



ENACTMENT NEWS

House Bill 304 Violence Against Women Act

On June 17, 2014, the Governor signed House Bill 309 (Pelanda, Antonio), which updates the Code to bring the State of Ohio into compliance with changes made to the federal Violence Against Women Act in 2013. The bill will go into effect on September 17, 2014.

The bill modifies the court's ability to levy costs, fees and deposits on the petitioner for protection orders and consent agreements in the following cases:

- (1) A juvenile court proceeding for a protection order against a minor in which the petition alleges (a) felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, aggravated trespass, or a sexually oriented offense or (b) an offense substantially equivalent to any of the foregoing under a municipal ordinance committed by the respondent against the person to be protected; R.C. 2151.34(B)(2) and (J).
- (2) A criminal action not involving a family or household member of the alleged victim in which a protection order is sought as a pretrial condition of release of the defendant and in which the complaint alleges (a) felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, or aggravated trespass, (b) an offense substantially similar to any of the foregoing (other than felonious assault or aggravated assault) under a municipal ordinance, or (c) a sexually oriented offense; R.C. 2903.213(A) and (I).
- (3) A proceeding for a civil protection order in which the petitioner alleges that the respondent engaged in menacing by stalking or committed a sexually oriented offense against the person to be protected; R.C. 2903.214(C)(1) and (J)
- (4) A criminal action involving a family or household member of the alleged victim in which a protection order is sought as a pretrial condition of release of the defendant and in which the complaint alleges (a) criminal damaging or endangering, criminal mischief, burglary, or aggravated trespass, (b) an offense substantially similar to any of the foregoing under a municipal ordinance, (c) an offense of violence (including the offense of domestic violence), or (d) a sexually oriented offense; R.C. 2919.26(A)(1) and (J)
- (5) A proceeding for a civil protection order in which the petitioner alleges that the respondent engaged in domestic violence (including a sexually oriented offense) against the person to be protected. R.C. 3113.31(C)(1) and (J).

Under the bill, the current prohibition against charging for these protection orders and consent agreements will now only apply to the petitioner, movant, or registrant. Under current law, a court may not levy costs/fees/deposits for the filing, issuance, registration, or service of, or the obtaining of a certified copy of these documents. R.C. 2919.272(E). The bill extends this prohibition to include the *modification*,

enforcement, dismissal, or withdrawal of these orders. The bill further applies this prohibition to *witness subpoenas*.

The bill authorizes a court to levy these costs against a respondent, defendant (if there is a conviction), or person subject to a protection order for the *filing, issuance, registration, modification, enforcement, dismissal, withdrawal, obtaining* a certified copy, or *service* of a protection order or consent agreement. This authorization applies regardless of whether the court issues the order or approves the agreement. R.C. 2151.34(J), 2903.213(I), 2903.214(J), 2919.26(J), 2919.272(E), and 3113.31(J). The bill further allows a court to assess costs against a respondent who moves for *modification* or *termination* of an order listed in (5) above **if the court denies the motion**. R. C. 3113.31(E)(8)(e).

The bill also makes changes to the Code with respect to interpreters' fees. The bill creates a waiver for these fees if a litigant is proven to be indigent. R.C. 2311.14(C). The bill also removes the requirement that a judge evaluate the qualifications for an interpreter for a mentally retarded or developmentally disabled party or witness who cannot readily understand or communicate because of their disability. R.C. 2311.14(A)(1).