

As Referred by the House Rules and Reference Committee

135th General Assembly

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H. B. No. 486

Representatives Carruthers, Brent

Cosponsors: Representatives Abdullahi, Patton, Pavliga, Schmidt, LaRe, Swearingen, Richardson, Young, T., Sweeney, Hoops, Edwards, Ray, Loychik, Mathews, Mohamed, Miller, K., Robinson, Blackshear, Somani, White, Miller, A., Brown, Denson, Brewer, Brennan, Isaacsohn, Weinstein, Grim, Jarrells, Piccolantonio, Troy, Dell'Aquila, Russo

A BILL

To amend sections 109.744, 109.803, 2903.01, 1
2919.27, 2929.12, 2929.22, 2935.03, 2935.032, 2
2937.23, and 3113.31; to amend, for the purpose 3
of adopting a new section number as indicated in 4
parentheses, section 2935.033 (2935.034); and to 5
enact new section 2935.033 and section 2919.261 6
of the Revised Code to make changes to civil and 7
criminal law regarding domestic violence, to 8
address State Highway Patrol arrest authority, 9
to name the act Aisha's Law, and to make an 10
appropriation. 11

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

Section 1. That sections 109.744, 109.803, 2903.01, 12
2919.27, 2929.12, 2929.22, 2935.03, 2935.032, 2937.23, and 13
3113.31 be amended; section 2935.033 (2935.034) be amended for 14
the purpose of adopting a new section number as indicated in 15
parentheses; and new section 2935.033 and section 2919.261 of 16

the Revised Code be enacted to read as follows: 17

Sec. 109.744. The attorney general shall adopt, in 18
accordance with Chapter 119. of the Revised Code or pursuant to 19
section 109.74 of the Revised Code, rules governing the training 20
of peace officers in the handling of the offense of domestic 21
violence, other types of domestic violence-related offenses and 22
incidents, and protection orders and consent agreements issued 23
or approved under section 2919.26 or 3113.31 of the Revised 24
Code. The provisions of the rules shall include, but shall not 25
be limited to, all of the following: 26

(A) A specified amount of training that is necessary for 27
the satisfactory completion of basic training programs at 28
approved peace officer training schools, other than the Ohio 29
peace officer training academy; 30

(B) A requirement that the training include, but not be 31
limited to, training in all of the following: 32

(1) All recent amendments to domestic violence-related 33
laws; 34

(2) Notifying a victim of domestic violence of the 35
victim's rights; 36

(3) Processing protection orders and consent agreements 37
issued or approved under section 2919.26 or 3113.31 of the 38
Revised Code; 39

(4) Using an evidence-based lethality assessment screening 40
tool to determine the level of risk to a victim of domestic 41
violence and to refer high risk victims to local or regional 42
domestic violence advocacy services, as required under section 43
2935.033 of the Revised Code. 44

(C) A list of validated and evidence-based lethality 45
assessment screening tools that constitute qualified lethality 46
assessment screening tools including all of the following: 47

(1) The domestic violence lethality screen for first 48
responders developed by the Maryland network against domestic 49
violence; 50

(2) The danger assessment for law enforcement tool 51
developed by the Jeanne Geiger crisis center; 52

(3) Any other lethality assessment screening tool endorsed 53
by the United States department of justice and found to meet 54
criteria established by the attorney general. 55

Sec. 109.803. (A) (1) Subject to divisions (A) (2) and (B) 56
of this section, every appointing authority shall require each 57
of its appointed peace officers and troopers to complete up to 58
twenty-four hours of continuing professional training each 59
calendar year, as directed by the Ohio peace officer training 60
commission. The number of hours directed by the commission, up 61
to twenty-four hours, is intended to be a minimum requirement, 62
and appointing authorities are encouraged to exceed the number 63
of hours the commission directs as the minimum. The commission 64
shall set the required minimum number of hours based upon 65
available funding for reimbursement as described in this 66
division. ~~If~~ Except as provided in division (B) (5) of this 67
section, if no funding for the reimbursement is available, no 68
continuing professional training will be required. 69

(2) An appointing authority may submit a written request 70
to the peace officer training commission that requests for a 71
calendar year because of emergency circumstances an extension of 72
the time within which one or more of its appointed peace 73

officers or troopers must complete the required minimum number 74
of hours of continuing professional training set by the 75
commission, as described in division (A)(1) of this section. A 76
request made under this division shall set forth the name of 77
each of the appointing authority's peace officers or troopers 78
for whom an extension is requested, identify the emergency 79
circumstances related to that peace officer or trooper, include 80
documentation of those emergency circumstances, and set forth 81
the date on which the request is submitted to the commission. A 82
request shall be made under this division not later than the 83
fifteenth day of December in the calendar year for which the 84
extension is requested. 85

Upon receipt of a written request made under this 86
division, the executive director of the commission shall review 87
the request and the submitted documentation. If the executive 88
director of the commission is satisfied that emergency 89
circumstances exist for any peace officer or trooper for whom a 90
request was made under this division, the executive director may 91
approve the request for that peace officer or trooper and grant 92
an extension of the time within which that peace officer or 93
trooper must complete the required minimum number of hours of 94
continuing professional training set by the commission. An 95
extension granted under this division may be for any period of 96
time the executive director believes to be appropriate, and the 97
executive director shall specify in the notice granting the 98
extension the date on which the extension ends. Not later than 99
thirty days after the date on which a request is submitted to 100
the commission, for each peace officer and trooper for whom an 101
extension is requested, the executive director either shall 102
approve the request and grant an extension or deny the request 103
and deny an extension and shall send to the appointing authority 104

that submitted the request written notice of the executive 105
director's decision. 106

If the executive director grants an extension of the time 107
within which a particular appointed peace officer or trooper of 108
an appointing authority must complete the required minimum 109
number of hours of continuing professional training set by the 110
commission, the appointing authority shall require that peace 111
officer or trooper to complete the required minimum number of 112
hours of training not later than the date on which the extension 113
ends. 114

(B) With the advice of the Ohio peace officer training 115
commission, the attorney general shall adopt in accordance with 116
Chapter 119. of the Revised Code rules setting forth minimum 117
standards for continuing professional training for peace 118
officers and troopers and governing the administration of 119
continuing professional training programs for peace officers and 120
troopers. The rules adopted by the attorney general under 121
division (B) of this section shall do all of the following: 122

(1) Allow peace officers and troopers to earn credit for 123
up to four hours of continuing professional training for time 124
spent while on duty providing drug use prevention education 125
training that utilizes evidence-based curricula to students in 126
school districts, community schools established under Chapter 127
3314., STEM schools established under Chapter 3326., and 128
college-preparatory boarding schools established under Chapter 129
3328. of the Revised Code. 130

(2) Allow a peace officer or trooper appointed by a law 131
enforcement agency to earn hours of continuing professional 132
training for other peace officers or troopers appointed by the 133
law enforcement agency by providing drug use prevention 134

education training under division (B)(1) of this section so that 135
hours earned by the peace officer or trooper providing the 136
training in excess of four hours may be applied to offset the 137
number of continuing professional training hours required of 138
another peace officer or trooper appointed by that law 139
enforcement agency. 140

(3) Prohibit the use of continuing professional training 141
hours earned under division (B)(1) or (2) of this section from 142
being used to offset any mandatory hands-on training 143
requirement. 144

(4) Require a peace officer to complete training on proper 145
interactions with civilians during traffic stops and other in- 146
person encounters, which training shall have an online offering 147
and shall include all of the following topics: 148

(a) A person's rights during an interaction with a peace 149
officer, including all of the following: 150

(i) When a peace officer may require a person to exit a 151
vehicle; 152

(ii) Constitutional protections from illegal search and 153
seizure; 154

(iii) The rights of a passenger in a vehicle who has been 155
pulled over for a traffic stop; 156

(iv) The right for a citizen to record an encounter with a 157
peace officer. 158

(b) Proper actions for interacting with a civilian and 159
methods for diffusing a stressful encounter with a civilian; 160

(c) Laws regarding questioning and detention by peace 161
officers, including any law requiring a person to present proof 162

of identity to a peace officer, and the consequences for a 163
person's or officer's failure to comply with those laws; 164

(d) Any other requirements and procedures necessary for 165
the proper implementation of this section. 166

(5) Require every peace officer and trooper who handles 167
complaints of domestic violence to complete biennial 168
professional training on both of the following: 169

(a) Intervention techniques in domestic violence cases and 170
the use of an evidence-based lethality assessment screening tool 171
to determine the level of risk to a victim of domestic violence; 172

(b) The referral of high risk victims to local or regional 173
domestic violence advocacy services, as required under section 174
2935.033 of the Revised Code. 175

(6) Allow the peace officer training commission to pay for 176
training required under division (B)(5) of this section using 177
federal funds made available to the state or localities pursuant 178
to a program of the United States department of justice or using 179
funds appropriated by the general assembly or allocated for that 180
purpose by the attorney general. 181

(C) The attorney general shall transmit a certified copy 182
of any rule adopted under this section to the secretary of 183
state. 184

(D) As used in this section: 185

(1) "Peace officer" has the same meaning as in section 186
109.71 of the Revised Code. 187

(2) "Trooper" means an individual appointed as a state 188
highway patrol trooper under section 5503.01 of the Revised 189
Code. 190

(3) "Appointing authority" means any agency or entity that 191
appoints a peace officer or trooper. 192

Sec. 2903.01. (A) No person shall purposely, and with 193
prior calculation and design, cause the death of another or the 194
unlawful termination of another's pregnancy. 195

(B) No person shall purposely cause the death of another 196
or the unlawful termination of another's pregnancy while 197
committing or attempting to commit, or while fleeing immediately 198
after committing or attempting to commit, kidnapping, rape, 199
aggravated arson, arson, aggravated robbery, robbery, aggravated 200
burglary, burglary, trespass in a habitation when a person is 201
present or likely to be present, terrorism, or escape. 202

(C) No person shall purposely cause the death of another 203
who is under thirteen years of age at the time of the commission 204
of the offense. 205

(D) No person who is under detention as a result of having 206
been found guilty of or having pleaded guilty to a felony or who 207
breaks that detention shall purposely cause the death of 208
another. 209

(E) No person shall purposely cause the death of a law 210
enforcement officer whom the offender knows or has reasonable 211
cause to know is a law enforcement officer when either of the 212
following applies: 213

(1) The victim, at the time of the commission of the 214
offense, is engaged in the victim's duties. 215

(2) It is the offender's specific purpose to kill a law 216
enforcement officer. 217

(F) No person shall purposely cause the death of a first 218

responder or military member whom the offender knows or has 219
reasonable cause to know is a first responder or military member 220
when it is the offender's specific purpose to kill a first 221
responder or military member. 222

(G) No person shall purposely cause the death of another 223
person when both of the following apply: 224

(1) The victim was a family or household member of the 225
offender; 226

(2) The offender has previously been convicted of domestic 227
violence when the offense was a felony and resulted in serious 228
physical harm or has previously been convicted of a felony 229
offense of violence against the victim that resulted in serious 230
physical harm. 231

(H) Whoever violates this section is guilty of aggravated 232
murder, and shall be punished as provided in section 2929.02 of 233
the Revised Code. 234

~~(H)~~ (I) As used in this section: 235

(1) "Detention" has the same meaning as in section 2921.01 236
of the Revised Code. 237

(2) "Law enforcement officer" has the same meaning as in 238
section 2911.01 of the Revised Code and also includes any 239
federal law enforcement officer as defined in section 2921.51 of 240
the Revised Code and anyone who has previously served as a law 241
enforcement officer or federal law enforcement officer. 242

(3) "First responder" means an emergency medical service 243
provider, a firefighter, or any other emergency response 244
personnel, or anyone who has previously served as a first 245
responder. 246

(4) "Military member" means a member of the armed forces
of the United States, reserves, or Ohio national guard, a
participant in ROTC, JROTC, or any similar military training
program, or anyone who has previously served in the military.

(5) "Family or household member" means any of the
following:

(a) Any of the following who is residing with or has
resided with the offender:

(i) A spouse, a person living as a spouse, or a former
spouse of the offender;

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

(iii) A parent or a child of a spouse, person living as a
spouse, or former spouse of the offender, or another person
related by consanguinity or affinity to a spouse, person living
as a spouse, or former spouse of the offender;

(iv) A child whose guardian or custodian is a spouse,
person living as a spouse, or former spouse of the offender.

(b) The natural parent of any child of whom the offender
is the other natural parent or is the putative other natural
parent.

(6) "Person living as a spouse" means a person who is
living or has lived with the offender in a common law marital
relationship, who otherwise is cohabiting with the offender, or
who otherwise has cohabited with the offender within five years
prior to the date of the alleged occurrence of the act in
question.

(7) "Child," "custodian," and "guardian" have the same 275
meanings as in section 3109.51 of the Revised Code. 276

Sec. 2919.261. (A) A law enforcement officer, on behalf of 277
a victim of domestic violence, may request an emergency 278
protection order from a judicial officer during any period of 279
time that the court is not open for regular business. Except as 280
otherwise provided in this division, a law enforcement officer 281
may make such a request only with the consent of the victim. If 282
the victim is unable to give the specified consent for any 283
reason, including that the victim is intoxicated, drugged, or 284
unconscious, the law enforcement officer may make such a request 285
without the specified consent of the victim. 286

The request may be made orally or in writing based upon 287
the sworn statement of the law enforcement officer. If the 288
request is made orally, it shall be recorded by the judicial 289
officer and made a part of the file regarding the matter. The 290
request shall contain all of the following: 291

(1) An allegation of either of the following by the person 292
seeking the order: 293

(a) That the victim is in immediate and present danger of 294
domestic violence based on the officer's observations and an 295
allegation of a recent incident of domestic violence; 296

(b) That a child of the victim is in immediate and present 297
danger, based on the officer's observations and an allegation of 298
a recent incident of domestic violence. 299

(2) Whether the law enforcement officer making the request 300
is doing so with the consent of the victim or is making it 301
without the consent of the victim and, if the officer is making 302
it without the consent of the victim, the reason for which the 303

victim is unable to give the consent. 304

(B) When a request is made under division (A) of this 305
section, if the court finds probable cause based on the request 306
to believe that the victim or child of a victim is in immediate 307
danger based on an allegation of a recent incident of domestic 308
violence, the court shall approve the request and issue an 309
emergency protection order. If the request is made without the 310
consent of the victim, in addition to all other information 311
considered in determining whether to find probable cause for 312
that belief, the court shall consider the reason for which the 313
victim is unable to give the consent, as specified in the 314
request. 315

Absent such a finding of probable cause, the court shall 316
deny the request and shall not issue an emergency protection 317
order, and the law enforcement officer who made the request may 318
not make a request under division (A) of this section to a 319
different judge with respect to the same victim based on the 320
same allegation of a recent incident of domestic violence that 321
was included in the request that was denied. 322

(C) An emergency protection order issued under this 323
section may contain any of the following terms: 324

(1) That the alleged domestic violence offender refrain 325
from abusing, threatening, harassing, stalking, or forcing 326
sexual relations on a protected person; 327

(2) That the alleged domestic violence offender refrain 328
from entering or interfering with the residence, school, 329
business, place of employment, child care provider, or child 330
day-care center of a protected person; 331

(3) That the alleged domestic violence offender refrain 332

from initiating or having any contact with a protected person or 333
the residence, school, business, place of employment, child care 334
provider, or child day-care center of a protected person; 335

(4) That the alleged domestic violence offender refrain 336
from being within five hundred feet of a protected person. 337

(D) A court that orders an emergency protection order 338
under this section shall communicate the terms of the order by 339
reliable electronic means to an officer of the appropriate law 340
enforcement agency. Upon receiving the order, the law 341
enforcement officer shall do both of the following: 342

(1) Provide a copy of the order to each person protected 343
by the order; 344

(2) Provide a copy of the order to the alleged offender 345
who is subject to the order or inform the alleged offender of 346
the existence of the protection order. 347

(E) An emergency protection order issued under this 348
section is effective as soon as it is signed by the court and 349
shall remain in effect until the earliest of the following: 350

(1) Ninety-six hours after the order was signed; 351

(2) The first day that the court is open for business 352
after the day that the order was signed; 353

(3) The time at which the court, at the request of the 354
victim, terminates the order. 355

(F) As used in this section, "contact" includes telephone 356
contact; contact by text message, instant message, voice mail, 357
electronic mail, or social networking media; and contact by any 358
other means of communication. 359

Sec. 2919.27. (A) No person shall recklessly violate the 360
terms of any of the following: 361

(1) A protection order issued or consent agreement 362
approved pursuant to section 2919.26, 2919.261, or 3113.31 of 363
the Revised Code; 364

(2) A protection order issued pursuant to section 2151.34, 365
2903.213, or 2903.214 of the Revised Code; 366

(3) A protection order issued by a court of another state. 367

(B) (1) Whoever violates this section is guilty of 368
violating a protection order. 369

(2) Except as otherwise provided in division (B) (3) or (4) 370
of this section, violating a protection order is a misdemeanor 371
of the first degree. 372

(3) Violating a protection order is a felony of the fifth 373
degree if the offender previously has been convicted of, pleaded 374
guilty to, or been adjudicated a delinquent child for any of the 375
following: 376

(a) A violation of a protection order issued or consent 377
agreement approved pursuant to section 2151.34, 2903.213, 378
2903.214, 2919.26, 2919.261, or 3113.31 of the Revised Code; 379

(b) Two or more violations of section 2903.21, 2903.211, 380
2903.22, or 2911.211 of the Revised Code, or any combination of 381
those offenses, that involved the same person who is the subject 382
of the protection order or consent agreement; 383

(c) One or more violations of this section. 384

(4) If the offender violates a protection order or consent 385
agreement while committing a felony offense, violating a 386

protection order is a felony of the third degree. 387

(5) If the protection order violated by the offender was 388
an order issued pursuant to section 2151.34 or 2903.214 of the 389
Revised Code that required electronic monitoring of the offender 390
pursuant to that section, the court may require in addition to 391
any other sentence imposed upon the offender that the offender 392
be electronically monitored for a period not exceeding five 393
years by a law enforcement agency designated by the court. If 394
the court requires under this division that the offender be 395
electronically monitored, unless the court determines that the 396
offender is indigent, the court shall order that the offender 397
pay the costs of the installation of the electronic monitoring 398
device and the cost of monitoring the electronic monitoring 399
device. 400

(C) It is an affirmative defense to a charge under 401
division (A) (3) of this section that the protection order issued 402
by a court of another state does not comply with the 403
requirements specified in 18 U.S.C. 2265(b) for a protection 404
order that must be accorded full faith and credit by a court of 405
this state or that it is not entitled to full faith and credit 406
under 18 U.S.C. 2265(c) . 407

(D) In a prosecution for a violation of this section, it 408
is not necessary for the prosecution to prove that the 409
protection order or consent agreement was served on the 410
defendant if the prosecution proves that the defendant was shown 411
the protection order or consent agreement or a copy of either or 412
a judge, magistrate, or law enforcement officer informed the 413
defendant that a protection order or consent agreement had been 414
issued, and proves that the defendant recklessly violated the 415
terms of the order or agreement. 416

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

Sec. 2929.12. (A) Unless otherwise required by section 2929.13 or 2929.14 of the Revised Code, a court that imposes a sentence under this chapter upon an offender for a felony has discretion to determine the most effective way to comply with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code. In exercising that discretion, the court shall consider the factors set forth in divisions (B) and (C) of this section relating to the seriousness of the conduct, the factors provided in divisions (D) and (E) of this section relating to the likelihood of the offender's recidivism, and the factors set forth in division (F) of this section pertaining to the offender's service in the armed forces of the United States and, in addition, may consider any other factors that are relevant to achieving those purposes and principles of

sentencing. 448

(B) The sentencing court shall consider all of the 449
following that apply regarding the offender, the offense, or the 450
victim, and any other relevant factors, as indicating that the 451
offender's conduct is more serious than conduct normally 452
constituting the offense: 453

(1) The physical or mental injury suffered by the victim 454
of the offense due to the conduct of the offender was 455
exacerbated because of the physical or mental condition or age 456
of the victim. 457

(2) The victim of the offense suffered serious physical, 458
psychological, or economic harm as a result of the offense. 459

(3) The offender held a public office or position of trust 460
in the community, and the offense related to that office or 461
position. 462

(4) The offender's occupation, elected office, or 463
profession obliged the offender to prevent the offense or bring 464
others committing it to justice. 465

(5) The offender's professional reputation or occupation, 466
elected office, or profession was used to facilitate the offense 467
or is likely to influence the future conduct of others. 468

(6) The offender's relationship with the victim 469
facilitated the offense. 470

(7) The offender committed the offense for hire or as a 471
part of an organized criminal activity. 472

(8) In committing the offense, the offender was motivated 473
by prejudice based on race, ethnic background, gender, sexual 474
orientation, or religion. 475

(9) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children.

(C) The sentencing court shall consider all of the following that apply regarding the offender, the offense, or the victim, and any other relevant factors, as indicating that the offender's conduct is less serious than conduct normally constituting the offense:

(1) The victim induced or facilitated the offense.

(2) In committing the offense, the offender acted under strong provocation.

(3) In committing the offense, the offender did not cause or expect to cause physical harm to any person or property.

(4) There are substantial grounds to mitigate the offender's conduct, although the grounds are not enough to constitute a defense.

(D) The sentencing court shall consider all of the following that apply regarding the offender, and any other relevant factors, as factors indicating that the offender is likely to commit future crimes:

(1) At the time of committing the offense, the offender was under release from confinement before trial or sentencing; was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code; was under post-release

control pursuant to section 2967.28 or any other provision of 505
the Revised Code for an earlier offense or had been unfavorably 506
terminated from post-release control for a prior offense 507
pursuant to division (B) of section 2967.16 or section 2929.141 508
of the Revised Code; was under transitional control in 509
connection with a prior offense; or had absconded from the 510
offender's approved community placement resulting in the 511
offender's removal from the transitional control program under 512
section 2967.26 of the Revised Code. 513

(2) The offender previously was adjudicated a delinquent 514
child pursuant to Chapter 2151. of the Revised Code prior to 515
January 1, 2002, or pursuant to Chapter 2152. of the Revised 516
Code, or the offender has a history of criminal convictions. 517

(3) The offender has not been rehabilitated to a 518
satisfactory degree after previously being adjudicated a 519
delinquent child pursuant to Chapter 2151. of the Revised Code 520
prior to January 1, 2002, or pursuant to Chapter 2152. of the 521
Revised Code, or the offender has not responded favorably to 522
sanctions previously imposed for criminal convictions. 523

(4) The offender has demonstrated a pattern of drug or 524
alcohol abuse that is related to the offense, and the offender 525
refuses to acknowledge that the offender has demonstrated that 526
pattern, or the offender refuses treatment for the drug or 527
alcohol abuse. 528

(5) The offender shows no genuine remorse for the offense. 529

(E) The sentencing court shall consider all of the 530
following that apply regarding the offender, and any other 531
relevant factors, as factors indicating that the offender is not 532
likely to commit future crimes: 533

(1) Prior to committing the offense, the offender had not 534
been adjudicated a delinquent child. 535

(2) Prior to committing the offense, the offender had not 536
been convicted of or pleaded guilty to a criminal offense. 537

(3) Prior to committing the offense, the offender had led 538
a law-abiding life for a significant number of years. 539

(4) The offense was committed under circumstances not 540
likely to recur. 541

(5) The offender shows genuine remorse for the offense. 542

(F) The sentencing court shall consider the offender's 543
military service record and whether the offender has an 544
emotional, mental, or physical condition that is traceable to 545
the offender's service in the armed forces of the United States 546
and that was a contributing factor in the offender's commission 547
of the offense or offenses. 548

(G) The sentencing court shall consider the results of any 549
screening conducted in the case under division (A) (2) (e) of 550
section 2935.032 of the Revised Code, if any such results are 551
available. 552

Sec. 2929.22. (A) Unless a mandatory jail term is required 553
to be imposed by division (G) of section 1547.99, division (B) 554
of section 4510.14, division (G) of section 4511.19 of the 555
Revised Code, or any other provision of the Revised Code a court 556
that imposes a sentence under this chapter upon an offender for 557
a misdemeanor or minor misdemeanor has discretion to determine 558
the most effective way to achieve the purposes and principles of 559
sentencing set forth in section 2929.21 of the Revised Code. 560

Unless a specific sanction is required to be imposed or is 561

precluded from being imposed by the section setting forth an 562
offense or the penalty for an offense or by any provision of 563
sections 2929.23 to 2929.28 of the Revised Code, a court that 564
imposes a sentence upon an offender for a misdemeanor may impose 565
on the offender any sanction or combination of sanctions under 566
sections 2929.24 to 2929.28 of the Revised Code. The court shall 567
not impose a sentence that imposes an unnecessary burden on 568
local government resources. 569

(B) (1) In determining the appropriate sentence for a 570
misdemeanor, the court shall consider all of the following 571
factors: 572

(a) The nature and circumstances of the offense or 573
offenses; 574

(b) Whether the circumstances regarding the offender and 575
the offense or offenses indicate that the offender has a history 576
of persistent criminal activity and that the offender's 577
character and condition reveal a substantial risk that the 578
offender will commit another offense; 579

(c) Whether the circumstances regarding the offender and 580
the offense or offenses indicate that the offender's history, 581
character, and condition reveal a substantial risk that the 582
offender will be a danger to others and that the offender's 583
conduct has been characterized by a pattern of repetitive, 584
compulsive, or aggressive behavior with heedless indifference to 585
the consequences; 586

(d) Whether the victim's youth, age, disability, or other 587
factor made the victim particularly vulnerable to the offense or 588
made the impact of the offense more serious; 589

(e) Whether the offender is likely to commit future crimes 590

in general, in addition to the circumstances described in 591
divisions (B) (1) (b) and (c) of this section; 592

(f) Whether the offender has an emotional, mental, or 593
physical condition that is traceable to the offender's service 594
in the armed forces of the United States and that was a 595
contributing factor in the offender's commission of the offense 596
or offenses; 597

(g) The offender's military service record; 598

(h) The results of any screening conducted in the case 599
under division (A) (2) (e) of section 2935.032 of the Revised 600
Code, if any such results are available. 601

(2) In determining the appropriate sentence for a 602
misdemeanor, in addition to complying with division (B) (1) of 603
this section, the court may consider any other factors that are 604
relevant to achieving the purposes and principles of sentencing 605
set forth in section 2929.21 of the Revised Code. 606

(C) Before imposing a jail term as a sentence for a 607
misdemeanor, a court shall consider the appropriateness of 608
imposing a community control sanction or a combination of 609
community control sanctions under sections 2929.25, 2929.26, 610
2929.27, and 2929.28 of the Revised Code. A court may impose the 611
longest jail term authorized under section 2929.24 of the 612
Revised Code only upon offenders who commit the worst forms of 613
the offense or upon offenders whose conduct and response to 614
prior sanctions for prior offenses demonstrate that the 615
imposition of the longest jail term is necessary to deter the 616
offender from committing a future criminal offense. 617

(D) (1) A sentencing court shall consider any relevant oral 618
and written statement made by the victim, the victim's 619

representative, the victim's attorney, if applicable, the 620
defendant, the defense attorney, and the prosecuting authority 621
regarding sentencing for a misdemeanor. This division does not 622
create any rights to notice other than those rights authorized 623
by Chapter 2930. of the Revised Code. 624

(2) At the time of sentencing for a misdemeanor or as soon 625
as possible after sentencing, the court shall notify the victim 626
of the offense of the victim's right to file an application for 627
an award of reparations pursuant to sections 2743.51 to 2743.72 628
of the Revised Code. 629

Sec. 2935.03. (A) (1) A sheriff, deputy sheriff, marshal, 630
deputy marshal, municipal police officer, township constable, 631
police officer of a township or joint police district, member of 632
a police force employed by a metropolitan housing authority 633
under division (D) of section 3735.31 of the Revised Code, 634
member of a police force employed by a regional transit 635
authority under division (Y) of section 306.35 of the Revised 636
Code, state university law enforcement officer appointed under 637
section 3345.04 of the Revised Code, veterans' home police 638
officer appointed under section 5907.02 of the Revised Code, 639
special police officer employed by a port authority under 640
section 4582.04 or 4582.28 of the Revised Code, or a special 641
police officer employed by a municipal corporation at a 642
municipal airport, or other municipal air navigation facility, 643
that has scheduled operations, as defined in section 119.3 of 644
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 645
amended, and that is required to be under a security program and 646
is governed by aviation security rules of the transportation 647
security administration of the United States department of 648
transportation as provided in Parts 1542. and 1544. of Title 49 649
of the Code of Federal Regulations, as amended, shall arrest and 650

detain, until a warrant can be obtained, a person found 651
violating, within the limits of the political subdivision, 652
metropolitan housing authority housing project, regional transit 653
authority facilities or areas of a municipal corporation that 654
have been agreed to by a regional transit authority and a 655
municipal corporation located within its territorial 656
jurisdiction, college, university, veterans' home operated under 657
Chapter 5907. of the Revised Code, port authority, or municipal 658
airport or other municipal air navigation facility, in which the 659
peace officer is appointed, employed, or elected, a law of this 660
state, an ordinance of a municipal corporation, or a resolution 661
of a township. 662

(2) A peace officer of the department of natural 663
resources, a state fire marshal law enforcement officer 664
described in division (A) (23) of section 109.71 of the Revised 665
Code, or an individual designated to perform law enforcement 666
duties under section 511.232, 1545.13, or 6101.75 of the Revised 667
Code shall arrest and detain, until a warrant can be obtained, a 668
person found violating, within the limits of the peace 669
officer's, state fire marshal law enforcement officer's, or 670
individual's territorial jurisdiction, a law of this state. 671

(3) The house sergeant at arms, if the house sergeant at 672
arms has arrest authority pursuant to division (E) (1) of section 673
101.311 of the Revised Code, and an assistant house sergeant at 674
arms shall arrest and detain, until a warrant can be obtained, a 675
person found violating, within the limits of the sergeant at 676
arms's or assistant sergeant at arms's territorial jurisdiction 677
specified in division (D) (1) (a) of section 101.311 of the 678
Revised Code or while providing security pursuant to division 679
(D) (1) (f) of section 101.311 of the Revised Code, a law of this 680
state, an ordinance of a municipal corporation, or a resolution 681

of a township. 682

(4) The senate sergeant at arms and an assistant senate 683
sergeant at arms shall arrest and detain, until a warrant can be 684
obtained, a person found violating, within the limits of the 685
sergeant at arms's or assistant sergeant at arms's territorial 686
jurisdiction specified in division (B) of section 101.312 of the 687
Revised Code, a law of this state, an ordinance of a municipal 688
corporation, or a resolution of a township. 689

(5) The superintendent and troopers of the state highway 690
patrol shall arrest and detain, until a warrant can be obtained, 691
a person found violating, within the limits of the 692
superintendent's or trooper's territorial jurisdiction as 693
specified in Chapter 5503. of the Revised Code and any other 694
applicable section of the Revised Code, a law of this state. 695

(B) (1) When there is reasonable ground to believe that an 696
offense of violence, the offense of criminal child enticement as 697
defined in section 2905.05 of the Revised Code, the offense of 698
public indecency as defined in section 2907.09 of the Revised 699
Code, the offense of domestic violence as defined in section 700
2919.25 of the Revised Code, the offense of violating a 701
protection order as defined in section 2919.27 of the Revised 702
Code, the offense of menacing by stalking as defined in section 703
2903.211 of the Revised Code, the offense of aggravated trespass 704
as defined in section 2911.211 of the Revised Code, a theft 705
offense as defined in section 2913.01 of the Revised Code, or a 706
felony drug abuse offense as defined in section 2925.01 of the 707
Revised Code, has been committed within the limits of the 708
political subdivision, metropolitan housing authority housing 709
project, regional transit authority facilities or those areas of 710
a municipal corporation that have been agreed to by a regional 711

transit authority and a municipal corporation located within its 712
territorial jurisdiction, college, university, veterans' home 713
operated under Chapter 5907. of the Revised Code, port 714
authority, or municipal airport or other municipal air 715
navigation facility, in which the peace officer is appointed, 716
employed, or elected or within the limits of the territorial 717
jurisdiction of the peace officer, a peace officer described in 718
division (A) of this section may arrest and detain until a 719
warrant can be obtained any person who the peace officer has 720
reasonable cause to believe is guilty of the violation. 721

(2) For purposes of division (B)(1) of this section, the 722
execution of any of the following constitutes reasonable ground 723
to believe that the offense alleged in the statement was 724
committed and reasonable cause to believe that the person 725
alleged in the statement to have committed the offense is guilty 726
of the violation: 727

(a) A written statement by a person alleging that an 728
alleged offender has committed the offense of menacing by 729
stalking or aggravated trespass; 730

(b) A written statement by the administrator of the 731
interstate compact on mental health appointed under section 732
5119.71 of the Revised Code alleging that a person who had been 733
hospitalized, institutionalized, or confined in any facility 734
under an order made pursuant to or under authority of section 735
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 736
2945.402 of the Revised Code has escaped from the facility, from 737
confinement in a vehicle for transportation to or from the 738
facility, or from supervision by an employee of the facility 739
that is incidental to hospitalization, institutionalization, or 740
confinement in the facility and that occurs outside of the 741

facility, in violation of section 2921.34 of the Revised Code; 742

(c) A written statement by the administrator of any 743
facility in which a person has been hospitalized, 744
institutionalized, or confined under an order made pursuant to 745
or under authority of section 2945.37, 2945.371, 2945.38, 746
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 747
alleging that the person has escaped from the facility, from 748
confinement in a vehicle for transportation to or from the 749
facility, or from supervision by an employee of the facility 750
that is incidental to hospitalization, institutionalization, or 751
confinement in the facility and that occurs outside of the 752
facility, in violation of section 2921.34 of the Revised Code. 753

(3) (a) For purposes of division (B) (1) of this section, a 754
peace officer described in division (A) of this section has 755
reasonable grounds to believe that the offense of domestic 756
violence or the offense of violating a protection order has been 757
committed and reasonable cause to believe that a particular 758
person is guilty of committing the offense if any of the 759
following occurs: 760

(i) A person executes a written statement alleging that 761
the person in question has committed the offense of domestic 762
violence or the offense of violating a protection order against 763
the person who executes the statement or against a child of the 764
person who executes the statement. 765

(ii) No written statement of the type described in 766
division (B) (3) (a) (i) of this section is executed, but the peace 767
officer, based upon the peace officer's own knowledge and 768
observation of the facts and circumstances of the alleged 769
incident of the offense of domestic violence or the alleged 770
incident of the offense of violating a protection order or based 771

upon any other information, including, but not limited to, any 772
reasonably trustworthy information given to the peace officer by 773
the alleged victim of the alleged incident of the offense or any 774
witness of the alleged incident of the offense, concludes that 775
there are reasonable grounds to believe that the offense of 776
domestic violence or the offense of violating a protection order 777
has been committed and reasonable cause to believe that the 778
person in question is guilty of committing the offense. 779

(iii) No written statement of the type described in 780
division (B) (3) (a) (i) of this section is executed, but the peace 781
officer witnessed the person in question commit the offense of 782
domestic violence or the offense of violating a protection 783
order. 784

(b) If pursuant to division (B) (3) (a) of this section a 785
peace officer has reasonable grounds to believe that the offense 786
of domestic violence or the offense of violating a protection 787
order has been committed and reasonable cause to believe that a 788
particular person is guilty of committing the offense, it is the 789
preferred course of action in this state that the officer arrest 790
and detain that person pursuant to division (B) (1) of this 791
section until a warrant can be obtained. 792

If pursuant to division (B) (3) (a) of this section a peace 793
officer has reasonable grounds to believe that the offense of 794
domestic violence or the offense of violating a protection order 795
has been committed and reasonable cause to believe that family 796
or household members have committed the offense against each 797
other, it is the preferred course of action in this state that 798
the officer, pursuant to division (B) (1) of this section, arrest 799
and detain until a warrant can be obtained the family or 800
household member who committed the offense and whom the officer 801

has reasonable cause to believe is the primary physical 802
aggressor. There is no preferred course of action in this state 803
regarding any other family or household member who committed the 804
offense and whom the officer does not have reasonable cause to 805
believe is the primary physical aggressor, but, pursuant to 806
division (B) (1) of this section, the peace officer may arrest 807
and detain until a warrant can be obtained any other family or 808
household member who committed the offense and whom the officer 809
does not have reasonable cause to believe is the primary 810
physical aggressor. 811

(c) If a peace officer described in division (A) of this 812
section does not arrest and detain a person whom the officer has 813
reasonable cause to believe committed the offense of domestic 814
violence or the offense of violating a protection order when it 815
is the preferred course of action in this state pursuant to 816
division (B) (3) (b) of this section that the officer arrest that 817
person, the officer shall articulate in the written report of 818
the incident required by section 2935.032 of the Revised Code a 819
clear statement of the officer's reasons for not arresting and 820
detaining that person until a warrant can be obtained. 821

(d) In determining for purposes of division (B) (3) (b) of 822
this section which family or household member is the primary 823
physical aggressor in a situation in which family or household 824
members have committed the offense of domestic violence or the 825
offense of violating a protection order against each other, a 826
peace officer described in division (A) of this section, in 827
addition to any other relevant circumstances, should consider 828
all of the following: 829

(i) Any history of domestic violence or of any other 830
violent acts by either person involved in the alleged offense 831

that the officer reasonably can ascertain; 832

(ii) If violence is alleged, whether the alleged violence 833
was caused by a person acting in self-defense; 834

(iii) Each person's fear of physical harm, if any, 835
resulting from the other person's threatened use of force 836
against any person or resulting from the other person's use or 837
history of the use of force against any person, and the 838
reasonableness of that fear; 839

(iv) The comparative severity of any injuries suffered by 840
the persons involved in the alleged offense. 841

(e) (i) A peace officer described in division (A) of this 842
section shall not require, as a prerequisite to arresting or 843
charging a person who has committed the offense of domestic 844
violence or the offense of violating a protection order, that 845
the victim of the offense specifically consent to the filing of 846
charges against the person who has committed the offense or sign 847
a complaint against the person who has committed the offense. 848

(ii) If a person is arrested for or charged with 849
committing the offense of domestic violence or the offense of 850
violating a protection order and if the victim of the offense 851
does not cooperate with the involved law enforcement or 852
prosecuting authorities in the prosecution of the offense or, 853
subsequent to the arrest or the filing of the charges, informs 854
the involved law enforcement or prosecuting authorities that the 855
victim does not wish the prosecution of the offense to continue 856
or wishes to drop charges against the alleged offender relative 857
to the offense, the involved prosecuting authorities, in 858
determining whether to continue with the prosecution of the 859
offense or whether to dismiss charges against the alleged 860

offender relative to the offense and notwithstanding the 861
victim's failure to cooperate or the victim's wishes, shall 862
consider all facts and circumstances that are relevant to the 863
offense, including, but not limited to, the statements and 864
observations of the peace officers who responded to the incident 865
that resulted in the arrest or filing of the charges and of all 866
witnesses to that incident. 867

(f) In determining pursuant to divisions (B) (3) (a) to (g) 868
of this section whether to arrest a person pursuant to division 869
(B) (1) of this section, a peace officer described in division 870
(A) of this section shall not consider as a factor any possible 871
shortage of cell space at the detention facility to which the 872
person will be taken subsequent to the person's arrest or any 873
possibility that the person's arrest might cause, contribute to, 874
or exacerbate overcrowding at that detention facility or at any 875
other detention facility. 876

(g) If a peace officer described in division (A) of this 877
section intends pursuant to divisions (B) (3) (a) to (g) of this 878
section to arrest a person pursuant to division (B) (1) of this 879
section and if the officer is unable to do so because the person 880
is not present, the officer promptly shall seek a warrant for 881
the arrest of the person. 882

(h) If a peace officer described in division (A) of this 883
section responds to a report of an alleged incident of the 884
offense of domestic violence or an alleged incident of the 885
offense of violating a protection order and if the circumstances 886
of the incident involved the use or threatened use of a deadly 887
weapon or any person involved in the incident brandished a 888
deadly weapon during or in relation to the incident, the deadly 889
weapon that was used, threatened to be used, or brandished 890

constitutes contraband, and, to the extent possible, the officer 891
shall seize the deadly weapon as contraband pursuant to Chapter 892
2981. of the Revised Code. Upon the seizure of a deadly weapon 893
pursuant to division (B) (3) (h) of this section, section 2981.12 894
of the Revised Code shall apply regarding the treatment and 895
disposition of the deadly weapon. For purposes of that section, 896
the "underlying criminal offense" that was the basis of the 897
seizure of a deadly weapon under division (B) (3) (h) of this 898
section and to which the deadly weapon had a relationship is any 899
of the following that is applicable: 900

(i) The alleged incident of the offense of domestic 901
violence or the alleged incident of the offense of violating a 902
protection order to which the officer who seized the deadly 903
weapon responded; 904

(ii) Any offense that arose out of the same facts and 905
circumstances as the report of the alleged incident of the 906
offense of domestic violence or the alleged incident of the 907
offense of violating a protection order to which the officer who 908
seized the deadly weapon responded. 909

(4) If, in the circumstances described in divisions (B) (3) 910
(a) to (g) of this section, a peace officer described in 911
division (A) of this section arrests and detains a person 912
pursuant to division (B) (1) of this section, or if, pursuant to 913
division (B) (3) (h) of this section, a peace officer described in 914
division (A) of this section seizes a deadly weapon, the 915
officer, to the extent described in and in accordance with 916
section 9.86, 2743.02, or 2744.03 of the Revised Code, is immune 917
in any civil action for damages for injury, death, or loss to 918
person or property that arises from or is related to the arrest 919
and detention or the seizure. 920

(C) When there is reasonable ground to believe that a 921
violation of division (A) (1), (2), (3), (4), or (5) of section 922
4506.15 or a violation of section 4511.19 of the Revised Code 923
has been committed by a person operating a motor vehicle subject 924
to regulation by the public utilities commission of Ohio under 925
Title XLIX of the Revised Code, a peace officer with authority 926
to enforce that provision of law may stop or detain the person 927
whom the officer has reasonable cause to believe was operating 928
the motor vehicle in violation of the division or section and, 929
after investigating the circumstances surrounding the operation 930
of the vehicle, may arrest and detain the person. 931

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 932
municipal police officer, member of a police force employed by a 933
metropolitan housing authority under division (D) of section 934
3735.31 of the Revised Code, member of a police force employed 935
by a regional transit authority under division (Y) of section 936
306.35 of the Revised Code, special police officer employed by a 937
port authority under section 4582.04 or 4582.28 of the Revised 938
Code, special police officer employed by a municipal corporation 939
at a municipal airport or other municipal air navigation 940
facility described in division (A) of this section, township 941
constable, police officer of a township or joint police 942
district, state university law enforcement officer appointed 943
under section 3345.04 of the Revised Code, peace officer of the 944
department of natural resources, individual designated to 945
perform law enforcement duties under section 511.232, 1545.13, 946
or 6101.75 of the Revised Code, the house sergeant at arms if 947
the house sergeant at arms has arrest authority pursuant to 948
division (E) (1) of section 101.311 of the Revised Code, or an 949
assistant house sergeant at arms is authorized by division (A) 950
or (B) of this section to arrest and detain, within the limits 951

of the political subdivision, metropolitan housing authority 952
housing project, regional transit authority facilities or those 953
areas of a municipal corporation that have been agreed to by a 954
regional transit authority and a municipal corporation located 955
within its territorial jurisdiction, port authority, municipal 956
airport or other municipal air navigation facility, college, or 957
university in which the officer is appointed, employed, or 958
elected or within the limits of the territorial jurisdiction of 959
the peace officer, a person until a warrant can be obtained, the 960
peace officer, outside the limits of that territory, may pursue, 961
arrest, and detain that person until a warrant can be obtained 962
if all of the following apply: 963

(1) The pursuit takes place without unreasonable delay 964
after the offense is committed; 965

(2) The pursuit is initiated within the limits of the 966
political subdivision, metropolitan housing authority housing 967
project, regional transit authority facilities or those areas of 968
a municipal corporation that have been agreed to by a regional 969
transit authority and a municipal corporation located within its 970
territorial jurisdiction, port authority, municipal airport or 971
other municipal air navigation facility, college, or university 972
in which the peace officer is appointed, employed, or elected or 973
within the limits of the territorial jurisdiction of the peace 974
officer; 975

(3) The offense involved is a felony, a misdemeanor of the 976
first degree or a substantially equivalent municipal ordinance, 977
a misdemeanor of the second degree or a substantially equivalent 978
municipal ordinance, or any offense for which points are 979
chargeable pursuant to section 4510.036 of the Revised Code. 980

(E) In addition to the authority granted under division 981

(A) or (B) of this section: 982

(1) A sheriff or deputy sheriff may arrest and detain, 983
until a warrant can be obtained, any person found violating 984
section 4503.11, 4503.21, or 4549.01, sections 4549.08 to 985
4549.12, section 4549.62, or Chapter 4511. or 4513. of the 986
Revised Code on the portion of any street or highway that is 987
located immediately adjacent to the boundaries of the county in 988
which the sheriff or deputy sheriff is elected or appointed. 989

(2) A member of the police force of a township police 990
district created under section 505.48 of the Revised Code, a 991
member of the police force of a joint police district created 992
under section 505.482 of the Revised Code, or a township 993
constable appointed in accordance with section 509.01 of the 994
Revised Code, who has received a certificate from the Ohio peace 995
officer training commission under section 109.75 of the Revised 996
Code, may arrest and detain, until a warrant can be obtained, 997
any person found violating any section or chapter of the Revised 998
Code listed in division (E)(1) of this section, other than 999
sections 4513.33 and 4513.34 of the Revised Code, on the portion 1000
of any street or highway that is located immediately adjacent to 1001
the boundaries of the township police district or joint police 1002
district, in the case of a member of a township police district 1003
or joint police district police force, or the unincorporated 1004
territory of the township, in the case of a township constable. 1005
However, if the population of the township that created the 1006
township police district served by the member's police force, or 1007
the townships and municipal corporations that created the joint 1008
police district served by the member's police force, or the 1009
township that is served by the township constable, is sixty 1010
thousand or less, the member of the township police district or 1011
joint police district police force or the township constable may 1012

not make an arrest under division (E) (2) of this section on a 1013
state highway that is included as part of the interstate system. 1014

(3) A police officer or village marshal appointed, 1015
elected, or employed by a municipal corporation may arrest and 1016
detain, until a warrant can be obtained, any person found 1017
violating any section or chapter of the Revised Code listed in 1018
division (E) (1) of this section on the portion of any street or 1019
highway that is located immediately adjacent to the boundaries 1020
of the municipal corporation in which the police officer or 1021
village marshal is appointed, elected, or employed. 1022

(4) A peace officer of the department of natural 1023
resources, a state fire marshal law enforcement officer 1024
described in division (A) (23) of section 109.71 of the Revised 1025
Code, or an individual designated to perform law enforcement 1026
duties under section 511.232, 1545.13, or 6101.75 of the Revised 1027
Code may arrest and detain, until a warrant can be obtained, any 1028
person found violating any section or chapter of the Revised 1029
Code listed in division (E) (1) of this section, other than 1030
sections 4513.33 and 4513.34 of the Revised Code, on the portion 1031
of any street or highway that is located immediately adjacent to 1032
the boundaries of the lands and waters that constitute the 1033
territorial jurisdiction of the peace officer or state fire 1034
marshal law enforcement officer. 1035

(F) (1) A department of mental health and addiction 1036
services special police officer or a department of developmental 1037
disabilities special police officer may arrest without a warrant 1038
and detain until a warrant can be obtained any person found 1039
committing on the premises of any institution under the 1040
jurisdiction of the particular department a misdemeanor under a 1041
law of the state. 1042

A department of mental health and addiction services 1043
special police officer or a department of developmental 1044
disabilities special police officer may arrest without a warrant 1045
and detain until a warrant can be obtained any person who has 1046
been hospitalized, institutionalized, or confined in an 1047
institution under the jurisdiction of the particular department 1048
pursuant to or under authority of section 2945.37, 2945.371, 1049
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 1050
Code and who is found committing on the premises of any 1051
institution under the jurisdiction of the particular department 1052
a violation of section 2921.34 of the Revised Code that involves 1053
an escape from the premises of the institution. 1054

(2) (a) If a department of mental health and addiction 1055
services special police officer or a department of developmental 1056
disabilities special police officer finds any person who has 1057
been hospitalized, institutionalized, or confined in an 1058
institution under the jurisdiction of the particular department 1059
pursuant to or under authority of section 2945.37, 2945.371, 1060
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 1061
Code committing a violation of section 2921.34 of the Revised 1062
Code that involves an escape from the premises of the 1063
institution, or if there is reasonable ground to believe that a 1064
violation of section 2921.34 of the Revised Code has been 1065
committed that involves an escape from the premises of an 1066
institution under the jurisdiction of the department of mental 1067
health and addiction services or the department of developmental 1068
disabilities and if a department of mental health and addiction 1069
services special police officer or a department of developmental 1070
disabilities special police officer has reasonable cause to 1071
believe that a particular person who has been hospitalized, 1072
institutionalized, or confined in the institution pursuant to or 1073

under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1074
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 1075
the violation, the special police officer, outside of the 1076
premises of the institution, may pursue, arrest, and detain that 1077
person for that violation of section 2921.34 of the Revised 1078
Code, until a warrant can be obtained, if both of the following 1079
apply: 1080

(i) The pursuit takes place without unreasonable delay 1081
after the offense is committed; 1082

(ii) The pursuit is initiated within the premises of the 1083
institution from which the violation of section 2921.34 of the 1084
Revised Code occurred. 1085

(b) For purposes of division (F) (2) (a) of this section, 1086
the execution of a written statement by the administrator of the 1087
institution in which a person had been hospitalized, 1088
institutionalized, or confined pursuant to or under authority of 1089
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 1090
or 2945.402 of the Revised Code alleging that the person has 1091
escaped from the premises of the institution in violation of 1092
section 2921.34 of the Revised Code constitutes reasonable 1093
ground to believe that the violation was committed and 1094
reasonable cause to believe that the person alleged in the 1095
statement to have committed the offense is guilty of the 1096
violation. 1097

(G) As used in this section: 1098

(1) A "department of mental health and addiction services 1099
special police officer" means a special police officer of the 1100
department of mental health and addiction services designated 1101
under section 5119.08 of the Revised Code who is certified by 1102

the Ohio peace officer training commission under section 109.77 1103
of the Revised Code as having successfully completed an approved 1104
peace officer basic training program. 1105

(2) A "department of developmental disabilities special 1106
police officer" means a special police officer of the department 1107
of developmental disabilities designated under section 5123.13 1108
of the Revised Code who is certified by the Ohio peace officer 1109
training council under section 109.77 of the Revised Code as 1110
having successfully completed an approved peace officer basic 1111
training program. 1112

(3) "Deadly weapon" has the same meaning as in section 1113
2923.11 of the Revised Code. 1114

(4) "Family or household member" has the same meaning as 1115
in section 2919.25 of the Revised Code. 1116

(5) "Street" or "highway" has the same meaning as in 1117
section 4511.01 of the Revised Code. 1118

(6) "Interstate system" has the same meaning as in section 1119
5516.01 of the Revised Code. 1120

(7) "Peace officer of the department of natural resources" 1121
means an employee of the department of natural resources who is 1122
a natural resources law enforcement staff officer designated 1123
pursuant to section 1501.013 of the Revised Code, a forest-fire 1124
investigator appointed pursuant to section 1503.09 of the 1125
Revised Code, a natural resources officer appointed pursuant to 1126
section 1501.24 of the Revised Code, or a wildlife officer 1127
designated pursuant to section 1531.13 of the Revised Code. 1128

(8) "Portion of any street or highway" means all lanes of 1129
the street or highway irrespective of direction of travel, 1130
including designated turn lanes, and any berm, median, or 1131

shoulder. 1132

Sec. 2935.032. (A) Not later than ninety days after ~~the~~ 1133
~~effective date of this amendment~~ October 21, 1997, each agency, 1134
instrumentality, or political subdivision that is served by any 1135
peace officer described in division ~~(B)(1)~~ (A) of section 1136
2935.03 of the Revised Code shall adopt, in accordance with 1137
division (E) of this section, written policies, written 1138
procedures implementing the policies, and other written 1139
procedures for the peace officers who serve it to follow in 1140
implementing division (B) (3) of section 2935.03 of the Revised 1141
Code and for their appropriate response to each report of an 1142
alleged incident of the offense of domestic violence or an 1143
alleged incident of the offense of violating a protection order. 1144
The policies and procedures shall conform to and be consistent 1145
with the provisions of divisions (B) (1) and (B) (3) of section 1146
2935.03 of the Revised Code and divisions (B) to (D) of this 1147
section. Each policy adopted under this division shall include, 1148
but not be limited to, all of the following: 1149

(1) Provisions specifying that, if a peace officer who 1150
serves the agency, instrumentality, or political subdivision 1151
responds to an alleged incident of the offense of domestic 1152
violence, an alleged incident of the offense of violating a 1153
protection order, or an alleged incident of any other offense, 1154
both of the following apply: 1155

(a) If the officer determines that there are reasonable 1156
grounds to believe that a person knowingly caused serious 1157
physical harm to another or to another's unborn or knowingly 1158
caused or attempted to cause physical harm to another or to 1159
another's unborn by means of a deadly weapon or dangerous 1160
ordnance, then, regardless of whether the victim of the offense 1161

was a family or household member of the offender, the officer 1162
shall treat the incident as felonious assault, shall consider 1163
the offender to have committed and the victim to have been the 1164
victim of felonious assault, shall consider the offense that was 1165
committed to have been felonious assault in determining the 1166
manner in which the offender should be treated, and shall comply 1167
with whichever of the following is applicable: 1168

(i) Unless the officer has reasonable cause to believe 1169
that, during the incident, the offender who committed the 1170
felonious assault and one or more other persons committed 1171
offenses against each other, the officer shall arrest the 1172
offender who committed the felonious assault pursuant to section 1173
2935.03 of the Revised Code and shall detain that offender 1174
pursuant to that section until a warrant can be obtained, and 1175
the arrest shall be for felonious assault. 1176

(ii) If the officer has reasonable cause to believe that, 1177
during the incident, the offender who committed the felonious 1178
assault and one or more other persons committed offenses against 1179
each other, the officer shall determine in accordance with 1180
division (B) (3) (d) of section 2935.03 of the Revised Code which 1181
of those persons is the primary physical aggressor. If the 1182
offender who committed the felonious assault is the primary 1183
physical aggressor, the officer shall arrest that offender for 1184
felonious assault pursuant to section 2935.03 of the Revised 1185
Code and shall detain that offender pursuant to that section 1186
until a warrant can be obtained, and the officer is not required 1187
to arrest but may arrest pursuant to section 2935.03 of the 1188
Revised Code any other person who committed an offense but who 1189
is not the primary physical aggressor. If the offender who 1190
committed the felonious assault is not the primary physical 1191
aggressor, the officer is not required to arrest that offender 1192

or any other person who committed an offense during the incident 1193
but may arrest any of them pursuant to section 2935.03 of the 1194
Revised Code and detain them pursuant to that section until a 1195
warrant can be obtained. 1196

(b) If the officer determines that there are reasonable 1197
grounds to believe that a person, while under the influence of 1198
sudden passion or in a sudden fit of rage, either of which is 1199
brought on by serious provocation occasioned by the victim that 1200
is reasonably sufficient to incite the person into using deadly 1201
force, knowingly caused serious physical harm to another or to 1202
another's unborn or knowingly caused or attempted to cause 1203
physical harm to another or to another's unborn by means of a 1204
deadly weapon or dangerous ordnance, then, regardless of whether 1205
the victim of the offense was a family or household member of 1206
the offender, the officer shall treat the incident as aggravated 1207
assault, shall consider the offender to have committed and the 1208
victim to have been the victim of aggravated assault, shall 1209
consider the offense that was committed to have been aggravated 1210
assault in determining the manner in which the offender should 1211
be treated, and shall comply with whichever of the following is 1212
applicable: 1213

(i) Unless the officer has reasonable cause to believe 1214
that, during the incident, the offender who committed the 1215
aggravated assault and one or more other persons committed 1216
offenses against each other, the officer shall arrest the 1217
offender who committed the aggravated assault pursuant to 1218
section 2935.03 of the Revised Code and shall detain that 1219
offender pursuant to that section until a warrant can be 1220
obtained, and the arrest shall be for aggravated assault. 1221

(ii) If the officer has reasonable cause to believe that, 1222

during the incident, the offender who committed the aggravated 1223
assault and one or more other persons committed offenses against 1224
each other, the officer shall determine in accordance with 1225
division (B) (3) (d) of section 2935.03 of the Revised Code which 1226
of those persons is the primary physical aggressor. If the 1227
offender who committed the aggravated assault is the primary 1228
physical aggressor, the officer shall arrest that offender for 1229
aggravated assault pursuant to section 2935.03 of the Revised 1230
Code and shall detain that offender pursuant to that section 1231
until a warrant can be obtained, and the officer is not required 1232
to arrest but may arrest pursuant to section 2935.03 of the 1233
Revised Code any other person who committed an offense but who 1234
is not the primary physical aggressor. If the offender who 1235
committed the aggravated assault is not the primary physical 1236
aggressor, the officer is not required to arrest that offender 1237
or any other person who committed an offense during the incident 1238
but may arrest any of them pursuant to section 2935.03 of the 1239
Revised Code and detain them pursuant to that section until a 1240
warrant can be obtained. 1241

(2) Provisions requiring the peace officers who serve the 1242
agency, instrumentality, or political subdivision to do all of 1243
the following: 1244

(a) Respond without undue delay to a report of an alleged 1245
incident of the offense of domestic violence or the offense of 1246
violating a protection order; 1247

(b) If the alleged offender has been granted pretrial 1248
release from custody on a prior charge of the offense of 1249
domestic violence or the offense of violating a protection order 1250
and has violated one or more conditions of that pretrial 1251
release, document the facts and circumstances of the violation 1252

in the report to the law enforcement agency that the peace 1253
officer makes pursuant to division (D) of this section; 1254

(c) Separate the victim of the offense of domestic 1255
violence or the offense of violating a protection order and the 1256
alleged offender, conduct separate interviews with the victim 1257
and the alleged offender in separate locations, and take a 1258
written statement from the victim that indicates the frequency 1259
and severity of any prior incidents of physical abuse of the 1260
victim by the alleged offender, the number of times the victim 1261
has called peace officers for assistance, and the disposition of 1262
those calls, if known; 1263

(d) Comply with divisions (B) (1) and (B) (3) of section 1264
2935.03 of the Revised Code and with divisions (B), (C), and (D) 1265
of this section; 1266

(e) Screen the victim of the offense of domestic violence 1267
or the offense of violating a protection order using an 1268
evidence-based lethality assessment screening tool adopted under 1269
section 2935.033 of the Revised Code to determine if the case 1270
should be referred to local or regional domestic violence 1271
advocacy services, as required under section 2935.033 of the 1272
Revised Code; 1273

(f) Submit the results of a screening conducted under 1274
division (A) (2) (e) of this section to the court and prosecuting 1275
attorney having jurisdiction over any criminal complaint filed 1276
in connection with the offense when the investigative file, 1277
police report, and other information in that case is sent to the 1278
court and the prosecutor. 1279

(3) Sanctions to be imposed upon a peace officer who 1280
serves the agency, instrumentality, or political subdivision and 1281

who fails to comply with any provision in the policy or with 1282
division (B) (1) or (B) (3) of section 2935.03 of the Revised Code 1283
or division (B), (C), or (D) of this section. 1284

(4) Examples of reasons that a peace officer may consider 1285
for not arresting and detaining until a warrant can be obtained 1286
a person who allegedly committed the offense of domestic 1287
violence or the offense of violating a protection order when it 1288
is the preferred course of action in this state that the officer 1289
arrest the alleged offender, as described in division (B) (3) (b) 1290
of section 2935.03 of the Revised Code. 1291

(B) (1) Nothing in this section or in division (B) (1) or 1292
(B) (3) of section 2935.03 of the Revised Code precludes an 1293
agency, instrumentality, or political subdivision that is served 1294
by any peace officer described in division ~~(B) (1)~~ (A) of section 1295
2935.03 of the Revised Code from including in the policy it 1296
adopts under division (A) of this section either of the 1297
following types of provisions: 1298

(a) A provision that requires the peace officers who serve 1299
it, if they have reasonable grounds to believe that the offense 1300
of domestic violence or the offense of violating a protection 1301
order has been committed within the limits of the jurisdiction 1302
of the agency, instrumentality, or political subdivision and 1303
reasonable cause to believe that a particular person committed 1304
the offense, to arrest the alleged offender; 1305

(b) A provision that does not require the peace officers 1306
who serve it, if they have reasonable grounds to believe that 1307
the offense of domestic violence or the offense of violating a 1308
protection order has been committed within the limits of the 1309
jurisdiction of the agency, instrumentality, or political 1310
subdivision and reasonable cause to believe that a particular 1311

person committed the offense, to arrest the alleged offender, 1312
but that grants the officers less discretion in those 1313
circumstances in deciding whether to arrest the alleged offender 1314
than peace officers are granted by divisions (B) (1) and (B) (3) 1315
of section 2935.03 of the Revised Code. 1316

(2) If an agency, instrumentality, or political 1317
subdivision that is served by any peace officer described in 1318
division ~~(B) (1)~~ (A) of section 2935.03 of the Revised Code 1319
includes in the policy it adopts under division (A) of this 1320
section a provision of the type described in division (B) (1) (a) 1321
or (b) of this section, the peace officers who serve the agency, 1322
instrumentality, or political subdivision shall comply with the 1323
provision in making arrests authorized under division (B) (1) of 1324
section 2935.03 of the Revised Code. 1325

(C) When a peace officer described in division ~~(B) (1)~~ (A) 1326
of section 2935.03 of the Revised Code investigates a report of 1327
an alleged incident of the offense of domestic violence or an 1328
alleged incident of the offense of violating a protection order, 1329
the officer shall do all of the following: 1330

(1) Complete a domestic violence report in accordance with 1331
division (D) of this section; 1332

(2) Advise the victim of the availability of a temporary 1333
protection order pursuant to section 2919.26 of the Revised 1334
Code, an emergency protection order pursuant to section 2919.261 1335
of the Revised Code, or a protection order or consent agreement 1336
pursuant to section 3113.31 of the Revised Code; 1337

(3) Give the victim the officer's name, the officer's 1338
badge number if the officer has a badge and the badge has a 1339
number, the report number for the incident if a report number is 1340

available at the time of the officer's investigation, a 1341
telephone number that the victim can call for information about 1342
the case, the telephone number of a domestic violence shelter in 1343
the area, and information on any local victim advocate program. 1344

(D) A peace officer who investigates a report of an 1345
alleged incident of the offense of domestic violence or an 1346
alleged incident of the offense of violating a protection order 1347
shall make a written report of the incident whether or not an 1348
arrest is made. The report shall document the officer's 1349
observations of the victim and the alleged offender, any visible 1350
injuries of the victim or alleged offender, any weapons at the 1351
scene, the actions of the alleged offender, any statements made 1352
by the victim or witnesses, and any other significant facts or 1353
circumstances. If the officer does not arrest and detain until a 1354
warrant can be obtained a person who allegedly committed the 1355
offense of domestic violence or the offense of violating a 1356
protection order when it is the preferred course of action in 1357
this state pursuant to division (B) (3) (b) of section 2935.03 of 1358
the Revised Code that the alleged offender be arrested, the 1359
officer must articulate in the report a clear statement of the 1360
officer's reasons for not arresting and detaining that alleged 1361
offender until a warrant can be obtained. The officer shall 1362
submit the written report to the law enforcement agency to which 1363
the officer has been appointed, employed, or elected. 1364

(E) Each agency, instrumentality, or political subdivision 1365
that is required to adopt policies and procedures under division 1366
(A) of this section shall adopt those policies and procedures in 1367
conjunction and consultation with shelters in the community for 1368
victims of domestic violence and private organizations, law 1369
enforcement agencies, and other public agencies in the community 1370
that have expertise in the recognition and handling of domestic 1371

violence cases. 1372

(F) To the extent described in and in accordance with 1373
section 9.86 or 2744.03 of the Revised Code, a peace officer who 1374
arrests an offender for the offense of violating a protection 1375
order with respect to a protection order or consent agreement of 1376
this state or another state that on its face is valid is immune 1377
from liability in a civil action for damages for injury, death, 1378
or loss to person or property that allegedly was caused by or 1379
related to the arrest. 1380

(G) Each agency, instrumentality, or political subdivision 1381
described in division (A) of this section that arrests an 1382
offender for an alleged incident of the offense of domestic 1383
violence or an alleged incident of the offense of violating a 1384
protection order shall consider referring the case to federal 1385
authorities for prosecution under 18 U.S.C. 2261 if the incident 1386
constitutes a violation of federal law. 1387

(H) As used in this section: 1388

(1) "Another's unborn" has the same meaning as in section 1389
2903.09 of the Revised Code. 1390

(2) "Dangerous ordnance" and "deadly weapon" have the same 1391
meanings as in section 2923.11 of the Revised Code. 1392

(3) "The offense of violating a protection order" includes 1393
the former offense of violating a protection order or consent 1394
agreement or anti-stalking protection order as set forth in 1395
section 2919.27 of the Revised Code as it existed prior to ~~the~~ 1396
~~effective date of this amendment~~ October 21, 1997. 1397

Sec. 2935.033. (A) As used in this section, "lethality 1398
assessment screening tool" means a lethality assessment 1399
screening tool included in the list of validated and evidence- 1400

based lethality assessment screening tools by the attorney 1401
general pursuant to division (C) of section 109.744 of the 1402
Revised Code. 1403

(B) Not later than ninety days after the effective date of 1404
this section, the chief law enforcement officer of each agency, 1405
instrumentality, or political subdivision that is served by any 1406
peace officer described in division (A) of section 2935.03 of 1407
the Revised Code shall identify local and regional domestic 1408
violence advocacy services to which individuals experiencing 1409
domestic violence or violation of a protection order and 1410
determined to be high risk may be referred. 1411

(C) Each law enforcement agency, instrumentality, or 1412
political subdivision that is served by any peace officer 1413
described in division (A) of section 2935.03 of the Revised Code 1414
shall adopt written policies, written procedures implementing 1415
the policies, and any other necessary written procedures for the 1416
peace officers who serve the agency, instrumentality, or 1417
political subdivision to follow in screening alleged incidents 1418
of the offense of domestic violence and alleged incidents of the 1419
offense of violating a protection order for referral to local or 1420
regional domestic violence advocacy services. The policies and 1421
procedures shall include all of the following: 1422

(1) A requirement that peace officers who serve the 1423
agency, instrumentality, or political subdivision automatically 1424
refer any case of domestic violence that involves an allegation 1425
of strangulation to local or regional domestic violence advocacy 1426
services and provide the victim of an alleged strangulation with 1427
the following warning: 1428

"I have a duty to warn you that strangulation is serious 1429
and can cause internal injuries, brain damage, and delayed 1430

health consequences such as strokes, thyroid issues, 1431
miscarriage, and death. Research shows that if you are strangled 1432
one time, you are more likely to be killed by your partner. I 1433
strongly encourage you to seek immediate medical attention at an 1434
emergency department and to ask for support from an advocate." 1435

(2) A lethality assessment screening tool, selected by the 1436
law enforcement agency, instrumentality, or political 1437
subdivision from those qualified by the attorney general under 1438
division (C) of section 109.774 of the Revised Code, to be used 1439
by peace officers to screen victims of alleged incidents of 1440
domestic violence and alleged incidents of violating a 1441
protection order for referral to local or regional domestic 1442
violence advocacy services; 1443

(3) Procedures for connecting high risk victims to 1444
domestic violence advocacy programs, community and faith-based 1445
programs, nonprofit mental health programs, and other programs 1446
that may be able to assist high risk victims; 1447

(4) Procedures for local or regional domestic violence 1448
advocacy services to consult with prosecutors on charges and 1449
negotiated plea agreements in cases referred to the services. 1450

Sec. ~~2935.033~~2935.034. (A) Any peace officer may render 1451
assistance to any federal law enforcement officer who has arrest 1452
authority under the "Uniting and Strengthening America by 1453
Providing Appropriate Tools Required to Intercept and Obstruct 1454
Terrorism (USA Patriot Act) Act of 2001," Pub. L. No. 107-056, 1455
115 Stat. 272, as amended, if both of the following apply: 1456

(1) There is a threat of imminent physical danger to the 1457
federal law enforcement officer, a threat of physical harm to 1458
another person, or any other serious emergency situation 1459

present. 1460

(2) Either the federal law enforcement officer requests 1461
emergency assistance or it appears that the federal law 1462
enforcement officer is unable to request assistance, and the 1463
circumstances reasonably indicate that assistance is 1464
appropriate. 1465

(B) "Federal law enforcement officer" has the same meaning 1466
as in section 9.88 of the Revised Code. 1467

Sec. 2937.23. (A) (1) In a case involving a felony or a 1468
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 1469
Code when the victim of the offense is a peace officer, the 1470
judge or magistrate shall fix the amount of bail. 1471

(2) In a case involving a misdemeanor or a violation of a 1472
municipal ordinance and not involving a felony or a violation of 1473
section 2903.11, 2903.12, or 2903.13 of the Revised Code when 1474
the victim of the offense is a peace officer, the judge, 1475
magistrate, or clerk of the court may fix the amount of bail and 1476
may do so in accordance with a schedule previously fixed by the 1477
judge or magistrate. If the judge, magistrate, or clerk of the 1478
court is not readily available, the sheriff, deputy sheriff, 1479
marshal, deputy marshal, police officer, or jailer having 1480
custody of the person charged may fix the amount of bail in 1481
accordance with a schedule previously fixed by the judge or 1482
magistrate and shall take the bail only in the county 1483
courthouse, the municipal or township building, or the county or 1484
municipal jail. 1485

(3) In all cases, the bail shall be fixed with 1486
consideration of the seriousness of the offense charged, the 1487
previous criminal record of the defendant, the results of any 1488

screening conducted in the case under division (A) (2) (e) of 1489
section 2935.032 of the Revised Code, if any such results are 1490
available, and the probability of the defendant appearing at the 1491
trial of the case. 1492

(B) In any case involving an alleged violation of section 1493
2903.211 of the Revised Code or of a municipal ordinance that is 1494
substantially similar to that section, the court shall determine 1495
whether it will order an evaluation of the mental condition of 1496
the defendant pursuant to section 2919.271 of the Revised Code 1497
and, if it decides to so order, shall issue the order requiring 1498
the evaluation before it sets bail for the person charged with 1499
the violation. In any case involving an alleged violation of 1500
section 2919.27 of the Revised Code or of a municipal ordinance 1501
that is substantially similar to that section and in which the 1502
court finds that either of the following criteria applies, the 1503
court shall determine whether it will order an evaluation of the 1504
mental condition of the defendant pursuant to section 2919.271 1505
of the Revised Code and, if it decides to so order, shall issue 1506
the order requiring that evaluation before it sets bail for the 1507
person charged with the violation: 1508

(1) Regarding an alleged violation of a protection order 1509
issued or consent agreement approved pursuant to section 2919.26 1510
or 3113.31 of the Revised Code, that the violation allegedly 1511
involves conduct by the defendant that caused physical harm to 1512
the person or property of a family or household member covered 1513
by the order or agreement or conduct by that defendant that 1514
caused a family or household member to believe that the 1515
defendant would cause physical harm to that member or that 1516
member's property; 1517

(2) Regarding an alleged violation of a protection order 1518

issued pursuant to section 2903.213 or 2903.214 of the Revised 1519
Code, or a protection order issued by a court of another state, 1520
as defined in section 2919.27 of the Revised Code, that the 1521
violation allegedly involves conduct by the defendant that 1522
caused physical harm to the person or property of the person 1523
covered by the order or conduct by that defendant that caused 1524
the person covered by the order to believe that the defendant 1525
would cause physical harm to that person or that person's 1526
property. 1527

(C) As used in this section, "peace officer" has the same 1528
meaning as in section 2935.01 of the Revised Code. 1529

Sec. 3113.31. (A) As used in this section: 1530

(1) "Domestic violence" means any of the following: 1531

(a) The occurrence of one or more of the following acts 1532
against a family or household member: 1533

(i) Attempting to cause or recklessly causing bodily 1534
injury; 1535

(ii) Placing another person by the threat of force in fear 1536
of imminent serious physical harm or committing a violation of 1537
section 2903.211 or 2911.211 of the Revised Code; 1538

(iii) Committing any act with respect to a child that 1539
would result in the child being an abused child, as defined in 1540
section 2151.031 of the Revised Code; 1541

(iv) Committing a sexually oriented offense. 1542

(b) The occurrence of one or more of the acts identified 1543
in divisions (A)(1)(a)(i) to (iv) of this section against a 1544
person with whom the respondent is or was in a dating 1545
relationship. 1546

(2) "Court" means the domestic relations division of the 1547
court of common pleas in counties that have a domestic relations 1548
division and the court of common pleas in counties that do not 1549
have a domestic relations division, or the juvenile division of 1550
the court of common pleas of the county in which the person to 1551
be protected by a protection order issued or a consent agreement 1552
approved under this section resides if the respondent is less 1553
than eighteen years of age. 1554

(3) "Family or household member" means any of the 1555
following: 1556

(a) Any of the following who is residing with or has 1557
resided with the respondent: 1558

(i) A spouse, a person living as a spouse, or a former 1559
spouse of the respondent; 1560

(ii) A parent, a foster parent, or a child of the 1561
respondent, or another person related by consanguinity or 1562
affinity to the respondent; 1563

(iii) A parent or a child of a spouse, person living as a 1564
spouse, or former spouse of the respondent, or another person 1565
related by consanguinity or affinity to a spouse, person living 1566
as a spouse, or former spouse of the respondent; 1567

(iv) A child whose guardian or custodian is a spouse, 1568
person living as a spouse, or former spouse of the respondent. 1569

(b) The natural parent of any child of whom the respondent 1570
is the other natural parent or is the putative other natural 1571
parent. 1572

(4) "Person living as a spouse" means a person who is 1573
living or has lived with the respondent in a common law marital 1574

relationship, who otherwise is cohabiting with the respondent, 1575
or who otherwise has cohabited with the respondent within five 1576
years prior to the date of the alleged occurrence of the act in 1577
question. 1578

(5) "Victim advocate" means a person who provides support 1579
and assistance for a person who files a petition under this 1580
section. 1581

(6) "Sexually oriented offense" has the same meaning as in 1582
section 2950.01 of the Revised Code. 1583

(7) "Companion animal" has the same meaning as in section 1584
959.131 of the Revised Code. 1585

(8) "Dating relationship" means a relationship between 1586
individuals who have, or have had, a relationship of a romantic 1587
or intimate nature. "Dating relationship" does not include a 1588
casual acquaintanceship or ordinary fraternization in a business 1589
or social context. 1590

(9) "Person with whom the respondent is or was in a dating 1591
relationship" means an individual who, at the time of the 1592
conduct in question, is in a dating relationship with the 1593
respondent who is an adult or who, within the twelve months 1594
preceding the conduct in question, has had a dating relationship 1595
with the respondent who is an adult. 1596

(10) "Child," "custodian," and "guardian" have the same 1597
meanings as in section 3109.51 of the Revised Code. 1598

(B) The court has jurisdiction over all proceedings under 1599
this section. The petitioner's right to relief under this 1600
section is not affected by the petitioner's leaving the 1601
residence or household to avoid further domestic violence. 1602

~~(C)~~ (1) A person may seek relief under this section on 1603
the person's own behalf, or any parent or adult household member 1604
may seek relief under this section on behalf of any other family 1605
or household member, by filing a petition with the court. The 1606
petition shall contain or state: 1607

~~(1)~~ (a) An allegation that the respondent engaged in 1608
domestic violence against a family or household member of the 1609
respondent or against a person with whom the respondent is or 1610
was in a dating relationship, including a description of the 1611
nature and extent of the domestic violence; 1612

~~(2)~~ (b) The relationship of the respondent to the 1613
petitioner, and to the victim if other than the petitioner; 1614

~~(3)~~ (c) If the petition is for protection of a person with 1615
whom the respondent is or was in a dating relationship, the 1616
facts upon which the court may conclude that a dating 1617
relationship existed between the person to be protected and the 1618
respondent; 1619

~~(4)~~ (d) A request for relief under this section. 1620

(2) The petition may contain and the court shall consider 1621
any of the following: 1622

(a) An allegation that the respondent has previously 1623
engaged in domestic violence against a person to be protected; 1624

(b) Any previous conviction of or plea of guilty to the 1625
offense of domestic violence by the respondent where the victim 1626
was a person to be protected by the order. 1627

(D) (1) If a person who files a petition pursuant to this 1628
section requests an ex parte order, the court shall hold an ex 1629
parte hearing on the same day that the petition is filed. The 1630

court, for good cause shown at the ex parte hearing, may enter 1631
any temporary orders, with or without bond, including, but not 1632
limited to, an order described in division (E)(1)(a), (b), or 1633
(c) of this section, that the court finds necessary to protect 1634
the family or household member or the person with whom the 1635
respondent is or was in a dating relationship from domestic 1636
violence. Immediate and present danger of domestic violence to 1637
the family or household member or to the person with whom the 1638
respondent is or was in a dating relationship constitutes good 1639
cause for purposes of this section. Immediate and present danger 1640
includes, but is not limited to, situations in which the 1641
respondent has threatened the family or household member or 1642
person with whom the respondent is or was in a dating 1643
relationship with bodily harm, in which the respondent has 1644
threatened the family or household member or person with whom 1645
the respondent is or was in a dating relationship with a 1646
sexually oriented offense, or in which the respondent previously 1647
has been convicted of, pleaded guilty to, or been adjudicated a 1648
delinquent child for an offense that constitutes domestic 1649
violence against the family or household member or person with 1650
whom the respondent is or was in a dating relationship. 1651

(2)(a) If the court, after an ex parte hearing, issues an 1652
order described in division (E)(1)(b) or (c) of this section, 1653
the court shall schedule a full hearing for a date that is 1654
within seven court days after the ex parte hearing. If any other 1655
type of protection order that is authorized under division (E) 1656
of this section is issued by the court after an ex parte 1657
hearing, the court shall schedule a full hearing for a date that 1658
is within ten court days after the ex parte hearing. The court 1659
shall give the respondent notice of, and an opportunity to be 1660
heard at, the full hearing. The court shall hold the full 1661

hearing on the date scheduled under this division unless the 1662
court grants a continuance of the hearing in accordance with 1663
this division. Under any of the following circumstances or for 1664
any of the following reasons, the court may grant a continuance 1665
of the full hearing to a reasonable time determined by the 1666
court: 1667

(i) Prior to the date scheduled for the full hearing under 1668
this division, the respondent has not been served with the 1669
petition filed pursuant to this section and notice of the full 1670
hearing. 1671

(ii) The parties consent to the continuance. 1672

(iii) The continuance is needed to allow a party to obtain 1673
counsel. 1674

(iv) The continuance is needed for other good cause. 1675

(b) An ex parte order issued under this section does not 1676
expire because of a failure to serve notice of the full hearing 1677
upon the respondent before the date set for the full hearing 1678
under division (D) (2) (a) of this section or because the court 1679
grants a continuance under that division. 1680

(3) If a person who files a petition pursuant to this 1681
section does not request an ex parte order, or if a person 1682
requests an ex parte order but the court does not issue an ex 1683
parte order after an ex parte hearing, the court shall proceed 1684
as in a normal civil action and grant a full hearing on the 1685
matter. 1686

(E) (1) After an ex parte or full hearing, the court may 1687
grant any protection order, with or without bond, or approve any 1688
consent agreement to bring about a cessation of domestic 1689
violence against the family or household members or persons with 1690

whom the respondent is or was in a dating relationship. The 1691
order or agreement may: 1692

(a) Direct the respondent to refrain from abusing or from 1693
committing sexually oriented offenses against the family or 1694
household members or persons with whom the respondent is or was 1695
in a dating relationship; 1696

(b) With respect to a petition involving family or 1697
household members, grant possession of the residence or 1698
household to the petitioner or other family or household member, 1699
to the exclusion of the respondent, by evicting the respondent, 1700
when the residence or household is owned or leased solely by the 1701
petitioner or other family or household member, or by ordering 1702
the respondent to vacate the premises, when the residence or 1703
household is jointly owned or leased by the respondent, and the 1704
petitioner or other family or household member; 1705

(c) With respect to a petition involving family or 1706
household members, when the respondent has a duty to support the 1707
petitioner or other family or household member living in the 1708
residence or household and the respondent is the sole owner or 1709
lessee of the residence or household, grant possession of the 1710
residence or household to the petitioner or other family or 1711
household member, to the exclusion of the respondent, by 1712
ordering the respondent to vacate the premises, or, in the case 1713
of a consent agreement, allow the respondent to provide 1714
suitable, alternative housing; 1715

(d) With respect to a petition involving family or 1716
household members, temporarily allocate parental rights and 1717
responsibilities for the care of, or establish temporary 1718
parenting time rights with regard to, minor children, if no 1719
other court has determined, or is determining, the allocation of 1720

parental rights and responsibilities for the minor children or 1721
parenting time rights; 1722

(e) With respect to a petition involving family or 1723
household members, require the respondent to maintain support, 1724
if the respondent customarily provides for or contributes to the 1725
support of the family or household member, or if the respondent 1726
has a duty to support the petitioner or family or household 1727
member; 1728

(f) Require the respondent, petitioner, victim of domestic 1729
violence, or any combination of those persons, to seek 1730
counseling; 1731

(g) Require the respondent to refrain from entering the 1732
residence, school, business, or place of employment of the 1733
petitioner or, with respect to a petition involving family or 1734
household members, a family or household member; 1735

(h) Grant other relief that the court considers equitable 1736
and fair, including, but not limited to, ordering the respondent 1737
to permit the use of a motor vehicle by the petitioner or, with 1738
respect to a petition involving family or household members, 1739
other family or household members and the apportionment of 1740
household and family personal property; 1741

(i) Require that the respondent not remove, damage, hide, 1742
harm, or dispose of any companion animal owned or possessed by 1743
the petitioner; 1744

(j) Authorize the petitioner to remove a companion animal 1745
owned by the petitioner from the possession of the respondent; 1746

(k) Require a wireless service transfer in accordance with 1747
sections 3113.45 to 3113.459 of the Revised Code. 1748

(2) If a protection order has been issued pursuant to this 1749
section in a prior action involving the respondent and the 1750
petitioner or, with respect to a petition involving family or 1751
household members, one or more of the family or household 1752
members or victims, the court may include in a protection order 1753
that it issues a prohibition against the respondent returning to 1754
the residence or household. If it includes a prohibition against 1755
the respondent returning to the residence or household in the 1756
order, it also shall include in the order provisions of the type 1757
described in division (E) (7) of this section. This division does 1758
not preclude the court from including in a protection order or 1759
consent agreement, in circumstances other than those described 1760
in this division, a requirement that the respondent be evicted 1761
from or vacate the residence or household or refrain from 1762
entering the residence, school, business, or place of employment 1763
of the petitioner or, with respect to a petition involving 1764
family or household members, a family or household member, and, 1765
if the court includes any requirement of that type in an order 1766
or agreement, the court also shall include in the order 1767
provisions of the type described in division (E) (7) of this 1768
section. 1769

(3) (a) Any protection order issued or consent agreement 1770
approved under this section shall be valid until a date certain, 1771
but not later than five years from the date of its issuance or 1772
approval, or not later than the date a respondent who is less 1773
than eighteen years of age attains nineteen years of age, unless 1774
modified or terminated as provided in division (E) (8) of this 1775
section. 1776

(b) With respect to an order involving family or household 1777
members, subject to the limitation on the duration of an order 1778
or agreement set forth in division (E) (3) (a) of this section, 1779

any order under division (E) (1) (d) of this section shall 1780
terminate on the date that a court in an action for divorce, 1781
dissolution of marriage, or legal separation brought by the 1782
petitioner or respondent issues an order allocating parental 1783
rights and responsibilities for the care of children or on the 1784
date that a juvenile court in an action brought by the 1785
petitioner or respondent issues an order awarding legal custody 1786
of minor children. Subject to the limitation on the duration of 1787
an order or agreement set forth in division (E) (3) (a) of this 1788
section, any order under division (E) (1) (e) of this section 1789
shall terminate on the date that a court in an action for 1790
divorce, dissolution of marriage, or legal separation brought by 1791
the petitioner or respondent issues a support order or on the 1792
date that a juvenile court in an action brought by the 1793
petitioner or respondent issues a support order. 1794

(c) Any protection order issued or consent agreement 1795
approved pursuant to this section may be renewed in the same 1796
manner as the original order or agreement was issued or 1797
approved. 1798

(4) A court may not issue a protection order that requires 1799
a petitioner to do or to refrain from doing an act that the 1800
court may require a respondent to do or to refrain from doing 1801
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 1802
this section unless all of the following apply: 1803

(a) The respondent files a separate petition for a 1804
protection order in accordance with this section. 1805

(b) The petitioner is served notice of the respondent's 1806
petition at least forty-eight hours before the court holds a 1807
hearing with respect to the respondent's petition, or the 1808
petitioner waives the right to receive this notice. 1809

(c) If the petitioner has requested an ex parte order 1810
pursuant to division (D) of this section, the court does not 1811
delay any hearing required by that division beyond the time 1812
specified in that division in order to consolidate the hearing 1813
with a hearing on the petition filed by the respondent. 1814

(d) After a full hearing at which the respondent presents 1815
evidence in support of the request for a protection order and 1816
the petitioner is afforded an opportunity to defend against that 1817
evidence, the court determines that the petitioner has committed 1818
an act of domestic violence or has violated a temporary 1819
protection order issued pursuant to section 2919.26 of the 1820
Revised Code, that both the petitioner and the respondent acted 1821
primarily as aggressors, and that neither the petitioner nor the 1822
respondent acted primarily in self-defense. 1823

(5) No protection order issued or consent agreement 1824
approved under this section shall in any manner affect title to 1825
any real property. 1826

(6) (a) With respect to an order involving family or 1827
household members, if a petitioner, or the child of a 1828
petitioner, who obtains a protection order or consent agreement 1829
pursuant to division (E) (1) of this section or a temporary 1830
protection order pursuant to section 2919.26 of the Revised Code 1831
and is the subject of a parenting time order issued pursuant to 1832
section 3109.051 or 3109.12 of the Revised Code or a visitation 1833
or companionship order issued pursuant to section 3109.051, 1834
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 1835
this section granting parenting time rights to the respondent, 1836
the court may require the public children services agency of the 1837
county in which the court is located to provide supervision of 1838
the respondent's exercise of parenting time or visitation or 1839

companionship rights with respect to the child for a period not 1840
to exceed nine months, if the court makes the following findings 1841
of fact: 1842

(i) The child is in danger from the respondent; 1843

(ii) No other person or agency is available to provide the 1844
supervision. 1845

(b) A court that requires an agency to provide supervision 1846
pursuant to division (E) (6) (a) of this section shall order the 1847
respondent to reimburse the agency for the cost of providing the 1848
supervision, if it determines that the respondent has sufficient 1849
income or resources to pay that cost. 1850

(7) (a) If a protection order issued or consent agreement 1851
approved under this section includes a requirement that the 1852
respondent be evicted from or vacate the residence or household 1853
or refrain from entering the residence, school, business, or 1854
place of employment of the petitioner or, with respect to a 1855
petition involving family or household members, a family or 1856
household member, the order or agreement shall state clearly 1857
that the order or agreement cannot be waived or nullified by an 1858
invitation to the respondent from the petitioner or other family 1859
or household member to enter the residence, school, business, or 1860
place of employment or by the respondent's entry into one of 1861
those places otherwise upon the consent of the petitioner or 1862
other family or household member. 1863

(b) Division (E) (7) (a) of this section does not limit any 1864
discretion of a court to determine that a respondent charged 1865
with a violation of section 2919.27 of the Revised Code, with a 1866
violation of a municipal ordinance substantially equivalent to 1867
that section, or with contempt of court, which charge is based 1868

on an alleged violation of a protection order issued or consent 1869
agreement approved under this section, did not commit the 1870
violation or was not in contempt of court. 1871

(8) (a) The court may modify or terminate as provided in 1872
division (E) (8) of this section a protection order or consent 1873
agreement that was issued after a full hearing under this 1874
section. The court that issued the protection order or approved 1875
the consent agreement shall hear a motion for modification or 1876
termination of the protection order or consent agreement 1877
pursuant to division (E) (8) of this section. 1878

(b) Either the petitioner or the respondent of the 1879
original protection order or consent agreement may bring a 1880
motion for modification or termination of a protection order or 1881
consent agreement that was issued or approved after a full 1882
hearing. The court shall require notice of the motion to be made 1883
as provided by the Rules of Civil Procedure. If the petitioner 1884
for the original protection order or consent agreement has 1885
requested that the petitioner's address be kept confidential, 1886
the court shall not disclose the address to the respondent of 1887
the original protection order or consent agreement or any other 1888
person, except as otherwise required by law. The moving party 1889
has the burden of proof to show, by a preponderance of the 1890
evidence, that modification or termination of the protection 1891
order or consent agreement is appropriate because either the 1892
protection order or consent agreement is no longer needed or 1893
because the terms of the original protection order or consent 1894
agreement are no longer appropriate. 1895

(c) In considering whether to modify or terminate a 1896
protection order or consent agreement issued or approved under 1897
this section, the court shall consider all relevant factors, 1898

including, but not limited to, the following:	1899
(i) Whether the petitioner consents to modification or	1900
termination of the protection order or consent agreement;	1901
(ii) Whether the petitioner fears the respondent;	1902
(iii) The current nature of the relationship between the	1903
petitioner and the respondent;	1904
(iv) The circumstances of the petitioner and respondent,	1905
including the relative proximity of the petitioner's and	1906
respondent's workplaces and residences and whether the	1907
petitioner and respondent have minor children together;	1908
(v) Whether the respondent has complied with the terms and	1909
conditions of the original protection order or consent	1910
agreement;	1911
(vi) Whether the respondent has a continuing involvement	1912
with illegal drugs or alcohol;	1913
(vii) Whether the respondent has been convicted of,	1914
pleaded guilty to, or been adjudicated a delinquent child for an	1915
offense of violence since the issuance of the protection order	1916
or approval of the consent agreement;	1917
(viii) Whether any other protection orders, consent	1918
agreements, restraining orders, or no contact orders have been	1919
issued against the respondent pursuant to this section, section	1920
2919.26 of the Revised Code, any other provision of state law,	1921
or the law of any other state;	1922
(ix) Whether the respondent has participated in any	1923
domestic violence treatment, intervention program, or other	1924
counseling addressing domestic violence and whether the	1925
respondent has completed the treatment, program, or counseling;	1926

(x) The time that has elapsed since the protection order 1927
was issued or since the consent agreement was approved; 1928

(xi) The age and health of the respondent; 1929

(xii) When the last incident of abuse, threat of harm, or 1930
commission of a sexually oriented offense occurred or other 1931
relevant information concerning the safety and protection of the 1932
petitioner or other protected parties. 1933

(d) If a protection order or consent agreement is modified 1934
or terminated as provided in division (E) (8) of this section, 1935
the court shall issue copies of the modified or terminated order 1936
or agreement as provided in division (F) of this section. A 1937
petitioner may also provide notice of the modification or 1938
termination to the judicial and law enforcement officials in any 1939
county other than the county in which the order or agreement is 1940
modified or terminated as provided in division (N) of this 1941
section. 1942

(e) If the respondent moves for modification or 1943
termination of a protection order or consent agreement pursuant 1944
to this section and the court denies the motion, the court may 1945
assess costs against the respondent for the filing of the 1946
motion. 1947

(9) Any protection order issued or any consent agreement 1948
approved pursuant to this section shall include a provision that 1949
the court will automatically seal all of the records of the 1950
proceeding in which the order is issued or agreement approved on 1951
the date the respondent attains the age of nineteen years unless 1952
the petitioner provides the court with evidence that the 1953
respondent has not complied with all of the terms of the 1954
protection order or consent agreement. The protection order or 1955

consent agreement shall specify the date when the respondent 1956
attains the age of nineteen years. 1957

(F) (1) A copy of any protection order, or consent 1958
agreement, that is issued, approved, modified, or terminated 1959
under this section shall be issued by the court to the 1960
petitioner, to the respondent, and to all law enforcement 1961
agencies that have jurisdiction to enforce the order or 1962
agreement. The court shall direct that a copy of an order be 1963
delivered to the respondent on the same day that the order is 1964
entered. 1965

(2) Upon the issuance of a protection order or the 1966
approval of a consent agreement under this section, the court 1967
shall provide the parties to the order or agreement with the 1968
following notice orally or by form: 1969

"NOTICE 1970

As a result of this order or consent agreement, it may be 1971
unlawful for you to possess or purchase a firearm, including a 1972
rifle, pistol, or revolver, or ammunition pursuant to federal 1973
law under 18 U.S.C. 922(g) (8) for the duration of this order or 1974
consent agreement. If you have any questions whether this law 1975
makes it illegal for you to possess or purchase a firearm or 1976
ammunition, you should consult an attorney." 1977

(3) All law enforcement agencies shall establish and 1978
maintain an index for the protection orders and the approved 1979
consent agreements delivered to the agencies pursuant to 1980
division (F) (1) of this section. With respect to each order and 1981
consent agreement delivered, each agency shall note on the index 1982
the date and time that it received the order or consent 1983
agreement. 1984

(4) Regardless of whether the petitioner has registered 1985
the order or agreement in the county in which the officer's 1986
agency has jurisdiction pursuant to division (N) of this 1987
section, any officer of a law enforcement agency shall enforce a 1988
protection order issued or consent agreement approved by any 1989
court in this state in accordance with the provisions of the 1990
order or agreement, including removing the respondent from the 1991
premises, if appropriate. 1992

(G) (1) Any proceeding under this section shall be 1993
conducted in accordance with the Rules of Civil Procedure, 1994
except that an order under this section may be obtained with or 1995
without bond. An order issued under this section, other than an 1996
ex parte order, that grants a protection order or approves a 1997
consent agreement, that refuses to grant a protection order or 1998
approve a consent agreement that modifies or terminates a 1999
protection order or consent agreement, or that refuses to modify 2000
or terminate a protection order or consent agreement, is a 2001
final, appealable order. The remedies and procedures provided in 2002
this section are in addition to, and not in lieu of, any other 2003
available civil or criminal remedies. 2004

(2) If as provided in division (G) (1) of this section an 2005
order issued under this section, other than an ex parte order, 2006
refuses to grant a protection order, the court, on its own 2007
motion, shall order that the ex parte order issued under this 2008
section and all of the records pertaining to that ex parte order 2009
be sealed after either of the following occurs: 2010

(a) No party has exercised the right to appeal pursuant to 2011
Rule 4 of the Rules of Appellate Procedure. 2012

(b) All appellate rights have been exhausted. 2013

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

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

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

(2) Regardless of whether a protection order is issued or
a consent agreement is approved pursuant to this section, the
court may assess costs against the respondent in connection with
the filing, issuance, registration, modification, enforcement,
dismissal, withdrawal, or service of a protection order, consent

agreement, or witness subpoena or for obtaining a certified copy 2044
of a protection order or consent agreement. 2045

(K) (1) The court shall comply with Chapters 3119., 3121., 2046
3123., and 3125. of the Revised Code when it makes or modifies 2047
an order for child support under this section. 2048

(2) If any person required to pay child support under an 2049
order made under this section on or after April 15, 1985, or 2050
modified under this section on or after December 31, 1986, is 2051
found in contempt of court for failure to make support payments 2052
under the order, the court that makes the finding, in addition 2053
to any other penalty or remedy imposed, shall assess all court 2054
costs arising out of the contempt proceeding against the person 2055
and require the person to pay any reasonable attorney's fees of 2056
any adverse party, as determined by the court, that arose in 2057
relation to the act of contempt. 2058

(L) (1) A person who violates a protection order issued or 2059
a consent agreement approved under this section is subject to 2060
the following sanctions: 2061

(a) Criminal prosecution or a delinquent child proceeding 2062
for a violation of section 2919.27 of the Revised Code, if the 2063
violation of the protection order or consent agreement 2064
constitutes a violation of that section; 2065

(b) Punishment for contempt of court. 2066

(2) The punishment of a person for contempt of court for 2067
violation of a protection order issued or a consent agreement 2068
approved under this section does not bar criminal prosecution of 2069
the person or a delinquent child proceeding concerning the 2070
person for a violation of section 2919.27 of the Revised Code. 2071
However, a person punished for contempt of court is entitled to 2072

credit for the punishment imposed upon conviction of or 2073
adjudication as a delinquent child for a violation of that 2074
section, and a person convicted of or adjudicated a delinquent 2075
child for a violation of that section shall not subsequently be 2076
punished for contempt of court arising out of the same activity. 2077

(M) In all stages of a proceeding under this section, a 2078
petitioner may be accompanied by a victim advocate. 2079

(N) (1) A petitioner who obtains a protection order or 2080
consent agreement under this section or a temporary protection 2081
order under section 2919.26 of the Revised Code may provide 2082
notice of the issuance or approval of the order or agreement to 2083
the judicial and law enforcement officials in any county other 2084
than the county in which the order is issued or the agreement is 2085
approved by registering that order or agreement in the other 2086
county pursuant to division (N) (2) of this section and filing a 2087
copy of the registered order or registered agreement with a law 2088
enforcement agency in the other county in accordance with that 2089
division. A person who obtains a protection order issued by a 2090
court of another state may provide notice of the issuance of the 2091
order to the judicial and law enforcement officials in any 2092
county of this state by registering the order in that county 2093
pursuant to section 2919.272 of the Revised Code and filing a 2094
copy of the registered order with a law enforcement agency in 2095
that county. 2096

(2) A petitioner may register a temporary protection 2097
order, protection order, or consent agreement in a county other 2098
than the county in which the court that issued the order or 2099
approved the agreement is located in the following manner: 2100

(a) The petitioner shall obtain a certified copy of the 2101
order or agreement from the clerk of the court that issued the 2102

order or approved the agreement and present that certified copy 2103
to the clerk of the court of common pleas or the clerk of a 2104
municipal court or county court in the county in which the order 2105
or agreement is to be registered. 2106

(b) Upon accepting the certified copy of the order or 2107
agreement for registration, the clerk of the court of common 2108
pleas, municipal court, or county court shall place an 2109
endorsement of registration on the order or agreement and give 2110
the petitioner a copy of the order or agreement that bears that 2111
proof of registration. 2112

(3) The clerk of each court of common pleas, the clerk of 2113
each municipal court, and the clerk of each county court shall 2114
maintain a registry of certified copies of temporary protection 2115
orders, protection orders, or consent agreements that have been 2116
issued or approved by courts in other counties and that have 2117
been registered with the clerk. 2118

(O) Nothing in this section prohibits the domestic 2119
relations division of a court of common pleas in counties that 2120
have a domestic relations division or a court of common pleas in 2121
counties that do not have a domestic relations division from 2122
designating a minor child as a protected party on a protection 2123
order or consent agreement. 2124

Section 2. That existing sections 109.744, 109.803, 2125
2903.01, 2919.27, 2929.12, 2929.22, 2935.03, 2935.032, 2935.033, 2126
2937.23, and 3113.31 of the Revised Code are hereby repealed. 2127

Section 3. The General Assembly, in enacting this act, 2128
encourages prosecuting attorneys, in cases related to an 2129
incident of domestic violence, to consider the totality of the 2130
circumstances, to review all of the evidence in the case, and to 2131

resist seeking voluntary dismissal or an entry of nolle prosequi 2132
based solely on the victim's wishes, unless justice demands 2133
otherwise. 2134

Section 4. The General Assembly respectfully requests the 2135
Ohio Supreme Court to review the Ohio Rules of Evidence to 2136
consider how the Rules may better aid victims of domestic 2137
violence without diminishing the fundamental fairness to alleged 2138
perpetrators of domestic violence. 2139

Section 5. This act shall be known as Aisha's Law. 2140

Section 6. (A) There is hereby created the Domestic 2141
Violence Prosecution Study Committee consisting of the following 2142
ten members: 2143

(1) The following five members appointed by the Speaker of 2144
the House of Representatives: 2145

(a) One member who is a domestic violence survivor; 2146

(b) One member who is a domestic violence advocate; 2147

(c) One member who is a prosecutor who handles domestic 2148
violence cases; 2149

(d) One member who is a member of the judiciary with 2150
experience handling domestic violence cases; 2151

(e) One member who is a member of the House of 2152
Representatives. 2153

(2) The following five members appointed by the Minority 2154
Leader of the House of Representatives: 2155

(a) One member who is a domestic violence survivor; 2156

(b) One member who is a domestic violence advocate; 2157

(c) One member who is a prosecutor who handles domestic 2158
violence cases; 2159

(d) One member who is a member of the judiciary with 2160
experience handling domestic violence cases; 2161

(e) One member who is a member of the House of 2162
Representatives. 2163

(B) The Study Committee shall examine policies to protect 2164
victims of domestic violence throughout the judicial process, 2165
including an investigation into the prevalence of dropped or 2166
amended domestic violence charges, and the cases in which a 2167
charge of domestic violence was dropped and the victim of 2168
domestic violence later became the victim of a homicide. 2169

(C) The Speaker and Minority Leader shall make 2170
appointments to the Study Committee as soon as practicable after 2171
the effective date of this section and the Study Committee shall 2172
produce a report of its findings not later than one year after 2173
the effective date of this section. The Study Committee shall 2174
submit that report to the Governor, the President of the Senate, 2175
the Speaker of the House of Representatives, the Minority Leader 2176
of the Senate, and the Minority Leader of the House of 2177
Representatives. Upon submission of the report, the Study 2178
Committee shall cease to exist. 2179

Section 7. All items in this act are hereby appropriated 2180
as designated out of any moneys in the state treasury to the 2181
credit of the designated fund. For all operating appropriations 2182
made in this act, those in the first column are for fiscal year 2183
2024 and those in the second column are for fiscal year 2025. 2184
The operating appropriations made in this act are in addition to 2185
any other operating appropriations made for these fiscal years. 2186

Section 8. 2187

2188

	1	2	3	4	5
A			AGO ATTORNEY GENERAL		
B			Dedicated Purpose Fund Group		
C	4210	055617	Police Officers' Training Academy Fee	\$150,000	\$0
D			TOTAL DPF Dedicated Purpose Fund Group	\$150,000	\$0
E			TOTAL ALL BUDGET FUND GROUPS	\$150,000	\$0

Section 9. Within the limits set forth in this act, the 2189
Director of Budget and Management shall establish accounts 2190
indicating the source and amount of funds for each appropriation 2191
made in this act, and shall determine the manner in which 2192
appropriation accounts shall be maintained. Expenditures from 2193
operating appropriations contained in this act shall be 2194
accounted for as though made in, and are subject to all 2195
applicable provisions of, the main operating appropriations act 2196
of the 135th General Assembly. 2197

Section 10. Section 2937.23 of the Revised Code is 2198
presented in this act as a composite of the section as amended 2199
by both H.B. 202 and S.B. 142 of the 123rd General Assembly. The 2200
General Assembly, applying the principle stated in division (B) 2201
of section 1.52 of the Revised Code that amendments are to be 2202
harmonized if reasonably capable of simultaneous operation, 2203
finds that the composite is the resulting version of the section 2204

in effect prior to the effective date of the section as
presented in this act.

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