



# Ohio Legislative Service Commission

## Final Analysis

Aida S. Montano

### **Am. Sub. S.B. 177** 130th General Assembly (As Passed by the General Assembly)

- Sens.** Skindell and Hughes, Brown, Cafaro, Gentile, Kearney, Schiavoni, Sawyer, Smith, Tavares, Turner, Beagle, Burke, Coley, Eklund, Gardner, Hite, Jones, LaRose, Manning, Obhof, Patton, Seitz
- Reps.** Stinziano, Celebrezze, Anielski, Antonio, Baker, Barborak, Boyce, Brown, Butler, Cera, Clyde, DeVitis, Driehaus, Fedor, Foley, Green, C. Hagan, R. Hagan, Hall, Hayes, Heard, Henne, Hottinger, Letson, Lundy, Milkovich, Patterson, Pelanda, Perales, Phillips, Ramos, Redfern, Rogers, Romanchuk, Ruhl, Sheehy, Sprague, Strahorn, Winburn

**Effective date:** March 23, 2015

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## ACT SUMMARY

- Permits the court, when issuing any of the following protection orders or consent agreement, to include within the order or consent agreement a term requiring that the respondent or alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected, or a term authorizing the person to be protected to remove a companion animal owned by the person to be protected from the possession of the respondent or alleged offender:
  - (1) A juvenile court protection order;
  - (2) A criminal protection order based on a crime not involving a family or household member;
  - (3) A civil stalking or sexually oriented offense protection order involving any person;
  - (4) A criminal temporary protection order based on a crime involving a family or household member;
  - (5) A domestic violence or sexually oriented offense civil protection order or consent agreement involving a family or household member.

- Applies the additional filing fees collected in a civil action to provide financial assistance to legal aid societies and to support the State Public Defender's Office to domestic relations proceedings.
- Establishes an additional filing fee for custody, visitation, and parentage actions.

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## CONTENT AND OPERATION

The act amends the sections of the Revised Code dealing with the issuance of protection orders to expressly authorize the protection of a companion animal within the scope of the orders. The act does not change the procedures in continuing law for requesting or issuing a protection order. However, it provides that the appropriate court may include within the order a term requiring that the respondent or alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant, petitioner, alleged victim, or family or household member of the complainant or alleged victim, whichever is the case, or person to be protected by the order. The court may include within the order a term authorizing any of those persons or the person to be protected by the order to remove a companion animal owned by the person from the possession of the respondent or alleged offender.<sup>1</sup> In the act's amendments to the protection order sections, "companion animal" means any animal that is kept inside a residential dwelling, and any dog or cat regardless of where it is kept; "companion animal" does not include livestock or any wild animal.<sup>2</sup>

The types of protection order or consent decree under which a companion animal may be protected are:

- (1) A juvenile court protection order;
- (2) A criminal protection order based on a crime not involving a family or household member;
- (3) A civil stalking or sexually oriented offense protection order involving any person;
- (4) A criminal temporary protection order based on a crime involving a family or household member;

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<sup>1</sup> R.C. 2151.34(E)(1)(a), 2903.213(C)(1), 2903.214(E)(1)(a), 2919.26(C)(1), and 3113.31(E)(1)(i) and (j).

<sup>2</sup> R.C. 2151.34(A)(9), 2903.213(J)(2), 2903.214(A)(7), 2919.26(K)(1), and 3113.31(A)(7); by reference to R.C. 959.131, which is not in the act.



(5) A domestic violence or sexually oriented offense civil protection order or consent agreement involving a family or household member.

### **Additional filing fees in civil actions**

The act applies to domestic relations proceedings the additional \$26 filing fee that is charged under continuing law for other civil actions. The act requires the fee to be charged for proceedings dealing with annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital or separate property distribution, support, or other domestic relations matters. The courts of common pleas collect the additional filing fee for the charitable purpose of providing financial assistance to legal aid societies in Ohio and to support the State Public Defender's Office.

The act also applies a portion of the fee (\$15 instead of the full \$26) to custody, visitation, and parentage actions in the juvenile divisions of the courts of common pleas. Other actions in the juvenile divisions remain exempt from the fee.<sup>3</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	08-12-13
Reported, S. Criminal Justice	05-14-14
Passed Senate (33-0)	06-03-14
Reported, H. Judiciary	12-09-14
Passed House (90-1)	12-09-14
Senate concurred in House amendments (32-0)	12-10-14

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<sup>3</sup> R.C. 2303.201(C).

