



Ohio Legislative Service Commission

Bill Analysis

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Reps. Harris and Lehner, Hagan, Domenick, Lundy, Stewart, Dyer, Brown, Foley, Luckie, Yuko, Garland, Pillich

BILL SUMMARY

- Permits a court to impose a definite jail term of not more than one year for a violation of the offense of "domestic violence" if the offender knowingly caused or attempted to cause physical harm to a family or household member or recklessly caused serious physical harm to a family or household member.
- Requires a court to require an offender who has committed the offense of "domestic violence" to participate in a domestic violence treatment program or counseling that addresses domestic violence.
- Requires a court sentencing an offender who has committed the offense of "domestic violence" to require the offender to appear before the sentencing court at least once and, at the court's discretion, at intervals of approximately 30, 60, 90, or 120 days until final discharge, to ensure that the offender is in compliance with any conditions of probation or other orders issued by the court.
- Prohibits a person who is under indictment for or has been convicted of the offense of "domestic violence," or who has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been the offense of "domestic violence," from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance, unless relieved from disability.
- Permits a court, when sentencing an offender for the offense of "domestic violence," to issue a protection order containing terms designed to ensure the safety and protection of the victim.
- Prohibits a person from violating the terms of a protection order issued by a court sentencing an offender for the offense of "domestic violence."

- Requires a peace officer to arrest and detain until a warrant can be obtained any person who the peace officer has reasonable cause to believe is guilty of a violation of the offense of "violating a protection order."
- Expands the list of factors a peace officer must consider when determining which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of "domestic violence" against each other to include statements made by witnesses.
- Permits a board of county commissioners to create a county domestic violence fatality review board, or two or more counties to create a regional domestic violence fatality review board, by a resolution adopted by the board of county commissioners of each participating county for the purpose of reviewing fatal incidents of domestic violence in the county or region represented by the review board.
- Requires the board of county commissioners of a county that creates, or the boards of county commissioners that participate in the creation of, a county or regional domestic violence fatality review board to develop a protocol for the operation of the review board.
- Requires a domestic violence fatality review board to conduct an in-depth review of the facts and circumstances of each death of a person 18 years of age or older that occurs in the county or region as a result of domestic violence.
- Requires a domestic violence fatality review board to determine the number and types of incidents it will review and make policy recommendations for the improvement of system response to and the prevention of domestic violence incidents.
- Specifies that the data collected by a domestic violence fatality review board may include any data that, under the "Health Insurance Portability and Accountability Act of 1996," is protected health information relating to the past physical or mental health or condition of an individual or the past provision of health care to an individual.
- Requires each domestic violence fatality review board to submit an annual report to the Department of Health by April 1 of each year that must include a description of the deaths and incidents reviewed during the previous calendar year and findings and recommendations relating to responses to and prevention of domestic violence.
- Specifies that documents collected or created by a domestic violence fatality review board regarding facts and circumstances of a death or injury are confidential and not public records and are not subject to discovery in any civil or criminal proceeding.

- Requires each member of a domestic violence fatality review board or the member's designee to sign a confidentiality agreement acknowledging that any information provided during a meeting of the review board is confidential.
- Prohibits a person from permitting or encouraging the unauthorized dissemination of any information, document, or report presented to a domestic violence fatality review board, all statements made by review board members during meetings of the review board, all work products of the review board, and domestic violence fatality review data submitted by the review board to the Department of Health, other than the annual report described above and specifies that a violation of this prohibition is a second degree misdemeanor.
- Specifies that a domestic violence fatality review board, any member of a domestic violence fatality review board, any person who provides information to a domestic violence fatality review board, and any other person acting within the scope of the domestic violence fatality review board is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any act, proceeding, decision, or determination undertaken or performed or recommendation made pursuant to those sections if the review board or person acted in good faith and without malice, and that there is a rebuttable presumption that the review board or person acted in good faith and without malice.
- Requires the Department of Health to adopt rules that establish a procedure for domestic violence fatality review boards to follow in conducting a review of the death of an adult as a result of domestic violence, and to provide for training for members of domestic violence fatality review boards.
- Requires the Attorney General to collect data on the number of civil and criminal protection orders issued in each county for the protection of victims of domestic violence and the number of violations in each county of civil and criminal protection orders issued for the protection of victims of domestic violence, and to report this data annually to the Supreme Court, the prosecuting attorney of each county and each domestic violence fatality review board.

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CONTENT AND OPERATION

The offense of "domestic violence"

Existing law

Prohibitions

Existing law prohibits a person from doing any of the following: (1) knowingly causing or attempting to cause physical harm to a family or household member, (2) recklessly causing serious physical harm to a family or household member, or (3) by threat of force, knowingly causing a family or household member to believe that the offender will cause imminent physical harm to the family or household member. A violation of any of the prohibitions is the offense of "domestic violence." (R.C. 2919.25(A) to (D).)

Penalties

The penalty for the offense of "domestic violence" depends upon the prohibition violated and whether the offender is a first-time, or a repeat, offender, as follows (R.C. 2919.25(D)):

(1) Except as otherwise provided in paragraphs (2), (3), and (4), below, a violation of the prohibition described above in clause (3) is a fourth degree

misdemeanor, and a violation of the prohibition described above in clause (1) or (2) is a first degree misdemeanor.

(2) Except as otherwise provided in paragraph (3), below, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States that is substantially similar to domestic violence, negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, or endangering children if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States that is substantially similar to any of those offenses if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of the prohibition described above in clause (1) or (2) is a fourth degree felony, and, if the offender knew that the victim of the violation was pregnant at the time of the violation, the court must impose a mandatory prison term on the offender, and a violation of the prohibition described above in clause (3) is a second degree misdemeanor.

(3) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in paragraph (2), above, involving a person who was a family or household member at the time of the violations or offenses, a violation of the prohibition described above in clause (1) or (2) is a third degree felony, and, if the offender knew that the victim of the violation was pregnant at the time of the violation, the court must impose a mandatory prison term on the offender, and a violation of the prohibition described above in clause (3) is a first degree misdemeanor.

(4) Except as provided in paragraph (2) or (3) above, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of the prohibition described above in clause (1) or (2) is a fifth degree felony, and the court must impose a mandatory prison term on the offender, and a violation of the prohibition described above in clause (3) is a third degree misdemeanor.

Operation of the bill

Jail term

The bill specifies that a court may impose a definite jail term of not more than one year for a violation of the prohibition described above in clause (1) or (2) under "**Prohibitions**" (R.C. 2919.25(D)(2)).

Treatment program and counseling

The bill also requires a court to require an offender, in addition to any other sentence imposed, to do both of the following (R.C. 2919.25(D)(7)):

(1) Participate in a domestic violence treatment program or other program or counseling, specified by the court, that addresses domestic violence;

(2) Appear before the sentencing court at least once and, at the court's discretion, at intervals of approximately 30, 60, 90, or 120 days until final discharge, to ensure that the offender is in compliance with any conditions of probation or other orders issued by the court in connection with the offender's conviction. The first appearance must take place approximately 30 days after sentencing or, if the offender is incarcerated, after the offender's release from incarceration.

Protection order

The bill permits a court, when sentencing an offender for the offense of "domestic violence," to issue a protection order containing terms designed to ensure the safety and protection of the victim, in addition to any other sentence imposed for that offense. The protection order may not expire later than the date of the offender's final discharge. (R.C. 2919.25(D)(8).)

Weapons disability

Existing law prohibits a person, unless relieved from disability under another specified provision of law, from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance, if any of the following apply (R.C. 2923.13(A)):

(1) The person is a fugitive from justice.

(2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.

(3) The person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been an offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.

(4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic.

(5) The person is under adjudication of mental incompetence, has been adjudicated as a mental defective, has been committed to a mental institution, has been found by a court to be a mentally ill person subject to hospitalization by court order, or is an involuntary patient other than one who is a patient only for purposes of observation.

The bill additionally prohibits a person who is under indictment for or has been convicted of the offense of "domestic violence," or who has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been the offense of "domestic violence," from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance, unless relieved from disability (R.C. 2923.13(A)(2)).

Offense of "violating a protection order"

Existing law

Existing law prohibits a person from recklessly violating the terms of a menacing by stalking protection order, a protection order issued as a pretrial condition of release of a person who allegedly committed the offenses of felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, aggravated trespass, a violation of a municipal ordinance similar to assault, aggravated menacing, menacing by stalking, menacing, or aggravated trespass, or a sexually oriented offense, a civil domestic violence protection order or consent agreement, a protection order issued as a pretrial condition of release of a person who allegedly committed any of certain offenses against a family or household member, or a protection order issued by a court of another state (R.C. 2919.27(A)(1) and (2)). A person who violates this provision is guilty of "violating a protection order," generally a first degree misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of a protection order, two or more offenses of aggravated menacing, menacing by stalking, menacing, or aggravated trespass that involved the same person who is the subject of the protection order or consent agreement, or one or more offenses of "violating a protection order," "violating a protection order" is a fifth degree felony. If the offender violates a protection order or consent agreement while committing a felony offense, "violating a protection order" is a third degree felony. If the protection order violated by the offender was a menacing by stalking protection order that required electronic monitoring of the offender, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires that the offender be electronically monitored, unless the court determines that the offender is indigent, the court must order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring

the electronic monitoring device. If the court determines that the offender is indigent, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device must be paid out of funds from the Reparations Fund created pursuant to R.C. 2743.191. (R.C. 2919.27(B).)

Operation of the bill

Additional prohibition

The bill prohibits a person from violating the terms of a protection order issued by a court sentencing an offender for the offense of "domestic violence." The penalty for violating this prohibition is the same as for violating the existing prohibition against violating the terms of a protection order. The bill also specifies that if an offender has been convicted of or has pleaded guilty to a previous violation of a protection order issued by a court sentencing an offender for the offense of "domestic violence," the offense of "violating a protection order" is a fifth degree felony. (R.C. 2919.27(A)(2) and (B)(3).)

Peace officer required to make arrest for violation of protection order

Under existing law, when there is reasonable ground to believe that the offense of "violating a protection order" has been committed within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, the peace officer *may* arrest and detain until a warrant can be obtained any person who the peace officer has reasonable cause to believe is guilty of the violation. The bill *requires* the peace officer to arrest and detain until a warrant can be obtained any person who the peace officer has reasonable cause to believe is guilty of a violation of the offense of "violating a protection order." The bill makes conforming changes to existing law that states that it is the preferred course of action for a peace officer to make an arrest when there are reasonable grounds to believe that the offense of "violating a protection order" has been committed. (R.C. 2935.03 and 2935.032.)

Determination of primary physical aggressor

Under existing law, when a peace officer is determining which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of "domestic violence" or the offense of "violating a protection order" against each other, the peace officer must consider all of the following (R.C. 2935.03(B)(3)(d)):

(1) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(2) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(3) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(4) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

The bill expands the list of factors the peace officer must consider when determining which family or household member is the primary physical aggressor in the above situations to include statements made by witnesses. The bill also removes the qualifier of "if violence is alleged" from the second factor listed above, so that the peace officer must simply consider whether the alleged violence was caused by a person acting in self-defense. The bill also eliminates consideration of the above factors in cases involving the offense of "violating a protection order" because the bill requires the peace officer to arrest a person suspected of committing that offense. (R.C. 2935.03(B)(3)(d).)

Domestic violence fatality review board

Establishing a domestic violence fatality review board

The bill permits a board of county commissioners to create a county domestic violence fatality review board, or two or more counties to create a regional domestic violence fatality review board, by a resolution adopted by the board of county commissioners of each participating county. The purpose of a county or regional domestic violence fatality review board is to review fatal incidents of domestic violence in the county or region represented by the review board. Upon the creation of a county or regional domestic violence fatality review board, the board of county commissioners of each county that created or participated in the creation of the board must certify to the Department of Health that the board has been created in accordance with the procedures described in the bill.

In any county in which there already exists on the effective date of the bill an agency or organization for the purpose of conducting in-depth reviews of the facts and circumstances of deaths of persons 18 years of age or older that occur in the county as a result of domestic violence, the board of county commissioners, with the consent of that agency or organization, may recognize that agency or organization as the county

domestic violence fatality review board. Within 90 days after recognizing the agency or organization as the county domestic violence fatality review board, the board of county commissioners must appoint any additional members to that board as may be necessary to comply with the procedures described in "**Domestic violence fatality review board membership**" below. An agency or organization recognized as a county domestic violence fatality review board will have the same powers, duties, and immunities as a county or regional domestic violence fatality review board created as a result of the bill. (R.C. 307.6211.)

Domestic violence fatality review board membership

A county or regional domestic violence fatality review board must consist of seven or more members, including all of the following or their designees (R.C. 307.6212):

- (1) A health care professional with training or experience in responding to domestic violence;
- (2) A coroner;
- (3) A county prosecuting attorney;
- (4) A representative from a domestic violence program that serves the county or region served by the review board;
- (5) The county sheriff or the chief of police of the most populous municipal corporation in the county if the review board is a county review board or the chief of police of the most populous municipal corporation in the region if the review board is a regional review board;
- (6) A public health official;
- (7) A children service agency representative.

Protocol for the operation of a domestic violence fatality review board

The bill requires the board of county commissioners of a county that creates, or the boards of county commissioners that participate in the creation of, a county or regional domestic violence fatality review board to develop a protocol for the operation of the review board. The protocol must include all of the following (R.C. 307.6213(A)):

- (1) The terms of review board members;
- (2) The frequency of review board meetings;

- (3) The selection and term of a chairperson of the review board;
- (4) The number of review board members, if any, beyond those required and the constituencies those members will represent;
- (5) Identification of cases.

The protocol must also include specific procedures for conducting reviews of fatal domestic violence incidents and must do at least all of the following (R.C. 307.6213(B)):

- (1) Ensure the security and confidentiality of the information obtained during the course of conducting reviews;
- (2) Ensure that only authorized personnel have access to confidential records;
- (3) Implement security measures to prevent inadvertent or unauthorized access to any records containing sufficient information that could reasonably lead to the identity of the adult whose death is being reviewed;
- (4) Provide for the storage, processing, indexing, retrieval, and destruction of information obtained in the course of conducting reviews;
- (5) Establish procedures to request and obtain records and reports pertaining to domestic violence victims, domestic violence perpetrators, and other family or household members of domestic violence victims or perpetrators, including medical examiner's reports, hospital records, school records, court records, prosecutorial records, local, state, and federal law enforcement records, fire department records, medical and dental records, emergency medical service records, employment records, counseling and treatment records, shelter records, victim assistance records, and children services agency records. (R.C. 307.6213.)

Duties of a domestic violence fatality review board

The bill requires a domestic violence fatality review board to conduct an in-depth review of the facts and circumstances of each death of a person 18 years of age or older that occurs in the county or region as a result of domestic violence. The review board must begin its review of an incident only after all civil and criminal legal action arising from the incident has been concluded or is precluded by the applicable statute of limitations. The review may include a review of the events leading up to the domestic violence incident, community resources available to victims of domestic violence, current laws and policies relating to domestic violence, actions taken by agencies and individuals in relation to the incident, and any other information considered relevant by the review board, including psychiatric, medical, and psychological records.

The bill also requires a domestic violence fatality review board to collect, interpret, and analyze data on domestic violence deaths that occur in the county or region represented by the review board, including data on the events leading up to the deaths, community resources available to victims of domestic violence, current laws and policies relating to domestic violence, actions taken by agencies and individuals in relation to incidents of domestic violence, and any other information considered relevant by the review board. A domestic violence fatality review board may exercise all incidental powers necessary and proper for the execution of its duties, including accessing confidential records and issuing subpoenas.

Finally, a domestic violence fatality review board must determine the number and types of incidents it will review and make policy recommendations for the improvement of system response to and the prevention of domestic violence incidents. A review board may review fatal incidents related to but not resulting directly from domestic violence; however, if the board elects to review such incidents, it must define the related fatal incidents that it will review in its protocol. (R.C. 307.6214(A), (B), (D), (E), and (F).)

Protected health information

The bill specifies that the data collected by a domestic violence fatality review board may include any data that, under the "Health Insurance Portability and Accountability Act of 1996," is protected health information relating to the past physical or mental health or condition of an individual or the past provision of health care to an individual. The review board may develop a database on domestic violence deaths in the county or region and maintain statistical information related to domestic violence deaths. The board must collect the data in the manner prescribed by rules adopted by the Department of Health (see "**Department of Health rules**" below). The activities of a domestic violence fatality review board are research activities for the purposes of the federal "Health Insurance Portability and Accountability Act of 1996." The review board may review any protected health information relating to the past physical or mental health or condition of an individual or the past provision of health care to an individual that the review board considers relevant to the proper review of an incident. (R.C. 307.6214(B) and (C).)

Domestic violence fatality review board annual report

The bill requires each domestic violence fatality review board to submit an annual report to the Department of Health. The report must be submitted by April 1 of each year and must include a description of the deaths and incidents reviewed during the previous calendar year and findings and recommendations relating to responses to and prevention of domestic violence. The report may not contain information that identifies any victim of domestic violence, the members of a victim's family, or an

alleged or suspected perpetrator of domestic violence or information regarding the involvement of any agency with a victim or that person's family. (R.C. 307.6217.)

Confidentiality of domestic violence fatality review board records

The bill states that documents collected or created by a domestic violence fatality review board regarding facts and circumstances of a death or injury are confidential and not public records and are not subject to discovery in any civil or criminal proceeding. The bill further specifies that records provided to, statements made by review board members during meetings of, and all work products of a domestic violence fatality review board acting pursuant to the bill and domestic violence fatality review board data submitted by a domestic violence fatality review board to the Department of Health or a national child death review database, other than the annual report described above in "**Domestic violence fatality review board annual report**," are not public records. Documents collected or created by a domestic violence fatality review board regarding facts and circumstances of a death or injury are not subject to subpoena, but documents that are available from other sources are not exempt from subpoena, discovery, or introduction into evidence solely because they were presented to or reviewed by a review board.

The bill also prohibits the disclosure in any report that is available to the public of any information identifying a victim of domestic violence whose case is being reviewed, that victim's family members, or the alleged or suspected perpetrator of domestic violence against the victim or regarding the involvement of any agency with the victim or the victim's family.

The bill requires each member of a domestic violence fatality review board or the member's designee to sign a confidentiality agreement acknowledging that any information provided during a meeting of the review board is confidential. Neither an individual who participates as a member of a review board or an organization represented by that individual in the individual's capacity as a participant in a review board meeting may be compelled to testify about or otherwise reveal what transpires during the review board's review of a fatal domestic violence incident or information collected during a review. (R.C. 149.43(A)(1)(bb) and 307.6215.)

Finally, the bill provides that a physician does not violate the prohibition against willfully betraying a professional confidence by providing information, documents, or reports to a domestic violence fatality review board (R.C. 4731.22(B)(4)).

Confidentiality of domestic violence fatality review board reports

The bill states that any information, document, or report presented to a domestic violence fatality review board, all statements made by review board members during

meetings of the review board, all work products of the review board, and domestic violence fatality review data submitted by the review board to the Department of Health, other than the annual report described above in "**Domestic violence fatality review board annual report**," are confidential and must be used by the board, its members, and the Department of Health only in the exercise of the proper functions of the board and the Department. The meetings of a domestic violence fatality review board are not subject to the Open Meetings Law. (R.C. 121.22(D)(5) and 307.6216.)

The bill prohibits a person from permitting or encouraging the unauthorized dissemination of the confidential information described above. A violation of this prohibition is a second degree misdemeanor. (R.C. 307.6216.)

Civil immunity

The bill specifies that a domestic violence fatality review board, any member of a domestic violence fatality review board, any person who provides information to a domestic violence fatality review board, and any other person acting within the scope of the bill's provisions dealing with such boards is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any act, proceeding, decision, or determination undertaken or performed or recommendation made pursuant to those sections if the review board or person acted in good faith and without malice. The bill further specifies that there is a rebuttable presumption that the review board or person acted in good faith and without malice. No organization, institution, or person furnishing information, data, testimony, reports, or records to a domestic violence fatality review board as part of a review board's review will, by reason of furnishing the information, be liable in damages or subject to any other recourse, civil or criminal. (R.C. 307.6218.)

Domestic violence fatality review board definitions

The bill provides the following definitions for its provisions regarding the domestic violence fatality review board (R.C. 307.6210):

"Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

- (1) Attempting to cause or recklessly causing bodily injury;
- (2) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of R.C. 2903.211 (menacing by stalking) or R.C. 2911.211 (aggravated trespass).

"Family or household member" means any of the following (by reference to R.C. 3113.31, not in the bill):

(1) A spouse, a person living as a spouse, or a former spouse of the respondent who is residing with or has resided with the respondent;

(2) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent who is residing with or has resided with the respondent;

(3) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent who is residing with or has resided with the respondent.

(4) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

"Fatal domestic violence incident" means an incident of domestic violence against a person 18 years of age or older that results in the death of the victim.

Department of Health rules

The bill requires the Department of Health, in consultation with bodies acting as domestic violence statewide coalitions and initiatives on the effective date of the bill, to adopt rules that establish a procedure for domestic violence fatality review boards to follow in conducting a review of the death of an adult as a result of domestic violence. The Department of Health's rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.).

The bill further requires the Department of Health to provide for training for members of domestic violence fatality review boards in the purpose of the review process, the scope of their immunity from civil liability, the nature and confidentiality of the information they collect or review, and the manner in which the data they collect must be reported to the Department. The Department must also establish guidelines and develop materials for use in the training. (R.C. 3701.048.)

Attorney General tracking of civil and criminal protection orders

Attorney General's annual report

The bill requires the Attorney General to collect data on the number of civil and criminal protection orders issued in each county for the protection of victims of domestic violence and the number of violations in each county of civil and criminal protection orders issued for the protection of victims of domestic violence. The Attorney General must report this data annually to the following entities and individuals (R.C. 109.44):

- (1) The Supreme Court;
- (2) The prosecuting attorney of each county;
- (3) Each domestic violence fatality review board.

Domestic dispute and violence problems records

Under existing law, the sheriff of a county, constable or chief of police of a township, and chief of police of a city or village must keep a separate record of domestic dispute and domestic violence problems, including the number of domestic dispute and domestic violence problems reported to the law enforcement agency, the relationship of the complainant and the person allegedly the victim of the domestic violence, if different, to the alleged offender, and the relationship of all other persons involved in the domestic dispute or domestic violence problem, and the action taken by the law enforcement officers who handled the domestic dispute or domestic violence problem. This information must be submitted to the Superintendent of the Bureau of Criminal Identification and Investigation, who is required to compile the data and annually produce a statistical public report on the incidence of domestic disputes and violence in this state and its political subdivisions. The Attorney General is currently responsible for oversight of this statistical reporting. (R.C. 3113.32, not in the bill.)

The bill requires the Attorney General to include in the annual report on civil and criminal protection orders prepared pursuant to the bill and described above under "**Attorney General's annual report**" information on which law enforcement agencies are complying with these reporting requirements and to include this information in its annual report described above in "**Attorney General's annual report**" (R.C. 109.44).

HISTORY

ACTION	DATE
Introduced	01-28-10

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