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Representatives Sykes, Manning

Cosponsors: Representatives Riedel, O'Brien, Kent, Craig, Lanese, Boyd, Smith, R., Hill, Ashford, Dever, Holmes, Leland, McColley, Perales, Johnson, G., Antonio, West, Cera, Rogers, Retherford, Sheehy, Pelanda, Ramos, Butler, Henne, Bocchieri, Sprague, Boggs, Fedor, Antani, Householder, DeVitis

A BILL

To amend sections 109.42, 2151.23, 2919.27, and 3113.33 and to enact section 3113.311 of the Revised Code to authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order.

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

Section 1. That sections 109.42, 2151.23, 2919.27, and 3113.33 be amended and section 3113.311 of the Revised Code be enacted to read as follows:

Sec. 109.42. (A) The attorney general shall prepare and have printed a pamphlet that contains a compilation of all

statutes relative to victim's rights in which the attorney 17
general lists and explains the statutes in the form of a 18
victim's bill of rights. The attorney general shall distribute 19
the pamphlet to all sheriffs, marshals, municipal corporation 20
and township police departments, constables, and other law 21
enforcement agencies, to all prosecuting attorneys, city 22
directors of law, village solicitors, and other similar chief 23
legal officers of municipal corporations, and to organizations 24
that represent or provide services for victims of crime. The 25
victim's bill of rights set forth in the pamphlet shall contain 26
a description of all of the rights of victims that are provided 27
for in Chapter 2930. or in any other section of the Revised Code 28
and shall include, but not be limited to, all of the following: 29

(1) The right of a victim or a victim's representative to 30
attend a proceeding before a grand jury, in a juvenile case, or 31
in a criminal case pursuant to a subpoena without being 32
discharged from the victim's or representative's employment, 33
having the victim's or representative's employment terminated, 34
having the victim's or representative's pay decreased or 35
withheld, or otherwise being punished, penalized, or threatened 36
as a result of time lost from regular employment because of the 37
victim's or representative's attendance at the proceeding 38
pursuant to the subpoena, as set forth in section 2151.211, 39
2930.18, 2939.121, or 2945.451 of the Revised Code; 40

(2) The potential availability pursuant to section 41
2151.359 or 2152.61 of the Revised Code of a forfeited 42
recognizance to pay damages caused by a child when the 43
delinquency of the child or child's violation of probation or 44
community control is found to be proximately caused by the 45
failure of the child's parent or guardian to subject the child 46
to reasonable parental authority or to faithfully discharge the 47

conditions of probation or community control;	48
(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;	49 50 51
(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;	52 53 54 55 56 57 58
(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;	59 60 61 62 63 64 65
(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing or disposition of the offender;	66 67 68 69 70 71 72
(7) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the	73 74 75 76

complainant, or of the complainant's ward or child;	77
(8) The right of the victim in certain criminal or	78
juvenile cases or a victim's representative pursuant to sections	79
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised	80
Code to receive notice of a pending motion for judicial release,	81
release pursuant to section 2967.19 of the Revised Code, or	82
other early release of the person who committed the offense	83
against the victim, to make an oral or written statement at the	84
court hearing on the motion, and to be notified of the court's	85
decision on the motion;	86
(9) The right of the victim in certain criminal or	87
juvenile cases or a victim's representative pursuant to section	88
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to	89
receive notice of any pending commutation, pardon, parole,	90
transitional control, discharge, other form of authorized	91
release, post-release control, or supervised release for the	92
person who committed the offense against the victim or any	93
application for release of that person and to send a written	94
statement relative to the victimization and the pending action	95
to the adult parole authority or the release authority of the	96
department of youth services;	97
(10) The right of the victim to bring a civil action	98
pursuant to sections 2969.01 to 2969.06 of the Revised Code to	99
obtain money from the offender's profit fund;	100
(11) The right, pursuant to section 3109.09 of the Revised	101
Code, to maintain a civil action to recover compensatory damages	102
not exceeding ten thousand dollars and costs from the parent of	103
a minor who willfully damages property through the commission of	104
an act that would be a theft offense, as defined in section	105
2913.01 of the Revised Code, if committed by an adult;	106

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;

(15) The right of a victim of domestic violence to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, the right of a petitioner alleging dating violence to seek the issuance of a protection order under section 3113.311 of the Revised Code, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, and the right of both types of victims to be accompanied by a victim advocate during court proceedings;

(16) The right of a victim of a sexually oriented offense 137
or of a child-victim oriented offense that is committed by a 138
person who is convicted of, pleads guilty to, or is adjudicated 139
a delinquent child for committing the offense and who is in a 140
category specified in division (B) of section 2950.10 of the 141
Revised Code to receive, pursuant to that section, notice that 142
the person has registered with a sheriff under section 2950.04, 143
2950.041, or 2950.05 of the Revised Code and notice of the 144
person's name, the person's residence that is registered, and 145
the offender's school, institution of higher education, or place 146
of employment address or addresses that are registered, the 147
person's photograph, and a summary of the manner in which the 148
victim must make a request to receive the notice. As used in 149
this division, "sexually oriented offense" and "child-victim 150
oriented offense" have the same meanings as in section 2950.01 151
of the Revised Code. 152

(17) The right of a victim of certain sexually violent 153
offenses committed by an offender who also is convicted of or 154
pleads guilty to a sexually violent predator specification and 155
who is sentenced to a prison term pursuant to division (A) (3) of 156
section 2971.03 of the Revised Code, of a victim of a violation 157
of division (A) (1) (b) of section 2907.02 of the Revised Code 158
committed on or after January 2, 2007, by an offender who is 159
sentenced for the violation pursuant to division (B) (1) (a), (b), 160
or (c) of section 2971.03 of the Revised Code, of a victim of an 161
attempted rape committed on or after January 2, 2007, by an 162
offender who also is convicted of or pleads guilty to a 163
specification of the type described in section 2941.1418, 164
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 165
the violation pursuant to division (B) (2) (a), (b), or (c) of 166
section 2971.03 of the Revised Code, and of a victim of an 167

offense that is described in division (B) (3) (a), (b), (c), or 168
(d) of section 2971.03 of the Revised Code and is committed by 169
an offender who is sentenced pursuant to one of those divisions 170
to receive, pursuant to section 2930.16 of the Revised Code, 171
notice of a hearing to determine whether to modify the 172
requirement that the offender serve the entire prison term in a 173
state correctional facility, whether to continue, revise, or 174
revoke any existing modification of that requirement, or whether 175
to terminate the prison term. As used in this division, 176
"sexually violent offense" and "sexually violent predator 177
specification" have the same meanings as in section 2971.01 of 178
the Revised Code. 179

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 180
prosecuting attorney, assistant prosecuting attorney, city 181
director of law, assistant city director of law, village 182
solicitor, assistant village solicitor, or similar chief legal 183
officer of a municipal corporation or an assistant of any of 184
those officers who prosecutes an offense committed in this 185
state, upon first contact with the victim of the offense, the 186
victim's family, or the victim's dependents, shall give the 187
victim, the victim's family, or the victim's dependents a copy 188
of the pamphlet prepared pursuant to division (A) of this 189
section and explain, upon request, the information in the 190
pamphlet to the victim, the victim's family, or the victim's 191
dependents. 192

(b) Subject to division (B) (1) (c) of this section, a law 193
enforcement agency that investigates an offense or delinquent 194
act committed in this state shall give the victim of the offense 195
or delinquent act, the victim's family, or the victim's 196
dependents a copy of the pamphlet prepared pursuant to division 197
(A) of this section at one of the following times: 198

(i) Upon first contact with the victim, the victim's family, or the victim's dependents;

(ii) If the offense or delinquent act is an offense of violence, if the circumstances of the offense or delinquent act and the condition of the victim, the victim's family, or the victim's dependents indicate that the victim, the victim's family, or the victim's dependents will not be able to understand the significance of the pamphlet upon first contact with the agency, and if the agency anticipates that it will have an additional contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents.

If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the pamphlet upon first contact with them and does not have a second contact with the victim, the victim's family, or the victim's dependents, the agency shall mail a copy of the pamphlet to the victim, the victim's family, or the victim's dependents at their last known address.

(c) In complying on and after December 9, 1994, with the duties imposed by division (B) (1) (a) or (b) of this section, an official or a law enforcement agency shall use copies of the pamphlet that are in the official's or agency's possession on December 9, 1994, until the official or agency has distributed all of those copies. After the official or agency has distributed all of those copies, the official or agency shall use only copies of the pamphlet that contain at least the information described in divisions (A) (1) to (17) of this section.

(2) The failure of a law enforcement agency or of a

prosecuting attorney, assistant prosecuting attorney, city 229
director of law, assistant city director of law, village 230
solicitor, assistant village solicitor, or similar chief legal 231
officer of a municipal corporation or an assistant to any of 232
those officers to give, as required by division (B)(1) of this 233
section, the victim of an offense or delinquent act, the 234
victim's family, or the victim's dependents a copy of the 235
pamphlet prepared pursuant to division (A) of this section does 236
not give the victim, the victim's family, the victim's 237
dependents, or a victim's representative any rights under 238
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 239
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 240
other provision of the Revised Code and does not affect any 241
right under those sections. 242

(3) A law enforcement agency, a prosecuting attorney or 243
assistant prosecuting attorney, or a city director of law, 244
assistant city director of law, village solicitor, assistant 245
village solicitor, or similar chief legal officer of a municipal 246
corporation that distributes a copy of the pamphlet prepared 247
pursuant to division (A) of this section shall not be required 248
to distribute a copy of an information card or other printed 249
material provided by the clerk of the court of claims pursuant 250
to section 2743.71 of the Revised Code. 251

(C) The cost of printing and distributing the pamphlet 252
prepared pursuant to division (A) of this section shall be paid 253
out of the reparations fund, created pursuant to section 254
2743.191 of the Revised Code, in accordance with division (D) of 255
that section. 256

(D) As used in this section: 257

(1) "Victim's representative" has the same meaning as in 258

section 2930.01 of the Revised Code;	259
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	260 261
Sec. 2151.23. (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:	262 263
(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly child for being an habitual truant or who is alleged to be a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;	264 265 266 267 268 269 270 271 272 273 274 275
(2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;	276 277 278
(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	279 280
(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code;	281 282 283 284 285 286
(5) To hear and determine all criminal cases charging	287

adults with the violation of any section of this chapter;	288
(6) To hear and determine all criminal cases in which an	289
adult is charged with a violation of division (C) of section	290
2919.21, division (B)(1) of section 2919.22, section 2919.222,	291
division (B) of section 2919.23, or section 2919.24 of the	292
Revised Code, provided the charge is not included in an	293
indictment that also charges the alleged adult offender with the	294
commission of a felony arising out of the same actions that are	295
the basis of the alleged violation of division (C) of section	296
2919.21, division (B)(1) of section 2919.22, section 2919.222,	297
division (B) of section 2919.23, or section 2919.24 of the	298
Revised Code;	299
(7) Under the interstate compact on juveniles in section	300
2151.56 of the Revised Code;	301
(8) Concerning any child who is to be taken into custody	302
pursuant to section 2151.31 of the Revised Code, upon being	303
notified of the intent to take the child into custody and the	304
reasons for taking the child into custody;	305
(9) To hear and determine requests for the extension of	306
temporary custody agreements, and requests for court approval of	307
permanent custody agreements, that are filed pursuant to section	308
5103.15 of the Revised Code;	309
(10) To hear and determine applications for consent to	310
marry pursuant to section 3101.04 of the Revised Code;	311
(11) Subject to divisions (G), (K), and (V) of section	312
2301.03 of the Revised Code, to hear and determine a request for	313
an order for the support of any child if the request is not	314
ancillary to an action for divorce, dissolution of marriage,	315
annulment, or legal separation, a criminal or civil action	316

involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	317 318
(12) Concerning an action commenced under section 121.38 of the Revised Code;	319 320
(13) To hear and determine violations of section 3321.38 of the Revised Code;	321 322
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	323 324 325 326 327
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	328 329 330 331 332 333 334 335
(16) To hear and determine a petition for a protection order against a child under section 2151.34 or, 3113.31, or 3113.311 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section any <u>of these sections</u> against a child until a date certain but not later than the date the child attains nineteen years of age.	336 337 338 339 340 341
(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	342 343 344
(1) To hear and determine all cases of misdemeanors	345

charging adults with any act or omission with respect to any 346
child, which act or omission is a violation of any state law or 347
any municipal ordinance; 348

(2) To determine the paternity of any child alleged to 349
have been born out of wedlock pursuant to sections 3111.01 to 350
3111.18 of the Revised Code; 351

(3) Under the uniform interstate family support act in 352
Chapter 3115. of the Revised Code; 353

(4) To hear and determine an application for an order for 354
the support of any child, if the child is not a ward of another 355
court of this state; 356

(5) To hear and determine an action commenced under 357
section 3111.28 of the Revised Code; 358

(6) To hear and determine a motion filed under section 359
3119.961 of the Revised Code; 360

(7) To receive filings under section 3109.74 of the 361
Revised Code, and to hear and determine actions arising under 362
sections 3109.51 to 3109.80 of the Revised Code. 363

(8) To enforce an order for the return of a child made 364
under the Hague Convention on the Civil Aspects of International 365
Child Abduction pursuant to section 3127.32 of the Revised Code; 366

(9) To grant any relief normally available under the laws 367
of this state to enforce a child custody determination made by a 368
court of another state and registered in accordance with section 369
3127.35 of the Revised Code. 370

(C) The juvenile court, except as to juvenile courts that 371
are a separate division of the court of common pleas or a 372
separate and independent juvenile court, has jurisdiction to 373

hear, determine, and make a record of any action for divorce or 374
legal separation that involves the custody or care of children 375
and that is filed in the court of common pleas and certified by 376
the court of common pleas with all the papers filed in the 377
action to the juvenile court for trial, provided that no 378
certification of that nature shall be made to any juvenile court 379
unless the consent of the juvenile judge first is obtained. 380
After a certification of that nature is made and consent is 381
obtained, the juvenile court shall proceed as if the action 382
originally had been begun in that court, except as to awards for 383
spousal support or support due and unpaid at the time of 384
certification, over which the juvenile court has no 385
jurisdiction. 386

(D) The juvenile court, except as provided in divisions 387
(G) and (I) of section 2301.03 of the Revised Code, has 388
jurisdiction to hear and determine all matters as to custody and 389
support of children duly certified by the court of common pleas 390
to the juvenile court after a divorce decree has been granted, 391
including jurisdiction to modify the judgment and decree of the 392
court of common pleas as the same relate to the custody and 393
support of children. 394

(E) The juvenile court, except as provided in divisions 395
(G) and (I) of section 2301.03 of the Revised Code, has 396
jurisdiction to hear and determine the case of any child 397
certified to the court by any court of competent jurisdiction if 398
the child comes within the jurisdiction of the juvenile court as 399
defined by this section. 400

(F) (1) The juvenile court shall exercise its jurisdiction 401
in child custody matters in accordance with sections 3109.04 and 402
3127.01 to 3127.53 of the Revised Code and, as applicable, 403

sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 404
Revised Code. 405

(2) The juvenile court shall exercise its jurisdiction in 406
child support matters in accordance with section 3109.05 of the 407
Revised Code. 408

(G) Any juvenile court that makes or modifies an order for 409
child support shall comply with Chapters 3119., 3121., 3123., 410
and 3125. of the Revised Code. If any person required to pay 411
child support under an order made by a juvenile court on or 412
after April 15, 1985, or modified on or after December 1, 1986, 413
is found in contempt of court for failure to make support 414
payments under the order, the court that makes the finding, in 415
addition to any other penalty or remedy imposed, shall assess 416
all court costs arising out of the contempt proceeding against 417
the person and require the person to pay any reasonable 418
attorney's fees of any adverse party, as determined by the 419
court, that arose in relation to the act of contempt. 420

(H) If a child who is charged with an act that would be an 421
offense if committed by an adult was fourteen years of age or 422
older and under eighteen years of age at the time of the alleged 423
act and if the case is transferred for criminal prosecution 424
pursuant to section 2152.12 of the Revised Code, except as 425
provided in section 2152.121 of the Revised Code, the juvenile 426
court does not have jurisdiction to hear or determine the case 427
subsequent to the transfer. The court to which the case is 428
transferred for criminal prosecution pursuant to that section 429
has jurisdiction subsequent to the transfer to hear and 430
determine the case in the same manner as if the case originally 431
had been commenced in that court, subject to section 2152.121 of 432
the Revised Code, including, but not limited to, jurisdiction to 433

accept a plea of guilty or another plea authorized by Criminal 434
Rule 11 or another section of the Revised Code and jurisdiction 435
to accept a verdict and to enter a judgment of conviction 436
pursuant to the Rules of Criminal Procedure against the child 437
for the commission of the offense that was the basis of the 438
transfer of the case for criminal prosecution, whether the 439
conviction is for the same degree or a lesser degree of the 440
offense charged, for the commission of a lesser-included 441
offense, or for the commission of another offense that is 442
different from the offense charged. 443

(I) If a person under eighteen years of age allegedly 444
commits an act that would be a felony if committed by an adult 445
and if the person is not taken into custody or apprehended for 446
that act until after the person attains twenty-one years of age, 447
the juvenile court does not have jurisdiction to hear or 448
determine any portion of the case charging the person with 449
committing that act. In those circumstances, divisions (A) and 450
(B) of section 2152.12 of the Revised Code do not apply 451
regarding the act, and the case charging the person with 452
committing the act shall be a criminal prosecution commenced and 453
heard in the appropriate court having jurisdiction of the 454
offense as if the person had been eighteen years of age or older 455
when the person committed the act. All proceedings pertaining to 456
the act shall be within the jurisdiction of the court having 457
jurisdiction of the offense, and that court has all the 458
authority and duties in the case that it has in other criminal 459
cases in that court. 460

(J) In exercising its exclusive original jurisdiction 461
under division (A) (16) of this section with respect to any 462
proceedings brought under section 2151.34 ~~or~~, 3113.31, or 463
3113.311 of the Revised Code in which the respondent is a child, 464

the juvenile court retains all dispositional powers consistent 465
with existing rules of juvenile procedure and may also exercise 466
its discretion to adjudicate proceedings as provided in sections 467
2151.34 ~~and~~, 3113.31, and 3113.311 of the Revised Code, 468
including the issuance of protection orders or the approval of 469
consent agreements under those sections. 470

Sec. 2919.27. (A) No person shall recklessly violate the 471
terms of any of the following: 472

(1) A protection order issued or consent agreement 473
approved pursuant to section 2919.26 ~~or~~, 3113.31, or 3113.311 474
of the Revised Code; 475

(2) A protection order issued pursuant to section 2151.34, 476
2903.213, or 2903.214 of the Revised Code; 477

(3) A protection order issued by a court of another state. 478

(B) (1) Whoever violates this section is guilty of 479
violating a protection order. 480

(2) Except as otherwise provided in division (B) (3) or (4) 481
of this section, violating a protection order is a misdemeanor 482
of the first degree. 483

(3) If the offender previously has been convicted of, 484
pleaded guilty to, or been adjudicated a delinquent child for a 485
violation of a protection order issued pursuant to section 486
2151.34, 2903.213, or 2903.214 of the Revised Code, two or more 487
violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of 488
the Revised Code that involved the same person who is the 489
subject of the protection order or consent agreement, or one or 490
more violations of this section, violating a protection order is 491
a felony of the fifth degree. 492

(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.

(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.

(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

order that must be accorded full faith and credit by a court of 524
this state or that it is not entitled to full faith and credit 525
under 18 U.S.C. 2265(c). 526

(D) As used in this section, "protection order issued by a 527
court of another state" means an injunction or another order 528
issued by a criminal court of another state for the purpose of 529
preventing violent or threatening acts or harassment against, 530
contact or communication with, or physical proximity to another 531
person, including a temporary order, and means an injunction or 532
order of that nature issued by a civil court of another state, 533
including a temporary order and a final order issued in an 534
independent action or as a pendente lite order in a proceeding 535
for other relief, if the court issued it in response to a 536
complaint, petition, or motion filed by or on behalf of a person 537
seeking protection. "Protection order issued by a court of 538
another state" does not include an order for support or for 539
custody of a child issued pursuant to the divorce and child 540
custody laws of another state, except to the extent that the 541
order for support or for custody of a child is entitled to full 542
faith and credit under the laws of the United States. 543

Sec. 3113.311. (A) As used in this section: 544

(1) "Dating violence" means the occurrence of one or more 545
of the following acts against a petitioner alleging dating 546
violence: 547

(a) Attempting to cause or recklessly causing bodily 548
injury; 549

(b) Placing the petitioner alleging dating violence by the 550
threat of force in fear of imminent serious physical harm or 551
committing a violation of section 2903.211 or 2911.211 of the 552

<u>Revised Code;</u>	553
<u>(c) Committing a sexually oriented offense.</u>	554
<u>(2) "Court" means the domestic relations division of the</u>	555
<u>court of common pleas in counties that have a domestic relations</u>	556
<u>division and the court of common pleas in counties that do not</u>	557
<u>have a domestic relations division, or the juvenile division of</u>	558
<u>the court of common pleas of the county in which the person to</u>	559
<u>be protected by a protection order issued or a consent agreement</u>	560
<u>approved under this section resides if the respondent is less</u>	561
<u>than eighteen years of age.</u>	562
<u>(3) (a) "Petitioner alleging dating violence" or "person</u>	563
<u>alleging dating violence" means a person who has or has had a</u>	564
<u>dating relationship with the respondent within the twelve months</u>	565
<u>preceding the date of the conduct in question that constitutes</u>	566
<u>the alleged dating violence. "Petitioner alleging dating</u>	567
<u>violence" or "person alleging dating violence" does not include,</u>	568
<u>with respect to a specified respondent, another person who has</u>	569
<u>only a casual relationship with the specified respondent or</u>	570
<u>another person who has engaged solely in ordinary fraternization</u>	571
<u>in a business or social context with the specified respondent.</u>	572
<u>(b) The existence of a dating relationship between two</u>	573
<u>persons shall be determined based on a consideration of either</u>	574
<u>of the following factors:</u>	575
<u>(i) The nature of the relationship must have been</u>	576
<u>characterized by the expectation of affection between the two</u>	577
<u>persons.</u>	578
<u>(ii) The frequency and type of interaction between the two</u>	579
<u>persons involved in the relationship must have included that the</u>	580
<u>persons have been involved over time and on a continuous basis</u>	581

during the course of the relationship. 582

(4) "Victim advocate" means a person who provides support 583
and assistance for a person who files a petition under this 584
section. 585

(5) "Sexually oriented offense" has the same meaning as in 586
section 2950.01 of the Revised Code. 587

(6) "Companion animal" has the same meaning as in section 588
959.131 of the Revised Code. 589

(B) The court has jurisdiction over all proceedings under 590
this section. 591

(C) A petitioner alleging dating violence may seek relief 592
under this section on the person's own behalf, or any parent or 593
adult household member of a person alleging dating violence may 594
seek relief under this section on behalf of that person, by 595
filing a petition with the court. The petition shall contain or 596
state: 597

(1) An allegation that the respondent engaged in dating 598
violence against the petitioner alleging dating violence, 599
including a description of the nature and extent of the dating 600
violence; 601

(2) An explanation of the relationship of the respondent 602
to the petitioner alleging dating violence and to the person 603
alleging dating violence if other than the petitioner filing the 604
petition; 605

(3) A request for relief under this section. 606

(D) (1) If a person who files a petition pursuant to this 607
section requests an ex parte order, the court shall hold an ex 608
parte hearing on the same day that the petition is filed. The 609

court, for good cause shown at the ex parte hearing, may enter 610
any temporary orders, with or without bond, including, but not 611
limited to, an order described in division (E)(1)(a) of this 612
section, that the court finds necessary to protect the 613
petitioner alleging dating violence from any dating violence. 614
Immediate and present danger of dating violence to the 615
petitioner alleging dating violence constitutes good cause for 616
purposes of this section. Immediate and present danger includes, 617
but is not limited to, situations in which the respondent has 618
threatened the petitioner alleging dating violence with bodily 619
harm, in which the respondent has threatened that petitioner 620
with a sexually oriented offense, or in which the respondent 621
previously has been convicted of, pleaded guilty to, or been 622
adjudicated a delinquent child for an offense that constitutes 623
dating violence against the petitioner alleging dating violence. 624

(2)(a) If the court, after an ex parte hearing, issues any 625
protection order that is authorized under division (E) of this 626
section, the court shall schedule a full hearing for a date that 627
is within ten court days after the ex parte hearing. The court 628
shall give the respondent notice of, and an opportunity to be 629
heard at, the full hearing. The court shall hold the full 630
hearing on the date scheduled under this division unless the 631
court grants a continuance of the hearing in accordance with 632
this division. Under any of the following circumstances or for 633
any of the following reasons, the court may grant a continuance 634
of the full hearing to a reasonable time determined by the 635
court: 636

(i) Prior to the date scheduled for the full hearing under 637
this division, the respondent has not been served with the 638
petition filed pursuant to this section and notice of the full 639
hearing. 640

<u>(ii) The parties consent to the continuance.</u>	641
<u>(iii) The continuance is needed to allow a party to obtain counsel.</u>	642 643
<u>(iv) The continuance is needed for other good cause.</u>	644
<u>(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.</u>	645 646 647 648 649
<u>(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.</u>	650 651 652 653 654 655
<u>(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of dating violence against the petitioner alleging dating violence. The order or agreement may:</u>	656 657 658 659 660
<u>(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the petitioner alleging dating violence;</u>	661 662 663
<u>(b) Require the respondent, the petitioner alleging dating violence, the petitioner filing the petition if other than the person alleging dating violence, or any combination of those persons, to seek counseling;</u>	664 665 666 667
<u>(c) Require the respondent to refrain from entering the</u>	668

residence, school, business, or place of employment of the 669
petitioner alleging dating violence or the petitioner filing the 670
petition if other than the person alleging dating violence; 671

(d) Require that the respondent not remove, damage, hide, 672
harm, or dispose of any companion animal owned or possessed by 673
the petitioner alleging dating violence; 674

(e) Authorize the petitioner alleging dating violence to 675
remove a companion animal owned by that petitioner from the 676
possession of the respondent; 677

(f) Grant other relief that the court considers equitable 678
and fair. 679

(2) If a protection order has been issued pursuant to this 680
section in a prior action involving the respondent and the 681
petitioner alleging dating violence or the petitioner filing the 682
petition if other than the person alleging dating violence, the 683
court may include in a protection order that it issues a 684
prohibition against the respondent returning to the residence, 685
school, business, or place of employment. 686

(3) (a) Any protection order issued or consent agreement 687
approved under this section shall be valid until a date certain, 688
but not later than five years from the date of its issuance or 689
approval, or not later than the date a respondent who is less 690
than eighteen years of age attains nineteen years of age, unless 691
modified or terminated as provided in division (E) (6) of this 692
section. 693

(b) Any protection order issued or consent agreement 694
approved pursuant to this section may be renewed in the same 695
manner as the original order or agreement was issued or 696
approved. 697

(4) A court may not issue a protection order that requires 698
a petitioner alleging dating violence to do or to refrain from 699
doing an act that the court may require a respondent to do or to 700
refrain from doing under division (E) (1) (a), (c), (d), (e), or 701
(f) of this section unless all of the following apply: 702

(a) The respondent files a separate petition for a 703
protection order in accordance with this section. 704

(b) The petitioner is served notice of the respondent's 705
petition at least forty-eight hours before the court holds a 706
hearing with respect to the respondent's petition, or the 707
petitioner waives the right to receive this notice. 708

(c) If the petitioner has requested an ex parte order 709
pursuant to division (D) of this section, the court does not 710
delay any hearing required by that division beyond the time 711
specified in that division in order to consolidate the hearing 712
with a hearing on the petition filed by the respondent. 713

(d) After a full hearing at which the respondent presents 714
evidence in support of the request for a protection order and 715
the petitioner is afforded an opportunity to defend against that 716
evidence, the court determines that the petitioner has committed 717
an act of dating violence, that both the petitioner and the 718
respondent acted primarily as aggressors, and that neither the 719
petitioner nor the respondent acted primarily in self-defense. 720

(5) (a) If a protection order issued or consent agreement 721
approved under this section includes a requirement that the 722
respondent refrain from entering the residence, school, 723
business, or place of employment of the petitioner alleging 724
dating violence or the petitioner filing the petition if other 725
than the person alleging dating violence, the order or agreement 726

shall state clearly that the order or agreement cannot be waived 727
or nullified by an invitation to the respondent from the 728
petitioner alleging dating violence or the petitioner filing the 729
petition to enter the residence, school, business, or place of 730
employment or by the respondent's entry into one of those places 731
otherwise upon the consent of the applicable petitioner. 732

(b) Division (E) (5) (a) of this section does not limit any 733
discretion of a court to determine that a respondent charged 734
with contempt of court, which charge is based on an alleged 735
violation of a protection order issued or consent agreement 736
approved under this section, did not commit the violation or was 737
not in contempt of court. 738

(6) (a) The court may modify or terminate as provided in 739
division (E) (6) of this section a protection order or consent 740
agreement that was issued after a full hearing under this 741
section. The court that issued the protection order or approved 742
the consent agreement shall hear a motion for modification or 743
termination of the protection order or consent agreement 744
pursuant to division (E) (6) of this section. 745

(b) Either the petitioner alleging dating violence or the 746
respondent of the original protection order or consent agreement 747
may bring a motion for modification or termination of a 748
protection order or consent agreement that was issued or 749
approved after a full hearing. The court shall require notice of 750
the motion to be made as provided by the Rules of Civil 751
Procedure. If that petitioner for the original protection order 752
or consent agreement has requested that the petitioner's address 753
be kept confidential, the court shall not disclose the address 754
to the respondent of the original protection order or consent 755
agreement or any other person, except as otherwise required by 756

law. The moving party has the burden of proof to show, by a 757
preponderance of the evidence, that modification or termination 758
of the protection order or consent agreement is appropriate 759
because either the protection order or consent agreement is no 760
longer needed or because the terms of the original protection 761
order or consent agreement are no longer appropriate. 762

(c) In considering whether to modify or terminate a 763
protection order or consent agreement issued or approved under 764
this section, the court shall consider all relevant factors, 765
including, but not limited to, the following: 766

(i) Whether the petitioner consents to modification or 767
termination of the protection order or consent agreement; 768

(ii) Whether the petitioner fears the respondent; 769

(iii) The current nature of the relationship between the 770
petitioner and the respondent; 771

(iv) The circumstances of the petitioner and respondent, 772
including the relative proximity of the petitioner's and 773
respondent's workplaces and residences; 774

(v) Whether the respondent has complied with the terms and 775
conditions of the original protection order or consent 776
agreement; 777

(vi) Whether the respondent has a continuing involvement 778
with illegal drugs or alcohol; 779

(vii) Whether the respondent has been convicted of, 780
pleaded guilty to, or been adjudicated a delinquent child for an 781
offense of violence since the issuance of the protection order 782
or approval of the consent agreement; 783

(viii) Whether any other protection orders, consent 784

agreements, restraining orders, or no contact orders have been 785
issued against the respondent pursuant to this section, section 786
2919.26 or 3113.31 of the Revised Code, any other provision of 787
state law, or the law of any other state; 788

(ix) Whether the respondent has participated in any dating 789
violence treatment, intervention program, or other counseling 790
addressing dating violence and whether the respondent has 791
completed the treatment, program, or counseling; 792

(x) The time that has elapsed since the protection order 793
was issued or since the consent agreement was approved; 794

(xi) The age and health of the respondent; 795

(xii) When the last incident of abuse, threat of harm, or 796
commission of a sexually oriented offense occurred or other 797
relevant information concerning the safety and protection of the 798
petitioner alleging dating violence, or the petitioner filing 799
the petition if other than the person alleging dating violence. 800

(d) If a protection order or consent agreement is modified 801
or terminated as provided in division (E)(6) of this section, 802
the court shall issue copies of the modified or terminated order 803
or agreement as provided in division (F) of this section. A 804
petitioner may also provide notice of the modification or 805
termination to the judicial and law enforcement officials in any 806
county other than the county in which the order or agreement is 807
modified or terminated as provided in division (L) of this 808
section. 809

(e) If the respondent moves for modification or 810
termination of a protection order or consent agreement pursuant 811
to this section and the court denies the motion, the court may 812
assess costs against the respondent for the filing of the 813

motion. 814

(7) Any protection order issued or any consent agreement 815
approved pursuant to this section shall include a provision that 816
the court will automatically seal all of the records of the 817
proceeding in which the order is issued or agreement approved on 818
the date the respondent attains the age of nineteen years unless 819
the petitioner provides the court with evidence that the 820
respondent has not complied with all of the terms of the 821
protection order or consent agreement. The protection order or 822
consent agreement shall specify the date when the respondent 823
attains the age of nineteen years. 824

(F) (1) A copy of any protection order, or consent 825
agreement, that is issued, approved, modified, or terminated 826
under this section shall be issued by the court to the 827
petitioner, to the respondent, and to all law enforcement 828
agencies that have jurisdiction to enforce the order or 829
agreement. The court shall direct that a copy of an order be 830
delivered to the respondent on the same day that the order is 831
entered. 832

(2) Upon the issuance of a protection order or the 833
approval of a consent agreement under this section, the court 834
shall provide the parties to the order or agreement with the 835
following notice orally or by form: 836

"NOTICE 837

As a result of this order or consent agreement, it may be 838
unlawful for you to possess or purchase a firearm, including a 839
rifle, pistol, or revolver, or ammunition pursuant to federal 840
law under 18 U.S.C. 922(g)(8). If you have any questions whether 841
this law makes it illegal for you to possess or purchase a 842

firearm or ammunition, you should consult an attorney." 843

(3) All law enforcement agencies shall establish and 844
maintain an index for the protection orders and the approved 845
consent agreements delivered to the agencies pursuant to 846
division (F) (1) of this section. With respect to each order and 847
consent agreement delivered, each agency shall note on the index 848
the date and time that it received the order or consent 849
agreement. 850

(4) Regardless of whether the petitioner has registered 851
the order or agreement in the county in which the officer's 852
agency has jurisdiction pursuant to division (L) of this 853
section, any officer of a law enforcement agency shall enforce a 854
protection order issued or consent agreement approved by any 855
court in this state in accordance with the provisions of the 856
order or agreement, including removing the respondent from the 857
premises, if appropriate. 858

(G) Any proceeding under this section shall be conducted 859
in accordance with the Rules of Civil Procedure, except that an 860
order under this section may be obtained with or without bond. 861
An order issued under this section, other than an ex parte 862
order, that grants a protection order or approves a consent 863
agreement, that refuses to grant a protection order or approve a 864
consent agreement that modifies or terminates a protection order 865
or consent agreement, or that refuses to modify or terminate a 866
protection order or consent agreement, is a final, appealable 867
order. The remedies and procedures provided in this section are 868
in addition to, and not in lieu of, any other available civil or 869
criminal remedies. 870

(H) Any law enforcement agency that investigates a dispute 871
involving persons in a dating relationship shall provide 872

information to the potential petitioner alleging dating violence 873
involved regarding the relief available under this section. 874

(I) (1) Subject to divisions (E) (6) (e) and (I) (2) of this 875
section and regardless of whether a protection order is issued 876
or a consent agreement is approved by a court of another county 877
or a court of another state, no court or unit of state or local 878
government shall charge the petitioner any fee, cost, deposit, 879
or money in connection with the filing of a petition pursuant to 880
this section or in connection with the filing, issuance, 881
registration, modification, enforcement, dismissal, withdrawal, 882
or service of a protection order, consent agreement, or witness 883
subpoena or for obtaining a certified copy of a protection order 884
or consent agreement. 885

(2) Regardless of whether a protection order is issued or 886
a consent agreement is approved pursuant to this section, the 887
court may assess costs against the respondent in connection with 888
the filing, issuance, registration, modification, enforcement, 889
dismissal, withdrawal, or service of a protection order, consent 890
agreement, or witness subpoena or for obtaining a certified copy 891
of a protection order or consent agreement. 892

(J) A person who violates a protection order issued or a 893
consent agreement approved under this section is guilty of a 894
violation of section 2919.27 of the Revised Code. 895

(K) In all stages of a proceeding under this section, a 896
petitioner may be accompanied by a victim advocate. 897

(L) (1) A petitioner who obtains a protection order or 898
consent agreement under this section may provide notice of the 899
issuance or approval of the order or agreement to the judicial 900
and law enforcement officials in any county other than the 901

county in which the order is issued or the agreement is approved 902
by registering that order or agreement in the other county 903
pursuant to division (L) (2) of this section and filing a copy of 904
the registered order or registered agreement with a law 905
enforcement agency in the other county in accordance with that 906
division. A person who obtains a protection order issued by a 907
court of another state may provide notice of the issuance of the 908
order to the judicial and law enforcement officials in any 909
county of this state by registering the order in that county 910
pursuant to section 2919.272 of the Revised Code and filing a 911
copy of the registered order with a law enforcement agency in 912
that county. 913

(2) A petitioner may register a temporary protection 914
order, protection order, or consent agreement in a county other 915
than the county in which the court that issued the order or 916
approved the agreement is located in the following manner: 917

(a) The petitioner shall obtain a certified copy of the 918
order or agreement from the clerk of the court that issued the 919
order or approved the agreement and present that certified copy 920
to the clerk of the court of common pleas or the clerk of a 921
municipal court or county court in the county in which the order 922
or agreement is to be registered. 923

(b) Upon accepting the certified copy of the order or 924
agreement for registration, the clerk of the court of common 925
pleas, municipal court, or county court shall place an 926
endorsement of registration on the order or agreement and give 927
the petitioner a copy of the order or agreement that bears that 928
proof of registration. 929

(3) The clerk of each court of common pleas, the clerk of 930
each municipal court, and the clerk of each county court shall 931

maintain a registry of certified copies of temporary protection 932
orders, protection orders, or consent agreements that have been 933
issued or approved by courts in other counties and that have 934
been registered with the clerk. 935

Sec. 3113.33. As used in sections 3113.33 to 3113.40 of 936
the Revised Code: 937

(A) "Domestic violence" means attempting to cause or 938
causing bodily injury to a family or household member, or 939
placing a family or household member by threat of force in fear 940
of imminent physical harm. "Domestic violence" includes dating 941
violence. 942

(B) "Family or household member" means any of the 943
following: 944

(1) Any of the following who is residing or has resided 945
with the person committing the domestic violence: 946

(a) A spouse, a person living as a spouse, or a former 947
spouse of the person committing the domestic violence; 948

(b) A parent, foster parent, or child of the person 949
committing the domestic violence, or another person related by 950
consanguinity or affinity to the person committing the domestic 951
violence; 952

(c) A parent or a child of a spouse, person living as a 953
spouse, or former spouse of the person committing the domestic 954
violence, or another person related by consanguinity or affinity 955
to a spouse, person living as a spouse, or former spouse of the 956
person committing the domestic violence; 957

(d) The dependents of any person listed in division (B)(1) 958
(a), (b), or (c) of this section. 959

(2) The natural parent of any child of whom the person 960
committing the domestic violence is the other natural parent or 961
is the putative other natural parent; 962

(3) A person in a dating relationship with the person 963
committing the dating violence and who is the victim of that 964
dating violence. 965

(C) "Shelter for victims of domestic violence" or 966
"shelter" means a facility that provides temporary residential 967
service or facilities to family or household members who are 968
victims of domestic violence. 969

(D) "Person living as a spouse" means a person who is 970
living or has lived with the person committing the domestic 971
violence in a common law marital relationship, who otherwise is 972
cohabiting with the person committing the domestic violence, or 973
who otherwise has cohabited with the person committing the 974
domestic violence within five years prior to the date of the 975
alleged occurrence of the act in question. 976

(E) "Dating violence" has the same meaning as in section 977
3113.311 of the Revised Code. 978

Section 2. That existing sections 109.42, 2151.23, 979
2919.27, and 3113.33 of the Revised Code are hereby repealed. 980