



Fact Sheet Series for the 133rd General Assembly

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.

	1 st CPO Violation	2 nd or Subsequent CPO Violation OR 1 st CPO Violation + 2 or More Aggravated Menacing, Menacing by Stalking, Menacing, or Aggravated Trespass	1 st CPO Violation + Occurred while Offender was Committing a Felony
Classification	1 st degree misdemeanor	5 th degree felony	3 rd degree felony
Confinement Cap	180 days	1 year	5 years
Fine Cap	\$1,000	\$2,500	\$10,000

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, 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.

	1 st CPO Violation	2 nd CPO Violation OR 1 st CPO Violation + 2 or More Violations of Aggravated Menacing, or Aggravated Trespass OR 1 st Protection Order Violation + 1 or More Violations of Menacing by Stalking	3 rd or Subsequent CPO Violation OR 1 st CPO Violation + 3 or More Aggravated Menacing, Menacing, or Aggravated Trespass OR 1 st Protection Order Violation + 2 or More Violations of Menacing by Stalking	1 st CPO Violation + Offender was Committing a Felony
Classification	1 st degree misdemeanor	4 th degree felony	3 rd degree felony	3 rd degree felony
Confinement Cap	180 days	1.5 years	5 years	5 years
Fine Cap	\$1,000	\$5,000	\$10,000	\$10,000

