



# Ohio Legislative Service Commission

## Bill Analysis

Jennifer Huntzinger

### H.B. 112

128th General Assembly  
(As Introduced)

**Reps.** Domenick, Luckie, Murray, Phillips

---

## BILL SUMMARY

- Permits the court, when issuing a criminal protection order or a domestic violence criminal temporary protection order, to include a requirement that the alleged offender be monitored by means of a global positioning system device.
- Provides that if the court requires an alleged offender described in the preceding dot point to be monitored by means of a global positioning system device, the alleged offender must pay the cost of the monitoring.

---

## CONTENT AND OPERATION

### Criminal protection orders and GPS monitoring

Under current law, upon the filing with the court that has jurisdiction of the case of a complaint that does not involve a family or household member and that alleges a violation of R.C. 2903.11 (felonious assault), 2903.12 (aggravated assault), 2903.13 (assault), 2903.21 (aggravated menacing), 2903.211 (menacing by stalking), 2903.22 (menacing), or 2911.211 (aggravated trespass) or a municipal ordinance substantially similar to those sections, or the commission of a sexually oriented offense, the court may issue a protection order as a pretrial condition of release after a hearing on the matter. The court must conduct the hearing not later than the next court day after the motion is filed. If the court finds that the safety and protection of the complainant or alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order as a pretrial condition of release that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or alleged victim.

If the court issues a criminal protection order as an ex parte order, it must conduct, not later than the next court day after its issuance, a hearing to determine whether the order should remain in effect, be modified, or be revoked. The court may issue the protection order pursuant to its own motion (upon the filing of a complaint alleging a violation described above) or the motion of a complainant or alleged victim. (R.C. 2903.213.)

The bill does not change the procedures for requesting or granting such a protection order. However, it provides that, regarding the issuance of such a protection order, the court may require the alleged offender to be monitored by means of a global positioning system device. It also provides that if the court imposes this requirement, the alleged offender must pay the cost of the monitoring. The bill is silent in regard to who would pay for the cost of the monitoring if such an offender is indigent. (R.C. 2903.213(C)(1).)

### **Domestic violence criminal temporary protection orders and GPS monitoring**

Under current law, upon the filing of a complaint that alleges a violation of R.C. 2909.06 (criminal damaging or endangering), 2909.07 (criminal mischief), 2911.12 (burglary), or 2911.211 (aggravated trespass) or of a similar municipal ordinance, any offense of violence, or any sexually oriented offense, if the alleged victim of any of those violations or offenses was a family or household member at the time of the violation, the complainant, the alleged victim, or a family or household member of an alleged victim may file a motion that requests the issuance of a temporary protection order as a pretrial condition of release of the alleged offender. The court must conduct a hearing to determine whether to issue the order not later than 24 hours after the filing of the motion. If the court issues a temporary protection order as an ex parte order, it must conduct, as soon as possible after the issuance of the order, a hearing in the presence of the alleged offender not later than the next court day after the day on which the alleged offender was arrested or at the time of the appearance of the alleged offender pursuant to summons to determine whether the order should remain in effect, be modified, or be revoked.

If, after the hearing, 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. The court may issue the order on its own motion (upon the filing of a complaint alleging any of the above violations or offenses) or on motion of the complainant. (R.C. 2919.26.)

The bill does not change the procedures for requesting or granting such an order. However, it provides that, regarding the issuance of such a protection order, the court may require the alleged offender to be monitored by means of a global positioning system device. It also provides that if the court imposes this requirement, the alleged offender must pay the cost of the monitoring. The bill is silent in regard to who would pay for the cost of the monitoring if such an offender is indigent. (R.C. 2919.26(C)(1).)

---

## HISTORY

ACTION	DATE
Introduced	03-31-09

h0112-i-128.docx/kl

