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## ***Detailed Fiscal Analysis***

The majority of the provisions in the bill would bring Ohio into compliance with the federal Violence Against Women Act (18 U.S.C.A Sec. 2265) and would clarify the intent of current Ohio law. The majority of this bill incorporates recommendations from a report of the Supreme Court of Ohio's Domestic Violence Task Force. These changes, for the most part, have no fiscal effect on the state or its political subdivisions.

Enforcement of a civil, temporary or similar protection order issued by another state is not addressed in the Ohio Revised Code. However, Article IV, Section 1 of the United States Constitution requires each state to give "full faith and credit" to the judicial proceedings of every other state. More specifically, the 1994 Violence Against Women Act mandates that states provide full protection to complainants, regardless of where the protection order was issued. The current enforcement of out-of-state protection orders is not uniform throughout Ohio. This provision of the bill addresses the need to clarify in the code that out-of-state orders are enforceable and under the jurisdiction of the local municipal or county court. However, the bill would limit the scope of mayors court by eliminating jurisdiction over domestic violence cases and the ability to issue protection orders under either the code or a comparable municipal statute.

The bill would increase the number of individuals covered by protection orders by enlarging the definition of family or household member to include the *alleged natural parent* of any child of whom the offender is the other natural parent. The bill also would expand the definition of "person living as spouse" to include those who have cohabited with the offender within the past *five years* instead of the past year. The expansion of the definition of family member increases the potential number of people who could have a protection order filed against them. This would then increase the number of people who could potentially violate such an order. Municipal court prosecutors in Cleveland, Toledo and Franklin County have indicated that these changes would have a minor effect on increasing the actual number of additional offenders. These changes should not have a significant fiscal effect on the municipal or county courts.

The bill would enact an immunity provision for peace officers, specifying that an officer who, in good faith, arrests an offender for violating a protection order or consent agreement that on the surface appears valid will not be held liable in a civil action for damages for injury, death or loss to a person or property allegedly caused by or related to the offense. This provision would have a fiscal effect of potentially eliminating expenditures related to civil actions against police or sheriff's departments. The costs involved in a trial or settlement could be avoided.

There are several changes regarding the contents of and the requirements for obtaining a protection order. An order must clearly state that it cannot be waived or nullified by an invitation to the alleged offender from the complainant or another family or household member. The order must also state that the complainant or an agent of the complainant cannot encourage or invite the alleged offender to violate anything in the order. This provision must be included in the motion for the protection order that is signed by the complainant or on the behalf of the complainant by the arresting officer. A petition filed by an adult household member, or parent on behalf of any other household or family member, must also include the signed statement agreeing not to encourage or cause another person to encourage the respondent to violate any provision of the agreement. These changes would enable the complainant or the petitioner to be

charged with violating a protection order. The potential increase in the number of violators is unknown since there is no record of the number of complainants who have compromised orders in this manner.

The bill also contains provisions relating to domestic violence that place requirements on localities that have no fiscal effects. Localities must adopt a written domestic violence response policy and refer offenders to federal authorities for prosecution under federal law if applicable. The bill also eliminates the requirement that a court which issues an ex parte civil protection order hold a full hearing within a specified period of time. Also, the ex parte order will not expire because of a failure to serve notice upon the respondent.

The bill would also amend the jurisdiction of mayor's courts in hearing OMVI or similar cases. A mayor would not be able to handle a case under either a violation of the code or a comparable municipal ordinance if the person charged with the violation has been convicted or plead guilty to a comparable charge within the past six years. Currently, the time limit is the past five years. This change would slightly reduce the number of cases that could be heard in mayor's courts. The reduction, though small, would result in a small decrease in fine revenue that could be collected by municipalities, as well as a small decrease in expenses for judicial proceedings. An exact number is not possible since mayor's courts are not required to file case activity reports.

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