



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 392 of the 131st G.A.

Date: May 25, 2016

Status: As Reported by House Judiciary

Sponsor: Reps. Sykes and Kuhns

Local Impact Statement Procedure Required: No

Contents: Protection order for intimate partner

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The bill is not expected to generate a significant increase in the number of petitions filed with, or subsequent orders issued by, the appropriate division of the court of common pleas. There may be a minimal increase in the time and effort required to hear and issue such orders, but the court should largely be able to accomplish this with existing resources.
- Law enforcement agencies generally should be able to incorporate the work associated with the addition of intimate partner protection orders and consent agreements into an existing tracking and enforcement system with little, if any, discernible cost.

Detailed Fiscal Analysis

Protection orders

The bill authorizes the issuance of a civil dating violence protection order for an intimate partner by the appropriate division of a court of common pleas. The term intimate partner refers to any person who has or has had a continuing and significant relationship of a romantic nature with the person against whom a protection order is sought. Under current law, domestic violence protection orders can be obtained only by family or household members (R.C. 3113.31).

Under current law, intimate partners may file a petition for a Civil Stalking Protection Order (CSPO) or a Civil Sexually Oriented Offense Protection Order (CSOOPO) if they have been a victim of two or more incidents in which they believed themselves to be in danger or one incidence of a sexually oriented offense. Civil protection orders do not require a criminal charge and can remain in effect for up to five years. Also under current law, intimate partners may obtain criminal protection orders in cases of violence, sexual violence, or stalking. In these cases, the perpetrator must be charged with a crime and the protection order is only in force while the criminal case is active in the courts.

The table below provides a selective summary of the number of new domestic relations protection orders filed annually in Ohio from calendar years (CY) 2011-2014. In CY 2014, there were approximately 17,000 new petitions filed statewide to obtain a civil protection order for domestic violence. The number of new filings varies widely between counties. Three counties had over 1,000 new filings in 2014: Franklin (1,992), Montgomery (1,451), and Hamilton (1,293). Sixty percent of Ohio counties (53) had fewer than 100 new filings in CY 2014.

Domestic Violence Civil Protection Order Petitions, New Filings*				
County	CY 2014	CY 2013	CY 2012	CY 2011
Franklin	1,992	2,296	2,196	2,243
Montgomery	1,451	1,592	1,727	1,822
Hamilton	1,293	1,377	1,329	1,360
Portage	92	114	102	110
Athens	44	74	59	82
Fulton	8	11	15	20
Mercer	4	3	3	6
STATEWIDE	17,019	17,912	18,194	19,189

*Supreme Court's Ohio Courts Statistical Reports.

The number of petitioners for civil protection orders is likely to increase to some degree as a result of the bill. This is because some individuals who are not eligible to petition for a domestic violence protection order under current law will meet the bill's requirements permitting them to do so. The number of additional new filings that may be created by the bill is unknown, but is not expected to create a substantial burden on the courts. To the degree that any costs can be quantified, they are likely to be minimal, mostly in terms of the additional time and effort that existing court personnel take to process filings and orders.

Because an intimate partner will be eligible for a civil dating violence protection order in addition to or in place of a CSPO or CSOPO, some filings may shift between divisions of the courts of common pleas: from the general division to the domestic relations division. This simply means the work and related costs move from one division of the court to another. Juvenile cases will remain in the juvenile division of the courts of common pleas.

Law enforcement responsibilities

The bill requires all enforcement agencies to maintain an index of dating violence protection orders and consent agreements provided by the courts, to enforce such orders and agreements, and to provide intimate partners involved in domestic disputes with information about relief and remedies. Existing law already imposes these duties and responsibilities on law enforcement with respect to protection orders and consent agreements. Given a system is already in place to track and enforce protection orders and consent agreements, law enforcement agencies generally should be able to incorporate the work associated with the addition of dating violence protection orders and consent agreements with little, if any, discernible cost.

Victims' bill of rights pamphlet

Existing law requires the Attorney General to prepare and distribute a pamphlet that explains the statutory rights of crime victims. The bill requires the Attorney General to include notice of the right of an intimate partner to a dating violence protection order in the pamphlet. As the Attorney General periodically updates the pamphlet, there should be no discernible cost to add the right to an intimate partner protection order to the list of rights.