



# OHIO LEGISLATIVE SERVICE COMMISSION

Robert Meeker

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 1 of the 132nd G.A.

**Status:** As Reported by Senate Judiciary

**Sponsor:** Reps. Sykes and Manning

**Local Impact Statement Procedure Required:** No

**Subject:** Protection order for petitioner alleging domestic violence in a dating relationship

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### 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 domestic violence protection orders and consent agreements for those in a dating relationship 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 domestic violence protection order for a person in a dating relationship by the appropriate division of a court of common pleas. The term "dating relationship" refers to a relationship between individuals who have, or had, a relationship of a romantic or intimate nature. Under current law, domestic violence protection orders can be obtained only by family or household members (R.C. 3113.31).

Under current law, individuals in a dating relationship 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, individuals 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 violence civil protection orders filed annually in Ohio from calendar years (CY) 2011-2015. In CY 2015, there were 17,206 new petitions filed statewide to obtain a civil protection order for domestic violence. The number of new filings varied widely between counties. Four counties had over 1,000 new filings in 2015: Franklin (1,924), Montgomery (1,615), Hamilton (1,374), and Summit (1,132). Fifty-eight percent of Ohio counties (51) had fewer than 100 new filings in CY 2015.

<b>Domestic Violence Civil Protection Order Petitions, New Filings*</b>					
<b>County</b>	<b>CY 2015</b>	<b>CY 2014</b>	<b>CY 2013</b>	<b>CY 2012</b>	<b>CY 2011</b>
Franklin	1,924	1,992	2,296	2,196	2,243
Montgomery	1,615	1,451	1,592	1,727	1,822
Hamilton	1,374	1,293	1,377	1,329	1,360
Summit	1,132	850	820	780	875
Portage	103	92	114	102	110
Athens	46	44	74	59	82
Fulton	17	8	11	15	20
Mercer	5	4	3	3	6
<b>STATEWIDE</b>	<b>17,206</b>	<b>17,019</b>	<b>17,912</b>	<b>18,194</b>	<b>19,189</b>

\*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 amount of work for 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 individual in a dating relationship will be eligible for a civil domestic 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 court of common pleas.

### **Law enforcement responsibilities**

Continuing law requires all law enforcement agencies to maintain an index of domestic violence protection orders and consent agreements provided by the courts, to enforce such orders and agreements, and to provide individuals in a dating relationship involved in domestic disputes with information about relief and remedies. 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 domestic violence protection orders and consent agreements for individuals in a dating relationship 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 individual in a dating relationship to a domestic 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.

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