



ENACTMENT NEWS

Senate Bill 7

Protection order – actual service not necessary

Effective September 27, 2017

On June 28, 2017, the Governor signed into law Senate Bill 7 (Sens. Bacon and Manning), which clarifies the law regarding service of protection orders. The bill takes effect on September 27, 2017.

Under existing law, no person shall recklessly violate the terms of a protection order. R.C. 2927 (A). SB 7 clarifies that in a prosecution for violating a protection order, it is not necessary for the prosecution to prove that the protection order was actually served upon the defendant. Rather, it is sufficient simply to prove that a judge, magistrate, or law enforcement officer showed the protection order to the defendant, or that law enforcement informed the defendant that such an order exists, and that the defendant was reckless in violating the order's terms.

The bill also expands the circumstances under which violating a protection order is a felony of the fifth degree, rather than the default misdemeanor of the first degree. Under the bill, it is now a felony of the fifth degree if the person previously has had: 1) a prior violation of a civil domestic violence protection order or consent agreement under R.C. 3113.31; 2) a prior violation of a criminal domestic violence protection order or consent agreement under R.C. 2919.26; or 3) two or more prior violations (any combination) of aggravated menacing, menacing by stalking, or menacing.

The bill passed out of the Senate unanimously on March 7, 2017, and by a vote of 92-2 in the House on June 21, 2017.