

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 486**

**Representatives Carruthers, Brent**

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

---

**A BILL**

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

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

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

the Revised Code be enacted to read as follows: 17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) As used in this section: 185

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

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

(3) "Appointing authority" means any agency or entity that appoints a peace officer or trooper.	191 192
<b>Sec. 2903.01.</b> (A) No person shall purposely, and with prior calculation and design, cause the death of another or the unlawful termination of another's pregnancy.	193 194 195
(B) No person shall purposely cause the death of another or the unlawful termination of another's pregnancy while committing or attempting to commit, or while fleeing immediately after committing or attempting to commit, kidnapping, rape, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, trespass in a habitation when a person is present or likely to be present, terrorism, or escape.	196 197 198 199 200 201 202
(C) No person shall purposely cause the death of another who is under thirteen years of age at the time of the commission of the offense.	203 204 205
(D) No person who is under detention as a result of having been found guilty of or having pleaded guilty to a felony or who breaks that detention shall purposely cause the death of another.	206 207 208 209
(E) No person shall purposely cause the death of a law enforcement officer whom the offender knows or has reasonable cause to know is a law enforcement officer when either of the following applies:	210 211 212 213
(1) The victim, at the time of the commission of the offense, is engaged in the victim's duties.	214 215
(2) It is the offender's specific purpose to kill a law enforcement officer.	216 217
(F) No person shall purposely cause the death of a first	218



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

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

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

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

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

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

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

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

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

(4) "Military member" means a member of the armed forces	247
of the United States, reserves, or Ohio national guard, a	248
participant in ROTC, JROTC, or any similar military training	249
program, or anyone who has previously served in the military.	250
<u>(5) "Family or household member" means any of the</u>	251
<u>following:</u>	252
<u>(a) Any of the following who is residing with or has</u>	253
<u>resided with the offender:</u>	254
<u>(i) A spouse, a person living as a spouse, or a former</u>	255
<u>spouse of the offender;</u>	256
<u>(ii) A parent, a foster parent, or a child of the</u>	257
<u>offender, or another person related by consanguinity or affinity</u>	258
<u>to the offender;</u>	259
<u>(iii) A parent or a child of a spouse, person living as a</u>	260
<u>spouse, or former spouse of the offender, or another person</u>	261
<u>related by consanguinity or affinity to a spouse, person living</u>	262
<u>as a spouse, or former spouse of the offender;</u>	263
<u>(iv) A child whose guardian or custodian is a spouse,</u>	264
<u>person living as a spouse, or former spouse of the offender.</u>	265
<u>(b) The natural parent of any child of whom the offender</u>	266
<u>is the other natural parent or is the putative other natural</u>	267
<u>parent.</u>	268
<u>(6) "Person living as a spouse" means a person who is</u>	269
<u>living or has lived with the offender in a common law marital</u>	270
<u>relationship, who otherwise is cohabiting with the offender, or</u>	271
<u>who otherwise has cohabited with the offender within five years</u>	272
<u>prior to the date of the alleged occurrence of the act in</u>	273
<u>question.</u>	274

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

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

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

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

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

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

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

victim is unable to give the consent. 304

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

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

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

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

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

(3) That the alleged domestic violence offender refrain 332

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

protection order is a felony of the third degree. 387

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

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

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

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

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



sentencing. 448

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

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

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

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

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

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

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

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

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

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

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

(1) The victim induced or facilitated the offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



of a township. 682

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

that the officer reasonably can ascertain; 832

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) As used in this section: 1098

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

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

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

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

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

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

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

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

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

shoulder. 1132

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

violence cases. 1372

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

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

(H) As used in this section: 1388

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

present. 1460

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) Committing a sexually oriented offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

(ii) The parties consent to the continuance. 1672

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

"NOTICE 1970

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

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

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

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

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

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

(b) All appellate rights have been exhausted. 2013

(H) The filing of proceedings under this section does not 2014  
excuse a person from filing any report or giving any notice 2015  
required by section 2151.421 of the Revised Code or by any other 2016  
law. When a petition under this section alleges domestic 2017  
violence against minor children, the court shall report the 2018  
fact, or cause reports to be made, to a county, township, or 2019  
municipal peace officer under section 2151.421 of the Revised 2020  
Code. 2021

(I) Any law enforcement agency that investigates a 2022  
domestic dispute shall provide information to the family or 2023  
household members involved, or the persons in the dating 2024  
relationship who are involved, whichever is applicable regarding 2025  
the relief available under this section and, for family or 2026  
household members, section 2919.26 of the Revised Code. 2027

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2028  
section and regardless of whether a protection order is issued 2029  
or a consent agreement is approved by a court of another county 2030  
or a court of another state, no court or unit of state or local 2031  
government shall charge the petitioner any fee, cost, deposit, 2032  
or money in connection with the filing of a petition pursuant to 2033  
this section or in connection with the filing, issuance, 2034  
registration, modification, enforcement, dismissal, withdrawal, 2035  
or service of a protection order, consent agreement, or witness 2036  
subpoena or for obtaining a certified copy of a protection order 2037  
or consent agreement. 2038

(2) Regardless of whether a protection order is issued or 2039  
a consent agreement is approved pursuant to this section, the 2040  
court may assess costs against the respondent in connection with 2041  
the filing, issuance, registration, modification, enforcement, 2042  
dismissal, withdrawal, or service of a protection order, consent 2043

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

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

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

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

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

(b) Punishment for contempt of court. 2066

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 8.** 2187

2188

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

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

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

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

2205

2206