Ohio Alliance to End Sexual Violence

Ohio S.B. 28: Increase Penalty for Violating Protection Order

Introduced by Senator Hottinger on February 12, 2019, Referred to Judiciary Committee on February 13, 2019

Under Current Law:

- A first 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) is a 1st Degree Misdemeanor.
- The offense becomes a 5th Degree Felony when one of the following applies:
  - The offender has one prior conviction or guilty plea for violating a protection order or certain consent agreements; or
  - The offender has two or more convictions or guilty pleas for violating § 2903.21 Aggravated Menacing, § 2903.211 Menacing by Stalking, § 2903.22 Menacing, or § 2911.211 Aggravated Trespass, or any combination of those offenses that involved the person who is the subject of the protection order.
- The offense becomes a 3rd Degree Felony when the offender violates the protection order or consent agreement while committing a separate felony offense.

	1st CPO Violation	2nd or Subsequent CPO Violation **OR** 1st CPO Violation + 2 or More Aggravated Menacing, Menacing by Stalking, Menacing, or Aggravated Trespass	1st CPO Violation + Occurred while Offender was Committing a Felony
Classification	1st degree misdemeanor	5th degree felony	3rd 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 the commission of a felony.

	1st CPO Violation	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	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	1st CPO Violation + Offender was Committing a Felony
Classification	1st degree misdemeanor	4th degree felony	3rd degree felony	3rd degree felony
Confinement Cap	180 days	1.5 years	5 years	5 years
Fine Cap	$1,000	$5,000	$10,000	$10,000

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