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A B I L L

To amend sections 2907.02, 2929.13, 2929.14, 2929.19, 1
2950.01, 2950.03, 2950.04, 2950.06, 2950.07, 2
2950.09, 2950.10, 2950.11, 2950.13, and 2967.13 of 3
the Revised Code to eliminate the requirement of 4
force or a threat of force for a sentence of life 5
imprisonment for the rape of a child who is less 6
than ten years of age; to require either life 7
imprisonment or life imprisonment without parole 8
for the rape of a child less than thirteen years of 9
age, if the offender previously was convicted of 10
the rape of a child under that age or caused 11
serious physical harm to the victim; to provide a 12

mandatory prison term for attempted rape if the 13
completed rape would subject the offender to life 14
imprisonment; to specify that a conviction of or 15
plea of guilty to rape when the victim was under 13 16
years of age automatically subjects the offender to 17
the same duties and requirements as a sexual 18
predator under the Sex Offender Registration and 19
Notification Law; and to declare an emergency. 20

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

Section 1. That sections 2907.02, 2929.13, 2929.14, 2929.19, 21
2950.01, 2950.03, 2950.04, 2950.06, 2950.07, 2950.09, 2950.10, 22
2950.11, 2950.13, and 2967.13 of the Revised Code be amended to 23
read as follows: 24

Sec. 2907.02. (A)(1) No person shall engage in sexual conduct 25
with another who is not the spouse of the offender or who is the 26
spouse of the offender but is living separate and apart from the 27
offender, when any of the following applies: 28

(a) For the purpose of preventing resistance, the offender 29
substantially impairs the other person's judgment or control by 30
administering any drug, intoxicant, or controlled substance to the 31
other person surreptitiously or by force, threat of force, or 32
deception. 33

(b) The other person is less than thirteen years of age, 34
whether or not the offender knows the age of the other person. 35

(c) The other person's ability to resist or consent is 36
substantially impaired because of a mental or physical condition 37
or because of advanced age, and the offender knows or has 38
reasonable cause to believe that the other person's ability to 39
resist or consent is substantially impaired because of a mental or 40

physical condition or because of advanced age.

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(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.

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(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.

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

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(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

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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.

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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.

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(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.

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(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.

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(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.

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Sec. 2929.13. (A) Except as provided in division (E), (F), or

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(G) of this section and unless a specific sanction is required to 104
be imposed or is precluded from being imposed pursuant to law, a 105
court that imposes a sentence upon an offender for a felony may 106
impose any sanction or combination of sanctions on the offender 107
that are provided in sections 2929.14 to 2929.18 of the Revised 108
Code. The sentence shall not impose an unnecessary burden on state 109
or local government resources. 110

If the offender is eligible to be sentenced to community 111
control sanctions, the court shall consider the appropriateness of 112
imposing a financial sanction pursuant to section 2929.18 of the 113
Revised Code or a sanction of community service pursuant to 114
section 2929.17 of the Revised Code as the sole sanction for the 115
offense. Except as otherwise provided in this division, if the 116
court is required to impose a mandatory prison term for the 117
offense for which sentence is being imposed, the court also may 118
impose a financial sanction pursuant to section 2929.18 of the 119
Revised Code but may not impose any additional sanction or 120
combination of sanctions under section 2929.16 or 2929.17 of the 121
Revised Code. 122

If the offender is being sentenced for a fourth degree felony 123
OMVI offense or for a third degree felony OMVI offense, in 124
addition to the mandatory term of local incarceration or the 125
mandatory prison term required for the offense by division (G)(1) 126
or (2) of this section, the court shall impose upon the offender a 127
mandatory fine in accordance with division (B)(3) of section 128
2929.18 of the Revised Code and may impose whichever of the 129
following is applicable: 130

(1) For a fourth degree felony OMVI offense for which 131
sentence is imposed under division (G)(1) of this section, an 132
additional community control sanction or combination of community 133
control sanctions under section 2929.16 or 2929.17 of the Revised 134
Code; 135

(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 229
third, fourth, or fifth degree, the applicability of a presumption 230
under division (D) of this section in favor of a prison term or of 231
division (B) or (C) of this section in determining whether to 232
impose a prison term for the offense shall be determined as 233
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 234
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 235
Revised Code, whichever is applicable regarding the violation. 236

(2) If an offender who was convicted of or pleaded guilty to 237
a felony violates the conditions of a community control sanction 238
imposed for the offense solely by reason of producing positive 239
results on a drug test, the court, as punishment for the violation 240
of the sanction, shall not order that the offender be imprisoned 241
unless the court determines on the record either of the following: 242

(a) The offender had been ordered as a sanction for the 243
felony to participate in a drug treatment program, in a drug 244
education program, or in narcotics anonymous or a similar program, 245
and the offender continued to use illegal drugs after a reasonable 246
period of participation in the program. 247

(b) The imprisonment of the offender for the violation is 248
consistent with the purposes and principles of sentencing set 249
forth in section 2929.11 of the Revised Code. 250

(F) Notwithstanding divisions (A) to (E) of this section, the 251
court shall impose a prison term or terms under sections 2929.02 252
to 2929.06, section 2929.14, or section 2971.03 of the Revised 253
Code and except as specifically provided in section 2929.20 or 254
2967.191 of the Revised Code or when parole is authorized for the 255
offense under section 2967.13 of the Revised Code shall not reduce 256
the terms pursuant to section 2929.20, section 2967.193, or any 257
other provision of Chapter 2967. or Chapter 5120. of the Revised 258
Code for any of the following offenses: 259

- (1) Aggravated murder when death is not imposed or murder; 261
- (2) Any rape, regardless of whether force was involved and 262
regardless of the age of the victim, or an attempt to commit rape 263
~~by force when the victim is under thirteen years of age if, had~~ 264
the offender completed the rape that was attempted, the offender 265
would have been subject to a sentence of life imprisonment or life 266
imprisonment without parole for the rape; 267
- (3) Gross sexual imposition or sexual battery, if the victim 268
is under thirteen years of age, if the offender previously was 269
convicted of or pleaded guilty to rape, the former offense of 270
felonious sexual penetration, gross sexual imposition, or sexual 271
battery, and if the victim of the previous offense was under 272
thirteen years of age; 273
- (4) A felony violation of section 2903.04, 2903.06, 2903.08, 274
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 275
requires the imposition of a prison term; 276
- (5) A first, second, or third degree felony drug offense for 277
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 278
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 279
4729.99 of the Revised Code, whichever is applicable regarding the 280
violation, requires the imposition of a mandatory prison term; 281
- (6) Any offense that is a first or second degree felony and 282
that is not set forth in division (F)(1), (2), (3), or (4) of this 283
section, if the offender previously was convicted of or pleaded 284
guilty to aggravated murder, murder, any first or second degree 285
felony, or an offense under an existing or former law of this 286
state, another state, or the United States that is or was 287
substantially equivalent to one of those offenses; 288
- (7) Any offense that is a third degree felony and that is 289
listed in division (DD)(1) of section 2929.01 of the Revised Code 290
if the offender previously was convicted of or pleaded guilty to 291

any offense that is listed in division (DD)(2)(a)(i) or (ii) of 292
section 2929.01 of the Revised Code; 293

(8) Any offense, other than a violation of section 2923.12 of 294
the Revised Code, that is a felony, if the offender had a firearm 295
on or about the offender's person or under the offender's control 296
while committing the felony, with respect to a portion of the 297
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 298
of the Revised Code for having the firearm; 299

(9) Any offense of violence that is a felony, if the offender 300
wore or carried body armor while committing the felony offense of 301
violence, with respect to the portion of the sentence imposed 302
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 303
Code for wearing or carrying the body armor; 304

(10) Corrupt activity in violation of section 2923.32 of the 305
Revised Code when the most serious offense in the pattern of 306
corrupt activity that is the basis of the offense is a felony of 307
the first degree; 308

(11) Any sexually violent offense for which the offender also 309
is convicted of or pleads guilty to a sexually violent predator 310
specification that was included in the indictment, count in the 311
indictment, or information charging the sexually violent offense; 312
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(12) A violation of division (A)(1) or (2) of section 2921.36 314
of the Revised Code, or a violation of division (C) of that 315
section involving an item listed in division (A)(1) or (2) of that 316
section, if the offender is an officer or employee of the 317
department of rehabilitation and correction. 318

(G) Notwithstanding divisions (A) to (E) of this section, if 319
an offender is being sentenced for a fourth degree felony OMVI 320
offense or for a third degree felony OMVI offense, the court shall 321
impose upon the offender a mandatory term of local incarceration 322

or a mandatory prison term in accordance with the following:

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(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.

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(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

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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:

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(1) The offense was a sexually violent offense, and the 387
offender also was convicted of or pleaded guilty to a sexually 388
violent predator specification that was included in the 389
indictment, count in the indictment, or information charging the 390
sexually violent offense. 391

(2) The judge imposing sentence for the sexually oriented 392
offense determines pursuant to division (B) of section 2950.09 of 393
the Revised Code that the offender is a sexual predator. 394

(I) If an offender is being sentenced for a sexually oriented 395
offense committed on or after January 1, 1997, the judge shall 396
include in the sentence a summary of the offender's duty to 397
register pursuant to section 2950.04 of the Revised Code, the 398
offender's duty to provide notice of a change in residence address 399
and register the new residence address pursuant to section 2950.05 400
of the Revised Code, the offender's duty to periodically verify 401
the offender's current residence address pursuant to section 402
2950.06 of the Revised Code, and the duration of the duties. The 403
judge shall inform the offender, at the time of sentencing, of 404
those duties and of their duration and, if required under division 405
(A)(2) of section 2950.03 of the Revised Code, shall perform the 406
duties specified in that section. 407

(J)(1) Except as provided in division (J)(2) of this section, 408
when considering sentencing factors under this section in relation 409
to an offender who is convicted of or pleads guilty to an attempt 410
to commit an offense in violation of section 2923.02 of the 411
Revised Code, the sentencing court shall consider the factors 412
applicable to the felony category of the violation of section 413
2923.02 of the Revised Code instead of the factors applicable to 414
the felony category of the offense attempted. 415

(2) When considering sentencing factors under this section in 416
relation to an offender who is convicted of or pleads guilty to an 417
attempt to commit a drug abuse offense for which the penalty is 418

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.

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

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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:

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

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

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

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(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.

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(5) For a felony of the fifth degree, the prison term shall

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be six, seven, eight, nine, ten, eleven, or twelve months. 448

(B) Except as provided in division (C), (D)(1), (D)(2), 449
(D)(3), or (G) of this section, in section 2907.02 of the Revised 450
Code, or in Chapter 2925. of the Revised Code, if the court 451
imposing a sentence upon an offender for a felony elects or is 452
required to impose a prison term on the offender and if the 453
offender previously has not served a prison term, the court shall 454
impose the shortest prison term authorized for the offense 455
pursuant to division (A) of this section, unless the court finds 456
on the record that the shortest prison term will demean the 457
seriousness of the offender's conduct or will not adequately 458
protect the public from future crime by the offender or others. 459

(C) Except as provided in division (G) of this section or in 460
Chapter 2925. of the Revised Code, the court imposing a sentence 461
upon an offender for a felony may impose the longest prison term 462
authorized for the offense pursuant to division (A) of this 463
section only upon offenders who committed the worst forms of the 464
offense, upon offenders who pose the greatest likelihood of 465
committing future crimes, upon certain major drug offenders under 466
division (D)(3) of this section, and upon certain repeat violent 467
offenders in accordance with division (D)(2) of this section. 468

(D)(1)(a) Except as provided in division (D)(1)(e) of this 469
section, if an offender who is convicted of or pleads guilty to a 470
felony also is convicted of or pleads guilty to a specification of 471
the type described in section 2941.141, 2941.144, or 2941.145 of 472
the Revised Code, the court shall impose on the offender one of 473
the following prison terms: 474

(i) A prison term of six years if the specification is of the 475
type described in section 2941.144 of the Revised Code that 476
charges the offender with having a firearm that is an automatic 477
firearm or that was equipped with a firearm muffler or silencer on 478
or about the offender's person or under the offender's control 479

while committing the felony;

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(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;

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(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.

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(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.

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(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

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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 2967. or ~~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

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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

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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.

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(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.

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(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

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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.

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(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.

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(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.

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(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

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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:

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(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.

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(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.

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

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(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.

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(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.

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(G) If a person is convicted of or pleads guilty to a
sexually violent offense and also is convicted of or pleads guilty

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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.

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(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.

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(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.

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(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.

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(K) At the time of sentencing, the court shall determine if

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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.

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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.

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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.

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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.

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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

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proposed placement of the offender and shall include with the 799
notice a brief description of the placement. The court shall have 800
ten days from receipt of the notice to disapprove the placement. 801

Sec. 2929.19. (A)(1) The court shall hold a sentencing 802
hearing before imposing a sentence under this chapter upon an 803
offender who was convicted of or pleaded guilty to a felony and 804
before resentencing an offender who was convicted of or pleaded 805
guilty to a felony and whose case was remanded pursuant to section 806
2953.07 or 2953.08 of the Revised Code. At the hearing, the 807
offender, the prosecuting attorney, the victim or the victim's 808
representative in accordance with section 2930.14 of the Revised 809
Code, and, with the approval of the court, any other person may 810
present information relevant to the imposition of sentence in the 811
case. The court shall inform the offender of the verdict of the 812
jury or finding of the court and ask the offender whether the 813
offender has anything to say as to why sentence should not be 814
imposed upon the offender. 815

(2) Except as otherwise provided in this division, before 816
imposing sentence on an offender who is being sentenced for a 817
sexually oriented offense that was committed on or after January 818
1, 1997, and that is not a sexually violent offense, and before 819
imposing sentence on an offender who is being sentenced for a 820
sexually violent offense committed on or after January 1, 1997, 821
and who was not charged with a sexually violent predator 822
specification in the indictment, count in the indictment, or 823
information charging the sexually violent offense, the court shall 824
conduct a hearing in accordance with division (B) of section 825
2950.09 of the Revised Code to determine whether the offender is a 826
sexual predator. The court shall not conduct a hearing under that 827
division if the offender is being sentenced for a sexually violent 828
offense and a sexually violent predator specification was included 829
in the indictment, count in the indictment, or information 830

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.

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(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.

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(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:

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(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.

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(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

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for overriding the presumption, based upon the overriding purposes 863
and principles of felony sentencing set forth in section 2929.11 864
of the Revised Code, and the basis of the findings it made under 865
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 866

(c) If it imposes consecutive sentences under section 2929.14 867
of the Revised Code, its reasons for imposing the consecutive 868
sentences; 869

(d) If the sentence is for one offense and it imposes a 870
prison term for the offense that is the maximum prison term 871
allowed for that offense by division (A) of section 2929.14 of the 872
Revised Code, its reasons for imposing the maximum prison term; 873

(e) If the sentence is for two or more offenses arising out 874
of a single incident and it imposes a prison term for those 875
offenses that is the maximum prison term allowed for the offense 876
of the highest degree by division (A) of section 2929.14 of the 877
Revised Code, its reasons for imposing the maximum prison term. 878

(3) Subject to division (B)(4) of this section, if the 879
sentencing court determines at the sentencing hearing that a 880
prison term is necessary or required, the court shall do all of 881
the following: 882

(a) Impose a stated prison term; 883

(b) Notify the offender that, as part of the sentence, the 884
parole board may extend the stated prison term for certain 885
violations of prison rules for up to one-half of the stated prison 886
term; 887

(c) Notify the offender that the offender will be supervised 888
under section 2967.28 of the Revised Code after the offender 889
leaves prison if the offender is being sentenced for a felony of 890
the first degree or second degree, for a felony sex offense, or 891
for a felony of the third degree in the commission of which the 892
offender caused or threatened to cause physical harm to a person; 893

(d) Notify the offender that the offender may be supervised 894
under section 2967.28 of the Revised Code after the offender 895
leaves prison if the offender is being sentenced for a felony of 896
the third, fourth, or fifth degree that is not subject to division 897
(B)(3)(c) of this section; 898

(e) Notify the offender that, if a period of supervision is 899
imposed following the offender's release from prison, as described 900
in division (B)(3)(c) or (d) of this section, and if the offender 901
violates that supervision or a condition of post-release control 902
imposed under division (B) of section 2967.131 of the Revised 903
Code, the parole board may impose a prison term, as part of the 904
sentence, of up to one-half of the stated prison term originally 905
imposed upon the offender; 906

(f) Require that the offender not ingest or be injected with 907
a drug of abuse and submit to random drug testing as provided in 908
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 909
is applicable to the offender who is serving a prison term, and 910
require that the results of the drug test administered under any 911
of those sections indicate that the offender did not ingest or was 912
not injected with a drug of abuse. 913

(4) If the offender is being sentenced for a sexually violent 914
offense that the offender committed on or after January 1, 1997, 915
and the offender also is convicted of or pleads guilty to a 916
sexually violent predator specification that was included in the 917
indictment, count in the indictment, or information charging the 918
sexually violent offense ~~or~~, if the offender is being sentenced 919
for a sexually oriented offense that the offender committed on or 920
after January 1, 1997, and the court imposing the sentence has 921
determined pursuant to division (B) of section 2950.09 of the 922
Revised Code that the offender is a sexual predator, or if the 923
offender is being sentenced for an aggravated sexually oriented 924
offense as defined in section 2950.01 of the Revised Code that the 925

offender committed on or after the effective date of this 926
amendment, the court shall include in the offender's sentence a 927
statement that the offender has been adjudicated as being a sexual 928
predator or has been convicted of or pleaded guilty to an 929
aggravated sexually oriented offense, whichever is applicable, and 930
shall comply with the requirements of section 2950.03 of the 931
Revised Code. Additionally, in the circumstances described in 932
division (G) of section 2929.14 of the Revised Code, the court 933
shall impose sentence on the offender as described in that 934
division. 935

(5) If the sentencing court determines at the sentencing 936
hearing that a community control sanction should be imposed and 937
the court is not prohibited from imposing a community control 938
sanction, the court shall impose a community control sanction. The 939
court shall notify the offender that, if the conditions of the 940
sanction are violated, if the offender commits a violation of any 941
law, or if the offender leaves this state without the permission 942
of the court or the offender's probation officer, the court may 943
impose a longer time under the same sanction, may impose a more 944
restrictive sanction, or may impose a prison term on the offender 945
and shall indicate the specific prison term that may be imposed as 946
a sanction for the violation, as selected by the court from the 947
range of prison terms for the offense pursuant to section 2929.14 948
of the Revised Code. 949

(6) Before imposing a financial sanction under section 950
2929.18 of the Revised Code or a fine under section 2929.25 of the 951
Revised Code, the court shall consider the offender's present and 952
future ability to pay the amount of the sanction or fine. 953

(C)(1) If the offender is being sentenced for a fourth degree 954
felony OMVI offense under division (G)(1) of section 2929.13 of 955
the Revised Code, the court shall impose the mandatory term of 956
local incarceration in accordance with that division, shall impose 957

a mandatory fine in accordance with division (B)(3) of section 958
2929.18 of the Revised Code, and, in addition, may impose 959
additional sanctions as specified in sections 2929.15, 2929.16, 960
2929.17, and 2929.18 of the Revised Code. The court shall not 961
impose a prison term on the offender. 962

(2) If the offender is being sentenced for a third or fourth 963
degree felony OMVI offense under division (G)(2) of section 964
2929.13 of the Revised Code, the court shall impose the mandatory 965
prison term in accordance with that division, shall impose a 966
mandatory fine in accordance with division (B)(3) of section 967
2929.18 of the Revised Code, and, in addition, may impose an 968
additional prison term as specified in section 2929.14 of the 969
Revised Code. The court shall not impose any community control 970
sanction on the offender. 971

(D) The sentencing court, pursuant to division (K) of section 972
2929.14 of the Revised Code, may recommend placement of the 973
offender in a program of shock incarceration under section 974
5120.031 of the Revised Code or an intensive program prison under 975
section 5120.032 of the Revised Code, disapprove placement of the 976
offender in a program or prison of that nature, or make no 977
recommendation. If the court recommends or disapproves placement, 978
it shall make a finding that gives its reasons for its 979
recommendation or disapproval. 980

Sec. 2950.01. As used in this chapter, unless the context 981
clearly requires otherwise: 982

(A) "Confinement" includes, but is not limited to, a 983
community residential sanction imposed pursuant to section 2929.16 984
of the Revised Code. 985

(B) "Habitual sex offender" means, except when a juvenile 986
judge removes this classification pursuant to division (A)(2) of 987
section 2152.84 or division (C)(2) of section 2152.85 of the 988

Revised Code, a person to whom both of the following apply:	989
(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.	990 991 992 993 994 995
(2) One of the following applies to the person:	996
(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.	997 998 999 1000 1001 1002 1003 1004 1005
(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.	1006 1007 1008 1009 1010
(C) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	1011 1012
(D) "Sexually oriented offense" means any of the following:	1013
(1) Any of the following violations or offenses committed by a person eighteen years of age or older:	1014 1015
(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;	1016 1017 1018

(b) Any of the following offenses involving a minor, in the circumstances specified:	1019 1020
(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;	1021 1022 1023
(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;	1024 1025 1026 1027 1028
(iii) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code;	1029 1030
(iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;	1031 1032
(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;	1033 1034 1035
(vi) A violation of division (D) or (E) of section 2907.07 of the Revised Code.	1036 1037
(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;	1038 1039 1040 1041 1042
(d) A sexually violent offense;	1043
(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	1044 1045 1046 1047 1048

(D)(1)(a), (b), (c), or (d) of this section; 1049

(f) An attempt to commit, conspiracy to commit, or complicity 1050
in committing any offense listed in division (D)(1)(a), (b), (c), 1051
(d), or (e) of this section. 1052

(2) An act committed by a person under eighteen years of age 1053
that is any of the following: 1054

(a) Subject to division (D)(2)(h) of this section, regardless 1055
of the age of the victim of the violation, a violation of section 1056
2907.02, 2907.03, or 2907.05 of the Revised Code; 1057

(b) Subject to division (D)(2)(h) of this section, any of the 1058
following acts involving a minor in the circumstances specified: 1059
1060

(i) A violation of section 2905.01 or 2905.02 of the Revised 1061
Code, or of former section 2905.04 of the Revised Code, when the 1062
victim of the violation is under eighteen years of age; 1063

(ii) A violation of section 2907.21 of the Revised Code when 1064
the person who is compelled, induced, procured, encouraged, 1065
solicited, requested, or facilitated to engage in, paid or agreed 1066
to be paid for, or allowed to engage in the sexual activity in 1067
question is under eighteen years of age; 1068

(iii) A violation of division (B)(5) of section 2919.22 of 1069
the Revised Code when the child who is involved in the violation 1070
is under eighteen years of age. 1071

(c) Subject to division (D)(2)(h) of this section, any 1072
sexually violent offense that, if committed by an adult, would be 1073
a felony of the first, second, third, or fourth degree; 1074

(d) Subject to division (D)(2)(h) of this section, a 1075
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 1076
2905.02 of the Revised Code, a violation of division (A) of 1077
section 2903.04 of the Revised Code, or an attempt to violate any 1078

of those sections or that division that is committed with a 1079
purpose to gratify the sexual needs or desires of the child 1080
committing the violation; 1081

(e) Subject to division (D)(2)(h) of this section, a 1082
violation of division (A)(1) or (3) of section 2907.321, division 1083
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 1084
section 2907.323 of the Revised Code, or an attempt to violate any 1085
of those divisions, if the person who violates or attempts to 1086
violate the division is four or more years older than the minor 1087
who is the victim of the violation; 1088

(f) Subject to division (D)(2)(h) of this section, any 1089
violation of any former law of this state, any existing or former 1090
municipal ordinance or law of another state or the United States, 1091
or any existing or former law applicable in a military court or in 1092
an Indian tribal court that is or was substantially equivalent to 1093
any offense listed in division (D)(2)(a), (b), (c), (d), or (e) of 1094
this section and that, if committed by an adult, would be a felony 1095
of the first, second, third, or fourth degree; 1096

(g) Subject to division (D)(2)(h) of this section, any 1097
attempt to commit, conspiracy to commit, or complicity in 1098
committing any offense listed in division (D)(2)(a), (b), (c), 1099
(d), (e), or (f) of this section; 1100

(h) If the child's case has been transferred for criminal 1101
prosecution under section 2152.12 of the Revised Code, the act is 1102
any violation listed in division (D)(1)(a), (b), (c), (d), (e), or 1103
(f) of this section or would be any offense listed in any of those 1104
divisions if committed by an adult. 1105

(E) "Sexual predator" means a person to whom either of the 1106
following applies: 1107

(1) The person has been convicted of or pleaded guilty to 1108
committing a sexually oriented offense and is likely to engage in 1109

the future in one or more sexually oriented offenses. 1110

(2) The person has been adjudicated a delinquent child for 1111
committing a sexually oriented offense, was fourteen years of age 1112
or older at the time of committing the offense, was classified a 1113
juvenile sex offender registrant based on that adjudication, and 1114
is likely to engage in the future in one or more sexually oriented 1115
offenses. 1116

(F) "Supervised release" means a release of an offender from 1117
a prison term, a term of imprisonment, or another type of 1118
confinement that satisfies either of the following conditions: 1119

(1) The release is on parole, a conditional pardon, or 1120
probation, under transitional control, or under a post-release 1121
control sanction, and it requires the person to report to or be 1122
supervised by a parole officer, probation officer, field officer, 1123
or another type of supervising officer. 1124

(2) The release is any type of release that is not described 1125
in division (F)(1) of this section and that requires the person to 1126
report to or be supervised by a probation officer, a parole 1127
officer, a field officer, or another type of supervising officer. 1128

(G) An offender or delinquent child is "adjudicated as being 1129
a sexual predator" or "adjudicated a sexual predator" if any of 1130
the following applies and if that status has not been removed 1131
pursuant to section 2152.84, 2152.85, or 2950.09 of the Revised 1132
Code: 1133

(1) The offender is convicted of or pleads guilty to 1134
committing, on or after January 1, 1997, a sexually oriented 1135
offense that is a sexually violent offense and also is convicted 1136
of or pleads guilty to a sexually violent predator specification 1137
that was included in the indictment, count in the indictment, or 1138
information that charged the sexually violent offense. 1139

(2) Regardless of when the sexually oriented offense was 1140

committed, on or after January 1, 1997, the offender is sentenced 1141
for a sexually oriented offense, and the sentencing judge 1142
determines pursuant to division (B) of section 2950.09 of the 1143
Revised Code that the offender is a sexual predator. 1144

(3) The delinquent child is adjudicated a delinquent child 1145
for committing a sexually oriented offense, was fourteen years of 1146
age or older at the time of committing the offense, and has been 1147
classified a juvenile sex offender registrant based on that 1148
adjudication, and the adjudicating judge or that judge's successor 1149
in office determines pursuant to division (B) of section 2950.09 1150
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 1151
the Revised Code that the delinquent child is a sexual predator. 1152

(4) Prior to January 1, 1997, the offender was convicted of 1153
or pleaded guilty to, and was sentenced for, a sexually oriented 1154
offense, the offender is imprisoned in a state correctional 1155
institution on or after January 1, 1997, and the court determines 1156
pursuant to division (C) of section 2950.09 of the Revised Code 1157
that the offender is a sexual predator. 1158

(5) Regardless of when the sexually oriented offense was 1159
committed, the offender or delinquent child is convicted of or 1160
pleads guilty to, has been convicted of or pleaded guilty to, or 1161
is adjudicated a delinquent child for committing a sexually 1162
oriented offense in another state or in a federal court, military 1163
court, or an Indian tribal court, as a result of that conviction, 1164
plea of guilty, or adjudication, the offender or delinquent child 1165
is required, under the law of the jurisdiction in which the 1166
offender was convicted or pleaded guilty or the delinquent child 1167
was adjudicated, to register as a sex offender until the 1168
offender's or delinquent child's death and to verify the 1169
offender's or delinquent child's address on at least a quarterly 1170
basis each year, and, on or after July 1, 1997, for offenders or 1171
January 1, 2002, for delinquent children the offender or 1172

delinquent child moves to and resides in this state or temporarily 1173
is domiciled in this state for more than seven days, unless a 1174
court of common pleas or juvenile court determines that the 1175
offender or delinquent child is not a sexual predator pursuant to 1176
division (F) of section 2950.09 of the Revised Code. 1177

(H) "Sexually violent predator specification" and "sexually 1178
violent offense" have the same meanings as in section 2971.01 of 1179
the Revised Code. 1180

(I) "Post-release control sanction" and "transitional 1181
control" have the same meanings as in section 2967.01 of the 1182
Revised Code. 1183

(J) "Juvenile sex offender registrant" means a person who is 1184
adjudicated a delinquent child for committing on or after January 1185
1, 2002, a sexually oriented offense, who is fourteen years of age 1186
or older at the time of committing the offense, and who a juvenile 1187
court judge, pursuant to an order issued under section 2152.82, 1188
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1189
juvenile sex offender registrant and specifies has a duty to 1190
register under section 2950.04 of the Revised Code. 1191

(K) "Secure facility" means any facility that is designed and 1192
operated to ensure that all of its entrances and exits are locked 1193
and under the exclusive control of its staff and to ensure that, 1194
because of that exclusive control, no person who is 1195
institutionalized or confined in the facility may leave the 1196
facility without permission or supervision. 1197

(L) "Out-of-state juvenile sex offender registrant" means a 1198
person who is adjudicated a delinquent child for committing a 1199
sexually oriented offense in another state or in a federal court, 1200
military court, or Indian tribal court, who on or after January 1, 1201
2002, moves to and resides in this state or temporarily is 1202
domiciled in this state for more than seven days, and who under 1203

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 1235
for the sexually oriented offense to a prison term, a term of 1236
imprisonment, or any other type of confinement, and if, on or 1237
after January 1, 1997, the offender is serving that term or is 1238
under that confinement, the official in charge of the jail, 1239
workhouse, state correctional institution, or other institution in 1240
which the offender serves the prison term, term of imprisonment, 1241
or confinement, or a designee of that official, shall provide the 1242
notice to the offender before the offender is released pursuant to 1243
any type of supervised release or before the offender otherwise is 1244
released from the prison term, term of imprisonment, or 1245
confinement. 1246

(2) Regardless of when the offender committed the sexually 1247
oriented offense, if the person is an offender who is sentenced 1248
for the sexually oriented offense on or after January 1, 1997, and 1249
if division (A)(1) of this section does not apply, the judge shall 1250
provide the notice to the offender at the time of sentencing. 1251

(3) If the person is an offender who committed the sexually 1252
oriented offense prior to January 1, 1997, if neither division 1253
(A)(1) nor division (A)(2) of this section applies, and if, 1254
immediately prior to January 1, 1997, the offender was a habitual 1255
sex offender who was required to register under Chapter 2950. of 1256
the Revised Code, the chief of police or sheriff with whom the 1257
offender most recently registered under that chapter, in the 1258
circumstances described in this division, shall provide the notice 1259
to the offender. If the offender has registered with a chief of 1260
police or sheriff under Chapter 2950. of the Revised Code as it 1261
existed prior to January 1, 1997, the chief of police or sheriff 1262
with whom the offender most recently registered shall provide the 1263
notice to the offender as soon as possible after January 1, 1997, 1264
as described in division (B)(1) of this section. If the offender 1265
1266

has not registered with a chief of police or sheriff under that 1267
chapter, the failure to register shall constitute a waiver by the 1268
offender of any right to notice under this section. If an offender 1269
described in this division does not receive notice under this 1270
section, the offender is not relieved of the duty to register, the 1271
duty to provide notice of any change in residence address and to 1272
register the new residence address, and the duty to periodically 1273
verify the residence address, as described in division (A) of this 1274
section. 1275

(4) If the person is an offender of the type described in 1276
division (A)(1) of this section and if, subsequent to release, the 1277
offender is adjudicated as being a sexual predator pursuant to 1278
division (C) of section 2950.09 of the Revised Code, the judge 1279
shall provide the notice to the offender at the time of 1280
adjudication. 1281

(5) If the person is a delinquent child who is classified 1282
pursuant to section 2152.82 or division (A) of section 2152.83 of 1283
the Revised Code a juvenile sex offender registrant, the judge 1284
shall provide the notice to the delinquent child at the time of 1285
the classification. 1286

(B)(1) The notice provided under division (A) of this section 1287
shall inform the offender or delinquent child of the duty to 1288
register under section 2950.04 of the Revised Code, to notify the 1289
appropriate officials of a change in the offender's or delinquent 1290
child's residence address and to register the new residence 1291
address in accordance with section 2950.05 of the Revised Code, 1292
and to periodically verify a residence address under section 1293
2950.06 of the Revised Code. The notice shall comport with the 1294
following: 1295

(a) If the notice is provided to an offender under division 1296
(A)(3) of this section, the notice shall be on a form that is 1297
prescribed by the bureau of criminal identification and 1298

investigation and that states the offender's duties to register, 1299
to register a new residence address, and to periodically verify a 1300
residence address and that, if the offender has any questions 1301
concerning these duties, the offender may contact the chief of 1302
police or sheriff who sent the form for an explanation of the 1303
duties. If the offender appears in person before the chief of 1304
police or sheriff, the chief or sheriff shall provide the notice 1305
as described in division (B)(1)(a) of this section, and all 1306
provisions of this section that apply regarding a notice provided 1307
by an official, official's designee, or judge in that manner shall 1308
be applicable. 1309

(b) If the notice is provided to an offender under division 1310
(A)(1), (2), or (4) of this section, the official, official's 1311
designee, or judge shall require the offender to read and sign a 1312
form prescribed by the bureau of criminal identification and 1313
investigation, stating that the offender's duties to register, to 1314
register a new residence address, and to periodically verify a 1315
residence address have been explained to the offender. If the 1316
offender is unable to read, the official, official's designee, or 1317
judge shall certify on the form that the official, designee, or 1318
judge specifically informed the offender of those duties and that 1319
the offender indicated an understanding of those duties. 1320

(c) If the notice is provided to a delinquent child under 1321
division (A)(5) of this section, the judge shall require the 1322
delinquent child and the delinquent child's parent, guardian, or 1323
custodian to read and sign a form prescribed by the bureau of 1324
criminal identification and investigation, stating that the 1325
delinquent child's duties to register, to register a new residence 1326
address, and to periodically verify a residence address have been 1327
explained to the delinquent child and to the delinquent child's 1328
parent, guardian, or custodian. If the delinquent child or the 1329
delinquent child's parent, guardian, or custodian is unable to 1330

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, 1427
identifying factors, and expected future residence address, shall 1428
obtain the offender's or delinquent child's criminal and 1429
delinquency history, and shall obtain a photograph and the 1430
fingerprints of the offender or delinquent child. If the notice is 1431
provided by a judge under division (A)(2), (4), or (5) of this 1432
section, the sheriff shall provide the offender's or delinquent 1433
child's criminal and delinquency history to the judge. The 1434
official, official's designee, or judge shall obtain this 1435
information and these items prior to giving the notice, except 1436
that a judge may give the notice prior to obtaining the offender's 1437
or delinquent child's criminal and delinquency history. Within 1438
three days after receiving this information and these items, the 1439
official, official's designee, or judge shall forward the 1440
information and items to the bureau of criminal identification and 1441
investigation in accordance with the forwarding procedures adopted 1442
pursuant to section 2950.13 of the Revised Code and to the sheriff 1443
of the county in which the offender or delinquent child expects to 1444
reside. If the notice is provided under division (A)(5) of this 1445
section and if the delinquent child has been committed to the 1446
department of youth services or to a secure facility, the judge, 1447
in addition to the other information and items described in this 1448
division, also shall forward to the bureau and to the sheriff 1449
notification that the child has been so committed. If it has not 1450
already done so, the bureau of criminal identification and 1451
investigation shall forward a copy of the fingerprints and 1452
conviction data received under this division to the federal bureau 1453
of investigation. 1454

(2) If the notice is provided under division (A)(3) of this 1455
section, the chief of police or sheriff shall determine the 1456
offender's name, identifying factors, and residence address, shall 1457
obtain the offender's criminal history from the bureau of criminal 1458

identification and investigation, and, to the extent possible, 1459
shall obtain a photograph and the fingerprints of the offender. 1460
Within three days after receiving this information and these 1461
items, the chief or sheriff shall forward the information and 1462
items to the bureau of criminal identification and investigation 1463
in accordance with the forwarding procedures adopted pursuant to 1464
section 2950.13 of the Revised Code and, in relation to a chief of 1465
police, to the sheriff of the county in which the offender 1466
resides. If it has not already done so, the bureau of criminal 1467
identification and investigation shall forward a copy of the 1468
fingerprints and conviction data so received to the federal bureau 1469
of investigation. 1470

Sec. 2950.04. (A)(1) Each of the following types of offender 1471
who is convicted of or pleads guilty to, or has been convicted of 1472
or pleaded guilty to, a sexually oriented offense shall register 1473
personally with the sheriff of the county within seven days of the 1474
offender's coming into a county in which the offender resides or 1475
temporarily is domiciled for more than seven days: 1476

(a) Regardless of when the sexually oriented offense was 1477
committed, an offender who is sentenced for the sexually oriented 1478
offense to a prison term, a term of imprisonment, or any other 1479
type of confinement and, on or after July 1, 1997, is released in 1480
any manner from the prison term, term of imprisonment, or 1481
confinement; 1482

(b) Regardless of when the sexually oriented offense was 1483
committed, an offender who is sentenced for a sexually oriented 1484
offense on or after July 1, 1997, and to whom division (A)(1)(a) 1485
of this section does not apply; 1486

(c) If the sexually oriented offense was committed prior to 1487
July 1, 1997, and neither division (A)(1)(a) nor division 1488
(A)(1)(b) of this section applies, an offender who, immediately 1489

prior to July 1, 1997, was a habitual sex offender who was 1490
required to register under Chapter 2950. of the Revised Code. 1491

(2) Each child who is adjudicated a delinquent child for 1492
committing a sexually oriented offense and who is classified a 1493
juvenile sex offender registrant based on that adjudication shall 1494
register personally with the sheriff of the county within seven 1495
days of the delinquent child's coming into a county in which the 1496
delinquent child resides or temporarily is domiciled for more than 1497
seven days. If the delinquent child is committed for the sexually 1498
oriented offense to the department of youth services or to a 1499
secure facility that is not operated by the department, this duty 1500
begins when the delinquent child is discharged or released in any 1501
manner from custody in a department of youth services secure 1502
facility or from the secure facility that is not operated by the 1503
department, if pursuant to the discharge or release the delinquent 1504
child is not committed to any other secure facility of the 1505
department or any other secure facility. The delinquent child does 1506
not have a duty to register under this division while the child is 1507
in a department of youth services secure facility or in a secure 1508
facility that is not operated by the department. 1509

(3) If divisions (A)(1) and (2) of this section do not apply, 1510
each following type of offender and each following type of 1511
delinquent child shall register personally with the sheriff of the 1512
county within seven days of the offender's or delinquent child's 1513
coming into a county in which the offender or delinquent child 1514
resides or temporarily is domiciled for more than seven days: 1515

(a) Regardless of when the sexually oriented offense was 1516
committed, a person who is convicted of, pleads guilty to, or is 1517
adjudicated a delinquent child for committing a sexually oriented 1518
offense in another state or in a federal court, military court, or 1519
an Indian tribal court, if, on or after July 1, 1997, for 1520
offenders, or January 1, 2002, for delinquent children, the 1521

offender or delinquent child moves to and resides in this state or 1522
temporarily is domiciled in this state for more than seven days, 1523
and if, at the time the offender or delinquent child moves to and 1524
resides in this state or temporarily is domiciled in this state 1525
for more than seven days, the offender or delinquent child has a 1526
duty to register as a sex offender under the law of that other 1527
jurisdiction as a result of the conviction, guilty plea, or 1528
adjudication. 1529

(b) Regardless of when the sexually oriented offense was 1530
committed, a person who is convicted of, pleads guilty to, or is 1531
adjudicated a delinquent child for committing a sexually oriented 1532
offense in another state or in a federal court, military court, or 1533
an Indian tribal court, if, on or after July 1, 1997, for 1534
offenders, or January 1, 2002, for delinquent children, the 1535
offender or delinquent child is released from imprisonment, 1536
confinement, or detention imposed for that offense, and if, on or 1537
after July 1, 1997, for offenders, or January 1, 2002, for 1538
delinquent children, the offender or delinquent child moves to and 1539
resides in this state or temporarily is domiciled in this state 1540
for more than seven days. The duty to register as described in 1541
this division applies to an offender regardless of whether the 1542
offender, at the time of moving to and residing in this state or 1543
temporarily being domiciled in this state for more than seven 1544
days, has a duty to register as a sex offender under the law of 1545
the jurisdiction in which the conviction or guilty plea occurred. 1546
The duty to register as described in this division applies to a 1547
delinquent child only if the delinquent child, at the time of 1548
moving to and residing in this state or temporarily being 1549
domiciled in this state for more than seven days, has a duty to 1550
register as a sex offender under the law of the jurisdiction in 1551
which the delinquent child adjudication occurred or if, had the 1552
delinquent child adjudication occurred in this state, the 1553

adjudicating juvenile court judge would have been required to 1554
issue an order classifying the delinquent child as a juvenile sex 1555
offender registrant pursuant to section 2152.82 or division (A) of 1556
section 2152.83 of the Revised Code. 1557

(4) If division (A)(1)(a) of this section applies and if, 1558
subsequent to the offender's release, the offender is adjudicated 1559
to be a sexual predator under division (C) of section 2950.09 of 1560
the Revised Code, the offender shall register within seven days of 1561
the adjudication with the sheriff of the county in which the 1562
offender resides or temporarily is domiciled for more than seven 1563
days and shall register with the sheriff of any county in which 1564
the offender subsequently resides or temporarily is domiciled for 1565
more than seven days within seven days of coming into that county. 1566

(5) A person who is adjudicated a delinquent child for 1567
committing a sexually oriented offense is not required to register 1568
under division (A)(2) of this section unless the delinquent child 1569
committed the offense on or after January 1, 2002, is classified a 1570
juvenile sex offender registrant by a juvenile court judge 1571
pursuant to an order issued under section 2152.82, 2152.83, 1572
2152.84, or 2152.85 of the Revised Code based on that 1573
adjudication, and has a duty to register pursuant to division 1574
(A)(2) of this section. 1575

(B) An offender or delinquent child who is required by 1576
division (A) of this section to register personally shall obtain 1577
from the sheriff or from a designee of the sheriff a registration 1578
form that conforms to division (C) of this section, shall complete 1579
and sign the form, and shall return the completed form together 1580
with the offender's or delinquent child's photograph to the 1581
sheriff or the designee. The sheriff or designee shall sign the 1582
form and indicate on the form the date on which it is so returned. 1583
The registration required under this division is complete when the 1584
offender or delinquent child returns the form, containing the 1585

requisite information, photograph, signatures, and date, to the
sheriff or designee.

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(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:

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(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;

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(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

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and of each motor vehicle registered in the offender's or 1618
delinquent child's name. 1619

(D) After an offender or delinquent child registers with a 1620
sheriff pursuant to this section, the sheriff shall forward the 1621
signed, written registration form and photograph to the bureau of 1622
criminal identification and investigation in accordance with the 1623
forwarding procedures adopted pursuant to section 2950.13 of the 1624
Revised Code. The bureau shall include the information and 1625
materials forwarded to it under this division in the state 1626
registry of sex offenders established and maintained under section 1627
2950.13 of the Revised Code. 1628

(E) No person who is required to register pursuant to 1629
divisions (A) and (B) of this section shall fail to register as 1630
required in accordance with those divisions or that division. 1631

(F) An offender or delinquent child who is required to 1632
register pursuant to divisions (A) and (B) of this section shall 1633
register pursuant to this section for the period of time specified 1634
in section 2950.07 of the Revised Code. 1635

(G) If an offender or delinquent child who is required by 1636
division (A) of this section to register is adjudicated a sexual 1637
predator or a habitual sexual offender subject to community 1638
notification under division (C)(2) or (E) of section 2950.09 of 1639
the Revised Code, or if an offender who is required by division 1640
(A) of this section to register has that duty as a result of a 1641
conviction of or plea of guilty to an aggravated sexually oriented 1642
offense committed on or after the effective date of this 1643
amendment, the offender or delinquent child also shall send the 1644
sheriff of the county in which the offender or delinquent child 1645
intends to reside written notice of the offender's or delinquent 1646
child's intent to reside in the county. The offender or delinquent 1647
child shall send the notice of intent to reside at least twenty 1648
days prior to the date the offender or delinquent child begins to 1649

reside in the county. The notice of intent to reside shall contain 1650
the following information: 1651

(1) The offender's or delinquent child's name; 1652

(2) The address or addresses at which the offender or 1653
delinquent child intends to reside; 1654

(3) The sexually oriented offense of which the offender was 1655
convicted, to which the offender pleaded guilty, or for which the 1656
child was adjudicated a delinquent child; 1657

(4) A statement that the offender or delinquent child has 1658
been adjudicated as being a sexual predator and that, as of the 1659
date of the notice, the court has not entered a determination that 1660
the offender or delinquent child no longer is a sexual predator, 1661
~~or~~ a statement that the sentencing or reviewing judge has 1662
determined that the offender or delinquent child is a habitual sex 1663
offender and that, as of the date of the notice, the determination 1664
has not been removed pursuant to section 2152.84 or 2152.85 of the 1665
Revised Code, or a statement that the offender was convicted of or 1666
pleaded guilty to an aggravated sexually oriented offense 1667
committed on or after the effective date of this amendment. 1668

Sec. 2950.06. (A) An offender or delinquent child who is 1669
required to register pursuant to section 2950.04 of the Revised 1670
Code shall periodically verify the offender's or delinquent 1671
child's current residence address in accordance with this section. 1672
The frequency of verification shall be determined in accordance 1673
with division (B) of this section, and the manner of verification 1674
shall be determined in accordance with division (C) of this 1675
section. 1676

(B) The frequency with which an offender or delinquent child 1677
must verify the offender's or delinquent child's current residence 1678
address pursuant to division (A) of this section shall be 1679
determined as follows: 1680

(1) Regardless of when the sexually oriented offense for 1681
which the offender or delinquent child is required to register was 1682
committed, if the offender or delinquent child has been 1683
adjudicated as being a sexual predator relative to the sexually 1684
oriented offense and ~~if~~ the court has not subsequently entered a 1685
determination pursuant to division (D) of section 2950.09, section 1686
2152.84, or section 2152.85 of the Revised Code that the offender 1687
or delinquent child no longer is a sexual predator, or if the 1688
offender is required to register as a result of an aggravated 1689
sexually oriented offense committed on or after the effective date 1690
of this amendment, the offender or delinquent child shall verify 1691
the offender's or delinquent child's current residence address in 1692
accordance with division (C) of this section every ninety days 1693
after the offender's or delinquent child's initial registration 1694
date during the period the offender or delinquent child is 1695
required to register. 1696

(2) In all circumstances not described in division (B)(1) of 1697
this section, the offender or delinquent child shall verify the 1698
offender's or delinquent child's current residence address in 1699
accordance with division (C) of this section on each anniversary 1700
of the offender's or delinquent child's initial registration date 1701
during the period the offender or delinquent child is required to 1702
register. 1703

(C)(1) An offender or delinquent child who is required to 1704
verify the offender's or delinquent child's current residence 1705
address pursuant to division (A) of this section shall verify the 1706
address with the sheriff with whom the offender or delinquent 1707
child most recently registered by personally appearing before the 1708
sheriff or a designee of the sheriff, no earlier than ten days 1709
before the date on which the verification is required pursuant to 1710
division (B) of this section and no later than the date so 1711
required for verification, and completing and signing a copy of 1712

the verification form prescribed by the bureau of criminal 1713
identification and investigation. The sheriff or designee shall 1714
sign the completed form and indicate on the form the date on which 1715
it is so completed. The verification required under this division 1716
is complete when the offender or delinquent child personally 1717
appears before the sheriff or designee and completes and signs the 1718
form as described in this division. 1719

(2) To facilitate the verification of an offender's or 1720
delinquent child's current residence address under division (C)(1) 1721
of this section, the sheriff with whom the offender or delinquent 1722
child most recently registered may mail a nonforwardable 1723
verification form prescribed by the bureau of criminal 1724
identification and investigation to the offender's or delinquent 1725
child's last reported address and to the last reported address of 1726
the parents of the delinquent child, with a notice that 1727
conspicuously states that the offender or delinquent child must 1728
personally appear before the sheriff or a designee of the sheriff 1729
to complete the form and the date by which the form must be so 1730
completed. Regardless of whether a sheriff mails a form to an 1731
offender or delinquent child and that child's parents, each 1732
offender or delinquent child who is required to verify the 1733
offender's or delinquent child's current residence address 1734
pursuant to division (A) of this section shall personally appear 1735
before the sheriff or a designee of the sheriff to verify the 1736
address in accordance with division (C)(1) of this section. 1737

(D) The verification form to be used under division (C) of 1738
this section shall contain the current residence address of the 1739
offender or delinquent child, the name and address of the 1740
offender's or delinquent child's employer if the offender or 1741
delinquent child is employed at the time of verification or if the 1742
offender or delinquent child knows at the time of verification 1743
that the offender or delinquent child will be commencing 1744

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.

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(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:

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(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.

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(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

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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 1871
division (A)(1)(b) of section 2950.04 of the Revised Code, the 1872
offender's duty to comply with those sections commences on the 1873
date of entry of the judgment of conviction of the sexually 1874
oriented offense or on July 1, 1997, whichever is later. 1875

(3) If the offender's duty to register is imposed pursuant to 1876
division (A)(1)(c) of section 2950.04 of the Revised Code, the 1877
offender's duty to comply with those sections commences fourteen 1878
days after July 1, 1997. 1879

(4) If the offender's or delinquent child's duty to register 1880
is imposed pursuant to division (A)(3)(a) or (b) of section 1881
2950.04 of the Revised Code, the offender's duty to comply with 1882
those sections commences on March 30, 1999, or on the date that 1883
the offender begins to reside or becomes temporarily domiciled in 1884
this state, whichever is later, and the delinquent child's duty 1885
commences on ~~the effective date of this amendment~~ January 1, 2002, 1886
or on the date the delinquent child begins to reside or becomes 1887
temporarily domiciled in this state, whichever is later. 1888

(5) If the delinquent child's duty to register is imposed 1889
pursuant to division (A)(2) of section 2950.04 of the Revised 1890
Code, if the delinquent child's classification as a juvenile sex 1891
offender registrant is made at the time of the child's disposition 1892
for that sexually oriented offense, and if the delinquent child is 1893
committed for the sexually oriented offense to the department of 1894
youth services or to a secure facility that is not operated by the 1895
department, the delinquent child's duty to comply with those 1896
sections commences on the date of the delinquent child's discharge 1897
or release from custody in the department of youth services secure 1898
facility or from the secure facility not operated by the 1899
department as described in that division. 1900

(6) If the delinquent child's duty to register is imposed 1901
pursuant to division (A)(2) of section 2950.04 of the Revised Code 1902

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. ~~¶~~ 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 1935
or 2152.85 of the Revised Code that the offender or delinquent 1936
child no longer is a sexual predator, the offender's or delinquent 1937
child's duty to comply with those sections continues for the 1938
period of time that otherwise would have been applicable to the 1939
offender or delinquent child under division (B)(2) or (3) of this 1940
section or, if the offender's duty to register results from a 1941
conviction of or plea of guilty to an aggravated sexually oriented 1942
offense, until the offender's death as specified under this 1943
division. In no case shall the lifetime duty to register that is 1944
imposed under this division on an offender for an aggravated 1945
sexually oriented offense committed on or after the effective date 1946
of this amendment be removed or terminated. 1947

(2) If the judge who sentenced the offender or made the 1948
disposition for the delinquent child for committing the sexually 1949
oriented offense, or the successor in office of the juvenile court 1950
judge who made the delinquent child disposition, determined 1951
pursuant to division (E) of section 2950.09 or pursuant to 1952
division (B) of section 2152.83, section 2152.84, or section 1953
2152.85 of the Revised Code that the offender or delinquent child 1954
is a habitual sex offender, the offender's or delinquent child's 1955
duty to comply with those sections continues for twenty years. If 1956
a delinquent child is determined pursuant to division (E) of 1957
section 2950.09 or pursuant to division (B) of section 2152.83, 1958
section 2152.84, or section 2152.85 of the Revised Code to be a 1959
habitual sex offender and if the judge who made the disposition 1960
for the delinquent child or that judge's successor in office 1961
subsequently enters a determination pursuant to section 2152.84 or 1962
2152.85 of the Revised Code that the delinquent child no longer is 1963
a habitual sex offender but remains a juvenile sex offender 1964
registrant, the delinquent child's duty to comply with those 1965
sections continues for the period of time that otherwise would 1966
have been applicable to the delinquent child under division (B)(3) 1967

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)~~ to (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 2064
that conviction, plea of guilty, or adjudication, the person is 2065
required, under the law of the jurisdiction in which the person 2066
was convicted, pleaded guilty, or was adjudicated, to register as 2067
a sex offender until the person's death and is required to verify 2068
the person's address on at least a quarterly basis each year, that 2069
conviction, plea of guilty, or adjudication automatically 2070
classifies the person as a sexual predator for the purposes of 2071
this chapter, but the person may challenge that classification 2072
pursuant to division (F) of this section. In all other cases, a 2073
person who is convicted of or pleads guilty to, has been convicted 2074
of or pleaded guilty to, or is adjudicated a delinquent child for 2075
committing, a sexually oriented offense may be classified as a 2076
sexual predator for purposes of this chapter only in accordance 2077
with division (B) or (C) of this section or, regarding delinquent 2078
children, divisions (B) and (C) of section 2152.83 of the Revised 2079
Code. 2080

(B)(1)(a) The judge who is to impose sentence on a person who 2081
is convicted of or pleads guilty to a sexually oriented offense 2082
shall conduct a hearing to determine whether the offender is a 2083
sexual predator if ~~either~~ any of the following circumstances 2084
apply: 2085

(i) Regardless of when the sexually oriented offense was 2086
committed, the offender is to be sentenced on or after January 1, 2087
1997, for a sexually oriented offense that is not a sexually 2088
violent offense. 2089

(ii) Regardless of when the sexually oriented offense was 2090
committed, the offender is to be sentenced on or after January 1, 2091
1997, for a sexually oriented offense that is a sexually violent 2092
offense and a sexually violent predator specification was not 2093
included in the indictment, count in the indictment, or 2094
information charging the sexually violent offense. 2095

(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 (c)~~ of this section, the judge may conduct it as part of the

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

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

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

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

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

(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 2158
alcohol to impair the victim of the sexually oriented offense or 2159
to prevent the victim from resisting; 2160

(f) If the offender or delinquent child previously has been 2161
convicted of or pleaded guilty to, or been adjudicated a 2162
delinquent child for committing an act that if committed by an 2163
adult would be, a criminal offense, whether the offender or 2164
delinquent child completed any sentence or dispositional order 2165
imposed for the prior offense or act and, if the prior offense or 2166
act was a sex offense or a sexually oriented offense, whether the 2167
offender or delinquent child participated in available programs 2168
for sexual offenders; 2169

(g) Any mental illness or mental disability of the offender 2170
or delinquent child; 2171

(h) The nature of the offender's or delinquent child's sexual 2172
conduct, sexual contact, or interaction in a sexual context with 2173
the victim of the sexually oriented offense and whether the sexual 2174
conduct, sexual contact, or interaction in a sexual context was 2175
part of a demonstrated pattern of abuse; 2176

(i) Whether the offender or delinquent child, during the 2177
commission of the sexually oriented offense for which sentence is 2178
to be imposed or the order of disposition is to be made, displayed 2179
cruelty or made one or more threats of cruelty; 2180

(j) Any additional behavioral characteristics that contribute 2181
to the offender's or delinquent child's conduct. 2182

(4) After reviewing all testimony and evidence presented at 2183
the hearing conducted under division (B)(1) of this section and 2184
the factors specified in division (B)(3) of this section, the 2185
court shall determine by clear and convincing evidence whether the 2186
subject offender or delinquent child is a sexual predator. If the 2187
court determines that the subject offender or delinquent child is 2188

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.

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

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

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

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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.

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

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of guilty to committing on or after the effective date of this 2413
amendment an aggravated sexually oriented offense, the entry of 2414
the determination under this division does not affect any duties 2415
imposed upon the offender under this chapter as a result of that 2416
conviction of or plea of guilty to the aggravated sexually 2417
oriented offense. If the judge enters an order denying the 2418
petition, the prior adjudication of the offender as a sexual 2419
predator shall remain in effect. An offender determined to be a 2420
sexual predator in the manner described in division (B) or (C) of 2421
this section may file a petition under this division after the 2422
expiration of the following periods of time: 2423

(a) Regardless of when the sexually oriented offense was 2424
committed, if, on or after January 1, 1997, the offender is 2425
imprisoned or sentenced to a prison term or other confinement for 2426
the sexually oriented offense in relation to which the 2427
determination was made, the offender initially may file the 2428
petition not earlier than one year prior to the offender's release 2429
from the imprisonment, prison term, or other confinement by 2430
discharge, parole, judicial release, or any other final release. 2431
If the offender is sentenced on or after January 1, 1997, for the 2432
sexually oriented offense in relation to which the determination 2433
is made and is not imprisoned or sentenced to a prison term or 2434
other confinement for the sexually oriented offense, the offender 2435
initially may file the petition upon the expiration of one year 2436
after the entry of the offender's judgment of conviction. 2437

(b) After the offender's initial filing of a petition under 2438
division (D)(1)(a) of this section, thereafter, an offender may 2439
file a petition under this division upon the expiration of five 2440
years after the court has entered an order denying the petition 2441
under division (D)(1)(a) of this section or the most recent 2442
petition the offender has filed under this division. 2443

(2) Except as otherwise provided in this division, division 2444

(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.

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

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

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

(2) If, under division (E)(1) of this section, the judge determines that the offender or delinquent child previously has not been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a sexually oriented offense or that the offender otherwise does not satisfy the criteria for being a habitual sex offender, the judge shall specify in the offender's sentence or in the order classifying the delinquent child a juvenile sex offender registrant that the judge has determined that the offender or delinquent child is not a habitual

sex offender. If the judge determines that the offender or
delinquent child previously has been convicted of or pleaded
guilty to, or been adjudicated a delinquent child for committing,
a sexually oriented offense and that the offender satisfies all
other criteria for being a habitual sex offender, the judge shall
specify in the offender's sentence and the judgment of conviction
that contains the sentence or in the order classifying the
delinquent child a juvenile sex offender registrant that the judge
has determined that the offender or delinquent child is a habitual
sex offender and may impose a requirement in that sentence and
judgment of conviction or in that order that the offender or
delinquent child be subject to the community notification
provisions regarding the offender's or delinquent child's place of
residence that are contained in sections 2950.10 and 2950.11 of
the Revised Code. Unless the habitual sex offender also has been
adjudicated as being a sexual predator relative to the sexually
oriented offense in question 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 2541
and 2950.11 of the Revised Code if all of the following apply: 2542

(a) The offender or delinquent child was convicted of, 2543
pleaded guilty to, or was adjudicated a delinquent child for 2544
committing, a sexually oriented offense in another state or in a 2545
federal court, a military court, or an Indian tribal court. 2546

(b) As a result of the conviction, plea of guilty, or 2547
adjudication described in division (F)(1)(a) of this section, the 2548
offender or delinquent child is required under the law of the 2549
jurisdiction under which the offender or delinquent child was 2550
convicted, pleaded guilty, or was adjudicated to register as a sex 2551
offender until the offender's or delinquent child's death and is 2552
required to verify the offender's or delinquent child's address on 2553
at least a quarterly basis each year. 2554

(c) The offender or delinquent child was automatically 2555
classified as a sexual predator under division (A) of this section 2556
in relation to the conviction, guilty plea, or adjudication 2557
described in division (F)(1)(a) of this section. 2558

(2) The court may enter a determination that the offender or 2559
delinquent child filing the petition described in division (F)(1) 2560
of this section is not an adjudicated sexual predator in this 2561
state for purposes of the sex offender registration requirements 2562
of this chapter or the community notification provisions contained 2563
in sections 2950.10 and 2950.11 of the Revised Code only if the 2564
offender or delinquent child proves by clear and convincing 2565
evidence that the requirement of the other jurisdiction that the 2566
offender or delinquent child register as a sex offender until the 2567
offender's or delinquent child's death and the requirement that 2568
the offender or delinquent child verify the offender's or 2569
delinquent child's address on at least a quarterly basis each year 2570
is not substantially similar to a classification as a sexual 2571
predator for purposes of this chapter. 2572

Sec. 2950.10. (A)(1) If a person is convicted of or pleads 2573
guilty to, or has been convicted of or pleaded guilty to, a 2574
sexually oriented offense or a person is adjudicated a delinquent 2575
child for committing a sexually oriented offense and is classified 2576
a juvenile sex offender registrant or is an out-of-state juvenile 2577
sex offender registrant based on that adjudication, if the 2578
offender or delinquent child ~~has been adjudicated as being a~~ 2579
~~sexual predator relative to the sexually oriented offense and the~~ 2580
~~court has not subsequently determined pursuant to division (D) of~~ 2581
~~section 2950.09, section 2152.84, or section 2152.85 of the~~ 2582
~~Revised Code that the offender or delinquent child no longer is a~~ 2583
~~sexual predator or the offender or delinquent child has been~~ 2584
~~determined pursuant to division (C)(2) or (E) of section 2950.09,~~ 2585
~~division (B) of section 2152.83, section 2152.84, or section~~ 2586
~~2152.85 of the Revised Code to be a habitual sex offender, the~~ 2587
~~court has imposed a requirement under that division or section~~ 2588
~~subjecting the habitual sex offender to this section, and the~~ 2589
~~determination has not been removed pursuant to section 2152.84 or~~ 2590
~~2152.85 of the Revised Code~~ is in any category specified in 2591
division (B)(1)(a), (b), or (c) of this section, if the offender 2592
or delinquent child registers with a sheriff pursuant to section 2593
2950.04 or 2950.05 of the Revised Code, and if the victim of the 2594
sexually oriented offense has made a request in accordance with 2595
rules adopted by the attorney general that specifies that the 2596
victim would like to be provided the notices described in this 2597
section, the sheriff shall notify the victim of the sexually 2598
oriented offense, in writing, that the offender or delinquent 2599
child has registered and shall include in the notice the 2600
offender's or delinquent child's name and residence address or 2601
addresses. The sheriff shall provide the notice required by this 2602
division to the victim at the most recent residence address 2603
available for that victim, not later than seventy-two hours after 2604

the offender or delinquent child registers with the sheriff. 2605

(2) If a person is convicted of or pleads guilty to, or has 2606
been convicted of or pleaded guilty to, a sexually oriented 2607
offense or a person is adjudicated a delinquent child for 2608
committing a sexually oriented offense and is classified a 2609
juvenile sex offender registrant or is an out-of-state juvenile 2610
sex offender registrant based on that adjudication, if the 2611
offender or delinquent child ~~has been adjudicated as being a~~ 2612
~~sexual predator relative to the sexually oriented offense or~~ 2613
~~sexually violent offense and the court has not subsequently~~ 2614
~~determined pursuant to division (D) of section 2950.09, section~~ 2615
~~2152.84, or section 2152.85 of the Revised Code that the offender~~ 2616
~~or delinquent child no longer is a sexual predator or the offender~~ 2617
~~or delinquent child has been determined pursuant to division (E)~~ 2618
~~of section 2950.09, division (B) of section 2152.83, section~~ 2619
~~2152.84, or section 2152.85 of the Revised Code to be a habitual~~ 2620
~~sex offender, the court has imposed a requirement under that~~ 2621
~~division or section subjecting the habitual sex offender to this~~ 2622
~~section, and the determination has not been removed pursuant to~~ 2623
~~section 2152.84 or 2152.85 of the Revised Code is in any category~~ 2624
~~specified in division (B)(1)(a), (b), or (c) of this section, if~~ 2625
the offender or delinquent child registers with a sheriff pursuant 2626
to section 2950.04 or 2950.05 of the Revised Code, if the victim 2627
of the sexually oriented offense has made a request in accordance 2628
with rules adopted by the attorney general that specifies that the 2629
victim would like to be provided the notices described in this 2630
section, and if the offender or delinquent child notifies the 2631
sheriff of a change of residence address pursuant to section 2632
2950.05 of the Revised Code, the sheriff shall notify the victim 2633
of the sexually oriented offense, in writing, that the offender's 2634
or delinquent child's residence address has changed and shall 2635
include in the notice the offender's or delinquent child's name 2636

and new residence address or addresses. The sheriff shall provide 2637
the notice required by this division to the victim at the most 2638
recent residence address available for that victim, no later than 2639
seventy-two hours after the offender or delinquent child notifies 2640
the sheriff of the change in the offender's or delinquent child's 2641
residence address. 2642

(3) If a person is convicted of or pleads guilty to, or has 2643
been convicted of or pleaded guilty to, a sexually oriented 2644
offense or a person is adjudicated a delinquent child for 2645
committing a sexually oriented offense and is classified a 2646
juvenile sex offender registrant or is an out-of-state juvenile 2647
sex offender registrant based on that adjudication, and if the 2648
offender or delinquent child is adjudicated as being a sexual 2649
predator relative to the sexually oriented offense or the offender 2650
or delinquent child is determined pursuant to division (E) of 2651
section 2950.09, division (B) of section 2152.83, section 2152.84, 2652
or section 2152.85 of the Revised Code to be a habitual sex 2653
offender and is made subject to this section, the victim of the 2654
offense may make a request in accordance with rules adopted by the 2655
attorney general pursuant to section 2950.13 of the Revised Code 2656
that specifies that the victim would like to be provided the 2657
notices described in divisions (A)(1) and (2) of this section. If 2658
the victim makes a request in accordance with those rules, the 2659
sheriff described in divisions (A)(1) and (2) of this section 2660
shall provide the victim with the notices described in those 2661
divisions. 2662

(4) If a victim makes a request as described in division 2663
(A)(3) of this section that specifies that the victim would like 2664
to be provided the notices described in divisions (A)(1) and (2) 2665
of this section, all information a sheriff obtains regarding the 2666
victim from or as a result of the request is confidential, and the 2667
information is not a public record open for inspection under 2668

section 149.43 of the Revised Code. 2669

(5) The notices described in divisions (A)(1) and (2) of this 2670
section are in addition to any notices regarding the offender or 2671
delinquent child that the victim is entitled to receive under 2672
Chapter 2930. of the Revised Code. 2673

(B)(1) The duties to provide the notices described in 2674
divisions (A)(1) and (2) of this section apply regarding any 2675
offender or delinquent child who is in any of the following 2676
categories, if the other criteria set forth in division (A)(1) or 2677
(2) of this section, whichever is applicable, are satisfied: 2678

(a) The offender or delinquent child has been adjudicated a 2679
sexual predator relative to the sexually oriented offense for 2680
which the offender or delinquent child has the duty to register 2681
under section 2950.04 of the Revised Code, and the court has not 2682
subsequently determined pursuant to division (D) of section 2683
2950.09, section 2152.84, or section 2152.85 of the Revised Code 2684
that the offender or delinquent child no longer is a sexual 2685
predator. 2686

(b) The offender or delinquent child has been determined 2687
pursuant to division (C)(2) or (E) of section 2950.09, division 2688
(B) of section 2152.83, section 2152.84, or section 2152.85 of the 2689
Revised Code to be a habitual sex offender, the court has imposed 2690
a requirement under that division or section subjecting the 2691
habitual sex offender to this section, and the determination has 2692
not been removed pursuant to section 2152.84 or 2152.85 of the 2693
Revised Code. 2694

(c) The sexually oriented offense for which the offender has 2695
the duty to register under section 2950.04 of the Revised Code is 2696
an aggravated sexually oriented offense committed on or after the 2697
effective date of this amendment, regardless of whether the 2698
offender has been adjudicated a sexual predator relative to the 2699

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.

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(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.

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Sec. 2950.11. (A) As used in this section, "specified 2732
geographical notification area" means the geographic area or areas 2733
within which the attorney general, by rule adopted under section 2734
2950.13 of the Revised Code, requires the notice described in 2735
division (B) of this section to be given to the persons identified 2736
in divisions (A)(2) to (8) of this section. If a person is 2737
convicted of or pleads guilty to, or has been convicted of or 2738
pleaded guilty to, a sexually oriented offense or a person is 2739
adjudicated a delinquent child for committing a sexually oriented 2740
offense and is classified a juvenile sex offender registrant or is 2741
an out-of-state juvenile sex offender registrant based on that 2742
adjudication, and if the offender or delinquent child ~~has been~~ 2743
~~adjudicated as being a sexual predator relative to the sexually~~ 2744
~~oriented offense and the court has not subsequently determined~~ 2745
~~pursuant to division (D) of section 2950.09, section 2152.84, or~~ 2746
~~section 2152.85 of the Revised Code that the offender or~~ 2747
~~delinquent child no longer is a sexual predator or the offender or~~ 2748
~~delinquent child has been determined pursuant to division (C)(2)~~ 2749
~~or (E) of section 2950.09, division (B) of section 2152.83,~~ 2750
~~section 2152.84, or section 2152.85 of the Revised Code to be a~~ 2751
~~habitual sex offender, the court has imposed a requirement under~~ 2752
~~that division or section subjecting the habitual sex offender to~~ 2753
~~this section, and the determination has not been removed pursuant~~ 2754
~~to section 2152.84 or 2152.85 of the Revised Code is in any~~ 2755
category specified in division (F)(1)(a), (b), or (c) of this 2756
section, the sheriff with whom the offender or delinquent child 2757
has most recently registered under section 2950.04 or 2950.05 of 2758
the Revised Code and the sheriff to whom the offender or 2759
delinquent child most recently sent a notice of intent to reside 2760
under section 2950.04 of the Revised Code, within the period of 2761
time specified in division (C) of this section, shall provide a 2762
written notice containing the information set forth in division 2763

(B) of this section to all of the following persons: 2764

(1) All occupants of residences within one thousand feet of 2765
the offender's or delinquent child's place of residence that are 2766
located within the county served by the sheriff and all additional 2767
neighbors of the offender or delinquent child who are within any 2768
category that the attorney general by rule adopted under section 2769
2950.13 of the Revised Code requires to be provided the notice and 2770
who reside within the county served by the sheriff; 2771

(2) The executive director of the public children services 2772
agency that has jurisdiction within the specified geographical 2773
notification area and that is located within the county served by 2774
the sheriff; 2775

(3)(a) The superintendent of each board of education of a 2776
school district that has schools within the specified geographical 2777
notification area and that is located within the county served by 2778
the sheriff; 2779

(b) The principal of the school within the specified 2780
geographical notification area and within the county served by the 2781
sheriff that the delinquent child attends; 2782

(c) If the delinquent child attends a school outside of the 2783
specified geographical notification area or outside of the school 2784
district where the delinquent child resides, the superintendent of 2785
the board of education of a school district that governs the 2786
school that the delinquent child attends and the principal of the 2787
school that the delinquent child attends. 2788

(4)(a) The appointing or hiring officer of each chartered 2789
nonpublic school located within the specified geographical 2790
notification area and within the county served by the sheriff or 2791
of each other school located within the specified geographical 2792
notification area and within the county served by the sheriff and 2793
that is not operated by a board of education described in division 2794

(A)(3) of this section;	2795
(b) Regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends.	2796 2797 2798
(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;	2799 2800 2801 2802 2803
(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.	2804 2805 2806 2807 2808 2809 2810 2811 2812
(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;	2813 2814 2815 2816 2817 2818 2819 2820
(8) The sheriff of each county that includes any portion of the specified geographical notification area;	2821 2822
(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	2823 2824 2825

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
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(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.

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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.

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(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

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section, whichever is applicable, are satisfied: 2921

(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. 2922
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(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. 2930
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(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. 2938
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(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 2949
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~~has is not been adjudicated as being a sexual predator relative to~~ 2953
~~that sexually oriented offense in the category specified in either~~ 2954
~~division (F)(1)(a) or (c) of this section, and who is determined~~ 2955
pursuant to division (C)(2) or (E) of section 2950.09, division 2956
(B) of section 2152.83, section 2152.84, or section 2152.85 of the 2957
Revised Code to be a habitual sex offender unless the sentencing 2958
or reviewing court imposes a requirement in the offender's 2959
sentence and in the judgment of conviction that contains the 2960
sentence or in the delinquent child's adjudication, or imposes a 2961
requirement as described in division (C)(2) of section 2950.09 of 2962
the Revised Code, that subjects the offender or the delinquent 2963
child to the provisions of this section. 2964

(G) The department of job and family services shall compile, 2965
maintain, and update in January and July of each year, a list of 2966
all agencies, centers, or homes of a type described in division 2967
(A)(2) or (6) of this section that contains the name of each 2968
agency, center, or home of that type, the county in which it is 2969
located, its address and telephone number, and the name of an 2970
administrative officer or employee of the agency, center, or home. 2971
The department of education shall compile, maintain, and update in 2972
January and July of each year, a list of all boards of education, 2973
schools, or programs of a type described in division (A)(3), (4), 2974
or (5) of this section that contains the name of each board of 2975
education, school, or program of that type, the county in which it 2976
is located, its address and telephone number, the name of the 2977
superintendent of the board or of an administrative officer or 2978
employee of the school or program, and, in relation to a board of 2979
education, the county or counties in which each of its schools is 2980
located and the address of each such school. The Ohio board of 2981
regents shall compile, maintain, and update in January and July of 2982
each year, a list of all institutions of a type described in 2983
division (A)(7) of this section that contains the name of each 2984
such institution, the county in which it is located, its address 2985

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 3017
chapter; 3018

(3) In consultation with local law enforcement 3019
representatives and no later than July 1, 1997, adopt rules for 3020
the implementation and administration of the provisions contained 3021
in section 2950.11 of the Revised Code that pertain to the 3022
notification of neighbors of an offender or a delinquent child who 3023
has committed a sexually oriented offense and has been adjudicated 3024
as being a sexual predator or determined to be a habitual sex 3025
offender or who has committed on or after the effective date of 3026
this amendment an aggravated sexually oriented offense, and rules 3027
that prescribe a manner in which victims of a sexually oriented 3028
offense committed by an offender or a delinquent child who has 3029
been adjudicated as being a sexual predator or determined to be a 3030
habitual sex offender or who has committed on or after the 3031
effective date of this amendment an aggravated sexually oriented 3032
offense may make a request that specifies that the victim would 3033
like to be provided the notices described in divisions (A)(1) and 3034
(2) of section 2950.10 of the Revised Code; 3035

3036

(4) In consultation with local law enforcement 3037
representatives and through the bureau of criminal identification 3038
and investigation, prescribe the forms to be used by judges and 3039
officials pursuant to section 2950.03 of the Revised Code to 3040
advise offenders and delinquent children of their duties of 3041
registration, notification of a change of residence address and 3042
registration of the new residence address, and residence address 3043
verification under sections 2950.04, 2950.05, and 2950.06 of the 3044
Revised Code, and prescribe the forms to be used by sheriffs 3045
relative to those duties of registration, change of residence 3046
address notification, and residence address verification; 3047

(5) Make copies of the forms prescribed under division (A)(4) 3048

of this section available to judges, officials, and sheriffs; 3049
3050

(6) Through the bureau of criminal identification and 3051
investigation, provide the notifications, the information, and the 3052
documents that the bureau is required to provide to appropriate 3053
law enforcement officials and to the federal bureau of 3054
investigation pursuant to sections 2950.04, 2950.05, and 2950.06 3055
of the Revised Code; 3056

(7) Through the bureau of criminal identification and 3057
investigation, maintain the verification forms returned under the 3058
residence address verification mechanism set forth in section 3059
2950.06 of the Revised Code; 3060

(8) In consultation with representatives of the officials, 3061
judges, and sheriffs, adopt procedures for officials, judges, and 3062
sheriffs to use to forward information, photographs, and 3063
fingerprints to the bureau of criminal identification and 3064
investigation pursuant to the requirements of sections 2950.03, 3065
2950.04, 2950.05, and 2950.06 of the Revised Code; 3066

(9) In consultation with the director of education, the 3067
director of job and family services, and the director of 3068
rehabilitation and correction and no later than July 1, 1997, 3069
adopt rules that contain guidelines to be followed by boards of 3070
education of a school district, chartered nonpublic schools or 3071
other schools not operated by a board of education, preschool 3072
programs, child day-care centers, type A family day-care homes, 3073
certified type B family day-care homes, and institutions of higher 3074
education regarding the proper use and administration of 3075
information received pursuant to section 2950.11 of the Revised 3076
Code relative to an offender or delinquent child who has been 3077
adjudicated as being a sexual predator or determined to be a 3078
habitual sex offender; 3079

(10) In consultation with local law enforcement 3080

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 3111
eligibility after serving twenty-five full years of imprisonment 3112
was imposed pursuant to section 2929.022 or 2929.03 of the Revised 3113
Code, after serving a term of twenty-five full years; 3114

(4) If a sentence of imprisonment for life with parole 3115
eligibility after serving thirty full years of imprisonment was 3116
imposed pursuant to section 2929.022 or 2929.03 of the Revised 3117
Code, after serving a term of thirty full years; 3118

(5) If a sentence of imprisonment for life was imposed for 3119
rape, after serving a term of ten full years' imprisonment; 3120

(6) If a sentence of imprisonment for life with parole 3121
eligibility after serving fifteen years of imprisonment was 3122
imposed for a violation of section 2927.24 of the Revised Code, 3123
after serving a term of fifteen years. 3124

(B) Except as provided in division (G) of this section, a 3125
prisoner serving a sentence of imprisonment for life with parole 3126
eligibility after serving twenty years of imprisonment or a 3127
sentence of imprisonment for life with parole eligibility after 3128
serving twenty-five full years or thirty full years of 3129
imprisonment imposed pursuant to section 2929.022 or 2929.03 of 3130
the Revised Code for an offense committed on or after July 1, 3131
1996, consecutively to any other term of imprisonment, becomes 3132
eligible for parole after serving twenty years, twenty full years, 3133
or thirty full years, as applicable, as to each such sentence of 3134
life imprisonment, which shall not be reduced for earned credits 3135
under section 2967.193 of the Revised Code, plus the term or terms 3136
of the other sentences consecutively imposed or, if one of the 3137
other sentences is another type of life sentence with parole 3138
eligibility, the number of years before parole eligibility for 3139
that sentence. 3140

(C) Except as provided in division (G) of this section, a 3141

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 3172
Assembly, applying the principle stated in division (B) of section 3173
1.52 of the Revised Code that amendments are to be harmonized if 3174
reasonably capable of simultaneous operation, finds that the 3175
composites are the resulting versions of the sections in effect 3176
prior to the effective date of the section as presented in this 3177
act. 3178

Section 4. Section 2929.19 of the Revised Code is amended by 3179
this act and also by Am. Sub. H.B. 327 of the 124th General 3180
Assembly, effective July 8, 2002. The amendments of Am. Sub. H.B. 3181
327 are included in this act to confirm the intention to retain 3182
them but are not intended to be effective until July 8, 2002. 3183

Section 5. Sections 2950.01, 2950.04, and 2950.09 of the 3184
Revised Code are amended by this act and also by Sub. H.B. 393 of 3185
the 124th General Assembly, effective July 5, 2002. The amendments 3186
of Sub. H.B. 393 are included in this act to confirm the intention 3187
to retain them but are not intended to be effective until July 5, 3188
2002. 3189

Section 6. This act is hereby declared to be an emergency 3190
measure necessary for the immediate preservation of the public 3191
peace, health, and safety. The reason for such necessity is that 3192
this act's elimination of the need to prove force or a threat of 3193
force in cases involving the rape of a child under the age of ten 3194
is needed at the earliest possible date to prevent sex offenders 3195
from preying on the children of Ohio. Therefore, this act shall go 3196
into immediate effect. 3197