

As Reported by the House Criminal Justice Committee

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Sub. H. B. No. 315

REPRESENTATIVES Seitz, Widowfield, Gilb, Niehaus, Britton, Latta, Sullivan,
Seaver, Patton, Schmidt, Otterman, Hartnett, G. Smith, White, Rhine,
Williams, Lendrum, Schaffer, Roman, Collier, Carmichael, Perry, Reidelbach,
Willamowski

A BILL

To amend sections 1923.01, 1923.02, 1923.051, 2950.01, 1
2950.04, 2950.09, 2950.11, 2950.13, 2950.99, 2
5321.01, and 5321.03 and to enact sections 2950.031 3
and 5321.051 of the Revised Code to prohibit a 4
person convicted of a sexually oriented offense 5
from residing within 500 feet of any school 6
premises, to permit landlords to evict from 7
residential premises located within 500 feet of 8
school premises any person discovered to be on the 9
state registry of sexual offenders, to enhance the 10
penalty for failing to comply with the Sex Offender 11
Registration and Notification Law's registration, 12
change of address notification, and address 13
verification requirements, to clarify which 14
neighbors must be given community notification 15
under the sex offender community notification 16
provisions, to provide a penalty for failing to 17
send a notice of intent to reside under the Sex 18
Offender Registration and Notification Law, and to 19
clarify that offenders who are habitual sex 20
offenders in another jurisdiction are considered 21
habitual sex offenders in Ohio, and to clarify that 22

habitual sex offenders from another jurisdiction 23
who are subject to community notification in that 24
other jurisdiction are considered to be habitual 25
sex offenders subject to community notification in 26
Ohio. 27

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1923.01, 1923.02, 1923.051, 2950.01, 28
2950.04, 2950.09, 2950.11, 2950.13, 2950.99, 5321.01, and 5321.03 29
be amended and sections 2950.031 and 5321.051 of the Revised Code 30
be enacted to read as follows: 31

Sec. 1923.01. (A) As provided in this chapter, any judge of a 32
county or municipal court or a court of common pleas, within the 33
judge's proper area of jurisdiction, may inquire about persons who 34
make unlawful and forcible entry into lands or tenements and 35
detain them, and about persons who make a lawful and peaceable 36
entry into lands or tenements and hold them unlawfully and by 37
force. If, upon such inquiry, it is found that an unlawful and 38
forcible entry has been made and the lands or tenements are 39
detained, or that, after a lawful entry, lands or tenements are 40
held unlawfully and by force, a judge shall cause the plaintiff in 41
an action under this chapter to have restitution of the lands or 42
tenements. 43

(B) An action shall be brought under this chapter within two 44
years after the cause of action accrues. 45

(C) As used in this chapter: 46

(1) "Tenant" means a person who is entitled under a rental 47
agreement to the use or occupancy of premises, other than premises 48
located in a manufactured home park as defined in section 3733.01 49
of the Revised Code, to the exclusion of others. 50

(2) "Landlord" means the owner, lessor, or sublessor of premises, the agent or person the landlord authorizes to manage premises or to receive rent from a tenant under a rental agreement, except, if required by the facts of the action to which the term is applied, "landlord" means a park operator.

(3) "Park operator," "manufactured home," "mobile home," "manufactured home park," and "resident" have the same meanings as in section 3733.01 of the Revised Code.

(4) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except, if required by the facts of the action to which the term is applied, "residential premises" has the same meaning as in section 3733.01 of the Revised Code.

(5) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or any other provisions concerning the use or occupancy of premises by one of the parties to the agreement or lease, except that "rental agreement," as used in division (A)(11) of section 1923.02 of the Revised Code and where the context requires as used in this chapter, means a rental agreement as defined in division (D) of section 5322.01 of the Revised Code.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(7) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

(8) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

Sec. 1923.02. (A) Proceedings under this chapter may be had as follows:

(1) Against tenants or manufactured home park residents

holding over their terms;	81
(2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the payment of rent as provided in division (B) of this section;	82 83 84
(3) In sales of real estate, on executions, orders, or other judicial process, when the judgment debtor was in possession at the time of the rendition of the judgment or decree, by virtue of which such sale was made;	85 86 87 88
(4) In sales by executors, administrators, or guardians, and on partition, when any of the parties to the complaint were in possession at the commencement of the action, after such sales, so made on execution or otherwise, have been examined by the proper court and adjudged legal;	89 90 91 92 93
(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;	94 95 96
(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:	97 98 99 100 101
(a) A tenant fails to vacate residential premises within three days after both of the following occur:	102 103
(i) His <u>The tenant's</u> landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is	104 105 106 107 108 109 110 111

connected with the premises, whether or not the tenant or other 112
person has been charged with, has pleaded guilty to or been 113
convicted of, or has been determined to be a delinquent child for 114
an act that, if committed by an adult, would be a violation as 115
described in this division. For purposes of this division, a 116
landlord has "actual knowledge of or has reasonable cause to 117
believe" that a tenant, any person in the tenant's household, or 118
any person on the premises with the consent of the tenant 119
previously has or presently is engaged in a violation as described 120
in this division if a search warrant was issued pursuant to 121
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 122
affidavit presented to obtain the warrant named or described the 123
tenant or person as the individual to be searched and particularly 124
described the tenant's premises as the place to be searched, named 125
or described one or more controlled substances to be searched for 126
and seized, stated substantially the offense under Chapter 2925. 127
or 3719. of the Revised Code or the substantially similar 128
municipal ordinance that occurred in, is occurring in, or 129
otherwise was or is connected with the tenant's premises, and 130
states the factual basis for the affiant's belief that the 131
controlled substances are located on the tenant's premises; the 132
warrant was properly executed by a law enforcement officer and any 133
controlled substance described in the affidavit was found by that 134
officer during the search and seizure; and, subsequent to the 135
search and seizure, the landlord was informed by that or another 136
law enforcement officer of the fact that the tenant or person has 137
or presently is engaged in a violation as described in this 138
division and it occurred in, is occurring in, or otherwise was or 139
is connected with the tenant's premises. 140

(ii) The landlord gives the tenant the notice required by 141
division (C) of section 5321.17 of the Revised Code; 142

(b) The court determines, by a preponderance of the evidence, 143

that the tenant, any person in the tenant's household, or any
person on the premises with the consent of the tenant previously
has or presently is engaged in a violation as described in
division (A)(6)(a)(i) of this section.

(7) In cases arising out of Chapter 5313. of the Revised
Code. In such cases, the court has the authority to declare a
forfeiture of the vendee's rights under a land installment
contract and to grant any other claims arising out of the
contract.

(8) Against tenants who have breached an obligation that is
imposed by section 5321.05 of the Revised Code, other than the
obligation specified in division (A)(9) of that section, and that
materially affects health and safety. Prior to the commencement of
an action under this division, notice shall be given to the tenant
and compliance secured with section 5321.11 of the Revised Code.

(9) Against tenants who have breached an obligation imposed
upon them by a written rental agreement;

(10) Against manufactured home park residents who have
defaulted in the payment of rent or breached the terms of a rental
agreement with a manufactured home park operator;

(11) Against manufactured home park residents who have
committed two material violations of the rules of the manufactured
home park, of the public health council, or of applicable state
and local health and safety codes and who have been notified of
the violations in compliance with section 3733.13 of the Revised
Code.

(12) Against occupants of self-service storage facilities, as
defined in division (A) of section 5322.01 of the Revised Code,
who have breached the terms of a rental agreement or violated
section 5322.04 of the Revised Code;

(13) Against residents or occupants who, pursuant to a rental agreement, reside in or occupy residential premises that are located within five hundred feet of any school premises and to whom both of the following apply: 175
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(a) The resident's or occupant's name appears on the state registry of sexual offenders maintained under section 2950.13 of the Revised Code. 179
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(b) The state registry of sexual offenders indicates that the resident or occupant was convicted of or pleaded guilty to a sexually oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for the sexually oriented offense. 182
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(14) Against tenants who permit any person to occupy residential premises that are located within five hundred feet of any school premises if both of the following apply to the person: 187
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(a) The person's name appears on the state registry of sexual offenders maintained under section 2950.13 of the Revised Code. 190
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(b) The state registry of sexual offenders indicates that the person was convicted of or pleaded guilty to a sexually oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for the sexually oriented offense. 192
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(B) If a tenant or manufactured home park resident holding under an oral tenancy is in default in the payment of rent, ~~he~~ the tenant or resident forfeits ~~his~~ the right of occupancy, and the landlord may, at ~~his~~ the landlord's option, terminate the tenancy by notifying the tenant or resident, as provided in section 1923.04 of the Revised Code, to leave the premises, for the restitution of which an action may then be brought under this chapter. 198
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(C)(1) If a tenant or any other person with the tenant's permission resides in or occupies residential premises that are located within five hundred feet of any school premises and is a resident or occupant of the type described in division (A)(13) of this section or a person of the type described in division (A)(14) of this section, the landlord for those residential premises, upon discovery that the tenant or other person is a resident, occupant, or person of that nature, may terminate the rental agreement or tenancy for those residential premises by notifying the tenant and all other occupants, as provided in section 1923.04 of the Revised Code, to leave the premises.

(2) If a landlord who is authorized to terminate a rental agreement or tenancy pursuant to division (C)(1) of this section does not terminate the rental agreement or tenancy, the landlord is not liable in a tort or other civil action in damages for injury, death, or loss to person or property that allegedly result from that decision.

(D) This chapter does not apply to a student tenant as defined by division (H) of section 5321.01 of the Revised Code when the college or university proceeds to terminate a rental agreement pursuant to section 5321.031 of the Revised Code.

Sec. 1923.051. (A) Notwithstanding the time-for-service of a summons provision of division (A) of section 1923.06 of the Revised Code, if the complaint described in section 1923.05 of the Revised Code that is filed by a landlord in an action under this chapter states that the landlord seeks a judgment of restitution based on the grounds specified in divisions (A)(6)(a) and (b) of section 1923.02 of the Revised Code, then the clerk of the municipal court, county court, or court of common pleas in which the complaint is filed shall cause both of the following to occur:

(1) The service and return of the summons in the action in

accordance with the Rules of Civil Procedure, which service shall
be made, if possible, within three working days after the filing
of the complaint;

(2) The action to be set for trial ~~on~~ not later than the
thirtieth ~~working~~ calendar day after the date that the tenant is
served with a copy of the summons in accordance with division
(A)(1) of this section.

(B) The tenant in an action under this chapter as described
in division (A) of this section is not required to file an answer
to the complaint of the landlord, and may present any defenses
that ~~he~~ the tenant may possess at the trial of the action in
accordance with section 1923.061 of the Revised Code.

(C) No continuances of an action under this chapter as
described in division (A) of this section shall be permitted under
section 1923.08 of the Revised Code, and if the tenant in the
action does not appear at the trial and the summons in the action
was properly served in accordance with division (A)(1) of this
section, then the court shall try the action in accordance with
section 1923.07 of the Revised Code.

(D) All provisions of this chapter that are not inconsistent
with this section shall apply to an action under this chapter as
described in division (A) of this section.

Sec. 2950.01. As used in this chapter, unless the context
clearly requires otherwise:

(A) "Confinement" includes, but is not limited to, a
community residential sanction imposed pursuant to section 2929.16
of the Revised Code.

(B) "Habitual sex offender" means, except when a juvenile
judge removes this classification pursuant to division (A)(2) of
section 2152.84 or division (C)(2) of section 2152.85 of the

Revised Code, a person to whom both of the following apply:	267
(1) The person is convicted of or pleads guilty to a sexually oriented offense, or the person is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense, was fourteen years of age or older at the time of committing the offense, and is classified a juvenile sex offender registrant based on that adjudication.	268 269 270 271 272 273
(2) One of the following applies to the person:	274
(a) Regarding a person who is an offender, the person previously was convicted of or pleaded guilty to one or more sexually oriented offenses or previously was adjudicated a delinquent child for committing one or more sexually oriented offenses and was classified a juvenile sex offender registrant or out-of-state juvenile sex offender registrant based on one or more of those adjudications, regardless of when the offense was committed and regardless of the person's age at the time of committing the offense.	275 276 277 278 279 280 281 282 283
(b) Regarding a delinquent child, the person previously was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing one or more sexually oriented offenses, regardless of when the offense was committed and regardless of the person's age at the time of committing the offense.	284 285 286 287 288
(C) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	289 290
(D) "Sexually oriented offense" means any of the following:	291
(1) Any of the following violations or offenses committed by a person eighteen years of age or older:	292 293
(a) Regardless of the age of the victim of the offense, a violation of section 2907.02, 2907.03, or 2907.05 of the Revised Code;	294 295 296

(b) Any of the following offenses involving a minor, in the circumstances specified:	297 298
(i) A violation of section 2905.01, 2905.02, 2905.03, 2905.05, or 2907.04 or former section 2905.04 of the Revised Code when the victim of the offense is under eighteen years of age;	299 300 301
(ii) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under eighteen years of age;	302 303 304 305 306
(iii) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code;	307 308
(iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;	309 310
(v) A violation of division (B)(5) of section 2919.22 of the Revised Code when the child who is involved in the offense is under eighteen years of age;	311 312 313
(vi) A violation of division (D) or (E) of section 2907.07 of the Revised Code.	314 315
(c) Regardless of the age of the victim of the offense, a violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code, or of division (A) of section 2903.04 of the Revised Code, that is committed with a purpose to gratify the sexual needs or desires of the offender;	316 317 318 319 320
(d) A sexually violent offense;	321
(e) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, or any existing or former law applicable in a military court or in an Indian tribal court that is or was substantially equivalent to any offense listed in division	322 323 324 325 326

(D)(1)(a), (b), (c), or (d) of this section; 327

(f) An attempt to commit, conspiracy to commit, or complicity 328
in committing any offense listed in division (D)(1)(a), (b), (c), 329
(d), or (e) of this section. 330

(2) An act committed by a person under eighteen years of age 331
that is any of the following: 332

(a) Subject to division (D)(2)(h) of this section, regardless 333
of the age of the victim of the violation, a violation of section 334
2907.02, 2907.03, or 2907.05 of the Revised Code; 335

(b) Subject to division (D)(2)(h) of this section, any of the 336
following acts involving a minor in the circumstances specified: 337
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(i) A violation of section 2905.01 or 2905.02 of the Revised 339
Code, or of former section 2905.04 of the Revised Code, when the 340
victim of the violation is under eighteen years of age; 341

(ii) A violation of section 2907.21 of the Revised Code when 342
the person who is compelled, induced, procured, encouraged, 343
solicited, requested, or facilitated to engage in, paid or agreed 344
to be paid for, or allowed to engage in the sexual activity in 345
question is under eighteen years of age; 346

(iii) A violation of division (B)(5) of section 2919.22 of 347
the Revised Code when the child who is involved in the violation 348
is under eighteen years of age. 349

(c) Subject to division (D)(2)(h) of this section, any 350
sexually violent offense that, if committed by an adult, would be 351
a felony of the first, second, third, or fourth degree; 352

(d) Subject to division (D)(2)(h) of this section, a 353
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 354
2905.02 of the Revised Code, a violation of division (A) of 355
section 2903.04 of the Revised Code, or an attempt to violate any 356

of those sections or that division that is committed with a 357
purpose to gratify the sexual needs or desires of the child 358
committing the violation; 359

(e) Subject to division (D)(2)(h) of this section, a 360
violation of division (A)(1) or (3) of section 2907.321, division 361
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 362
section 2907.323 of the Revised Code, or an attempt to violate any 363
of those divisions, if the person who violates or attempts to 364
violate the division is four or more years older than the minor 365
who is the victim of the violation; 366

(f) Subject to division (D)(2)(h) of this section, any 367
violation of any former law of this state, any existing or former 368
municipal ordinance or law of another state or the United States, 369
or any existing or former law applicable in a military court or in 370
an Indian tribal court that is or was substantially equivalent to 371
any offense listed in division (D)(2)(a), (b), (c), (d), or (e) of 372
this section and that, if committed by an adult, would be a felony 373
of the first, second, third, or fourth degree; 374

(g) Subject to division (D)(2)(h) of this section, any 375
attempt to commit, conspiracy to commit, or complicity in 376
committing any offense listed in division (D)(2)(a), (b), (c), 377
(d), (e), or (f) of this section; 378

(h) If the child's case has been transferred for criminal 379
prosecution under section 2152.12 of the Revised Code, the act is 380
any violation listed in division (D)(1)(a), (b), (c), (d), (e), or 381
(f) of this section or would be any offense listed in any of those 382
divisions if committed by an adult. 383

(E) "Sexual predator" means a person to whom either of the 384
following applies: 385

(1) The person has been convicted of or pleaded guilty to 386
committing a sexually oriented offense and is likely to engage in 387

the future in one or more sexually oriented offenses. 388

(2) The person has been adjudicated a delinquent child for 389
committing a sexually oriented offense, was fourteen years of age 390
or older at the time of committing the offense, was classified a 391
juvenile sex offender registrant based on that adjudication, and 392
is likely to engage in the future in one or more sexually oriented 393
offenses. 394

(F) "Supervised release" means a release of an offender from 395
a prison term, a term of imprisonment, or another type of 396
confinement that satisfies either of the following conditions: 397

(1) The release is on parole, a conditional pardon, or 398
probation, under transitional control, or under a post-release 399
control sanction, and it requires the person to report to or be 400
supervised by a parole officer, probation officer, field officer, 401
or another type of supervising officer. 402

(2) The release is any type of release that is not described 403
in division (F)(1) of this section and that requires the person to 404
report to or be supervised by a probation officer, a parole 405
officer, a field officer, or another type of supervising officer. 406

(G) An offender or delinquent child is "adjudicated as being 407
a sexual predator" or "adjudicated a sexual predator" if any of 408
the following applies and if that status has not been removed 409
pursuant to section 2152.84, 2152.85, or 2950.09 of the Revised 410
Code: 411

(1) The offender is convicted of or pleads guilty to 412
committing, on or after January 1, 1997, a sexually oriented 413
offense that is a sexually violent offense and also is convicted 414
of or pleads guilty to a sexually violent predator specification 415
that was included in the indictment, count in the indictment, or 416
information that charged the sexually violent offense. 417

(2) Regardless of when the sexually oriented offense was 418

committed, on or after January 1, 1997, the offender is sentenced 419
for a sexually oriented offense, and the sentencing judge 420
determines pursuant to division (B) of section 2950.09 of the 421
Revised Code that the offender is a sexual predator. 422

(3) The delinquent child is adjudicated a delinquent child 423
for committing a sexually oriented offense, was fourteen years of 424
age or older at the time of committing the offense, and has been 425
classified a juvenile sex offender registrant based on that 426
adjudication, and the adjudicating judge or that judge's successor 427
in office determines pursuant to division (B) of section 2950.09 428
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 429
the Revised Code that the delinquent child is a sexual predator. 430

(4) Prior to January 1, 1997, the offender was convicted of 431
or pleaded guilty to, and was sentenced for, a sexually oriented 432
offense, the offender is imprisoned in a state correctional 433
institution on or after January 1, 1997, and the court determines 434
pursuant to division (C) of section 2950.09 of the Revised Code 435
that the offender is a sexual predator. 436

(5) Regardless of when the sexually oriented offense was 437
committed, the offender or delinquent child is convicted of or 438
pleads guilty to, has been convicted of or pleaded guilty to, or 439
is adjudicated a delinquent child for committing a sexually 440
oriented offense in another state or in a federal court, military 441
court, or an Indian tribal court, as a result of that conviction, 442
plea of guilty, or adjudication, the offender or delinquent child 443
is required, under the law of the jurisdiction in which the 444
offender was convicted or pleaded guilty or the delinquent child 445
was adjudicated, to register as a sex offender until the 446
offender's or delinquent child's death and to verify the 447
offender's or delinquent child's address on at least a quarterly 448
basis each year, and, on or after July 1, 1997, for offenders or 449
January 1, 2002, for delinquent children the offender or 450

delinquent child moves to and resides in this state or temporarily 451
is domiciled in this state for more than seven days, unless a 452
court of common pleas or juvenile court determines that the 453
offender or delinquent child is not a sexual predator pursuant to 454
division (F) of section 2950.09 of the Revised Code. 455

(H) "Sexually violent predator specification" and "sexually 456
violent offense" have the same meanings as in section 2971.01 of 457
the Revised Code. 458

(I) "Post-release control sanction" and "transitional 459
control" have the same meanings as in section 2967.01 of the 460
Revised Code. 461

(J) "Juvenile sex offender registrant" means a person who is 462
adjudicated a delinquent child for committing on or after January 463
1, 2002, a sexually oriented offense, who is fourteen years of age 464
or older at the time of committing the offense, and who a juvenile 465
court judge, pursuant to an order issued under section 2152.82, 466
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 467
juvenile sex offender registrant and specifies has a duty to 468
register under section 2950.04 of the Revised Code. 469

(K) "Secure facility" means any facility that is designed and 470
operated to ensure that all of its entrances and exits are locked 471
and under the exclusive control of its staff and to ensure that, 472
because of that exclusive control, no person who is 473
institutionalized or confined in the facility may leave the 474
facility without permission or supervision. 475

(L) "Out-of-state juvenile sex offender registrant" means a 476
person who is adjudicated a delinquent child for committing a 477
sexually oriented offense in another state or in a federal court, 478
military court, or Indian tribal court, who on or after January 1, 479
2002, moves to and resides in this state or temporarily is 480
domiciled in this state for more than seven days, and who under 481

section 2950.04 of the Revised Code has a duty to register in this state as described in that section.

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(M) "Juvenile court judge" includes a magistrate to whom the juvenile court judge confers duties pursuant to division (A)(15) of section 2151.23 of the Revised Code.

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(N) "Adjudicated a delinquent child for committing a sexually oriented offense" includes a child who receives a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code for committing a sexually oriented offense.

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(O) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

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Sec. 2950.031. (A) No person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to a sexually oriented offense shall establish a residence or occupy residential premises within five hundred feet of any school premises.

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(B) An owner or lessee of real property that is located within five hundred feet of any school premises has a cause of action for injunctive relief against a person who violates division (A) of this section by establishing a residence or occupying residential premises within five hundred feet of those school premises. The owner or lessee shall not be required to prove irreparable harm in order to obtain the relief.

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Sec. 2950.04. (A)(1) Each of the following types of offender who is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, a sexually oriented offense shall register personally with the sheriff of the county within seven days of the offender's coming into a county in which the offender resides or temporarily is domiciled for more than seven days:

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(a) Regardless of when the sexually oriented offense was committed, an offender who is sentenced for the sexually oriented offense to a prison term, a term of imprisonment, or any other type of confinement and, on or after July 1, 1997, is released in any manner from the prison term, term of imprisonment, or confinement;

(b) Regardless of when the sexually oriented offense was committed, an offender who is sentenced for a sexually oriented offense on or after July 1, 1997, and to whom division (A)(1)(a) of this section does not apply;

(c) If the sexually oriented offense was committed prior to July 1, 1997, and neither division (A)(1)(a) nor division (A)(1)(b) of this section applies, an offender who, immediately prior to July 1, 1997, was a habitual sex offender who was required to register under Chapter 2950. of the Revised Code.

(2) Each child who is adjudicated a delinquent child for committing a sexually oriented offense and who is classified a juvenile sex offender registrant based on that adjudication shall register personally with the sheriff of the county within seven days of the delinquent child's coming into a county in which the delinquent child resides or temporarily is domiciled for more than seven days. If the delinquent child is committed for the sexually oriented offense to the department of youth services or to a secure facility that is not operated by the department, this duty begins when the delinquent child is discharged or released in any manner from custody in a department of youth services secure facility or from the secure facility that is not operated by the department, if pursuant to the discharge or release the delinquent child is not committed to any other secure facility of the department or any other secure facility. The delinquent child does not have a duty to register under this division while the child is in a department of youth services secure facility or in a secure

facility that is not operated by the department. 543

(3) If divisions (A)(1) and (2) of this section do not apply, 544
each following type of offender and each following type of 545
delinquent child shall register personally with the sheriff of the 546
county within seven days of the offender's or delinquent child's 547
coming into a county in which the offender or delinquent child 548
resides or temporarily is domiciled for more than seven days: 549

(a) Regardless of when the sexually oriented offense was 550
committed, a person who is convicted of, pleads guilty to, or is 551
adjudicated a delinquent child for committing a sexually oriented 552
offense in another state or in a federal court, military court, or 553
an Indian tribal court, if, on or after July 1, 1997, for 554
offenders, or January 1, 2002, for delinquent children, the 555
offender or delinquent child moves to and resides in this state or 556
temporarily is domiciled in this state for more than seven days, 557
and if, at the time the offender or delinquent child moves to and 558
resides in this state or temporarily is domiciled in this state 559
for more than seven days, the offender or delinquent child has a 560
duty to register as a sex offender under the law of that other 561
jurisdiction as a result of the conviction, guilty plea, or 562
adjudication. 563

(b) Regardless of when the sexually oriented offense was 564
committed, a person who is convicted of, pleads guilty to, or is 565
adjudicated a delinquent child for committing a sexually oriented 566
offense in another state or in a federal court, military court, or 567
an Indian tribal court, if, on or after July 1, 1997, for 568
offenders, or January 1, 2002, for delinquent children, the 569
offender or delinquent child is released from imprisonment, 570
confinement, or detention imposed for that offense, and if, on or 571
after July 1, 1997, for offenders, or January 1, 2002, for 572
delinquent children, the offender or delinquent child moves to and 573
resides in this state or temporarily is domiciled in this state 574

for more than seven days. The duty to register as described in
this division applies to an offender regardless of whether the
offender, at the time of moving to and residing in this state or
temporarily being domiciled in this state for more than seven
days, has a duty to register as a sex offender under the law of
the jurisdiction in which the conviction or guilty plea occurred.
The duty to register as described in this division applies to a
delinquent child only if the delinquent child, at the time of
moving to and residing in this state or temporarily being
domiciled in this state for more than seven days, has a duty to
register as a sex offender under the law of the jurisdiction in
which the delinquent child adjudication occurred or if, had the
delinquent child adjudication occurred in this state, the
adjudicating juvenile court judge would have been required to
issue an order classifying the delinquent child as a juvenile sex
offender registrant pursuant to section 2152.82 or division (A) of
section 2152.83 of the Revised Code.

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(4) If division (A)(1)(a) of this section applies and if,
subsequent to the offender's release, the offender is adjudicated
to be a sexual predator under division (C) of section 2950.09 of
the Revised Code, the offender shall register within seven days of
the adjudication with the sheriff of the county in which the
offender resides or temporarily is domiciled for more than seven
days and shall register with the sheriff of any county in which
the offender subsequently resides or temporarily is domiciled for
more than seven days within seven days of coming into that county.

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(5) A person who is adjudicated a delinquent child for
committing a sexually oriented offense is not required to register
under division (A)(2) of this section unless the delinquent child
committed the offense on or after January 1, 2002, is classified a
juvenile sex offender registrant by a juvenile court judge
pursuant to an order issued under section 2152.82, 2152.83,

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2152.84, or 2152.85 of the Revised Code based on that 607
adjudication, and has a duty to register pursuant to division 608
(A)(2) of this section. 609

(B) An offender or delinquent child who is required by 610
division (A) of this section to register personally shall obtain 611
from the sheriff or from a designee of the sheriff a registration 612
form that conforms to division (C) of this section, shall complete 613
and sign the form, and shall return the completed form together 614
with the offender's or delinquent child's photograph to the 615
sheriff or the designee. The sheriff or designee shall sign the 616
form and indicate on the form the date on which it is so returned. 617
The registration required under this division is complete when the 618
offender or delinquent child returns the form, containing the 619
requisite information, photograph, signatures, and date, to the 620
sheriff or designee. 621

(C) The registration form to be used under divisions (A) and 622
(B) of this section shall contain the current residence address of 623
the offender or delinquent child who is registering, the name and 624
address of the offender's or delinquent child's employer, if the 625
offender or delinquent child is employed at the time of 626
registration or if the offender or delinquent child knows at the 627
time of registration that the offender or delinquent child will be 628
commencing employment with that employer subsequent to 629
registration, and any other information required by the bureau of 630
criminal identification and investigation and shall include the 631
offender's or delinquent child's photograph. Additionally, if the 632
offender or delinquent child has been adjudicated as being a 633
sexual predator relative to the sexually oriented offense in 634
question and the court has not subsequently determined pursuant to 635
division (D) of section 2950.09, section 2152.84, or section 636
2152.85 of the Revised Code that the offender or delinquent child 637
no longer is a sexual predator, or if the judge determined 638

pursuant to division (C) of section 2950.09 or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the offender or delinquent child is a habitual sex offender and the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code, the offender or delinquent child shall include on the signed, written registration form all of the following information:

(1) A specific declaration that the person has been adjudicated as being a sexual predator or has been determined to be a habitual sex offender, whichever is applicable;

(2) If the offender or delinquent child has been adjudicated as being a sexual predator, the identification license plate number of each motor vehicle the offender or delinquent child owns and of each motor vehicle registered in the offender's or delinquent child's name.

(D) After an offender or delinquent child registers with a sheriff pursuant to this section, the sheriff shall forward the signed, written registration form and photograph to the bureau of criminal identification and investigation in accordance with the forwarding procedures adopted pursuant to section 2950.13 of the Revised Code. The bureau shall include the information and materials forwarded to it under this division in the state registry of sex offenders established and maintained under section 2950.13 of the Revised Code.

(E) No person who is required to register pursuant to divisions (A) and (B) of this section and no person who is required to send a notice of intent to reside pursuant to division (G) of this section shall fail to register or send the notice as required in accordance with those divisions or that division.

(F) An offender or delinquent child who is required to register pursuant to divisions (A) and (B) of this section shall

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register pursuant to this section for the period of time specified
in section 2950.07 of the Revised Code.

(G) If an offender or delinquent child who is required by
division (A) of this section to register is adjudicated a sexual
predator or a habitual sexual offender subject to community
notification under division (C)(2) or (E) of section 2950.09 of
the Revised Code, the offender or delinquent child also shall send
the sheriff of the county in which the offender or delinquent
child intends to reside written notice of the offender's or
delinquent child's intent to reside in the county. The offender or
delinquent child shall send the notice of intent to reside at
least twenty days prior to the date the offender or delinquent
child begins to reside in the county. The notice of intent to
reside shall contain the following information:

(1) The offender's or delinquent child's name;

(2) The address or addresses at which the offender or
delinquent child intends to reside;

(3) The sexually oriented offense of which the offender was
convicted, to which the offender pleaded guilty, or for which the
child was adjudicated a delinquent child;

(4) A statement that the offender or delinquent child has
been adjudicated as being a sexual predator and that, as of the
date of the notice, the court has not entered a determination that
the offender or delinquent child no longer is a sexual predator,
or a statement that the sentencing or reviewing judge has
determined that the offender or delinquent child is a habitual sex
offender and that, as of the date of the notice, the determination
has not been removed pursuant to section 2152.84 or 2152.85 of the
Revised Code.

Sec. 2950.09. (A) If a person is convicted of or pleads

guilty to committing, on or after January 1, 1997, a sexually 700
oriented offense that is a sexually violent offense and also is 701
convicted of or pleads guilty to a sexually violent predator 702
specification that was included in the indictment, count in the 703
indictment, or information charging the sexually violent offense, 704
the conviction of or plea of guilty to the specification 705
automatically classifies the offender as a sexual predator for 706
purposes of this chapter. If a person is convicted of, pleads 707
guilty to, or is adjudicated a delinquent child for committing, a 708
sexually oriented offense in another state, or in a federal court, 709
military court, or an Indian tribal court and if, as a result of 710
that conviction, plea of guilty, or adjudication, the person is 711
required, under the law of the jurisdiction in which the person 712
was convicted, pleaded guilty, or was adjudicated, to register as 713
a sex offender until the person's death and is required to verify 714
the person's address on at least a quarterly basis each year, that 715
conviction, plea of guilty, or adjudication automatically 716
classifies the person as a sexual predator for the purposes of 717
this chapter, but the person may challenge that classification 718
pursuant to division (F) of this section. In all other cases, a 719
person who is convicted of or pleads guilty to, has been convicted 720
of or pleaded guilty to, or is adjudicated a delinquent child for 721
committing, a sexually oriented offense may be classified as a 722
sexual predator for purposes of this chapter only in accordance 723
with division (B) or (C) of this section or, regarding delinquent 724
children, divisions (B) and (C) of section 2152.83 of the Revised 725
Code. 726

(B)(1)(a) The judge who is to impose sentence on a person who 727
is convicted of or pleads guilty to a sexually oriented offense 728
shall conduct a hearing to determine whether the offender is a 729
sexual predator if either of the following circumstances apply: 730

(i) Regardless of when the sexually oriented offense was 731

committed, the offender is to be sentenced on or after January 1, 732
1997, for a sexually oriented offense that is not a sexually 733
violent offense. 734

(ii) Regardless of when the sexually oriented offense was 735
committed, the offender is to be sentenced on or after January 1, 736
1997, for a sexually oriented offense that is a sexually violent 737
offense and a sexually violent predator specification was not 738
included in the indictment, count in the indictment, or 739
information charging the sexually violent offense. 740

(b) The judge who is to impose or has imposed an order of 741
disposition upon a child who is adjudicated a delinquent child for 742
committing on or after January 1, 2002, a sexually oriented 743
offense shall conduct a hearing as provided in this division to 744
determine whether the child is to be classified as a sexual 745
predator if either of the following applies: 746

(i) The judge is required by section 2152.82 or division (A) 747
of section 2152.83 of the Revised Code to classify the child a 748
juvenile sex offender registrant. 749

(ii) Division (B) of section 2152.83 of the Revised Code 750
applies regarding the child, the judge conducts a hearing under 751
that division for the purposes described in that division, and the 752
judge determines at that hearing that the child will be classified 753
a juvenile sex offender registrant. 754

(d) Regardless of when the sexually oriented offense was 755
committed, the offender is to be sentenced on or after the 756
effective date of this amendment for a sexually oriented offense, 757
and that offender was acquitted of a sexually violent predator 758
specification that was included in the indictment, count in the 759
indictment, or information charging the sexually oriented offense. 760

(2) Regarding an offender, the judge shall conduct the 761
hearing required by division (B)(1)(a) of this section prior to 762

sentencing and, if the sexually oriented offense is a felony and
if the hearing is being conducted under division (B)(1)(a), ~~or (c)~~
of this section, the judge may conduct it as part of the
sentencing hearing required by section 2929.19 of the Revised
Code. Regarding a delinquent child, the judge may conduct the
hearing required by division (B)(1)(b) of this section at the same
time as, or separate from, the dispositional hearing, as specified
in the applicable provision of section 2152.82 or 2152.83 of the
Revised Code. The court shall give the offender or delinquent
child and the prosecutor who prosecuted the offender or handled
the case against the delinquent child for the sexually oriented
offense notice of the date, time, and location of the hearing. At
the hearing, the offender or delinquent child and the prosecutor
shall have an opportunity to testify, present evidence, call and
examine witnesses and expert witnesses, and cross-examine
witnesses and expert witnesses regarding the determination as to
whether the offender or delinquent child is a sexual predator. The
offender or delinquent child shall have the right to be
represented by counsel and, if indigent, the right to have counsel
appointed to represent the offender or delinquent child.

(3) In making a determination under divisions (B)(1) and (4)
of this section as to whether an offender or delinquent child is a
sexual predator, the judge shall consider all relevant factors,
including, but not limited to, all of the following:

(a) The offender's or delinquent child's age;

(b) The offender's or delinquent child's prior criminal or
delinquency record regarding all offenses, including, but not
limited to, all sexual offenses;

(c) The age of the victim of the sexually oriented offense
for which sentence is to be imposed or the order of disposition is
to be made;

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(d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;	794 795 796
(e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;	797 798 799
(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;	800 801 802 803 804 805 806 807 808
(g) Any mental illness or mental disability of the offender or delinquent child;	809 810
(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;	811 812 813 814 815
(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;	816 817 818 819
(j) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.	820 821
(4) After reviewing all testimony and evidence presented at the hearing conducted under division (B)(1) of this section and the factors specified in division (B)(3) of this section, the	822 823 824

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court shall determine by clear and convincing evidence whether the subject offender or delinquent child is a sexual predator. If the court determines that the subject offender or delinquent child is not a sexual predator, the court shall specify in the offender's sentence and the judgment of conviction that contains the sentence or in the delinquent child's dispositional order, as appropriate, that the court has determined that the offender or delinquent child is not a sexual predator. If the court determines by clear and convincing evidence that the subject offender or delinquent child is a sexual predator, the court shall specify in the offender's sentence and the judgment of conviction that contains the sentence or in the delinquent child's dispositional order, as appropriate, that the court has determined that the offender or delinquent child is a sexual predator and shall specify that the determination was pursuant to division (B) of this section. The offender or delinquent child and the prosecutor who prosecuted the offender or handled the case against the delinquent child for the sexually oriented offense in question may appeal as a matter of right the court's determination under this division as to whether the offender or delinquent child is, or is not, a sexual predator.

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(5) A hearing shall not be conducted under division (B) of this section regarding an offender if the sexually oriented offense in question is a sexually violent offense, if the indictment, count in the indictment, or information charging the offense also included a sexually violent predator specification, and if the offender is convicted of or pleads guilty to that sexually violent predator specification.

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(C)(1) If a person was convicted of or pleaded guilty to a sexually oriented offense prior to January 1, 1997, if the person was not sentenced for the offense on or after January 1, 1997, and if, on or after January 1, 1997, the offender is serving a term of imprisonment in a state correctional institution, the department

of rehabilitation and correction shall determine whether to
recommend that the offender be adjudicated as being a sexual
predator. In making a determination under this division as to
whether to recommend that the offender be adjudicated as being a
sexual predator, the department shall consider all relevant
factors, including, but not limited to, all of the factors
specified in division (B)(2) of this section. If the department
determines that it will recommend that the offender be adjudicated
as being a sexual predator, it immediately shall send the
recommendation to the court that sentenced the offender and shall
enter its determination and recommendation in the offender's
institutional record, and the court shall proceed in accordance
with division (C)(2) of this section.

(2)(a) If, pursuant to division (C)(1) of this section, the
department of rehabilitation and correction sends to a court a
recommendation that an offender who has been convicted of or
pleaded guilty to a sexually oriented offense be adjudicated as
being a sexual predator, the court is not bound by the
department's recommendation, and the court may conduct a hearing
to determine whether the offender is a sexual predator. The court
may deny the recommendation and determine that the offender is not
a sexual predator without a hearing but shall not make a
determination that the offender is a sexual predator in any case
without a hearing. The court may hold the hearing and make the
determination prior to the offender's release from imprisonment or
at any time within one year following the offender's release from
that imprisonment. If the court determines without a hearing that
the offender is not a sexual predator, it shall include its
determination in the offender's institutional record and shall
determine whether the offender previously has been convicted of or
pleaded guilty to a sexually oriented offense other than the
offense in relation to which the court determined that the

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offender is not a sexual predator. 889

The court may make the determination as to whether the 890
offender previously has been convicted of or pleaded guilty to a 891
sexually oriented offense without a hearing, but, if the court 892
determines that the offender previously has been convicted of or 893
pleaded guilty to such an offense, it shall not impose a 894
requirement that the offender be subject to the community 895
notification provisions regarding the offender's place of 896
residence that are contained in sections 2950.10 and 2950.11 of 897
the Revised Code without a hearing. The court may conduct a 898
hearing to determine both whether the offender previously has been 899
convicted of or pleaded guilty to a sexually oriented offense and 900
whether to impose a requirement that the offender be subject to 901
the community notification provisions as described in this 902
division, or may conduct a hearing solely to make the latter 903
determination. The court shall include in the offender's 904
institutional record any determination made under this division as 905
to whether the offender previously has been convicted of or 906
pleaded guilty to a sexually oriented offense, and, as such, 907
whether the offender is a habitual sex offender. 908

(b) If the court schedules a hearing under division (C)(2)(a) 909
of this section, the court shall give the offender and the 910
prosecutor who prosecuted the offender for the sexually oriented 911
offense, or that prosecutor's successor in office, notice of the 912
date, time, and place of the hearing. If the hearing is to 913
determine whether the offender is a sexual predator, it shall be 914
conducted in the manner described in division (B)(1) of this 915
section regarding hearings conducted under that division and, in 916
making a determination under this division as to whether the 917
offender is a sexual predator, the court shall consider all 918
relevant factors, including, but not limited to, all of the 919
factors specified in division (B)(2) of this section. After 920

reviewing all testimony and evidence presented at the sexual
predator hearing and the factors specified in division (B)(2) of
this section, the court shall determine by clear and convincing
evidence whether the offender is a sexual predator. If the court
determines that the offender is not a sexual predator, it also
shall determine whether the offender previously has been convicted
of or pleaded guilty to a sexually oriented offense other than the
offense in relation to which the hearing is being conducted.

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Upon making its determinations at the hearing, the court
shall proceed as follows:

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(i) If the hearing is to determine whether the offender is a
sexual predator, and if the court determines that the offender is
not a sexual predator and that the offender previously has not
been convicted of or pleaded guilty to a sexually oriented offense
other than the offense in relation to which the hearing is being
conducted, it shall include its determinations in the offender's
institutional record.

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(ii) If the hearing is to determine whether the offender is a
sexual predator, and if the court determines that the offender is
not a sexual predator but that the offender previously has been
convicted of or pleaded guilty to a sexually oriented offense
other than the offense in relation to which the hearing is being
conducted, it shall include its determination that the offender is
not a sexual predator but is a habitual sex offender in the
offender's institutional record, shall attach the determinations
to the offender's sentence, shall specify that the determinations
were pursuant to division (C) of this section, shall provide a
copy of the determinations to the offender, to the prosecuting
attorney, and to the department of rehabilitation and correction,
and may impose a requirement that the offender be subject to the
community notification provisions regarding the offender's place
of residence that are contained in sections 2950.10 and 2950.11 of

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the Revised Code. The offender shall not be subject to those
community notification provisions relative to the sexually
oriented offense in question if the court does not so impose the
requirement described in this division. If the court imposes those
community notification provisions, the offender may appeal the
judge's determination that the offender is a habitual sex
offender.

(iii) If the hearing is to determine whether the offender
previously has been convicted of or pleaded guilty to a sexually
oriented offense other than the offense in relation to which the
hearing is being conducted and whether to impose a requirement
that the offender be subject to the specified community
notification provisions, and if the court determines that the
offender previously has been convicted of or pleaded guilty to
such an offense, the court shall proceed as described in division
(C)(2)(b)(ii) of this section and may impose a community
notification requirement as described in that division. The
offender shall not be subject to the specified community
notification provisions relative to the sexually oriented offense
in question if the court does not so impose the requirement
described in that division. If the court imposes those community
notification provisions, the offender may appeal the judge's
determination that the offender is a habitual sex offender.

(iv) If the court determined without a hearing that the
offender previously has been convicted of or pleaded guilty to a
sexually oriented offense other than the offense in relation to
which the court determined that the offender is not a sexual
predator, and, as such, is a habitual sex offender, and the
hearing is solely to determine whether to impose a requirement
that the offender be subject to the specified community
notification provisions, after the hearing, the court may impose a
community notification requirement as described in division

(C)(2)(b)(ii) of this section. The offender shall not be subject to the specified community notification provisions relative to the sexually oriented offense in question if the court does not so impose the requirement described in that division. If the court imposes those community notification provisions, the offender may appeal the judge's determination that the offender is a habitual sex offender.

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(v) If the hearing is to determine whether the offender is a sexual predator, and if the court determines by clear and convincing evidence that the offender is a sexual predator, it shall enter its determination in the offender's institutional record, shall attach the determination to the offender's sentence, shall specify that the determination was pursuant to division (C) of this section, and shall provide a copy of the determination to the offender, to the prosecuting attorney, and to the department of rehabilitation and correction. The offender and the prosecutor may appeal as a matter of right the judge's determination under this division as to whether the offender is, or is not, a sexual predator.

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(D)(1) Division (D) of this section applies to persons who have been convicted of or pleaded guilty to a sexually oriented offense and also applies as provided in Chapter 2152. of the Revised Code. A person who has been adjudicated a delinquent child for committing a sexually oriented offense and who has been classified by a juvenile court judge a juvenile sex offender registrant or, if applicable, additionally has been determined by a juvenile court judge to be a sexual predator or habitual sex offender, may petition the adjudicating court for a reclassification or declassification pursuant to section 2152.85 of the Revised Code.

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Upon the expiration of the applicable period of time specified in division (D)(1)(a) or (b) of this section, an

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offender who has been convicted of or pleaded guilty to a sexually
oriented offense and who has been adjudicated as being a sexual
predator relative to the sexually oriented offense in the manner
described in division (B) or (C) of this section may petition the
judge who made the determination that the offender was a sexual
predator, or that judge's successor in office, to enter a
determination that the offender no longer is a sexual predator.
Upon the filing of the petition, the judge may review the prior
sexual predator determination that comprises the sexual predator
adjudication, and, upon consideration of all relevant evidence and
information, including, but not limited to, the factors set forth
in division (B)(3) of this section, either shall enter a
determination that the offender no longer is a sexual predator or
shall enter an order denying the petition. The judge shall not
enter a determination under this division that the offender no
longer is a sexual predator unless the judge determines by clear
and convincing evidence that the offender is unlikely to commit a
sexually oriented offense in the future. If the judge enters a
determination under this division that the offender no longer is a
sexual predator, the judge shall notify the bureau of criminal
identification and investigation and the parole board of the
determination. Upon receipt of the notification, the bureau
promptly shall notify the sheriff with whom the offender most
recently registered under section 2950.04 or 2950.05 of the
Revised Code of the determination that the offender no longer is a
sexual predator. If the judge enters an order denying the
petition, the prior adjudication of the offender as a sexual
predator shall remain in effect. An offender determined to be a
sexual predator in the manner described in division (B) or (C) of
this section may file a petition under this division after the
expiration of the following periods of time:

(a) Regardless of when the sexually oriented offense was 1048

committed, if, on or after January 1, 1997, the offender is 1049
imprisoned or sentenced to a prison term or other confinement for 1050
the sexually oriented offense in relation to which the 1051
determination was made, the offender initially may file the 1052
petition not earlier than one year prior to the offender's release 1053
from the imprisonment, prison term, or other confinement by 1054
discharge, parole, judicial release, or any other final release. 1055
If the offender is sentenced on or after January 1, 1997, for the 1056
sexually oriented offense in relation to which the determination 1057
is made and is not imprisoned or sentenced to a prison term or 1058
other confinement for the sexually oriented offense, the offender 1059
initially may file the petition upon the expiration of one year 1060
after the entry of the offender's judgment of conviction. 1061

(b) After the offender's initial filing of a petition under 1062
division (D)(1)(a) of this section, thereafter, an offender may 1063
file a petition under this division upon the expiration of five 1064
years after the court has entered an order denying the petition 1065
under division (D)(1)(a) of this section or the most recent 1066
petition the offender has filed under this division. 1067

(2) Except as otherwise provided in this division, division 1068
(D)(1) of this section does not apply to a person who is 1069
classified as a sexual predator pursuant to division (A) of this 1070
section. If a person who is so classified was sentenced to a 1071
prison term pursuant to division (A)(3) of section 2971.03 of the 1072
Revised Code and if the sentencing court terminates the offender's 1073
prison term as provided in division (D) of section 2971.05 of the 1074
Revised Code, the court's termination of the prison term 1075
automatically shall constitute a determination by the court that 1076
the offender no longer is a sexual predator. If the court so 1077
terminates the offender's prison term, the court shall notify the 1078
bureau of criminal identification and investigation and the parole 1079
board of the determination that the offender no longer is a sexual 1080

predator. Upon receipt of the notification, the bureau promptly
shall notify the sheriff with whom the offender most recently
registered under section 2950.04 or 2950.05 of the Revised Code
that the offender no longer is a sexual predator. If an offender
who is classified as a sexual predator pursuant to division (A) of
this section is released from prison pursuant to a pardon or
commutation, the classification of the offender as a sexual
predator shall remain in effect after the offender's release, and
the offender may file one or more petitions in accordance with the
procedures and time limitations contained in division (D)(1) of
this section for a determination that the offender no longer is a
sexual predator.

(E)(1) If a person is convicted of or pleads guilty to
committing, on or after January 1, 1997, a sexually oriented
offense, the judge who is to impose sentence on the offender shall
determine, prior to sentencing, whether the offender previously
has been convicted of or pleaded guilty to, or adjudicated a
delinquent child for committing, a sexually oriented offense and
is a habitual sex offender. The judge who is to impose or has
imposed an order of disposition upon a child who is adjudicated a
delinquent child for committing on or after January 1, 2002, a
sexually oriented offense shall determine, prior to entering the
order classifying the delinquent child a juvenile sex offender
registrant, whether the delinquent child previously has been
convicted of or pleaded guilty to, or adjudicated a delinquent
child for committing, a sexually oriented offense and is a
habitual sex offender, if either of the following applies:

(a) The judge is required by section 2152.82 or division (A)
of section 2152.83 of the Revised Code to classify the child a
juvenile sex offender registrant;

(b) Division (B) of section 2152.83 of the Revised Code
applies regarding the child, the judge conducts a hearing under

that division for the purposes described in that division, and the judge determines at that hearing that the child will be classified a juvenile sex offender registrant.

(2) If, under division (E)(1) of this section, the judge determines that the offender or delinquent child previously has not been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a sexually oriented offense or that the offender otherwise does not satisfy the criteria for being a habitual sex offender, the judge shall specify in the offender's sentence or in the order classifying the delinquent child a juvenile sex offender registrant that the judge has determined that the offender or delinquent child is not a habitual sex offender. If the judge determines that the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a sexually oriented offense and that the offender satisfies all other criteria for being a habitual sex offender, the judge shall specify in the offender's sentence and the judgment of conviction that contains the sentence or in the order classifying the delinquent child a juvenile sex offender registrant that the judge has determined that the offender or delinquent child is a habitual sex offender and may impose a requirement in that sentence and judgment of conviction or in that order that the offender or delinquent child be subject to the community notification provisions regarding the offender's or delinquent child's place of residence that are contained in sections 2950.10 and 2950.11 of the Revised Code. Unless the habitual sex offender also has been adjudicated as being a sexual predator relative to the sexually oriented offense in question, the offender or delinquent child shall be subject to those community notification provisions only if the court imposes the requirement described in this division in the offender's sentence and the judgment of conviction or in the

order classifying the delinquent child a juvenile sex offender 1145
registrant. 1146

If a court in another state or a federal court, military 1147
court, or Indian tribal court determines a person to be a habitual 1148
sex offender, the person is considered to be determined to be a 1149
habitual sex offender in this state. If the court in another state 1150
or the federal court, military court, or Indian tribal court 1151
subjects the habitual sex offender to community notification 1152
regarding the person's place of residence, the person, as much as 1153
is practicable, is subject to the community notification 1154
provisions regarding the person's place of residence that are 1155
contained in sections 2950.10 and 2950.11 of the Revised Code, 1156
unless the court that subjected the person to community 1157
notification determines that the person no longer is subject to 1158
community notification. 1159

(F)(1) An offender or delinquent child classified as a sexual 1160
predator may petition the court of common pleas or, for a 1161
delinquent child, the juvenile court of the county in which the 1162
offender or delinquent child resides or temporarily is domiciled 1163
to enter a determination that the offender or delinquent child is 1164
not an adjudicated sexual predator in this state for purposes of 1165
the sex offender registration requirements of this chapter or the 1166
community notification provisions contained in sections 2950.10 1167
and 2950.11 of the Revised Code if all of the following apply: 1168

(a) The offender or delinquent child was convicted of, 1169
pleaded guilty to, or was adjudicated a delinquent child for 1170
committing, a sexually oriented offense in another state or in a 1171
federal court, a military court, or an Indian tribal court. 1172

(b) As a result of the conviction, plea of guilty, or 1173
adjudication described in division (F)(1)(a) of this section, the 1174
offender or delinquent child is required under the law of the 1175
jurisdiction under which the offender or delinquent child was 1176

convicted, pleaded guilty, or was adjudicated to register as a sex offender until the offender's or delinquent child's death and is required to verify the offender's or delinquent child's address on at least a quarterly basis each year.

(c) The offender or delinquent child was automatically classified as a sexual predator under division (A) of this section in relation to the conviction, guilty plea, or adjudication described in division (F)(1)(a) of this section.

(2) The court may enter a determination that the offender or delinquent child filing the petition described in division (F)(1) of this section is not an adjudicated sexual predator in this state for purposes of the sex offender registration requirements of this chapter or the community notification provisions contained in sections 2950.10 and 2950.11 of the Revised Code only if the offender or delinquent child proves by clear and convincing evidence that the requirement of the other jurisdiction that the offender or delinquent child register as a sex offender until the offender's or delinquent child's death and the requirement that the offender or delinquent child verify the offender's or delinquent child's address on at least a quarterly basis each year is not substantially similar to a classification as a sexual predator for purposes of this chapter.

Sec. 2950.11. (A) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section. If a person is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, a sexually oriented offense or a person is adjudicated a delinquent child for committing a sexually oriented

offense and is classified a juvenile sex offender registrant or is 1208
an out-of-state juvenile sex offender registrant based on that 1209
adjudication, and if the offender or delinquent child has been 1210
adjudicated as being a sexual predator relative to the sexually 1211
oriented offense and the court has not subsequently determined 1212
pursuant to division (D) of section 2950.09, section 2152.84, or 1213
section 2152.85 of the Revised Code that the offender or 1214
delinquent child no longer is a sexual predator or the offender or 1215
delinquent child has been determined pursuant to division (C)(2) 1216
or (E) of section 2950.09, division (B) of section 2152.83, 1217
section 2152.84, or section 2152.85 of the Revised Code to be a 1218
habitual sex offender, the court has imposed a requirement under 1219
that division or section subjecting the habitual sex offender to 1220
this section, and the determination has not been removed pursuant 1221
to section 2152.84 or 2152.85 of the Revised Code, the sheriff 1222
with whom the offender or delinquent child has most recently 1223
registered under section 2950.04 or 2950.05 of the Revised Code 1224
and the sheriff to whom the offender or delinquent child most 1225
recently sent a notice of intent to reside under section 2950.04 1226
of the Revised Code, within the period of time specified in 1227
division (C) of this section, shall provide a written notice 1228
containing the information set forth in division (B) of this 1229
section to all of the following persons+ described in divisions 1230
(A)(1) to (9) of this section. If the sheriff has sent a notice to 1231
the persons described in those divisions as a result of receiving 1232
a notice of intent to reside and if the offender or delinquent 1233
child registers a residence address that is the same residence 1234
address described in the notice of intent to reside, the sheriff 1235
is not required to send an additional notice when the offender or 1236
delinquent child registers. 1237

(1) All of the following types of persons: 1238

(a) Except as otherwise provided in divisions (A)(1)(b) and 1239

(c) of this section, all occupants of residences that are located 1240
on premises within one thousand feet of the premises on which the 1241
offender's or delinquent child's place of residence is located and 1242
that are located within the county served by the sheriff and all; 1243

(b) If the offender's or delinquent child's place of 1244
residence is in a multi-resident building, all occupants of 1245
residences in the same building that share a common hallway with 1246
the offender's or delinquent child's place of residence and either 1247
the manager of the building or any party authorized by the owner 1248
to exercise management, custody, and control of the building; 1249

(c) If division (A)(1)(b) of this section does not apply, the 1250
manager of each multi-resident building that is located within one 1251
thousand feet of the premises on which the offender's or 1252
delinquent child's place of residence is located and that is 1253
located within the county served by the sheriff; 1254

(d) All additional neighbors of the offender or delinquent 1255
child who are within any category that the attorney general by 1256
rule adopted under section 2950.13 of the Revised Code requires to 1257
be provided the notice and who reside within the county served by 1258
the sheriff; 1259

(2) The executive director of the public children services 1260
agency that has jurisdiction within the specified geographical 1261
notification area and that is located within the county served by 1262
the sheriff; 1263

(3)(a) The superintendent of each board of education of a 1264
school district that has schools within the specified geographical 1265
notification area and that is located within the county served by 1266
the sheriff; 1267

(b) The principal of the school within the specified 1268
geographical notification area and within the county served by the 1269
sheriff that the delinquent child attends; 1270

(c) If the delinquent child attends a school outside of the 1271
specified geographical notification area or outside of the school 1272
district where the delinquent child resides, the superintendent of 1273
the board of education of a school district that governs the 1274
school that the delinquent child attends and the principal of the 1275
school that the delinquent child attends. 1276

(4)(a) The appointing or hiring officer of each chartered 1277
nonpublic school located within the specified geographical 1278
notification area and within the county served by the sheriff or 1279
of each other school located within the specified geographical 1280
notification area and within the county served by the sheriff and 1281
that is not operated by a board of education described in division 1282
(A)(3) of this section; 1283

(b) Regardless of the location of the school, the appointing 1284
or hiring officer of a chartered nonpublic school that the 1285
delinquent child attends. 1286

(5) The director, head teacher, elementary principal, or site 1287
administrator of each preschool program governed by Chapter 3301. 1288
of the Revised Code that is located within the specified 1289
geographical notification area and within the county served by the 1290
sheriff; 1291

(6) The administrator of each child day-care center or type A 1292
family day-care home that is located within the specified 1293
geographical notification area and within the county served by the 1294
sheriff, and the provider of each certified type B family day-care 1295
home that is located within the specified geographical 1296
notification area and within the county served by the sheriff. As 1297
used in this division, "child day-care center," "type A family 1298
day-care home," and "certified type B family day-care home" have 1299
the same meanings as in section 5104.01 of the Revised Code. 1300

(7) The president or other chief administrative officer of 1301

each institution of higher education, as defined in section 1302
2907.03 of the Revised Code, that is located within the specified 1303
geographical notification area and within the county served by the 1304
sheriff, and the chief law enforcement officer of the state 1305
university law enforcement agency or campus police department 1306
established under section 3345.04 or 1713.50 of the Revised Code, 1307
if any, that serves that institution; 1308

(8) The sheriff of each county that includes any portion of 1309
the specified geographical notification area; 1310

(9) If the offender or delinquent child resides within the 1311
county served by the sheriff, the chief of police, marshal, or 1312
other chief law enforcement officer of the municipal corporation 1313
in which the offender or delinquent child resides or, if the 1314
offender or delinquent child resides in an unincorporated area, 1315
the constable or chief of the police department or police district 1316
police force of the township in which the offender or delinquent 1317
child resides. 1318

(B) The notice required under division (A) of this section 1319
shall include all of the following information regarding the 1320
subject offender or delinquent child: 1321

(1) The offender's or delinquent child's name; 1322

(2) The address or addresses at which the offender or 1323
delinquent child resides; 1324

(3) The sexually oriented offense of which the offender was 1325
convicted, to which the offender pleaded guilty, or for which the 1326
child was adjudicated a delinquent child; 1327

(4) A statement that the offender or delinquent child has 1328
been adjudicated as being a sexual predator and that, as of the 1329
date of the notice, the court has not entered a determination that 1330
the offender or delinquent child no longer is a sexual predator, 1331
or a statement that the sentencing or reviewing judge has 1332

determined that the offender or delinquent child is a habitual sex offender and that, as of the date of the notice, the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04 or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) of this section to each person or entity identified within those divisions that is located within the geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section no later than seventy-two hours after the offender sends the notice of intent to reside to the sheriff and again no later than seventy-two hours after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) to provide the notices, no later than seventy-two hours after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to

provide notices regarding an offender or delinquent child shall 1365
provide the notices to all other specified persons that are 1366
described in divisions (A)(2) to (7) of this section not later 1367
than seven days after the offender or delinquent child registers 1368
with the sheriff, if the sheriff is required by division (C) to 1369
provide the notices, no later than seventy-two hours after the 1370
sheriff is provided the notice described in division (A)(8) of 1371
this section. 1372

(2) If an offender or delinquent child in relation to whom 1373
division (A) of this section applies verifies the offender's or 1374
delinquent child's current residence address with a sheriff 1375
pursuant to section 2950.06 of the Revised Code, the sheriff may 1376
provide a written notice containing the information set forth in 1377
division (B) of this section to the persons identified in 1378
divisions (A)(1) to (9) of this section. If a sheriff provides a 1379
notice pursuant to this division to the sheriff of one or more 1380
other counties in accordance with division (A)(8) of this section, 1381
the sheriff of each of the other counties who is provided the 1382
notice under division (A)(8) of this section may provide, but is 1383
not required to provide, a written notice containing the 1384
information set forth in division (B) of this section to the 1385
persons identified in divisions (A)(1) to (7) and (A)(9) of this 1386
section. 1387

(E) All information that a sheriff possesses regarding a 1388
sexual predator or a habitual sex offender that is described in 1389
division (B) of this section and that must be provided in a notice 1390
required under division (A) or (C) of this section or that may be 1391
provided in a notice authorized under division (D)(2) of this 1392
section is a public record that is open to inspection under 1393
section 149.43 of the Revised Code. 1394

If the sexual predator or habitual sex offender is a juvenile 1395
sex offender registrant, the sheriff shall not cause any of the 1396

information described in this division to be publicly disseminated 1397
by means of the internet, except when the act that is the basis of 1398
a child's classification as a juvenile sex offender registrant is 1399
a violation of, or an attempt to commit a violation of, section 1400
2903.01, 2903.02, or 2905.01 of the Revised Code that was 1401
committed with a purpose to gratify the sexual needs or desires of 1402
the child, a violation of section 2907.02 of the Revised Code, or 1403
an attempt to commit a violation of that section. 1404

(F) The notification provisions of this section do not apply 1405
regarding a person who is convicted of or pleads guilty to, has 1406
been convicted of or pleaded guilty to, or is adjudicated a 1407
delinquent child for committing, a sexually oriented offense, who 1408
has not been adjudicated as being a sexual predator relative to 1409
that sexually oriented offense, and who is determined pursuant to 1410
division (C)(2) or (E) of section 2950.09, division (B) of section 1411
2152.83, section 2152.84, or section 2152.85 of the Revised Code 1412
to be a habitual sex offender unless the sentencing or reviewing 1413
court imposes a requirement in the offender's sentence and in the 1414
judgment of conviction that contains the sentence or in the 1415
delinquent child's adjudication, or imposes a requirement as 1416
described in division (C)(2) of section 2950.09 of the Revised 1417
Code, that subjects the offender or the delinquent child to the 1418
provisions of this section. 1419

(G) The department of job and family services shall compile, 1420
maintain, and update in January and July of each year, a list of 1421
all agencies, centers, or homes of a type described in division 1422
(A)(2) or (6) of this section that contains the name of each 1423
agency, center, or home of that type, the county in which it is 1424
located, its address and telephone number, and the name of an 1425
administrative officer or employee of the agency, center, or home. 1426
The department of education shall compile, maintain, and update in 1427
January and July of each year, a list of all boards of education, 1428

schools, or programs of a type described in division (A)(3), (4), 1429
or (5) of this section that contains the name of each board of 1430
education, school, or program of that type, the county in which it 1431
is located, its address and telephone number, the name of the 1432
superintendent of the board or of an administrative officer or 1433
employee of the school or program, and, in relation to a board of 1434
education, the county or counties in which each of its schools is 1435
located and the address of each such school. The Ohio board of 1436
regents shall compile, maintain, and update in January and July of 1437
each year, a list of all institutions of a type described in 1438
division (A)(7) of this section that contains the name of each 1439
such institution, the county in which it is located, its address 1440
and telephone number, and the name of its president or other chief 1441
administrative officer. A sheriff required by division (A) or (C) 1442
of this section, or authorized by division (D)(2) of this section, 1443
to provide notices regarding an offender or delinquent child, or a 1444
designee of a sheriff of that type, may request the department of 1445
job and family services, department of education, or Ohio board of 1446
regents, by telephone, in person, or by mail, to provide the 1447
sheriff or designee with the names, addresses, and telephone 1448
numbers of the appropriate persons and entities to whom the 1449
notices described in divisions (A)(2) to (7) of this section are 1450
to be provided. Upon receipt of a request, the department or board 1451
shall provide the requesting sheriff or designee with the names, 1452
addresses, and telephone numbers of the appropriate persons and 1453
entities to whom those notices are to be provided. 1454

Sec. 2950.13. (A) The attorney general shall do all of the 1455
following: 1456

(1) No later than July 1, 1997, establish and maintain a 1457
state registry of sex offenders that is housed at the bureau of 1458
criminal identification and investigation and that contains all of 1459
the registration, change of residence address, and verification 1460

information the bureau receives pursuant to sections 2950.04, 1461
2950.05, and 2950.06 of the Revised Code regarding a person who is 1462
convicted of or pleads guilty to, or has been convicted of or 1463
pleaded guilty to, a sexually oriented offense or a person who is 1464
adjudicated a delinquent child for committing a sexually oriented 1465
offense and is classified a juvenile sex offender registrant or is 1466
an out-of-state juvenile sex offender registrant based on that 1467
adjudication, and all of the information the bureau receives 1468
pursuant to section 2950.14 of the Revised Code~~r~~. The registry 1469
also shall indicate whether a person who was convicted of or 1470
pleaded guilty to the sexually oriented offense was convicted of 1471
or pleaded guilty to the offense in a criminal prosecution or in a 1472
serious youthful offender case. 1473

(2) In consultation with local law enforcement 1474
representatives and no later than July 1, 1997, adopt rules that 1475
contain guidelines necessary for the implementation of this 1476
chapter; 1477

(3) In consultation with local law enforcement 1478
representatives and no later than July 1, 1997, adopt rules for 1479
the implementation and administration of the provisions contained 1480
in section 2950.11 of the Revised Code that pertain to the 1481
notification of neighbors of an offender or a delinquent child who 1482
has committed a sexually oriented offense and has been adjudicated 1483
as being a sexual predator or determined to be a habitual sex 1484
offender, and rules that prescribe a manner in which victims of a 1485
sexually oriented offense committed by an offender or a delinquent 1486
child who has been adjudicated as being a sexual predator or 1487
determined to be a habitual sex offender may make a request that 1488
specifies that the victim would like to be provided the notices 1489
described in divisions (A)(1) and (2) of section 2950.10 of the 1490
Revised Code; 1491

(4) In consultation with local law enforcement 1492

representatives and through the bureau of criminal identification 1493
and investigation, prescribe the forms to be used by judges and 1494
officials pursuant to section 2950.03 of the Revised Code to 1495
advise offenders and delinquent children of their duties of 1496
registration, notification of a change of residence address and 1497
registration of the new residence address, and residence address 1498
verification under sections 2950.04, 2950.05, and 2950.06 of the 1499
Revised Code, and prescribe the forms to be used by sheriffs 1500
relative to those duties of registration, change of residence 1501
address notification, and residence address verification; 1502

(5) Make copies of the forms prescribed under division (A)(4) 1503
of this section available to judges, officials, and sheriffs; 1504
1505

(6) Through the bureau of criminal identification and 1506
investigation, provide the notifications, the information, and the 1507
documents that the bureau is required to provide to appropriate 1508
law enforcement officials and to the federal bureau of 1509
investigation pursuant to sections 2950.04, 2950.05, and 2950.06 1510
of the Revised Code; 1511

(7) Through the bureau of criminal identification and 1512
investigation, maintain the verification forms returned under the 1513
residence address verification mechanism set forth in section 1514
2950.06 of the Revised Code; 1515

(8) In consultation with representatives of the officials, 1516
judges, and sheriffs, adopt procedures for officials, judges, and 1517
sheriffs to use to forward information, photographs, and 1518
fingerprints to the bureau of criminal identification and 1519
investigation pursuant to the requirements of sections 2950.03, 1520
2950.04, 2950.05, and 2950.06 of the Revised Code; 1521

(9) In consultation with the director of education, the 1522
director of job and family services, and the director of 1523

rehabilitation and correction and no later than July 1, 1997, 1524
adopt rules that contain guidelines to be followed by boards of 1525
education of a school district, chartered nonpublic schools or 1526
other schools not operated by a board of education, preschool 1527
programs, child day-care centers, type A family day-care homes, 1528
certified type B family day-care homes, and institutions of higher 1529
education regarding the proper use and administration of 1530
information received pursuant to section 2950.11 of the Revised 1531
Code relative to an offender or delinquent child who has been 1532
adjudicated as being a sexual predator or determined to be a 1533
habitual sex offender; 1534

(10) In consultation with local law enforcement 1535
representatives and no later than July 1, 1997, adopt rules that 1536
designate a geographic area or areas within which the notice 1537
described in division (B) of section 2950.11 of the Revised Code 1538
must be given to the persons identified in divisions (A)(2) to (8) 1539
of that section. 1540

(B) The attorney general, in consultation with local law 1541
enforcement representatives, may adopt rules that establish one or 1542
more categories of neighbors of an offender or delinquent child 1543
who, in addition to the occupants of residences adjacent to an 1544
offender's or delinquent child's place of residence, must be given 1545
the notice described in division (B) of section 2950.11 of the 1546
Revised Code. 1547

(C) As used in this section, "local law enforcement 1548
representatives" means representatives of the sheriffs of this 1549
state, representatives of the municipal chiefs of police and 1550
marshals of this state, and representatives of the township 1551
constables and chiefs of police of the township police departments 1552
or police district police forces of this state. 1553

Sec. 2950.99. (A) Whoever violates a prohibition in section 1554

2950.04, 2950.05, or 2950.06 of the Revised Code is guilty of a 1555
felony of the ~~fifth~~ fourth degree if the most serious sexually 1556
oriented offense that was the basis of the registration, change of 1557
address notification, or address verification requirement that was 1558
violated under the prohibition is a felony if committed by an 1559
adult, and a ~~misdemeanor~~ felony of the ~~first~~ fifth degree if the 1560
most serious sexually oriented offense that was the basis of the 1561
registration, change of address notification, or address 1562
verification requirement that was violated under the prohibition 1563
is a misdemeanor if committed by an adult. In addition to any 1564
penalty or sanction imposed for the violation, if the offender or 1565
delinquent child is on probation or parole, is subject to one or 1566
more post-release control sanctions, or is subject to any other 1567
type of supervised release at the time of the violation, the 1568
violation shall constitute a violation of the terms and conditions 1569
of the probation, parole, post-release control sanction, or other 1570
type of supervised release. 1571

(B) If a person violates a prohibition in section 2950.04, 1572
2950.05, or 2950.06 of the Revised Code that applies to the person 1573
as a result of the person being adjudicated a delinquent child and 1574
being classified a juvenile sex offender registrant or is an 1575
out-of-state juvenile sex offender registrant, both of the 1576
following apply: 1577

(1) If the violation occurs while the person is under 1578
eighteen years of age, the person is subject to proceedings under 1579
Chapter 2152. of the Revised Code based on the violation. 1580

(2) If the violation occurs while the person is eighteen 1581
years of age or older, the person is subject to criminal 1582
prosecution based on the violation. 1583

Sec. 5321.01. As used in this chapter: 1584

(A) "Tenant" means a person entitled under a rental agreement 1585
to the use and occupancy of residential premises to the exclusion 1586
of others. 1587

(B) "Landlord" means the owner, lessor, or sublessor of 1588
residential premises, the agent of the owner, lessor, or 1589
sublessor, or any person authorized by the owner, lessor, or 1590
sublessor to manage the premises or to receive rent from a tenant 1591
under a rental agreement. 1592

(C) "Residential premises" means a dwelling unit for 1593
residential use and occupancy and the structure of which it is a 1594
part, the facilities and appurtenances in it, and the grounds, 1595
areas, and facilities for the use of tenants generally or the use 1596
of which is promised the tenant. "Residential premises" includes a 1597
dwelling unit that is owned or operated by a college or 1598
university. "Residential premises" does not include any of the 1599
following: 1600

(1) Prisons, jails, workhouses, and other places of 1601
incarceration or correction, including, but not limited to, 1602
halfway houses or residential arrangements which are used or 1603
occupied as a requirement of probation or parole; 1604

(2) Hospitals and similar institutions with the primary 1605
purpose of providing medical services, and homes licensed pursuant 1606
to Chapter 3721. of the Revised Code; 1607

(3) Tourist homes, hotels, motels, and other similar 1608
facilities where circumstances indicate a transient occupancy; 1609

(4) Elementary and secondary boarding schools, where the cost 1610
of room and board is included as part of the cost of tuition; 1611

(5) Orphanages and similar institutions; 1612

(6) Farm residences furnished in connection with the rental 1613
of land of a minimum of two acres for production of agricultural 1614

products by one or more of the occupants;	1615
(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	1616
(8) Occupancy by an owner of a condominium unit;	1618
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	1619
(a) The occupancy is for a period of less than sixty days;	1620
(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:	1621
(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, developmentally disabled persons, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;	1622
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	1623
(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.	1624
(D) "Rental agreement" means any agreement or lease, written	1625

or oral, which establishes or modifies the terms, conditions,
rules, or any other provisions concerning the use and occupancy of
residential premises by one of the parties.

(E) "Security deposit" means any deposit of money or property
to secure performance by the tenant under a rental agreement.

(F) "Dwelling unit" means a structure or the part of a
structure that is used as a home, residence, or sleeping place by
one person who maintains a household or by two or more persons who
maintain a common household.

(G) "Controlled substance" has the same meaning as in section
3719.01 of the Revised Code.

(H) "Student tenant" means a person who occupies a dwelling
unit owned or operated by the college or university at which the
person is a student, and who has a rental agreement that is
contingent upon the person's status as a student.

(I) "School premises" has the same meaning as in section
2925.01 of the Revised Code.

(J) "Sexually oriented offense" has the same meaning as in
section 2950.01 of the Revised Code.

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the
Revised Code, a landlord may bring an action under Chapter 1923.
of the Revised Code for possession of the premises if:

(1) The tenant is in default in the payment of rent;

(2) The violation of the applicable building, housing,
health, or safety code that the tenant complained of was primarily
caused by any act or lack of reasonable care by the tenant, or by
any other person in the tenant's household, or by anyone on the
premises with the consent of the tenant;

(3) Compliance with the applicable building, housing, health, or safety code would require alteration, remodeling, or demolition of the premises which would effectively deprive the tenant of the use of the dwelling unit;

(4) A tenant is holding over ~~his~~ the tenant's term.

(5) A tenant or other occupant resides in or occupies residential premises located within five hundred feet of any school premises, and both of the following apply:

(a) The tenant's name appears on the state registry of sexual offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sexual offenders indicates that the tenant was convicted of or pleaded guilty to a sexually oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for the sexually oriented offense.

(B) The maintenance of an action by the landlord under this section does not prevent the tenant from recovering damages for any violation by the landlord of the rental agreement or of section 5321.04 of the Revised Code.

(C) This section does not apply to a dwelling unit occupied by a student tenant.

Sec. 5321.051. (A)(1) No tenant shall allow any person to occupy the residential premises that are the subject of the rental agreement if the residential premises are located within five hundred feet of any school premises and if both of the following apply to the person:

(a) The person's name appears on the state registry of sexual offenders maintained under section 2950.13 of the Revised Code.

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(b) The state registry of sexual offenders indicates that the person was convicted of or pleaded guilty to a sexually oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for the sexually oriented offense.

(2) If a person enters into a rental agreement, or if a tenant allows occupancy, in violation of this section or section 2950.031 of the Revised Code, the landlord for the residential premises that are the subject of the rental agreement or other tenancy may terminate the rental agreement or other tenancy of the tenant and all other occupants.

(B) If a landlord who is authorized to terminate a rental agreement or other tenancy pursuant to division (A) of this section does not terminate the rental agreement or other tenancy, the landlord is not liable in a tort or other civil action in damages for injury, death, or loss to person or property that allegedly results from that decision.

Section 2. That existing sections 1923.01, 1923.02, 1923.051, 2950.01, 2950.04, 2950.09, 2950.11, 2950.13, 2950.99, 5321.01, and 5321.03 of the Revised Code are hereby repealed.

Section 3. Sections 1923.01, 1923.02, 1923.051, 2950.01, 5321.01, and 5321.03 of the Revised Code, as amended by this act, and sections 2950.031 and 5321.051 of the Revised Code, as enacted by this act, apply to rental agreements entered into on or after the effective date of this act.

Section 4. Section 2950.01 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 393 and Am. Sub. S.B. 175 of the 124th General Assembly. Section 2950.04 of the Revised Code is presented in this act as a

composite of the section as amended by both Sub. H.B. 393 and Am. 1733
Sub. S.B. 175 of the 124th General Assembly. Section 2950.09 of 1734
the Revised Code is presented in this act as a composite of the 1735
section as amended by both Sub. H.B. 393 and Am. Sub. S.B. 175 of 1736
the 124th General Assembly. The General Assembly, applying the 1737
principle stated in division (B) of section 1.52 of the Revised 1738
Code that amendments are to be harmonized if reasonably capable of 1739
simultaneous operation, finds that the composite is the resulting 1740
version of the section in effect prior to the effective date of 1741
the section as presented in this act. 1742