

(Amended Senate Bill No. 348)

AN ACT

To amend section 3105.01 of the Revised Code to include living apart without cohabitation for an uninterrupted period of two years as a ground for divorce.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3105.01 of the Revised Code be amended to read as follows:

Sec. 3105.01. The court of common pleas may grant divorces for the following causes:

- (A) Either party had a husband or wife living at the time of the marriage from which the divorce is sought;
- (B) Willful absence of the adverse party for one year;
- (C) Adultery;
- (D) Impotency;
- (E) Extreme cruelty;
- (F) Fraudulent contract;
- (G) Any gross neglect of duty;
- (H) Habitual drunkenness;
- (I) Imprisonment of the adverse party in a state or federal penal institution under sentence thereto at the time of filing the petition;
- (J) Procurement of a divorce without this state, by a husband or wife, by virtue of which the party who procured it is released from the obligations of the marriage, while such obligations remain binding upon the other party;

(K) ON THE APPLICATION OF EITHER PARTY, WHEN HUSBAND AND WIFE HAVE, WITHOUT INTERRUPTION FOR TWO YEARS, LIVED SEPARATE AND APART WITHOUT COHABITATION. A PLEA OF RES JUDICATA OR OF RECRIMINATION WITH RESPECT TO ANY PROVISION OF THIS SECTION DOES NOT BAR EITHER PARTY FROM OBTAINING A DIVORCE ON THIS GROUND.

SECTION 2. That existing section 3105.01 of the Revised Code is hereby repealed.

A. G. Lanning
Speaker _____ of the House of Representatives.

Oliver Brown
President _____ of the Senate.

Passed January 22, 1974

Approved Feb 5, 1974

John Phillips
Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

David A. Johnston
Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 5th day of February, A. D. 1974.

Cliff R. Brown
Secretary of State.

File No. 212.

Effective Date May 7, 1974.