

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 354

Representatives Plummer, Swearingen

A BILL

To amend sections 2151.358, 2903.214, 2919.26, 1
2923.13, 2923.14, 2929.44, 2945.402, 3113.31, 2
and 5122.01 and to enact sections 5502.80, 3
5502.81, and 5502.82 of the Revised Code to 4
require the juvenile court to expunge all 5
records sealed pursuant to the juvenile sealing 6
law upon the person's twenty-eighth birthday, to 7
expand the circumstances under which a person 8
has a weapon under disability, to specify that 9
moderate or severe substance use disorder is a 10
mental illness for purposes of the law governing 11
civil commitments, to require the Director of 12
Public Safety to create and maintain the weapons 13
disability data portal, to impose certain 14
consequences on specified entities that fail to 15
comply with data submission requirements, and to 16
make an appropriation. 17

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

Section 1. That sections 2151.358, 2903.214, 2919.26, 18
2923.13, 2923.14, 2929.44, 2945.402, 3113.31, and 5122.01 be 19
amended and sections 5502.80, 5502.81, and 5502.82 of the 20

Revised Code be enacted to read as follows: 21

Sec. 2151.358. (A) The juvenile court shall expunge all 22
records sealed under section 2151.356 of the Revised Code ~~five-~~ 23
~~years after the court issues a sealing order or upon the twenty-~~ 24
~~third~~ twenty-eighth birthday of the person who is the subject of 25
the sealing order, ~~whichever date is earlier.~~ 26

(B) Notwithstanding division (A) of this section, upon 27
application by the person who has had a record sealed under 28
section 2151.356 of the Revised Code, the juvenile court may 29
expunge a record sealed under section 2151.356 of the Revised 30
Code. In making the determination whether to expunge records, 31
all of the following apply: 32

(1) The court may require a person filing an application 33
for expungement to submit any relevant documentation to support 34
the application. 35

(2) The court may cause an investigation to be made to 36
determine if the person who is the subject of the proceedings 37
has been rehabilitated to a satisfactory degree. 38

(3) The court shall promptly notify the prosecuting 39
attorney of any proceedings to expunge records. 40

(4) (a) The prosecuting attorney may file a response with 41
the court within thirty days of receiving notice of the 42
expungement proceedings. 43

(b) If the prosecuting attorney does not file a response 44
with the court or if the prosecuting attorney files a response 45
but indicates that the prosecuting attorney does not object to 46
the expungement of the records, the court may order the records 47
of the person that are under consideration to be expunged 48
without conducting a hearing on the application. If the court 49

decides in its discretion to conduct a hearing on the 50
application, the court shall conduct the hearing within thirty 51
days after making that decision and shall give notice, by 52
regular mail, of the date, time, and location of the hearing to 53
the prosecuting attorney and to the person who is the subject of 54
the records under consideration. 55

(c) If the prosecuting attorney files a response with the 56
court that indicates that the prosecuting attorney objects to 57
the expungement of the records, the court shall conduct a 58
hearing on the application within thirty days after the court 59
receives the response. The court shall give notice, by regular 60
mail, of the date, time, and location of the hearing to the 61
prosecuting attorney and to the person who is the subject of the 62
records under consideration. 63

(5) After conducting a hearing in accordance with division 64
(B) (4) of this section or after due consideration when a hearing 65
is not conducted, the court may order the records of the person 66
that are the subject of the application to be expunged if it 67
finds that the person has been rehabilitated to a satisfactory 68
degree. In determining whether the person has been rehabilitated 69
to a satisfactory degree, the court may consider all of the 70
following: 71

(a) The age of the person; 72

(b) The nature of the case; 73

(c) The cessation or continuation of delinquent, unruly, 74
or criminal behavior; 75

(d) The education and employment history of the person; 76

(e) Any other circumstances that may relate to the 77
rehabilitation of the person who is the subject of the records 78

under consideration. 79

(C) If the juvenile court is notified by any party in a 80
civil action that a civil action has been filed based on a case 81
the records for which are the subject of a sealing order, the 82
juvenile court shall not expunge a record sealed under section 83
2151.356 of the Revised Code until the civil action has been 84
resolved and is not subject to further appellate review, at 85
which time the records shall be expunged pursuant to division 86
(A) of this section. 87

(D) (1) A juvenile court that issues a protection order or 88
approves a consent agreement under section 2151.34 or 3113.31 of 89
the Revised Code shall automatically seal all of the records of 90
the proceeding in which the order was issued or agreement 91
approved on the date the person against whom the protection 92
order was issued or the consent agreement approved attains the 93
age of nineteen years if the court determines that the person 94
has complied with all of the terms of the protection order or 95
consent agreement. 96

(2) In a proceeding under section 2151.34 of the Revised 97
Code, if the juvenile court does not issue any protection order 98
under division (E) of that section, the court shall 99
automatically seal all of the records in that proceeding. In a 100
proceeding under section 3113.31 of the Revised Code, if the 101
juvenile court does not issue any protection order or approve 102
any consent agreement under division (E) of that section, the 103
court shall automatically seal all of the records in that 104
proceeding. 105

(3) (a) If a juvenile court that issues a protection order 106
or approves a consent agreement under section 2151.34 or 3113.31 107
of the Revised Code determines that the person against whom the 108

protection order was issued or the consent agreement approved 109
has not complied with all of the terms of the protection order 110
or consent agreement, the court shall consider sealing all of 111
the records of the proceeding in which the order was issued or 112
agreement approved upon the court's own motion or upon the 113
application of a person. The court may make the motion or the 114
person who is the subject of the records under consideration may 115
apply for an order sealing the records of the proceeding at any 116
time after two years after the expiration of the protection 117
order or consent agreement. 118

(b) In making a determination whether to seal records 119
pursuant to division (D) (3) of this section, all of the 120
following apply: 121

(i) The court may require a person filing an application 122
under division (D) (3) of this section to submit any relevant 123
documentation to support the application. 124

(ii) The court shall promptly notify the victim or the 125
victim's attorney of any proceedings to seal records initiated 126
pursuant to division (D) (3) of this section. 127

(iii) The victim or the victim's attorney may file a 128
response with the court within thirty days of receiving notice 129
of the sealing proceedings. 130

If the victim or the victim's attorney does not file a 131
response with the court or if the victim or the victim's 132
attorney files a response but indicates that the victim or the 133
victim's attorney does not object to the sealing of the records, 134
the court may order the records of the person that are under 135
consideration to be sealed without conducting a hearing on the 136
motion or application. If the court decides in its discretion to 137

conduct a hearing on the motion or application, the court shall 138
conduct the hearing within thirty days after making that 139
decision and shall give notice, by regular mail, of the date, 140
time, and location of the hearing to the victim or the victim's 141
attorney and to the person who is the subject of the records 142
under consideration. 143

If the victim or the victim's attorney files a response 144
with the court that indicates that the victim or the victim's 145
attorney objects to the sealing of the records, the court shall 146
conduct a hearing on the motion or application within thirty 147
days after the court receives the response. The court shall give 148
notice, by regular mail, of the date, time, and location of the 149
hearing to the victim or the victim's attorney and to the person 150
who is the subject of the records under consideration. 151

(iv) After conducting a hearing in accordance with 152
division (D) (3) (b) (iii) of this section or after due 153
consideration when a hearing is not conducted, the court may 154
order the records of the person that are the subject of the 155
motion or application to be sealed. 156

(4) Inspection of the records sealed pursuant to division 157
(D) (1), (2), or (3) of this section may be made only by the 158
following persons or for the following purposes: 159

(a) By a law enforcement officer or prosecutor, or the 160
assistants of either, to determine whether the nature and 161
character of the offense with which a person is to be charged 162
would be affected by virtue of the person's previously having 163
been convicted of a crime; 164

(b) By the parole or probation officer of the person who 165
is the subject of the records, for the exclusive use of the 166

officer in supervising the person while on parole or under a 167
community control sanction or a post-release control sanction, 168
and in making inquiries and written reports as requested by the 169
court or adult parole authority; 170

(c) Upon application by the person who is the subject of 171
the records, by the persons named in the application; 172

(d) By a law enforcement officer who was involved in the 173
case, for use in the officer's defense of a civil action arising 174
out of the officer's involvement in that case; 175

(e) By a prosecuting attorney or the prosecuting 176
attorney's assistants, to determine a defendant's eligibility to 177
enter a pre-trial diversion program established pursuant to 178
section 2935.36 of the Revised Code; 179

(f) By any law enforcement agency or any authorized 180
employee of a law enforcement agency or by the department of 181
rehabilitation and correction as part of a background 182
investigation of a person who applies for employment with the 183
agency as a law enforcement officer or with the department as a 184
corrections officer; 185

(g) By any law enforcement agency or any authorized 186
employee of a law enforcement agency, for the purposes set forth 187
in, and in the manner provided in, section 2953.321 of the 188
Revised Code; 189

(h) By the bureau of criminal identification and 190
investigation or any authorized employee of the bureau for the 191
purpose of providing information to a board or person pursuant 192
to division (F) or (G) of section 109.57 of the Revised Code; 193

(i) By the bureau of criminal identification and 194
investigation or any authorized employee of the bureau for the 195

purpose of performing a criminal history records check on a 196
person to whom a certificate as prescribed in section 109.77 of 197
the Revised Code is to be awarded; 198

(j) By the bureau of criminal identification and 199
investigation or any authorized employee of the bureau for the 200
purpose of conducting a criminal records check of an individual 201
pursuant to division (B) of section 109.572 of the Revised Code 202
that was requested pursuant to any of the sections identified in 203
division (B)(1) of that section; 204

(k) By the bureau of criminal identification and 205
investigation, an authorized employee of the bureau, a sheriff, 206
or an authorized employee of a sheriff in connection with a 207
criminal records check described in section 311.41 of the 208
Revised Code; 209

(l) By the attorney general or an authorized employee of 210
the attorney general or a court for purposes of determining a 211
person's classification pursuant to Chapter 2950. of the Revised 212
Code. 213

When the nature and character of the offense with which a 214
person is to be charged would be affected by the information, it 215
may be used for the purpose of charging the person with an 216
offense. 217

(E) In addition to the methods of expungement provided for 218
in divisions (A) and (B) of this section, a person who has been 219
adjudicated a delinquent child for having committed an act that 220
would be a violation of section 2907.24, 2907.241, or 2907.25 of 221
the Revised Code if the child were an adult may apply to the 222
adjudicating court for the expungement of the record of 223
adjudication if the person's participation in the act was a 224

result of the person having been a victim of human trafficking. 225
The application shall be made in the same manner as an 226
application for expungement under section 2953.38 of the Revised 227
Code, and all of the provisions of that section shall apply to 228
the expungement procedure. 229

(F) After the records have been expunged under this 230
section, the person who is the subject of the expunged records 231
properly may, and the court shall, reply that no record exists 232
with respect to the person upon any inquiry in the matter. 233

Sec. 2903.214. (A) As used in this section: 234

(1) "Court" means the court of common pleas of the county 235
in which the person to be protected by the protection order 236
resides. 237

(2) "Victim advocate" means a person who provides support 238
and assistance for a person who files a petition under this 239
section. 240

(3) "Family or household member" has the same meaning as 241
in section 3113.31 of the Revised Code. 242

(4) "Protection order issued by a court of another state" 243
has the same meaning as in section 2919.27 of the Revised Code. 244

(5) "Sexually oriented offense" has the same meaning as in 245
section 2950.01 of the Revised Code. 246

(6) "Electronic monitoring" has the same meaning as in 247
section 2929.01 of the Revised Code. 248

(7) "Companion animal" has the same meaning as in section 249
959.131 of the Revised Code. 250

(B) The court has jurisdiction over all proceedings under 251

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| this section. | 252 |
| (C) A person may seek relief under this section for the | 253 |
| person, or any parent or adult household member may seek relief | 254 |
| under this section on behalf of any other family or household | 255 |
| member, by filing a petition with the court. The petition shall | 256 |
| contain or state all of the following: | 257 |
| (1) An allegation that the respondent is eighteen years of | 258 |
| age or older and engaged in a violation of section 2903.211 of | 259 |
| the Revised Code against the person to be protected by the | 260 |
| protection order or committed a sexually oriented offense | 261 |
| against the person to be protected by the protection order, | 262 |
| including a description of the nature and extent of the | 263 |
| violation; | 264 |
| (2) If the petitioner seeks relief in the form of | 265 |
| electronic monitoring of the respondent, an allegation that at | 266 |
| any time preceding the filing of the petition the respondent | 267 |
| engaged in conduct that would cause a reasonable person to | 268 |
| believe that the health, welfare, or safety of the person to be | 269 |
| protected was at risk, a description of the nature and extent of | 270 |
| that conduct, and an allegation that the respondent presents a | 271 |
| continuing danger to the person to be protected; | 272 |
| (3) A request for relief under this section. | 273 |
| (D) (1) If a person who files a petition pursuant to this | 274 |
| section requests an ex parte order, the court shall hold an ex | 275 |
| parte hearing as soon as possible after the petition is filed, | 276 |
| but not later than the next day that the court is in session | 277 |
| after the petition is filed. The court, for good cause shown at | 278 |
| the ex parte hearing, may enter any temporary orders, with or | 279 |
| without bond, that the court finds necessary for the safety and | 280 |

protection of the person to be protected by the order. Immediate 281
and present danger to the person to be protected by the 282
protection order constitutes good cause for purposes of this 283
section. Immediate and present danger includes, but is not 284
limited to, situations in which the respondent has threatened 285
the person to be protected by the protection order with bodily 286
harm or in which the respondent previously has been convicted of 287
or pleaded guilty to a violation of section 2903.211 of the 288
Revised Code or a sexually oriented offense against the person 289
to be protected by the protection order. 290

(2) (a) If the court, after an ex parte hearing, issues a 291
protection order described in division (E) of this section, the 292
court shall schedule a full hearing for a date that is within 293
ten court days after the ex parte hearing. The court shall give 294
the respondent notice of, and an opportunity to be heard at, the 295
full hearing. The court shall hold the full hearing on the date 296
scheduled under this division unless the court grants a 297
continuance of the hearing in accordance with this division. 298
Under any of the following circumstances or for any of the 299
following reasons, the court may grant a continuance of the full 300
hearing to a reasonable time determined by the court: 301

(i) Prior to the date scheduled for the full hearing under 302
this division, the respondent has not been served with the 303
petition filed pursuant to this section and notice of the full 304
hearing. 305

(ii) The parties consent to the continuance. 306

(iii) The continuance is needed to allow a party to obtain 307
counsel. 308

(iv) The continuance is needed for other good cause. 309

(b) An ex parte order issued under this section does not 310
expire because of a failure to serve notice of the full hearing 311
upon the respondent before the date set for the full hearing 312
under division (D) (2) (a) of this section or because the court 313
grants a continuance under that division. 314

(3) If a person who files a petition pursuant to this 315
section does not request an ex parte order, or if a person 316
requests an ex parte order but the court does not issue an ex 317
parte order after an ex parte hearing, the court shall proceed 318
as in a normal civil action and grant a full hearing on the 319
matter. 320

(E) (1) (a) After an ex parte or full hearing, the court may 321
issue any protection order, with or without bond, that contains 322
terms designed to ensure the safety and protection of the person 323
to be protected by the protection order, including, but not 324
limited to, a requirement that the respondent refrain from 325
entering the residence, school, business, or place of employment 326
of the petitioner or family or household member. If the court 327
includes a requirement that the respondent refrain from entering 328
the residence, school, business, or place of employment of the 329
petitioner or family or household member in the order, it also 330
shall include in the order provisions of the type described in 331
division (E) (5) of this section. The court may include within a 332
protection order issued under this section a term requiring that 333
the respondent not remove, damage, hide, harm, or dispose of any 334
companion animal owned or possessed by the person to be 335
protected by the order, and may include within the order a term 336
authorizing the person to be protected by the order to remove a 337
companion animal owned by the person to be protected by the 338
order from the possession of the respondent. 339

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

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

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

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

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

(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition,

or the petitioner waives the right to receive this notice. 369

(c) If the petitioner has requested an ex parte order 370
pursuant to division (D) of this section, the court does not 371
delay any hearing required by that division beyond the time 372
specified in that division in order to consolidate the hearing 373
with a hearing on the petition filed by the respondent. 374

(d) After a full hearing at which the respondent presents 375
evidence in support of the request for a protection order and 376
the petitioner is afforded an opportunity to defend against that 377
evidence, the court determines that the petitioner has committed 378
a violation of section 2903.211 of the Revised Code against the 379
person to be protected by the protection order issued pursuant 380
to division (E) (3) of this section, has committed a sexually 381
oriented offense against the person to be protected by the 382
protection order issued pursuant to division (E) (3) of this 383
section, or has violated a protection order issued pursuant to 384
section 2903.213 of the Revised Code relative to the person to 385
be protected by the protection order issued pursuant to division 386
(E) (3) of this section. 387

(4) No protection order issued pursuant to this section 388
shall in any manner affect title to any real property. 389

(5) (a) If the court issues a protection order under this 390
section that includes a requirement that the alleged offender 391
refrain from entering the residence, school, business, or place 392
of employment of the petitioner or a family or household member, 393
the order shall clearly state that the order cannot be waived or 394
nullified by an invitation to the alleged offender from the 395
complainant to enter the residence, school, business, or place 396
of employment or by the alleged offender's entry into one of 397
those places otherwise upon the consent of the petitioner or 398

family or household member. 399

(b) Division (E) (5) (a) of this section does not limit any 400
discretion of a court to determine that an alleged offender 401
charged with a violation of section 2919.27 of the Revised Code, 402
with a violation of a municipal ordinance substantially 403
equivalent to that section, or with contempt of court, which 404
charge is based on an alleged violation of a protection order 405
issued under this section, did not commit the violation or was 406
not in contempt of court. 407

(F) (1) The court shall cause the delivery of a copy of any 408
protection order that is issued under this section to the 409
petitioner, to the respondent, and to all law enforcement 410
agencies that have jurisdiction to enforce the order. The court 411
shall direct that a copy of the order be delivered to the 412
respondent on the same day that the order is entered. 413

(2) The court shall enter a copy of a protection order 414
that is issued under this section after a full hearing into the 415
weapons disability data portal created in section 5502.80 of the 416
Revised Code within one business day after it is issued and, if 417
the protection order is terminated, shall enter into the weapons 418
disability data portal a record that the protection order has 419
been terminated within one business day after the protection 420
order is terminated. 421

(3) Upon the issuance of a protection order under this 422
section, the court shall provide the parties to the order with 423
the following notice orally or by form: 424

"NOTICE 425

As a result of this order, it may be unlawful for you to 426
possess or purchase a firearm, including a rifle, pistol, or 427

revolver, or ammunition pursuant to federal law under 18 U.S.C. 428
922(g) (8) for the duration of this order. If you have any 429
questions whether this law makes it illegal for you to possess 430
or purchase a firearm or ammunition, you should consult an 431
attorney." 432

~~(3)~~ (4) All law enforcement agencies shall establish and 433
maintain an index for the protection orders delivered to the 434
agencies pursuant to division (F) (1) of this section. With 435
respect to each order delivered, each agency shall note on the 436
index the date and time that it received the order. 437

~~(4)~~ (5) Regardless of whether the petitioner has 438
registered the protection order in the county in which the 439
officer's agency has jurisdiction pursuant to division (M) of 440
this section, any officer of a law enforcement agency shall 441
enforce a protection order issued pursuant to this section by 442
any court in this state in accordance with the provisions of the 443
order, including removing the respondent from the premises, if 444
appropriate. 445

(G) (1) Any proceeding under this section shall be 446
conducted in accordance with the Rules of Civil Procedure, 447
except that a protection order may be obtained under this 448
section with or without bond. An order issued under this 449
section, other than an ex parte order, that grants a protection 450
order, or that refuses to grant a protection order, is a final, 451
appealable order. The remedies and procedures provided in this 452
section are in addition to, and not in lieu of, any other 453
available civil or criminal remedies. 454

(2) If as provided in division (G) (1) of this section an 455
order issued under this section, other than an ex parte order, 456
refuses to grant a protection order, the court, on its own 457

motion, shall order that the ex parte order issued under this 458
section and all of the records pertaining to that ex parte order 459
be sealed after either of the following occurs: 460

(a) No party has exercised the right to appeal pursuant to 461
Rule 4 of the Rules of Appellate Procedure. 462

(b) All appellate rights have been exhausted. 463

(H) The filing of proceedings under this section does not 464
excuse a person from filing any report or giving any notice 465
required by section 2151.421 of the Revised Code or by any other 466
law. 467

(I) Any law enforcement agency that investigates an 468
alleged violation of section 2903.211 of the Revised Code or an 469
alleged commission of a sexually oriented offense shall provide 470
information to the victim and the family or household members of 471
the victim regarding the relief available under this section and 472
section 2903.213 of the Revised Code. 473

(J) (1) Subject to division (J) (2) of this section and 474
regardless of whether a protection order is issued or a consent 475
agreement is approved by a court of another county or by a court 476
of another state, no court or unit of state or local government 477
shall charge the petitioner any fee, cost, deposit, or money in 478
connection with the filing of a petition pursuant to this 479
section, in connection with the filing, issuance, registration, 480
modification, enforcement, dismissal, withdrawal, or service of 481
a protection order, consent agreement, or witness subpoena or 482
for obtaining a certified copy of a protection order or consent 483
agreement. 484

(2) Regardless of whether a protection order is issued or 485
a consent agreement is approved pursuant to this section, the 486

court may assess costs against the respondent in connection with 487
the filing, issuance, registration, modification, enforcement, 488
dismissal, withdrawal, or service of a protection order, consent 489
agreement, or witness subpoena or for obtaining a certified copy 490
of a protection order or consent agreement. 491

(K) (1) A person who violates a protection order issued 492
under this section is subject to the following sanctions: 493

(a) Criminal prosecution for a violation of section 494
2919.27 of the Revised Code, if the violation of the protection 495
order constitutes a violation of that section; 496

(b) Punishment for contempt of court. 497

(2) The punishment of a person for contempt of court for 498
violation of a protection order issued under this section does 499
not bar criminal prosecution of the person for a violation of 500
section 2919.27 of the Revised Code. However, a person punished 501
for contempt of court is entitled to credit for the punishment 502
imposed upon conviction of a violation of that section, and a 503
person convicted of a violation of that section shall not 504
subsequently be punished for contempt of court arising out of 505
the same activity. 506

(L) In all stages of a proceeding under this section, a 507
petitioner may be accompanied by a victim advocate. 508

(M) (1) A petitioner who obtains a protection order under 509
this section or a protection order under section 2903.213 of the 510
Revised Code may provide notice of the issuance or approval of 511
the order to the judicial and law enforcement officials in any 512
county other than the county in which the order is issued by 513
registering that order in the other county pursuant to division 514
(M) (2) of this section and filing a copy of the registered order 515

with a law enforcement agency in the other county in accordance 516
with that division. A person who obtains a protection order 517
issued by a court of another state may provide notice of the 518
issuance of the order to the judicial and law enforcement 519
officials in any county of this state by registering the order 520
in that county pursuant to section 2919.272 of the Revised Code 521
and filing a copy of the registered order with a law enforcement 522
agency in that county. 523

(2) A petitioner may register a protection order issued 524
pursuant to this section or section 2903.213 of the Revised Code 525
in a county other than the county in which the court that issued 526
the order is located in the following manner: 527

(a) The petitioner shall obtain a certified copy of the 528
order from the clerk of the court that issued the order and 529
present that certified copy to the clerk of the court of common 530
pleas or the clerk of a municipal court or county court in the 531
county in which the order is to be registered. 532

(b) Upon accepting the certified copy of the order for 533
registration, the clerk of the court of common pleas, municipal 534
court, or county court shall place an endorsement of 535
registration on the order and give the petitioner a copy of the 536
order that bears that proof of registration. 537

(3) The clerk of each court of common pleas, municipal 538
court, or county court shall maintain a registry of certified 539
copies of protection orders that have been issued by courts in 540
other counties pursuant to this section or section 2903.213 of 541
the Revised Code and that have been registered with the clerk. 542

(N) (1) If the court orders electronic monitoring of the 543
respondent under this section, the court shall direct the 544

sheriff's office or any other appropriate law enforcement agency 545
to install the electronic monitoring device and to monitor the 546
respondent. Unless the court determines that the respondent is 547
indigent, the court shall order the respondent to pay the cost 548
of the installation and monitoring of the electronic monitoring 549
device. If the court determines that the respondent is indigent 550
and subject to the maximum amount allowable to be paid in any 551
year from the fund and the rules promulgated by the attorney 552
general under division (N) (2) of this section, the cost of the 553
installation and monitoring of the electronic monitoring device 554
may be paid out of funds from the reparations fund created 555
pursuant to section 2743.191 of the Revised Code. The total 556
amount of costs for the installation and monitoring of 557
electronic monitoring devices paid pursuant to this division and 558
sections 2151.34 and 2919.27 of the Revised Code from the 559
reparations fund shall not exceed three hundred thousand dollars 560
per year. 561

(2) The attorney general may promulgate rules pursuant to 562
section 111.15 of the Revised Code to govern payments made from 563
the reparations fund pursuant to this division and sections 564
2151.34 and 2919.27 of the Revised Code. The rules may include 565
reasonable limits on the total cost paid pursuant to this 566
division and sections 2151.34 and 2919.27 of the Revised Code 567
per respondent, the amount of the three hundred thousand dollars 568
allocated to each county, and how invoices may be submitted by a 569
county, court, or other entity. 570

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 571
alleges a violation of section 2909.06, 2909.07, 2911.12, or 572
2911.211 of the Revised Code if the alleged victim of the 573
violation was a family or household member at the time of the 574
violation, a violation of a municipal ordinance that is 575

substantially similar to any of those sections if the alleged 576
victim of the violation was a family or household member at the 577
time of the violation, any offense of violence if the alleged 578
victim of the offense was a family or household member at the 579
time of the commission of the offense, or any sexually oriented 580
offense if the alleged victim of the offense was a family or 581
household member at the time of the commission of the offense, 582
the complainant, the alleged victim, or a family or household 583
member of an alleged victim may file, or, if in an emergency the 584
alleged victim is unable to file, a person who made an arrest 585
for the alleged violation or offense under section 2935.03 of 586
the Revised Code may file on behalf of the alleged victim, a 587
motion that requests the issuance of a temporary protection 588
order as a pretrial condition of release of the alleged 589
offender, in addition to any bail set under Criminal Rule 46. 590
The motion shall be filed with the clerk of the court that has 591
jurisdiction of the case at any time after the filing of the 592
complaint. 593

(2) For purposes of section 2930.09 of the Revised Code, 594
all stages of a proceeding arising out of a complaint alleging 595
the commission of a violation, offense of violence, or sexually 596
oriented offense described in division (A)(1) of this section, 597
including all proceedings on a motion for a temporary protection 598
order, are critical stages of the case, and a victim may be 599
accompanied by a victim advocate or another person to provide 600
support to the victim as provided in that section. 601

(B) The motion shall be prepared on a form that is 602
provided by the clerk of the court, which form shall be 603
substantially as follows: 604

"MOTION FOR TEMPORARY PROTECTION ORDER 605

| | |
|--|-----|
| Court | 606 |
| Name and address of court | 607 |
| State of Ohio | 608 |
| v.No. | 609 |
| | 610 |
| Name of Defendant | 611 |
| (name of person), moves the court to issue a temporary protection order | 612 |
| containing terms designed to ensure the safety and protection of the | 613 |
| complainant, alleged victim, and other family or household members, in | 614 |
| relation to the named defendant, pursuant to its authority to issue such | 615 |
| an order under section 2919.26 of the Revised Code. | 616 |
| A complaint, a copy of which has been attached to this | 617 |
| motion, has been filed in this court charging the named | 618 |
| defendant with (name of the specified | 619 |
| violation, the offense of violence, or sexually oriented offense | 620 |
| charged) in circumstances in which the victim was a family or | 621 |
| household member in violation of (section of the Revised Code | 622 |
| designating the specified violation, offense of violence, or | 623 |
| sexually oriented offense charged), or charging the named | 624 |
| defendant with a violation of a municipal ordinance that is | 625 |
| substantially similar to (section of | 626 |
| the Revised Code designating the specified violation, offense of | 627 |
| violence, or sexually oriented offense charged) involving a | 628 |
| family or household member. | 629 |
| I understand that I must appear before the court, at a | 630 |
| time set by the court within twenty-four hours after the filing | 631 |
| of this motion, for a hearing on the motion or that, if I am | 632 |
| unable to appear because of hospitalization or a medical | 633 |

condition resulting from the offense alleged in the complaint, a 634
person who can provide information about my need for a temporary 635
protection order must appear before the court in lieu of my 636
appearing in court. I understand that any temporary protection 637
order granted pursuant to this motion is a pretrial condition of 638
release and is effective only until the disposition of the 639
criminal proceeding arising out of the attached complaint, or 640
the issuance of a civil protection order or the approval of a 641
consent agreement, arising out of the same activities as those 642
that were the basis of the complaint, under section 3113.31 of 643
the Revised Code. 644

..... 645

Signature of person 646

(or signature of the arresting officer who filed the motion on behalf of 647
the alleged victim) 648

..... 649

Address of person (or office address of the arresting officer who filed 650
the motion on behalf of the alleged victim)" 651

(C) (1) As soon as possible after the filing of a motion 652
that requests the issuance of a temporary protection order, but 653
not later than twenty-four hours after the filing of the motion, 654
the court shall conduct a hearing to determine whether to issue 655
the order. The person who requested the order shall appear 656
before the court and provide the court with the information that 657
it requests concerning the basis of the motion. If the person 658
who requested the order is unable to appear and if the court 659
finds that the failure to appear is because of the person's 660
hospitalization or medical condition resulting from the offense 661
alleged in the complaint, another person who is able to provide 662

the court with the information it requests may appear in lieu of 663
the person who requested the order. If the court finds that the 664
safety and protection of the complainant, alleged victim, or any 665
other family or household member of the alleged victim may be 666
impaired by the continued presence of the alleged offender, the 667
court may issue a temporary protection order, as a pretrial 668
condition of release, that contains terms designed to ensure the 669
safety and protection of the complainant, alleged victim, or the 670
family or household member, including a requirement that the 671
alleged offender refrain from entering the residence, school, 672
business, or place of employment of the complainant, alleged 673
victim, or the family or household member. The court may include 674
within a protection order issued under this section a term 675
requiring that the alleged offender not remove, damage, hide, 676
harm, or dispose of any companion animal owned or possessed by 677
the complainant, alleged victim, or any other family or 678
household member of the alleged victim, and may include within 679
the order a term authorizing the complainant, alleged victim, or 680
other family or household member of the alleged victim to remove 681
a companion animal owned by the complainant, alleged victim, or 682
other family or household member from the possession of the 683
alleged offender. 684

(2) (a) If the court issues a temporary protection order 685
that includes a requirement that the alleged offender refrain 686
from entering the residence, school, business, or place of 687
employment of the complainant, the alleged victim, or the family 688
or household member, the order shall state clearly that the 689
order cannot be waived or nullified by an invitation to the 690
alleged offender from the complainant, alleged victim, or family 691
or household member to enter the residence, school, business, or 692
place of employment or by the alleged offender's entry into one 693

of those places otherwise upon the consent of the complainant, 694
alleged victim, or family or household member. 695

(b) Division (C) (2) (a) of this section does not limit any 696
discretion of a court to determine that an alleged offender 697
charged with a violation of section 2919.27 of the Revised Code, 698
with a violation of a municipal ordinance substantially 699
equivalent to that section, or with contempt of court, which 700
charge is based on an alleged violation of a temporary 701
protection order issued under this section, did not commit the 702
violation or was not in contempt of court. 703

(D) (1) Upon the filing of a complaint that alleges a 704
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 705
the Revised Code if the alleged victim of the violation was a 706
family or household member at the time of the violation, a 707
violation of a municipal ordinance that is substantially similar 708
to any of those sections if the alleged victim of the violation 709
was a family or household member at the time of the violation, 710
any offense of violence if the alleged victim of the offense was 711
a family or household member at the time of the commission of 712
the offense, or any sexually oriented offense if the alleged 713
victim of the offense was a family or household member at the 714
time of the commission of the offense, the court, upon its own 715
motion, may issue a temporary protection order as a pretrial 716
condition of release if it finds that the safety and protection 717
of the complainant, alleged victim, or other family or household 718
member of the alleged offender may be impaired by the continued 719
presence of the alleged offender. 720

(2) If the court issues a temporary protection order under 721
this section as an ex parte order, it shall conduct, as soon as 722
possible after the issuance of the order, a hearing in the 723

presence of the alleged offender not later than the next day on 724
which the court is scheduled to conduct business after the day 725
on which the alleged offender was arrested or at the time of the 726
appearance of the alleged offender pursuant to summons to 727
determine whether the order should remain in effect, be 728
modified, or be revoked. The hearing shall be conducted under 729
the standards set forth in division (C) of this section. 730

(3) An order issued under this section shall contain only 731
those terms authorized in orders issued under division (C) of 732
this section. 733

(4) If a municipal court or a county court issues a 734
temporary protection order under this section and if, subsequent 735
to the issuance of the order, the alleged offender who is the 736
subject of the order is bound over to the court of common pleas 737
for prosecution of a felony arising out of the same activities 738
as those that were the basis of the complaint upon which the 739
order is based, notwithstanding the fact that the order was 740
issued by a municipal court or county court, the order shall 741
remain in effect, as though it were an order of the court of 742
common pleas, while the charges against the alleged offender are 743
pending in the court of common pleas, for the period of time 744
described in division (E)(2) of this section, and the court of 745
common pleas has exclusive jurisdiction to modify the order 746
issued by the municipal court or county court. This division 747
applies when the alleged offender is bound over to the court of 748
common pleas as a result of the person waiving a preliminary 749
hearing on the felony charge, as a result of the municipal court 750
or county court having determined at a preliminary hearing that 751
there is probable cause to believe that the felony has been 752
committed and that the alleged offender committed it, as a 753
result of the alleged offender having been indicted for the 754

felony, or in any other manner. 755

(E) A temporary protection order that is issued as a 756
pretrial condition of release under this section: 757

(1) Is in addition to, but shall not be construed as a 758
part of, any bail set under Criminal Rule 46; 759

(2) Is effective only until the occurrence of either of 760
the following: 761

(a) The disposition, by the court that issued the order 762
or, in the circumstances described in division (D)(4) of this 763
section, by the court of common pleas to which the alleged 764
offender is bound over for prosecution, of the criminal 765
proceeding arising out of the complaint upon which the order is 766
based; 767

(b) The issuance of a protection order or the approval of 768
a consent agreement, arising out of the same activities as those 769
that were the basis of the complaint upon which the order is 770
based, under section 3113.31 of the Revised Code. 771

(3) Shall not be construed as a finding that the alleged 772
offender committed the alleged offense, and shall not be 773
introduced as evidence of the commission of the offense at the 774
trial of the alleged offender on the complaint upon which the 775
order is based. 776

(F) A person who meets the criteria for bail under 777
Criminal Rule 46 and who, if required to do so pursuant to that 778
rule, executes or posts bond or deposits cash or securities as 779
bail, shall not be held in custody pending a hearing before the 780
court on a motion requesting a temporary protection order. 781

(G) (1) A copy of any temporary protection order that is 782

issued under this section shall be issued by the court to the 783
complainant, to the alleged victim, to the person who requested 784
the order, to the defendant, and to all law enforcement agencies 785
that have jurisdiction to enforce the order. The court shall 786
direct that a copy of the order be delivered to the defendant on 787
the same day that the order is entered. If a municipal court or 788
a county court issues a temporary protection order under this 789
section and if, subsequent to the issuance of the order, the 790
defendant who is the subject of the order is bound over to the 791
court of common pleas for prosecution as described in division 792
(D) (4) of this section, the municipal court or county court 793
shall direct that a copy of the order be delivered to the court 794
of common pleas to which the defendant is bound over. 795

(2) The court shall enter a copy of a temporary protection 796
order issued under this section after a full hearing into the 797
weapons disability data portal created in section 5502.80 of the 798
Revised Code within one business day after it is issued and, if 799
the temporary protection order is terminated, shall enter into 800
the weapons disability data portal a record that the temporary 801
protection order has been terminated within one business day 802
after the temporary protection order is terminated. 803

(3) Upon the issuance of a protection order under this 804
section, the court shall provide the parties to the order with 805
the following notice orally or by form: 806

"NOTICE 807

As a result of this protection order, it may be unlawful 808
for you to possess or purchase a firearm, including a rifle, 809
pistol, or revolver, or ammunition pursuant to federal law under 810
18 U.S.C. 922(g) (8) for the duration of this order. If you have 811
any questions whether this law makes it illegal for you to 812

possess or purchase a firearm or ammunition, you should consult an attorney." 813
814

~~(3)~~ (4) All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G) (1) of this section. With respect to each order delivered, each agency shall note on the index, the date and time of the receipt of the order by the agency. 815
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~~(4)~~ (5) A complainant, alleged victim, or other person who obtains a temporary protection order under this section may provide notice of the issuance of the temporary protection order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county in accordance with division (N) of section 3113.31 of the Revised Code and filing a copy of the registered protection order with a law enforcement agency in the other county in accordance with that division. 821
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~~(5)~~ (6) Any officer of a law enforcement agency shall enforce a temporary protection order issued by any court in this state in accordance with the provisions of the order, including removing the defendant from the premises, regardless of whether the order is registered in the county in which the officer's agency has jurisdiction as authorized by division ~~(G) (4)~~ (G) (5) of this section. 830
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(H) Upon a violation of a temporary protection order, the court may issue another temporary protection order, as a pretrial condition of release, that modifies the terms of the order that was violated. 837
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(I) (1) As used in divisions (I) (1) and (2) of this 841

section, "defendant" means a person who is alleged in a 842
complaint to have committed a violation, offense of violence, or 843
sexually oriented offense of the type described in division (A) 844
of this section. 845

(2) If a complaint is filed that alleges that a person 846
committed a violation, offense of violence, or sexually oriented 847
offense of the type described in division (A) of this section, 848
the court may not issue a temporary protection order under this 849
section that requires the complainant, the alleged victim, or 850
another family or household member of the defendant to do or 851
refrain from doing an act that the court may require the 852
defendant to do or refrain from doing under a temporary 853
protection order unless both of the following apply: 854

(a) The defendant has filed a separate complaint that 855
alleges that the complainant, alleged victim, or other family or 856
household member in question who would be required under the 857
order to do or refrain from doing the act committed a violation 858
or offense of violence of the type described in division (A) of 859
this section. 860

(b) The court determines that both the complainant, 861
alleged victim, or other family or household member in question 862
who would be required under the order to do or refrain from 863
doing the act and the defendant acted primarily as aggressors, 864
that neither the complainant, alleged victim, or other family or 865
household member in question who would be required under the 866
order to do or refrain from doing the act nor the defendant 867
acted primarily in self-defense, and, in accordance with the 868
standards and criteria of this section as applied in relation to 869
the separate complaint filed by the defendant, that it should 870
issue the order to require the complainant, alleged victim, or 871

other family or household member in question to do or refrain 872
from doing the act. 873

(J) (1) Subject to division (J) (2) of this section and 874
regardless of whether a protection order is issued or a consent 875
agreement is approved by a court of another county or a court of 876
another state, no court or unit of state or local government 877
shall charge the movant any fee, cost, deposit, or money in 878
connection with the filing of a motion pursuant to this section, 879
in connection with the filing, issuance, registration, 880
modification, enforcement, dismissal, withdrawal, or service of 881
a protection order, consent agreement, or witness subpoena or 882
for obtaining a certified copy of a protection order or consent 883
agreement. 884

(2) Regardless of whether a protection order is issued or 885
a consent agreement is approved pursuant to this section, if the 886
defendant is convicted the court may assess costs against the 887
defendant in connection with the filing, issuance, registration, 888
modification, enforcement, dismissal, withdrawal, or service of 889
a protection order, consent agreement, or witness subpoena or 890
for obtaining a certified copy of a protection order or consent 891
agreement. 892

(K) As used in this section: 893

(1) "Companion animal" has the same meaning as in section 894
959.131 of the Revised Code. 895

(2) "Sexually oriented offense" has the same meaning as in 896
section 2950.01 of the Revised Code. 897

(3) "Victim advocate" means a person who provides support 898
and assistance for a victim of an offense during court 899
proceedings. 900

Sec. 2923.13. (A) Unless relieved from disability under 901
operation of law or legal process, no person shall knowingly 902
acquire, have, carry, or use any firearm or dangerous ordnance, 903
if any of the following apply: 904

(1) The person is a fugitive from justice. 905

(2) The person is under indictment for or has been 906
convicted of any felony offense of violence or has been 907
adjudicated a delinquent child for the commission of an offense 908
that, if committed by an adult, would have been a felony offense 909
of violence. 910

(3) The person is under indictment for or has been 911
convicted of any felony offense involving the illegal 912
possession, use, sale, administration, distribution, or 913
trafficking in any drug of abuse or has been adjudicated a 914
delinquent child for the commission of an offense that, if 915
committed by an adult, would have been a felony offense 916
involving the illegal possession, use, sale, administration, 917
distribution, or trafficking in any drug of abuse. 918

(4) The person is drug dependent, in danger of drug 919
dependence, or a chronic alcoholic. 920

(5) The person is under adjudication of mental 921
incompetence, has been adjudicated as a mental defective, has 922
been committed to a mental institution, has been found by a 923
court to be a mentally ill person subject to court order, or is 924
an involuntary patient other than one who is a patient only for 925
purposes of observation. As used in this division, "mentally ill 926
person subject to court order" and "patient" have the same 927
meanings as in section 5122.01 of the Revised Code. 928

(6) The person is under indictment for or has been 929

convicted of, pleaded guilty to, or adjudicated a delinquent 930
child for committing an offense that is punishable by 931
imprisonment for a term exceeding one year. 932

(7) The person has been convicted of, pleaded guilty to, 933
or adjudicated a delinquent child for committing a violation of 934
section 2919.25 of the Revised Code. 935

(8) The person has been discharged from the armed forces 936
of the United States under dishonorable conditions. 937

(9) The person has renounced the person's United States 938
citizenship, if applicable. 939

(10) The person is unlawfully present in the United 940
States. 941

(11) If the person is an alien, the person has been 942
admitted to the United States under a nonimmigrant visa, as 943
defined in the "Immigration and Nationality Act," 8 U.S.C. 944
1101(a)(26). 945

(12) The person is subject to a temporary protection order 946
issued, after a full hearing, under section 2919.26 of the 947
Revised Code or a protection order issued or consent agreement 948
approved under section 3113.31 of the Revised Code. 949

(13) The person was adjudicated a delinquent child for a 950
violation of any prohibition under Chapter 2907. of the Revised 951
Code or for committing an offense of violence, until the date 952
the juvenile court expunges the person's records in the case, if 953
applicable, under section 2151.358 of the Revised Code. 954

(B) Whoever violates this section is guilty of having 955
weapons while under disability, a felony of the third degree. 956

(C) For the purposes of this section, ~~"under:~~ 957

(1) "Offense that is punishable by imprisonment for a term exceeding one year" does not include any of the following: 958
959

(a) A violation of the laws of this state pertaining to antitrust laws, unfair trade practices, restraints of trade, or similar violations relating to the regulation of business trade practices; 960
961
962
963

(b) Any misdemeanor punishable by a term of imprisonment of two years or less; 964
965

(c) Any conviction that has been expunged or set aside or for which the person has been pardoned or has had civil rights restored, unless the pardon, expungement, or restoration of civil rights specifies that the person may not acquire, have, carry, or use any firearm or dangerous ordnance. 966
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(2) "Under operation of law or legal process" shall not itself include mere completion, termination, or expiration of a sentence imposed as a result of a criminal conviction. 971
972
973

Sec. 2923.14. (A) (1) Except as otherwise provided in 974
division (A) (2) of this section, any person who is prohibited 975
from acquiring, having, carrying, or using firearms may apply to 976
the court of common pleas in the county in which the person 977
resides for relief from such prohibition. 978

(2) Division (A) (1) of this section does not apply to a 979
person who has been convicted of or pleaded guilty to a 980
violation of section 2923.132 of the Revised Code or to a person 981
who, two or more times, has been convicted of or pleaded guilty 982
to a felony and a specification of the type described in section 983
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 984
of the Revised Code. 985

(B) The application shall recite the following: 986

| | |
|--|------|
| (1) All indictments, convictions, or adjudications upon | 987 |
| which the applicant's disability is based, the sentence imposed | 988 |
| and served, and any release granted under a community control | 989 |
| sanction, post-release control sanction, or parole, any partial | 990 |
| or conditional pardon granted, or other disposition of each | 991 |
| case, or, if the disability is based upon a factor other than an | 992 |
| indictment, a conviction, or an adjudication, the factor upon | 993 |
| which the disability is based and all details related to that | 994 |
| factor; | 995 |
| (2) Facts showing the applicant to be a fit subject for | 996 |
| relief under this section. | 997 |
| (C) A copy of the application shall be served on the | 998 |
| county prosecutor. The county prosecutor shall cause the matter | 999 |
| to be investigated and shall raise before the court any | 1000 |
| objections to granting relief that the investigation reveals. | 1001 |
| (D) Upon hearing, the court may grant the applicant relief | 1002 |
| pursuant to this section, if all of the following apply: | 1003 |
| (1) One of the following applies: | 1004 |
| (a) If the disability is based upon an indictment, a | 1005 |
| conviction, or an adjudication, the applicant has been fully | 1006 |
| discharged from imprisonment, community control, post-release | 1007 |
| control, and parole, or, if the applicant is under indictment, | 1008 |
| has been released on bail or recognizance. | 1009 |
| (b) If the disability is based upon a factor other than an | 1010 |
| indictment, a conviction, or an adjudication, that factor no | 1011 |
| longer is applicable to the applicant. | 1012 |
| (2) The applicant has led a law-abiding life since | 1013 |
| discharge or release, and appears likely to continue to do so. | 1014 |

(3) The applicant is not otherwise prohibited by law from
acquiring, having, or using firearms. 1015
1016

(E) Costs of the proceeding shall be charged as in other
civil cases, and taxed to the applicant. 1017
1018

(F) Relief from disability granted pursuant to this
section restores the applicant to all civil firearm rights to
the full extent enjoyed by any citizen, and is subject to the
following conditions: 1019
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(1) Applies only with respect to indictments, convictions,
or adjudications, or to the other factor, recited in the
application as the basis for the applicant's disability; 1023
1024
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(2) Applies only with respect to firearms lawfully
acquired, possessed, carried, or used by the applicant; 1026
1027

(3) May be revoked by the court at any time for good cause
shown and upon notice to the applicant; 1028
1029

(4) Is automatically void upon commission by the applicant
of any offense set forth in division (A) (2) ~~or~~, (3), (6), or (7)
of section 2923.13 of the Revised Code, or upon the applicant's
becoming one of the class of persons named in division (A) (1),
(4), ~~or~~ (5), (8), (9), (10), (11), (12), or (13) of that
section. 1030
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(G) As used in this section: 1036

(1) "Community control sanction" has the same meaning as
in section 2929.01 of the Revised Code. 1037
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(2) "Post-release control" and "post-release control
sanction" have the same meanings as in section 2967.01 of the
Revised Code. 1039
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|---|--|
| Sec. 2929.44. (A) As used in this section: | 1042 |
| (1) "Local law enforcement agency" means the police department of a municipal corporation in which an offense occurred or, if the offense did not occur in a municipal corporation, the sheriff of the county in which the offense occurred. | 1043 1044 1045 1046 1047 |
| (2) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code. | 1048 1049 |
| (3) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code. | 1050 1051 |
| (B) If a court orders a person who pleads guilty to or who is convicted of an offense of violence to receive a mental health evaluation or treatment for a mental illness, the court shall report the conviction and required evaluation or treatment to the local law enforcement agency. The local law enforcement agency shall enter the conviction and required treatment into the national crime information center supervised release file through the law enforcement automated data system <u>and shall enter the information into the weapons disability data portal created in section 5502.80 of the Revised Code within one business day of receiving the information.</u> The information reported and entered shall include all of the following: | 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 |
| (1) The name of the court providing the information; | 1064 |
| (2) The offense or offenses of violence to which the offender pleaded guilty or of which the offender was convicted; | 1065 1066 |
| (3) Any other information required for the entry of information into the national crime information center supervised release file; | 1067 1068 1069 |

(4) Any other information required in rules adopted by the 1070
director of public safety for information entered into the 1071
weapons disability data portal. 1072

(C) Information entered into the national crime 1073
information center supervised release file pursuant to this 1074
section shall remain in the file until further order of the 1075
court. 1076

Sec. 2945.402. (A) In approving a conditional release, the 1077
trial court may set any conditions on the release with respect 1078
to the treatment, evaluation, counseling, or control of the 1079
defendant or person that the court considers necessary to 1080
protect the public safety and the welfare of the defendant or 1081
person. The trial court may revoke a defendant's or person's 1082
conditional release and order reinstatement of the previous 1083
placement or reinstitutionalization at any time the conditions 1084
of the release have not been satisfied, provided that the 1085
revocation shall be in accordance with this section. 1086

(B) A conditional release is a commitment. The hearings on 1087
continued commitment as described in section 2945.401 of the 1088
Revised Code apply to a defendant or person on conditional 1089
release. 1090

(C) A person, agency, or facility that is assigned to 1091
monitor a defendant or person on conditional release immediately 1092
shall notify the trial court on learning that the defendant or 1093
person being monitored has violated the terms of the conditional 1094
release. Upon learning of any violation of the terms of the 1095
conditional release, the trial court may issue a temporary order 1096
of detention or, if necessary, an arrest warrant for the 1097
defendant or person. Within ten court days after the defendant's 1098
or person's detention or arrest, the trial court shall conduct a 1099

hearing to determine whether the conditional release should be 1100
modified or terminated. At the hearing, the defendant or person 1101
shall have the same rights as are described in division (C) of 1102
section 2945.40 of the Revised Code. The trial court may order a 1103
continuance of the ten-court-day period for no longer than ten 1104
days for good cause shown or for any period on motion of the 1105
defendant or person. If the trial court fails to conduct the 1106
hearing within the ten-court-day period and does not order a 1107
continuance in accordance with this division, the defendant or 1108
person shall be restored to the prior conditional release 1109
status. 1110

(D) The trial court shall give all parties reasonable 1111
notice of a hearing conducted under this section. At the 1112
hearing, the prosecutor shall present the case demonstrating 1113
that the defendant or person violated the terms of the 1114
conditional release. If the court finds by a preponderance of 1115
the evidence that the defendant or person violated the terms of 1116
the conditional release, the court may continue, modify, or 1117
terminate the conditional release and shall enter its order 1118
accordingly. 1119

(E) (1) If a court approves a conditional release, the 1120
court shall report the approval and information pertaining to 1121
the release to the local law enforcement agency. The local law 1122
enforcement agency shall enter the approval and information into 1123
the national crime information center supervised release file 1124
through the law enforcement automated data system and shall 1125
enter the approval and information into the weapons disability 1126
data portal created in section 5502.80 of the Revised Code 1127
within one business day of receiving the approval and 1128
information from the court. The information required by 1129
divisions (E) (1) (c) and (d) of this section shall be entered 1130

into the national crime information center supervised release 1131
file's miscellaneous field. The information reported and entered 1132
shall include all of the following: 1133

(a) The name of the court providing the information; 1134

(b) The offense or offenses with which the defendant or 1135
person was charged; 1136

(c) Whether the person was found not guilty by reason of 1137
insanity or incompetent to stand trial with no substantial 1138
probability of becoming competent even with a course of 1139
treatment; 1140

(d) The reason for the conditional release; 1141

(e) Any other information required for the entry of 1142
information into the national crime information center 1143
supervised release file; 1144

(f) Any other information required in rules adopted by the 1145
director of public safety for information entered into the 1146
weapons disability data portal. 1147

(2) Information entered into the national crime 1148
information center supervised release file pursuant to this 1149
section shall remain in the file until the termination of the 1150
conditional release or commitment. 1151

(3) If a defendant or person about whom information is 1152
entered into the national crime information center supervised 1153
release file pursuant to division (E)(1) of this section has 1154
contact with a law enforcement agency after the information is 1155
entered, the agency shall report the contact to the department 1156
of mental health and addiction services and, if the terms of the 1157
release require the defendant or person to receive mental health 1158

treatment, to the person, office, or agency providing the 1159
treatment. 1160

(4) As used in division (E) of this section, "local law 1161
enforcement agency" means the police department of a municipal 1162
corporation in which the offense with which a releasee was 1163
charged allegedly occurred or, if the offense did not allegedly 1164
occur in a municipal corporation, the sheriff of the county in 1165
which the offense allegedly occurred. 1166

Sec. 3113.31. (A) As used in this section: 1167

(1) "Domestic violence" means any of the following: 1168

(a) The occurrence of one or more of the following acts 1169
against a family or household member: 1170

(i) Attempting to cause or recklessly causing bodily 1171
injury; 1172

(ii) Placing another person by the threat of force in fear 1173
of imminent serious physical harm or committing a violation of 1174
section 2903.211 or 2911.211 of the Revised Code; 1175

(iii) Committing any act with respect to a child that 1176
would result in the child being an abused child, as defined in 1177
section 2151.031 of the Revised Code; 1178

(iv) Committing a sexually oriented offense. 1179

(b) The occurrence of one or more of the acts identified 1180
in divisions (A) (1) (a) (i) to (iv) of this section against a 1181
person with whom the respondent is or was in a dating 1182
relationship. 1183

(2) "Court" means the domestic relations division of the 1184
court of common pleas in counties that have a domestic relations 1185

division and the court of common pleas in counties that do not 1186
have a domestic relations division, or the juvenile division of 1187
the court of common pleas of the county in which the person to 1188
be protected by a protection order issued or a consent agreement 1189
approved under this section resides if the respondent is less 1190
than eighteen years of age. 1191

(3) "Family or household member" means any of the 1192
following: 1193

(a) Any of the following who is residing with or has 1194
resided with the respondent: 1195

(i) A spouse, a person living as a spouse, or a former 1196
spouse of the respondent; 1197

(ii) A parent, a foster parent, or a child of the 1198
respondent, or another person related by consanguinity or 1199
affinity to the respondent; 1200

(iii) A parent or a child of a spouse, person living as a 1201
spouse, or former spouse of the respondent, or another person 1202
related by consanguinity or affinity to a spouse, person living 1203
as a spouse, or former spouse of the respondent. 1204

(b) The natural parent of any child of whom the respondent 1205
is the other natural parent or is the putative other natural 1206
parent. 1207

(4) "Person living as a spouse" means a person who is 1208
living or has lived with the respondent in a common law marital 1209
relationship, who otherwise is cohabiting with the respondent, 1210
or who otherwise has cohabited with the respondent within five 1211
years prior to the date of the alleged occurrence of the act in 1212
question. 1213

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 1214
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(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 1217
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(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 1219
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(8) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context. 1221
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(9) "Person with whom the respondent is or was in a dating relationship" means an adult who, at the time of the conduct in question, is in a dating relationship with the respondent who also is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the respondent who also is an adult. 1226
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(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence. 1232
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(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state: 1236
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(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent 1241
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or against a person with whom the respondent is or was in a 1243
dating relationship, including a description of the nature and 1244
extent of the domestic violence; 1245

(2) The relationship of the respondent to the petitioner, 1246
and to the victim if other than the petitioner; 1247

(3) If the petition is for protection of a person with 1248
whom the respondent is or was in a dating relationship, the 1249
facts upon which the court may conclude that a dating 1250
relationship existed between the person to be protected and the 1251
respondent; 1252

(4) A request for relief under this section. 1253

(D) (1) If a person who files a petition pursuant to this 1254
section requests an ex parte order, the court shall hold an ex 1255
parte hearing on the same day that the petition is filed. The 1256
court, for good cause shown at the ex parte hearing, may enter 1257
any temporary orders, with or without bond, including, but not 1258
limited to, an order described in division (E) (1) (a), (b), or 1259
(c) of this section, that the court finds necessary to protect 1260
the family or household member or the person with whom the 1261
respondent is or was in a dating relationship from domestic 1262
violence. Immediate and present danger of domestic violence to 1263
the family or household member or to the person with whom the 1264
respondent is or was in a dating relationship constitutes good 1265
cause for purposes of this section. Immediate and present danger 1266
includes, but is not limited to, situations in which the 1267
respondent has threatened the family or household member or 1268
person with whom the respondent is or was in a dating 1269
relationship with bodily harm, in which the respondent has 1270
threatened the family or household member or person with whom 1271
the respondent is or was in a dating relationship with a 1272

sexually oriented offense, or in which the respondent previously 1273
has been convicted of, pleaded guilty to, or been adjudicated a 1274
delinquent child for an offense that constitutes domestic 1275
violence against the family or household member or person with 1276
whom the respondent is or was in a dating relationship. 1277

(2) (a) If the court, after an ex parte hearing, issues an 1278
order described in division (E) (1) (b) or (c) of this section, 1279
the court shall schedule a full hearing for a date that is 1280
within seven court days after the ex parte hearing. If any other 1281
type of protection order that is authorized under division (E) 1282
of this section is issued by the court after an ex parte 1283
hearing, the court shall schedule a full hearing for a date that 1284
is within ten court days after the ex parte hearing. The court 1285
shall give the respondent notice of, and an opportunity to be 1286
heard at, the full hearing. The court shall hold the full 1287
hearing on the date scheduled under this division unless the 1288
court grants a continuance of the hearing in accordance with 1289
this division. Under any of the following circumstances or for 1290
any of the following reasons, the court may grant a continuance 1291
of the full hearing to a reasonable time determined by the 1292
court: 1293

(i) Prior to the date scheduled for the full hearing under 1294
this division, the respondent has not been served with the 1295
petition filed pursuant to this section and notice of the full 1296
hearing. 1297

(ii) The parties consent to the continuance. 1298

(iii) The continuance is needed to allow a party to obtain 1299
counsel. 1300

(iv) The continuance is needed for other good cause. 1301

(b) An ex parte order issued under this section does not 1302
expire because of a failure to serve notice of the full hearing 1303
upon the respondent before the date set for the full hearing 1304
under division (D) (2) (a) of this section or because the court 1305
grants a continuance under that division. 1306

(3) If a person who files a petition pursuant to this 1307
section does not request an ex parte order, or if a person 1308
requests an ex parte order but the court does not issue an ex 1309
parte order after an ex parte hearing, the court shall proceed 1310
as in a normal civil action and grant a full hearing on the 1311
matter. 1312

(E) (1) After an ex parte or full hearing, the court may 1313
grant any protection order, with or without bond, or approve any 1314
consent agreement to bring about a cessation of domestic 1315
violence against the family or household members or persons with 1316
whom the respondent is or was in a dating relationship. The 1317
order or agreement may: 1318

(a) Direct the respondent to refrain from abusing or from 1319
committing sexually oriented offenses against the family or 1320
household members or persons with whom the respondent is or was 1321
in a dating relationship; 1322

(b) With respect to a petition involving family or 1323
household members, grant possession of the residence or 1324
household to the petitioner or other family or household member, 1325
to the exclusion of the respondent, by evicting the respondent, 1326
when the residence or household is owned or leased solely by the 1327
petitioner or other family or household member, or by ordering 1328
the respondent to vacate the premises, when the residence or 1329
household is jointly owned or leased by the respondent, and the 1330
petitioner or other family or household member; 1331

(c) With respect to a petition involving family or 1332
household members, when the respondent has a duty to support the 1333
petitioner or other family or household member living in the 1334
residence or household and the respondent is the sole owner or 1335
lessee of the residence or household, grant possession of the 1336
residence or household to the petitioner or other family or 1337
household member, to the exclusion of the respondent, by 1338
ordering the respondent to vacate the premises, or, in the case 1339
of a consent agreement, allow the respondent to provide 1340
suitable, alternative housing; 1341

(d) With respect to a petition involving family or 1342
household members, temporarily allocate parental rights and 1343
responsibilities for the care of, or establish temporary 1344
parenting time rights with regard to, minor children, if no 1345
other court has determined, or is determining, the allocation of 1346
parental rights and responsibilities for the minor children or 1347
parenting time rights; 1348

(e) With respect to a petition involving family or 1349
household members, require the respondent to maintain support, 1350
if the respondent customarily provides for or contributes to the 1351
support of the family or household member, or if the respondent 1352
has a duty to support the petitioner or family or household 1353
member; 1354

(f) Require the respondent, petitioner, victim of domestic 1355
violence, or any combination of those persons, to seek 1356
counseling; 1357

(g) Require the respondent to refrain from entering the 1358
residence, school, business, or place of employment of the 1359
petitioner or, with respect to a petition involving family or 1360
household members, a family or household member; 1361

(h) Grant other relief that the court considers equitable 1362
and fair, including, but not limited to, ordering the respondent 1363
to permit the use of a motor vehicle by the petitioner or, with 1364
respect to a petition involving family or household members, 1365
other family or household members and the apportionment of 1366
household and family personal property; 1367

(i) Require that the respondent not remove, damage, hide, 1368
harm, or dispose of any companion animal owned or possessed by 1369
the petitioner; 1370

(j) Authorize the petitioner to remove a companion animal 1371
owned by the petitioner from the possession of the respondent; 1372

(k) Require a wireless service transfer in accordance with 1373
sections 3113.45 to 3113.459 of the Revised Code. 1374

(2) If a protection order has been issued pursuant to this 1375
section in a prior action involving the respondent and the 1376
petitioner or, with respect to a petition involving family or 1377
household members, one or more of the family or household 1378
members or victims, the court may include in a protection order 1379
that it issues a prohibition against the respondent returning to 1380
the residence or household. If it includes a prohibition against 1381
the respondent returning to the residence or household in the 1382
order, it also shall include in the order provisions of the type 1383
described in division (E) (7) of this section. This division does 1384
not preclude the court from including in a protection order or 1385
consent agreement, in circumstances other than those described 1386
in this division, a requirement that the respondent be evicted 1387
from or vacate the residence or household or refrain from 1388
entering the residence, school, business, or place of employment 1389
of the petitioner or, with respect to a petition involving 1390
family or household members, a family or household member, and, 1391

if the court includes any requirement of that type in an order 1392
or agreement, the court also shall include in the order 1393
provisions of the type described in division (E) (7) of this 1394
section. 1395

(3) (a) Any protection order issued or consent agreement 1396
approved under this section shall be valid until a date certain, 1397
but not later than five years from the date of its issuance or 1398
approval, or not later than the date a respondent who is less 1399
than eighteen years of age attains nineteen years of age, unless 1400
modified or terminated as provided in division (E) (8) of this 1401
section. 1402

(b) With respect to an order involving family or household 1403
members, subject to the limitation on the duration of an order 1404
or agreement set forth in division (E) (3) (a) of this section, 1405
any order under division (E) (1) (d) of this section shall 1406
terminate on the date that a court in an action for divorce, 1407
dissolution of marriage, or legal separation brought by the 1408
petitioner or respondent issues an order allocating parental 1409
rights and responsibilities for the care of children or on the 1410
date that a juvenile court in an action brought by the 1411
petitioner or respondent issues an order awarding legal custody 1412
of minor children. Subject to the limitation on the duration of 1413
an order or agreement set forth in division (E) (3) (a) of this 1414
section, any order under division (E) (1) (e) of this section 1415
shall terminate on the date that a court in an action for 1416
divorce, dissolution of marriage, or legal separation brought by 1417
the petitioner or respondent issues a support order or on the 1418
date that a juvenile court in an action brought by the 1419
petitioner or respondent issues a support order. 1420

(c) Any protection order issued or consent agreement 1421

approved pursuant to this section may be renewed in the same 1422
manner as the original order or agreement was issued or 1423
approved. 1424

(4) A court may not issue a protection order that requires 1425
a petitioner to do or to refrain from doing an act that the 1426
court may require a respondent to do or to refrain from doing 1427
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 1428
this section unless all of the following apply: 1429

(a) The respondent files a separate petition for a 1430
protection order in accordance with this section. 1431

(b) The petitioner is served notice of the respondent's 1432
petition at least forty-eight hours before the court holds a 1433
hearing with respect to the respondent's petition, or the 1434
petitioner waives the right to receive this notice. 1435

(c) If the petitioner has requested an ex parte order 1436
pursuant to division (D) of this section, the court does not 1437
delay any hearing required by that division beyond the time 1438
specified in that division in order to consolidate the hearing 1439
with a hearing on the petition filed by the respondent. 1440

(d) After a full hearing at which the respondent presents 1441
evidence in support of the request for a protection order and 1442
the petitioner is afforded an opportunity to defend against that 1443
evidence, the court determines that the petitioner has committed 1444
an act of domestic violence or has violated a temporary 1445
protection order issued pursuant to section 2919.26 of the 1446
Revised Code, that both the petitioner and the respondent acted 1447
primarily as aggressors, and that neither the petitioner nor the 1448
respondent acted primarily in self-defense. 1449

(5) No protection order issued or consent agreement 1450

approved under this section shall in any manner affect title to 1451
any real property. 1452

(6) (a) With respect to an order involving family or 1453
household members, if a petitioner, or the child of a 1454
petitioner, who obtains a protection order or consent agreement 1455
pursuant to division (E) (1) of this section or a temporary 1456
protection order pursuant to section 2919.26 of the Revised Code 1457
and is the subject of a parenting time order issued pursuant to 1458
section 3109.051 or 3109.12 of the Revised Code or a visitation 1459
or companionship order issued pursuant to section 3109.051, 1460
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 1461
this section granting parenting time rights to the respondent, 1462
the court may require the public children services agency of the 1463
county in which the court is located to provide supervision of 1464
the respondent's exercise of parenting time or visitation or 1465
companionship rights with respect to the child for a period not 1466
to exceed nine months, if the court makes the following findings 1467
of fact: 1468

(i) The child is in danger from the respondent; 1469

(ii) No other person or agency is available to provide the 1470
supervision. 1471

(b) A court that requires an agency to provide supervision 1472
pursuant to division (E) (6) (a) of this section shall order the 1473
respondent to reimburse the agency for the cost of providing the 1474
supervision, if it determines that the respondent has sufficient 1475
income or resources to pay that cost. 1476

(7) (a) If a protection order issued or consent agreement 1477
approved under this section includes a requirement that the 1478
respondent be evicted from or vacate the residence or household 1479

or refrain from entering the residence, school, business, or 1480
place of employment of the petitioner or, with respect to a 1481
petition involving family or household members, a family or 1482
household member, the order or agreement shall state clearly 1483
that the order or agreement cannot be waived or nullified by an 1484
invitation to the respondent from the petitioner or other family 1485
or household member to enter the residence, school, business, or 1486
place of employment or by the respondent's entry into one of 1487
those places otherwise upon the consent of the petitioner or 1488
other family or household member. 1489

(b) Division (E) (7) (a) of this section does not limit any 1490
discretion of a court to determine that a respondent charged 1491
with a violation of section 2919.27 of the Revised Code, with a 1492
violation of a municipal ordinance substantially equivalent to 1493
that section, or with contempt of court, which charge is based 1494
on an alleged violation of a protection order issued or consent 1495
agreement approved under this section, did not commit the 1496
violation or was not in contempt of court. 1497

(8) (a) The court may modify or terminate as provided in 1498
division (E) (8) of this section a protection order or consent 1499
agreement that was issued after a full hearing under this 1500
section. The court that issued the protection order or approved 1501
the consent agreement shall hear a motion for modification or 1502
termination of the protection order or consent agreement 1503
pursuant to division (E) (8) of this section. 1504

(b) Either the petitioner or the respondent of the 1505
original protection order or consent agreement may bring a 1506
motion for modification or termination of a protection order or 1507
consent agreement that was issued or approved after a full 1508
hearing. The court shall require notice of the motion to be made 1509

as provided by the Rules of Civil Procedure. If the petitioner 1510
for the original protection order or consent agreement has 1511
requested that the petitioner's address be kept confidential, 1512
the court shall not disclose the address to the respondent of 1513
the original protection order or consent agreement or any other 1514
person, except as otherwise required by law. The moving party 1515
has the burden of proof to show, by a preponderance of the 1516
evidence, that modification or termination of the protection 1517
order or consent agreement is appropriate because either the 1518
protection order or consent agreement is no longer needed or 1519
because the terms of the original protection order or consent 1520
agreement are no longer appropriate. 1521

(c) In considering whether to modify or terminate a 1522
protection order or consent agreement issued or approved under 1523
this section, the court shall consider all relevant factors, 1524
including, but not limited to, the following: 1525

(i) Whether the petitioner consents to modification or 1526
termination of the protection order or consent agreement; 1527

(ii) Whether the petitioner fears the respondent; 1528

(iii) The current nature of the relationship between the 1529
petitioner and the respondent; 1530

(iv) The circumstances of the petitioner and respondent, 1531
including the relative proximity of the petitioner's and 1532
respondent's workplaces and residences and whether the 1533
petitioner and respondent have minor children together; 1534

(v) Whether the respondent has complied with the terms and 1535
conditions of the original protection order or consent 1536
agreement; 1537

(vi) Whether the respondent has a continuing involvement 1538

with illegal drugs or alcohol; 1539

(vii) Whether the respondent has been convicted of, 1540
pleaded guilty to, or been adjudicated a delinquent child for an 1541
offense of violence since the issuance of the protection order 1542
or approval of the consent agreement; 1543

(viii) Whether any other protection orders, consent 1544
agreements, restraining orders, or no contact orders have been 1545
issued against the respondent pursuant to this section, section 1546
2919.26 of the Revised Code, any other provision of state law, 1547
or the law of any other state; 1548

(ix) Whether the respondent has participated in any 1549
domestic violence treatment, intervention program, or other 1550
counseling addressing domestic violence and whether the 1551
respondent has completed the treatment, program, or counseling; 1552

(x) The time that has elapsed since the protection order 1553
was issued or since the consent agreement was approved; 1554

(xi) The age and health of the respondent; 1555

(xii) When the last incident of abuse, threat of harm, or 1556
commission of a sexually oriented offense occurred or other 1557
relevant information concerning the safety and protection of the 1558
petitioner or other protected parties. 1559

(d) If a protection order or consent agreement is modified 1560
or terminated as provided in division (E) (8) of this section, 1561
the court shall issue copies of the modified or terminated order 1562
or agreement as provided in division (F) of this section. A 1563
petitioner may also provide notice of the modification or 1564
termination to the judicial and law enforcement officials in any 1565
county other than the county in which the order or agreement is 1566
modified or terminated as provided in division (N) of this 1567

section. 1568

(e) If the respondent moves for modification or 1569
termination of a protection order or consent agreement pursuant 1570
to this section and the court denies the motion, the court may 1571
assess costs against the respondent for the filing of the 1572
motion. 1573

(9) Any protection order issued or any consent agreement 1574
approved pursuant to this section shall include a provision that 1575
the court will automatically seal all of the records of the 1576
proceeding in which the order is issued or agreement approved on 1577
the date the respondent attains the age of nineteen years unless 1578
the petitioner provides the court with evidence that the 1579
respondent has not complied with all of the terms of the 1580
protection order or consent agreement. The protection order or 1581
consent agreement shall specify the date when the respondent 1582
attains the age of nineteen years. 1583

(F) (1) A copy of any protection order, or consent 1584
agreement, that is issued, approved, modified, or terminated 1585
under this section shall be issued by the court to the 1586
petitioner, to the respondent, and to all law enforcement 1587
agencies that have jurisdiction to enforce the order or 1588
agreement and shall be entered into the weapons disability data 1589
portal created in section 5502.80 of the Revised Code within one 1590
business day after it is issued. The court shall direct that a 1591
copy of an order be delivered to the respondent on the same day 1592
that the order is entered. 1593

(2) Upon the issuance of a protection order or the 1594
approval of a consent agreement under this section, the court 1595
shall provide the parties to the order or agreement with the 1596
following notice orally or by form: 1597

"NOTICE

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

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

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

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(G)(1) Any proceeding under this section shall be
conducted in accordance with the Rules of Civil Procedure,
except that an order under this section may be obtained with or
without bond. An order issued under this section, other than an
ex parte order, that grants a protection order or approves a
consent agreement, that refuses to grant a protection order or
approve a consent agreement that modifies or terminates a

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protection order or consent agreement, or that refuses to modify 1628
or terminate a protection order or consent agreement, is a 1629
final, appealable order. The remedies and procedures provided in 1630
this section are in addition to, and not in lieu of, any other 1631
available civil or criminal remedies. 1632

(2) If as provided in division (G)(1) of this section an 1633
order issued under this section, other than an ex parte order, 1634
refuses to grant a protection order, the court, on its own 1635
motion, shall order that the ex parte order issued under this 1636
section and all of the records pertaining to that ex parte order 1637
be sealed after either of the following occurs: 1638

(a) No party has exercised the right to appeal pursuant to 1639
Rule 4 of the Rules of Appellate Procedure. 1640

(b) All appellate rights have been exhausted. 1641

(H) The filing of proceedings under this section does not 1642
excuse a person from filing any report or giving any notice 1643
required by section 2151.421 of the Revised Code or by any other 1644
law. When a petition under this section alleges domestic 1645
violence against minor children, the court shall report the 1646
fact, or cause reports to be made, to a county, township, or 1647
municipal peace officer under section 2151.421 of the Revised 1648
Code. 1649

(I) Any law enforcement agency that investigates a 1650
domestic dispute shall provide information to the family or 1651
household members involved, or the persons in the dating 1652
relationship who are involved, whichever is applicable regarding 1653
the relief available under this section and, for family or 1654
household members, section 2919.26 of the Revised Code. 1655

(J)(1) Subject to divisions (E)(8)(e) and (J)(2) of this 1656

section and regardless of whether a protection order is issued 1657
or a consent agreement is approved by a court of another county 1658
or a court of another state, no court or unit of state or local 1659
government shall charge the petitioner any fee, cost, deposit, 1660
or money in connection with the filing of a petition pursuant to 1661
this section or in connection with the filing, issuance, 1662
registration, modification, enforcement, dismissal, withdrawal, 1663
or service of a protection order, consent agreement, or witness 1664
subpoena or for obtaining a certified copy of a protection order 1665
or consent agreement. 1666

(2) Regardless of whether a protection order is issued or 1667
a consent agreement is approved pursuant to this section, the 1668
court may assess costs against the respondent in connection with 1669
the filing, issuance, registration, modification, enforcement, 1670
dismissal, withdrawal, or service of a protection order, consent 1671
agreement, or witness subpoena or for obtaining a certified copy 1672
of a protection order or consent agreement. 1673

(K) (1) The court shall comply with Chapters 3119., 3121., 1674
3123., and 3125. of the Revised Code when it makes or modifies 1675
an order for child support under this section. 1676

(2) If any person required to pay child support under an 1677
order made under this section on or after April 15, 1985, or 1678
modified under this section on or after December 31, 1986, is 1679
found in contempt of court for failure to make support payments 1680
under the order, the court that makes the finding, in addition 1681
to any other penalty or remedy imposed, shall assess all court 1682
costs arising out of the contempt proceeding against the person 1683
and require the person to pay any reasonable attorney's fees of 1684
any adverse party, as determined by the court, that arose in 1685
relation to the act of contempt. 1686

(L) (1) A person who violates a protection order issued or 1687
a consent agreement approved under this section is subject to 1688
the following sanctions: 1689

(a) Criminal prosecution or a delinquent child proceeding 1690
for a violation of section 2919.27 of the Revised Code, if the 1691
violation of the protection order or consent agreement 1692
constitutes a violation of that section; 1693

(b) Punishment for contempt of court. 1694

(2) The punishment of a person for contempt of court for 1695
violation of a protection order issued or a consent agreement 1696
approved under this section does not bar criminal prosecution of 1697
the person or a delinquent child proceeding concerning the 1698
person for a violation of section 2919.27 of the Revised Code. 1699
However, a person punished for contempt of court is entitled to 1700
credit for the punishment imposed upon conviction of or 1701
adjudication as a delinquent child for a violation of that 1702
section, and a person convicted of or adjudicated a delinquent 1703
child for a violation of that section shall not subsequently be 1704
punished for contempt of court arising out of the same activity. 1705

(M) In all stages of a proceeding under this section, a 1706
petitioner may be accompanied by a victim advocate. 1707

(N) (1) A petitioner who obtains a protection order or 1708
consent agreement under this section or a temporary protection 1709
order under section 2919.26 of the Revised Code may provide 1710
notice of the issuance or approval of the order or agreement to 1711
the judicial and law enforcement officials in any county other 1712
than the county in which the order is issued or the agreement is 1713
approved by registering that order or agreement in the other 1714
county pursuant to division (N) (2) of this section and filing a 1715

copy of the registered order or registered agreement with a law 1716
enforcement agency in the other county in accordance with that 1717
division. A person who obtains a protection order issued by a 1718
court of another state may provide notice of the issuance of the 1719
order to the judicial and law enforcement officials in any 1720
county of this state by registering the order in that county 1721
pursuant to section 2919.272 of the Revised Code and filing a 1722
copy of the registered order with a law enforcement agency in 1723
that county. 1724

(2) A petitioner may register a temporary protection 1725
order, protection order, or consent agreement in a county other 1726
than the county in which the court that issued the order or 1727
approved the agreement is located in the following manner: 1728

(a) The petitioner shall obtain a certified copy of the 1729
order or agreement from the clerk of the court that issued the 1730
order or approved the agreement and present that certified copy 1731
to the clerk of the court of common pleas or the clerk of a 1732
municipal court or county court in the county in which the order 1733
or agreement is to be registered. 1734

(b) Upon accepting the certified copy of the order or 1735
agreement for registration, the clerk of the court of common 1736
pleas, municipal court, or county court shall place an 1737
endorsement of registration on the order or agreement and give 1738
the petitioner a copy of the order or agreement that bears that 1739
proof of registration. 1740

(3) The clerk of each court of common pleas, the clerk of 1741
each municipal court, and the clerk of each county court shall 1742
maintain a registry of certified copies of temporary protection 1743
orders, protection orders, or consent agreements that have been 1744
issued or approved by courts in other counties and that have 1745

been registered with the clerk. 1746

(O) Nothing in this section prohibits the domestic 1747
relations division of a court of common pleas in counties that 1748
have a domestic relations division or a court of common pleas in 1749
counties that do not have a domestic relations division from 1750
designating a minor child as a protected party on a protection 1751
order or consent agreement. 1752

Sec. 5122.01. As used in this chapter and Chapter 5119. of 1753
the Revised Code: 1754

(A) "Mental illness" means a substantial disorder of 1755
thought, mood, perception, orientation, or memory that grossly 1756
impairs judgment, behavior, capacity to recognize reality, or 1757
ability to meet the ordinary demands of life. "Mental illness" 1758
includes a moderate or severe substance use disorder as 1759
determined according to the symptoms specified in the fifth 1760
edition of the diagnostic and statistical manual of mental 1761
disorders published by the American psychiatric association. 1762

(B) "Mentally ill person subject to court order" means a 1763
~~mentally ill person~~ with a mental illness who, because of the 1764
person's illness: 1765

(1) Represents a substantial risk of physical harm to self 1766
as manifested by evidence of threats of, or attempts at, suicide 1767
or serious self-inflicted bodily harm; 1768

(2) Represents a substantial risk of physical harm to 1769
others as manifested by evidence of recent homicidal or other 1770
violent behavior, evidence of recent threats that place another 1771
in reasonable fear of violent behavior and serious physical 1772
harm, or other evidence of present dangerousness; 1773

(3) Represents a substantial and immediate risk of serious 1774

physical impairment or injury to self as manifested by evidence 1775
that the person is unable to provide for and is not providing 1776
for the person's basic physical needs because of the person's 1777
mental illness and that appropriate provision for those needs 1778
cannot be made immediately available in the community; 1779

(4) Would benefit from treatment for the person's mental 1780
illness and is in need of such treatment as manifested by 1781
evidence of behavior that creates a grave and imminent risk to 1782
substantial rights of others or the person; 1783

(5) (a) Would benefit from treatment as manifested by 1784
evidence of behavior that indicates all of the following: 1785

(i) The person is unlikely to survive safely in the 1786
community without supervision, based on a clinical 1787
determination. 1788

(ii) The person has a history of lack of compliance with 1789
treatment for mental illness and one of the following applies: 1790

(I) At least twice within the thirty-six months prior to 1791
the filing of an affidavit seeking court-ordered treatment of 1792
the person under section 5122.111 of the Revised Code, the lack 1793
of compliance has been a significant factor in necessitating 1794
hospitalization in a hospital or receipt of services in a 1795
forensic or other mental health unit of a correctional facility, 1796
provided that the thirty-six-month period shall be extended by 1797
the length of any hospitalization or incarceration of the person 1798
that occurred within the thirty-six-month period. 1799

(II) Within the forty-eight months prior to the filing of 1800
an affidavit seeking court-ordered treatment of the person under 1801
section 5122.111 of the Revised Code, the lack of compliance 1802
resulted in one or more acts of serious violent behavior toward 1803

self or others or threats of, or attempts at, serious physical 1804
harm to self or others, provided that the forty-eight-month 1805
period shall be extended by the length of any hospitalization or 1806
incarceration of the person that occurred within the forty- 1807
eight-month period. 1808

(iii) The person, as a result of the person's mental 1809
illness, is unlikely to voluntarily participate in necessary 1810
treatment. 1811

(iv) In view of the person's treatment history and current 1812
behavior, the person is in need of treatment in order to prevent 1813
a relapse or deterioration that would be likely to result in 1814
substantial risk of serious harm to the person or others. 1815

(b) An individual who meets only the criteria described in 1816
division (B) (5) (a) of this section is not subject to 1817
hospitalization. 1818

(C) (1) "Patient" means, subject to division (C) (2) of this 1819
section, a person who is admitted either voluntarily or 1820
involuntarily to a hospital or other place under section 1821
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 1822
subsequent to a finding of not guilty by reason of insanity or 1823
incompetence to stand trial or under this chapter, who is under 1824
observation or receiving treatment in such place. 1825

(2) "Patient" does not include a person admitted to a 1826
hospital or other place under section 2945.39, 2945.40, 1827
2945.401, or 2945.402 of the Revised Code to the extent that the 1828
reference in this chapter to patient, or the context in which 1829
the reference occurs, is in conflict with any provision of 1830
sections 2945.37 to 2945.402 of the Revised Code. 1831

(D) "Licensed physician" means a person licensed under the 1832

laws of this state to practice medicine or a medical officer of 1833
the government of the United States while in this state in the 1834
performance of the person's official duties. 1835

(E) "Psychiatrist" means a licensed physician who has 1836
satisfactorily completed a residency training program in 1837
psychiatry, as approved by the residency review committee of the 1838
American medical association, the committee on post-graduate 1839
education of the American osteopathic association, or the 1840
American osteopathic board of neurology and psychiatry, or who 1841
on July 1, 1989, has been recognized as a psychiatrist by the 1842
Ohio state medical association or the Ohio osteopathic 1843
association on the basis of formal training and five or more 1844
years of medical practice limited to psychiatry. 1845

(F) "Hospital" means a hospital or inpatient unit licensed 1846
by the department of mental health and addiction services under 1847
section 5119.33 of the Revised Code, and any institution, 1848
hospital, or other place established, controlled, or supervised 1849
by the department under Chapter 5119. of the Revised Code. 1850

(G) "Public hospital" means a facility that is tax- 1851
supported and under the jurisdiction of the department of mental 1852
health and addiction services. 1853

(H) "Community mental health services provider" means an 1854
agency, association, corporation, individual, or program that 1855
provides community mental health services that are certified by 1856
the director of mental health and addiction services under 1857
section 5119.36 of the Revised Code. 1858

(I) "Licensed clinical psychologist" means a person who 1859
holds a current, valid psychologist license issued under section 1860
4732.12 of the Revised Code, and in addition, meets the 1861

educational requirements set forth in division (B) of section 1862
4732.10 of the Revised Code and has a minimum of two years' 1863
full-time professional experience, or the equivalent as 1864
determined by rule of the state board of psychology, at least 1865
one year of which shall be a predoctoral internship, in clinical 1866
psychological work in a public or private hospital or clinic or 1867
in private practice, diagnosing and treating problems of mental 1868
illness or intellectual disability under the supervision of a 1869
psychologist who is licensed or who holds a diploma issued by 1870
the American board of professional psychology, or whose 1871
qualifications are substantially similar to those required for 1872
licensure by the state board of psychology when the supervision 1873
has occurred prior to enactment of laws governing the practice 1874
of psychology. 1875

(J) "Health officer" means any public health physician; 1876
public health nurse; or other person authorized or designated by 1877
a city or general health district or a board of alcohol, drug 1878
addiction, and mental health services to perform the duties of a 1879
health officer under this chapter. 1880

(K) "Chief clinical officer" means the medical director of 1881
a hospital, community mental health services provider, or board 1882
of alcohol, drug addiction, and mental health services, or, if 1883
there is no medical director, the licensed physician responsible 1884
for the treatment provided by a hospital or community mental 1885
health services provider. The chief clinical officer may 1886
delegate to the attending physician responsible for a patient's 1887
care the duties imposed on the chief clinical officer by this 1888
chapter. In the case of a community mental health services 1889
provider, the chief clinical officer shall be designated by the 1890
governing body of the services provider and shall be a licensed 1891
physician or licensed clinical psychologist who supervises 1892

diagnostic and treatment services. A licensed physician or 1893
licensed clinical psychologist designated by the chief clinical 1894
officer may perform the duties and accept the responsibilities 1895
of the chief clinical officer in the chief clinical officer's 1896
absence. 1897

(L) "Working day" or "court day" means Monday, Tuesday, 1898
Wednesday, Thursday, and Friday, except when such day is a 1899
holiday. 1900

(M) "Indigent" means unable without deprivation of 1901
satisfaction of basic needs to provide for the payment of an 1902
attorney and other necessary expenses of legal representation, 1903
including expert testimony. 1904

(N) "Respondent" means the person whose detention, 1905
commitment, hospitalization, continued hospitalization or 1906
commitment, or discharge is being sought in any proceeding under 1907
this chapter. 1908

(O) "Ohio protection and advocacy system" has the same 1909
meaning as in section 5123.60 of the Revised Code. 1910

(P) "Independent expert evaluation" means an evaluation 1911
conducted by a licensed clinical psychologist, psychiatrist, or 1912
licensed physician who has been selected by the respondent or 1913
the respondent's counsel and who consents to conducting the 1914
evaluation. 1915

(Q) "Court" means the probate division of the court of 1916
common pleas. 1917

(R) "Expunge" means: 1918

(1) The removal and destruction of court files and 1919
records, originals and copies, and the deletion of all index 1920

references; 1921

(2) The reporting to the person of the nature and extent 1922
of any information about the person transmitted to any other 1923
person by the court; 1924

(3) Otherwise insuring that any examination of court files 1925
and records in question shall show no record whatever with 1926
respect to the person; 1927

(4) That all rights and privileges are restored, and that 1928
the person, the court, and any other person may properly reply 1929
that no such record exists, as to any matter expunged. 1930

(S) "Residence" means a person's physical presence in a 1931
county with intent to remain there, except that: 1932

(1) If a person is receiving a mental health service at a 1933
facility that includes nighttime sleeping accommodations, 1934
residence means that county in which the person maintained the 1935
person's primary place of residence at the time the person 1936
entered the facility; 1937

(2) If a person is committed pursuant to section 2945.38, 1938
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 1939
residence means the county where the criminal charges were 1940
filed. 1941

When the residence of a person is disputed, the matter of 1942
residence shall be referred to the department of mental health 1943
and addiction services for investigation and determination. 1944
Residence shall not be a basis for a board of alcohol, drug 1945
addiction, and mental health services to deny services to any 1946
person present in the board's service district, and the board 1947
shall provide services for a person whose residence is in 1948
dispute while residence is being determined and for a person in 1949

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| an emergency situation. | 1950 |
| (T) "Admission" to a hospital or other place means that a patient is accepted for and stays at least one night at the hospital or other place. | 1951 1952 1953 |
| (U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty. | 1954 1955 1956 1957 1958 1959 1960 |
| (V) (1) "Treatment plan" means a written statement of reasonable objectives and goals for an individual established by the treatment team, with specific criteria to evaluate progress towards achieving those objectives. | 1961 1962 1963 1964 |
| (2) The active participation of the patient in establishing the objectives and goals shall be documented. The treatment plan shall be based on patient needs and include services to be provided to the patient while the patient is hospitalized, after the patient is discharged, or in an outpatient setting. The treatment plan shall address services to be provided. In the establishment of the treatment plan, consideration should be given to the availability of services, which may include but are not limited to all of the following: | 1965 1966 1967 1968 1969 1970 1971 1972 1973 |
| (a) Community psychiatric supportive treatment; | 1974 |
| (b) Assertive community treatment; | 1975 |
| (c) Medications; | 1976 |
| (d) Individual or group therapy; | 1977 |

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| (e) Peer support services; | 1978 |
| (f) Financial services; | 1979 |
| (g) Housing or supervised living services; | 1980 |
| (h) Alcohol or substance abuse treatment; | 1981 |
| (i) Any other services prescribed to treat the patient's mental illness and to either assist the patient in living and functioning in the community or to help prevent a relapse or a deterioration of the patient's current condition. | 1982 1983 1984 1985 |
| (3) If the person subject to the treatment plan has executed an advance directive for mental health treatment, the treatment team shall consider any directions included in such advance directive in developing the treatment plan. | 1986 1987 1988 1989 |
| (W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. | 1990 1991 |
| (X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. | 1992 1993 |
| (Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code. | 1994 1995 |
| (Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code. | 1996 1997 1998 |
| <u>Sec. 5502.80. (A) The director of public safety shall establish and maintain the weapons disability data portal, an electronic portal that utilizes the platform established by the office of innovateohio within the office of the governor to allow for the collection and distribution of data relevant to state and federal firearms disability status.</u> | 1999 2000 2001 2002 2003 2004 |

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| <u>(B) The director of public safety shall ensure that all of</u> | 2005 |
| <u>the following records may be entered into the weapons disability</u> | 2006 |
| <u>data portal to provide up-to-date information on weapons</u> | 2007 |
| <u>disability:</u> | 2008 |
| <u>(1) (a) A record of each time a person is indicted for, is</u> | 2009 |
| <u>charged with, or is convicted of or pleads guilty to one of the</u> | 2010 |
| <u>following:</u> | 2011 |
| <u>(i) A felony offense of violence;</u> | 2012 |
| <u>(ii) A felony offense involving the illegal possession,</u> | 2013 |
| <u>use, sale, administration, distribution, or trafficking in any</u> | 2014 |
| <u>drug of abuse;</u> | 2015 |
| <u>(iii) An offense that is punishable by imprisonment for a</u> | 2016 |
| <u>term exceeding one year;</u> | 2017 |
| <u>(iv) A violation of section 2919.25 of the Revised Code.</u> | 2018 |
| <u>(b) A record of each time an indictment or charge is</u> | 2019 |
| <u>dismissed or a conviction or plea of guilty is overturned on</u> | 2020 |
| <u>appeal or vacated for any of the offenses described in division</u> | 2021 |
| <u>(B) (1) (a) of this section.</u> | 2022 |
| <u>(2) (a) A record of each time a person has been adjudicated</u> | 2023 |
| <u>a delinquent child for the commission of an offense that, if</u> | 2024 |
| <u>committed by an adult, would have been one of the following:</u> | 2025 |
| <u>(i) A felony offense of violence;</u> | 2026 |
| <u>(ii) A felony offense involving the illegal possession,</u> | 2027 |
| <u>use, sale, administration, distribution, or trafficking in any</u> | 2028 |
| <u>drug of abuse;</u> | 2029 |
| <u>(iii) An offense that is punishable by imprisonment for a</u> | 2030 |
| <u>term exceeding one year;</u> | 2031 |

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| <u>(iv) A violation of section 2919.25 of the Revised Code or</u> | 2032 |
| <u>any prohibition under Chapter 2907. of the Revised Code.</u> | 2033 |
| <u>(b) A record of each time an adjudication of a delinquent</u> | 2034 |
| <u>child for the commission of an offense that, if committed by an</u> | 2035 |
| <u>adult, would have been one of the offenses described in division</u> | 2036 |
| <u>(B) (2) (a) of this section is overturned on appeal or vacated.</u> | 2037 |
| <u>(3) (a) A record of each time a person is adjudged by a</u> | 2038 |
| <u>probate court to be mentally incompetent;</u> | 2039 |
| <u>(b) A record of each time a person who, having been</u> | 2040 |
| <u>formerly adjudged to be incompetent, is found by the probate</u> | 2041 |
| <u>court to be competent.</u> | 2042 |
| <u>(4) A record of each time a person is committed by a court</u> | 2043 |
| <u>to a mental institution.</u> | 2044 |
| <u>(5) A record of each time a person is found to be a</u> | 2045 |
| <u>mentally ill person subject to court order.</u> | 2046 |
| <u>(6) (a) A record of each time a person becomes an</u> | 2047 |
| <u>involuntary patient in a mental institution other than persons</u> | 2048 |
| <u>who are patients only for purposes of observation;</u> | 2049 |
| <u>(b) A record of each time a person who, having become an</u> | 2050 |
| <u>involuntary patient in a mental institution other than persons</u> | 2051 |
| <u>who are patients only for purposes of observation, is released</u> | 2052 |
| <u>from the mental institution.</u> | 2053 |
| <u>(7) (a) A record of each warrant issued for the arrest of a</u> | 2054 |
| <u>person charged with an offense;</u> | 2055 |
| <u>(b) A record of each service of a warrant issued for the</u> | 2056 |
| <u>arrest of a person charged with an offense.</u> | 2057 |
| <u>(8) (a) A record of each time a person demonstrated as</u> | 2058 |

being drug dependent, in danger of drug dependence, or a chronic alcoholic; 2059
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(b) A record of each time a person who demonstrated as being drug dependent, in danger of drug dependence, or a chronic alcoholic demonstrates that the person is not drug dependent, in danger of drug dependence, or a chronic alcoholic. 2061
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(9) (a) A record of each time a protection order is issued, after a full hearing, under section 2903.214 of the Revised Code; 2065
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(b) A record of each time a protection order that was issued, after a full hearing, under section 2903.214 of the Revised Code, is terminated. 2068
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(10) (a) A record of each time a protection order is issued, after a full hearing, under section 2919.26 of the Revised Code; 2071
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(b) A record of each time a protection order that was issued, after a full hearing, under section 2919.26 of the Revised Code, is terminated. 2074
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(11) A record of each time a domestic violence civil protection order or consent agreement is issued, approved, modified, or terminated under section 3113.31 of the Revised Code. 2077
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(12) (a) A record of each time the director of public safety receives any other credible information that indicates a person may be under weapons disability in accordance with state or federal law; 2081
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(b) A record of each time the director of public safety receives any other credible information that indicates a person 2085
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who may have been under weapons disability in accordance with 2087
state or federal law is no longer under weapons disability in 2088
accordance with state or federal law. 2089

(C)(1)(a) A court that charges a person with, indicts a 2090
person for, convicts a person of, or accepts a plea of guilty to 2091
an offense specified in division (B)(1)(a) of this section, that 2092
adjudicates a person a delinquent child for the commission of an 2093
offense specified in division (B)(2)(a) of this section, that 2094
issues a warrant for the arrest of a person, or that commits a 2095
person to a mental institution, shall enter into the weapons 2096
disability data portal, within one business day after the 2097
charge, indictment, conviction, plea, adjudication, issuance, or 2098
commitment a record of that charge, indictment, conviction, 2099
plea, adjudication, issuance, or commitment. 2100

(b) A court that is described in division (C)(1)(a) of 2101
this section that dismisses an indictment or charge or receives 2102
notice that a conviction, plea of guilty, or adjudication as a 2103
delinquent child for a violation of an offense described in 2104
division (B)(1)(a) or (B)(2)(a) of this section has been 2105
overturned on appeal or vacated, or receives notice that a 2106
warrant has been served shall enter into the weapons disability 2107
data portal, within one business day after the indictment or 2108
charge is dismissed, the notice of the conviction, plea of 2109
guilty, or adjudication is overturned on appeal or vacated, or 2110
the notice that the warrant was served, a record of that 2111
dismissal or notice. 2112

(2) A probate court that adjudges a person to be mentally 2113
incompetent, finds a person competent after having formerly 2114
adjudged the person to be incompetent, or finds the person to be 2115
a mentally ill person subject to court order, shall enter into 2116

the weapons disability data portal, within one business day 2117
after the adjudication, finding, or order, a copy of the 2118
adjudication, finding, or order. 2119

(3) A state agency or any other entity that receives a 2120
person as an involuntary patient in a mental institution, other 2121
than as an involuntary patient for observation only, or releases 2122
that involuntary patient from the mental institution shall enter 2123
a record of that intake or release into the weapons disability 2124
data portal within one business day after that intake or 2125
release. 2126

(D) Any entity described in division (C) of this section 2127
and any other person or entity that is required to enter records 2128
or information described in division (B) of this section into 2129
the weapons disability data portal within one business day after 2130
receiving that record or information shall be assessed a civil 2131
penalty of five hundred dollars for each time the person or 2132
entity fails to input a record or information into the weapons 2133
disability data portal. 2134

(E) The director of public safety shall adopt rules under 2135
Chapter 119. of the Revised Code establishing guidelines for the 2136
operation of the weapons disability data portal including rules 2137
for transmitting records entered into the portal to existing 2138
databases or to the law enforcement automated data system and 2139
rules for determining whether a court, law enforcement agency, 2140
or state agency has complied with the data portal reporting 2141
requirements in this section. 2142

(F) As used in this section, "offense that is punishable 2143
by imprisonment for a term exceeding one year" does not include 2144
any of the following: 2145

(1) A violation of the laws of this state pertaining to antitrust laws, unfair trade practices, restraints of trade, or similar violations relating to the regulation of business trade practices; 2146
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(2) Any misdemeanor punishable by a term of imprisonment of two years or less; 2150
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(3) Any conviction that has been expunged or set aside or for which the person has been pardoned or has had civil rights restored, unless the pardon, expungement, or restoration of civil rights specifies that the person may not acquire, have, carry, or use any firearm or dangerous ordnance. 2152
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Sec. 5502.81. (A) The director of public safety shall appoint a number of regional information officers to monitor and facilitate the submission of information to the weapons disability data portal created in section 5502.80 of the Revised Code. 2157
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(B) A regional information officer appointed under this section shall do both of the following in the region designated for the officer by the director of public safety: 2162
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(1) Monitor the submission of records required to be submitted to the weapons disability data portal from law enforcement agencies, courts, and state agencies; 2165
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(2) Assist law enforcement agencies, courts, and other state agencies in accessing the weapons disability data portal and submitting required records to the portal. 2168
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(C) The director of public safety shall provide to the auditor of state any information the auditor of state determines is necessary to perform a quarterly compliance audit of the weapons disability data portal under section 5502.82 of the 2171
2172
2173
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Revised Code and the degree to which law enforcement agencies, 2175
courts, and state agencies have complied with the requirements 2176
of sections 5502.80 and 5502.81 of the Revised Code. 2177

Sec. 5502.82. (A) The auditor of state shall conduct a 2178
quarterly audit of the weapons disability data portal created in 2179
section 5502.80 of the Revised Code to determine compliance with 2180
the requirements of sections 5502.80 and 5502.81 of the Revised 2181
Code. 2182

(B) The auditor of state shall adopt rules under Chapter 2183
119. of the Revised Code for the operation of quarterly audits 2184
required by this section, including rules defining compliance by 2185
a law enforcement agency, court, or state agency with the 2186
requirements of sections 5502.80 and 5502.81 of the Revised Code 2187
and rules for determining when one of those entities is 2188
habitually out of compliance with those sections. 2189

(C) The auditor of state shall publish a quarterly list of 2190
law enforcement agencies, courts, and state agencies that the 2191
auditor of state has found to be out of compliance with the 2192
requirements of sections 5502.80 and 5502.81 of the Revised 2193
Code. 2194

(D) (1) A law enforcement agency, court, or state agency 2195
that the auditor of state determines is habitually out of 2196
compliance with the requirements of sections 5502.80 and 5502.81 2197
of the Revised Code is ineligible to apply for grants 2198
administered by the department of public safety and shall be 2199
assessed a civil penalty of one thousand dollars for each time 2200
the law enforcement agency, court, or state agency fails to 2201
input a record or information into the weapons disability data 2202
portal as required under division (C) of section 5502.80 of the 2203
Revised Code. The law enforcement agency, court, or state agency 2204

shall remain ineligible to apply for grants administered by the 2205
department of public safety and shall be assessed the civil 2206
penalty of one thousand dollars until the law enforcement 2207
agency, court, or state agency is determined by the auditor of 2208
state to be in compliance with the requirements of those 2209
sections. 2210

(2) A private mental hospital that the auditor of state 2211
determines is habitually out of compliance with the requirements 2212
of sections 5502.80 and 5502.81 of the Revised Code is 2213
prohibited from receiving persons admitted to the hospital 2214
pursuant to section 5122.10 or 5122.11 of the Revised Code and 2215
shall be assessed a civil penalty of one thousand dollars for 2216
each time the private mental hospital fails to input a record or 2217
information into the weapons disability data portal as required 2218
under division (C) of section 5502.80 of the Revised Code. The 2219
private mental hospital shall remain prohibited from receiving 2220
persons admitted to the hospital pursuant to section 5122.10 or 2221
5122.11 of the Revised Code and shall be assessed that civil 2222
penalty until the private mental hospital is determined by the 2223
auditor of state to be in compliance with the requirements of 2224
those sections. 2225

(3) A clerk of a court or other court personnel 2226
responsible for entering records into the weapons disability 2227
data portal that the auditor of state determines is habitually 2228
out of compliance with the requirements of sections 5502.80 and 2229
5502.81 of the Revised Code shall be assessed a civil penalty of 2230
one thousand dollars for each time the clerk or other court 2231
personnel fails to input a record or information into the 2232
weapons disability data portal as required under division (C) of 2233
section 5502.80 of the Revised Code. That civil penalty shall be 2234
assessed until the clerk of court or other court personnel is 2235

determined by the auditor of state to be in compliance with the 2236
requirements of those sections. 2237

(E) As used in this section: 2238

(1) "Habitually out of compliance" means when ten per cent 2239
or more of the entity's data submissions exceed the one business 2240
day input requirement for records or information required to be 2241
entered into the weapons disability data portal. 2242

(2) "Private mental hospital" means a hospital or 2243
inpatient unit licensed by the department of mental health and 2244
addiction services under section 5119.33 of the Revised Code 2245
that is not owned, leased, or controlled by this state or any 2246
agency, institution, instrumentality, or political subdivision 2247
of this state. 2248

Section 2. That existing sections 2151.358, 2903.214, 2249
2919.26, 2923.13, 2923.14, 2929.44, 2945.402, 3113.31, and 2250
5122.01 of the Revised Code are hereby repealed. 2251

Section 3. All items in this section are hereby 2252
appropriated as designated out of any moneys in the state 2253
treasury to the credit of the designated fund. For all 2254
appropriations made in this act, those in the first column are 2255
for fiscal year 2020 and those in the second column are for 2256
fiscal year 2021. The appropriations made in this act are in 2257
addition to any other appropriations made for the FY 2020-FY 2258
2021 biennium. 2259

2260

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|---|---|--------|--------------------------------|--------------------|
| A | DAS DEPARTMENT OF ADMINISTRATIVE SERVICES | | | |
| B | General Revenue Fund | | | |
| C | GRF | 100462 | Weapons Disability Data Portal | \$ 10,000,000 \$ 0 |
| D | TOTAL General Revenue Fund | | | \$ 10,000,000 \$ 0 |
| E | TOTAL ALL BUDGET FUND GROUPS | | | \$ 10,000,000 \$ 0 |

WEAPONS DISABILITY DATA PORTAL 2261

The foregoing appropriation item 100462, Weapons Disability Data Portal, shall be used by the Department of Administrative Services, in conjunction with the Department of Public Safety and in accordance with section 5502.80 of the Revised Code, to create the Weapons Disability Data Portal. The portal shall use the platform established by the Office of InnovateOhio within the Office of the Governor to allow for the collection and distribution of data relevant to state and federal firearms disability status. 2262-2270

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 100462, Weapons Disability Data Portal, at the end of fiscal year 2020 is hereby reappropriated to fiscal year 2021 for the same purpose. 2271-2274

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A DPS DEPARTMENT OF PUBLIC SAFETY

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|---|------------------------------|--------|-------------|----|-----------|--------------|
| B | General Revenue Fund | | | | | |
| C | GRF | 761409 | Weapons | \$ | 2,400,000 | \$ 2,400,000 |
| | | | Disability | | | |
| | | | Data Portal | | | |
| D | TOTAL General Revenue Fund | | | \$ | 2,400,000 | \$ 2,400,000 |
| E | TOTAL ALL BUDGET FUND GROUPS | | | \$ | 2,400,000 | \$ 2,400,000 |

WEAPONS DISABILITY DATA PORTAL 2276

The foregoing appropriation item 761409, Weapons 2277
 Disability Data Portal, shall be used by the Department of 2278
 Public Safety for personnel and training costs associated with 2279
 the Weapons Disability Data Portal created in section 5502.80 of 2280
 the Revised Code. 2281

Within the limits set forth in this act, the Director of 2282
 Budget and Management shall establish accounts indicating the 2283
 source and amount of funds for each appropriation made in this 2284
 act, and shall determine the form and manner in which 2285
 appropriation accounts shall be maintained. Expenditures from 2286
 appropriations contained in this act shall be accounted for as 2287
 though made in the main operating appropriations act of the 2288
 133rd General Assembly. 2289

The appropriations made in this act are subject to all 2290
 provisions of H.B. 166 of the 133rd General Assembly that are 2291
 generally applicable to such appropriations. 2292

Section 4. Section 2923.13 of the Revised Code is 2293
 presented in this act as a composite of the section as amended 2294
 by both H.B. 234 and S.B. 43 of the 130th General Assembly. The 2295
 General Assembly, applying the principle stated in division (B) 2296

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|--|------|
| of section 1.52 of the Revised Code that amendments are to be | 2297 |
| harmonized if reasonably capable of simultaneous operation, | 2298 |
| finds that the composite is the resulting version of the section | 2299 |
| in effect prior to the effective date of the section as | 2300 |
| presented in this act. | 2301 |