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Am. S. B. No. 76

Senators Bacon, Manning

Cosponsors: Senators Beagle, Brown, Cafaro, Hughes, Jones, Oelslager, Patton, Seitz, Thomas, LaRose, Obhof, Burke, Coley, Eklund, Faber, Gentile, Hite, Peterson, Sawyer, Schiavoni, Uecker, Widener, Yuko Representatives Amstutz, Anielski, Antonio, Arndt, Baker, Barnes, Blessing, Bocchieri, Boggs, Boose, Boyd, Buchy, Burkley, Butler, Celebrezze, Clyde, Conditt, Craig, Dever, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Gavarone, Green, Grossman, Hagan, Hall, Hambley, Hayes, Hill, Howse, Johnson, G., Kuhns, Kunze, Landis, LaTourette, Leland, Lepore-Hagan, Maag, Manning, McColley, O'Brien, M., O'Brien, S., Patterson, Perales, Phillips, Ramos, Reece, Retherford, Roegner, Rogers, Ruhl, Sheehy, Slesnick, Smith, K., Smith, R., Sprague, Strahorn, Sweeney, Sykes, Terhar, Thompson, Speaker Rosenberger

A BILL

To amend sections 109.42, 2151.23, 2919.27, and 1
3113.33 and to enact section 3113.311 of the 2
Revised Code to provide the circumstances when 3
service of a protection order or consent 4
agreement upon a person is not necessary for the 5
person to be convicted of the offense of 6
violating a protection order, to authorize the 7
issuance of dating violence protection orders 8
with respect to conduct directed at a petitioner 9
alleging dating violence, to provide access to 10
domestic violence shelters for victims of dating 11
violence, and to require the Attorney General's 12
victim's bill of rights pamphlet to include a 13
notice that a petitioner alleging dating 14
violence has the right to petition for a civil 15
protection order. 16

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

Section 1. That sections 109.42, 2151.23, 2919.27, and 17
3113.33 be amended and section 3113.311 of the Revised Code be 18
enacted to read as follows: 19

Sec. 109.42. (A) The attorney general shall prepare and 20
have printed a pamphlet that contains a compilation of all 21
statutes relative to victim's rights in which the attorney 22
general lists and explains the statutes in the form of a 23
victim's bill of rights. The attorney general shall distribute 24
the pamphlet to all sheriffs, marshals, municipal corporation 25
and township police departments, constables, and other law 26
enforcement agencies, to all prosecuting attorneys, city 27
directors of law, village solicitors, and other similar chief 28
legal officers of municipal corporations, and to organizations 29
that represent or provide services for victims of crime. The 30
victim's bill of rights set forth in the pamphlet shall contain 31
a description of all of the rights of victims that are provided 32
for in Chapter 2930. or in any other section of the Revised Code 33
and shall include, but not be limited to, all of the following: 34

(1) The right of a victim or a victim's representative to 35
attend a proceeding before a grand jury, in a juvenile case, or 36
in a criminal case pursuant to a subpoena without being 37
discharged from the victim's or representative's employment, 38
having the victim's or representative's employment terminated, 39
having the victim's or representative's pay decreased or 40
withheld, or otherwise being punished, penalized, or threatened 41
as a result of time lost from regular employment because of the 42
victim's or representative's attendance at the proceeding 43
pursuant to the subpoena, as set forth in section 2151.211, 44

2930.18, 2939.121, or 2945.451 of the Revised Code;	45
(2) The potential availability pursuant to section 2151.359 or 2152.61 of the Revised Code of a forfeited recognizance to pay damages caused by a child when the delinquency of the child or child's violation of probation or community control is found to be proximately caused by the failure of the child's parent or guardian to subject the child to reasonable parental authority or to faithfully discharge the conditions of probation or community control;	46 47 48 49 50 51 52 53
(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;	54 55 56
(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;	57 58 59 60 61 62 63
(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;	64 65 66 67 68 69 70
(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any	71 72 73

reasonable terms set by the court as authorized under section 74
2930.14 of the Revised Code, to make a statement about the 75
victimization and, if applicable, a statement relative to the 76
sentencing or disposition of the offender; 77

(7) The opportunity to obtain a court order, pursuant to 78
section 2945.04 of the Revised Code, to prevent or stop the 79
commission of the offense of intimidation of a crime victim or 80
witness or an offense against the person or property of the 81
complainant, or of the complainant's ward or child; 82

(8) The right of the victim in certain criminal or 83
juvenile cases or a victim's representative pursuant to sections 84
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 85
Code to receive notice of a pending motion for judicial release, 86
release pursuant to section 2967.19 of the Revised Code, or 87
other early release of the person who committed the offense 88
against the victim, to make an oral or written statement at the 89
court hearing on the motion, and to be notified of the court's 90
decision on the motion; 91

(9) The right of the victim in certain criminal or 92
juvenile cases or a victim's representative pursuant to section 93
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 94
receive notice of any pending commutation, pardon, parole, 95
transitional control, discharge, other form of authorized 96
release, post-release control, or supervised release for the 97
person who committed the offense against the victim or any 98
application for release of that person and to send a written 99
statement relative to the victimization and the pending action 100
to the adult parole authority or the release authority of the 101
department of youth services; 102

(10) The right of the victim to bring a civil action 103

pursuant to sections 2969.01 to 2969.06 of the Revised Code to	104
obtain money from the offender's profit fund;	105
(11) The right, pursuant to section 3109.09 of the Revised	106
Code, to maintain a civil action to recover compensatory damages	107
not exceeding ten thousand dollars and costs from the parent of	108
a minor who willfully damages property through the commission of	109
an act that would be a theft offense, as defined in section	110
2913.01 of the Revised Code, if committed by an adult;	111
(12) The right, pursuant to section 3109.10 of the Revised	112
Code, to maintain a civil action to recover compensatory damages	113
not exceeding ten thousand dollars and costs from the parent of	114
a minor who willfully and maliciously assaults a person;	115
(13) The possibility of receiving restitution from an	116
offender or a delinquent child pursuant to section 2152.20,	117
2929.18, or 2929.28 of the Revised Code;	118
(14) The right of the victim in certain criminal or	119
juvenile cases or a victim's representative, pursuant to section	120
2930.16 of the Revised Code, to receive notice of the escape	121
from confinement or custody of the person who committed the	122
offense, to receive that notice from the custodial agency of the	123
person at the victim's last address or telephone number provided	124
to the custodial agency, and to receive notice that, if either	125
the victim's address or telephone number changes, it is in the	126
victim's interest to provide the new address or telephone number	127
to the custodial agency;	128
(15) The right of a victim of domestic violence to seek	129
the issuance of a civil protection order pursuant to section	130
3113.31 <u>of the Revised Code, the right of a petitioner alleging</u>	131
<u>dating violence to seek the issuance of a protection order under</u>	132

section 3113.311 of the Revised Code, the right of a victim of a 133
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 134
2911.211, or 2919.22 of the Revised Code, a violation of a 135
substantially similar municipal ordinance, or an offense of 136
violence who is a family or household member of the offender at 137
the time of the offense to seek the issuance of a temporary 138
protection order pursuant to section 2919.26 of the Revised 139
Code, and the right of both types of victims to be accompanied 140
by a victim advocate during court proceedings; 141

(16) The right of a victim of a sexually oriented offense 142
or of a child-victim oriented offense that is committed by a 143
person who is convicted of, pleads guilty to, or is adjudicated 144
a delinquent child for committing the offense and who is in a 145
category specified in division (B) of section 2950.10 of the 146
Revised Code to receive, pursuant to that section, notice that 147
the person has registered with a sheriff under section 2950.04, 148
2950.041, or 2950.05 of the Revised Code and notice of the 149
person's name, the person's residence that is registered, and 150
the offender's school, institution of higher education, or place 151
of employment address or addresses that are registered, the 152
person's photograph, and a summary of the manner in which the 153
victim must make a request to receive the notice. As used in 154
this division, "sexually oriented offense" and "child-victim 155
oriented offense" have the same meanings as in section 2950.01 156
of the Revised Code. 157

(17) The right of a victim of certain sexually violent 158
offenses committed by an offender who also is convicted of or 159
pleads guilty to a sexually violent predator specification and 160
who is sentenced to a prison term pursuant to division (A) (3) of 161
section 2971.03 of the Revised Code, of a victim of a violation 162
of division (A) (1) (b) of section 2907.02 of the Revised Code 163

committed on or after January 2, 2007, by an offender who is 164
sentenced for the violation pursuant to division (B)(1)(a), (b), 165
or (c) of section 2971.03 of the Revised Code, of a victim of an 166
attempted rape committed on or after January 2, 2007, by an 167
offender who also is convicted of or pleads guilty to a 168
specification of the type described in section 2941.1418, 169
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 170
the violation pursuant to division (B)(2)(a), (b), or (c) of 171
section 2971.03 of the Revised Code, and of a victim of an 172
offense that is described in division (B)(3)(a), (b), (c), or 173
(d) of section 2971.03 of the Revised Code and is committed by 174
an offender who is sentenced pursuant to one of those divisions 175
to receive, pursuant to section 2930.16 of the Revised Code, 176
notice of a hearing to determine whether to modify the 177
requirement that the offender serve the entire prison term in a 178
state correctional facility, whether to continue, revise, or 179
revoke any existing modification of that requirement, or whether 180
to terminate the prison term. As used in this division, 181
"sexually violent offense" and "sexually violent predator 182
specification" have the same meanings as in section 2971.01 of 183
the Revised Code. 184

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 185
prosecuting attorney, assistant prosecuting attorney, city 186
director of law, assistant city director of law, village 187
solicitor, assistant village solicitor, or similar chief legal 188
officer of a municipal corporation or an assistant of any of 189
those officers who prosecutes an offense committed in this 190
state, upon first contact with the victim of the offense, the 191
victim's family, or the victim's dependents, shall give the 192
victim, the victim's family, or the victim's dependents a copy 193
of the pamphlet prepared pursuant to division (A) of this 194

section and explain, upon request, the information in the 195
pamphlet to the victim, the victim's family, or the victim's 196
dependents. 197

(b) Subject to division (B) (1) (c) of this section, a law 198
enforcement agency that investigates an offense or delinquent 199
act committed in this state shall give the victim of the offense 200
or delinquent act, the victim's family, or the victim's 201
dependents a copy of the pamphlet prepared pursuant to division 202
(A) of this section at one of the following times: 203

(i) Upon first contact with the victim, the victim's 204
family, or the victim's dependents; 205

(ii) If the offense or delinquent act is an offense of 206
violence, if the circumstances of the offense or delinquent act 207
and the condition of the victim, the victim's family, or the 208
victim's dependents indicate that the victim, the victim's 209
family, or the victim's dependents will not be able to 210
understand the significance of the pamphlet upon first contact 211
with the agency, and if the agency anticipates that it will have 212
an additional contact with the victim, the victim's family, or 213
the victim's dependents, upon the agency's second contact with 214
the victim, the victim's family, or the victim's dependents. 215

If the agency does not give the victim, the victim's 216
family, or the victim's dependents a copy of the pamphlet upon 217
first contact with them and does not have a second contact with 218
the victim, the victim's family, or the victim's dependents, the 219
agency shall mail a copy of the pamphlet to the victim, the 220
victim's family, or the victim's dependents at their last known 221
address. 222

(c) In complying on and after December 9, 1994, with the 223

duties imposed by division (B) (1) (a) or (b) of this section, an 224
official or a law enforcement agency shall use copies of the 225
pamphlet that are in the official's or agency's possession on 226
December 9, 1994, until the official or agency has distributed 227
all of those copies. After the official or agency has 228
distributed all of those copies, the official or agency shall 229
use only copies of the pamphlet that contain at least the 230
information described in divisions (A) (1) to (17) of this 231
section. 232

(2) The failure of a law enforcement agency or of a 233
prosecuting attorney, assistant prosecuting attorney, city 234
director of law, assistant city director of law, village 235
solicitor, assistant village solicitor, or similar chief legal 236
officer of a municipal corporation or an assistant to any of 237
those officers to give, as required by division (B) (1) of this 238
section, the victim of an offense or delinquent act, the 239
victim's family, or the victim's dependents a copy of the 240
pamphlet prepared pursuant to division (A) of this section does 241
not give the victim, the victim's family, the victim's 242
dependents, or a victim's representative any rights under 243
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 244
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 245
other provision of the Revised Code and does not affect any 246
right under those sections. 247

(3) A law enforcement agency, a prosecuting attorney or 248
assistant prosecuting attorney, or a city director of law, 249
assistant city director of law, village solicitor, assistant 250
village solicitor, or similar chief legal officer of a municipal 251
corporation that distributes a copy of the pamphlet prepared 252
pursuant to division (A) of this section shall not be required 253
to distribute a copy of an information card or other printed 254

material provided by the clerk of the court of claims pursuant	255
to section 2743.71 of the Revised Code.	256
(C) The cost of printing and distributing the pamphlet	257
prepared pursuant to division (A) of this section shall be paid	258
out of the reparations fund, created pursuant to section	259
2743.191 of the Revised Code, in accordance with division (D) of	260
that section.	261
(D) As used in this section:	262
(1) "Victim's representative" has the same meaning as in	263
section 2930.01 of the Revised Code;	264
(2) "Victim advocate" has the same meaning as in section	265
2919.26 of the Revised Code.	266
Sec. 2151.23. (A) The juvenile court has exclusive	267
original jurisdiction under the Revised Code as follows:	268
(1) Concerning any child who on or about the date	269
specified in the complaint, indictment, or information is	270
alleged to have violated section 2151.87 of the Revised Code or	271
an order issued under that section or to be a juvenile traffic	272
offender or a delinquent, unruly, abused, neglected, or	273
dependent child and, based on and in relation to the allegation	274
pertaining to the child, concerning the parent, guardian, or	275
other person having care of a child who is alleged to be an	276
unruly or delinquent child for being an habitual or chronic	277
truant;	278
(2) Subject to divisions (G), (K), and (V) of section	279
2301.03 of the Revised Code, to determine the custody of any	280
child not a ward of another court of this state;	281
(3) To hear and determine any application for a writ of	282

habeas corpus involving the custody of a child;	283
(4) To exercise the powers and jurisdiction given the	284
probate division of the court of common pleas in Chapter 5122.	285
of the Revised Code, if the court has probable cause to believe	286
that a child otherwise within the jurisdiction of the court is a	287
mentally ill person subject to court order, as defined in	288
section 5122.01 of the Revised Code;	289
(5) To hear and determine all criminal cases charging	290
adults with the violation of any section of this chapter;	291
(6) To hear and determine all criminal cases in which an	292
adult is charged with a violation of division (C) of section	293
2919.21, division (B) (1) of section 2919.22, section 2919.222,	294
division (B) of section 2919.23, or section 2919.24 of the	295
Revised Code, provided the charge is not included in an	296
indictment that also charges the alleged adult offender with the	297
commission of a felony arising out of the same actions that are	298
the basis of the alleged violation of division (C) of section	299
2919.21, division (B) (1) of section 2919.22, section 2919.222,	300
division (B) of section 2919.23, or section 2919.24 of the	301
Revised Code;	302
(7) Under the interstate compact on juveniles in section	303
2151.56 of the Revised Code;	304
(8) Concerning any child who is to be taken into custody	305
pursuant to section 2151.31 of the Revised Code, upon being	306
notified of the intent to take the child into custody and the	307
reasons for taking the child into custody;	308
(9) To hear and determine requests for the extension of	309
temporary custody agreements, and requests for court approval of	310
permanent custody agreements, that are filed pursuant to section	311

5103.15 of the Revised Code;	312
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	313 314
(11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	315 316 317 318 319 320 321
(12) Concerning an action commenced under section 121.38 of the Revised Code;	322 323
(13) To hear and determine violations of section 3321.38 of the Revised Code;	324 325
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	326 327 328 329 330
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	331 332 333 334 335 336 337 338
(16) To hear and determine a petition for a protection order against a child under section 2151.34 or , <u>3113.31, or</u>	339 340

3113.311 of the Revised Code and to enforce a protection order 341
issued or a consent agreement approved under ~~either section~~ any 342
of these sections against a child until a date certain but not 343
later than the date the child attains nineteen years of age. 344

(B) Except as provided in divisions (G) and (I) of section 345
2301.03 of the Revised Code, the juvenile court has original 346
jurisdiction under the Revised Code: 347

(1) To hear and determine all cases of misdemeanors 348
charging adults with any act or omission with respect to any 349
child, which act or omission is a violation of any state law or 350
any municipal ordinance; 351

(2) To determine the paternity of any child alleged to 352
have been born out of wedlock pursuant to sections 3111.01 to 353
3111.18 of the Revised Code; 354

(3) Under the uniform interstate family support act in 355
Chapter 3115. of the Revised Code; 356

(4) To hear and determine an application for an order for 357
the support of any child, if the child is not a ward of another 358
court of this state; 359

(5) To hear and determine an action commenced under 360
section 3111.28 of the Revised Code; 361

(6) To hear and determine a motion filed under section 362
3119.961 of the Revised Code; 363

(7) To receive filings under section 3109.74 of the 364
Revised Code, and to hear and determine actions arising under 365
sections 3109.51 to 3109.80 of the Revised Code. 366

(8) To enforce an order for the return of a child made 367
under the Hague Convention on the Civil Aspects of International 368

Child Abduction pursuant to section 3127.32 of the Revised Code; 369

(9) To grant any relief normally available under the laws 370
of this state to enforce a child custody determination made by a 371
court of another state and registered in accordance with section 372
3127.35 of the Revised Code. 373

(C) The juvenile court, except as to juvenile courts that 374
are a separate division of the court of common pleas or a 375
separate and independent juvenile court, has jurisdiction to 376
hear, determine, and make a record of any action for divorce or 377
legal separation that involves the custody or care of children 378
and that is filed in the court of common pleas and certified by 379
the court of common pleas with all the papers filed in the 380
action to the juvenile court for trial, provided that no 381
certification of that nature shall be made to any juvenile court 382
unless the consent of the juvenile judge first is obtained. 383
After a certification of that nature is made and consent is 384
obtained, the juvenile court shall proceed as if the action 385
originally had been begun in that court, except as to awards for 386
spousal support or support due and unpaid at the time of 387
certification, over which the juvenile court has no 388
jurisdiction. 389

(D) The juvenile court, except as provided in divisions 390
(G) and (I) of section 2301.03 of the Revised Code, has 391
jurisdiction to hear and determine all matters as to custody and 392
support of children duly certified by the court of common pleas 393
to the juvenile court after a divorce decree has been granted, 394
including jurisdiction to modify the judgment and decree of the 395
court of common pleas as the same relate to the custody and 396
support of children. 397

(E) The juvenile court, except as provided in divisions 398

(G) and (I) of section 2301.03 of the Revised Code, has 399
jurisdiction to hear and determine the case of any child 400
certified to the court by any court of competent jurisdiction if 401
the child comes within the jurisdiction of the juvenile court as 402
defined by this section. 403

(F) (1) The juvenile court shall exercise its jurisdiction 404
in child custody matters in accordance with sections 3109.04 and 405
3127.01 to 3127.53 of the Revised Code and, as applicable, 406
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 407
Revised Code. 408

(2) The juvenile court shall exercise its jurisdiction in 409
child support matters in accordance with section 3109.05 of the 410
Revised Code. 411

(G) Any juvenile court that makes or modifies an order for 412
child support shall comply with Chapters 3119., 3121., 3123., 413
and 3125. of the Revised Code. If any person required to pay 414
child support under an order made by a juvenile court on or 415
after April 15, 1985, or modified on or after December 1, 1986, 416
is found in contempt of court for failure to make support 417
payments under the order, the court that makes the finding, in 418
addition to any other penalty or remedy imposed, shall assess 419
all court costs arising out of the contempt proceeding against 420
the person and require the person to pay any reasonable 421
attorney's fees of any adverse party, as determined by the 422
court, that arose in relation to the act of contempt. 423

(H) If a child who is charged with an act that would be an 424
offense if committed by an adult was fourteen years of age or 425
older and under eighteen years of age at the time of the alleged 426
act and if the case is transferred for criminal prosecution 427
pursuant to section 2152.12 of the Revised Code, except as 428

provided in section 2152.121 of the Revised Code, the juvenile 429
court does not have jurisdiction to hear or determine the case 430
subsequent to the transfer. The court to which the case is 431
transferred for criminal prosecution pursuant to that section 432
has jurisdiction subsequent to the transfer to hear and 433
determine the case in the same manner as if the case originally 434
had been commenced in that court, subject to section 2152.121 of 435
the Revised Code, including, but not limited to, jurisdiction to 436
accept a plea of guilty or another plea authorized by Criminal 437
Rule 11 or another section of the Revised Code and jurisdiction 438
to accept a verdict and to enter a judgment of conviction 439
pursuant to the Rules of Criminal Procedure against the child 440
for the commission of the offense that was the basis of the 441
transfer of the case for criminal prosecution, whether the 442
conviction is for the same degree or a lesser degree of the 443
offense charged, for the commission of a lesser-included 444
offense, or for the commission of another offense that is 445
different from the offense charged. 446

(I) If a person under eighteen years of age allegedly 447
commits an act that would be a felony if committed by an adult 448
and if the person is not taken into custody or apprehended for 449
that act until after the person attains twenty-one years of age, 450
the juvenile court does not have jurisdiction to hear or 451
determine any portion of the case charging the person with 452
committing that act. In those circumstances, divisions (A) and 453
(B) of section 2152.12 of the Revised Code do not apply 454
regarding the act, and the case charging the person with 455
committing the act shall be a criminal prosecution commenced and 456
heard in the appropriate court having jurisdiction of the 457
offense as if the person had been eighteen years of age or older 458
when the person committed the act. All proceedings pertaining to 459

the act shall be within the jurisdiction of the court having 460
jurisdiction of the offense, and that court has all the 461
authority and duties in the case that it has in other criminal 462
cases in that court. 463

(J) In exercising its exclusive original jurisdiction 464
under division (A) (16) of this section with respect to any 465
proceedings brought under section 2151.34 ~~or, 3113.31, or~~ 466
3113.311 of the Revised Code in which the respondent is a child, 467
the juvenile court retains all dispositional powers consistent 468
with existing rules of juvenile procedure and may also exercise 469
its discretion to adjudicate proceedings as provided in sections 470
2151.34 ~~and, 3113.31, and 3113.311~~ of the Revised Code, 471
including the issuance of protection orders or the approval of 472
consent agreements under those sections. 473

Sec. 2919.27. (A) No person shall recklessly violate the 474
terms of any of the following: 475

(1) A protection order issued or consent agreement 476
approved pursuant to section 2919.26 ~~or, 3113.31, or 3113.311~~ 477
of the Revised Code; 478

(2) A protection order issued pursuant to section 2151.34, 479
2903.213, or 2903.214 of the Revised Code; 480

(3) A protection order issued by a court of another state. 481

(B) (1) Whoever violates this section is guilty of 482
violating a protection order. 483

(2) Except as otherwise provided in division (B) (3) or (4) 484
of this section, violating a protection order is a misdemeanor 485
of the first degree. 486

(3) ~~If~~ Violating a protection order is a felony of the 487

fifth degree if the offender previously has been convicted of, 488
pleaded guilty to, or been adjudicated a delinquent child for 489
any of the following: 490

(a) A violation of a protection order or consent agreement 491
issued pursuant to section 2151.34, 2903.213, ~~or 2903.214,~~ or 492
3113.31 of the Revised Code, ~~two;~~ 493

(b) Two or more violations of section 2903.21, 2903.211, 494
2903.22, or 2911.211 of the Revised Code, or any combination of 495
those offenses, that involved the same person who is the subject 496
of the protection order or consent agreement, ~~or one;~~ 497

(c) One or more violations of this section, ~~violating a~~ 498
~~protection order is a felony of the fifth degree.~~ 499

(4) If the offender violates a protection order or consent 500
agreement while committing a felony offense, violating a 501
protection order is a felony of the third degree. 502

(5) If the protection order violated by the offender was 503
an order issued pursuant to section 2151.34 or 2903.214 of the 504
Revised Code that required electronic monitoring of the offender 505
pursuant to that section, the court may require in addition to 506
any other sentence imposed upon the offender that the offender 507
be electronically monitored for a period not exceeding five 508
years by a law enforcement agency designated by the court. If 509
the court requires under this division that the offender be 510
electronically monitored, unless the court determines that the 511
offender is indigent, the court shall order that the offender 512
pay the costs of the installation of the electronic monitoring 513
device and the cost of monitoring the electronic monitoring 514
device. If the court determines that the offender is indigent 515
and subject to the maximum amount allowable and the rules 516

promulgated by the attorney general under section 2903.214 of 517
the Revised Code, the costs of the installation of the 518
electronic monitoring device and the cost of monitoring the 519
electronic monitoring device may be paid out of funds from the 520
reparations fund created pursuant to section 2743.191 of the 521
Revised Code. The total amount paid from the reparations fund 522
created pursuant to section 2743.191 of the Revised Code for 523
electronic monitoring under this section and sections 2151.34 524
and 2903.214 of the Revised Code shall not exceed three hundred 525
thousand dollars per year. 526

(C) It is an affirmative defense to a charge under 527
division (A) (3) of this section that the protection order issued 528
by a court of another state does not comply with the 529
requirements specified in 18 U.S.C. 2265(b) for a protection 530
order that must be accorded full faith and credit by a court of 531
this state or that it is not entitled to full faith and credit 532
under 18 U.S.C. 2265(c). 533

(D) In a prosecution for a violation of this section, it 534
is not necessary for the prosecution to prove that the 535
protection order or consent agreement was served on the 536
defendant if the prosecution proves that the defendant was shown 537
the protection order or consent agreement or a copy of either or 538
a judge or law enforcement officer informed the defendant that a 539
protection order or consent agreement had been issued, and 540
proves that the defendant recklessly violated the terms of the 541
order or agreement. 542

(E) As used in this section, "protection order issued by a 543
court of another state" means an injunction or another order 544
issued by a criminal court of another state for the purpose of 545
preventing violent or threatening acts or harassment against, 546

contact or communication with, or physical proximity to another 547
person, including a temporary order, and means an injunction or 548
order of that nature issued by a civil court of another state, 549
including a temporary order and a final order issued in an 550
independent action or as a pendente lite order in a proceeding 551
for other relief, if the court issued it in response to a 552
complaint, petition, or motion filed by or on behalf of a person 553
seeking protection. "Protection order issued by a court of 554
another state" does not include an order for support or for 555
custody of a child issued pursuant to the divorce and child 556
custody laws of another state, except to the extent that the 557
order for support or for custody of a child is entitled to full 558
faith and credit under the laws of the United States. 559

Sec. 3113.311. (A) As used in this section: 560

(1) "Dating violence" means the occurrence of one or more 561
of the following acts against a petitioner alleging dating 562
violence: 563

(a) Attempting to cause or recklessly causing bodily 564
injury; 565

(b) Placing the petitioner alleging dating violence by the 566
threat of force in fear of imminent serious physical harm or 567
committing a violation of section 2903.211 or 2911.211 of the 568
Revised Code; 569

(c) Committing a sexually oriented offense. 570

(2) "Court" means the domestic relations division of the 571
court of common pleas in counties that have a domestic relations 572
division and the court of common pleas in counties that do not 573
have a domestic relations division, or the juvenile division of 574
the court of common pleas of the county in which the person to 575

be protected by a protection order issued or a consent agreement 576
approved under this section resides if the respondent is less 577
than eighteen years of age. 578

(3) (a) "Petitioner alleging dating violence" or "person 579
alleging dating violence" means a person who has or has had a 580
dating relationship with the respondent within the twelve months 581
preceding the date of the conduct in question that constitutes 582
the alleged dating violence. "Petitioner alleging dating 583
violence" or "person alleging dating violence" does not include, 584
with respect to a specified respondent, another person who has 585
only a casual relationship with the specified respondent or 586
another person who has engaged solely in ordinary fraternization 587
in a business or social context with the specified respondent. 588

(b) The existence of a dating relationship between two 589
persons shall be determined based on a consideration of either 590
of the following factors: 591

(i) The nature of the relationship must have been 592
characterized by the expectation of affection between the two 593
persons. 594

(ii) The frequency and type of interaction between the two 595
persons involved in the relationship must have included that the 596
persons have been involved over time and on a continuous basis 597
during the course of the relationship. 598

(4) "Victim advocate" means a person who provides support 599
and assistance for a person who files a petition under this 600
section. 601

(5) "Sexually oriented offense" has the same meaning as in 602
section 2950.01 of the Revised Code. 603

(6) "Companion animal" has the same meaning as in section 604

959.131 of the Revised Code. 605

(B) The court has jurisdiction over all proceedings under this section. 606
607

(C) A petitioner alleging dating violence may seek relief under this section on the person's own behalf, or any parent or adult household member of a person alleging dating violence may seek relief under this section on behalf of that person, by filing a petition with the court. The petition shall contain or state: 608
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(1) An allegation that the respondent engaged in dating violence against the petitioner alleging dating violence, including a description of the nature and extent of the dating violence; 614
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(2) The relationship of the respondent to the petitioner alleging dating violence and to the person alleging dating violence if other than the petitioner filing the petition; 618
619
620

(3) A request for relief under this section. 621

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E) (1) (a) of this section, that the court finds necessary to protect the petitioner alleging dating violence from any dating violence. Immediate and present danger of dating violence to the petitioner alleging dating violence constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has 622
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threatened the petitioner alleging dating violence with bodily 634
harm, in which the respondent has threatened that petitioner 635
with a sexually oriented offense, or in which the respondent 636
previously has been convicted of, pleaded guilty to, or been 637
adjudicated a delinquent child for an offense that constitutes 638
dating violence against the petitioner alleging dating violence. 639

(2) (a) If the court, after an ex parte hearing, issues any 640
protection order that is authorized under division (E) of this 641
section, the court shall schedule a full hearing for a date that 642
is within ten court days after the ex parte hearing. The court 643
shall give the respondent notice of, and an opportunity to be 644
heard at, the full hearing. The court shall hold the full 645
hearing on the date scheduled under this division unless the 646
court grants a continuance of the hearing in accordance with 647
this division. Under any of the following circumstances or for 648
any of the following reasons, the court may grant a continuance 649
of the full hearing to a reasonable time determined by the 650
court: 651

(i) Prior to the date scheduled for the full hearing under 652
this division, the respondent has not been served with the 653
petition filed pursuant to this section and notice of the full 654
hearing. 655

(ii) The parties consent to the continuance. 656

(iii) The continuance is needed to allow a party to obtain 657
counsel. 658

(iv) The continuance is needed for other good cause. 659

(b) An ex parte order issued under this section does not 660
expire because of a failure to serve notice of the full hearing 661
upon the respondent before the date set for the full hearing 662

under division (D) (2) (a) of this section or because the court 663
grants a continuance under that division. 664

(3) If a person who files a petition pursuant to this 665
section does not request an ex parte order, or if a person 666
requests an ex parte order but the court does not issue an ex 667
parte order after an ex parte hearing, the court shall proceed 668
as in a normal civil action and grant a full hearing on the 669
matter. 670

(E) (1) After an ex parte or full hearing, the court may 671
grant any protection order, with or without bond, or approve any 672
consent agreement to bring about a cessation of dating violence 673
against the petitioner alleging dating violence. The order or 674
agreement may: 675

(a) Direct the respondent to refrain from abusing or from 676
committing sexually oriented offenses against the petitioner 677
alleging dating violence; 678

(b) Require the respondent, the petitioner alleging dating 679
violence, the petitioner filing the petition if other than the 680
person alleging dating violence, or any combination of those 681
persons, to seek counseling; 682

(c) Require the respondent to refrain from entering the 683
residence, school, business, or place of employment of the 684
petitioner alleging dating violence or the petitioner filing the 685
petition if other than the person alleging dating violence; 686

(d) Require that the respondent not remove, damage, hide, 687
harm, or dispose of any companion animal owned or possessed by 688
the petitioner alleging dating violence; 689

(e) Authorize the petitioner alleging dating violence to 690
remove a companion animal owned by that petitioner from the 691

possession of the respondent; 692

(f) Grant other relief that the court considers equitable 693
and fair. 694

(2) If a protection order has been issued pursuant to this 695
section in a prior action involving the respondent and the 696
petitioner alleging dating violence or the petitioner filing the 697
petition if other than the person alleging dating violence, the 698
court may include in a protection order that it issues a 699
prohibition against the respondent returning to the residence, 700
school, business, or place of employment. 701

(3) (a) Any protection order issued or consent agreement 702
approved under this section shall be valid until a date certain, 703
but not later than five years from the date of its issuance or 704
approval, or not later than the date a respondent who is less 705
than eighteen years of age attains nineteen years of age, unless 706
modified or terminated as provided in division (E) (6) of this 707
section. 708

(b) Any protection order issued or consent agreement 709
approved pursuant to this section may be renewed in the same 710
manner as the original order or agreement was issued or 711
approved. 712

(4) A court may not issue a protection order that requires 713
a petitioner alleging dating violence to do or to refrain from 714
doing an act that the court may require a respondent to do or to 715
refrain from doing under division (E) (1) (a), (c), (d), (e), or 716
(f) of this section unless all of the following apply: 717

(a) The respondent files a separate petition for a 718
protection order in accordance with this section. 719

(b) The petitioner is served notice of the respondent's 720

petition at least forty-eight hours before the court holds a 721
hearing with respect to the respondent's petition, or the 722
petitioner waives the right to receive this notice. 723

(c) If the petitioner has requested an ex parte order 724
pursuant to division (D) of this section, the court does not 725
delay any hearing required by that division beyond the time 726
specified in that division in order to consolidate the hearing 727
with a hearing on the petition filed by the respondent. 728

(d) After a full hearing at which the respondent presents 729
evidence in support of the request for a protection order and 730
the petitioner is afforded an opportunity to defend against that 731
evidence, the court determines that the petitioner has committed 732
an act of dating violence, that both the petitioner and the 733
respondent acted primarily as aggressors, and that neither the 734
petitioner nor the respondent acted primarily in self-defense. 735

(5) (a) If a protection order issued or consent agreement 736
approved under this section includes a requirement that the 737
respondent refrain from entering the residence, school, 738
business, or place of employment of the petitioner alleging 739
dating violence or the petitioner filing the petition if other 740
than the person alleging dating violence, the order or agreement 741
shall state clearly that the order or agreement cannot be waived 742
or nullified by an invitation to the respondent from the 743
petitioner alleging dating violence or the petitioner filing the 744
petition to enter the residence, school, business, or place of 745
employment or by the respondent's entry into one of those places 746
otherwise upon the consent of the applicable petitioner. 747

(b) Division (E) (5) (a) of this section does not limit any 748
discretion of a court to determine that a respondent charged 749
with contempt of court, which charge is based on an alleged 750

violation of a protection order issued or consent agreement 751
approved under this section, did not commit the violation or was 752
not in contempt of court. 753

(6) (a) The court may modify or terminate as provided in 754
division (E) (6) of this section a protection order or consent 755
agreement that was issued after a full hearing under this 756
section. The court that issued the protection order or approved 757
the consent agreement shall hear a motion for modification or 758
termination of the protection order or consent agreement 759
pursuant to division (E) (6) of this section. 760

(b) Either the petitioner alleging dating violence or the 761
respondent of the original protection order or consent agreement 762
may bring a motion for modification or termination of a 763
protection order or consent agreement that was issued or 764
approved after a full hearing. The court shall require notice of 765
the motion to be made as provided by the Rules of Civil 766
Procedure. If that petitioner for the original protection order 767
or consent agreement has requested that the petitioner's address 768
be kept confidential, the court shall not disclose the address 769
to the respondent of the original protection order or consent 770
agreement or any other person, except as otherwise required by 771
law. The moving party has the burden of proof to show, by a 772
preponderance of the evidence, that modification or termination 773
of the protection order or consent agreement is appropriate 774
because either the protection order or consent agreement is no 775
longer needed or because the terms of the original protection 776
order or consent agreement are no longer appropriate. 777

(c) In considering whether to modify or terminate a 778
protection order or consent agreement issued or approved under 779
this section, the court shall consider all relevant factors, 780

<u>including, but not limited to, the following:</u>	781
<u>(i) Whether the petitioner consents to modification or</u>	782
<u>termination of the protection order or consent agreement;</u>	783
<u>(ii) Whether the petitioner fears the respondent;</u>	784
<u>(iii) The current nature of the relationship between the</u>	785
<u>petitioner and the respondent;</u>	786
<u>(iv) The circumstances of the petitioner and respondent,</u>	787
<u>including the relative proximity of the petitioner's and</u>	788
<u>respondent's workplaces and residences;</u>	789
<u>(v) Whether the respondent has complied with the terms and</u>	790
<u>conditions of the original protection order or consent</u>	791
<u>agreement;</u>	792
<u>(vi) Whether the respondent has a continuing involvement</u>	793
<u>with illegal drugs or alcohol;</u>	794
<u>(vii) Whether the respondent has been convicted of,</u>	795
<u>pleaded guilty to, or been adjudicated a delinquent child for an</u>	796
<u>offense of violence since the issuance of the protection order</u>	797
<u>or approval of the consent agreement;</u>	798
<u>(viii) Whether any other protection orders, consent</u>	799
<u>agreements, restraining orders, or no contact orders have been</u>	800
<u>issued against the respondent pursuant to this section, section</u>	801
<u>2919.26 or 3113.31 of the Revised Code, any other provision of</u>	802
<u>state law, or the law of any other state;</u>	803
<u>(ix) Whether the respondent has participated in any dating</u>	804
<u>violence treatment, intervention program, or other counseling</u>	805
<u>addressing dating violence and whether the respondent has</u>	806
<u>completed the treatment, program, or counseling;</u>	807

(x) The time that has elapsed since the protection order 808
was issued or since the consent agreement was approved; 809

(xi) The age and health of the respondent; 810

(xii) When the last incident of abuse, threat of harm, or 811
commission of a sexually oriented offense occurred or other 812
relevant information concerning the safety and protection of the 813
petitioner alleging dating violence, or the petitioner filing 814
the petition if other than the person alleging dating violence. 815

(d) If a protection order or consent agreement is modified 816
or terminated as provided in division (E) (6) of this section, 817
the court shall issue copies of the modified or terminated order 818
or agreement as provided in division (F) of this section. A 819
petitioner may also provide notice of the modification or 820
termination to the judicial and law enforcement officials in any 821
county other than the county in which the order or agreement is 822
modified or terminated as provided in division (L) of this 823
section. 824

(e) If the respondent moves for modification or 825
termination of a protection order or consent agreement pursuant 826
to this section and the court denies the motion, the court may 827
assess costs against the respondent for the filing of the 828
motion. 829

(7) Any protection order issued or any consent agreement 830
approved pursuant to this section shall include a provision that 831
the court will automatically seal all of the records of the 832
proceeding in which the order is issued or agreement approved on 833
the date the respondent attains the age of nineteen years unless 834
the petitioner provides the court with evidence that the 835
respondent has not complied with all of the terms of the 836

protection order or consent agreement. The protection order or 837
consent agreement shall specify the date when the respondent 838
attains the age of nineteen years. 839

(F)(1) A copy of any protection order, or consent 840
agreement, that is issued, approved, modified, or terminated 841
under this section shall be issued by the court to the 842
petitioner, to the respondent, and to all law enforcement 843
agencies that have jurisdiction to enforce the order or 844
agreement. The court shall direct that a copy of an order be 845
delivered to the respondent on the same day that the order is 846
entered. 847

(2) Upon the issuance of a protection order or the 848
approval of a consent agreement under this section, the court 849
shall provide the parties to the order or agreement with the 850
following notice orally or by form: 851

"NOTICE 852

As a result of this order or consent agreement, it may be 853
unlawful for you to possess or purchase a firearm, including a 854
rifle, pistol, or revolver, or ammunition pursuant to federal 855
law under 18 U.S.C. 922(q)(8). If you have any questions whether 856
this law makes it illegal for you to possess or purchase a 857
firearm or ammunition, you should consult an attorney." 858

(3) All law enforcement agencies shall establish and 859
maintain an index for the protection orders and the approved 860
consent agreements delivered to the agencies pursuant to 861
division (F)(1) of this section. With respect to each order and 862
consent agreement delivered, each agency shall note on the index 863
the date and time that it received the order or consent 864
agreement. 865

(4) Regardless of whether the petitioner has registered 866
the order or agreement in the county in which the officer's 867
agency has jurisdiction pursuant to division (L) of this 868
section, any officer of a law enforcement agency shall enforce a 869
protection order issued or consent agreement approved by any 870
court in this state in accordance with the provisions of the 871
order or agreement, including removing the respondent from the 872
premises, if appropriate. 873

(G) Any proceeding under this section shall be conducted 874
in accordance with the Rules of Civil Procedure, except that an 875
order under this section may be obtained with or without bond. 876
An order issued under this section, other than an ex parte 877
order, that grants a protection order or approves a consent 878
agreement, that refuses to grant a protection order or approve a 879
consent agreement that modifies or terminates a protection order 880
or consent agreement, or that refuses to modify or terminate a 881
protection order or consent agreement, is a final, appealable 882
order. The remedies and procedures provided in this section are 883
in addition to, and not in lieu of, any other available civil or 884
criminal remedies. 885

(H) Any law enforcement agency that investigates a dispute 886
involving persons in a dating relationship shall provide 887
information to the potential petitioner alleging dating violence 888
involved regarding the relief available under this section. 889

(I) (1) Subject to divisions (E) (6) (e) and (I) (2) of this 890
section and regardless of whether a protection order is issued 891
or a consent agreement is approved by a court of another county 892
or a court of another state, no court or unit of state or local 893
government shall charge the petitioner any fee, cost, deposit, 894
or money in connection with the filing of a petition pursuant to 895

this section or in connection with the filing, issuance, 896
registration, modification, enforcement, dismissal, withdrawal, 897
or service of a protection order, consent agreement, or witness 898
subpoena or for obtaining a certified copy of a protection order 899
or consent agreement. 900

(2) Regardless of whether a protection order is issued or 901
a consent agreement is approved pursuant to this section, the 902
court may assess costs against the respondent in connection with 903
the filing, issuance, registration, modification, enforcement, 904
dismissal, withdrawal, or service of a protection order, consent 905
agreement, or witness subpoena or for obtaining a certified copy 906
of a protection order or consent agreement. 907

(J) A person who violates a protection order issued or a 908
consent agreement approved under this section is guilty of a 909
violation of section 2919.27 of the Revised Code. 910

(K) In all stages of a proceeding under this section, a 911
petitioner may be accompanied by a victim advocate. 912

(L) (1) A petitioner who obtains a protection order or 913
consent agreement under this section may provide notice of the 914
issuance or approval of the order or agreement to the judicial 915
and law enforcement officials in any county other than the 916
county in which the order is issued or the agreement is approved 917
by registering that order or agreement in the other county 918
pursuant to division (L) (2) of this section and filing a copy of 919
the registered order or registered agreement with a law 920
enforcement agency in the other county in accordance with that 921
division. A person who obtains a protection order issued by a 922
court of another state may provide notice of the issuance of the 923
order to the judicial and law enforcement officials in any 924
county of this state by registering the order in that county 925

pursuant to section 2919.272 of the Revised Code and filing a 926
copy of the registered order with a law enforcement agency in 927
that county. 928

(2) A petitioner may register a temporary protection 929
order, protection order, or consent agreement in a county other 930
than the county in which the court that issued the order or 931
approved the agreement is located in the following manner: 932

(a) The petitioner shall obtain a certified copy of the 933
order or agreement from the clerk of the court that issued the 934
order or approved the agreement and present that certified copy 935
to the clerk of the court of common pleas or the clerk of a 936
municipal court or county court in the county in which the order 937
or agreement is to be registered. 938

(b) Upon accepting the certified copy of the order or 939
agreement for registration, the clerk of the court of common 940
pleas, municipal court, or county court shall place an 941
endorsement of registration on the order or agreement and give 942
the petitioner a copy of the order or agreement that bears that 943
proof of registration. 944

(3) The clerk of each court of common pleas, the clerk of 945
each municipal court, and the clerk of each county court shall 946
maintain a registry of certified copies of temporary protection 947
orders, protection orders, or consent agreements that have been 948
issued or approved by courts in other counties and that have 949
been registered with the clerk. 950

Sec. 3113.33. As used in sections 3113.33 to 3113.40 of 951
the Revised Code: 952

(A) "Domestic violence" means attempting to cause or 953
causing bodily injury to a family or household member, or 954

placing a family or household member by threat of force in fear 955
of imminent physical harm. "Domestic violence" includes dating 956
violence. 957

(B) "Family or household member" means any of the 958
following: 959

(1) Any of the following who is residing or has resided 960
with the person committing the domestic violence: 961

(a) A spouse, a person living as a spouse, or a former 962
spouse of the person committing the domestic violence; 963

(b) A parent, foster parent, or child of the person 964
committing the domestic violence, or another person related by 965
consanguinity or affinity to the person committing the domestic 966
violence; 967

(c) A parent or a child of a spouse, person living as a 968
spouse, or former spouse of the person committing the domestic 969
violence, or another person related by consanguinity or affinity 970
to a spouse, person living as a spouse, or former spouse of the 971
person committing the domestic violence; 972

(d) The dependents of any person listed in division (B) (1) 973
(a), (b), or (c) of this section. 974

(2) The natural parent of any child of whom the person 975
committing the domestic violence is the other natural parent or 976
is the putative other natural parent; 977

(3) A person in a dating relationship with the person 978
committing the dating violence and who is the victim of that 979
dating violence. 980

(C) "Shelter for victims of domestic violence" or 981
"shelter" means a facility that provides temporary residential 982

service or facilities to family or household members who are 983
victims of domestic violence. 984

(D) "Person living as a spouse" means a person who is 985
living or has lived with the person committing the domestic 986
violence in a common law marital relationship, who otherwise is 987
cohabiting with the person committing the domestic violence, or 988
who otherwise has cohabited with the person committing the 989
domestic violence within five years prior to the date of the 990
alleged occurrence of the act in question. 991

(E) "Dating violence" has the same meaning as in section 992
3113.311 of the Revised Code. 993

Section 2. That existing sections 109.42, 2151.23, 994
2919.27, and 3113.33 of the Revised Code are hereby repealed. 995

Section 3. The amendments made by this act to division (D) 996
of section 2919.27 of the Revised Code are intended to supersede 997
the holding of the Ohio Supreme Court in *State v. Smith* (2013), 998
136 Ohio St.3d 1, so that unperfected service of a protection 999
order or consent agreement does not preclude a prosecution for a 1000
violation of division (A) of that section. 1001