

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 305

Representatives Antonio, Boyd

**Cosponsors: Representatives Smith, K., Lepore-Hagan, Kent, Boggs, Sheehy,
Craig, Kelly, Sykes, Celebrezze, Fedor**

A BILL

To amend sections 2151.34, 2903.13, 2903.21, 1
2903.214, 2919.25, 2919.26, 2923.13, and 3113.31 2
and to enact section 2923.133 of the Revised 3
Code to require a court that issues a protection 4
order to determine if the respondent is 5
prohibited from carrying or possessing a 6
firearm, to require a court to determine whether 7
an offender who has been convicted of specified 8
offenses is prohibited from carrying or 9
possessing a firearm, and to require a 10
respondent or offender who the court determines 11
is prohibited from carrying or possessing a 12
firearm to transfer all firearms in the person's 13
possession to a law enforcement agency or a 14
federally licensed firearms dealer. 15

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

Section 1. That sections 2151.34, 2903.13, 2903.21, 16
2903.214, 2919.25, 2919.26, 2923.13, and 3113.31 be amended and 17
section 2923.133 of the Revised Code be enacted to read as 18

follows:	19
Sec. 2151.34. (A) As used in this section:	20
(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.	21 22 23
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	24 25 26
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	27 28
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	29 30
(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.	31 32 33
(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.	34 35 36
(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	37 38
(8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	39 40
(9) "Companion animal" has the same meaning as in section 959.131 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	45

this section by filing a petition with the court:	46
(a) Any person on behalf of that person;	47
(b) Any parent or adult family or household member on behalf of any other family or household member;	48 49
(c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child.	50 51 52
(2) The petition shall contain or state all of the following:	53 54
(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;	55 56 57 58 59 60 61 62
(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;	63 64 65 66 67 68 69 70
(c) A request for relief under this section.	71
(3) <u>A petitioner may include a statement in the petition that describes the number, types, and locations of any firearms</u>	72 73

that the petitioner knows to be in the possession or control of 74
the respondent. 75

(4) The court in its discretion may determine whether or 76
not to give notice that a petition has been filed under division 77
(C) (1) of this section on behalf of a child to any of the 78
following: 79

(a) A parent of the child if the petition was filed by any 80
person other than a parent of the child; 81

(b) Any person who is determined by the court to be an 82
appropriate person to receive notice of the filing of the 83
petition. 84

(D) (1) If a person who files a petition pursuant to this 85
section requests an ex parte order, the court shall hold an ex 86
parte hearing as soon as possible after the petition is filed, 87
but not later than the next day after the court is in session 88
after the petition is filed. The court, for good cause shown at 89
the ex parte hearing, may enter any temporary orders, with or 90
without bond, that the court finds necessary for the safety and 91
protection of the person to be protected by the order. Immediate 92
and present danger to the person to be protected by the 93
protection order constitutes good cause for purposes of this 94
section. Immediate and present danger includes, but is not 95
limited to, situations in which the respondent has threatened 96
the person to be protected by the protection order with bodily 97
harm or in which the respondent previously has been convicted 98
of, pleaded guilty to, or been adjudicated a delinquent child 99
for committing a violation of section 2903.11, 2903.12, 2903.13, 100
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 101
sexually oriented offense, or a violation of any municipal 102
ordinance that is substantially equivalent to any of those 103

offenses against the person to be protected by the protection order.	104 105
(2) (a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:	106 107 108 109 110 111 112 113 114 115 116 117 118
(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.	119 120 121 122
(ii) The parties consent to the continuance.	123
(iii) The continuance is needed to allow a party to obtain counsel.	124 125
(iv) The continuance is needed for other good cause.	126
(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.	127 128 129 130 131
(3) If a person who files a petition pursuant to this	132

section does not request an ex parte order, or if a person 133
requests an ex parte order but the court does not issue an ex 134
parte order after an ex parte hearing, the court shall proceed 135
as in a normal civil action and grant a full hearing on the 136
matter. 137

(E) (1) (a) After an ex parte or full hearing, the court may 138
issue any protection order, with or without bond, that contains 139
terms designed to ensure the safety and protection of the person 140
to be protected by the protection order. The court may include 141
within a protection order issued under this section a term 142
requiring that the respondent not remove, damage, hide, harm, or 143
dispose of any companion animal owned or possessed by the person 144
to be protected by the order, and may include within the order a 145
term authorizing the person to be protected by the order to 146
remove a companion animal owned by the person to be protected by 147
the order from the possession of the respondent. 148

(b) After a full hearing, if the court considering a 149
petition that includes an allegation of the type described in 150
division (C) (2) (b) of this section or the court, upon its own 151
motion, finds upon clear and convincing evidence that the 152
petitioner reasonably believed that the respondent's conduct at 153
any time preceding the filing of the petition endangered the 154
health, welfare, or safety of the person to be protected and 155
that the respondent presents a continuing danger to the person 156
to be protected and if division (N) of this section does not 157
prohibit the issuance of an order that the respondent be 158
electronically monitored, the court may order that the 159
respondent be electronically monitored for a period of time and 160
under the terms and conditions that the court determines are 161
appropriate. Electronic monitoring shall be in addition to any 162
other relief granted to the petitioner. 163

(2) (a) Any protection order issued pursuant to this 164
section shall be valid until a date certain but not later than 165
the date the respondent attains nineteen years of age. 166

(b) Any protection order issued pursuant to this section 167
may be renewed in the same manner as the original order was 168
issued. 169

(3) A court may not issue a protection order that requires 170
a petitioner to do or to refrain from doing an act that the 171
court may require a respondent to do or to refrain from doing 172
under division (E) (1) of this section unless all of the 173
following apply: 174

(a) The respondent files a separate petition for a 175
protection order in accordance with this section. 176

(b) The petitioner is served with notice of the 177
respondent's petition at least forty-eight hours before the 178
court holds a hearing with respect to the respondent's petition, 179
or the petitioner waives the right to receive this notice. 180

(c) If the petitioner has requested an ex parte order 181
pursuant to division (D) of this section, the court does not 182
delay any hearing required by that division beyond the time 183
specified in that division in order to consolidate the hearing 184
with a hearing on the petition filed by the respondent. 185

(d) After a full hearing at which the respondent presents 186
evidence in support of the request for a protection order and 187
the petitioner is afforded an opportunity to defend against that 188
evidence, the court determines that the petitioner has committed 189
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 190
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 191
oriented offense, or a violation of any municipal ordinance that 192

is substantially equivalent to any of those offenses against the 193
person to be protected by the protection order issued pursuant 194
to division (E) (3) of this section, or has violated a protection 195
order issued pursuant to this section or section 2903.213 of the 196
Revised Code relative to the person to be protected by the 197
protection order issued pursuant to division (E) (3) of this 198
section. 199

(4) No protection order issued pursuant to this section 200
shall in any manner affect title to any real property. 201

(5) (a) A protection order issued under this section shall 202
clearly state that the person to be protected by the order 203
cannot waive or nullify by invitation or consent any requirement 204
in the order. 205

(b) Division (E) (5) (a) of this section does not limit any 206
discretion of a court to determine that a respondent alleged to 207
have violated section 2919.27 of the Revised Code, violated a 208
municipal ordinance substantially equivalent to that section, or 209
committed contempt of court, which allegation is based on an 210
alleged violation of a protection order issued under this 211
section, did not commit the violation or was not in contempt of 212
court. 213

(6) Any protection order issued pursuant to this section 214
shall include a provision that the court will automatically seal 215
all of the records of the proceeding in which the order is 216
issued on the date the respondent attains the age of nineteen 217
years unless the petitioner provides the court with evidence 218
that the respondent has not complied with all of the terms of 219
the protection order. The protection order shall specify the 220
date when the respondent attains the age of nineteen years. 221

(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.

(2) Upon the issuance of a protection order under this section, the court shall determine whether, as a result of the order, it is unlawful for the respondent to possess or purchase a firearm under division (A) (6) of section 2923.13 of the Revised Code or 18 U.S.C. 922(g) (8). If the court determines that the respondent is prohibited from possessing or purchasing a firearm, the court shall order the respondent to transfer all firearms in the respondent's possession or control, and shall ensure that the transfer is made, in accordance with section 2923.133 of the Revised Code. If the respondent is so prohibited, the court shall notify the petitioner of this prohibition and provide the parties to the order respondent with the following notice orally or by form:

"NOTICE

As a result of this order, it ~~may be~~ is unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to ~~federal law under section 2923.13 of the Revised Code or 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.~~ You are required to transfer all firearms in your possession or control within twenty-four hours after service of this order in accordance with section 2923.133 of the Revised

Code. You are required to file with this court a proof of 252
transfer and an affidavit that you possess no firearms within 253
forty-eight hours after service of this order." 254

(3) All law enforcement agencies shall establish and 255
maintain an index for the protection orders delivered to the 256
agencies pursuant to division (F)(1) of this section. With 257
respect to each order delivered, each agency shall note on the 258
index the date and time that it received the order. 259

(4) Regardless of whether the petitioner has registered 260
the protection order in the county in which the officer's agency 261
has jurisdiction pursuant to division (M) of this section, any 262
officer of a law enforcement agency shall enforce a protection 263
order issued pursuant to this section by any court in this state 264
in accordance with the provisions of the order, including 265
removing the respondent from the premises, if appropriate. 266

(G) Any proceeding under this section shall be conducted 267
in accordance with the Rules of Civil Procedure, except that a 268
protection order may be obtained under this section with or 269
without bond. An order issued under this section, other than an 270
ex parte order, that grants a protection order, or that refuses 271
to grant a protection order, is a final, appealable order. The 272
remedies and procedures provided in this section are in addition 273
to, and not in lieu of, any other available civil or criminal 274
remedies or any other available remedies under Chapter 2151. or 275
2152. of the Revised Code. 276

(H) The filing of proceedings under this section does not 277
excuse a person from filing any report or giving any notice 278
required by section 2151.421 of the Revised Code or by any other 279
law. 280

(I) Any law enforcement agency that investigates an 281
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21,
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 282
commission of a sexually oriented offense, or an alleged 283
violation of a municipal ordinance that is substantially 284
equivalent to any of those offenses shall provide information to 285
the victim and the family or household members of the victim 286
regarding the relief available under this section. 287
288

(J) (1) Subject to division (J) (2) of this section and 289
regardless of whether a protection order is issued or a consent 290
agreement is approved by a court of another county or by a court 291
of another state, no court or unit of state or local government 292
shall charge the petitioner any fee, cost, deposit, or money in 293
connection with the filing of a petition pursuant to this 294
section, in connection with the filing, issuance, registration, 295
modification, enforcement, dismissal, withdrawal, or service of 296
a protection order, consent agreement, or witness subpoena or 297
for obtaining a certified copy of a protection order or consent 298
agreement. 299

(2) Regardless of whether a protection order is issued or 300
a consent agreement is approved pursuant to this section, the 301
court may assess costs against the respondent in connection with 302
the filing, issuance, registration, modification, enforcement, 303
dismissal, withdrawal, or service of a protection order, consent 304
agreement, or witness subpoena or for obtaining a certified copy 305
of a protection order or consent agreement. 306

(K) (1) A person who violates a protection order issued 307
under this section is subject to the following sanctions: 308

(a) A delinquent child proceeding or a criminal 309
prosecution for a violation of section 2919.27 of the Revised 310

Code, if the violation of the protection order constitutes a 311
violation of that section; 312

(b) Punishment for contempt of court. 313

(2) The punishment of a person for contempt of court for 314
violation of a protection order issued under this section does 315
not bar criminal prosecution of the person or a delinquent child 316
proceeding concerning the person for a violation of section 317
2919.27 of the Revised Code. However, a person punished for 318
contempt of court is entitled to credit for the punishment 319
imposed upon conviction of or adjudication as a delinquent child 320
for a violation of that section, and a person convicted of or 321
adjudicated a delinquent child for a violation of that section 322
shall not subsequently be punished for contempt of court arising 323
out of the same activity. 324

(L) In all stages of a proceeding under this section, a 325
petitioner may be accompanied by a victim advocate. 326

(M) (1) A petitioner who obtains a protection order under 327
this section may provide notice of the issuance or approval of 328
the order to the judicial and law enforcement officials in any 329
county other than the county in which the order is issued by 330
registering that order in the other county pursuant to division 331
(M) (2) of this section and filing a copy of the registered order 332
with a law enforcement agency in the other county in accordance 333
with that division. A person who obtains a protection order 334
issued by a court of another state may provide notice of the 335
issuance of the order to the judicial and law enforcement 336
officials in any county of this state by registering the order 337
in that county pursuant to section 2919.272 of the Revised Code 338
and filing a copy of the registered order with a law enforcement 339
agency in that county. 340

(2) A petitioner may register a protection order issued 341
pursuant to this section in a county other than the county in 342
which the court that issued the order is located in the 343
following manner: 344

(a) The petitioner shall obtain a certified copy of the 345
order from the clerk of the court that issued the order and 346
present that certified copy to the clerk of the court of common 347
pleas or the clerk of a municipal court or county court in the 348
county in which the order is to be registered. 349

(b) Upon accepting the certified copy of the order for 350
registration, the clerk of the court of common pleas, municipal 351
court, or county court shall place an endorsement of 352
registration on the order and give the petitioner a copy of the 353
order that bears that proof of registration. 354

(3) The clerk of each court of common pleas, municipal 355
court, or county court shall maintain a registry of certified 356
copies of protection orders that have been issued by courts in 357
other counties pursuant to this section and that have been 358
registered with the clerk. 359

(N) If the court orders electronic monitoring of the 360
respondent under this section, the court shall direct the 361
sheriff's office or any other appropriate law enforcement agency 362
to install the electronic monitoring device and to monitor the 363
respondent. Unless the court determines that the respondent is 364
indigent, the court shall order the respondent to pay the cost 365
of the installation and monitoring of the electronic monitoring 366
device. If the court determines that the respondent is indigent 367
and subject to the maximum amount allowable to be paid in any 368
year from the fund and the rules promulgated by the attorney 369
general under section 2903.214 of the Revised Code, the cost of 370

the installation and monitoring of the electronic monitoring 371
device may be paid out of funds from the reparations fund 372
created pursuant to section 2743.191 of the Revised Code. The 373
total amount paid from the reparations fund created pursuant to 374
section 2743.191 of the Revised Code for electronic monitoring 375
under this section and sections 2903.214 and 2919.27 of the 376
Revised Code shall not exceed three hundred thousand dollars per 377
year. When the total amount paid from the reparations fund in 378
any year for electronic monitoring under those sections equals 379
or exceeds three hundred thousand dollars, the court shall not 380
order pursuant to this section that an indigent respondent be 381
electronically monitored. 382

(O) The court, in its discretion, may determine if the 383
respondent is entitled to court-appointed counsel in a 384
proceeding under this section. 385

Sec. 2903.13. (A) No person shall knowingly cause or 386
attempt to cause physical harm to another or to another's 387
unborn. 388

(B) No person shall recklessly cause serious physical harm 389
to another or to another's unborn. 390

(C) (1) Whoever violates this section is guilty of assault, 391
and the court shall sentence the offender as provided in this 392
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 393
(8), (9), and (10) of this section. Except as otherwise provided 394
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 395
section, assault is a misdemeanor of the first degree. 396

(2) Except as otherwise provided in this division, if the 397
offense is committed by a caretaker against a functionally 398
impaired person under the caretaker's care, assault is a felony 399

of the fourth degree. If the offense is committed by a caretaker 400
against a functionally impaired person under the caretaker's 401
care, if the offender previously has been convicted of or 402
pleaded guilty to a violation of this section or section 2903.11 403
or 2903.16 of the Revised Code, and if in relation to the 404
previous conviction the offender was a caretaker and the victim 405
was a functionally impaired person under the offender's care, 406
assault is a felony of the third degree. 407

(3) If the offense occurs in or on the grounds of a state 408
correctional institution or an institution of the department of 409
youth services, the victim of the offense is an employee of the 410
department of rehabilitation and correction or the department of 411
youth services, and the offense is committed by a person 412
incarcerated in the state correctional institution or by a 413
person institutionalized in the department of youth services 414
institution pursuant to a commitment to the department of youth 415
services, assault is a felony of the third degree. 416

(4) If the offense is committed in any of the following 417
circumstances, assault is a felony of the fifth degree: 418

(a) The offense occurs in or on the grounds of a local 419
correctional facility, the victim of the offense is an employee 420
of the local correctional facility or a probation department or 421
is on the premises of the facility for business purposes or as a 422
visitor, and the offense is committed by a person who is under 423
custody in the facility subsequent to the person's arrest for 424
any crime or delinquent act, subsequent to the person's being 425
charged with or convicted of any crime, or subsequent to the 426
person's being alleged to be or adjudicated a delinquent child. 427

(b) The offense occurs off the grounds of a state 428
correctional institution and off the grounds of an institution 429

of the department of youth services, the victim of the offense 430
is an employee of the department of rehabilitation and 431
correction, the department of youth services, or a probation 432
department, the offense occurs during the employee's official 433
work hours and while the employee is engaged in official work 434
responsibilities, and the offense is committed by a person 435
incarcerated in a state correctional institution or 436
institutionalized in the department of youth services who 437
temporarily is outside of the institution for any purpose, by a 438
parolee, by an offender under transitional control, under a 439
community control sanction, or on an escorted visit, by a person 440
under post-release control, or by an offender under any other 441
type of supervision by a government agency. 442

(c) The offense occurs off the grounds of a local 443
correctional facility, the victim of the offense is an employee 444
of the local correctional facility or a probation department, 445
the offense occurs during the employee's official work hours and 446
while the employee is engaged in official work responsibilities, 447
and the offense is committed by a person who is under custody in 448
the facility subsequent to the person's arrest for any crime or 449
delinquent act, subsequent to the person being charged with or 450
convicted of any crime, or subsequent to the person being 451
alleged to be or adjudicated a delinquent child and who 452
temporarily is outside of the facility for any purpose or by a 453
parolee, by an offender under transitional control, under a 454
community control sanction, or on an escorted visit, by a person 455
under post-release control, or by an offender under any other 456
type of supervision by a government agency. 457

(d) The victim of the offense is a school teacher or 458
administrator or a school bus operator, and the offense occurs 459
in a school, on school premises, in a school building, on a 460

school bus, or while the victim is outside of school premises or 461
a school bus and is engaged in duties or official 462
responsibilities associated with the victim's employment or 463
position as a school teacher or administrator or a school bus 464
operator, including, but not limited to, driving, accompanying, 465
or chaperoning students at or on class or field trips, athletic 466
events, or other school extracurricular activities or functions 467
outside of school premises. 468

(5) If the victim of the offense is a peace officer or an 469
investigator of the bureau of criminal identification and 470
investigation, a firefighter, or a person performing emergency 471
medical service, while in the performance of their official 472
duties, assault is a felony of the fourth degree. 473

(6) If the victim of the offense is a peace officer or an 474
investigator of the bureau of criminal identification and 475
investigation and if the victim suffered serious physical harm 476
as a result of the commission of the offense, assault is a 477
felony of the fourth degree, and the court, pursuant to division 478
(F) of section 2929.13 of the Revised Code, shall impose as a 479
mandatory prison term one of the prison terms prescribed for a 480
felony of the fourth degree that is at least twelve months in 481
duration. 482

(7) If the victim of the offense is an officer or employee 483
of a public children services agency or a private child placing 484
agency and the offense relates to the officer's or employee's 485
performance or anticipated performance of official 486
responsibilities or duties, assault is either a felony of the 487
fifth degree or, if the offender previously has been convicted 488
of or pleaded guilty to an offense of violence, the victim of 489
that prior offense was an officer or employee of a public 490

children services agency or private child placing agency, and 491
that prior offense related to the officer's or employee's 492
performance or anticipated performance of official 493
responsibilities or duties, a felony of the fourth degree. 494

(8) If the victim of the offense is a health care 495
professional of a hospital, a health care worker of a hospital, 496
or a security officer of a hospital whom the offender knows or 497
has reasonable cause to know is a health care professional of a 498
hospital, a health care worker of a hospital, or a security 499
officer of a hospital, if the victim is engaged in the 500
performance of the victim's duties, and if the hospital offers 501
de-escalation or crisis intervention training for such 502
professionals, workers, or officers, assault is one of the 503
following: 504

(a) Except as otherwise provided in division (C) (8) (b) of 505
this section, assault committed in the specified circumstances 506
is a misdemeanor of the first degree. Notwithstanding the fine 507
specified in division (A) (2) (b) of section 2929.28 of the 508
Revised Code for a misdemeanor of the first degree, in 509
sentencing the offender under this division and if the court 510
decides to impose a fine, the court may impose upon the offender 511
a fine of not more than five thousand dollars. 512

(b) If the offender previously has been convicted of or 513
pleaded guilty to one or more assault or homicide offenses 514
committed against hospital personnel, assault committed in the 515
specified circumstances is a felony of the fifth degree. 516

(9) If the victim of the offense is a judge, magistrate, 517
prosecutor, or court official or employee whom the offender 518
knows or has reasonable cause to know is a judge, magistrate, 519
prosecutor, or court official or employee, and if the victim is 520

engaged in the performance of the victim's duties, assault is 521
one of the following: 522

(a) Except as otherwise provided in division (C) (8) (b) of 523
this section, assault committed in the specified circumstances 524
is a misdemeanor of the first degree. In sentencing the offender 525
under this division, if the court decides to impose a fine, 526
notwithstanding the fine specified in division (A) (2) (b) of 527
section 2929.28 of the Revised Code for a misdemeanor of the 528
first degree, the court may impose upon the offender a fine of 529
not more than five thousand dollars. 530

(b) If the offender previously has been convicted of or 531
pleaded guilty to one or more assault or homicide offenses 532
committed against justice system personnel, assault committed in 533
the specified circumstances is a felony of the fifth degree. 534

(10) If an offender who is convicted of or pleads guilty 535
to assault when it is a misdemeanor also is convicted of or 536
pleads guilty to a specification as described in section 537
2941.1423 of the Revised Code that was included in the 538
indictment, count in the indictment, or information charging the 539
offense, the court shall sentence the offender to a mandatory 540
jail term as provided in division (G) of section 2929.24 of the 541
Revised Code. 542

If an offender who is convicted of or pleads guilty to 543
assault when it is a felony also is convicted of or pleads 544
guilty to a specification as described in section 2941.1423 of 545
the Revised Code that was included in the indictment, count in 546
the indictment, or information charging the offense, except as 547
otherwise provided in division (C) (6) of this section, the court 548
shall sentence the offender to a mandatory prison term as 549
provided in division (B) (8) of section 2929.14 of the Revised 550

Code. 551

(D) Upon a person's conviction of a violation of this 552
section, the court shall determine whether, as a result of the 553
violation, it is unlawful for the offender to possess or 554
purchase a firearm under section 2923.13 of the Revised Code or 555
18 U.S.C. 922(g)(9). If the court determines that the offender 556
is prohibited from possessing or purchasing a firearm, the court 557
shall order the offender to transfer all firearms in the 558
offender's possession or control in accordance with section 559
2923.133 of the Revised Code. 560

(E) As used in this section: 561

(1) "Peace officer" has the same meaning as in section 562
2935.01 of the Revised Code. 563

(2) "Firefighter" has the same meaning as in section 564
3937.41 of the Revised Code. 565

(3) "Emergency medical service" has the same meaning as in 566
section 4765.01 of the Revised Code. 567

(4) "Local correctional facility" means a county, 568
multicounty, municipal, municipal-county, or multicounty- 569
municipal jail or workhouse, a minimum security jail established 570
under section 341.23 or 753.21 of the Revised Code, or another 571
county, multicounty, municipal, municipal-county, or 572
multicounty-municipal facility used for the custody of persons 573
arrested for any crime or delinquent act, persons charged with 574
or convicted of any crime, or persons alleged to be or 575
adjudicated a delinquent child. 576

(5) "Employee of a local correctional facility" means a 577
person who is an employee of the political subdivision or of one 578
or more of the affiliated political subdivisions that operates 579

the local correctional facility and who operates or assists in	580
the operation of the facility.	581
(6) "School teacher or administrator" means either of the	582
following:	583
(a) A person who is employed in the public schools of the	584
state under a contract described in section 3311.77 or 3319.08	585
of the Revised Code in a position in which the person is	586
required to have a certificate issued pursuant to sections	587
3319.22 to 3319.311 of the Revised Code.	588
(b) A person who is employed by a nonpublic school for	589
which the state board of education prescribes minimum standards	590
under section 3301.07 of the Revised Code and who is	591
certificated in accordance with section 3301.071 of the Revised	592
Code.	593
(7) "Community control sanction" has the same meaning as	594
in section 2929.01 of the Revised Code.	595
(8) "Escorted visit" means an escorted visit granted under	596
section 2967.27 of the Revised Code.	597
(9) "Post-release control" and "transitional control" have	598
the same meanings as in section 2967.01 of the Revised Code.	599
(10) "Investigator of the bureau of criminal	600
identification and investigation" has the same meaning as in	601
section 2903.11 of the Revised Code.	602
(11) "Health care professional" and "health care worker"	603
have the same meanings as in section 2305.234 of the Revised	604
Code.	605
(12) "Assault or homicide offense committed against	606
hospital personnel" means a violation of this section or of	607

section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 608
2903.12, or 2903.14 of the Revised Code committed in 609
circumstances in which all of the following apply: 610

(a) The victim of the offense was a health care 611
professional of a hospital, a health care worker of a hospital, 612
or a security officer of a hospital. 613

(b) The offender knew or had reasonable cause to know that 614
the victim was a health care professional of a hospital, a 615
health care worker of a hospital, or a security officer of a 616
hospital. 617

(c) The victim was engaged in the performance of the 618
victim's duties. 619

(d) The hospital offered de-escalation or crisis 620
intervention training for such professionals, workers, or 621
officers. 622

(13) "De-escalation or crisis intervention training" means 623
de-escalation or crisis intervention training for health care 624
professionals of a hospital, health care workers of a hospital, 625
and security officers of a hospital to facilitate interaction 626
with patients, members of a patient's family, and visitors, 627
including those with mental impairments. 628

(14) "Assault or homicide offense committed against 629
justice system personnel" means a violation of this section or 630
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 631
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 632
circumstances in which the victim of the offense was a judge, 633
magistrate, prosecutor, or court official or employee whom the 634
offender knew or had reasonable cause to know was a judge, 635
magistrate, prosecutor, or court official or employee, and the 636

victim was engaged in the performance of the victim's duties. 637

(15) "Court official or employee" means any official or 638
employee of a court created under the constitution or statutes 639
of this state or of a United States court located in this state. 640

(16) "Judge" means a judge of a court created under the 641
constitution or statutes of this state or of a United States 642
court located in this state. 643

(17) "Magistrate" means an individual who is appointed by 644
a court of record of this state and who has the powers and may 645
perform the functions specified in Civil Rule 53, Criminal Rule 646
19, or Juvenile Rule 40, or an individual who is appointed by a 647
United States court located in this state who has similar powers 648
and functions. 649

(18) "Prosecutor" has the same meaning as in section 650
2935.01 of the Revised Code. 651

(19) (a) "Hospital" means, subject to division (D) (19) (b) 652
of this section, an institution classified as a hospital under 653
section 3701.01 of the Revised Code in which are provided to 654
patients diagnostic, medical, surgical, obstetrical, 655
psychiatric, or rehabilitation care or a hospital operated by a 656
health maintenance organization. 657

(b) "Hospital" does not include any of the following: 658

(i) A facility licensed under Chapter 3721. of the Revised 659
Code, a health care facility operated by the department of 660
mental health or the department of developmental disabilities, a 661
health maintenance organization that does not operate a 662
hospital, or the office of any private, licensed health care 663
professional, whether organized for individual or group 664
practice; 665

(ii) An institution for the sick that is operated 666
exclusively for patients who use spiritual means for healing and 667
for whom the acceptance of medical care is inconsistent with 668
their religious beliefs, accredited by a national accrediting 669
organization, exempt from federal income taxation under section 670
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 671
U.S.C. 1, as amended, and providing twenty-four-hour nursing 672
care pursuant to the exemption in division (E) of section 673
4723.32 of the Revised Code from the licensing requirements of 674
Chapter 4723. of the Revised Code. 675

(20) "Health maintenance organization" has the same 676
meaning as in section 3727.01 of the Revised Code. 677

Sec. 2903.21. (A) No person shall knowingly cause another 678
to believe that the offender will cause serious physical harm to 679
the person or property of the other person, the other person's 680
unborn, or a member of the other person's immediate family. In 681
addition to any other basis for the other person's belief that 682
the offender will cause serious physical harm to the person or 683
property of the other person, the other person's unborn, or a 684
member of the other person's immediate family, the other 685
person's belief may be based on words or conduct of the offender 686
that are directed at or identify a corporation, association, or 687
other organization that employs the other person or to which the 688
other person belongs. 689

(B) Whoever violates this section is guilty of aggravated 690
menacing. Except as otherwise provided in this division, 691
aggravated menacing is a misdemeanor of the first degree. If the 692
victim of the offense is an officer or employee of a public 693
children services agency or a private child placing agency and 694
the offense relates to the officer's or employee's performance 695

or anticipated performance of official responsibilities or 696
duties, aggravated menacing is a felony of the fifth degree or, 697
if the offender previously has been convicted of or pleaded 698
guilty to an offense of violence, the victim of that prior 699
offense was an officer or employee of a public children services 700
agency or private child placing agency, and that prior offense 701
related to the officer's or employee's performance or 702
anticipated performance of official responsibilities or duties, 703
a felony of the fourth degree. 704

(C) Upon a person's conviction of a violation of this 705
section, the court shall determine whether, as a result of the 706
violation, it is unlawful for the offender to possess or 707
purchase a firearm under section 2923.13 of the Revised Code. If 708
the offender is prohibited from possessing or purchasing a 709
firearm, the court shall order the offender to transfer all 710
firearms in the offender's possession or control in accordance 711
with section 2923.133 of the Revised Code. 712

(D) As used in this section, "organization" includes an 713
entity that is a governmental employer. 714

Sec. 2903.214. (A) As used in this section: 715

(1) "Court" means the court of common pleas of the county 716
in which the person to be protected by the protection order 717
resides. 718

(2) "Victim advocate" means a person who provides support 719
and assistance for a person who files a petition under this 720
section. 721

(3) "Family or household member" has the same meaning as 722
in section 3113.31 of the Revised Code. 723

(4) "Protection order issued by a court of another state" 724

has the same meaning as in section 2919.27 of the Revised Code. 725

(5) "Sexually oriented offense" has the same meaning as in 726
section 2950.01 of the Revised Code. 727

(6) "Electronic monitoring" has the same meaning as in 728
section 2929.01 of the Revised Code. 729

(7) "Companion animal" has the same meaning as in section 730
959.131 of the Revised Code. 731

(B) The court has jurisdiction over all proceedings under 732
this section. 733

(C) A person may seek relief under this section for the 734
person, or any parent or adult household member may seek relief 735
under this section on behalf of any other family or household 736
member, by filing a petition with the court. The petition shall 737
contain or state all of the following: 738

(1) An allegation that the respondent is eighteen years of 739
age or older and engaged in a violation of section 2903.211 of 740
the Revised Code against the person to be protected by the 741
protection order or committed a sexually oriented offense 742
against the person to be protected by the protection order, 743
including a description of the nature and extent of the 744
violation; 745

(2) If the petitioner seeks relief in the form of 746
electronic monitoring of the respondent, an allegation that at 747
any time preceding the filing of the petition the respondent 748
engaged in conduct that would cause a reasonable person to 749
believe that the health, welfare, or safety of the person to be 750
protected was at risk, a description of the nature and extent of 751
that conduct, and an allegation that the respondent presents a 752
continuing danger to the person to be protected; 753

(3) A petitioner may include a statement in the petition that describes the number, types, and locations of any firearms that the petitioner knows to be in the possession or control of the respondent. 754
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(4) A request for relief under this section. 758

(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. 759
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(2) (a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. 776
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Under any of the following circumstances or for any of the 784
following reasons, the court may grant a continuance of the full 785
hearing to a reasonable time determined by the court: 786

(i) Prior to the date scheduled for the full hearing under 787
this division, the respondent has not been served with the 788
petition filed pursuant to this section and notice of the full 789
hearing. 790

(ii) The parties consent to the continuance. 791

(iii) The continuance is needed to allow a party to obtain 792
counsel. 793

(iv) The continuance is needed for other good cause. 794

(b) An ex parte order issued under this section does not 795
expire because of a failure to serve notice of the full hearing 796
upon the respondent before the date set for the full hearing 797
under division (D) (2) (a) of this section or because the court 798
grants a continuance under that division. 799

(3) If a person who files a petition pursuant to this 800
section does not request an ex parte order, or if a person 801
requests an ex parte order but the court does not issue an ex 802
parte order after an ex parte hearing, the court shall proceed 803
as in a normal civil action and grant a full hearing on the 804
matter. 805

(E) (1) (a) After an ex parte or full hearing, the court may 806
issue any protection order, with or without bond, that contains 807
terms designed to ensure the safety and protection of the person 808
to be protected by the protection order, including, but not 809
limited to, a requirement that the respondent refrain from 810
entering the residence, school, business, or place of employment 811
of the petitioner or family or household member. If the court 812

includes a requirement that the respondent refrain from entering 813
the residence, school, business, or place of employment of the 814
petitioner or family or household member in the order, it also 815
shall include in the order provisions of the type described in 816
division (E) (5) of this section. The court may include within a 817
protection order issued under this section a term requiring that 818
the respondent not remove, damage, hide, harm, or dispose of any 819
companion animal owned or possessed by the person to be 820
protected by the order, and may include within the order a term 821
authorizing the person to be protected by the order to remove a 822
companion animal owned by the person to be protected by the 823
order from the possession of the respondent. 824

(b) After a full hearing, if the court considering a 825
petition that includes an allegation of the type described in 826
division (C) (2) of this section, or the court upon its own 827
motion, finds upon clear and convincing evidence that the 828
petitioner reasonably believed that the respondent's conduct at 829
any time preceding the filing of the petition endangered the 830
health, welfare, or safety of the person to be protected and 831
that the respondent presents a continuing danger to the person 832
to be protected, the court may order that the respondent be 833
electronically monitored for a period of time and under the 834
terms and conditions that the court determines are appropriate. 835
Electronic monitoring shall be in addition to any other relief 836
granted to the petitioner. 837

(2) (a) Any protection order issued pursuant to this 838
section shall be valid until a date certain but not later than 839
five years from the date of its issuance. 840

(b) Any protection order issued pursuant to this section 841
may be renewed in the same manner as the original order was 842

issued. 843

(3) A court may not issue a protection order that requires 844
a petitioner to do or to refrain from doing an act that the 845
court may require a respondent to do or to refrain from doing 846
under division (E) (1) of this section unless all of the 847
following apply: 848

(a) The respondent files a separate petition for a 849
protection order in accordance with this section. 850

(b) The petitioner is served with notice of the 851
respondent's petition at least forty-eight hours before the 852
court holds a hearing with respect to the respondent's petition, 853
or the petitioner waives the right to receive this notice. 854

(c) If the petitioner has requested an ex parte order 855
pursuant to division (D) of this section, the court does not 856
delay any hearing required by that division beyond the time 857
specified in that division in order to consolidate the hearing 858
with a hearing on the petition filed by the respondent. 859

(d) After a full hearing at which the respondent presents 860
evidence in support of the request for a protection order and 861
the petitioner is afforded an opportunity to defend against that 862
evidence, the court determines that the petitioner has committed 863
a violation of section 2903.211 of the Revised Code against the 864
person to be protected by the protection order issued pursuant 865
to division (E) (3) of this section, has committed a sexually 866
oriented offense against the person to be protected by the 867
protection order issued pursuant to division (E) (3) of this 868
section, or has violated a protection order issued pursuant to 869
section 2903.213 of the Revised Code relative to the person to 870
be protected by the protection order issued pursuant to division 871

(E) (3) of this section. 872

(4) No protection order issued pursuant to this section 873
shall in any manner affect title to any real property. 874

(5) (a) If the court issues a protection order under this 875
section that includes a requirement that the alleged offender 876
refrain from entering the residence, school, business, or place 877
of employment of the petitioner or a family or household member, 878
the order shall clearly state that the order cannot be waived or 879
nullified by an invitation to the alleged offender from the 880
complainant to enter the residence, school, business, or place 881
of employment or by the alleged offender's entry into one of 882
those places otherwise upon the consent of the petitioner or 883
family or household member. 884

(b) Division (E) (5) (a) of this section does not limit any 885
discretion of a court to determine that an alleged offender 886
charged with a violation of section 2919.27 of the Revised Code, 887
with a violation of a municipal ordinance substantially 888
equivalent to that section, or with contempt of court, which 889
charge is based on an alleged violation of a protection order 890
issued under this section, did not commit the violation or was 891
not in contempt of court. 892

(F) (1) The court shall cause the delivery of a copy of any 893
protection order that is issued under this section to the 894
petitioner, to the respondent, and to all law enforcement 895
agencies that have jurisdiction to enforce the order. The court 896
shall direct that a copy of the order be delivered to the 897
respondent on the same day that the order is entered. 898

(2) Upon the issuance of a protection order under this 899
section, the court shall determine whether, as a result of the 900

order, it is unlawful for the respondent to possess or purchase 901
a firearm under division (A) (6) of section 2923.13 of the 902
Revised Code or 18 U.S.C. 922(g) (8). If the court determines 903
that the respondent is prohibited from possessing or purchasing 904
a firearm, the court shall order the respondent to transfer all 905
firearms in the respondent's possession or control, and shall 906
ensure that the transfer is made, in accordance with section 907
2923.133 of the Revised Code. If the respondent is so 908
prohibited, the court shall notify the petitioner of this 909
prohibition and provide the ~~parties to the order~~ respondent with 910
the following notice ~~orally or~~ by form: 911

"NOTICE 912

As a result of this order, it ~~may be~~ is unlawful for you 913
to possess or purchase a firearm, including a rifle, pistol, or 914
revolver, or ammunition pursuant to section 2923.13 of the 915
Revised Code or 18 U.S.C. 922(g) (8). ~~If you have any questions~~ 916
~~whether this law makes it illegal for you to possess or purchase~~ 917
~~a firearm or ammunition, you should consult an attorney~~ You are 918
required to transfer all firearms in your possession or control 919
within twenty-four hours after service of this order in 920
accordance with section 2923.133 of the Revised Code. You are 921
required to file with this court a proof of transfer and an 922
affidavit that you possess no firearms within forty-eight hours 923
after service of this order." 924

(3) All law enforcement agencies shall establish and 925
maintain an index for the protection orders delivered to the 926
agencies pursuant to division (F) (1) of this section. With 927
respect to each order delivered, each agency shall note on the 928
index the date and time that it received the order. 929

(4) Regardless of whether the petitioner has registered 930

the protection order in the county in which the officer's agency 931
has jurisdiction pursuant to division (M) of this section, any 932
officer of a law enforcement agency shall enforce a protection 933
order issued pursuant to this section by any court in this state 934
in accordance with the provisions of the order, including 935
removing the respondent from the premises, if appropriate. 936

(G) Any proceeding under this section shall be conducted 937
in accordance with the Rules of Civil Procedure, except that a 938
protection order may be obtained under this section with or 939
without bond. An order issued under this section, other than an 940
ex parte order, that grants a protection order, or that refuses 941
to grant a protection order, is a final, appealable order. The 942
remedies and procedures provided in this section are in addition 943
to, and not in lieu of, any other available civil or criminal 944
remedies. 945

(H) The filing of proceedings under this section does not 946
excuse a person from filing any report or giving any notice 947
required by section 2151.421 of the Revised Code or by any other 948
law. 949

(I) Any law enforcement agency that investigates an 950
alleged violation of section 2903.211 of the Revised Code or an 951
alleged commission of a sexually oriented offense shall provide 952
information to the victim and the family or household members of 953
the victim regarding the relief available under this section and 954
section 2903.213 of the Revised Code. 955

(J) (1) Subject to division (J) (2) of this section and 956
regardless of whether a protection order is issued or a consent 957
agreement is approved by a court of another county or by a court 958
of another state, no court or unit of state or local government 959
shall charge the petitioner any fee, cost, deposit, or money in 960

connection with the filing of a petition pursuant to this 961
section, in connection with the filing, issuance, registration, 962
modification, enforcement, dismissal, withdrawal, or service of 963
a protection order, consent agreement, or witness subpoena or 964
for obtaining a certified copy of a protection order or consent 965
agreement. 966

(2) Regardless of whether a protection order is issued or 967
a consent agreement is approved pursuant to this section, the 968
court may assess costs against the respondent in connection with 969
the filing, issuance, registration, modification, enforcement, 970
dismissal, withdrawal, or service of a protection order, consent 971
agreement, or witness subpoena or for obtaining a certified copy 972
of a protection order or consent agreement. 973

(K) (1) A person who violates a protection order issued 974
under this section is subject to the following sanctions: 975

(a) Criminal prosecution for a violation of section 976
2919.27 of the Revised Code, if the violation of the protection 977
order constitutes a violation of that section; 978

(b) Punishment for contempt of court. 979

(2) The punishment of a person for contempt of court for 980
violation of a protection order issued under this section does 981
not bar criminal prosecution of the person for a violation of 982
section 2919.27 of the Revised Code. However, a person punished 983
for contempt of court is entitled to credit for the punishment 984
imposed upon conviction of a violation of that section, and a 985
person convicted of a violation of that section shall not 986
subsequently be punished for contempt of court arising out of 987
the same activity. 988

(L) In all stages of a proceeding under this section, a 989

petitioner may be accompanied by a victim advocate. 990

(M) (1) A petitioner who obtains a protection order under 991
this section or a protection order under section 2903.213 of the 992
Revised Code may provide notice of the issuance or approval of 993
the order to the judicial and law enforcement officials in any 994
county other than the county in which the order is issued by 995
registering that order in the other county pursuant to division 996
(M) (2) of this section and filing a copy of the registered order 997
with a law enforcement agency in the other county in accordance 998
with that division. A person who obtains a protection order 999
issued by a court of another state may provide notice of the 1000
issuance of the order to the judicial and law enforcement 1001
officials in any county of this state by registering the order 1002
in that county pursuant to section 2919.272 of the Revised Code 1003
and filing a copy of the registered order with a law enforcement 1004
agency in that county. 1005

(2) A petitioner may register a protection order issued 1006
pursuant to this section or section 2903.213 of the Revised Code 1007
in a county other than the county in which the court that issued 1008
the order is located in the following manner: 1009

(a) The petitioner shall obtain a certified copy of the 1010
order from the clerk of the court that issued the order and 1011
present that certified copy to the clerk of the court of common 1012
pleas or the clerk of a municipal court or county court in the 1013
county in which the order is to be registered. 1014

(b) Upon accepting the certified copy of the order for 1015
registration, the clerk of the court of common pleas, municipal 1016
court, or county court shall place an endorsement of 1017
registration on the order and give the petitioner a copy of the 1018
order that bears that proof of registration. 1019

(3) The clerk of each court of common pleas, municipal 1020
court, or county court shall maintain a registry of certified 1021
copies of protection orders that have been issued by courts in 1022
other counties pursuant to this section or section 2903.213 of 1023
the Revised Code and that have been registered with the clerk. 1024

(N) (1) If the court orders electronic monitoring of the 1025
respondent under this section, the court shall direct the 1026
sheriff's office or any other appropriate law enforcement agency 1027
to install the electronic monitoring device and to monitor the 1028
respondent. Unless the court determines that the respondent is 1029
indigent, the court shall order the respondent to pay the cost 1030
of the installation and monitoring of the electronic monitoring 1031
device. If the court determines that the respondent is indigent 1032
and subject to the maximum amount allowable to be paid in any 1033
year from the fund and the rules promulgated by the attorney 1034
general under division (N) (2) of this section, the cost of the 1035
installation and monitoring of the electronic monitoring device 1036
may be paid out of funds from the reparations fund created 1037
pursuant to section 2743.191 of the Revised Code. The total 1038
amount of costs for the installation and monitoring of 1039
electronic monitoring devices paid pursuant to this division and 1040
sections 2151.34 and 2919.27 of the Revised Code from the 1041
reparations fund shall not exceed three hundred thousand dollars 1042
per year. 1043

(2) The attorney general may promulgate rules pursuant to 1044
section 111.15 of the Revised Code to govern payments made from 1045
the reparations fund pursuant to this division and sections 1046
2151.34 and 2919.27 of the Revised Code. The rules may include 1047
reasonable limits on the total cost paid pursuant to this 1048
division and sections 2151.34 and 2919.27 of the Revised Code 1049
per respondent, the amount of the three hundred thousand dollars 1050

allocated to each county, and how invoices may be submitted by a county, court, or other entity. 1051
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Sec. 2919.25. (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member. 1053
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(B) No person shall recklessly cause serious physical harm to a family or household member. 1055
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(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member. 1057
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(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D) (2) to (6) of this section. 1060
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(2) Except as otherwise provided in divisions (D) (3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree. 1063
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(3) Except as otherwise provided in division (D) (4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or 1068
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household member at the time of the commission of the violation, 1080
or any offense of violence if the victim of the offense was a 1081
family or household member at the time of the commission of the 1082
offense, a violation of division (A) or (B) of this section is a 1083
felony of the fourth degree, and, if the offender knew that the 1084
victim of the violation was pregnant at the time of the 1085
violation, the court shall impose a mandatory prison term on the 1086
offender pursuant to division (D)(6) of this section, and a 1087
violation of division (C) of this section is a misdemeanor of 1088
the second degree. 1089

(4) If the offender previously has pleaded guilty to or 1090
been convicted of two or more offenses of domestic violence or 1091
two or more violations or offenses of the type described in 1092
division (D)(3) of this section involving a person who was a 1093
family or household member at the time of the violations or 1094
offenses, a violation of division (A) or (B) of this section is 1095
a felony of the third degree, and, if the offender knew that the 1096
victim of the violation was pregnant at the time of the 1097
violation, the court shall impose a mandatory prison term on the 1098
offender pursuant to division (D)(6) of this section, and a 1099
violation of division (C) of this section is a misdemeanor of 1100
the first degree. 1101

(5) Except as otherwise provided in division (D)(3) or (4) 1102
of this section, if the offender knew that the victim of the 1103
violation was pregnant at the time of the violation, a violation 1104
of division (A) or (B) of this section is a felony of the fifth 1105
degree, and the court shall impose a mandatory prison term on 1106
the offender pursuant to division (D)(6) of this section, and a 1107
violation of division (C) of this section is a misdemeanor of 1108
the third degree. 1109

(6) If division (D) (3), (4), or (5) of this section 1110
requires the court that sentences an offender for a violation of 1111
division (A) or (B) of this section to impose a mandatory prison 1112
term on the offender pursuant to this division, the court shall 1113
impose the mandatory prison term as follows: 1114

(a) If the violation of division (A) or (B) of this 1115
section is a felony of the fourth or fifth degree, except as 1116
otherwise provided in division (D) (6) (b) or (c) of this section, 1117
the court shall impose a mandatory prison term on the offender 1118
of at least six months. 1119

(b) If the violation of division (A) or (B) of this 1120
section is a felony of the fifth degree and the offender, in 1121
committing the violation, caused serious physical harm to the 1122
pregnant woman's unborn or caused the termination of the 1123
pregnant woman's pregnancy, the court shall impose a mandatory 1124
prison term on the offender of twelve months. 1125

(c) If the violation of division (A) or (B) of this 1126
section is a felony of the fourth degree and the offender, in 1127
committing the violation, caused serious physical harm to the 1128
pregnant woman's unborn or caused the termination of the 1129
pregnant woman's pregnancy, the court shall impose a mandatory 1130
prison term on the offender of at least twelve months. 1131

(d) If the violation of division (A) or (B) of this 1132
section is a felony of the third degree, except as otherwise 1133
provided in division (D) (6) (e) of this section and 1134
notwithstanding the range of prison terms prescribed in section 1135
2929.14 of the Revised Code for a felony of the third degree, 1136
the court shall impose a mandatory prison term on the offender 1137
of either a definite term of six months or one of the prison 1138
terms prescribed in section 2929.14 of the Revised Code for 1139

felonies of the third degree. 1140

(e) If the violation of division (A) or (B) of this 1141
section is a felony of the third degree and the offender, in 1142
committing the violation, caused serious physical harm to the 1143
pregnant woman's unborn or caused the termination of the 1144
pregnant woman's pregnancy, notwithstanding the range of prison 1145
terms prescribed in section 2929.14 of the Revised Code for a 1146
felony of the third degree, the court shall impose a mandatory 1147
prison term on the offender of either a definite term of one 1148
year or one of the prison terms prescribed in section 2929.14 of 1149
the Revised Code for felonies of the third degree. 1150

(E) Notwithstanding any provision of law to the contrary, 1151
no court or unit of state or local government shall charge any 1152
fee, cost, deposit, or money in connection with the filing of 1153
charges against a person alleging that the person violated this 1154
section or a municipal ordinance substantially similar to this 1155
section or in connection with the prosecution of any charges so 1156
filed. 1157

(F) Upon a person's conviction of a violation of this 1158
section, the court shall determine whether, as a result of the 1159
violation, it is unlawful for the offender to possess or 1160
purchase a firearm under section 2923.13 of the Revised Code or 1161
18 U.S.C. 922(g) (9). If the court determines that the offender 1162
is prohibited from possessing or purchasing a firearm, the court 1163
shall order the offender to transfer all firearms in the 1164
offender's possession or control in accordance with section 1165
2923.133 of the Revised Code. 1166

(G) As used in this section and sections 2919.251 and 1167
2919.26 of the Revised Code: 1168

(1) "Family or household member" means any of the	1169
following:	1170
(a) Any of the following who is residing or has resided	1171
with the offender:	1172
(i) A spouse, a person living as a spouse, or a former	1173
spouse of the offender;	1174
(ii) A parent, a foster parent, or a child of the	1175
offender, or another person related by consanguinity or affinity	1176
to the offender;	1177
(iii) A parent or a child of a spouse, person living as a	1178
spouse, or former spouse of the offender, or another person	1179
related by consanguinity or affinity to a spouse, person living	1180
as a spouse, or former spouse of the offender.	1181
(b) The natural parent of any child of whom the offender	1182
is the other natural parent or is the putative other natural	1183
parent.	1184
(2) "Person living as a spouse" means a person who is	1185
living or has lived with the offender in a common law marital	1186
relationship, who otherwise is cohabiting with the offender, or	1187
who otherwise has cohabited with the offender within five years	1188
prior to the date of the alleged commission of the act in	1189
question.	1190
(3) "Pregnant woman's unborn" has the same meaning as	1191
"such other person's unborn," as set forth in section 2903.09 of	1192
the Revised Code, as it relates to the pregnant woman. Division	1193
(C) of that section applies regarding the use of the term in	1194
this section, except that the second and third sentences of	1195
division (C)(1) of that section shall be construed for purposes	1196
of this section as if they included a reference to this section	1197

in the listing of Revised Code sections they contain. 1198

(4) "Termination of the pregnant woman's pregnancy" has 1199
the same meaning as "unlawful termination of another's 1200
pregnancy," as set forth in section 2903.09 of the Revised Code, 1201
as it relates to the pregnant woman. Division (C) of that 1202
section applies regarding the use of the term in this section, 1203
except that the second and third sentences of division (C)(1) of 1204
that section shall be construed for purposes of this section as 1205
if they included a reference to this section in the listing of 1206
Revised Code sections they contain. 1207

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 1208
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1209
2911.211 of the Revised Code if the alleged victim of the 1210
violation was a family or household member at the time of the 1211
violation, a violation of a municipal ordinance that is 1212
substantially similar to any of those sections if the alleged 1213
victim of the violation was a family or household member at the 1214
time of the violation, any offense of violence if the alleged 1215
victim of the offense was a family or household member at the 1216
time of the commission of the offense, or any sexually oriented 1217
offense if the alleged victim of the offense was a family or 1218
household member at the time of the commission of the offense, 1219
the complainant, the alleged victim, or a family or household 1220
member of an alleged victim may file, or, if in an emergency the 1221
alleged victim is unable to file, a person who made an arrest 1222
for the alleged violation or offense under section 2935.03 of 1223
the Revised Code may file on behalf of the alleged victim, a 1224
motion that requests the issuance of a temporary protection 1225
order as a pretrial condition of release of the alleged 1226
offender, in addition to any bail set under Criminal Rule 46. 1227
The motion shall be filed with the clerk of the court that has 1228

jurisdiction of the case at any time after the filing of the 1229
complaint. 1230

(2) For purposes of section 2930.09 of the Revised Code, 1231
all stages of a proceeding arising out of a complaint alleging 1232
the commission of a violation, offense of violence, or sexually 1233
oriented offense described in division (A)(1) of this section, 1234
including all proceedings on a motion for a temporary protection 1235
order, are critical stages of the case, and a victim may be 1236
accompanied by a victim advocate or another person to provide 1237
support to the victim as provided in that section. 1238

(B) (1) The motion shall be prepared on a form that is 1239
provided by the clerk of the court, which form shall be 1240
substantially as follows: 1241

"MOTION FOR TEMPORARY PROTECTION ORDER 1242

..... Court 1243

Name and address of court 1244

State of Ohio 1245

v. No.

..... 1246

Name of Defendant 1247

(name of person), moves the court to issue a temporary 1248
protection order containing terms designed to ensure the safety 1249
and protection of the complainant, alleged victim, and other 1250
family or household members, in relation to the named defendant, 1251
pursuant to its authority to issue such an order under section 1252
2919.26 of the Revised Code. 1253

A complaint, a copy of which has been attached to this 1254

motion, has been filed in this court charging the named 1255
defendant with (name of the specified 1256
violation, the offense of violence, or sexually oriented offense 1257
charged) in circumstances in which the victim was a family or 1258
household member in violation of (section of the Revised Code 1259
designating the specified violation, offense of violence, or 1260
sexually oriented offense charged), or charging the named 1261
defendant with a violation of a municipal ordinance that is 1262
substantially similar to (section of 1263
the Revised Code designating the specified violation, offense of 1264
violence, or sexually oriented offense charged) involving a 1265
family or household member. 1266

I understand that I must appear before the court, at a 1267
time set by the court within twenty-four hours after the filing 1268
of this motion, for a hearing on the motion or that, if I am 1269
unable to appear because of hospitalization or a medical 1270
condition resulting from the offense alleged in the complaint, a 1271
person who can provide information about my need for a temporary 1272
protection order must appear before the court in lieu of my 1273
appearing in court. I understand that any temporary protection 1274
order granted pursuant to this motion is a pretrial condition of 1275
release and is effective only until the disposition of the 1276
criminal proceeding arising out of the attached complaint, or 1277
the issuance of a civil protection order or the approval of a 1278
consent agreement, arising out of the same activities as those 1279
that were the basis of the complaint, under section 3113.31 of 1280
the Revised Code. 1281

..... 1282

Signature of person 1283

(or signature of the arresting officer who filed the motion on 1284

behalf of the alleged victim) 1285

..... 1286

Address of person (or office address of the arresting officer 1287

who filed the motion on behalf of the alleged victim)" 1288

(2) The petitioner may attach a document to the form that 1289

describes the number, types, and locations of any firearms that 1290

the petitioner knows to be in the possession or control of the 1291

defendant. 1292

(C) (1) As soon as possible after the filing of a motion 1293

that requests the issuance of a temporary protection order, but 1294

not later than twenty-four hours after the filing of the motion, 1295

the court shall conduct a hearing to determine whether to issue 1296

the order. The person who requested the order shall appear 1297

before the court and provide the court with the information that 1298

it requests concerning the basis of the motion. If the person 1299

who requested the order is unable to appear and if the court 1300

finds that the failure to appear is because of the person's 1301

hospitalization or medical condition resulting from the offense 1302

alleged in the complaint, another person who is able to provide 1303

the court with the information it requests may appear in lieu of 1304

the person who requested the order. If the court finds that the 1305

safety and protection of the complainant, alleged victim, or any 1306

other family or household member of the alleged victim may be 1307

impaired by the continued presence of the alleged offender, the 1308

court may issue a temporary protection order, as a pretrial 1309

condition of release, that contains terms designed to ensure the 1310

safety and protection of the complainant, alleged victim, or the 1311

family or household member, including a requirement that the 1312

alleged offender refrain from entering the residence, school, 1313

business, or place of employment of the complainant, alleged 1314

victim, or the family or household member. The court may include 1315
within a protection order issued under this section a term 1316
requiring that the alleged offender not remove, damage, hide, 1317
harm, or dispose of any companion animal owned or possessed by 1318
the complainant, alleged victim, or any other family or 1319
household member of the alleged victim, and may include within 1320
the order a term authorizing the complainant, alleged victim, or 1321
other family or household member of the alleged victim to remove 1322
a companion animal owned by the complainant, alleged victim, or 1323
other family or household member from the possession of the 1324
alleged offender. 1325

(2) (a) If the court issues a temporary protection order 1326
that includes a requirement that the alleged offender refrain 1327
from entering the residence, school, business, or place of 1328
employment of the complainant, the alleged victim, or the family 1329
or household member, the order shall state clearly that the 1330
order cannot be waived or nullified by an invitation to the 1331
alleged offender from the complainant, alleged victim, or family 1332
or household member to enter the residence, school, business, or 1333
place of employment or by the alleged offender's entry into one 1334
of those places otherwise upon the consent of the complainant, 1335
alleged victim, or family or household member. 1336

(b) Division (C) (2) (a) of this section does not limit any 1337
discretion of a court to determine that an alleged offender 1338
charged with a violation of section 2919.27 of the Revised Code, 1339
with a violation of a municipal ordinance substantially 1340
equivalent to that section, or with contempt of court, which 1341
charge is based on an alleged violation of a temporary 1342
protection order issued under this section, did not commit the 1343
violation or was not in contempt of court. 1344

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

(2) If the court issues a temporary protection order under this section as an ex parte order, it shall 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 day on which the court is scheduled to conduct business 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. The hearing shall be conducted under the standards set forth in division (C) of this section.

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

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

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

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

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

(a) The disposition, by the court that issued the order or, in the circumstances described in division (D) (4) of this

section, by the court of common pleas to which the alleged 1405
offender is bound over for prosecution, of the criminal 1406
proceeding arising out of the complaint upon which the order is 1407
based; 1408

(b) The issuance of a protection order or the approval of 1409
a consent agreement, arising out of the same activities as those 1410
that were the basis of the complaint upon which the order is 1411
based, under section 3113.31 of the Revised Code;. 1412

(3) Shall not be construed as a finding that the alleged 1413
offender committed the alleged offense, and shall not be 1414
introduced as evidence of the commission of the offense at the 1415
trial of the alleged offender on the complaint upon which the 1416
order is based. 1417

(F) A person who meets the criteria for bail under 1418
Criminal Rule 46 and who, if required to do so pursuant to that 1419
rule, executes or posts bond or deposits cash or securities as 1420
bail, shall not be held in custody pending a hearing before the 1421
court on a motion requesting a temporary protection order. 1422

(G) (1) A copy of any temporary protection order that is 1423
issued under this section shall be issued by the court to the 1424
complainant, to the alleged victim, to the person who requested 1425
the order, to the defendant, and to all law enforcement agencies 1426
that have jurisdiction to enforce the order. The court shall 1427
direct that a copy of the order be delivered to the defendant on 1428
the same day that the order is entered. If a municipal court or 1429
a county court issues a temporary protection order under this 1430
section and if, subsequent to the issuance of the order, the 1431
defendant who is the subject of the order is bound over to the 1432
court of common pleas for prosecution as described in division 1433
(D) (4) of this section, the municipal court or county court 1434

shall direct that a copy of the order be delivered to the court 1435
of common pleas to which the defendant is bound over. 1436

(2) Upon the issuance of a protection order under this 1437
section, the court shall determine whether, as a result of the 1438
order, it is unlawful for the defendant to possess or purchase a 1439
firearm under division (A) (6) of section 2923.13 of the Revised 1440
Code or 18 U.S.C. 922(g) (8). If the court determines that the 1441
defendant is prohibited from possessing or purchasing a firearm, 1442
the court shall order the defendant to transfer all firearms in 1443
the defendant's possession or control, and shall ensure that the 1444
transfer is made, in accordance with section 2923.133 of the 1445
Revised Code. If the defendant is so prohibited, the court shall 1446
notify the complainant, the alleged victim, and the person who 1447
requested the order and shall provide the ~~parties to the order~~ 1448
defendant with the following notice orally or by form: 1449

"NOTICE 1450

As a result of this protection order, it ~~may be~~ is 1451
unlawful for you to possess or purchase a firearm, including a 1452
rifle, pistol, or revolver, or ammunition pursuant to ~~federal~~ 1453
~~law under section 2923.13 of the Revised Code or 18 U.S.C.~~ 1454
~~922(g) (8). If you have any questions whether this law makes it~~ 1455
~~illegal for you to possess or purchase a firearm or ammunition,~~ 1456
~~you should consult an attorney~~ You are required to transfer all 1457
firearms in your possession or control within twenty-four hours 1458
after service of this order in accordance with section 2923.133 1459
of the Revised Code. You are required to file with this court a 1460
proof of transfer and an affidavit that you possess no firearms 1461
within forty-eight hours after service of this order." 1462

(3) All law enforcement agencies shall establish and 1463
maintain an index for the temporary protection orders delivered 1464

to the agencies pursuant to division (G) (1) of this section. 1465
With respect to each order delivered, each agency shall note on 1466
the index, the date and time of the receipt of the order by the 1467
agency. 1468

(4) A complainant, alleged victim, or other person who 1469
obtains a temporary protection order under this section may 1470
provide notice of the issuance of the temporary protection order 1471
to the judicial and law enforcement officials in any county 1472
other than the county in which the order is issued by 1473
registering that order in the other county in accordance with 1474
division (N) of section 3113.31 of the Revised Code and filing a 1475
copy of the registered protection order with a law enforcement 1476
agency in the other county in accordance with that division. 1477

(5) Any officer of a law enforcement agency shall enforce 1478
a temporary protection order issued by any court in this state 1479
in accordance with the provisions of the order, including 1480
removing the defendant from the premises, regardless of whether 1481
the order is registered in the county in which the officer's 1482
agency has jurisdiction as authorized by division (G) (4) of this 1483
section. 1484

(H) Upon a violation of a temporary protection order, the 1485
court may issue another temporary protection order, as a 1486
pretrial condition of release, that modifies the terms of the 1487
order that was violated. 1488

(I) (1) As used in divisions (I) (1) and (2) of this 1489
section, "defendant" means a person who is alleged in a 1490
complaint to have committed a violation, offense of violence, or 1491
sexually oriented offense of the type described in division (A) 1492
of this section. 1493

(2) If a complaint is filed that alleges that a person 1494
committed a violation, offense of violence, or sexually oriented 1495
offense of the type described in division (A) of this section, 1496
the court may not issue a temporary protection order under this 1497
section that requires the complainant, the alleged victim, or 1498
another family or household member of the defendant to do or 1499
refrain from doing an act that the court may require the 1500
defendant to do or refrain from doing under a temporary 1501
protection order unless both of the following apply: 1502

(a) The defendant has filed a separate complaint that 1503
alleges that the complainant, alleged victim, or other family or 1504
household member in question who would be required under the 1505
order to do or refrain from doing the act committed a violation 1506
or offense of violence of the type described in division (A) of 1507
this section. 1508

(b) The court determines that both the complainant, 1509
alleged victim, or other family or household member in question 1510
who would be required under the order to do or refrain from 1511
doing the act and the defendant acted primarily as aggressors, 1512
that neither the complainant, alleged victim, or other family or 1513
household member in question who would be required under the 1514
order to do or refrain from doing the act nor the defendant 1515
acted primarily in self-defense, and, in accordance with the 1516
standards and criteria of this section as applied in relation to 1517
the separate complaint filed by the defendant, that it should 1518
issue the order to require the complainant, alleged victim, or 1519
other family or household member in question to do or refrain 1520
from doing the act. 1521

(J) (1) Subject to division (J) (2) of this section and 1522
regardless of whether a protection order is issued or a consent 1523

agreement is approved by a court of another county or a court of 1524
another state, no court or unit of state or local government 1525
shall charge the movant any fee, cost, deposit, or money in 1526
connection with the filing of a motion pursuant to this section, 1527
in connection with the filing, issuance, registration, 1528
modification, enforcement, dismissal, withdrawal, or service of 1529
a protection order, consent agreement, or witness subpoena or 1530
for obtaining a certified copy of a protection order or consent 1531
agreement. 1532

(2) Regardless of whether a protection order is issued or 1533
a consent agreement is approved pursuant to this section, if the 1534
defendant is convicted the court may assess costs against the 1535
defendant in connection with the filing, issuance, registration, 1536
modification, enforcement, dismissal, withdrawal, or service of 1537
a protection order, consent agreement, or witness subpoena or 1538
for obtaining a certified copy of a protection order or consent 1539
agreement. 1540

(K) As used in this section: 1541

(1) "Companion animal" has the same meaning as in section 1542
959.131 of the Revised Code. 1543

(2) "Sexually oriented offense" has the same meaning as in 1544
section 2950.01 of the Revised Code. 1545

(3) "Victim advocate" means a person who provides support 1546
and assistance for a victim of an offense during court 1547
proceedings. 1548

Sec. 2923.13. (A) Unless relieved from disability under 1549
operation of law or legal process, no person shall knowingly 1550
acquire, have, carry, or use any firearm or dangerous ordnance, 1551
if any of the following apply: 1552

- (1) The person is a fugitive from justice. 1553
- (2) The person is under indictment for or has been 1554
convicted of any felony offense of violence or has been 1555
adjudicated a delinquent child for the commission of an offense 1556
that, if committed by an adult, would have been a felony offense 1557
of violence. 1558
- (3) The person is under indictment for or has been 1559
convicted of any felony offense involving the illegal 1560
possession, use, sale, administration, distribution, or 1561
trafficking in any drug of abuse or has been adjudicated a 1562
delinquent child for the commission of an offense that, if 1563
committed by an adult, would have been a felony offense 1564
involving the illegal possession, use, sale, administration, 1565
distribution, or trafficking in any drug of abuse. 1566
- (4) The person is drug dependent, in danger of drug 1567
dependence, or a chronic alcoholic. 1568
- (5) The person has been convicted of any of the following 1569
offenses, whether the offense is classified as a felony or 1570
misdemeanor: 1571
- (a) Domestic violence; 1572
- (b) Assault or aggravated menacing, if the victim is a 1573
family or household member as defined in section 2919.25 of the 1574
Revised Code; 1575
- (c) Any offense that has, as an element, the use or 1576
attempted use of physical force or threatened use of a deadly 1577
weapon, if the victim is a family or household member as defined 1578
in section 2919.25 of the Revised Code. 1579
- (6) The person is subject to a court order, granted after 1580

a full hearing for which the person received notice and an 1581
opportunity to be heard, that restrains the person from 1582
harassing, stalking, threatening, or engaging in other conduct 1583
that would place a family or household member in reasonable fear 1584
of bodily injury, or is subject to a temporary protection order 1585
issued under section 2919.26 of the Revised Code. 1586

(7) The person is under adjudication of mental 1587
incompetence, has been adjudicated as a mental defective, has 1588
been committed to a mental institution, has been found by a 1589
court to be a mentally ill person subject to court order, or is 1590
an involuntary patient other than one who is a patient only for 1591
purposes of observation. As used in this division, "mentally ill 1592
person subject to court order" and "patient" have the same 1593
meanings as in section 5122.01 of the Revised Code. 1594

(B) Whoever violates this section is guilty of having 1595
weapons while under disability, a felony of the third degree. 1596

(C) For the purposes of this section, "under operation of 1597
law or legal process" shall not itself include mere completion, 1598
termination, or expiration of a sentence imposed as a result of 1599
a criminal conviction. 1600

(D) As used in this section, "family or household member" 1601
has the same meaning as in section 3113.31 of the Revised Code. 1602

Sec. 2923.133. (A) Any person who is subject to a court 1603
order described in division (A)(6) of section 2923.13 of the 1604
Revised Code and has been served with a court order requiring 1605
the person to transfer all firearms in the person's possession 1606
or control in accordance with this section shall transfer all 1607
firearms in the person's possession or control as described in 1608
this division. 1609

(1) Within twenty-four hours after being served with the 1610
court order, the respondent shall transfer all firearms in the 1611
respondent's possession to a law enforcement agency or federally 1612
licensed firearms dealer. The respondent shall provide a copy of 1613
the court order to the law enforcement agency or federally 1614
licensed firearms dealer at the time of transfer, along with a 1615
copy of the protection order. The law enforcement agency or 1616
federally licensed firearms dealer shall issue a proof of 1617
transfer to the respondent. The proof of transfer shall include 1618
the name of the respondent, the date of transfer, and the serial 1619
number, make, and model of each transferred firearm. 1620

(2) Within forty-eight hours after being served with the 1621
court order, the respondent shall do one of the following: 1622

(a) File a copy of the proof of transfer with the court 1623
that issued the order and an affidavit that all firearms in the 1624
respondent's possession or control at the time the respondent 1625
was served with the order have been transferred in accordance 1626
with this section and that the respondent currently has no 1627
firearms in the respondent's possession or control; 1628

(b) File an affidavit with the court that issued the order 1629
that at the time the respondent was served with the order the 1630
respondent had no firearms in the respondent's possession or 1631
control and that the respondent currently has no firearms in the 1632
respondent's possession or control. 1633

(3) (a) Upon the expiration of the court order, the law 1634
enforcement agency or federally licensed firearms dealer in 1635
possession of the respondent's firearms shall, at the 1636
respondent's request, return those firearms to the respondent, 1637
unless either of the following applies: 1638

(i) The order is extended or another court order described 1639
in division (A) (6) of section 2923.13 of the Revised Code is in 1640
effect. 1641

(ii) The respondent is prohibited from possessing a 1642
firearm under state or federal law. 1643

(b) Before returning a firearm pursuant to this division, 1644
the law enforcement agency or federally licensed firearms dealer 1645
may require the respondent to sign a statement that the court 1646
order has expired and has not been extended and that the 1647
respondent is not prohibited from possessing a firearm under 1648
state or federal law. 1649

(4) (a) If the respondent is prohibited from possessing a 1650
firearm under state or federal law, the respondent shall have 1651
sixty days after the expiration of the court order and any 1652
extensions to the court order to make one sale to a federally 1653
licensed firearms dealer of any transferred firearms in the 1654
possession of a law enforcement agency. The law enforcement 1655
agency shall transfer possession of the firearms to a federally 1656
licensed firearms dealer at the request of the firearms dealer, 1657
if the firearms dealer provides the law enforcement agency with 1658
a copy of a bill of sale that indicates the respondent has sold 1659
the firearms to the firearms dealer. If the law enforcement 1660
agency accepts any proceeds from the sale on behalf of the 1661
respondent, the law enforcement agency shall transfer the 1662
proceeds of the sale to the respondent. 1663

(b) If the respondent or a federally licensed firearms 1664
dealer does not provide a copy of a bill of sale for the 1665
respondent's firearms to the law enforcement agency within sixty 1666
days after the expiration of the court order and any extensions 1667
to the court order, the firearms shall be considered to be 1668

abandoned. The law enforcement agency may establish policies for 1669
the disposal of abandoned firearms, provided the policies 1670
require that the respondent be notified of the disposal and 1671
receive any financial value from the disposal of the firearms. 1672

(5) A law enforcement agency or federally licensed 1673
firearms dealer may charge a respondent a reasonable fee in 1674
connection with the storage of any firearm pursuant to division 1675
(A) of this section. The fee charged by a law enforcement agency 1676
shall not exceed the costs associated with taking possession of, 1677
storing, and disposing of the firearms. 1678

(B) Any offender who has been convicted of an offense 1679
described in division (A) (5) of section 2923.13 of the Revised 1680
Code and has been served with a court order requiring the 1681
offender to transfer all firearms in the offender's possession 1682
or control in accordance with this section shall transfer all 1683
firearms under the offender's possession or control as described 1684
in this division. 1685

(1) Within twenty-four hours after being served with the 1686
court order, the offender shall transfer all firearms in the 1687
offender's possession or control to a law enforcement agency or 1688
federally licensed firearms dealer. The offender shall provide a 1689
copy of the court order to the law enforcement agency or 1690
firearms dealer at the time of transfer. Prior to accepting a 1691
transfer of firearms from the offender, a law enforcement agency 1692
shall notify the offender that if the firearms are transferred 1693
to a law enforcement agency the firearms shall be considered to 1694
be abandoned and are subject to disposal under division (B) (3) 1695
of this section. The law enforcement agency or federally 1696
licensed firearms dealer taking possession of the firearm or 1697
firearms shall issue a proof of transfer to the offender. The 1698

proof of transfer shall include the name of the offender, the 1699
date of transfer, and the serial number, make, and model of each 1700
transferred firearm. 1701

(2) Within forty-eight hours after being served with the 1702
court order, the offender shall do one of the following: 1703

(a) File a copy of proof of transfer with the court that 1704
issued the order and an affidavit that all firearms in the 1705
offender's possession or control at the time the offender was 1706
served with the court order have been transferred in accordance 1707
with this section and that the offender currently has no 1708
firearms in the offender's possession or control; 1709

(b) File an affidavit with the court that issued the order 1710
that at the time the offender was served with the order the 1711
offender had no firearms in the offender's possession or control 1712
and that the offender currently has no firearms in the 1713
offender's possession or control. 1714

(3) If the offender transfers the firearm to a law 1715
enforcement agency, the firearm shall be considered to be 1716
abandoned. The law enforcement agency may establish policies for 1717
disposal of abandoned firearms, provided such policies require 1718
that the offender be notified of the disposal and receive any 1719
financial value from the disposal less the costs to the law 1720
enforcement agency associated with taking possession of, 1721
storing, and disposing of the firearms. 1722

(C) Notwithstanding division (B) of this section, if the 1723
offender is incarcerated at the time the offender is served with 1724
the court order and is unable to comply with the order due to 1725
the offender's incarceration, the offender may file an affidavit 1726
with the court that these circumstances are applicable to the 1727

<u>offender.</u>	1728
<u>(D) A person who recklessly violates this section is</u>	1729
<u>guilty of a felony of the fifth degree.</u>	1730
<u>(E) As used in this section:</u>	1731
<u>(1) "Law enforcement agency" means the state highway</u>	1732
<u>patrol, or a police department of a municipal corporation or</u>	1733
<u>sheriff's office under the court's jurisdiction.</u>	1734
<u>(2) "Respondent" includes a defendant who is subject to a</u>	1735
<u>temporary protection order under section 2919.26 of the Revised</u>	1736
<u>Code.</u>	1737
Sec. 3113.31. (A) As used in this section:	1738
(1) "Domestic violence" means the occurrence of one or	1739
more of the following acts against a family or household member:	1740
(a) Attempting to cause or recklessly causing bodily	1741
injury;	1742
(b) Placing another person by the threat of force in fear	1743
of imminent serious physical harm or committing a violation of	1744
section 2903.211 or 2911.211 of the Revised Code;	1745
(c) Committing any act with respect to a child that would	1746
result in the child being an abused child, as defined in section	1747
2151.031 of the Revised Code;	1748
(d) Committing a sexually oriented offense.	1749
(2) "Court" means the domestic relations division of the	1750
court of common pleas in counties that have a domestic relations	1751
division and the court of common pleas in counties that do not	1752
have a domestic relations division, or the juvenile division of	1753
the court of common pleas of the county in which the person to	1754

be protected by a protection order issued or a consent agreement 1755
approved under this section resides if the respondent is less 1756
than eighteen years of age. 1757

(3) "Family or household member" means any of the 1758
following: 1759

(a) Any of the following who is residing with or has 1760
resided with the respondent: 1761

(i) A spouse, a person living as a spouse, or a former 1762
spouse of the respondent; 1763

(ii) A parent, a foster parent, or a child of the 1764
respondent, or another person related by consanguinity or 1765
affinity to the respondent; 1766

(iii) A parent or a child of a spouse, person living as a 1767
spouse, or former spouse of the respondent, or another person 1768
related by consanguinity or affinity to a spouse, person living 1769
as a spouse, or former spouse of the respondent. 1770

(b) The natural parent of any child of whom the respondent 1771
is the other natural parent or is the putative other natural 1772
parent. 1773

(4) "Person living as a spouse" means a person who is 1774
living or has lived with the respondent in a common law marital 1775
relationship, who otherwise is cohabiting with the respondent, 1776
or who otherwise has cohabited with the respondent within five 1777
years prior to the date of the alleged occurrence of the act in 1778
question. 1779

(5) "Victim advocate" means a person who provides support 1780
and assistance for a person who files a petition under this 1781
section. 1782

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	1783 1784
(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	1785 1786
(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.	1787 1788 1789 1790
(C) <u>(1)</u> A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:	1791 1792 1793 1794 1795
(1) <u>(a)</u> An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence;	1796 1797 1798 1799
(2) <u>(b)</u> The relationship of the respondent to the petitioner, and to the victim if other than the petitioner;	1800 1801
(3) <u>(c)</u> A request for relief under this section.	1802
<u>(2) A petitioner may include a statement in the petition that describes the number, types, and locations of any firearms that the petitioner knows to be in the possession or control of the respondent.</u>	1803 1804 1805 1806
(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 on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter	1807 1808 1809 1810

any temporary orders, with or without bond, including, but not 1811
limited to, an order described in division (E) (1) (a), (b), or 1812
(c) of this section, that the court finds necessary to protect 1813
the family or household member from domestic violence. Immediate 1814
and present danger of domestic violence to the family or 1815
household member constitutes good cause for purposes of this 1816
section. Immediate and present danger includes, but is not 1817
limited to, situations in which the respondent has threatened 1818
the family or household member with bodily harm, in which the 1819
respondent has threatened the family or household member with a 1820
sexually oriented offense, or in which the respondent previously 1821
has been convicted of, pleaded guilty to, or been adjudicated a 1822
delinquent child for an offense that constitutes domestic 1823
violence against the family or household member. 1824

(2) (a) If the court, after an ex parte hearing, issues an 1825
order described in division (E) (1) (b) or (c) of this section, 1826
the court shall schedule a full hearing for a date that is 1827
within seven court days after the ex parte hearing. If any other 1828
type of protection order that is authorized under division (E) 1829
of this section is issued by the court after an ex parte 1830
hearing, the court shall schedule a full hearing for a date that 1831
is within ten court days after the ex parte hearing. The court 1832
shall give the respondent notice of, and an opportunity to be 1833
heard at, the full hearing. The court shall hold the full 1834
hearing on the date scheduled under this division unless the 1835
court grants a continuance of the hearing in accordance with 1836
this division. Under any of the following circumstances or for 1837
any of the following reasons, the court may grant a continuance 1838
of the full hearing to a reasonable time determined by the 1839
court: 1840

(i) Prior to the date scheduled for the full hearing under 1841

this division, the respondent has not been served with the 1842
petition filed pursuant to this section and notice of the full 1843
hearing. 1844

(ii) The parties consent to the continuance. 1845

(iii) The continuance is needed to allow a party to obtain 1846
counsel. 1847

(iv) The continuance is needed for other good cause. 1848

(b) An ex parte order issued under this section does not 1849
expire because of a failure to serve notice of the full hearing 1850
upon the respondent before the date set for the full hearing 1851
under division (D) (2) (a) of this section or because the court 1852
grants a continuance under that division. 1853

(3) If a person who files a petition pursuant to this 1854
section does not request an ex parte order, or if a person 1855
requests an ex parte order but the court does not issue an ex 1856
parte order after an ex parte hearing, the court shall proceed 1857
as in a normal civil action and grant a full hearing on the 1858
matter. 1859

(E) (1) After an ex parte or full hearing, the court may 1860
grant any protection order, with or without bond, or approve any 1861
consent agreement to bring about a cessation of domestic 1862
violence against the family or household members. The order or 1863
agreement may: 1864

(a) Direct the respondent to refrain from abusing or from 1865
committing sexually oriented offenses against the family or 1866
household members; 1867

(b) Grant possession of the residence or household to the 1868
petitioner or other family or household member, to the exclusion 1869

of the respondent, by evicting the respondent, when the 1870
residence or household is owned or leased solely by the 1871
petitioner or other family or household member, or by ordering 1872
the respondent to vacate the premises, when the residence or 1873
household is jointly owned or leased by the respondent, and the 1874
petitioner or other family or household member; 1875

(c) When the respondent has a duty to support the 1876
petitioner or other family or household member living in the 1877
residence or household and the respondent is the sole owner or 1878
lessee of the residence or household, grant possession of the 1879
residence or household to the petitioner or other family or 1880
household member, to the exclusion of the respondent, by 1881
ordering the respondent to vacate the premises, or, in the case 1882
of a consent agreement, allow the respondent to provide 1883
suitable, alternative housing; 1884

(d) Temporarily allocate parental rights and 1885
responsibilities for the care of, or establish temporary 1886
parenting time rights with regard to, minor children, if no 1887
other court has determined, or is determining, the allocation of 1888
parental rights and responsibilities for the minor children or 1889
parenting time rights; 1890

(e) Require the respondent to maintain support, if the 1891
respondent customarily provides for or contributes to the 1892
support of the family or household member, or if the respondent 1893
has a duty to support the petitioner or family or household 1894
member; 1895

(f) Require the respondent, petitioner, victim of domestic 1896
violence, or any combination of those persons, to seek 1897
counseling; 1898

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member; 1899
1900
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(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the apportionment of household and family personal property; 1902
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(i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner; 1907
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(j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent; 1910
1911

(k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code. 1912
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(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E) (7) of this section. This division does not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, 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 1914
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of the petitioner or a family or household member, and, if the 1928
court includes any requirement of that type in an order or 1929
agreement, the court also shall include in the order provisions 1930
of the type described in division (E) (7) of this section. 1931

(3) (a) Any protection order issued or consent agreement 1932
approved under this section shall be valid until a date certain, 1933
but not later than five years from the date of its issuance or 1934
approval, or not later than the date a respondent who is less 1935
than eighteen years of age attains nineteen years of age, unless 1936
modified or terminated as provided in division (E) (8) of this 1937
section. 1938

(b) Subject to the limitation on the duration of an order 1939
or agreement set forth in division (E) (3) (a) of this section, 1940
any order under division (E) (1) (d) of this section shall 1941
terminate on the date that a court in an action for divorce, 1942
dissolution of marriage, or legal separation brought by the 1943
petitioner or respondent issues an order allocating parental 1944
rights and responsibilities for the care of children or on the 1945
date that a juvenile court in an action brought by the 1946
petitioner or respondent issues an order awarding legal custody 1947
of minor children. Subject to the limitation on the duration of 1948
an order or agreement set forth in division (E) (3) (a) of this 1949
section, any order under division (E) (1) (e) of this section 1950
shall terminate on the date that a court in an action for 1951
divorce, dissolution of marriage, or legal separation brought by 1952
the petitioner or respondent issues a support order or on the 1953
date that a juvenile court in an action brought by the 1954
petitioner or respondent issues a support order. 1955

(c) Any protection order issued or consent agreement 1956
approved pursuant to this section may be renewed in the same 1957

manner as the original order or agreement was issued or 1958
approved. 1959

(4) A court may not issue a protection order that requires 1960
a petitioner to do or to refrain from doing an act that the 1961
court may require a respondent to do or to refrain from doing 1962
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 1963
this section unless all of the following apply: 1964

(a) The respondent files a separate petition for a 1965
protection order in accordance with this section. 1966

(b) The petitioner is served notice of the respondent's 1967
petition at least forty-eight hours before the court holds a 1968
hearing with respect to the respondent's petition, or the 1969
petitioner waives the right to receive this notice. 1970

(c) If the petitioner has requested an ex parte order 1971
pursuant to division (D) of this section, the court does not 1972
delay any hearing required by that division beyond the time 1973
specified in that division in order to consolidate the hearing 1974
with a hearing on the petition filed by the respondent. 1975

(d) After a full hearing at which the respondent presents 1976
evidence in support of the request for a protection order and 1977
the petitioner is afforded an opportunity to defend against that 1978
evidence, the court determines that the petitioner has committed 1979
an act of domestic violence or has violated a temporary 1980
protection order issued pursuant to section 2919.26 of the 1981
Revised Code, that both the petitioner and the respondent acted 1982
primarily as aggressors, and that neither the petitioner nor the 1983
respondent acted primarily in self-defense. 1984

(5) No protection order issued or consent agreement 1985
approved under this section shall in any manner affect title to 1986

any real property. 1987

(6) (a) If a petitioner, or the child of a petitioner, who 1988
obtains a protection order or consent agreement pursuant to 1989
division (E) (1) of this section or a temporary protection order 1990
pursuant to section 2919.26 of the Revised Code and is the 1991
subject of a parenting time order issued pursuant to section 1992
3109.051 or 3109.12 of the Revised Code or a visitation or 1993
companionship order issued pursuant to section 3109.051, 1994
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 1995
this section granting parenting time rights to the respondent, 1996
the court may require the public children services agency of the 1997
county in which the court is located to provide supervision of 1998
the respondent's exercise of parenting time or visitation or 1999
companionship rights with respect to the child for a period not 2000
to exceed nine months, if the court makes the following findings 2001
of fact: 2002

(i) The child is in danger from the respondent; 2003

(ii) No other person or agency is available to provide the 2004
supervision. 2005

(b) A court that requires an agency to provide supervision 2006
pursuant to division (E) (6) (a) of this section shall order the 2007
respondent to reimburse the agency for the cost of providing the 2008
supervision, if it determines that the respondent has sufficient 2009
income or resources to pay that cost. 2010

(7) (a) If a protection order issued or consent agreement 2011
approved under this section includes a requirement that the 2012
respondent be evicted from or vacate the residence or household 2013
or refrain from entering the residence, school, business, or 2014
place of employment of the petitioner or a family or household 2015

member, the order or agreement shall state clearly that the 2016
order or agreement cannot be waived or nullified by an 2017
invitation to the respondent from the petitioner or other family 2018
or household member to enter the residence, school, business, or 2019
place of employment or by the respondent's entry into one of 2020
those places otherwise upon the consent of the petitioner or 2021
other family or household member. 2022

(b) Division (E) (7) (a) of this section does not limit any 2023
discretion of a court to determine that a respondent charged 2024
with a violation of section 2919.27 of the Revised Code, with a 2025
violation of a municipal ordinance substantially equivalent to 2026
that section, or with contempt of court, which charge is based 2027
on an alleged violation of a protection order issued or consent 2028
agreement approved under this section, did not commit the 2029
violation or was not in contempt of court. 2030

(8) (a) The court may modify or terminate as provided in 2031
division (E) (8) of this section a protection order or consent 2032
agreement that was issued after a full hearing under this 2033
section. The court that issued the protection order or approved 2034
the consent agreement shall hear a motion for modification or 2035
termination of the protection order or consent agreement 2036
pursuant to division (E) (8) of this section. 2037

(b) Either the petitioner or the respondent of the 2038
original protection order or consent agreement may bring a 2039
motion for modification or termination of a protection order or 2040
consent agreement that was issued or approved after a full 2041
hearing. The court shall require notice of the motion to be made 2042
as provided by the Rules of Civil Procedure. If the petitioner 2043
for the original protection order or consent agreement has 2044
requested that the petitioner's address be kept confidential, 2045

the court shall not disclose the address to the respondent of 2046
the original protection order or consent agreement or any other 2047
person, except as otherwise required by law. The moving party 2048
has the burden of proof to show, by a preponderance of the 2049
evidence, that modification or termination of the protection 2050
order or consent agreement is appropriate because either the 2051
protection order or consent agreement is no longer needed or 2052
because the terms of the original protection order or consent 2053
agreement are no longer appropriate. 2054

(c) In considering whether to modify or terminate a 2055
protection order or consent agreement issued or approved under 2056
this section, the court shall consider all relevant factors, 2057
including, but not limited to, the following: 2058

(i) Whether the petitioner consents to modification or 2059
termination of the protection order or consent agreement; 2060

(ii) Whether the petitioner fears the respondent; 2061

(iii) The current nature of the relationship between the 2062
petitioner and the respondent; 2063

(iv) The circumstances of the petitioner and respondent, 2064
including the relative proximity of the petitioner's and 2065
respondent's workplaces and residences and whether the 2066
petitioner and respondent have minor children together; 2067

(v) Whether the respondent has complied with the terms and 2068
conditions of the original protection order or consent 2069
agreement; 2070

(vi) Whether the respondent has a continuing involvement 2071
with illegal drugs or alcohol; 2072

(vii) Whether the respondent has been convicted of, 2073

pleaded guilty to, or been adjudicated a delinquent child for an 2074
offense of violence since the issuance of the protection order 2075
or approval of the consent agreement; 2076

(viii) Whether any other protection orders, consent 2077
agreements, restraining orders, or no contact orders have been 2078
issued against the respondent pursuant to this section, section 2079
2919.26 of the Revised Code, any other provision of state law, 2080
or the law of any other state; 2081

(ix) Whether the respondent has participated in any 2082
domestic violence treatment, intervention program, or other 2083
counseling addressing domestic violence and whether the 2084
respondent has completed the treatment, program, or counseling; 2085

(x) The time that has elapsed since the protection order 2086
was issued or since the consent agreement was approved; 2087

(xi) The age and health of the respondent; 2088

(xii) When the last incident of abuse, threat of harm, or 2089
commission of a sexually oriented offense occurred or other 2090
relevant information concerning the safety and protection of the 2091
petitioner or other protected parties. 2092

(d) If a protection order or consent agreement is modified 2093
or terminated as provided in division (E) (8) of this section, 2094
the court shall issue copies of the modified or terminated order 2095
or agreement as provided in division (F) of this section. A 2096
petitioner may also provide notice of the modification or 2097
termination to the judicial and law enforcement officials in any 2098
county other than the county in which the order or agreement is 2099
modified or terminated as provided in division (N) of this 2100
section. 2101

(e) If the respondent moves for modification or 2102

termination of a protection order or consent agreement pursuant 2103
to this section and the court denies the motion, the court may 2104
assess costs against the respondent for the filing of the 2105
motion. 2106

(9) Any protection order issued or any consent agreement 2107
approved pursuant to this section shall include a provision that 2108
the court will automatically seal all of the records of the 2109
proceeding in which the order is issued or agreement approved on 2110
the date the respondent attains the age of nineteen years unless 2111
the petitioner provides the court with evidence that the 2112
respondent has not complied with all of the terms of the 2113
protection order or consent agreement. The protection order or 2114
consent agreement shall specify the date when the respondent 2115
attains the age of nineteen years. 2116

(F) (1) A copy of any protection order, or consent 2117
agreement, that is issued, approved, modified, or terminated 2118
under this section shall be issued by the court to the 2119
petitioner, to the respondent, and to all law enforcement 2120
agencies that have jurisdiction to enforce the order or 2121
agreement. The court shall direct that a copy of an order be 2122
delivered to the respondent on the same day that the order is 2123
entered. 2124

(2) Upon the issuance of a protection order or the 2125
approval of a consent agreement under this section, the court 2126
shall determine whether, as a result of the order, it is 2127
unlawful for the respondent to possess or purchase a firearm 2128
under division (A) (6) of section 2923.13 of the Revised Code or 2129
18 U.S.C. 922(g) (8). If the court determines that the respondent 2130
is prohibited from possessing or purchasing a firearm, the court 2131
shall order the respondent to transfer all firearms in the 2132

respondent's possession or control, and shall ensure that the 2133
transfer is made, in accordance with section 2923.133 of the 2134
Revised Code. If the respondent is so prohibited, the court 2135
shall notify the petitioner and provide the parties to the order 2136
or agreement respondent with the following notice orally or by 2137
form: 2138

"NOTICE 2139

As a result of this order or consent agreement, it ~~may be~~ 2140
is unlawful for you to possess or purchase a firearm, including 2141
a rifle, pistol, or revolver, or ammunition pursuant to ~~federal~~ 2142
law under section 2923.13 of the Revised Code or 18 U.S.C. 2143
922(g) (8). ~~If you have any questions whether this law makes it~~ 2144
~~illegal for you to possess or purchase a firearm or ammunition,~~ 2145
you should consult an attorney You are required to transfer all 2146
firearms in your possession or control within twenty-four hours 2147
after service of this order in accordance with section 2923.133 2148
of the Revised Code. You are required to file with this court a 2149
proof of transfer and an affidavit that you possess no firearms 2150
within forty-eight hours after service of this order." 2151

(3) All law enforcement agencies shall establish and 2152
maintain an index for the protection orders and the approved 2153
consent agreements delivered to the agencies pursuant to 2154
division (F) (1) of this section. With respect to each order and 2155
consent agreement delivered, each agency shall note on the index 2156
the date and time that it received the order or consent 2157
agreement. 2158

(4) Regardless of whether the petitioner has registered 2159
the order or agreement in the county in which the officer's 2160
agency has jurisdiction pursuant to division (N) of this 2161
section, any officer of a law enforcement agency shall enforce a 2162

protection order issued or consent agreement approved by any 2163
court in this state in accordance with the provisions of the 2164
order or agreement, including removing the respondent from the 2165
premises, if appropriate. 2166

(G) Any proceeding under this section shall be conducted 2167
in accordance with the Rules of Civil Procedure, except that an 2168
order under this section may be obtained with or without bond. 2169
An order issued under this section, other than an ex parte 2170
order, that grants a protection order or approves a consent 2171
agreement, that refuses to grant a protection order or approve a 2172
consent agreement that modifies or terminates a protection order 2173
or consent agreement, or that refuses to modify or terminate a 2174
protection order or consent agreement, is a final, appealable 2175
order. The remedies and procedures provided in this section are 2176
in addition to, and not in lieu of, any other available civil or 2177
criminal remedies. 2178

(H) The filing of proceedings under this section does not 2179
excuse a person from filing any report or giving any notice 2180
required by section 2151.421 of the Revised Code or by any other 2181
law. When a petition under this section alleges domestic 2182
violence against minor children, the court shall report the 2183
fact, or cause reports to be made, to a county, township, or 2184
municipal peace officer under section 2151.421 of the Revised 2185
Code. 2186

(I) Any law enforcement agency that investigates a 2187
domestic dispute shall provide information to the family or 2188
household members involved regarding the relief available under 2189
this section and section 2919.26 of the Revised Code. 2190

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2191
section and regardless of whether a protection order is issued 2192

or a consent agreement is approved by a court of another county 2193
or a court of another state, no court or unit of state or local 2194
government shall charge the petitioner any fee, cost, deposit, 2195
or money in connection with the filing of a petition pursuant to 2196
this section or in connection with the filing, issuance, 2197
registration, modification, enforcement, dismissal, withdrawal, 2198
or service of a protection order, consent agreement, or witness 2199
subpoena or for obtaining a certified copy of a protection order 2200
or consent agreement. 2201

(2) Regardless of whether a protection order is issued or 2202
a consent agreement is approved pursuant to this section, the 2203
court may assess costs against the respondent in connection with 2204
the filing, issuance, registration, modification, enforcement, 2205
dismissal, withdrawal, or service of a protection order, consent 2206
agreement, or witness subpoena or for obtaining a certified copy 2207
of a protection order or consent agreement. 2208

(K) (1) The court shall comply with Chapters 3119., 3121., 2209
3123., and 3125. of the Revised Code when it makes or modifies 2210
an order for child support under this section. 2211

(2) If any person required to pay child support under an 2212
order made under this section on or after April 15, 1985, or 2213
modified under this section on or after December 31, 1986, is 2214
found in contempt of court for failure to make support payments 2215
under the order, the court that makes the finding, in addition 2216
to any other penalty or remedy imposed, shall assess all court 2217
costs arising out of the contempt proceeding against the person 2218
and require the person to pay any reasonable attorney's fees of 2219
any adverse party, as determined by the court, that arose in 2220
relation to the act of contempt. 2221

(L) (1) A person who violates a protection order issued or 2222

a consent agreement approved under this section is subject to 2223
the following sanctions: 2224

(a) Criminal prosecution or a delinquent child proceeding 2225
for a violation of section 2919.27 of the Revised Code, if the 2226
violation of the protection order or consent agreement 2227
constitutes a violation of that section; 2228

(b) Punishment for contempt of court. 2229

(2) The punishment of a person for contempt of court for 2230
violation of a protection order issued or a consent agreement 2231
approved under this section does not bar criminal prosecution of 2232
the person or a delinquent child proceeding concerning the 2233
person for a violation of section 2919.27 of the Revised Code. 2234
However, a person punished for contempt of court is entitled to 2235
credit for the punishment imposed upon conviction of or 2236
adjudication as a delinquent child for a violation of that 2237
section, and a person convicted of or adjudicated a delinquent 2238
child for a violation of that section shall not subsequently be 2239
punished for contempt of court arising out of the same activity. 2240

(M) In all stages of a proceeding under this section, a 2241
petitioner may be accompanied by a victim advocate. 2242

(N) (1) A petitioner who obtains a protection order or 2243
consent agreement under this section or a temporary protection 2244
order under section 2919.26 of the Revised Code may provide 2245
notice of the issuance or approval of the order or agreement to 2246
the judicial and law enforcement officials in any county other 2247
than the county in which the order is issued or the agreement is 2248
approved by registering that order or agreement in the other 2249
county pursuant to division (N) (2) of this section and filing a 2250
copy of the registered order or registered agreement with a law 2251

enforcement agency in the other county in accordance with that 2252
division. A person who obtains a protection order issued by a 2253
court of another state may provide notice of the issuance of the 2254
order to the judicial and law enforcement officials in any 2255
county of this state by registering the order in that county 2256
pursuant to section 2919.272 of the Revised Code and filing a 2257
copy of the registered order with a law enforcement agency in 2258
that county. 2259

(2) A petitioner may register a temporary protection 2260
order, protection order, or consent agreement in a county other 2261
than the county in which the court that issued the order or 2262
approved the agreement is located in the following manner: 2263

(a) The petitioner shall obtain a certified copy of the 2264
order or agreement from the clerk of the court that issued the 2265
order or approved the agreement and present that certified copy 2266
to the clerk of the court of common pleas or the clerk of a 2267
municipal court or county court in the county in which the order 2268
or agreement is to be registered. 2269

(b) Upon accepting the certified copy of the order or 2270
agreement for registration, the clerk of the court of common 2271
pleas, municipal court, or county court shall place an 2272
endorsement of registration on the order or agreement and give 2273
the petitioner a copy of the order or agreement that bears that 2274
proof of registration. 2275

(3) The clerk of each court of common pleas, the clerk of 2276
each municipal court, and the clerk of each county court shall 2277
maintain a registry of certified copies of temporary protection 2278
orders, protection orders, or consent agreements that have been 2279
issued or approved by courts in other counties and that have 2280
been registered with the clerk. 2281

(O) Nothing in this section prohibits the domestic 2282
relations division of a court of common pleas in counties that 2283
have a domestic relations division or a court of common pleas in 2284
counties that do not have a domestic relations division from 2285
designating a minor child as a protected party on a protection 2286
order or consent agreement. 2287

Section 2. That existing sections 2151.34, 2903.13, 2288
2903.21, 2903.214, 2919.25, 2919.26, 2923.13, and 3113.31 of the 2289
Revised Code are hereby repealed. 2290

Section 3. The General Assembly, applying the principle 2291
stated in division (B) of section 1.52 of the Revised Code that 2292
amendments are to be harmonized if reasonably capable of 2293
simultaneous operation, finds that the following sections, 2294
presented in this act as composites of the sections as amended 2295
by the acts indicated, are the resulting versions of the 2296
sections in effect prior to the effective date of the sections 2297
as presented in this act. 2298

Section 2151.34 of the Revised Code as amended by both 2299
Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 2300
Assembly. 2301

Section 2903.214 of the Revised Code as amended by both 2302
Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 2303
Assembly. 2304

Section 2919.26 of the Revised Code as amended by both 2305
Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 2306
Assembly. 2307

Section 2923.13 of the Revised Code as amended by both 2308
Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General 2309
Assembly. 2310