
costs against the respondent for the filing of the motion. 1790

(9) Any protection order issued or any consent agreement 1791
approved pursuant to this section shall include a provision that 1792
the court will automatically seal all of the records of the 1793
proceeding in which the order is issued or agreement approved on 1794
the date the respondent attains the age of nineteen years unless 1795
the petitioner provides the court with evidence that the 1796

respondent has not complied with all of the terms of the 1797
protection order or consent agreement. The protection order or 1798
consent agreement shall specify the date when the respondent 1799
attains the age of nineteen years. 1800

(F)(1) A copy of any protection order, or consent agreement, 1801
that is issued, approved, modified, or terminated under this 1802
section shall be issued by the court to the petitioner, to the 1803
respondent, and to all law enforcement agencies that have 1804
jurisdiction to enforce the order or agreement. The court shall 1805
direct that a copy of an order be delivered to the respondent on 1806
the same day that the order is entered. 1807

(2) Upon the issuance of a protection order or the approval 1808
of a consent agreement under this section, the court shall provide 1809
the parties to the order or agreement with the following notice 1810
orally or by form: 1811

"NOTICE 1812

As a result of this order or consent agreement, it may be 1813
unlawful for you to possess or purchase a firearm, including a 1814
rifle, pistol, or revolver, or ammunition pursuant to federal law 1815
under 18 U.S.C. 922(g)(8). If you have any questions whether this 1816
law makes it illegal for you to possess or purchase a firearm or 1817
ammunition, you should consult an attorney." 1818

(3) All law enforcement agencies shall establish and maintain 1819
an index for the protection orders and the approved consent 1820
agreements delivered to the agencies pursuant to division (F)(1) 1821
of this section. With respect to each order and consent agreement 1822
delivered, each agency shall note on the index the date and time 1823
that it received the order or consent agreement. 1824

(4) Regardless of whether the petitioner has registered the 1825
order or agreement in the county in which the officer's agency has 1826
jurisdiction pursuant to division (N) of this section, any officer 1827

of a law enforcement agency shall enforce a protection order 1828
issued or consent agreement approved by any court in this state in 1829
accordance with the provisions of the order or agreement, 1830
including removing the respondent from the premises, if 1831
appropriate. 1832

(G) Any proceeding under this section shall be conducted in 1833
accordance with the Rules of Civil Procedure, except that an order 1834
under this section may be obtained with or without bond. An order 1835
issued under this section, other than an ex parte order, that 1836
grants a protection order or approves a consent agreement, that 1837
refuses to grant a protection order or approve a consent agreement 1838
that modifies or terminates a protection order or consent 1839
agreement, or that refuses to modify or terminate a protection 1840
order or consent agreement, is a final, appealable order. The 1841
remedies and procedures provided in this section are in addition 1842
to, and not in lieu of, any other available civil or criminal 1843
remedies. 1844

(H) The filing of proceedings under this section does not 1845
excuse a person from filing any report or giving any notice 1846
required by section 2151.421 of the Revised Code or by any other 1847
law. When a petition under this section alleges domestic violence 1848
against minor children, the court shall report the fact, or cause 1849
reports to be made, to a county, township, or municipal peace 1850
officer under section 2151.421 of the Revised Code. 1851

(I) Any law enforcement agency that investigates a domestic 1852
dispute shall provide information to the family or household 1853
members involved regarding the relief available under this section 1854
and section 2919.26 of the Revised Code. 1855

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 1856
Subject to divisions (E)(8)(e) and (J)(2) of this section and 1857
regardless of whether a protection order is issued or a consent 1858
agreement is approved by a court of another county or a court of 1859

another state, no court or unit of state or local government shall 1860
charge the petitioner any fee, cost, deposit, or money in 1861
connection with the filing of a petition pursuant to this section 1862
or in connection with the filing, issuance, registration, 1863
modification, enforcement, dismissal, withdrawal, or service of a 1864
protection order ~~or~~, consent agreement, or witness subpoena or for 1865
obtaining a certified copy of a protection order or consent 1866
agreement. 1867

(2) Regardless of whether a protection order is issued or a 1868
consent agreement is approved pursuant to this section, the court 1869
may assess costs against the respondent in connection with the 1870
filing, issuance, registration, modification, enforcement, 1871
dismissal, withdrawal, or service of a protection order, consent 1872
agreement, or witness subpoena or for obtaining a certified copy 1873
of a protection order or consent agreement. 1874

(K)(1) The court shall comply with Chapters 3119., 3121., 1875
3123., and 3125. of the Revised Code when it makes or modifies an 1876
order for child support under this section. 1877

(2) If any person required to pay child support under an 1878
order made under this section on or after April 15, 1985, or 1879
modified under this section on or after December 31, 1986, is 1880
found in contempt of court for failure to make support payments 1881
under the order, the court that makes the finding, in addition to 1882
any other penalty or remedy imposed, shall assess all court costs 1883
arising out of the contempt proceeding against the person and 1884
require the person to pay any reasonable attorney's fees of any 1885
adverse party, as determined by the court, that arose in relation 1886
to the act of contempt. 1887

(L)(1) A person who violates a protection order issued or a 1888
consent agreement approved under this section is subject to the 1889
following sanctions: 1890

(a) Criminal prosecution or a delinquent child proceeding for 1891
a violation of section 2919.27 of the Revised Code, if the 1892
violation of the protection order or consent agreement constitutes 1893
a violation of that section; 1894

(b) Punishment for contempt of court. 1895

(2) The punishment of a person for contempt of court for 1896
violation of a protection order issued or a consent agreement 1897
approved under this section does not bar criminal prosecution of 1898
the person or a delinquent child proceeding concerning the person 1899
for a violation of section 2919.27 of the Revised Code. However, a 1900
person punished for contempt of court is entitled to credit for 1901
the punishment imposed upon conviction of or adjudication as a 1902
delinquent child for a violation of that section, and a person 1903
convicted of or adjudicated a delinquent child for a violation of 1904
that section shall not subsequently be punished for contempt of 1905
court arising out of the same activity. 1906

(M) In all stages of a proceeding under this section, a 1907
petitioner may be accompanied by a victim advocate. 1908

(N)(1) A petitioner who obtains a protection order or consent 1909
agreement under this section or a temporary protection order under 1910
section 2919.26 of the Revised Code may provide notice of the 1911
issuance or approval of the order or agreement to the judicial and 1912
law enforcement officials in any county other than the county in 1913
which the order is issued or the agreement is approved by 1914
registering that order or agreement in the other county pursuant 1915
to division (N)(2) of this section and filing a copy of the 1916
registered order or registered agreement with a law enforcement 1917
agency in the other county in accordance with that division. A 1918
person who obtains a protection order issued by a court of another 1919
state may provide notice of the issuance of the order to the 1920
judicial and law enforcement officials in any county of this state 1921
by registering the order in that county pursuant to section 1922

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.

(0) 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, 1954
and 3113.31 of the Revised Code are hereby repealed. 1955