

**CORRECTED VERSION**  
**As Reported by the House Judiciary Committee**

**130th General Assembly**  
**Regular Session**  
**2013-2014**

**Sub. H. B. No. 309**

**Representatives Pelanda, Antonio**

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

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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:**

<b>Section 1.</b> That sections 2151.34, 2301.14, 2303.201, 2311.14, 2335.09, 2335.11, 2903.213, 2903.214, 2919.26, 2919.272, and 3113.31 of the Revised Code be amended to read as follows:	21 22 23
<b>Sec. 2151.34.</b> (A) As used in this section:	24
(1) "Court" means the juvenile division of the court of common pleas of the county in which the person to be protected by the protection order resides.	25 26 27
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	28 29
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	30 31
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	32 33
(5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed.	34 35 36
(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.	37 38
(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	39 40
(8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	41 42
(B) The court has jurisdiction over all proceedings under this section.	43 44
(C)(1) Any of the following persons may seek relief under this section by filing a petition with the court:	45 46

(a) Any person on behalf of that person;	47
(b) Any parent or adult family or household member on behalf of any other family or household member;	48 49
(c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child.	50 51 52
(2) The petition shall contain or state all of the following:	53
(a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation;	54 55 56 57 58 59 60
(b) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;	61 62 63 64 65 66 67 68
(c) A request for relief under this section.	69
(3) The court in its discretion may determine whether or not to give notice that a petition has been filed under division (C)(1) of this section on behalf of a child to any of the 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 grant a continuance of the full hearing to a reasonable time determined by the court:	109 110 111
(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.	112 113 114 115
(ii) The parties consent to the continuance.	116
(iii) The continuance is needed to allow a party to obtain counsel.	117 118
(iv) The continuance is needed for other good cause.	119
(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.	120 121 122 123 124
(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.	125 126 127 128 129
(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order.	130 131 132 133
(b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C)(2)(b) of this section or the court, upon its own motion, finds upon clear and convincing evidence that the petitioner reasonably believed that the respondent's conduct at any time preceding the	134 135 136 137 138

filing of the petition endangered the health, welfare, or safety of the person to be protected and that the respondent presents a continuing danger to the person to be protected and if division (N) of this section does not prohibit the issuance of an order that the respondent be electronically monitored, the court may order that the respondent be electronically monitored for a period of time and under the terms and conditions that the court determines are appropriate. Electronic monitoring shall be in addition to any other relief granted to the petitioner.	139 140 141 142 143 144 145 146 147
(2)(a) Any protection order issued pursuant to this section shall be valid until a date certain but not later than the date the respondent attains nineteen years of age.	148 149 150
(b) Any protection order issued pursuant to this section may be renewed in the same manner as the original order was issued.	151 152
(3) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1) of this section unless all of the following apply:	153 154 155 156
(a) The respondent files a separate petition for a protection order in accordance with this section.	157 158
(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.	159 160 161 162
(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent.	163 164 165 166 167
(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the	168 169

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 protection order that is issued under this section to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the respondent and the parent, guardian, or legal custodian of the respondent on the same day that the order is entered.	203 204 205 206 207 208 209
(2) Upon the issuance of a protection order under this section, the court shall provide the parties to the order with the following notice orally or by form:	210 211 212
"NOTICE	213
As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."	214 215 216 217 218 219
(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.	220 221 222 223 224
(4) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, including removing the respondent from the premises, if appropriate.	225 226 227 228 229 230 231
(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

<u>(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.</u>	265
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(K)(1) A person who violates a protection order issued under this section is subject to the following sanctions:	272
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(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;	274
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(b) Punishment for contempt of court.	278
(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.	279
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(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.	290
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(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	292
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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

<b>Sec. 2303.201.</b> (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- 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 704  
court is in session after its issuance, a hearing to determine 705  
whether the order should remain in effect, be modified, or be 706  
revoked. The hearing shall be conducted under the standards set 707  
forth in division (C) of this section. 708

(3) If a municipal court or a county court issues a 709  
protection order under this section and if, subsequent to the 710  
issuance of the order, the alleged offender who is the subject of 711  
the order is bound over to the court of common pleas for 712  
prosecution of a felony arising out of the same activities as 713  
those that were the basis of the complaint upon which the order is 714  
based, notwithstanding the fact that the order was issued by a 715  
municipal court or county court, the order shall remain in effect, 716  
as though it were an order of the court of common pleas, while the 717  
charges against the alleged offender are pending in the court of 718  
common pleas, for the period of time described in division (E)(2) 719  
of this section, and the court of common pleas has exclusive 720  
jurisdiction to modify the order issued by the municipal court or 721  
county court. This division applies when the alleged offender is 722  
bound over to the court of common pleas as a result of the person 723  
waiving a preliminary hearing on the felony charge, as a result of 724  
the municipal court or county court having determined at a 725  
preliminary hearing that there is probable cause to believe that 726  
the felony has been committed and that the alleged offender 727  
committed it, as a result of the alleged offender having been 728  
indicted for the felony, or in any other manner. 729

(E) A protection order that is issued as a pretrial condition 730  
of release under this section: 731

(1) Is in addition to, but shall not be construed as a part 732  
of, any bail set under Criminal Rule 46; 733

(2) Is effective only until the disposition, by the court 734  
that issued the order or, in the circumstances described in 735

division (D)(3) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the complaint filed under this section;	736 737 738 739 740 741 742
(3) Shall not be construed as a finding that the alleged offender committed the alleged offense and shall not be introduced as evidence of the commission of the offense at the trial of the alleged offender on the complaint upon which the order is based.	743 744 745 746
(F) A person who meets the criteria for bail under Criminal Rule 46 and who, if required to do so pursuant to that rule, executes or posts bond or deposits cash or securities as bail, shall not be held in custody pending a hearing before the court on a motion requesting a protection order under this section.	747 748 749 750 751
(G)(1) A copy of a protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered. If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the defendant who is the subject of the order is bound over to the court of common pleas for prosecution as described in division (D)(3) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over.	752 753 754 755 756 757 758 759 760 761 762 763 764 765
(2) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies	766 767

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
<b>Sec. 2903.214. (A) As used in this section:</b>	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 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;	828 829 830 831 832 833 834
(3) A request for relief under this section.	835
(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order.	836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852
(2)(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a	853 854 855 856 857 858 859

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

<u>(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.</u>	1017 1018 1019 1020 1021 1022 1023
(K)(1) A person who violates a protection order issued under this section is subject to the following sanctions:	1024 1025
(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;	1026 1027 1028
(b) Punishment for contempt of court.	1029
(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.	1030 1031 1032 1033 1034 1035 1036 1037
(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.	1038 1039
(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	1040 1041 1042 1043 1044 1045 1046 1047

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.	1142 1143 1144 1145
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.	1146 1147 1148 1149 1150 1151 1152 1153 1154 1155 1156 1157
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.	1158 1159 1160 1161 1162 1163 1164 1165 1166 1167 1168 1169 1170 1171
.....	1172
Signature of person	1173

(or signature of the arresting officer who filed the motion on behalf of the alleged victim) 1174  
..... 1175  
Address of person (or office address of the arresting officer who filed the motion on behalf of the alleged victim)" 1177  
1178  
(C)(1) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the complaint, another person who is able to provide the court with the information it requests may appear in lieu of the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member. 1179  
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(2)(a) If the court issues a temporary protection order that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, the alleged victim, or the family or household 1202  
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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 condition of release under this section:	1271
(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;	1273
(2) Is effective only until the occurrence of either of the following:	1275
(a) The disposition, by the court that issued the order or, in the circumstances described in division (D)(4) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based;	1277
(b) The issuance of a protection order or the approval of a consent agreement, arising out of the same activities as those that were the basis of the complaint upon which the order is based, under section 3113.31 of the Revised Code;	1282
(3) Shall not be construed as a finding that the alleged offender committed the alleged offense, and shall not be introduced as evidence of the commission of the offense at the trial of the alleged offender on the complaint upon which the order is based.	1286
(F) A person who meets the criteria for bail under Criminal Rule 46 and who, if required to do so pursuant to that rule, executes or posts bond or deposits cash or securities as bail, shall not be held in custody pending a hearing before the court on a motion requesting a temporary protection order.	1291
(G)(1) A copy of any temporary protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies	1296
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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 other county in accordance with that division.	1332 1333
(5) Any officer of a law enforcement agency shall enforce a temporary protection order issued by any court in this state in accordance with the provisions of the order, including removing the defendant from the premises, regardless of whether the order is registered in the county in which the officer's agency has jurisdiction as authorized by division (G)(4) of this section.	1334 1335 1336 1337 1338 1339
(H) Upon a violation of a temporary protection order, the court may issue another temporary protection order, as a pretrial condition of release, that modifies the terms of the order that was violated.	1340 1341 1342 1343
(I)(1) As used in divisions (I)(1) and (2) of this section, "defendant" means a person who is alleged in a complaint to have committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section.	1344 1345 1346 1347
(2) If a complaint is filed that alleges that a person committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section, the court may not issue a temporary protection order under this section that requires the complainant, the alleged victim, or another family or household member of the defendant to do or refrain from doing an act that the court may require the defendant to do or refrain from doing under a temporary protection order unless both of the following apply:	1348 1349 1350 1351 1352 1353 1354 1355 1356
(a) The defendant has filed a separate complaint that alleges that the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act committed a violation or offense of violence of the type described in division (A) of this section.	1357 1358 1359 1360 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 assistance for a victim of an offense during court proceedings.	1396
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<b>Sec. 2919.272.</b> (A) As used in this section, "protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	1398
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(B) A person who has obtained a protection order issued by a court of another state may provide notice of the issuance of the order to judicial and law enforcement officials in any county of this state by registering the order in that county and filing a copy of the registered order with a law enforcement agency in that county. To register the order, the person shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered. Upon accepting the certified copy of the order for registration, the clerk shall place an endorsement of registration on the order and give the person a copy of the order that bears proof of registration. The person then may file with a law enforcement agency in that county a copy of the order that bears proof of registration.	1401
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(C) The clerk of each court of common pleas and the clerk of each municipal court and county court shall maintain a registry of certified copies of protection orders issued by courts of another state that have been registered with the clerk. Each law enforcement agency shall establish and maintain a registry for protection orders delivered to the agency pursuant to this section. The agency shall note in the registry the date and time that the agency received an order.	1416
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(D) An officer of a law enforcement agency shall enforce a protection order issued by a court of another state in accordance	1424
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with the provisions of the order, including removing the person allegedly violating the order from the premises, regardless of whether the order is registered as authorized by division (B) of this section in the county in which the officer's agency has jurisdiction.	1426 1427 1428 1429 1430
(E) <del>Notwithstanding any provision of law to the contrary (1)</del> <u>Subject to division (E)(2) of this section</u> and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge <u>a</u> <u>person who registers and files an order</u> any fee, cost, deposit, or money in connection with the filing, issuance, registration, <u>modification, enforcement, dismissal, withdrawal,</u> or service of a protection order <del>or</del> , consent agreement, <u>or witness subpoena</u> or for obtaining a certified copy of a protection order or consent agreement, including a protection order issued by a court of another state.	1431 1432 1433 1434 1435 1436 1437 1438 1439 1440 1441 1442
(2) <u>Regardless of whether a protection order is issued or a</u> <u>consent agreement is approved pursuant to this section, the court</u> <u>may assess costs against the person who is subject to a registered</u> <u>and filed order in connection with the filing, issuance,</u> <u>registration, modification, enforcement, dismissal, withdrawal,</u> or <u>service of a protection order, consent agreement, or witness</u> <u>subpoena or for obtaining a certified copy of a protection order</u> <u>or consent agreement.</u>	1443 1444 1445 1446 1447 1448 1449 1450
<b>Sec. 3113.31.</b> (A) As used in this section:	1451
(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:	1452 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 section 2903.211 or 2911.211 of the Revised Code;	1456 1457
(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	1458 1459 1460
(d) Committing a sexually oriented offense.	1461
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.	1462 1463 1464 1465 1466 1467 1468 1469
(3) "Family or household member" means any of the following:	1470
(a) Any of the following who is residing with or has resided with the respondent:	1471 1472
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	1473 1474
(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	1475 1476 1477
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	1478 1479 1480 1481
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	1482 1483
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital	1484 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
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(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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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 court in an action brought by the petitioner or respondent issues a support order.	1642 1643 1644
(c) Any protection order issued or consent agreement approved pursuant to this section may be renewed in the same manner as the original order or agreement was issued or approved.	1645 1646 1647
(4) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this section unless all of the following apply:	1648 1649 1650 1651 1652
(a) The respondent files a separate petition for a protection order in accordance with this section.	1653 1654
(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.	1655 1656 1657 1658
(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent.	1659 1660 1661 1662 1663
(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.	1664 1665 1666 1667 1668 1669 1670 1671 1672

(5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property.	1673 1674 1675
(6)(a) If a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E)(1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of this section granting parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:	1676 1677 1678 1679 1680 1681 1682 1683 1684 1685 1686 1687 1688 1689
(i) The child is in danger from the respondent;	1690
(ii) No other person or agency is available to provide the supervision.	1691 1692
(b) A court that requires an agency to provide supervision pursuant to division (E)(6)(a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.	1693 1694 1695 1696 1697
(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement	1698 1699 1700 1701 1702 1703

cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.	1704 1705 1706 1707 1708
(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court.	1709 1710 1711 1712 1713 1714 1715 1716
(8)(a) The court may modify or terminate as provided in division (E)(8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved the consent agreement shall hear a motion for modification or termination of the protection order or consent agreement pursuant to division (E)(8) of this section.	1717 1718 1719 1720 1721 1722 1723
(b) Either the petitioner or the respondent of the original protection order or consent agreement may bring a motion for modification or termination of a protection order or consent agreement that was issued or approved after a full hearing. The court shall require notice of the motion to be made as provided by the Rules of Civil Procedure. If the petitioner for the original protection order or consent agreement has requested that the petitioner's address be kept confidential, the court shall not disclose the address to the respondent of the original protection order or consent agreement or any other person, except as otherwise required by law. The moving party has the burden of proof to show, by a preponderance of the evidence, that	1724 1725 1726 1727 1728 1729 1730 1731 1732 1733 1734 1735

modification or termination of the protection order or consent agreement is appropriate because either the protection order or consent agreement is no longer needed or because the terms of the original protection order or consent agreement are no longer appropriate.	1736 1737 1738 1739 1740
(c) In considering whether to modify or terminate a protection order or consent agreement issued or approved under this section, the court shall consider all relevant factors, including, but not limited to, the following:	1741 1742 1743 1744
(i) Whether the petitioner consents to modification or termination of the protection order or consent agreement;	1745 1746
(ii) Whether the petitioner fears the respondent;	1747
(iii) The current nature of the relationship between the petitioner and the respondent;	1748 1749
(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together;	1750 1751 1752 1753
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	1754 1755
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	1756 1757
(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;	1758 1759 1760 1761
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or	1762 1763 1764 1765

the law of any other state;	1766
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	1767 1768 1769 1770
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	1771 1772
(xi) The age and health of the respondent;	1773
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	1774 1775 1776 1777
(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section.	1778 1779 1780 1781 1782 1783 1784 1785 1786
(e) If the respondent moves for modification or termination of a protection order or consent agreement pursuant to this section <u>and the court denies the motion</u> , the court may assess costs against the respondent for the filing of the motion.	1787 1788 1789 1790
(9) Any protection order issued or any consent agreement approved pursuant to this section shall include a provision that the court will automatically seal all of the records of the proceeding in which the order is issued or agreement approved on the date the respondent attains the age of nineteen years unless the petitioner provides the court with evidence that the	1791 1792 1793 1794 1795 1796

respondent has not complied with all of the terms of the protection order or consent agreement. The protection order or consent agreement shall specify the date when the respondent attains the age of nineteen years. 1797  
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(F)(1) A copy of any protection order, or consent agreement, that is issued, approved, modified, or terminated under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered. 1801  
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(2) Upon the issuance of a protection order or the approval of a consent agreement under this section, the court shall provide the parties to the order or agreement with the following notice orally or by form: 1808  
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"NOTICE 1812

As a result of this order or consent agreement, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney." 1813  
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(3) All law enforcement agencies shall establish and maintain an index for the protection orders and the approved consent agreements delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order and consent agreement delivered, each agency shall note on the index the date and time that it received the order or consent agreement. 1819  
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(4) Regardless of whether the petitioner has registered the order or agreement in the county in which the officer's agency has jurisdiction pursuant to division (N) of this section, any officer 1825  
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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 a violation of section 2919.27 of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section;	1891 1892 1893 1894
(b) Punishment for contempt of court.	1895
(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person or a delinquent child proceeding concerning the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of or adjudication as a delinquent child for a violation of that section, and a person convicted of or adjudicated a delinquent child for a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.	1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906
(M) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.	1907 1908
(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N)(2) of this section and filing a copy of the registered order or registered agreement with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section	1909 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919 1920 1921 1922

2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.	1923 1924
(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:	1925 1926 1927 1928
(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.	1929 1930 1931 1932 1933 1934
(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.	1935 1936 1937 1938 1939 1940
(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.	1941 1942 1943 1944 1945 1946
(O) Nothing in this section prohibits the domestic relations division of a court of common pleas in counties that have a domestic relations division or a court of common pleas in counties that do not have a domestic relations division from designating a minor child as a protected party on a protection order or consent agreement.	1947 1948 1949 1950 1951 1952
<b>Section 2.</b> That existing sections 2151.34, 2301.14, 2303.201,	1953

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