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**Senate Bill 28 (Sponsor Senator Hottinger, 2/13/2019)**

*Senator Hottinger, 2/13/2019*

**Increase Penalty for Violating Protection Order**

### Under Current Law:

- A first violation of a Domestic Violence (§ 3113.31) Protection Order, Sexually Oriented Offense (§ 2903.213) Protection Order, Menacing by Stalking (§ 2903.213) Protection Order, or Protection Order Against a Minor (§ 2151.34) is a 1st Degree Misdemeanor.
- The offense becomes a 5th Degree Felony when the offender has either:
  - one prior conviction/guilty plea for violating a protection order/certain consent agreements;
  - two or more convictions/guilty pleas for violating Aggravated Menacing, Menacing by Stalking, Menacing, or Aggravated Trespass, or any combination of those offenses that involved the person protected by the order.
- The offense becomes a 3rd Degree Felony when the offender violates the protection order or consent agreement while committing a separate felony offense.

### This Bill Would:

- Increase the felony classification from a 5th degree felony to a 4th degree felony (increasing the confinement cap to 1.5 years and the fine maximum to $5,000) for:
  - A 2nd violation of a Domestic Violence (§ 3113.31) Protection Order, a Sexually Oriented Offense (§ 2903.213) Protection Order, a Menacing by Stalking (§ 2903.213) Protection Order, or a Protection Order Against a Minor (§ 2151.34); or
  - A 1st violation of one of the above-listed protection orders when the offender has two or more violations of Aggravated Menacing, Menacing by Stalking, Menacing, or Aggravated Trespass.
- Increase the felony classification from a 5th degree to a 3rd degree felony (increasing the confinement cap to 5 years and the fine maximum to $10,000) for:
  - A 3rd or subsequent violation of one of the above-listed protection orders; or
  - A 1st violation of one of the above-listed protection orders when the offender has three or more violations of Aggravated Menacing, Menacing, or Aggravated Trespass; or
  - A 1st violation of one of the above-listed protection orders when the offender has two or more violations of Menacing by Stalking.
- Maintain the 3rd degree felony classification for CPO violations occurring during felony commission.

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**classification**

<table>
<thead>
<tr>
<th>Classification</th>
<th>1st CPO Violation</th>
<th>2nd or Subsequent CPO Violation OR 1st CPO Violation + 2 or More Aggravated Menacing, Menacing by Stalking, Menacing, or Aggravated Trespass</th>
<th>1st CPO Violation + Occurred while Offender was Committing a Felony</th>
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</thead>
<tbody>
<tr>
<td>Confinement Cap</td>
<td>180 days</td>
<td>5th degree felony</td>
<td>3rd degree felony</td>
</tr>
<tr>
<td>Fine Cap</td>
<td>$1,000</td>
<td>$2,500</td>
<td>$10,000</td>
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**classification**

<table>
<thead>
<tr>
<th>Classification</th>
<th>1st CPO Violation</th>
<th>2nd CPO Violation OR 1st CPO Violation + 2 or More Violations of Aggravated Menacing, or Aggravated Trespass OR 1st Protection Order Violation + 1 or More Violations of Menacing by Stalking</th>
<th>3rd or Subsequent CPO Violation OR 1st CPO Violation + 3 or More Aggravated Menacing, Menacing, or Aggravated Trespass OR 1st Protection Order Violation + 2 or More Violations of Menacing by Stalking</th>
<th>1st CPO Violation + Offender was Committing a Felony</th>
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<tbody>
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<td>4th degree felony</td>
<td>3rd degree felony</td>
<td>3rd degree felony</td>
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<tr>
<td>Fine Cap</td>
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<td>$5,000</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
</tbody>
</table>
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