



Ohio Legislative Service Commission

Bill Analysis

David M. Gold

H.B. 309

130th General Assembly
(As Introduced)

Reps. Pelanda and Antonio, Ruhl, Barborak, Gonzales, Ramos, Sheehy, Maag, Cera, Heard, Lundy, R. Hagan, Fedor, Phillips, Williams, Ashford, Grossman, Celebrezze, Reece, Scherer, O'Brien

BILL SUMMARY

- Prohibits any court or unit of state or local government from charging any fee, cost, deposit, or money in connection with the modification, enforcement, dismissal, or withdrawal of a protection order or consent agreement.

CONTENT AND OPERATION

Prohibition of fee or other charge in connection with protection orders

The bill prohibits any court or unit of state or local government from charging any fee, cost, deposit, or money in connection with the modification, enforcement, dismissal, or withdrawal of a protection order or consent agreement.

Continuing law

Existing law, unchanged by the bill, prohibits the charging of a fee, cost, deposit, or money in connection with the filing, issuance, registration, or service of a protection order or consent agreement in the following types of cases:

(1) A proceeding for a protection order against a minor in which the petition alleges (a) felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, aggravated trespass, or a sexually oriented offense or (b) an offense substantially equivalent to any of the foregoing under a municipal ordinance;¹

¹ R.C. 2151.34(J).

(2) A criminal action not involving a family or household member of the alleged victim in which a protection order is sought as a pretrial condition of release of the defendant and in which the complaint alleges (a) felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, or aggravated trespass, (b) an offense substantially similar to any of the foregoing under a municipal ordinance, or (c) a sexually oriented offense;²

(3) A proceeding for a protection order in which the petitioner alleges that the respondent engaged in menacing by stalking or committed a sexually oriented offense against the person to be protected;³

(4) A criminal action involving a family or household member of the alleged victim in which a protection order is sought as a pretrial condition of release of the defendant and in which the complaint alleges (a) criminal damaging or endangering, criminal mischief, burglary, or aggravated trespass, (b) an offense substantially similar to any of the foregoing under a municipal ordinance, (c) an offense of violence, or (d) a sexually oriented offense;⁴

(5) A proceeding for a civil domestic violence protection order.⁵

Continuing law also prohibits the charging of a fee, cost, deposit, or money in connection with the filing, issuance, registration, or service of a protection order or consent agreement issued by a court in another state and registered in Ohio.⁶

Operation of the bill

The bill extends the prohibition against charging any fee, cost, deposit, or money in all of the foregoing situations to the modification, enforcement, dismissal, or withdrawal of a protection order or consent agreement. The bill also eliminates the specific authorization for a court to assess costs against a respondent who moves for modification or termination of a civil domestic violence protection order or consent agreement.⁷

² R.C. 2903.213(I).

³ R.C. 2903.214(J).

⁴ R.C. 2919.26(J).

⁵ R.C. 3113.31(J).

⁶ R.C. 2919.272(E).

⁷ R.C. 3113.31(E)(8)(e).



HISTORY

ACTION

DATE

Introduced

10-22-13

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