

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 221**

**Senator Dolan**

**Cosponsors: Senators Lehner, Hoagland**

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**A BILL**

To amend sections 2151.34, 2317.02, 2317.022, 1  
2317.422, 2903.213, 2903.214, 2919.26, 2923.13, 2  
2923.18, 2923.20, 2923.21, 2923.31, 2929.14, 3  
2935.01, 2935.10, 2941.141, 2941.145, 3113.31, 4  
5119.01, 5119.61, 5119.90, 5119.92, 5119.93, 5  
5119.94, 5119.96, 5119.97, 5119.99, 5122.10, 6  
5122.11, 5122.13, 5122.141, 5122.15, 5122.31, 7  
5122.311, and 5122.99 and to enact sections 8  
311.51, 2923.133, 2945.403, 5119.901, and 9  
5502.71 of the Revised Code to provide for the 10  
issuance in specified circumstances of a Safety 11  
Protection Order to apply regarding a person who 12  
a court determines is under a drug dependency, 13  
chronic alcoholic, or mental health-related 14  
firearms disability; to specify LEADS and NCIC 15  
reporting and removal procedures for current 16  
types of protection orders; to require the 17  
submission to the Attorney General for inclusion 18  
in LEADS of findings of IST or NGRI; to modify 19  
some of the prohibitions under the offense of 20  
"unlawful transactions in weapons" and add new 21  
prohibitions and exemptions under the offense, 22  
including a new exemption if a state background 23

check mechanism the bill enacts is used and does 24  
not indicate that the prospective transferee is 25  
barred from firearms possession; to provide in 26  
specified circumstances for the issuance of a 27  
seller's protection certificate under the new 28  
state background check mechanism; to increase 29  
the penalty for certain firearms-related 30  
offenses in specified circumstances; to modify 31  
the law governing the entry of arrest warrants 32  
into LEADS as extradition warrants; to expand 33  
the law regarding the provision of drug and 34  
alcohol test results to law enforcement 35  
personnel; and to provide a new exception to the 36  
testimonial privilege for specified medical and 37  
dental personnel regarding certain probate court 38  
proceedings. 39

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

**Section 1.** That sections 2151.34, 2317.02, 2317.022, 40  
2317.422, 2903.213, 2903.214, 2919.26, 2923.13, 2923.18, 41  
2923.20, 2923.21, 2923.31, 2929.14, 2935.01, 2935.10, 2941.141, 42  
2941.145, 3113.31, 5119.01, 5119.61, 5119.90, 5119.92, 5119.93, 43  
5119.94, 5119.96, 5119.97, 5119.99, 5122.10, 5122.11, 5122.13, 44  
5122.141, 5122.15, 5122.31, 5122.311, and 5122.99 be amended and 45  
sections 311.51, 2923.133, 2945.403, 5119.901, and 5502.71 of 46  
the Revised Code be enacted to read as follows: 47

**Sec. 311.51.** (A) As used in this section: 48

(1) "Federally licensed firearms dealer" has the same 49

meaning as in section 5502.63 of the Revised Code.

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(2) "Prospective transferee" means the person who is the  
subject of a petition filed under division (B)(2) of this  
section requesting a sheriff to contact the department and  
request the department to conduct background checks of the  
person under section 5502.71 of the Revised Code.

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(3) "Transfer" means a person's sale, loaning, giving, or  
furnishing of a firearm to another person.

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(4) "Identification document" means a document made or  
issued by or under the authority of the United States  
government, this state, or any other state, a political  
subdivision of this state or any other state, a sponsoring  
entity of an event designated as a special event of national  
significance, a foreign government, a political subdivision of a  
foreign government, an international governmental organization,  
or an international quasi-governmental organization that, when  
completed with information concerning a particular individual,  
is of a type intended or commonly accepted for the purpose of  
identification of individuals and that includes a photograph of  
the individual.

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(B)(1) A person who is not a federally licensed firearms  
dealer and who wishes to transfer any firearm to another person  
who is not a federally licensed firearms dealer may require the  
prospective transferee to provide proof that the prospective  
transferee has obtained a current seller's protection  
certificate as set forth in this section and section 5502.71 of  
the Revised Code.

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(2) A person who seeks to receive a firearm by transfer  
from another person who is not a federally licensed firearms

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dealer may file a petition with the sheriff of any county 79  
requesting the sheriff, through the department of public safety, 80  
to conduct background checks on the person's self under section 81  
5502.71 of the Revised Code. 82

(3) A sheriff with whom a petition is filed under division 83  
(B) (2) of this section may charge a person who files a petition 84  
under division (B) (2) of this section a fee, not exceeding ten 85  
dollars, for filing the petition. 86

(C) (1) The department of public safety, by rule, shall 87  
prescribe a form to be used by a person to file a petition under 88  
division (B) (2) of this section. The form shall specify that the 89  
prospective transferee may provide the prospective transferee's 90  
social security number on the petition to assist with the 91  
completion of the background checks and shall provide a space on 92  
which the number may be provided, and shall require that the 93  
person who files the petition provide all of the following on 94  
the form: 95

(a) The name, current state of residence, current county 96  
of residence, gender, race, and date of birth of the prospective 97  
transferee; 98

(b) A telephone number or, at the option of the 99  
prospective transferee, an email address at which the 100  
prospective transferee may be contacted; 101

(c) Any other information specified by the department that 102  
is necessary for the department to conduct background checks 103  
under section 5502.71 of the Revised Code. 104

(2) The department of public safety shall not require a 105  
prospective transferee to provide any information with respect 106  
to a petition filed under division (B) (2) of this section that 107

is in addition to the information needed to conduct the 108  
background checks under section 5502.71 of the Revised Code and 109  
issue a seller's protection certificate. 110

(3) A petition filed under division (B)(2) of this section 111  
shall not identify or list any firearm that might be the subject 112  
of any transfer to the prospective transferee, and a person who 113  
files a petition under division (B)(2) of this section shall not 114  
be required to identify or list on the petition, or otherwise 115  
identify or list with respect to the petition, any firearm that 116  
might be the subject of a transfer to the prospective 117  
transferee. 118

(D)(1) Upon receipt of a petition filed under division (B) 119  
(2) of this section that contains the information specified in 120  
division (C) of this section, the sheriff shall immediately 121  
verify the identity of the prospective transferee by examining a 122  
valid identification document of the prospective transferee 123  
containing a photograph of that prospective transferee. 124

(2) Upon verifying the identity of the prospective 125  
transferee under division (D)(1) of this section and the payment 126  
of a fee authorized under division (B)(3) of this section, if a 127  
fee is charged, the sheriff immediately shall contact the 128  
department of public safety and request the department to 129  
conduct background checks of the prospective transferee under 130  
section 5502.71 of the Revised Code. The sheriff shall provide 131  
the department with all of the information about the prospective 132  
transferee that is included on the request, and provide the 133  
department with confirmation of the verification of the identity 134  
of the prospective transferee. 135

(E) Upon receipt of a request from a sheriff under 136  
division (D) of this section, the department of public safety 137

shall immediately conduct background checks of the prospective 138  
transferee pursuant to section 5502.71 of the Revised Code and, 139  
upon completion of the checks, shall immediately report the 140  
results of the background checks to the requesting sheriff. If 141  
the results indicate that the prospective transferee is 142  
prohibited from acquiring, possessing, or using a firearm under 143  
section 2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 144  
U.S.C. 922(n), the department shall not issue a seller's 145  
protection certificate for the prospective transferee and shall 146  
immediately notify the sheriff who requested the checks that it 147  
will not be issuing a certificate. If the results indicate that 148  
the prospective transferee is not prohibited from acquiring, 149  
possessing, or using a firearm under section 2923.13 of the 150  
Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n), the 151  
department shall immediately issue to the sheriff who requested 152  
the background check a seller's protection certificate for the 153  
prospective transferee. 154

If, after conducting the background checks, the department 155  
is unable to immediately determine whether the prospective 156  
transferee is prohibited from acquiring, possessing, or using a 157  
firearm under section 2923.13 of the Revised Code, 18 U.S.C. 158  
922(g), or 18 U.S.C. 922(n), the department shall immediately 159  
notify the sheriff who requested the checks of the delayed 160  
status and shall not issue a seller's protection certificate 161  
until the background checks are complete. If after the delayed 162  
background checks are complete, the results of the checks 163  
indicate that the prospective transferee is not prohibited from 164  
acquiring, possessing, or using a firearm pursuant to section 165  
2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 166  
922(n), the department shall issue to the sheriff who requested 167  
the checks a seller's protection certificate for the prospective 168

transferee. If after the delayed background checks are complete, 169  
the results of the checks indicate that the prospective 170  
transferee is prohibited from acquiring, possessing, or using a 171  
firearm pursuant to section 2923.13 of the Revised Code, 18 172  
U.S.C 922(g), or 18 U.S.C. 922(n), the department shall notify 173  
the sheriff who requested the background check that it will not 174  
be issuing a seller's protection certificate. 175

Upon receipt of the seller's protection certificate or a 176  
notification of denial of a seller's protection certificate as 177  
the result of initial background checks or delayed background 178  
checks, the sheriff shall do whichever of the following is 179  
applicable: 180

(1) Contact the prospective transferee and transmit the 181  
certificate to the prospective transferee, either 182  
electronically, in person, or by mail, at the option of the 183  
prospective transferee; 184

(2) Notify the prospective transferee of the denial of the 185  
seller's protection certificate. 186

(F) A petition filed under division (B) (2) of this 187  
section, all information related to such a petition, and the 188  
results of subsequent background checks and the fact of the 189  
issuance of a seller's protection certificate, if applicable, 190  
are not public records under section 149.43 of the Revised Code 191  
and are not subject to inspection or copying under that section. 192  
A petition filed under division (B) (2) of this section, all 193  
information related to such a petition, and the results of 194  
subsequent background checks and the fact of the issuance of a 195  
seller's protection certificate, if applicable, are confidential 196  
and shall not be divulged to any person other than for purposes 197  
of conducting the background checks as required by this section 198

and section 5502.71 of the Revised Code or for purposes of 199  
verifying that background checks were conducted under this 200  
section and section 5502.71 of the Revised Code. 201

(G) Nothing in this section requires that, before a person 202  
may transfer a firearm to another person, the person being 203  
transferred the firearm must file a petition with a sheriff 204  
under division (B)(2) of this section requesting the sheriff to 205  
contact the department of public safety and request the 206  
department to conduct background checks, as described in 207  
division (D) of this section. 208

(H) If the department of public safety denies the issuance 209  
of a seller's protection certificate under this section and 210  
section 5502.71 of the Revised Code, and if the subject 211  
prospective transferee believes the denial was based on 212  
incorrect information received or used by the department in 213  
conducting the background checks that were the basis of the 214  
denial, the prospective transferee may challenge the background 215  
check results by using the challenge and review procedure of the 216  
department of public safety established pursuant to division (G) 217  
(2) of section 5502.71 of the Revised Code. 218

(I) The fact that the department of public safety issues a 219  
seller's protection certificate for a person is not admissible 220  
in a future prosecution of the person for a violation of section 221  
2923.13 of the Revised Code. 222

**Sec. 2151.34.** (A) As used in this section: 223

(1) "Court" means the juvenile division of the court of 224  
common pleas of the county in which the person to be protected 225  
by the protection order resides. 226

(2) "Victim advocate" means a person who provides support 227

and assistance for a person who files a petition under this 228  
section. 229

(3) "Family or household member" has the same meaning as 230  
in section 3113.31 of the Revised Code. 231

(4) "Protection order issued by a court of another state" 232  
has the same meaning as in section 2919.27 of the Revised Code. 233

(5) "Petitioner" means a person who files a petition under 234  
this section and includes a person on whose behalf a petition 235  
under this section is filed. 236

(6) "Respondent" means a person who is under eighteen 237  
years of age and against whom a petition is filed under this 238  
section. 239

(7) "Sexually oriented offense" has the same meaning as in 240  
section 2950.01 of the Revised Code. 241

(8) "Electronic monitoring" has the same meaning as in 242  
section 2929.01 of the Revised Code. 243

(9) "Companion animal" has the same meaning as in section 244  
959.131 of the Revised Code. 245

(B) The court has jurisdiction over all proceedings under 246  
this section. 247

(C) (1) Any of the following persons may seek relief under 248  
this section by filing a petition with the court: 249

(a) Any person on behalf of that person; 250

(b) Any parent or adult family or household member on 251  
behalf of any other family or household member; 252

(c) Any person who is determined by the court in its 253  
discretion as an appropriate person to seek relief under this 254

section on behalf of any child. 255

(2) The petition shall contain or state all of the 256  
following: 257

(a) An allegation that the respondent engaged in a 258  
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 259  
2903.211, 2903.22, or 2911.211 of the Revised Code, committed a 260  
sexually oriented offense, or engaged in a violation of any 261  
municipal ordinance that is substantially equivalent to any of 262  
those offenses against the person to be protected by the 263  
protection order, including a description of the nature and 264  
extent of the violation; 265

(b) If the petitioner seeks relief in the form of 266  
electronic monitoring of the respondent, an allegation that at 267  
any time preceding the filing of the petition the respondent 268  
engaged in conduct that would cause a reasonable person to 269  
believe that the health, welfare, or safety of the person to be 270  
protected was at risk, a description of the nature and extent of 271  
that conduct, and an allegation that the respondent presents a 272  
continuing danger to the person to be protected; 273

(c) A request for relief under this section. 274

(3) The court in its discretion may determine whether or 275  
not to give notice that a petition has been filed under division 276  
(C) (1) of this section on behalf of a child to any of the 277  
following: 278

(a) A parent of the child if the petition was filed by any 279  
person other than a parent of the child; 280

(b) Any person who is determined by the court to be an 281  
appropriate person to receive notice of the filing of the 282  
petition. 283

(D) (1) If a person who files a petition pursuant to this 284  
section requests an ex parte order, the court shall hold an ex 285  
parte hearing as soon as possible after the petition is filed, 286  
but not later than the next day after the court is in session 287  
after the petition is filed. The court, for good cause shown at 288  
the ex parte hearing, may enter any temporary orders, with or 289  
without bond, that the court finds necessary for the safety and 290  
protection of the person to be protected by the order. Immediate 291  
and present danger to the person to be protected by the 292  
protection order constitutes good cause for purposes of this 293  
section. Immediate and present danger includes, but is not 294  
limited to, situations in which the respondent has threatened 295  
the person to be protected by the protection order with bodily 296  
harm or in which the respondent previously has been convicted 297  
of, pleaded guilty to, or been adjudicated a delinquent child 298  
for committing a violation of section 2903.11, 2903.12, 2903.13, 299  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 300  
sexually oriented offense, or a violation of any municipal 301  
ordinance that is substantially equivalent to any of those 302  
offenses against the person to be protected by the protection 303  
order. 304

(2) (a) If the court, after an ex parte hearing, issues a 305  
protection order described in division (E) of this section, the 306  
court shall schedule a full hearing for a date that is within 307  
ten court days after the ex parte hearing. The court shall give 308  
the respondent notice of, and an opportunity to be heard at, the 309  
full hearing. The court also shall give notice of the full 310  
hearing to the parent, guardian, or legal custodian of the 311  
respondent. The court shall hold the full hearing on the date 312  
scheduled under this division unless the court grants a 313  
continuance of the hearing in accordance with this division. 314

Under any of the following circumstances or for any of the 315  
following reasons, the court may grant a continuance of the full 316  
hearing to a reasonable time determined by the court: 317

(i) Prior to the date scheduled for the full hearing under 318  
this division, the respondent has not been served with the 319  
petition filed pursuant to this section and notice of the full 320  
hearing. 321

(ii) The parties consent to the continuance. 322

(iii) The continuance is needed to allow a party to obtain 323  
counsel. 324

(iv) The continuance is needed for other good cause. 325

(b) An ex parte order issued under this section does not 326  
expire because of a failure to serve notice of the full hearing 327  
upon the respondent before the date set for the full hearing 328  
under division (D) (2) (a) of this section or because the court 329  
grants a continuance under that division. 330

(3) If a person who files a petition pursuant to this 331  
section does not request an ex parte order, or if a person 332  
requests an ex parte order but the court does not issue an ex 333  
parte order after an ex parte hearing, the court shall proceed 334  
as in a normal civil action and grant a full hearing on the 335  
matter. 336

(E) (1) (a) After an ex parte or full hearing, the court may 337  
issue any protection order, with or without bond, that contains 338  
terms designed to ensure the safety and protection of the person 339  
to be protected by the protection order. The court may include 340  
within a protection order issued under this section a term 341  
requiring that the respondent not remove, damage, hide, harm, or 342  
dispose of any companion animal owned or possessed by the person 343

to be protected by the order, and may include within the order a 344  
term authorizing the person to be protected by the order to 345  
remove a companion animal owned by the person to be protected by 346  
the order from the possession of the respondent. 347

(b) After a full hearing, if the court considering a 348  
petition that includes an allegation of the type described in 349  
division (C)(2)(b) of this section or the court, upon its own 350  
motion, finds upon clear and convincing evidence that the 351  
petitioner reasonably believed that the respondent's conduct at 352  
any time preceding the filing of the petition endangered the 353  
health, welfare, or safety of the person to be protected and 354  
that the respondent presents a continuing danger to the person 355  
to be protected and if division (N) of this section does not 356  
prohibit the issuance of an order that the respondent be 357  
electronically monitored, the court may order that the 358  
respondent be electronically monitored for a period of time and 359  
under the terms and conditions that the court determines are 360  
appropriate. Electronic monitoring shall be in addition to any 361  
other relief granted to the petitioner. 362

(2) (a) Any protection order issued pursuant to this 363  
section shall be valid until a date certain but not later than 364  
the date the respondent attains nineteen years of age. 365

(b) Any protection order issued pursuant to this section 366  
may be renewed in the same manner as the original order was 367  
issued. 368

(3) A court may not issue a protection order that requires 369  
a petitioner to do or to refrain from doing an act that the 370  
court may require a respondent to do or to refrain from doing 371  
under division (E)(1) of this section unless all of the 372  
following apply: 373

(a) The respondent files a separate petition for a 374  
protection order in accordance with this section. 375

(b) The petitioner is served with notice of the 376  
respondent's petition at least forty-eight hours before the 377  
court holds a hearing with respect to the respondent's petition, 378  
or the petitioner waives the right to receive this notice. 379

(c) If the petitioner has requested an ex parte order 380  
pursuant to division (D) of this section, the court does not 381  
delay any hearing required by that division beyond the time 382  
specified in that division in order to consolidate the hearing 383  
with a hearing on the petition filed by the respondent. 384

(d) After a full hearing at which the respondent presents 385  
evidence in support of the request for a protection order and 386  
the petitioner is afforded an opportunity to defend against that 387  
evidence, the court determines that the petitioner has committed 388  
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 389  
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 390  
oriented offense, or a violation of any municipal ordinance that 391  
is substantially equivalent to any of those offenses against the 392  
person to be protected by the protection order issued pursuant 393  
to division (E) (3) of this section, or has violated a protection 394  
order issued pursuant to this section or section 2903.213 of the 395  
Revised Code relative to the person to be protected by the 396  
protection order issued pursuant to division (E) (3) of this 397  
section. 398

(4) No protection order issued pursuant to this section 399  
shall in any manner affect title to any real property. 400

(5) (a) A protection order issued under this section shall 401  
clearly state that the person to be protected by the order 402

cannot waive or nullify by invitation or consent any requirement 403  
in the order. 404

(b) Division (E) (5) (a) of this section does not limit any 405  
discretion of a court to determine that a respondent alleged to 406  
have violated section 2919.27 of the Revised Code, violated a 407  
municipal ordinance substantially equivalent to that section, or 408  
committed contempt of court, which allegation is based on an 409  
alleged violation of a protection order issued under this 410  
section, did not commit the violation or was not in contempt of 411  
court. 412

(6) Any protection order issued pursuant to this section 413  
shall include a provision that the court will automatically seal 414  
all of the records of the proceeding in which the order is 415  
issued on the date the respondent attains the age of nineteen 416  
years unless the petitioner provides the court with evidence 417  
that the respondent has not complied with all of the terms of 418  
the protection order. The protection order shall specify the 419  
date when the respondent attains the age of nineteen years. 420

(F) (1) The court shall cause the delivery of a copy of any 421  
protection order that is issued under this section to the 422  
petitioner, to the respondent, and to all law enforcement 423  
agencies that have jurisdiction to enforce the order. If the 424  
protection order will be valid subsequent to the date on which 425  
the respondent attains eighteen years of age, the order shall be 426  
in a form that ensures that the protection order is accepted 427  
into the protection order database of the national crime 428  
information center (NCIC) maintained by the federal bureau of 429  
investigation. The court shall direct that a copy of the order 430  
be delivered to the respondent and the parent, guardian, or 431  
legal custodian of the respondent on the same day that the order 432

is entered. If the court terminates or cancels the order, the 433  
court shall cause the delivery of notice of the termination or 434  
cancellation to the same persons and entities that were 435  
delivered a copy of the order. 436

The court shall cause each protection order issued 437  
pursuant to this section that will be valid subsequent to the 438  
date on which the respondent attains eighteen years of age to be 439  
entered into the law enforcement automated data system created 440  
by section 5503.10 of the Revised Code, and known as LEADS, by 441  
the close of the next business day after the day on which the 442  
court issues the order. Upon the termination or cancellation of 443  
the order, the court shall take all steps necessary to ensure 444  
that the order is removed from the LEADS database by the close 445  
of the next business day after the day on which the termination 446  
or cancellation of the order occurred and shall ensure that the 447  
order is terminated, cleared, or canceled in the protection 448  
order database of the national crime information center (NCIC) 449  
maintained by the federal bureau of investigation. 450

(2) Upon the issuance of a protection order under this 451  
section, the court shall provide the parties to the order with 452  
the following notice orally or by form: 453

"NOTICE 454

As a result of this order, it may be unlawful for you to 455  
possess or purchase a firearm, including a rifle, pistol, or 456  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 457  
922(g) (8) for the duration of this order. If you have any 458  
questions whether this law makes it illegal for you to possess 459  
or purchase a firearm or ammunition, you should consult an 460  
attorney." 461

(3) All law enforcement agencies shall establish and 462  
maintain an index for the protection orders delivered to the 463  
agencies pursuant to division (F)(1) of this section. With 464  
respect to each order delivered, each agency shall note on the 465  
index the date and time that it received the order. 466

(4) Regardless of whether the petitioner has registered 467  
the protection order in the county in which the officer's agency 468  
has jurisdiction pursuant to division (M) of this section, any 469  
officer of a law enforcement agency shall enforce a protection 470  
order issued pursuant to this section by any court in this state 471  
in accordance with the provisions of the order, including 472  
removing the respondent from the premises, if appropriate. 473

(G)(1) Any proceeding under this section shall be 474  
conducted in accordance with the Rules of Civil Procedure, 475  
except that a protection order may be obtained under this 476  
section with or without bond. An order issued under this 477  
section, other than an ex parte order, that grants a protection 478  
order, or that refuses to grant a protection order, is a final, 479  
appealable order. The remedies and procedures provided in this 480  
section are in addition to, and not in lieu of, any other 481  
available civil or criminal remedies or any other available 482  
remedies under Chapter 2151. or 2152. of the Revised Code. 483

(2) If as provided in division (G)(1) of this section an 484  
order issued under this section, other than an ex parte order, 485  
refuses to grant a protection order, the court, on its own 486  
motion, shall order that the ex parte order issued under this 487  
section and all of the records pertaining to that ex parte order 488  
be sealed after either of the following occurs: 489

(a) No party has exercised the right to appeal pursuant to 490  
Rule 4 of the Rules of Appellate Procedure. 491

(b) All appellate rights have been exhausted. 492

(H) The filing of proceedings under this section does not 493  
excuse a person from filing any report or giving any notice 494  
required by section 2151.421 of the Revised Code or by any other 495  
law. 496

(I) Any law enforcement agency that investigates an 497  
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 498  
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 499  
commission of a sexually oriented offense, or an alleged 500  
violation of a municipal ordinance that is substantially 501  
equivalent to any of those offenses shall provide information to 502  
the victim and the family or household members of the victim 503  
regarding the relief available under this section. 504

(J) (1) Subject to division (J) (2) of this section and 505  
regardless of whether a protection order is issued or a consent 506  
agreement is approved by a court of another county or by a court 507  
of another state, no court or unit of state or local government 508  
shall charge the petitioner any fee, cost, deposit, or money in 509  
connection with the filing of a petition pursuant to this 510  
section, in connection with the filing, issuance, registration, 511  
modification, enforcement, dismissal, withdrawal, or service of 512  
a protection order, consent agreement, or witness subpoena or 513  
for obtaining a certified copy of a protection order or consent 514  
agreement. 515

(2) Regardless of whether a protection order is issued or 516  
a consent agreement is approved pursuant to this section, the 517  
court may assess costs against the respondent in connection with 518  
the filing, issuance, registration, modification, enforcement, 519  
dismissal, withdrawal, or service of a protection order, consent 520  
agreement, or witness subpoena or for obtaining a certified copy 521

of a protection order or consent agreement. 522

(K) (1) A person who violates a protection order issued 523  
under this section is subject to the following sanctions: 524

(a) A delinquent child proceeding or a criminal 525  
prosecution for a violation of section 2919.27 of the Revised 526  
Code, if the violation of the protection order constitutes a 527  
violation of that section; 528

(b) Punishment for contempt of court. 529

(2) The punishment of a person for contempt of court for 530  
violation of a protection order issued under this section does 531  
not bar criminal prosecution of the person or a delinquent child 532  
proceeding concerning the person for a violation of section 533  
2919.27 of the Revised Code. However, a person punished for 534  
contempt of court is entitled to credit for the punishment 535  
imposed upon conviction of or adjudication as a delinquent child 536  
for a violation of that section, and a person convicted of or 537  
adjudicated a delinquent child for a violation of that section 538  
shall not subsequently be punished for contempt of court arising 539  
out of the same activity. 540

(L) In all stages of a proceeding under this section, a 541  
petitioner may be accompanied by a victim advocate. 542

(M) (1) A petitioner who obtains a protection order under 543  
this section may provide notice of the issuance or approval of 544  
the order to the judicial and law enforcement officials in any 545  
county other than the county in which the order is issued by 546  
registering that order in the other county pursuant to division 547  
(M) (2) of this section and filing a copy of the registered order 548  
with a law enforcement agency in the other county in accordance 549  
with that division. A person who obtains a protection order 550

issued by a court of another state may provide notice of the 551  
issuance of the order to the judicial and law enforcement 552  
officials in any county of this state by registering the order 553  
in that county pursuant to section 2919.272 of the Revised Code 554  
and filing a copy of the registered order with a law enforcement 555  
agency in that county. 556

(2) A petitioner may register a protection order issued 557  
pursuant to this section in a county other than the county in 558  
which the court that issued the order is located in the 559  
following manner: 560

(a) The petitioner shall obtain a certified copy of the 561  
order from the clerk of the court that issued the order and 562  
present that certified copy to the clerk of the court of common 563  
pleas or the clerk of a municipal court or county court in the 564  
county in which the order is to be registered. 565

(b) Upon accepting the certified copy of the order for 566  
registration, the clerk of the court of common pleas, municipal 567  
court, or county court shall place an endorsement of 568  
registration on the order and give the petitioner a copy of the 569  
order that bears that proof of registration. 570

(3) The clerk of each court of common pleas, municipal 571  
court, or county court shall maintain a registry of certified 572  
copies of protection orders that have been issued by courts in 573  
other counties pursuant to this section and that have been 574  
registered with the clerk. 575

(N) If the court orders electronic monitoring of the 576  
respondent under this section, the court shall direct the 577  
sheriff's office or any other appropriate law enforcement agency 578  
to install the electronic monitoring device and to monitor the 579

respondent. Unless the court determines that the respondent is 580  
indigent, the court shall order the respondent to pay the cost 581  
of the installation and monitoring of the electronic monitoring 582  
device. If the court determines that the respondent is indigent 583  
and subject to the maximum amount allowable to be paid in any 584  
year from the fund and the rules promulgated by the attorney 585  
general under section 2903.214 of the Revised Code, the cost of 586  
the installation and monitoring of the electronic monitoring 587  
device may be paid out of funds from the reparations fund 588  
created pursuant to section 2743.191 of the Revised Code. The 589  
total amount paid from the reparations fund created pursuant to 590  
section 2743.191 of the Revised Code for electronic monitoring 591  
under this section and sections 2903.214 and 2919.27 of the 592  
Revised Code shall not exceed three hundred thousand dollars per 593  
year. When the total amount paid from the reparations fund in 594  
any year for electronic monitoring under those sections equals 595  
or exceeds three hundred thousand dollars, the court shall not 596  
order pursuant to this section that an indigent respondent be 597  
electronically monitored. 598

(O) The court, in its discretion, may determine if the 599  
respondent is entitled to court-appointed counsel in a 600  
proceeding under this section. 601

**Sec. 2317.02.** The following persons shall not testify in 602  
certain respects: 603

(A) (1) An attorney, concerning a communication made to the 604  
attorney by a client in that relation or concerning the 605  
attorney's advice to a client, except that the attorney may 606  
testify by express consent of the client or, if the client is 607  
deceased, by the express consent of the surviving spouse or the 608  
executor or administrator of the estate of the deceased client. 609

However, if the client voluntarily reveals the substance of 610  
attorney-client communications in a nonprivileged context or is 611  
deemed by section 2151.421 of the Revised Code to have waived 612  
any testimonial privilege under this division, the attorney may 613  
be compelled to testify on the same subject. 614

The testimonial privilege established under this division 615  
does not apply concerning either of the following: 616

(a) A communication between a client in a capital case, as 617  
defined in section 2901.02 of the Revised Code, and the client's 618  
attorney if the communication is relevant to a subsequent 619  
ineffective assistance of counsel claim by the client alleging 620  
that the attorney did not effectively represent the client in 621  
the case; 622

(b) A communication between a client who has since died 623  
and the deceased client's attorney if the communication is 624  
relevant to a dispute between parties who claim through that 625  
deceased client, regardless of whether the claims are by testate 626  
or intestate succession or by inter vivos transaction, and the 627  
dispute addresses the competency of the deceased client when the 628  
deceased client executed a document that is the basis of the 629  
dispute or whether the deceased client was a victim of fraud, 630  
undue influence, or duress when the deceased client executed a 631  
document that is the basis of the dispute. 632

(2) An attorney, concerning a communication made to the 633  
attorney by a client in that relationship or the attorney's 634  
advice to a client, except that if the client is an insurance 635  
company, the attorney may be compelled to testify, subject to an 636  
in camera inspection by a court, about communications made by 637  
the client to the attorney or by the attorney to the client that 638  
are related to the attorney's aiding or furthering an ongoing or 639

future commission of bad faith by the client, if the party 640  
seeking disclosure of the communications has made a prima-facie 641  
showing of bad faith, fraud, or criminal misconduct by the 642  
client. 643

(B) (1) A physician, advanced practice registered nurse, or 644  
dentist concerning a communication made to the physician, 645  
advanced practice registered nurse, or dentist by a patient in 646  
that relation or the advice of a physician, advanced practice 647  
registered nurse, or dentist given to a patient, except as 648  
otherwise provided in this division, division (B) (2), and 649  
division (B) (3) of this section, and except that, if the patient 650  
is deemed by section 2151.421 of the Revised Code to have waived 651  
any testimonial privilege under this division, the physician or 652  
advanced practice registered nurse may be compelled to testify 653  
on the same subject. 654

The testimonial privilege established under this division 655  
does not apply, and a physician, advanced practice registered 656  
nurse, or dentist may testify or may be compelled to testify, in 657  
any of the following circumstances: 658

(a) In any civil action, in accordance with the discovery 659  
provisions of the Rules of Civil Procedure in connection with a 660  
civil action, or in connection with a claim under Chapter 4123. 661  
of the Revised Code, under any of the following circumstances: 662

(i) If the patient or the guardian or other legal 663  
representative of the patient gives express consent; 664

(ii) If the patient is deceased, the spouse of the patient 665  
or the executor or administrator of the patient's estate gives 666  
express consent; 667

(iii) If a medical claim, dental claim, chiropractic 668

claim, or optometric claim, as defined in section 2305.113 of 669  
the Revised Code, an action for wrongful death, any other type 670  
of civil action, or a claim under Chapter 4123. of the Revised 671  
Code is filed by the patient, the personal representative of the 672  
estate of the patient if deceased, or the patient's guardian or 673  
other legal representative. 674

(b) In any civil action concerning court-ordered treatment 675  
or services received by a patient, if the court-ordered 676  
treatment or services were ordered as part of a case plan 677  
journalized under section 2151.412 of the Revised Code or the 678  
court-ordered treatment or services are necessary or relevant to 679  
dependency, neglect, or abuse or temporary or permanent custody 680  
proceedings under Chapter 2151. of the Revised Code. 681

(c) In any criminal action concerning any test or the 682  
results of any test that determines the presence or 683  
concentration of alcohol, a drug of abuse, a combination of 684  
them, a controlled substance, or a metabolite of a controlled 685  
substance in the patient's whole blood, blood serum or plasma, 686  
breath, urine, or other bodily substance at any time relevant to 687  
the criminal offense in question. 688

(d) In any criminal action against a physician, advanced 689  
practice registered nurse, or dentist. In such an action, the 690  
testimonial privilege established under this division does not 691  
prohibit the admission into evidence, in accordance with the 692  
Rules of Evidence, of a patient's medical or dental records or 693  
other communications between a patient and the physician, 694  
advanced practice registered nurse, or dentist that are related 695  
to the action and obtained by subpoena, search warrant, or other 696  
lawful means. A court that permits or compels a physician, 697  
advanced practice registered nurse, or dentist to testify in 698

such an action or permits the introduction into evidence of 699  
patient records or other communications in such an action shall 700  
require that appropriate measures be taken to ensure that the 701  
confidentiality of any patient named or otherwise identified in 702  
the records is maintained. Measures to ensure confidentiality 703  
that may be taken by the court include sealing its records or 704  
deleting specific information from its records. 705

(e) (i) If the communication was between a patient who has 706  
since died and the deceased patient's physician, advanced 707  
practice registered nurse, or dentist, the communication is 708  
relevant to a dispute between parties who claim through that 709  
deceased patient, regardless of whether the claims are by 710  
testate or intestate succession or by inter vivos transaction, 711  
and the dispute addresses the competency of the deceased patient 712  
when the deceased patient executed a document that is the basis 713  
of the dispute or whether the deceased patient was a victim of 714  
fraud, undue influence, or duress when the deceased patient 715  
executed a document that is the basis of the dispute. 716

(ii) If neither the spouse of a patient nor the executor 717  
or administrator of that patient's estate gives consent under 718  
division (B) (1) (a) (ii) of this section, testimony or the 719  
disclosure of the patient's medical records by a physician, 720  
advanced practice registered nurse, dentist, or other health 721  
care provider under division (B) (1) (e) (i) of this section is a 722  
permitted use or disclosure of protected health information, as 723  
defined in 45 C.F.R. 160.103, and an authorization or 724  
opportunity to be heard shall not be required. 725

(iii) Division (B) (1) (e) (i) of this section does not 726  
require a mental health professional to disclose psychotherapy 727  
notes, as defined in 45 C.F.R. 164.501. 728

(iv) An interested person who objects to testimony or 729  
disclosure under division (B) (1) (e) (i) of this section may seek 730  
a protective order pursuant to Civil Rule 26. 731

(v) A person to whom protected health information is 732  
disclosed under division (B) (1) (e) (i) of this section shall not 733  
use or disclose the protected health information for any purpose 734  
other than the litigation or proceeding for which the 735  
information was requested and shall return the protected health 736  
information to the covered entity or destroy the protected 737  
health information, including all copies made, at the conclusion 738  
of the litigation or proceeding. 739

(f) In any proceeding filed pursuant to Chapter 2111., 740  
5119., 5122., or 5123. of the Revised Code, or in any proceeding 741  
filed pursuant to sections 5101.60 to 5101.73 of the Revised 742  
Code. 743

(2) (a) If any law enforcement officer submits a written 744  
statement to a health care provider that states that an official 745  
criminal investigation has begun regarding a specified person 746  
~~or,~~ that a criminal action or proceeding has been commenced 747  
against a specified person, that proceedings for determining 748  
whether to order a person allegedly suffering from alcohol or 749  
other drug abuse to undergo treatment have been commenced or are 750  
about to be commenced regarding the person under sections 751  
5119.90 to 5119.99 of the Revised Code, or that proceedings for 752  
involuntary commitment or hospitalization have been commenced or 753  
are about to be commenced against a person under sections 754  
5122.05 to 5122.15 of the Revised Code, that requests the 755  
provider to supply to the officer copies of any records the 756  
provider possesses that pertain to any test or the results of 757  
any test administered to the specified person to determine the 758

presence or concentration of alcohol, a drug of abuse, a 759  
combination of them, a controlled substance, or a metabolite of 760  
a controlled substance in the person's whole blood, blood serum 761  
or plasma, breath, or urine at any time relevant to the criminal 762  
offense in question, to conduct regarding the basis of the 763  
possible ordering of treatment of the person in question, or to 764  
conduct regarding the basis of the possible involuntary 765  
commitment or hospitalization of the person in question, and 766  
that conforms to section 2317.022 of the Revised Code, the 767  
provider, except to the extent specifically prohibited by any 768  
law of this state or of the United States, shall supply to the 769  
officer a copy of any of the requested records the provider 770  
possesses. If the health care provider does not possess any of 771  
the requested records, the provider shall give the officer a 772  
written statement that indicates that the provider does not 773  
possess any of the requested records. 774

(b) If a health care provider possesses any records of the 775  
type described in division (B) (2) (a) of this section regarding 776  
the person in question at any time relevant to the criminal 777  
offense in question, to conduct regarding the basis of the 778  
possible ordering of treatment of the person in question, or to 779  
conduct regarding the basis of the possible involuntary 780  
commitment or hospitalization of the person in question, in lieu 781  
of personally testifying as to the results of the test in 782  
question, the custodian of the records may submit a certified 783  
copy of the records, and, upon its submission, the certified 784  
copy is qualified as authentic evidence and may be admitted as 785  
evidence in accordance with the Rules of Evidence. Division (A) 786  
of section 2317.422 of the Revised Code does not apply to any 787  
certified copy of records submitted in accordance with this 788  
division. Nothing in this division shall be construed to limit 789

the right of any party to call as a witness the person who 790  
administered the test to which the records pertain, the person 791  
under whose supervision the test was administered, the custodian 792  
of the records, the person who made the records, or the person 793  
under whose supervision the records were made. 794

(3) (a) If the testimonial privilege described in division 795  
(B) (1) of this section does not apply as provided in division 796  
(B) (1) (a) (iii) of this section, a physician, advanced practice 797  
registered nurse, or dentist may be compelled to testify or to 798  
submit to discovery under the Rules of Civil Procedure only as 799  
to a communication made to the physician, advanced practice 800  
registered nurse, or dentist by the patient in question in that 801  
relation, or the advice of the physician, advanced practice 802  
registered nurse, or dentist given to the patient in question, 803  
that related causally or historically to physical or mental 804  
injuries that are relevant to issues in the medical claim, 805  
dental claim, chiropractic claim, or optometric claim, action 806  
for wrongful death, other civil action, or claim under Chapter 807  
4123. of the Revised Code. 808

(b) If the testimonial privilege described in division (B) 809  
(1) of this section does not apply to a physician, advanced 810  
practice registered nurse, or dentist as provided in division 811  
(B) (1) (c) of this section, the physician, advanced practice 812  
registered nurse, or dentist, in lieu of personally testifying 813  
as to the results of the test in question, may submit a 814  
certified copy of those results, and, upon its submission, the 815  
certified copy is qualified as authentic evidence and may be 816  
admitted as evidence in accordance with the Rules of Evidence. 817  
Division (A) of section 2317.422 of the Revised Code does not 818  
apply to any certified copy of results submitted in accordance 819  
with this division. Nothing in this division shall be construed 820

to limit the right of any party to call as a witness the person 821  
who administered the test in question, the person under whose 822  
supervision the test was administered, the custodian of the 823  
results of the test, the person who compiled the results, or the 824  
person under whose supervision the results were compiled. 825

(4) The testimonial privilege described in division (B)(1) 826  
of this section is not waived when a communication is made by a 827  
physician or advanced practice registered nurse to a pharmacist 828  
or when there is communication between a patient and a 829  
pharmacist in furtherance of the physician-patient or advanced 830  
practice registered nurse-patient relation. 831

(5) (a) As used in divisions (B)(1) to (4) of this section, 832  
"communication" means acquiring, recording, or transmitting any 833  
information, in any manner, concerning any facts, opinions, or 834  
statements necessary to enable a physician, advanced practice 835  
registered nurse, or dentist to diagnose, treat, prescribe, or 836  
act for a patient. A "communication" may include, but is not 837  
limited to, any medical or dental, office, or hospital 838  
communication such as a record, chart, letter, memorandum, 839  
laboratory test and results, x-ray, photograph, financial 840  
statement, diagnosis, or prognosis. 841

(b) As used in division (B)(2) of this section, "health 842  
care provider" means a hospital, ambulatory care facility, long- 843  
term care facility, pharmacy, emergency facility, or health care 844  
practitioner. 845

(c) As used in division (B)(5)(b) of this section: 846

(i) "Ambulatory care facility" means a facility that 847  
provides medical, diagnostic, or surgical treatment to patients 848  
who do not require hospitalization, including a dialysis center, 849

ambulatory surgical facility, cardiac catheterization facility, 850  
diagnostic imaging center, extracorporeal shock wave lithotripsy 851  
center, home health agency, inpatient hospice, birthing center, 852  
radiation therapy center, emergency facility, and an urgent care 853  
center. "Ambulatory health care facility" does not include the 854  
private office of a physician, advanced practice registered 855  
nurse, or dentist, whether the office is for an individual or 856  
group practice. 857

(ii) "Emergency facility" means a hospital emergency 858  
department or any other facility that provides emergency medical 859  
services. 860

(iii) "Health care practitioner" has the same meaning as 861  
in section 4769.01 of the Revised Code. 862

(iv) "Hospital" has the same meaning as in section 3727.01 863  
of the Revised Code. 864

(v) "Long-term care facility" means a nursing home, 865  
residential care facility, or home for the aging, as those terms 866  
are defined in section 3721.01 of the Revised Code; a 867  
residential facility licensed under section 5119.34 of the 868  
Revised Code that provides accommodations, supervision, and 869  
personal care services for three to sixteen unrelated adults; a 870  
nursing facility, as defined in section 5165.01 of the Revised 871  
Code; a skilled nursing facility, as defined in section 5165.01 872  
of the Revised Code; and an intermediate care facility for 873  
individuals with intellectual disabilities, as defined in 874  
section 5124.01 of the Revised Code. 875

(vi) "Pharmacy" has the same meaning as in section 4729.01 876  
of the Revised Code. 877

(d) As used in divisions (B) (1) and (2) of this section, 878

"drug of abuse" has the same meaning as in section 4506.01 of 879  
the Revised Code. 880

(6) Divisions (B)(1), (2), (3), (4), and (5) of this 881  
section apply to doctors of medicine, doctors of osteopathic 882  
medicine, doctors of podiatry, advanced practice registered 883  
nurses, and dentists. 884

(7) Nothing in divisions (B)(1) to (6) of this section 885  
affects, or shall be construed as affecting, the immunity from 886  
civil liability conferred by section 307.628 of the Revised Code 887  
or the immunity from civil liability conferred by section 888  
2305.33 of the Revised Code upon physicians or advanced practice 889  
registered nurses who report an employee's use of a drug of 890  
abuse, or a condition of an employee other than one involving 891  
the use of a drug of abuse, to the employer of the employee in 892  
accordance with division (B) of that section. As used in 893  
division (B)(7) of this section, "employee," "employer," and 894  
"physician" have the same meanings as in section 2305.33 of the 895  
Revised Code and "advanced practice registered nurse" has the 896  
same meaning as in section 4723.01 of the Revised Code. 897

(C)(1) A cleric, when the cleric remains accountable to 898  
the authority of that cleric's church, denomination, or sect, 899  
concerning a confession made, or any information confidentially 900  
communicated, to the cleric for a religious counseling purpose 901  
in the cleric's professional character. The cleric may testify 902  
by express consent of the person making the communication, 903  
except when the disclosure of the information is in violation of 904  
a sacred trust and except that, if the person voluntarily 905  
testifies or is deemed by division (A)(4)(c) of section 2151.421 906  
of the Revised Code to have waived any testimonial privilege 907  
under this division, the cleric may be compelled to testify on 908

the same subject except when disclosure of the information is in 909  
violation of a sacred trust. 910

(2) As used in division (C) of this section: 911

(a) "Cleric" means a member of the clergy, rabbi, priest, 912  
Christian Science practitioner, or regularly ordained, 913  
accredited, or licensed minister of an established and legally 914  
cognizable church, denomination, or sect. 915

(b) "Sacred trust" means a confession or confidential 916  
communication made to a cleric in the cleric's ecclesiastical 917  
capacity in the course of discipline enjoined by the church to 918  
which the cleric belongs, including, but not limited to, the 919  
Catholic Church, if both of the following apply: 920

(i) The confession or confidential communication was made 921  
directly to the cleric. 922

(ii) The confession or confidential communication was made 923  
in the manner and context that places the cleric specifically 924  
and strictly under a level of confidentiality that is considered 925  
inviolable by canon law or church doctrine. 926

(D) Husband or wife, concerning any communication made by 927  
one to the other, or an act done by either in the presence of 928  
the other, during coverture, unless the communication was made, 929  
or act done, in the known presence or hearing of a third person 930  
competent to be a witness; and such rule is the same if the 931  
marital relation has ceased to exist; 932

(E) A person who assigns a claim or interest, concerning 933  
any matter in respect to which the person would not, if a party, 934  
be permitted to testify; 935

(F) A person who, if a party, would be restricted under 936

section 2317.03 of the Revised Code, when the property or thing 937  
is sold or transferred by an executor, administrator, guardian, 938  
trustee, heir, devisee, or legatee, shall be restricted in the 939  
same manner in any action or proceeding concerning the property 940  
or thing. 941

(G) (1) A school guidance counselor who holds a valid 942  
educator license from the state board of education as provided 943  
for in section 3319.22 of the Revised Code, a person licensed 944  
under Chapter 4757. of the Revised Code as a licensed 945  
professional clinical counselor, licensed professional 946  
counselor, social worker, independent social worker, marriage 947  
and family therapist or independent marriage and family 948  
therapist, or registered under Chapter 4757. of the Revised Code 949  
as a social work assistant concerning a confidential 950  
communication received from a client in that relation or the 951  
person's advice to a client unless any of the following applies: 952

(a) The communication or advice indicates clear and 953  
present danger to the client or other persons. For the purposes 954  
of this division, cases in which there are indications of 955  
present or past child abuse or neglect of the client constitute 956  
a clear and present danger. 957

(b) The client gives express consent to the testimony. 958

(c) If the client is deceased, the surviving spouse or the 959  
executor or administrator of the estate of the deceased client 960  
gives express consent. 961

(d) The client voluntarily testifies, in which case the 962  
school guidance counselor or person licensed or registered under 963  
Chapter 4757. of the Revised Code may be compelled to testify on 964  
the same subject. 965

(e) The court in camera determines that the information 966  
communicated by the client is not germane to the counselor- 967  
client, marriage and family therapist-client, or social worker- 968  
client relationship. 969

(f) A court, in an action brought against a school, its 970  
administration, or any of its personnel by the client, rules 971  
after an in-camera inspection that the testimony of the school 972  
guidance counselor is relevant to that action. 973

(g) The testimony is sought in a civil action and concerns 974  
court-ordered treatment or services received by a patient as 975  
part of a case plan journalized under section 2151.412 of the 976  
Revised Code or the court-ordered treatment or services are 977  
necessary or relevant to dependency, neglect, or abuse or 978  
temporary or permanent custody proceedings under Chapter 2151. 979  
of the Revised Code. 980

(2) Nothing in division (G)(1) of this section shall 981  
relieve a school guidance counselor or a person licensed or 982  
registered under Chapter 4757. of the Revised Code from the 983  
requirement to report information concerning child abuse or 984  
neglect under section 2151.421 of the Revised Code. 985

(H) A mediator acting under a mediation order issued under 986  
division (A) of section 3109.052 of the Revised Code or 987  
otherwise issued in any proceeding for divorce, dissolution, 988  
legal separation, annulment, or the allocation of parental 989  
rights and responsibilities for the care of children, in any 990  
action or proceeding, other than a criminal, delinquency, child 991  
abuse, child neglect, or dependent child action or proceeding, 992  
that is brought by or against either parent who takes part in 993  
mediation in accordance with the order and that pertains to the 994  
mediation process, to any information discussed or presented in 995

the mediation process, to the allocation of parental rights and 996  
responsibilities for the care of the parents' children, or to 997  
the awarding of parenting time rights in relation to their 998  
children; 999

(I) A communications assistant, acting within the scope of 1000  
the communication assistant's authority, when providing 1001  
telecommunications relay service pursuant to section 4931.06 of 1002  
the Revised Code or Title II of the "Communications Act of 1003  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1004  
communication made through a telecommunications relay service. 1005  
Nothing in this section shall limit the obligation of a 1006  
communications assistant to divulge information or testify when 1007  
mandated by federal law or regulation or pursuant to subpoena in 1008  
a criminal proceeding. 1009

Nothing in this section shall limit any immunity or 1010  
privilege granted under federal law or regulation. 1011

(J) (1) A chiropractor in a civil proceeding concerning a 1012  
communication made to the chiropractor by a patient in that 1013  
relation or the chiropractor's advice to a patient, except as 1014  
otherwise provided in this division. The testimonial privilege 1015  
established under this division does not apply, and a 1016  
chiropractor may testify or may be compelled to testify, in any 1017  
civil action, in accordance with the discovery provisions of the 1018  
Rules of Civil Procedure in connection with a civil action, or 1019  
in connection with a claim under Chapter 4123. of the Revised 1020  
Code, under any of the following circumstances: 1021

(a) If the patient or the guardian or other legal 1022  
representative of the patient gives express consent. 1023

(b) If the patient is deceased, the spouse of the patient 1024

or the executor or administrator of the patient's estate gives 1025  
express consent. 1026

(c) If a medical claim, dental claim, chiropractic claim, 1027  
or optometric claim, as defined in section 2305.113 of the 1028  
Revised Code, an action for wrongful death, any other type of 1029  
civil action, or a claim under Chapter 4123. of the Revised Code 1030  
is filed by the patient, the personal representative of the 1031  
estate of the patient if deceased, or the patient's guardian or 1032  
other legal representative. 1033

(2) If the testimonial privilege described in division (J) 1034  
(1) of this section does not apply as provided in division (J) 1035  
(1)(c) of this section, a chiropractor may be compelled to 1036  
testify or to submit to discovery under the Rules of Civil 1037  
Procedure only as to a communication made to the chiropractor by 1038  
the patient in question in that relation, or the chiropractor's 1039  
advice to the patient in question, that related causally or 1040  
historically to physical or mental injuries that are relevant to 1041  
issues in the medical claim, dental claim, chiropractic claim, 1042  
or optometric claim, action for wrongful death, other civil 1043  
action, or claim under Chapter 4123. of the Revised Code. 1044

(3) The testimonial privilege established under this 1045  
division does not apply, and a chiropractor may testify or be 1046  
compelled to testify, in any criminal action or administrative 1047  
proceeding. 1048

(4) As used in this division, "communication" means 1049  
acquiring, recording, or transmitting any information, in any 1050  
manner, concerning any facts, opinions, or statements necessary 1051  
to enable a chiropractor to diagnose, treat, or act for a 1052  
patient. A communication may include, but is not limited to, any 1053  
chiropractic, office, or hospital communication such as a 1054

record, chart, letter, memorandum, laboratory test and results, 1055  
x-ray, photograph, financial statement, diagnosis, or prognosis. 1056

(K) (1) Except as provided under division (K) (2) of this 1057  
section, a critical incident stress management team member 1058  
concerning a communication received from an individual who 1059  
receives crisis response services from the team member, or the 1060  
team member's advice to the individual, during a debriefing 1061  
session. 1062

(2) The testimonial privilege established under division 1063  
(K) (1) of this section does not apply if any of the following 1064  
are true: 1065

(a) The communication or advice indicates clear and 1066  
present danger to the individual who receives crisis response 1067  
services or to other persons. For purposes of this division, 1068  
cases in which there are indications of present or past child 1069  
abuse or neglect of the individual constitute a clear and 1070  
present danger. 1071

(b) The individual who received crisis response services 1072  
gives express consent to the testimony. 1073

(c) If the individual who received crisis response 1074  
services is deceased, the surviving spouse or the executor or 1075  
administrator of the estate of the deceased individual gives 1076  
express consent. 1077

(d) The individual who received crisis response services 1078  
voluntarily testifies, in which case the team member may be 1079  
compelled to testify on the same subject. 1080

(e) The court in camera determines that the information 1081  
communicated by the individual who received crisis response 1082  
services is not germane to the relationship between the 1083

individual and the team member. 1084

(f) The communication or advice pertains or is related to 1085  
any criminal act. 1086

(3) As used in division (K) of this section: 1087

(a) "Crisis response services" means consultation, risk 1088  
assessment, referral, and on-site crisis intervention services 1089  
provided by a critical incident stress management team to 1090  
individuals affected by crisis or disaster. 1091

(b) "Critical incident stress management team member" or 1092  
"team member" means an individual specially trained to provide 1093  
crisis response services as a member of an organized community 1094  
or local crisis response team that holds membership in the Ohio 1095  
critical incident stress management network. 1096

(c) "Debriefing session" means a session at which crisis 1097  
response services are rendered by a critical incident stress 1098  
management team member during or after a crisis or disaster. 1099

(L) (1) Subject to division (L) (2) of this section and 1100  
except as provided in division (L) (3) of this section, an 1101  
employee assistance professional, concerning a communication 1102  
made to the employee assistance professional by a client in the 1103  
employee assistance professional's official capacity as an 1104  
employee assistance professional. 1105

(2) Division (L) (1) of this section applies to an employee 1106  
assistance professional who meets either or both of the 1107  
following requirements: 1108

(a) Is certified by the employee assistance certification 1109  
commission to engage in the employee assistance profession; 1110

(b) Has education, training, and experience in all of the 1111

following: 1112

(i) Providing workplace-based services designed to address 1113  
employer and employee productivity issues; 1114

(ii) Providing assistance to employees and employees' 1115  
dependents in identifying and finding the means to resolve 1116  
personal problems that affect the employees or the employees' 1117  
performance; 1118

(iii) Identifying and resolving productivity problems 1119  
associated with an employee's concerns about any of the 1120  
following matters: health, marriage, family, finances, substance 1121  
abuse or other addiction, workplace, law, and emotional issues; 1122

(iv) Selecting and evaluating available community 1123  
resources; 1124

(v) Making appropriate referrals; 1125

(vi) Local and national employee assistance agreements; 1126

(vii) Client confidentiality. 1127

(3) Division (L)(1) of this section does not apply to any 1128  
of the following: 1129

(a) A criminal action or proceeding involving an offense 1130  
under sections 2903.01 to 2903.06 of the Revised Code if the 1131  
employee assistance professional's disclosure or testimony 1132  
relates directly to the facts or immediate circumstances of the 1133  
offense; 1134

(b) A communication made by a client to an employee 1135  
assistance professional that reveals the contemplation or 1136  
commission of a crime or serious, harmful act; 1137

(c) A communication that is made by a client who is an 1138

unemancipated minor or an adult adjudicated to be incompetent 1139  
and indicates that the client was the victim of a crime or 1140  
abuse; 1141

(d) A civil proceeding to determine an individual's mental 1142  
competency or a criminal action in which a plea of not guilty by 1143  
reason of insanity is entered; 1144

(e) A civil or criminal malpractice action brought against 1145  
the employee assistance professional; 1146

(f) When the employee assistance professional has the 1147  
express consent of the client or, if the client is deceased or 1148  
disabled, the client's legal representative; 1149

(g) When the testimonial privilege otherwise provided by 1150  
division (L)(1) of this section is abrogated under law. 1151

**Sec. 2317.022.** (A) As used in this section: 1152

(1) "Health care provider" has the same meaning as in 1153  
section 2317.02 of the Revised Code, and with respect to the 1154  
making of a request under this section for records under 1155  
division (C)(1) of section 5119.94 of the Revised Code or 1156  
division (A)(15) of section 5122.31 of the Revised Code, also 1157  
includes any hospital, board of alcohol, drug addiction, and 1158  
mental health services, or community mental health services 1159  
provider to which section 5119.94 or 5122.31 of the Revised Code 1160  
applies. 1161

(2) "Drug of abuse" has the same meaning as in section 1162  
4506.01 of the Revised Code. 1163

(B) If an official criminal investigation has begun 1164  
regarding a person ~~or~~, if a criminal action or proceeding is 1165  
commenced against a person, if proceedings for determining 1166

whether to order a person allegedly suffering from alcohol or 1167  
other drug abuse to undergo treatment have been commenced or are 1168  
about to be commenced regarding the person under sections 1169  
5119.90 to 5119.99 of the Revised Code, or if proceedings for 1170  
involuntary commitment or hospitalization of a person have been 1171  
commenced or are about to be commenced under sections 5122.05 to 1172  
5122.15 of the Revised Code, any law enforcement officer who 1173  
wishes to obtain from any health care provider a copy of any 1174  
records the provider possesses that pertain to any test or the 1175  
result of any test administered to the person to determine the 1176  
presence or concentration of alcohol, a drug of abuse, or 1177  
alcohol and a drug of abuse in the person's blood, breath, or 1178  
urine at any time relevant to the criminal offense in question, 1179  
to certain conduct regarding the basis of the possible ordering 1180  
of treatment of the person in question, or to certain conduct 1181  
regarding the basis of the possible involuntary commitment or 1182  
hospitalization of the person in question shall submit to the 1183  
health care facility a written statement in the following form: 1184

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 1185

To: ..... (insert name of the health care 1186  
provider in question). 1187

I hereby state that an official criminal investigation has 1188  
begun regarding, ~~or~~ a criminal action or proceeding has been 1189  
commenced against, proceedings for determining whether to order 1190  
a person allegedly suffering from alcohol or other drug abuse to 1191  
undergo treatment have been commenced or are about to be 1192  
commenced under sections 5119.90 to 5119.99 of the Revised Code 1193  
against, or proceedings for involuntary commitment or 1194  
hospitalization have been commenced or are about to be commenced 1195  
under sections 5122.05 to 5122.15 of the Revised Code 1196

against ..... (insert the name of the person in 1197  
question), and that I believe that one or more tests has been 1198  
administered to that person by this health care provider to 1199  
determine the presence or concentration of alcohol, a drug of 1200  
abuse, a combination of them, a controlled substance, or a 1201  
metabolite of a controlled substance in that person's whole 1202  
blood, blood serum or plasma, breath, or urine at a time 1203  
relevant to the criminal offense in question, to conduct 1204  
regarding the basis of the possible ordering of treatment of the 1205  
person in question, or to conduct regarding the basis of the 1206  
possible involuntary commitment or hospitalization of the person 1207  
in question. Therefore, I hereby request that, pursuant to 1208  
division (B) (2) of section 2317.02 of the Revised Code, division 1209  
(C) (1) of section 5119.94 of the Revised Code, or division (A) 1210  
(15) of section 5122.31 of the Revised Code, this health care 1211  
provider supply me with copies of any records the provider 1212  
possesses that pertain to any test or the results of any test 1213  
administered to the person specified above to determine the 1214  
presence or concentration of alcohol, a drug of abuse, a 1215  
combination of them, a controlled substance, or a metabolite of 1216  
a controlled substance in that person's whole blood, blood serum 1217  
or plasma, breath, or urine at any time relevant to the criminal 1218  
offense in question, to conduct regarding the basis of the 1219  
possible ordering of treatment of the person in question, or to 1220  
conduct regarding the basis of the possible involuntary 1221  
commitment or hospitalization of the person in question. 1222  
..... 1223  
(Name of officer) 1224  
..... 1225  
(Officer's title) 1226

..... 1227

(Officer's employing agency) 1228

..... 1229

(Officer's telephone number) 1230

..... 1231

..... 1232

..... 1233

(Agency's address) 1234

..... 1235

(Date written statement submitted)" 1236

(C) A health care provider that receives a written 1237

statement of the type described in division (B) of this section 1238

shall comply with division (B) (2) of section 2317.02 of the 1239

Revised Code, division (C) (1) of section 5119.94 of the Revised 1240

Code, or division (A) (15) of section 5122.31 of the Revised 1241

Code, whichever is applicable, relative to the written 1242

statement. 1243

**Sec. 2317.422.** (A) Notwithstanding sections 2317.40 and 1244

2317.41 of the Revised Code but subject to division (B) of this 1245

section, the records, or copies or photographs of the records, 1246

of a hospital, homes required to be licensed pursuant to section 1247

3721.01 of the Revised Code, and residential facilities licensed 1248

pursuant to section 5119.34 of the Revised Code that provides 1249

accommodations, supervision, and personal care services for 1250

three to sixteen unrelated adults, in lieu of the testimony in 1251

open court of their custodian, person who made them, or person 1252

under whose supervision they were made, may be qualified as 1253

authentic evidence if any such person endorses thereon the 1254  
person's verified certification identifying such records, giving 1255  
the mode and time of their preparation, and stating that they 1256  
were prepared in the usual course of the business of the 1257  
institution. Such records, copies, or photographs may not be 1258  
qualified by certification as provided in this section unless 1259  
the party intending to offer them delivers a copy of them, or of 1260  
their relevant portions, to the attorney of record for each 1261  
adverse party not less than five days before trial. Nothing in 1262  
this section shall be construed to limit the right of any party 1263  
to call the custodian, person who made such records, or person 1264  
under whose supervision they were made, as a witness. 1265

(B) Division (A) of this section does not apply to any 1266  
certified copy of the results of any test given to determine the 1267  
presence or concentration of alcohol, a drug of abuse, a 1268  
combination of them, a controlled substance, or a metabolite of 1269  
a controlled substance in a patient's whole blood, blood serum 1270  
or plasma, breath, or urine at any time relevant to ~~a~~any of the 1271  
following: 1272

(1) A criminal offense that is submitted in a criminal 1273  
action or proceeding in accordance with division (B) (2) (b) or 1274  
(B) (3) (b) of section 2317.02 of the Revised Code; 1275

(2) Conduct regarding the basis of a possible order 1276  
requiring treatment for a person allegedly suffering from 1277  
alcohol or other drug abuse when proceedings for such treatment 1278  
have been commenced or are about to be commenced regarding the 1279  
person under sections 5119.90 to 5119.99 of the Revised Code, in 1280  
accordance with division (B) (2) (b) of section 2317.02 of the 1281  
Revised Code; 1282

(3) Conduct regarding the basis of a possible involuntary 1283

commitment or hospitalization of a person when proceedings for 1284  
involuntary commitment or hospitalization have been commenced or 1285  
are about to be commenced against the person under sections 1286  
5122.05 to 5122.15 of the Revised Code, in accordance with 1287  
division (B) (2) (b) of section 2317.02 of the Revised Code. 1288

**Sec. 2903.213.** (A) Except when the complaint involves a 1289  
person who is a family or household member as defined in section 1290  
2919.25 of the Revised Code, upon the filing of a complaint that 1291  
alleges a violation of section 2903.11, 2903.12, 2903.13, 1292  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 1293  
violation of a municipal ordinance substantially similar to 1294  
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 1295  
Revised Code, or the commission of a sexually oriented offense, 1296  
the complainant, the alleged victim, or a family or household 1297  
member of an alleged victim may file a motion that requests the 1298  
issuance of a protection order as a pretrial condition of 1299  
release of the alleged offender, in addition to any bail set 1300  
under Criminal Rule 46. The motion shall be filed with the clerk 1301  
of the court that has jurisdiction of the case at any time after 1302  
the filing of the complaint. If the complaint involves a person 1303  
who is a family or household member, the complainant, the 1304  
alleged victim, or the family or household member may file a 1305  
motion for a temporary protection order pursuant to section 1306  
2919.26 of the Revised Code. 1307

(B) A motion for a protection order under this section 1308  
shall be prepared on a form that is provided by the clerk of the 1309  
court, and the form shall be substantially as follows: 1310

"Motion for Protection Order 1311

..... Name and address of court 1312

State of Ohio 1313

..... 1314

Name of Defendant 1315

A complaint, a copy of which has been attached to this 1316  
motion, has been filed in this court charging the named 1317  
defendant with a violation of section 2903.11, 2903.12, 2903.13, 1318  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 1319  
violation of a municipal ordinance substantially similar to 1320  
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 1321  
Revised Code, or the commission of a sexually oriented offense. 1322

I understand that I must appear before the court, at a 1323  
time set by the court not later than the next day that the court 1324  
is in session after the filing of this motion, for a hearing on 1325  
the motion, and that any protection order granted pursuant to 1326  
this motion is a pretrial condition of release and is effective 1327  
only until the disposition of the criminal proceeding arising 1328  
out of the attached complaint or until the issuance under 1329  
section 2903.214 of the Revised Code of a protection order 1330  
arising out of the same activities as those that were the basis 1331  
of the attached complaint. 1332

..... Signature of person 1333

.....Address of person" 1334

(C) (1) As soon as possible after the filing of a motion 1335  
that requests the issuance of a protection order under this 1336  
section, but not later than the next day that the court is in 1337  
session after the filing of the motion, the court shall conduct 1338  
a hearing to determine whether to issue the order. The person 1339  
who requested the order shall appear before the court and 1340  
provide the court with the information that it requests 1341

concerning the basis of the motion. If the court finds that the  
safety and protection of the complainant or the alleged victim  
may be impaired by the continued presence of the alleged  
offender, the court may issue a protection order under this  
section, as a pretrial condition of release, that contains terms  
designed to ensure the safety and protection of the complainant  
or the alleged victim, including a requirement that the alleged  
offender refrain from entering the residence, school, business,  
or place of employment of the complainant or the alleged victim.  
The court may include within a protection order issued under  
this section a term requiring that the alleged offender not  
remove, damage, hide, harm, or dispose of any companion animal  
owned or possessed by the complainant or the alleged victim, and  
may include within the order a term authorizing the complainant  
or the alleged victim to remove a companion animal owned by the  
complainant or the alleged victim from the possession of the  
alleged offender.

(2) (a) If the court issues a protection order under this  
section that includes a requirement that the alleged offender  
refrain from entering the residence, school, business, or place  
of employment of the complainant or the alleged victim, the  
order shall clearly state that the order cannot be waived or  
nullified by an invitation to the alleged offender from the  
complainant, the alleged victim, or a family or household member  
to enter the residence, school, business, or place of employment  
or by the alleged offender's entry into one of those places  
otherwise upon the consent of the complainant, the alleged  
victim, or a family or household member.

(b) Division (C) (2) (a) of this section does not limit any  
discretion of a court to determine that an alleged offender  
charged with a violation of section 2919.27 of the Revised Code,

with a violation of a municipal ordinance substantially 1373  
equivalent to that section, or with contempt of court, which 1374  
charge is based on an alleged violation of a protection order 1375  
issued under this section, did not commit the violation or was 1376  
not in contempt of court. 1377

(D) (1) Except when the complaint involves a person who is 1378  
a family or household member as defined in section 2919.25 of 1379  
the Revised Code, upon the filing of a complaint that alleges a 1380  
violation specified in division (A) of this section, the court, 1381  
upon its own motion, may issue a protection order under this 1382  
section as a pretrial condition of release of the alleged 1383  
offender if it finds that the safety and protection of the 1384  
complainant or the alleged victim may be impaired by the 1385  
continued presence of the alleged offender. 1386

(2) If the court issues a protection order under this 1387  
section as an ex parte order, it shall conduct, as soon as 1388  
possible after the issuance of the order but not later than the 1389  
next day that the court is in session after its issuance, a 1390  
hearing to determine whether the order should remain in effect, 1391  
be modified, or be revoked. The hearing shall be conducted under 1392  
the standards set forth in division (C) of this section. 1393

(3) If a municipal court or a county court issues a 1394  
protection order under this section and if, subsequent to the 1395  
issuance of the order, the alleged offender who is the subject 1396  
of the order is bound over to the court of common pleas for 1397  
prosecution of a felony arising out of the same activities as 1398  
those that were the basis of the complaint upon which the order 1399  
is based, notwithstanding the fact that the order was issued by 1400  
a municipal court or county court, the order shall remain in 1401  
effect, as though it were an order of the court of common pleas, 1402

while the charges against the alleged offender are pending in 1403  
the court of common pleas, for the period of time described in 1404  
division (E) (2) of this section, and the court of common pleas 1405  
has exclusive jurisdiction to modify the order issued by the 1406  
municipal court or county court. This division applies when the 1407  
alleged offender is bound over to the court of common pleas as a 1408  
result of the person waiving a preliminary hearing on the felony 1409  
charge, as a result of the municipal court or county court 1410  
having determined at a preliminary hearing that there is 1411  
probable cause to believe that the felony has been committed and 1412  
that the alleged offender committed it, as a result of the 1413  
alleged offender having been indicted for the felony, or in any 1414  
other manner. 1415

(E) A protection order that is issued as a pretrial 1416  
condition of release under this section: 1417

(1) Is in addition to, but shall not be construed as a 1418  
part of, any bail set under Criminal Rule 46; 1419

(2) Is effective only until the disposition, by the court 1420  
that issued the order or, in the circumstances described in 1421  
division (D) (3) of this section, by the court of common pleas to 1422  
which the alleged offender is bound over for prosecution, of the 1423  
criminal proceeding arising out of the complaint upon which the 1424  
order is based or until the issuance under section 2903.214 of 1425  
the Revised Code of a protection order arising out of the same 1426  
activities as those that were the basis of the complaint filed 1427  
under this section; 1428

(3) Shall not be construed as a finding that the alleged 1429  
offender committed the alleged offense and shall not be 1430  
introduced as evidence of the commission of the offense at the 1431  
trial of the alleged offender on the complaint upon which the 1432

order is based. 1433

(F) A person who meets the criteria for bail under 1434  
Criminal Rule 46 and who, if required to do so pursuant to that 1435  
rule, executes or posts bond or deposits cash or securities as 1436  
bail, shall not be held in custody pending a hearing before the 1437  
court on a motion requesting a protection order under this 1438  
section. 1439

(G) (1) A copy of a protection order that is issued under 1440  
this section shall be issued by the court to the complainant, to 1441  
the alleged victim, to the person who requested the order, to 1442  
the defendant, and to all law enforcement agencies that have 1443  
jurisdiction to enforce the order. The protection order shall be 1444  
in a form that ensures that the protection order is accepted 1445  
into the protection order database of the national crime 1446  
information center (NCIC) maintained by the federal bureau of 1447  
investigation. The court shall direct that a copy of the order 1448  
be delivered to the defendant on the same day that the order is 1449  
entered. If a municipal court or a county court issues a 1450  
protection order under this section and if, subsequent to the 1451  
issuance of the order, the defendant who is the subject of the 1452  
order is bound over to the court of common pleas for prosecution 1453  
as described in division (D) (3) of this section, the municipal 1454  
court or county court shall direct that a copy of the order be 1455  
delivered to the court of common pleas to which the defendant is 1456  
bound over. If the court that issued the order, or the court of 1457  
common pleas if the defendant is bound over to that court for 1458  
prosecution, terminates or cancels the order, the court shall 1459  
cause the delivery of notice of the termination or cancellation 1460  
to the same persons and entities that were issued or delivered a 1461  
copy of the order. 1462

The court that issued the order shall cause each 1463  
protection order issued pursuant to this section to be entered 1464  
into the law enforcement automated data system created by 1465  
section 5503.10 of the Revised Code, and known as LEADS, by the 1466  
close of the next business day after the day on which the court 1467  
issues the order. Upon the termination or cancellation of the 1468  
order, the court that issued the order, or the court of common 1469  
pleas if the defendant is bound over to that court for 1470  
prosecution, shall take all steps necessary to ensure that the 1471  
order is removed from the LEADS database by the close of the 1472  
next business day after the day on which the termination or 1473  
cancellation of the order occurred and shall ensure that the 1474  
order is terminated, cleared, or canceled in the protection 1475  
order database of the national crime information center (NCIC) 1476  
maintained by the federal bureau of investigation. 1477

(2) All law enforcement agencies shall establish and 1478  
maintain an index for the protection orders delivered to the 1479  
agencies pursuant to division (G) (1) of this section. With 1480  
respect to each order delivered, each agency shall note on the 1481  
index the date and time of the agency's receipt of the order. 1482

(3) Regardless of whether the petitioner has registered 1483  
the protection order in the county in which the officer's agency 1484  
has jurisdiction, any officer of a law enforcement agency shall 1485  
enforce a protection order issued pursuant to this section in 1486  
accordance with the provisions of the order. 1487

(H) Upon a violation of a protection order issued pursuant 1488  
to this section, the court may issue another protection order 1489  
under this section, as a pretrial condition of release, that 1490  
modifies the terms of the order that was violated. 1491

(I) (1) Subject to division (I) (2) of this section and 1492

regardless of whether a protection order is issued or a consent 1493  
agreement is approved by a court of another county or by a court 1494  
of another state, no court or unit of state or local government 1495  
shall charge the movant any fee, cost, deposit, or money in 1496  
connection with the filing of a motion pursuant to this section, 1497  
in connection with the filing, issuance, registration, 1498  
modification, enforcement, dismissal, withdrawal, or service of 1499  
a protection order, consent agreement, or witness subpoena or 1500  
for obtaining certified copies of a protection order or consent 1501  
agreement. 1502

(2) Regardless of whether a protection order is issued or 1503  
a consent agreement is approved pursuant to this section, if the 1504  
defendant is convicted the court may assess costs against the 1505  
defendant in connection with the filing, issuance, registration, 1506  
modification, enforcement, dismissal, withdrawal, or service of 1507  
a protection order, consent agreement, or witness subpoena or 1508  
for obtaining a certified copy of a protection order or consent 1509  
agreement. 1510

(J) As used in this section: 1511

(1) "Sexually oriented offense" has the same meaning as in 1512  
section 2950.01 of the Revised Code. 1513

(2) "Companion animal" has the same meaning as in section 1514  
959.131 of the Revised Code. 1515

**Sec. 2903.214.** (A) As used in this section: 1516

(1) "Court" means the court of common pleas of the county 1517  
in which the person to be protected by the protection order 1518  
resides. 1519

(2) "Victim advocate" means a person who provides support 1520  
and assistance for a person who files a petition under this 1521

section. 1522

(3) "Family or household member" has the same meaning as 1523  
in section 3113.31 of the Revised Code. 1524

(4) "Protection order issued by a court of another state" 1525  
has the same meaning as in section 2919.27 of the Revised Code. 1526

(5) "Sexually oriented offense" has the same meaning as in 1527  
section 2950.01 of the Revised Code. 1528

(6) "Electronic monitoring" has the same meaning as in 1529  
section 2929.01 of the Revised Code. 1530

(7) "Companion animal" has the same meaning as in section 1531  
959.131 of the Revised Code. 1532

(B) The court has jurisdiction over all proceedings under 1533  
this section. 1534

(C) A person may seek relief under this section for the 1535  
person, or any parent or adult household member may seek relief 1536  
under this section on behalf of any other family or household 1537  
member, by filing a petition with the court. The petition shall 1538  
contain or state all of the following: 1539

(1) An allegation that the respondent is eighteen years of 1540  
age or older and engaged in a violation of section 2903.211 of 1541  
the Revised Code against the person to be protected by the 1542  
protection order or committed a sexually oriented offense 1543  
against the person to be protected by the protection order, 1544  
including a description of the nature and extent of the 1545  
violation; 1546

(2) If the petitioner seeks relief in the form of 1547  
electronic monitoring of the respondent, an allegation that at 1548  
any time preceding the filing of the petition the respondent 1549

engaged in conduct that would cause a reasonable person to 1550  
believe that the health, welfare, or safety of the person to be 1551  
protected was at risk, a description of the nature and extent of 1552  
that conduct, and an allegation that the respondent presents a 1553  
continuing danger to the person to be protected; 1554

(3) A request for relief under this section. 1555

(D) (1) If a person who files a petition pursuant to this 1556  
section requests an ex parte order, the court shall hold an ex 1557  
parte hearing as soon as possible after the petition is filed, 1558  
but not later than the next day that the court is in session 1559  
after the petition is filed. The court, for good cause shown at 1560  
the ex parte hearing, may enter any temporary orders, with or 1561  
without bond, that the court finds necessary for the safety and 1562  
protection of the person to be protected by the order. Immediate 1563  
and present danger to the person to be protected by the 1564  
protection order constitutes good cause for purposes of this 1565  
section. Immediate and present danger includes, but is not 1566  
limited to, situations in which the respondent has threatened 1567  
the person to be protected by the protection order with bodily 1568  
harm or in which the respondent previously has been convicted of 1569  
or pleaded guilty to a violation of section 2903.211 of the 1570  
Revised Code or a sexually oriented offense against the person 1571  
to be protected by the protection order. 1572

(2) (a) If the court, after an ex parte hearing, issues a 1573  
protection order described in division (E) of this section, the 1574  
court shall schedule a full hearing for a date that is within 1575  
ten court days after the ex parte hearing. The court shall give 1576  
the respondent notice of, and an opportunity to be heard at, the 1577  
full hearing. The court shall hold the full hearing on the date 1578  
scheduled under this division unless the court grants a 1579

continuance of the hearing in accordance with this division. 1580  
Under any of the following circumstances or for any of the 1581  
following reasons, the court may grant a continuance of the full 1582  
hearing to a reasonable time determined by the court: 1583

(i) Prior to the date scheduled for the full hearing under 1584  
this division, the respondent has not been served with the 1585  
petition filed pursuant to this section and notice of the full 1586  
hearing. 1587

(ii) The parties consent to the continuance. 1588

(iii) The continuance is needed to allow a party to obtain 1589  
counsel. 1590

(iv) The continuance is needed for other good cause. 1591

(b) An ex parte order issued under this section does not 1592  
expire because of a failure to serve notice of the full hearing 1593  
upon the respondent before the date set for the full hearing 1594  
under division (D) (2) (a) of this section or because the court 1595  
grants a continuance under that division. 1596

(3) If a person who files a petition pursuant to this 1597  
section does not request an ex parte order, or if a person 1598  
requests an ex parte order but the court does not issue an ex 1599  
parte order after an ex parte hearing, the court shall proceed 1600  
as in a normal civil action and grant a full hearing on the 1601  
matter. 1602

(E) (1) (a) After an ex parte or full hearing, the court may 1603  
issue any protection order, with or without bond, that contains 1604  
terms designed to ensure the safety and protection of the person 1605  
to be protected by the protection order, including, but not 1606  
limited to, a requirement that the respondent refrain from 1607  
entering the residence, school, business, or place of employment 1608

of the petitioner or family or household member. If the court 1609  
includes a requirement that the respondent refrain from entering 1610  
the residence, school, business, or place of employment of the 1611  
petitioner or family or household member in the order, it also 1612  
shall include in the order provisions of the type described in 1613  
division (E)(5) of this section. The court may include within a 1614  
protection order issued under this section a term requiring that 1615  
the respondent not remove, damage, hide, harm, or dispose of any 1616  
companion animal owned or possessed by the person to be 1617  
protected by the order, and may include within the order a term 1618  
authorizing the person to be protected by the order to remove a 1619  
companion animal owned by the person to be protected by the 1620  
order from the possession of the respondent. 1621

(b) After a full hearing, if the court considering a 1622  
petition that includes an allegation of the type described in 1623  
division (C)(2) of this section, or the court upon its own 1624  
motion, finds upon clear and convincing evidence that the 1625  
petitioner reasonably believed that the respondent's conduct at 1626  
any time preceding the filing of the petition endangered the 1627  
health, welfare, or safety of the person to be protected and 1628  
that the respondent presents a continuing danger to the person 1629  
to be protected, the court may order that the respondent be 1630  
electronically monitored for a period of time and under the 1631  
terms and conditions that the court determines are appropriate. 1632  
Electronic monitoring shall be in addition to any other relief 1633  
granted to the petitioner. 1634

(2) (a) Any protection order issued pursuant to this 1635  
section shall be valid until a date certain but not later than 1636  
five years from the date of its issuance. 1637

(b) Any protection order issued pursuant to this section 1638

may be renewed in the same manner as the original order was 1639  
issued. 1640

(3) A court may not issue a protection order that requires 1641  
a petitioner to do or to refrain from doing an act that the 1642  
court may require a respondent to do or to refrain from doing 1643  
under division (E)(1) of this section unless all of the 1644  
following apply: 1645

(a) The respondent files a separate petition for a 1646  
protection order in accordance with this section. 1647

(b) The petitioner is served with notice of the 1648  
respondent's petition at least forty-eight hours before the 1649  
court holds a hearing with respect to the respondent's petition, 1650  
or the petitioner waives the right to receive this notice. 1651

(c) If the petitioner has requested an ex parte order 1652  
pursuant to division (D) of this section, the court does not 1653  
delay any hearing required by that division beyond the time 1654  
specified in that division in order to consolidate the hearing 1655  
with a hearing on the petition filed by the respondent. 1656

(d) After a full hearing at which the respondent presents 1657  
evidence in support of the request for a protection order and 1658  
the petitioner is afforded an opportunity to defend against that 1659  
evidence, the court determines that the petitioner has committed 1660  
a violation of section 2903.211 of the Revised Code against the 1661  
person to be protected by the protection order issued pursuant 1662  
to division (E)(3) of this section, has committed a sexually 1663  
oriented offense against the person to be protected by the 1664  
protection order issued pursuant to division (E)(3) of this 1665  
section, or has violated a protection order issued pursuant to 1666  
section 2903.213 of the Revised Code relative to the person to 1667

be protected by the protection order issued pursuant to division 1668  
(E) (3) of this section. 1669

(4) No protection order issued pursuant to this section 1670  
shall in any manner affect title to any real property. 1671

(5) (a) If the court issues a protection order under this 1672  
section that includes a requirement that the alleged offender 1673  
refrain from entering the residence, school, business, or place 1674  
of employment of the petitioner or a family or household member, 1675  
the order shall clearly state that the order cannot be waived or 1676  
nullified by an invitation to the alleged offender from the 1677  
complainant to enter the residence, school, business, or place 1678  
of employment or by the alleged offender's entry into one of 1679  
those places otherwise upon the consent of the petitioner or 1680  
family or household member. 1681

(b) Division (E) (5) (a) of this section does not limit any 1682  
discretion of a court to determine that an alleged offender 1683  
charged with a violation of section 2919.27 of the Revised Code, 1684  
with a violation of a municipal ordinance substantially 1685  
equivalent to that section, or with contempt of court, which 1686  
charge is based on an alleged violation of a protection order 1687  
issued under this section, did not commit the violation or was 1688  
not in contempt of court. 1689

(F) (1) The court shall cause the delivery of a copy of any 1690  
protection order that is issued under this section to the 1691  
petitioner, to the respondent, and to all law enforcement 1692  
agencies that have jurisdiction to enforce the order. The 1693  
protection order shall be in a form that ensures that the 1694  
protection order is accepted into the protection order database 1695  
of the national crime information center (NCIC) maintained by 1696  
the federal bureau of investigation. The court shall direct that 1697

a copy of the order be delivered to the respondent on the same 1698  
day that the order is entered. If the court terminates or 1699  
cancels the order, the court shall cause the delivery of notice 1700  
of the termination or cancellation to the same persons and 1701  
entities that were delivered a copy of the order. 1702

The court shall cause each protection order issued 1703  
pursuant to this section to be entered into the law enforcement 1704  
automated data system created by section 5503.10 of the Revised 1705  
Code, and known as LEADS, by the close of the next business day 1706  
after the day on which the court issues the order. Upon the 1707  
termination or cancellation of the order, the court shall take 1708  
all steps necessary to ensure that the order is removed from the 1709  
LEADS database by the close of the next business day after the 1710  
day on which the termination or cancellation of the order 1711  
occurred and shall ensure that the order is terminated, cleared, 1712  
or canceled in the protection order database of the national 1713  
crime information center (NCIC) maintained by the federal bureau 1714  
of investigation. 1715

(2) Upon the issuance of a protection order under this 1716  
section, the court shall provide the parties to the order with 1717  
the following notice orally or by form: 1718

"NOTICE 1719

As a result of this order, it may be unlawful for you to 1720  
possess or purchase a firearm, including a rifle, pistol, or 1721  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 1722  
922(g) (8) for the duration of this order. If you have any 1723  
questions whether this law makes it illegal for you to possess 1724  
or purchase a firearm or ammunition, you should consult an 1725  
attorney." 1726

(3) All law enforcement agencies shall establish and 1727  
maintain an index for the protection orders delivered to the 1728  
agencies pursuant to division (F)(1) of this section. With 1729  
respect to each order delivered, each agency shall note on the 1730  
index the date and time that it received the order. 1731

(4) Regardless of whether the petitioner has registered 1732  
the protection order in the county in which the officer's agency 1733  
has jurisdiction pursuant to division (M) of this section, any 1734  
officer of a law enforcement agency shall enforce a protection 1735  
order issued pursuant to this section by any court in this state 1736  
in accordance with the provisions of the order, including 1737  
removing the respondent from the premises, if appropriate. 1738

(G)(1) Any proceeding under this section shall be 1739  
conducted in accordance with the Rules of Civil Procedure, 1740  
except that a protection order may be obtained under this 1741  
section with or without bond. An order issued under this 1742  
section, other than an ex parte order, that grants a protection 1743  
order, or that refuses to grant a protection order, is a final, 1744  
appealable order. The remedies and procedures provided in this 1745  
section are in addition to, and not in lieu of, any other 1746  
available civil or criminal remedies. 1747

(2) If as provided in division (G)(1) of this section an 1748  
order issued under this section, other than an ex parte order, 1749  
refuses to grant a protection order, the court, on its own 1750  
motion, shall order that the ex parte order issued under this 1751  
section and all of the records pertaining to that ex parte order 1752  
be sealed after either of the following occurs: 1753

(a) No party has exercised the right to appeal pursuant to 1754  
Rule 4 of the Rules of Appellate Procedure. 1755

(b) All appellate rights have been exhausted. 1756

(H) The filing of proceedings under this section does not 1757  
excuse a person from filing any report or giving any notice 1758  
required by section 2151.421 of the Revised Code or by any other 1759  
law. 1760

(I) Any law enforcement agency that investigates an 1761  
alleged violation of section 2903.211 of the Revised Code or an 1762  
alleged commission of a sexually oriented offense shall provide 1763  
information to the victim and the family or household members of 1764  
the victim regarding the relief available under this section and 1765  
section 2903.213 of the Revised Code. 1766

(J) (1) Subject to division (J) (2) of this section and 1767  
regardless of whether a protection order is issued or a consent 1768  
agreement is approved by a court of another county or by a court 1769  
of another state, no court or unit of state or local government 1770  
shall charge the petitioner any fee, cost, deposit, or money in 1771  
connection with the filing of a petition pursuant to this 1772  
section, in connection with the filing, issuance, registration, 1773  
modification, enforcement, dismissal, withdrawal, or service of 1774  
a protection order, consent agreement, or witness subpoena or 1775  
for obtaining a certified copy of a protection order or consent 1776  
agreement. 1777

(2) Regardless of whether a protection order is issued or 1778  
a consent agreement is approved pursuant to this section, the 1779  
court may assess costs against the respondent in connection with 1780  
the filing, issuance, registration, modification, enforcement, 1781  
dismissal, withdrawal, or service of a protection order, consent 1782  
agreement, or witness subpoena or for obtaining a certified copy 1783  
of a protection order or consent agreement. 1784

(K) (1) A person who violates a protection order issued 1785  
under this section is subject to the following sanctions: 1786

(a) Criminal prosecution for a violation of section 1787  
2919.27 of the Revised Code, if the violation of the protection 1788  
order constitutes a violation of that section; 1789

(b) Punishment for contempt of court. 1790

(2) The punishment of a person for contempt of court for 1791  
violation of a protection order issued under this section does 1792  
not bar criminal prosecution of the person for a violation of 1793  
section 2919.27 of the Revised Code. However, a person punished 1794  
for contempt of court is entitled to credit for the punishment 1795  
imposed upon conviction of a violation of that section, and a 1796  
person convicted of a violation of that section shall not 1797  
subsequently be punished for contempt of court arising out of 1798  
the same activity. 1799

(L) In all stages of a proceeding under this section, a 1800  
petitioner may be accompanied by a victim advocate. 1801

(M) (1) A petitioner who obtains a protection order under 1802  
this section or a protection order under section 2903.213 of the 1803  
Revised Code may provide notice of the issuance or approval of 1804  
the order to the judicial and law enforcement officials in any 1805  
county other than the county in which the order is issued by 1806  
registering that order in the other county pursuant to division 1807  
(M) (2) of this section and filing a copy of the registered order 1808  
with a law enforcement agency in the other county in accordance 1809  
with that division. A person who obtains a protection order 1810  
issued by a court of another state may provide notice of the 1811  
issuance of the order to the judicial and law enforcement 1812  
officials in any county of this state by registering the order 1813

in that county pursuant to section 2919.272 of the Revised Code 1814  
and filing a copy of the registered order with a law enforcement 1815  
agency in that county. 1816

(2) A petitioner may register a protection order issued 1817  
pursuant to this section or section 2903.213 of the Revised Code 1818  
in a county other than the county in which the court that issued 1819  
the order is located in the following manner: 1820

(a) The petitioner shall obtain a certified copy of the 1821  
order from the clerk of the court that issued the order and 1822  
present that certified copy to the clerk of the court of common 1823  
pleas or the clerk of a municipal court or county court in the 1824  
county in which the order is to be registered. 1825

(b) Upon accepting the certified copy of the order for 1826  
registration, the clerk of the court of common pleas, municipal 1827  
court, or county court shall place an endorsement of 1828  
registration on the order and give the petitioner a copy of the 1829  
order that bears that proof of registration. 1830

(3) The clerk of each court of common pleas, municipal 1831  
court, or county court shall maintain a registry of certified 1832  
copies of protection orders that have been issued by courts in 1833  
other counties pursuant to this section or section 2903.213 of 1834  
the Revised Code and that have been registered with the clerk. 1835

(N) (1) If the court orders electronic monitoring of the 1836  
respondent under this section, the court shall direct the 1837  
sheriff's office or any other appropriate law enforcement agency 1838  
to install the electronic monitoring device and to monitor the 1839  
respondent. Unless the court determines that the respondent is 1840  
indigent, the court shall order the respondent to pay the cost 1841  
of the installation and monitoring of the electronic monitoring 1842

device. If the court determines that the respondent is indigent 1843  
and subject to the maximum amount allowable to be paid in any 1844  
year from the fund and the rules promulgated by the attorney 1845  
general under division (N) (2) of this section, the cost of the 1846  
installation and monitoring of the electronic monitoring device 1847  
may be paid out of funds from the reparations fund created 1848  
pursuant to section 2743.191 of the Revised Code. The total 1849  
amount of costs for the installation and monitoring of 1850  
electronic monitoring devices paid pursuant to this division and 1851  
sections 2151.34 and 2919.27 of the Revised Code from the 1852  
reparations fund shall not exceed three hundred thousand dollars 1853  
per year. 1854

(2) The attorney general may promulgate rules pursuant to 1855  
section 111.15 of the Revised Code to govern payments made from 1856  
the reparations fund pursuant to this division and sections 1857  
2151.34 and 2919.27 of the Revised Code. The rules may include 1858  
reasonable limits on the total cost paid pursuant to this 1859  
division and sections 2151.34 and 2919.27 of the Revised Code 1860  
per respondent, the amount of the three hundred thousand dollars 1861  
allocated to each county, and how invoices may be submitted by a 1862  
county, court, or other entity. 1863

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint that 1864  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1865  
2911.211 of the Revised Code if the alleged victim of the 1866  
violation was a family or household member at the time of the 1867  
violation, a violation of a municipal ordinance that is 1868  
substantially similar to any of those sections if the alleged 1869  
victim of the violation was a family or household member at the 1870  
time of the violation, any offense of violence if the alleged 1871  
victim of the offense was a family or household member at the 1872  
time of the commission of the offense, or any sexually oriented 1873

offense if the alleged victim of the offense was a family or 1874  
household member at the time of the commission of the offense, 1875  
the complainant, the alleged victim, or a family or household 1876  
member of an alleged victim may file, or, if in an emergency the 1877  
alleged victim is unable to file, a person who made an arrest 1878  
for the alleged violation or offense under section 2935.03 of 1879  
the Revised Code may file on behalf of the alleged victim, a 1880  
motion that requests the issuance of a temporary protection 1881  
order as a pretrial condition of release of the alleged 1882  
offender, in addition to any bail set under Criminal Rule 46. 1883  
The motion shall be filed with the clerk of the court that has 1884  
jurisdiction of the case at any time after the filing of the 1885  
complaint. 1886

(2) For purposes of section 2930.09 of the Revised Code, 1887  
all stages of a proceeding arising out of a complaint alleging 1888  
the commission of a violation, offense of violence, or sexually 1889  
oriented offense described in division (A)(1) of this section, 1890  
including all proceedings on a motion for a temporary protection 1891  
order, are critical stages of the case, and a victim may be 1892  
accompanied by a victim advocate or another person to provide 1893  
support to the victim as provided in that section. 1894

(B) The motion shall be prepared on a form that is 1895  
provided by the clerk of the court, which form shall be 1896  
substantially as follows: 1897

"MOTION FOR TEMPORARY PROTECTION ORDER 1898

..... Court 1899

Name and address of court 1900

State of Ohio 1901

v.No. .... 1902

..... 1903

Name of Defendant 1904

(name of person), moves the court to issue a temporary protection order 1905  
containing terms designed to ensure the safety and protection of the 1906  
complainant, alleged victim, and other family or household members, in 1907  
relation to the named defendant, pursuant to its authority to issue such 1908  
an order under section 2919.26 of the Revised Code. 1909

A complaint, a copy of which has been attached to this 1910  
motion, has been filed in this court charging the named 1911  
defendant with ..... (name of the specified 1912  
violation, the offense of violence, or sexually oriented offense 1913  
charged) in circumstances in which the victim was a family or 1914  
household member in violation of (section of the Revised Code 1915  
designating the specified violation, offense of violence, or 1916  
sexually oriented offense charged), or charging the named 1917  
defendant with a violation of a municipal ordinance that is 1918  
substantially similar to ..... (section of 1919  
the Revised Code designating the specified violation, offense of 1920  
violence, or sexually oriented offense charged) involving a 1921  
family or household member. 1922

I understand that I must appear before the court, at a 1923  
time set by the court within twenty-four hours after the filing 1924  
of this motion, for a hearing on the motion or that, if I am 1925  
unable to appear because of hospitalization or a medical 1926  
condition resulting from the offense alleged in the complaint, a 1927  
person who can provide information about my need for a temporary 1928  
protection order must appear before the court in lieu of my 1929  
appearing in court. I understand that any temporary protection 1930  
order granted pursuant to this motion is a pretrial condition of 1931  
release and is effective only until the disposition of the 1932

criminal proceeding arising out of the attached complaint, or 1933  
the issuance of a civil protection order or the approval of a 1934  
consent agreement, arising out of the same activities as those 1935  
that were the basis of the complaint, under section 3113.31 of 1936  
the Revised Code. 1937

..... 1938

Signature of person 1939

(or signature of the arresting officer who filed the motion on behalf of 1940  
the alleged victim) 1941

..... 1942

Address of person (or office address of the arresting officer who filed 1943  
the motion on behalf of the alleged victim)" 1944

(C) (1) As soon as possible after the filing of a motion 1945  
that requests the issuance of a temporary protection order, but 1946  
not later than twenty-four hours after the filing of the motion, 1947  
the court shall conduct a hearing to determine whether to issue 1948  
the order. The person who requested the order shall appear 1949  
before the court and provide the court with the information that 1950  
it requests concerning the basis of the motion. If the person 1951  
who requested the order is unable to appear and if the court 1952  
finds that the failure to appear is because of the person's 1953  
hospitalization or medical condition resulting from the offense 1954  
alleged in the complaint, another person who is able to provide 1955  
the court with the information it requests may appear in lieu of 1956  
the person who requested the order. If the court finds that the 1957  
safety and protection of the complainant, alleged victim, or any 1958  
other family or household member of the alleged victim may be 1959  
impaired by the continued presence of the alleged offender, the 1960  
court may issue a temporary protection order, as a pretrial 1961

condition of release, that contains terms designed to ensure the 1962  
safety and protection of the complainant, alleged victim, or the 1963  
family or household member, including a requirement that the 1964  
alleged offender refrain from entering the residence, school, 1965  
business, or place of employment of the complainant, alleged 1966  
victim, or the family or household member. The court may include 1967  
within a protection order issued under this section a term 1968  
requiring that the alleged offender not remove, damage, hide, 1969  
harm, or dispose of any companion animal owned or possessed by 1970  
the complainant, alleged victim, or any other family or 1971  
household member of the alleged victim, and may include within 1972  
the order a term authorizing the complainant, alleged victim, or 1973  
other family or household member of the alleged victim to remove 1974  
a companion animal owned by the complainant, alleged victim, or 1975  
other family or household member from the possession of the 1976  
alleged offender. 1977

(2) (a) If the court issues a temporary protection order 1978  
that includes a requirement that the alleged offender refrain 1979  
from entering the residence, school, business, or place of 1980  
employment of the complainant, the alleged victim, or the family 1981  
or household member, the order shall state clearly that the 1982  
order cannot be waived or nullified by an invitation to the 1983  
alleged offender from the complainant, alleged victim, or family 1984  
or household member to enter the residence, school, business, or 1985  
place of employment or by the alleged offender's entry into one 1986  
of those places otherwise upon the consent of the complainant, 1987  
alleged victim, or family or household member. 1988

(b) Division (C) (2) (a) of this section does not limit any 1989  
discretion of a court to determine that an alleged offender 1990  
charged with a violation of section 2919.27 of the Revised Code, 1991  
with a violation of a municipal ordinance substantially 1992

equivalent to that section, or with contempt of court, which 1993  
charge is based on an alleged violation of a temporary 1994  
protection order issued under this section, did not commit the 1995  
violation or was not in contempt of court. 1996

(D) (1) Upon the filing of a complaint that alleges a 1997  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1998  
the Revised Code if the alleged victim of the violation was a 1999  
family or household member at the time of the violation, a 2000  
violation of a municipal ordinance that is substantially similar 2001  
to any of those sections if the alleged victim of the violation 2002  
was a family or household member at the time of the violation, 2003  
any offense of violence if the alleged victim of the offense was 2004  
a family or household member at the time of the commission of 2005  
the offense, or any sexually oriented offense if the alleged 2006  
victim of the offense was a family or household member at the 2007  
time of the commission of the offense, the court, upon its own 2008  
motion, may issue a temporary protection order as a pretrial 2009  
condition of release if it finds that the safety and protection 2010  
of the complainant, alleged victim, or other family or household 2011  
member of the alleged offender may be impaired by the continued 2012  
presence of the alleged offender. 2013

(2) If the court issues a temporary protection order under 2014  
this section as an ex parte order, it shall conduct, as soon as 2015  
possible after the issuance of the order, a hearing in the 2016  
presence of the alleged offender not later than the next day on 2017  
which the court is scheduled to conduct business after the day 2018  
on which the alleged offender was arrested or at the time of the 2019  
appearance of the alleged offender pursuant to summons to 2020  
determine whether the order should remain in effect, be 2021  
modified, or be revoked. The hearing shall be conducted under 2022  
the standards set forth in division (C) of this section. 2023

(3) An order issued under this section shall contain only 2024  
those terms authorized in orders issued under division (C) of 2025  
this section. 2026

(4) If a municipal court or a county court issues a 2027  
temporary protection order under this section and if, subsequent 2028  
to the issuance of the order, the alleged offender who is the 2029  
subject of the order is bound over to the court of common pleas 2030  
for prosecution of a felony arising out of the same activities 2031  
as those that were the basis of the complaint upon which the 2032  
order is based, notwithstanding the fact that the order was 2033  
issued by a municipal court or county court, the order shall 2034  
remain in effect, as though it were an order of the court of 2035  
common pleas, while the charges against the alleged offender are 2036  
pending in the court of common pleas, for the period of time 2037  
described in division (E)(2) of this section, and the court of 2038  
common pleas has exclusive jurisdiction to modify the order 2039  
issued by the municipal court or county court. This division 2040  
applies when the alleged offender is bound over to the court of 2041  
common pleas as a result of the person waiving a preliminary 2042  
hearing on the felony charge, as a result of the municipal court 2043  
or county court having determined at a preliminary hearing that 2044  
there is probable cause to believe that the felony has been 2045  
committed and that the alleged offender committed it, as a 2046  
result of the alleged offender having been indicted for the 2047  
felony, or in any other manner. 2048

(E) A temporary protection order that is issued as a 2049  
pretrial condition of release under this section: 2050

(1) Is in addition to, but shall not be construed as a 2051  
part of, any bail set under Criminal Rule 46; 2052

(2) Is effective only until the occurrence of either of 2053

the following: 2054

(a) The disposition, by the court that issued the order 2055  
or, in the circumstances described in division (D) (4) of this 2056  
section, by the court of common pleas to which the alleged 2057  
offender is bound over for prosecution, of the criminal 2058  
proceeding arising out of the complaint upon which the order is 2059  
based; 2060

(b) The issuance of a protection order or the approval of 2061  
a consent agreement, arising out of the same activities as those 2062  
that were the basis of the complaint upon which the order is 2063  
based, under section 3113.31 of the Revised Code. 2064

(3) Shall not be construed as a finding that the alleged 2065  
offender committed the alleged offense, and shall not be 2066  
introduced as evidence of the commission of the offense at the 2067  
trial of the alleged offender on the complaint upon which the 2068  
order is based. 2069

(F) A person who meets the criteria for bail under 2070  
Criminal Rule 46 and who, if required to do so pursuant to that 2071  
rule, executes or posts bond or deposits cash or securities as 2072  
bail, shall not be held in custody pending a hearing before the 2073  
court on a motion requesting a temporary protection order. 2074

(G) (1) A copy of any temporary protection order that is 2075  
issued under this section shall be issued by the court to the 2076  
complainant, to the alleged victim, to the person who requested 2077  
the order, to the defendant, and to all law enforcement agencies 2078  
that have jurisdiction to enforce the order. The protection 2079  
order shall be in a form that ensures that the protection order 2080  
is accepted into the protection order database of the national 2081  
crime information center (NCIC) maintained by the federal bureau 2082

of investigation. The court shall direct that a copy of the 2083  
order be delivered to the defendant on the same day that the 2084  
order is entered. If a municipal court or a county court issues 2085  
a temporary protection order under this section and if, 2086  
subsequent to the issuance of the order, the defendant who is 2087  
the subject of the order is bound over to the court of common 2088  
pleas for prosecution as described in division (D)(4) of this 2089  
section, the municipal court or county court shall direct that a 2090  
copy of the order be delivered to the court of common pleas to 2091  
which the defendant is bound over. If the court that issued the 2092  
order, or the court of common pleas if the defendant is bound 2093  
over to that court for prosecution, terminates or cancels the 2094  
order, the court shall cause the delivery of notice of the 2095  
termination or cancellation to the same persons and entities 2096  
that were issued or delivered a copy of the order. 2097

The court that issued the order shall cause each 2098  
protection order issued pursuant to this section to be entered 2099  
into the law enforcement automated data system created by 2100  
section 5503.10 of the Revised Code, and known as LEADS, by the 2101  
close of the next business day after the day on which the court 2102  
issues the order. Upon the termination or cancellation of the 2103  
order, the court that issued the order, or the court of common 2104  
pleas if the defendant is bound over to that court for 2105  
prosecution, shall take all steps necessary to ensure that the 2106  
order is removed from the LEADS database by the close of the 2107  
next business day after the day on which the termination or 2108  
cancellation of the order occurred and shall ensure that the 2109  
order is terminated, cleared, or canceled in the protection 2110  
order database of the national crime information center (NCIC) 2111  
maintained by the federal bureau of investigation. 2112

(2) Upon the issuance of a protection order under this 2113

section, the court shall provide the parties to the order with 2114  
the following notice orally or by form: 2115

"NOTICE 2116

As a result of this protection order, it may be unlawful 2117  
for you to possess or purchase a firearm, including a rifle, 2118  
pistol, or revolver, or ammunition pursuant to federal law under 2119  
18 U.S.C. 922(g)(8) for the duration of this order. If you have 2120  
any questions whether this law makes it illegal for you to 2121  
possess or purchase a firearm or ammunition, you should consult 2122  
an attorney." 2123

(3) All law enforcement agencies shall establish and 2124  
maintain an index for the temporary protection orders delivered 2125  
to the agencies pursuant to division (G)(1) of this section. 2126  
With respect to each order delivered, each agency shall note on 2127  
the index, the date and time of the receipt of the order by the 2128  
agency. 2129

(4) A complainant, alleged victim, or other person who 2130  
obtains a temporary protection order under this section may 2131  
provide notice of the issuance of the temporary protection order 2132  
to the judicial and law enforcement officials in any county 2133  
other than the county in which the order is issued by 2134  
registering that order in the other county in accordance with 2135  
division (N) of section 3113.31 of the Revised Code and filing a 2136  
copy of the registered protection order with a law enforcement 2137  
agency in the other county in accordance with that division. 2138

(5) Any officer of a law enforcement agency shall enforce 2139  
a temporary protection order issued by any court in this state 2140  
in accordance with the provisions of the order, including 2141  
removing the defendant from the premises, regardless of whether 2142

the order is registered in the county in which the officer's 2143  
agency has jurisdiction as authorized by division (G) (4) of this 2144  
section. 2145

(H) Upon a violation of a temporary protection order, the 2146  
court may issue another temporary protection order, as a 2147  
pretrial condition of release, that modifies the terms of the 2148  
order that was violated. 2149

(I) (1) As used in divisions (I) (1) and (2) of this 2150  
section, "defendant" means a person who is alleged in a 2151  
complaint to have committed a violation, offense of violence, or 2152  
sexually oriented offense of the type described in division (A) 2153  
of this section. 2154

(2) If a complaint is filed that alleges that a person 2155  
committed a violation, offense of violence, or sexually oriented 2156  
offense of the type described in division (A) of this section, 2157  
the court may not issue a temporary protection order under this 2158  
section that requires the complainant, the alleged victim, or 2159  
another family or household member of the defendant to do or 2160  
refrain from doing an act that the court may require the 2161  
defendant to do or refrain from doing under a temporary 2162  
protection order unless both of the following apply: 2163

(a) The defendant has filed a separate complaint that 2164  
alleges that the complainant, alleged victim, or other family or 2165  
household member in question who would be required under the 2166  
order to do or refrain from doing the act committed a violation 2167  
or offense of violence of the type described in division (A) of 2168  
this section. 2169

(b) The court determines that both the complainant, 2170  
alleged victim, or other family or household member in question 2171

who would be required under the order to do or refrain from 2172  
doing the act and the defendant acted primarily as aggressors, 2173  
that neither the complainant, alleged victim, or other family or 2174  
household member in question who would be required under the 2175  
order to do or refrain from doing the act nor the defendant 2176  
acted primarily in self-defense, and, in accordance with the 2177  
standards and criteria of this section as applied in relation to 2178  
the separate complaint filed by the defendant, that it should 2179  
issue the order to require the complainant, alleged victim, or 2180  
other family or household member in question to do or refrain 2181  
from doing the act. 2182

(J) (1) Subject to division (J) (2) of this section and 2183  
regardless of whether a protection order is issued or a consent 2184  
agreement is approved by a court of another county or a court of 2185  
another state, no court or unit of state or local government 2186  
shall charge the movant any fee, cost, deposit, or money in 2187  
connection with the filing of a motion pursuant to this section, 2188  
in connection with the filing, issuance, registration, 2189  
modification, enforcement, dismissal, withdrawal, or service of 2190  
a protection order, consent agreement, or witness subpoena or 2191  
for obtaining a certified copy of a protection order or consent 2192  
agreement. 2193

(2) Regardless of whether a protection order is issued or 2194  
a consent agreement is approved pursuant to this section, if the 2195  
defendant is convicted the court may assess costs against the 2196  
defendant in connection with the filing, issuance, registration, 2197  
modification, enforcement, dismissal, withdrawal, or service of 2198  
a protection order, consent agreement, or witness subpoena or 2199  
for obtaining a certified copy of a protection order or consent 2200  
agreement. 2201

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| (K) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2202                                                         |
| (1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                         | 2203<br>2204                                                 |
| (2) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                | 2205<br>2206                                                 |
| (3) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings.                                                                                                                                                                                                                                                                                                                                  | 2207<br>2208<br>2209                                         |
| <b>Sec. 2923.13.</b> (A) Unless relieved from disability under operation of law or legal process, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:                                                                                                                                                                                                                                     | 2210<br>2211<br>2212<br>2213                                 |
| (1) The person is a fugitive from justice.                                                                                                                                                                                                                                                                                                                                                                                                                     | 2214                                                         |
| (2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.                                                                                                                                                                                                       | 2215<br>2216<br>2217<br>2218<br>2219                         |
| (3) The person is under indictment for or has been convicted of any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse. | 2220<br>2221<br>2222<br>2223<br>2224<br>2225<br>2226<br>2227 |
| (4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic.                                                                                                                                                                                                                                                                                                                                                                        | 2228<br>2229                                                 |

(5) The person is under adjudication of mental 2230  
incompetence, has been adjudicated as a mental defective, has 2231  
been committed to a mental institution, has been found by a 2232  
court to be a mentally ill person subject to court order, or is 2233  
an involuntary patient other than one who is a patient only for 2234  
purposes of observation. As used in this division, "mentally ill 2235  
person subject to court order" and "patient" have the same 2236  
meanings as in section 5122.01 of the Revised Code. 2237

(B) Whoever violates this section is guilty of having 2238  
weapons while under disability. Except as otherwise provided in 2239  
this division, having weapons while under disability is a felony 2240  
of the second degree. If the offender previously has been 2241  
convicted of or pleaded guilty to any violation of this section, 2242  
having weapons while under disability is a felony of the third- 2243  
first degree. 2244

(C) For the purposes of this section, "under operation of 2245  
law or legal process" shall not itself include mere completion, 2246  
termination, or expiration of a sentence imposed as a result of 2247  
a criminal conviction. 2248

**Sec. 2923.133.** (A) Upon a finding or adjudication by a 2249  
court, on or after the effective date of this section, that any 2250  
firearms disabling condition or circumstance set forth in 2251  
division (A) (4) or (5) of section 2923.13 of the Revised Code 2252  
applies to a defendant, respondent, or other person, if the 2253  
court also finds probable cause that the defendant, respondent, 2254  
or other person would have access to or possession of firearms 2255  
or dangerous ordnance if the defendant, respondent, or other 2256  
person is released from detention or treatment or is not ordered 2257  
into detention or treatment, the court may issue a safety 2258  
protection order to any law enforcement officer authorizing the 2259

officer to search for and retrieve all firearms and dangerous 2260  
ordnance owned by, possessed by, or in the control of the 2261  
defendant, respondent, or other person. The court that issues a 2262  
safety protection order under this division shall provide a copy 2263  
of the order to the defendant, respondent, or other person. 2264

(B) A law enforcement officer who serves a safety 2265  
protection order issued under division (A) of this section, not 2266  
later than three business days after the order was served, shall 2267  
file a return with the court that states that the order was 2268  
served and that sets forth the time and date on which the order 2269  
was served, the name and address of the respondent named in the 2270  
order, and the serial number, make, and model, or any other 2271  
relevant description including clear photographs, of each 2272  
firearm and each dangerous ordnance retrieved by the law 2273  
enforcement officer. A copy of this inventory also shall be left 2274  
at the location from which the firearms and dangerous ordnance 2275  
were retrieved. If no firearms or dangerous ordnance were found, 2276  
the law enforcement officer who served the order shall report in 2277  
the return that a search was conducted and that no firearms or 2278  
dangerous ordnance were found. Nothing in this section shall 2279  
prevent the destruction of dangerous ordnance that cannot be 2280  
safely or practically removed or stored. 2281

(C) A law enforcement agency that has taken possession of 2282  
a respondent's firearms pursuant to this section shall not 2283  
indelibly mark, damage, deface, or destroy the firearms while 2284  
they are in the agency's possession. The use of property tags or 2285  
stickers is permitted. The agency shall maintain the integrity 2286  
and identity of the firearms in such a manner that, if the 2287  
firearms are to be returned to the respondent, they can be 2288  
identified and returned to the respondent in a condition similar 2289  
to the condition they were in when they were retrieved. The 2290

agency shall not relinquish control of the firearms other than 2291  
pursuant to a sale as specified in division (D) of this section, 2292  
pursuant to an inspection for potential sale as specified in 2293  
that division, pursuant to a return to a lawful owner other than 2294  
the respondent as specified in divisions (E) and (F) of this 2295  
section, or pursuant to a court order, including a subpoena. 2296

(D) A respondent who is subject to a safety protection 2297  
order issued under this section and a firearms retrieval made 2298  
under this section and whose firearms are in the possession of a 2299  
law enforcement agency may sell to a federally licensed firearms 2300  
dealer one or more of those firearms that lawfully may be sold. 2301  
If the respondent under authority of this division sells one or 2302  
more of those firearms that lawfully may be sold, the respondent 2303  
and the dealer shall provide to the court that issued the order 2304  
valid evidence of the sale of each such firearm so sold and, 2305  
upon presentation of the valid evidence, the court shall order 2306  
the law enforcement agency in possession of the firearms to 2307  
transfer to the dealer each such firearm so sold. Upon receipt 2308  
of the order, the law enforcement agency shall transfer to the 2309  
dealer each such firearm so sold. The court shall not order the 2310  
transfer of any firearm to a dealer under this division unless 2311  
the respondent and the dealer provide to the court valid 2312  
evidence of the sale to the dealer of the firearm. 2313

(E) A respondent who is subject to a safety protection 2314  
order issued under this section and a firearms retrieval made 2315  
under this section and whose firearms are in the possession of a 2316  
law enforcement agency may petition the court that issued the 2317  
order to authorize the respondent to transfer to a family member 2318  
who lawfully may possess firearms and who does not reside with 2319  
the respondent one or more of those firearms. If the court 2320  
authorizes the respondent to make such a transfer and the 2321

respondent under that authority transfers one or more of the 2322  
firearms to a family member who lawfully may possess a firearm, 2323  
the family member shall provide the court with proof that the 2324  
family member may lawfully possess a firearm. Upon proof that 2325  
the family member may lawfully possess firearms, the court shall 2326  
order the law enforcement agency that currently possesses the 2327  
firearms to transfer to the family member the firearm or 2328  
firearms authorized for transfer by the court. Upon receipt of 2329  
the order, the law enforcement agency shall transfer to the 2330  
family member the firearm or firearms authorized for transfer by 2331  
the court. A family member who is to be transferred any firearm 2332  
under this division shall attest in writing, under penalty of 2333  
law, at the time the request for transfer is made, that if the 2334  
firearm is transferred to that family member, the firearm will 2335  
not be given, transferred, sold, or provided to the respondent 2336  
unless the respondent is relieved from firearms disability 2337  
pursuant to section 2923.14 of the Revised Code. 2338

(F) If a person other than the respondent claims title to 2339  
any firearm retrieved by a law enforcement officer pursuant to a 2340  
safety protection order issued under division (A) of this 2341  
section, the person may petition the court that issued the order 2342  
for return of the firearm. If the person requests the return of 2343  
the firearm, and if the person is determined by the court to be 2344  
the lawful owner of the firearm, the court shall order the law 2345  
enforcement agency that currently possesses the firearm to 2346  
release the firearm to that person. Upon receipt of the order, 2347  
the law enforcement agency shall release the specified firearm 2348  
to the specified person. A person seeking the return of a 2349  
firearm under this division shall attest in writing, under 2350  
penalty of law, at the time of making the request for return, 2351  
that if the firearm is returned to that person, the firearm will 2352

not be given, transferred, sold, or provided to the respondent 2353  
unless the respondent is relieved from firearms disability 2354  
pursuant to section 2923.14 of the Revised Code. 2355

(G) If a respondent is subject to a safety protection 2356  
order issued under this section, if firearms of the respondent 2357  
are retrieved under this section, and if the respondent is 2358  
relieved from firearms disability pursuant to section 2923.14 of 2359  
the Revised Code, the court that granted the relief from 2360  
firearms disability under section 2923.14 of the Revised Code 2361  
shall issue an order to the law enforcement agency that 2362  
currently possesses the firearms that requires the agency to 2363  
return the firearms to the respondent. Upon receipt of the 2364  
order, the law enforcement agency shall return the firearms to 2365  
the respondent. If a different court issued the safety 2366  
protection order, the court that issues the order under this 2367  
division shall notify the court that issued the safety 2368  
protection order that the order under this division has been 2369  
issued and the safety protection order shall have no further 2370  
force and effect. 2371

(H) Divisions (D), (E), (F), and (G) of this section do 2372  
not apply with respect to dangerous ordnance of a respondent who 2373  
is subject to a safety protection order issued under this 2374  
section and that are retrieved under this section. 2375

**Sec. 2923.18.** (A) Upon application to the sheriff of the 2376  
county or safety director or police chief of the municipality 2377  
where the applicant resides or has the applicant's principal 2378  
place of business, and upon payment of the fee specified in 2379  
division (B) of this section, a license or temporary permit 2380  
shall be issued to qualified applicants to acquire, possess, 2381  
carry, or use dangerous ordnance, for the following purposes: 2382

(1) Contractors, wreckers, quarriers, mine operators, and 2383  
other persons regularly employing explosives in the course of a 2384  
legitimate business, with respect to explosives and explosive 2385  
devices acquired, possessed, carried, or used in the course of 2386  
such business; 2387

(2) Farmers, with respect to explosives and explosive 2388  
devices acquired, possessed, carried, or used for agricultural 2389  
purposes on lands farmed by them; 2390

(3) Scientists, engineers, and instructors, with respect 2391  
to dangerous ordnance acquired, possessed, carried, or used in 2392  
the course of bona fide research or instruction; 2393

(4) Financial institution and armored car company guards, 2394  
with respect to automatic firearms lawfully acquired, possessed, 2395  
carried, or used by any such person while acting within the 2396  
scope of the person's duties; 2397

(5) In the discretion of the issuing authority, any 2398  
responsible person, with respect to dangerous ordnance lawfully 2399  
acquired, possessed, carried, or used for a legitimate research, 2400  
scientific, educational, industrial, or other proper purpose. 2401

(B) Application for a license or temporary permit under 2402  
this section shall be in writing under oath to the sheriff of 2403  
the county or safety director or police chief of the 2404  
municipality where the applicant resides or has the applicant's 2405  
principal place of business. The application shall be 2406  
accompanied by an application fee of fifty dollars when the 2407  
application is for a license, and an application fee of five 2408  
dollars when the application is for a temporary permit. The fees 2409  
shall be paid into the general revenue fund of the county or 2410  
municipality. The application shall contain the following 2411

information: 2412

(1) The name, age, address, occupation, and business 2413  
address of the applicant, if the applicant is a natural person, 2414  
or the name, address, and principal place of business of the 2415  
applicant, if the applicant is a corporation; 2416

(2) A description of the dangerous ordnance for which a 2417  
permit is requested; 2418

(3) A description of the place or places where and the 2419  
manner in which the dangerous ordnance is to be kept, carried, 2420  
and used; 2421

(4) A statement of the purposes for which the dangerous 2422  
ordnance is to be acquired, possessed, carried, or used; 2423

(5) Such other information, as the issuing authority may 2424  
require in giving effect to this section. 2425

(C) Upon investigation, the issuing authority shall issue 2426  
a license or temporary permit only if all of the following 2427  
apply: 2428

(1) The applicant is not otherwise prohibited by law from 2429  
acquiring, having, carrying or using dangerous ordnance; 2430

(2) The applicant is age twenty-one or over, if the 2431  
applicant is a natural person; 2432

(3) It appears that the applicant has sufficient 2433  
competence to safely acquire, possess, carry, or use the 2434  
dangerous ordnance, and that proper precautions will be taken to 2435  
protect the security of the dangerous ordnance and ensure the 2436  
safety of persons and property; 2437

(4) It appears that the dangerous ordnance will be 2438

lawfully acquired, possessed, carried, and used by the applicant 2439  
for a legitimate purpose. 2440

(D) The license or temporary permit shall identify the 2441  
person to whom it is issued, identify the dangerous ordnance 2442  
involved and state the purposes for which the license or 2443  
temporary permit is issued, state the expiration date, if any, 2444  
and list such restrictions on the acquisition, possession, 2445  
carriage, or use of the dangerous ordnance as the issuing 2446  
authority considers advisable to protect the security of the 2447  
dangerous ordnance and ensure the safety of persons and 2448  
property. 2449

(E) A temporary permit shall be issued for the casual use 2450  
of explosives and explosive devices, and other consumable 2451  
dangerous ordnance, and shall expire within thirty days of its 2452  
issuance. A license shall be issued for the regular use of 2453  
consumable dangerous ordnance, or for any nonconsumable 2454  
dangerous ordnance, which license need not specify an expiration 2455  
date, but the issuing authority may specify such expiration 2456  
date, not earlier than one year from the date of issuance, as it 2457  
considers advisable in view of the nature of the dangerous 2458  
ordnance and the purposes for which the license is issued. 2459

(F) The dangerous ordnance specified in a license or 2460  
temporary permit may be obtained by the holder anywhere in the 2461  
state. The holder of a license may use such dangerous ordnance 2462  
anywhere in the state. The holder of a temporary permit may use 2463  
such dangerous ordnance only within the territorial jurisdiction 2464  
of the issuing authority. 2465

(G) The issuing authority shall forward to the state fire 2466  
marshal a copy of each license or temporary permit issued 2467  
pursuant to this section, and a copy of each record of a 2468

transaction in dangerous ordnance and of each report of lost or 2469  
stolen dangerous ordnance, given to the local law enforcement 2470  
authority as required by divisions (A) ~~(7)-(8)~~ and ~~(8)-(9)~~ of 2471  
section 2923.20 of the Revised Code. The state fire marshal 2472  
shall keep a permanent file of all licenses and temporary 2473  
permits issued pursuant to this section, and of all records of 2474  
transactions in, and losses or thefts of dangerous ordnance 2475  
forwarded by local law enforcement authorities pursuant to this 2476  
section. 2477

**Sec. 2923.20.** (A) No person shall do any of the following: 2478

(1) ~~Recklessly~~ Negligently sell, lend, give, or furnish 2479  
any firearm to any person prohibited by section 2923.13 ~~or~~ 2480  
~~2923.15~~ of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 2481  
922(n) from acquiring, possessing, or using any firearm, or 2482  
recklessly sell, lend, give, or furnish any dangerous ordnance 2483  
to any person prohibited by section 2923.13, 2923.15, or 2923.17 2484  
of the Revised Code from acquiring, possessing, or using any 2485  
dangerous ordnance; 2486

(2) Recklessly sell, lend, give, or furnish any firearm to 2487  
any person prohibited by section 2923.15 of the Revised Code 2488  
from carrying or using any firearm; 2489

(3) Possess any firearm or dangerous ordnance with purpose 2490  
to dispose of it in violation of division (A) of this section; 2491

~~(3)-(4)~~ (4) Except as otherwise provided in division (B) of 2492  
this section, knowingly solicit, persuade, encourage, or entice 2493  
a federally licensed firearms dealer or private seller to 2494  
transfer a firearm or ammunition to any person in a manner 2495  
prohibited by state or federal law; 2496

~~(4)-(5)~~ (5) Except as otherwise provided in division (B) of 2497

this section, with an intent to deceive, knowingly provide 2498  
materially false information to a federally licensed firearms 2499  
dealer or private seller; 2500

~~(5)~~(6) Except as otherwise provided in division (B) of 2501  
this section, knowingly procure, solicit, persuade, encourage, 2502  
or entice a person to act in violation of division (A)(3) or (4) 2503  
of this section; 2504

~~(6)~~(7) Manufacture, possess for sale, sell, or furnish to 2505  
any person other than a law enforcement agency for authorized 2506  
use in police work, any brass knuckles, cestus, billy, 2507  
blackjack, sandbag, switchblade knife, springblade knife, 2508  
gravity knife, or similar weapon; 2509

~~(7)~~(8) When transferring any dangerous ordnance to 2510  
another, negligently fail to require the transferee to exhibit 2511  
such identification, license, or permit showing the transferee 2512  
to be authorized to acquire dangerous ordnance pursuant to 2513  
section 2923.17 of the Revised Code, or negligently fail to take 2514  
a complete record of the transaction and forthwith forward a 2515  
copy of that record to the sheriff of the county or safety 2516  
director or police chief of the municipality where the 2517  
transaction takes place; 2518

~~(8)~~(9) Knowingly fail to report to law enforcement 2519  
authorities forthwith the loss or theft of any firearm or 2520  
dangerous ordnance in the person's possession or under the 2521  
person's control; 2522

(10) Knowingly sell, lend, give, or furnish any firearm to 2523  
any person if the transferor knows that the results of 2524  
background checks of a type described in sections 311.51 and 2525  
5502.71 of the Revised Code found that, at the time of that 2526

transfer, the transferee is prohibited by section 2923.13 of the 2527  
Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n) from 2528  
acquiring, possessing, or using any firearm. 2529

(B) Divisions (A) ~~(3),~~ (4), ~~and (5),~~ and (6) of this 2530  
section do not apply to any of the following: 2531

(1) A law enforcement officer who is acting within the 2532  
scope of the officer's duties; 2533

(2) A person who is acting in accordance with directions 2534  
given by a law enforcement officer described in division (B) (1) 2535  
of this section. 2536

(C) Whoever violates this section is guilty of unlawful 2537  
transactions in weapons. A violation of division (A) (1) ~~or~~, (2), 2538  
or (3) of this section is a felony of the ~~fourth~~ third degree. A 2539  
violation of division (A) ~~(3),~~ (4), ~~or (5),~~ (6), or (10) of this 2540  
section is a felony of the ~~third~~ second degree. A violation of 2541  
division (A) ~~(6) or (7)~~ or (8) of this section is a misdemeanor 2542  
of the second degree. A violation of division (A) ~~(8) (9)~~ of this 2543  
section is a misdemeanor of the fourth degree. 2544

(D) Division (A) (1) does not apply to a person's transfer 2545  
of a firearm to another person if any of the following applies 2546  
with respect to the transfer: 2547

(1) The transferor verified that an FFL criminal 2548  
background check was conducted of the transferee prior to the 2549  
transfer of the firearm to the transferee and the results of the 2550  
background check did not indicate that, at the time of the 2551  
transfer, the transferee was a person prohibited by section 2552  
2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 2553  
922(n) from acquiring, possessing, or using any firearm. 2554

(2) The transferor verified that, within the ninety days 2555

prior to the transfer of the firearm, a seller's protection 2556  
certificate was issued for the transferee pursuant to sections 2557  
311.51 and 5502.71 of the Revised Code, and, prior to the 2558  
transfer, the transferor reviewed the certificate and confirmed 2559  
by checking an identification document of the transferee that 2560  
the transferee was the person to whom the certificate applied. 2561

(3) At the time of the transfer of the firearm to the 2562  
transferee, the transferee presented the transferor with a 2563  
seller's protection certificate issued for the transferee under 2564  
section 311.51 of the Revised Code, the certificate was valid at 2565  
the time of the transfer, and, prior to the transfer, the 2566  
transferor reviewed the certificate and confirmed by checking an 2567  
identification document of the transferee that the transferee 2568  
was the person to whom the certificate applied. 2569

(E) As used in this section: 2570

(1) "Ammunition" has the same meaning as in section 2571  
2305.401 of the Revised Code. 2572

(2) "Federally licensed firearms dealer" has the same 2573  
meaning as in section 5502.63 of the Revised Code. 2574

(3) "Materially false information" means information 2575  
regarding the transfer of a firearm or ammunition that portrays 2576  
an illegal transaction as legal or a legal transaction as 2577  
illegal. 2578

(4) "Private seller" means a person who sells, offers for 2579  
sale, or transfers a firearm or ammunition and who is not a 2580  
federally licensed firearms dealer. 2581

(F) As used in divisions (A) (10) and (D) of this section: 2582

(1) "FFL criminal background check" means a background 2583

check of a transferee conducted upon request of a federally 2584  
licensed firearms dealer through the national instant criminal 2585  
background check system, as described in 18 U.S.C. 922(t), and 2586  
that complies with the requirements of that section. 2587

(2) "Transfer" means a person's sale, loaning, giving, or 2588  
furnishing of a firearm to another person. 2589

(3) "Transferee" means a person to whom a firearm is 2590  
transferred by another person. 2591

(4) "Transferor" means a person who transfers a firearm to 2592  
another person. 2593

(5) "Identification document" has the same meaning as in 2594  
section 311.51 of the Revised Code. 2595

**Sec. 2923.21.** (A) No person shall do any of the following: 2596

(1) Sell any firearm to a person who is under eighteen 2597  
years of age; 2598

(2) Subject to division (B) of this section, sell any 2599  
handgun to a person who is under twenty-one years of age; 2600

(3) Furnish any firearm to a person who is under eighteen 2601  
years of age or, subject to division (B) of this section, 2602  
furnish any handgun to a person who is under twenty-one years of 2603  
age, except for lawful hunting, sporting, or educational 2604  
purposes, including, but not limited to, instruction in firearms 2605  
or handgun safety, care, handling, or marksmanship under the 2606  
supervision or control of a responsible adult; 2607

(4) Sell or furnish a firearm to a person who is eighteen 2608  
years of age or older if the seller or furnisher knows, or has 2609  
reason to know, that the person is purchasing or receiving the 2610  
firearm for the purpose of selling the firearm in violation of 2611

division (A) (1) of this section to a person who is under 2612  
eighteen years of age or for the purpose of furnishing the 2613  
firearm in violation of division (A) (3) of this section to a 2614  
person who is under eighteen years of age; 2615

(5) Sell or furnish a handgun to a person who is twenty- 2616  
one years of age or older if the seller or furnisher knows, or 2617  
has reason to know, that the person is purchasing or receiving 2618  
the handgun for the purpose of selling the handgun in violation 2619  
of division (A) (2) of this section to a person who is under 2620  
twenty-one years of age or for the purpose of furnishing the 2621  
handgun in violation of division (A) (3) of this section to a 2622  
person who is under twenty-one years of age; 2623

(6) Purchase or attempt to purchase any firearm with the 2624  
intent to sell the firearm in violation of division (A) (1) of 2625  
this section to a person who is under eighteen years of age or 2626  
with the intent to furnish the firearm in violation of division 2627  
(A) (3) of this section to a person who is under eighteen years 2628  
of age; 2629

(7) Purchase or attempt to purchase any handgun with the 2630  
intent to sell the handgun in violation of division (A) (2) of 2631  
this section to a person who is under twenty-one years of age or 2632  
with the intent to furnish the handgun in violation of division 2633  
(A) (3) of this section to a person who is under twenty-one years 2634  
of age. 2635

(B) Divisions (A) (1) and (2) of this section do not apply 2636  
to the sale or furnishing of a handgun to a person eighteen 2637  
years of age or older and under twenty-one years of age if the 2638  
person eighteen years of age or older and under twenty-one years 2639  
of age is a law enforcement officer who is properly appointed or 2640  
employed as a law enforcement officer and has received firearms 2641

training approved by the Ohio peace officer training council or 2642  
equivalent firearms training. Divisions (A) (1) and (2) of this 2643  
section do not apply to the sale or furnishing of a handgun to 2644  
an active duty member of the armed forces of the United States 2645  
who has received firearms training that meets or exceeds the 2646  
training requirements described in division (G) (1) of section 2647  
2923.125 of the Revised Code. 2648

(C) Whoever violates this section is guilty of improperly 2649  
furnishing firearms to a minor, a felony of the ~~fifth~~third 2650  
degree. 2651

**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of 2652  
the Revised Code: 2653

(A) "Beneficial interest" means any of the following: 2654

(1) The interest of a person as a beneficiary under a 2655  
trust in which the trustee holds title to personal or real 2656  
property; 2657

(2) The interest of a person as a beneficiary under any 2658  
other trust arrangement under which any other person holds title 2659  
to personal or real property for the benefit of such person; 2660

(3) The interest of a person under any other form of 2661  
express fiduciary arrangement under which any other person holds 2662  
title to personal or real property for the benefit of such 2663  
person. 2664

"Beneficial interest" does not include the interest of a 2665  
stockholder in a corporation or the interest of a partner in 2666  
either a general or limited partnership. 2667

(B) "Costs of investigation and prosecution" and "costs of 2668  
investigation and litigation" mean all of the costs incurred by 2669

the state or a county or municipal corporation under sections 2670  
2923.31 to 2923.36 of the Revised Code in the prosecution and 2671  
investigation of any criminal action or in the litigation and 2672  
investigation of any civil action, and includes, but is not 2673  
limited to, the costs of resources and personnel. 2674

(C) "Enterprise" includes any individual, sole 2675  
proprietorship, partnership, limited partnership, corporation, 2676  
trust, union, government agency, or other legal entity, or any 2677  
organization, association, or group of persons associated in 2678  
fact although not a legal entity. "Enterprise" includes illicit 2679  
as well as licit enterprises. 2680

(D) "Innocent person" includes any bona fide purchaser of 2681  
property that is allegedly involved in a violation of section 2682  
2923.32 of the Revised Code, including any person who 2683  
establishes a valid claim to or interest in the property in 2684  
accordance with division (E) of section 2981.04 of the Revised 2685  
Code, and any victim of an alleged violation of that section or 2686  
of any underlying offense involved in an alleged violation of 2687  
that section. 2688

(E) "Pattern of corrupt activity" means two or more 2689  
incidents of corrupt activity, whether or not there has been a 2690  
prior conviction, that are related to the affairs of the same 2691  
enterprise, are not isolated, and are not so closely related to 2692  
each other and connected in time and place that they constitute 2693  
a single event. 2694

At least one of the incidents forming the pattern shall 2695  
occur on or after January 1, 1986. Unless any incident was an 2696  
aggravated murder or murder, the last of the incidents forming 2697  
the pattern shall occur within six years after the commission of 2698  
any prior incident forming the pattern, excluding any period of 2699

imprisonment served by any person engaging in the corrupt 2700  
activity. 2701

For the purposes of the criminal penalties that may be 2702  
imposed pursuant to section 2923.32 of the Revised Code, at 2703  
least one of the incidents forming the pattern shall constitute 2704  
a felony under the laws of this state in existence at the time 2705  
it was committed or, if committed in violation of the laws of 2706  
the United States or of any other state, shall constitute a 2707  
felony under the law of the United States or the other state and 2708  
would be a criminal offense under the law of this state if 2709  
committed in this state. 2710

(F) "Pecuniary value" means money, a negotiable 2711  
instrument, a commercial interest, or anything of value, as 2712  
defined in section 1.03 of the Revised Code, or any other 2713  
property or service that has a value in excess of one hundred 2714  
dollars. 2715

(G) "Person" means any person, as defined in section 1.59 2716  
of the Revised Code, and any governmental officer, employee, or 2717  
entity. 2718

(H) "Personal property" means any personal property, any 2719  
interest in personal property, or any right, including, but not 2720  
limited to, bank accounts, debts, corporate stocks, patents, or 2721  
copyrights. Personal property and any beneficial interest in 2722  
personal property are deemed to be located where the trustee of 2723  
the property, the personal property, or the instrument 2724  
evidencing the right is located. 2725

(I) "Corrupt activity" means engaging in, attempting to 2726  
engage in, conspiring to engage in, or soliciting, coercing, or 2727  
intimidating another person to engage in any of the following: 2728

(1) Conduct defined as "racketeering activity" under the 2729  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 2730  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 2731

(2) Conduct constituting any of the following: 2732

(a) A violation of section 1315.55, 1322.07, 2903.01, 2733  
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2734  
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 2735  
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2736  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2737  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 2738  
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2739  
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 2740  
division (F)(1)(a), (b), or (c) of section 1315.53; division (A) 2741  
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), 2742  
or (F) of section 1707.44; division (A)(1)—~~or, (2), (3), or~~ 2743  
(10) of section 2923.20; division (E) or (G) of section 3772.99; 2744  
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 2745  
4719.06; division (C), (D), or (E) of section 4719.07; section 2746  
4719.08; or division (A) of section 4719.09 of the Revised Code. 2747

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 2748  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 2749  
any violation of section 2915.02 of the Revised Code that occurs 2750  
on or after July 1, 1996, and that, had it occurred prior to 2751  
that date, would have been a violation of section 3769.11 of the 2752  
Revised Code as it existed prior to that date, or any violation 2753  
of section 2915.05 of the Revised Code that occurs on or after 2754  
July 1, 1996, and that, had it occurred prior to that date, 2755  
would have been a violation of section 3769.15, 3769.16, or 2756  
3769.19 of the Revised Code as it existed prior to that date. 2757

(c) Any violation of section 2907.21, 2907.22, 2907.31, 2758

2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 2759  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 2760  
of the Revised Code, any violation of section 2925.11 of the 2761  
Revised Code that is a felony of the first, second, third, or 2762  
fourth degree and that occurs on or after July 1, 1996, any 2763  
violation of section 2915.02 of the Revised Code that occurred 2764  
prior to July 1, 1996, any violation of section 2915.02 of the 2765  
Revised Code that occurs on or after July 1, 1996, and that, had 2766  
it occurred prior to that date, would not have been a violation 2767  
of section 3769.11 of the Revised Code as it existed prior to 2768  
that date, any violation of section 2915.06 of the Revised Code 2769  
as it existed prior to July 1, 1996, or any violation of 2770  
division (B) of section 2915.05 of the Revised Code as it exists 2771  
on and after July 1, 1996, when the proceeds of the violation, 2772  
the payments made in the violation, the amount of a claim for 2773  
payment or for any other benefit that is false or deceptive and 2774  
that is involved in the violation, or the value of the 2775  
contraband or other property illegally possessed, sold, or 2776  
purchased in the violation exceeds one thousand dollars, or any 2777  
combination of violations described in division (I) (2) (c) of 2778  
this section when the total proceeds of the combination of 2779  
violations, payments made in the combination of violations, 2780  
amount of the claims for payment or for other benefits that is 2781  
false or deceptive and that is involved in the combination of 2782  
violations, or value of the contraband or other property 2783  
illegally possessed, sold, or purchased in the combination of 2784  
violations exceeds one thousand dollars; 2785

(d) Any violation of section 5743.112 of the Revised Code 2786  
when the amount of unpaid tax exceeds one hundred dollars; 2787

(e) Any violation or combination of violations of section 2788  
2907.32 of the Revised Code involving any material or 2789

performance containing a display of bestiality or of sexual 2790  
conduct, as defined in section 2907.01 of the Revised Code, that 2791  
is explicit and depicted with clearly visible penetration of the 2792  
genitals or clearly visible penetration by the penis of any 2793  
orifice when the total proceeds of the violation or combination 2794  
of violations, the payments made in the violation or combination 2795  
of violations, or the value of the contraband or other property 2796  
illegally possessed, sold, or purchased in the violation or 2797  
combination of violations exceeds one thousand dollars; 2798

(f) Any combination of violations described in division 2799  
(I) (2) (c) of this section and violations of section 2907.32 of 2800  
the Revised Code involving any material or performance 2801  
containing a display of bestiality or of sexual conduct, as 2802  
defined in section 2907.01 of the Revised Code, that is explicit 2803  
and depicted with clearly visible penetration of the genitals or 2804  
clearly visible penetration by the penis of any orifice when the 2805  
total proceeds of the combination of violations, payments made 2806  
in the combination of violations, amount of the claims for 2807  
payment or for other benefits that is false or deceptive and 2808  
that is involved in the combination of violations, or value of 2809  
the contraband or other property illegally possessed, sold, or 2810  
purchased in the combination of violations exceeds one thousand 2811  
dollars; 2812

(g) Any violation of section 2905.32 of the Revised Code 2813  
to the extent the violation is not based solely on the same 2814  
conduct that constitutes corrupt activity pursuant to division 2815  
(I) (2) (c) of this section due to the conduct being in violation 2816  
of section 2907.21 of the Revised Code. 2817

(3) Conduct constituting a violation of any law of any 2818  
state other than this state that is substantially similar to the 2819

conduct described in division (I) (2) of this section, provided 2820  
the defendant was convicted of the conduct in a criminal 2821  
proceeding in the other state; 2822

(4) Animal or ecological terrorism; 2823

(5) (a) Conduct constituting any of the following: 2824

(i) Organized retail theft; 2825

(ii) Conduct that constitutes one or more violations of 2826  
any law of any state other than this state, that is 2827  
substantially similar to organized retail theft, and that if 2828  
committed in this state would be organized retail theft, if the 2829  
defendant was convicted of or pleaded guilty to the conduct in a 2830  
criminal proceeding in the other state. 2831

(b) By enacting division (I) (5) (a) of this section, it is 2832  
the intent of the general assembly to add organized retail theft 2833  
and the conduct described in division (I) (5) (a) (ii) of this 2834  
section as conduct constituting corrupt activity. The enactment 2835  
of division (I) (5) (a) of this section and the addition by 2836  
division (I) (5) (a) of this section of organized retail theft and 2837  
the conduct described in division (I) (5) (a) (ii) of this section 2838  
as conduct constituting corrupt activity does not limit or 2839  
preclude, and shall not be construed as limiting or precluding, 2840  
any prosecution for a violation of section 2923.32 of the 2841  
Revised Code that is based on one or more violations of section 2842  
2913.02 or 2913.51 of the Revised Code, one or more similar 2843  
offenses under the laws of this state or any other state, or any 2844  
combination of any of those violations or similar offenses, even 2845  
though the conduct constituting the basis for those violations 2846  
or offenses could be construed as also constituting organized 2847  
retail theft or conduct of the type described in division (I) (5) 2848

(a) (ii) of this section. 2849

(J) "Real property" means any real property or any 2850  
interest in real property, including, but not limited to, any 2851  
lease of, or mortgage upon, real property. Real property and any 2852  
beneficial interest in it is deemed to be located where the real 2853  
property is located. 2854

(K) "Trustee" means any of the following: 2855

(1) Any person acting as trustee under a trust in which 2856  
the trustee holds title to personal or real property; 2857

(2) Any person who holds title to personal or real 2858  
property for which any other person has a beneficial interest; 2859

(3) Any successor trustee. 2860

"Trustee" does not include an assignee or trustee for an 2861  
insolvent debtor or an executor, administrator, administrator 2862  
with the will annexed, testamentary trustee, guardian, or 2863  
committee, appointed by, under the control of, or accountable to 2864  
a court. 2865

(L) "Unlawful debt" means any money or other thing of 2866  
value constituting principal or interest of a debt that is 2867  
legally unenforceable in this state in whole or in part because 2868  
the debt was incurred or contracted in violation of any federal 2869  
or state law relating to the business of gambling activity or 2870  
relating to the business of lending money at an usurious rate 2871  
unless the creditor proves, by a preponderance of the evidence, 2872  
that the usurious rate was not intentionally set and that it 2873  
resulted from a good faith error by the creditor, 2874  
notwithstanding the maintenance of procedures that were adopted 2875  
by the creditor to avoid an error of that nature. 2876

(M) "Animal activity" means any activity that involves the 2877  
use of animals or animal parts, including, but not limited to, 2878  
hunting, fishing, trapping, traveling, camping, the production, 2879  
preparation, or processing of food or food products, clothing or 2880  
garment manufacturing, medical research, other research, 2881  
entertainment, recreation, agriculture, biotechnology, or 2882  
service activity that involves the use of animals or animal 2883  
parts. 2884

(N) "Animal facility" means a vehicle, building, 2885  
structure, nature preserve, or other premises in which an animal 2886  
is lawfully kept, handled, housed, exhibited, bred, or offered 2887  
for sale, including, but not limited to, a zoo, rodeo, circus, 2888  
amusement park, hunting preserve, or premises in which a horse 2889  
or dog event is held. 2890

(O) "Animal or ecological terrorism" means the commission 2891  
of any felony that involves causing or creating a substantial 2892  
risk of physical harm to any property of another, the use of a 2893  
deadly weapon or dangerous ordnance, or purposely, knowingly, or 2894  
recklessly causing serious physical harm to property and that 2895  
involves an intent to obstruct, impede, or deter any person from 2896  
participating in a lawful animal activity, from mining, 2897  
forestry, harvesting, gathering, or processing natural 2898  
resources, or from being lawfully present in or on an animal 2899  
facility or research facility. 2900

(P) "Research facility" means a place, laboratory, 2901  
institution, medical care facility, government facility, or 2902  
public or private educational institution in which a scientific 2903  
test, experiment, or investigation involving the use of animals 2904  
or other living organisms is lawfully carried out, conducted, or 2905  
attempted. 2906

(Q) "Organized retail theft" means the theft of retail property with a retail value of one thousand dollars or more from one or more retail establishments with the intent to sell, deliver, or transfer that property to a retail property fence.

(R) "Retail property" means any tangible personal property displayed, held, stored, or offered for sale in or by a retail establishment.

(S) "Retail property fence" means a person who possesses, procures, receives, or conceals retail property that was represented to the person as being stolen or that the person knows or believes to be stolen.

(T) "Retail value" means the full retail value of the retail property. In determining whether the retail value of retail property equals or exceeds one thousand dollars, the value of all retail property stolen from the retail establishment or retail establishments by the same person or persons within any one-hundred-eighty-day period shall be aggregated.

**Sec. 2929.14.** (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following:

(1) (a) For a felony of the first degree committed on or

after the effective date of this amendment, the prison term 2936  
shall be an indefinite prison term with a stated minimum term 2937  
selected by the court of three, four, five, six, seven, eight, 2938  
nine, ten, or eleven years and a maximum term that is determined 2939  
pursuant to section 2929.144 of the Revised Code, except that if 2940  
the section that criminalizes the conduct constituting the 2941  
felony specifies a different minimum term or penalty for the 2942  
offense, the specific language of that section shall control in 2943  
determining the minimum term or otherwise sentencing the 2944  
offender but the minimum term or sentence imposed under that 2945  
specific language shall be considered for purposes of the 2946  
Revised Code as if it had been imposed under this division. 2947

(b) For a felony of the first degree committed prior to 2948  
the effective date of this amendment, the prison term shall be a 2949  
definite prison term of three, four, five, six, seven, eight, 2950  
nine, ten, or eleven years. 2951

(2) (a) For a felony of the second degree committed on or 2952  
after the effective date of this amendment, the prison term 2953  
shall be an indefinite prison term with a stated minimum term 2954  
selected by the court of two, three, four, five, six, seven, or 2955  
eight years and a maximum term that is determined pursuant to 2956  
section 2929.144 of the Revised Code, except that if the section 2957  
that criminalizes the conduct constituting the felony specifies 2958  
a different minimum term or penalty for the offense, the 2959  
specific language of that section shall control in determining 2960  
the minimum term or otherwise sentencing the offender but the 2961  
minimum term or sentence imposed under that specific language 2962  
shall be considered for purposes of the Revised Code as if it 2963  
had been imposed under this division. 2964

(b) For a felony of the second degree committed prior to 2965

the effective date of this amendment, the prison term shall be a 2966  
definite term of two, three, four, five, six, seven, or eight 2967  
years. 2968

(3) (a) For a felony of the third degree that is a 2969  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2970  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 2971  
Code or that is a violation of section 2911.02 or 2911.12 of the 2972  
Revised Code if the offender previously has been convicted of or 2973  
pleaded guilty in two or more separate proceedings to two or 2974  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 2975  
of the Revised Code, the prison term shall be a definite term of 2976  
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 2977  
forty-eight, fifty-four, or sixty months. 2978

(b) For a felony of the third degree that is not an 2979  
offense for which division (A) (3) (a) of this section applies, 2980  
the prison term shall be a definite term of nine, twelve, 2981  
eighteen, twenty-four, thirty, or thirty-six months. 2982

(4) For a felony of the fourth degree, the prison term 2983  
shall be a definite term of six, seven, eight, nine, ten, 2984  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 2985  
or eighteen months. 2986

(5) For a felony of the fifth degree, the prison term 2987  
shall be a definite term of six, seven, eight, nine, ten, 2988  
eleven, or twelve months. 2989

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2990  
section, if an offender who is convicted of or pleads guilty to 2991  
a felony also is convicted of or pleads guilty to a 2992  
specification of the type described in section 2941.141, 2993  
2941.144, or 2941.145 of the Revised Code, the court shall 2994

impose on the offender one of the following prison terms: 2995

(i) A prison term of six years if the specification is of 2996  
the type described in division (A) of section 2941.144 of the 2997  
Revised Code that charges the offender with having a firearm 2998  
that is an automatic firearm or that was equipped with a firearm 2999  
muffler or suppressor on or about the offender's person or under 3000  
the offender's control while committing the offense; 3001

(ii) A prison term of three years, four years, or five 3002  
years if the specification is of the type described in division 3003  
(A) of section 2941.145 of the Revised Code that charges the 3004  
offender with having a firearm on or about the offender's person 3005  
or under the offender's control while committing the offense and 3006  
displaying the firearm, brandishing the firearm, indicating that 3007  
the offender possessed the firearm, or using it to facilitate 3008  
the offense; 3009

(iii) A prison term of one year, two years, or three years 3010  
if the specification is of the type described in division (A) of 3011  
section 2941.141 of the Revised Code that charges the offender 3012  
with having a firearm on or about the offender's person or under 3013  
the offender's control while committing the offense; 3014

(iv) A prison term of nine years if the specification is 3015  
of the type described in division (D) of section 2941.144 of the 3016  
Revised Code that charges the offender with having a firearm 3017  
that is an automatic firearm or that was equipped with a firearm 3018  
muffler or suppressor on or about the offender's person or under 3019  
the offender's control while committing the offense and 3020  
specifies that the offender previously has been convicted of or 3021  
pleaded guilty to a specification of the type described in 3022  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3023  
the Revised Code; 3024

(v) A prison term of fifty-four months, sixty-six months, 3025  
or seventy-eight months if the specification is of the type 3026  
described in division (D) of section 2941.145 of the Revised 3027  
Code that charges the offender with having a firearm on or about 3028  
the offender's person or under the offender's control while 3029  
committing the offense and displaying the firearm, brandishing 3030  
the firearm, indicating that the offender possessed the firearm, 3031  
or using the firearm to facilitate the offense and that the 3032  
offender previously has been convicted of or pleaded guilty to a 3033  
specification of the type described in section 2941.141, 3034  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code; 3035

(vi) A prison term of eighteen months, thirty months, or 3036  
forty-two months if the specification is of the type described 3037  
in division (D) of section 2941.141 of the Revised Code that 3038  
charges the offender with having a firearm on or about the 3039  
offender's person or under the offender's control while 3040  
committing the offense and that the offender previously has been 3041  
convicted of or pleaded guilty to a specification of the type 3042  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3043  
2941.1412 of the Revised Code. 3044

(b) If a court imposes a prison term on an offender under 3045  
division (B)(1)(a) of this section, the prison term shall not be 3046  
reduced pursuant to section 2967.19, section 2929.20, section 3047  
2967.193, or any other provision of Chapter 2967. or Chapter 3048  
5120. of the Revised Code. Except as provided in division (B)(1) 3049  
(g) of this section, a court shall not impose more than one 3050  
prison term on an offender under division (B)(1)(a) of this 3051  
section for felonies committed as part of the same act or 3052  
transaction. 3053

(c)(i) Except as provided in division (B)(1)(e) of this 3054

section, if an offender who is convicted of or pleads guilty to 3055  
a violation of section 2923.161 of the Revised Code or to a 3056  
felony that includes, as an essential element, purposely or 3057  
knowingly causing or attempting to cause the death of or 3058  
physical harm to another, also is convicted of or pleads guilty 3059  
to a specification of the type described in division (A) of 3060  
section 2941.146 of the Revised Code that charges the offender 3061  
with committing the offense by discharging a firearm from a 3062  
motor vehicle other than a manufactured home, the court, after 3063  
imposing a prison term on the offender for the violation of 3064  
section 2923.161 of the Revised Code or for the other felony 3065  
offense under division (A), (B) (2), or (B) (3) of this section, 3066  
shall impose an additional prison term of five years upon the 3067  
offender that shall not be reduced pursuant to section 2929.20, 3068  
section 2967.19, section 2967.193, or any other provision of 3069  
Chapter 2967. or Chapter 5120. of the Revised Code. 3070

(ii) Except as provided in division (B) (1) (e) of this 3071  
section, if an offender who is convicted of or pleads guilty to 3072  
a violation of section 2923.161 of the Revised Code or to a 3073  
felony that includes, as an essential element, purposely or 3074  
knowingly causing or attempting to cause the death of or 3075  
physical harm to another, also is convicted of or pleads guilty 3076  
to a specification of the type described in division (C) of 3077  
section 2941.146 of the Revised Code that charges the offender 3078  
with committing the offense by discharging a firearm from a 3079  
motor vehicle other than a manufactured home and that the 3080  
offender previously has been convicted of or pleaded guilty to a 3081  
specification of the type described in section 2941.141, 3082  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3083  
the court, after imposing a prison term on the offender for the 3084  
violation of section 2923.161 of the Revised Code or for the 3085

other felony offense under division (A), (B) (2), or (3) of this 3086  
section, shall impose an additional prison term of ninety months 3087  
upon the offender that shall not be reduced pursuant to section 3088  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3089  
2967. or Chapter 5120. of the Revised Code. 3090

(iii) A court shall not impose more than one additional 3091  
prison term on an offender under division (B) (1) (c) of this 3092  
section for felonies committed as part of the same act or 3093  
transaction. If a court imposes an additional prison term on an 3094  
offender under division (B) (1) (c) of this section relative to an 3095  
offense, the court also shall impose a prison term under 3096  
division (B) (1) (a) of this section relative to the same offense, 3097  
provided the criteria specified in that division for imposing an 3098  
additional prison term are satisfied relative to the offender 3099  
and the offense. 3100

(d) If an offender who is convicted of or pleads guilty to 3101  
an offense of violence that is a felony also is convicted of or 3102  
pleads guilty to a specification of the type described in 3103  
section 2941.1411 of the Revised Code that charges the offender 3104  
with wearing or carrying body armor while committing the felony 3105  
offense of violence, the court shall impose on the offender an 3106  
additional prison term of two years. The prison term so imposed, 3107  
subject to divisions (C) to (I) of section 2967.19 of the 3108  
Revised Code, shall not be reduced pursuant to section 2929.20, 3109  
section 2967.19, section 2967.193, or any other provision of 3110  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3111  
shall not impose more than one prison term on an offender under 3112  
division (B) (1) (d) of this section for felonies committed as 3113  
part of the same act or transaction. If a court imposes an 3114  
additional prison term under division (B) (1) (a) or (c) of this 3115  
section, the court is not precluded from imposing an additional 3116

prison term under division (B) (1) (d) of this section. 3117

(e) The court shall not impose any of the prison terms 3118  
described in division (B) (1) (a) of this section or any of the 3119  
additional prison terms described in division (B) (1) (c) of this 3120  
section upon an offender for a violation of section 2923.12 or 3121  
2923.123 of the Revised Code. The court shall not impose any of 3122  
the prison terms described in division (B) (1) (a) or (b) of this 3123  
section upon an offender for a violation of section 2923.122 3124  
that involves a deadly weapon that is a firearm other than a 3125  
dangerous ordnance, section 2923.16, or section 2923.121 of the 3126  
Revised Code. The court shall not impose any of the prison terms 3127  
described in division (B) (1) (a) of this section or any of the 3128  
additional prison terms described in division (B) (1) (c) of this 3129  
section upon an offender for a violation of section 2923.13 of 3130  
the Revised Code unless all of the following apply: 3131

(i) The offender previously has been convicted of 3132  
aggravated murder, murder, or any felony of the first or second 3133  
degree. 3134

(ii) Less than five years have passed since the offender 3135  
was released from prison or post-release control, whichever is 3136  
later, for the prior offense. 3137

(f) (i) If an offender is convicted of or pleads guilty to 3138  
a felony that includes, as an essential element, causing or 3139  
attempting to cause the death of or physical harm to another and 3140  
also is convicted of or pleads guilty to a specification of the 3141  
type described in division (A) of section 2941.1412 of the 3142  
Revised Code that charges the offender with committing the 3143  
offense by discharging a firearm at a peace officer as defined 3144  
in section 2935.01 of the Revised Code or a corrections officer, 3145  
as defined in section 2941.1412 of the Revised Code, the court, 3146

after imposing a prison term on the offender for the felony 3147  
offense under division (A), (B) (2), or (B) (3) of this section, 3148  
shall impose an additional prison term of seven years upon the 3149  
offender that shall not be reduced pursuant to section 2929.20, 3150  
section 2967.19, section 2967.193, or any other provision of 3151  
Chapter 2967. or Chapter 5120. of the Revised Code. 3152

(ii) If an offender is convicted of or pleads guilty to a 3153  
felony that includes, as an essential element, causing or 3154  
attempting to cause the death of or physical harm to another and 3155  
also is convicted of or pleads guilty to a specification of the 3156  
type described in division (B) of section 2941.1412 of the 3157  
Revised Code that charges the offender with committing the 3158  
offense by discharging a firearm at a peace officer, as defined 3159  
in section 2935.01 of the Revised Code, or a corrections 3160  
officer, as defined in section 2941.1412 of the Revised Code, 3161  
and that the offender previously has been convicted of or 3162  
pleaded guilty to a specification of the type described in 3163  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3164  
the Revised Code, the court, after imposing a prison term on the 3165  
offender for the felony offense under division (A), (B) (2), or 3166  
(3) of this section, shall impose an additional prison term of 3167  
one hundred twenty-six months upon the offender that shall not 3168  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3169  
any other provision of Chapter 2967. or 5120. of the Revised 3170  
Code. 3171

(iii) If an offender is convicted of or pleads guilty to 3172  
two or more felonies that include, as an essential element, 3173  
causing or attempting to cause the death or physical harm to 3174  
another and also is convicted of or pleads guilty to a 3175  
specification of the type described under division (B) (1) (f) of 3176  
this section in connection with two or more of the felonies of 3177

which the offender is convicted or to which the offender pleads 3178  
guilty, the sentencing court shall impose on the offender the 3179  
prison term specified under division (B) (1) (f) of this section 3180  
for each of two of the specifications of which the offender is 3181  
convicted or to which the offender pleads guilty and, in its 3182  
discretion, also may impose on the offender the prison term 3183  
specified under that division for any or all of the remaining 3184  
specifications. If a court imposes an additional prison term on 3185  
an offender under division (B) (1) (f) of this section relative to 3186  
an offense, the court shall not impose a prison term under 3187  
division (B) (1) (a) or (c) of this section relative to the same 3188  
offense. 3189

(g) If an offender is convicted of or pleads guilty to two 3190  
or more felonies, if one or more of those felonies are 3191  
aggravated murder, murder, attempted aggravated murder, 3192  
attempted murder, aggravated robbery, felonious assault, or 3193  
rape, and if the offender is convicted of or pleads guilty to a 3194  
specification of the type described under division (B) (1) (a) of 3195  
this section in connection with two or more of the felonies, the 3196  
sentencing court shall impose on the offender the prison term 3197  
specified under division (B) (1) (a) of this section for each of 3198  
the two most serious specifications of which the offender is 3199  
convicted or to which the offender pleads guilty and, in its 3200  
discretion, also may impose on the offender the prison term 3201  
specified under that division for any or all of the remaining 3202  
specifications. 3203

(2) (a) If division (B) (2) (b) of this section does not 3204  
apply, the court may impose on an offender, in addition to the 3205  
longest prison term authorized or required for the offense or, 3206  
for offenses for which division (A) (1) (a) or (2) (a) of this 3207  
section applies, in addition to the longest minimum prison term 3208

authorized or required for the offense, an additional definite 3209  
prison term of one, two, three, four, five, six, seven, eight, 3210  
nine, or ten years if all of the following criteria are met: 3211

(i) The offender is convicted of or pleads guilty to a 3212  
specification of the type described in section 2941.149 of the 3213  
Revised Code that the offender is a repeat violent offender. 3214

(ii) The offense of which the offender currently is 3215  
convicted or to which the offender currently pleads guilty is 3216  
aggravated murder and the court does not impose a sentence of 3217  
death or life imprisonment without parole, murder, terrorism and 3218  
the court does not impose a sentence of life imprisonment 3219  
without parole, any felony of the first degree that is an 3220  
offense of violence and the court does not impose a sentence of 3221  
life imprisonment without parole, or any felony of the second 3222  
degree that is an offense of violence and the trier of fact 3223  
finds that the offense involved an attempt to cause or a threat 3224  
to cause serious physical harm to a person or resulted in 3225  
serious physical harm to a person. 3226

(iii) The court imposes the longest prison term for the 3227  
offense or the longest minimum prison term for the offense, 3228  
whichever is applicable, that is not life imprisonment without 3229  
parole. 3230

(iv) The court finds that the prison terms imposed 3231  
pursuant to division (B)(2)(a)(iii) of this section and, if 3232  
applicable, division (B)(1) or (3) of this section are 3233  
inadequate to punish the offender and protect the public from 3234  
future crime, because the applicable factors under section 3235  
2929.12 of the Revised Code indicating a greater likelihood of 3236  
recidivism outweigh the applicable factors under that section 3237  
indicating a lesser likelihood of recidivism. 3238

(v) The court finds that the prison terms imposed pursuant 3239  
to division (B) (2) (a) (iii) of this section and, if applicable, 3240  
division (B) (1) or (3) of this section are demeaning to the 3241  
seriousness of the offense, because one or more of the factors 3242  
under section 2929.12 of the Revised Code indicating that the 3243  
offender's conduct is more serious than conduct normally 3244  
constituting the offense are present, and they outweigh the 3245  
applicable factors under that section indicating that the 3246  
offender's conduct is less serious than conduct normally 3247  
constituting the offense. 3248

(b) The court shall impose on an offender the longest 3249  
prison term authorized or required for the offense or, for 3250  
offenses for which division (A) (1) (a) or (2) (a) of this section 3251  
applies, the longest minimum prison term authorized or required 3252  
for the offense, and shall impose on the offender an additional 3253  
definite prison term of one, two, three, four, five, six, seven, 3254  
eight, nine, or ten years if all of the following criteria are 3255  
met: 3256

(i) The offender is convicted of or pleads guilty to a 3257  
specification of the type described in section 2941.149 of the 3258  
Revised Code that the offender is a repeat violent offender. 3259

(ii) The offender within the preceding twenty years has 3260  
been convicted of or pleaded guilty to three or more offenses 3261  
described in division (CC) (1) of section 2929.01 of the Revised 3262  
Code, including all offenses described in that division of which 3263  
the offender is convicted or to which the offender pleads guilty 3264  
in the current prosecution and all offenses described in that 3265  
division of which the offender previously has been convicted or 3266  
to which the offender previously pleaded guilty, whether 3267  
prosecuted together or separately. 3268

(iii) The offense or offenses of which the offender 3269  
currently is convicted or to which the offender currently pleads 3270  
guilty is aggravated murder and the court does not impose a 3271  
sentence of death or life imprisonment without parole, murder, 3272  
terrorism and the court does not impose a sentence of life 3273  
imprisonment without parole, any felony of the first degree that 3274  
is an offense of violence and the court does not impose a 3275  
sentence of life imprisonment without parole, or any felony of 3276  
the second degree that is an offense of violence and the trier 3277  
of fact finds that the offense involved an attempt to cause or a 3278  
threat to cause serious physical harm to a person or resulted in 3279  
serious physical harm to a person. 3280

(c) For purposes of division (B) (2) (b) of this section, 3281  
two or more offenses committed at the same time or as part of 3282  
the same act or event shall be considered one offense, and that 3283  
one offense shall be the offense with the greatest penalty. 3284

(d) A sentence imposed under division (B) (2) (a) or (b) of 3285  
this section shall not be reduced pursuant to section 2929.20, 3286  
section 2967.19, or section 2967.193, or any other provision of 3287  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3288  
shall serve an additional prison term imposed under division (B) 3289  
(2) (a) or (b) of this section consecutively to and prior to the 3290  
prison term imposed for the underlying offense. 3291

(e) When imposing a sentence pursuant to division (B) (2) 3292  
(a) or (b) of this section, the court shall state its findings 3293  
explaining the imposed sentence. 3294

(3) Except when an offender commits a violation of section 3295  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3296  
for the violation is life imprisonment or commits a violation of 3297  
section 2903.02 of the Revised Code, if the offender commits a 3298

violation of section 2925.03 or 2925.11 of the Revised Code and 3299  
that section classifies the offender as a major drug offender, 3300  
if the offender commits a violation of section 2925.05 of the 3301  
Revised Code and division (E)(1) of that section classifies the 3302  
offender as a major drug offender, if the offender commits a 3303  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3304  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3305  
division (C) or (D) of section 3719.172, division (E) of section 3306  
4729.51, or division (J) of section 4729.54 of the Revised Code 3307  
that includes the sale, offer to sell, or possession of a 3308  
schedule I or II controlled substance, with the exception of 3309  
marihuana, and the court imposing sentence upon the offender 3310  
finds that the offender is guilty of a specification of the type 3311  
described in division (A) of section 2941.1410 of the Revised 3312  
Code charging that the offender is a major drug offender, if the 3313  
court imposing sentence upon an offender for a felony finds that 3314  
the offender is guilty of corrupt activity with the most serious 3315  
offense in the pattern of corrupt activity being a felony of the 3316  
first degree, or if the offender is guilty of an attempted 3317  
violation of section 2907.02 of the Revised Code and, had the 3318  
offender completed the violation of section 2907.02 of the 3319  
Revised Code that was attempted, the offender would have been 3320  
subject to a sentence of life imprisonment or life imprisonment 3321  
without parole for the violation of section 2907.02 of the 3322  
Revised Code, the court shall impose upon the offender for the 3323  
felony violation a mandatory prison term determined as described 3324  
in this division that, subject to divisions (C) to (I) of 3325  
section 2967.19 of the Revised Code, cannot be reduced pursuant 3326  
to section 2929.20, section 2967.19, or any other provision of 3327  
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 3328  
term shall be the maximum definite prison term prescribed in 3329  
division (A)(1)(b) of this section for a felony of the first 3330

degree, except that for offenses for which division (A) (1) (a) of 3331  
this section applies, the mandatory prison term shall be the 3332  
longest minimum prison term prescribed in that division for the 3333  
offense. 3334

(4) If the offender is being sentenced for a third or 3335  
fourth degree felony OVI offense under division (G) (2) of 3336  
section 2929.13 of the Revised Code, the sentencing court shall 3337  
impose upon the offender a mandatory prison term in accordance 3338  
with that division. In addition to the mandatory prison term, if 3339  
the offender is being sentenced for a fourth degree felony OVI 3340  
offense, the court, notwithstanding division (A) (4) of this 3341  
section, may sentence the offender to a definite prison term of 3342  
not less than six months and not more than thirty months, and if 3343  
the offender is being sentenced for a third degree felony OVI 3344  
offense, the sentencing court may sentence the offender to an 3345  
additional prison term of any duration specified in division (A) 3346  
(3) of this section. In either case, the additional prison term 3347  
imposed shall be reduced by the sixty or one hundred twenty days 3348  
imposed upon the offender as the mandatory prison term. The 3349  
total of the additional prison term imposed under division (B) 3350  
(4) of this section plus the sixty or one hundred twenty days 3351  
imposed as the mandatory prison term shall equal a definite term 3352  
in the range of six months to thirty months for a fourth degree 3353  
felony OVI offense and shall equal one of the authorized prison 3354  
terms specified in division (A) (3) of this section for a third 3355  
degree felony OVI offense. If the court imposes an additional 3356  
prison term under division (B) (4) of this section, the offender 3357  
shall serve the additional prison term after the offender has 3358  
served the mandatory prison term required for the offense. In 3359  
addition to the mandatory prison term or mandatory and 3360  
additional prison term imposed as described in division (B) (4) 3361

of this section, the court also may sentence the offender to a 3362  
community control sanction under section 2929.16 or 2929.17 of 3363  
the Revised Code, but the offender shall serve all of the prison 3364  
terms so imposed prior to serving the community control 3365  
sanction. 3366

If the offender is being sentenced for a fourth degree 3367  
felony OVI offense under division (G) (1) of section 2929.13 of 3368  
the Revised Code and the court imposes a mandatory term of local 3369  
incarceration, the court may impose a prison term as described 3370  
in division (A) (1) of that section. 3371

(5) If an offender is convicted of or pleads guilty to a 3372  
violation of division (A) (1) or (2) of section 2903.06 of the 3373  
Revised Code and also is convicted of or pleads guilty to a 3374  
specification of the type described in section 2941.1414 of the 3375  
Revised Code that charges that the victim of the offense is a 3376  
peace officer, as defined in section 2935.01 of the Revised 3377  
Code, or an investigator of the bureau of criminal 3378  
identification and investigation, as defined in section 2903.11 3379  
of the Revised Code, the court shall impose on the offender a 3380  
prison term of five years. If a court imposes a prison term on 3381  
an offender under division (B) (5) of this section, the prison 3382  
term, subject to divisions (C) to (I) of section 2967.19 of the 3383  
Revised Code, shall not be reduced pursuant to section 2929.20, 3384  
section 2967.19, section 2967.193, or any other provision of 3385  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3386  
shall not impose more than one prison term on an offender under 3387  
division (B) (5) of this section for felonies committed as part 3388  
of the same act. 3389

(6) If an offender is convicted of or pleads guilty to a 3390  
violation of division (A) (1) or (2) of section 2903.06 of the 3391

Revised Code and also is convicted of or pleads guilty to a 3392  
specification of the type described in section 2941.1415 of the 3393  
Revised Code that charges that the offender previously has been 3394  
convicted of or pleaded guilty to three or more violations of 3395  
division (A) or (B) of section 4511.19 of the Revised Code or an 3396  
equivalent offense, as defined in section 2941.1415 of the 3397  
Revised Code, or three or more violations of any combination of 3398  
those divisions and offenses, the court shall impose on the 3399  
offender a prison term of three years. If a court imposes a 3400  
prison term on an offender under division (B) (6) of this 3401  
section, the prison term, subject to divisions (C) to (I) of 3402  
section 2967.19 of the Revised Code, shall not be reduced 3403  
pursuant to section 2929.20, section 2967.19, section 2967.193, 3404  
or any other provision of Chapter 2967. or Chapter 5120. of the 3405  
Revised Code. A court shall not impose more than one prison term 3406  
on an offender under division (B) (6) of this section for 3407  
felonies committed as part of the same act. 3408

(7) (a) If an offender is convicted of or pleads guilty to 3409  
a felony violation of section 2905.01, 2905.02, 2907.21, 3410  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 3411  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 3412  
section 2919.22 of the Revised Code and also is convicted of or 3413  
pleads guilty to a specification of the type described in 3414  
section 2941.1422 of the Revised Code that charges that the 3415  
offender knowingly committed the offense in furtherance of human 3416  
trafficking, the court shall impose on the offender a mandatory 3417  
prison term that is one of the following: 3418

(i) If the offense is a felony of the first degree, a 3419  
definite prison term of not less than five years and not greater 3420  
than eleven years, except that if the offense is a felony of the 3421  
first degree committed on or after the effective date of this 3422

amendment, the court shall impose as the minimum prison term a 3423  
mandatory term of not less than five years and not greater than 3424  
eleven years; 3425

(ii) If the offense is a felony of the second or third 3426  
degree, a definite prison term of not less than three years and 3427  
not greater than the maximum prison term allowed for the offense 3428  
by division (A) (2) (b) or (3) of this section, except that if the 3429  
offense is a felony of the second degree committed on or after 3430  
the effective date of this amendment, the court shall impose as 3431  
the minimum prison term a mandatory term of not less than three 3432  
years and not greater than eight years; 3433

(iii) If the offense is a felony of the fourth or fifth 3434  
degree, a definite prison term that is the maximum prison term 3435  
allowed for the offense by division (A) of section 2929.14 of 3436  
the Revised Code. 3437

(b) Subject to divisions (C) to (I) of section 2967.19 of 3438  
the Revised Code, the prison term imposed under division (B) (7) 3439  
(a) of this section shall not be reduced pursuant to section 3440  
2929.20, section 2967.19, section 2967.193, or any other 3441  
provision of Chapter 2967. of the Revised Code. A court shall 3442  
not impose more than one prison term on an offender under 3443  
division (B) (7) (a) of this section for felonies committed as 3444  
part of the same act, scheme, or plan. 3445

(8) If an offender is convicted of or pleads guilty to a 3446  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3447  
Revised Code and also is convicted of or pleads guilty to a 3448  
specification of the type described in section 2941.1423 of the 3449  
Revised Code that charges that the victim of the violation was a 3450  
woman whom the offender knew was pregnant at the time of the 3451  
violation, notwithstanding the range prescribed in division (A) 3452

of this section as the definite prison term or minimum prison 3453  
term for felonies of the same degree as the violation, the court 3454  
shall impose on the offender a mandatory prison term that is 3455  
either a definite prison term of six months or one of the prison 3456  
terms prescribed in division (A) of this section for felonies of 3457  
the same degree as the violation, except that if the violation 3458  
is a felony of the first or second degree committed on or after 3459  
the effective date of this amendment, the court shall impose as 3460  
the minimum prison term under division (A) (1) (a) or (2) (a) of 3461  
this section a mandatory term that is one of the terms 3462  
prescribed in that division, whichever is applicable, for the 3463  
offense. 3464

(9) (a) If an offender is convicted of or pleads guilty to 3465  
a violation of division (A) (1) or (2) of section 2903.11 of the 3466  
Revised Code and also is convicted of or pleads guilty to a 3467  
specification of the type described in section 2941.1425 of the 3468  
Revised Code, the court shall impose on the offender a mandatory 3469  
prison term of six years if either of the following applies: 3470

(i) The violation is a violation of division (A) (1) of 3471  
section 2903.11 of the Revised Code and the specification 3472  
charges that the offender used an accelerant in committing the 3473  
violation and the serious physical harm to another or to 3474  
another's unborn caused by the violation resulted in a 3475  
permanent, serious disfigurement or permanent, substantial 3476  
incapacity; 3477

(ii) The violation is a violation of division (A) (2) of 3478  
section 2903.11 of the Revised Code and the specification 3479  
charges that the offender used an accelerant in committing the 3480  
violation, that the violation caused physical harm to another or 3481  
to another's unborn, and that the physical harm resulted in a 3482

permanent, serious disfigurement or permanent, substantial 3483  
incapacity. 3484

(b) If a court imposes a prison term on an offender under 3485  
division (B) (9) (a) of this section, the prison term shall not be 3486  
reduced pursuant to section 2929.20, section 2967.19, section 3487  
2967.193, or any other provision of Chapter 2967. or Chapter 3488  
5120. of the Revised Code. A court shall not impose more than 3489  
one prison term on an offender under division (B) (9) of this 3490  
section for felonies committed as part of the same act. 3491

(c) The provisions of divisions (B) (9) and (C) (6) of this 3492  
section and of division (D) (2) of section 2903.11, division (F) 3493  
(20) of section 2929.13, and section 2941.1425 of the Revised 3494  
Code shall be known as "Judy's Law." 3495

(10) If an offender is convicted of or pleads guilty to a 3496  
violation of division (A) of section 2903.11 of the Revised Code 3497  
and also is convicted of or pleads guilty to a specification of 3498  
the type described in section 2941.1426 of the Revised Code that 3499  
charges that the victim of the offense suffered permanent 3500  
disabling harm as a result of the offense and that the victim 3501  
was under ten years of age at the time of the offense, 3502  
regardless of whether the offender knew the age of the victim, 3503  
the court shall impose upon the offender an additional definite 3504  
prison term of six years. A prison term imposed on an offender 3505  
under division (B) (10) of this section shall not be reduced 3506  
pursuant to section 2929.20, section 2967.193, or any other 3507  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3508  
If a court imposes an additional prison term on an offender 3509  
under this division relative to a violation of division (A) of 3510  
section 2903.11 of the Revised Code, the court shall not impose 3511  
any other additional prison term on the offender relative to the 3512

same offense. 3513

(11) If an offender is convicted of or pleads guilty to a 3514  
felony violation of section 2925.03 or 2925.05 of the Revised 3515  
Code or a felony violation of section 2925.11 of the Revised 3516  
Code for which division (C) (11) of that section applies in 3517  
determining the sentence for the violation, if the drug involved 3518  
in the violation is a fentanyl-related compound or a compound, 3519  
mixture, preparation, or substance containing a fentanyl-related 3520  
compound, and if the offender also is convicted of or pleads 3521  
guilty to a specification of the type described in division (B) 3522  
of section 2941.1410 of the Revised Code that charges that the 3523  
offender is a major drug offender, in addition to any other 3524  
penalty imposed for the violation, the court shall impose on the 3525  
offender a mandatory prison term of three, four, five, six, 3526  
seven, or eight years. If a court imposes a prison term on an 3527  
offender under division (B) (11) of this section, the prison 3528  
term, subject to divisions (C) to (I) of section 2967.19 of the 3529  
Revised Code, shall not be reduced pursuant to section 2929.20, 3530  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 3531  
5120. of the Revised Code. A court shall not impose more than 3532  
one prison term on an offender under division (B) (11) of this 3533  
section for felonies committed as part of the same act. 3534

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3535  
if a mandatory prison term is imposed upon an offender pursuant 3536  
to division (B) (1) (a) of this section for having a firearm on or 3537  
about the offender's person or under the offender's control 3538  
while committing a felony, if a mandatory prison term is imposed 3539  
upon an offender pursuant to division (B) (1) (c) of this section 3540  
for committing a felony specified in that division by 3541  
discharging a firearm from a motor vehicle, or if both types of 3542  
mandatory prison terms are imposed, the offender shall serve any 3543

mandatory prison term imposed under either division 3544  
consecutively to any other mandatory prison term imposed under 3545  
either division or under division (B) (1) (d) of this section, 3546  
consecutively to and prior to any prison term imposed for the 3547  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3548  
this section or any other section of the Revised Code, and 3549  
consecutively to any other prison term or mandatory prison term 3550  
previously or subsequently imposed upon the offender. 3551

(b) If a mandatory prison term is imposed upon an offender 3552  
pursuant to division (B) (1) (d) of this section for wearing or 3553  
carrying body armor while committing an offense of violence that 3554  
is a felony, the offender shall serve the mandatory term so 3555  
imposed consecutively to any other mandatory prison term imposed 3556  
under that division or under division (B) (1) (a) or (c) of this 3557  
section, consecutively to and prior to any prison term imposed 3558  
for the underlying felony under division (A), (B) (2), or (B) (3) 3559  
of this section or any other section of the Revised Code, and 3560  
consecutively to any other prison term or mandatory prison term 3561  
previously or subsequently imposed upon the offender. 3562

(c) If a mandatory prison term is imposed upon an offender 3563  
pursuant to division (B) (1) (f) of this section, the offender 3564  
shall serve the mandatory prison term so imposed consecutively 3565  
to and prior to any prison term imposed for the underlying 3566  
felony under division (A), (B) (2), or (B) (3) of this section or 3567  
any other section of the Revised Code, and consecutively to any 3568  
other prison term or mandatory prison term previously or 3569  
subsequently imposed upon the offender. 3570

(d) If a mandatory prison term is imposed upon an offender 3571  
pursuant to division (B) (7) or (8) of this section, the offender 3572  
shall serve the mandatory prison term so imposed consecutively 3573

to any other mandatory prison term imposed under that division 3574  
or under any other provision of law and consecutively to any 3575  
other prison term or mandatory prison term previously or 3576  
subsequently imposed upon the offender. 3577

(e) If a mandatory prison term is imposed upon an offender 3578  
pursuant to division (B)(11) of this section, the offender shall 3579  
serve the mandatory prison term consecutively to any other 3580  
mandatory prison term imposed under that division, consecutively 3581  
to and prior to any prison term imposed for the underlying 3582  
felony, and consecutively to any other prison term or mandatory 3583  
prison term previously or subsequently imposed upon the 3584  
offender. 3585

(2) If an offender who is an inmate in a jail, prison, or 3586  
other residential detention facility violates section 2917.02, 3587  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 3588  
(2) of section 2921.34 of the Revised Code, if an offender who 3589  
is under detention at a detention facility commits a felony 3590  
violation of section 2923.131 of the Revised Code, or if an 3591  
offender who is an inmate in a jail, prison, or other 3592  
residential detention facility or is under detention at a 3593  
detention facility commits another felony while the offender is 3594  
an escapee in violation of division (A)(1) or (2) of section 3595  
2921.34 of the Revised Code, any prison term imposed upon the 3596  
offender for one of those violations shall be served by the 3597  
offender consecutively to the prison term or term of 3598  
imprisonment the offender was serving when the offender 3599  
committed that offense and to any other prison term previously 3600  
or subsequently imposed upon the offender. 3601

(3) If a prison term is imposed for a violation of 3602  
division (B) of section 2911.01 of the Revised Code, a violation 3603

of division (A) of section 2913.02 of the Revised Code in which 3604  
the stolen property is a firearm or dangerous ordnance, or a 3605  
felony violation of division (B) of section 2921.331 of the 3606  
Revised Code, the offender shall serve that prison term 3607  
consecutively to any other prison term or mandatory prison term 3608  
previously or subsequently imposed upon the offender. 3609

(4) If multiple prison terms are imposed on an offender 3610  
for convictions of multiple offenses, the court may require the 3611  
offender to serve the prison terms consecutively if the court 3612  
finds that the consecutive service is necessary to protect the 3613  
public from future crime or to punish the offender and that 3614  
consecutive sentences are not disproportionate to the 3615  
seriousness of the offender's conduct and to the danger the 3616  
offender poses to the public, and if the court also finds any of 3617  
the following: 3618

(a) The offender committed one or more of the multiple 3619  
offenses while the offender was awaiting trial or sentencing, 3620  
was under a sanction imposed pursuant to section 2929.16, 3621  
2929.17, or 2929.18 of the Revised Code, or was under post- 3622  
release control for a prior offense. 3623

(b) At least two of the multiple offenses were committed 3624  
as part of one or more courses of conduct, and the harm caused 3625  
by two or more of the multiple offenses so committed was so 3626  
great or unusual that no single prison term for any of the 3627  
offenses committed as part of any of the courses of conduct 3628  
adequately reflects the seriousness of the offender's conduct. 3629

(c) The offender's history of criminal conduct 3630  
demonstrates that consecutive sentences are necessary to protect 3631  
the public from future crime by the offender. 3632

(5) If a mandatory prison term is imposed upon an offender 3633  
pursuant to division (B) (5) or (6) of this section, the offender 3634  
shall serve the mandatory prison term consecutively to and prior 3635  
to any prison term imposed for the underlying violation of 3636  
division (A) (1) or (2) of section 2903.06 of the Revised Code 3637  
pursuant to division (A) of this section or section 2929.142 of 3638  
the Revised Code. If a mandatory prison term is imposed upon an 3639  
offender pursuant to division (B) (5) of this section, and if a 3640  
mandatory prison term also is imposed upon the offender pursuant 3641  
to division (B) (6) of this section in relation to the same 3642  
violation, the offender shall serve the mandatory prison term 3643  
imposed pursuant to division (B) (5) of this section 3644  
consecutively to and prior to the mandatory prison term imposed 3645  
pursuant to division (B) (6) of this section and consecutively to 3646  
and prior to any prison term imposed for the underlying 3647  
violation of division (A) (1) or (2) of section 2903.06 of the 3648  
Revised Code pursuant to division (A) of this section or section 3649  
2929.142 of the Revised Code. 3650

(6) If a mandatory prison term is imposed on an offender 3651  
pursuant to division (B) (9) of this section, the offender shall 3652  
serve the mandatory prison term consecutively to and prior to 3653  
any prison term imposed for the underlying violation of division 3654  
(A) (1) or (2) of section 2903.11 of the Revised Code and 3655  
consecutively to and prior to any other prison term or mandatory 3656  
prison term previously or subsequently imposed on the offender. 3657

(7) If a mandatory prison term is imposed on an offender 3658  
pursuant to division (B) (10) of this section, the offender shall 3659  
serve that mandatory prison term consecutively to and prior to 3660  
any prison term imposed for the underlying felonious assault. 3661  
Except as otherwise provided in division (C) of this section, 3662  
any other prison term or mandatory prison term previously or 3663

subsequently imposed upon the offender may be served 3664  
concurrently with, or consecutively to, the prison term imposed 3665  
pursuant to division (B)(10) of this section. 3666

(8) Any prison term imposed for a violation of section 3667  
2903.04 of the Revised Code that is based on a violation of 3668  
section 2925.03 or 2925.11 of the Revised Code or on a violation 3669  
of section 2925.05 of the Revised Code that is not funding of 3670  
marihuana trafficking shall run consecutively to any prison term 3671  
imposed for the violation of section 2925.03 or 2925.11 of the 3672  
Revised Code or for the violation of section 2925.05 of the 3673  
Revised Code that is not funding of marihuana trafficking. 3674

(9) When consecutive prison terms are imposed pursuant to 3675  
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 3676  
division (H)(1) or (2) of this section, subject to division (C) 3677  
(10) of this section, the term to be served is the aggregate of 3678  
all of the terms so imposed. 3679

(10) When a court sentences an offender to a non-life 3680  
felony indefinite prison term, any definite prison term or 3681  
mandatory definite prison term previously or subsequently 3682  
imposed on the offender in addition to that indefinite sentence 3683  
that is required to be served consecutively to that indefinite 3684  
sentence shall be served prior to the indefinite sentence. 3685

(11) If a court is sentencing an offender for a felony of 3686  
the first or second degree, if division (A)(1)(a) or (2)(a) of 3687  
this section applies with respect to the sentencing for the 3688  
offense, and if the court is required under the Revised Code 3689  
section that sets forth the offense or any other Revised Code 3690  
provision to impose a mandatory prison term for the offense, the 3691  
court shall impose the required mandatory prison term as the 3692  
minimum term imposed under division (A)(1)(a) or (2)(a) of this 3693

section, whichever is applicable.

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(D) (1) If a court imposes a prison term, other than a term  
of life imprisonment, for a felony of the first degree, for a  
felony of the second degree, for a felony sex offense, or for a  
felony of the third degree that is an offense of violence and  
that is not a felony sex offense, it shall include in the  
sentence a requirement that the offender be subject to a period  
of post-release control after the offender's release from  
imprisonment, in accordance with section 2967.28 of the Revised  
Code. If a court imposes a sentence including a prison term of a  
type described in this division on or after July 11, 2006, the  
failure of a court to include a post-release control requirement  
in the sentence pursuant to this division does not negate,  
limit, or otherwise affect the mandatory period of post-release  
control that is required for the offender under division (B) of  
section 2967.28 of the Revised Code. Section 2929.191 of the  
Revised Code applies if, prior to July 11, 2006, a court imposed  
a sentence including a prison term of a type described in this  
division and failed to include in the sentence pursuant to this  
division a statement regarding post-release control.

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(2) If a court imposes a prison term for a felony of the  
third, fourth, or fifth degree that is not subject to division  
(D) (1) of this section, it shall include in the sentence a  
requirement that the offender be subject to a period of post-  
release control after the offender's release from imprisonment,  
in accordance with that division, if the parole board determines  
that a period of post-release control is necessary. Section  
2929.191 of the Revised Code applies if, prior to July 11, 2006,  
a court imposed a sentence including a prison term of a type  
described in this division and failed to include in the sentence  
pursuant to this division a statement regarding post-release

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control. 3725

(E) The court shall impose sentence upon the offender in 3726  
accordance with section 2971.03 of the Revised Code, and Chapter 3727  
2971. of the Revised Code applies regarding the prison term or 3728  
term of life imprisonment without parole imposed upon the 3729  
offender and the service of that term of imprisonment if any of 3730  
the following apply: 3731

(1) A person is convicted of or pleads guilty to a violent 3732  
sex offense or a designated homicide, assault, or kidnapping 3733  
offense, and, in relation to that offense, the offender is 3734  
adjudicated a sexually violent predator. 3735

(2) A person is convicted of or pleads guilty to a 3736  
violation of division (A) (1) (b) of section 2907.02 of the 3737  
Revised Code committed on or after January 2, 2007, and either 3738  
the court does not impose a sentence of life without parole when 3739  
authorized pursuant to division (B) of section 2907.02 of the 3740  
Revised Code, or division (B) of section 2907.02 of the Revised 3741  
Code provides that the court shall not sentence the offender 3742  
pursuant to section 2971.03 of the Revised Code. 3743

(3) A person is convicted of or pleads guilty to attempted 3744  
rape committed on or after January 2, 2007, and a specification 3745  
of the type described in section 2941.1418, 2941.1419, or 3746  
2941.1420 of the Revised Code. 3747

(4) A person is convicted of or pleads guilty to a 3748  
violation of section 2905.01 of the Revised Code committed on or 3749  
after January 1, 2008, and that section requires the court to 3750  
sentence the offender pursuant to section 2971.03 of the Revised 3751  
Code. 3752

(5) A person is convicted of or pleads guilty to 3753

aggravated murder committed on or after January 1, 2008, and 3754  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3755  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3756  
(d) of section 2929.03, or division (A) or (B) of section 3757  
2929.06 of the Revised Code requires the court to sentence the 3758  
offender pursuant to division (B) (3) of section 2971.03 of the 3759  
Revised Code. 3760

(6) A person is convicted of or pleads guilty to murder 3761  
committed on or after January 1, 2008, and division (B) (2) of 3762  
section 2929.02 of the Revised Code requires the court to 3763  
sentence the offender pursuant to section 2971.03 of the Revised 3764  
Code. 3765

(F) If a person who has been convicted of or pleaded 3766  
guilty to a felony is sentenced to a prison term or term of 3767  
imprisonment under this section, sections 2929.02 to 2929.06 of 3768  
the Revised Code, section 2929.142 of the Revised Code, section 3769  
2971.03 of the Revised Code, or any other provision of law, 3770  
section 5120.163 of the Revised Code applies regarding the 3771  
person while the person is confined in a state correctional 3772  
institution. 3773

(G) If an offender who is convicted of or pleads guilty to 3774  
a felony that is an offense of violence also is convicted of or 3775  
pleads guilty to a specification of the type described in 3776  
section 2941.142 of the Revised Code that charges the offender 3777  
with having committed the felony while participating in a 3778  
criminal gang, the court shall impose upon the offender an 3779  
additional prison term of one, two, or three years. 3780

(H) (1) If an offender who is convicted of or pleads guilty 3781  
to aggravated murder, murder, or a felony of the first, second, 3782  
or third degree that is an offense of violence also is convicted 3783

of or pleads guilty to a specification of the type described in 3784  
section 2941.143 of the Revised Code that charges the offender 3785  
with having committed the offense in a school safety zone or 3786  
towards a person in a school safety zone, the court shall impose 3787  
upon the offender an additional prison term of two years. The 3788  
offender shall serve the additional two years consecutively to 3789  
and prior to the prison term imposed for the underlying offense. 3790

(2) (a) If an offender is convicted of or pleads guilty to 3791  
a felony violation of section 2907.22, 2907.24, 2907.241, or 3792  
2907.25 of the Revised Code and to a specification of the type 3793  
described in section 2941.1421 of the Revised Code and if the 3794  
court imposes a prison term on the offender for the felony 3795  
violation, the court may impose upon the offender an additional 3796  
prison term as follows: 3797

(i) Subject to division (H) (2) (a) (ii) of this section, an 3798  
additional prison term of one, two, three, four, five, or six 3799  
months; 3800

(ii) If the offender previously has been convicted of or 3801  
pleaded guilty to one or more felony or misdemeanor violations 3802  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3803  
the Revised Code and also was convicted of or pleaded guilty to 3804  
a specification of the type described in section 2941.1421 of 3805  
the Revised Code regarding one or more of those violations, an 3806  
additional prison term of one, two, three, four, five, six, 3807  
seven, eight, nine, ten, eleven, or twelve months. 3808

(b) In lieu of imposing an additional prison term under 3809  
division (H) (2) (a) of this section, the court may directly 3810  
impose on the offender a sanction that requires the offender to 3811  
wear a real-time processing, continual tracking electronic 3812  
monitoring device during the period of time specified by the 3813

court. The period of time specified by the court shall equal the 3814  
duration of an additional prison term that the court could have 3815  
imposed upon the offender under division (H) (2) (a) of this 3816  
section. A sanction imposed under this division shall commence 3817  
on the date specified by the court, provided that the sanction 3818  
shall not commence until after the offender has served the 3819  
prison term imposed for the felony violation of section 2907.22, 3820  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3821  
residential sanction imposed for the violation under section 3822  
2929.16 of the Revised Code. A sanction imposed under this 3823  
division shall be considered to be a community control sanction 3824  
for purposes of section 2929.15 of the Revised Code, and all 3825  
provisions of the Revised Code that pertain to community control 3826  
sanctions shall apply to a sanction imposed under this division, 3827  
except to the extent that they would by their nature be clearly 3828  
inapplicable. The offender shall pay all costs associated with a 3829  
sanction imposed under this division, including the cost of the 3830  
use of the monitoring device. 3831

(I) At the time of sentencing, the court may recommend the 3832  
offender for placement in a program of shock incarceration under 3833  
section 5120.031 of the Revised Code or for placement in an 3834  
intensive program prison under section 5120.032 of the Revised 3835  
Code, disapprove placement of the offender in a program of shock 3836  
incarceration or an intensive program prison of that nature, or 3837  
make no recommendation on placement of the offender. In no case 3838  
shall the department of rehabilitation and correction place the 3839  
offender in a program or prison of that nature unless the 3840  
department determines as specified in section 5120.031 or 3841  
5120.032 of the Revised Code, whichever is applicable, that the 3842  
offender is eligible for the placement. 3843

If the court disapproves placement of the offender in a 3844

program or prison of that nature, the department of 3845  
rehabilitation and correction shall not place the offender in 3846  
any program of shock incarceration or intensive program prison. 3847

If the court recommends placement of the offender in a 3848  
program of shock incarceration or in an intensive program 3849  
prison, and if the offender is subsequently placed in the 3850  
recommended program or prison, the department shall notify the 3851  
court of the placement and shall include with the notice a brief 3852  
description of the placement. 3853

If the court recommends placement of the offender in a 3854  
program of shock incarceration or in an intensive program prison 3855  
and the department does not subsequently place the offender in 3856  
the recommended program or prison, the department shall send a 3857  
notice to the court indicating why the offender was not placed 3858  
in the recommended program or prison. 3859

If the court does not make a recommendation under this 3860  
division with respect to an offender and if the department 3861  
determines as specified in section 5120.031 or 5120.032 of the 3862  
Revised Code, whichever is applicable, that the offender is 3863  
eligible for placement in a program or prison of that nature, 3864  
the department shall screen the offender and determine if there 3865  
is an available program of shock incarceration or an intensive 3866  
program prison for which the offender is suited. If there is an 3867  
available program of shock incarceration or an intensive program 3868  
prison for which the offender is suited, the department shall 3869  
notify the court of the proposed placement of the offender as 3870  
specified in section 5120.031 or 5120.032 of the Revised Code 3871  
and shall include with the notice a brief description of the 3872  
placement. The court shall have ten days from receipt of the 3873  
notice to disapprove the placement. 3874

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the prison term imposed for the underlying offense. The prison term shall not be reduced pursuant to section 2929.20 or 2967.19 or any other provision of Chapter 2967. or 5120. of the Revised Code. A court may not impose more than one sentence under division (B) (2) (a) of this section and this division for acts committed as part of the same act or transaction.

(2) As used in division (K) (1) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

**Sec. 2935.01.** As used in this chapter:

(A) "Magistrate" has the same meaning as in section 2931.01 of the Revised Code.

(B) "Peace officer" includes, except as provided in 3905  
section 2935.081 of the Revised Code, a sheriff; deputy sheriff; 3906  
marshal; deputy marshal; member of the organized police 3907  
department of any municipal corporation, including a member of 3908  
the organized police department of a municipal corporation in an 3909  
adjoining state serving in Ohio under a contract pursuant to 3910  
section 737.04 of the Revised Code; member of a police force 3911  
employed by a metropolitan housing authority under division (D) 3912  
of section 3735.31 of the Revised Code; member of a police force 3913  
employed by a regional transit authority under division (Y) of 3914  
section 306.05 of the Revised Code; state university law 3915  
enforcement officer appointed under section 3345.04 of the 3916  
Revised Code; enforcement agent of the department of public 3917  
safety designated under section 5502.14 of the Revised Code; 3918  
employee of the department of taxation to whom investigation 3919  
powers have been delegated under section 5743.45 of the Revised 3920  
Code; employee of the department of natural resources who is a 3921  
natural resources law enforcement staff officer designated 3922  
pursuant to section 1501.013 of the Revised Code, a forest-fire 3923  
investigator appointed pursuant to section 1503.09 of the 3924  
Revised Code, a natural resources officer appointed pursuant to 3925  
section 1501.24 of the Revised Code, or a wildlife officer 3926  
designated pursuant to section 1531.13 of the Revised Code; 3927  
individual designated to perform law enforcement duties under 3928  
section 511.232, 1545.13, or 6101.75 of the Revised Code; 3929  
veterans' home police officer appointed under section 5907.02 of 3930  
the Revised Code; special police officer employed by a port 3931  
authority under section 4582.04 or 4582.28 of the Revised Code; 3932  
police constable of any township; police officer of a township 3933  
or joint police district; a special police officer employed by a 3934  
municipal corporation at a municipal airport, or other municipal 3935  
air navigation facility, that has scheduled operations, as 3936

defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended; the house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E) (1) of section 101.311 of the Revised Code; an assistant house of representatives sergeant at arms; the senate sergeant at arms; an assistant senate sergeant at arms; officer or employee of the bureau of criminal identification and investigation established pursuant to section 109.51 of the Revised Code who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the officer's or employee's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program and who is providing assistance upon request to a law enforcement officer or emergency assistance to a peace officer pursuant to section 109.54 or 109.541 of the Revised Code; a state fire marshal law enforcement officer described in division (A) (23) of section 109.71 of the Revised Code; and, for the purpose of arrests within those areas, for the purposes of Chapter 5503. of the Revised Code, and the filing of and service of process relating to those offenses witnessed or investigated by them, the superintendent and troopers of the state highway patrol.

(C) "Prosecutor" includes the county prosecuting attorney and any assistant prosecutor designated to assist the county prosecuting attorney, and, in the case of courts inferior to

courts of common pleas, includes the village solicitor, city 3968  
director of law, or similar chief legal officer of a municipal 3969  
corporation, any such officer's assistants, or any attorney 3970  
designated by the prosecuting attorney of the county to appear 3971  
for the prosecution of a given case. 3972

(D) "Offense," except where the context specifically 3973  
indicates otherwise, includes felonies, misdemeanors, and 3974  
violations of ordinances of municipal corporations and other 3975  
public bodies authorized by law to adopt penal regulations. 3976

(E) "Tier one offense" means a violation of section 3977  
2903.01, 2903.02, 2903.03, 2903.04, 2903.06, 2903.11, 2903.12, 3978  
2903.21, 2903.211, 2905.01, 2905.02, 2905.32, 2907.02, 2907.03, 3979  
2907.04, 2907.05, 2907.321, 2907.322, 2907.323, 2909.02, 3980  
2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2919.25, 2921.34, 3981  
2923.161, 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 3982  
Code. 3983

**Sec. 2935.10.** (A) Upon the filing of an affidavit or 3984  
complaint as provided by section 2935.09 of the Revised Code, if 3985  
it charges the commission of a felony, such judge, clerk, or 3986  
magistrate, ~~unless he the judge, clerk, or magistrate~~ has reason 3987  
to believe that it was not filed in good faith, or the claim is 3988  
not meritorious, shall forthwith issue a warrant for the arrest 3989  
of the person charged in the affidavit, and directed to a peace 3990  
officer; ~~otherwise he the judge, clerk, or magistrate~~ shall 3991  
forthwith refer the matter to the prosecuting attorney or other 3992  
attorney charged by law with prosecution for investigation prior 3993  
to the issuance of warrant. 3994

(B) If the offense charged is a misdemeanor or violation 3995  
of a municipal ordinance, such judge, clerk, or magistrate may: 3996

(1) Issue a warrant for the arrest of such person, 3997  
directed to any officer named in section 2935.03 of the Revised 3998  
Code but in cases of ordinance violation only to a police 3999  
officer or marshal or deputy marshal of the municipal 4000  
corporation; 4001

(2) Issue summons, to be served by a peace officer, 4002  
bailiff, or court constable, commanding the person against whom 4003  
the affidavit or complaint was filed to appear forthwith, or at 4004  
a fixed time in the future, before such court or magistrate. 4005  
Such summons shall be served in the same manner as in civil 4006  
cases. 4007

(C) If the affidavit is filed by, or the complaint is 4008  
filed pursuant to an affidavit executed by, a peace officer who 4009  
has, at ~~his~~ the officer's discretion, at the time of commission 4010  
of the alleged offense, notified the person to appear before the 4011  
court or magistrate at a specific time set by such officer, no 4012  
process need be issued unless the defendant fails to appear at 4013  
the scheduled time. 4014

(D) Any person charged with a misdemeanor or violation of 4015  
a municipal ordinance may give bail as provided in sections 4016  
2937.22 to 2937.46 of the Revised Code, for ~~his~~ the person's 4017  
appearance, regardless of whether a warrant, summons, or notice 4018  
to appear has been issued. 4019

(E) Any warrant, summons, or any notice issued by the 4020  
peace officer shall state the substance of the charge against 4021  
the person arrested or directed to appear. 4022

(F) When the offense charged is a misdemeanor, and the 4023  
warrant or summons issued pursuant to this section is not served 4024  
within two years of the date of issue, a judge or magistrate may 4025

order such warrant or summons withdrawn and the case closed, 4026  
when it does not appear that the ends of justice require keeping 4027  
the case open. 4028

(G) (1) Any warrant issued for a tier one offense shall be 4029  
entered into the law enforcement automated data system created 4030  
by section 5503.10 of the Revised Code, and known as LEADS, and 4031  
the appropriate database of the national crime information 4032  
center (NCIC) maintained by the federal bureau of investigation, 4033  
by the law enforcement agency requesting the warrant within 4034  
forty-eight hours of receipt of the warrant. 4035

(2) All warrants issued for tier one offenses shall be 4036  
entered into the law enforcement automated data system created 4037  
by section 5503.10 of the Revised Code, and known as LEADS, by 4038  
the law enforcement agency that receives the warrant with a full 4039  
extradition radius as defined by the Ohio LEADS administrator. 4040

**Sec. 2941.141.** (A) Imposition of a one-year, two-year, or 4041  
three-year mandatory prison term ~~upon~~ on an offender under 4042  
division (B) (1) (a) (iii) of section 2929.14 of the Revised Code 4043  
is precluded unless the indictment, count in the indictment, or 4044  
information charging the offense specifies that the offender had 4045  
a firearm on or about the offender's person or under the 4046  
offender's control while committing the offense. The 4047  
specification shall be stated at the end of the body of the 4048  
indictment, count, or information, and shall be in substantially 4049  
the following form: 4050

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4051  
Grand Jurors (or insert the person's or the prosecuting 4052  
attorney's name when appropriate) further find and specify that 4053  
(set forth that the offender had a firearm on or about the 4054  
offender's person or under the offender's control while 4055

committing the offense.)" 4056

(B) Imposition of a one-year, two-year, or three-year 4057  
mandatory prison term ~~upon~~ on an offender under division (B) (1) 4058  
(a) (iii) of section 2929.14 of the Revised Code is precluded if 4059  
a court imposes an eighteen-month, three-year, fifty-four-month, 4060  
six-year, or nine-year mandatory prison term on the offender 4061  
under division (B) (1) (a) (i), (ii), (iv), (v), or (vi) of that 4062  
section relative to the same felony. 4063

(C) The specification described in division (A) of this 4064  
section may be used in a delinquent child proceeding in the 4065  
manner and for the purpose described in section 2152.17 of the 4066  
Revised Code. 4067

(D) Imposition of an eighteen-month, thirty-month, or 4068  
forty-two month mandatory prison term ~~upon~~ on an offender under 4069  
division (B) (1) (a) (vi) of section 2929.14 of the Revised Code is 4070  
precluded unless the indictment, count in the indictment, or 4071  
information charging the offense specifies that the offender had 4072  
a firearm on or about the offender's person or under the 4073  
offender's control while committing the offense and that the 4074  
offender previously had been convicted of or pleaded guilty to a 4075  
firearm specification of the type described in section 2941.141, 4076  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4077  
The specification shall be stated at the end of the body of the 4078  
indictment, count, or information, and shall be in substantially 4079  
the following form: 4080

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4081  
Grand Jurors (or insert the person's or prosecuting attorney's 4082  
name when appropriate) further find and specify that (set forth 4083  
that the offender had a firearm on or about the offender's 4084  
person or under the offender's control while committing the 4085

offense and that the offender previously has been convicted of 4086  
or pleaded guilty to a firearm specification of the type 4087  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4088  
2941.1412 of the Revised Code.)" 4089

(E) Imposition of an eighteen-month, thirty-month, or 4090  
forty-two month mandatory prison term ~~upon~~ on an offender under 4091  
division (B) (1) (a) (vi) of section 2929.14 of the Revised Code is 4092  
precluded if the court imposes a one-year, three-year, fifty- 4093  
four-month, six-year, or nine-year mandatory prison term on the 4094  
offender under division (B) (1) (a) (i), (ii), (iii), (iv), or (v) 4095  
of that section relative to the same felony. 4096

(F) As used in this section, "firearm" has the same 4097  
meaning as in section 2923.11 of the Revised Code. 4098

**Sec. 2941.145.** (A) Imposition of a three-year, four-year, 4099  
or five-year mandatory prison term ~~upon~~ on an offender under 4100  
division (B) (1) (a) (ii) of section 2929.14 of the Revised Code is 4101  
precluded unless the indictment, count in the indictment, or 4102  
information charging the offense specifies that the offender had 4103  
a firearm on or about the offender's person or under the 4104  
offender's control while committing the offense and displayed 4105  
the firearm, brandished the firearm, indicated that the offender 4106  
possessed the firearm, or used it to facilitate the offense. The 4107  
specification shall be stated at the end of the body of the 4108  
indictment, count, or information, and shall be stated in 4109  
substantially the following form: 4110

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4111  
Grand Jurors (or insert the person's or the prosecuting 4112  
attorney's name when appropriate) further find and specify that 4113  
(set forth that the offender had a firearm on or about the 4114  
offender's person or under the offender's control while 4115

committing the offense and displayed the firearm, brandished the  
firearm, indicated that the offender possessed the firearm, or  
used it to facilitate the offense)." 4116  
4117  
4118

(B) Imposition of a three-year, four-year, or five-year  
mandatory prison term ~~upon~~ on an offender under division (B) (1)  
(a) (ii) of section 2929.14 of the Revised Code is precluded if a  
court imposes a one-year, eighteen-month, six-year, fifty-four-  
month, or nine-year mandatory prison term on the offender under  
division (B) (1) (a) (i), (iii), (iv), (v), or (vi) of that section  
relative to the same felony. 4119  
4120  
4121  
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(C) The specification described in division (A) of this  
section may be used in a delinquent child proceeding in the  
manner and for the purpose described in section 2152.17 of the  
Revised Code. 4126  
4127  
4128  
4129

(D) Imposition of a mandatory prison term of fifty-four  
~~months~~ upon, sixty-six months, or seventy-eight months on an  
offender under division (B) (1) (a) (v) of section 2929.14 of the  
Revised Code is precluded unless the indictment, count in the  
indictment, or information charging the offense specifies that  
the offender had a firearm on or about the offender's person or  
under the offender's control while committing the offense and  
displayed the firearm, brandished the firearm, indicated that  
the offender possessed a firearm, or used the firearm to  
facilitate the offense and that the offender previously has been  
convicted of or pleaded guilty to a firearm specification of the  
type described in section 2941.141, 2941.144, 2941.145,  
2941.146, or 2941.1412 of the Revised Code. The specification  
shall be stated at the end of the body of the indictment, count,  
or information, and shall be in substantially the following  
form: 4130  
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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The  
Grand Jurors (or insert the person's or the prosecuting  
attorney's name when appropriate) further find and specify that  
(set forth that the offender had a firearm on or about the  
offender's person or under the offender's control while  
committing the offense and displayed the firearm, brandished the  
firearm, indicated that the offender possessed a firearm, or  
used the firearm to facilitate the offense and that the offender  
previously has been convicted of or pleaded guilty to a firearm  
specification of the type described in section 2941.141,  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised  
Code.)"

(E) Imposition of a mandatory prison term of fifty-four  
~~months—upon, sixty-six months, or seventy-eight months on an~~  
offender under division (B) (1) (a) (v) of section 2929.14 of the  
Revised Code is precluded if the court imposes a one-year,  
eighteen-month, three-year, or nine-year mandatory prison term  
on the offender under division (B) (1) (a) (i), (ii), (iii), (iv),  
or (vi) of that section relative to the same felony.

(F) As used in this section, "firearm" has the same  
meaning as in section 2923.11 of the Revised Code.

**Sec. 2945.403.** (A) (1) Notwithstanding any provision of the  
Revised Code to the contrary, if, on or after the effective date  
of this section, an individual is found by a court to be  
incompetent to stand trial or not guilty by reason of insanity  
under procedures described in sections 2945.38 to 2945.402 of  
the Revised Code, the judge who made the determination shall  
notify the office of the attorney general, on the form described  
in division (C) of this section, of the identity of the  
individual. The notification shall be transmitted by the judge

not later than seven days after the adjudication or commitment. 4176

(2) If a judge provides a notice to the attorney general 4177  
under division (A) (1) of this section regarding an individual 4178  
and if the individual subsequently is found to be competent 4179  
under section 2945.38 of the Revised Code, is discharged under 4180  
section 2945.39 of the Revised Code, is discharged under section 4181  
2945.40 of the Revised Code, or has a final termination of 4182  
commitment under section 2945.401 of the Revised Code, the judge 4183  
shall notify the office of the attorney general, on the form 4184  
described in division (C) of this section, of the identity of 4185  
the individual and of the finding, discharge, or final 4186  
termination. The notification shall be transmitted by the judge 4187  
not later than seven days after the finding, discharge, or final 4188  
termination. 4189

(B) (1) Upon receipt of any notice under division (A) (1) of 4190  
this section with respect to a person, the attorney general 4191  
shall enter the information in the notice into the law 4192  
enforcement automated data system created by section 5503.10 of 4193  
the Revised Code, and known as LEADS, by the close of the next 4194  
business day after the day on which the notice is received. 4195

(2) Upon receipt of any notice under division (A) (2) of 4196  
this section with respect to a person, the attorney general 4197  
shall take all steps necessary to ensure that the information in 4198  
the notice previously received under division (A) (1) of this 4199  
section with respect to the person is removed from LEADS by the 4200  
close of the next business day after the day on which the notice 4201  
is received and that it is terminated, cleared, or canceled in 4202  
the database of the national crime information center (NCIC) 4203  
maintained by the federal bureau of investigation in which it is 4204  
maintained. 4205

(C) The attorney general, by rule adopted under Chapter 4206  
119. of the Revised Code, shall prescribe and make available to 4207  
all judges forms to be used by them for the purpose of making 4208  
the notifications required by divisions (A) (1) and (2) of this 4209  
section. 4210

**Sec. 3113.31.** (A) As used in this section: 4211

(1) "Domestic violence" means any of the following: 4212

(a) The occurrence of one or more of the following acts 4213  
against a family or household member: 4214

(i) Attempting to cause or recklessly causing bodily 4215  
injury; 4216

(ii) Placing another person by the threat of force in fear 4217  
of imminent serious physical harm or committing a violation of 4218  
section 2903.211 or 2911.211 of the Revised Code; 4219

(iii) Committing any act with respect to a child that 4220  
would result in the child being an abused child, as defined in 4221  
section 2151.031 of the Revised Code; 4222

(iv) Committing a sexually oriented offense. 4223

(b) The occurrence of one or more of the acts identified 4224  
in divisions (A) (1) (a) (i) to (iv) of this section against a 4225  
person with whom the respondent is or was in a dating 4226  
relationship. 4227

(2) "Court" means the domestic relations division of the 4228  
court of common pleas in counties that have a domestic relations 4229  
division and the court of common pleas in counties that do not 4230  
have a domestic relations division, or the juvenile division of 4231  
the court of common pleas of the county in which the person to 4232  
be protected by a protection order issued or a consent agreement 4233

approved under this section resides if the respondent is less 4234  
than eighteen years of age. 4235

(3) "Family or household member" means any of the 4236  
following: 4237

(a) Any of the following who is residing with or has 4238  
resided with the respondent: 4239

(i) A spouse, a person living as a spouse, or a former 4240  
spouse of the respondent; 4241

(ii) A parent, a foster parent, or a child of the 4242  
respondent, or another person related by consanguinity or 4243  
affinity to the respondent; 4244

(iii) A parent or a child of a spouse, person living as a 4245  
spouse, or former spouse of the respondent, or another person 4246  
related by consanguinity or affinity to a spouse, person living 4247  
as a spouse, or former spouse of the respondent. 4248

(b) The natural parent of any child of whom the respondent 4249  
is the other natural parent or is the putative other natural 4250  
parent. 4251

(4) "Person living as a spouse" means a person who is 4252  
living or has lived with the respondent in a common law marital 4253  
relationship, who otherwise is cohabiting with the respondent, 4254  
or who otherwise has cohabited with the respondent within five 4255  
years prior to the date of the alleged occurrence of the act in 4256  
question. 4257

(5) "Victim advocate" means a person who provides support 4258  
and assistance for a person who files a petition under this 4259  
section. 4260

(6) "Sexually oriented offense" has the same meaning as in 4261

section 2950.01 of the Revised Code. 4262

(7) "Companion animal" has the same meaning as in section 4263  
959.131 of the Revised Code. 4264

(8) "Dating relationship" means a relationship between 4265  
individuals who have, or have had, a relationship of a romantic 4266  
or intimate nature. "Dating relationship" does not include a 4267  
casual acquaintanceship or ordinary fraternization in a business 4268  
or social context. 4269

(9) "Person with whom the respondent is or was in a dating 4270  
relationship" means an adult who, at the time of the conduct in 4271  
question, is in a dating relationship with the respondent who 4272  
also is an adult or who, within the twelve months preceding the 4273  
conduct in question, has had a dating relationship with the 4274  
respondent who also is an adult. 4275

(B) The court has jurisdiction over all proceedings under 4276  
this section. The petitioner's right to relief under this 4277  
section is not affected by the petitioner's leaving the 4278  
residence or household to avoid further domestic violence. 4279

(C) A person may seek relief under this section on the 4280  
person's own behalf, or any parent or adult household member may 4281  
seek relief under this section on behalf of any other family or 4282  
household member, by filing a petition with the court. The 4283  
petition shall contain or state: 4284

(1) An allegation that the respondent engaged in domestic 4285  
violence against a family or household member of the respondent 4286  
or against a person with whom the respondent is or was in a 4287  
dating relationship, including a description of the nature and 4288  
extent of the domestic violence; 4289

(2) The relationship of the respondent to the petitioner, 4290

and to the victim if other than the petitioner; 4291

(3) If the petition is for protection of a person with 4292  
whom the respondent is or was in a dating relationship, the 4293  
facts upon which the court may conclude that a dating 4294  
relationship existed between the person to be protected and the 4295  
respondent; 4296

(4) A request for relief under this section. 4297

(D) (1) If a person who files a petition pursuant to this 4298  
section requests an ex parte order, the court shall hold an ex 4299  
parte hearing on the same day that the petition is filed. The 4300  
court, for good cause shown at the ex parte hearing, may enter 4301  
any temporary orders, with or without bond, including, but not 4302  
limited to, an order described in division (E) (1) (a), (b), or 4303  
(c) of this section, that the court finds necessary to protect 4304  
the family or household member or the person with whom the 4305  
respondent is or was in a dating relationship from domestic 4306  
violence. Immediate and present danger of domestic violence to 4307  
the family or household member or to the person with whom the 4308  
respondent is or was in a dating relationship constitutes good 4309  
cause for purposes of this section. Immediate and present danger 4310  
includes, but is not limited to, situations in which the 4311  
respondent has threatened the family or household member or 4312  
person with whom the respondent is or was in a dating 4313  
relationship with bodily harm, in which the respondent has 4314  
threatened the family or household member or person with whom 4315  
the respondent is or was in a dating relationship with a 4316  
sexually oriented offense, or in which the respondent previously 4317  
has been convicted of, pleaded guilty to, or been adjudicated a 4318  
delinquent child for an offense that constitutes domestic 4319  
violence against the family or household member or person with 4320

whom the respondent is or was in a dating relationship. 4321

(2) (a) If the court, after an ex parte hearing, issues an 4322  
order described in division (E) (1) (b) or (c) of this section, 4323  
the court shall schedule a full hearing for a date that is 4324  
within seven court days after the ex parte hearing. If any other 4325  
type of protection order that is authorized under division (E) 4326  
of this section is issued by the court after an ex parte 4327  
hearing, the court shall schedule a full hearing for a date that 4328  
is within ten court days after the ex parte hearing. The court 4329  
shall give the respondent notice of, and an opportunity to be 4330  
heard at, the full hearing. The court shall hold the full 4331  
hearing on the date scheduled under this division unless the 4332  
court grants a continuance of the hearing in accordance with 4333  
this division. Under any of the following circumstances or for 4334  
any of the following reasons, the court may grant a continuance 4335  
of the full hearing to a reasonable time determined by the 4336  
court: 4337

(i) Prior to the date scheduled for the full hearing under 4338  
this division, the respondent has not been served with the 4339  
petition filed pursuant to this section and notice of the full 4340  
hearing. 4341

(ii) The parties consent to the continuance. 4342

(iii) The continuance is needed to allow a party to obtain 4343  
counsel. 4344

(iv) The continuance is needed for other good cause. 4345

(b) An ex parte order issued under this section does not 4346  
expire because of a failure to serve notice of the full hearing 4347  
upon the respondent before the date set for the full hearing 4348  
under division (D) (2) (a) of this section or because the court 4349

grants a continuance under that division. 4350

(3) If a person who files a petition pursuant to this 4351  
section does not request an ex parte order, or if a person 4352  
requests an ex parte order but the court does not issue an ex 4353  
parte order after an ex parte hearing, the court shall proceed 4354  
as in a normal civil action and grant a full hearing on the 4355  
matter. 4356

(E) (1) After an ex parte or full hearing, the court may 4357  
grant any protection order, with or without bond, or approve any 4358  
consent agreement to bring about a cessation of domestic 4359  
violence against the family or household members or persons with 4360  
whom the respondent is or was in a dating relationship. The 4361  
order or agreement may: 4362

(a) Direct the respondent to refrain from abusing or from 4363  
committing sexually oriented offenses against the family or 4364  
household members or persons with whom the respondent is or was 4365  
in a dating relationship; 4366

(b) With respect to a petition involving family or 4367  
household members, grant possession of the residence or 4368  
household to the petitioner or other family or household member, 4369  
to the exclusion of the respondent, by evicting the respondent, 4370  
when the residence or household is owned or leased solely by the 4371  
petitioner or other family or household member, or by ordering 4372  
the respondent to vacate the premises, when the residence or 4373  
household is jointly owned or leased by the respondent, and the 4374  
petitioner or other family or household member; 4375

(c) With respect to a petition involving family or 4376  
household members, when the respondent has a duty to support the 4377  
petitioner or other family or household member living in the 4378

residence or household and the respondent is the sole owner or 4379  
lessee of the residence or household, grant possession of the 4380  
residence or household to the petitioner or other family or 4381  
household member, to the exclusion of the respondent, by 4382  
ordering the respondent to vacate the premises, or, in the case 4383  
of a consent agreement, allow the respondent to provide 4384  
suitable, alternative housing; 4385

(d) With respect to a petition involving family or 4386  
household members, temporarily allocate parental rights and 4387  
responsibilities for the care of, or establish temporary 4388  
parenting time rights with regard to, minor children, if no 4389  
other court has determined, or is determining, the allocation of 4390  
parental rights and responsibilities for the minor children or 4391  
parenting time rights; 4392

(e) With respect to a petition involving family or 4393  
household members, require the respondent to maintain support, 4394  
if the respondent customarily provides for or contributes to the 4395  
support of the family or household member, or if the respondent 4396  
has a duty to support the petitioner or family or household 4397  
member; 4398

(f) Require the respondent, petitioner, victim of domestic 4399  
violence, or any combination of those persons, to seek 4400  
counseling; 4401

(g) Require the respondent to refrain from entering the 4402  
residence, school, business, or place of employment of the 4403  
petitioner or, with respect to a petition involving family or 4404  
household members, a family or household member; 4405

(h) Grant other relief that the court considers equitable 4406  
and fair, including, but not limited to, ordering the respondent 4407

to permit the use of a motor vehicle by the petitioner or, with 4408  
respect to a petition involving family or household members, 4409  
other family or household members and the apportionment of 4410  
household and family personal property; 4411

(i) Require that the respondent not remove, damage, hide, 4412  
harm, or dispose of any companion animal owned or possessed by 4413  
the petitioner; 4414

(j) Authorize the petitioner to remove a companion animal 4415  
owned by the petitioner from the possession of the respondent; 4416

(k) Require a wireless service transfer in accordance with 4417  
sections 3113.45 to 3113.459 of the Revised Code. 4418

(2) If a protection order has been issued pursuant to this 4419  
section in a prior action involving the respondent and the 4420  
petitioner or, with respect to a petition involving family or 4421  
household members, one or more of the family or household 4422  
members or victims, the court may include in a protection order 4423  
that it issues a prohibition against the respondent returning to 4424  
the residence or household. If it includes a prohibition against 4425  
the respondent returning to the residence or household in the 4426  
order, it also shall include in the order provisions of the type 4427  
described in division (E)(7) of this section. This division does 4428  
not preclude the court from including in a protection order or 4429  
consent agreement, in circumstances other than those described 4430  
in this division, a requirement that the respondent be evicted 4431  
from or vacate the residence or household or refrain from 4432  
entering the residence, school, business, or place of employment 4433  
of the petitioner or, with respect to a petition involving 4434  
family or household members, a family or household member, and, 4435  
if the court includes any requirement of that type in an order 4436  
or agreement, the court also shall include in the order 4437

provisions of the type described in division (E) (7) of this 4438  
section. 4439

(3) (a) Any protection order issued or consent agreement 4440  
approved under this section shall be valid until a date certain, 4441  
but not later than five years from the date of its issuance or 4442  
approval, or not later than the date a respondent who is less 4443  
than eighteen years of age attains nineteen years of age, unless 4444  
modified or terminated as provided in division (E) (8) of this 4445  
section. 4446

(b) With respect to an order involving family or household 4447  
members, subject to the limitation on the duration of an order 4448  
or agreement set forth in division (E) (3) (a) of this section, 4449  
any order under division (E) (1) (d) of this section shall 4450  
terminate on the date that a court in an action for divorce, 4451  
dissolution of marriage, or legal separation brought by the 4452  
petitioner or respondent issues an order allocating parental 4453  
rights and responsibilities for the care of children or on the 4454  
date that a juvenile court in an action brought by the 4455  
petitioner or respondent issues an order awarding legal custody 4456  
of minor children. Subject to the limitation on the duration of 4457  
an order or agreement set forth in division (E) (3) (a) of this 4458  
section, any order under division (E) (1) (e) of this section 4459  
shall terminate on the date that a court in an action for 4460  
divorce, dissolution of marriage, or legal separation brought by 4461  
the petitioner or respondent issues a support order or on the 4462  
date that a juvenile court in an action brought by the 4463  
petitioner or respondent issues a support order. 4464

(c) Any protection order issued or consent agreement 4465  
approved pursuant to this section may be renewed in the same 4466  
manner as the original order or agreement was issued or 4467

approved. 4468

(4) A court may not issue a protection order that requires 4469  
a petitioner to do or to refrain from doing an act that the 4470  
court may require a respondent to do or to refrain from doing 4471  
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 4472  
this section unless all of the following apply: 4473

(a) The respondent files a separate petition for a 4474  
protection order in accordance with this section. 4475

(b) The petitioner is served notice of the respondent's 4476  
petition at least forty-eight hours before the court holds a 4477  
hearing with respect to the respondent's petition, or the 4478  
petitioner waives the right to receive this notice. 4479

(c) If the petitioner has requested an ex parte order 4480  
pursuant to division (D) of this section, the court does not 4481  
delay any hearing required by that division beyond the time 4482  
specified in that division in order to consolidate the hearing 4483  
with a hearing on the petition filed by the respondent. 4484

(d) After a full hearing at which the respondent presents 4485  
evidence in support of the request for a protection order and 4486  
the petitioner is afforded an opportunity to defend against that 4487  
evidence, the court determines that the petitioner has committed 4488  
an act of domestic violence or has violated a temporary 4489  
protection order issued pursuant to section 2919.26 of the 4490  
Revised Code, that both the petitioner and the respondent acted 4491  
primarily as aggressors, and that neither the petitioner nor the 4492  
respondent acted primarily in self-defense. 4493

(5) No protection order issued or consent agreement 4494  
approved under this section shall in any manner affect title to 4495  
any real property. 4496

(6) (a) With respect to an order involving family or 4497  
household members, if a petitioner, or the child of a 4498  
petitioner, who obtains a protection order or consent agreement 4499  
pursuant to division (E) (1) of this section or a temporary 4500  
protection order pursuant to section 2919.26 of the Revised Code 4501  
and is the subject of a parenting time order issued pursuant to 4502  
section 3109.051 or 3109.12 of the Revised Code or a visitation 4503  
or companionship order issued pursuant to section 3109.051, 4504  
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 4505  
this section granting parenting time rights to the respondent, 4506  
the court may require the public children services agency of the 4507  
county in which the court is located to provide supervision of 4508  
the respondent's exercise of parenting time or visitation or 4509  
companionship rights with respect to the child for a period not 4510  
to exceed nine months, if the court makes the following findings 4511  
of fact: 4512

(i) The child is in danger from the respondent; 4513

(ii) No other person or agency is available to provide the 4514  
supervision. 4515

(b) A court that requires an agency to provide supervision 4516  
pursuant to division (E) (6) (a) of this section shall order the 4517  
respondent to reimburse the agency for the cost of providing the 4518  
supervision, if it determines that the respondent has sufficient 4519  
income or resources to pay that cost. 4520

(7) (a) If a protection order issued or consent agreement 4521  
approved under this section includes a requirement that the 4522  
respondent be evicted from or vacate the residence or household 4523  
or refrain from entering the residence, school, business, or 4524  
place of employment of the petitioner or, with respect to a 4525  
petition involving family or household members, a family or 4526

household member, the order or agreement shall state clearly 4527  
that the order or agreement cannot be waived or nullified by an 4528  
invitation to the respondent from the petitioner or other family 4529  
or household member to enter the residence, school, business, or 4530  
place of employment or by the respondent's entry into one of 4531  
those places otherwise upon the consent of the petitioner or 4532  
other family or household member. 4533

(b) Division (E) (7) (a) of this section does not limit any 4534  
discretion of a court to determine that a respondent charged 4535  
with a violation of section 2919.27 of the Revised Code, with a 4536  
violation of a municipal ordinance substantially equivalent to 4537  
that section, or with contempt of court, which charge is based 4538  
on an alleged violation of a protection order issued or consent 4539  
agreement approved under this section, did not commit the 4540  
violation or was not in contempt of court. 4541

(8) (a) The court may modify or terminate as provided in 4542  
division (E) (8) of this section a protection order or consent 4543  
agreement that was issued after a full hearing under this 4544  
section. The court that issued the protection order or approved 4545  
the consent agreement shall hear a motion for modification or 4546  
termination of the protection order or consent agreement 4547  
pursuant to division (E) (8) of this section. 4548

(b) Either the petitioner or the respondent of the 4549  
original protection order or consent agreement may bring a 4550  
motion for modification or termination of a protection order or 4551  
consent agreement that was issued or approved after a full 4552  
hearing. The court shall require notice of the motion to be made 4553  
as provided by the Rules of Civil Procedure. If the petitioner 4554  
for the original protection order or consent agreement has 4555  
requested that the petitioner's address be kept confidential, 4556

the court shall not disclose the address to the respondent of 4557  
the original protection order or consent agreement or any other 4558  
person, except as otherwise required by law. The moving party 4559  
has the burden of proof to show, by a preponderance of the 4560  
evidence, that modification or termination of the protection 4561  
order or consent agreement is appropriate because either the 4562  
protection order or consent agreement is no longer needed or 4563  
because the terms of the original protection order or consent 4564  
agreement are no longer appropriate. 4565

(c) In considering whether to modify or terminate a 4566  
protection order or consent agreement issued or approved under 4567  
this section, the court shall consider all relevant factors, 4568  
including, but not limited to, the following: 4569

(i) Whether the petitioner consents to modification or 4570  
termination of the protection order or consent agreement; 4571

(ii) Whether the petitioner fears the respondent; 4572

(iii) The current nature of the relationship between the 4573  
petitioner and the respondent; 4574

(iv) The circumstances of the petitioner and respondent, 4575  
including the relative proximity of the petitioner's and 4576  
respondent's workplaces and residences and whether the 4577  
petitioner and respondent have minor children together; 4578

(v) Whether the respondent has complied with the terms and 4579  
conditions of the original protection order or consent 4580  
agreement; 4581

(vi) Whether the respondent has a continuing involvement 4582  
with illegal drugs or alcohol; 4583

(vii) Whether the respondent has been convicted of, 4584

pleaded guilty to, or been adjudicated a delinquent child for an 4585  
offense of violence since the issuance of the protection order 4586  
or approval of the consent agreement; 4587

(viii) Whether any other protection orders, consent 4588  
agreements, restraining orders, or no contact orders have been 4589  
issued against the respondent pursuant to this section, section 4590  
2919.26 of the Revised Code, any other provision of state law, 4591  
or the law of any other state; 4592

(ix) Whether the respondent has participated in any 4593  
domestic violence treatment, intervention program, or other 4594  
counseling addressing domestic violence and whether the 4595  
respondent has completed the treatment, program, or counseling; 4596

(x) The time that has elapsed since the protection order 4597  
was issued or since the consent agreement was approved; 4598

(xi) The age and health of the respondent; 4599

(xii) When the last incident of abuse, threat of harm, or 4600  
commission of a sexually oriented offense occurred or other 4601  
relevant information concerning the safety and protection of the 4602  
petitioner or other protected parties. 4603

(d) If a protection order or consent agreement is modified 4604  
or terminated as provided in division (E)(8) of this section, 4605  
the court shall issue copies of the modified or terminated order 4606  
or agreement as provided in division (F) of this section. A 4607  
petitioner may also provide notice of the modification or 4608  
termination to the judicial and law enforcement officials in any 4609  
county other than the county in which the order or agreement is 4610  
modified or terminated as provided in division (N) of this 4611  
section. 4612

(e) If the respondent moves for modification or 4613

termination of a protection order or consent agreement pursuant 4614  
to this section and the court denies the motion, the court may 4615  
assess costs against the respondent for the filing of the 4616  
motion. 4617

(9) Any protection order issued or any consent agreement 4618  
approved pursuant to this section shall include a provision that 4619  
the court will automatically seal all of the records of the 4620  
proceeding in which the order is issued or agreement approved on 4621  
the date the respondent attains the age of nineteen years unless 4622  
the petitioner provides the court with evidence that the 4623  
respondent has not complied with all of the terms of the 4624  
protection order or consent agreement. The protection order or 4625  
consent agreement shall specify the date when the respondent 4626  
attains the age of nineteen years. 4627

(F) (1) A copy of any protection order, or consent 4628  
agreement, that is issued, approved, modified, or terminated 4629  
under this section shall be issued by the court to the 4630  
petitioner, to the respondent, and to all law enforcement 4631  
agencies that have jurisdiction to enforce the order or 4632  
agreement. The protection order or consent agreement shall be in 4633  
a form that ensures that the protection order or consent 4634  
agreement is accepted into the protection order database of the 4635  
national crime information center (NCIC) maintained by the 4636  
federal bureau of investigation. The court shall direct that a 4637  
copy of an order be delivered to the respondent on the same day 4638  
that the order is entered. If the court terminates or cancels 4639  
the order or agreement, the court shall cause the delivery of 4640  
notice of the termination or cancellation to the same persons 4641  
and entities that were issued or delivered a copy of the order 4642  
or agreement. 4643

The court shall cause each protection order issued and 4644  
each consent agreement approved pursuant to this section to be 4645  
entered into the law enforcement automated data system created 4646  
by section 5503.10 of the Revised Code, and known as LEADS, by 4647  
the close of the next business day after the day on which the 4648  
court issues the order or approves the agreement. Upon the 4649  
termination or cancellation of the order or agreement, the court 4650  
shall take all steps necessary to ensure that the order or 4651  
agreement is removed from the LEADS database by the close of the 4652  
next business day after the day on which the termination or 4653  
cancellation of the order or agreement occurred and shall ensure 4654  
that the order or agreement is terminated, cleared, or canceled 4655  
in the protection order database of the national crime 4656  
information center (NCIC) maintained by the federal bureau of 4657  
investigation. 4658

(2) Upon the issuance of a protection order or the 4659  
approval of a consent agreement under this section, the court 4660  
shall provide the parties to the order or agreement with the 4661  
following notice orally or by form: 4662

"NOTICE 4663

As a result of this order or consent agreement, it may be 4664  
unlawful for you to possess or purchase a firearm, including a 4665  
rifle, pistol, or revolver, or ammunition pursuant to federal 4666  
law under 18 U.S.C. 922(g)(8) for the duration of this order or 4667  
consent agreement. If you have any questions whether this law 4668  
makes it illegal for you to possess or purchase a firearm or 4669  
ammunition, you should consult an attorney." 4670

(3) All law enforcement agencies shall establish and 4671  
maintain an index for the protection orders and the approved 4672  
consent agreements delivered to the agencies pursuant to 4673

division (F) (1) of this section. With respect to each order and 4674  
consent agreement delivered, each agency shall note on the index 4675  
the date and time that it received the order or consent 4676  
agreement. 4677

(4) Regardless of whether the petitioner has registered 4678  
the order or agreement in the county in which the officer's 4679  
agency has jurisdiction pursuant to division (N) of this 4680  
section, any officer of a law enforcement agency shall enforce a 4681  
protection order issued or consent agreement approved by any 4682  
court in this state in accordance with the provisions of the 4683  
order or agreement, including removing the respondent from the 4684  
premises, if appropriate. 4685

(G) (1) Any proceeding under this section shall be 4686  
conducted in accordance with the Rules of Civil Procedure, 4687  
except that an order under this section may be obtained with or 4688  
without bond. An order issued under this section, other than an 4689  
ex parte order, that grants a protection order or approves a 4690  
consent agreement, that refuses to grant a protection order or 4691  
approve a consent agreement that modifies or terminates a 4692  
protection order or consent agreement, or that refuses to modify 4693  
or terminate a protection order or consent agreement, is a 4694  
final, appealable order. The remedies and procedures provided in 4695  
this section are in addition to, and not in lieu of, any other 4696  
available civil or criminal remedies. 4697

(2) If as provided in division (G) (1) of this section an 4698  
order issued under this section, other than an ex parte order, 4699  
refuses to grant a protection order, the court, on its own 4700  
motion, shall order that the ex parte order issued under this 4701  
section and all of the records pertaining to that ex parte order 4702  
be sealed after either of the following occurs: 4703

(a) No party has exercised the right to appeal pursuant to 4704  
Rule 4 of the Rules of Appellate Procedure. 4705

(b) All appellate rights have been exhausted. 4706

(H) The filing of proceedings under this section does not 4707  
excuse a person from filing any report or giving any notice 4708  
required by section 2151.421 of the Revised Code or by any other 4709  
law. When a petition under this section alleges domestic 4710  
violence against minor children, the court shall report the 4711  
fact, or cause reports to be made, to a county, township, or 4712  
municipal peace officer under section 2151.421 of the Revised 4713  
Code. 4714

(I) Any law enforcement agency that investigates a 4715  
domestic dispute shall provide information to the family or 4716  
household members involved, or the persons in the dating 4717  
relationship who are involved, whichever is applicable regarding 4718  
the relief available under this section and, for family or 4719  
household members, section 2919.26 of the Revised Code. 4720

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 4721  
section and regardless of whether a protection order is issued 4722  
or a consent agreement is approved by a court of another county 4723  
or a court of another state, no court or unit of state or local 4724  
government shall charge the petitioner any fee, cost, deposit, 4725  
or money in connection with the filing of a petition pursuant to 4726  
this section or in connection with the filing, issuance, 4727  
registration, modification, enforcement, dismissal, withdrawal, 4728  
or service of a protection order, consent agreement, or witness 4729  
subpoena or for obtaining a certified copy of a protection order 4730  
or consent agreement. 4731

(2) Regardless of whether a protection order is issued or 4732

a consent agreement is approved pursuant to this section, the 4733  
court may assess costs against the respondent in connection with 4734  
the filing, issuance, registration, modification, enforcement, 4735  
dismissal, withdrawal, or service of a protection order, consent 4736  
agreement, or witness subpoena or for obtaining a certified copy 4737  
of a protection order or consent agreement. 4738

(K) (1) The court shall comply with Chapters 3119., 3121., 4739  
3123., and 3125. of the Revised Code when it makes or modifies 4740  
an order for child support under this section. 4741

(2) If any person required to pay child support under an 4742  
order made under this section on or after April 15, 1985, or 4743  
modified under this section on or after December 31, 1986, is 4744  
found in contempt of court for failure to make support payments 4745  
under the order, the court that makes the finding, in addition 4746  
to any other penalty or remedy imposed, shall assess all court 4747  
costs arising out of the contempt proceeding against the person 4748  
and require the person to pay any reasonable attorney's fees of 4749  
any adverse party, as determined by the court, that arose in 4750  
relation to the act of contempt. 4751

(L) (1) A person who violates a protection order issued or 4752  
a consent agreement approved under this section is subject to 4753  
the following sanctions: 4754

(a) Criminal prosecution or a delinquent child proceeding 4755  
for a violation of section 2919.27 of the Revised Code, if the 4756  
violation of the protection order or consent agreement 4757  
constitutes a violation of that section; 4758

(b) Punishment for contempt of court. 4759

(2) The punishment of a person for contempt of court for 4760  
violation of a protection order issued or a consent agreement 4761

approved under this section does not bar criminal prosecution of 4762  
the person or a delinquent child proceeding concerning the 4763  
person for a violation of section 2919.27 of the Revised Code. 4764  
However, a person punished for contempt of court is entitled to 4765  
credit for the punishment imposed upon conviction of or 4766  
adjudication as a delinquent child for a violation of that 4767  
section, and a person convicted of or adjudicated a delinquent 4768  
child for a violation of that section shall not subsequently be 4769  
punished for contempt of court arising out of the same activity. 4770

(M) In all stages of a proceeding under this section, a 4771  
petitioner may be accompanied by a victim advocate. 4772

(N) (1) A petitioner who obtains a protection order or 4773  
consent agreement under this section or a temporary protection 4774  
order under section 2919.26 of the Revised Code may provide 4775  
notice of the issuance or approval of the order or agreement to 4776  
the judicial and law enforcement officials in any county other 4777  
than the county in which the order is issued or the agreement is 4778  
approved by registering that order or agreement in the other 4779  
county pursuant to division (N) (2) of this section and filing a 4780  
copy of the registered order or registered agreement with a law 4781  
enforcement agency in the other county in accordance with that 4782  
division. A person who obtains a protection order issued by a 4783  
court of another state may provide notice of the issuance of the 4784  
order to the judicial and law enforcement officials in any 4785  
county of this state by registering the order in that county 4786  
pursuant to section 2919.272 of the Revised Code and filing a 4787  
copy of the registered order with a law enforcement agency in 4788  
that county. 4789

(2) A petitioner may register a temporary protection 4790  
order, protection order, or consent agreement in a county other 4791

than the county in which the court that issued the order or 4792  
approved the agreement is located in the following manner: 4793

(a) The petitioner shall obtain a certified copy of the 4794  
order or agreement from the clerk of the court that issued the 4795  
order or approved the agreement and present that certified copy 4796  
to the clerk of the court of common pleas or the clerk of a 4797  
municipal court or county court in the county in which the order 4798  
or agreement is to be registered. 4799

(b) Upon accepting the certified copy of the order or 4800  
agreement for registration, the clerk of the court of common 4801  
pleas, municipal court, or county court shall place an 4802  
endorsement of registration on the order or agreement and give 4803  
the petitioner a copy of the order or agreement that bears that 4804  
proof of registration. 4805

(3) The clerk of each court of common pleas, the clerk of 4806  
each municipal court, and the clerk of each county court shall 4807  
maintain a registry of certified copies of temporary protection 4808  
orders, protection orders, or consent agreements that have been 4809  
issued or approved by courts in other counties and that have 4810  
been registered with the clerk. 4811

(O) Nothing in this section prohibits the domestic 4812  
relations division of a court of common pleas in counties that 4813  
have a domestic relations division or a court of common pleas in 4814  
counties that do not have a domestic relations division from 4815  
designating a minor child as a protected party on a protection 4816  
order or consent agreement. 4817

**Sec. 5119.01.** (A) As used in this chapter: 4818

(1) "Addiction" means the chronic and habitual use of 4819  
alcoholic beverages, the use of a drug of abuse as defined in 4820

section 3719.011 of the Revised Code, or the use of gambling by 4821  
an individual to the extent that the individual no longer can 4822  
control the individual's use of alcohol, the individual becomes 4823  
physically or psychologically dependent on the drug, the 4824  
individual's use of alcohol or drugs endangers the health, 4825  
safety, or welfare of the individual or others, or the 4826  
individual's gambling causes psychological, financial, 4827  
emotional, marital, legal, or other difficulties endangering the 4828  
health, safety, or welfare of the individual or others. 4829

(2) "Addiction services" means services, including 4830  
intervention, for the treatment of persons with alcohol, drug, 4831  
or gambling addictions, and for the prevention of such 4832  
addictions. 4833

(3) "Alcohol and drug addiction services" means services, 4834  
including intervention, for the treatment of alcoholics or 4835  
persons who abuse drugs of abuse and for the prevention of 4836  
alcoholism and drug addiction. 4837

(4) ~~"Alcoholic"~~ "Chronic alcoholic" means a person 4838  
suffering from alcoholism. 4839

(5) "Alcoholism" means the chronic and habitual use of 4840  
alcoholic beverages by an individual to the extent that the 4841  
individual no longer can control the individual's use of alcohol 4842  
or endangers the health, safety, or welfare of the individual or 4843  
others. 4844

(6) "Certifiable services and supports" means all of the 4845  
following: 4846

(a) Alcohol and drug addiction services; 4847

(b) Mental health services; 4848

(c) The types of recovery supports that are specified in 4849  
rules adopted under section 5119.36 of the Revised Code as 4850  
requiring certification under that section. 4851

(7) "Community addiction services provider" means an 4852  
agency, association, corporation or other legal entity, 4853  
individual, or program that provides one or more of the 4854  
following: 4855

(a) Alcohol and drug addiction services that are certified 4856  
by the director of mental health and addiction services under 4857  
section 5119.36 of the Revised Code; 4858

(b) Gambling addiction services; 4859

(c) Recovery supports that are related to alcohol and drug 4860  
addiction services or gambling addiction services and paid for 4861  
with federal, state, or local funds administered by the 4862  
department of mental health and addiction services or a board of 4863  
alcohol, drug addiction, and mental health services. 4864

(8) "Community mental health services provider" means an 4865  
agency, association, corporation, individual, or program that 4866  
provides either of the following: 4867

(a) Mental health services that are certified by the 4868  
director of mental health and addiction services under section 4869  
5119.36 of the Revised Code; 4870

(b) Recovery supports that are related to mental health 4871  
services and paid for with federal, state, or local funds 4872  
administered by the department of mental health and addiction 4873  
services or a board of alcohol, drug addiction, and mental 4874  
health services. 4875

(9) "Drug addiction" means the use of a drug of abuse, as 4876

defined in section 3719.011 of the Revised Code, by an 4877  
individual to the extent that the individual becomes physically 4878  
or psychologically dependent on the drug or endangers the 4879  
health, safety, or welfare of the individual or others. 4880

(10) "Drug dependent person" means a person who suffers 4881  
from a drug addiction. 4882

(11) "Gambling addiction" means the use of gambling by an 4883  
individual to the extent that it causes psychological, 4884  
financial, emotional, marital, legal, or other difficulties 4885  
endangering the health, safety, or welfare of the individual or 4886  
others. 4887

~~(11)~~ (12) "Gambling addiction services" means services for 4888  
the treatment of persons who have a gambling addiction and for 4889  
the prevention of gambling addiction. 4890

~~(12)~~ (13) "Hospital" means a hospital or inpatient unit 4891  
licensed by the department of mental health and addiction 4892  
services under section 5119.33 of the Revised Code, and any 4893  
institution, hospital, or other place established, controlled, 4894  
or supervised by the department under Chapter 5119. of the 4895  
Revised Code. 4896

~~(13)~~ (14) "Included opioid and co-occurring drug addiction 4897  
services and recovery supports" means the addiction services and 4898  
recovery supports that, pursuant to section 340.033 of the 4899  
Revised Code, are included in the array of services and recovery 4900  
supports for all levels of opioid and co-occurring drug 4901  
addiction required to be included in the community-based 4902  
continuum of care established under section 340.032 of the 4903  
Revised Code. 4904

~~(14)~~ (15) "Medication-assisted treatment" has the same 4905

meaning as in section 340.01 of the Revised Code. 4906

~~(15)~~ (16) "Mental illness" means a substantial disorder of 4907  
thought, mood, perception, orientation, or memory that grossly 4908  
impairs judgment, behavior, capacity to recognize reality, or 4909  
ability to meet the ordinary demands of life. 4910

~~(16)~~ (17) "Mental health services" means services for the 4911  
assessment, care, or treatment of persons who have a mental 4912  
illness and for the prevention of mental illness. 4913

~~(17)~~ (18) "Opioid treatment program" has the same meaning 4914  
as in 42 C.F.R. 8.2. 4915

~~(18)~~ (19) "Recovery supports" means assistance that is 4916  
intended to help an individual who is an alcoholic or has a drug 4917  
addiction or mental illness, or a member of such an individual's 4918  
family, initiate and sustain the individual's recovery from 4919  
alcoholism, drug addiction, or mental illness. "Recovery 4920  
supports" does not mean alcohol and drug addiction services or 4921  
mental health services. 4922

~~(19)~~ ~~(a)~~ (20) (a) "Residence" means a person's physical 4923  
presence in a county with intent to remain there, except in 4924  
either of the following circumstances: 4925

(i) If a person is receiving a mental health treatment 4926  
service at a facility that includes nighttime sleeping 4927  
accommodations, "residence" means that county in which the 4928  
person maintained the person's primary place of residence at the 4929  
time the person entered the facility; 4930

(ii) If a person is committed pursuant to section 2945.38, 4931  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 4932  
"residence" means the county where the criminal charges were 4933  
filed. 4934

(b) When the residence of a person is disputed, the matter  
of residence shall be referred to the department of mental  
health and addiction services for investigation and  
determination. Residence shall not be a basis for a board of  
alcohol, drug addiction, and mental health services to deny  
services to any person present in the board's service district,  
and the board shall provide services for a person whose  
residence is in dispute while residence is being determined and  
for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol,  
drug addiction, and mental health services also refers to an  
alcohol and drug addiction services board or a community mental  
health board in a service district in which an alcohol and drug  
addiction services board or a community mental health board has  
been established under section 340.021 or former section 340.02  
of the Revised Code.

**Sec. 5119.61.** (A) The department of mental health and  
addiction services shall collect and compile statistics and  
other information on the care and treatment of mentally disabled  
persons, and the care, treatment, and rehabilitation of chronic  
alcoholics, drug dependent persons, persons in danger of drug  
dependence, and persons with or in danger of developing a  
gambling addiction in this state. The information shall include,  
without limitation, information on the number of such persons,  
the type of drug involved, if any, the type of care, treatment,  
or rehabilitation prescribed or undertaken, and the success or  
failure of the care, treatment, or rehabilitation. The  
department shall collect information about addiction services,  
mental health services, and recovery supports delivered and  
persons served as required for reporting and evaluation relating  
to state and federal funds expended for such purposes.

(B) No community addiction services provider or community 4966  
mental health services provider shall fail to supply statistics 4967  
and other information within its knowledge and with respect to 4968  
its addiction services, mental health services, and recovery 4969  
supports upon request of the department. 4970

(C) Communications by a person seeking aid in good faith 4971  
for alcoholism or drug dependence are confidential, and this 4972  
section does not require the collection or permit the disclosure 4973  
of information which reveals or comprises the identity of any 4974  
person seeking aid. 4975

(D) Based on the information collected and compiled under 4976  
division (A) of this section, the department shall develop a 4977  
project to assess the outcomes of persons served by community 4978  
addiction services providers and community mental health 4979  
services providers that receive funds distributed by the 4980  
department. 4981

**Sec. 5119.90.** As used in sections 5119.90 to 5119.98 of 4982  
the Revised Code: 4983

(A) "Alcohol ~~and or~~ other drug abuse" means chronic 4984  
alcoholism or drug ~~addiction~~ dependence. 4985

(B) "Another drug" means a controlled substance as defined 4986  
in section 3719.01 of the Revised Code or a harmful intoxicant 4987  
as defined in section 2925.01 of the Revised Code. 4988

(C) "Board of alcohol, drug addiction, and mental health 4989  
services" means a board of alcohol, drug addiction, and mental 4990  
health services established under section 340.02 or 340.021 of 4991  
the Revised Code. 4992

(D) "Danger" or "threat of danger to self, family, or 4993  
others" means substantial physical harm or threat of substantial 4994

physical harm upon self, family, or others. 4995

(E) "Hospital" has the same meaning as in section 3701.01 4996  
or 3727.01 of the Revised Code but does not include either a 4997  
hospital operated by the department of mental health and 4998  
addiction services or an inpatient unit licensed by the 4999  
department. 5000

(F) "Intoxicated" means being under the influence of 5001  
alcohol, another drug, or both alcohol and another drug and, as 5002  
a result, having a significantly impaired ability to function. 5003

(G) "Petitioner" means a person who institutes a 5004  
proceeding under sections 5119.91 to 5119.98 of the Revised 5005  
Code. 5006

(H) "Probate court" means the probate division of the 5007  
court of common pleas. 5008

(I) "Qualified health professional" means a person that is 5009  
properly credentialed or licensed to conduct a drug and alcohol 5010  
assessment and diagnosis under Ohio law. 5011

(J) "Residence" means the legal residence of a person as 5012  
determined by applicable principles governing conflicts of law. 5013

(K) "Respondent" means a person who is subject to 5014  
involuntary hospitalization under section 5119.901 of the 5015  
Revised Code or who is alleged in a petition filed or hearing 5016  
under sections 5119.91 to 5119.98 of the Revised Code to be a 5017  
person who is suffering from alcohol ~~and or~~ other drug abuse and 5018  
who may be ordered under those sections to undergo treatment. 5019

(L) "Treatment" means services and programs for the care 5020  
and rehabilitation of intoxicated persons and persons suffering 5021  
from alcohol ~~and or~~ other drug abuse. "Treatment" includes 5022

residential treatment, a halfway house setting, and an intensive  
outpatient or outpatient level of care.

Sec. 5119.901. (A) (1) Any of the following who has reason  
to believe that a person is intoxicated and may be a person  
suffering from alcohol or other drug abuse that is subject to  
court-ordered treatment, and that the person represents a  
substantial risk of physical harm to self or others if allowed  
to remain at liberty pending examination, may take the person  
into custody and may immediately transport the person to a  
general hospital not operated or licensed by the department of  
mental health and addiction services where the person may be  
held for the period prescribed in this section:

(a) A parole officer;

(b) A police officer;

(c) A sheriff.

(B) A written statement shall be given to the hospital by  
the individual authorized under division (A) of this section to  
transport the person. The statement shall specify the  
circumstances under which such person was taken into custody and  
the reasons for the belief that the person is a person suffering  
from alcohol or other drug abuse that is subject to court-  
ordered treatment and that the person represents a substantial  
risk of physical harm to self or others if allowed to remain at  
liberty pending examination. This statement shall be made  
available to the respondent or the respondent's attorney upon  
request of either.

(C) Every reasonable and appropriate effort shall be made  
to take persons into custody in the least conspicuous manner  
possible. A person taking the respondent into custody pursuant

to this section shall explain to the respondent: the name and 5052  
professional designation and affiliation of the person taking 5053  
the respondent into custody; that the custody-taking is not a 5054  
criminal arrest; and that the person is being taken for 5055  
examination by qualified health professionals at a general 5056  
hospital identified by name. 5057

(D) If a person taken into custody under this section is 5058  
transported to a general hospital, the hospital may admit the 5059  
person, or provide care and treatment for the person, or both. 5060

(E) A person transported or transferred to a general 5061  
hospital under this section shall be examined by a qualified 5062  
health professional at the hospital within twenty-four hours 5063  
after arrival at the hospital. If, to conduct the examination, 5064  
it requires that the person remain overnight, the hospital shall 5065  
admit the person in an unclassified status until making a 5066  
disposition under this section. After the examination, if the 5067  
qualified health professional believes that the person is not a 5068  
person suffering from alcohol or other drug abuse that is 5069  
subject to court-ordered treatment, the qualified health 5070  
professional shall release or discharge the person immediately 5071  
unless a court has issued an order for seventy-two hour 5072  
emergency involuntary treatment applicable to the person under 5073  
section 5119.95 of the Revised Code. After the examination, if 5074  
the qualified health professional believes that the person is a 5075  
person suffering from alcohol or other drug abuse that is 5076  
subject to court-ordered treatment, the qualified health 5077  
professional may detain the person for not more than three court 5078  
days following the day of the examination and, during such 5079  
period, may file a petition under section 5119.93 of the Revised 5080  
Code. If neither action is taken and a court has not otherwise 5081  
issued an order for seventy-two hour involuntary treatment 5082

applicable to the person under section 5119.95 of the Revised 5083  
Code, the qualified health professional shall discharge the 5084  
person at the end of the three-day period. 5085

(F) The provisions of, and procedures set forth in, this 5086  
section are separate from and independent of the provisions of, 5087  
and procedures set forth in, section 5122.10 of the Revised Code 5088  
and do not limit or affect the provisions of, and procedures set 5089  
forth in, section 5122.10 of the Revised Code. 5090

**Sec. 5119.92.** No person shall be ordered to undergo 5091  
treatment under sections 5119.90 to 5119.98 of the Revised Code 5092  
unless all of the following apply to that person: 5093

(A) The person suffers from alcohol ~~and or~~ other drug 5094  
abuse. 5095

(B) The person presents an imminent danger or imminent 5096  
threat of danger to self, family, or others as a result of 5097  
alcohol ~~and or~~ other drug abuse, or there exists a substantial 5098  
likelihood of such a threat in the near future. 5099

(C) The person can reasonably benefit from treatment. 5100

**Sec. 5119.93.** (A) A person may initiate proceedings for 5101  
treatment for an individual suffering from alcohol ~~and or~~ other 5102  
drug abuse by filing a verified petition in the probate court 5103  
~~and paying a filing fee in the same amount, if any, that is~~ 5104  
~~charged for the filing under section 5122.11 of the Revised Code~~ 5105  
~~of an affidavit seeking the hospitalization of a person on a~~ 5106  
form prescribed by the department of mental health and addiction 5107  
services. The petition and all subsequent court documents shall 5108  
be entitled: "In the interest of (name of respondent)." ~~A~~ 5109  
~~spouse, relative, or guardian of the individual concerning whom~~ 5110  
~~the petition is filed shall file the petition.~~ 5111

(B) A petition filed under division (A) of this section 5112  
shall set forth all of the following: 5113

(1) The petitioner's relationship to the respondent; 5114

(2) The respondent's name, residence address, and current 5115  
location, if known; 5116

(3) The name and residence of the respondent's parents, if 5117  
living and if known, or of the respondent's legal guardian, if 5118  
any and if known; 5119

(4) The name and residence of the respondent's spouse, if 5120  
any and if known; 5121

(5) The name and residence of the person having custody of 5122  
the respondent, if any, or if no such person is known, the name 5123  
and residence of a near relative or a statement that the person 5124  
is unknown; 5125

(6) The petitioner's belief, including the factual basis 5126  
for the belief, that the respondent is suffering from alcohol 5127  
~~and or~~ other drug abuse and presents an imminent danger or 5128  
imminent threat of danger to self, family, or others if not 5129  
treated for alcohol or other drug abuse. 5130

(C) ~~(1)~~ Any petition filed pursuant to divisions (A) and 5131  
(B) of this section shall be accompanied by a certificate of a 5132  
physician who has examined the respondent within two days prior 5133  
to the day that the petition is filed in the probate court. The 5134  
physician shall be authorized to practice medicine and surgery 5135  
or osteopathic medicine and surgery under Chapter 4731. of the 5136  
Revised Code. The physician's certificate shall set forth the 5137  
physician's findings in support of the need to treat the 5138  
respondent for alcohol or other drug abuse. The certificate 5139  
shall indicate if the respondent presents an imminent danger or 5140

imminent threat of danger to self, family, or others if not 5141  
treated. Further, the certificate shall indicate the type and 5142  
length of treatment required and if the respondent can 5143  
reasonably benefit from treatment. If the physician's 5144  
certificate indicates that inpatient treatment is required, the 5145  
certificate shall identify any inpatient facilities known to the 5146  
physician that are able and willing to provide the recommended 5147  
inpatient treatment. 5148

If the respondent refuses to undergo an examination with a 5149  
physician concerning the respondent's possible need for 5150  
treatment for alcohol or other drug abuse, the petition shall 5151  
state that the respondent has refused all requests made by the 5152  
petitioner to undergo a physician's examination. In that case, 5153  
the petitioner shall not be required to provide a physician's 5154  
certificate with the petition. 5155

~~(2) Any petition filed pursuant to divisions (A) and (B) 5156  
of this section shall contain a statement that the petitioner 5157  
has arranged for treatment of the respondent. Further, the 5158  
petition shall be accompanied by a statement from the person or 5159  
facility who has agreed to provide the treatment that verifies 5160  
that the person or facility has agreed to provide the treatment 5161  
and the estimated cost of the treatment. 5162~~

~~(D) Any petition filed pursuant to divisions (A) and (B) 5163  
of this section shall be accompanied by both of the following: 5164~~

~~(1) A security deposit to be deposited with the clerk of 5165  
the probate court that will cover half of the estimated cost of 5166  
treatment of the respondent; 5167~~

~~(2) A guarantee, signed by the petitioner or another 5168  
person authorized to file the petition obligating the guarantor 5169~~

~~to pay the costs of the examinations of the respondent conducted~~ 5170  
~~by the physician and qualified health professional under~~ 5171  
~~division (B) (5) of section 5119.94 of the Revised Code, the~~ 5172  
~~costs of the respondent that are associated with a hearing~~ 5173  
~~conducted in accordance with section 5119.94 of the Revised Code~~ 5174  
~~and that the court determines to be appropriate, and the costs~~ 5175  
~~of any treatment ordered by the court.~~ 5176  
No person shall provide 5177  
false information on any petition filed pursuant to divisions 5177  
(A) and (B) of this section. 5178

**Sec. 5119.94.** (A) Upon receipt of a petition filed under 5179  
section 5119.93 of the Revised Code and the payment of the 5180  
appropriate filing fee, if any, the probate court shall examine 5181  
the petitioner under oath as to the contents of the petition. 5182

(B) If, after reviewing the allegations contained in the 5183  
petition and examining the petitioner under oath, it appears to 5184  
the probate court that there is probable cause to believe the 5185  
respondent may reasonably benefit from treatment, the court 5186  
shall do all of the following: 5187

(1) Schedule a hearing to be held within ~~seven~~ five court 5188  
days to determine if there is clear and convincing evidence that 5189  
the respondent may reasonably benefit from treatment for alcohol 5190  
~~and or~~ other drug abuse; 5191

(2) Notify the respondent, the legal guardian, if any and 5192  
if known, and the spouse, parents, or nearest relative or friend 5193  
of the respondent concerning the allegations and contents of the 5194  
petition and of the date and purpose of the hearing; 5195

(3) Notify the respondent that the respondent may retain 5196  
counsel and, if the person is unable to obtain an attorney, that 5197  
the respondent may be represented by court-appointed counsel at 5198

public expense if the person is indigent. Upon the appointment 5199  
of an attorney to represent an indigent respondent, the court 5200  
shall notify the respondent of the name, address, and telephone 5201  
number of the attorney appointed to represent the respondent. 5202

(4) Notify the respondent that the court shall cause the 5203  
respondent to be examined not later than twenty-four hours 5204  
before the hearing date by a physician for the purpose of a 5205  
physical examination and by a qualified health professional for 5206  
the purpose of a drug and alcohol addiction assessment and 5207  
diagnosis. In addition, the court shall notify the respondent 5208  
that the respondent may have an independent expert evaluation of 5209  
the person's physical and mental condition conducted at the 5210  
respondent's own expense. 5211

(5) Cause the respondent to be examined not later than 5212  
twenty-four hours before the hearing date by a physician for the 5213  
purpose of a physical examination and by a qualified health 5214  
professional for the purpose of a drug and alcohol addiction 5215  
assessment and diagnosis, with divisions (C)(1) and (2) of this 5216  
section applying with respect to the examination, the physician, 5217  
and the qualified health professional; 5218

(6) Conduct the hearing. 5219

(C)(1) The examiners who conduct an examination under 5220  
division (B)(5) of this section may review and consider any 5221  
relevant law enforcement reports pertaining to the respondent, 5222  
statements from relevant family members or witnesses to the 5223  
respondent's behaviors or actions listed in the petition, and 5224  
all relevant medical records, subject to state and federal 5225  
privacy and security protections. The medical records reviewed 5226  
and considered may include toxicology or other laboratory 5227  
results, and notes of the nurses or medical treatment team that 5228

conducted the initial triage of the respondent upon arrival at a 5229  
general hospital pursuant to an emergency hospitalization under 5230  
section 5119.901 of the Revised Code. All records reviewed as 5231  
part of the examination shall be made available to the 5232  
respondent or the respondent's attorney for the purpose of any 5233  
hearing conducted under division (A)(6) of this section. The 5234  
records reviewed as part of the examination may be admissible as 5235  
evidence for the purpose of establishing whether or not the 5236  
respondent is subject to involuntary treatment pursuant to 5237  
section 5119.91 of the Revised Code. 5238

Except as otherwise provided in this division, the records 5239  
reviewed as part of the examination are not public records open 5240  
for review, inspection, and copying under section 149.43 of the 5241  
Revised Code, and shall be maintained under seal by the court. 5242  
If any law enforcement officer submits a written request to a 5243  
hospital, board of alcohol, drug addiction, and mental health 5244  
services, or community mental health services provider that 5245  
requests the hospital, board, or provider to supply the officer 5246  
with specified records, the hospital, board, or provider, except 5247  
to the extent specifically prohibited by any law of this state 5248  
or of the United States, shall supply to the officer a copy of 5249  
any of the requested records the provider possesses, if all of 5250  
the following apply with respect to the written request: 5251

(a) The request states that an official criminal 5252  
investigation has begun regarding a specified person, that a 5253  
criminal action or proceeding has been commenced against a 5254  
specified person, that proceedings for determining whether to 5255  
order a person allegedly suffering from alcohol or other drug 5256  
abuse to undergo treatment have been commenced or are about to 5257  
be commenced regarding the person under sections 5119.90 to 5258  
5119.99 of the Revised Code, or that proceedings for involuntary 5259

commitment or hospitalization have been commenced or are about 5260  
to be commenced against a person under sections 5122.05 to 5261  
5122.15 of the Revised Code; 5262

(b) The request asks the hospital, board, or provider to 5263  
supply to the officer copies of any records the hospital, board, 5264  
or provider possesses that pertain to any test or the results of 5265  
any test administered to the specified person to determine the 5266  
presence or concentration of alcohol, a drug of abuse, a 5267  
combination of them, a controlled substance, or a metabolite of 5268  
a controlled substance in the person's whole blood, blood serum 5269  
or plasma, breath, or urine at any time relevant to the criminal 5270  
offense in question, to conduct regarding the basis of the 5271  
possible ordered treatment of the person in question, or to 5272  
conduct regarding the basis of the possible involuntary 5273  
commitment or hospitalization of the person in question; 5274

(c) The request conforms to section 2317.022 of the 5275  
Revised Code. 5276

(2) The physician and qualified health professional who 5277  
examine the respondent pursuant to division (B) (5) of this 5278  
section or who are obtained by the respondent at the 5279  
respondent's own expense shall certify their findings to the 5280  
court within twenty-four hours of the examinations. The findings 5281  
of each qualified health professional shall include a 5282  
recommendation for treatment if the qualified health 5283  
professional determines that treatment is necessary. 5284

(D) (1) If upon completion of the hearing held under this 5285  
section the probate court finds by clear and convincing evidence 5286  
that the respondent may reasonably benefit from treatment, the 5287  
court may order the treatment after considering the qualified 5288  
health professionals' recommendations for treatment that have 5289

been submitted to the court under division (C) (2) of this 5290  
section. If the court orders the treatment under this division, 5291  
the court shall order the treatment to be provided through a 5292  
community addiction services provider or by an individual 5293  
licensed or certified by the state medical board under Chapter 5294  
4731. of the Revised Code, the chemical dependency professionals 5295  
board under Chapter 4758. of the Revised Code, the counselor, 5296  
social worker, and marriage and family therapist board under 5297  
Chapter 4757. of the Revised Code, or a similar board of another 5298  
state authorized to provide substance abuse treatment. 5299

(2) If upon completion of the hearing held under this 5300  
section the probate court finds by clear and convincing evidence 5301  
that the respondent is a chronic alcoholic or a drug dependent 5302  
person, the probate judge who made the finding shall provide to 5303  
the attorney general the notice specified under section 5122.311 5304  
of the Revised Code. 5305

(3) If upon completion of the hearing held under this 5306  
section the probate court finds by clear and convincing evidence 5307  
that the respondent is a chronic alcoholic or a drug dependent 5308  
person, and if the probate court has reasonable cause to believe 5309  
that the respondent, if released or treated in an outpatient 5310  
setting, would have access to firearms or dangerous ordnance, 5311  
the court may issue a safety protection order pursuant to 5312  
section 2923.133 of the Revised Code, to any law enforcement 5313  
officer authorizing retrieval by the officer of all firearms and 5314  
dangerous ordnance owned by, possessed by, or in the control of 5315  
the respondent. 5316

(4) Failure of a respondent to undergo and complete any 5317  
treatment ordered pursuant to this division is contempt of 5318  
court. Any community addiction services provider or person 5319

providing treatment under this division shall notify the probate 5320  
court of a respondent's failure to undergo or complete the 5321  
ordered treatment. 5322

(E) If, at any time after a petition is filed under 5323  
section 5119.93 of the Revised Code, the probate court finds 5324  
that there is not probable cause to order involuntary treatment 5325  
or to continue treatment or if the petitioner withdraws the 5326  
petition, then the court shall dismiss the proceedings against 5327  
the respondent. 5328

(F) If the probate court issues a safety protection order 5329  
as described in division (D) (3) of this section and subsequent 5330  
to the issuance of the order finds that the respondent no longer 5331  
is a chronic alcoholic or drug dependent person, the court shall 5332  
order any law enforcement agency that is in possession of 5333  
property retrieved pursuant to that division and section 5334  
2923.133 of the Revised Code to return to the respondent all 5335  
property retrieved under that division and section. 5336

**Sec. 5119.96.** When a probate court is authorized to issue 5337  
an order that the respondent be transported to a hospital, the 5338  
court may issue a summons. If the respondent fails to attend an 5339  
examination scheduled before the hearing under section 5119.94 5340  
of the Revised Code, the court shall issue a summons. A summons 5341  
so issued shall be directed to the respondent and shall command 5342  
the respondent to appear at a time and place specified in the 5343  
summons. If a respondent who has been summoned fails to appear 5344  
at the hospital or the examination, the probate court may order 5345  
the sheriff or any other peace officer to transport the 5346  
respondent to a hospital on the list provided under section 5347  
5119.97 of the Revised Code for treatment. The sheriff or any 5348  
other peace officer, upon agreement of a person authorized by 5349

the peace officer, may authorize a board of alcohol, drug 5350  
addiction, and mental health services, a private services 5351  
provider under contract with a board of alcohol, drug addiction, 5352  
and mental health services, or an ambulance service designated 5353  
by a board of alcohol, drug addiction, and mental health 5354  
services to transport the respondent to the hospital. The 5355  
transportation costs of the sheriff, other peace officer, 5356  
ambulance service, or other private services provider under 5357  
contract with the board of alcohol, drug addiction, and mental 5358  
health services shall be included in the costs of treatment for 5359  
alcohol ~~and or~~ other drug abuse to be paid by the petitioner. 5360

**Sec. 5119.97.** Each board of alcohol, drug addiction, and 5361  
mental health services on at least an annual basis shall submit 5362  
each of the following lists to the clerk of the probate court in 5363  
each county served by the board: 5364

(A) A list of all hospitals in the counties served by the 5365  
board that are able and willing to take respondents ordered to 5366  
undergo seventy-two hours of treatment and observation pursuant 5367  
to section 5119.95 of the Revised Code; 5368

(B) A list of hospitals and treatment providers in the 5369  
counties served by the board that are able and willing to 5370  
provide treatment for alcohol ~~and or~~ other drug abuse ordered 5371  
pursuant to section 5119.94 of the Revised Code. 5372

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the 5373  
Revised Code is guilty of a misdemeanor of the first degree. 5374

(B) Whoever violates division (B) of section 5119.61 of 5375  
the Revised Code is guilty of a misdemeanor of the fourth 5376  
degree. 5377

(C) Whoever violates section 5119.27 or 5119.28, division 5378

(A) of section 5119.35, division (H) of section 5119.36, or 5379  
division (A) (1) or (2) of section 5119.37 of the Revised Code is 5380  
guilty of a felony of the fifth degree. 5381

(D) Whoever violates division (D) of section 5119.93 of 5382  
the Revised Code is guilty of a misdemeanor of the first degree. 5383

**Sec. 5122.10.** (A) (1) Any of the following who has reason 5384  
to believe that a person is a mentally ill person subject to 5385  
court order and represents a substantial risk of physical harm 5386  
to self or others if allowed to remain at liberty pending 5387  
examination may take the person into custody and may immediately 5388  
transport the person to a hospital or, notwithstanding section 5389  
5119.33 of the Revised Code, to a general hospital not licensed 5390  
by the department of mental health and addiction services where 5391  
the person may be held for the period prescribed in this 5392  
section: 5393

(a) A psychiatrist; 5394

(b) A licensed physician; 5395

(c) A licensed clinical psychologist; 5396

(d) A clinical nurse specialist who is certified as a 5397  
psychiatric-mental health CNS by the American nurses 5398  
credentialing center; 5399

(e) A certified nurse practitioner who is certified as a 5400  
psychiatric-mental health NP by the American nurses 5401  
credentialing center; 5402

(f) A health officer; 5403

(g) A parole officer; 5404

(h) A police officer; 5405

(i) A sheriff. 5406

(2) If the chief of the adult parole authority or a parole 5407  
or probation officer with the approval of the chief of the 5408  
authority has reason to believe that a parolee, an offender 5409  
under a community control sanction or post-release control 5410  
sanction, or an offender under transitional control is a 5411  
mentally ill person subject to court order and represents a 5412  
substantial risk of physical harm to self or others if allowed 5413  
to remain at liberty pending examination, the chief or officer 5414  
may take the parolee or offender into custody and may 5415  
immediately transport the parolee or offender to a hospital or, 5416  
notwithstanding section 5119.33 of the Revised Code, to a 5417  
general hospital not licensed by the department of mental health 5418  
and addiction services where the parolee or offender may be held 5419  
for the period prescribed in this section. 5420

(B) A written statement shall be given to the hospital by 5421  
the individual authorized under division (A) (1) or (2) of this 5422  
section to transport the person. The statement shall specify the 5423  
circumstances under which such person was taken into custody and 5424  
the reasons for the belief that the person is a mentally ill 5425  
person subject to court order and represents a substantial risk 5426  
of physical harm to self or others if allowed to remain at 5427  
liberty pending examination. This statement shall be made 5428  
available to the respondent or the respondent's attorney upon 5429  
request of either. 5430

(C) Every reasonable and appropriate effort shall be made 5431  
to take persons into custody in the least conspicuous manner 5432  
possible. A person taking the respondent into custody pursuant 5433  
to this section shall explain to the respondent: the name and 5434  
professional designation and affiliation of the person taking 5435

the respondent into custody; that the custody-taking is not a 5436  
criminal arrest; and that the person is being taken for 5437  
examination by mental health professionals at a specified mental 5438  
health facility identified by name. 5439

(D) If a person taken into custody under this section is 5440  
transported to a general hospital, the general hospital may 5441  
admit the person, or provide care and treatment for the person, 5442  
or both, notwithstanding section 5119.33 of the Revised Code, 5443  
but by the end of ~~twenty-four~~ seventy-two hours after arrival at 5444  
the general hospital, the person shall be transferred to a 5445  
hospital as defined in section 5122.01 of the Revised Code. 5446

(E) A person taken into custody, transported, or 5447  
~~transferred to a hospital or community mental health services~~ 5448  
~~provider~~ under this section shall be examined by the staff of 5449  
the hospital or community mental health services provider within 5450  
twenty-four hours after arrival at the hospital or services 5451  
provider. If to conduct the examination requires that the person 5452  
remain overnight, the hospital or services provider shall admit 5453  
the person in an unclassified status until making a disposition 5454  
under this section. After the examination, if the chief clinical 5455  
officer of the hospital or services provider believes that the 5456  
person is not a mentally ill person subject to court order, the 5457  
chief clinical officer shall release or discharge the person 5458  
immediately unless a court has issued a temporary order of 5459  
detention applicable to the person under section 5122.11 of the 5460  
Revised Code. After the examination, if the chief clinical 5461  
officer believes that the person is a mentally ill person 5462  
subject to court order, the chief clinical officer may detain 5463  
the person for not more than three court days following the day 5464  
of the examination and during such period admit the person as a 5465  
voluntary patient under section 5122.02 of the Revised Code or 5466

file an affidavit under section 5122.11 of the Revised Code. If 5467  
neither action is taken and a court has not otherwise issued a 5468  
temporary order of detention applicable to the person under 5469  
section 5122.11 of the Revised Code, the chief clinical officer 5470  
shall discharge the person at the end of the three-day period 5471  
unless the person has been sentenced to the department of 5472  
rehabilitation and correction and has not been released from the 5473  
person's sentence, in which case the person shall be returned to 5474  
that department. 5475

(F) The provisions of, and procedures set forth in, this 5476  
section are separate from and independent of the provisions of, 5477  
and procedures set forth in, section 5119.901 of the Revised 5478  
Code and do not limit or affect the provisions of, and 5479  
procedures set forth in, section 5119.901 of the Revised Code. 5480

**Sec. 5122.11.** (A) Proceedings for a mentally ill person 5481  
subject to court order pursuant to sections 5122.11 to 5122.15 5482  
of the Revised Code shall be commenced by the filing of an 5483  
affidavit in the manner prescribed by the department of mental 5484  
health and addiction services and in a form prescribed in 5485  
section 5122.111 of the Revised Code, by any person or persons 5486  
with the probate court, either on reliable information or actual 5487  
knowledge, whichever is determined to be proper by the court. 5488  
This section does not apply to the hospitalization of a person 5489  
pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of 5490  
the Revised Code. 5491

The affidavit shall contain an allegation setting forth 5492  
the specific category or categories under division (B) of 5493  
section 5122.01 of the Revised Code upon which the jurisdiction 5494  
of the court is based and a statement of alleged facts 5495  
sufficient to indicate probable cause to believe that the person 5496

is a mentally ill person subject to court order. The affidavit 5497  
may be accompanied, or the court may require that the affidavit 5498  
be accompanied, by a certificate of a psychiatrist, or a 5499  
certificate signed by a licensed clinical psychologist and a 5500  
certificate signed by a licensed physician stating that the 5501  
person who issued the certificate has examined the person and is 5502  
of the opinion that the person is a mentally ill person subject 5503  
to court order, or shall be accompanied by a written statement 5504  
by the applicant, under oath, that the person has refused to 5505  
submit to an examination by a psychiatrist, or by a licensed 5506  
clinical psychologist and licensed physician. 5507

Upon receipt of the affidavit, if a judge of the court or 5508  
a referee who is an attorney at law appointed by the court has 5509  
probable cause to believe that the person named in the affidavit 5510  
is a mentally ill person subject to court order, the judge or 5511  
referee may issue a temporary order of detention ordering any 5512  
health or police officer or sheriff to take into custody and 5513  
transport the person to a hospital or other place designated in 5514  
section 5122.17 of the Revised Code, or may set the matter for 5515  
further hearing. If a temporary order of detention is issued and 5516  
the person is transported to a hospital or other designated 5517  
place, the court that issued the order shall retain jurisdiction 5518  
over the case as it relates to the person's outpatient 5519  
treatment, notwithstanding that the hospital or other designated 5520  
place to which the person is transported is outside the 5521  
territorial jurisdiction of the court. 5522

The person may be observed and treated until the hearing 5523  
provided for in section 5122.141 of the Revised Code. If no such 5524  
hearing is held, the person may be observed and treated until 5525  
the hearing provided for in section 5122.15 of the Revised Code. 5526

(B) No person shall provide false information on an 5527  
affidavit filed under division (A) of this section. 5528

**Sec. 5122.13.** Within two business days after receipt of 5529  
the affidavit required by section 5122.11 of the Revised Code, 5530  
the probate court shall refer the affidavit to the board of 5531  
alcohol, drug addiction, and mental health services or community 5532  
mental health services provider the board designates to assist 5533  
the court in determining whether the respondent is subject to 5534  
court-ordered treatment and whether alternatives to 5535  
hospitalization are available, unless the services provider or 5536  
board has already performed such screening. The board or 5537  
services provider shall review the allegations of the affidavit 5538  
and other information relating to whether or not the person 5539  
named in the affidavit or statement is a mentally ill person 5540  
subject to court order, and the availability of appropriate 5541  
treatment alternatives. The records and information reviewed 5542  
shall include, but are not limited to, any relevant law 5543  
enforcement reports pertaining to the person named in the 5544  
affidavit, any statements from relevant family members or 5545  
witnesses to the person's behaviors or actions listed in the 5546  
affidavit, and all relevant medical records, subject to state 5547  
and federal privacy and security protections. The medical 5548  
records may include toxicology or other laboratory results, and 5549  
notes of the nurses or medical treatment team that conducted the 5550  
initial triage of the respondent upon arrival at the hospital. 5551

The person who conducts the investigation shall promptly 5552  
make a report to the court, in writing, in open court or in 5553  
chambers, as directed by the court and a full record of the 5554  
report shall be made by the court. All records and information 5555  
reviewed as part of the investigation and the making of the 5556  
report shall be made available to the respondent or the 5557

respondent's attorney for the purpose of any hearing conducted 5558  
under section 5122.141 or 5122.15 of the Revised Code. The 5559  
report is not admissible as evidence for the purpose of 5560  
establishing whether or not the respondent is a mentally ill 5561  
person subject to court order, but shall be considered by the 5562  
court in its determination of an appropriate placement for any 5563  
person after that person is found to be a mentally ill person 5564  
subject to court order. The records reviewed as part of the 5565  
investigation and the making of the report may be admissible as 5566  
evidence for the purpose of establishing whether or not the 5567  
respondent is a mentally ill person subject to court order. The 5568  
records reviewed as part of the investigation and the making of 5569  
the report are not public records open for review, inspection, 5570  
and copying under section 149.43 of the Revised Code, and shall 5571  
be maintained under seal by the court. 5572

The court, prior to the hearing under section 5122.141 of 5573  
the Revised Code, shall release a copy of the investigative 5574  
report to the respondent's counsel. 5575

Nothing in this section precludes a judge or referee from 5576  
issuing a temporary order of detention pursuant to section 5577  
5122.11 of the Revised Code. 5578

**Sec. 5122.141.** (A) A respondent who is involuntarily 5579  
placed in a hospital or other place as designated in section 5580  
5122.10 or 5122.17 of the Revised Code, or with respect to whom 5581  
proceedings have been instituted under section 5122.11 of the 5582  
Revised Code, shall be afforded a hearing to determine whether 5583  
or not the respondent is a mentally ill person subject to court 5584  
order. The hearing shall be conducted pursuant to section 5585  
5122.15 of the Revised Code, and the respondent shall have the 5586  
right to counsel as provided in that section. 5587

(B) The hearing shall be conducted within five court days 5588  
from the day on which the respondent is detained or an affidavit 5589  
is filed, whichever occurs first, in a physical setting not 5590  
likely to have a harmful effect on the respondent, and may be 5591  
conducted in a hospital in or out of the county. On the motion 5592  
of the respondent, the respondent's counsel, the chief clinical 5593  
officer, or on its own motion, and for good cause shown, the 5594  
court may order a continuance of the hearing. The continuance 5595  
may be for no more than ten days from the day on which the 5596  
respondent is detained or on which an affidavit is filed, 5597  
whichever occurs first. Failure to conduct the hearing within 5598  
this time shall effect an immediate discharge of the respondent. 5599  
If the proceedings are not reinstituted within thirty days, all 5600  
records of the proceedings shall be expunged. 5601

(C) If the court does not find that the respondent is a 5602  
mentally ill person subject to court order, it shall order the 5603  
respondent's immediate discharge, and shall expunge all record 5604  
of the proceedings during this period. 5605

(D) If the court finds that the respondent is a mentally 5606  
ill person subject to court order, the court may issue an 5607  
interim order of detention ordering any health or police officer 5608  
or sheriff to take into custody and transport such person to a 5609  
hospital or other place designated in section 5122.17 of the 5610  
Revised Code, where the respondent may be observed and treated. 5611

(E) If the court finds that the respondent is a mentally 5612  
ill person subject to court order and that there is probable 5613  
cause to believe that the respondent, if released or treated in 5614  
an outpatient setting, would have access to firearms and 5615  
dangerous ordnance, the court may issue a safety protection 5616  
order, pursuant to section 2923.133 of the Revised Code, to any 5617

law enforcement officer authorizing retrieval by the officer of 5618  
all firearms and dangerous ordnance owned by, possessed by, or 5619  
in the control of the respondent. 5620

(F) A respondent or a respondent's counsel, after 5621  
obtaining the consent of the respondent, may waive the hearing 5622  
provided for in this section. In such case, unless the person 5623  
has been discharged, a mandatory full hearing shall be held by 5624  
the thirtieth day after the original involuntary detention of 5625  
the respondent. Failure to conduct the mandatory full hearing 5626  
within this time limit shall result in the immediate discharge 5627  
of the respondent. 5628

~~(F)~~ (G) Where possible, the initial hearing shall be held 5629  
before the respondent is taken into custody. 5630

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 5631  
manner consistent with this chapter and with due process of law. 5632  
The hearings shall be conducted by a judge of the probate court 5633  
or a referee designated by a judge of the probate court and may 5634  
be conducted in or out of the county in which the respondent is 5635  
held. Any referee designated under this division shall be an 5636  
attorney. 5637

(1) With the consent of the respondent, the following 5638  
shall be made available to counsel for the respondent: 5639

(a) All relevant documents, information, and evidence in 5640  
the custody or control of the state or prosecutor; 5641

(b) All relevant documents, information, and evidence in 5642  
the custody or control of the hospital in which the respondent 5643  
currently is held, or in which the respondent has been held 5644  
pursuant to this chapter; 5645

(c) All relevant documents, information, and evidence in 5646

the custody or control of any hospital, facility, or person not 5647  
included in division (A) (1) (a) or (b) of this section. 5648

(2) The respondent has the right to attend the hearing and 5649  
to be represented by counsel of the respondent's choice. The 5650  
right to attend the hearing may be waived only by the respondent 5651  
or counsel for the respondent after consultation with the 5652  
respondent. 5653

(3) If the respondent is not represented by counsel, is 5654  
absent from the hearing, and has not validly waived the right to 5655  
counsel, the court shall appoint counsel immediately to 5656  
represent the respondent at the hearing, reserving the right to 5657  
tax costs of appointed counsel to the respondent, unless it is 5658  
shown that the respondent is indigent. If the court appoints 5659  
counsel, or if the court determines that the evidence relevant 5660  
to the respondent's absence does not justify the absence, the 5661  
court shall continue the case. 5662

(4) The respondent shall be informed that the respondent 5663  
may retain counsel and have independent expert evaluation. If 5664  
the respondent is unable to obtain an attorney, the respondent 5665  
shall be represented by court-appointed counsel. If the 5666  
respondent is indigent, court-appointed counsel and independent 5667  
expert evaluation shall be provided as an expense under section 5668  
5122.43 of the Revised Code. 5669

(5) The hearing shall be closed to the public, unless 5670  
counsel for the respondent, with the permission of the 5671  
respondent, requests that the hearing be open to the public. 5672

(6) If the hearing is closed to the public, the court, for 5673  
good cause shown, may admit persons who have a legitimate 5674  
interest in the proceedings. If the respondent, the respondent's 5675

counsel, or the designee of the director or of the chief 5676  
clinical officer objects to the admission of any person, the 5677  
court shall hear the objection and any opposing argument and 5678  
shall rule upon the admission of the person to the hearing. 5679

(7) The affiant under section 5122.11 of the Revised Code 5680  
shall be subject to subpoena by either party. 5681

(8) The court shall examine the sufficiency of all 5682  
documents filed and shall inform the respondent, if present, and 5683  
the respondent's counsel of the nature and content of the 5684  
documents and the reason for which the respondent is being 5685  
detained, or for which the respondent's placement is being 5686  
sought. 5687

(9) The court shall receive only reliable, competent, and 5688  
material evidence. 5689

(10) Unless proceedings are initiated pursuant to section 5690  
5120.17 or 5139.08 of the Revised Code, an attorney that the 5691  
board designates shall present the case demonstrating that the 5692  
respondent is a mentally ill person subject to court order. The 5693  
attorney shall offer evidence of the facts proving that the 5694  
respondent is a mentally ill person subject to court order, of 5695  
the diagnosis, prognosis, record of treatment, if any, and of 5696  
less restrictive treatment plans, if any. In proceedings 5697  
pursuant to section 5120.17 or 5139.08 of the Revised Code, the 5698  
attorney general shall designate an attorney who shall present 5699  
the case demonstrating that the respondent is a mentally ill 5700  
person subject to court order. The attorney shall offer evidence 5701  
of the diagnosis, prognosis, record of treatment, if any, and 5702  
less restrictive treatment plans, if any. If the affiant under 5703  
section 5122.11 of the Revised Code is a law enforcement officer 5704  
or a prosecuting attorney, the prosecuting attorney may elect 5705

to, but shall not be required to, present the case demonstrating 5706  
that the respondent is a mentally ill person subject to court 5707  
order. 5708

(11) The respondent or the respondent's counsel has the 5709  
right to subpoena witnesses and documents and to examine and 5710  
cross-examine witnesses. 5711

(12) The respondent has the right, but shall not be 5712  
compelled, to testify, and shall be so advised by the court. 5713

(13) On motion of the respondent or the respondent's 5714  
counsel for good cause shown, or on the court's own motion, the 5715  
court may order a continuance of the hearing. 5716

(14) If the respondent is represented by counsel and the 5717  
respondent's counsel requests a transcript and record, or if the 5718  
respondent is not represented by counsel, the court shall make 5719  
and maintain a full transcript and record of the proceeding. If 5720  
the respondent is indigent and the transcript and record is 5721  
made, a copy shall be provided to the respondent upon request 5722  
and be treated as an expense under section 5122.43 of the 5723  
Revised Code. 5724

(15) To the extent not inconsistent with this chapter, the 5725  
Rules of Civil Procedure are applicable. 5726

(B) Unless, upon completion of the hearing the court finds 5727  
by clear and convincing evidence that the respondent is a 5728  
mentally ill person subject to court order, it shall ~~order~~ do 5729  
all of the following: 5730

(1) Order the respondent's discharge immediately; 5731

(2) Order any law enforcement agency that is in possession 5732  
of property retrieved pursuant to division (E) of section 5733

5122.141 of the Revised Code and section 2923.133 of the Revised 5734  
Code to return to the respondent all property retrieved under 5735  
that division and section. 5736

(C) If, upon completion of the hearing, the court finds by 5737  
clear and convincing evidence that the respondent is a mentally 5738  
ill person subject to court order, the court shall order the 5739  
respondent for a period not to exceed ninety days to any of the 5740  
following: 5741

(1) A hospital operated by the department of mental health 5742  
and addiction services if the respondent is committed pursuant 5743  
to section 5139.08 of the Revised Code; 5744

(2) A nonpublic hospital; 5745

(3) The veterans' administration or other agency of the 5746  
United States government; 5747

(4) A board of alcohol, drug addiction, and mental health 5748  
services or services provider the board designates; 5749

(5) Receive private psychiatric or psychological care and 5750  
treatment; 5751

(6) Any other suitable facility or person consistent with 5752  
the diagnosis, prognosis, and treatment needs of the respondent. 5753  
A jail or other local correctional facility is not a suitable 5754  
facility. 5755

(D) Any order made pursuant to division (C) (2), (3), (5), 5756  
or (6) of this section shall be conditioned upon the receipt by 5757  
the court of consent by the hospital, facility, agency, or 5758  
person to accept the respondent and may include a requirement 5759  
that a person or entity described in division (C) (2), (3), (5), 5760  
or (6) of this section inform the board of alcohol, drug 5761

addiction, and mental health services or community mental health 5762  
services provider the board designates about the progress of the 5763  
respondent with the treatment plan. 5764

(E) In determining the entity or person to which the 5765  
respondent is to be committed under division (C) of this 5766  
section, the court shall consider the diagnosis, prognosis, 5767  
preferences of the respondent and the projected treatment plan 5768  
for the respondent and shall order the implementation of the 5769  
least restrictive alternative available and consistent with 5770  
treatment goals. If the court determines that the least 5771  
restrictive alternative available that is consistent with 5772  
treatment goals is inpatient hospitalization, the court's order 5773  
shall so state. 5774

(F) During the ninety-day period the entity or person 5775  
shall examine and treat the respondent. If the respondent is 5776  
receiving treatment in an outpatient setting, or receives 5777  
treatment in an outpatient setting during a subsequent period of 5778  
continued commitment under division (H) of this section, the 5779  
entity or person to whom the respondent is committed shall 5780  
determine the appropriate outpatient treatment for the 5781  
respondent. If, at any time prior to the expiration of the 5782  
ninety-day period, it is determined by the entity or person that 5783  
the respondent's treatment needs could be equally well met in an 5784  
available and appropriate less restrictive setting, both of the 5785  
following apply: 5786

(1) The respondent shall be released from the care of the 5787  
entity or person immediately and shall be referred to the court 5788  
together with a report of the findings and recommendations of 5789  
the entity or person; 5790

(2) The entity or person shall notify the respondent's 5791

counsel or the attorney designated by a board of alcohol, drug 5792  
addiction, and mental health services or, if the respondent was 5793  
committed to a board or a services provider designated by the 5794  
board, it shall place the respondent in the least restrictive 5795  
setting available consistent with treatment goals and notify the 5796  
court and the respondent's counsel of the placement. 5797

The court shall dismiss the case or order placement in the 5798  
least restrictive setting. 5799

(G) (1) Except as provided in division (G) (2) of this 5800  
section, any person for whom proceedings for treatment have been 5801  
commenced pursuant to section 5122.11 of the Revised Code, may 5802  
apply at any time for voluntary admission or treatment to the 5803  
entity or person to which the person was committed. Upon 5804  
admission as a voluntary patient the chief clinical officer of 5805  
the entity or the person immediately shall notify the court, the 5806  
patient's counsel, and the attorney designated by the board, if 5807  
the attorney has entered the proceedings, in writing of that 5808  
fact, and, upon receipt of the notice, the court shall dismiss 5809  
the case. 5810

(2) A person who is found incompetent to stand trial or 5811  
not guilty by reason of insanity and who is committed pursuant 5812  
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 5813  
Revised Code shall not voluntarily commit the person pursuant to 5814  
this section until after the final termination of the 5815  
commitment, as described in division (J) of section 2945.401 of 5816  
the Revised Code. 5817

(H) If, at the end of the first ninety-day period or any 5818  
subsequent period of continued commitment, there has been no 5819  
disposition of the case, either by discharge or voluntary 5820  
admission or treatment, the entity or person shall discharge the 5821

patient immediately, unless at least ten days before the 5822  
expiration of the period the attorney the board designates or 5823  
the prosecutor files with the court an application for continued 5824  
commitment. The application of the attorney or the prosecutor 5825  
shall include a written report containing the diagnosis, 5826  
prognosis, past treatment, a list of alternative treatment 5827  
settings and plans, and identification of the treatment setting 5828  
that is the least restrictive consistent with treatment needs. 5829  
The attorney the board designates or the prosecutor shall file 5830  
the written report at least three days prior to the full 5831  
hearing. A copy of the application and written report shall be 5832  
provided to the respondent's counsel immediately. 5833

The court shall hold a full hearing on applications for 5834  
continued commitment at the expiration of the first ninety-day 5835  
period and at least every two years after the expiration of the 5836  
first ninety-day period. 5837

Hearings following any application for continued 5838  
commitment are mandatory and may not be waived. 5839

For a respondent who is ordered to receive treatment in an 5840  
outpatient setting, if at any time after the first ninety-day 5841  
period the entity or person to whom the respondent was ordered 5842  
determines that the respondent has demonstrated voluntary 5843  
consent for treatment, that entity or person shall immediately 5844  
notify the respondent, the respondent's counsel, the attorney 5845  
designated by the board, and the court. The entity or person 5846  
shall submit to the court a report of the findings and 5847  
recommendations. The court may dismiss the case upon review of 5848  
the facts. 5849

Upon request of a person who is involuntarily committed 5850  
under this section, or the person's counsel, that is made more 5851

than one hundred eighty days after the person's last full 5852  
hearing, mandatory or requested, the court shall hold a full 5853  
hearing on the person's continued commitment. Upon the 5854  
application of a person involuntarily committed under this 5855  
section, supported by an affidavit of a psychiatrist or licensed 5856  
clinical psychologist, alleging that the person no longer is a 5857  
mentally ill person subject to court order, the court for good 5858  
cause shown may hold a full hearing on the person's continued 5859  
commitment prior to the expiration of one hundred eighty days 5860  
after the person's last full hearing. Section 5122.12 of the 5861  
Revised Code applies to all hearings on continued commitment. 5862

If the court, after a hearing for continued commitment 5863  
finds by clear and convincing evidence that the respondent is a 5864  
mentally ill person subject to court order, the court may order 5865  
continued commitment at places or to persons specified in 5866  
division (C) of this section. 5867

(I) Unless the admission is pursuant to section 5120.17 or 5868  
5139.08 of the Revised Code, the chief clinical officer of the 5869  
entity admitting a respondent pursuant to a judicial proceeding, 5870  
within ten working days of the admission, shall make a report of 5871  
the admission to the board of alcohol, drug addiction, and 5872  
mental health services serving the respondent's county of 5873  
residence. 5874

(J) A referee appointed by the court may make all orders 5875  
that a judge may make under this section and sections 5122.11 5876  
and 5122.141 of the Revised Code, except an order of contempt of 5877  
court. The orders of a referee take effect immediately. Within 5878  
fourteen days of the making of an order by a referee, a party 5879  
may file written objections to the order with the court. The 5880  
filed objections shall be considered a motion, shall be 5881

specific, and shall state their grounds with particularity. 5882  
Within ten days of the filing of the objections, a judge of the 5883  
court shall hold a hearing on the objections and may hear and 5884  
consider any testimony or other evidence relating to the 5885  
respondent's mental condition. At the conclusion of the hearing, 5886  
the judge may ratify, rescind, or modify the referee's order. 5887

(K) An order of the court under division (C), (H), or (J) 5888  
of this section is a final order. 5889

(L) Before a board, or a services provider the board 5890  
designates, may place an unconsenting respondent in an inpatient 5891  
setting from a less restrictive placement, the board or services 5892  
provider shall do all of the following: 5893

(1) Determine that the respondent is in immediate need of 5894  
treatment in an inpatient setting because the respondent 5895  
represents a substantial risk of physical harm to the respondent 5896  
or others if allowed to remain in a less restrictive setting; 5897

(2) On the day of placement in the inpatient setting or on 5898  
the next court day, file with the court a motion for transfer to 5899  
an inpatient setting or communicate to the court by telephone 5900  
that the required motion has been mailed; 5901

(3) Ensure that every reasonable and appropriate effort is 5902  
made to take the respondent to the inpatient setting in the 5903  
least conspicuous manner possible; 5904

(4) Immediately notify the board's designated attorney and 5905  
the respondent's attorney. 5906

At the respondent's request, the court shall hold a 5907  
hearing on the motion and make a determination pursuant to 5908  
division (E) of this section within five days of the placement. 5909

(M) Before a board, or a services provider the board 5910  
designates, may move a respondent from one residential placement 5911  
to another, the board or services provider shall consult with 5912  
the respondent about the placement. If the respondent objects to 5913  
the placement, the proposed placement and the need for it shall 5914  
be reviewed by a qualified mental health professional who 5915  
otherwise is not involved in the treatment of the respondent. 5916

(N) The entity or person to whom the respondent was 5917  
ordered for treatment in an outpatient setting may submit a 5918  
report to the court indicating that the respondent has either 5919  
failed to comply with the treatment plan or begun to demonstrate 5920  
signs of decompensation that may be grounds for hospitalization. 5921  
On receipt of the report, the court shall promptly schedule a 5922  
hearing to review the case. The court shall conduct the hearing 5923  
in a manner consistent with this chapter and due process of law. 5924  
The board shall receive notice of the hearing and the board and 5925  
entity or person treating the respondent shall submit a report 5926  
to the court with a plan for appropriate alternative treatment, 5927  
if any, or recommend that the court discontinue the court- 5928  
ordered treatment. The court shall consider available and 5929  
appropriate alternative placements but shall not impose criminal 5930  
sanctions that result in confinement in a jail or other local 5931  
correctional facility based on the respondent's failure to 5932  
comply with the treatment plan. The court may not order the 5933  
respondent to a more restrictive placement unless the criteria 5934  
specified in division (L) of this section are met and may not 5935  
order the respondent to an inpatient setting unless the court 5936  
determines by clear and convincing evidence presented by the 5937  
board that the respondent meets the criteria specified in 5938  
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 5939  
the Revised Code. 5940

**Sec. 5122.31.** (A) All certificates, applications, records, 5941  
and reports made for the purpose of this chapter and sections 5942  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 5943  
Code, other than court journal entries or court docket entries, 5944  
and directly or indirectly identifying a patient or former 5945  
patient or person whose hospitalization or commitment has been 5946  
sought under this chapter, shall be kept confidential and shall 5947  
not be disclosed by any person except: 5948

(1) If the person identified, or the person's legal 5949  
guardian, if any, or if the person is a minor, the person's 5950  
parent or legal guardian, consents, and if the disclosure is in 5951  
the best interests of the person, as may be determined by the 5952  
court for judicial records and by the chief clinical officer for 5953  
medical records; 5954

(2) When disclosure is provided for in this chapter or 5955  
Chapters 340. or 5119. of the Revised Code or in accordance with 5956  
other provisions of state or federal law authorizing such 5957  
disclosure; 5958

(3) That hospitals, boards of alcohol, drug addiction, and 5959  
mental health services, and community mental health services 5960  
providers may release necessary medical information to insurers 5961  
and other third-party payers, including government entities 5962  
responsible for processing and authorizing payment, to obtain 5963  
payment for goods and services furnished to the patient; 5964

(4) Pursuant to a court order signed by a judge; 5965

(5) That a patient shall be granted access to the 5966  
patient's own psychiatric and medical records, unless access 5967  
specifically is restricted in a patient's treatment plan for 5968  
clear treatment reasons; 5969

(6) That hospitals and other institutions and facilities 5970  
within the department of mental health and addiction services 5971  
may exchange psychiatric records and other pertinent information 5972  
with other hospitals, institutions, and facilities of the 5973  
department, and with community mental health services providers 5974  
and boards of alcohol, drug addiction, and mental health 5975  
services with which the department has a current agreement for 5976  
patient care or services. Records and information that may be 5977  
released pursuant to this division shall be limited to 5978  
medication history, physical health status and history, 5979  
financial status, summary of course of treatment in the 5980  
hospital, summary of treatment needs, and a discharge summary, 5981  
if any. 5982

(7) That hospitals within the department and other 5983  
institutions and facilities within the department may exchange 5984  
psychiatric records and other pertinent information with payers 5985  
and other providers of treatment, health services, and recovery 5986  
supports if the purpose of the exchange is to facilitate 5987  
continuity of care for a patient or for the emergency treatment 5988  
of an individual; 5989

(8) That a patient's family member who is involved in the 5990  
provision, planning, and monitoring of services to the patient 5991  
may receive medication information, a summary of the patient's 5992  
diagnosis and prognosis, and a list of the services and 5993  
personnel available to assist the patient and the patient's 5994  
family, if the patient's treating physician determines that the 5995  
disclosure would be in the best interests of the patient. No 5996  
such disclosure shall be made unless the patient is notified 5997  
first and receives the information and does not object to the 5998  
disclosure. 5999

(9) That community mental health services providers may 6000  
exchange psychiatric records and certain other information with 6001  
the board of alcohol, drug addiction, and mental health services 6002  
and other services providers in order to provide services to a 6003  
person involuntarily committed to a board. Release of records 6004  
under this division shall be limited to medication history, 6005  
physical health status and history, financial status, summary of 6006  
course of treatment, summary of treatment needs, and discharge 6007  
summary, if any. 6008

(10) That information may be disclosed to the executor or 6009  
the administrator of an estate of a deceased patient when the 6010  
information is necessary to administer the estate; 6011

(11) That records in the possession of the Ohio history 6012  
connection may be released to the closest living relative of a 6013  
deceased patient upon request of that relative; 6014

(12) That records pertaining to the patient's diagnosis, 6015  
course of treatment, treatment needs, and prognosis shall be 6016  
disclosed and released to the appropriate prosecuting attorney 6017  
if the patient was committed pursuant to section 2945.38, 6018  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 6019  
to the attorney designated by the board for proceedings pursuant 6020  
to involuntary commitment under this chapter. 6021

(13) That the department of mental health and addiction 6022  
services may exchange psychiatric hospitalization records, other 6023  
mental health treatment records, and other pertinent information 6024  
with the department of rehabilitation and correction and with 6025  
the department of youth services to ensure continuity of care 6026  
for inmates or offenders who are receiving mental health 6027  
services in an institution of the department of rehabilitation 6028  
and correction or the department of youth services and may 6029

exchange psychiatric hospitalization records, other mental 6030  
health treatment records, and other pertinent information with 6031  
boards of alcohol, drug addiction, and mental health services 6032  
and community mental health services providers to ensure 6033  
continuity of care for inmates or offenders who are receiving 6034  
mental health services in an institution and are scheduled for 6035  
release within six months. The release of records under this 6036  
division is limited to records regarding an inmate's or 6037  
offender's medication history, physical health status and 6038  
history, summary of course of treatment, summary of treatment 6039  
needs, and a discharge summary, if any; 6040

(14) That records and reports relating to a person who has 6041  
been deceased for fifty years or more are no longer considered 6042  
confidential; 6043

(15) That if any law enforcement officer submits a written 6044  
request to a hospital, board of alcohol, drug addiction, and 6045  
mental health services, or community mental health services 6046  
provider that requests the hospital, board, or provider to 6047  
supply the officer with specified records, the hospital, board, 6048  
or provider, except to the extent specifically prohibited by any 6049  
law of this state or of the United States, shall supply to the 6050  
officer a copy of any of the requested records the provider 6051  
possesses, if all of the following apply with respect to the 6052  
written request: 6053

(a) The request states that an official criminal 6054  
investigation has begun regarding a specified person, that a 6055  
criminal action or proceeding has been commenced against a 6056  
specified person, or that proceedings for involuntary commitment 6057  
or hospitalization have been commenced or are about to be 6058  
commenced against a person under sections 5122.05 to 5122.15 of 6059

the Revised Code; 6060

(b) The request asks the hospital, board, or provider to 6061  
supply to the officer copies of any records the hospital, board, 6062  
or provider possesses that pertain to any test or the results of 6063  
any test administered to the specified person to determine the 6064  
presence or concentration of alcohol, a drug of abuse, a 6065  
combination of them, a controlled substance, or a metabolite of 6066  
a controlled substance in the person's whole blood, blood serum 6067  
or plasma, breath, or urine at any time relevant to the criminal 6068  
offense in question or to conduct regarding the basis of the 6069  
possible involuntary commitment or hospitalization of the person 6070  
in question; 6071

(c) The request conforms to section 2317.022 of the 6072  
Revised Code. 6073

(B) Before records are disclosed pursuant to divisions (A) 6074  
(3), (6), and (9) of this section, the custodian of the records 6075  
shall attempt to obtain the patient's consent for the 6076  
disclosure. No person shall reveal the contents of a medical 6077  
record of a patient except as authorized by law. 6078

(C) The managing officer of a hospital who releases 6079  
necessary medical information under division (A) (3) of this 6080  
section to allow an insurance carrier or other third party payor 6081  
to comply with section 5121.43 of the Revised Code shall neither 6082  
be subject to criminal nor civil liability. 6083

**Sec. 5122.311.** (A) (1) Notwithstanding any provision of the 6084  
Revised Code to the contrary, if, on or after April 8, 2004, an 6085  
individual is found by a court to be a mentally ill person 6086  
subject to court order ~~or becomes an involuntary patient other~~ 6087  
~~than one who is a patient only for purposes of observation, or~~ 6088

if, on or after the effective date of this amendment, an 6089  
individual is found by a court under section 5119.94 of the 6090  
Revised Code to be a chronic alcoholic or a drug dependent 6091  
person, the probate judge who made the adjudication ~~or the chief-~~ 6092  
~~clinical officer of the hospital, community mental health-~~ 6093  
~~services provider, or facility in which the person is an~~ 6094  
~~involuntary patient~~ shall notify the office of the attorney 6095  
general, on the form described in division (C) of this section, 6096  
of the identity of the individual and of the adjudication. The 6097  
notification shall be transmitted by the judge ~~or the chief-~~ 6098  
~~clinical officer~~ not later than seven days after the 6099  
adjudication ~~or commitment.~~ 6100

(2) If a judge provides a notice to the attorney general 6101  
under division (A)(1) of this section regarding an individual 6102  
and if a judge subsequently determines that the individual no 6103  
longer is a mentally ill person subject to court order or no 6104  
longer is a chronic alcoholic or a drug dependent person, 6105  
whichever is applicable, the judge shall notify the office of 6106  
the attorney general, on the form described in division (C) of 6107  
this section, of the identity of the individual and of the 6108  
determination. The notification shall be transmitted by the 6109  
judge not later than seven days after the determination. 6110

(B)(1) The office of the attorney general shall compile 6111  
and maintain the notices it receives under division (A) of this 6112  
section and the notices shall be used for the purpose of 6113  
conducting incompetency records checks pursuant to section 6114  
311.41 of the Revised Code and as otherwise specified under 6115  
division (B)(2) of this section. The notices and the information 6116  
they contain are confidential, except as provided in this 6117  
division and division (B)(2) of this section, and are not public 6118  
records. 6119

(2) Upon receipt of any notice under division (A) (1) of 6120  
this section with respect to an individual, the attorney general 6121  
shall enter the information in the notice into the law 6122  
enforcement automated data system created by section 5503.10 of 6123  
the Revised Code, and known as LEADS, by the close of the next 6124  
business day after the day on which the notice is received. 6125

(3) Upon receipt of any notice under division (A) (2) of 6126  
this section with respect to an individual, the attorney general 6127  
shall take all steps necessary to ensure that the information in 6128  
the notice previously received under division (A) (1) of this 6129  
section with respect to the individual is removed from LEADS by 6130  
the close of the next business day after the day on which the 6131  
notice is received and that it is terminated, cleared, or 6132  
canceled in the database of the national crime information 6133  
center (NCIC) maintained by the federal bureau of investigation 6134  
in which it is maintained. 6135

(C) The attorney general, by rule adopted under Chapter 6136  
119. of the Revised Code, shall prescribe and make available to 6137  
all probate judges ~~and all chief clinical officers a form~~ forms 6138  
to be used by them for the purpose of making the notifications 6139  
required by ~~division~~ divisions (A) (1) and (2) of this section. 6140

**Sec. 5122.99.** (A) A person who violates division (B) (2) of 6141  
section 5122.32 of the Revised Code shall be fined not more than 6142  
two thousand five hundred dollars on a first offense and not 6143  
more than twenty thousand dollars on a subsequent offense. 6144

(B) Whoever violates division (B) of section 5122.11 of 6145  
the Revised Code is guilty of a misdemeanor of the first degree. 6146

**Sec. 5502.71.** (A) As used in this section: 6147

(1) "Federally licensed firearms dealer" has the same 6148

meaning as in section 5502.63 of the Revised Code. 6149

(2) "Identification document" has the same meaning as in 6150  
section 311.51 of the Revised Code. 6151

(3) "Prospective transferee" means the person who is the 6152  
subject of a request made by a sheriff under division (B) of 6153  
this section requesting the department of public safety to 6154  
conduct background checks under this section. 6155

(4) "Transfer" means a person's sale, loaning, giving, or 6156  
furnishing of a firearm to another person. 6157

(B) The department of public safety shall establish a 6158  
mechanism for the conduct of background checks requested by a 6159  
person who wishes to receive a firearm by transfer from another 6160  
person who is not a federally licensed firearms dealer, and who 6161  
has filed a petition with a sheriff under division (B) (2) of 6162  
section 311.51 of the Revised Code requesting such background 6163  
checks of the petitioner. Upon receipt of a request for 6164  
background checks of a person that is made by a sheriff based on 6165  
such a petition, the department shall do all of the following: 6166

(1) Conduct a firearms disability background check to 6167  
ensure that none of the following apply to the prospective 6168  
transferee: 6169

(a) The prospective transferee is a fugitive from justice. 6170

(b) The prospective transferee is under indictment for or 6171  
has been convicted of any felony offense of violence or has been 6172  
adjudicated a delinquent child for the commission of an offense 6173  
that, if committed by an adult, would have been a felony offense 6174  
of violence. 6175

(c) The prospective transferee is under indictment for or 6176

has been convicted of any felony offense involving the illegal 6177  
possession, use, sale, administration, distribution, or 6178  
trafficking in any drug of abuse or has been adjudicated a 6179  
delinquent child for the commission of an offense that if 6180  
committed by an adult would have been a felony involving the 6181  
illegal possession, use, sale, administration, distribution, or 6182  
trafficking in any drug of abuse. 6183

(d) The prospective transferee is a drug dependent person 6184  
or in danger of drug dependence or is a chronic alcoholic. 6185

(e) The prospective transferee has been adjudicated as a 6186  
mental defective, has been committed to any mental institution, 6187  
is under adjudication of mental incompetence, has been found by 6188  
a court to be a mentally ill person subject to court order, or 6189  
is an involuntary patient other than one who is a patient only 6190  
for purposes of observation. As used in this division, "mentally 6191  
ill person subject to court order" and "patient" have the same 6192  
meanings as in section 5122.01 of the Revised Code. 6193

(f) The prospective transferee is prohibited from 6194  
acquiring, possessing, or using firearms pursuant to 18 U.S.C. 6195  
922(g) or 18 U.S.C. 922(n). 6196

(2) Conduct any other background checks that are necessary 6197  
for the department to determine whether the prospective 6198  
transferee is prohibited by section 2923.13 of the Revised Code, 6199  
18 U.S.C. 922(g), or 18 U.S.C. 922(n) from acquiring, 6200  
possessing, or using any firearm. 6201

(C)(1) The department shall initiate the background check 6202  
described in division (B)(1) of this section, and any background 6203  
check the department determines is necessary under division (B) 6204  
(2) of this section, immediately upon receiving the request for 6205

the checks from the sheriff.

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(2) The department shall search all federal and state  
databases necessary to complete the background check described  
in division (B) (1) of this section, and any background check the  
department determines is necessary under division (B) (2) of this  
section. Upon completion of the background checks, the  
department shall notify the sheriff who requested the background  
checks as described in section 311.51 of the Revised Code of the  
results of the checks and, unless the applicant is prohibited by  
state or federal law, including section 2923.13 of the Revised  
Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n), from acquiring,  
possessing, or using firearms, the department shall issue a  
seller's protection certificate as required by section 311.51 of  
the Revised Code. If the applicant is prohibited by state or  
federal law, including section 2923.13 of the Revised Code, 18  
U.S.C. 922(g), or 18 U.S.C. 922(n), from acquiring, possessing,  
or using firearms, the department shall not issue a seller's  
protection certificate and shall notify the sheriff that the  
certificate is denied.

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(D) A seller's protection certificate issued under this  
section shall identify the prospective transferee who was the  
subject of the background checks conducted as described in  
division (C) (2) of this section that were the basis of the  
issuance of the certificate in a manner that will sufficiently  
allow a person who is transferring a firearm to the prospective  
transferee to validate the identity of the prospective  
transferee by using the prospective transferee's identification  
document. The certificate shall state the name, age, gender,  
date of birth, and residence address of the prospective  
transferee. The certificate shall specify the date on which it  
is issued and shall state that the certificate is valid for

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ninety days. The certificate shall include a unique confirmation 6237  
number that shall be used only for the purpose of verifying that 6238  
background checks were conducted pursuant to this section. The 6239  
certificate shall state that, at the time of its issuance, the 6240  
prospective transferee was not prohibited pursuant to section 6241  
2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 6242  
922(n) from acquiring, possessing, or using firearms. 6243

(E) A request for background checks made by a sheriff 6244  
based on a petition filed under division (B)(2) of section 6245  
311.51 of the Revised Code, all information related to such a 6246  
request, the results of the background checks, and the fact of 6247  
the issuance of a seller's protection certificate, if 6248  
applicable, are not public records under section 149.43 of the 6249  
Revised Code and are not subject to inspection or copying under 6250  
that section. A request for background checks made by a sheriff 6251  
based on a petition filed under division (B)(2) of section 6252  
311.51 of the Revised Code, all information related to such a 6253  
request, the results of the background checks, and the fact of 6254  
the issuance of a seller's protection certificate, if 6255  
applicable, are confidential and shall not be divulged to any 6256  
person other than for purposes of this section, section 311.51 6257  
of the Revised Code, and divisions (A)(10) and (D) of section 6258  
2923.20 of the Revised Code. 6259

(F) Nothing in this section requires that, before a person 6260  
may transfer a firearm to another person, a sheriff must request 6261  
background checks as described in division (B) of this section 6262  
of the person being transferred the firearm, the department of 6263  
public safety must conduct background checks as described in 6264  
division (C) of this section of the person being transferred the 6265  
firearm, or the person being transferred the firearm must be 6266  
issued a seller's protection certificate under division (D) of 6267

this section. 6268

(G) (1) If the department of public safety denies the 6269  
issuance of a seller's protection certificate under this section 6270  
and section 311.51 of the Revised Code, and if the subject 6271  
prospective transferee believes the denial was based on 6272  
incorrect information received or used by the department in 6273  
conducting the background checks that were the basis of the 6274  
denial, the prospective transferee may challenge the background 6275  
check results by using the challenge and review procedure of the 6276  
department of public safety established pursuant to division (G) 6277  
(2) of this section. 6278

(2) The department of public safety shall prescribe a 6279  
challenge and review procedure for applicants to use to 6280  
challenge criminal records checks under division (G) (1) of this 6281  
section. 6282

**Section 2.** That existing sections 2151.34, 2317.02, 6283  
2317.022, 2317.422, 2903.213, 2903.214, 2919.26, 2923.13, 6284  
2923.18, 2923.20, 2923.21, 2923.31, 2929.14, 2935.01, 2935.10, 6285  
2941.141, 2941.145, 3113.31, 5119.01, 5119.61, 5119.90, 5119.92, 6286  
5119.93, 5119.94, 5119.96, 5119.97, 5119.99, 5122.10, 5122.11, 6287  
5122.13, 5122.141, 5122.15, 5122.31, 5122.311, and 5122.99 of 6288  
the Revised Code are hereby repealed. 6289

**Section 3.** The General Assembly, applying the principle 6290  
stated in division (B) of section 1.52 of the Revised Code that 6291  
amendments are to be harmonized if reasonably capable of 6292  
simultaneous operation, finds that the following sections, 6293  
presented in this act as composites of the sections as amended 6294  
by the acts indicated, are the resulting versions of the 6295  
sections in effect prior to the effective date of the sections 6296  
as presented in this act: 6297

|                                                            |      |
|------------------------------------------------------------|------|
| Section 2923.13 of the Revised Code as amended by both     | 6298 |
| H.B. 234 and S.B. 43 of the 130th General Assembly.        | 6299 |
| Section 2923.31 of the Revised Code as amended by both     | 6300 |
| H.B. 199 and H.B. 405 of the 132nd General Assembly.       | 6301 |
| Section 2929.14 of the Revised Code as amended by H.B. 63, | 6302 |
| S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General    | 6303 |
| Assembly.                                                  | 6304 |