

As Introduced

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S. B. No. 28

Senator Hottinger

**Cosponsors: Senators Kunze, Lehner, Coley, Hackett, Terhar, Peterson, Uecker,
O'Brien, Huffman, M., Sykes, Thomas, Yuko**

A BILL

To amend section 2919.27 of the Revised Code to 1
increase the penalty that applies to the offense 2
of violating a protection order under certain 3
circumstances. 4

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

Section 1. That section 2919.27 of the Revised Code be 5
amended to read as follows: 6

Sec. 2919.27. (A) No person shall recklessly violate the 7
terms of any of the following: 8

(1) A protection order issued or consent agreement 9
approved pursuant to section 2919.26 or 3113.31 of the Revised 10
Code; 11

(2) A protection order issued pursuant to section 2151.34, 12
2903.213, or 2903.214 of the Revised Code; 13

(3) A protection order issued by a court of another state. 14

(B) (1) Whoever violates this section is guilty of 15
violating a protection order. 16

(2) Except as otherwise provided in division (B) (3) or (4) 17
of this section, violating a protection order is a misdemeanor 18
of the first degree. 19

(3) Violating a protection order is a felony of the ~~fifth-~~ 20
fourth degree if the offender previously has been convicted of, 21
pleaded guilty to, or been adjudicated a delinquent child for 22
any of the following: 23

(a) A violation of a protection order issued or consent 24
agreement approved pursuant to section 2151.34, 2903.213, 25
2903.214, 2919.26, or 3113.31 of the Revised Code or pursuant to 26
an existing or former municipal ordinance or law of this or any 27
other state or the United States that is substantially similar 28
to one of those sections; 29

(b) Two ~~or more~~ violations of section 2903.21, ~~2903.211,~~ 30
2903.22, or 2911.211 of the Revised Code, or any combination of 31
those offenses, that involved the same person who is the subject 32
of the protection order or consent agreement; 33

(c) ~~One or more violations~~ A violation of this section, 34
section 2903.211 of the Revised Code, or an existing or former 35
municipal ordinance or law of this or any other state or the 36
United States that is substantially similar to this section or 37
section 2903.211 of the Revised Code. 38

(4) If ~~the~~ any of the following apply, violating a 39
protection order is a felony of the third degree: 40

(a) The offender previously has been convicted of, pleaded 41
guilty to, or been adjudicated a delinquent child for two or 42
more violations of a protection order issued pursuant to section 43
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 44
Code or pursuant to an existing or former municipal ordinance or 45

law of this or any other state or the United States that is 46
substantially similar to one of those sections. 47

(b) The offender previously has been convicted of, pleaded 48
guilty to, or been adjudicated a delinquent child for three or 49
more violations of section 2903.21, 2903.22, or 2911.211 of the 50
Revised Code that involved the same person who is the subject of 51
the protection order or consent agreement. 52

(c) The offender previously has been convicted of, pleaded 53
guilty to, or been adjudicated a delinquent child for two or 54
more violations of this section, section 2903.211 of the Revised 55
Code, or an existing or former municipal ordinance or law of 56
this or any other state or the United States that is 57
substantially similar to this section or section 2903.211 of the 58
Revised Code. 59

(d) The offender violates a protection order or consent 60
agreement while committing a felony offense, ~~violating a~~ 61
~~protection order is a felony of the third degree.~~ 62

(5) If the protection order violated by the offender was 63
an order issued pursuant to section 2151.34 or 2903.214 of the 64
Revised Code that required electronic monitoring of the offender 65
pursuant to that section, the court may require in addition to 66
any other sentence imposed upon the offender that the offender 67
be electronically monitored for a period not exceeding five 68
years by a law enforcement agency designated by the court. If 69
the court requires under this division that the offender be 70
electronically monitored, unless the court determines that the 71
offender is indigent, the court shall order that the offender 72
pay the costs of the installation of the electronic monitoring 73
device and the cost of monitoring the electronic monitoring 74
device. If the court determines that the offender is indigent 75

and subject to the maximum amount allowable and the rules 76
promulgated by the attorney general under section 2903.214 of 77
the Revised Code, the costs of the installation of the 78
electronic monitoring device and the cost of monitoring the 79
electronic monitoring device may be paid out of funds from the 80
reparations fund created pursuant to section 2743.191 of the 81
Revised Code. The total amount paid from the reparations fund 82
created pursuant to section 2743.191 of the Revised Code for 83
electronic monitoring under this section and sections 2151.34 84
and 2903.214 of the Revised Code shall not exceed three hundred 85
thousand dollars per year. 86

(C) It is an affirmative defense to a charge under 87
division (A) (3) of this section that the protection order issued 88
by a court of another state does not comply with the 89
requirements specified in 18 U.S.C. 2265(b) for a protection 90
order that must be accorded full faith and credit by a court of 91
this state or that it is not entitled to full faith and credit 92
under 18 U.S.C. 2265(c). 93

(D) In a prosecution for a violation of this section, it 94
is not necessary for the prosecution to prove that the 95
protection order or consent agreement was served on the 96
defendant if the prosecution proves that the defendant was shown 97
the protection order or consent agreement or a copy of either or 98
a judge, magistrate, or law enforcement officer informed the 99
defendant that a protection order or consent agreement had been 100
issued, and proves that the defendant recklessly violated the 101
terms of the order or agreement. 102

(E) As used in this section, "protection order issued by a 103
court of another state" means an injunction or another order 104
issued by a criminal court of another state for the purpose of 105

preventing violent or threatening acts or harassment against, 106
contact or communication with, or physical proximity to another 107
person, including a temporary order, and means an injunction or 108
order of that nature issued by a civil court of another state, 109
including a temporary order and a final order issued in an 110
independent action or as a pendente lite order in a proceeding 111
for other relief, if the court issued it in response to a 112
complaint, petition, or motion filed by or on behalf of a person 113
seeking protection. "Protection order issued by a court of 114
another state" does not include an order for support or for 115
custody of a child issued pursuant to the divorce and child 116
custody laws of another state, except to the extent that the 117
order for support or for custody of a child is entitled to full 118
faith and credit under the laws of the United States. 119

Section 2. That existing section 2919.27 of the Revised 120
Code is hereby repealed. 121