

As Reported by the Senate Judiciary Committee

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Sub. H. B. No. 390

Representatives Lanese, John

Cosponsors: Representatives Bird, Click, Carfagna, Ferguson, Fowler Arthur, Gross, Hall, Koehler, Ray, Richardson, Schmidt, White, Abrams, Baldrige, Blackshear, Brent, Brown, Carruthers, Crossman, Cutrona, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Grendell, Hicks-Hudson, Hoops, Humphrey, Jarrells, Johnson, Jones, Kick, LaRe, Leland, Lepore-Hagan, Lightbody, Loychik, Manning, Merrin, Miller, J., Miller, K., Miranda, O'Brien, Pavliga, Plummer, Robinson, Russo, Smith, K., Smith, M., Sobecki, Swearingen, Sweeney, Sykes, West, Young, T., Speaker Cupp

A BILL

To amend sections 2151.34, 2743.191, 2903.214, 1
2907.231, 2919.27, and 2933.82 and to enact 2
section 2743.671 of the Revised Code to require 3
governmental evidence-retention entities to 4
secure and test sexual assault examination kits 5
in relation to an investigation or prosecution 6
of trafficking in persons, to prohibit engaging 7
in prostitution with a person with a 8
developmental disability, to provide funds for 9
funeral expenses to victims of crime, and to 10
eliminate the authorization in certain 11
circumstances for the use of Reparations Fund 12
money to pay for electronic monitoring. 13

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

Section 1. That sections 2151.34, 2743.191, 2903.214, 14

2907.231, 2919.27, and 2933.82 be amended and section 2743.671 15
of the Revised Code be enacted to read as follows: 16

Sec. 2151.34. (A) As used in this section: 17

(1) "Court" means the juvenile division of the court of 18
common pleas of the county in which the person to be protected 19
by the protection order resides. 20

(2) "Victim advocate" means a person who provides support 21
and assistance for a person who files a petition under this 22
section. 23

(3) "Family or household member" has the same meaning as 24
in section 3113.31 of the Revised Code. 25

(4) "Protection order issued by a court of another state" 26
has the same meaning as in section 2919.27 of the Revised Code. 27

(5) "Petitioner" means a person who files a petition under 28
this section and includes a person on whose behalf a petition 29
under this section is filed. 30

(6) "Respondent" means a person who is under eighteen 31
years of age and against whom a petition is filed under this 32
section. 33

(7) "Sexually oriented offense" has the same meaning as in 34
section 2950.01 of the Revised Code. 35

(8) "Electronic monitoring" has the same meaning as in 36
section 2929.01 of the Revised Code. 37

(9) "Companion animal" has the same meaning as in section 38
959.131 of the Revised Code. 39

(B) The court has jurisdiction over all proceedings under 40
this section. 41

(C) (1) Any of the following persons may seek relief under this section by filing a petition with the court:	42 43
(a) Any person on behalf of that person;	44
(b) Any parent or adult family or household member on behalf of any other family or household member;	45 46
(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.	47 48 49
(2) The petition shall contain or state all of the following:	50 51
(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;	52 53 54 55 56 57 58 59
(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;	60 61 62 63 64 65 66 67
(c) A request for relief under this section.	68
(3) The court in its discretion may determine whether or	69

not to give notice that a petition has been filed under division 70
(C) (1) of this section on behalf of a child to any of the 71
following: 72

(a) A parent of the child if the petition was filed by any 73
person other than a parent of the child; 74

(b) Any person who is determined by the court to be an 75
appropriate person to receive notice of the filing of the 76
petition. 77

(D) (1) If a person who files a petition pursuant to this 78
section requests an ex parte order, the court shall hold an ex 79
parte hearing as soon as possible after the petition is filed, 80
but not later than the next day after the court is in session 81
after the petition is filed. The court, for good cause shown at 82
the ex parte hearing, may enter any temporary orders, with or 83
without bond, that the court finds necessary for the safety and 84
protection of the person to be protected by the order. Immediate 85
and present danger to the person to be protected by the 86
protection order constitutes good cause for purposes of this 87
section. Immediate and present danger includes, but is not 88
limited to, situations in which the respondent has threatened 89
the person to be protected by the protection order with bodily 90
harm or in which the respondent previously has been convicted 91
of, pleaded guilty to, or been adjudicated a delinquent child 92
for committing a violation of section 2903.11, 2903.12, 2903.13, 93
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 94
sexually oriented offense, or a violation of any municipal 95
ordinance that is substantially equivalent to any of those 96
offenses against the person to be protected by the protection 97
order. 98

(2) (a) If the court, after an ex parte hearing, issues a 99

protection order described in division (E) of this section, the 100
court shall schedule a full hearing for a date that is within 101
ten court days after the ex parte hearing. The court shall give 102
the respondent notice of, and an opportunity to be heard at, the 103
full hearing. The court also shall give notice of the full 104
hearing to the parent, guardian, or legal custodian of the 105
respondent. The court shall hold the full hearing on the date 106
scheduled under this division unless the court grants a 107
continuance of the hearing in accordance with this division. 108
Under any of the following circumstances or for any of the 109
following reasons, the court may grant a continuance of the full 110
hearing to a reasonable time determined by the court: 111

(i) Prior to the date scheduled for the full hearing under 112
this division, the respondent has not been served with the 113
petition filed pursuant to this section and notice of the full 114
hearing. 115

(ii) The parties consent to the continuance. 116

(iii) The continuance is needed to allow a party to obtain 117
counsel. 118

(iv) The continuance is needed for other good cause. 119

(b) An ex parte order issued under this section does not 120
expire because of a failure to serve notice of the full hearing 121
upon the respondent before the date set for the full hearing 122
under division (D) (2) (a) of this section or because the court 123
grants a continuance under that division. 124

(3) If a person who files a petition pursuant to this 125
section does not request an ex parte order, or if a person 126
requests an ex parte order but the court does not issue an ex 127
parte order after an ex parte hearing, the court shall proceed 128

as in a normal civil action and grant a full hearing on the 129
matter. 130

(E) (1) (a) After an ex parte or full hearing, the court may 131
issue any protection order, with or without bond, that contains 132
terms designed to ensure the safety and protection of the person 133
to be protected by the protection order. The court may include 134
within a protection order issued under this section a term 135
requiring that the respondent not remove, damage, hide, harm, or 136
dispose of any companion animal owned or possessed by the person 137
to be protected by the order, and may include within the order a 138
term authorizing the person to be protected by the order to 139
remove a companion animal owned by the person to be protected by 140
the order from the possession of the respondent. 141

(b) After a full hearing, if the court considering a 142
petition that includes an allegation of the type described in 143
division (C) (2) (b) of this section or the court, upon its own 144
motion, finds upon clear and convincing evidence that the 145
petitioner reasonably believed that the respondent's conduct at 146
any time preceding the filing of the petition endangered the 147
health, welfare, or safety of the person to be protected and 148
that the respondent presents a continuing danger to the person 149
to be protected and if division (N) of this section does not 150
prohibit the issuance of an order that the respondent be 151
electronically monitored, the court may order that the 152
respondent be electronically monitored for a period of time and 153
under the terms and conditions that the court determines are 154
appropriate. Electronic monitoring shall be in addition to any 155
other relief granted to the petitioner. 156

(2) (a) Any protection order issued pursuant to this 157
section shall be valid until a date certain but not later than 158

the date the respondent attains nineteen years of age. 159

(b) Any protection order issued pursuant to this section 160
may be renewed in the same manner as the original order was 161
issued. 162

(3) A court may not issue a protection order that requires 163
a petitioner to do or to refrain from doing an act that the 164
court may require a respondent to do or to refrain from doing 165
under division (E) (1) of this section unless all of the 166
following apply: 167

(a) The respondent files a separate petition for a 168
protection order in accordance with this section. 169

(b) The petitioner is served with notice of the 170
respondent's petition at least forty-eight hours before the 171
court holds a hearing with respect to the respondent's petition, 172
or the petitioner waives the right to receive this notice. 173

(c) If the petitioner has requested an ex parte order 174
pursuant to division (D) of this section, the court does not 175
delay any hearing required by that division beyond the time 176
specified in that division in order to consolidate the hearing 177
with a hearing on the petition filed by the respondent. 178

(d) After a full hearing at which the respondent presents 179
evidence in support of the request for a protection order and 180
the petitioner is afforded an opportunity to defend against that 181
evidence, the court determines that the petitioner has committed 182
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 183
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 184
oriented offense, or a violation of any municipal ordinance that 185
is substantially equivalent to any of those offenses against the 186
person to be protected by the protection order issued pursuant 187

to division (E) (3) of this section, or has violated a protection 188
order issued pursuant to this section or section 2903.213 of the 189
Revised Code relative to the person to be protected by the 190
protection order issued pursuant to division (E) (3) of this 191
section. 192

(4) No protection order issued pursuant to this section 193
shall in any manner affect title to any real property. 194

(5) (a) A protection order issued under this section shall 195
clearly state that the person to be protected by the order 196
cannot waive or nullify by invitation or consent any requirement 197
in the order. 198

(b) Division (E) (5) (a) of this section does not limit any 199
discretion of a court to determine that a respondent alleged to 200
have violated section 2919.27 of the Revised Code, violated a 201
municipal ordinance substantially equivalent to that section, or 202
committed contempt of court, which allegation is based on an 203
alleged violation of a protection order issued under this 204
section, did not commit the violation or was not in contempt of 205
court. 206

(6) Any protection order issued pursuant to this section 207
shall include a provision that the court will automatically seal 208
all of the records of the proceeding in which the order is 209
issued on the date the respondent attains the age of nineteen 210
years unless the petitioner provides the court with evidence 211
that the respondent has not complied with all of the terms of 212
the protection order. The protection order shall specify the 213
date when the respondent attains the age of nineteen years. 214

(F) (1) The court shall cause the delivery of a copy of any 215
protection order that is issued under this section to the 216

petitioner, to the respondent, and to all law enforcement 217
agencies that have jurisdiction to enforce the order. The court 218
shall direct that a copy of the order be delivered to the 219
respondent and the parent, guardian, or legal custodian of the 220
respondent on the same day that the order is entered. 221

(2) Upon the issuance of a protection order under this 222
section, the court shall provide the parties to the order with 223
the following notice orally or by form: 224

"NOTICE 225

As a result of this order, it may be unlawful for you to 226
possess or purchase a firearm, including a rifle, pistol, or 227
revolver, or ammunition pursuant to federal law under 18 U.S.C. 228
922(g) (8) for the duration of this order. If you have any 229
questions whether this law makes it illegal for you to possess 230
or purchase a firearm or ammunition, you should consult an 231
attorney." 232

(3) All law enforcement agencies shall establish and 233
maintain an index for the protection orders delivered to the 234
agencies pursuant to division (F) (1) of this section. With 235
respect to each order delivered, each agency shall note on the 236
index the date and time that it received the order. 237

(4) Regardless of whether the petitioner has registered 238
the protection order in the county in which the officer's agency 239
has jurisdiction pursuant to division (M) of this section, any 240
officer of a law enforcement agency shall enforce a protection 241
order issued pursuant to this section by any court in this state 242
in accordance with the provisions of the order, including 243
removing the respondent from the premises, if appropriate. 244

(G) (1) Any proceeding under this section shall be 245

conducted in accordance with the Rules of Civil Procedure, 246
except that a protection order may be obtained under this 247
section with or without bond. An order issued under this 248
section, other than an ex parte order, that grants a protection 249
order, or that refuses to grant a protection order, is a final, 250
appealable order. The remedies and procedures provided in this 251
section are in addition to, and not in lieu of, any other 252
available civil or criminal remedies or any other available 253
remedies under Chapter 2151. or 2152. of the Revised Code. 254

(2) If as provided in division (G) (1) of this section an 255
order issued under this section, other than an ex parte order, 256
refuses to grant a protection order, the court, on its own 257
motion, shall order that the ex parte order issued under this 258
section and all of the records pertaining to that ex parte order 259
be sealed after either of the following occurs: 260

(a) No party has exercised the right to appeal pursuant to 261
Rule 4 of the Rules of Appellate Procedure. 262

(b) All appellate rights have been exhausted. 263

(H) The filing of proceedings under this section does not 264
excuse a person from filing any report or giving any notice 265
required by section 2151.421 of the Revised Code or by any other 266
law. 267

(I) Any law enforcement agency that investigates an 268
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 269
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 270
commission of a sexually oriented offense, or an alleged 271
violation of a municipal ordinance that is substantially 272
equivalent to any of those offenses shall provide information to 273
the victim and the family or household members of the victim 274

regarding the relief available under this section.	275
(J) (1) Subject to division (J) (2) of this section and	276
regardless of whether a protection order is issued or a consent	277
agreement is approved by a court of another county or by a court	278
of another state, no court or unit of state or local government	279
shall charge the petitioner any fee, cost, deposit, or money in	280
connection with the filing of a petition pursuant to this	281
section, in connection with the filing, issuance, registration,	282
modification, enforcement, dismissal, withdrawal, or service of	283
a protection order, consent agreement, or witness subpoena or	284
for obtaining a certified copy of a protection order or consent	285
agreement.	286
(2) Regardless of whether a protection order is issued or	287
a consent agreement is approved pursuant to this section, the	288
court may assess costs against the respondent in connection with	289
the filing, issuance, registration, modification, enforcement,	290
dismissal, withdrawal, or service of a protection order, consent	291
agreement, or witness subpoena or for obtaining a certified copy	292
of a protection order or consent agreement.	293
(K) (1) A person who violates a protection order issued	294
under this section is subject to the following sanctions:	295
(a) A delinquent child proceeding or a criminal	296
prosecution for a violation of section 2919.27 of the Revised	297
Code, if the violation of the protection order constitutes a	298
violation of that section;	299
(b) Punishment for contempt of court.	300
(2) The punishment of a person for contempt of court for	301
violation of a protection order issued under this section does	302
not bar criminal prosecution of the person or a delinquent child	303

proceeding concerning the person for a violation of section 304
2919.27 of the Revised Code. However, a person punished for 305
contempt of court is entitled to credit for the punishment 306
imposed upon conviction of or adjudication as a delinquent child 307
for a violation of that section, and a person convicted of or 308
adjudicated a delinquent child for a violation of that section 309
shall not subsequently be punished for contempt of court arising 310
out of the same activity. 311

(L) In all stages of a proceeding under this section, a 312
petitioner may be accompanied by a victim advocate. 313

(M) (1) A petitioner who obtains a protection order under 314
this section may provide notice of the issuance or approval of 315
the order to the judicial and law enforcement officials in any 316
county other than the county in which the order is issued by 317
registering that order in the other county pursuant to division 318
(M) (2) of this section and filing a copy of the registered order 319
with a law enforcement agency in the other county in accordance 320
with that division. A person who obtains a protection order 321
issued by a court of another state may provide notice of the 322
issuance of the order to the judicial and law enforcement 323
officials in any county of this state by registering the order 324
in that county pursuant to section 2919.272 of the Revised Code 325
and filing a copy of the registered order with a law enforcement 326
agency in that county. 327

(2) A petitioner may register a protection order issued 328
pursuant to this section in a county other than the county in 329
which the court that issued the order is located in the 330
following manner: 331

(a) The petitioner shall obtain a certified copy of the 332
order from the clerk of the court that issued the order and 333

present that certified copy to the clerk of the court of common 334
pleas or the clerk of a municipal court or county court in the 335
county in which the order is to be registered. 336

(b) Upon accepting the certified copy of the order for 337
registration, the clerk of the court of common pleas, municipal 338
court, or county court shall place an endorsement of 339
registration on the order and give the petitioner a copy of the 340
order that bears that proof of registration. 341

(3) The clerk of each court of common pleas, municipal 342
court, or county court shall maintain a registry of certified 343
copies of protection orders that have been issued by courts in 344
other counties pursuant to this section and that have been 345
registered with the clerk. 346

(N) If the court orders electronic monitoring of the 347
respondent under this section, the court shall direct the 348
sheriff's office or any other appropriate law enforcement agency 349
to install the electronic monitoring device and to monitor the 350
respondent. Unless the court determines that the respondent is 351
indigent, the court shall order the respondent to pay the cost 352
of the installation and monitoring of the electronic monitoring 353
device. ~~If the court determines that the respondent is indigent~~ 354
~~and subject to the maximum amount allowable to be paid in any~~ 355
~~year from the fund and the rules promulgated by the attorney~~ 356
~~general under section 2903.214 of the Revised Code, the cost of~~ 357
~~the installation and monitoring of the electronic monitoring~~ 358
~~device may be paid out of funds from the reparations fund~~ 359
~~created pursuant to section 2743.191 of the Revised Code. The~~ 360
~~total amount paid from the reparations fund created pursuant to~~ 361
~~section 2743.191 of the Revised Code for electronic monitoring~~ 362
~~under this section and sections 2903.214 and 2919.27 of the~~ 363

~~Revised Code shall not exceed three hundred thousand dollars per- 364
year. When the total amount paid from the reparations fund in- 365
any year for electronic monitoring under those sections equals- 366
or exceeds three hundred thousand dollars, the court shall not- 367
order pursuant to this section that an indigent respondent be- 368
electronically monitored. 369~~

(O) The court, in its discretion, may determine if the 370
respondent is entitled to court-appointed counsel in a 371
proceeding under this section. 372

Sec. 2743.191. (A) (1) There is hereby created in the state 373
treasury the reparations fund, which shall be used only for the 374
following purposes: 375

(a) The payment of awards of reparations that are granted 376
by the attorney general; 377

(b) The compensation of any personnel needed by the 378
attorney general to administer sections 2743.51 to 2743.72 of 379
the Revised Code; 380

(c) The compensation of witnesses as provided in division 381
(J) of section 2743.65 of the Revised Code; 382

(d) Other administrative costs of hearing and determining 383
claims for an award of reparations by the attorney general; 384

(e) The costs of administering sections 2907.28 and 385
2969.01 to 2969.06 of the Revised Code; 386

(f) The costs of investigation and decision-making as 387
certified by the attorney general; 388

(g) The provision of state financial assistance to victim 389
assistance programs in accordance with sections 109.91 and 390
109.92 of the Revised Code; 391

(h) The costs of paying the expenses of sex offense-	392
related examinations, antibiotics, and HIV post-exposure	393
prophylaxis pursuant to section 2907.28 of the Revised Code;	394
(i) The cost of printing and distributing the pamphlet	395
prepared by the attorney general pursuant to section 109.42 of	396
the Revised Code;	397
(j) Subject to division (D) of section 2743.71 of the	398
Revised Code, the costs associated with the printing and	399
providing of information cards or other printed materials to law	400
enforcement agencies and prosecuting authorities and with	401
publicizing the availability of awards of reparations pursuant	402
to section 2743.71 of the Revised Code;	403
(k) The payment of costs of administering a DNA specimen	404
collection procedure pursuant to sections 2152.74 and 2901.07 of	405
the Revised Code, of performing DNA analysis of those DNA	406
specimens, and of entering the resulting DNA records regarding	407
those analyses into the DNA database pursuant to section 109.573	408
of the Revised Code;	409
(l) The payment of actual costs associated with	410
initiatives by the attorney general for the apprehension,	411
prosecution, and accountability of offenders, and the enhancing	412
of services to crime victims. The amount of payments made	413
pursuant to division (A) (1) (1) of this section during any given	414
fiscal year shall not exceed five per cent of the balance of the	415
reparations fund at the close of the immediately previous fiscal	416
year;	417
(m) The costs of administering the adult parole	418
authority's supervision pursuant to division (E) of section	419
2971.05 of the Revised Code of sexually violent predators who	420

are sentenced to a prison term pursuant to division (A) (3) of 421
section 2971.03 of the Revised Code and of offenders who are 422
sentenced to a prison term pursuant to division (B) (1) (a), (b), 423
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 424
of that section.† 425

~~(n) Subject to the limit set forth in those sections, the 426
costs of the installation and monitoring of an electronic 427
monitoring device used in the monitoring of a respondent 428
pursuant to an electronic monitoring order issued by a court 429
under division (E) (1) (b) of section 2151.34 or division (E) (1) 430
(b) of section 2903.214 of the Revised Code if the court 431
determines that the respondent is indigent or used in the 432
monitoring of an offender pursuant to an electronic monitoring 433
order issued under division (B) (5) of section 2919.27 of the 434
Revised Code if the court determines that the offender is 435
indigent. 436~~

(2) All costs paid pursuant to section 2743.70 of the 437
Revised Code, the portions of license reinstatement fees 438
mandated by division (F) (2) (b) of section 4511.191 of the 439
Revised Code to be credited to the fund, the portions of the 440
proceeds of the sale of a forfeited vehicle specified in 441
division (C) (2) of section 4503.234 of the Revised Code, 442
payments collected by the department of rehabilitation and 443
correction from prisoners who voluntarily participate in an 444
approved work and training program pursuant to division (C) (8) 445
(b) (ii) of section 5145.16 of the Revised Code, and all moneys 446
collected by the state pursuant to its right of subrogation 447
provided in section 2743.72 of the Revised Code shall be 448
deposited in the fund. 449

(B) In making an award of reparations, the attorney 450

general shall render the award against the state. The award 451
shall be accomplished only through the following procedure, and 452
the following procedure may be enforced by writ of mandamus 453
directed to the appropriate official: 454

(1) The attorney general shall provide for payment of the 455
claimant or providers in the amount of the award only if the 456
amount of the award is fifty dollars or more. 457

(2) The expense shall be charged against all available 458
unencumbered moneys in the fund. 459

(3) If sufficient unencumbered moneys do not exist in the 460
fund, the attorney general shall make application for payment of 461
the award out of the emergency purposes account or any other 462
appropriation for emergencies or contingencies, and payment out 463
of this account or other appropriation shall be authorized if 464
there are sufficient moneys greater than the sum total of then 465
pending emergency purposes account requests or requests for 466
releases from the other appropriations. 467

(4) If sufficient moneys do not exist in the account or 468
any other appropriation for emergencies or contingencies to pay 469
the award, the attorney general shall request the general 470
assembly to make an appropriation sufficient to pay the award, 471
and no payment shall be made until the appropriation has been 472
made. The attorney general shall make this appropriation request 473
during the current biennium and during each succeeding biennium 474
until a sufficient appropriation is made. If, prior to the time 475
that an appropriation is made by the general assembly pursuant 476
to this division, the fund has sufficient unencumbered funds to 477
pay the award or part of the award, the available funds shall be 478
used to pay the award or part of the award, and the 479
appropriation request shall be amended to request only 480

sufficient funds to pay that part of the award that is unpaid. 481

(C) The attorney general shall not make payment on a 482
decision or order granting an award until all appeals have been 483
determined and all rights to appeal exhausted, except as 484
otherwise provided in this section. If any party to a claim for 485
an award of reparations appeals from only a portion of an award, 486
and a remaining portion provides for the payment of money by the 487
state, that part of the award calling for the payment of money 488
by the state and not a subject of the appeal shall be processed 489
for payment as described in this section. 490

(D) The attorney general shall prepare itemized bills for 491
the costs of printing and distributing the pamphlet the attorney 492
general prepares pursuant to section 109.42 of the Revised Code. 493
The itemized bills shall set forth the name and address of the 494
persons owed the amounts set forth in them. 495

(E) Interest earned on the moneys in the fund shall be 496
credited to the fund. 497

(F) As used in this section, "DNA analysis" and "DNA 498
specimen" have the same meanings as in section 109.573 of the 499
Revised Code. 500

Sec. 2743.671. (A) As used in this section, "funeral 501
expenses" means the payment of cremation or burial services of 502
the decedent. 503

(B) Before acting on an application for an award of 504
reparations that has been filed pursuant to section 2743.56 of 505
the Revised Code, the attorney general may make an emergency 506
award for funeral expenses if at the time the application for 507
emergency funeral expenses is made the claimant is the party 508
responsible for the victim's funeral expenses and the 509

information that is then available to the attorney general 510
supports a finding of reasonable belief that all of the 511
following criteria are met: 512

(1) That the requirements for a final award under division 513
(C) of section 2743.59 of the Revised Code may be satisfied; 514

(2) The decedent and the claimant are indigent; 515

(3) The claimant will suffer undue hardship if immediate 516
economic relief is not obtained. 517

(C) An emergency award for funeral expenses under this 518
section may only be made before cremation or burial of the 519
decedent. Payment for funeral expenses under this section shall 520
be the full award for such expenses arising from the death of 521
the victim. No additional payment for funeral expenses shall be 522
made to the funeral home, to the claimant applicant, or to any 523
other claimant. A determination under this section does not 524
preclude the attorney general from determining eligibility and 525
awarding reparations for any expenses other than those related 526
to the funeral. 527

(D) If, after a payment of emergency funeral expenses is 528
awarded under this section, a final determination is made that 529
no compensation on the application for an award of reparations 530
will be made, the claimant or victim may be required to repay 531
the entire emergency award. 532

Sec. 2903.214. (A) As used in this section: 533

(1) "Court" means the court of common pleas of the county 534
in which the person to be protected by the protection order 535
resides. 536

(2) "Victim advocate" means a person who provides support 537

and assistance for a person who files a petition under this 538
section. 539

(3) "Family or household member" has the same meaning as 540
in section 3113.31 of the Revised Code. 541

(4) "Protection order issued by a court of another state" 542
has the same meaning as in section 2919.27 of the Revised Code. 543

(5) "Sexually oriented offense" has the same meaning as in 544
section 2950.01 of the Revised Code. 545

(6) "Electronic monitoring" has the same meaning as in 546
section 2929.01 of the Revised Code. 547

(7) "Companion animal" has the same meaning as in section 548
959.131 of the Revised Code. 549

(B) The court has jurisdiction over all proceedings under 550
this section. 551

(C) A person may seek relief under this section for the 552
person, or any parent or adult household member may seek relief 553
under this section on behalf of any other family or household 554
member, by filing a petition with the court. The petition shall 555
contain or state all of the following: 556

(1) An allegation that the respondent is eighteen years of 557
age or older and engaged in a violation of section 2903.211 of 558
the Revised Code against the person to be protected by the 559
protection order or committed a sexually oriented offense 560
against the person to be protected by the protection order, 561
including a description of the nature and extent of the 562
violation; 563

(2) If the petitioner seeks relief in the form of 564
electronic monitoring of the respondent, an allegation that at 565

any time preceding the filing of the petition the respondent 566
engaged in conduct that would cause a reasonable person to 567
believe that the health, welfare, or safety of the person to be 568
protected was at risk, a description of the nature and extent of 569
that conduct, and an allegation that the respondent presents a 570
continuing danger to the person to be protected; 571

(3) A request for relief under this section. 572

(D) (1) If a person who files a petition pursuant to this 573
section requests an ex parte order, the court shall hold an ex 574
parte hearing as soon as possible after the petition is filed, 575
but not later than the next day that the court is in session 576
after the petition is filed. The court, for good cause shown at 577
the ex parte hearing, may enter any temporary orders, with or 578
without bond, that the court finds necessary for the safety and 579
protection of the person to be protected by the order. Immediate 580
and present danger to the person to be protected by the 581
protection order constitutes good cause for purposes of this 582
section. Immediate and present danger includes, but is not 583
limited to, situations in which the respondent has threatened 584
the person to be protected by the protection order with bodily 585
harm or in which the respondent previously has been convicted of 586
or pleaded guilty to a violation of section 2903.211 of the 587
Revised Code or a sexually oriented offense against the person 588
to be protected by the protection order. 589

(2) (a) If the court, after an ex parte hearing, issues a 590
protection order described in division (E) of this section, the 591
court shall schedule a full hearing for a date that is within 592
ten court days after the ex parte hearing. The court shall give 593
the respondent notice of, and an opportunity to be heard at, the 594
full hearing. The court shall hold the full hearing on the date 595

scheduled under this division unless the court grants a 596
continuance of the hearing in accordance with this division. 597
Under any of the following circumstances or for any of the 598
following reasons, the court may grant a continuance of the full 599
hearing to a reasonable time determined by the court: 600

(i) Prior to the date scheduled for the full hearing under 601
this division, the respondent has not been served with the 602
petition filed pursuant to this section and notice of the full 603
hearing. 604

(ii) The parties consent to the continuance. 605

(iii) The continuance is needed to allow a party to obtain 606
counsel. 607

(iv) The continuance is needed for other good cause. 608

(b) An ex parte order issued under this section does not 609
expire because of a failure to serve notice of the full hearing 610
upon the respondent before the date set for the full hearing 611
under division (D) (2) (a) of this section or because the court 612
grants a continuance under that division. 613

(3) If a person who files a petition pursuant to this 614
section does not request an ex parte order, or if a person 615
requests an ex parte order but the court does not issue an ex 616
parte order after an ex parte hearing, the court shall proceed 617
as in a normal civil action and grant a full hearing on the 618
matter. 619

(E) (1) (a) After an ex parte or full hearing, the court may 620
issue any protection order, with or without bond, that contains 621
terms designed to ensure the safety and protection of the person 622
to be protected by the protection order, including, but not 623
limited to, a requirement that the respondent refrain from 624

entering the residence, school, business, or place of employment 625
of the petitioner or family or household member. If the court 626
includes a requirement that the respondent refrain from entering 627
the residence, school, business, or place of employment of the 628
petitioner or family or household member in the order, it also 629
shall include in the order provisions of the type described in 630
division (E) (5) of this section. The court may include within a 631
protection order issued under this section a term requiring that 632
the respondent not remove, damage, hide, harm, or dispose of any 633
companion animal owned or possessed by the person to be 634
protected by the order, and may include within the order a term 635
authorizing the person to be protected by the order to remove a 636
companion animal owned by the person to be protected by the 637
order from the possession of the respondent. 638

(b) After a full hearing, if the court considering a 639
petition that includes an allegation of the type described in 640
division (C) (2) of this section, or the court upon its own 641
motion, finds upon clear and convincing evidence that the 642
petitioner reasonably believed that the respondent's conduct at 643
any time preceding the filing of the petition endangered the 644
health, welfare, or safety of the person to be protected and 645
that the respondent presents a continuing danger to the person 646
to be protected, the court may order that the respondent be 647
electronically monitored for a period of time and under the 648
terms and conditions that the court determines are appropriate. 649
Electronic monitoring shall be in addition to any other relief 650
granted to the petitioner. 651

(2) (a) Any protection order issued pursuant to this 652
section shall be valid until a date certain but not later than 653
five years from the date of its issuance. 654

(b) Any protection order issued pursuant to this section 655
may be renewed in the same manner as the original order was 656
issued. 657

(3) A court may not issue a protection order that requires 658
a petitioner to do or to refrain from doing an act that the 659
court may require a respondent to do or to refrain from doing 660
under division (E) (1) of this section unless all of the 661
following apply: 662

(a) The respondent files a separate petition for a 663
protection order in accordance with this section. 664

(b) The petitioner is served with notice of the 665
respondent's petition at least forty-eight hours before the 666
court holds a hearing with respect to the respondent's petition, 667
or the petitioner waives the right to receive this notice. 668

(c) If the petitioner has requested an ex parte order 669
pursuant to division (D) of this section, the court does not 670
delay any hearing required by that division beyond the time 671
specified in that division in order to consolidate the hearing 672
with a hearing on the petition filed by the respondent. 673

(d) After a full hearing at which the respondent presents 674
evidence in support of the request for a protection order and 675
the petitioner is afforded an opportunity to defend against that 676
evidence, the court determines that the petitioner has committed 677
a violation of section 2903.211 of the Revised Code against the 678
person to be protected by the protection order issued pursuant 679
to division (E) (3) of this section, has committed a sexually 680
oriented offense against the person to be protected by the 681
protection order issued pursuant to division (E) (3) of this 682
section, or has violated a protection order issued pursuant to 683

section 2903.213 of the Revised Code relative to the person to 684
be protected by the protection order issued pursuant to division 685
(E) (3) of this section. 686

(4) No protection order issued pursuant to this section 687
shall in any manner affect title to any real property. 688

(5) (a) If the court issues a protection order under this 689
section that includes a requirement that the alleged offender 690
refrain from entering the residence, school, business, or place 691
of employment of the petitioner or a family or household member, 692
the order shall clearly state that the order cannot be waived or 693
nullified by an invitation to the alleged offender from the 694
complainant to enter the residence, school, business, or place 695
of employment or by the alleged offender's entry into one of 696
those places otherwise upon the consent of the petitioner or 697
family or household member. 698

(b) Division (E) (5) (a) of this section does not limit any 699
discretion of a court to determine that an alleged offender 700
charged with a violation of section 2919.27 of the Revised Code, 701
with a violation of a municipal ordinance substantially 702
equivalent to that section, or with contempt of court, which 703
charge is based on an alleged violation of a protection order 704
issued under this section, did not commit the violation or was 705
not in contempt of court. 706

(F) (1) The court shall cause the delivery of a copy of any 707
protection order that is issued under this section to the 708
petitioner, to the respondent, and to all law enforcement 709
agencies that have jurisdiction to enforce the order. The court 710
shall direct that a copy of the order be delivered to the 711
respondent on the same day that the order is entered. 712

(2) Upon the issuance of a protection order under this 713
section, the court shall provide the parties to the order with 714
the following notice orally or by form: 715

"NOTICE 716

As a result of this order, it may be unlawful for you to 717
possess or purchase a firearm, including a rifle, pistol, or 718
revolver, or ammunition pursuant to federal law under 18 U.S.C. 719
922(g) (8) for the duration of this order. If you have any 720
questions whether this law makes it illegal for you to possess 721
or purchase a firearm or ammunition, you should consult an 722
attorney." 723

(3) All law enforcement agencies shall establish and 724
maintain an index for the protection orders delivered to the 725
agencies pursuant to division (F) (1) of this section. With 726
respect to each order delivered, each agency shall note on the 727
index the date and time that it received the order. 728

(4) Regardless of whether the petitioner has registered 729
the protection order in the county in which the officer's agency 730
has jurisdiction pursuant to division (M) of this section, any 731
officer of a law enforcement agency shall enforce a protection 732
order issued pursuant to this section by any court in this state 733
in accordance with the provisions of the order, including 734
removing the respondent from the premises, if appropriate. 735

(G) (1) Any proceeding under this section shall be 736
conducted in accordance with the Rules of Civil Procedure, 737
except that a protection order may be obtained under this 738
section with or without bond. An order issued under this 739
section, other than an ex parte order, that grants a protection 740
order, or that refuses to grant a protection order, is a final, 741

appealable order. The remedies and procedures provided in this 742
section are in addition to, and not in lieu of, any other 743
available civil or criminal remedies. 744

(2) If as provided in division (G)(1) of this section an 745
order issued under this section, other than an ex parte order, 746
refuses to grant a protection order, the court, on its own 747
motion, shall order that the ex parte order issued under this 748
section and all of the records pertaining to that ex parte order 749
be sealed after either of the following occurs: 750

(a) No party has exercised the right to appeal pursuant to 751
Rule 4 of the Rules of Appellate Procedure. 752

(b) All appellate rights have been exhausted. 753

(H) The filing of proceedings under this section does not 754
excuse a person from filing any report or giving any notice 755
required by section 2151.421 of the Revised Code or by any other 756
law. 757

(I) Any law enforcement agency that investigates an 758
alleged violation of section 2903.211 of the Revised Code or an 759
alleged commission of a sexually oriented offense shall provide 760
information to the victim and the family or household members of 761
the victim regarding the relief available under this section and 762
section 2903.213 of the Revised Code. 763

(J)(1) Subject to division (J)(2) of this section and 764
regardless of whether a protection order is issued or a consent 765
agreement is approved by a court of another county or by a court 766
of another state, no court or unit of state or local government 767
shall charge the petitioner any fee, cost, deposit, or money in 768
connection with the filing of a petition pursuant to this 769
section, in connection with the filing, issuance, registration, 770

modification, enforcement, dismissal, withdrawal, or service of 771
a protection order, consent agreement, or witness subpoena or 772
for obtaining a certified copy of a protection order or consent 773
agreement. 774

(2) Regardless of whether a protection order is issued or 775
a consent agreement is approved pursuant to this section, the 776
court may assess costs against the respondent in connection with 777
the filing, issuance, registration, modification, enforcement, 778
dismissal, withdrawal, or service of a protection order, consent 779
agreement, or witness subpoena or for obtaining a certified copy 780
of a protection order or consent agreement. 781

(K) (1) A person who violates a protection order issued 782
under this section is subject to the following sanctions: 783

(a) Criminal prosecution for a violation of section 784
2919.27 of the Revised Code, if the violation of the protection 785
order constitutes a violation of that section; 786

(b) Punishment for contempt of court. 787

(2) The punishment of a person for contempt of court for 788
violation of a protection order issued under this section does 789
not bar criminal prosecution of the person for a violation of 790
section 2919.27 of the Revised Code. However, a person punished 791
for contempt of court is entitled to credit for the punishment 792
imposed upon conviction of a violation of that section, and a 793
person convicted of a violation of that section shall not 794
subsequently be punished for contempt of court arising out of 795
the same activity. 796

(L) In all stages of a proceeding under this section, a 797
petitioner may be accompanied by a victim advocate. 798

(M) (1) A petitioner who obtains a protection order under 799

this section or a protection order under section 2903.213 of the Revised Code may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M) (2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

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

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

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

(3) The clerk of each court of common pleas, municipal court, or county court shall maintain a registry of certified

copies of protection orders that have been issued by courts in 830
other counties pursuant to this section or section 2903.213 of 831
the Revised Code and that have been registered with the clerk. 832

~~(N)(1)(N)~~ If the court orders electronic monitoring of the 833
respondent under this section, the court shall direct the 834
sheriff's office or any other appropriate law enforcement agency 835
to install the electronic monitoring device and to monitor the 836
respondent. Unless the court determines that the respondent is 837
indigent, the court shall order the respondent to pay the cost 838
of the installation and monitoring of the electronic monitoring 839
device. ~~If the court determines that the respondent is indigent~~ 840
~~and subject to the maximum amount allowable to be paid in any~~ 841
~~year from the fund and the rules promulgated by the attorney~~ 842
~~general under division (N)(2) of this section, the cost of the~~ 843
~~installation and monitoring of the electronic monitoring device~~ 844
~~may be paid out of funds from the reparations fund created~~ 845
~~pursuant to section 2743.191 of the Revised Code. The total~~ 846
~~amount of costs for the installation and monitoring of~~ 847
~~electronic monitoring devices paid pursuant to this division and~~ 848
~~sections 2151.34 and 2919.27 of the Revised Code from the~~ 849
~~reparations fund shall not exceed three hundred thousand dollars~~ 850
~~per year.~~ 851

~~(2) The attorney general may promulgate rules pursuant to~~ 852
~~section 111.15 of the Revised Code to govern payments made from~~ 853
~~the reparations fund pursuant to this division and sections~~ 854
~~2151.34 and 2919.27 of the Revised Code. The rules may include~~ 855
~~reasonable limits on the total cost paid pursuant to this~~ 856
~~division and sections 2151.34 and 2919.27 of the Revised Code~~ 857
~~per respondent, the amount of the three hundred thousand dollars~~ 858
~~allocated to each county, and how invoices may be submitted by a~~ 859
~~county, court, or other entity.~~ 860

Sec. 2907.231. (A) As used in this section, ~~"sexual":~~ 861

(1) "Person with a developmental disability" has the same 862
meaning as in section 2905.32 of the Revised Code. 863

(2) "Sexual activity for hire" means an implicit or 864
explicit agreement to provide sexual activity in exchange for 865
anything of value paid to the person engaging in such sexual 866
activity, to any person trafficking that person, or to any 867
person associated with either such person. 868

(B) No person shall recklessly induce, entice, or procure 869
another to engage in sexual activity for hire in exchange for 870
the person giving anything of value to the other person. 871

(C) No person shall recklessly induce, entice, or procure 872
another to engage in sexual activity for hire in exchange for 873
the person giving anything of value to the other person if the 874
other person is a person with a developmental disability and the 875
offender knows or has reasonable cause to believe that the other 876
person is a person with a developmental disability. 877

(D) Whoever violates division (B) of this section is 878
guilty of engaging in prostitution, a misdemeanor of the first 879
degree. Whoever violates division (C) of this section is guilty 880
of engaging in prostitution with a person with a developmental 881
disability, a felony of the third degree. In sentencing the 882
offender under this division, the court shall require the 883
offender to attend an education or treatment program aimed at 884
preventing persons from inducing, enticing, or procuring another 885
to engage in sexual activity for hire in exchange for the person 886
giving anything of value to the other person and, 887
notwithstanding the fine specified in division (A) (2) (a) of 888
section 2929.28 of the Revised Code for a misdemeanor of the 889

first degree, the court may impose upon the offender a fine of 890
not more than one thousand five hundred dollars. 891

Sec. 2919.27. (A) No person shall recklessly violate the 892
terms of any of the following: 893

(1) A protection order issued or consent agreement 894
approved pursuant to section 2919.26 or 3113.31 of the Revised 895
Code; 896

(2) A protection order issued pursuant to section 2151.34, 897
2903.213, or 2903.214 of the Revised Code; 898

(3) A protection order issued by a court of another state. 899

(B) (1) Whoever violates this section is guilty of 900
violating a protection order. 901

(2) Except as otherwise provided in division (B) (3) or (4) 902
of this section, violating a protection order is a misdemeanor 903
of the first degree. 904

(3) Violating a protection order is a felony of the fifth 905
degree if the offender previously has been convicted of, pleaded 906
guilty to, or been adjudicated a delinquent child for any of the 907
following: 908

(a) A violation of a protection order issued or consent 909
agreement approved pursuant to section 2151.34, 2903.213, 910
2903.214, 2919.26, or 3113.31 of the Revised Code; 911

(b) Two or more violations of section 2903.21, 2903.211, 912
2903.22, or 2911.211 of the Revised Code, or any combination of 913
those offenses, that involved the same person who is the subject 914
of the protection order or consent agreement; 915

(c) One or more violations of this section. 916

(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony of the third degree. 917
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(5) If the protection order violated by the offender was an order issued pursuant to section 2151.34 or 2903.214 of the Revised Code that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this division that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. ~~If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the attorney general under section 2903.214 of the Revised Code, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to section 2743.191 of the Revised Code. The total amount paid from the reparations fund created pursuant to section 2743.191 of the Revised Code for electronic monitoring under this section and sections 2151.34 and 2903.214 of the Revised Code shall not exceed three hundred thousand dollars per year.~~ 920
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(C) It is an affirmative defense to a charge under division (A) (3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection 944
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order that must be accorded full faith and credit by a court of 948
this state or that it is not entitled to full faith and credit 949
under 18 U.S.C. 2265(c). 950

(D) In a prosecution for a violation of this section, it 951
is not necessary for the prosecution to prove that the 952
protection order or consent agreement was served on the 953
defendant if the prosecution proves that the defendant was shown 954
the protection order or consent agreement or a copy of either or 955
a judge, magistrate, or law enforcement officer informed the 956
defendant that a protection order or consent agreement had been 957
issued, and proves that the defendant recklessly violated the 958
terms of the order or agreement. 959

(E) As used in this section, "protection order issued by a 960
court of another state" means an injunction or another order 961
issued by a criminal court of another state for the purpose of 962
preventing violent or threatening acts or harassment against, 963
contact or communication with, or physical proximity to another 964
person, including a temporary order, and means an injunction or 965
order of that nature issued by a civil court of another state, 966
including a temporary order and a final order issued in an 967
independent action or as a pendente lite order in a proceeding 968
for other relief, if the court issued it in response to a 969
complaint, petition, or motion filed by or on behalf of a person 970
seeking protection. "Protection order issued by a court of 971
another state" does not include an order for support or for 972
custody of a child issued pursuant to the divorce and child 973
custody laws of another state, except to the extent that the 974
order for support or for custody of a child is entitled to full 975
faith and credit under the laws of the United States. 976

Sec. 2933.82. (A) As used in this section: 977

(1) (a) "Biological evidence" means any of the following:	978
(i) The contents of a sexual assault examination kit;	979
(ii) Any item that contains blood, semen, hair, saliva,	980
skin tissue, fingernail scrapings, bone, bodily fluids, or any	981
other identifiable biological material that was collected as	982
part of a criminal investigation or delinquent child	983
investigation and that reasonably may be used to incriminate or	984
exculpate any person for an offense or delinquent act.	985
(b) The definition of "biological evidence" set forth in	986
division (A) (1) (a) of this section applies whether the material	987
in question is cataloged separately, such as on a slide or swab	988
or in a test tube, or is present on other evidence, including,	989
but not limited to, clothing, ligatures, bedding or other	990
household material, drinking cups or containers, or cigarettes.	991
(2) "Biological material" has the same meaning as in	992
section 2953.71 of the Revised Code.	993
(3) "DNA," "DNA analysis," "DNA database," "DNA record,"	994
and "DNA specimen" have the same meanings as in section 109.573	995
of the Revised Code.	996
(4) "Prosecutor" has the same meaning as in section	997
2935.01 of the Revised Code.	998
(5) "Governmental evidence-retention entity" means all of	999
the following:	1000
(a) Any law enforcement agency, prosecutor's office,	1001
court, public hospital, crime laboratory, or other governmental	1002
or public entity or individual within this state that is charged	1003
with the collection, storage, or retrieval of biological	1004
evidence;	1005

(b) Any official or employee of any entity or individual 1006
described in division (A) (5) (a) of this section. 1007

(B) (1) Each governmental evidence-retention entity that 1008
secures any sexual assault examination kit in relation to an 1009
investigation or prosecution of a criminal offense or delinquent 1010
act that is a violation of section 2905.32 of the Revised Code, 1011
or any biological evidence in relation to an investigation or 1012
prosecution of a criminal offense or delinquent act that is a 1013
violation of section 2903.01, 2903.02, or 2903.03, a violation 1014
of section 2903.04 or 2903.06 that is a felony of the first or 1015
second degree, a violation of section 2907.02 or 2907.03 or 1016
division (A) (4) or (B) of section 2907.05 of the Revised Code, 1017
or an attempt to commit a violation of section 2907.02 of the 1018
Revised Code shall secure the biological evidence for whichever 1019
of the following periods of time is applicable: 1020

(a) For a violation of section 2903.01 or 2903.02 of the 1021
Revised Code, for the period of time that the offense or act 1022
remains unsolved; 1023

(b) For a violation of section 2903.03 or 2905.32, a 1024
violation of section 2903.04 or 2903.06 that is a felony of the 1025
first or second degree, a violation of section 2907.02 or 1026
2907.03 or of division (A) (4) or (B) of section 2907.05 of the 1027
Revised Code, or an attempt to commit a violation of section 1028
2907.02 of the Revised Code, for a period of thirty years if the 1029
offense or act remains unsolved; 1030

(c) If any person is convicted of or pleads guilty to the 1031
offense, or is adjudicated a delinquent child for committing the 1032
delinquent act, for the earlier of the following: (i) the 1033
expiration of the latest of the following periods of time that 1034
apply to the person: the period of time that the person is 1035

incarcerated, is in a department of youth services institution 1036
or other juvenile facility, is under a community control 1037
sanction for that offense, is under any order of disposition for 1038
that act, is on probation or parole for that offense, is under 1039
judicial release or supervised release for that act, is under 1040
post-release control for that offense, is involved in civil 1041
litigation in connection with that offense or act, or is subject 1042
to registration and other duties imposed for that offense or act 1043
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1044
Revised Code or (ii) thirty years. If after the period of thirty 1045
years the person remains incarcerated, then the governmental 1046
evidence-retention entity shall secure the biological evidence 1047
until the person is released from incarceration or dies. 1048

(2) (a) A law enforcement agency shall review all of its 1049
records and reports pertaining to its investigation of any 1050
offense specified in division (B) (1) of this section, except a 1051
violation of section 2905.32 of the Revised Code, as soon as 1052
possible after March 23, 2015. A law enforcement agency shall 1053
review all of its records and reports pertaining to its 1054
investigation of any violation of section 2905.32 of the Revised 1055
Code as soon as possible after the effective date of this 1056
amendment. If the law enforcement agency's review determines 1057
that one or more persons may have committed or participated in 1058
an offense specified in division (B) (1) of this section or 1059
another offense committed during the course of an offense 1060
specified in division (B) (1) of this section and the agency is 1061
in possession of a sexual assault examination kit secured during 1062
the course of the agency's investigation, as soon as possible, 1063
but not later than one year after March 23, 2015, or, in the 1064
case of a violation of section 2905.32 of the Revised Code, not 1065
later than one year after the effective date of this amendment, 1066

the agency shall forward the contents of the kit to the bureau 1067
of criminal identification and investigation or another crime 1068
laboratory for a DNA analysis of the contents of the kit if a 1069
DNA analysis has not previously been performed on the contents 1070
of the kit. The law enforcement agency shall consider the period 1071
of time remaining under section 2901.13 of the Revised Code for 1072
commencing the prosecution of a criminal offense related to the 1073
DNA specimens from the kit as well as other relevant factors in 1074
prioritizing the forwarding of the contents of sexual assault 1075
examination kits. 1076

(b) If an investigation is initiated on or after March 23, 1077
2015, or, in the case of a violation of section 2905.32 of the 1078
Revised Code, on or after the effective date of this amendment, 1079
and if a law enforcement agency investigating an offense 1080
specified in division (B)(1) of this section determines that one 1081
or more persons may have committed or participated in an offense 1082
specified in division (B)(1) of this section or another offense 1083
committed during the course of an offense specified in division 1084
(B)(1) of this section, the law enforcement agency shall forward 1085
the contents of a sexual assault examination kit in the agency's 1086
possession to the bureau or another crime laboratory within 1087
thirty days for a DNA analysis of the contents of the kit. 1088

(c) A law enforcement agency shall be considered in the 1089
possession of a sexual assault examination kit that is not in 1090
the law enforcement agency's possession for purposes of 1091
divisions (B)(2)(a) and (b) of this section if the sexual 1092
assault examination kit contains biological evidence related to 1093
the law enforcement agency's investigation of an offense 1094
specified in division (B)(1) of this section and is in the 1095
possession of another government evidence-retention entity. The 1096
law enforcement agency shall be responsible for retrieving the 1097

sexual assault examination kit from the government evidence- 1098
retention entity and forwarding the contents of the kit to the 1099
bureau or another crime laboratory as required under divisions 1100
(B) (2) (a) and (b) of this section. 1101

(d) (i) The bureau or a laboratory under contract with the 1102
bureau pursuant to division (B) (5) of section 109.573 of the 1103
Revised Code shall perform a DNA analysis of the contents of any 1104
sexual assault examination kit forwarded to the bureau pursuant 1105
to division (B) (2) (a) or (b) of this section as soon as possible 1106
after the bureau receives the contents of the kit. The bureau 1107
shall enter the resulting DNA record into a DNA database. If the 1108
DNA analysis is performed by a laboratory under contract with 1109
the bureau, the laboratory shall forward the biological evidence 1110
to the bureau immediately after the laboratory performs the DNA 1111
analysis. A crime laboratory shall perform a DNA analysis of the 1112
contents of any sexual assault examination kit forwarded to the 1113
crime laboratory pursuant to division (B) (2) (a) or (b) of this 1114
section as soon as possible after the crime laboratory receives 1115
the contents of the kit and shall enter the resulting DNA record 1116
into a DNA database subject to the applicable DNA index system 1117
standards. 1118

(ii) Upon the completion of the DNA analysis by the bureau 1119
or a crime laboratory under contract with the bureau under this 1120
division, the bureau shall return the contents of the sexual 1121
assault examination kit to the law enforcement agency. The law 1122
enforcement agency shall secure the contents of the sexual 1123
assault examination kit in accordance with division (B) (1) of 1124
this section, as applicable. 1125

(e) The failure of any law enforcement agency to comply 1126
with any time limit specified in this section shall not create, 1127

and shall not be construed as creating, any basis or right to 1128
appeal, claim for or right to postconviction relief, or claim 1129
for or right to a new trial or any other claim or right to 1130
relief by any person. 1131

(3) This section applies to sexual assault examination 1132
kits in the possession of any governmental evidence-retention 1133
entity during an investigation or prosecution of a criminal 1134
offense or delinquent act that is a violation of section 2905.32 1135
of the Revised Code, and any evidence likely to contain 1136
biological material that was in the possession of any 1137
governmental evidence-retention entity during the investigation 1138
and prosecution of a criminal case or delinquent child case 1139
involving a violation of section 2903.01, 2903.02, or 2903.03, a 1140
violation of section 2903.04 or 2903.06 that is a felony of the 1141
first or second degree, a violation of section 2907.02 or 1142
2907.03 or of division (A) (4) or (B) of section 2907.05 of the 1143
Revised Code, or an attempt to commit a violation of section 1144
2907.02 of the Revised Code. 1145

(4) A governmental evidence-retention entity that 1146
possesses biological evidence shall retain the biological 1147
evidence in the amount and manner sufficient to develop a DNA 1148
record from the biological material contained in or included on 1149
the evidence. 1150

(5) Upon written request by the defendant in a criminal 1151
case or the alleged delinquent child in a delinquent child case 1152
involving a violation of section 2903.01, 2903.02, ~~or~~ 2903.03, 1153
or 2905.32, a violation of section 2903.04 or 2903.06 that is a 1154
felony of the first or second degree, a violation of section 1155
2907.02 or 2907.03 or of division (A) (4) or (B) of section 1156
2907.05 of the Revised Code, or an attempt to commit a violation 1157

of section 2907.02 of the Revised Code, a governmental evidence- 1158
retention entity that possesses biological evidence shall 1159
prepare an inventory of the biological evidence that has been 1160
preserved in connection with the defendant's criminal case or 1161
the alleged delinquent child's delinquent child case. 1162

(6) Except as otherwise provided in division (B) (8) of 1163
this section, a governmental evidence-retention entity that 1164
possesses biological evidence that includes biological material 1165
may destroy the evidence before the expiration of the applicable 1166
period of time specified in division (B) (1) of this section if 1167
all of the following apply: 1168

(a) No other provision of federal or state law requires 1169
the state to preserve the evidence. 1170

(b) The governmental evidence-retention entity, by 1171
certified mail, return receipt requested, provides notice of 1172
intent to destroy the evidence to all of the following: 1173

(i) All persons who remain in custody, incarcerated, in a 1174
department of youth services institution or other juvenile 1175
facility, under a community control sanction, under any order of 1176
disposition, on probation or parole, under judicial release or 1177
supervised release, under post-release control, involved in 1178
civil litigation, or subject to registration and other duties 1179
imposed for that offense or act under sections 2950.04, 1180
2950.041, 2950.05, and 2950.06 of the Revised Code as a result 1181
of a criminal conviction, delinquency adjudication, or 1182
commitment related to the evidence in question; 1183

(ii) The attorney of record for each person who is in 1184
custody in any circumstance described in division (B) (6) (b) (i) 1185
of this section if the attorney of record can be located; 1186

(iii) The state public defender;	1187
(iv) The office of the prosecutor of record in the case	1188
that resulted in the custody of the person in custody in any	1189
circumstance described in division (B) (6) (b) (i) of this section;	1190
(v) The attorney general.	1191
(c) No person who is notified under division (B) (6) (b) of	1192
this section does either of the following within one year after	1193
the date on which the person receives the notice:	1194
(i) Files a motion for testing of evidence under sections	1195
2953.71 to 2953.81 or section 2953.82 of the Revised Code;	1196
(ii) Submits a written request for retention of evidence	1197
to the governmental evidence-retention entity that provided	1198
notice of its intent to destroy evidence under division (B) (6)	1199
(b) of this section.	1200
(7) Except as otherwise provided in division (B) (8) of	1201
this section, if, after providing notice under division (B) (6)	1202
(b) of this section of its intent to destroy evidence, a	1203
governmental evidence-retention entity receives a written	1204
request for retention of the evidence from any person to whom	1205
the notice is provided, the governmental evidence-retention	1206
entity shall retain the evidence while the person referred to in	1207
division (B) (6) (b) (i) of this section remains in custody,	1208
incarcerated, in a department of youth services institution or	1209
other juvenile facility, under a community control sanction,	1210
under any order of disposition, on probation or parole, under	1211
judicial release or supervised release, under post-release	1212
control, involved in civil litigation, or subject to	1213
registration and other duties imposed for that offense or act	1214
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the	1215

Revised Code as a result of a criminal conviction, delinquency 1216
adjudication, or commitment related to the evidence in question. 1217

(8) A governmental evidence-retention entity that 1218
possesses biological evidence that includes biological material 1219
may destroy the evidence five years after a person pleads guilty 1220
or no contest to a violation of section 2903.01, 2903.02, ~~or~~ 1221
2903.03, or 2905.32, a violation of section 2903.04 or 2903.06 1222
that is a felony of the first or second degree, a violation of 1223
section 2907.02, 2907.03, division (A) (4) or (B) of section 1224
2907.05, or an attempt to commit a violation of section 2907.02 1225
of the Revised Code and all appeals have been exhausted unless, 1226
upon a motion to the court by the person who pleaded guilty or 1227
no contest or the person's attorney and notice to those persons 1228
described in division (B) (6) (b) of this section requesting that 1229
the evidence not be destroyed, the court finds good cause as to 1230
why that evidence must be retained. 1231

(9) A governmental evidence-retention entity shall not be 1232
required to preserve physical evidence pursuant to this section 1233
that is of such a size, bulk, or physical character as to render 1234
retention impracticable. When retention of physical evidence 1235
that otherwise would be required to be retained pursuant to this 1236
section is impracticable as described in this division, the 1237
governmental evidence-retention entity that otherwise would be 1238
required to retain the physical evidence shall remove and 1239
preserve portions of the material evidence likely to contain 1240
biological evidence related to the offense, in a quantity 1241
sufficient to permit future DNA testing before returning or 1242
disposing of that physical evidence. 1243

(C) The office of the attorney general shall administer 1244
and conduct training programs for law enforcement officers and 1245

other relevant employees who are charged with preserving and	1246
cataloging biological evidence regarding the methods and	1247
procedures referenced in this section.	1248
Section 2. That existing sections 2151.34, 2743.191,	1249
2903.214, 2907.231, 2919.27, and 2933.82 of the Revised Code are	1250
hereby repealed.	1251