
Detailed Fiscal Analysis

Currently, anti-stalking protection orders can be predicated upon four misdemeanors: menacing, menacing by stalking, aggravated menacing and aggravated trespass. The bill would expand the offenses to include two felonies, a misdemeanor and any municipal ordinance substantially similar to any of the included misdemeanors. In Ohio, courts are not required to report either the number of protection orders, temporary or anti-stalking, that are issued or the number that are violated. The absence of reliable data makes estimating the probable increase of orders issued and violated an impractical exercise. The bill would only affect the issuance of anti-stalking protection orders and not temporary protection orders issued for circumstances related to domestic violence. Anecdotally, courts have indicated that the number of anti-stalking protection orders is relatively small in comparison to the number of temporary protection orders that are issued in situations of domestic violence.

Police and Sheriff's departments have responded that the addition of assault, aggravated assault and felonious assault to the list of predicate offenses is significant enough to warrant a onetime change of reference material that keeps officers and victim's assistance workers updated on the procedures surrounding protection orders. The replacement or updating of such material is expected to cost several hundred dollars per jurisdiction.

The increase in predicate offenses should result in a slight increase in the number of hearings that are conducted to determine whether an order as a pretrial condition of release should be issued. However, it is believed that fewer victims of assaults would seek such orders in comparison to victims who are menaced or stalked. The hearing, which must take place no later than the next day the court is in session after the motion was filed, does not greatly increase the costs of the court. If an order is issued, then the cost of notifying the parties and the appropriate law enforcement agencies is borne by the entity operating the court. The statute requires that a copy of the order be delivered to the defendant on the same day it is entered. The requirement that the defendant receive the notice on that day increases the cost of notification.

The addition of the predicated offense of assault should not affect which court has jurisdiction concerning the issuance of the protection order. The court that has jurisdiction over the predicate offense normally has jurisdiction over the issuance of any protection order. The addition of felonious and aggravated assault, felonies, could result in the hearings falling under the jurisdiction of the Court of Common Pleas' - General Division. In domestic violence actions, temporary protection orders may be issued by the Courts of Common Pleas - Domestic Relations Division. This bill would enable judges in the General Division to issue anti-stalking protection orders if they have jurisdiction over the offense. The cost of additional orders resulting from this bill would tend to be borne more by the counties than on the municipalities. Counties provide for operating expenses of the Courts of Common Pleas and County Courts. Municipalities provide for the operating expenses of all municipal courts, except for county-wide municipal courts.

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