Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL: **Sub. H.B. 302** DATE: **March 24, 1998**

STATUS: **As Passed by the Senate** SPONSOR: **Rep. Myers**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal Cost**

CONTENTS: **Creates a new type of protection order that may be issued on an allegation of menacing by stalking, Establishes a procedure for registering orders in other counties and Renames anti-stalking protection orders as simply protection orders**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1998	FY 1999	FUTURE YEARS
Counties			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Minimal increase	Minimal increase
Municipalities			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Minimal increase	Minimal increase

- Training manuals, procedural handbooks and other reference material for police and sheriff's departments will probably require onetime updating at an expected cost of several hundred dollars per jurisdiction.

- Additional hearings may result and any order issued would need to be served to the defendant on the same day that the order is entered into the official record. Copies of the order must also be issued to the complainant and all law enforcement agencies that would have jurisdiction to enforce the order.

- Hearings could be conducted in the General Division of the Courts of Common Pleas. Usually, hearings for the issuance of an anti-stalking protection order occur in municipal courts or county courts. The bill would enable hearings protection orders to occur in the General Division of the appropriate Court of Common Pleas.

- The bill would maintain the general prohibition on any fee for the filing of a motion pursuant to §2903.213 of the Ohio Revised Code and would maintain such a prohibition under §2903.214. No revenue will be generated to offset any of the procedural costs.

Detailed Fiscal Analysis

Currently, anti-stalking protection orders can be predicated upon four misdemeanor offenses: menacing, menacing by stalking, aggravated menacing and aggravated trespass. This bill would expand the issuance of a protection order to include an allegation of menacing by stalking. 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 an impractical exercise. The bill would only affect the issuance of protection orders under allegations of menacing by stalking 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. The bill would also simplify some confusion that exists concerning the different types of orders by eliminating the use of "anti-stalking" from the title of the order and the offense. A simple "protection order" will be issued pursuant to either §2903.213 or §2903.214 of the Ohio Revised Code.

Police and Sheriff's departments have responded that the addition of protection orders issued under allegations of menacing by stalking is 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. However, many localities are aware of bills currently pending before the General Assembly concerning domestic violence and protection orders and have indicated the intention to hold off updating official manuals and guidelines until these issues have been resolved.

Allowing allegations of menacing by stalking to be the basis for an order should result in a slight increase in the number of hearings that are conducted. 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 court that has jurisdiction over the predicate offense normally has jurisdiction over the issuance of any protection order. 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 protection orders. 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.

❑ *LBO staff: Corey C. Schaal, Budget/Policy Analyst*

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