

# AN ACT

To amend sections 2907.02, 2929.13, 2929.14, 2929.19, 2950.01, 2950.03, 2950.04, 2950.06, 2950.07, 2950.09, 2950.10, 2950.11, 2950.13, and 2967.13 of the Revised Code to eliminate the requirement of force or a threat of force for a sentence of life imprisonment for the rape of a child who is less than ten years of age; to require either life imprisonment or life imprisonment without parole for the rape of a child less than thirteen years of age, if the offender previously was convicted of the rape of a child under that age or caused serious physical harm to the victim; to provide a mandatory prison term for attempted rape if the completed rape would subject the offender to life imprisonment; to specify that a conviction of or plea of guilty to rape when the victim was under 13 years of age automatically subjects the offender to the same duties and requirements as a sexual predator under the Sex Offender Registration and Notification Law; and to declare an emergency.

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

SECTION 1. That sections 2907.02, 2929.13, 2929.14, 2929.19, 2950.01, 2950.03, 2950.04, 2950.06, 2950.07, 2950.09, 2950.10, 2950.11, 2950.13, and 2967.13 of the Revised Code be amended to read as follows:

Sec. 2907.02. (A)(1) No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:

(a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug,

intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.

(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.

(c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

(2) No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

(B) Whoever violates this section is guilty of rape, a felony of the first degree. If the offender under division (A)(1)(a) of this section substantially impairs the other person's judgment or control by administering any controlled substance described in section 3719.41 of the Revised Code to the other person surreptitiously or by force, threat of force, or deception, the prison term imposed upon the offender shall be one of the prison terms prescribed for a felony of the first degree in section 2929.14 of the Revised Code that is not less than five years. If the offender under division (A)(1)(b) of this section purposely compels the victim to submit by force or threat of force or if the victim under division (A)(1)(b) of this section is less than ten years of age, whoever violates division (A)(1)(b) of this section shall be imprisoned for life. If the offender under division (A)(1)(b) of this section previously has been convicted of or pleaded guilty to violating division (A)(1)(b) of this section or to violating a law of another state or the United States that is substantially similar to division (A)(1)(b) of this section or if the offender during or immediately after the commission of the offense caused serious physical harm to the victim, whoever violates division (A)(1)(b) of this section shall be imprisoned for life or life without parole.

(C) A victim need not prove physical resistance to the offender in prosecutions under this section.

(D) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

Evidence of specific instances of the defendant's sexual activity, opinion

evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(E) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(F) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

(G) It is not a defense to a charge under division (A)(2) of this section that the offender and the victim were married or were cohabiting at the time of the commission of the offense.

Sec. 2929.13. (A) Except as provided in division (E), (F), or (G) of this section and unless a specific sanction is required to be imposed or is precluded from being imposed pursuant to law, a court that imposes a sentence upon an offender for a felony may impose any sanction or combination of sanctions on the offender that are provided in sections 2929.14 to 2929.18 of the Revised Code. The sentence shall not impose an unnecessary burden on state or local government resources.

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also may impose a financial sanction pursuant to section 2929.18 of the Revised Code but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OMVI offense or for a third degree felony OMVI offense, in addition to the

mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OMVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code;

(2) For a third or fourth degree felony OMVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (D)(4) of section 2929.14 of the Revised Code.

(B)(1) Except as provided in division (B)(2), (E), (F), or (G) of this section, in sentencing an offender for a felony of the fourth or fifth degree, the sentencing court shall determine whether any of the following apply:

(a) In committing the offense, the offender caused physical harm to a person.

(b) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

(c) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.

(d) The offender held a public office or position of trust and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

(e) The offender committed the offense for hire or as part of an organized criminal activity.

(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code.

(g) The offender previously served a prison term.

(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.

(i) The offender committed the offense while in possession of a firearm.

(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code,

finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender.

(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.

(C) Except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(D) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree and for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Notwithstanding the presumption established under this division, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

(1) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

(2) A community control sanction or a combination of community

control sanctions would not demean the seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender's conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that section that indicate that the offender's conduct was more serious than conduct normally constituting the offense.

(E)(1) Except as provided in division (F) of this section, for any drug offense that is a violation of any provision of Chapter 2925. of the Revised Code and that is a felony of the third, fourth, or fifth degree, the applicability of a presumption under division (D) of this section in favor of a prison term or of division (B) or (C) of this section in determining whether to impose a prison term for the offense shall be determined as specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code, whichever is applicable regarding the violation.

(2) If an offender who was convicted of or pleaded guilty to a felony violates the conditions of a community control sanction imposed for the offense solely by reason of producing positive results on a drug test, the court, as punishment for the violation of the sanction, shall not order that the offender be imprisoned unless the court determines on the record either of the following:

(a) The offender had been ordered as a sanction for the felony to participate in a drug treatment program, in a drug education program, or in narcotics anonymous or a similar program, and the offender continued to use illegal drugs after a reasonable period of participation in the program.

(b) The imprisonment of the offender for the violation is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20 or 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the terms pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape ~~by force when the victim is under thirteen years of age~~ if, had the offender completed the rape

that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the rape;

(3) Gross sexual imposition or sexual battery, if the victim is under thirteen years of age, if the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and if the victim of the previous offense was under thirteen years of age;

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, or 2903.13 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;

(7) Any offense that is a third degree felony and that is listed in division (DD)(1) of section 2929.01 of the Revised Code if the offender previously was convicted of or pleaded guilty to any offense that is listed in division (DD)(2)(a)(i) or (ii) of section 2929.01 of the Revised Code;

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (D)(1)(a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (D)(1)(d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any sexually violent offense for which the offender also is

convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense;

(12) A violation of division (A)(1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A)(1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OMVI offense or for a third degree felony OMVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OMVI offense, the court may impose upon the offender a mandatory term of local incarceration of sixty days as specified in division (A)(4) of section 4511.99 of the Revised Code or a mandatory term of local incarceration of one hundred twenty days as specified in division (A)(8) of that section. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to extension under section 2967.11 of the Revised Code, to a period of post-release control under section 2967.28 of the Revised Code, or to any other Revised Code provision that pertains to a prison term.

(2) If the offender is being sentenced for a third degree felony OMVI offense, or if the offender is being sentenced for a fourth degree felony OMVI offense and the court does not impose a mandatory term of local incarceration under division (G)(1) of this section, the court shall impose upon the offender a mandatory prison term of sixty days as specified in division (A)(4) of section 4511.99 of the Revised Code or a mandatory prison term of one hundred twenty days as specified in division (A)(8) of that section. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. In no case shall an offender who once has been sentenced to a mandatory term of local incarceration pursuant to division (G)(1) of this section for a fourth degree felony OMVI offense be sentenced to another mandatory term of local

incarceration under that division for any violation of division (A) of section 4511.19 of the Revised Code. The court shall not sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

(a) The department of rehabilitation and correction shall make a reasonable effort to ensure that a sufficient number of offenders sentenced to a mandatory prison term under this division are placed in the privately operated and managed prison so that the privately operated and managed prison has full occupancy.

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code if either of the following applies:

(1) The offense was a sexually violent offense, and the offender also was convicted of or pleaded guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense.

(2) The judge imposing sentence for the sexually oriented offense determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator.

(I) If an offender is being sentenced for a sexually oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duty to register pursuant to section 2950.04 of the Revised Code, the offender's duty to provide notice of a change in residence address and register the new residence address pursuant

to section 2950.05 of the Revised Code, the offender's duty to periodically verify the offender's current residence address pursuant to section 2950.06 of the Revised Code, and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration and, if required under division (A)(2) of section 2950.03 of the Revised Code, shall perform the duties specified in that section.

(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

(2) When considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section, "drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), (D)(2), (D)(3), (D)(4), or (G) of this section and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter and is not prohibited by division (G)(1) of section 2929.13 of the Revised Code from imposing a prison term on the offender, the court shall impose a definite prison term that shall be one of the following:

(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, or ten years.

(2) For a felony of the second degree, the prison term shall be two, three, four, five, six, seven, or eight years.

(3) For a felony of the third degree, the prison term shall be one, two, three, four, or five years.

(4) For a felony of the fourth degree, the prison term shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen,

or eighteen months.

(5) For a felony of the fifth degree, the prison term shall be six, seven, eight, nine, ten, eleven, or twelve months.

(B) Except as provided in division (C), (D)(1), (D)(2), (D)(3), or (G) of this section, in section 2907.02 of the Revised Code, or in Chapter 2925. of the Revised Code, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender and if the offender previously has not served a prison term, the court shall impose the shortest prison term authorized for the offense pursuant to division (A) of this section, unless the court finds on the record that the shortest prison term will demean the seriousness of the offender's conduct or will not adequately protect the public from future crime by the offender or others.

(C) Except as provided in division (G) of this section or in Chapter 2925. of the Revised Code, the court imposing a sentence upon an offender for a felony may impose the longest prison term authorized for the offense pursuant to division (A) of this section only upon offenders who committed the worst forms of the offense, upon offenders who pose the greatest likelihood of committing future crimes, upon certain major drug offenders under division (D)(3) of this section, and upon certain repeat violent offenders in accordance with division (D)(2) of this section.

(D)(1)(a) Except as provided in division (D)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms:

(i) A prison term of six years if the specification is of the type described in section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the offender's person or under the offender's control while committing the felony;

(ii) A prison term of three years if the specification is of the type described in section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;

(iii) A prison term of one year if the specification is of the type described in section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the felony.

(b) If a court imposes a prison term on an offender under division (D)(1)(a) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(1)(a) of this section for felonies committed as part of the same act or transaction.

(c) Except as provided in division (D)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term of five years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one additional prison term on an offender under division (D)(1)(c) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (D)(1)(c) of this section relative to an offense, the court also shall impose a prison term under division (D)(1)(a) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony offense of violence, the court shall impose on the offender a prison term of two years. The prison term so imposed shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of ~~chapter Chapter~~ Chapter 2967. or ~~chapter Chapter~~ Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(1)(d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (D)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (D)(1)(d) of this section.

(e) The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(2)(a) If an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender, the court shall impose a prison term from the range of terms authorized for the offense under division (A) of this section that may be the longest term in the range and that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If the court finds that the repeat violent offender, in committing the offense, caused any physical harm that carried a substantial risk of death to a person or that involved substantial permanent incapacity or substantial permanent disfigurement of a person, the court shall impose the longest prison term from the range of terms authorized for the offense under division (A) of this section.

(b) If the court imposing a prison term on a repeat violent offender imposes the longest prison term from the range of terms authorized for the offense under division (A) of this section, the court may impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if the court finds that both of the following apply with respect to the prison terms imposed on the offender pursuant to division (D)(2)(a) of this section and, if applicable, divisions (D)(1) and (3) of this section:

(i) The terms so imposed are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(ii) The terms so imposed are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the

Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(3)(a) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender and requires the imposition of a ten-year prison term on the offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (C) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, ~~or~~ if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted forcible violation of section 2907.02 of the Revised Code with the victim being under thirteen years of age and that attempted violation is the felony for which sentence is being imposed and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a ten-year prison term that cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 5120. of the Revised Code.

(b) The court imposing a prison term on an offender under division (D)(3)(a) of this section may impose an additional prison term of one, two, three, four, five, six, seven, eight, nine, or ten years, if the court, with respect to the term imposed under division (D)(3)(a) of this section and, if applicable, divisions (D)(1) and (2) of this section, makes both of the findings set forth in divisions (D)(2)(b)(i) and (ii) of this section.

(4) If the offender is being sentenced for a third or fourth degree felony OMVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory

prison term in accordance with that division. In addition to the mandatory prison term, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section minus the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (D)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal one of the authorized prison terms specified in division (A)(3) of this section. If the court imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. The court shall not sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other mandatory prison term imposed under either division or under division (D)(1)(d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (D)(2), or (D)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(b) If a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(d) of this section for wearing or carrying body armor while committing an offense of violence that is a felony, the offender shall serve the mandatory term so imposed consecutively to any other mandatory prison term imposed under that division or under division (D)(1)(a) or (c) of this section, consecutively to and prior to any prison term imposed for the underlying felony under division (A), (D)(2), or (D)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, 2921.34, or 2921.35 of

the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is an escapee in violation of section 2921.34 of the Revised Code, any prison term imposed upon the offender for one of those violations shall be served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or subsequently imposed upon the offender.

(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code or if a prison term is imposed for a felony violation of division (B) of section 2921.331 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(a) The offender committed the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(b) The harm caused by the multiple offenses was so great or unusual that no single prison term for any of the offenses committed as part of a single course of conduct adequately reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

(5) When consecutive prison terms are imposed pursuant to division (E)(1), (2), (3), or (4) of this section, the term to be served is the aggregate of all of the terms so imposed.

(F) If a court imposes a prison term of a type described in division (B) of section 2967.28 of the Revised Code, it shall include in the sentence a requirement that the offender be subject to a period of post-release control

after the offender's release from imprisonment, in accordance with that division. If a court imposes a prison term of a type described in division (C) of that section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary.

(G) If a person is convicted of or pleads guilty to a sexually violent offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, the court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment.

(H) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(I) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(J) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(K) At the time of sentencing, the court shall determine if an offender is eligible for placement in a program of shock incarceration under section 5120.031 of the Revised Code or is eligible for placement in an intensive program prison under section 5120.032 of the Revised Code. The court may recommend the offender for placement in a program of shock incarceration,

if eligible, or for placement in an intensive program prison, if eligible, disapprove placement of the offender in a program of shock incarceration or in an intensive program prison, regardless of eligibility, or make no recommendation on placement of the offender.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court approves placement of the offender in a program of shock incarceration or in an intensive program prison, the department shall notify the court if the offender is subsequently placed in the recommended program or prison and shall include with the notice a brief description of the placement.

If the court approves placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an eligible offender, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

Sec. 2929.19. (A)(1) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section 2953.07 or 2953.08 of the Revised Code. At the hearing, the offender, the prosecuting attorney, the victim or the victim's representative in accordance with section 2930.14 of the Revised Code, and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(2) Except as otherwise provided in this division, before imposing

sentence on an offender who is being sentenced for a sexually oriented offense that was committed on or after January 1, 1997, and that is not a sexually violent offense, and before imposing sentence on an offender who is being sentenced for a sexually violent offense committed on or after January 1, 1997, and who was not charged with a sexually violent predator specification in the indictment, count in the indictment, or information charging the sexually violent offense, the court shall conduct a hearing in accordance with division (B) of section 2950.09 of the Revised Code to determine whether the offender is a sexual predator. The court shall not conduct a hearing under that division if the offender is being sentenced for a sexually violent offense and a sexually violent predator specification was included in the indictment, count in the indictment, or information charging the sexually violent offense. Before imposing sentence on an offender who is being sentenced for a sexually oriented offense, the court also shall comply with division (E) of section 2950.09 of the Revised Code.

(B)(1) At the sentencing hearing, the court, before imposing sentence, shall consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code.

(2) The court shall impose a sentence and shall make a finding that gives its reasons for selecting the sentence imposed in any of the following circumstances:

(a) Unless the offense is a sexually violent offense for which the court is required to impose sentence pursuant to division (G) of section 2929.14 of the Revised Code, if it imposes a prison term for a felony of the fourth or fifth degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of the Revised Code for purposes of sentencing, its reasons for imposing the prison term, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and any factors listed in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code that it found to apply relative to the offender.

(b) If it does not impose a prison term for a felony of the first or second degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and for which a presumption in favor of a prison term is specified as being applicable, its reasons for not imposing the prison term and for overriding the presumption, based upon the

overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and the basis of the findings it made under divisions (D)(1) and (2) of section 2929.13 of the Revised Code.

(c) If it imposes consecutive sentences under section 2929.14 of the Revised Code, its reasons for imposing the consecutive sentences;

(d) If the sentence is for one offense and it imposes a prison term for the offense that is the maximum prison term allowed for that offense by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term;

(e) If the sentence is for two or more offenses arising out of a single incident and it imposes a prison term for those offenses that is the maximum prison term allowed for the offense of the highest degree by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term.

(3) Subject to division (B)(4) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following:

(a) Impose a stated prison term;

(b) Notify the offender that, as part of the sentence, the parole board may extend the stated prison term for certain violations of prison rules for up to one-half of the stated prison term;

(c) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the first degree or second degree, for a felony sex offense, or for a felony of the third degree in the commission of which the offender caused or threatened to cause physical harm to a person;

(d) Notify the offender that the offender may be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the third, fourth, or fifth degree that is not subject to division (B)(3)(c) of this section;

(e) Notify the offender that, if a period of supervision is imposed following the offender's release from prison, as described in division (B)(3)(c) or (d) of this section, and if the offender violates that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code, the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison term originally imposed upon the offender;

(f) Require that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code, whichever is applicable to the

ffender who is serving a prison term, and require that the results of the drug test administered under any of those sections indicate that the offender did not ingest or was not injected with a drug of abuse.

(4) If the offender is being sentenced for a sexually violent offense that the offender committed on or after January 1, 1997, and the offender also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense ~~or~~, if the offender is being sentenced for a sexually oriented offense that the offender committed on or after January 1, 1997, and the court imposing the sentence has determined pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator, or if the offender is being sentenced for an aggravated sexually oriented offense as defined in section 2950.01 of the Revised Code that the offender committed on or after the effective date of this amendment, the court shall include in the offender's sentence a statement that the offender has been adjudicated as being a sexual predator or has been convicted of or pleaded guilty to an aggravated sexually oriented offense, whichever is applicable, and shall comply with the requirements of section 2950.03 of the Revised Code. Additionally, in the circumstances described in division (G) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division.

(5) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the sanction are violated, if the offender commits a violation of any law, or if the offender leaves this state without the permission of the court or the offender's probation officer, the court may impose a longer time under the same sanction, may impose a more restrictive sanction, or may impose a prison term on the offender and shall indicate the specific prison term that may be imposed as a sanction for the violation, as selected by the court from the range of prison terms for the offense pursuant to section 2929.14 of the Revised Code.

(6) Before imposing a financial sanction under section 2929.18 of the Revised Code or a fine under section 2929.25 of the Revised Code, the court shall consider the offender's present and future ability to pay the amount of the sanction or fine.

(C)(1) If the offender is being sentenced for a fourth degree felony OMVI offense under division (G)(1) of section 2929.13 of the Revised

Code, the court shall impose the mandatory term of local incarceration in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose additional sanctions as specified in sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code. The court shall not impose a prison term on the offender.

(2) If the offender is being sentenced for a third or fourth degree felony OMVI offense under division (G)(2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose an additional prison term as specified in section 2929.14 of the Revised Code. The court shall not impose any community control sanction on the offender.

(D) The sentencing court, pursuant to division (K) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.

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:

(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.

(2) One of the following applies to the person:

(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.

(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.

(C) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(D) "Sexually oriented offense" means any of the following:

(1) Any of the following violations or offenses committed by a person eighteen years of age or older:

(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;

(b) Any of the following offenses involving a minor, in the circumstances specified:

(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;

(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;

(iii) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code;

(iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;

(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;

(vi) A violation of division (D) or (E) of section 2907.07 of the Revised Code.

(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;

(d) A sexually violent offense;

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

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

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

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

(b) Subject to division (D)(2)(h) of this section, any of the following acts involving a minor in the circumstances specified:

(i) A violation of section 2905.01 or 2905.02 of the Revised Code, or of former section 2905.04 of the Revised Code, when the victim of the violation is under eighteen years of age;

(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;

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

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

(d) Subject to division (D)(2)(h) of this section, a violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 2905.02 of the Revised Code, a violation of division (A) of section 2903.04 of the Revised Code, or an attempt to violate any of those sections or that division that is committed with a purpose to gratify the sexual needs or desires of the child committing the violation;

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

(f) Subject to division (D)(2)(h) of this section, any 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 (D)(2)(a), (b), (c), (d), or (e) of this section and that, if committed by an adult, would be a felony of the first, second, third, or fourth degree;

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

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

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

(1) The person has been convicted of or pleaded guilty to committing a sexually oriented offense and is likely to engage in the future in one or more sexually oriented offenses.

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

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

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

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

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

(1) The offender is convicted of or pleads guilty to committing, on or after January 1, 1997, a sexually oriented offense that is a sexually violent

offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information that charged the sexually violent offense.

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

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

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

(5) Regardless of when the sexually oriented offense was committed, the offender or delinquent child is convicted of or pleads guilty to, has been convicted of or pleaded guilty to, or is adjudicated a delinquent child for committing a sexually oriented offense in another state or in a federal court, military court, or an Indian tribal court, as a result of that conviction, plea of guilty, or adjudication, the offender or delinquent child is required, under the law of the jurisdiction in which the offender was convicted or pleaded guilty or the delinquent child was adjudicated, to register as a sex offender until the offender's or delinquent child's death and to verify the offender's or delinquent child's address on at least a quarterly basis each year, and, on or after July 1, 1997, for offenders or January 1, 2002, for delinquent children the offender or delinquent child moves to and resides in this state or temporarily is domiciled in this state for more than seven days, unless a court of common pleas or juvenile court determines that the offender or delinquent child is not a sexual predator pursuant to division (F) of section 2950.09 of the Revised Code.

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

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

(J) "Juvenile sex offender registrant" means a person who is adjudicated

a delinquent child for committing on or after January 1, 2002, a sexually oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a juvenile sex offender registrant and specifies has a duty to register under section 2950.04 of the Revised Code.

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

(L) "Out-of-state juvenile sex offender registrant" means a person who is adjudicated a delinquent child for committing a sexually oriented offense in another state or in a federal court, military court, or Indian tribal court, who on or after January 1, 2002, moves to and resides in this state or temporarily is domiciled in this state for more than seven days, and who under section 2950.04 of the Revised Code has a duty to register in this state as described in that section.

(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.

(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.

(O) "Aggravated sexually oriented offense" means a violation of division (A)(1)(b) of section 2907.02 of the Revised Code.

Sec. 2950.03. (A) Each person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to a sexually oriented offense and who has a duty to register pursuant to section 2950.04 of the Revised Code, and each person who is adjudicated a delinquent child for committing a sexually oriented offense and who is classified pursuant to section 2152.82 or division (A) of section 2152.83 of the Revised Code a juvenile sex offender registrant based on that adjudication, shall be provided notice in accordance with this section of the offender's or delinquent child's duty to register under section 2950.04 of the Revised Code, the offender's or delinquent child's duty to provide notice of any change in the offender's or delinquent child's residence address and to register the new residence address pursuant to section 2950.05 of the Revised Code, and the offender's or delinquent child's duty to periodically verify the offender's or delinquent

child's residence address pursuant to section 2950.06 of the Revised Code. The following official shall provide the notice to the offender or delinquent child at the following time:

(1) Regardless of when the offender committed the sexually oriented offense, if the person is 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 if, on or after January 1, 1997, the offender is serving that term or is under that confinement, the official in charge of the jail, workhouse, state correctional institution, or other institution in which the offender serves the prison term, term of imprisonment, or confinement, or a designee of that official, shall provide the notice to the offender before the offender is released pursuant to any type of supervised release or before the offender otherwise is released from the prison term, term of imprisonment, or confinement.

(2) Regardless of when the offender committed the sexually oriented offense, if the person is an offender who is sentenced for the sexually oriented offense on or after January 1, 1997, and if division (A)(1) of this section does not apply, the judge shall provide the notice to the offender at the time of sentencing.

(3) If the person is an offender who committed the sexually oriented offense prior to January 1, 1997, if neither division (A)(1) nor division (A)(2) of this section applies, and if, immediately prior to January 1, 1997, the offender was a habitual sex offender who was required to register under Chapter 2950. of the Revised Code, the chief of police or sheriff with whom the offender most recently registered under that chapter, in the circumstances described in this division, shall provide the notice to the offender. If the offender has registered with a chief of police or sheriff under Chapter 2950. of the Revised Code as it existed prior to January 1, 1997, the chief of police or sheriff with whom the offender most recently registered shall provide the notice to the offender as soon as possible after January 1, 1997, as described in division (B)(1) of this section. If the offender has not registered with a chief of police or sheriff under that chapter, the failure to register shall constitute a waiver by the offender of any right to notice under this section. If an offender described in this division does not receive notice under this section, the offender is not relieved of the duty to register, the duty to provide notice of any change in residence address and to register the new residence address, and the duty to periodically verify the residence address, as described in division (A) of this section.

(4) If the person is an offender of the type described in division (A)(1) of this section and if, subsequent to release, the offender is adjudicated as

being a sexual predator pursuant to division (C) of section 2950.09 of the Revised Code, the judge shall provide the notice to the offender at the time of adjudication.

(5) If the person is a delinquent child who is classified pursuant to section 2152.82 or division (A) of section 2152.83 of the Revised Code a juvenile sex offender registrant, the judge shall provide the notice to the delinquent child at the time of the classification.

(B)(1) The notice provided under division (A) of this section shall inform the offender or delinquent child of the duty to register under section 2950.04 of the Revised Code, to notify the appropriate officials of a change in the offender's or delinquent child's residence address and to register the new residence address in accordance with section 2950.05 of the Revised Code, and to periodically verify a residence address under section 2950.06 of the Revised Code. The notice shall comport with the following:

(a) If the notice is provided to an offender under division (A)(3) of this section, the notice shall be on a form that is prescribed by the bureau of criminal identification and investigation and that states the offender's duties to register, to register a new residence address, and to periodically verify a residence address and that, if the offender has any questions concerning these duties, the offender may contact the chief of police or sheriff who sent the form for an explanation of the duties. If the offender appears in person before the chief of police or sheriff, the chief or sheriff shall provide the notice as described in division (B)(1)(a) of this section, and all provisions of this section that apply regarding a notice provided by an official, official's designee, or judge in that manner shall be applicable.

(b) If the notice is provided to an offender under division (A)(1), (2), or (4) of this section, the official, official's designee, or judge shall require the offender to read and sign a form prescribed by the bureau of criminal identification and investigation, stating that the offender's duties to register, to register a new residence address, and to periodically verify a residence address have been explained to the offender. If the offender is unable to read, the official, official's designee, or judge shall certify on the form that the official, designee, or judge specifically informed the offender of those duties and that the offender indicated an understanding of those duties.

(c) If the notice is provided to a delinquent child under division (A)(5) of this section, the judge shall require the delinquent child and the delinquent child's parent, guardian, or custodian to read and sign a form prescribed by the bureau of criminal identification and investigation, stating that the delinquent child's duties to register, to register a new residence address, and to periodically verify a residence address have been explained

to the delinquent child and to the delinquent child's parent, guardian, or custodian. If the delinquent child or the delinquent child's parent, guardian, or custodian is unable to read, the judge shall certify on the form that the judge specifically informed the delinquent child or the delinquent child's parent, guardian, or custodian of those duties and that the delinquent child or the delinquent child's parent, guardian, or custodian indicated an understanding of those duties.

(d) For any notice provided under division (A) of this section, the form used shall contain all of the information required by the bureau of criminal identification and investigation, including, but not limited to, a statement that the subject delinquent child if applicable has been classified by the adjudicating juvenile court judge or the judge's successor in office a juvenile sex offender registrant and has a duty to register, a statement as to whether the offender or delinquent child has been adjudicated as being a sexual predator relative to the sexually oriented offense in question, a statement as to whether the offender or delinquent child has been determined to be a habitual sex offender, a statement as to whether the offense for which the offender has the duty to register is an aggravated sexually oriented offense committed on or after the effective date of this amendment, an explanation of the periodic residence address verification process and of the frequency with which the offender or delinquent child will be required to verify the residence address under that process, and a statement that the offender or delinquent child must verify the residence address at the times specified under that process or face criminal prosecution or a delinquent child proceeding.

(e) If the notice is provided under division (A)(4) of this section, in addition to all other information contained on it, the form also shall include a statement that the notice replaces any notice previously provided to the offender under division (A)(1) of this section, a statement that the offender's duties described in this notice supersede the duties described in the prior notice, and a statement notifying the offender that, if the offender already has registered under section 2950.04 of the Revised Code, the offender must register again pursuant to division (A)(6) of that section.

(f) If the notice is provided under division (A)(5) of this section, the form, in addition to all other information contained on it, shall inform the delinquent child and the delinquent child's parent, guardian, or custodian that, if the delinquent child fails to comply with the requirements of sections 2950.04, 2950.05, and 2950.06 of the Revised Code, both of the following apply:

(i) If the delinquent child's failure occurs while the child is under

eighteen years of age, the child is subject to proceedings under Chapter 2152. of the Revised Code based on the failure, but if the failure occurs while the child is eighteen years of age or older, the child is subject to criminal prosecution based on the failure.

(ii) If the delinquent child's failure occurs while the child is under eighteen years of age, unless the child is emancipated, as defined in section 2919.121 of the Revised Code, the failure of the parent, guardian, or custodian to ensure that the child complies with those requirements is a violation of section 2919.24 of the Revised Code and may result in the prosecution of the parent, guardian, or custodian for that violation.

(2)(a) After an offender described in division (A)(1), (2), or (4) of this section has signed the form described in division (B)(1) of this section or the official, official's designee, or judge has certified on the form that the form has been explained to the offender and that the offender indicated an understanding of the duties indicated on it, the official, official's designee, or judge shall give one copy of the form to the offender, within three days shall send one copy of the form to the bureau of criminal identification and investigation in accordance with the procedures adopted pursuant to section 2950.13 of the Revised Code, and shall send one copy of the form to the sheriff of the county in which the offender expects to reside.

(b) After a chief of police or sheriff has sent a form to an offender under division (A)(3) of this section, the chief or sheriff shall send a copy of the form to the bureau of criminal identification and investigation in accordance with the procedures adopted pursuant to section 2950.13 of the Revised Code.

(c) After a delinquent child described in division (A)(5) of this section and the delinquent child's parent, guardian, or custodian have signed the form described in division (B)(1) of this section or the judge has certified on the form that the form has been explained to the delinquent child or the delinquent child's parent, guardian, or custodian and that the delinquent child or the delinquent child's parent, guardian, or custodian indicated an understanding of the duties and information indicated on the form, the judge shall give a copy of the form to both the delinquent child and to the delinquent child's parent, guardian, or custodian, within three days shall send one copy of the form to the bureau of criminal identification and investigation in accordance with the procedures adopted pursuant to section 2950.13 of the Revised Code, and shall send one copy of the form to the sheriff of the county in which the delinquent child expects to reside.

(C) The official, official's designee, judge, chief of police, or sheriff who is required to provide notice to an offender or delinquent child under

division (A) of this section shall do all of the following:

(1) If the notice is provided under division (A)(1), (2), (4), or (5) of this section, the official, designee, or judge shall determine the offender's or delinquent child's name, identifying factors, and expected future residence address, shall obtain the offender's or delinquent child's criminal and delinquency history, and shall obtain a photograph and the fingerprints of the offender or delinquent child. If the notice is provided by a judge under division (A)(2), (4), or (5) of this section, the sheriff shall provide the offender's or delinquent child's criminal and delinquency history to the judge. The official, official's designee, or judge shall obtain this information and these items prior to giving the notice, except that a judge may give the notice prior to obtaining the offender's or delinquent child's criminal and delinquency history. Within three days after receiving this information and these items, the official, official's designee, or judge shall forward the information and items to the bureau of criminal identification and investigation in accordance with the forwarding procedures adopted pursuant to section 2950.13 of the Revised Code and to the sheriff of the county in which the offender or delinquent child expects to reside. If the notice is provided under division (A)(5) of this section and if the delinquent child has been committed to the department of youth services or to a secure facility, the judge, in addition to the other information and items described in this division, also shall forward to the bureau and to the sheriff notification that the child has been so committed. If it has not already done so, the bureau of criminal identification and investigation shall forward a copy of the fingerprints and conviction data received under this division to the federal bureau of investigation.

(2) If the notice is provided under division (A)(3) of this section, the chief of police or sheriff shall determine the offender's name, identifying factors, and residence address, shall obtain the offender's criminal history from the bureau of criminal identification and investigation, and, to the extent possible, shall obtain a photograph and the fingerprints of the offender. Within three days after receiving this information and these items, the chief or sheriff shall forward the information and items to the bureau of criminal identification and investigation in accordance with the forwarding procedures adopted pursuant to section 2950.13 of the Revised Code and, in relation to a chief of police, to the sheriff of the county in which the offender resides. If it has not already done so, the bureau of criminal identification and investigation shall forward a copy of the fingerprints and conviction data so received to the federal bureau of investigation.

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:

(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.

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

(a) Regardless of when the sexually oriented offense was committed, a

person who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a sexually oriented offense in another state or in a federal court, military court, or an Indian tribal court, if, on or after July 1, 1997, for offenders, or January 1, 2002, for delinquent children, the offender or delinquent child moves to and resides in this state or temporarily is domiciled in this state for more than seven days, and if, at the time the offender or delinquent child moves to and resides in this state or temporarily is domiciled in this state for more than seven days, the offender or delinquent child has a duty to register as a sex offender under the law of that other jurisdiction as a result of the conviction, guilty plea, or adjudication.

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

(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

ender subsequently resides or temporarily is domiciled for more than seven days within seven days of coming into that county.

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

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

(C) The registration form to be used under divisions (A) and (B) of this section shall contain the current residence address of the offender or delinquent child who is registering, the name and address of the offender's or delinquent child's employer, if the offender or delinquent child is employed at the time of registration or if the offender or delinquent child knows at the time of registration that the offender or delinquent child will be commencing employment with that employer subsequent to registration, and any other information required by the bureau of criminal identification and investigation and shall include the offender's or delinquent child's photograph. Additionally, if the offender or delinquent child has been adjudicated as being a sexual predator relative to the sexually oriented offense in question and the court has not subsequently determined pursuant to division (D) of section 2950.09, section 2152.84, or section 2152.85 of the Revised Code that the offender or delinquent child no longer is a sexual predator, or if the judge determined 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 shall fail to register 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 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, or if an offender who is required by division (A) of this section to register has that duty as a result of a conviction of or plea of guilty to an aggravated sexually oriented offense committed on or after the effective date of this amendment, 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, or a statement that the offender was convicted of or pleaded guilty to an aggravated sexually oriented offense committed on or after the effective date of this amendment.

Sec. 2950.06. (A) An offender or delinquent child who is required to register pursuant to section 2950.04 of the Revised Code shall periodically verify the offender's or delinquent child's current residence address in accordance with this section. The frequency of verification shall be determined in accordance with division (B) of this section, and the manner of verification shall be determined in accordance with division (C) of this section.

(B) The frequency with which an offender or delinquent child must verify the offender's or delinquent child's current residence address pursuant to division (A) of this section shall be determined as follows:

(1) Regardless of when the sexually oriented offense for which the offender or delinquent child is required to register was committed, if the offender or delinquent child has been adjudicated as being a sexual predator relative to the sexually oriented offense and ~~if~~ the court has not subsequently entered a determination pursuant to division (D) of section 2950.09, section 2152.84, or section 2152.85 of the Revised Code that the offender or delinquent child no longer is a sexual predator, or if the offender is required to register as a result of an aggravated sexually oriented offense committed on or after the effective date of this amendment, the offender or delinquent child shall verify the offender's or delinquent child's current residence address in accordance with division (C) of this section every ninety days after the offender's or delinquent child's initial registration date during the period the offender or delinquent child is required to register.

(2) In all circumstances not described in division (B)(1) of this section, the offender or delinquent child shall verify the offender's or delinquent child's current residence address in accordance with division (C) of this section on each anniversary of the offender's or delinquent child's initial registration date during the period the offender or delinquent child is required to register.

(C)(1) An offender or delinquent child who is required to verify the

offender's or delinquent child's current residence address pursuant to division (A) of this section shall verify the address with the sheriff with whom the offender or delinquent child most recently registered by personally appearing before the sheriff or a designee of the sheriff, no earlier than ten days before the date on which the verification is required pursuant to division (B) of this section and no later than the date so required for verification, and completing and signing a copy of the verification form prescribed by the bureau of criminal identification and investigation. The sheriff or designee shall sign the completed form and indicate on the form the date on which it is so completed. The verification required under this division is complete when the offender or delinquent child personally appears before the sheriff or designee and completes and signs the form as described in this division.

(2) To facilitate the verification of an offender's or delinquent child's current residence address under division (C)(1) of this section, the sheriff with whom the offender or delinquent child most recently registered may mail a nonforwardable verification form prescribed by the bureau of criminal identification and investigation to the offender's or delinquent child's last reported address and to the last reported address of the parents of the delinquent child, with a notice that conspicuously states that the offender or delinquent child must personally appear before the sheriff or a designee of the sheriff to complete the form and the date by which the form must be so completed. Regardless of whether a sheriff mails a form to an offender or delinquent child and that child's parents, each offender or delinquent child who is required to verify the offender's or delinquent child's current residence address pursuant to division (A) of this section shall personally appear before the sheriff or a designee of the sheriff to verify the address in accordance with division (C)(1) of this section.

(D) The verification form to be used under division (C) of this section shall contain the current residence address of the offender or delinquent child, the name and address of the offender's or delinquent child's employer if the offender or delinquent child is employed at the time of verification or if the offender or delinquent child knows at the time of verification that the offender or delinquent child will be commencing employment with that employer subsequent to verification, and any other information required by the bureau of criminal identification and investigation.

(E) Upon an offender's or delinquent child's personal appearance and completion of a verification form under division (C) of this section, a sheriff promptly shall forward a copy of the verification form to the bureau of criminal identification and investigation in accordance with the forwarding

procedures adopted by the attorney general pursuant to section 2950.13 of the Revised Code. The bureau shall include all information forwarded to it under this division in the state registry of sex offenders established and maintained under section 2950.13 of the Revised Code.

(F) No person who is required to verify a current residence address pursuant to divisions (A) to (C) of this section shall fail to verify a current residence address in accordance with those divisions by the date required for the verification as set forth in division (B) of this section, provided that no person shall be prosecuted or subjected to a delinquent child proceeding for a violation of this division, and that no parent, guardian, or custodian of a delinquent child shall be prosecuted for a violation of section 2919.24 of the Revised Code based on the delinquent child's violation of this division, prior to the expiration of the period of time specified in division (G) of this section.

(G)(1) If an offender or delinquent child fails to verify a current residence address as required by divisions (A) to (C) of this section by the date required for the verification as set forth in division (B) of this section, the sheriff with whom the offender or delinquent child is required to verify the current residence address, on the day following that date required for the verification, shall send a written warning to the offender or to the delinquent child and that child's parents, at the offender's or delinquent child's and that child's parents' last known residence address, regarding the offender's or delinquent child's duty to verify the offender's or delinquent child's current residence address.

The written warning shall do all of the following:

- (a) Identify the sheriff who sends it and the date on which it is sent;
- (b) State conspicuously that the offender or delinquent child has failed to verify the offender's or delinquent child's current residence address by the date required for the verification;
- (c) Conspicuously state that the offender or delinquent child has seven days from the date on which the warning is sent to verify the current residence address with the sheriff who sent the warning;
- (d) Conspicuously state that a failure to timely verify the current residence address is a felony offense;
- (e) Conspicuously state that, if the offender or delinquent child verifies the current residence address with that sheriff within that seven-day-period, the offender or delinquent child will not be prosecuted or subjected to a delinquent child proceeding for a failure to timely verify a current residence address and the delinquent child's parent, guardian, or custodian will not be prosecuted based on a failure of the delinquent child to timely verify an

address;

(f) Conspicuously state that, if the offender or delinquent child does not verify the current residence address with that sheriff within that seven-day-period, the offender or delinquent child will be arrested or taken into custody, as appropriate, and prosecuted or subjected to a delinquent child proceeding for a failure to timely verify a current residence address and the delinquent child's parent, guardian, or custodian may be prosecuted for a violation of section 2919.24 of the Revised Code based on the delinquent child's failure to timely verify a current residence address.

(2) If an offender or delinquent child fails to verify a current residence address as required by divisions (A) to (C) of this section by the date required for the verification as set forth in division (B) of this section, the offender or delinquent child shall not be prosecuted or subjected to a delinquent child proceeding for a violation of division (F) of this section, and the delinquent child's parent, guardian, or custodian shall not be prosecuted for a violation of section 2919.24 of the Revised Code based on the delinquent child's failure to timely verify a current residence address, unless the seven-day-period subsequent to that date that the offender or delinquent child is provided under division (G)(1) of this section to verify the current residence address has expired and the offender or delinquent child, prior to the expiration of that seven-day-period, has not verified the current residence address. Upon the expiration of the seven-day-period that the offender or delinquent child is provided under division (G)(1) of this section to verify the current residence address has expired, if the offender or delinquent child has not verified the current residence address, all of the following apply:

(a) The sheriff with whom the offender or delinquent child is required to verify the current residence address promptly shall notify the bureau of criminal identification and investigation of the failure.

(b) The sheriff with whom the offender or delinquent child is required to verify the current residence address, the sheriff of the county in which the offender or delinquent child resides, or a deputy of the appropriate sheriff, shall locate the offender or delinquent child, promptly shall seek a warrant for the arrest or taking into custody, as appropriate, of the offender or delinquent child for the violation of division (F) of this section and shall arrest the offender or take the child into custody, as appropriate.

(c) The offender or delinquent child is subject to prosecution or a delinquent child proceeding for the violation of division (F) of this section, and the delinquent child's parent, guardian, or custodian may be subject to prosecution for a violation of section 2919.24 of the Revised Code based on

the delinquent child's violation of that division.

(H) A person who is required to verify the person's current residence address pursuant to divisions (A) to (C) of this section shall do so for the period of time specified in section 2950.07 of the Revised Code.

Sec. 2950.07. (A) The duty of an offender who is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, a sexually oriented offense and the duty of a delinquent child who is adjudicated a delinquent child for committing a sexually oriented offense and is classified a juvenile sex offender registrant or who is an out-of-state juvenile sex offender registrant to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code commences on whichever of the following dates is applicable:

(1) If the offender's duty to register is imposed pursuant to division (A)(1)(a) of section 2950.04 of the Revised Code, the offender's duty to comply with those sections commences on the date of the offender's release from a prison term, a term of imprisonment, or any other type of confinement or on July 1, 1997, whichever is later.

(2) If the offender's duty to register is imposed pursuant to division (A)(1)(b) of section 2950.04 of the Revised Code, the offender's duty to comply with those sections commences on the date of entry of the judgment of conviction of the sexually oriented offense or on July 1, 1997, whichever is later.

(3) If the offender's duty to register is imposed pursuant to division (A)(1)(c) of section 2950.04 of the Revised Code, the offender's duty to comply with those sections commences fourteen days after July 1, 1997.

(4) If the offender's or delinquent child's duty to register is imposed pursuant to division (A)(3)(a) or (b) of section 2950.04 of the Revised Code, the offender's duty to comply with those sections commences on March 30, 1999, or on the date that the offender begins to reside or becomes temporarily domiciled in this state, whichever is later, and the delinquent child's duty commences on ~~the effective date of this amendment~~ January 1, 2002, or on the date the delinquent child begins to reside or becomes temporarily domiciled in this state, whichever is later.

(5) If the delinquent child's duty to register is imposed pursuant to division (A)(2) of section 2950.04 of the Revised Code, if the delinquent child's classification as a juvenile sex offender registrant is made at the time of the child's disposition for that sexually oriented offense, and 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, the delinquent child's duty to comply with those sections

commences on the date of the delinquent child's discharge or release from custody in the department of youth services secure facility or from the secure facility not operated by the department as described in that division.

(6) If the delinquent child's duty to register is imposed pursuant to division (A)(2) of section 2950.04 of the Revised Code and if either the delinquent child's classification as a juvenile sex offender registrant is made at the time of the child's disposition for that sexually oriented offense and the delinquent child is not committed for the sexually oriented offense to the department of youth services or to a secure facility that is not operated by the department or the child's classification as a juvenile sex offender registrant is made pursuant to sections 2152.83 of the Revised Code, the delinquent child's duty to comply with those sections commences on the date of entry of the court's order that classifies the delinquent child a juvenile sex offender registrant.

(B) The duty of an offender who is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, a sexually oriented offense and the duty of a delinquent child who is adjudicated a delinquent child for committing a sexually oriented offense and is classified a juvenile sex offender registrant or who is an out-of-state juvenile sex offender registrant to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code continues, after the date of commencement, for whichever of the following periods is applicable:

(1) Except as otherwise provided in this division, if the offender or delinquent child has been adjudicated ~~as being~~ a sexual predator relative to the sexually oriented offense or if the offender has the duty to register as a result of an aggravated sexually oriented offense committed on or after the effective date of this amendment, the offender's or delinquent child's duty to comply with those sections continues until the offender's or delinquent child's death. ~~If Regarding an offender or delinquent child who has been adjudicated a sexual predator relative to the sexually oriented offense, if~~ the judge who sentenced the offender or made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to division (D) of section 2950.09 or pursuant to section 2152.84 or 2152.85 of the Revised Code that the offender or delinquent child no longer is a sexual predator, the offender's or delinquent child's duty to comply with those sections continues for the period of time that otherwise would have been applicable to the offender or delinquent child under division (B)(2) or (3) of this section or, if the offender's duty to register results from a conviction of or plea of guilty to an aggravated sexually oriented offense, until the offender's death as specified under this division. In no case shall the

lifetime duty to register that is imposed under this division on an offender for an aggravated sexually oriented offense committed on or after the effective date of this amendment be removed or terminated.

(2) If the judge who sentenced the offender or made the disposition for the delinquent child for committing the sexually oriented offense, or the successor in office of the juvenile court judge who made the delinquent child disposition, determined pursuant to division (E) of section 2950.09 or pursuant to division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code that the offender or delinquent child is a habitual sex offender, the offender's or delinquent child's duty to comply with those sections continues for twenty years. If a delinquent child is determined pursuant to division (E) of section 2950.09 or pursuant to division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender and if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a habitual sex offender but remains a juvenile sex offender registrant, the delinquent child's duty to comply with those sections continues for the period of time that otherwise would have been applicable to the delinquent child under division (B)(3) of this section.

(3) If neither division (B)(1) nor (B)(2) of this section applies, the offender's or delinquent child's duty to comply with those sections continues for ten years. If a delinquent child is classified pursuant to section 2152.82 or 2152.83 of the Revised Code a juvenile sex offender registrant and if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is to be classified a juvenile sex offender registrant, the delinquent child's duty to comply with those sections terminates upon the court's entry of the determination.

(C)(1) If an offender has been convicted of or pleaded guilty to a sexually oriented offense or a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense and is classified a juvenile sex offender registrant or is an out-of-state juvenile sex offender registrant, and if the offender subsequently is convicted of or pleads guilty to another sexually oriented offense or the delinquent child subsequently is adjudicated a delinquent child for committing another sexually oriented offense and is classified a juvenile sex offender registrant relative to that offense or subsequently is convicted of or pleads guilty to another sexually

oriented offense, the period of time for which the offender or delinquent child must comply with the sections specified in division (A) of this section shall be separately calculated pursuant to divisions (A)(1), ~~(2), (3), (4), (5), (6), and (7)~~ (6) and (B)(1) to (3) of this section for each of the sexually oriented offenses, and the separately calculated periods of time shall be complied with independently.

If a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense, is classified a juvenile sex offender registrant or is an out-of-state juvenile sex offender registrant relative to the offense, and, after attaining eighteen years of age, subsequently is convicted of or pleads guilty to another sexually oriented offense, the subsequent conviction or guilty plea does not limit, affect, or supersede the duties imposed upon the delinquent child under this chapter relative to the delinquent child's classification as a juvenile sex offender registrant or as an out-of-state juvenile sex offender registrant, and the delinquent child shall comply with both those duties and the duties imposed under this chapter relative to the subsequent conviction or guilty plea.

(2) If a delinquent child has been adjudicated a delinquent child for committing on or after ~~the effective date of this amendment~~ January 1, 2002, a sexually oriented offense and is classified a juvenile sex offender registrant relative to the offense, if the order containing the classification also contains a determination by the juvenile judge that the delinquent child is a sexual predator or a habitual sex offender, and if the juvenile judge or the judge's successor in office subsequently determines pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a sexual predator or habitual sex offender, the judge's subsequent determination does not affect the date of commencement of the delinquent child's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code as determined under division (A) of this section.

(D) The duty of an offender or delinquent child to register under this chapter is tolled for any period during which the offender or delinquent child is returned to confinement in a secure facility for any reason or imprisoned for an offense when the confinement in a secure facility or imprisonment occurs subsequent to the date determined pursuant to division (A) of this section. The offender's or delinquent child's duty to register under this chapter resumes upon the offender's or delinquent child's release from confinement in a secure facility or imprisonment.

(E) An offender or delinquent child who has been convicted of or pleaded guilty to, or has been or is adjudicated a delinquent child for committing, a sexually oriented offense in another state or in a federal court,

military court, or an Indian tribal court may apply to the sheriff of the county in which the offender or delinquent child resides or temporarily is domiciled for credit against the duty to register for the time that the offender or delinquent child has complied with the sex offender registration requirements of another jurisdiction. The sheriff shall grant the offender or delinquent child credit against the duty to register for time for which the offender or delinquent child provides adequate proof that the offender or delinquent child has complied with the sex offender registration requirements of another jurisdiction. If the offender or delinquent child disagrees with the determination of the sheriff, the offender or delinquent child may appeal the determination to the court of common pleas of the county in which the offender or delinquent child resides or is temporarily domiciled.

Sec. 2950.09. (A) If a person is convicted of or pleads guilty to committing, on or after January 1, 1997, a sexually oriented offense that is a sexually violent offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense, the conviction of or plea of guilty to the specification automatically classifies the offender as a sexual predator for purposes of this chapter. If a person is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing, a sexually oriented offense in another state, or in a federal court, military court, or an Indian tribal court and if, as a result of that conviction, plea of guilty, or adjudication, the person is required, under the law of the jurisdiction in which the person was convicted, pleaded guilty, or was adjudicated, to register as a sex offender until the person's death and is required to verify the person's address on at least a quarterly basis each year, that conviction, plea of guilty, or adjudication automatically classifies the person as a sexual predator for the purposes of this chapter, but the person may challenge that classification pursuant to division (F) of this section. In all other cases, a person who is convicted of or pleads guilty to, has been convicted of or pleaded guilty to, or is adjudicated a delinquent child for committing, a sexually oriented offense may be classified as a sexual predator for purposes of this chapter only in accordance with division (B) or (C) of this section or, regarding delinquent children, divisions (B) and (C) of section 2152.83 of the Revised Code.

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

(i) Regardless of when the sexually oriented offense was committed, the offender is to be sentenced on or after January 1, 1997, for a sexually oriented offense that is not a sexually violent offense.

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

(iii) Regardless of when the sexually oriented offense was committed, the offender is to be sentenced on or after May 7, 2002, for a sexually oriented offense, and that offender was acquitted of a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually oriented offense.

(b) 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 conduct a hearing as provided in this division to determine whether the child is to be classified as a sexual predator if either of the following applies:

(i) 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.

(ii) 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.

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

(2) Regarding an offender, the judge shall conduct the hearing required by division (B)(1)(a) of this section prior to sentencing and, if the sexually oriented offense is a felony and if the hearing is being conducted under division (B)(1)(a), ~~or (e)~~ 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

r 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;
- (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;
- (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;
- (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;
- (g) Any mental illness or mental disability of the offender or delinquent child;
- (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;
- (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;

(j) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(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 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. In any case in which the sexually oriented offense in question is an aggravated sexually oriented offense committed on or after the effective date of this amendment, the court shall specify in the offender's sentence and the judgment of conviction that contains the sentence that the offender's offense is an aggravated sexually oriented offense. 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.

(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.

(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 offender is not a sexual predator.

The court may make the determination as to whether the offender previously has been convicted of or pleaded guilty to a sexually oriented offense without a hearing, but, if the court determines that the offender previously has been convicted of or pleaded guilty to such an offense, it shall not 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 the Revised Code without a hearing. The court may conduct a hearing to determine both whether the offender previously has been convicted of or pleaded guilty to a sexually oriented offense and whether to impose a requirement that the offender be subject to the community notification provisions as described in this division, or may conduct a hearing solely to make the latter determination. The court shall include in the offender's institutional record

any determination made under this division as to whether the offender previously has been convicted of or pleaded guilty to a sexually oriented offense, and, as such, whether the offender is a habitual sex offender.

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

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

(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.

(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 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.

(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.

(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.

Upon the expiration of the applicable period of time specified in division (D)(1)(a) or (b) of this section, an 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 a determination under this division that the offender no longer is a sexual predator and if the offender has a duty to register under section 2950.04 of the Revised Code resulting from the offender's conviction of or plea of guilty to committing on or after the effective date of this amendment an aggravated sexually oriented offense,

the entry of the determination under this division does not affect any duties imposed upon the offender under this chapter as a result of that conviction of or plea of guilty to the aggravated sexually oriented offense. 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 committed, if, on or after January 1, 1997, the offender is imprisoned or sentenced to a prison term or other confinement for the sexually oriented offense in relation to which the determination was made, the offender initially may file the petition not earlier than one year prior to the offender's release from the imprisonment, prison term, or other confinement by discharge, parole, judicial release, or any other final release. If the offender is sentenced on or after January 1, 1997, for the sexually oriented offense in relation to which the determination is made and is not imprisoned or sentenced to a prison term or other confinement for the sexually oriented offense, the offender initially may file the petition upon the expiration of one year after the entry of the offender's judgment of conviction.

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

(2) Except as otherwise provided in this division, division (D)(1) of this section does not apply to a person who is classified as a sexual predator pursuant to division (A) of this section. If a person who is so classified was sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code and if the sentencing court terminates the offender's prison term as provided in division (D) of section 2971.05 of the Revised Code, the court's termination of the prison term automatically shall constitute a determination by the court that the offender no longer is a sexual predator. However, if there is a determination under this division that the offender no longer is a sexual predator and if the offender has a duty to register under section 2950.04 of the Revised Code resulting from the offender's conviction of or plea of guilty to committing on or after the effective date of this amendment an aggravated sexually oriented offense, the determination under this division does not affect any duties imposed upon the offender under this chapter as a result of that conviction of or plea

of guilty to the aggravated sexually oriented offense. If the court so terminates the offender's prison term, the court shall notify the bureau of criminal identification and investigation and the parole board of the determination that the offender no longer is a sexual 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

fender 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 or the habitual sex offender was convicted of or pleaded guilty to an aggravated sexually oriented offense that was committed on or after the effective date of this amendment, 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 registrant.

(F)(1) An offender or delinquent child classified as a sexual predator may petition the court of common pleas or, for a delinquent child, the juvenile court of the county in which the offender or delinquent child resides or temporarily is domiciled to enter a determination that the offender or delinquent child 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 if all of the following apply:

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

(b) As a result of the conviction, plea of guilty, or adjudication described in division (F)(1)(a) of this section, the offender or delinquent child is required under the law of the jurisdiction under which the offender or delinquent child was 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. 2950.10. (A)(1) 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 an out-of-state juvenile sex offender registrant based on that adjudication, if the offender or delinquent child ~~has been adjudicated as being a sexual predator relative to the sexually oriented offense and the court has not subsequently determined pursuant to division (D) of section 2950.09, section 2152.84, or section 2152.85 of the Revised Code that the offender or delinquent child no longer is a sexual predator or the offender or delinquent child has been determined pursuant to division (C)(2) or (E) of section 2950.09, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender, the court has imposed a requirement under that division or section subjecting the habitual sex offender to this section, and the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code~~ is in any category specified in division (B)(1)(a), (b), or (c) of this section, if the offender or delinquent child registers with a sheriff pursuant to section 2950.04 or 2950.05 of the Revised Code, and if the victim of the sexually oriented offense has made a request in accordance with rules adopted by the attorney general that specifies that the victim would like to be provided the notices described in this section, the sheriff shall notify the victim of the sexually oriented offense, in writing, that the offender or delinquent child has registered and

shall include in the notice the offender's or delinquent child's name and residence address or addresses. The sheriff shall provide the notice required by this division to the victim at the most recent residence address available for that victim, not later than seventy-two hours after the offender or delinquent child registers with the sheriff.

(2) 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 an out-of-state juvenile sex offender registrant based on that adjudication, if the offender or delinquent child ~~has been adjudicated as being a sexual predator relative to the sexually oriented offense or sexually violent offense and the court has not subsequently determined pursuant to division (D) of section 2950.09, section 2152.84, or section 2152.85 of the Revised Code that the offender or delinquent child no longer is a sexual predator or the offender or delinquent child has been determined pursuant to division (E) of section 2950.09, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender, the court has imposed a requirement under that division or section subjecting the habitual sex offender to this section, and the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code~~ is in any category specified in division (B)(1)(a), (b), or (c) of this section, if the offender or delinquent child registers with a sheriff pursuant to section 2950.04 or 2950.05 of the Revised Code, if the victim of the sexually oriented offense has made a request in accordance with rules adopted by the attorney general that specifies that the victim would like to be provided the notices described in this section, and if the offender or delinquent child notifies the sheriff of a change of residence address pursuant to section 2950.05 of the Revised Code, the sheriff shall notify the victim of the sexually oriented offense, in writing, that the offender's or delinquent child's residence address has changed and shall include in the notice the offender's or delinquent child's name and new residence address or addresses. The sheriff shall provide the notice required by this division to the victim at the most recent residence address available for that victim, no later than seventy-two hours after the offender or delinquent child notifies the sheriff of the change in the offender's or delinquent child's residence address.

(3) 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 an out-of-state juvenile sex

offender registrant based on that adjudication, and if the offender or delinquent child is adjudicated as being a sexual predator relative to the sexually oriented offense or the offender or delinquent child is determined pursuant to division (E) of section 2950.09, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender and is made subject to this section, the victim of the offense may make a request in accordance with rules adopted by the attorney general pursuant to section 2950.13 of the Revised Code that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of this section. If the victim makes a request in accordance with those rules, the sheriff described in divisions (A)(1) and (2) of this section shall provide the victim with the notices described in those divisions.

(4) If a victim makes a request as described in division (A)(3) of this section that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of this section, all information a sheriff obtains regarding the victim from or as a result of the request is confidential, and the information is not a public record open for inspection under section 149.43 of the Revised Code.

(5) The notices described in divisions (A)(1) and (2) of this section are in addition to any notices regarding the offender or delinquent child that the victim is entitled to receive under Chapter 2930. of the Revised Code.

(B)(1) The duties to provide the notices described in divisions (A)(1) and (2) of this section apply regarding any offender or delinquent child who is in any of the following categories, if the other criteria set forth in division (A)(1) or (2) of this section, whichever is applicable, are satisfied:

(a) The offender or delinquent child has been adjudicated a sexual predator relative to the sexually oriented offense for which the offender or delinquent child has the duty to register under section 2950.04 of the Revised Code, and the court has not subsequently determined pursuant to division (D) of section 2950.09, section 2152.84, or section 2152.85 of the Revised Code that the offender or delinquent child no longer is a sexual predator.

(b) The offender or delinquent child has been determined pursuant to division (C)(2) or (E) of section 2950.09, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender, the court has imposed a requirement under that division or section subjecting the habitual sex offender to this section, and the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code.

(c) The sexually oriented offense for which the offender has the duty to

register under section 2950.04 of the Revised Code is an aggravated sexually oriented offense committed on or after the effective date of this amendment, regardless of whether the offender has been adjudicated a sexual predator relative to the offense or has been determined to be a habitual sex offender and, if the offender has been so adjudicated or determined, regardless of whether the court has subsequently determined that the offender no longer is a sexual predator or whether the habitual sex offender determination has not been removed as described in division (A)(1)(a) or (b) of this section.

(2) A victim of a sexually oriented offense is not entitled to be provided any notice described in division (A)(1) or (2) of this section unless the offender or delinquent child is ~~adjudicated as being a sexual predator relative to the sexually oriented offense and the court has not subsequently determined pursuant to division (D) of section 2950.09, section 2152.84, or section 2152.85 of the Revised Code that the offender or delinquent child no longer is a sexual predator or the offender or delinquent child has been determined pursuant to division (E) of section 2950.09, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender, the court has imposed a requirement under that division or section subjecting the habitual sex offender to this section, and the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code~~ in a category specified in division (B)(1)(a), (b), or (c) of this section. A victim of a sexually oriented offense is not entitled to any notice described in division (A)(1) or (2) of this section unless the victim makes a request in accordance with rules adopted by the attorney general pursuant to section 2950.13 of the Revised Code that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of this section. This division does not affect any rights of a victim of a sexually oriented offense to be provided notice regarding an offender or delinquent child that are described in Chapter 2930. of the Revised Code.

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 an out-of-state juvenile sex offender registrant based

on that adjudication, and if the offender or delinquent child ~~has been adjudicated as being a sexual predator relative to the sexually oriented offense and the court has not subsequently determined pursuant to division (D) of section 2950.09, section 2152.84, or section 2152.85 of the Revised Code that the offender or delinquent child no longer is a sexual predator or the offender or delinquent child has been determined pursuant to division (C)(2) or (E) of section 2950.09, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender, the court has imposed a requirement under that division or section subjecting the habitual sex offender to this section, and the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code~~ is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04 or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the following persons:

(1) All occupants of residences within one thousand feet of the offender's or delinquent child's place of residence that are located within the county served by the sheriff and all additional neighbors of the offender or delinquent child who are within any category that the attorney general by rule adopted under section 2950.13 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff;

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

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

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

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

(4)(a) The appointing or hiring officer of each chartered nonpublic

school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section;

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

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

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

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code, if any, that serves that institution;

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

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

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

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

(2) The address or addresses at which the offender or delinquent child

resides;

(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.

(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 provide the notices to all other specified persons that are described in divisions (A)(2) to (7) of this section not later than seven days after the offender or delinquent child registers with the sheriff, 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.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence address with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (9) of this section. If a sheriff provides a notice pursuant to this division to the 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 the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) of this section.

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

If the sexual predator or habitual sex offender is a juvenile sex offender registrant, the sheriff shall not cause any of the information described in this division to be publicly disseminated by means of the internet, except when the act that is the basis of a child's classification as a juvenile sex offender registrant is a violation of, or an attempt to commit a violation of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that was committed with a purpose to gratify the sexual needs or desires of the child, a violation of section 2907.02 of the Revised Code, or an attempt to commit a violation of that section.

(F)(1) The duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories, if the other criteria set forth in division (A) or (C) of this section, whichever is applicable, are satisfied:

(a) The offender or delinquent child has been adjudicated a sexual predator relative to the sexually oriented offense for which the offender or delinquent child has the duty to register under section 2950.04 of the Revised Code, and the court has not subsequently determined pursuant to division (D) of section 2950.09, section 2152.84, or section 2152.85 of the Revised Code that the offender or delinquent child no longer is a sexual predator.

division (C)(2) or (E) of section 2950.09, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender, the court has imposed a requirement under that division or section subjecting the habitual sex offender to this section, and the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code.

(c) The sexually oriented offense for which the offender has the duty to register under section 2950.04 of the Revised Code is an aggravated sexually oriented offense committed on or after the effective date of this amendment, regardless of whether the offender has been adjudicated a sexual predator relative to the offense or has been determined to be a habitual sex offender and, if the offender has been so adjudicated or determined, regardless of whether the court has subsequently determined that the offender no longer is a sexual predator or whether the habitual sex offender determination has not been removed as described in division (F)(1)(a) or (b) of this section.

(2) The notification provisions of this section do not apply regarding a person who is convicted of or pleads guilty to, has been convicted of or pleaded guilty to, or is adjudicated a delinquent child for committing, a sexually oriented offense, who ~~has is not been adjudicated as being a sexual predator relative to that sexually oriented offense~~ in the category specified in either division (F)(1)(a) or (c) of this section, and who is determined pursuant to division (C)(2) or (E) of section 2950.09, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender unless the sentencing or reviewing court imposes a requirement in the offender's sentence and in the judgment of conviction that contains the sentence or in the delinquent child's adjudication, or imposes a requirement as described in division (C)(2) of section 2950.09 of the Revised Code, that subjects the offender or the delinquent child to the provisions of this section.

(G) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home. The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county

in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school. The Ohio board of regents shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer. A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a designee of a sheriff of that type, may request the department of job and family services, department of education, or Ohio board of regents, by telephone, in person, or by mail, to provide the sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in divisions (A)(2) to (7) of this section are to be provided. Upon receipt of a request, the department or board shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

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

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence address, and verification information the bureau receives pursuant to sections 2950.04, 2950.05, and 2950.06 of the Revised Code regarding a person who is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, a sexually oriented offense or a person who is adjudicated a delinquent child for committing a sexually oriented offense and is classified a juvenile sex offender registrant or is an out-of-state juvenile sex offender registrant based on that adjudication, and all of the information the bureau receives pursuant to section 2950.14 of the Revised Code;

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

(3) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense and has

been adjudicated as being a sexual predator or determined to be a habitual sex offender or who has committed on or after the effective date of this amendment an aggravated sexually oriented offense, and rules that prescribe a manner in which victims of a sexually oriented offense committed by an offender or a delinquent child who has been adjudicated as being a sexual predator or determined to be a habitual sex offender or who has committed on or after the effective date of this amendment an aggravated sexually oriented offense may make a request that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of section 2950.10 of the Revised Code;

(4) In consultation with local law enforcement representatives and through the bureau of criminal identification and investigation, prescribe the forms to be used by judges and officials pursuant to section 2950.03 of the Revised Code to advise offenders and delinquent children of their duties of registration, notification of a change of residence address and registration of the new residence address, and residence address verification under sections 2950.04, 2950.05, and 2950.06 of the Revised Code, and prescribe the forms to be used by sheriffs relative to those duties of registration, change of residence address notification, and residence address verification;

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

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

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

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

(9) In consultation with the director of education, the director of job and family services, and the director of rehabilitation and correction and no later than July 1, 1997, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or other schools not operated by a board of education, preschool programs, child day-care centers, type A family day-care homes, certified type B family

day-care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has been adjudicated as being a sexual predator or determined to be a habitual sex offender;

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

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

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

Sec. 2967.13. (A) Except as provided in division (G) of this section, a prisoner serving a sentence of imprisonment for life for an offense committed on or after July 1, 1996, is not entitled to any earned credit under section 2967.193 of the Revised Code and becomes eligible for parole as follows:

(1) If a sentence of imprisonment for life was imposed for the offense of murder, at the expiration of the prisoner's minimum term;

(2) If a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment was imposed pursuant to section 2929.022 or 2929.03 of the Revised Code, after serving a term of twenty years;

(3) If a sentence of imprisonment for life with parole eligibility after serving twenty-five full years of imprisonment was imposed pursuant to section 2929.022 or 2929.03 of the Revised Code, after serving a term of twenty-five full years;

(4) If a sentence of imprisonment for life with parole eligibility after serving thirty full years of imprisonment was imposed pursuant to section 2929.022 or 2929.03 of the Revised Code, after serving a term of thirty full years;

(5) If a sentence of imprisonment for life was imposed for rape, after serving a term of ten full years' imprisonment;

(6) If a sentence of imprisonment for life with parole eligibility after serving fifteen years of imprisonment was imposed for a violation of section 2927.24 of the Revised Code, after serving a term of fifteen years.

(B) Except as provided in division (G) of this section, a prisoner serving a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment or a sentence of imprisonment for life with parole eligibility after serving twenty-five full years or thirty full years of imprisonment imposed pursuant to section 2929.022 or 2929.03 of the Revised Code for an offense committed on or after July 1, 1996, consecutively to any other term of imprisonment, becomes eligible for parole after serving twenty years, twenty full years, or thirty full years, as applicable, as to each such sentence of life imprisonment, which shall not be reduced for earned credits under section 2967.193 of the Revised Code, plus the term or terms of the other sentences consecutively imposed or, if one of the other sentences is another type of life sentence with parole eligibility, the number of years before parole eligibility for that sentence.

(C) Except as provided in division (G) of this section, a prisoner serving consecutively two or more sentences in which an indefinite term of imprisonment is imposed becomes eligible for parole upon the expiration of the aggregate of the minimum terms of the sentences.

(D) Except as provided in division (G) of this section, a prisoner serving a term of imprisonment who is described in division (A) of section 2967.021 of the Revised Code becomes eligible for parole as described in that division or, if the prisoner is serving a definite term of imprisonment, shall be released as described in that division.

(E) A prisoner serving a sentence of life imprisonment without parole imposed pursuant to section 2907.02 or section 2929.03 or 2929.06 of the Revised Code is not eligible for parole and shall be imprisoned until death.

(F) A prisoner serving a stated prison term shall be released in accordance with section 2967.28 of the Revised Code.

(G) A prisoner serving a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code never becomes eligible for parole during that term of imprisonment.

SECTION 2. That existing sections 2907.02, 2929.13, 2929.14, 2929.19, 2950.01, 2950.03, 2950.04, 2950.06, 2950.07, 2950.09, 2950.10, 2950.11, 2950.13, and 2967.13 of the Revised Code are hereby repealed.

SECTION 3. Section 2929.13 of the Revised Code is presented in this act as a composite of the section as amended by Am. H.B. 528, Am. Sub. S.B. 22, Am. Sub. S.B. 107, Am. S.B. 142, and Am. Sub. S.B. 222 of the 123rd General Assembly. Sections 2950.01, 2950.04, and 2950.09 of the Revised Code are presented in this act as composites of the sections as amended by both Sub. H.B. 393 and Am. Sub. S.B. 175 of the 124th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composites are the resulting versions of the sections in effect prior to the effective date of the section as presented in this act.

SECTION 4. Section 2929.19 of the Revised Code is amended by this act and also by Am. Sub. H.B. 327 of the 124th General Assembly, effective July 8, 2002. The amendments of Am. Sub. H.B. 327 are included in this act to confirm the intention to retain them but are not intended to be effective until July 8, 2002.

SECTION 5. Sections 2950.01, 2950.04, and 2950.09 of the Revised Code are amended by this act and also by Sub. H.B. 393 of the 124th General Assembly, effective July 5, 2002. The amendments of Sub. H.B. 393 are included in this act to confirm the intention to retain them but are not intended to be effective until July 5, 2002.

SECTION 6. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that this act's elimination of the need to prove force or a threat of force in cases involving the rape of a child under the age of ten is needed at the earliest possible date to prevent sex offenders from preying on the children of Ohio. Therefore, this act shall go into immediate effect.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

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

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_