

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 3

Representatives Boyd, Carruthers

**Cosponsors: Representatives Boggs, Brent, Crawley, Cross, Crossman, Galonski,
Hicks-Hudson, Hoops, Howse, Ingram, Kent, Leland, Lepore-Hagan, Lightbody,
Liston, Miranda, O'Brien, Patterson, Robinson, Sobecki, Sweeney, Sykes,
Upchurch, Weinstein, West**

A BILL

To amend sections 109.744, 109.803, 2903.01, 1
2919.22, 2929.022, 2929.04, 2935.032, 3113.31, 2
4510.13, and 4510.31; to amend, for the purpose 3
of adopting a new section number as indicated in 4
parentheses, section 2935.033 (2935.034); and to 5
enact new section 2935.033 and sections 6
2307.602, 2307.603, 2945.483, and 2945.484 of 7
the Revised Code to add domestic violence 8
circumstances to the offenses of aggravated 9
murder and endangering children, to establish 10
local domestic violence high risk teams, and to 11
require law enforcement officers to utilize a 12
qualified lethality assessment screening tool to 13
refer high risk victims to a local team. 14

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

Section 1. That sections 109.744, 109.803, 2903.01, 15
2919.22, 2929.022, 2929.04, 2935.032, 3113.31, 4510.13, and 16
4510.31 be amended; section 2935.033 (2935.034) be amended for 17

the purpose of adopting a new section number as indicated in 18
parentheses; and new section 2935.033 and sections 2307.602, 19
2307.603, 2945.483, and 2945.484 of the Revised Code be enacted 20
to read as follows: 21

Sec. 109.744. The attorney general shall adopt, in 22
accordance with Chapter 119. of the Revised Code or pursuant to 23
section 109.74 of the Revised Code, rules governing the training 24
of peace officers in the handling of the offense of domestic 25
violence, other types of domestic violence-related offenses and 26
incidents, and protection orders and consent agreements issued 27
or approved under section 2919.26 or 3113.31 of the Revised 28
Code. The provisions of the rules shall include, but shall not 29
be limited to, all of the following: 30

(A) A specified amount of training that is necessary for 31
the satisfactory completion of basic training programs at 32
approved peace officer training schools, other than the Ohio 33
peace officer training academy; 34

(B) A requirement that the training include, but not be 35
limited to, training in all of the following: 36

(1) All recent amendments to domestic violence-related 37
laws; 38

(2) Notifying a victim of domestic violence of the 39
victim's rights; 40

(3) Processing protection orders and consent agreements 41
issued or approved under section 2919.26 or 3113.31 of the 42
Revised Code; 43

(4) Using an evidence-based lethality assessment screening 44
tool to determine the level of risk to a victim of domestic 45
violence and to refer high risk victims to a domestic violence 46

high risk team created under section 2935.033 of the Revised 47
Code. 48

(C) A list of validated and evidence-based lethality 49
assessment screening tools that constitute qualified lethality 50
assessment screening tools including all of the following: 51

(1) The domestic violence lethality screen for first 52
responders developed by the Maryland network against domestic 53
violence; 54

(2) The danger assessment for law enforcement tool 55
developed by the Jeanne Geiger crisis center; 56

(3) Any other lethality assessment screening tool endorsed 57
by the United States department of justice and found to meet 58
criteria established by the attorney general. 59

Sec. 109.803. (A) (1) Subject to divisions (A) (2) and (B) 60
of this section, every appointing authority shall require each 61
of its appointed peace officers and troopers to complete up to 62
twenty-four hours of continuing professional training each 63
calendar year, as directed by the Ohio peace officer training 64
commission. The number of hours directed by the commission, up 65
to twenty-four hours, is intended to be a minimum requirement, 66
and appointing authorities are encouraged to exceed the number 67
of hours the commission directs as the minimum. The commission 68
shall set the required minimum number of hours based upon 69
available funding for reimbursement as described in this 70
division. ~~If~~ Except as provided in division (B) (4) of this 71
section, if no funding for the reimbursement is available, no 72
continuing professional training will be required. 73

(2) An appointing authority may submit a written request 74
to the peace officer training commission that requests for a 75

calendar year because of emergency circumstances an extension of 76
the time within which one or more of its appointed peace 77
officers or troopers must complete the required minimum number 78
of hours of continuing professional training set by the 79
commission, as described in division (A)(1) of this section. A 80
request made under this division shall set forth the name of 81
each of the appointing authority's peace officers or troopers 82
for whom an extension is requested, identify the emergency 83
circumstances related to that peace officer or trooper, include 84
documentation of those emergency circumstances, and set forth 85
the date on which the request is submitted to the commission. A 86
request shall be made under this division not later than the 87
fifteenth day of December in the calendar year for which the 88
extension is requested. 89

Upon receipt of a written request made under this 90
division, the executive director of the commission shall review 91
the request and the submitted documentation. If the executive 92
director of the commission is satisfied that emergency 93
circumstances exist for any peace officer or trooper for whom a 94
request was made under this division, the executive director may 95
approve the request for that peace officer or trooper and grant 96
an extension of the time within which that peace officer or 97
trooper must complete the required minimum number of hours of 98
continuing professional training set by the commission. An 99
extension granted under this division may be for any period of 100
time the executive director believes to be appropriate, and the 101
executive director shall specify in the notice granting the 102
extension the date on which the extension ends. Not later than 103
thirty days after the date on which a request is submitted to 104
the commission, for each peace officer and trooper for whom an 105
extension is requested, the executive director either shall 106

approve the request and grant an extension or deny the request 107
and deny an extension and shall send to the appointing authority 108
that submitted the request written notice of the executive 109
director's decision. 110

If the executive director grants an extension of the time 111
within which a particular appointed peace officer or trooper of 112
an appointing authority must complete the required minimum 113
number of hours of continuing professional training set by the 114
commission, the appointing authority shall require that peace 115
officer or trooper to complete the required minimum number of 116
hours of training not later than the date on which the extension 117
ends. 118

(B) With the advice of the Ohio peace officer training 119
commission, the attorney general shall adopt in accordance with 120
Chapter 119. of the Revised Code rules setting forth minimum 121
standards for continuing professional training for peace 122
officers and troopers and governing the administration of 123
continuing professional training programs for peace officers and 124
troopers. The rules adopted by the attorney general under 125
division (B) of this section shall do all of the following: 126

(1) Allow peace officers and troopers to earn credit for 127
up to four hours of continuing professional training for time 128
spent while on duty providing drug use prevention education 129
training that utilizes evidence-based curricula to students in 130
school districts, community schools established under Chapter 131
3314., STEM schools established under Chapter 3326., and 132
college-preparatory boarding schools established under Chapter 133
3328. of the Revised Code. 134

(2) Allow a peace officer or trooper appointed by a law 135
enforcement agency to earn hours of continuing professional 136

training for other peace officers or troopers appointed by the 137
law enforcement agency by providing drug use prevention 138
education training under division (B)(1) of this section so that 139
hours earned by the peace officer or trooper providing the 140
training in excess of four hours may be applied to offset the 141
number of continuing professional training hours required of 142
another peace officer or trooper appointed by that law 143
enforcement agency. 144

(3) Prohibit the use of continuing professional training 145
hours earned under division (B)(1) or (2) of this section from 146
being used to offset any mandatory hands-on training 147
requirement. 148

(4) Require every peace officer and trooper who handles 149
complaints of domestic violence to complete annual professional 150
training on both of the following: 151

(a) Intervention techniques in domestic violence cases and 152
the use of an evidence-based lethality assessment screening tool 153
to determine the level of risk to a victim of domestic violence; 154

(b) The referral of high risk victims to a domestic 155
violence high risk team created under section 2935.033 of the 156
Revised Code. 157

(5) Allow the peace officer training commission to pay for 158
training required under division (B)(4) of this section using 159
federal funds made available to the state or localities pursuant 160
to a program of the United States department of justice or using 161
funds appropriated by the general assembly or allocated for that 162
purpose by the attorney general. 163

(C) The attorney general shall transmit a certified copy 164
of any rule adopted under this section to the secretary of 165

state. 166

Sec. 2307.602. All of the following apply to a civil 167
action to recover damages based on an injury to person or 168
property based on a criminal act of domestic violence: 169

(A) Evidence of a statement by a declarant is not made 170
inadmissible by the hearsay rule if all of the following 171
conditions are met: 172

(1) The statement purports to narrate, describe, or 173
explain the infliction or threat of physical injury upon the 174
declarant. 175

(2) The declarant is unavailable as a witness under 176
Evidence Rule 804. 177

(3) The statement was made at or near the time of the 178
infliction or threat of physical injury. Evidence of statements 179
made more than five years before the filing of the current 180
action or proceeding shall be inadmissible. 181

(4) The statement was made under circumstances that would 182
indicate its trustworthiness. 183

(5) The statement was made in writing, was electronically 184
recorded, or was made to a physician, nurse, paramedic, or law 185
enforcement officer. 186

(B) Evidence of a statement made by a declarant is not 187
made inadmissible by the hearsay rule if the declarant is 188
unavailable as a witness, under Evidence Rule 804, and all of 189
the following are true: 190

(1) The party offering the statement has made a showing of 191
particularized guarantees of trustworthiness regarding the 192
statement, the statement was made under circumstances which 193

indicate its trustworthiness, and the statement was not the 194
result of promise, inducement, threat, or coercion. In making 195
its determination, the court may consider only the circumstances 196
that surround the making of the statement and that render the 197
declarant particularly worthy of belief. 198

(2) There is no evidence that the unavailability of the 199
declarant was caused by, aided by, solicited by, or procured on 200
behalf of, the party who is offering the statement. 201

(3) The entire statement has been memorialized in a 202
videotape recording made by a law enforcement official, prior to 203
the death or disabling of the declarant. 204

(4) The statement was made by the victim of the alleged 205
domestic violence. 206

(5) The statement is supported by corroborative evidence. 207

(6) The victim of the alleged domestic violence is an 208
individual who meets both of the following requirements: 209

(a) Was sixty-five years of age or older or was a 210
dependent adult when the alleged domestic violence or attempted 211
domestic violence occurred; 212

(b) At the time of any proceeding in a civil action to 213
recover damages based on an injury to person or property based 214
on a criminal act of domestic violence, including, but not 215
limited to, a preliminary hearing or trial, the victim of the 216
alleged domestic violence is either deceased or suffers from the 217
infirmities of aging as manifested by advanced age or organic 218
brain damage, or other physical, mental, or emotional 219
dysfunction, to the extent that the ability of the person to 220
provide adequately for the person's own care or protection is 221
impaired. 222

(C) For the purpose of division (A) (4) of this section, 223
circumstances relevant to the issue of trustworthiness include 224
the following: 225

(1) Whether the statement was made in contemplation of 226
pending or anticipated litigation in which the declarant was 227
interested; 228

(2) Whether the declarant has a bias or motive for 229
fabricating the statement, and the extent of any bias or motive; 230

(3) Whether the statement is corroborated by evidence 231
other than statements that are admissible only pursuant to this 232
section. 233

(D) A statement is admissible pursuant to division (A) or 234
(B) of this section only if the proponent of the statement makes 235
known to the adverse party the intention to offer the statement 236
and the particulars of the statement sufficiently in advance of 237
the proceedings in order to provide the adverse party with a 238
fair opportunity to prepare to meet the statement. 239

(E) If the plaintiff intends to offer a statement pursuant 240
to division (A) or (B) of this section, the plaintiff shall 241
serve a written notice upon the defendant at least ten days 242
prior to the hearing or trial at which the plaintiff intends to 243
offer the statement, unless the plaintiff shows good cause for 244
the failure to provide that notice. In the event that good cause 245
is shown, the defendant shall be entitled to a reasonable 246
continuance of the hearing or trial. 247

(F) If a statement is offered under division (A) or (B) of 248
this section during trial, the court's determination as to the 249
availability of the victim as a witness shall be made out of the 250
presence of the jury. If the defendant elects to testify at the 251

hearing on a motion brought pursuant to division (A) or (B) of 252
this section, the court shall exclude from the examination every 253
person except the clerk, the court reporter, the bailiff, the 254
plaintiff and the plaintiff's counsel, the investigating 255
officer, the defendant and the defendant's counsel, an 256
investigator for the defendant, and the officer having custody 257
of the defendant. Notwithstanding any other provision of law, 258
the defendant's testimony at the hearing shall not be admissible 259
in any other proceeding except the hearing brought on the motion 260
under division (A) or (B) of this section. If a transcript is 261
made of the defendant's testimony, it shall be sealed and 262
transmitted to the clerk of the court in which the action is 263
pending. 264

(G) This section shall apply to any civil action to 265
recover damages based on an injury to person or property based 266
on a criminal act of domestic violence initiated or pending as 267
of January 1, 2020. 268

Sec. 2307.603. (A) (1) A statement is not made inadmissible 269
by the hearsay rule in a civil action to recover damages based 270
on an injury to person or property based on a criminal act of 271
domestic violence if the statement is offered against a party 272
that has engaged, or aided and abetted, in wrongdoing that was 273
intended to, and did, procure the unavailability of the 274
declarant as a witness. 275

(2) (a) The party seeking to introduce a statement under 276
division (A) (1) of this section must establish, by a 277
preponderance of the evidence, that the elements of division (A) 278
(1) of this section have been met at a preliminary hearing. 279

(b) The hearsay evidence that is the subject of the 280
preliminary hearing is admissible at the preliminary hearing. 281

However, a finding that the elements of division (A) of this 282
section have been met shall not be based solely on a hearsay 283
statement of the unavailable declarant that was not subject to 284
confrontation, and shall be supported by independent 285
corroborative evidence. 286

(c) The preliminary hearing shall be conducted outside the 287
presence of the jury. However, if the hearing is conducted after 288
a jury trial has begun, the judge presiding at the hearing may 289
consider evidence already presented to the jury in deciding 290
whether the elements of division (A) (1) of this section have 291
been met. 292

(d) In deciding whether or not to admit the statement, the 293
judge may take into account whether it is trustworthy and 294
reliable. 295

(B) Except as provided in division (F) or (G) of this 296
section, in a civil action to recover damages based on an injury 297
to person or property based on a criminal act of domestic 298
violence, evidence of the defendant's commission of other acts 299
of domestic violence is not inadmissible character evidence if 300
it is not otherwise inadmissible under Evidence Rule 403. 301

(C) In an action in which evidence is to be offered under 302
division (B) of this section, the plaintiff must disclose the 303
evidence to the defendant, including statements of witnesses or 304
a summary of the substance of any testimony that is expected to 305
be offered, in accordance with the Rules of Civil Procedure, as 306
applicable. 307

(D) Divisions (B) to (F) of this section should not be 308
construed to limit or preclude the admission or consideration of 309
evidence under any other law. 310

(E) As used in divisions (B) to (G) of this section, 311
"domestic violence" has the same meaning as in section 3113.31 312
of the Revised Code. 313

(F) Evidence of acts occurring more than ten years before 314
the conduct involved in a civil action to recover damages based 315
on an injury to person or property based on a criminal act of 316
domestic violence shall not be admissible under this section, 317
unless the court determines that the admission of this evidence 318
is in the interest of justice. 319

(G) This section shall apply to any civil action to 320
recover damages based on an injury to person or property based 321
on a criminal act of domestic violence initiated or pending as 322
of January 1, 2020. 323

Sec. 2903.01. (A) No person shall purposely, and with 324
prior calculation and design, cause the death of another or the 325
unlawful termination of another's pregnancy. 326

(B) No person shall purposely cause the death of another 327
or the unlawful termination of another's pregnancy while 328
committing or attempting to commit, or while fleeing immediately 329
after committing or attempting to commit, kidnapping, rape, 330
aggravated arson, arson, aggravated robbery, robbery, aggravated 331
burglary, burglary, trespass in a habitation when a person is 332
present or likely to be present, terrorism, or escape. 333

(C) No person shall purposely cause the death of another 334
who is under thirteen years of age at the time of the commission 335
of the offense. 336

(D) No person who is under detention as a result of having 337
been found guilty of or having pleaded guilty to a felony or who 338
breaks that detention shall purposely cause the death of 339

another. 340

(E) No person shall purposely cause the death of a law 341
enforcement officer whom the offender knows or has reasonable 342
cause to know is a law enforcement officer when either of the 343
following applies: 344

(1) The victim, at the time of the commission of the 345
offense, is engaged in the victim's duties. 346

(2) It is the offender's specific purpose to kill a law 347
enforcement officer. 348

(F) No person shall purposely cause the death of a first 349
responder or military member whom the offender knows or has 350
reasonable cause to know is a first responder or military member 351
when it is the offender's specific purpose to kill a first 352
responder or military member. 353

(G) No person shall purposely cause the death of another 354
person when both of the following apply: 355

(1) The victim was a family or household member of the 356
offender; 357

(2) The offender has previously been convicted of domestic 358
violence or an offense of violence against a family or household 359
member. 360

(H) Whoever violates this section is guilty of aggravated 361
murder, and shall be punished as provided in section 2929.02 of 362
the Revised Code. 363

~~(H)~~ (I) As used in this section: 364

(1) "Detention" has the same meaning as in section 2921.01 365
of the Revised Code. 366

(2) "Law enforcement officer" has the same meaning as in 367
section 2911.01 of the Revised Code and also includes any 368
federal law enforcement officer as defined in section 2921.51 of 369
the Revised Code and anyone who has previously served as a law 370
enforcement officer or federal law enforcement officer. 371

(3) "First responder" means an emergency medical service 372
provider, a firefighter, or any other emergency response 373
personnel, or anyone who has previously served as a first 374
responder. 375

(4) "Military member" means a member of the armed forces 376
of the United States, reserves, or Ohio national guard, a 377
participant in ROTC, JROTC, or any similar military training 378
program, or anyone who has previously served in the military. 379

(5) "Family or household member" has the same meaning as 380
in section 3113.31 of the Revised Code. 381

Sec. 2919.22. (A) No person, who is the parent, guardian, 382
custodian, person having custody or control, or person in loco 383
parentis of a child under eighteen years of age or a mentally or 384
physically handicapped child under twenty-one years of age, 385
shall create a substantial risk to the health or safety of the 386
child, by violating a duty of care, protection, or support. It 387
is not a violation of a duty of care, protection, or support 388
under this division when the parent, guardian, custodian, or 389
person having custody or control of a child treats the physical 390
or mental illness or defect of the child by spiritual means 391
through prayer alone, in accordance with the tenets of a 392
recognized religious body. 393

(B) No person shall do any of the following to a child 394
under eighteen years of age or a mentally or physically 395

handicapped child under twenty-one years of age: 396

(1) Abuse the child; 397

(2) Torture or cruelly abuse the child; 398

(3) Administer corporal punishment or other physical 399
disciplinary measure, or physically restrain the child in a 400
cruel manner or for a prolonged period, which punishment, 401
discipline, or restraint is excessive under the circumstances 402
and creates a substantial risk of serious physical harm to the 403
child; 404

(4) Repeatedly administer unwarranted disciplinary 405
measures to the child, when there is a substantial risk that 406
such conduct, if continued, will seriously impair or retard the 407
child's mental health or development; 408

(5) Entice, coerce, permit, encourage, compel, hire, 409
employ, use, or allow the child to act, model, or in any other 410
way participate in, or be photographed for, the production, 411
presentation, dissemination, or advertisement of any material or 412
performance that the offender knows or reasonably should know is 413
obscene, is sexually oriented matter, or is nudity-oriented 414
matter; 415

(6) Allow the child to be on the same parcel of real 416
property and within one hundred feet of, or, in the case of more 417
than one housing unit on the same parcel of real property, in 418
the same housing unit and within one hundred feet of, any act in 419
violation of section 2925.04 or 2925.041 of the Revised Code 420
when the person knows that the act is occurring, whether or not 421
any person is prosecuted for or convicted of the violation of 422
section 2925.04 or 2925.041 of the Revised Code that is the 423
basis of the violation of this division. 424

(C) (1) No person shall operate a vehicle, streetcar, or trackless trolley within this state in violation of division (A) of section 4511.19 of the Revised Code when one or more children under eighteen years of age are in the vehicle, streetcar, or trackless trolley. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of division (A) of section 4511.19 of the Revised Code that constitutes the basis of the charge of the violation of this division. For purposes of sections 4511.191 to 4511.197 of the Revised Code and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(2) As used in division (C) (1) of this section:

(a) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(b) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code.

(D) (1) No person shall commit domestic violence, in violation of section 2919.25 of the Revised Code, in an occupied structure when one or more children under eighteen years of age are present in the occupied structure.

(2) Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of division (D) (1) of this section and a violation of section

2919.25 of the Revised Code that constitutes the basis of the 454
charge of the violation of division (D) (1) of this section. 455

(3) The offense established under division (D) (1) of this 456
section is a strict liability offense and, outside of the degree 457
of culpability required to prove a violation of section 2919.25 458
of the Revised Code that constitutes the basis of the charge of 459
a violation of division (D) (1) of this section, section 2901.20 460
of the Revised Code does not apply. The designation of this 461
offense as a strict liability offense shall not be construed to 462
imply that any other offense for which there is no specified 463
degree of culpability, whether in this section or another 464
section of the Revised Code, is not a strict liability offense. 465

(E) (1) Division (B) (5) of this section does not apply to 466
any material or performance that is produced, presented, or 467
disseminated for a bona fide medical, scientific, educational, 468
religious, governmental, judicial, or other proper purpose, by 469
or to a physician, psychologist, sociologist, scientist, 470
teacher, person pursuing bona fide studies or research, 471
librarian, member of the clergy, prosecutor, judge, or other 472
person having a proper interest in the material or performance. 473

(2) Mistake of age is not a defense to a charge under 474
division (B) (5) of this section. 475

(3) In a prosecution under division (B) (5) of this 476
section, the trier of fact may infer that an actor, model, or 477
participant in the material or performance involved is a 478
juvenile if the material or performance, through its title, 479
text, visual representation, or otherwise, represents or depicts 480
the actor, model, or participant as a juvenile. 481

(4) As used in this division and division (B) (5) of this 482

section: 483

(a) "Material," "performance," "obscene," and "sexual 484
activity" have the same meanings as in section 2907.01 of the 485
Revised Code. 486

(b) "Nudity-oriented matter" means any material or 487
performance that shows a minor in a state of nudity and that, 488
taken as a whole by the average person applying contemporary 489
community standards, appeals to prurient interest. 490

(c) "Sexually oriented matter" means any material or 491
performance that shows a minor participating or engaging in 492
sexual activity, masturbation, or bestiality. 493

~~(E)~~ (F) (1) Whoever violates this section is guilty of 494
endangering children. 495

(2) If the offender violates division (A) or (B) (1) of 496
this section, endangering children is one of the following, and, 497
in the circumstances described in division ~~(E)~~ (F) (2) (e) of this 498
section, that division applies: 499

(a) Except as otherwise provided in division ~~(E)~~ (F) (2) (b), 500
(c), or (d) of this section, a misdemeanor of the first degree; 501

(b) If the offender previously has been convicted of an 502
offense under this section or of any offense involving neglect, 503
abandonment, contributing to the delinquency of, or physical 504
abuse of a child, except as otherwise provided in division ~~(E)~~ 505
(F) (2) (c) or (d) of this section, a felony of the fourth degree; 506

(c) If the violation is a violation of division (A) of 507
this section and results in serious physical harm to the child 508
involved, a felony of the third degree; 509

(d) If the violation is a violation of division (B) (1) of 510

this section and results in serious physical harm to the child 511
involved, a felony of the second degree. 512

(e) If the violation is a felony violation of division (B) 513
(1) of this section and the offender also is convicted of or 514
pleads guilty to a specification as described in section 515
2941.1422 of the Revised Code that was included in the 516
indictment, count in the indictment, or information charging the 517
offense, the court shall sentence the offender to a mandatory 518
prison term as provided in division (B) (7) of section 2929.14 of 519
the Revised Code and shall order the offender to make 520
restitution as provided in division (B) (8) of section 2929.18 of 521
the Revised Code. 522

(3) If the offender violates division (B) (2), (3), (4), or 523
(6) of this section, except as otherwise provided in this 524
division, endangering children is a felony of the third degree. 525
If the violation results in serious physical harm to the child 526
involved, or if the offender previously has been convicted of an 527
offense under this section or of any offense involving neglect, 528
abandonment, contributing to the delinquency of, or physical 529
abuse of a child, endangering children is a felony of the second 530
degree. If the offender violates division (B) (2), (3), or (4) of 531
this section and the offender also is convicted of or pleads 532
guilty to a specification as described in section 2941.1422 of 533
the Revised Code that was included in the indictment, count in 534
the indictment, or information charging the offense, the court 535
shall sentence the offender to a mandatory prison term as 536
provided in division (B) (7) of section 2929.14 of the Revised 537
Code and shall order the offender to make restitution as 538
provided in division (B) (8) of section 2929.18 of the Revised 539
Code. If the offender violates division (B) (6) of this section 540
and the drug involved is methamphetamine, the court shall impose 541

a mandatory prison term on the offender as follows: 542

(a) If the violation is a violation of division (B) (6) of 543
this section that is a felony of the third degree under division 544
~~(E)~~ (F) (3) of this section and the drug involved is 545
methamphetamine, except as otherwise provided in this division, 546
the court shall impose as a mandatory prison term one of the 547
prison terms prescribed for a felony of the third degree that is 548
not less than two years. If the violation is a violation of 549
division (B) (6) of this section that is a felony of the third 550
degree under division ~~(E)~~ (F) (3) of this section, if the drug 551
involved is methamphetamine, and if the offender previously has 552
been convicted of or pleaded guilty to a violation of division 553
(B) (6) of this section, a violation of division (A) of section 554
2925.04 of the Revised Code, or a violation of division (A) of 555
section 2925.041 of the Revised Code, the court shall impose as 556
a mandatory prison term one of the prison terms prescribed for a 557
felony of the third degree that is not less than five years. 558

(b) If the violation is a violation of division (B) (6) of 559
this section that is a felony of the second degree under 560
division ~~(E)~~ (F) (3) of this section and the drug involved is 561
methamphetamine, except as otherwise provided in this division, 562
the court shall impose as a mandatory prison term one of the 563
definite prison terms prescribed for a felony of the second 564
degree in division (A) (2) (b) of section 2929.14 of the Revised 565
Code that is not less than three years, except that if the 566
violation is committed on or after the effective date of this 567
amendment, the court shall impose as the minimum prison term for 568
the offense a mandatory prison term that is one of the minimum 569
terms prescribed for a felony of the second degree in division 570
(A) (2) (a) of that section that is not less than three years. If 571
the violation is a violation of division (B) (6) of this section 572

that is a felony of the second degree under division ~~(E)~~ (F) (3) 573
of this section, if the drug involved is methamphetamine, and if 574
the offender previously has been convicted of or pleaded guilty 575
to a violation of division (B) (6) of this section, a violation 576
of division (A) of section 2925.04 of the Revised Code, or a 577
violation of division (A) of section 2925.041 of the Revised 578
Code, the court shall impose as a mandatory prison term one of 579
the definite prison terms prescribed for a felony of the second 580
degree in division (A) (2) (b) of section 2929.14 of the Revised 581
Code that is not less than five years, except that if the 582
violation is committed on or after ~~the effective date of this~~ 583
~~amendment~~ March 22, 2019, the court shall impose as the minimum 584
prison term for the offense a mandatory prison term that is one 585
of the terms prescribed for a felony of the second degree in 586
division (A) (2) (a) of that section that is not less than five 587
years. 588

(4) If the offender violates division (B) (5) of this 589
section, endangering children is a felony of the second degree. 590
If the offender also is convicted of or pleads guilty to a 591
specification as described in section 2941.1422 of the Revised 592
Code that was included in the indictment, count in the 593
indictment, or information charging the offense, the court shall 594
sentence the offender to a mandatory prison term as provided in 595
division (B) (7) of section 2929.14 of the Revised Code and shall 596
order the offender to make restitution as provided in division 597
(B) (8) of section 2929.18 of the Revised Code. 598

(5) If the offender violates division (C) of this section, 599
the offender shall be punished as follows: 600

(a) Except as otherwise provided in division ~~(E)~~ (F) (5) (b) 601
or (c) of this section, endangering children in violation of 602

division (C) of this section is a misdemeanor of the first 603
degree. 604

(b) If the violation results in serious physical harm to 605
the child involved or the offender previously has been convicted 606
of an offense under this section or any offense involving 607
neglect, abandonment, contributing to the delinquency of, or 608
physical abuse of a child, except as otherwise provided in 609
division ~~(E)~~ (F) (5) (c) of this section, endangering children in 610
violation of division (C) of this section is a felony of the 611
fifth degree. 612

(c) If the violation results in serious physical harm to 613
the child involved and if the offender previously has been 614
convicted of a violation of division (C) of this section, 615
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 616
of the Revised Code as it existed prior to March 23, 2000, or 617
section 2903.04 of the Revised Code in a case in which the 618
offender was subject to the sanctions described in division (D) 619
of that section, endangering children in violation of division 620
(C) of this section is a felony of the fourth degree. 621

(d) In addition to any term of imprisonment, fine, or 622
other sentence, penalty, or sanction it imposes upon the 623
offender pursuant to division ~~(E)~~ (F) (5) (a), (b), or (c) of this 624
section or pursuant to any other provision of law and in 625
addition to any suspension of the offender's driver's or 626
commercial driver's license or permit or nonresident operating 627
privilege under Chapter 4506., 4509., 4510., or 4511. of the 628
Revised Code or under any other provision of law, the court also 629
may impose upon the offender a class seven suspension of the 630
offender's driver's or commercial driver's license or permit or 631
nonresident operating privilege from the range specified in 632

division (A) (7) of section 4510.02 of the Revised Code. 633

(e) In addition to any term of imprisonment, fine, or 634
other sentence, penalty, or sanction imposed upon the offender 635
pursuant to division ~~(E)~~(F) (5) (a), (b), (c), or (d) of this 636
section or pursuant to any other provision of law for the 637
violation of division (C) of this section, if as part of the 638
same trial or proceeding the offender also is convicted of or 639
pleads guilty to a separate charge charging the violation of 640
division (A) of section 4511.19 of the Revised Code that was the 641
basis of the charge of the violation of division (C) of this 642
section, the offender also shall be sentenced in accordance with 643
section 4511.19 of the Revised Code for that violation of 644
division (A) of section 4511.19 of the Revised Code. 645

~~(F)~~ (6) If the offender violates division (D) (1) of this 646
section, endangering children is a misdemeanor of the first 647
degree. 648

(G) (1) (a) A court may require an offender to perform not 649
more than two hundred hours of supervised community service work 650
under the authority of an agency, subdivision, or charitable 651
organization. The requirement shall be part of the community 652
control sanction or sentence of the offender, and the court 653
shall impose the community service in accordance with and 654
subject to divisions ~~(F)~~(G) (1) (a) and (b) of this section. The 655
court may require an offender whom it requires to perform 656
supervised community service work as part of the offender's 657
community control sanction or sentence to pay the court a 658
reasonable fee to cover the costs of the offender's 659
participation in the work, including, but not limited to, the 660
costs of procuring a policy or policies of liability insurance 661
to cover the period during which the offender will perform the 662

work. If the court requires the offender to perform supervised 663
community service work as part of the offender's community 664
control sanction or sentence, the court shall do so in 665
accordance with the following limitations and criteria: 666

(i) The court shall require that the community service 667
work be performed after completion of the term of imprisonment 668
or jail term imposed upon the offender for the violation of 669
division (C) of this section, if applicable. 670

(ii) The supervised community service work shall be 671
subject to the limitations set forth in divisions (B) (1), (2), 672
and (3) of section 2951.02 of the Revised Code. 673

(iii) The community service work shall be supervised in 674
the manner described in division (B) (4) of section 2951.02 of 675
the Revised Code by an official or person with the 676
qualifications described in that division. The official or 677
person periodically shall report in writing to the court 678
concerning the conduct of the offender in performing the work. 679

(iv) The court shall inform the offender in writing that 680
if the offender does not adequately perform, as determined by 681
the court, all of the required community service work, the court 682
may order that the offender be committed to a jail or workhouse 683
for a period of time that does not exceed the term of 684
imprisonment that the court could have imposed upon the offender 685
for the violation of division (C) of this section, reduced by 686
the total amount of time that the offender actually was 687
imprisoned under the sentence or term that was imposed upon the 688
offender for that violation and by the total amount of time that 689
the offender was confined for any reason arising out of the 690
offense for which the offender was convicted and sentenced as 691
described in sections 2949.08 and 2967.191 of the Revised Code, 692

and that, if the court orders that the offender be so committed, 693
the court is authorized, but not required, to grant the offender 694
credit upon the period of the commitment for the community 695
service work that the offender adequately performed. 696

(b) If a court, pursuant to division ~~(F)~~ (G) (1) (a) of this 697
section, orders an offender to perform community service work as 698
part of the offender's community control sanction or sentence 699
and if the offender does not adequately perform all of the 700
required community service work, as determined by the court, the 701
court may order that the offender be committed to a jail or 702
workhouse for a period of time that does not exceed the term of 703
imprisonment that the court could have imposed upon the offender 704
for the violation of division (C) of this section, reduced by 705
the total amount of time that the offender actually was 706
imprisoned under the sentence or term that was imposed upon the 707
offender for that violation and by the total amount of time that 708
the offender was confined for any reason arising out of the 709
offense for which the offender was convicted and sentenced as 710
described in sections 2949.08 and 2967.191 of the Revised Code. 711
The court may order that a person committed pursuant to this 712
division shall receive hour-for-hour credit upon the period of 713
the commitment for the community service work that the offender 714
adequately performed. No commitment pursuant to this division 715
shall exceed the period of the term of imprisonment that the 716
sentencing court could have imposed upon the offender for the 717
violation of division (C) of this section, reduced by the total 718
amount of time that the offender actually was imprisoned under 719
that sentence or term and by the total amount of time that the 720
offender was confined for any reason arising out of the offense 721
for which the offender was convicted and sentenced as described 722
in sections 2949.08 and 2967.191 of the Revised Code. 723

(2) Division ~~(F)~~(G) (1) of this section does not limit or
affect the authority of the court to suspend the sentence
imposed upon a misdemeanor offender and place the offender under
a community control sanction pursuant to section 2929.25 of the
Revised Code, to require a misdemeanor or felony offender to
perform supervised community service work in accordance with
division (B) of section 2951.02 of the Revised Code, or to place
a felony offender under a community control sanction.

~~(G)~~(H) (1) If a court suspends an offender's driver's or
commercial driver's license or permit or nonresident operating
privilege under division ~~(E)~~(F) (5) (d) of this section, the
period of the suspension shall be consecutive to, and commence
after, the period of suspension of the offender's driver's or
commercial driver's license or permit or nonresident operating
privilege that is imposed under Chapter 4506., 4509., 4510., or
4511. of the Revised Code or under any other provision of law in
relation to the violation of division (C) of this section that
is the basis of the suspension under division ~~(E)~~(F) (5) (d) of
this section or in relation to the violation of division (A) of
section 4511.19 of the Revised Code that is the basis for that
violation of division (C) of this section.

(2) An offender is not entitled to request, and the court
shall not grant to the offender, limited driving privileges if
the offender's license, permit, or privilege has been suspended
under division ~~(E)~~(F) (5) (d) of this section and the offender,
within the preceding six years, has been convicted of or pleaded
guilty to three or more violations of one or more of the
following:

(a) Division (C) of this section;

(b) Any equivalent offense, as defined in section 4511.181

of the Revised Code. 754

~~(H)~~ (I) (1) If a person violates division (C) of this 755
section and if, at the time of the violation, there were two or 756
more children under eighteen years of age in the motor vehicle 757
involved in the violation, the offender may be convicted of a 758
violation of division (C) of this section for each of the 759
children, but the court may sentence the offender for only one 760
of the violations. 761

(2) (a) If a person is convicted of or pleads guilty to a 762
violation of division (C) of this section but the person is not 763
also convicted of and does not also plead guilty to a separate 764
charge charging the violation of division (A) of section 4511.19 765
of the Revised Code that was the basis of the charge of the 766
violation of division (C) of this section, both of the following 767
apply: 768

(i) For purposes of the provisions of section 4511.19 of 769
the Revised Code that set forth the penalties and sanctions for 770
a violation of division (A) of section 4511.19 of the Revised 771
Code, the conviction of or plea of guilty to the violation of 772
division (C) of this section shall not constitute a violation of 773
division (A) of section 4511.19 of the Revised Code; 774

(ii) For purposes of any provision of law that refers to a 775
conviction of or plea of guilty to a violation of division (A) 776
of section 4511.19 of the Revised Code and that is not described 777
in division ~~(H)~~ (I) (2) (a) (i) of this section, the conviction of 778
or plea of guilty to the violation of division (C) of this 779
section shall constitute a conviction of or plea of guilty to a 780
violation of division (A) of section 4511.19 of the Revised 781
Code. 782

(b) If a person is convicted of or pleads guilty to a 783
violation of division (C) of this section and the person also is 784
convicted of or pleads guilty to a separate charge charging the 785
violation of division (A) of section 4511.19 of the Revised Code 786
that was the basis of the charge of the violation of division 787
(C) of this section, the conviction of or plea of guilty to the 788
violation of division (C) of this section shall not constitute, 789
for purposes of any provision of law that refers to a conviction 790
of or plea of guilty to a violation of division (A) of section 791
4511.19 of the Revised Code, a conviction of or plea of guilty 792
to a violation of division (A) of section 4511.19 of the Revised 793
Code. 794

~~(I)~~ (J) As used in this section: 795

(1) "Community control sanction" has the same meaning as 796
in section 2929.01 of the Revised Code; 797

(2) "Limited driving privileges" has the same meaning as 798
in section 4501.01 of the Revised Code; 799

(3) "Methamphetamine" has the same meaning as in section 800
2925.01 of the Revised Code; 801

(4) "Occupied structure" has the same meaning as in 802
section 2909.01 of the Revised Code. 803

Sec. 2929.022. (A) If an indictment or count in an 804
indictment charging a defendant with aggravated murder contains 805
a specification of the aggravating circumstance of a prior 806
conviction listed in division (A) (5) or (11) of section 2929.04 807
of the Revised Code, the defendant may elect to have the panel 808
of three judges, if the defendant waives trial by jury, or the 809
trial judge, if the defendant is tried by jury, determine the 810
existence of that aggravating circumstance at the sentencing 811

hearing held pursuant to divisions (C) and (D) of section 812
2929.03 of the Revised Code. 813

(1) If the defendant does not elect to have the existence 814
of the aggravating circumstance determined at the sentencing 815
hearing, the defendant shall be tried on the charge of 816
aggravated murder, on the specification of the aggravating 817
circumstance of a prior conviction listed in division (A) (5) or 818
(11) of section 2929.04 of the Revised Code, and on any other 819
specifications of an aggravating circumstance listed in division 820
(A) of section 2929.04 of the Revised Code in a single trial as 821
in any other criminal case in which a person is charged with 822
aggravated murder and specifications. 823

(2) If the defendant does elect to have the existence of 824
the aggravating circumstance of a prior conviction listed in 825
division (A) (5) or (11) of section 2929.04 of the Revised Code 826
determined at the sentencing hearing, then, following a verdict 827
of guilty of the charge of aggravated murder, the panel of three 828
judges or the trial judge shall: 829

(a) Hold a sentencing hearing pursuant to division (B) of 830
this section, unless required to do otherwise under division (A) 831
(2) (b) of this section; 832

(b) If the offender raises the matter of age at trial 833
pursuant to section 2929.023 of the Revised Code and is not 834
found at trial to have been eighteen years of age or older at 835
the time of the commission of the offense, conduct a hearing to 836
determine if the specification of the aggravating circumstance 837
of a prior conviction listed in division (A) (5) or (11) of 838
section 2929.04 of the Revised Code is proven beyond a 839
reasonable doubt. After conducting the hearing, the panel or 840
judge shall proceed as follows: 841

(i) If that aggravating circumstance is proven beyond a 842
reasonable doubt or if the defendant at trial was convicted of 843
any other specification of an aggravating circumstance, the 844
panel or judge shall impose sentence according to division (E) 845
of section 2929.03 of the Revised Code. 846

(ii) If that aggravating circumstance is not proven beyond 847
a reasonable doubt and the defendant at trial was not convicted 848
of any other specification of an aggravating circumstance, 849
except as otherwise provided in this division, the panel or 850
judge shall impose sentence of life imprisonment with parole 851
eligibility after serving twenty years of imprisonment on the 852
offender. If that aggravating circumstance is not proven beyond 853
a reasonable doubt, the defendant at trial was not convicted of 854
any other specification of an aggravating circumstance, the 855
victim of the aggravated murder was less than thirteen years of 856
age, and the offender also is convicted of or pleads guilty to a 857
sexual motivation specification that was included in the 858
indictment, count in the indictment, or information charging the 859
offense, the panel or judge shall sentence the offender pursuant 860
to division (B) (3) of section 2971.03 of the Revised Code to an 861
indefinite term consisting of a minimum term of thirty years and 862
a maximum term of life imprisonment. 863

(B) At the sentencing hearing, the panel of judges, if the 864
defendant was tried by a panel of three judges, or the trial 865
judge, if the defendant was tried by jury, shall, when required 866
pursuant to division (A) (2) of this section, first determine if 867
the specification of the aggravating circumstance of a prior 868
conviction listed in division (A) (5) or (11) of section 2929.04 869
of the Revised Code is proven beyond a reasonable doubt. If the 870
panel of judges or the trial judge determines that the 871
specification of the aggravating circumstance of a prior 872

conviction listed in division (A) (5) or (11) of section 2929.04 873
of the Revised Code is proven beyond a reasonable doubt or if 874
they do not determine that the specification is proven beyond a 875
reasonable doubt but the defendant at trial was convicted of a 876
specification of any other aggravating circumstance listed in 877
division (A) of section 2929.04 of the Revised Code, the panel 878
of judges or the trial judge and trial jury shall impose 879
sentence on the offender pursuant to division (D) of section 880
2929.03 and section 2929.04 of the Revised Code. If the panel of 881
judges or the trial judge does not determine that the 882
specification of the aggravating circumstance of a prior 883
conviction listed in division (A) (5) or (11) of section 2929.04 884
of the Revised Code is proven beyond a reasonable doubt and the 885
defendant at trial was not convicted of any other specification 886
of an aggravating circumstance listed in division (A) of section 887
2929.04 of the Revised Code, the panel of judges or the trial 888
judge shall terminate the sentencing hearing and impose sentence 889
on the offender as follows: 890

(1) Subject to division (B) (2) of this section, the panel 891
or judge shall impose a sentence of life imprisonment with 892
parole eligibility after serving twenty years of imprisonment on 893
the offender. 894

(2) If the victim of the aggravated murder was less than 895
thirteen years of age and the offender also is convicted of or 896
pleads guilty to a sexual motivation specification that was 897
included in the indictment, count in the indictment, or 898
information charging the offense, the panel or judge shall 899
sentence the offender pursuant to division (B) (3) of section 900
2971.03 of the Revised Code to an indefinite term consisting of 901
a minimum term of thirty years and a maximum term of life 902
imprisonment. 903

Sec. 2929.04. (A) Imposition of the death penalty for 904
aggravated murder is precluded unless one or more of the 905
following is specified in the indictment or count in the 906
indictment pursuant to section 2941.14 of the Revised Code and 907
proved beyond a reasonable doubt: 908

(1) The offense was the assassination of the president of 909
the United States or a person in line of succession to the 910
presidency, the governor or lieutenant governor of this state, 911
the president-elect or vice president-elect of the United 912
States, the governor-elect or lieutenant governor-elect of this 913
state, or a candidate for any of the offices described in this 914
division. For purposes of this division, a person is a candidate 915
if the person has been nominated for election according to law, 916
if the person has filed a petition or petitions according to law 917
to have the person's name placed on the ballot in a primary or 918
general election, or if the person campaigns as a write-in 919
candidate in a primary or general election. 920

(2) The offense was committed for hire. 921

(3) The offense was committed for the purpose of escaping 922
detection, apprehension, trial, or punishment for another 923
offense committed by the offender. 924

(4) The offense was committed while the offender was under 925
detention or while the offender was at large after having broken 926
detention. As used in division (A)(4) of this section, 927
"detention" has the same meaning as in section 2921.01 of the 928
Revised Code, except that detention does not include 929
hospitalization, institutionalization, or confinement in a 930
mental health facility or intellectual disabilities facility 931
unless at the time of the commission of the offense either of 932
the following circumstances apply: 933

(a) The offender was in the facility as a result of being 934
charged with a violation of a section of the Revised Code. 935

(b) The offender was under detention as a result of being 936
convicted of or pleading guilty to a violation of a section of 937
the Revised Code. 938

(5) Prior to the offense at bar, the offender was 939
convicted of an offense an essential element of which was the 940
purposeful killing of or attempt to kill another, or the offense 941
at bar was part of a course of conduct involving the purposeful 942
killing of or attempt to kill two or more persons by the 943
offender. 944

(6) The victim of the offense was a law enforcement 945
officer, as defined in section 2911.01 of the Revised Code, whom 946
the offender had reasonable cause to know or knew to be a law 947
enforcement officer as so defined, and either the victim, at the 948
time of the commission of the offense, was engaged in the 949
victim's duties, or it was the offender's specific purpose to 950
kill a law enforcement officer as so defined. 951

(7) The offense was committed while the offender was 952
committing, attempting to commit, or fleeing immediately after 953
committing or attempting to commit kidnapping, rape, aggravated 954
arson, aggravated robbery, or aggravated burglary, and either 955
the offender was the principal offender in the commission of the 956
aggravated murder or, if not the principal offender, committed 957
the aggravated murder with prior calculation and design. 958

(8) The victim of the aggravated murder was a witness to 959
an offense who was purposely killed to prevent the victim's 960
testimony in any criminal proceeding and the aggravated murder 961
was not committed during the commission, attempted commission, 962

or flight immediately after the commission or attempted 963
commission of the offense to which the victim was a witness, or 964
the victim of the aggravated murder was a witness to an offense 965
and was purposely killed in retaliation for the victim's 966
testimony in any criminal proceeding. 967

(9) The offender, in the commission of the offense, 968
purposefully caused the death of another who was under thirteen 969
years of age at the time of the commission of the offense, and 970
either the offender was the principal offender in the commission 971
of the offense or, if not the principal offender, committed the 972
offense with prior calculation and design. 973

(10) The offense was committed while the offender was 974
committing, attempting to commit, or fleeing immediately after 975
committing or attempting to commit terrorism. 976

(11) The victim of the offense was a family or household 977
member of the offender and the offender had previously been 978
convicted of domestic violence or an offense of violence against 979
a family or household member. 980

(B) If one or more of the aggravating circumstances listed 981
in division (A) of this section is specified in the indictment 982
or count in the indictment and proved beyond a reasonable doubt, 983
and if the offender did not raise the matter of age pursuant to 984
section 2929.023 of the Revised Code or if the offender, after 985
raising the matter of age, was found at trial to have been 986
eighteen years of age or older at the time of the commission of 987
the offense, the court, trial jury, or panel of three judges 988
shall consider, and weigh against the aggravating circumstances 989
proved beyond a reasonable doubt, the nature and circumstances 990
of the offense, the history, character, and background of the 991
offender, and all of the following factors: 992

(1) Whether the victim of the offense induced or	993
facilitated it;	994
(2) Whether it is unlikely that the offense would have	995
been committed, but for the fact that the offender was under	996
duress, coercion, or strong provocation;	997
(3) Whether, at the time of committing the offense, the	998
offender, because of a mental disease or defect, lacked	999
substantial capacity to appreciate the criminality of the	1000
offender's conduct or to conform the offender's conduct to the	1001
requirements of the law;	1002
(4) The youth of the offender;	1003
(5) The offender's lack of a significant history of prior	1004
criminal convictions and delinquency adjudications;	1005
(6) If the offender was a participant in the offense but	1006
not the principal offender, the degree of the offender's	1007
participation in the offense and the degree of the offender's	1008
participation in the acts that led to the death of the victim;	1009
(7) Any other factors that are relevant to the issue of	1010
whether the offender should be sentenced to death.	1011
(C) The defendant shall be given great latitude in the	1012
presentation of evidence of the factors listed in division (B)	1013
of this section and of any other factors in mitigation of the	1014
imposition of the sentence of death.	1015
The existence of any of the mitigating factors listed in	1016
division (B) of this section does not preclude the imposition of	1017
a sentence of death on the offender but shall be weighed	1018
pursuant to divisions (D) (2) and (3) of section 2929.03 of the	1019
Revised Code by the trial court, trial jury, or the panel of	1020

three judges against the aggravating circumstances the offender 1021
was found guilty of committing. 1022

(D) As used in this section, "family or household member" 1023
has the same meaning as in section 3113.31 of the Revised Code. 1024

Sec. 2935.032. (A) Not later than ninety days after ~~the~~ 1025
~~effective date of this amendment~~ October 21, 1997, each agency, 1026
instrumentality, or political subdivision that is served by any 1027
peace officer described in division ~~(B)(1)~~ (A) of section 1028
2935.03 of the Revised Code shall adopt, in accordance with 1029
division (E) of this section, written policies, written 1030
procedures implementing the policies, and other written 1031
procedures for the peace officers who serve it to follow in 1032
implementing division (B)(3) of section 2935.03 of the Revised 1033
Code and for their appropriate response to each report of an 1034
alleged incident of the offense of domestic violence or an 1035
alleged incident of the offense of violating a protection order. 1036
The policies and procedures shall conform to and be consistent 1037
with the provisions of divisions (B)(1) and (B)(3) of section 1038
2935.03 of the Revised Code and divisions (B) to (D) of this 1039
section. Each policy adopted under this division shall include, 1040
but not be limited to, all of the following: 1041

(1) Provisions specifying that, if a peace officer who 1042
serves the agency, instrumentality, or political subdivision 1043
responds to an alleged incident of the offense of domestic 1044
violence, an alleged incident of the offense of violating a 1045
protection order, or an alleged incident of any other offense, 1046
both of the following apply: 1047

(a) If the officer determines that there are reasonable 1048
grounds to believe that a person knowingly caused serious 1049
physical harm to another or to another's unborn or knowingly 1050

caused or attempted to cause physical harm to another or to 1051
another's unborn by means of a deadly weapon or dangerous 1052
ordnance, then, regardless of whether the victim of the offense 1053
was a family or household member of the offender, the officer 1054
shall treat the incident as felonious assault, shall consider 1055
the offender to have committed and the victim to have been the 1056
victim of felonious assault, shall consider the offense that was 1057
committed to have been felonious assault in determining the 1058
manner in which the offender should be treated, and shall comply 1059
with whichever of the following is applicable: 1060

(i) Unless the officer has reasonable cause to believe 1061
that, during the incident, the offender who committed the 1062
felonious assault and one or more other persons committed 1063
offenses against each other, the officer shall arrest the 1064
offender who committed the felonious assault pursuant to section 1065
2935.03 of the Revised Code and shall detain that offender 1066
pursuant to that section until a warrant can be obtained, and 1067
the arrest shall be for felonious assault. 1068

(ii) If the officer has reasonable cause to believe that, 1069
during the incident, the offender who committed the felonious 1070
assault and one or more other persons committed offenses against 1071
each other, the officer shall determine in accordance with 1072
division (B) (3) (d) of section 2935.03 of the Revised Code which 1073
of those persons is the primary physical aggressor. If the 1074
offender who committed the felonious assault is the primary 1075
physical aggressor, the officer shall arrest that offender for 1076
felonious assault pursuant to section 2935.03 of the Revised 1077
Code and shall detain that offender pursuant to that section 1078
until a warrant can be obtained, and the officer is not required 1079
to arrest but may arrest pursuant to section 2935.03 of the 1080
Revised Code any other person who committed an offense but who 1081

is not the primary physical aggressor. If the offender who 1082
committed the felonious assault is not the primary physical 1083
aggressor, the officer is not required to arrest that offender 1084
or any other person who committed an offense during the incident 1085
but may arrest any of them pursuant to section 2935.03 of the 1086
Revised Code and detain them pursuant to that section until a 1087
warrant can be obtained. 1088

(b) If the officer determines that there are reasonable 1089
grounds to believe that a person, while under the influence of 1090
sudden passion or in a sudden fit of rage, either of which is 1091
brought on by serious provocation occasioned by the victim that 1092
is reasonably sufficient to incite the person into using deadly 1093
force, knowingly caused serious physical harm to another or to 1094
another's unborn or knowingly caused or attempted to cause 1095
physical harm to another or to another's unborn by means of a 1096
deadly weapon or dangerous ordnance, then, regardless of whether 1097
the victim of the offense was a family or household member of 1098
the offender, the officer shall treat the incident as aggravated 1099
assault, shall consider the offender to have committed and the 1100
victim to have been the victim of aggravated assault, shall 1101
consider the offense that was committed to have been aggravated 1102
assault in determining the manner in which the offender should 1103
be treated, and shall comply with whichever of the following is 1104
applicable: 1105

(i) Unless the officer has reasonable cause to believe 1106
that, during the incident, the offender who committed the 1107
aggravated assault and one or more other persons committed 1108
offenses against each other, the officer shall arrest the 1109
offender who committed the aggravated assault pursuant to 1110
section 2935.03 of the Revised Code and shall detain that 1111
offender pursuant to that section until a warrant can be 1112

obtained, and the arrest shall be for aggravated assault. 1113

(ii) If the officer has reasonable cause to believe that, 1114
during the incident, the offender who committed the aggravated 1115
assault and one or more other persons committed offenses against 1116
each other, the officer shall determine in accordance with 1117
division (B) (3) (d) of section 2935.03 of the Revised Code which 1118
of those persons is the primary physical aggressor. If the 1119
offender who committed the aggravated assault is the primary 1120
physical aggressor, the officer shall arrest that offender for 1121
aggravated assault pursuant to section 2935.03 of the Revised 1122
Code and shall detain that offender pursuant to that section 1123
until a warrant can be obtained, and the officer is not required 1124
to arrest but may arrest pursuant to section 2935.03 of the 1125
Revised Code any other person who committed an offense but who 1126
is not the primary physical aggressor. If the offender who 1127
committed the aggravated assault is not the primary physical 1128
aggressor, the officer is not required to arrest that offender 1129
or any other person who committed an offense during the incident 1130
but may arrest any of them pursuant to section 2935.03 of the 1131
Revised Code and detain them pursuant to that section until a 1132
warrant can be obtained. 1133

(2) Provisions requiring the peace officers who serve the 1134
agency, instrumentality, or political subdivision to do all of 1135
the following: 1136

(a) Respond without undue delay to a report of an alleged 1137
incident of the offense of domestic violence or the offense of 1138
violating a protection order; 1139

(b) If the alleged offender has been granted pretrial 1140
release from custody on a prior charge of the offense of 1141
domestic violence or the offense of violating a protection order 1142

and has violated one or more conditions of that pretrial 1143
release, document the facts and circumstances of the violation 1144
in the report to the law enforcement agency that the peace 1145
officer makes pursuant to division (D) of this section; 1146

(c) Separate the victim of the offense of domestic 1147
violence or the offense of violating a protection order and the 1148
alleged offender, conduct separate interviews with the victim 1149
and the alleged offender in separate locations, and take a 1150
written statement from the victim that indicates the frequency 1151
and severity of any prior incidents of physical abuse of the 1152
victim by the alleged offender, the number of times the victim 1153
has called peace officers for assistance, and the disposition of 1154
those calls, if known; 1155

(d) Comply with divisions (B)(1) and (B)(3) of section 1156
2935.03 of the Revised Code and with divisions (B), (C), and (D) 1157
of this section; 1158

(e) Screen the victim of the offense of domestic violence 1159
or the offense of violating a protection order using an 1160
evidence-based lethality assessment screening tool adopted under 1161
section 2935.033 of the Revised Code to determine if the case 1162
should be referred to the domestic violence high risk team that 1163
serves the agency, instrumentality, or political subdivision. 1164

(3) Sanctions to be imposed upon a peace officer who 1165
serves the agency, instrumentality, or political subdivision and 1166
who fails to comply with any provision in the policy or with 1167
division (B)(1) or (B)(3) of section 2935.03 of the Revised Code 1168
or division (B), (C), or (D) of this section. 1169

(4) Examples of reasons that a peace officer may consider 1170
for not arresting and detaining until a warrant can be obtained 1171

a person who allegedly committed the offense of domestic 1172
violence or the offense of violating a protection order when it 1173
is the preferred course of action in this state that the officer 1174
arrest the alleged offender, as described in division (B) (3) (b) 1175
of section 2935.03 of the Revised Code. 1176

(B) (1) Nothing in this section or in division (B) (1) or 1177
(B) (3) of section 2935.03 of the Revised Code precludes an 1178
agency, instrumentality, or political subdivision that is served 1179
by any peace officer described in division ~~(B) (1)~~ (A) of section 1180
2935.03 of the Revised Code from including in the policy it 1181
adopts under division (A) of this section either of the 1182
following types of provisions: 1183

(a) A provision that requires the peace officers who serve 1184
it, if they have reasonable grounds to believe that the offense 1185
of domestic violence or the offense of violating a protection 1186
order has been committed within the limits of the jurisdiction 1187
of the agency, instrumentality, or political subdivision and 1188
reasonable cause to believe that a particular person committed 1189
the offense, to arrest the alleged offender; 1190

(b) A provision that does not require the peace officers 1191
who serve it, if they have reasonable grounds to believe that 1192
the offense of domestic violence or the offense of violating a 1193
protection order has been committed within the limits of the 1194
jurisdiction of the agency, instrumentality, or political 1195
subdivision and reasonable cause to believe that a particular 1196
person committed the offense, to arrest the alleged offender, 1197
but that grants the officers less discretion in those 1198
circumstances in deciding whether to arrest the alleged offender 1199
than peace officers are granted by divisions (B) (1) and (B) (3) 1200
of section 2935.03 of the Revised Code. 1201

(2) If an agency, instrumentality, or political 1202
subdivision that is served by any peace officer described in 1203
division ~~(B) (1)~~ (A) of section 2935.03 of the Revised Code 1204
includes in the policy it adopts under division (A) of this 1205
section a provision of the type described in division (B) (1) (a) 1206
or (b) of this section, the peace officers who serve the agency, 1207
instrumentality, or political subdivision shall comply with the 1208
provision in making arrests authorized under division (B) (1) of 1209
section 2935.03 of the Revised Code. 1210

(C) When a peace officer described in division ~~(B) (1)~~ (A) 1211
of section 2935.03 of the Revised Code investigates a report of 1212
an alleged incident of the offense of domestic violence or an 1213
alleged incident of the offense of violating a protection order, 1214
the officer shall do all of the following: 1215

(1) Complete a domestic violence report in accordance with 1216
division (D) of this section; 1217

(2) Advise the victim of the availability of a temporary 1218
protection order pursuant to section 2919.26 of the Revised Code 1219
or a protection order or consent agreement pursuant to section 1220
3113.31 of the Revised Code; 1221

(3) Give the victim the officer's name, the officer's 1222
badge number if the officer has a badge and the badge has a 1223
number, the report number for the incident if a report number is 1224
available at the time of the officer's investigation, a 1225
telephone number that the victim can call for information about 1226
the case, the telephone number of a domestic violence shelter in 1227
the area, and information on any local victim advocate program. 1228

(D) A peace officer who investigates a report of an 1229
alleged incident of the offense of domestic violence or an 1230

alleged incident of the offense of violating a protection order 1231
shall make a written report of the incident whether or not an 1232
arrest is made. The report shall document the officer's 1233
observations of the victim and the alleged offender, any visible 1234
injuries of the victim or alleged offender, any weapons at the 1235
scene, the actions of the alleged offender, any statements made 1236
by the victim or witnesses, and any other significant facts or 1237
circumstances. If the officer does not arrest and detain until a 1238
warrant can be obtained a person who allegedly committed the 1239
offense of domestic violence or the offense of violating a 1240
protection order when it is the preferred course of action in 1241
this state pursuant to division (B) (3) (b) of section 2935.03 of 1242
the Revised Code that the alleged offender be arrested, the 1243
officer must articulate in the report a clear statement of the 1244
officer's reasons for not arresting and detaining that alleged 1245
offender until a warrant can be obtained. The officer shall 1246
submit the written report to the law enforcement agency to which 1247
the officer has been appointed, employed, or elected. 1248

(E) Each agency, instrumentality, or political subdivision 1249
that is required to adopt policies and procedures under division 1250
(A) of this section shall adopt those policies and procedures in 1251
conjunction and consultation with shelters in the community for 1252
victims of domestic violence and private organizations, law 1253
enforcement agencies, and other public agencies in the community 1254
that have expertise in the recognition and handling of domestic 1255
violence cases. 1256

(F) To the extent described in and in accordance with 1257
section 9.86 or 2744.03 of the Revised Code, a peace officer who 1258
arrests an offender for the offense of violating a protection 1259
order with respect to a protection order or consent agreement of 1260
this state or another state that on its face is valid is immune 1261

from liability in a civil action for damages for injury, death, 1262
or loss to person or property that allegedly was caused by or 1263
related to the arrest. 1264

(G) Each agency, instrumentality, or political subdivision 1265
described in division (A) of this section that arrests an 1266
offender for an alleged incident of the offense of domestic 1267
violence or an alleged incident of the offense of violating a 1268
protection order shall consider referring the case to federal 1269
authorities for prosecution under 18 U.S.C. 2261 if the incident 1270
constitutes a violation of federal law. 1271

(H) As used in this section: 1272

(1) "Another's unborn" has the same meaning as in section 1273
2903.09 of the Revised Code. 1274

(2) "Dangerous ordnance" and "deadly weapon" have the same 1275
meanings as in section 2923.11 of the Revised Code. 1276

(3) "The offense of violating a protection order" includes 1277
the former offense of violating a protection order or consent 1278
agreement or anti-stalking protection order as set forth in 1279
section 2919.27 of the Revised Code as it existed prior to ~~the~~ 1280
~~effective date of this amendment~~ October 21, 1997. 1281

Sec. 2935.033. (A) As used in this section, "qualified 1282
lethality assessment screening tool" means a lethality 1283
assessment screening tool included in the list of validated and 1284
evidence-based lethality assessment screening tools by the 1285
attorney general pursuant to division (C) of section 109.744 of 1286
the Revised Code. 1287

(B) Except as provided in division (D) of this section, 1288
not later than ninety days after the effective date of this 1289
section, the chief law enforcement officer of each agency, 1290

instrumentality, or political subdivision that is served by any 1291
peace officer described in division (A) of section 2935.03 of 1292
the Revised Code shall create a domestic violence high risk team 1293
for handling alleged incidents of the offense of domestic 1294
violence and alleged incidents of the offense of violating a 1295
protection order whose victims are determined to be high risk. 1296
Each domestic violence high risk team shall create 1297
individualized intervention plans that incorporate the entire 1298
domestic violence response system to increase victim safety and 1299
hold offenders accountable and shall be built based upon the 1300
following fundamental strategies: 1301

(1) Early identification of high risk cases through the 1302
use of risk assessment; 1303

(2) Engagement of a multidisciplinary team; 1304

(3) Ongoing monitoring and management of high risk 1305
offenders; 1306

(4) Victim services. 1307

(C) Members of a domestic violence high risk team shall be 1308
appointed by the chief law enforcement officer of the agency, 1309
instrumentality, or political subdivision and each team shall 1310
consist of all of the following members: 1311

(1) At least one peace officer, probation officer, or 1312
parole officer who regularly handles domestic violence cases and 1313
works in partnership with community advocacy groups to connect 1314
victims of domestic violence with available resources; 1315

(2) At least one person who represents a community 1316
advocacy group that responds to domestic violence cases and who 1317
works in partnership with peace officers handling domestic 1318
violence cases; 1319

(3) Any other person whom the chief law enforcement officer determines is necessary to allow the team to keep victims safe, refer victims to available community resources, and hold abusers accountable. 1320
1321
1322
1323

(D) Two or more agencies, instrumentalities, or political subdivisions may work together to create a joint domestic violence high risk team to serve a geographic area consisting of the cumulative geographic jurisdiction of each of the agencies, instrumentalities, and political subdivisions participating in the team. The chief law enforcement officers shall choose one chief, among themselves, to serve as head of the joint team. The head of the joint domestic violence high risk team shall appoint members to the team in the same manner that a chief law enforcement officer appoints members to a team under division (C) of this section. 1324
1325
1326
1327
1328
1329
1330
1331
1332
1333
1334

(E) Each domestic violence high risk team created under this section shall adopt written policies, written procedures implementing the policies, and any other necessary written procedures for the peace officers who serve the agency, instrumentality, political subdivision, or geographic region to follow in screening alleged incidents of the offense of domestic violence and alleged incidents of the offense of violating a protection order for referral to the team. The policies and procedures adopted by the team shall include all of the following: 1335
1336
1337
1338
1339
1340
1341
1342
1343
1344

(1) A requirement that peace officers who serve the agency, instrumentality, or political subdivision automatically refer any case of domestic violence that involves an allegation of strangulation to the domestic violence high risk team; 1345
1346
1347
1348

(2) A lethality assessment screening tool, selected by the 1349

team from those qualified by the attorney general under division 1350
(C) of section 109.774 of the Revised Code, to be used by peace 1351
officers to screen victims of alleged incidents of domestic 1352
violence and alleged incidents of violating a protection order 1353
for referral to the team; 1354

(3) Procedures for connecting high risk victims to 1355
domestic violence advocacy programs, community and faith-based 1356
programs, nonprofit mental health programs, and other programs 1357
that may be able to assist high risk victims; 1358

(4) Procedures for the team to consult with prosecutors on 1359
charges and negotiated plea agreements in cases referred to the 1360
team. 1361

Sec. ~~2935.033~~ 2935.034. (A) Any peace officer may render 1362
assistance to any federal law enforcement officer who has arrest 1363
authority under the "Uniting and Strengthening America by 1364
Providing Appropriate Tools Required to Intercept and Obstruct 1365
Terrorism (USA Patriot Act) Act of 2001," Pub. L. No. 107-056, 1366
115 Stat. 272, as amended, if both of the following apply: 1367

(1) There is a threat of imminent physical danger to the 1368
federal law enforcement officer, a threat of physical harm to 1369
another person, or any other serious emergency situation 1370
present. 1371

(2) Either the federal law enforcement officer requests 1372
emergency assistance or it appears that the federal law 1373
enforcement officer is unable to request assistance, and the 1374
circumstances reasonably indicate that assistance is 1375
appropriate. 1376

(B) "Federal law enforcement officer" has the same meaning 1377
as in section 9.88 of the Revised Code. 1378

Sec. 2945.483. All of the following apply to a criminal 1379
proceeding involving domestic violence: 1380

(A) Evidence of a statement by a declarant is not made 1381
inadmissible by the hearsay rule if all of the following 1382
conditions are met: 1383

(1) The statement purports to narrate, describe, or 1384
explain the infliction or threat of physical injury upon the 1385
declarant. 1386

(2) The declarant is unavailable as a witness under 1387
Evidence Rule 804. 1388

(3) The statement was made at or near the time of the 1389
infliction or threat of physical injury. Evidence of statements 1390
made more than five years before the filing of the current 1391
proceeding shall be inadmissible. 1392

(4) The statement was made under circumstances that would 1393
indicate its trustworthiness. 1394

(5) The statement was made in writing, was electronically 1395
recorded, or was made to a physician, nurse, paramedic, or law 1396
enforcement officer. 1397

(B) Evidence of a statement made by a declarant is not 1398
made inadmissible by the hearsay rule if the declarant is 1399
unavailable as a witness, under Evidence Rule 804, and all of 1400
the following are true: 1401

(1) The party offering the statement has made a showing of 1402
particularized guarantees of trustworthiness regarding the 1403
statement, the statement was made under circumstances which 1404
indicate its trustworthiness, and the statement was not the 1405
result of promise, inducement, threat, or coercion. In making 1406

its determination, the court may consider only the circumstances 1407
that surround the making of the statement and that render the 1408
declarant particularly worthy of belief. 1409

(2) There is no evidence that the unavailability of the 1410
declarant was caused by, aided by, solicited by, or procured on 1411
behalf of, the party who is offering the statement. 1412

(3) The entire statement has been memorialized in a 1413
videotape recording made by a law enforcement official, prior to 1414
the death or disabling of the declarant. 1415

(4) The statement was made by the victim of the alleged 1416
violation. 1417

(5) The statement is supported by corroborative evidence. 1418

(6) The victim of the alleged violation is an individual 1419
who meets both of the following requirements: 1420

(a) Was sixty-five years of age or older or was a 1421
dependent adult when the alleged violation or attempted 1422
violation occurred; 1423

(b) At the time of any criminal proceeding, including, but 1424
not limited to, a preliminary hearing or trial, regarding the 1425
alleged violation or attempted violation, is either deceased or 1426
suffers from the infirmities of aging as manifested by advanced 1427
age or organic brain damage, or other physical, mental, or 1428
emotional dysfunction, to the extent that the ability of the 1429
person to provide adequately for the person's own care or 1430
protection is impaired. 1431

(C) For the purpose of division (A) (4) of this section, 1432
circumstances relevant to the issue of trustworthiness include 1433
the following: 1434

(1) Whether the statement was made in contemplation of 1435
pending or anticipated litigation in which the declarant was 1436
interested; 1437

(2) Whether the declarant has a bias or motive for 1438
fabricating the statement, and the extent of any bias or motive; 1439

(3) Whether the statement is corroborated by evidence 1440
other than statements that are admissible only pursuant to this 1441
section. 1442

(D) A statement is admissible pursuant to division (A) or 1443
(B) of this section only if the proponent of the statement makes 1444
known to the adverse party the intention to offer the statement 1445
and the particulars of the statement sufficiently in advance of 1446
the proceedings in order to provide the adverse party with a 1447
fair opportunity to prepare to meet the statement. 1448

(E) If the prosecution intends to offer a statement 1449
pursuant to division (A) or (B) of this section, the prosecution 1450
shall serve a written notice upon the defendant at least ten 1451
days prior to the hearing or trial at which the prosecution 1452
intends to offer the statement, unless the prosecution shows 1453
good cause for the failure to provide that notice. In the event 1454
that good cause is shown, the defendant shall be entitled to a 1455
reasonable continuance of the hearing or trial. 1456

(F) If a statement is offered under division (A) or (B) of 1457
this section during trial, the court's determination as to the 1458
availability of the victim as a witness shall be made out of the 1459
presence of the jury. If the defendant elects to testify at the 1460
hearing on a motion brought pursuant to division (A) or (B) of 1461
this section, the court shall exclude from the examination every 1462
person except the clerk, the court reporter, the bailiff, the 1463

prosecutor, the investigating officer, the defendant and the 1464
defendant's counsel, an investigator for the defendant, and the 1465
officer having custody of the defendant. Notwithstanding any 1466
other provision of law, the defendant's testimony at the hearing 1467
shall not be admissible in any other proceeding except the 1468
hearing brought on the motion under division (A) or (B) of this 1469
section. If a transcript is made of the defendant's testimony, 1470
it shall be sealed and transmitted to the clerk of the court in 1471
which the action is pending. 1472

(G) This section shall apply to any criminal proceeding 1473
involving domestic violence initiated or pending as of January 1474
1, 2020. 1475

Sec. 2945.484. (A) (1) A statement is not made inadmissible 1476
by the hearsay rule in a criminal proceeding involving domestic 1477
violence if the statement is offered against a party that has 1478
engaged, or aided and abetted, in wrongdoing that was intended 1479
to, and did, procure the unavailability of the declarant as a 1480
witness. 1481

(2) (a) The party seeking to introduce a statement under 1482
division (A) (1) of this section must establish, by a 1483
preponderance of the evidence, that the elements of division (A) 1484
(1) of this section have been met at a preliminary hearing. 1485

(b) The hearsay evidence that is the subject of the 1486
preliminary hearing is admissible at the preliminary hearing. 1487
However, a finding that the elements of division (A) (1) of this 1488
section have been met shall not be based solely on a hearsay 1489
statement of the unavailable declarant that was not subject to 1490
confrontation, and shall be supported by independent 1491
corroborative evidence. 1492

(c) The preliminary hearing shall be conducted outside the 1493
presence of the jury. However, if the hearing is conducted after 1494
a jury trial has begun, the judge presiding at the hearing may 1495
consider evidence already presented to the jury in deciding 1496
whether the elements of division (A)(1) of this section have 1497
been met. 1498

(d) In deciding whether or not to admit the statement, the 1499
judge may take into account whether it is trustworthy and 1500
reliable. 1501

(B) Except as provided in division (F) or (G) of this 1502
section, in a criminal proceeding involving domestic violence, 1503
evidence of the defendant's commission of other acts of domestic 1504
violence is not inadmissible character evidence if it is not 1505
otherwise inadmissible under Evidence Rule 403. 1506

(C) In an action in which evidence is to be offered under 1507
division (B) of this section, the prosecution must disclose the 1508
evidence to the defendant, including statements of witnesses or 1509
a summary of the substance of any testimony that is expected to 1510
be offered, in accordance with Criminal Rule 12(E) and the Rules 1511
of Civil Procedure, as applicable. 1512

(D) Divisions (B) to (F) of this section should not be 1513
construed to limit or preclude the admission or consideration of 1514
evidence under any other law. 1515

(E) As used in divisions (B) to (G) of this section, 1516
"domestic violence" has the same meaning as in section 3113.31 1517
of the Revised Code. 1518

(F) Evidence of acts occurring more than ten years before 1519
the conduct involved in a criminal action should not be 1520
admissible under this section, unless the court determines that 1521

the admission of this evidence is in the interest of justice. 1522

(G) This section shall apply to any criminal proceeding 1523
involving domestic violence initiated or pending as of January 1524
1, 2020. 1525

Sec. 3113.31. (A) As used in this section: 1526

(1) "Domestic violence" means any of the following: 1527

(a) The occurrence of one or more of the following acts 1528
against a family or household member: 1529

(i) Attempting to cause or recklessly causing bodily 1530
injury; 1531

(ii) Placing another person by the threat of force in fear 1532
of imminent serious physical harm or committing a violation of 1533
section 2903.211 or 2911.211 of the Revised Code; 1534

(iii) Committing any act with respect to a child that 1535
would result in the child being an abused child, as defined in 1536
section 2151.031 of the Revised Code; 1537

(iv) Committing a sexually oriented offense. 1538

(b) The occurrence of one or more of the acts identified 1539
in divisions (A)(1)(a)(i) to (iv) of this section against a 1540
person with whom the respondent is or was in a dating 1541
relationship. 1542

(2) "Court" means the domestic relations division of the 1543
court of common pleas in counties that have a domestic relations 1544
division and the court of common pleas in counties that do not 1545
have a domestic relations division, or the juvenile division of 1546
the court of common pleas of the county in which the person to 1547
be protected by a protection order issued or a consent agreement 1548

approved under this section resides if the respondent is less 1549
than eighteen years of age. 1550

(3) "Family or household member" means any of the 1551
following: 1552

(a) Any of the following who is residing with or has 1553
resided with the respondent: 1554

(i) A spouse, a person living as a spouse, or a former 1555
spouse of the respondent; 1556

(ii) A parent, a foster parent, or a child of the 1557
respondent, or another person related by consanguinity or 1558
affinity to the respondent; 1559

(iii) A parent or a child of a spouse, person living as a 1560
spouse, or former spouse of the respondent, or another person 1561
related by consanguinity or affinity to a spouse, person living 1562
as a spouse, or former spouse of the respondent; 1563

(iv) A child whose guardian or custodian is a spouse, 1564
person living as a spouse, or former spouse of the respondent. 1565

(b) The natural parent of any child of whom the respondent 1566
is the other natural parent or is the putative other natural 1567
parent. 1568

(4) "Person living as a spouse" means a person who is 1569
living or has lived with the respondent in a common law marital 1570
relationship, who otherwise is cohabiting with the respondent, 1571
or who otherwise has cohabited with the respondent within five 1572
years prior to the date of the alleged occurrence of the act in 1573
question. 1574

(5) "Victim advocate" means a person who provides support 1575
and assistance for a person who files a petition under this 1576

section. 1577

(6) "Sexually oriented offense" has the same meaning as in 1578
section 2950.01 of the Revised Code. 1579

(7) "Companion animal" has the same meaning as in section 1580
959.131 of the Revised Code. 1581

(8) "Dating relationship" means a relationship between 1582
individuals who have, or have had, a relationship of a romantic 1583
or intimate nature. "Dating relationship" does not include a 1584
casual acquaintanceship or ordinary fraternization in a business 1585
or social context. 1586

(9) "Person with whom the respondent is or was in a dating 1587
relationship" means an adult who, at the time of the conduct in 1588
question, is in a dating relationship with the respondent who 1589
also is an adult or who, within the twelve months preceding the 1590
conduct in question, has had a dating relationship with the 1591
respondent who also is an adult. 1592

(10) "Child," "custodian," and "guardian" have the same 1593
meanings as in section 3109.51 of the Revised Code. 1594

(B) The court has jurisdiction over all proceedings under 1595
this section. The petitioner's right to relief under this 1596
section is not affected by the petitioner's leaving the 1597
residence or household to avoid further domestic violence. 1598

(C) A person may seek relief under this section on the 1599
person's own behalf, or any parent or adult household member may 1600
seek relief under this section on behalf of any other family or 1601
household member, by filing a petition with the court. The 1602
petition shall contain or state: 1603

(1) An allegation that the respondent engaged in domestic 1604

violence against a family or household member of the respondent 1605
or against a person with whom the respondent is or was in a 1606
dating relationship, including a description of the nature and 1607
extent of the domestic violence; 1608

(2) The relationship of the respondent to the petitioner, 1609
and to the victim if other than the petitioner; 1610

(3) If the petition is for protection of a person with 1611
whom the respondent is or was in a dating relationship, the 1612
facts upon which the court may conclude that a dating 1613
relationship existed between the person to be protected and the 1614
respondent; 1615

(4) A request for relief under this section. 1616

(D) (1) If a person who files a petition pursuant to this 1617
section requests an ex parte order, the court shall hold an ex 1618
parte hearing on the same day that the petition is filed. Not 1619
later than ninety days after the effective date of this 1620
amendment, a judge of the court or a designated magistrate shall 1621
be available to accept a petition filed under this section and 1622
to hold an ex parte hearing twenty-four hours a day and seven 1623
days a week. The court, for good cause shown at the ex parte 1624
hearing, may enter any temporary orders, with or without bond, 1625
including, but not limited to, an order described in division 1626
(E) (1) (a), (b), or (c) of this section, that the court finds 1627
necessary to protect the family or household member or the 1628
person with whom the respondent is or was in a dating 1629
relationship from domestic violence. Immediate and present 1630
danger of domestic violence to the family or household member or 1631
to the person with whom the respondent is or was in a dating 1632
relationship constitutes good cause for purposes of this 1633
section. Immediate and present danger includes, but is not 1634

limited to, situations in which the respondent has threatened 1635
the family or household member or person with whom the 1636
respondent is or was in a dating relationship with bodily harm, 1637
in which the respondent has threatened the family or household 1638
member or person with whom the respondent is or was in a dating 1639
relationship with a sexually oriented offense, or in which the 1640
respondent previously has been convicted of, pleaded guilty to, 1641
or been adjudicated a delinquent child for an offense that 1642
constitutes domestic violence against the family or household 1643
member or person with whom the respondent is or was in a dating 1644
relationship. 1645

(2) (a) If the court, after an ex parte hearing, issues an 1646
order described in division (E) (1) (b) or (c) of this section, 1647
the court shall schedule a full hearing for a date that is 1648
within seven court days after the ex parte hearing. If any other 1649
type of protection order that is authorized under division (E) 1650
of this section is issued by the court after an ex parte 1651
hearing, the court shall schedule a full hearing for a date that 1652
is within ten court days after the ex parte hearing. The court 1653
shall give the respondent notice of, and an opportunity to be 1654
heard at, the full hearing. The court shall hold the full 1655
hearing on the date scheduled under this division unless the 1656
court grants a continuance of the hearing in accordance with 1657
this division. Under any of the following circumstances or for 1658
any of the following reasons, the court may grant a continuance 1659
of the full hearing to a reasonable time determined by the 1660
court: 1661

(i) Prior to the date scheduled for the full hearing under 1662
this division, the respondent has not been served with the 1663
petition filed pursuant to this section and notice of the full 1664
hearing. 1665

(ii) The parties consent to the continuance. 1666

(iii) The continuance is needed to allow a party to obtain 1667
counsel. 1668

(iv) The continuance is needed for other good cause. 1669

(b) An ex parte order issued under this section does not 1670
expire because of a failure to serve notice of the full hearing 1671
upon the respondent before the date set for the full hearing 1672
under division (D)(2)(a) of this section or because the court 1673
grants a continuance under that division. 1674

(3) If a person who files a petition pursuant to this 1675
section does not request an ex parte order, or if a person 1676
requests an ex parte order but the court does not issue an ex 1677
parte order after an ex parte hearing, the court shall proceed 1678
as in a normal civil action and grant a full hearing on the 1679
matter. 1680

(E)(1) After an ex parte or full hearing, the court may 1681
grant any protection order, with or without bond, or approve any 1682
consent agreement to bring about a cessation of domestic 1683
violence against the family or household members or persons with 1684
whom the respondent is or was in a dating relationship. The 1685
order or agreement may: 1686

(a) Direct the respondent to refrain from abusing or from 1687
committing sexually oriented offenses against the family or 1688
household members or persons with whom the respondent is or was 1689
in a dating relationship; 1690

(b) With respect to a petition involving family or 1691
household members, grant possession of the residence or 1692
household to the petitioner or other family or household member, 1693
to the exclusion of the respondent, by evicting the respondent, 1694

when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

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

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

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

(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek

counseling; 1725

(g) Require the respondent to refrain from entering the 1726
residence, school, business, or place of employment of the 1727
petitioner or, with respect to a petition involving family or 1728
household members, a family or household member; 1729

(h) Grant other relief that the court considers equitable 1730
and fair, including, but not limited to, ordering the respondent 1731
to permit the use of a motor vehicle by the petitioner or, with 1732
respect to a petition involving family or household members, 1733
other family or household members and the apportionment of 1734
household and family personal property; 1735

(i) Require that the respondent not remove, damage, hide, 1736
harm, or dispose of any companion animal owned or possessed by 1737
the petitioner; 1738

(j) Authorize the petitioner to remove a companion animal 1739
owned by the petitioner from the possession of the respondent; 1740

(k) Require a wireless service transfer in accordance with 1741
sections 3113.45 to 3113.459 of the Revised Code. 1742

(2) If a protection order has been issued pursuant to this 1743
section in a prior action involving the respondent and the 1744
petitioner or, with respect to a petition involving family or 1745
household members, one or more of the family or household 1746
members or victims, the court may include in a protection order 1747
that it issues a prohibition against the respondent returning to 1748
the residence or household. If it includes a prohibition against 1749
the respondent returning to the residence or household in the 1750
order, it also shall include in the order provisions of the type 1751
described in division (E) (7) of this section. This division does 1752
not preclude the court from including in a protection order or 1753

consent agreement, in circumstances other than those described 1754
in this division, a requirement that the respondent be evicted 1755
from or vacate the residence or household or refrain from 1756
entering the residence, school, business, or place of employment 1757
of the petitioner or, with respect to a petition involving 1758
family or household members, a family or household member, and, 1759
if the court includes any requirement of that type in an order 1760
or agreement, the court also shall include in the order 1761
provisions of the type described in division (E) (7) of this 1762
section. 1763

(3) (a) Any protection order issued or consent agreement 1764
approved under this section shall be valid until a date certain, 1765
but not later than five years from the date of its issuance or 1766
approval, or not later than the date a respondent who is less 1767
than eighteen years of age attains nineteen years of age, unless 1768
modified or terminated as provided in division (E) (8) of this 1769
section. 1770

(b) With respect to an order involving family or household 1771
members, subject to the limitation on the duration of an order 1772
or agreement set forth in division (E) (3) (a) of this section, 1773
any order under division (E) (1) (d) of this section shall 1774
terminate on the date that a court in an action for divorce, 1775
dissolution of marriage, or legal separation brought by the 1776
petitioner or respondent issues an order allocating parental 1777
rights and responsibilities for the care of children or on the 1778
date that a juvenile court in an action brought by the 1779
petitioner or respondent issues an order awarding legal custody 1780
of minor children. Subject to the limitation on the duration of 1781
an order or agreement set forth in division (E) (3) (a) of this 1782
section, any order under division (E) (1) (e) of this section 1783
shall terminate on the date that a court in an action for 1784

divorce, dissolution of marriage, or legal separation brought by 1785
the petitioner or respondent issues a support order or on the 1786
date that a juvenile court in an action brought by the 1787
petitioner or respondent issues a support order. 1788

(c) Any protection order issued or consent agreement 1789
approved pursuant to this section may be renewed in the same 1790
manner as the original order or agreement was issued or 1791
approved. 1792

(4) A court may not issue a protection order that requires 1793
a petitioner to do or to refrain from doing an act that the 1794
court may require a respondent to do or to refrain from doing 1795
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 1796
this section unless all of the following apply: 1797

(a) The respondent files a separate petition for a 1798
protection order in accordance with this section. 1799

(b) The petitioner is served notice of the respondent's 1800
petition at least forty-eight hours before the court holds a 1801
hearing with respect to the respondent's petition, or the 1802
petitioner waives the right to receive this notice. 1803

(c) If the petitioner has requested an ex parte order 1804
pursuant to division (D) of this section, the court does not 1805
delay any hearing required by that division beyond the time 1806
specified in that division in order to consolidate the hearing 1807
with a hearing on the petition filed by the respondent. 1808

(d) After a full hearing at which the respondent presents 1809
evidence in support of the request for a protection order and 1810
the petitioner is afforded an opportunity to defend against that 1811
evidence, the court determines that the petitioner has committed 1812
an act of domestic violence or has violated a temporary 1813

protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.

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

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

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

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

(b) A court that requires an agency to provide supervision pursuant to division (E) (6) (a) of this section shall order the respondent to reimburse the agency for the cost of providing the

supervision, if it determines that the respondent has sufficient 1843
income or resources to pay that cost. 1844

(7) (a) If a protection order issued or consent agreement 1845
approved under this section includes a requirement that the 1846
respondent be evicted from or vacate the residence or household 1847
or refrain from entering the residence, school, business, or 1848
place of employment of the petitioner or, with respect to a 1849
petition involving family or household members, a family or 1850
household member, the order or agreement shall state clearly 1851
that the order or agreement cannot be waived or nullified by an 1852
invitation to the respondent from the petitioner or other family 1853
or household member to enter the residence, school, business, or 1854
place of employment or by the respondent's entry into one of 1855
those places otherwise upon the consent of the petitioner or 1856
other family or household member. 1857

(b) Division (E) (7) (a) of this section does not limit any 1858
discretion of a court to determine that a respondent charged 1859
with a violation of section 2919.27 of the Revised Code, with a 1860
violation of a municipal ordinance substantially equivalent to 1861
that section, or with contempt of court, which charge is based 1862
on an alleged violation of a protection order issued or consent 1863
agreement approved under this section, did not commit the 1864
violation or was not in contempt of court. 1865

(8) (a) The court may modify or terminate as provided in 1866
division (E) (8) of this section a protection order or consent 1867
agreement that was issued after a full hearing under this 1868
section. The court that issued the protection order or approved 1869
the consent agreement shall hear a motion for modification or 1870
termination of the protection order or consent agreement 1871
pursuant to division (E) (8) of this section. 1872

(b) Either the petitioner or the respondent of the 1873
original protection order or consent agreement may bring a 1874
motion for modification or termination of a protection order or 1875
consent agreement that was issued or approved after a full 1876
hearing. The court shall require notice of the motion to be made 1877
as provided by the Rules of Civil Procedure. If the petitioner 1878
for the original protection order or consent agreement has 1879
requested that the petitioner's address be kept confidential, 1880
the court shall not disclose the address to the respondent of 1881
the original protection order or consent agreement or any other 1882
person, except as otherwise required by law. The moving party 1883
has the burden of proof to show, by a preponderance of the 1884
evidence, that modification or termination of the protection 1885
order or consent agreement is appropriate because either the 1886
protection order or consent agreement is no longer needed or 1887
because the terms of the original protection order or consent 1888
agreement are no longer appropriate. 1889

(c) In considering whether to modify or terminate a 1890
protection order or consent agreement issued or approved under 1891
this section, the court shall consider all relevant factors, 1892
including, but not limited to, the following: 1893

(i) Whether the petitioner consents to modification or 1894
termination of the protection order or consent agreement; 1895

(ii) Whether the petitioner fears the respondent; 1896

(iii) The current nature of the relationship between the 1897
petitioner and the respondent; 1898

(iv) The circumstances of the petitioner and respondent, 1899
including the relative proximity of the petitioner's and 1900
respondent's workplaces and residences and whether the 1901

petitioner and respondent have minor children together; 1902

(v) Whether the respondent has complied with the terms and 1903
conditions of the original protection order or consent 1904
agreement; 1905

(vi) Whether the respondent has a continuing involvement 1906
with illegal drugs or alcohol; 1907

(vii) Whether the respondent has been convicted of, 1908
pleaded guilty to, or been adjudicated a delinquent child for an 1909
offense of violence since the issuance of the protection order 1910
or approval of the consent agreement; 1911

(viii) Whether any other protection orders, consent 1912
agreements, restraining orders, or no contact orders have been 1913
issued against the respondent pursuant to this section, section 1914
2919.26 of the Revised Code, any other provision of state law, 1915
or the law of any other state; 1916

(ix) Whether the respondent has participated in any 1917
domestic violence treatment, intervention program, or other 1918
counseling addressing domestic violence and whether the 1919
respondent has completed the treatment, program, or counseling; 1920

(x) The time that has elapsed since the protection order 1921
was issued or since the consent agreement was approved; 1922

(xi) The age and health of the respondent; 1923

(xii) When the last incident of abuse, threat of harm, or 1924
commission of a sexually oriented offense occurred or other 1925
relevant information concerning the safety and protection of the 1926
petitioner or other protected parties. 1927

(d) If a protection order or consent agreement is modified 1928
or terminated as provided in division (E) (8) of this section, 1929

the court shall issue copies of the modified or terminated order 1930
or agreement as provided in division (F) of this section. A 1931
petitioner may also provide notice of the modification or 1932
termination to the judicial and law enforcement officials in any 1933
county other than the county in which the order or agreement is 1934
modified or terminated as provided in division (N) of this 1935
section. 1936

(e) If the respondent moves for modification or 1937
termination of a protection order or consent agreement pursuant 1938
to this section and the court denies the motion, the court may 1939
assess costs against the respondent for the filing of the 1940
motion. 1941

(9) Any protection order issued or any consent agreement 1942
approved pursuant to this section shall include a provision that 1943
the court will automatically seal all of the records of the 1944
proceeding in which the order is issued or agreement approved on 1945
the date the respondent attains the age of nineteen years unless 1946
the petitioner provides the court with evidence that the 1947
respondent has not complied with all of the terms of the 1948
protection order or consent agreement. The protection order or 1949
consent agreement shall specify the date when the respondent 1950
attains the age of nineteen years. 1951

(F) (1) A copy of any protection order, or consent 1952
agreement, that is issued, approved, modified, or terminated 1953
under this section shall be issued by the court to the 1954
petitioner, to the respondent, and to all law enforcement 1955
agencies that have jurisdiction to enforce the order or 1956
agreement. The court shall direct that a copy of an order be 1957
delivered to the respondent on the same day that the order is 1958
entered. 1959

(2) Upon the issuance of a protection order or the 1960
approval of a consent agreement under this section, the court 1961
shall provide the parties to the order or agreement with the 1962
following notice orally or by form: 1963

"NOTICE 1964

As a result of this order or consent agreement, it may be 1965
unlawful for you to possess or purchase a firearm, including a 1966
rifle, pistol, or revolver, or ammunition pursuant to federal 1967
law under 18 U.S.C. 922(g)(8) for the duration of this order or 1968
consent agreement. If you have any questions whether this law 1969
makes it illegal for you to possess or purchase a firearm or 1970
ammunition, you should consult an attorney." 1971

(3) All law enforcement agencies shall establish and 1972
maintain an index for the protection orders and the approved 1973
consent agreements delivered to the agencies pursuant to 1974
division (F)(1) of this section. With respect to each order and 1975
consent agreement delivered, each agency shall note on the index 1976
the date and time that it received the order or consent 1977
agreement. 1978

(4) Regardless of whether the petitioner has registered 1979
the order or agreement in the county in which the officer's 1980
agency has jurisdiction pursuant to division (N) of this 1981
section, any officer of a law enforcement agency shall enforce a 1982
protection order issued or consent agreement approved by any 1983
court in this state in accordance with the provisions of the 1984
order or agreement, including removing the respondent from the 1985
premises, if appropriate. 1986

(G)(1) Any proceeding under this section shall be 1987
conducted in accordance with the Rules of Civil Procedure, 1988

except that an order under this section may be obtained with or 1989
without bond. An order issued under this section, other than an 1990
ex parte order, that grants a protection order or approves a 1991
consent agreement, that refuses to grant a protection order or 1992
approve a consent agreement that modifies or terminates a 1993
protection order or consent agreement, or that refuses to modify 1994
or terminate a protection order or consent agreement, is a 1995
final, appealable order. The remedies and procedures provided in 1996
this section are in addition to, and not in lieu of, any other 1997
available civil or criminal remedies. 1998

(2) If as provided in division (G)(1) of this section an 1999
order issued under this section, other than an ex parte order, 2000
refuses to grant a protection order, the court, on its own 2001
motion, shall order that the ex parte order issued under this 2002
section and all of the records pertaining to that ex parte order 2003
be sealed after either of the following occurs: 2004

(a) No party has exercised the right to appeal pursuant to 2005
Rule 4 of the Rules of Appellate Procedure. 2006

(b) All appellate rights have been exhausted. 2007

(H) The filing of proceedings under this section does not 2008
excuse a person from filing any report or giving any notice 2009
required by section 2151.421 of the Revised Code or by any other 2010
law. When a petition under this section alleges domestic 2011
violence against minor children, the court shall report the 2012
fact, or cause reports to be made, to a county, township, or 2013
municipal peace officer under section 2151.421 of the Revised 2014
Code. 2015

(I) Any law enforcement agency that investigates a 2016
domestic dispute shall provide information to the family or 2017

household members involved, or the persons in the dating 2018
relationship who are involved, whichever is applicable regarding 2019
the relief available under this section and, for family or 2020
household members, section 2919.26 of the Revised Code. 2021

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2022
section and regardless of whether a protection order is issued 2023
or a consent agreement is approved by a court of another county 2024
or a court of another state, no court or unit of state or local 2025
government shall charge the petitioner any fee, cost, deposit, 2026
or money in connection with the filing of a petition pursuant to 2027
this section or in connection with the filing, issuance, 2028
registration, modification, enforcement, dismissal, withdrawal, 2029
or service of a protection order, consent agreement, or witness 2030
subpoena or for obtaining a certified copy of a protection order 2031
or consent agreement. 2032

(2) Regardless of whether a protection order is issued or 2033
a consent agreement is approved pursuant to this section, the 2034
court may assess costs against the respondent in connection with 2035
the filing, issuance, registration, modification, enforcement, 2036
dismissal, withdrawal, or service of a protection order, consent 2037
agreement, or witness subpoena or for obtaining a certified copy 2038
of a protection order or consent agreement. 2039

(K) (1) The court shall comply with Chapters 3119., 3121., 2040
3123., and 3125. of the Revised Code when it makes or modifies 2041
an order for child support under this section. 2042

(2) If any person required to pay child support under an 2043
order made under this section on or after April 15, 1985, or 2044
modified under this section on or after December 31, 1986, is 2045
found in contempt of court for failure to make support payments 2046
under the order, the court that makes the finding, in addition 2047

to any other penalty or remedy imposed, shall assess all court 2048
costs arising out of the contempt proceeding against the person 2049
and require the person to pay any reasonable attorney's fees of 2050
any adverse party, as determined by the court, that arose in 2051
relation to the act of contempt. 2052

(L) (1) A person who violates a protection order issued or 2053
a consent agreement approved under this section is subject to 2054
the following sanctions: 2055

(a) Criminal prosecution or a delinquent child proceeding 2056
for a violation of section 2919.27 of the Revised Code, if the 2057
violation of the protection order or consent agreement 2058
constitutes a violation of that section; 2059

(b) Punishment for contempt of court. 2060

(2) The punishment of a person for contempt of court for 2061
violation of a protection order issued or a consent agreement 2062
approved under this section does not bar criminal prosecution of 2063
the person or a delinquent child proceeding concerning the 2064
person for a violation of section 2919.27 of the Revised Code. 2065
However, a person punished for contempt of court is entitled to 2066
credit for the punishment imposed upon conviction of or 2067
adjudication as a delinquent child for a violation of that 2068
section, and a person convicted of or adjudicated a delinquent 2069
child for a violation of that section shall not subsequently be 2070
punished for contempt of court arising out of the same activity. 2071

(M) In all stages of a proceeding under this section, a 2072
petitioner may be accompanied by a victim advocate. 2073

(N) (1) A petitioner who obtains a protection order or 2074
consent agreement under this section or a temporary protection 2075
order under section 2919.26 of the Revised Code may provide 2076

notice of the issuance or approval of the order or agreement to 2077
the judicial and law enforcement officials in any county other 2078
than the county in which the order is issued or the agreement is 2079
approved by registering that order or agreement in the other 2080
county pursuant to division (N)(2) of this section and filing a 2081
copy of the registered order or registered agreement with a law 2082
enforcement agency in the other county in accordance with that 2083
division. A person who obtains a protection order issued by a 2084
court of another state may provide notice of the issuance of the 2085
order to the judicial and law enforcement officials in any 2086
county of this state by registering the order in that county 2087
pursuant to section 2919.272 of the Revised Code and filing a 2088
copy of the registered order with a law enforcement agency in 2089
that county. 2090

(2) A petitioner may register a temporary protection 2091
order, protection order, or consent agreement in a county other 2092
than the county in which the court that issued the order or 2093
approved the agreement is located in the following manner: 2094

(a) The petitioner shall obtain a certified copy of the 2095
order or agreement from the clerk of the court that issued the 2096
order or approved the agreement and present that certified copy 2097
to the clerk of the court of common pleas or the clerk of a 2098
municipal court or county court in the county in which the order 2099
or agreement is to be registered. 2100

(b) Upon accepting the certified copy of the order or 2101
agreement for registration, the clerk of the court of common 2102
pleas, municipal court, or county court shall place an 2103
endorsement of registration on the order or agreement and give 2104
the petitioner a copy of the order or agreement that bears that 2105
proof of registration. 2106

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

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

Sec. 4510.13. (A) (1) Divisions (A) (2) to (9) of this section apply to a judge or mayor regarding the suspension of, or the grant of limited driving privileges during a suspension of, an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code, under division (B) or (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance.

(2) No judge or mayor shall suspend the following portions of the suspension of an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance, provided that division (A) (2) of this section does not limit a court or mayor in crediting any period of suspension imposed pursuant to division (B) or (C) of section 4511.191 of the Revised Code

against any time of judicial suspension imposed pursuant to 2137
section 4511.19 or 4510.07 of the Revised Code, as described in 2138
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 2139
Code: 2140

(a) The first six months of a suspension imposed under 2141
division (G) (1) (a) of section 4511.19 of the Revised Code or of 2142
a comparable length suspension imposed under section 4510.07 of 2143
the Revised Code; 2144

(b) The first year of a suspension imposed under division 2145
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 2146
comparable length suspension imposed under section 4510.07 of 2147
the Revised Code; 2148

(c) The first three years of a suspension imposed under 2149
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 2150
or of a comparable length suspension imposed under section 2151
4510.07 of the Revised Code; 2152

(d) The first sixty days of a suspension imposed under 2153
division (H) of section 4511.19 of the Revised Code or of a 2154
comparable length suspension imposed under section 4510.07 of 2155
the Revised Code. 2156

(3) No judge or mayor shall grant limited driving 2157
privileges to an offender whose driver's or commercial driver's 2158
license or permit or nonresident operating privilege has been 2159
suspended under division (G) or (H) of section 4511.19 of the 2160
Revised Code, under division (C) of section 4511.191 of the 2161
Revised Code, or under section 4510.07 of the Revised Code for a 2162
municipal OVI conviction if the offender, within the preceding 2163
ten years, has been convicted of or pleaded guilty to three or 2164
more violations of one or more of the Revised Code sections, 2165

municipal ordinances, statutes of the United States or another 2166
state, or municipal ordinances of a municipal corporation of 2167
another state that are identified in ~~divisions (G)~~ division (H) 2168
(2) ~~(b) to (h)~~ of section 2919.22 of the Revised Code. 2169

Additionally, no judge or mayor shall grant limited 2170
driving privileges to an offender whose driver's or commercial 2171
driver's license or permit or nonresident operating privilege 2172
has been suspended under division (B) of section 4511.191 of the 2173
Revised Code if the offender, within the preceding ten years, 2174
has refused three previous requests to consent to a chemical 2175
test of the person's whole blood, blood serum or plasma, breath, 2176
or urine to determine its alcohol content. 2177

(4) No judge or mayor shall grant limited driving 2178
privileges for employment as a driver of commercial motor 2179
vehicles to an offender whose driver's or commercial driver's 2180
license or permit or nonresident operating privilege has been 2181
suspended under division (G) or (H) of section 4511.19 of the 2182
Revised Code, under division (B) or (C) of section 4511.191 of 2183
the Revised Code, or under section 4510.07 of the Revised Code 2184
for a municipal OVI conviction if the offender is disqualified 2185
from operating a commercial motor vehicle, or whose license or 2186
permit has been suspended, under section 3123.58 or 4506.16 of 2187
the Revised Code. 2188

(5) No judge or mayor shall grant limited driving 2189
privileges to an offender whose driver's or commercial driver's 2190
license or permit or nonresident operating privilege has been 2191
suspended under division (G) or (H) of section 4511.19 of the 2192
Revised Code, under division (C) of section 4511.191 of the 2193
Revised Code, or under section 4510.07 of the Revised Code for a 2194
conviction of a violation of a municipal OVI ordinance during 2195

any of the following periods of time: 2196

(a) The first fifteen days of a suspension imposed under 2197
division (G) (1) (a) of section 4511.19 of the Revised Code or a 2198
comparable length suspension imposed under section 4510.07 of 2199
the Revised Code, or of a suspension imposed under division (C) 2200
(1) (a) of section 4511.191 of the Revised Code. On or after the 2201
sixteenth day of the suspension, the court may grant limited 2202
driving privileges, but the court may require that the offender 2203
shall not exercise the privileges unless the vehicles the 2204
offender operates are equipped with immobilizing or disabling 2205
devices that monitor the offender's alcohol consumption or any 2206
other type of immobilizing or disabling devices, except as 2207
provided in division (C) of section 4510.43 of the Revised Code. 2208

(b) The first forty-five days of a suspension imposed 2209
under division (C) (1) (b) of section 4511.191 of the Revised 2210
Code. On or after the forty-sixth day of suspension, the court 2211
may grant limited driving privileges, but the court may require 2212
that the offender shall not exercise the privileges unless the 2213
vehicles the offender operates are equipped with immobilizing or 2214
disabling devices that monitor the offender's alcohol 2215
consumption or any other type of immobilizing or disabling 2216
devices, except as provided in division (C) of section 4510.43 2217
of the Revised Code. 2218

(c) The first sixty days of a suspension imposed under 2219
division (H) of section 4511.19 of the Revised Code or a 2220
comparable length suspension imposed under section 4510.07 of 2221
the Revised Code. 2222

(d) The first one hundred eighty days of a suspension 2223
imposed under division (C) (1) (c) of section 4511.191 of the 2224
Revised Code. On or after the one hundred eighty-first day of 2225

suspension, the court may grant limited driving privileges, and 2226
either of the following applies: 2227

(i) If the underlying arrest is alcohol-related, the court 2228
shall issue an order that, except as provided in division (C) of 2229
section 4510.43 of the Revised Code, for the remainder of the 2230
period of suspension the offender shall not exercise the 2231
privileges unless the vehicles the offender operates are 2232
equipped with a certified ignition interlock device. 2233

(ii) If the underlying arrest is drug-related, the court 2234
in its discretion may issue an order that, except as provided in 2235
division (C) of section 4510.43 of the Revised Code, for the 2236
remainder of the period of suspension the offender shall not 2237
exercise the privileges unless the vehicles the offender 2238
operates are equipped with a certified ignition interlock 2239
device. 2240

(e) The first forty-five days of a suspension imposed 2241
under division (G)(1)(b) of section 4511.19 of the Revised Code 2242
or a comparable length suspension imposed under section 4510.07 2243
of the Revised Code. On or after the forty-sixth day of the 2244
suspension, the court may grant limited driving privileges, and 2245
either of the following applies: 2246

(i) If the underlying conviction is alcohol-related, the 2247
court shall issue an order that, except as provided in division 2248
(C) of section 4510.43 of the Revised Code, for the remainder of 2249
the period of suspension the offender shall not exercise the 2250
privileges unless the vehicles the offender operates are 2251
equipped with a certified ignition interlock device. 2252

(ii) If the underlying conviction is drug-related, the 2253
court in its discretion may issue an order that, except as 2254

provided in division (C) of section 4510.43 of the Revised Code, 2255
for the remainder of the period of suspension the offender shall 2256
not exercise the privileges unless the vehicles the offender 2257
operates are equipped with a certified ignition interlock 2258
device. 2259

If a court grants limited driving privileges under 2260
division (A)(5)(e) of this section, the court may issue an order 2261
terminating an immobilization order issued pursuant to division 2262
(G)(1)(b)(v) of section 4511.19 of the Revised Code to take 2263
effect concurrently with the granting of limited driving 2264
privileges. The court shall send notice of the termination of 2265
the immobilization order to the registrar of motor vehicles. 2266

Upon receiving information that an offender violated any 2267
condition imposed by the court at the time an immobilization 2268
order was terminated under this section, the court may hold a 2269
hearing and, in its discretion, issue an order reinstating the 2270
immobilization order for the balance of the immobilization 2271
period that remained when the court originally ordered the 2272
termination of the immobilization order. The court may issue the 2273
order only upon a showing of good cause that the offender 2274
violated any condition imposed by the court. The court shall 2275
send notice of the reinstatement of the immobilization order to 2276
the registrar. 2277

(f) The first one hundred eighty days of a suspension 2278
imposed under division (G)(1)(c) of section 4511.19 of the 2279
Revised Code or a comparable length suspension imposed under 2280
section 4510.07 of the Revised Code. On or after the one hundred 2281
eighty-first day of the suspension, the court may grant limited 2282
driving privileges, and either of the following applies: 2283

(i) If the underlying conviction is alcohol-related, the 2284

court shall issue an order that, except as provided in division 2285
(C) of section 4510.43 of the Revised Code, for the remainder of 2286
the period of suspension the offender shall not exercise the 2287
privileges unless the vehicles the offender operates are 2288
equipped with a certified ignition interlock device. 2289

(ii) If the underlying conviction is drug-related, the 2290
court in its discretion may issue an order that, except as 2291
provided in division (C) of section 4510.43 of the Revised Code, 2292
for the remainder of the period of suspension the offender shall 2293
not exercise the privileges unless the vehicles the offender 2294
operates are equipped with a certified ignition interlock 2295
device. 2296

(g) The first three years of a suspension imposed under 2297
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2298
or a comparable length suspension imposed under section 4510.07 2299
of the Revised Code, or of a suspension imposed under division 2300
(C)(1)(d) of section 4511.191 of the Revised Code. On or after 2301
the first three years of suspension, the court may grant limited 2302
driving privileges, and either of the following applies: 2303

(i) If the underlying conviction is alcohol-related, the 2304
court shall issue an order that, except as provided in division 2305
(C) of section 4510.43 of the Revised Code, for the remainder of 2306
the period of suspension the offender shall not exercise the 2307
privileges unless the vehicles the offender operates are 2308
equipped with a certified ignition interlock device. 2309

(ii) If the underlying conviction is drug-related, the 2310
court in its discretion may issue an order that, except as 2311
provided in division (C) of section 4510.43 of the Revised Code, 2312
for the remainder of the period of suspension the offender shall 2313
not exercise the privileges unless the vehicles the offender 2314

operates are equipped with a certified ignition interlock 2315
device. 2316

(6) No judge or mayor shall grant limited driving 2317
privileges to an offender whose driver's or commercial driver's 2318
license or permit or nonresident operating privilege has been 2319
suspended under division (B) of section 4511.191 of the Revised 2320
Code during any of the following periods of time: 2321

(a) The first thirty days of suspension imposed under 2322
division (B) (1) (a) of section 4511.191 of the Revised Code; 2323

(b) The first ninety days of suspension imposed under 2324
division (B) (1) (b) of section 4511.191 of the Revised Code; 2325

(c) The first year of suspension imposed under division 2326
(B) (1) (c) of section 4511.191 of the Revised Code; 2327

(d) The first three years of suspension imposed under 2328
division (B) (1) (d) of section 4511.191 of the Revised Code. 2329

(7) In any case in which a judge or mayor grants limited 2330
driving privileges to an offender whose driver's or commercial 2331
driver's license or permit or nonresident operating privilege 2332
has been suspended under division (G) (1) (c), (d), or (e) of 2333
section 4511.19 of the Revised Code, under division (G) (1) (a) or 2334
(b) of section 4511.19 of the Revised Code for a violation of 2335
division (A) (1) (f), (g), (h), or (i) of that section, or under 2336
section 4510.07 of the Revised Code for a municipal OVI 2337
conviction for which sentence would have been imposed under 2338
division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) (c), (d), or 2339
(e) of section 4511.19 of the Revised Code had the offender been 2340
charged with and convicted of a violation of section 4511.19 of 2341
the Revised Code instead of a violation of the municipal OVI 2342
ordinance, the judge or mayor shall impose as a condition of the 2343

privileges that the offender must display on the vehicle that is 2344
driven subject to the privileges restricted license plates that 2345
are issued under section 4503.231 of the Revised Code, except as 2346
provided in division (B) of that section. 2347

(8) In any case in which an offender is required by a 2348
court under this section to operate a motor vehicle that is 2349
equipped with a certified ignition interlock device and either 2350
the offender commits an ignition interlock device violation as 2351
defined under section 4510.46 of the Revised Code or the 2352
offender operates a motor vehicle that is not equipped with a 2353
certified ignition interlock device, the following applies: 2354

(a) If the offender was sentenced under division (G)(1)(a) 2355
or (b) or division (H) of section 4511.19 of the Revised Code, 2356
on a first instance the court may require the offender to wear a 2357
monitor that provides continuous alcohol monitoring that is 2358
remote. On a second instance, the court shall require the 2359
offender to wear a monitor that provides continuous alcohol 2360
monitoring that is remote for a minimum of forty days. On a 2361
third instance or more, the court shall require the offender to 2362
wear a monitor that provides continuous alcohol monitoring that 2363
is remote for a minimum of sixty days. 2364

(b) If the offender was sentenced under division (G)(1) 2365
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 2366
first instance the court shall require the offender to wear a 2367
monitor that provides continuous alcohol monitoring that is 2368
remote for a minimum of forty days. On a second instance or 2369
more, the court shall require the offender to wear a monitor 2370
that provides continuous alcohol monitoring that is remote for a 2371
minimum of sixty days. 2372

(c) The court may increase the period of suspension of the 2373

offender's driver's or commercial driver's license or permit or 2374
nonresident operating privilege from that originally imposed by 2375
the court by a factor of two and may increase the period of time 2376
during which the offender will be prohibited from exercising any 2377
limited driving privileges granted to the offender unless the 2378
vehicles the offender operates are equipped with a certified 2379
ignition interlock device by a factor of two. The limitation 2380
under division (E) of section 4510.46 of the Revised Code 2381
applies to an increase under division (A) (8) (c) of this section. 2382

(d) If the violation occurred within sixty days of the end 2383
of the suspension of the offender's driver's or commercial 2384
driver's license or permit or nonresident operating privilege 2385
and the court does not impose an increase in the period of the 2386
suspension under division (A) (8) (c) of this section, the court 2387
shall proceed as follows: 2388

(i) Issue an order extending the period of suspension and 2389
the grant of limited driving privileges with a required 2390
certified ignition interlock device so that the suspension 2391
terminates sixty days from the date the offender committed that 2392
violation. 2393

(ii) For each violation subsequent to a violation for 2394
which an extension was ordered under division (A) (8) (d) (i) of 2395
this section, issue an order extending the period of suspension 2396
and the grant of limited driving privileges with a required 2397
certified ignition interlock device so that the suspension 2398
terminates sixty days from the date the offender committed that 2399
violation. 2400

The registrar of motor vehicles is prohibited from 2401
reinstating an offender's license unless the applicable period 2402
of suspension has been served and no ignition interlock device 2403

violations have been committed within the sixty days prior to 2404
the application for reinstatement. 2405

(9) At the time the court issues an order under this 2406
section requiring an offender to use an ignition interlock 2407
device, the court shall provide notice to the offender of each 2408
action the court is authorized or required to take under 2409
division (A)(8) of this section if the offender circumvents or 2410
tampers with the device or in any case in which the court 2411
receives notice pursuant to section 4510.46 of the Revised Code 2412
that a device prevented an offender from starting a motor 2413
vehicle. 2414

(10) In any case in which the court issues an order under 2415
this section prohibiting an offender from exercising limited 2416
driving privileges unless the vehicles the offender operates are 2417
equipped with an immobilizing or disabling device, including a 2418
certified ignition interlock device, or requires an offender to 2419
wear a monitor that provides continuous alcohol monitoring that 2420
is remote, the court shall impose an additional court cost of 2421
two dollars and fifty cents upon the offender. The court shall 2422
not waive the payment of the two dollars and fifty cents unless 2423
the court determines that the offender is indigent and waives 2424
the payment of all court costs imposed upon the indigent 2425
offender. The clerk of court shall transmit one hundred per cent 2426
of this mandatory court cost collected during a month on or 2427
before the twenty-third day of the following month to the state 2428
treasury to be credited to the public safety - highway purposes 2429
fund created under section 4501.06 of the Revised Code, to be 2430
used by the department of public safety to cover costs 2431
associated with maintaining the habitual OVI/OMWI offender 2432
registry created under section 5502.10 of the Revised Code. In 2433
its discretion the court may impose an additional court cost of 2434

two dollars and fifty cents upon the offender. The clerk of 2435
court shall retain this discretionary two dollar and fifty cent 2436
court cost, if imposed, and shall deposit it in the court's 2437
special projects fund that is established under division (E) (1) 2438
of section 2303.201, division (B) (1) of section 1901.26, or 2439
division (B) (1) of section 1907.24 of the Revised Code. 2440

(B) Any person whose driver's or commercial driver's 2441
license or permit or nonresident operating privilege has been 2442
suspended pursuant to section 4511.19 or 4511.191 of the Revised 2443
Code or under section 4510.07 of the Revised Code for a 2444
violation of a municipal OVI ordinance may file a petition for 2445
limited driving privileges during the suspension. The person 2446
shall file the petition in the court that has jurisdiction over 2447
the place of arrest. Subject to division (A) of this section, 2448
the court may grant the person limited driving privileges during 2449
the period during which the suspension otherwise would be 2450
imposed. However, the court shall not grant the privileges for 2451
employment as a driver of a commercial motor vehicle to any 2452
person who is disqualified from operating a commercial motor 2453
vehicle under section 4506.16 of the Revised Code or during any 2454
of the periods prescribed by division (A) of this section. 2455

(C) (1) After a driver's or commercial driver's license or 2456
permit or nonresident operating privilege has been suspended 2457
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2458
2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 2459
4549.021, or 5743.99 of the Revised Code, any provision of 2460
Chapter 2925. of the Revised Code, or section 4510.07 of the 2461
Revised Code for a violation of a municipal OVI ordinance, the 2462
judge of the court or mayor of the mayor's court that suspended 2463
the license, permit, or privilege shall cause the offender to 2464
deliver to the court the license or permit. The judge, mayor, or 2465

clerk of the court or mayor's court shall forward to the 2466
registrar the license or permit together with notice of the 2467
action of the court. 2468

(2) A suspension of a commercial driver's license under 2469
any section or chapter identified in division (C)(1) of this 2470
section shall be concurrent with any period of suspension or 2471
disqualification under section 3123.58 or 4506.16 of the Revised 2472
Code. No person who is disqualified for life from holding a 2473
commercial driver's license under section 4506.16 of the Revised 2474
Code shall be issued a driver's license under this chapter 2475
during the period for which the commercial driver's license was 2476
suspended under this section, and no person whose commercial 2477
driver's license is suspended under any section or chapter 2478
identified in division (C)(1) of this section shall be issued a 2479
driver's license under Chapter 4507. of the Revised Code during 2480
the period of the suspension. 2481

(3) No judge or mayor shall suspend any class one 2482
suspension, or any portion of any class one suspension, imposed 2483
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 2484
Revised Code. No judge or mayor shall suspend the first thirty 2485
days of any class two, class three, class four, class five, or 2486
class six suspension imposed under section 2903.06, 2903.08, 2487
2903.11, 2923.02, or 2929.02 of the Revised Code. 2488

(D) The judge of the court or mayor of the mayor's court 2489
shall credit any time during which an offender was subject to an 2490
administrative suspension of the offender's driver's or 2491
commercial driver's license or permit or nonresident operating 2492
privilege imposed pursuant to section 4511.191 or 4511.192 of 2493
the Revised Code or a suspension imposed by a judge, referee, or 2494
mayor pursuant to division (B)(1) or (2) of section 4511.196 of 2495

the Revised Code against the time to be served under a related 2496
suspension imposed pursuant to any section or chapter identified 2497
in division (C) (1) of this section. 2498

(E) The judge or mayor shall notify the bureau of motor 2499
vehicles of any determinations made pursuant to this section and 2500
of any suspension imposed pursuant to any section or chapter 2501
identified in division (C) (1) of this section. 2502

(F) (1) If a court issues an order under this section 2503
granting limited driving privileges and requiring an offender to 2504
use an immobilizing or disabling device, the order shall 2505
authorize the offender during the specified period to operate a 2506
motor vehicle only if it is equipped with such a device, except 2507
as provided in division (C) of section 4510.43 of the Revised 2508
Code. The court shall provide the offender with a copy of the 2509
order for purposes of obtaining a restricted license and shall 2510
submit a copy of the order to the registrar of motor vehicles. 2511

(2) An offender shall present to the registrar or to a 2512
deputy registrar the copy of an immobilizing or disabling device 2513
order issued under this section and a certificate affirming the 2514
installation of an immobilizing or disabling device that is in a 2515
form established by the director of public safety and that is 2516
signed by the person who installed the device. Upon presentation 2517
of the order and certificate to the registrar or a deputy 2518
registrar, the registrar or deputy registrar shall issue the 2519
offender a restricted license, unless the offender's driver's or 2520
commercial driver's license or permit is suspended under any 2521
other provision of law and limited driving privileges have not 2522
been granted with regard to that suspension. A restricted 2523
license issued under this division shall be identical to an Ohio 2524
driver's license, except that it shall have printed on its face 2525

a statement that the offender is prohibited from operating any 2526
motor vehicle that is not equipped with an immobilizing or 2527
disabling device in violation of the order. 2528

(3) (a) No person who has been granted limited driving 2529
privileges subject to an immobilizing or disabling device order 2530
under this section shall operate a motor vehicle prior to 2531
obtaining a restricted license. Any person who violates this 2532
prohibition is subject to the penalties prescribed in section 2533
4510.14 of the Revised Code. 2534

(b) The offense established under division (F) (3) (a) of 2535
this section is a strict liability offense and section 2901.20 2536
of the Revised Code does not apply. 2537

Sec. 4510.31. (A) (1) Except as provided in division (C) (1) 2538
or (2) of this section, the registrar of motor vehicles shall 2539
suspend the probationary driver's license, restricted license, 2540
or temporary instruction permit issued to any person when the 2541
person has been convicted of, pleaded guilty to, or been 2542
adjudicated in juvenile court of having committed, prior to the 2543
person's eighteenth birthday, any of the following: 2544

(a) Three separate violations of section 2903.06, 2903.08, 2545
2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201, 2546
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 2547
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 2548
Revised Code, section 4510.14 of the Revised Code involving a 2549
suspension imposed under section 4511.191 or 4511.196 of the 2550
Revised Code, section 2903.04 of the Revised Code in a case in 2551
which the person would have been subject to the sanctions 2552
described in division (D) of that section had the person been 2553
convicted of the violation of that section, former section 2554
2903.07 of the Revised Code, or any municipal ordinances 2555

similarly relating to the offenses referred to in those 2556
sections; 2557

(b) One violation of section 4511.19 of the Revised Code 2558
or a substantially similar municipal ordinance; 2559

(c) Two separate violations of any of the Revised Code 2560
sections referred to in division (A)(1)(a) of this section, or 2561
any municipal ordinance that is substantially similar to any of 2562
those sections. 2563

(2) Any person whose license or permit is suspended under 2564
division (A)(1)(a), (b), or (c) of this section shall mail or 2565
deliver the person's probationary driver's license, restricted 2566
license, or temporary instruction permit to the registrar within 2567
fourteen days of notification of the suspension. The registrar 2568
shall retain the license or permit during the period of the 2569
suspension. A suspension pursuant to division (A)(1)(a) of this 2570
section shall be a class C suspension, a suspension pursuant to 2571
division (A)(1)(b) of this section shall be a class D 2572
suspension, and a suspension pursuant to division (A)(1)(c) of 2573
this section shall be a class E suspension, all for the periods 2574
of time specified in division (B) of section 4510.02 of the 2575
Revised Code. If the person's probationary driver's license, 2576
restricted license, or temporary instruction permit is under 2577
suspension on the date the court imposes sentence upon the 2578
person for a violation described in division (A)(1)(b) of this 2579
section, the suspension shall take effect on the next day 2580
immediately following the end of that period of suspension. If 2581
the person is sixteen years of age or older and pleads guilty to 2582
or is convicted of a violation described in division (A)(1)(b) 2583
of this section and the person does not have a current, valid 2584
probationary driver's license, restricted license, or temporary 2585

instruction permit, the registrar shall deny the issuance to the 2586
person of a probationary driver's license, restricted license, 2587
driver's license, commercial driver's license, or temporary 2588
instruction permit, as the case may be, for six months beginning 2589
on the date the court imposes sentence upon the person for the 2590
violation. If the person has not attained the age of sixteen 2591
years on the date the court imposes sentence upon the person for 2592
the violation, the period of denial shall commence on the date 2593
the person attains the age of sixteen years. 2594

(3) The registrar shall suspend the person's license or 2595
permit under division (A) of this section regardless of whether 2596
the disposition of the case in juvenile court occurred after the 2597
person's eighteenth birthday. 2598

(B) The registrar also shall impose a class D suspension 2599
for the period of time specified in division (B) (4) of section 2600
4510.02 of the Revised Code of the temporary instruction permit 2601
or probationary driver's license of any person under the age of 2602
eighteen who has been adjudicated an unruly child, delinquent 2603
child, or juvenile traffic offender for having committed any act 2604
that if committed by an adult would be a drug abuse offense or a 2605
violation of division (B) of section 2917.11 of the Revised 2606
Code. The registrar, in the registrar's discretion, may 2607
terminate the suspension if the child, at the discretion of the 2608
court, attends and satisfactorily completes a drug abuse or 2609
alcohol abuse education, intervention, or treatment program 2610
specified by the court. Any person whose temporary instruction 2611
permit or probationary driver's license is suspended under this 2612
division shall mail or deliver the person's permit or license to 2613
the registrar within fourteen days of notification of the 2614
suspension. The registrar shall retain the permit or license 2615
during the period of the suspension. 2616

(C) (1) (a) Except as provided in division (C) (1) (c) of this 2617
section, for any person who is convicted of, pleads guilty to, 2618
or is adjudicated in juvenile court of having committed a second 2619
or third violation of section 4511.12, 4511.13, 4511.20 to 2620
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 2621
4511.75 of the Revised Code or any similar municipal ordinances 2622
and whose license or permit is suspended under division (A) (1) 2623
(a) or (c) of this section, the court in which the second or 2624
third conviction, finding, plea, or adjudication resulting in 2625
the suspension was made, upon petition of the person, may grant 2626
the person limited driving privileges during the period during 2627
which the suspension otherwise would be imposed under division 2628
(A) (1) (a) or (c) of this section for any of the purposes set 2629
forth in division (A) of section 4510.021 of the Revised Code. 2630
In granting the limited driving privileges, the court shall 2631
specify the purposes, times, and places of the privileges and 2632
may impose any other conditions upon the person's driving a 2633
motor vehicle that the court considers reasonable and necessary. 2634

A court that grants limited driving privileges to a person 2635
under this division shall retain the person's probationary 2636
driver's license, restricted license, or temporary instruction 2637
permit during the period the license or permit is suspended and 2638
also during the period for which limited driving privileges are 2639
granted, and shall deliver to the person a permit card, in a 2640
form to be prescribed by the court, setting forth the date on 2641
which the limited driving privileges will become effective, the 2642
purposes for which the person may drive, the times and places at 2643
which the person may drive, and any other conditions imposed 2644
upon the person's use of a motor vehicle. 2645

The court immediately shall notify the registrar, in 2646
writing, of a grant of limited driving privileges under this 2647

division. The notification shall specify the date on which the
limited driving privileges will become effective, the purposes
for which the person may drive, the times and places at which
the person may drive, and any other conditions imposed upon the
person's use of a motor vehicle. The registrar shall not suspend
the probationary driver's license, restricted license, or
temporary instruction permit of any person pursuant to division
(A) of this section during any period for which the person has
been granted limited driving privileges as provided in this
division, if the registrar has received the notification
described in this division from the court.

(b) Except as provided in division (C) (1) (c) of this
section, in any case in which the temporary instruction permit
or probationary driver's license of a person under eighteen
years of age has been suspended under division (A) or (B) of
this section or any other provision of law, the court may grant
the person limited driving privileges for the purpose of the
person's practicing of driving with the person's parent,
guardian, or other custodian during the period of the
suspension. Any grant of limited driving privileges under this
division shall comply with division (D) of section 4510.021 of
the Revised Code.

(c) A court shall not grant limited driving privileges to
a person identified in division (C) (1) (a) or (b) of this section
if the person, within the preceding six years, has been
convicted of, pleaded guilty to, or adjudicated in juvenile
court of having committed three or more violations of one or
more of the divisions or sections set forth in ~~divisions (G)~~
division (H) (2) (b) to (g) of section 2919.22 of the Revised
Code.

(2) (a) In a case in which a person is convicted of, pleads 2678
guilty to, or is adjudicated in juvenile court of having 2679
committed, prior to the person's eighteenth birthday, a second 2680
or third violation of section 4511.12, 4511.13, 4511.20 to 2681
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 2682
4511.75 of the Revised Code or any similar municipal ordinances 2683
and division (A) (1) (a) or (c) of this section requires the 2684
registrar of motor vehicles to suspend the person's license or 2685
permit, the court in which the person is convicted of, pleads 2686
guilty to, or is adjudicated of having committed the second or 2687
third violation may elect to order the registrar of motor 2688
vehicles to waive the suspension if all of the following apply: 2689

(i) Prior to the date on which the court imposes sentence 2690
upon, or makes an order of disposition for, the person for the 2691
second or third violation, the person submits to the court a 2692
petition requesting the court to order the registrar to waive 2693
the prescribed suspension and describing the reasons why the 2694
person believes the suspension, if imposed, would seriously 2695
affect the person's ability to continue in employment, 2696
educational training, vocational training, or treatment. 2697

(ii) Prior to the date specified in division (C) (2) (a) (i) 2698
of this section, the person submits to the court satisfactory 2699
proof showing that the person successfully completed an advanced 2700
juvenile driver improvement program approved by the director of 2701
public safety under division (B) of section 4510.311 of the 2702
Revised Code after the date the person committed that second or 2703
third violation. 2704

(iii) Prior to imposing sentence upon, or making an order 2705
of disposition for, the person for the second or third 2706
violation, the court finds reasonable cause to believe that the 2707

suspension, if imposed, would seriously affect the person's 2708
ability to continue in employment, educational training, 2709
vocational training, or treatment. 2710

(iv) If the court is imposing sentence upon, or making an 2711
order of disposition for, the person for a third violation, the 2712
person did not submit to the court that imposed sentence upon, 2713
or made an order of disposition for, the person for the second 2714
violation a petition of the type described in division (C) (2) (a) 2715
(i) of this section, and the court that imposed sentence upon, 2716
or made an order of disposition for, the person for that second 2717
violation did not order the registrar of motor vehicles to waive 2718
the suspension of the person's license or permit required under 2719
division (A) (1) (c) of this section for the conviction of, plea 2720
of guilty to, or adjudication in juvenile court of having 2721
committed that second violation. 2722

(b) If a court elects pursuant to division (C) (2) (a) of 2723
this section to order the registrar of motor vehicles to waive a 2724
suspension that otherwise is required under division (A) (1) (a) 2725
or (c) of this section, the court immediately shall send a 2726
written copy of the order to the registrar. Upon receipt of the 2727
written copy of the order, the registrar shall not suspend 2728
pursuant to division (A) (1) (a) or (c) of this section the 2729
probationary driver's license, restricted license, or temporary 2730
instruction permit of the person who is the subject of the order 2731
for the second or third violation for which the suspension 2732
otherwise would be imposed under that division. 2733

(D) If a person who has been granted limited driving 2734
privileges under division (C) (1) of this section is convicted 2735
of, pleads guilty to, or is adjudicated in juvenile court of 2736
having committed, a violation of Chapter 4510. of the Revised 2737

Code, or a subsequent violation of any of the sections of the 2738
Revised Code listed in division (A) (1) (a) of this section or any 2739
similar municipal ordinance during the period for which the 2740
person was granted limited driving privileges, the court that 2741
granted the limited driving privileges shall suspend the 2742
person's permit card. The court or the clerk of the court 2743
immediately shall forward the person's probationary driver's 2744
license, restricted license, or temporary instruction permit 2745
together with written notification of the court's action to the 2746
registrar. Upon receipt of the license or permit and 2747
notification, the registrar shall impose a class C suspension of 2748
the person's probationary driver's license, restricted license, 2749
or temporary instruction permit for the period of time specified 2750
in division (B) (3) of section 4510.02 of the Revised Code. The 2751
registrar shall retain the license or permit during the period 2752
of suspension, and no further limited driving privileges shall 2753
be granted during that period. 2754

(E) No application for a driver's or commercial driver's 2755
license shall be received from any person whose probationary 2756
driver's license, restricted license, or temporary instruction 2757
permit has been suspended under this section until each of the 2758
following has occurred: 2759

(1) The suspension period has expired; 2760

(2) A temporary instruction permit or commercial driver's 2761
license temporary instruction permit has been issued; 2762

(3) The person successfully completes a juvenile driver 2763
improvement program approved by the director of public safety 2764
under division (A) of section 4510.311 of the Revised Code; 2765

(4) The applicant has submitted to the examination for a 2766

driver's license as provided for in section 4507.11 or a 2767
commercial driver's license as provided in Chapter 4506. of the 2768
Revised Code. 2769

Section 2. That existing sections 109.744, 109.803, 2770
2903.01, 2919.22, 2929.022, 2929.04, 2935.032, 2935.033, 2771
3113.31, 4510.13, and 4510.31 of the Revised Code are hereby 2772
repealed. 2773

Section 3. The General Assembly, in enacting this act, 2774
encourages prosecuting attorneys to employ no-drop policies in 2775
an effort to curb instances of domestic violence. No-drop 2776
policies rely on a presumption against seeking voluntary 2777
dismissal or an entry of nolle prosequi in a case related to an 2778
incident of domestic violence and may include any of the 2779
following: 2780

(A) A policy of informing the victim in a domestic 2781
violence case that the office generally does not drop charges of 2782
domestic violence, but that there are exceptions under certain 2783
circumstances; 2784

(B) A requirement that the victim of the offense of 2785
domestic violence must speak to a victim's advocate or 2786
prosecutor before charges may be dropped; 2787

(C) A requirement that certain categories of crimes or 2788
offenders be removed from consideration for voluntary dismissal 2789
or nolle prosequi, such as offenders with prior domestic 2790
violence convictions, offenders who have another concurrent case 2791
of domestic violence pending, or offenders on probation; 2792

(D) A policy that charges of domestic violence not be 2793
voluntarily dismissed prior to an initial hearing; 2794

(E) A requirement that, in the event that a victim 2795

requests a pending charge of domestic violence be dismissed 2796
voluntarily, the victim be advised about the increased risk of 2797
being victimized; 2798

(F) A requirement that the victim of an offense of 2799
domestic violence be asked to watch a video program about 2800
domestic violence or attend a victims' support group meeting 2801
prior to voluntarily dismissing charges of domestic violence; 2802

(G) A requirement that a victim of an offense of domestic 2803
violence be permitted to sign a "drop form" that the court may 2804
hold for ninety days, after which time the prosecutor will file 2805
a motion to dismiss if no further violence occurs. 2806