

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 357

Senator Dolan

A BILL

To amend sections 2151.34, 2903.213, 2903.214, 1
2919.26, 2923.20, 2923.21, 2923.211, 3113.31, 2
5122.10, 5122.11, 5122.13, 5122.141, 5122.15, 3
and 5122.99 and to enact sections 311.51, 4
2307.68, 2923.133, 5502.71, 5502.72, and 5502.73 5
of the Revised Code to provide for issuance of 6
safety protection orders; to address LEADS and 7
NCIC inclusion of protection orders; to provide 8
for seller's protection certificates under a new 9
background check mechanism; to modify procedures 10
and criminal offenses related to firearm 11
transfers; to modify the laws regarding certain 12
provisions related to mental health treatment; 13
and to express the intent of the General 14
Assembly to appropriate specified sums of 15
federal funding under the American Rescue Plan 16
Act of 2021 to be used regarding a behavioral 17
health workforce and crisis infrastructure 18
expansion. 19

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

Section 1. That sections 2151.34, 2903.213, 2903.214, 20

2919.26, 2923.20, 2923.21, 2923.211, 3113.31, 5122.10, 5122.11, 21
5122.13, 5122.141, 5122.15, and 5122.99 be amended and sections 22
311.51, 2307.68, 2923.133, 5502.71, 5502.72, and 5502.73 of the 23
Revised Code be enacted to read as follows: 24

Sec. 311.51. (A)(1) As used in this section: 25

(a) "Federally licensed firearms dealer" has the same 26
meaning as in section 5502.63 of the Revised Code. 27

(b) "Prospective transferee" means the person who is the 28
subject of a petition filed under division (B)(2) of this 29
section requesting a sheriff to contact the department and 30
request the department to conduct background checks of the 31
person under section 5502.71 of the Revised Code. 32

(c) "Transfer" means, except as otherwise provided in this 33
division, a person's sale, loaning, giving, or furnishing of a 34
firearm to another person. "Transfer" does not include a 35
person's gift of a firearm to a family member of the person. 36

(d) "Identification document" means a document made or 37
issued by or under the authority of the United States 38
government, this state, or any other state, a political 39
subdivision of this state or any other state, a sponsoring 40
entity of an event designated as a special event of national 41
significance, a foreign government, a political subdivision of a 42
foreign government, an international governmental organization, 43
or an international quasi-governmental organization that, when 44
completed with information concerning a particular individual, 45
is of a type intended or commonly accepted for the purpose of 46
identification of individuals and that includes a photograph of 47
the individual. 48

(2) It is the intent of the general assembly that the 49

issuance of a seller's protection certificate under this section 50
and section 5502.71 of the Revised Code be compliant with the 51
national instant criminal background check system, that the 52
government of the United States be able to determine that Ohio 53
law is compliant with the national instant criminal background 54
check system, and that no person shall be eligible to receive a 55
seller's protection certificate under this section or section 56
5502.71 of the Revised Code unless the person is eligible to 57
lawfully purchase, receive, or possess a firearm in the United 58
States. 59

(B) (1) A person who is not a federally licensed firearms 60
dealer and who wishes to transfer any firearm to another person 61
who is not a federally licensed firearms dealer may require the 62
prospective transferee to provide proof that, within the ninety 63
days prior to the transfer of the firearm, the prospective 64
transferee was issued a current seller's protection certificate 65
as set forth in this section and section 5502.71 of the Revised 66
Code. If the person who wishes to transfer the firearm requires 67
the prospective transferee to provide such proof, the 68
prospective transferee may not be transferred that firearm until 69
after the prospective transferee provides such proof. 70

(2) A person who seeks to receive a firearm by transfer 71
from another person who is not a federally licensed firearms 72
dealer may file a petition with the sheriff of any county 73
requesting the sheriff, through the department of public safety, 74
to conduct background checks on the person's self under section 75
5502.71 of the Revised Code. 76

(3) A sheriff with whom a petition is filed under division 77
(B) (2) of this section may charge a person who files a petition 78
under division (B) (2) of this section a fee, not exceeding ten 79

dollars, for filing the petition. 80

(C) (1) The department of public safety, by rule, shall 81
prescribe a form to be used by a person to file a petition under 82
division (B) (2) of this section. A person who files such a 83
petition is the prospective transferee. The form shall specify 84
that the prospective transferee may provide the prospective 85
transferee's social security number on the petition to assist 86
with the completion of the background checks and shall provide a 87
space on which the number may be provided, shall require that 88
the prospective transferee provide to the sheriff with the form 89
a set of fingerprints in the manner described in division (C) (4) 90
of this section, and shall require that the prospective 91
transferee provide all of the following on the form: 92

(a) The name, current state of residence, current county 93
of residence, gender, race, and date of birth of the prospective 94
transferee; 95

(b) A telephone number or, at the option of the 96
prospective transferee, an email address at which the 97
prospective transferee may be contacted; 98

(c) Any other information specified by the department that 99
is necessary for the department to conduct background checks 100
under section 5502.71 of the Revised Code. 101

(2) The department of public safety shall not require a 102
prospective transferee to provide any information with respect 103
to a petition filed under division (B) (2) of this section that 104
is in addition to the information needed to conduct the 105
background checks under section 5502.71 of the Revised Code and 106
issue a seller's protection certificate. 107

(3) A petition filed under division (B) (2) of this section 108

shall not identify or list any firearm that might be the subject 109
of any transfer to the prospective transferee, and a person who 110
files a petition under division (B)(2) of this section shall not 111
be required to identify or list on the petition, or otherwise 112
identify or list with respect to the petition, any firearm that 113
might be the subject of a transfer to the prospective 114
transferee. 115

(4) A prospective transferee who files a petition under 116
division (B)(2) of this section shall provide to the sheriff 117
with the form a set of fingerprints, in the manner specified in 118
this division. To obtain the fingerprints for purposes of this 119
division, the sheriff shall obtain the fingerprints of at least 120
four fingers of the prospective transferee by using an 121
electronic fingerprint reading device or, if the sheriff does 122
not possess and does not have ready access to the use of an 123
electronic fingerprint reading device, shall obtain from the 124
prospective transferee a completed standard fingerprint 125
impression sheet prescribed pursuant to division (C)(2) of 126
section 109.572 of the Revised Code. The fingerprints so 127
obtained shall be used for the purposes of divisions (D) to (H) 128
of this section. The sheriff shall not retain the prospective 129
transferee's fingerprints as part of the petition or after 130
complying with division (D) of this section. 131

(D)(1) Upon receipt of a petition filed under division (B) 132
(2) of this section that contains the information specified in 133
division (C) of this section, the sheriff shall immediately 134
verify the identity of the prospective transferee by examining a 135
valid identification document of the prospective transferee 136
containing a photograph of that prospective transferee and, if 137
necessary, by verifying the fingerprints submitted by the 138
prospective transferee. 139

(2) Upon verifying the identity of the prospective transferee under division (D) (1) of this section and the payment of a fee authorized under division (B) (3) of this section, if a fee is charged, the sheriff immediately shall contact the department of public safety and request the department to conduct background checks of the prospective transferee under section 5502.71 of the Revised Code. The sheriff shall provide the department with the fingerprints of the prospective transferee, with all of the information about the prospective transferee that is included on the request, and with confirmation of the verification of the identity of the prospective transferee. 140
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(E) Upon receipt of a request from a sheriff under division (D) of this section, the department of public safety shall immediately conduct background checks of the prospective transferee pursuant to section 5502.71 of the Revised Code and, upon completion of the checks, shall immediately report the results of the background checks to the requesting sheriff. If the results indicate that the prospective transferee is prohibited from acquiring, possessing, receiving, or using a firearm under section 2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n), the department shall not issue a seller's protection certificate for the prospective transferee and shall immediately notify the sheriff who requested the checks that it will not be issuing a certificate. If the results indicate that the prospective transferee is not prohibited from acquiring, possessing, receiving, or using a firearm under section 2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n), the department shall immediately issue to the sheriff who requested the background check a seller's protection certificate for the prospective transferee. 152
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If, after conducting the background checks, the department 171
is unable to immediately determine whether the prospective 172
transferee is prohibited from acquiring, possessing, receiving, 173
or using a firearm under section 2923.13 of the Revised Code, 18 174
U.S.C. 922(g), or 18 U.S.C. 922(n), the department shall 175
immediately notify the sheriff who requested the checks of the 176
delayed status and shall not issue a seller's protection 177
certificate until the delayed background checks are complete. If 178
after the delayed background checks are complete, the results of 179
the checks indicate that the prospective transferee is not 180
prohibited from acquiring, possessing, receiving, or using a 181
firearm pursuant to section 2923.13 of the Revised Code, 18 182
U.S.C. 922(g), or 18 U.S.C. 922(n), the department shall issue 183
to the sheriff who requested the checks a seller's protection 184
certificate for the prospective transferee. If after the delayed 185
background checks are complete, the results of the checks 186
indicate that the prospective transferee is prohibited from 187
acquiring, possessing, receiving, or using a firearm pursuant to 188
section 2923.13 of the Revised Code, 18 U.S.C 922(g), or 18 189
U.S.C. 922(n), the department shall notify the sheriff who 190
requested the background check that it will not be issuing a 191
seller's protection certificate. 192

Upon receipt of the seller's protection certificate or a 193
notification of denial of a seller's protection certificate as 194
the result of initial background checks or delayed background 195
checks, the sheriff shall do whichever of the following is 196
applicable: 197

(1) Contact the prospective transferee and transmit the 198
certificate to the prospective transferee, either 199
electronically, in person, or by mail, at the option of the 200
prospective transferee; 201

(2) Notify the prospective transferee of the denial of the 202
seller's protection certificate. 203

(F) A petition filed under division (B) (2) of this 204
section, all information related to such a petition, and the 205
results of subsequent background checks and the fact of the 206
issuance of a seller's protection certificate, if applicable, 207
are not public records under section 149.43 of the Revised Code 208
and are not subject to inspection or copying under that section. 209
A petition filed under division (B) (2) of this section, all 210
information related to such a petition, and the results of 211
subsequent background checks and the fact of the issuance of a 212
seller's protection certificate, if applicable, are confidential 213
and shall not be divulged to any person other than for purposes 214
of conducting the background checks as required by this section 215
and section 5502.71 of the Revised Code or for purposes of 216
verifying that background checks were conducted under this 217
section and section 5502.71 of the Revised Code. 218

(G) Nothing in this section requires that, before a person 219
may transfer a firearm to another person, the person being 220
transferred the firearm must file a petition with a sheriff 221
under division (B) (2) of this section requesting the sheriff to 222
contact the department of public safety and request the 223
department to conduct background checks, as described in 224
division (D) of this section. 225

If a person who is not a federally licensed firearms 226
dealer wishes to transfer a firearm to another person who is not 227
a federally licensed firearms dealer and the person who will be 228
transferring the firearm requests the person being transferred 229
the firearm to provide proof of the nature specified in division 230
(B) (1) of this section, the person being transferred the firearm 231

may not be transferred that firearm until after providing such 232
proof. 233

(H) If the department of public safety denies the issuance 234
of a seller's protection certificate under this section and 235
section 5502.71 of the Revised Code, and if the subject 236
prospective transferee believes the denial was based on 237
incorrect information received or used by the department in 238
conducting the background checks that were the basis of the 239
denial, the prospective transferee may challenge the background 240
check results by using the challenge and review procedure of the 241
department of public safety established pursuant to division (G) 242
(2) of section 5502.71 of the Revised Code. 243

(I) The fact that the department of public safety issues a 244
seller's protection certificate for a person is not admissible 245
in a future prosecution of the person for a violation of section 246
2923.13 of the Revised Code. 247

Sec. 2151.34. (A) As used in this section: 248

(1) "Court" means the juvenile division of the court of 249
common pleas of the county in which the person to be protected 250
by the protection order resides. 251

(2) "Victim advocate" means a person who provides support 252
and assistance for a person who files a petition under this 253
section. 254

(3) "Family or household member" has the same meaning as 255
in section 3113.31 of the Revised Code. 256

(4) "Protection order issued by a court of another state" 257
has the same meaning as in section 2919.27 of the Revised Code. 258

(5) "Petitioner" means a person who files a petition under 259

this section and includes a person on whose behalf a petition	260
under this section is filed.	261
(6) "Respondent" means a person who is under eighteen	262
years of age and against whom a petition is filed under this	263
section.	264
(7) "Sexually oriented offense" has the same meaning as in	265
section 2950.01 of the Revised Code.	266
(8) "Electronic monitoring" has the same meaning as in	267
section 2929.01 of the Revised Code.	268
(9) "Companion animal" has the same meaning as in section	269
959.131 of the Revised Code.	270
(B) The court has jurisdiction over all proceedings under	271
this section.	272
(C) (1) Any of the following persons may seek relief under	273
this section by filing a petition with the court:	274
(a) Any person on behalf of that person;	275
(b) Any parent or adult family or household member on	276
behalf of any other family or household member;	277
(c) Any person who is determined by the court in its	278
discretion as an appropriate person to seek relief under this	279
section on behalf of any child.	280
(2) The petition shall contain or state all of the	281
following:	282
(a) An allegation that the respondent engaged in a	283
violation of section 2903.11, 2903.12, 2903.13, 2903.21,	284
2903.211, 2903.22, or 2911.211 of the Revised Code, committed a	285
sexually oriented offense, or engaged in a violation of any	286

municipal ordinance that is substantially equivalent to any of 287
those offenses against the person to be protected by the 288
protection order, including a description of the nature and 289
extent of the violation; 290

(b) If the petitioner seeks relief in the form of 291
electronic monitoring of the respondent, an allegation that at 292
any time preceding the filing of the petition the respondent 293
engaged in conduct that would cause a reasonable person to 294
believe that the health, welfare, or safety of the person to be 295
protected was at risk, a description of the nature and extent of 296
that conduct, and an allegation that the respondent presents a 297
continuing danger to the person to be protected; 298

(c) A request for relief under this section. 299

(3) The court in its discretion may determine whether or 300
not to give notice that a petition has been filed under division 301
(C) (1) of this section on behalf of a child to any of the 302
following: 303

(a) A parent of the child if the petition was filed by any 304
person other than a parent of the child; 305

(b) Any person who is determined by the court to be an 306
appropriate person to receive notice of the filing of the 307
petition. 308

(D) (1) If a person who files a petition pursuant to this 309
section requests an ex parte order, the court shall hold an ex 310
parte hearing as soon as possible after the petition is filed, 311
but not later than the next day after the court is in session 312
after the petition is filed. The court, for good cause shown at 313
the ex parte hearing, may enter any temporary orders, with or 314
without bond, that the court finds necessary for the safety and 315

protection of the person to be protected by the order. Immediate 316
and present danger to the person to be protected by the 317
protection order constitutes good cause for purposes of this 318
section. Immediate and present danger includes, but is not 319
limited to, situations in which the respondent has threatened 320
the person to be protected by the protection order with bodily 321
harm or in which the respondent previously has been convicted 322
of, pleaded guilty to, or been adjudicated a delinquent child 323
for committing a violation of section 2903.11, 2903.12, 2903.13, 324
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 325
sexually oriented offense, or a violation of any municipal 326
ordinance that is substantially equivalent to any of those 327
offenses against the person to be protected by the protection 328
order. 329

(2) (a) If the court, after an ex parte hearing, issues a 330
protection order described in division (E) of this section, the 331
court shall schedule a full hearing for a date that is within 332
ten court days after the ex parte hearing. The court shall give 333
the respondent notice of, and an opportunity to be heard at, the 334
full hearing. The court also shall give notice of the full 335
hearing to the parent, guardian, or legal custodian of the 336
respondent. The court shall hold the full hearing on the date 337
scheduled under this division unless the court grants a 338
continuance of the hearing in accordance with this division. 339
Under any of the following circumstances or for any of the 340
following reasons, the court may grant a continuance of the full 341
hearing to a reasonable time determined by the court: 342

(i) Prior to the date scheduled for the full hearing under 343
this division, the respondent has not been served with the 344
petition filed pursuant to this section and notice of the full 345
hearing. 346

(ii) The parties consent to the continuance.	347
(iii) The continuance is needed to allow a party to obtain counsel.	348 349
(iv) The continuance is needed for other good cause.	350
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D) (2) (a) of this section or because the court grants a continuance under that division.	351 352 353 354 355
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	356 357 358 359 360 361
(E) (1) (a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.	362 363 364 365 366 367 368 369 370 371 372
(b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C) (2) (b) of this section or the court, upon its own	373 374 375

motion, finds upon clear and convincing evidence that the 376
petitioner reasonably believed that the respondent's conduct at 377
any time preceding the filing of the petition endangered the 378
health, welfare, or safety of the person to be protected and 379
that the respondent presents a continuing danger to the person 380
to be protected and if division (N) of this section does not 381
prohibit the issuance of an order that the respondent be 382
electronically monitored, the court may order that the 383
respondent be electronically monitored for a period of time and 384
under the terms and conditions that the court determines are 385
appropriate. Electronic monitoring shall be in addition to any 386
other relief granted to the petitioner. 387

(2) (a) Any protection order issued pursuant to this 388
section shall be valid until a date certain but not later than 389
the date the respondent attains nineteen years of age. 390

(b) Any protection order issued pursuant to this section 391
may be renewed in the same manner as the original order was 392
issued. 393

(3) A court may not issue a protection order that requires 394
a petitioner to do or to refrain from doing an act that the 395
court may require a respondent to do or to refrain from doing 396
under division (E) (1) of this section unless all of the 397
following apply: 398

(a) The respondent files a separate petition for a 399
protection order in accordance with this section. 400

(b) The petitioner is served with notice of the 401
respondent's petition at least forty-eight hours before the 402
court holds a hearing with respect to the respondent's petition, 403
or the petitioner waives the right to receive this notice. 404

(c) If the petitioner has requested an ex parte order 405
pursuant to division (D) of this section, the court does not 406
delay any hearing required by that division beyond the time 407
specified in that division in order to consolidate the hearing 408
with a hearing on the petition filed by the respondent. 409

(d) After a full hearing at which the respondent presents 410
evidence in support of the request for a protection order and 411
the petitioner is afforded an opportunity to defend against that 412
evidence, the court determines that the petitioner has committed 413
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 414
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 415
oriented offense, or a violation of any municipal ordinance that 416
is substantially equivalent to any of those offenses against the 417
person to be protected by the protection order issued pursuant 418
to division (E) (3) of this section, or has violated a protection 419
order issued pursuant to this section or section 2903.213 of the 420
Revised Code relative to the person to be protected by the 421
protection order issued pursuant to division (E) (3) of this 422
section. 423

(4) No protection order issued pursuant to this section 424
shall in any manner affect title to any real property. 425

(5) (a) A protection order issued under this section shall 426
clearly state that the person to be protected by the order 427
cannot waive or nullify by invitation or consent any requirement 428
in the order. 429

(b) Division (E) (5) (a) of this section does not limit any 430
discretion of a court to determine that a respondent alleged to 431
have violated section 2919.27 of the Revised Code, violated a 432
municipal ordinance substantially equivalent to that section, or 433
committed contempt of court, which allegation is based on an 434

alleged violation of a protection order issued under this 435
section, did not commit the violation or was not in contempt of 436
court. 437

(6) Any protection order issued pursuant to this section 438
shall include a provision that the court will automatically seal 439
all of the records of the proceeding in which the order is 440
issued on the date the respondent attains the age of nineteen 441
years unless the petitioner provides the court with evidence 442
that the respondent has not complied with all of the terms of 443
the protection order. The protection order shall specify the 444
date when the respondent attains the age of nineteen years. 445

(F) (1) The court shall cause the delivery of a copy of any 446
protection order that is issued under this section to the 447
petitioner, to the respondent, and to all law enforcement 448
agencies that have jurisdiction to enforce the order. If the 449
protection order will be valid subsequent to the date on which 450
the respondent attains eighteen years of age, the order shall be 451
transmitted by the clerk of the court to the appropriate law 452
enforcement agency for entry into the protection order database 453
of the national crime information center (NCIC) maintained by 454
the federal bureau of investigation. The court shall direct that 455
a copy of the order be delivered to the respondent and the 456
parent, guardian, or legal custodian of the respondent on the 457
same day that the order is entered. If the court terminates or 458
cancels the order, the clerk of the court shall cause the 459
delivery of notice of the termination or cancellation to the 460
same persons and entities that were delivered a copy of the 461
order and the court shall issue the removal order described in 462
this division to the appropriate law enforcement agency. 463

The court shall file with the clerk of the court each 464

protection order issued pursuant to this section that will be 465
valid subsequent to the date on which the respondent attains 466
eighteen years of age and the clerk shall transmit the order to 467
the appropriate law enforcement agency to be entered into the 468
law enforcement automated data system created by section 5503.10 469
of the Revised Code, and known as LEADS, by the close of the 470
next business day after the day on which the court issues the 471
order. Upon the termination or cancellation of the order, the 472
court shall order the appropriate law enforcement agency to 473
remove the order from the LEADS database by the close of the 474
next business day after the day on which the termination or 475
cancellation of the order occurred and shall ensure that the 476
order is terminated, cleared, or canceled in the protection 477
order database of the national crime information center (NCIC) 478
maintained by the federal bureau of investigation. 479

(2) Upon the issuance of a protection order under this 480
section, the court shall provide the parties to the order with 481
the following notice orally or by form: 482

"NOTICE 483

As a result of this order, it may be unlawful for you to 484
possess or purchase a firearm, including a rifle, pistol, or 485
revolver, or ammunition pursuant to federal law under 18 U.S.C. 486
922(g) (8) for the duration of this order. If you have any 487
questions whether this law makes it illegal for you to possess 488
or purchase a firearm or ammunition, you should consult an 489
attorney." 490

(3) All law enforcement agencies shall establish and 491
maintain an index for the protection orders delivered to the 492
agencies pursuant to division (F) (1) of this section. With 493
respect to each order delivered, each agency shall note on the 494

index the date and time that it received the order. 495

(4) Regardless of whether the petitioner has registered 496
the protection order in the county in which the officer's agency 497
has jurisdiction pursuant to division (M) of this section, any 498
officer of a law enforcement agency shall enforce a protection 499
order issued pursuant to this section by any court in this state 500
in accordance with the provisions of the order, including 501
removing the respondent from the premises, if appropriate. 502

(G) (1) Any proceeding under this section shall be 503
conducted in accordance with the Rules of Civil Procedure, 504
except that a protection order may be obtained under this 505
section with or without bond. An order issued under this 506
section, other than an ex parte order, that grants a protection 507
order, or that refuses to grant a protection order, is a final, 508
appealable order. The remedies and procedures provided in this 509
section are in addition to, and not in lieu of, any other 510
available civil or criminal remedies or any other available 511
remedies under Chapter 2151. or 2152. of the Revised Code. 512

(2) If as provided in division (G) (1) of this section an 513
order issued under this section, other than an ex parte order, 514
refuses to grant a protection order, the court, on its own 515
motion, shall order that the ex parte order issued under this 516
section and all of the records pertaining to that ex parte order 517
be sealed after either of the following occurs: 518

(a) No party has exercised the right to appeal pursuant to 519
Rule 4 of the Rules of Appellate Procedure. 520

(b) All appellate rights have been exhausted. 521

(H) The filing of proceedings under this section does not 522
excuse a person from filing any report or giving any notice 523

required by section 2151.421 of the Revised Code or by any other 524
law. 525

(I) Any law enforcement agency that investigates an 526
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 527
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 528
commission of a sexually oriented offense, or an alleged 529
violation of a municipal ordinance that is substantially 530
equivalent to any of those offenses shall provide information to 531
the victim and the family or household members of the victim 532
regarding the relief available under this section. 533

(J) (1) Subject to division (J) (2) of this section and 534
regardless of whether a protection order is issued or a consent 535
agreement is approved by a court of another county or by a court 536
of another state, no court or unit of state or local government 537
shall charge the petitioner any fee, cost, deposit, or money in 538
connection with the filing of a petition pursuant to this 539
section, in connection with the filing, issuance, registration, 540
modification, enforcement, dismissal, withdrawal, or service of 541
a protection order, consent agreement, or witness subpoena or 542
for obtaining a certified copy of a protection order or consent 543
agreement. 544

(2) Regardless of whether a protection order is issued or 545
a consent agreement is approved pursuant to this section, the 546
court may assess costs against the respondent in connection with 547
the filing, issuance, registration, modification, enforcement, 548
dismissal, withdrawal, or service of a protection order, consent 549
agreement, or witness subpoena or for obtaining a certified copy 550
of a protection order or consent agreement. 551

(K) (1) A person who violates a protection order issued 552
under this section is subject to the following sanctions: 553

(a) A delinquent child proceeding or a criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order constitutes a violation of that section;	554 555 556 557
(b) Punishment for contempt of court.	558
(2) The punishment of a person for contempt of court for violation of a protection order issued under this section does not bar criminal prosecution of the person or a delinquent child proceeding concerning the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of or adjudication as a delinquent child for a violation of that section, and a person convicted of or adjudicated a delinquent child for a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.	559 560 561 562 563 564 565 566 567 568 569
(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.	570 571
(M) (1) A petitioner who obtains a protection order under this section may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M) (2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code	572 573 574 575 576 577 578 579 580 581 582 583

and filing a copy of the registered order with a law enforcement 584
agency in that county. 585

(2) A petitioner may register a protection order issued 586
pursuant to this section in a county other than the county in 587
which the court that issued the order is located in the 588
following manner: 589

(a) The petitioner shall obtain a certified copy of the 590
order from the clerk of the court that issued the order and 591
present that certified copy to the clerk of the court of common 592
pleas or the clerk of a municipal court or county court in the 593
county in which the order is to be registered. 594

(b) Upon accepting the certified copy of the order for 595
registration, the clerk of the court of common pleas, municipal 596
court, or county court shall place an endorsement of 597
registration on the order and give the petitioner a copy of the 598
order that bears that proof of registration. 599

(3) The clerk of each court of common pleas, municipal 600
court, or county court shall maintain a registry of certified 601
copies of protection orders that have been issued by courts in 602
other counties pursuant to this section and that have been 603
registered with the clerk. 604

(N) If the court orders electronic monitoring of the 605
respondent under this section, the court shall direct the 606
sheriff's office or any other appropriate law enforcement agency 607
to install the electronic monitoring device and to monitor the 608
respondent. Unless the court determines that the respondent is 609
indigent, the court shall order the respondent to pay the cost 610
of the installation and monitoring of the electronic monitoring 611
device. If the court determines that the respondent is indigent 612

and subject to the maximum amount allowable to be paid in any 613
year from the fund and the rules promulgated by the attorney 614
general under section 2903.214 of the Revised Code, the cost of 615
the installation and monitoring of the electronic monitoring 616
device may be paid out of funds from the reparations fund 617
created pursuant to section 2743.191 of the Revised Code. The 618
total amount paid from the reparations fund created pursuant to 619
section 2743.191 of the Revised Code for electronic monitoring 620
under this section and sections 2903.214 and 2919.27 of the 621
Revised Code shall not exceed three hundred thousand dollars per 622
year. When the total amount paid from the reparations fund in 623
any year for electronic monitoring under those sections equals 624
or exceeds three hundred thousand dollars, the court shall not 625
order pursuant to this section that an indigent respondent be 626
electronically monitored. 627

(O) The court, in its discretion, may determine if the 628
respondent is entitled to court-appointed counsel in a 629
proceeding under this section. 630

Sec. 2307.68. (A) As used in this section: 631

(1) "Co-signer of the person who committed the offense" 632
means the person who was the co-signer of the person who 633
committed the offense, as described in division (A)(2)(c) of 634
section 2923.21 of the Revised Code, with respect to the 635
purchase by the person who committed the offense of the 636
restricted-access firearm used in, or brandished during, the 637
commission of the offense. 638

(2) "Restricted-access firearm" has the same meaning as in 639
section 2923.21 of the Revised Code. 640

(B) If a person who is eighteen years of age or older and 641

under twenty-one years of age is sold a restricted-access 642
firearm and the person, while under twenty-one years of age, 643
commits any felony offense and uses that firearm in the 644
commission of the offense or brandishes that firearm during the 645
commission of the offense, anyone who suffers injury in person 646
or property that was proximately caused by, or during, the 647
conduct constituting the offense has, and may recover full 648
compensatory damages in, a civil action against the person who 649
was the co-signer of the person who committed the offense with 650
respect to the restricted-access firearm. 651

An action authorized under this division is separate from, 652
and in addition to, any action under section 2307.60 of the 653
Revised Code or as otherwise authorized by law. 654

(C) In an action under division (B) of this section, a 655
person may obtain and use as evidence a relevant potential 656
liability form in the possession of the department of public 657
safety under section 5502.73 of the Revised Code. 658

Sec. 2903.213. (A) Except when the complaint involves a 659
person who is a family or household member as defined in section 660
2919.25 of the Revised Code, upon the filing of a complaint that 661
alleges a violation of section 2903.11, 2903.12, 2903.13, 662
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 663
violation of a municipal ordinance substantially similar to 664
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 665
Revised Code, or the commission of a sexually oriented offense, 666
the complainant, the alleged victim, or a family or household 667
member of an alleged victim may file a motion that requests the 668
issuance of a protection order as a pretrial condition of 669
release of the alleged offender, in addition to any bail set 670
under Criminal Rule 46. The motion shall be filed with the clerk 671

of the court that has jurisdiction of the case at any time after 672
the filing of the complaint. If the complaint involves a person 673
who is a family or household member, the complainant, the 674
alleged victim, or the family or household member may file a 675
motion for a temporary protection order pursuant to section 676
2919.26 of the Revised Code. 677

(B) A motion for a protection order under this section 678
shall be prepared on a form that is provided by the clerk of the 679
court, and the form shall be substantially as follows: 680

"Motion for Protection Order 681

_____ 682

Name and address of court 683

State of Ohio 684

v. No. _____ 685

_____ 686

Name of Defendant 687

(Name of person), moves the court to issue a protection order 688
containing terms designed to ensure the safety and protection of 689
the complainant or the alleged victim in the above-captioned 690
case, in relation to the named defendant, pursuant to its 691
authority to issue a protection order under section 2903.213 of 692
the Revised Code. 693

A complaint, a copy of which has been attached to this 694
motion, has been filed in this court charging the named 695
defendant with a violation of section 2903.11, 2903.12, 2903.13, 696
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 697
violation of a municipal ordinance substantially similar to 698

section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense.

I understand that I must appear before the court, at a time set by the court not later than the next day that the court is in session after the filing of this motion, for a hearing on the motion, and that any protection order granted pursuant to this motion is a pretrial condition of release and is effective only until the disposition of the criminal proceeding arising out of the attached complaint or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the attached complaint.

Signature of person

Address of person"

(C) (1) As soon as possible after the filing of a motion that requests the issuance of a protection order under this section, but not later than the next day that the court is in session after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant

or the alleged victim, including a requirement that the alleged 728
offender refrain from entering the residence, school, business, 729
or place of employment of the complainant or the alleged victim. 730
The court may include within a protection order issued under 731
this section a term requiring that the alleged offender not 732
remove, damage, hide, harm, or dispose of any companion animal 733
owned or possessed by the complainant or the alleged victim, and 734
may include within the order a term authorizing the complainant 735
or the alleged victim to remove a companion animal owned by the 736
complainant or the alleged victim from the possession of the 737
alleged offender. 738

(2) (a) If the court issues a protection order under this 739
section that includes a requirement that the alleged offender 740
refrain from entering the residence, school, business, or place 741
of employment of the complainant or the alleged victim, the 742
order shall clearly state that the order cannot be waived or 743
nullified by an invitation to the alleged offender from the 744
complainant, the alleged victim, or a family or household member 745
to enter the residence, school, business, or place of employment 746
or by the alleged offender's entry into one of those places 747
otherwise upon the consent of the complainant, the alleged 748
victim, or a family or household member. 749

(b) Division (C) (2) (a) of this section does not limit any 750
discretion of a court to determine that an alleged offender 751
charged with a violation of section 2919.27 of the Revised Code, 752
with a violation of a municipal ordinance substantially 753
equivalent to that section, or with contempt of court, which 754
charge is based on an alleged violation of a protection order 755
issued under this section, did not commit the violation or was 756
not in contempt of court. 757

(D) (1) Except when the complaint involves a person who is 758
a family or household member as defined in section 2919.25 of 759
the Revised Code, upon the filing of a complaint that alleges a 760
violation specified in division (A) of this section, the court, 761
upon its own motion, may issue a protection order under this 762
section as a pretrial condition of release of the alleged 763
offender if it finds that the safety and protection of the 764
complainant or the alleged victim may be impaired by the 765
continued presence of the alleged offender. 766

(2) If the court issues a protection order under this 767
section as an ex parte order, it shall conduct, as soon as 768
possible after the issuance of the order but not later than the 769
next day that the court is in session after its issuance, a 770
hearing to determine whether the order should remain in effect, 771
be modified, or be revoked. The hearing shall be conducted under 772
the standards set forth in division (C) of this section. 773

(3) If a municipal court or a county court issues a 774
protection order under this section and if, subsequent to the 775
issuance of the order, the alleged offender who is the subject 776
of the order is bound over to the court of common pleas for 777
prosecution of a felony arising out of the same activities as 778
those that were the basis of the complaint upon which the order 779
is based, notwithstanding the fact that the order was issued by 780
a municipal court or county court, the order shall remain in 781
effect, as though it were an order of the court of common pleas, 782
while the charges against the alleged offender are pending in 783
the court of common pleas, for the period of time described in 784
division (E) (2) of this section, and the court of common pleas 785
has exclusive jurisdiction to modify the order issued by the 786
municipal court or county court. This division applies when the 787
alleged offender is bound over to the court of common pleas as a 788

result of the person waiving a preliminary hearing on the felony 789
charge, as a result of the municipal court or county court 790
having determined at a preliminary hearing that there is 791
probable cause to believe that the felony has been committed and 792
that the alleged offender committed it, as a result of the 793
alleged offender having been indicted for the felony, or in any 794
other manner. 795

(E) A protection order that is issued as a pretrial 796
condition of release under this section: 797

(1) Is in addition to, but shall not be construed as a 798
part of, any bail set under Criminal Rule 46; 799

(2) Is effective only until the disposition, by the court 800
that issued the order or, in the circumstances described in 801
division (D)(3) of this section, by the court of common pleas to 802
which the alleged offender is bound over for prosecution, of the 803
criminal proceeding arising out of the complaint upon which the 804
order is based or until the issuance under section 2903.214 of 805
the Revised Code of a protection order arising out of the same 806
activities as those that were the basis of the complaint filed 807
under this section; 808

(3) Shall not be construed as a finding that the alleged 809
offender committed the alleged offense and shall not be 810
introduced as evidence of the commission of the offense at the 811
trial of the alleged offender on the complaint upon which the 812
order is based. 813

(F) A person who meets the criteria for bail under 814
Criminal Rule 46 and who, if required to do so pursuant to that 815
rule, executes or posts bond or deposits cash or securities as 816
bail, shall not be held in custody pending a hearing before the 817

court on a motion requesting a protection order under this 818
section. 819

(G) (1) A copy of a protection order that is issued under 820
this section shall be issued by the court to the complainant, to 821
the alleged victim, to the person who requested the order, to 822
the defendant, and to all law enforcement agencies that have 823
jurisdiction to enforce the order. The protection order shall be 824
transmitted by the clerk of the court to the appropriate law 825
enforcement agency for entry into the protection order database 826
of the national crime information center (NCIC) maintained by 827
the federal bureau of investigation. The court shall direct that 828
a copy of the order be delivered to the defendant on the same 829
day that the order is entered. If a municipal court or a county 830
court issues a protection order under this section and if, 831
subsequent to the issuance of the order, the defendant who is 832
the subject of the order is bound over to the court of common 833
pleas for prosecution as described in division (D) (3) of this 834
section, the municipal court or county court shall direct that a 835
copy of the order be delivered to the court of common pleas to 836
which the defendant is bound over. If the court that issued the 837
order, or the court of common pleas if the defendant is bound 838
over to that court for prosecution, terminates or cancels the 839
order, the clerk of the court shall cause the delivery of notice 840
of the termination or cancellation to the same persons and 841
entities that were delivered a copy of the order and the court 842
shall issue the removal order described in this division to the 843
appropriate law enforcement agency. 844

The court that issued the order shall file with the clerk 845
of the court each protection order issued pursuant to this 846
section and the clerk shall transmit the order to the 847
appropriate law enforcement agency to be entered into the law 848

enforcement automated data system created by section 5503.10 of 849
the Revised Code, and known as LEADS, by the close of the next 850
business day after the day on which the court issues the order. 851
Upon the termination or cancellation of the order, the court 852
that issued the order, or the court of common pleas if the 853
defendant is bound over to that court for prosecution, shall 854
order the appropriate law enforcement agency to remove the order 855
from the LEADS database by the close of the next business day 856
after the day on which the termination or cancellation of the 857
order occurred and shall ensure that the order is terminated, 858
cleared, or canceled in the protection order database of the 859
national crime information center (NCIC) maintained by the 860
federal bureau of investigation. 861

(2) All law enforcement agencies shall establish and 862
maintain an index for the protection orders delivered to the 863
agencies pursuant to division (G) (1) of this section. With 864
respect to each order delivered, each agency shall note on the 865
index the date and time of the agency's receipt of the order. 866

(3) Regardless of whether the petitioner has registered 867
the protection order in the county in which the officer's agency 868
has jurisdiction, any officer of a law enforcement agency shall 869
enforce a protection order issued pursuant to this section in 870
accordance with the provisions of the order. 871

(H) Upon a violation of a protection order issued pursuant 872
to this section, the court may issue another protection order 873
under this section, as a pretrial condition of release, that 874
modifies the terms of the order that was violated. 875

(I) (1) Subject to division (I) (2) of this section and 876
regardless of whether a protection order is issued or a consent 877
agreement is approved by a court of another county or by a court 878

of another state, no court or unit of state or local government 879
shall charge the movant any fee, cost, deposit, or money in 880
connection with the filing of a motion pursuant to this section, 881
in connection with the filing, issuance, registration, 882
modification, enforcement, dismissal, withdrawal, or service of 883
a protection order, consent agreement, or witness subpoena or 884
for obtaining certified copies of a protection order or consent 885
agreement. 886

(2) Regardless of whether a protection order is issued or 887
a consent agreement is approved pursuant to this section, if the 888
defendant is convicted the court may assess costs against the 889
defendant in connection with the filing, issuance, registration, 890
modification, enforcement, dismissal, withdrawal, or service of 891
a protection order, consent agreement, or witness subpoena or 892
for obtaining a certified copy of a protection order or consent 893
agreement. 894

(J) As used in this section: 895

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

(2) "Companion animal" has the same meaning as in section 898
959.131 of the Revised Code. 899

Sec. 2903.214. (A) As used in this section: 900

(1) "Court" means the court of common pleas of the county 901
in which the person to be protected by the protection order 902
resides. 903

(2) "Victim advocate" means a person who provides support 904
and assistance for a person who files a petition under this 905
section. 906

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	907 908
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	909 910
(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	911 912
(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	913 914
(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	915 916
(B) The court has jurisdiction over all proceedings under this section.	917 918
(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following:	919 920 921 922 923
(1) An allegation that the respondent is eighteen years of age or older and engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;	924 925 926 927 928 929 930
(2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to	931 932 933 934

believe that the health, welfare, or safety of the person to be 935
protected was at risk, a description of the nature and extent of 936
that conduct, and an allegation that the respondent presents a 937
continuing danger to the person to be protected; 938

(3) A request for relief under this section. 939

(D) (1) If a person who files a petition pursuant to this 940
section requests an ex parte order, the court shall hold an ex 941
parte hearing as soon as possible after the petition is filed, 942
but not later than the next day that the court is in session 943
after the petition is filed. The court, for good cause shown at 944
the ex parte hearing, may enter any temporary orders, with or 945
without bond, that the court finds necessary for the safety and 946
protection of the person to be protected by the order. Immediate 947
and present danger to the person to be protected by the 948
protection order constitutes good cause for purposes of this 949
section. Immediate and present danger includes, but is not 950
limited to, situations in which the respondent has threatened 951
the person to be protected by the protection order with bodily 952
harm or in which the respondent previously has been convicted of 953
or pleaded guilty to a violation of section 2903.211 of the 954
Revised Code or a sexually oriented offense against the person 955
to be protected by the protection order. 956

(2) (a) If the court, after an ex parte hearing, issues a 957
protection order described in division (E) of this section, the 958
court shall schedule a full hearing for a date that is within 959
ten court days after the ex parte hearing. The court shall give 960
the respondent notice of, and an opportunity to be heard at, the 961
full hearing. The court shall hold the full hearing on the date 962
scheduled under this division unless the court grants a 963
continuance of the hearing in accordance with this division. 964

Under any of the following circumstances or for any of the 965
following reasons, the court may grant a continuance of the full 966
hearing to a reasonable time determined by the court: 967

(i) Prior to the date scheduled for the full hearing under 968
this division, the respondent has not been served with the 969
petition filed pursuant to this section and notice of the full 970
hearing. 971

(ii) The parties consent to the continuance. 972

(iii) The continuance is needed to allow a party to obtain 973
counsel. 974

(iv) The continuance is needed for other good cause. 975

(b) An ex parte order issued under this section does not 976
expire because of a failure to serve notice of the full hearing 977
upon the respondent before the date set for the full hearing 978
under division (D) (2) (a) of this section or because the court 979
grants a continuance under that division. 980

(3) If a person who files a petition pursuant to this 981
section does not request an ex parte order, or if a person 982
requests an ex parte order but the court does not issue an ex 983
parte order after an ex parte hearing, the court shall proceed 984
as in a normal civil action and grant a full hearing on the 985
matter. 986

(E) (1) (a) After an ex parte or full hearing, the court may 987
issue any protection order, with or without bond, that contains 988
terms designed to ensure the safety and protection of the person 989
to be protected by the protection order, including, but not 990
limited to, a requirement that the respondent refrain from 991
entering the residence, school, business, or place of employment 992
of the petitioner or family or household member. If the court 993

includes a requirement that the respondent refrain from entering 994
the residence, school, business, or place of employment of the 995
petitioner or family or household member in the order, it also 996
shall include in the order provisions of the type described in 997
division (E) (5) of this section. The court may include within a 998
protection order issued under this section a term requiring that 999
the respondent not remove, damage, hide, harm, or dispose of any 1000
companion animal owned or possessed by the person to be 1001
protected by the order, and may include within the order a term 1002
authorizing the person to be protected by the order to remove a 1003
companion animal owned by the person to be protected by the 1004
order from the possession of the respondent. 1005

(b) After a full hearing, if the court considering a 1006
petition that includes an allegation of the type described in 1007
division (C) (2) of this section, or the court upon its own 1008
motion, finds upon clear and convincing evidence that the 1009
petitioner reasonably believed that the respondent's conduct at 1010
any time preceding the filing of the petition endangered the 1011
health, welfare, or safety of the person to be protected and 1012
that the respondent presents a continuing danger to the person 1013
to be protected, the court may order that the respondent be 1014
electronically monitored for a period of time and under the 1015
terms and conditions that the court determines are appropriate. 1016
Electronic monitoring shall be in addition to any other relief 1017
granted to the petitioner. 1018

(2) (a) Any protection order issued pursuant to this 1019
section shall be valid until a date certain but not later than 1020
five years from the date of its issuance. 1021

(b) Any protection order issued pursuant to this section 1022
may be renewed in the same manner as the original order was 1023

issued. 1024

(3) A court may not issue a protection order that requires 1025
a petitioner to do or to refrain from doing an act that the 1026
court may require a respondent to do or to refrain from doing 1027
under division (E)(1) of this section unless all of the 1028
following apply: 1029

(a) The respondent files a separate petition for a 1030
protection order in accordance with this section. 1031

(b) The petitioner is served with notice of the 1032
respondent's petition at least forty-eight hours before the 1033
court holds a hearing with respect to the respondent's petition, 1034
or the petitioner waives the right to receive this notice. 1035

(c) If the petitioner has requested an ex parte order 1036
pursuant to division (D) of this section, the court does not 1037
delay any hearing required by that division beyond the time 1038
specified in that division in order to consolidate the hearing 1039
with a hearing on the petition filed by the respondent. 1040

(d) After a full hearing at which the respondent presents 1041
evidence in support of the request for a protection order and 1042
the petitioner is afforded an opportunity to defend against that 1043
evidence, the court determines that the petitioner has committed 1044
a violation of section 2903.211 of the Revised Code against the 1045
person to be protected by the protection order issued pursuant 1046
to division (E)(3) of this section, has committed a sexually 1047
oriented offense against the person to be protected by the 1048
protection order issued pursuant to division (E)(3) of this 1049
section, or has violated a protection order issued pursuant to 1050
section 2903.213 of the Revised Code relative to the person to 1051
be protected by the protection order issued pursuant to division 1052

(E) (3) of this section. 1053

(4) No protection order issued pursuant to this section 1054
shall in any manner affect title to any real property. 1055

(5) (a) If the court issues a protection order under this 1056
section that includes a requirement that the alleged offender 1057
refrain from entering the residence, school, business, or place 1058
of employment of the petitioner or a family or household member, 1059
the order shall clearly state that the order cannot be waived or 1060
nullified by an invitation to the alleged offender from the 1061
complainant to enter the residence, school, business, or place 1062
of employment or by the alleged offender's entry into one of 1063
those places otherwise upon the consent of the petitioner or 1064
family or household member. 1065

(b) Division (E) (5) (a) of this section does not limit any 1066
discretion of a court to determine that an alleged offender 1067
charged with a violation of section 2919.27 of the Revised Code, 1068
with a violation of a municipal ordinance substantially 1069
equivalent to that section, or with contempt of court, which 1070
charge is based on an alleged violation of a protection order 1071
issued under this section, did not commit the violation or was 1072
not in contempt of court. 1073

(F) (1) The court shall cause the delivery of a copy of any 1074
protection order that is issued under this section to the 1075
petitioner, to the respondent, and to all law enforcement 1076
agencies that have jurisdiction to enforce the order. The 1077
protection order shall be transmitted by the clerk of the court 1078
to the appropriate law enforcement agency for entry into the 1079
protection order database of the national crime information 1080
center (NCIC) maintained by the federal bureau of investigation. 1081
The court shall direct that a copy of the order be delivered to 1082

the respondent on the same day that the order is entered. If the 1083
court terminates or cancels the order, the clerk of the court 1084
shall cause the delivery of notice of the termination or 1085
cancellation to the same persons and entities that were 1086
delivered a copy of the order and the court shall issue the 1087
removal order described in this division to the appropriate law 1088
enforcement agency. 1089

The court shall file with the clerk of the court each 1090
protection order issued pursuant to this section and the clerk 1091
shall transmit the order to the appropriate law enforcement 1092
agency to be entered into the law enforcement automated data 1093
system created by section 5503.10 of the Revised Code, and known 1094
as LEADS, by the close of the next business day after the day on 1095
which the court issues the order. Upon the termination or 1096
cancellation of the order, the court shall order the appropriate 1097
law enforcement agency to remove the order from the LEADS 1098
database by the close of the next business day after the day on 1099
which the termination or cancellation of the order occurred and 1100
shall ensure that the order is terminated, cleared, or canceled 1101
in the protection order database of the national crime 1102
information center (NCIC) maintained by the federal bureau of 1103
investigation. 1104

(2) Upon the issuance of a protection order under this 1105
section, the court shall provide the parties to the order with 1106
the following notice orally or by form: 1107

"NOTICE 1108

As a result of this order, it may be unlawful for you to 1109
possess or purchase a firearm, including a rifle, pistol, or 1110
revolver, or ammunition pursuant to federal law under 18 U.S.C. 1111
922(g) (8) for the duration of this order. If you have any 1112

questions whether this law makes it illegal for you to possess 1113
or purchase a firearm or ammunition, you should consult an 1114
attorney." 1115

(3) All law enforcement agencies shall establish and 1116
maintain an index for the protection orders delivered to the 1117
agencies pursuant to division (F)(1) of this section. With 1118
respect to each order delivered, each agency shall note on the 1119
index the date and time that it received the order. 1120

(4) Regardless of whether the petitioner has registered 1121
the protection order in the county in which the officer's agency 1122
has jurisdiction pursuant to division (M) of this section, any 1123
officer of a law enforcement agency shall enforce a protection 1124
order issued pursuant to this section by any court in this state 1125
in accordance with the provisions of the order, including 1126
removing the respondent from the premises, if appropriate. 1127

(G)(1) Any proceeding under this section shall be 1128
conducted in accordance with the Rules of Civil Procedure, 1129
except that a protection order may be obtained under this 1130
section with or without bond. An order issued under this 1131
section, other than an ex parte order, that grants a protection 1132
order, or that refuses to grant a protection order, is a final, 1133
appealable order. The remedies and procedures provided in this 1134
section are in addition to, and not in lieu of, any other 1135
available civil or criminal remedies. 1136

(2) If as provided in division (G)(1) of this section an 1137
order issued under this section, other than an ex parte order, 1138
refuses to grant a protection order, the court, on its own 1139
motion, shall order that the ex parte order issued under this 1140
section and all of the records pertaining to that ex parte order 1141
be sealed after either of the following occurs: 1142

(a) No party has exercised the right to appeal pursuant to Rule 4 of the Rules of Appellate Procedure.	1143 1144
(b) All appellate rights have been exhausted.	1145
(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law.	1146 1147 1148 1149
(I) Any law enforcement agency that investigates an alleged violation of section 2903.211 of the Revised Code or an alleged commission of a sexually oriented offense shall provide information to the victim and the family or household members of the victim regarding the relief available under this section and section 2903.213 of the Revised Code.	1150 1151 1152 1153 1154 1155
(J) (1) Subject to division (J) (2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.	1156 1157 1158 1159 1160 1161 1162 1163 1164 1165 1166
(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, the court may assess costs against the respondent in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent	1167 1168 1169 1170 1171

agreement, or witness subpoena or for obtaining a certified copy	1172
of a protection order or consent agreement.	1173
(K) (1) A person who violates a protection order issued	1174
under this section is subject to the following sanctions:	1175
(a) Criminal prosecution for a violation of section	1176
2919.27 of the Revised Code, if the violation of the protection	1177
order constitutes a violation of that section;	1178
(b) Punishment for contempt of court.	1179
(2) The punishment of a person for contempt of court for	1180
violation of a protection order issued under this section does	1181
not bar criminal prosecution of the person for a violation of	1182
section 2919.27 of the Revised Code. However, a person punished	1183
for contempt of court is entitled to credit for the punishment	1184
imposed upon conviction of a violation of that section, and a	1185
person convicted of a violation of that section shall not	1186
subsequently be punished for contempt of court arising out of	1187
the same activity.	1188
(L) In all stages of a proceeding under this section, a	1189
petitioner may be accompanied by a victim advocate.	1190
(M) (1) A petitioner who obtains a protection order under	1191
this section or a protection order under section 2903.213 of the	1192
Revised Code may provide notice of the issuance or approval of	1193
the order to the judicial and law enforcement officials in any	1194
county other than the county in which the order is issued by	1195
registering that order in the other county pursuant to division	1196
(M) (2) of this section and filing a copy of the registered order	1197
with a law enforcement agency in the other county in accordance	1198
with that division. A person who obtains a protection order	1199
issued by a court of another state may provide notice of the	1200

issuance of the order to the judicial and law enforcement 1201
officials in any county of this state by registering the order 1202
in that county pursuant to section 2919.272 of the Revised Code 1203
and filing a copy of the registered order with a law enforcement 1204
agency in that county. 1205

(2) A petitioner may register a protection order issued 1206
pursuant to this section or section 2903.213 of the Revised Code 1207
in a county other than the county in which the court that issued 1208
the order is located in the following manner: 1209

(a) The petitioner shall obtain a certified copy of the 1210
order from the clerk of the court that issued the order and 1211
present that certified copy to the clerk of the court of common 1212
pleas or the clerk of a municipal court or county court in the 1213
county in which the order is to be registered. 1214

(b) Upon accepting the certified copy of the order for 1215
registration, the clerk of the court of common pleas, municipal 1216
court, or county court shall place an endorsement of 1217
registration on the order and give the petitioner a copy of the 1218
order that bears that proof of registration. 1219

(3) The clerk of each court of common pleas, municipal 1220
court, or county court shall maintain a registry of certified 1221
copies of protection orders that have been issued by courts in 1222
other counties pursuant to this section or section 2903.213 of 1223
the Revised Code and that have been registered with the clerk. 1224

(N) (1) If the court orders electronic monitoring of the 1225
respondent under this section, the court shall direct the 1226
sheriff's office or any other appropriate law enforcement agency 1227
to install the electronic monitoring device and to monitor the 1228
respondent. Unless the court determines that the respondent is 1229

indigent, the court shall order the respondent to pay the cost 1230
of the installation and monitoring of the electronic monitoring 1231
device. If the court determines that the respondent is indigent 1232
and subject to the maximum amount allowable to be paid in any 1233
year from the fund and the rules promulgated by the attorney 1234
general under division (N) (2) of this section, the cost of the 1235
installation and monitoring of the electronic monitoring device 1236
may be paid out of funds from the reparations fund created 1237
pursuant to section 2743.191 of the Revised Code. The total 1238
amount of costs for the installation and monitoring of 1239
electronic monitoring devices paid pursuant to this division and 1240
sections 2151.34 and 2919.27 of the Revised Code from the 1241
reparations fund shall not exceed three hundred thousand dollars 1242
per year. 1243

(2) The attorney general may promulgate rules pursuant to 1244
section 111.15 of the Revised Code to govern payments made from 1245
the reparations fund pursuant to this division and sections 1246
2151.34 and 2919.27 of the Revised Code. The rules may include 1247
reasonable limits on the total cost paid pursuant to this 1248
division and sections 2151.34 and 2919.27 of the Revised Code 1249
per respondent, the amount of the three hundred thousand dollars 1250
allocated to each county, and how invoices may be submitted by a 1251
county, court, or other entity. 1252

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 1253
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1254
2911.211 of the Revised Code if the alleged victim of the 1255
violation was a family or household member at the time of the 1256
violation, a violation of a municipal ordinance that is 1257
substantially similar to any of those sections if the alleged 1258
victim of the violation was a family or household member at the 1259
time of the violation, any offense of violence if the alleged 1260

victim of the offense was a family or household member at the 1261
time of the commission of the offense, or any sexually oriented 1262
offense if the alleged victim of the offense was a family or 1263
household member at the time of the commission of the offense, 1264
the complainant, the alleged victim, or a family or household 1265
member of an alleged victim may file, or, if in an emergency the 1266
alleged victim is unable to file, a person who made an arrest 1267
for the alleged violation or offense under section 2935.03 of 1268
the Revised Code may file on behalf of the alleged victim, a 1269
motion that requests the issuance of a temporary protection 1270
order as a pretrial condition of release of the alleged 1271
offender, in addition to any bail set under Criminal Rule 46. 1272
The motion shall be filed with the clerk of the court that has 1273
jurisdiction of the case at any time after the filing of the 1274
complaint. 1275

(2) For purposes of section 2930.09 of the Revised Code, 1276
all stages of a proceeding arising out of a complaint alleging 1277
the commission of a violation, offense of violence, or sexually 1278
oriented offense described in division (A)(1) of this section, 1279
including all proceedings on a motion for a temporary protection 1280
order, are critical stages of the case, and a victim may be 1281
accompanied by a victim advocate or another person to provide 1282
support to the victim as provided in that section. 1283

(B) The motion shall be prepared on a form that is 1284
provided by the clerk of the court, which form shall be 1285
substantially as follows: 1286

"MOTION FOR TEMPORARY PROTECTION ORDER 1287

_____ Court 1288

Name and address of court 1289

State of Ohio	1290
v.No. _____	1291
_____	1292
Name of Defendant	1293
(name of person), moves the court to issue a temporary	1294
protection order containing terms designed to ensure the safety	1295
and protection of the complainant, alleged victim, and other	1296
family or household members, in relation to the named defendant,	1297
pursuant to its authority to issue such an order under section	1298
2919.26 of the Revised Code.	1299
A complaint, a copy of which has been attached to this	1300
motion, has been filed in this court charging the named	1301
defendant with _____ (name of the specified	1302
violation, the offense of violence, or sexually oriented offense	1303
charged) in circumstances in which the victim was a family or	1304
household member in violation of (section of the Revised Code	1305
designating the specified violation, offense of violence, or	1306
sexually oriented offense charged), or charging the named	1307
defendant with a violation of a municipal ordinance that is	1308
substantially similar to _____ (section of	1309
the Revised Code designating the specified violation, offense of	1310
violence, or sexually oriented offense charged) involving a	1311
family or household member.	1312
I understand that I must appear before the court, at a	1313
time set by the court within twenty-four hours after the filing	1314
of this motion, for a hearing on the motion or that, if I am	1315
unable to appear because of hospitalization or a medical	1316
condition resulting from the offense alleged in the complaint, a	1317
person who can provide information about my need for a temporary	1318

protection order must appear before the court in lieu of my 1319
appearing in court. I understand that any temporary protection 1320
order granted pursuant to this motion is a pretrial condition of 1321
release and is effective only until the disposition of the 1322
criminal proceeding arising out of the attached complaint, or 1323
the issuance of a civil protection order or the approval of a 1324
consent agreement, arising out of the same activities as those 1325
that were the basis of the complaint, under section 3113.31 of 1326
the Revised Code. 1327

Signature of person 1328
1329

(or signature of the arresting officer who filed the motion on 1330
behalf of the alleged victim) 1331

Address of person (or office address of the arresting officer 1332
who filed the motion on behalf of the alleged victim)" 1333
1334

(C) (1) As soon as possible after the filing of a motion 1335
that requests the issuance of a temporary protection order, but 1336
not later than twenty-four hours after the filing of the motion, 1337
the court shall conduct a hearing to determine whether to issue 1338
the order. The person who requested the order shall appear 1339
before the court and provide the court with the information that 1340
it requests concerning the basis of the motion. If the person 1341
who requested the order is unable to appear and if the court 1342
finds that the failure to appear is because of the person's 1343
hospitalization or medical condition resulting from the offense 1344
alleged in the complaint, another person who is able to provide 1345
the court with the information it requests may appear in lieu of 1346
the person who requested the order. If the court finds that the 1347

safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant, alleged victim, or any other family or household member of the alleged victim, and may include within the order a term authorizing the complainant, alleged victim, or other family or household member of the alleged victim to remove a companion animal owned by the complainant, alleged victim, or other family or household member from the possession of the alleged offender.

(2) (a) If the court issues a temporary protection order that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, the alleged victim, or the family or household member, the order shall state clearly that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, alleged victim, or family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, alleged victim, or family or household member.

(b) Division (C) (2) (a) of this section does not limit any 1379
discretion of a court to determine that an alleged offender 1380
charged with a violation of section 2919.27 of the Revised Code, 1381
with a violation of a municipal ordinance substantially 1382
equivalent to that section, or with contempt of court, which 1383
charge is based on an alleged violation of a temporary 1384
protection order issued under this section, did not commit the 1385
violation or was not in contempt of court. 1386

(D) (1) Upon the filing of a complaint that alleges a 1387
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1388
the Revised Code if the alleged victim of the violation was a 1389
family or household member at the time of the violation, a 1390
violation of a municipal ordinance that is substantially similar 1391
to any of those sections if the alleged victim of the violation 1392
was a family or household member at the time of the violation, 1393
any offense of violence if the alleged victim of the offense was 1394
a family or household member at the time of the commission of 1395
the offense, or any sexually oriented offense if the alleged 1396
victim of the offense was a family or household member at the 1397
time of the commission of the offense, the court, upon its own 1398
motion, may issue a temporary protection order as a pretrial 1399
condition of release if it finds that the safety and protection 1400
of the complainant, alleged victim, or other family or household 1401
member of the alleged offender may be impaired by the continued 1402
presence of the alleged offender. 1403

(2) If the court issues a temporary protection order under 1404
this section as an ex parte order, it shall conduct, as soon as 1405
possible after the issuance of the order, a hearing in the 1406
presence of the alleged offender not later than the next day on 1407
which the court is scheduled to conduct business after the day 1408
on which the alleged offender was arrested or at the time of the 1409

appearance of the alleged offender pursuant to summons to 1410
determine whether the order should remain in effect, be 1411
modified, or be revoked. The hearing shall be conducted under 1412
the standards set forth in division (C) of this section. 1413

(3) An order issued under this section shall contain only 1414
those terms authorized in orders issued under division (C) of 1415
this section. 1416

(4) If a municipal court or a county court issues a 1417
temporary protection order under this section and if, subsequent 1418
to the issuance of the order, the alleged offender who is the 1419
subject of the order is bound over to the court of common pleas 1420
for prosecution of a felony arising out of the same activities 1421
as those that were the basis of the complaint upon which the 1422
order is based, notwithstanding the fact that the order was 1423
issued by a municipal court or county court, the order shall 1424
remain in effect, as though it were an order of the court of 1425
common pleas, while the charges against the alleged offender are 1426
pending in the court of common pleas, for the period of time 1427
described in division (E)(2) of this section, and the court of 1428
common pleas has exclusive jurisdiction to modify the order 1429
issued by the municipal court or county court. This division 1430
applies when the alleged offender is bound over to the court of 1431
common pleas as a result of the person waiving a preliminary 1432
hearing on the felony charge, as a result of the municipal court 1433
or county court having determined at a preliminary hearing that 1434
there is probable cause to believe that the felony has been 1435
committed and that the alleged offender committed it, as a 1436
result of the alleged offender having been indicted for the 1437
felony, or in any other manner. 1438

(E) A temporary protection order that is issued as a 1439

pretrial condition of release under this section: 1440

(1) Is in addition to, but shall not be construed as a 1441
part of, any bail set under Criminal Rule 46; 1442

(2) Is effective only until the occurrence of either of 1443
the following: 1444

(a) The disposition, by the court that issued the order 1445
or, in the circumstances described in division (D)(4) of this 1446
section, by the court of common pleas to which the alleged 1447
offender is bound over for prosecution, of the criminal 1448
proceeding arising out of the complaint upon which the order is 1449
based; 1450

(b) The issuance of a protection order or the approval of 1451
a consent agreement, arising out of the same activities as those 1452
that were the basis of the complaint upon which the order is 1453
based, under section 3113.31 of the Revised Code. 1454

(3) Shall not be construed as a finding that the alleged 1455
offender committed the alleged offense, and shall not be 1456
introduced as evidence of the commission of the offense at the 1457
trial of the alleged offender on the complaint upon which the 1458
order is based. 1459

(F) A person who meets the criteria for bail under 1460
Criminal Rule 46 and who, if required to do so pursuant to that 1461
rule, executes or posts bond or deposits cash or securities as 1462
bail, shall not be held in custody pending a hearing before the 1463
court on a motion requesting a temporary protection order. 1464

(G) (1) A copy of any temporary protection order that is 1465
issued under this section shall be issued by the court to the 1466
complainant, to the alleged victim, to the person who requested 1467
the order, to the defendant, and to all law enforcement agencies 1468

that have jurisdiction to enforce the order. The protection 1469
order shall be transmitted by the clerk of the court to the 1470
appropriate law enforcement agency for entry into the protection 1471
order database of the national crime information center (NCIC) 1472
maintained by the federal bureau of investigation. The court 1473
shall direct that a copy of the order be delivered to the 1474
defendant on the same day that the order is entered. If a 1475
municipal court or a county court issues a temporary protection 1476
order under this section and if, subsequent to the issuance of 1477
the order, the defendant who is the subject of the order is 1478
bound over to the court of common pleas for prosecution as 1479
described in division (D) (4) of this section, the municipal 1480
court or county court shall direct that a copy of the order be 1481
delivered to the court of common pleas to which the defendant is 1482
bound over. If the court that issued the order, or the court of 1483
common pleas if the defendant is bound over to that court for 1484
prosecution, terminates or cancels the order, the clerk of the 1485
court shall cause the delivery of notice of the termination or 1486
cancellation to the same persons and entities that were issued 1487
or delivered a copy of the order and the court shall issue the 1488
removal order described in this division to the appropriate law 1489
enforcement agency. 1490

The court that issued the order shall file with the clerk 1491
of the court each protection order issued pursuant to this 1492
section and the clerk shall transmit the order to the 1493
appropriate law enforcement agency to be entered into the law 1494
enforcement automated data system created by section 5503.10 of 1495
the Revised Code, and known as LEADS, by the close of the next 1496
business day after the day on which the court issues the order. 1497
Upon the termination or cancellation of the order, the court 1498
that issued the order, or the court of common pleas if the 1499

defendant is bound over to that court for prosecution, shall 1500
order the appropriate law enforcement agency to remove the order 1501
from the LEADS database by the close of the next business day 1502
after the day on which the termination or cancellation of the 1503
order occurred and shall ensure that the order is terminated, 1504
cleared, or canceled in the protection order database of the 1505
national crime information center (NCIC) maintained by the 1506
federal bureau of investigation. 1507

(2) Upon the issuance of a protection order under this 1508
section, the court shall provide the parties to the order with 1509
the following notice orally or by form: 1510

"NOTICE 1511

As a result of this protection order, it may be unlawful 1512
for you to possess or purchase a firearm, including a rifle, 1513
pistol, or revolver, or ammunition pursuant to federal law under 1514
18 U.S.C. 922(g)(8) for the duration of this order. If you have 1515
any questions whether this law makes it illegal for you to 1516
possess or purchase a firearm or ammunition, you should consult 1517
an attorney." 1518

(3) All law enforcement agencies shall establish and 1519
maintain an index for the temporary protection orders delivered 1520
to the agencies pursuant to division (G)(1) of this section. 1521
With respect to each order delivered, each agency shall note on 1522
the index, the date and time of the receipt of the order by the 1523
agency. 1524

(4) A complainant, alleged victim, or other person who 1525
obtains a temporary protection order under this section may 1526
provide notice of the issuance of the temporary protection order 1527
to the judicial and law enforcement officials in any county 1528

other than the county in which the order is issued by 1529
registering that order in the other county in accordance with 1530
division (N) of section 3113.31 of the Revised Code and filing a 1531
copy of the registered protection order with a law enforcement 1532
agency in the other county in accordance with that division. 1533

(5) Any officer of a law enforcement agency shall enforce 1534
a temporary protection order issued by any court in this state 1535
in accordance with the provisions of the order, including 1536
removing the defendant from the premises, regardless of whether 1537
the order is registered in the county in which the officer's 1538
agency has jurisdiction as authorized by division (G) (4) of this 1539
section. 1540

(H) Upon a violation of a temporary protection order, the 1541
court may issue another temporary protection order, as a 1542
pretrial condition of release, that modifies the terms of the 1543
order that was violated. 1544

(I) (1) As used in divisions (I) (1) and (2) of this 1545
section, "defendant" means a person who is alleged in a 1546
complaint to have committed a violation, offense of violence, or 1547
sexually oriented offense of the type described in division (A) 1548
of this section. 1549

(2) If a complaint is filed that alleges that a person 1550
committed a violation, offense of violence, or sexually oriented 1551
offense of the type described in division (A) of this section, 1552
the court may not issue a temporary protection order under this 1553
section that requires the complainant, the alleged victim, or 1554
another family or household member of the defendant to do or 1555
refrain from doing an act that the court may require the 1556
defendant to do or refrain from doing under a temporary 1557
protection order unless both of the following apply: 1558

(a) The defendant has filed a separate complaint that 1559
alleges that the complainant, alleged victim, or other family or 1560
household member in question who would be required under the 1561
order to do or refrain from doing the act committed a violation 1562
or offense of violence of the type described in division (A) of 1563
this section. 1564

(b) The court determines that both the complainant, 1565
alleged victim, or other family or household member in question 1566
who would be required under the order to do or refrain from 1567
doing the act and the defendant acted primarily as aggressors, 1568
that neither the complainant, alleged victim, or other family or 1569
household member in question who would be required under the 1570
order to do or refrain from doing the act nor the defendant 1571
acted primarily in self-defense, and, in accordance with the 1572
standards and criteria of this section as applied in relation to 1573
the separate complaint filed by the defendant, that it should 1574
issue the order to require the complainant, alleged victim, or 1575
other family or household member in question to do or refrain 1576
from doing the act. 1577

(J) (1) Subject to division (J) (2) of this section and 1578
regardless of whether a protection order is issued or a consent 1579
agreement is approved by a court of another county or a court of 1580
another state, no court or unit of state or local government 1581
shall charge the movant any fee, cost, deposit, or money in 1582
connection with the filing of a motion pursuant to this section, 1583
in connection with the filing, issuance, registration, 1584
modification, enforcement, dismissal, withdrawal, or service of 1585
a protection order, consent agreement, or witness subpoena or 1586
for obtaining a certified copy of a protection order or consent 1587
agreement. 1588

(2) Regardless of whether a protection order is issued or 1589
a consent agreement is approved pursuant to this section, if the 1590
defendant is convicted the court may assess costs against the 1591
defendant in connection with the filing, issuance, registration, 1592
modification, enforcement, dismissal, withdrawal, or service of 1593
a protection order, consent agreement, or witness subpoena or 1594
for obtaining a certified copy of a protection order or consent 1595
agreement. 1596

(K) As used in this section: 1597

(1) "Companion animal" has the same meaning as in section 1598
959.131 of the Revised Code. 1599

(2) "Sexually oriented offense" has the same meaning as in 1600
section 2950.01 of the Revised Code. 1601

(3) "Victim advocate" means a person who provides support 1602
and assistance for a victim of an offense during court 1603
proceedings. 1604

Sec. 2923.133. (A) (1) (a) If a court finds or adjudicates, 1605
on or after the effective date of this section, that any 1606
firearms disabling condition or circumstance set forth in 1607
division (A) (5) of section 2923.13 of the Revised Code applies 1608
to a respondent, and if a prosecuting attorney knows or has 1609
reason to believe that the respondent has engaged in or 1610
threatened to engage in violent conduct toward self or others, 1611
the prosecuting attorney may file a request with the court 1612
requesting the issuance of a safety protection order with 1613
respect to the respondent under this section. 1614

(b) If a prosecuting attorney has filed a request under 1615
division (A) (1) (a) of this section, and if the court finds that 1616
a firearms disabling condition or circumstance set forth in 1617

division (A) (5) of section 2923.13 of the Revised Code applies 1618
to the respondent and that the respondent has engaged in or 1619
threatened to engage in violent conduct toward self or others 1620
and also finds probable cause that the respondent would have 1621
access to or possession of firearms or dangerous ordnance if the 1622
respondent is released from detention or treatment or is not 1623
ordered into detention or treatment and that there is probable 1624
cause to believe that the respondent owns, possesses, or 1625
controls firearms or dangerous ordnance located at the 1626
respondent's place of residence or premises appurtenant to that 1627
place of residence, the court may issue a safety protection 1628
order, which shall conform to the provisions of this division, 1629
to any law enforcement officer serving the primary law 1630
enforcement agency with jurisdiction over the respondent's place 1631
of residence. 1632

A safety protection order issued under this division shall 1633
authorize the officer to whom it is issued to search for and 1634
retrieve all firearms and dangerous ordnance owned by, possessed 1635
by, or in the control of the respondent, including searching for 1636
such firearms and dangerous ordnance at the respondent's place 1637
of residence and premises appurtenant to that place of residence 1638
and retrieving those firearms and dangerous ordnance. A safety 1639
protection order so issued has the same force and effect as, and 1640
shall be considered as being, a search warrant authorizing the 1641
search of the specified residence and appurtenant premises for 1642
such firearms and dangerous ordnance. The safety protection 1643
order shall specify that if the respondent is in detention or 1644
treatment, the respondent will not be released from detention or 1645
treatment until the expiration of twelve hours after the 1646
issuance of the safety protection order to the officer and that 1647
the law enforcement officer shall serve the order within that 1648

twelve-hour period. The court that issues a safety protection 1649
order under this division shall provide a copy of the order to 1650
the respondent. 1651

(2) If a respondent was taken into custody under section 1652
5122.10 of the Revised Code and an affidavit is filed under 1653
section 5122.11 of the Revised Code alleging that the respondent 1654
is a mentally ill person subject to court order and if the 1655
criteria specified in division (A)(1)(a) of this section for the 1656
filing of a request for the issuance of a safety protection 1657
order with respect to the respondent are satisfied, the 1658
prosecuting attorney may file a request for the issuance of a 1659
safety protection order as authorized under division (A)(1) of 1660
this section. A request of a prosecuting attorney for such an 1661
order in the specified circumstances shall be made as soon as 1662
possible after, but not later than the end of the next court day 1663
after, the filing of the affidavit under section 5122.11 of the 1664
Revised Code. 1665

(B) A law enforcement officer who serves a safety 1666
protection order issued under division (A) of this section, not 1667
later than three business days after the order was served, shall 1668
file a return with the court that states that the order was 1669
served and that sets forth the time and date on which the order 1670
was served, the name and address of the respondent named in the 1671
order, and the serial number, make, and model, or any other 1672
relevant description including clear photographs, of each 1673
firearm and each dangerous ordnance retrieved by the law 1674
enforcement officer. A copy of this inventory also shall be left 1675
at the location from which the firearms and dangerous ordnance 1676
were retrieved. If no firearms or dangerous ordnance were found, 1677
the law enforcement officer who served the order shall report in 1678
the return that a search was conducted and that no firearms or 1679

dangerous ordnance were found. Nothing in this section shall 1680
prevent the destruction of dangerous ordnance that cannot be 1681
safely or practically removed or stored. 1682

(C) A law enforcement agency that has taken possession of 1683
a respondent's firearms pursuant to this section shall not 1684
indelibly mark, damage, deface, or destroy the firearms while 1685
they are in the agency's possession. The use of property tags or 1686
stickers is permitted. The agency shall maintain the integrity 1687
and identity of the firearms in such a manner that, if the 1688
firearms are to be returned to the respondent, they can be 1689
identified and returned to the respondent in a condition similar 1690
to the condition they were in when they were retrieved. The 1691
agency shall not relinquish control of the firearms other than 1692
pursuant to a sale as specified in division (D) of this section, 1693
pursuant to an inspection for potential sale as specified in 1694
that division, pursuant to a return to a lawful owner other than 1695
the respondent as specified in divisions (E) and (F) of this 1696
section, or pursuant to a court order, including a subpoena. 1697

(D) A respondent who is subject to a safety protection 1698
order issued under this section and a firearms retrieval made 1699
under this section and whose firearms are in the possession of a 1700
law enforcement agency may sell to a federally licensed firearms 1701
dealer one or more of those firearms that lawfully may be sold. 1702
If the respondent under authority of this division sells to a 1703
federally licensed firearms dealer one or more of those firearms 1704
that lawfully may be sold, the respondent and the dealer shall 1705
provide to the court that issued the order valid evidence of the 1706
sale of each such firearm so sold and, upon presentation of the 1707
valid evidence, the court shall order the law enforcement agency 1708
in possession of the firearms to transfer to the dealer each 1709
such firearm so sold. Upon receipt of the order, the law 1710

enforcement agency shall transfer to the dealer each such 1711
firearm so sold. The court shall not order the transfer of any 1712
firearm to a dealer under this division unless the respondent 1713
and the dealer provide to the court valid evidence of the sale 1714
to the dealer of the firearm. 1715

(E) A respondent who is subject to a safety protection 1716
order issued under this section and a firearms retrieval made 1717
under this section and whose firearms are in the possession of a 1718
law enforcement agency may petition the court that issued the 1719
order to authorize the respondent to transfer to a family member 1720
who lawfully may possess firearms and who does not reside with 1721
the respondent one or more of those firearms. If the court 1722
authorizes the respondent to make such a transfer and the 1723
respondent under that authority transfers one or more of the 1724
firearms to a family member who lawfully may possess a firearm, 1725
the family member shall provide the court with proof that the 1726
family member may lawfully possess a firearm. Upon proof that 1727
the family member may lawfully possess firearms, the court shall 1728
order the law enforcement agency that currently possesses the 1729
firearms to transfer to the family member the firearm or 1730
firearms authorized for transfer by the court. Upon receipt of 1731
the order, the law enforcement agency shall transfer to the 1732
family member the firearm or firearms authorized for transfer by 1733
the court. A family member who is to be transferred any firearm 1734
under this division shall attest in writing, under penalty of 1735
law, at the time the request for transfer is made, that if the 1736
firearm is transferred to that family member, the firearm will 1737
not be given, transferred, sold, or provided to the respondent 1738
unless, prior to the giving, transfer, sale, or provision, the 1739
respondent has been relieved, in any of the following manners, 1740
from all firearms disabilities that applied at any time to the 1741

respondent: 1742

(1) With respect to any firearms disability, the 1743
respondent was relieved of the disability pursuant to section 1744
2923.14 of the Revised Code or otherwise was relieved from 1745
disability under operation of law or legal process. 1746

(2) With respect to a firearms disabling condition or 1747
circumstance set forth in division (A) (2) or (3) of section 1748
2923.13 of the Revised Code, the indictment that was the basis 1749
of the disability has been dismissed or the conviction or guilty 1750
plea that was the basis of the disability has been reversed on 1751
appeal. 1752

(3) With respect to any firearms disability under the law 1753
of this state or the United States, including under any 1754
prohibition against possession of a firearm, any other condition 1755
has occurred under the law of this state or the United States 1756
that results in the respondent no longer being subject to that 1757
disability. 1758

(F) If a person other than the respondent claims title to 1759
any firearm retrieved by a law enforcement officer pursuant to a 1760
safety protection order issued under division (A) of this 1761
section, the person may petition the court that issued the order 1762
for return of the firearm. If the person requests the return of 1763
the firearm, and if the person is determined by the court to be 1764
the lawful owner of the firearm, the court shall order the law 1765
enforcement agency that currently possesses the firearm to 1766
release the firearm to that person. Upon receipt of the order, 1767
the law enforcement agency shall release the specified firearm 1768
to the specified person. A person seeking the return of a 1769
firearm under this division shall attest in writing, under 1770
penalty of law, at the time of making the request for return, 1771

that if the firearm is returned to that person, the firearm will 1772
not be given, transferred, sold, or provided to the respondent 1773
unless, prior to the giving, transfer, sale, or provision, the 1774
respondent has been relieved, in any manner specified in 1775
division (E) (1), (2), or (3) of this section, from all firearms 1776
disabilities that applied at any time to the respondent. 1777

(G) If a respondent is subject to a safety protection 1778
order issued under this section, if firearms of the respondent 1779
are retrieved under this section, and if the respondent is 1780
relieved from all firearms disabilities that applied to the 1781
respondent, in a manner specified in division (E) (1), (2), or 1782
(3) of this section or under any provision of the Revised Code 1783
or the Ohio Constitution, the court that granted the relief from 1784
firearms disability shall issue an order to the law enforcement 1785
agency that currently possesses the firearms that requires the 1786
agency to return the firearms to the respondent. Upon receipt of 1787
the order, the law enforcement agency shall return the firearms 1788
to the respondent. If a different court issued the safety 1789
protection order, the court that issues the order under this 1790
division shall notify the court that issued the safety 1791
protection order that the order under this division has been 1792
issued and the safety protection order shall have no further 1793
force and effect. 1794

(H) Divisions (D), (E), (F), and (G) of this section do 1795
not apply with respect to dangerous ordnance of a respondent who 1796
is subject to a safety protection order issued under this 1797
section and that are retrieved under this section. 1798

(I) As used in this section: 1799

(1) "Primary law enforcement agency with jurisdiction over 1800
the respondent's place of residence" means whichever of the 1801

following is applicable: 1802

(a) If the respondent's place of residence is within a 1803
municipal corporation, the police department, or the office of 1804
the marshal, that serves that municipal corporation; 1805

(b) If the respondent's place of residence is within the 1806
unincorporated area of a county that is served by a township 1807
constable or a township or joint township police district, the 1808
office of that constable or of that district; 1809

(c) If the respondent's place of residence is within the 1810
unincorporated area of a county that is not served by a township 1811
constable or a township or joint township police district, the 1812
office of the sheriff of that county. 1813

(2) "Respondent" means a person who is found by a court to 1814
be subject to a firearms disabling condition or circumstance set 1815
forth in division (A) (5) of section 2923.13 of the Revised Code 1816
or who was taken into custody under section 5122.10 of the 1817
Revised Code and who is alleged under an affidavit filed under 1818
section 5122.11 of the Revised Code to be a mentally ill person 1819
subject to court order. 1820

Sec. 2923.20. (A) No person shall do any of the following: 1821

(1) Recklessly sell, lend, give, or furnish any firearm to 1822
any person prohibited by section 2923.13 or 2923.15 of the 1823
Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n) from 1824
acquiring, possessing, receiving, or using any firearm, or 1825
recklessly sell, lend, give, or furnish any dangerous ordnance 1826
to any person prohibited by section 2923.13, 2923.15, or 2923.17 1827
of the Revised Code from acquiring, possessing, receiving, or 1828
using any dangerous ordnance; 1829

(2) Possess any firearm or dangerous ordnance with purpose 1830

to dispose of it in violation of division (A) of this section; 1831

(3) Except as otherwise provided in division (B) of this 1832
section, knowingly solicit, persuade, encourage, or entice a 1833
federally licensed firearms dealer or private seller to transfer 1834
a firearm or ammunition to any person in a manner prohibited by 1835
state or federal law; 1836

(4) Except as otherwise provided in division (B) of this 1837
section, with an intent to deceive, knowingly provide materially 1838
false information to a federally licensed firearms dealer or 1839
private seller; 1840

(5) Except as otherwise provided in division (B) of this 1841
section, knowingly procure, solicit, persuade, encourage, or 1842
entice a person to act in violation of division (A) (3) or (4) of 1843
this section; 1844

(6) When transferring any dangerous ordnance to another, 1845
negligently fail to require the transferee to exhibit such 1846
identification, license, or permit showing the transferee to be 1847
authorized to acquire dangerous ordnance pursuant to section 1848
2923.17 of the Revised Code, or negligently fail to take a 1849
complete record of the transaction and forthwith forward a copy 1850
of that record to the sheriff of the county or safety director 1851
or police chief of the municipality where the transaction takes 1852
place; 1853

(7) Knowingly fail to report to law enforcement 1854
authorities forthwith the loss or theft of any firearm or 1855
dangerous ordnance in the person's possession or under the 1856
person's control; 1857

(8) Knowingly sell, lend, give, or furnish any firearm to 1858
any person if the transferor knows that the results of 1859

background checks of a type described in sections 311.51 and 5502.71 of the Revised Code found that, at the time of that transfer, the transferee is prohibited by section 2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n) from acquiring, possessing, receiving, or using any firearm;

(9) If the person is engaged in the business of selling firearms, knowingly sell, lend, give, or furnish any firearm to another unless the person is a federally licensed firearms dealer and the person complies with the applicable requirements of 18 U.S.C. 922.

(B) Divisions (A) (3), (4), and (5) of this section do not apply to any of the following:

(1) A law enforcement officer who is acting within the scope of the officer's duties;

(2) A person who is acting in accordance with directions given by a law enforcement officer described in division (B) (1) of this section.

(C) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A) (1) or (2) of this section is a felony of the fourth degree. A violation of division (A) (3), (4), ~~or~~ (5), (8), or (9) of this section is a felony of the third degree. A violation of division (A) (6) of this section is a misdemeanor of the second degree. A violation of division (A) (7) of this section is a misdemeanor of the fourth degree.

(D) Division (A) (1) does not apply to a person's transfer of a firearm to another person, other than a person prohibited by section 2923.15 of the Revised Code from using any firearm, if any of the following applies with respect to the transfer:

(1) The transferor verified that an FFL criminal background check was conducted of the transferee prior to the transfer of the firearm to the transferee and the results of the background check did not indicate that, at the time of the transfer, the transferee was a person prohibited by section 2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n) from acquiring, possessing, receiving, or using any firearm. 1889
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(2) The transferor verified that, within the ninety days prior to the transfer of the firearm, a seller's protection certificate was issued for the transferee under sections 311.51 and 5502.71 of the Revised Code, and, prior to the transfer, the transferor reviewed the certificate and confirmed by checking an identification document of the transferee that the transferee was the person to whom the certificate applied. 1897
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(3) At the time of the transfer of the firearm to the transferee, the transferee presented the transferor with a seller's protection certificate issued for the transferee under sections 311.51 and 5502.71 of the Revised Code, the certificate was valid at the time of the transfer, and, prior to the transfer, the transferor reviewed the certificate and confirmed by checking an identification document of the transferee that the transferee was the person to whom the certificate applied. 1904
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1911

(E) As used in this section: 1912

(1) "Ammunition" has the same meaning as in section 2305.401 of the Revised Code. 1913
1914

(2) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code. 1915
1916

(3) "Materially false information" means information 1917

regarding the transfer of a firearm or ammunition that portrays 1918
an illegal transaction as legal or a legal transaction as 1919
illegal. 1920

(4) "Private seller" means a person who sells, offers for 1921
sale, or transfers a firearm or ammunition and who is not a 1922
federally licensed firearms dealer. 1923

(5) A person is "engaged in the business" if either of the 1924
following applies: 1925

(a) The person devotes time, attention, and labor to 1926
selling firearms at wholesale or retail as a regular course of 1927
trade or business with the principal objective of livelihood and 1928
profit through the repetitive purchase and resale of firearms, 1929
provided that a person is not "engaged in the business" under 1930
this division if the person only makes occasional sales, 1931
exchanges, or purchases of firearms for the enhancement of a 1932
personal collection or for a hobby, or sells all or part of the 1933
person's personal collection of firearms; 1934

(b) The person devotes time, attention, and labor to the 1935
business of repairing firearms or of making or fitting special 1936
barrels, stocks, or trigger mechanisms to firearms as a regular 1937
course of trade or business with the principal objective of 1938
livelihood and profit, provided that a person is not "engaged in 1939
the business" under this division if the person only makes 1940
occasional repairs of firearms, or occasionally fits special 1941
barrels, stocks, or trigger mechanisms to firearms. 1942

(6) "With the principal objective of livelihood and 1943
profit" means that the intent underlying the sale or disposition 1944
of firearms is predominantly one of obtaining livelihood and 1945
pecuniary gain, as opposed to other intents, such as improving 1946

or liquidating a personal firearms collection. For purposes of 1947
this division, proof of profit is not required as to a person 1948
who engages in the regular and repetitive purchase and 1949
disposition of firearms for criminal purposes or terrorism. 1950

(7) "Terrorism" means activity, directed against United 1951
States persons, to which all of the following apply: 1952

(a) It is committed by an individual who is not a national 1953
or permanent resident alien of the United States; 1954

(b) It involves violent acts or acts dangerous to human 1955
life that would be a criminal violation if committed within the 1956
jurisdiction of the United States; 1957

(c) It is intended to intimidate or coerce a civilian 1958
population, to influence the policy of a government by 1959
intimidation or coercion, or to affect the conduct of a 1960
government by assassination or kidnapping. 1961

(F) As used in divisions (A)(8) and (D) of this section: 1962

(1) "FFL criminal background check" means a background 1963
check of a transferee conducted upon request of a federally 1964
licensed firearms dealer through the national instant criminal 1965
background check system, as described in 18 U.S.C. 922(t), and 1966
that complies with the requirements of that section. 1967

(2) "Transfer" means a person's sale, loaning, giving, or 1968
furnishing of a firearm to another person. 1969

(3) "Transferee" means a person to whom a firearm is 1970
transferred by another person. 1971

(4) "Transferor" means a person who transfers a firearm to 1972
another person. 1973

(5) "Identification document" has the same meaning as in section 311.51 of the Revised Code. 1974
1975

Sec. 2923.21. (A) No person shall do any of the following: 1976

(1) Sell any firearm to a person who is under eighteen years of age; 1977
1978

(2) Subject to division (B) of this section, knowingly sell any firearm to a person who is eighteen years of age or older and under twenty-one years of age if any one or more of the following applies: 1979
1980
1981
1982

(a) Division (A) (9) of section 2923.20 of the Revised Code applies to the seller, and the seller sells the firearm to the person who is eighteen years of age or older and under twenty-one years of age before seventy-two hours has expired from the time the seller receives the results of the background check conducted under the requirements of 18 U.S.C. 922; 1983
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(b) The criteria specified in division (D) (1) of section 2923.20 of the Revised Code are satisfied with respect to the sale, and the seller sells the firearm to the person who is eighteen years of age or older and under twenty-one years of age before seventy-two hours has expired from the time those criteria are satisfied; 1989
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(c) The department of public safety has prescribed the potential liability form required under section 5502.73 of the Revised Code, the department has published printable copies of the form on the department's web site as required under that section, and the firearm is a restricted access firearm, unless both of the following apply: 1995
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(i) At the time of the sale, the person who is eighteen years of age or older and under twenty-one years of age is 2001
2002

accompanied by a co-signer who is twenty-five years of age or older; 2003
2004

(ii) The co-signer who is twenty-five years of age or older signs and dates a copy of the potential liability form prescribed by the department of public safety, and the person who is eighteen years of age or older and under twenty-one years of age also signs and dates the form. The seller shall send the signed and dated form to the department to be kept by the department as described in section 5502.73 of the Revised Code. 2005
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(3) Subject to division (B) of this section, sell any handgun to a person who is under twenty-one years of age; 2012
2013

~~(3)~~(4) Furnish any firearm to a person who is under eighteen years of age or, subject to division (B) of this section, furnish any handgun to a person who is under twenty-one years of age or furnish any restricted-access firearm to a person who is eighteen years of age or older and under twenty-one years of age, except for lawful hunting, sporting, or educational purposes, including, but not limited to, instruction in firearms or handgun safety, care, handling, or marksmanship under the supervision or control of a responsible adult; 2014
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~~(4)~~(5) Sell or furnish a firearm to a person who is eighteen years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the firearm for the purpose of selling the firearm in violation of division (A) (1) of this section to a person who is under eighteen years of age or for the purpose of furnishing the firearm in violation of division ~~(A) (3)~~ (A) (4) of this section to a person who is under eighteen years of age; 2023
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~~(5)~~(6) Sell or furnish a firearm to a person who is 2031

twenty-one years of age or older, if the seller or furnisher 2032
knows, or has reason to know, that the person is purchasing or 2033
receiving the firearm for the purpose of selling the firearm in 2034
violation of division (A) (2) of this section to a person who is 2035
eighteen years of age or older and under twenty-one years of age 2036
or for the purpose of furnishing the firearm in violation of 2037
division (A) (4) of this section to a person who is eighteen 2038
years of age or older and under twenty-one years of age; 2039

(7) Sell or furnish a handgun to a person who is twenty- 2040
one years of age or older if the seller or furnisher knows, or 2041
has reason to know, that the person is purchasing or receiving 2042
the handgun for the purpose of selling the handgun in violation 2043
of division ~~(A) (2)~~ (A) (3) of this section to a person who is 2044
under twenty-one years of age or for the purpose of furnishing 2045
the handgun in violation of division ~~(A) (3)~~ (A) (4) of this 2046
section to a person who is under twenty-one years of age; 2047

~~(6)~~ (8) Purchase or attempt to purchase any firearm with 2048
the intent to sell the firearm in violation of division (A) (1) 2049
of this section to a person who is under eighteen years of age 2050
or with the intent to furnish the firearm in violation of 2051
division ~~(A) (3)~~ (A) (4) of this section to a person who is under 2052
eighteen years of age; 2053

~~(7)~~ (9) Purchase or attempt to purchase any firearm with 2054
the intent to sell the firearm in violation of division (A) (2) 2055
of this section to a person who is eighteen years of age or 2056
older and under twenty-one years of age or with the intent to 2057
furnish the firearm in violation of division (A) (4) of this 2058
section to a person who is eighteen years of age or older and 2059
under twenty-one years of age; 2060

(10) Purchase or attempt to purchase any handgun with the 2061

intent to sell the handgun in violation of division (A) (2) of 2062
this section to a person who is under twenty-one years of age or 2063
with the intent to furnish the handgun in violation of division 2064
~~(A) (3)~~ (A) (4) of this section to a person who is under twenty-one 2065
years of age. 2066

(B) Divisions ~~(A) (1)~~ (A) (3) and ~~(2)~~ (4) of this section do 2067
not apply to the sale or furnishing of a handgun to a person, 2068
and divisions (A) (2) and (4) of this section do not apply to the 2069
sale or furnishing of a firearm to a person, in either of the 2070
following circumstances: 2071

(1) The person is eighteen years of age or older and under 2072
twenty-one years of age ~~if and~~ the person ~~eighteen years of age~~ 2073
~~or older and under twenty-one years of age~~ is a law enforcement 2074
officer who is properly appointed or employed as a law 2075
enforcement officer and has received firearms training approved 2076
by the Ohio peace officer training council or equivalent 2077
firearms training. ~~Divisions (A) (1) and (2) of this section do~~ 2078
~~not apply to the sale or furnishing of a handgun to;~~ 2079

(2) The person is an active duty member of the armed 2080
forces of the United States who has received firearms training 2081
that meets or exceeds the training requirements described in 2082
division (G) (1) of section 2923.125 of the Revised Code. 2083

(C) Whoever violates this section is guilty of improperly 2084
furnishing firearms to ~~a minor~~ an underage person, a felony of 2085
the fifth degree. 2086

(D) As used in this section, "restricted-access firearm" 2087
means any firearm other than one of the following: 2088

(1) A rifle or shotgun that holds only a single round of 2089
ammunition, that must be manually reloaded after every shot, and 2090

that is not dangerous ordnance. 2091

(2) A double-barrel shotgun that holds only a single round 2092
of ammunition in each barrel, that must have each barrel that is 2093
shot manually reloaded after it is shot, and that is not 2094
dangerous ordnance. 2095

Sec. 2923.211. (A) No person under eighteen years of age 2096
shall purchase or attempt to purchase a firearm. 2097

(B) ~~No~~ Subject to division (D) of this section, at any 2098
time after the department of public safety has prescribed the 2099
potential liability form required under section 5502.73 of the 2100
Revised Code and the department has published printable copies 2101
of the form on the department's web site, no person eighteen 2102
years of age or older and under twenty-one years of age shall 2103
knowingly purchase or attempt to purchase a restricted-access 2104
firearm unless both of the following apply: 2105

(1) At the time of the purchase or attempted purchase, the 2106
person who is eighteen years of age or older and under twenty- 2107
one years of age is accompanied by a co-signer who is at least 2108
twenty-five years of age; 2109

(2) The co-signer who is at least twenty-five years of age 2110
signs and dates a copy of the potential liability form developed 2111
by the department of public safety, and the seller and the 2112
person who is eighteen years of age or older and under twenty- 2113
one years of age sign and date the form. The seller shall send 2114
the signed and dated form to the department to be kept by the 2115
department as described in section 5502.73 of the Revised Code. 2116

(C) Subject to division (D) of this section, no person 2117
under twenty-one years of age shall purchase or attempt to 2118
purchase a handgun, ~~provided that this division does.~~ 2119

(D) Division (B) of this section does not apply to the 2120
purchase or attempted purchase of a restricted-access firearm by 2121
a person eighteen years of age or older and under twenty-one 2122
years of age, and division (C) of this section does not apply to 2123
the purchase or attempted purchase of a handgun by a person 2124
eighteen years of age or older and under twenty-one years of 2125
age, if either of the following ~~apply~~ applies: 2126

(1) The person is a law enforcement officer who is 2127
properly appointed or employed as a law enforcement officer and 2128
has received firearms training approved by the Ohio peace 2129
officer training council or equivalent firearms training. 2130

(2) The person is an active or reserve member of the armed 2131
services of the United States or the Ohio national guard, or was 2132
honorably discharged from military service in the active or 2133
reserve armed services of the United States or the Ohio national 2134
guard, and the person has received firearms training from the 2135
armed services or the national guard or equivalent firearms 2136
training. 2137

~~(C)~~ (E) Whoever violates division (A) of this section is 2138
guilty of underage purchase of a firearm, a delinquent act that 2139
would be a felony of the fourth degree if it could be committed 2140
by an adult. Whoever violates division (B) or (C) of this 2141
section is guilty of underage purchase of a handgun or 2142
restricted-access firearm, a misdemeanor of the second degree. 2143

(F) As used in this section, "restricted-access firearm" 2144
has the same meaning as in section 2923.21 of the Revised Code. 2145

Sec. 3113.31. (A) As used in this section: 2146

(1) "Domestic violence" means any of the following: 2147

(a) The occurrence of one or more of the following acts 2148

against a family or household member:	2149
(i) Attempting to cause or recklessly causing bodily injury;	2150 2151
(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;	2152 2153 2154
(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;	2155 2156 2157
(iv) Committing a sexually oriented offense.	2158
(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.	2159 2160 2161 2162
(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.	2163 2164 2165 2166 2167 2168 2169 2170
(3) "Family or household member" means any of the following:	2171 2172
(a) Any of the following who is residing with or has resided with the respondent:	2173 2174
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	2175 2176

(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	2177 2178 2179
(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.	2180 2181 2182 2183
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	2184 2185 2186
(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, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	2187 2188 2189 2190 2191 2192
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	2193 2194 2195
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	2196 2197
(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	2198 2199
(8) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.	2200 2201 2202 2203 2204

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

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

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

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

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

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

(4) A request for relief under this section.

(D) (1) If a person who files a petition pursuant to this

section requests an ex parte order, the court shall hold an ex 2234
parte hearing on the same day that the petition is filed. The 2235
court, for good cause shown at the ex parte hearing, may enter 2236
any temporary orders, with or without bond, including, but not 2237
limited to, an order described in division (E)(1)(a), (b), or 2238
(c) of this section, that the court finds necessary to protect 2239
the family or household member or the person with whom the 2240
respondent is or was in a dating relationship from domestic 2241
violence. Immediate and present danger of domestic violence to 2242
the family or household member or to the person with whom the 2243
respondent is or was in a dating relationship constitutes good 2244
cause for purposes of this section. Immediate and present danger 2245
includes, but is not limited to, situations in which the 2246
respondent has threatened the family or household member or 2247
person with whom the respondent is or was in a dating 2248
relationship with bodily harm, in which the respondent has 2249
threatened the family or household member or person with whom 2250
the respondent is or was in a dating relationship with a 2251
sexually oriented offense, or in which the respondent previously 2252
has been convicted of, pleaded guilty to, or been adjudicated a 2253
delinquent child for an offense that constitutes domestic 2254
violence against the family or household member or person with 2255
whom the respondent is or was in a dating relationship. 2256

(2) (a) If the court, after an ex parte hearing, issues an 2257
order described in division (E)(1)(b) or (c) of this section, 2258
the court shall schedule a full hearing for a date that is 2259
within seven court days after the ex parte hearing. If any other 2260
type of protection order that is authorized under division (E) 2261
of this section is issued by the court after an ex parte 2262
hearing, the court shall schedule a full hearing for a date that 2263
is within ten court days after the ex parte hearing. The court 2264

shall give the respondent notice of, and an opportunity to be 2265
heard at, the full hearing. The court shall hold the full 2266
hearing on the date scheduled under this division unless the 2267
court grants a continuance of the hearing in accordance with 2268
this division. Under any of the following circumstances or for 2269
any of the following reasons, the court may grant a continuance 2270
of the full hearing to a reasonable time determined by the 2271
court: 2272

(i) Prior to the date scheduled for the full hearing under 2273
this division, the respondent has not been served with the 2274
petition filed pursuant to this section and notice of the full 2275
hearing. 2276

(ii) The parties consent to the continuance. 2277

(iii) The continuance is needed to allow a party to obtain 2278
counsel. 2279

(iv) The continuance is needed for other good cause. 2280

(b) An ex parte order issued under this section does not 2281
expire because of a failure to serve notice of the full hearing 2282
upon the respondent before the date set for the full hearing 2283
under division (D) (2) (a) of this section or because the court 2284
grants a continuance under that division. 2285

(3) If a person who files a petition pursuant to this 2286
section does not request an ex parte order, or if a person 2287
requests an ex parte order but the court does not issue an ex 2288
parte order after an ex parte hearing, the court shall proceed 2289
as in a normal civil action and grant a full hearing on the 2290
matter. 2291

(E) (1) After an ex parte or full hearing, the court may 2292
grant any protection order, with or without bond, or approve any 2293

consent agreement to bring about a cessation of domestic 2294
violence against the family or household members or persons with 2295
whom the respondent is or was in a dating relationship. The 2296
order or agreement may: 2297

(a) Direct the respondent to refrain from abusing or from 2298
committing sexually oriented offenses against the family or 2299
household members or persons with whom the respondent is or was 2300
in a dating relationship; 2301

(b) With respect to a petition involving family or 2302
household members, grant possession of the residence or 2303
household to the petitioner or other family or household member, 2304
to the exclusion of the respondent, by evicting the respondent, 2305
when the residence or household is owned or leased solely by the 2306
petitioner or other family or household member, or by ordering 2307
the respondent to vacate the premises, when the residence or 2308
household is jointly owned or leased by the respondent, and the 2309
petitioner or other family or household member; 2310

(c) With respect to a petition involving family or 2311
household members, when the respondent has a duty to support the 2312
petitioner or other family or household member living in the 2313
residence or household and the respondent is the sole owner or 2314
lessee of the residence or household, grant possession of the 2315
residence or household to the petitioner or other family or 2316
household member, to the exclusion of the respondent, by 2317
ordering the respondent to vacate the premises, or, in the case 2318
of a consent agreement, allow the respondent to provide 2319
suitable, alternative housing; 2320

(d) With respect to a petition involving family or 2321
household members, temporarily allocate parental rights and 2322
responsibilities for the care of, or establish temporary 2323

parenting time rights with regard to, minor children, if no 2324
other court has determined, or is determining, the allocation of 2325
parental rights and responsibilities for the minor children or 2326
parenting time rights; 2327

(e) With respect to a petition involving family or 2328
household members, require the respondent to maintain support, 2329
if the respondent customarily provides for or contributes to the 2330
support of the family or household member, or if the respondent 2331
has a duty to support the petitioner or family or household 2332
member; 2333

(f) Require the respondent, petitioner, victim of domestic 2334
violence, or any combination of those persons, to seek 2335
counseling; 2336

(g) Require the respondent to refrain from entering the 2337
residence, school, business, or place of employment of the 2338
petitioner or, with respect to a petition involving family or 2339
household members, a family or household member; 2340

(h) Grant other relief that the court considers equitable 2341
and fair, including, but not limited to, ordering the respondent 2342
to permit the use of a motor vehicle by the petitioner or, with 2343
respect to a petition involving family or household members, 2344
other family or household members and the apportionment of 2345
household and family personal property; 2346

(i) Require that the respondent not remove, damage, hide, 2347
harm, or dispose of any companion animal owned or possessed by 2348
the petitioner; 2349

(j) Authorize the petitioner to remove a companion animal 2350
owned by the petitioner from the possession of the respondent; 2351

(k) Require a wireless service transfer in accordance with 2352

sections 3113.45 to 3113.459 of the Revised Code. 2353

(2) If a protection order has been issued pursuant to this 2354
section in a prior action involving the respondent and the 2355
petitioner or, with respect to a petition involving family or 2356
household members, one or more of the family or household 2357
members or victims, the court may include in a protection order 2358
that it issues a prohibition against the respondent returning to 2359
the residence or household. If it includes a prohibition against 2360
the respondent returning to the residence or household in the 2361
order, it also shall include in the order provisions of the type 2362
described in division (E) (7) of this section. This division does 2363
not preclude the court from including in a protection order or 2364
consent agreement, in circumstances other than those described 2365
in this division, a requirement that the respondent be evicted 2366
from or vacate the residence or household or refrain from 2367
entering the residence, school, business, or place of employment 2368
of the petitioner or, with respect to a petition involving 2369
family or household members, a family or household member, and, 2370
if the court includes any requirement of that type in an order 2371
or agreement, the court also shall include in the order 2372
provisions of the type described in division (E) (7) of this 2373
section. 2374

(3) (a) Any protection order issued or consent agreement 2375
approved under this section shall be valid until a date certain, 2376
but not later than five years from the date of its issuance or 2377
approval, or not later than the date a respondent who is less 2378
than eighteen years of age attains nineteen years of age, unless 2379
modified or terminated as provided in division (E) (8) of this 2380
section. 2381

(b) With respect to an order involving family or household 2382

members, subject to the limitation on the duration of an order 2383
or agreement set forth in division (E) (3) (a) of this section, 2384
any order under division (E) (1) (d) of this section shall 2385
terminate on the date that a court in an action for divorce, 2386
dissolution of marriage, or legal separation brought by the 2387
petitioner or respondent issues an order allocating parental 2388
rights and responsibilities for the care of children or on the 2389
date that a juvenile court in an action brought by the 2390
petitioner or respondent issues an order awarding legal custody 2391
of minor children. Subject to the limitation on the duration of 2392
an order or agreement set forth in division (E) (3) (a) of this 2393
section, any order under division (E) (1) (e) of this section 2394
shall terminate on the date that a court in an action for 2395
divorce, dissolution of marriage, or legal separation brought by 2396
the petitioner or respondent issues a support order or on the 2397
date that a juvenile court in an action brought by the 2398
petitioner or respondent issues a support order. 2399

(c) Any protection order issued or consent agreement 2400
approved pursuant to this section may be renewed in the same 2401
manner as the original order or agreement was issued or 2402
approved. 2403

(4) A court may not issue a protection order that requires 2404
a petitioner to do or to refrain from doing an act that the 2405
court may require a respondent to do or to refrain from doing 2406
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 2407
this section unless all of the following apply: 2408

(a) The respondent files a separate petition for a 2409
protection order in accordance with this section. 2410

(b) The petitioner is served notice of the respondent's 2411
petition at least forty-eight hours before the court holds a 2412

hearing with respect to the respondent's petition, or the 2413
petitioner waives the right to receive this notice. 2414

(c) If the petitioner has requested an ex parte order 2415
pursuant to division (D) of this section, the court does not 2416
delay any hearing required by that division beyond the time 2417
specified in that division in order to consolidate the hearing 2418
with a hearing on the petition filed by the respondent. 2419

(d) After a full hearing at which the respondent presents 2420
evidence in support of the request for a protection order and 2421
the petitioner is afforded an opportunity to defend against that 2422
evidence, the court determines that the petitioner has committed 2423
an act of domestic violence or has violated a temporary 2424
protection order issued pursuant to section 2919.26 of the 2425
Revised Code, that both the petitioner and the respondent acted 2426
primarily as aggressors, and that neither the petitioner nor the 2427
respondent acted primarily in self-defense. 2428

(5) No protection order issued or consent agreement 2429
approved under this section shall in any manner affect title to 2430
any real property. 2431

(6) (a) With respect to an order involving family or 2432
household members, if a petitioner, or the child of a 2433
petitioner, who obtains a protection order or consent agreement 2434
pursuant to division (E) (1) of this section or a temporary 2435
protection order pursuant to section 2919.26 of the Revised Code 2436
and is the subject of a parenting time order issued pursuant to 2437
section 3109.051 or 3109.12 of the Revised Code or a visitation 2438
or companionship order issued pursuant to section 3109.051, 2439
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 2440
this section granting parenting time rights to the respondent, 2441
the court may require the public children services agency of the 2442

county in which the court is located to provide supervision of 2443
the respondent's exercise of parenting time or visitation or 2444
companionship rights with respect to the child for a period not 2445
to exceed nine months, if the court makes the following findings 2446
of fact: 2447

(i) The child is in danger from the respondent; 2448

(ii) No other person or agency is available to provide the 2449
supervision. 2450

(b) A court that requires an agency to provide supervision 2451
pursuant to division (E) (6) (a) of this section shall order the 2452
respondent to reimburse the agency for the cost of providing the 2453
supervision, if it determines that the respondent has sufficient 2454
income or resources to pay that cost. 2455

(7) (a) If a protection order issued or consent agreement 2456
approved under this section includes a requirement that the 2457
respondent be evicted from or vacate the residence or household 2458
or refrain from entering the residence, school, business, or 2459
place of employment of the petitioner or, with respect to a 2460
petition involving family or household members, a family or 2461
household member, the order or agreement shall state clearly 2462
that the order or agreement cannot be waived or nullified by an 2463
invitation to the respondent from the petitioner or other family 2464
or household member to enter the residence, school, business, or 2465
place of employment or by the respondent's entry into one of 2466
those places otherwise upon the consent of the petitioner or 2467
other family or household member. 2468

(b) Division (E) (7) (a) of this section does not limit any 2469
discretion of a court to determine that a respondent charged 2470
with a violation of section 2919.27 of the Revised Code, with a 2471

violation of a municipal ordinance substantially equivalent to 2472
that section, or with contempt of court, which charge is based 2473
on an alleged violation of a protection order issued or consent 2474
agreement approved under this section, did not commit the 2475
violation or was not in contempt of court. 2476

(8) (a) The court may modify or terminate as provided in 2477
division (E) (8) of this section a protection order or consent 2478
agreement that was issued after a full hearing under this 2479
section. The court that issued the protection order or approved 2480
the consent agreement shall hear a motion for modification or 2481
termination of the protection order or consent agreement 2482
pursuant to division (E) (8) of this section. 2483

(b) Either the petitioner or the respondent of the 2484
original protection order or consent agreement may bring a 2485
motion for modification or termination of a protection order or 2486
consent agreement that was issued or approved after a full 2487
hearing. The court shall require notice of the motion to be made 2488
as provided by the Rules of Civil Procedure. If the petitioner 2489
for the original protection order or consent agreement has 2490
requested that the petitioner's address be kept confidential, 2491
the court shall not disclose the address to the respondent of 2492
the original protection order or consent agreement or any other 2493
person, except as otherwise required by law. The moving party 2494
has the burden of proof to show, by a preponderance of the 2495
evidence, that modification or termination of the protection 2496
order or consent agreement is appropriate because either the 2497
protection order or consent agreement is no longer needed or 2498
because the terms of the original protection order or consent 2499
agreement are no longer appropriate. 2500

(c) In considering whether to modify or terminate a 2501

protection order or consent agreement issued or approved under 2502
this section, the court shall consider all relevant factors, 2503
including, but not limited to, the following: 2504

(i) Whether the petitioner consents to modification or 2505
termination of the protection order or consent agreement; 2506

(ii) Whether the petitioner fears the respondent; 2507

(iii) The current nature of the relationship between the 2508
petitioner and the respondent; 2509

(iv) The circumstances of the petitioner and respondent, 2510
including the relative proximity of the petitioner's and 2511
respondent's workplaces and residences and whether the 2512
petitioner and respondent have minor children together; 2513

(v) Whether the respondent has complied with the terms and 2514
conditions of the original protection order or consent 2515
agreement; 2516

(vi) Whether the respondent has a continuing involvement 2517
with illegal drugs or alcohol; 2518

(vii) Whether the respondent has been convicted of, 2519
pleaded guilty to, or been adjudicated a delinquent child for an 2520
offense of violence since the issuance of the protection order 2521
or approval of the consent agreement; 2522

(viii) Whether any other protection orders, consent 2523
agreements, restraining orders, or no contact orders have been 2524
issued against the respondent pursuant to this section, section 2525
2919.26 of the Revised Code, any other provision of state law, 2526
or the law of any other state; 2527

(ix) Whether the respondent has participated in any 2528
domestic violence treatment, intervention program, or other 2529

counseling addressing domestic violence and whether the 2530
respondent has completed the treatment, program, or counseling; 2531

(x) The time that has elapsed since the protection order 2532
was issued or since the consent agreement was approved; 2533

(xi) The age and health of the respondent; 2534

(xii) When the last incident of abuse, threat of harm, or 2535
commission of a sexually oriented offense occurred or other 2536
relevant information concerning the safety and protection of the 2537
petitioner or other protected parties. 2538

(d) If a protection order or consent agreement is modified 2539
or terminated as provided in division (E)(8) of this section, 2540
the court shall issue copies of the modified or terminated order 2541
or agreement as provided in division (F) of this section. A 2542
petitioner may also provide notice of the modification or 2543
termination to the judicial and law enforcement officials in any 2544
county other than the county in which the order or agreement is 2545
modified or terminated as provided in division (N) of this 2546
section. 2547

(e) If the respondent moves for modification or 2548
termination of a protection order or consent agreement pursuant 2549
to this section and the court denies the motion, the court may 2550
assess costs against the respondent for the filing of the 2551
motion. 2552

(9) Any protection order issued or any consent agreement 2553
approved pursuant to this section shall include a provision that 2554
the court will automatically seal all of the records of the 2555
proceeding in which the order is issued or agreement approved on 2556
the date the respondent attains the age of nineteen years unless 2557
the petitioner provides the court with evidence that the 2558

respondent has not complied with all of the terms of the 2559
protection order or consent agreement. The protection order or 2560
consent agreement shall specify the date when the respondent 2561
attains the age of nineteen years. 2562

(F) (1) A copy of any protection order, or consent 2563
agreement, that is issued, approved, modified, or terminated 2564
under this section shall be issued by the court to the 2565
petitioner, to the respondent, and to all law enforcement 2566
agencies that have jurisdiction to enforce the order or 2567
agreement. The protection order or consent agreement shall be 2568
transmitted by the clerk of the court to the appropriate law 2569
enforcement agency for entry into the protection order database 2570
of the national crime information center (NCIC) maintained by 2571
the federal bureau of investigation. The court shall direct that 2572
a copy of an order be delivered to the respondent on the same 2573
day that the order is entered. If the court terminates or 2574
cancels the order or agreement, the clerk of the court shall 2575
cause the delivery of notice of the termination or cancellation 2576
to the same persons and entities that were issued or delivered a 2577
copy of the order or agreement and the court shall issue the 2578
removal order described in this division to the appropriate law 2579
enforcement agency. 2580

The court shall file with the clerk of the court each 2581
protection order issued and each consent agreement approved 2582
pursuant to this section and the clerk shall transmit the order 2583
to the appropriate law enforcement agency to be entered into the 2584
law enforcement automated data system created by section 5503.10 2585
of the Revised Code, and known as LEADS, by the close of the 2586
next business day after the day on which the court issues the 2587
order or approves the agreement. Upon the termination or 2588
cancellation of the order or agreement, the court shall order 2589

the appropriate law enforcement agency to remove the order or 2590
agreement from the LEADS database by the close of the next 2591
business day after the day on which the termination or 2592
cancellation of the order or agreement occurred and shall ensure 2593
that the order or agreement is terminated, cleared, or canceled 2594
in the protection order database of the national crime 2595
information center (NCIC) maintained by the federal bureau of 2596
investigation. 2597

(2) Upon the issuance of a protection order or the 2598
approval of a consent agreement under this section, the court 2599
shall provide the parties to the order or agreement with the 2600
following notice orally or by form: 2601

"NOTICE 2602

As a result of this order or consent agreement, it may be 2603
unlawful for you to possess or purchase a firearm, including a 2604
rifle, pistol, or revolver, or ammunition pursuant to federal 2605
law under 18 U.S.C. 922(g)(8) for the duration of this order or 2606
consent agreement. If you have any questions whether this law 2607
makes it illegal for you to possess or purchase a firearm or 2608
ammunition, you should consult an attorney." 2609

(3) All law enforcement agencies shall establish and 2610
maintain an index for the protection orders and the approved 2611
consent agreements delivered to the agencies pursuant to 2612
division (F)(1) of this section. With respect to each order and 2613
consent agreement delivered, each agency shall note on the index 2614
the date and time that it received the order or consent 2615
agreement. 2616

(4) Regardless of whether the petitioner has registered 2617
the order or agreement in the county in which the officer's 2618

agency has jurisdiction pursuant to division (N) of this 2619
section, any officer of a law enforcement agency shall enforce a 2620
protection order issued or consent agreement approved by any 2621
court in this state in accordance with the provisions of the 2622
order or agreement, including removing the respondent from the 2623
premises, if appropriate. 2624

(G) (1) Any proceeding under this section shall be 2625
conducted in accordance with the Rules of Civil Procedure, 2626
except that an order under this section may be obtained with or 2627
without bond. An order issued under this section, other than an 2628
ex parte order, that grants a protection order or approves a 2629
consent agreement, that refuses to grant a protection order or 2630
approve a consent agreement that modifies or terminates a 2631
protection order or consent agreement, or that refuses to modify 2632
or terminate a protection order or consent agreement, is a 2633
final, appealable order. The remedies and procedures provided in 2634
this section are in addition to, and not in lieu of, any other 2635
available civil or criminal remedies. 2636

(2) If as provided in division (G) (1) of this section an 2637
order issued under this section, other than an ex parte order, 2638
refuses to grant a protection order, the court, on its own 2639
motion, shall order that the ex parte order issued under this 2640
section and all of the records pertaining to that ex parte order 2641
be sealed after either of the following occurs: 2642

(a) No party has exercised the right to appeal pursuant to 2643
Rule 4 of the Rules of Appellate Procedure. 2644

(b) All appellate rights have been exhausted. 2645

(H) The filing of proceedings under this section does not 2646
excuse a person from filing any report or giving any notice 2647

required by section 2151.421 of the Revised Code or by any other 2648
law. When a petition under this section alleges domestic 2649
violence against minor children, the court shall report the 2650
fact, or cause reports to be made, to a county, township, or 2651
municipal peace officer under section 2151.421 of the Revised 2652
Code. 2653

(I) Any law enforcement agency that investigates a 2654
domestic dispute shall provide information to the family or 2655
household members involved, or the persons in the dating 2656
relationship who are involved, whichever is applicable regarding 2657
the relief available under this section and, for family or 2658
household members, section 2919.26 of the Revised Code. 2659

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2660
section and regardless of whether a protection order is issued 2661
or a consent agreement is approved by a court of another county 2662
or a court of another state, no court or unit of state or local 2663
government shall charge the petitioner any fee, cost, deposit, 2664
or money in connection with the filing of a petition pursuant to 2665
this section or in connection with the filing, issuance, 2666
registration, modification, enforcement, dismissal, withdrawal, 2667
or service of a protection order, consent agreement, or witness 2668
subpoena or for obtaining a certified copy of a protection order 2669
or consent agreement. 2670

(2) Regardless of whether a protection order is issued or 2671
a consent agreement is approved pursuant to this section, the 2672
court may assess costs against the respondent in connection with 2673
the filing, issuance, registration, modification, enforcement, 2674
dismissal, withdrawal, or service of a protection order, consent 2675
agreement, or witness subpoena or for obtaining a certified copy 2676
of a protection order or consent agreement. 2677

(K) (1) The court shall comply with Chapters 3119., 3121., 2678
3123., and 3125. of the Revised Code when it makes or modifies 2679
an order for child support under this section. 2680

(2) If any person required to pay child support under an 2681
order made under this section on or after April 15, 1985, or 2682
modified under this section on or after December 31, 1986, is 2683
found in contempt of court for failure to make support payments 2684
under the order, the court that makes the finding, in addition 2685
to any other penalty or remedy imposed, shall assess all court 2686
costs arising out of the contempt proceeding against the person 2687
and require the person to pay any reasonable attorney's fees of 2688
any adverse party, as determined by the court, that arose in 2689
relation to the act of contempt. 2690

(L) (1) A person who violates a protection order issued or 2691
a consent agreement approved under this section is subject to 2692
the following sanctions: 2693

(a) Criminal prosecution or a delinquent child proceeding 2694
for a violation of section 2919.27 of the Revised Code, if the 2695
violation of the protection order or consent agreement 2696
constitutes a violation of that section; 2697

(b) Punishment for contempt of court. 2698

(2) The punishment of a person for contempt of court for 2699
violation of a protection order issued or a consent agreement 2700
approved under this section does not bar criminal prosecution of 2701
the person or a delinquent child proceeding concerning the 2702
person for a violation of section 2919.27 of the Revised Code. 2703
However, a person punished for contempt of court is entitled to 2704
credit for the punishment imposed upon conviction of or 2705
adjudication as a delinquent child for a violation of that 2706

section, and a person convicted of or adjudicated a delinquent 2707
child for a violation of that section shall not subsequently be 2708
punished for contempt of court arising out of the same activity. 2709

(M) In all stages of a proceeding under this section, a 2710
petitioner may be accompanied by a victim advocate. 2711

(N) (1) A petitioner who obtains a protection order or 2712
consent agreement under this section or a temporary protection 2713
order under section 2919.26 of the Revised Code may provide 2714
notice of the issuance or approval of the order or agreement to 2715
the judicial and law enforcement officials in any county other 2716
than the county in which the order is issued or the agreement is 2717
approved by registering that order or agreement in the other 2718
county pursuant to division (N) (2) of this section and filing a 2719
copy of the registered order or registered agreement with a law 2720
enforcement agency in the other county in accordance with that 2721
division. A person who obtains a protection order issued by a 2722
court of another state may provide notice of the issuance of the 2723
order to the judicial and law enforcement officials in any 2724
county of this state by registering the order in that county 2725
pursuant to section 2919.272 of the Revised Code and filing a 2726
copy of the registered order with a law enforcement agency in 2727
that county. 2728

(2) A petitioner may register a temporary protection 2729
order, protection order, or consent agreement in a county other 2730
than the county in which the court that issued the order or 2731
approved the agreement is located in the following manner: 2732

(a) The petitioner shall obtain a certified copy of the 2733
order or agreement from the clerk of the court that issued the 2734
order or approved the agreement and present that certified copy 2735
to the clerk of the court of common pleas or the clerk of a 2736

municipal court or county court in the county in which the order 2737
or agreement is to be registered. 2738

(b) Upon accepting the certified copy of the order or 2739
agreement for registration, the clerk of the court of common 2740
pleas, municipal court, or county court shall place an 2741
endorsement of registration on the order or agreement and give 2742
the petitioner a copy of the order or agreement that bears that 2743
proof of registration. 2744

(3) The clerk of each court of common pleas, the clerk of 2745
each municipal court, and the clerk of each county court shall 2746
maintain a registry of certified copies of temporary protection 2747
orders, protection orders, or consent agreements that have been 2748
issued or approved by courts in other counties and that have 2749
been registered with the clerk. 2750

(O) Nothing in this section prohibits the domestic 2751
relations division of a court of common pleas in counties that 2752
have a domestic relations division or a court of common pleas in 2753
counties that do not have a domestic relations division from 2754
designating a minor child as a protected party on a protection 2755
order or consent agreement. 2756

Sec. 5122.10. (A) (1) Any of the following who has reason 2757
to believe that a person is a mentally ill person subject to 2758
court order and represents a substantial risk of physical harm 2759
to self or others if allowed to remain at liberty pending 2760
examination may take the person into custody in a reasonable and 2761
appropriate manner and may immediately transport the person to a 2762
hospital or, notwithstanding section 5119.33 of the Revised 2763
Code, to a general hospital not licensed by the department of 2764
mental health and addiction services where the person may be 2765
held for the period prescribed in this section: 2766

(a) A psychiatrist;	2767
(b) A licensed physician;	2768
(c) A licensed clinical psychologist;	2769
(d) A clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center;	2770 2771 2772
(e) A certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center;	2773 2774 2775
(f) A health officer;	2776
(g) A parole officer;	2777
(h) A police officer;	2778
(i) A sheriff.	2779
(2) If the chief of the adult parole authority or a parole or probation officer with the approval of the chief of the authority has reason to believe that a parolee, an offender under a community control sanction or post-release control sanction, or an offender under transitional control is a mentally ill person subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination, the chief or officer may take the parolee or offender into custody and may immediately transport the parolee or offender to a hospital or, notwithstanding section 5119.33 of the Revised Code, to a general hospital not licensed by the department of mental health and addiction services where the parolee or offender may be held for the period prescribed in this section.	2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793

(B) A written statement shall be given to the hospital by 2794
the individual authorized under division (A) (1) or (2) of this 2795
section to transport the person. The statement shall specify the 2796
circumstances under which such person was taken into custody and 2797
the reasons for the belief that the person is a mentally ill 2798
person subject to court order and represents a substantial risk 2799
of physical harm to self or others if allowed to remain at 2800
liberty pending examination. This statement shall be made 2801
available to the respondent or the respondent's attorney upon 2802
request of either. 2803

(C) ~~Every reasonable and appropriate effort shall be made~~ 2804
~~to take persons into custody in the least conspicuous manner~~ 2805
~~possible.~~ A person taking the respondent into custody pursuant 2806
to this section shall explain to the respondent: the name and 2807
professional designation and affiliation of the person taking 2808
the respondent into custody; that the custody-taking is not a 2809
criminal arrest; and that the person is being taken for 2810
examination by mental health professionals at a specified mental 2811
health facility identified by name. 2812

~~(D)~~ (D) (1) If a person is taken into custody under this 2813
section and the individual authorized under division (A) (1) or 2814
(2) of this section to transport the person has reason to 2815
believe that there is a substantial likelihood that the person 2816
will cause physical harm to self or others if allowed to remain 2817
at liberty pending examination, promptly upon delivery of the 2818
person to the hospital or general hospital, the individual shall 2819
notify the prosecuting attorney of the county in which the 2820
person was taken into custody of that fact. 2821

(2) If a person taken into custody under this section is 2822
transported to a general hospital, the general hospital may 2823

admit the person, or provide care and treatment for the person, 2824
or both, notwithstanding section 5119.33 of the Revised Code, 2825
but by the end of twenty-four hours after arrival at the general 2826
hospital, the person shall be transferred to a hospital as 2827
defined in section 5122.01 of the Revised Code. The time limits 2828
for holding the person specified in division (E) of this section 2829
apply with respect to a person who is taken into custody under 2830
this section and transported to a general hospital. 2831

(E) A person taken into custody, transported, or 2832
transferred ~~to a hospital or community mental health services~~ 2833
~~provider~~ under this section shall be examined by the staff of 2834
the hospital or community mental health services provider within 2835
twenty-four hours after arrival at the hospital or services 2836
provider. If to conduct the examination requires that the person 2837
remain overnight, the hospital or services provider shall admit 2838
the person in an unclassified status until making a disposition 2839
under this section. After the examination, if the chief clinical 2840
officer of the hospital or services provider believes that the 2841
person is not a mentally ill person subject to court order, the 2842
chief clinical officer shall release or discharge the person 2843
immediately unless a court has issued a temporary order of 2844
detention applicable to the person under section 5122.11 of the 2845
Revised Code. After the examination, if the chief clinical 2846
officer believes that the person is a mentally ill person 2847
subject to court order, the chief clinical officer may detain 2848
the person for not more than three court days following the day 2849
of the ~~examination~~ arrival at the hospital or service provider 2850
and during such period admit the person as a voluntary patient 2851
under section 5122.02 of the Revised Code or file an affidavit 2852
under section 5122.11 of the Revised Code. If neither action is 2853
taken and a court has not otherwise issued a temporary order of 2854

detention applicable to the person under section 5122.11 of the Revised Code, the chief clinical officer shall discharge the person at the end of the three-day period unless the person has been sentenced to the department of rehabilitation and correction and has not been released from the person's sentence, in which case the person shall be returned to that department. If an affidavit is filed under section 5122.11 of the Revised Code, a prosecuting attorney may file a request for the issuance of a safety protection order with respect to the person, as authorized under and described in section 2923.133 of the Revised Code. If a prosecuting attorney files such a request, the request shall be filed as soon as possible after, but not later than the end of the next court day after, the affidavit is filed under section 5122.11 of the Revised Code.

Sec. 5122.11. (A) (1) Proceedings for a mentally ill person subject to court order pursuant to sections 5122.11 to 5122.15 of the Revised Code shall be commenced by the filing of an affidavit in the manner prescribed by the department of mental health and addiction services and in a form prescribed in section 5122.111 of the Revised Code, by any person or persons with the probate court, either on reliable information or actual knowledge, whichever is determined to be proper by the court. This section does not apply to the hospitalization of a person pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code.

The affidavit shall contain an allegation setting forth the specific category or categories under division (B) of section 5122.01 of the Revised Code upon which the jurisdiction of the court is based and a statement of alleged facts sufficient to indicate probable cause to believe that the person is a mentally ill person subject to court order. The affidavit

~~may shall~~ be accompanied, ~~or the court may require that the~~ 2886
~~affidavit be accompanied,~~ by a certificate of a psychiatrist, or 2887
a certificate signed by a licensed clinical psychologist and a 2888
certificate signed by a licensed physician stating that the 2889
person who issued the certificate has examined the person and is 2890
of the opinion that the person is a mentally ill person subject 2891
to court order, or shall be accompanied by a written statement 2892
by the applicant, under oath, that the person has refused to 2893
submit to an examination by a psychiatrist, or by a licensed 2894
clinical psychologist and licensed physician. 2895

With regard to a defendant described in division (B) (1) (a) 2896
(v) (I) of section 2945.38 of the Revised Code for whom criminal 2897
charges were dismissed, the affidavit shall contain a space for 2898
the trial court or prosecutor filing the affidavit to indicate 2899
that the person named in the affidavit is such a defendant. 2900

Upon receipt of the affidavit, if a judge of the court or 2901
a referee who is an attorney at law appointed by the court has 2902
probable cause to believe that the person named in the affidavit 2903
is a mentally ill person subject to court order, the judge or 2904
referee may issue a temporary order of detention ordering any 2905
health or police officer or sheriff to take into custody and 2906
transport the person to a hospital or other place designated in 2907
section 5122.17 of the Revised Code, or may set the matter for 2908
further hearing. If a temporary order of detention is issued and 2909
the person is transported to a hospital or other designated 2910
place, the court that issued the order shall retain jurisdiction 2911
over the case as it relates to the person's outpatient 2912
treatment, notwithstanding that the hospital or other designated 2913
place to which the person is transported is outside the 2914
territorial jurisdiction of the court. 2915

~~The Subject to division (A) (2) of this section, the person~~ 2916
may be observed and treated until the hearing provided for in 2917
section 5122.141 of the Revised Code. If no such hearing is 2918
held, subject to division (A) (2) of this section, the person may 2919
be observed and treated until the hearing provided for in 2920
section 5122.15 of the Revised Code. 2921

(2) If the person was taken into custody under section 2922
5122.10 of the Revised Code and a temporary order of detention 2923
is issued under division (A) (1) of this section, the person 2924
shall not be detained under the temporary order for more than 2925
four court days. 2926

(B) No person shall provide false information on an 2927
affidavit filed under division (A) of this section. 2928

Sec. 5122.13. Within two business days after receipt of 2929
the affidavit required by section 5122.11 of the Revised Code, 2930
the probate court shall refer the affidavit to the board of 2931
alcohol, drug addiction, and mental health services or community 2932
mental health services provider the board designates to assist 2933
the court in determining whether the respondent is subject to 2934
court-ordered treatment and whether alternatives to 2935
hospitalization are available, unless the services provider or 2936
board has already performed such screening. The board or 2937
services provider shall review the allegations of the affidavit 2938
and other information relating to whether or not the person 2939
named in the affidavit or statement is a mentally ill person 2940
subject to court order, and the availability of appropriate 2941
treatment alternatives. The records and information reviewed 2942
shall include, but are not limited to, any relevant law 2943
enforcement reports pertaining to the person named in the 2944
affidavit required by section 5122.11 of the Revised Code, any 2945

affidavits, in addition to the affidavit filed under section 2946
5122.11 of the Revised Code, from relevant family members or 2947
witnesses to the person's behaviors or actions listed in the 2948
affidavit filed under section 5122.11 of the Revised Code, and 2949
all relevant medical records, subject to state and federal 2950
privacy and security protections. The medical records may 2951
include toxicology or other laboratory results, and notes of the 2952
nurses or medical treatment team that conducted the initial 2953
triage of the respondent upon arrival at the hospital. 2954

The person who conducts the investigation shall promptly 2955
make a report to the court, in writing, in open court or in 2956
chambers, as directed by the court and a full record of the 2957
report shall be made by the court. All records and information 2958
reviewed as part of the investigation and the making of the 2959
report shall be made available to the respondent or the 2960
respondent's attorney for the purpose of any hearing conducted 2961
under section 5122.141 or 5122.15 of the Revised Code. The 2962
report is not admissible as evidence for the purpose of 2963
establishing whether or not the respondent is a mentally ill 2964
person subject to court order, but shall be considered by the 2965
court in its determination of an appropriate placement for any 2966
person after that person is found to be a mentally ill person 2967
subject to court order. The records and information reviewed as 2968
part of the investigation and the making of the report may be 2969
admissible as evidence for the purpose of establishing whether 2970
or not the respondent is a mentally ill person subject to court 2971
order. The records and information reviewed as part of the 2972
investigation and the making of the report are not public 2973
records open for review, inspection, and copying under section 2974
149.43 of the Revised Code, and shall be maintained under seal 2975
by the court. 2976

The court, prior to the hearing under section 5122.141 of 2977
the Revised Code, shall release a copy of the investigative 2978
report to the respondent's counsel. 2979

Nothing in this section precludes a judge or referee from 2980
issuing a temporary order of detention pursuant to section 2981
5122.11 of the Revised Code. 2982

Sec. 5122.141. (A) A respondent who is involuntarily 2983
placed in a hospital or other place as designated in section 2984
5122.10 or 5122.17 of the Revised Code, or with respect to whom 2985
proceedings have been instituted under section 5122.11 of the 2986
Revised Code, shall be afforded a hearing to determine whether 2987
or not the respondent is a mentally ill person subject to court 2988
order. The hearing shall be conducted pursuant to section 2989
5122.15 of the Revised Code, and the respondent shall have the 2990
right to counsel as provided in that section. 2991

(B) ~~The~~ If the respondent was taken into custody under 2992
section 5122.10 of the Revised Code, the hearing shall be 2993
conducted within four court days from the day on which the 2994
respondent was taken into custody. In all other cases, the 2995
hearing shall be conducted within five court days from the day 2996
on which the respondent is detained or an affidavit is filed, 2997
whichever occurs first~~7~~. The hearing shall be conducted in a 2998
physical setting not likely to have a harmful effect on the 2999
respondent, and may be conducted in a hospital in or out of the 3000
county. On the motion of the respondent, the respondent's 3001
counsel, the chief clinical officer, or on its own motion, and 3002
for good cause shown, the court may order a continuance of the 3003
hearing. The continuance may be for no more than ten days from 3004
the day on which the respondent is detained or on which an 3005
affidavit is filed, whichever occurs first. Failure to conduct 3006

the hearing within this time shall effect an immediate discharge 3007
of the respondent. If the proceedings are not reinstated 3008
within thirty days, all records of the proceedings shall be 3009
expunged. 3010

(C) If the court does not find that the respondent is a 3011
mentally ill person subject to court order, it shall order the 3012
respondent's immediate discharge, and shall expunge all record 3013
of the proceedings during this period. 3014

(D) If the court finds that the respondent is a mentally 3015
ill person subject to court order, the court may issue an 3016
interim order of detention ordering any health or police officer 3017
or sheriff to take into custody and transport such person to a 3018
hospital or other place designated in section 5122.17 of the 3019
Revised Code, where the respondent may be observed and treated. 3020

~~(E)~~(E) (1) If the court finds that the respondent is a 3021
mentally ill person subject to court order and if a prosecuting 3022
attorney has filed a request as authorized under and described 3023
in section 2923.133 of the Revised Code for the issuance of a 3024
safety protection order with respect to the respondent, the 3025
court at a hearing shall consider the request after making the 3026
finding that the respondent is a mentally ill person subject to 3027
court order. The respondent has a right to attend the hearing 3028
and be represented at the hearing by counsel, but counsel shall 3029
not be provided at government expense. If at the hearing the 3030
court finds that there is probable cause to believe that all 3031
criteria required under section 2923.133 of the Revised Code for 3032
the issuance of a safety protection order are satisfied, the 3033
court may issue a safety protection order pursuant to that 3034
section to any law enforcement officer serving the primary law 3035
enforcement agency with jurisdiction over the respondent's place 3036

of residence authorizing retrieval by the officer, as described 3037
in that section, of all firearms and dangerous ordnance owned 3038
by, possessed by, or in the control of the respondent. If the 3039
court issues a safety protection order and also orders treatment 3040
of the respondent in an outpatient setting or the release of the 3041
respondent for any reason, notwithstanding any provision of law 3042
to the contrary, the court shall not permit the outpatient 3043
treatment or release of the respondent under the order until the 3044
expiration of twelve hours after the issuance of the safety 3045
protection order to the law enforcement officer. 3046

(2) If the court finds that the respondent is not a 3047
mentally ill person subject to court order and if a prosecuting 3048
attorney has filed a request as authorized under and described 3049
in section 2923.133 of the Revised Code for the issuance of a 3050
safety protection order with respect to the respondent, the 3051
finding that the respondent is not a mentally ill person subject 3052
to court order serves as the automatic denial of the request for 3053
the safety protection order and the court shall issue an order 3054
denying the request. 3055

(F) A respondent or a respondent's counsel, after 3056
obtaining the consent of the respondent, may waive the hearing 3057
provided for in this section. In such case, unless the person 3058
has been discharged, a mandatory full hearing shall be held by 3059
the thirtieth day after the original involuntary detention of 3060
the respondent. Failure to conduct the mandatory full hearing 3061
within this time limit shall result in the immediate discharge 3062
of the respondent. 3063

~~(F)~~(G) Where possible, the initial hearing shall be held 3064
before the respondent is taken into custody. 3065

(H) As used in this section, "primary law enforcement 3066

agency with jurisdiction over the respondent's place of 3067
residence" has the same meaning as in section 2923.133 of the 3068
Revised Code. 3069

Sec. 5122.15. (A) Full hearings shall be conducted in a 3070
manner consistent with this chapter and with due process of law. 3071
The hearings shall be conducted by a judge of the probate court 3072
or a referee designated by a judge of the probate court and may 3073
be conducted in or out of the county in which the respondent is 3074
held. Any referee designated under this division shall be an 3075
attorney. 3076

(1) With the consent of the respondent, the following 3077
shall be made available to counsel for the respondent: 3078

(a) All relevant documents, information, and evidence in 3079
the custody or control of the state or prosecutor; 3080

(b) All relevant documents, information, and evidence in 3081
the custody or control of the hospital in which the respondent 3082
currently is held, or in which the respondent has been held 3083
pursuant to this chapter; 3084

(c) All relevant documents, information, and evidence in 3085
the custody or control of any hospital, facility, or person not 3086
included in division (A) (1) (a) or (b) of this section. 3087

(2) The respondent has the right to attend the hearing and 3088
to be represented by counsel of the respondent's choice. The 3089
right to attend the hearing may be waived only by the respondent 3090
or counsel for the respondent after consultation with the 3091
respondent. 3092

(3) If the respondent is not represented by counsel, is 3093
absent from the hearing, and has not validly waived the right to 3094
counsel, the court shall appoint counsel immediately to 3095

represent the respondent at the hearing, reserving the right to 3096
tax costs of appointed counsel to the respondent, unless it is 3097
shown that the respondent is indigent. If the court appoints 3098
counsel, or if the court determines that the evidence relevant 3099
to the respondent's absence does not justify the absence, the 3100
court shall continue the case. 3101

(4) The respondent shall be informed that the respondent 3102
may retain counsel and have independent expert evaluation. If 3103
the respondent is unable to obtain an attorney, the respondent 3104
shall be represented by court-appointed counsel. If the 3105
respondent is indigent, court-appointed counsel and independent 3106
expert evaluation shall be provided as an expense under section 3107
5122.43 of the Revised Code. 3108

(5) The hearing shall be closed to the public, unless 3109
counsel for the respondent, with the permission of the 3110
respondent, requests that the hearing be open to the public. 3111

(6) If the hearing is closed to the public, the court, for 3112
good cause shown, may admit persons who have a legitimate 3113
interest in the proceedings. If the respondent, the respondent's 3114
counsel, or the designee of the director or of the chief 3115
clinical officer objects to the admission of any person, the 3116
court shall hear the objection and any opposing argument and 3117
shall rule upon the admission of the person to the hearing. 3118

(7) The affiant under section 5122.11 of the Revised Code 3119
shall be subject to subpoena by either party. 3120

(8) The court shall examine the sufficiency of all 3121
documents filed and shall inform the respondent, if present, and 3122
the respondent's counsel of the nature and content of the 3123
documents and the reason for which the respondent is being 3124

detained, or for which the respondent's placement is being 3125
sought. 3126

(9) The court shall receive only reliable, competent, and 3127
material evidence. 3128

(10) Unless proceedings are initiated pursuant to section 3129
5120.17 or 5139.08 of the Revised Code, an attorney that the 3130
board designates shall present the case demonstrating that the 3131
respondent is a mentally ill person subject to court order. The 3132
attorney shall offer evidence of the facts proving that the 3133
respondent is a mentally ill person subject to court order, of 3134
the diagnosis, prognosis, record of treatment, if any, and of 3135
less restrictive treatment plans, if any. In proceedings 3136
pursuant to section 5120.17 or 5139.08 of the Revised Code, the 3137
attorney general shall designate an attorney who shall present 3138
the case demonstrating that the respondent is a mentally ill 3139
person subject to court order. The attorney shall offer evidence 3140
of the diagnosis, prognosis, record of treatment, if any, and 3141
less restrictive treatment plans, if any. If the affiant under 3142
section 5122.11 of the Revised Code is a law enforcement officer 3143
or a prosecuting attorney, the prosecuting attorney may elect 3144
to, but shall not be required to, present the case demonstrating 3145
that the respondent is a mentally ill person subject to court 3146
order. 3147

(11) The respondent or the respondent's counsel has the 3148
right to subpoena witnesses and documents and to examine and 3149
cross-examine witnesses. 3150

(12) The respondent has the right, but shall not be 3151
compelled, to testify, and shall be so advised by the court. 3152

(13) On motion of the respondent or the respondent's 3153

counsel for good cause shown, or on the court's own motion, the 3154
court may order a continuance of the hearing. 3155

(14) If the respondent is represented by counsel and the 3156
respondent's counsel requests a transcript and record, or if the 3157
respondent is not represented by counsel, the court shall make 3158
and maintain a full transcript and record of the proceeding. If 3159
the respondent is indigent and the transcript and record is 3160
made, a copy shall be provided to the respondent upon request 3161
and be treated as an expense under section 5122.43 of the 3162
Revised Code. 3163

(15) To the extent not inconsistent with this chapter, the 3164
Rules of Civil Procedure are applicable. 3165

(B) Unless, upon completion of the hearing the court finds 3166
by clear and convincing evidence that the respondent is a 3167
mentally ill person subject to court order, it shall ~~order do~~ 3168
all of the following: 3169

(1) Order the respondent's discharge immediately; 3170

(2) Order any law enforcement agency that is in possession 3171
of property retrieved pursuant to division (E) of section 3172
5122.141 of the Revised Code and section 2923.133 of the Revised 3173
Code to return to the respondent all property retrieved under 3174
that division and section. 3175

(C) If, upon completion of the hearing, the court finds by 3176
clear and convincing evidence that the respondent is a mentally 3177
ill person subject to court order, the court shall order the 3178
respondent for a period not to exceed ninety days to any of the 3179
following: 3180

(1) A hospital operated by the department of mental health 3181
and addiction services if the respondent is committed pursuant 3182

to section 5139.08 of the Revised Code;	3183
(2) A nonpublic hospital;	3184
(3) The veterans' administration or other agency of the United States government;	3185 3186
(4) A board of alcohol, drug addiction, and mental health services or services provider the board designates;	3187 3188
(5) Receive private psychiatric or psychological care and treatment;	3189 3190
(6) Any other suitable facility or person consistent with the diagnosis, prognosis, and treatment needs of the respondent. A jail or other local correctional facility is not a suitable facility.	3191 3192 3193 3194
(D) Any order made pursuant to division (C) (2), (3), (5), or (6) of this section shall be conditioned upon the receipt by the court of consent by the hospital, facility, agency, or person to accept the respondent and may include a requirement that a person or entity described in division (C) (2), (3), (5), or (6) of this section inform the board of alcohol, drug addiction, and mental health services or community mental health services provider the board designates about the progress of the respondent with the treatment plan.	3195 3196 3197 3198 3199 3200 3201 3202 3203
(E) In determining the entity or person to which the respondent is to be committed under division (C) of this section, the court shall consider all of the following:	3204 3205 3206
(1) The respondent's diagnosis and prognosis made by a psychiatrist, licensed clinical psychologist, clinical nurse specialist who is certified as a psychiatric-mental health clinical nurse specialist by the American nurses credentialing	3207 3208 3209 3210

center, or certified nurse practitioner who is certified as a 3211
psychiatric-mental health nurse practitioner by the American 3212
nurses credentialing center; 3213

(2) The respondent's preferences; 3214

(3) The respondent's projected treatment plan. 3215

The court shall order the implementation of the least 3216
restrictive alternative available and consistent with treatment 3217
goals. If the court determines that the least restrictive 3218
alternative available that is consistent with treatment goals is 3219
inpatient hospitalization, the court's order shall so state. 3220

(F) During the ninety-day period the entity or person 3221
shall examine and treat the respondent. If the respondent is 3222
receiving treatment in an outpatient setting, or receives 3223
treatment in an outpatient setting during a subsequent period of 3224
continued commitment under division (H) of this section, the 3225
entity or person to whom the respondent is committed shall 3226
determine the appropriate outpatient treatment for the 3227
respondent. If, at any time prior to the expiration of the 3228
ninety-day period, it is determined by the entity or person that 3229
the respondent's treatment needs could be equally well met in an 3230
available and appropriate less restrictive setting, both of the 3231
following apply: 3232

(1) The respondent shall be released from the care of the 3233
entity or person immediately and shall be referred to the court 3234
together with a report of the findings and recommendations of 3235
the entity or person; 3236

(2) The entity or person shall notify the respondent's 3237
counsel or the attorney designated by a board of alcohol, drug 3238
addiction, and mental health services or, if the respondent was 3239

committed to a board or a services provider designated by the 3240
board, it shall place the respondent in the least restrictive 3241
setting available consistent with treatment goals and notify the 3242
court and the respondent's counsel of the placement. 3243

The court shall dismiss the case or order placement in the 3244
least restrictive setting. 3245

(G) (1) Except as provided in division (G) (2) of this 3246
section, any person for whom proceedings for treatment have been 3247
commenced pursuant to section 5122.11 of the Revised Code, may 3248
apply at any time for voluntary admission or treatment to the 3249
entity or person to which the person was committed. Upon 3250
admission as a voluntary patient the chief clinical officer of 3251
the entity or the person immediately shall notify the court, the 3252
patient's counsel, and the attorney designated by the board, if 3253
the attorney has entered the proceedings, in writing of that 3254
fact, and, upon receipt of the notice, the court shall dismiss 3255
the case. 3256

(2) A person who is found incompetent to stand trial or 3257
not guilty by reason of insanity and who is committed pursuant 3258
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 3259
Revised Code shall not voluntarily commit the person pursuant to 3260
this section until after the final termination of the 3261
commitment, as described in division (J) of section 2945.401 of 3262
the Revised Code. 3263

(H) If, at the end of the first ninety-day period or any 3264
subsequent period of continued commitment, there has been no 3265
disposition of the case, either by discharge or voluntary 3266
admission or treatment, the entity or person shall discharge the 3267
patient immediately, unless at least ten days before the 3268
expiration of the period the attorney the board designates or 3269

the prosecutor files with the court an application for continued 3270
commitment. The application of the attorney or the prosecutor 3271
shall include a written report containing the diagnosis, 3272
prognosis, past treatment, a list of alternative treatment 3273
settings and plans, and identification of the treatment setting 3274
that is the least restrictive consistent with treatment needs. 3275
The attorney the board designates or the prosecutor shall file 3276
the written report at least three days prior to the full 3277
hearing. A copy of the application and written report shall be 3278
provided to the respondent's counsel immediately. 3279

The court shall hold a full hearing on applications for 3280
continued commitment at the expiration of the first ninety-day 3281
period and at least every two years after the expiration of the 3282
first ninety-day period. 3283

Hearings following any application for continued 3284
commitment are mandatory and may not be waived. 3285

For a respondent who is ordered to receive treatment in an 3286
outpatient setting, if at any time after the first ninety-day 3287
period the entity or person to whom the respondent was ordered 3288
determines that the respondent has demonstrated voluntary 3289
consent for treatment, that entity or person shall immediately 3290
notify the respondent, the respondent's counsel, the attorney 3291
designated by the board, and the court. The entity or person 3292
shall submit to the court a report of the findings and 3293
recommendations. The court may dismiss the case upon review of 3294
the facts. 3295

Upon request of a person who is involuntarily committed 3296
under this section, or the person's counsel, that is made more 3297
than one hundred eighty days after the person's last full 3298
hearing, mandatory or requested, the court shall hold a full 3299

hearing on the person's continued commitment. Upon the 3300
application of a person involuntarily committed under this 3301
section, supported by an affidavit of a psychiatrist or licensed 3302
clinical psychologist, alleging that the person no longer is a 3303
mentally ill person subject to court order, the court for good 3304
cause shown may hold a full hearing on the person's continued 3305
commitment prior to the expiration of one hundred eighty days 3306
after the person's last full hearing. Section 5122.12 of the 3307
Revised Code applies to all hearings on continued commitment. 3308

If the court, after a hearing for continued commitment 3309
finds by clear and convincing evidence that the respondent is a 3310
mentally ill person subject to court order, the court may order 3311
continued commitment at places or to persons specified in 3312
division (C) of this section. 3313

(I) Unless the admission is pursuant to section 5120.17 or 3314
5139.08 of the Revised Code, the chief clinical officer of the 3315
entity admitting a respondent pursuant to a judicial proceeding, 3316
within ten working days of the admission, shall make a report of 3317
the admission to the board of alcohol, drug addiction, and 3318
mental health services serving the respondent's county of 3319
residence. 3320

(J) A referee appointed by the court may make all orders 3321
that a judge may make under this section and sections 5122.11 3322
and 5122.141 of the Revised Code, except an order of contempt of 3323
court. The orders of a referee take effect immediately. Within 3324
fourteen days of the making of an order by a referee, a party 3325
may file written objections to the order with the court. The 3326
filed objections shall be considered a motion, shall be 3327
specific, and shall state their grounds with particularity. 3328
Within ten days of the filing of the objections, a judge of the 3329

court shall hold a hearing on the objections and may hear and 3330
consider any testimony or other evidence relating to the 3331
respondent's mental condition. At the conclusion of the hearing, 3332
the judge may ratify, rescind, or modify the referee's order. 3333

(K) An order of the court under division (C), (H), or (J) 3334
of this section is a final order. 3335

(L) Before a board, or a services provider the board 3336
designates, may place an unconsenting respondent in an inpatient 3337
setting from a less restrictive placement, the board or services 3338
provider shall do all of the following: 3339

(1) Determine that the respondent is in immediate need of 3340
treatment in an inpatient setting because the respondent 3341
represents a substantial risk of physical harm to the respondent 3342
or others if allowed to remain in a less restrictive setting; 3343

(2) On the day of placement in the inpatient setting or on 3344
the next court day, file with the court a motion for transfer to 3345
an inpatient setting or communicate to the court by telephone 3346
that the required motion has been mailed; 3347

(3) Ensure that every reasonable and appropriate effort is 3348
made to take the respondent to the inpatient setting in the 3349
least conspicuous manner possible; 3350

(4) Immediately notify the board's designated attorney and 3351
the respondent's attorney. 3352

At the respondent's request, the court shall hold a 3353
hearing on the motion and make a determination pursuant to 3354
division (E) of this section within five days of the placement. 3355

(M) Before a board, or a services provider the board 3356
designates, may move a respondent from one residential placement 3357

to another, the board or services provider shall consult with 3358
the respondent about the placement. If the respondent objects to 3359
the placement, the proposed placement and the need for it shall 3360
be reviewed by a qualified mental health professional who 3361
otherwise is not involved in the treatment of the respondent. 3362

(N) The entity or person to whom the respondent was 3363
ordered for treatment in an outpatient setting may submit a 3364
report to the court indicating that the respondent has either 3365
failed to comply with the treatment plan or begun to demonstrate 3366
signs of decompensation that may be grounds for hospitalization. 3367
On receipt of the report, the court shall promptly schedule a 3368
hearing to review the case. The court shall conduct the hearing 3369
in a manner consistent with this chapter and due process of law. 3370
The board shall receive notice of the hearing and the board and 3371
entity or person treating the respondent shall submit a report 3372
to the court with a plan for appropriate alternative treatment, 3373
if any, or recommend that the court discontinue the court- 3374
ordered treatment. The court shall consider available and 3375
appropriate alternative placements but shall not impose criminal 3376
sanctions that result in confinement in a jail or other local 3377
correctional facility based on the respondent's failure to 3378
comply with the treatment plan. The court may not order the 3379
respondent to a more restrictive placement unless the criteria 3380
specified in division (L) of this section are met and may not 3381
order the respondent to an inpatient setting unless the court 3382
determines by clear and convincing evidence presented by the 3383
board that the respondent meets the criteria specified in 3384
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 3385
the Revised Code. 3386

Sec. 5122.99. (A) A person who violates division (B) (2) of 3387
section 5122.32 of the Revised Code shall be fined not more than 3388

two thousand five hundred dollars on a first offense and not 3389
more than twenty thousand dollars on a subsequent offense. 3390

(B) Whoever violates division (B) of section 5122.11 of 3391
the Revised Code is guilty of a misdemeanor of the first degree. 3392

Sec. 5502.71. (A) As used in this section: 3393

(1) "Federally licensed firearms dealer" has the same 3394
meaning as in section 5502.63 of the Revised Code. 3395

(2) "Identification document" has the same meaning as in 3396
section 311.51 of the Revised Code. 3397

(3) "Prospective transferee" means the person who is the 3398
subject of a request made by a sheriff under division (B) of 3399
this section requesting the department of public safety to 3400
conduct background checks under this section. 3401

(4) "Transfer" means, except as otherwise provided in this 3402
division, a person's sale, loaning, giving, or furnishing of a 3403
firearm to another person. "Transfer" does not include a 3404
person's gift of a firearm to a family member of the person. 3405

(B) The department of public safety shall establish a 3406
mechanism for the conduct of background checks requested by a 3407
person who wishes to receive a firearm by transfer from another 3408
person who is not a federally licensed firearms dealer, and who 3409
has filed a petition with a sheriff under division (B) (2) of 3410
section 311.51 of the Revised Code requesting such background 3411
checks of the petitioner. Upon receipt of a request for 3412
background checks of a person that is made by a sheriff based on 3413
such a petition, the department shall access the national 3414
instant criminal background check system to verify that the 3415
applicant is eligible to lawfully receive or possess a firearm 3416
in the United States and, in addition, shall do all of the 3417

<u>following:</u>	3418
<u>(1) Conduct a firearms disability background check to</u>	3419
<u>ensure that none of the following apply to the prospective</u>	3420
<u>transferee:</u>	3421
<u>(a) The prospective transferee is a fugitive from justice.</u>	3422
<u>(b) The prospective transferee is under indictment for or</u>	3423
<u>has been convicted of any felony offense of violence or has been</u>	3424
<u>adjudicated a delinquent child for the commission of an offense</u>	3425
<u>that, if committed by an adult, would have been a felony offense</u>	3426
<u>of violence.</u>	3427
<u>(c) The prospective transferee is under indictment for or</u>	3428
<u>has been convicted of any felony offense involving the illegal</u>	3429
<u>possession, use, sale, administration, distribution, or</u>	3430
<u>trafficking in any drug of abuse or has been adjudicated a</u>	3431
<u>delinquent child for the commission of an offense that if</u>	3432
<u>committed by an adult would have been a felony involving the</u>	3433
<u>illegal possession, use, sale, administration, distribution, or</u>	3434
<u>trafficking in any drug of abuse.</u>	3435
<u>(d) The prospective transferee is a drug dependent person</u>	3436
<u>or in danger of drug dependence or is a chronic alcoholic.</u>	3437
<u>(e) The prospective transferee has been adjudicated as a</u>	3438
<u>mental defective, has been committed to any mental institution,</u>	3439
<u>is under adjudication of mental incompetence, has been found by</u>	3440
<u>a court to be a mentally ill person subject to court order, or</u>	3441
<u>is an involuntary patient other than one who is a patient only</u>	3442
<u>for purposes of observation. As used in this division, "mentally</u>	3443
<u>ill person subject to court order" and "patient" have the same</u>	3444
<u>meanings as in section 5122.01 of the Revised Code.</u>	3445
<u>(f) The prospective transferee is prohibited from</u>	3446

acquiring, possessing, receiving, or using firearms pursuant to 3447
18 U.S.C. 922(g) or 18 U.S.C. 922(n). 3448

(2) Conduct any other background checks that are necessary 3449
for the department to determine whether the prospective 3450
transferee is prohibited by section 2923.13 of the Revised Code, 3451
18 U.S.C. 922(g), or 18 U.S.C. 922(n) from acquiring, 3452
possessing, receiving, or using any firearm. 3453

(C)(1) The department shall initiate the background check 3454
described in division (B)(1) of this section, and any background 3455
check the department determines is necessary under division (B) 3456
(2) of this section, immediately upon receiving the request for 3457
the checks from the sheriff. 3458

(2) The department shall search all federal and state 3459
databases necessary to complete the background check described 3460
in division (B)(1) of this section, and any background check the 3461
department determines is necessary under division (B)(2) of this 3462
section. Upon completion of the background checks, the 3463
department shall notify the sheriff who requested the background 3464
checks as described in section 311.51 of the Revised Code of the 3465
results of the checks and, unless the applicant is prohibited by 3466
state or federal law, including section 2923.13 of the Revised 3467
Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n), from acquiring, 3468
possessing, receiving, or using firearms, the department shall 3469
issue a seller's protection certificate as required by section 3470
311.51 of the Revised Code. If the applicant is prohibited by 3471
state or federal law, including section 2923.13 of the Revised 3472
Code, 18 U.S.C. 922(g), or 18 U.S.C. 922(n), from acquiring, 3473
possessing, receiving, or using firearms, the department shall 3474
not issue a seller's protection certificate and shall notify the 3475
sheriff that the certificate is denied. 3476

(D) A seller's protection certificate issued under this 3477
section shall identify the prospective transferee who was the 3478
subject of the background checks conducted as described in 3479
division (C) (2) of this section that were the basis of the 3480
issuance of the certificate in a manner that will sufficiently 3481
allow a person who is transferring a firearm to the prospective 3482
transferee to validate the identity of the prospective 3483
transferee by using the prospective transferee's identification 3484
document. The certificate shall state the name, age, gender, 3485
date of birth, and residence address of the prospective 3486
transferee. The certificate shall specify the date on which it 3487
is issued and shall state that the certificate is valid for 3488
ninety days. The certificate shall include a unique confirmation 3489
number that shall be used only for the purpose of verifying that 3490
background checks were conducted pursuant to this section. The 3491
certificate shall state that, at the time of its issuance, the 3492
prospective transferee was not prohibited pursuant to section 3493
2923.13 of the Revised Code, 18 U.S.C. 922(g), or 18 U.S.C. 3494
922(n) from acquiring, possessing, receiving, or using firearms. 3495

(E) A request for background checks made by a sheriff 3496
based on a petition filed under division (B) (2) of section 3497
311.51 of the Revised Code, all information related to such a 3498
request, the results of the background checks, and the fact of 3499
the issuance of a seller's protection certificate, if 3500
applicable, are not public records under section 149.43 of the 3501
Revised Code and are not subject to inspection or copying under 3502
that section. A request for background checks made by a sheriff 3503
based on a petition filed under division (B) (2) of section 3504
311.51 of the Revised Code, all information related to such a 3505
request, the results of the background checks, and the fact of 3506
the issuance of a seller's protection certificate, if 3507

applicable, are confidential and shall not be divulged to any 3508
person other than for purposes of this section, section 311.51 3509
of the Revised Code, and divisions (A) (8) and (D) of section 3510
2923.20 of the Revised Code. 3511

(F) Nothing in this section requires that, before a person 3512
may transfer a firearm to another person, a sheriff must request 3513
background checks as described in division (B) of this section 3514
of the person being transferred the firearm, the department of 3515
public safety must conduct background checks as described in 3516
division (C) of this section of the person being transferred the 3517
firearm, or the person being transferred the firearm must be 3518
issued a seller's protection certificate under division (D) of 3519
this section. 3520

(G) (1) If the department of public safety denies the 3521
issuance of a seller's protection certificate under this section 3522
and section 311.51 of the Revised Code, and if the subject 3523
prospective transferee believes the denial was based on 3524
incorrect information received or used by the department in 3525
conducting the background checks that were the basis of the 3526
denial, the prospective transferee may challenge the background 3527
check results by using the challenge and review procedure of the 3528
department of public safety established pursuant to division (G) 3529
(2) of this section. 3530

(2) The department of public safety shall prescribe a 3531
challenge and review procedure for applicants to use to 3532
challenge criminal records checks under division (G) (1) of this 3533
section. 3534

Sec. 5502.72. (A) As used in this section: 3535

(1) "Hospital" has the same meaning as in section 3727.01 3536

of the Revised Code. 3537

(2) "Law enforcement agency" has the same meaning as in 3538
section 149.435 of the Revised Code. 3539

(3) "Mentally ill person subject to court order" has the 3540
same meaning as in section 5122.01 of the Revised Code. 3541

(B) As soon as possible after the effective date of this 3542
section, the department of public safety shall develop an 3543
educational pamphlet that explains the process set forth in 3544
section 5122.11 of the Revised Code for initiating proceedings 3545
for determining whether a person is a mentally ill person 3546
subject to court order, and a summary of the probate procedures 3547
and proceedings under sections 5122.11 to 5122.15 of the Revised 3548
Code regarding such a determination and subsequent treatment. 3549

(C) As soon as possible after the department develops the 3550
educational pamphlet under division (B) of this section, the 3551
department shall make available at the offices of the department 3552
and shall provide copies of the pamphlet to all of the 3553
following: 3554

(1) Each probate court in this state; 3555

(2) Each law enforcement agency in this state; 3556

(3) Each hospital in this state. 3557

(D) Each probate court and each law enforcement agency 3558
that receives copies of the educational pamphlet provided under 3559
division (C) of this section, and each hospital that receives 3560
copies of the educational pamphlet provided under division (C) 3561
of this section and that operates an emergency room, shall make 3562
a copy of the pamphlet available to any person who is at the 3563
court, the agency, or the hospital and who believes that a 3564

family member of the person might be a mentally ill person 3565
subject to court order and represents a risk of physical harm to 3566
self or others. 3567

(E) As soon as possible after the department develops the 3568
educational pamphlet under division (B) of this section, the 3569
department shall develop a public media advisory that summarizes 3570
the educational pamphlet and that indicates that the pamphlet is 3571
available at the offices of the department and at probate 3572
courts, law enforcement agencies, and hospital emergency rooms. 3573
Within thirty days after the media advisory is developed, the 3574
department shall provide a copy of the advisory to each daily 3575
newspaper published in this state and each television station 3576
that broadcasts in this state. The department may provide the 3577
advisory in a tangible form, in an electronic form, or in both a 3578
tangible and an electronic form. 3579

Sec. 5502.73. (A) As used in this section, "restricted- 3580
access firearm" has the same meaning as in section 2923.21 of 3581
the Revised Code. 3582

(B) Not later than ninety days after the effective date of 3583
this section, the department of public safety, by rule, shall 3584
prescribe a potential liability form that a person who is 3585
twenty-five years of age or older may use to be a co-signer for 3586
the sale of a restricted-access firearm to a person who is 3587
eighteen years of age or older and under twenty-one years of 3588
age. The form shall do all of the following: 3589

(1) Recite a statement that the co-signer expressly agrees 3590
that if the person who is eighteen years of age or older and 3591
under twenty-one years of age is sold the restricted-access 3592
firearm and the person, while under twenty-one years of age, 3593
commits any felony offense and uses that firearm in the 3594

commission of the offense or brandishes that firearm during the 3595
commission of the offense, the co-signer will be subject to 3596
liability in a civil action for any injury, death, or loss to 3597
person or property proximately caused by, or during, the conduct 3598
constituting the offense; 3599

(2) Include a space for the co-signer to indicate 3600
agreement with and acceptance of the potential liability 3601
described in division (B) (1) of this section, and to sign and 3602
date the form; 3603

(3) Include a space for the person who is eighteen years 3604
of age or older and under twenty-one years of age to sign and 3605
date the form. 3606

(C) As soon as possible after the department develops the 3607
form under division (B) of this section, the department shall 3608
include a printable version of the form on the department's web 3609
site. 3610

(D) The department shall accept and retain all signed and 3611
dated copies of forms sent to it by sellers under division (A) 3612
(2) (c) of section 2923.21 of the Revised Code. The forms shall 3613
be kept confidential, are not a public record under section 3614
149.43 of the Revised Code, and are not subject to inspection or 3615
copying under that section, and any form in the possession of 3616
the department shall not be made available to any person other 3617
than any of the following: 3618

(1) A person who signed the form, or the person who sold 3619
the restricted-access firearm to the person who was eighteen 3620
years of age or older and under twenty-one years of age, for use 3621
in any of the following: 3622

(a) A civil action under section 2307.68 of the Revised 3623

Code alleging any potential liability of a person related to the 3624
use or brandishing of the firearm in question in the commission 3625
of a felony offense; 3626

(b) A criminal action or proceeding involving a charge of 3627
the felony offense in the commission of which the person who was 3628
sold the restricted-access firearm while eighteen years of age 3629
or older and under twenty-one years of age used or brandished 3630
that firearm; 3631

(c) A criminal action or proceeding involving a charge 3632
against a person who signed the form or against the person who 3633
sold the restricted-access firearm to the person who was 3634
eighteen years of age or older and under twenty-one years of 3635
age, which charge is related to the sale of that firearm. 3636

(2) Any court, hearing officer, or other necessary 3637
individual involved in any civil action described in division 3638
(D)(1)(a) of this section or a criminal action or proceeding 3639
described in division (D)(1)(b) or (c) of this section. 3640

Section 2. That existing sections 2151.34, 2903.213, 3641
2903.214, 2919.26, 2923.20, 2923.21, 2923.211, 3113.31, 5122.10, 3642
5122.11, 5122.13, 5122.141, 5122.15, and 5122.99 of the Revised 3643
Code are hereby repealed. 3644

Section 3. It is the intent of the General Assembly to 3645
enact legislation to appropriate eighty-five million dollars of 3646
federal funding made available by the American Rescue Plan Act 3647
of 2021, Pub. L. No. 117-2, to be used by the Department of 3648
Mental Health and Addiction Services in coordination with the 3649
Department of Higher Education to recruit, train, and retain a 3650
robust behavioral health workforce. 3651

Section 4. It is the intent of the General Assembly to 3652

enact legislation to allocate ninety million dollars of federal 3653
funding made available by the American Rescue Plan Act of 2021, 3654
Pub. L. No. 117-2, for onetime infrastructure investments to 3655
support the expansion of crisis infrastructure, such as 3656
stabilization units, short-term crisis residential services, 3657
mobile crisis response, and behavioral health urgent care 3658
centers. This funding shall also allow for the development of a 3659
mental health rehabilitation center in each of the regional 3660
psychiatric hospital catchment areas, based on the Adam-Amanda 3661
Mental Health Rehabilitation Center model which opened in 2018 3662
in Athens, Ohio. Funds shall be used to pay for renovation, 3663
construction, operations, and technology upgrades for crisis 3664
services so that youth, adults, and families across Ohio have 3665
timely and evidence-based responses to psychiatric and addiction 3666
crises. Crisis services are coordinated among ADAMH Boards and 3667
their local partners in six regions associated with the state's 3668
six regional psychiatric hospitals. With this investment, each 3669
region shall receive funding to build out the region's regional 3670
crisis response more fully. 3671