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Calvert, Metzger, Aslanides, G. Smith, Widowfield, DeBose

A BILL

To amend sections 2907.07, 2950.01, 2950.04, 2950.05, 1
2950.09, 2950.11, and 2950.12 of the Revised Code 2
regarding sexual predator hearings for offenders 3
convicted of a sexually oriented offense but 4
acquitted of a sexually violent predator 5
specification, regarding Department of 6
Rehabilitation and Correction employees' immunity 7
for acts under the Sex Offender Registration and 8
Notification Law, regarding making certain 9
importuning violations a sexually oriented offense, 10
regarding expansion of the sex offender community 11
notification provisions to give more neighbors 12
notice and earlier notice, regarding sexual 13
predators and certain habitual sex offenders 14
providing a notice to sheriffs of an intent to 15
reside at a premises, regarding an increase in the 16
amount of prior notice sex offenders must provide 17
relative to changing residence, regarding the 18
relevant age of the victim and offender for the 19

offense of importuning, and to declare an emergency. 20

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

Section 1. That sections 2907.07, 2950.01, 2950.04, 2950.05, 21
2950.09, 2950.11, and 2950.12 of the Revised Code be amended to 22
read as follows: 23

Sec. 2907.07. (A) No person shall solicit a person who is 24
less than thirteen years of age to engage in sexual activity with 25
the offender, whether or not the offender knows the age of such 26
person. 27

(B) No person shall solicit a person of the same sex to 28
engage in sexual activity with the offender, when the offender 29
knows such solicitation is offensive to the other person, or is 30
reckless in that regard. 31

(C) No person shall solicit another, not the spouse of the 32
offender, to engage in sexual conduct with the offender, when the 33
offender is eighteen years of age or older and four or more years 34
older than the other person, and the other person is ~~over twelve~~ 35
thirteen years of age or older but less than sixteen years of age, 36
whether or not the offender knows the age of the other person. 37

(D) No person shall solicit another by means of a 38
telecommunications device, as defined in section 2913.01 of the 39
Revised Code, to engage in sexual activity with the offender when 40
the offender is eighteen years of age or older and either of the 41
following applies: 42
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(1) The other person is less than thirteen years of age, and 44
the offender knows that the other person is less than thirteen 45

years of age or is reckless in that regard.

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(2) The other person is a law enforcement officer posing as a person who is less than thirteen years of age, and the offender believes that the other person is less than thirteen years of age or is reckless in that regard.

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(E) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:

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(1) The other person is ~~over twelve~~ thirteen years of age or older but less than sixteen years of age, ~~and~~ the offender knows that the other person is ~~over twelve~~ thirteen years of age or older but less than sixteen years of age or is reckless in that regard, and the offender is four or more years older than the other person.

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(2) The other person is a law enforcement officer posing as a person who is ~~over twelve~~ thirteen years of age or older but less than sixteen years of age, ~~and~~ the offender believes that the other person is ~~over twelve~~ thirteen years of age or older but less than sixteen years of age or is reckless in that regard, and the offender is four or more years older than the age the law enforcement officer assumes in posing as the person who is thirteen years of age or older but less than sixteen years of age.

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(F) Divisions (D) and (E) of this section apply to any solicitation that is contained in a transmission via a telecommunications device that either originates in this state or is received in this state.

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~~(g)~~(G) Whoever violates this section is guilty of importuning. Violation of division ~~(A)~~ or (B) of this section is a misdemeanor of the first degree. A violation of division (A) or

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(D) of this section is a felony of the fourth degree on a first offense and a felony of the third degree on each ~~subsequent~~ subsequent offense. A violation of division (C) or (E) of this section is a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

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

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

(B) "Habitual sex offender" means, except when a juvenile judge removes this classification pursuant to division (A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of the Revised Code, a person to whom both of the following apply:

(1) The person is convicted of or pleads guilty to a sexually oriented offense, or the person is adjudicated a delinquent child for committing on or after ~~the effective date of this amendment~~ January 1, 2002, a sexually oriented offense, was fourteen years of age or older at the time of committing the offense, and is classified a juvenile sex offender registrant based on that adjudication.

(2) The person previously has been convicted of or pleaded guilty to one or more sexually oriented offenses or, regarding a delinquent child, previously has been adjudicated a delinquent child for committing one or more sexually oriented offenses.

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

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

(1) Subject to division (D)(2) of this section, any of the following violations or offenses:

(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;	107 108 109
(b) Any of the following offenses involving a minor, in the circumstances specified:	110 111
(i) A violation of section 2905.01, 2905.02, 2905.03, 2905.04, 2905.05, or 2907.04 of the Revised Code when the victim of the offense is under eighteen years of age;	112 113 114
(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;	115 116 117 118 119
(iii) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code;	120 121
(iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;	122 123
(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;	124 125 126
<u>(vi) A violation of division (D) or (E) of section 2907.07 of the Revised Code.</u>	127 128
(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;	129 130 131 132 133
(d) A sexually violent offense;	134
(e) A violation of any former law of this state that was substantially equivalent to any offense listed in division	135 136

(D)(1)(a), (b), (c), or (d) of this section; 137

(f) A violation of an existing or former municipal ordinance 138
or law of another state or the United States, a violation under 139
the law applicable in a military court, or a violation under the 140
law applicable in an Indian tribal court that is or was 141
substantially equivalent to any offense listed in division 142
(D)(1)(a), (b), (c), or (d) of this section; 143

(g) An attempt to commit, conspiracy to commit, or complicity 144
in committing any offense listed in division (D)(1)(a), (b), (c), 145
(d), (e), or (f) of this section. 146

(2) An act committed by a person under eighteen years of age 147
that is any of the following: 148

(a) Except for the violations specifically described in 149
divisions (D)(2)(b) and (c) of this section and subject to 150
division (D)(2)(d) of this section, any violation listed in 151
division (D)(1) of this section that, if committed by an adult, 152
would be a felony of the first, second, third, or fourth degree; 153

(b) Subject to division ~~(A)~~(D)(2)(d) of this section, a 154
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 155
2905.02 of the Revised Code, a violation of division (A) of 156
section 2903.04 of the Revised Code, or an attempt to violate any 157
of those sections or that division that is committed with a 158
purpose to gratify the sexual needs or desires of the child 159
committing the violation; 160

(c) Subject to division ~~(A)~~(D)(2)(d) of this section, a 161
violation of division (A)(1) or (3) of section 2907.321, division 162
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 163
section 2907.323 of the Revised Code, or an attempt to violate any 164
of those divisions, if the person who violates or attempts to 165
violate the division is four or more years older than the minor 166
who is the victim of the offense; 167

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

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

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

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

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

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

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

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

or 2950.09 of the Revised Code:

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

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

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

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

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(5) Regardless of when the sexually oriented offense was committed, the offender or delinquent child is convicted of or pleads guilty to, has been convicted of or pleaded guilty to, or is adjudicated a delinquent child for committing a sexually

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oriented offense in another state or in a federal court, military 230
court, or an Indian tribal court, as a result of that conviction, 231
plea of guilty, or adjudication, the offender or delinquent child 232
is required, under the law of the jurisdiction in which the 233
offender was convicted or pleaded guilty or the delinquent child 234
was adjudicated, to register as a sex offender until the 235
offender's or delinquent child's death and to verify the 236
offender's or delinquent child's address on at least a quarterly 237
basis each year, and, on or after July 1, 1997, for offenders or 238
~~the effective date of this amendment~~ January 1, 2002, for 239
delinquent children the offender or delinquent child moves to and 240
resides in this state or temporarily is domiciled in this state 241
for more than seven days, unless a court of common pleas or 242
juvenile court determines that the offender or delinquent child is 243
not a sexual predator pursuant to division (F) of section 2950.09 244
of the Revised Code. 245

(H) "Sexually violent predator specification" and "sexually 246
violent offense" have the same meanings as in section 2971.01 of 247
the Revised Code. 248

(I) "Post-release control sanction" and "transitional 249
control" have the same meanings as in section 2967.01 of the 250
Revised Code. 251

(J) "Juvenile sex offender registrant" means a person who is 252
adjudicated a delinquent child for committing on or after ~~the~~ 253
~~effective date of this amendment~~ January 1, 2002, a sexually 254
oriented offense, who is fourteen years of age or older at the 255
time of committing the offense, and who a juvenile court judge, 256
pursuant to an order issued under section 2152.82, 2152.83, 257
2152.84, or 2152.85 of the Revised Code, classifies as a juvenile 258
sex offender registrant and specifies has a duty to register under 259
section 2950.04 of the Revised Code. 260

(K) "Secure facility" means any facility that is designed and 261

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

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

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

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

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

(b) Regardless of when the sexually oriented offense was
committed, an offender who is sentenced for a sexually oriented

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offense on or after July 1, 1997, and to whom division (A)(1)(a) 293
of this section does not apply; 294

(c) If the sexually oriented offense was committed prior to 295
July 1, 1997, and neither division (A)(1)(a) nor division 296
(A)(1)(b) of this section applies, an offender who, immediately 297
prior to July 1, 1997, was a habitual sex offender who was 298
required to register under Chapter 2950. of the Revised Code. 299

(2) Each child who is adjudicated a delinquent child for 300
committing a sexually oriented offense, who is classified a 301
juvenile sex offender registrant based on that adjudication, and 302
who is described in division (A)(2) of this section shall register 303
personally with the sheriff of the county within seven days of the 304
delinquent child's coming into a county in which the delinquent 305
child resides or temporarily is domiciled for more than seven 306
days. If the delinquent child is committed for the sexually 307
oriented offense to the department of youth services or to a 308
secure facility that is not operated by the department, this duty 309
begins when the delinquent child is discharged or released in any 310
manner from custody in a department of youth services secure 311
facility or from the secure facility that is not operated by the 312
department, if pursuant to the discharge or release the delinquent 313
child is not committed to any other secure facility of the 314
department or any other secure facility. The delinquent child does 315
not have a duty to register under this division while the child is 316
in a department of youth services secure facility or in a secure 317
facility that is not operated by the department. 318

(3) If divisions (A)(1) and (2) of this section do not apply, 319
each following type of offender and each following type of 320
delinquent child shall register personally with the sheriff of the 321
county within seven days of the offender's or delinquent child's 322
coming into a county in which the offender or delinquent child 323
resides or temporarily is domiciled for more than seven days: 324

(a) Regardless of when the sexually oriented offense was 325
committed, a person who is convicted of, pleads guilty to, or is 326
adjudicated a delinquent child for committing a sexually oriented 327
offense in another state or in a federal court, military court, or 328
an Indian tribal court, if, on or after July 1, 1997, for 329
offenders, or ~~the effective date of this amendment~~ January 1, 330
2002, for delinquent children, the offender or delinquent child 331
moves to and resides in this state or temporarily is domiciled in 332
this state for more than seven days, and if, at the time the 333
offender or delinquent child moves to and resides in this state or 334
temporarily is domiciled in this state for more than seven days, 335
the offender or delinquent child has a duty to register as a sex 336
offender under the law of that other jurisdiction as a result of 337
the conviction, guilty plea, or adjudication. 338

(b) Regardless of when the sexually oriented offense was 339
committed, a person who is convicted of, pleads guilty to, or is 340
adjudicated a delinquent child for committing a sexually oriented 341
offense in another state or in a federal court, military court, or 342
an Indian tribal court, if, on or after July 1, 1997, for 343
offenders, or ~~the effective date of this amendment~~ January 1, 344
2002, for delinquent children, the offender or delinquent child is 345
released from imprisonment, confinement, or detention imposed for 346
that offense, and if, on or after July 1, 1997, for offenders, or 347
~~the effective date of this amendment~~ January 1, 2002, for 348
delinquent children, the offender or delinquent child moves to and 349
resides in this state or temporarily is domiciled in this state 350
for more than seven days. The duty to register as described in 351
this division applies to an offender regardless of whether the 352
offender, at the time of moving to and residing in this state or 353
temporarily being domiciled in this state for more than seven 354
days, has a duty to register as a sex offender under the law of 355
the jurisdiction in which the conviction or guilty plea occurred. 356

The duty to register as described in this division applies to a 357
delinquent child only if the delinquent child, at the time of 358
moving to and residing in this state or temporarily being 359
domiciled in this state for more than seven days, has a duty to 360
register as a sex offender under the law of the jurisdiction in 361
which the delinquent child adjudication occurred or if, had the 362
delinquent child adjudication occurred in this state, the 363
adjudicating juvenile court judge would have been required to 364
issue an order classifying the delinquent child as a juvenile sex 365
offender registrant pursuant to section 2152.82 or division (A) of 366
section 2152.83 of the Revised Code. 367

(4) If division (A)(1)(a) of this section applies and if, 368
subsequent to the offender's release, the offender is adjudicated 369
to be a sexual predator under division (C) of section 2950.09 of 370
the Revised Code, the offender shall register within seven days of 371
the adjudication with the sheriff of the county in which the 372
offender resides or temporarily is domiciled for more than seven 373
days and shall register with the sheriff of any county in which 374
the offender subsequently resides or temporarily is domiciled for 375
more than seven days within seven days of coming into that county. 376

(5) A person who is adjudicated a delinquent child for 377
committing a sexually oriented offense is not required to register 378
under division (A)(2) of this section unless the delinquent child 379
committed the offense on or after ~~the effective date of this~~ 380
~~amendment~~ January 1, 2002, is classified a juvenile sex offender 381
registrant by a juvenile court judge pursuant to an order issued 382
under section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised 383
Code based on that adjudication, and has a duty to register 384
pursuant to division (A)(2) of this section. 385

(B) An offender or delinquent child who is required by 386
division (A) of this section to register personally shall obtain 387
from the sheriff or from a designee of the sheriff a registration 388

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

(C) The registration form to be used under divisions (A) and
(B) of this section shall contain the current residence address of
the offender or delinquent child who is registering, the name and
address of the offender's or delinquent child's employer, if the
offender or delinquent child is employed at the time of
registration or if the offender or delinquent child knows at the
time of registration that the offender or delinquent child will be
commencing employment with that employer subsequent to
registration, and any other information required by the bureau of
criminal identification and investigation and shall include the
offender's or delinquent child's photograph. Additionally, if the
offender or delinquent child has been adjudicated as being a
sexual predator relative to the sexually oriented offense in
question and the court has not subsequently determined pursuant to
division (D) of section 2950.09, section 2152.84, or section
2152.85 of the Revised Code that the offender or delinquent child
no longer is a sexual predator or if the judge determined pursuant
to division (C) of section 2950.09, division (B) of section
2152.83, section 2152.84, or section 2152.85 of the Revised Code
that the offender or delinquent child is a habitual sex offender,
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

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

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

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

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

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(G) If an offender or delinquent child who is required by division (A) of this section to register is adjudicated a sexual predator or a habitual sexual offender subject to community notification under division (C)(2) or (E) of section 2950.09 of the Revised Code, the offender or delinquent child also shall send the sheriff of the county in which the offender or delinquent

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child intends to reside written notice of the offender's or 452
delinquent child's intent to reside in the county. The offender or 453
delinquent child shall send the notice of intent to reside at 454
least twenty days prior to the date the offender or delinquent 455
child begins to reside in the county. The notice of intent to 456
reside shall contain the following information: 457

(1) The offender's or delinquent child's name; 458

(2) The address or addresses at which the offender or 459
delinquent child intends to reside; 460

(3) The sexually oriented offense of which the offender was 461
convicted, to which the offender pleaded guilty, or for which the 462
child was adjudicated a delinquent child; 463

(4) A statement that the offender or delinquent child has 464
been adjudicated as being a sexual predator and that, as of the 465
date of the notice, the court has not entered a determination that 466
the offender or delinquent child no longer is a sexual predator, 467
or a statement that the sentencing or reviewing judge has 468
determined that the offender or delinquent child is a habitual sex 469
offender and that, as of the date of the notice, the determination 470
has not been removed pursuant to section 2152.84 or 2152.85 of the 471
Revised Code. 472

Sec. 2950.05. (A) If an offender or delinquent child is 473
required to register pursuant to section 2950.04 of the Revised 474
Code, the offender or delinquent child, at least ~~seven~~ twenty days 475
prior to changing the offender's or delinquent child's residence 476
address during the period during which the offender or delinquent 477
child is required to register, shall provide written notice of the 478
residence address change to the sheriff with whom the offender or 479
delinquent child most recently registered under section 2950.04 of 480
the Revised Code or under division (B) of this section. 481

(B) If an offender or delinquent child is required to provide 482
notice of a residence address change under division (A) of this 483
section, the offender or delinquent child, at least ~~seven~~ twenty 484
days prior to changing the residence address, also shall register 485
the new residence address in the manner described in divisions (B) 486
and (C) of section 2950.04 of the Revised Code with the sheriff of 487
the county in which the offender's or delinquent child's new 488
residence address is located, subject to division (C) of this 489
section. 490

(C) Divisions (A) and (B) of this section apply to a person 491
who is required to register pursuant to section 2950.04 of the 492
Revised Code regardless of whether the new residence address is in 493
this state or in another state. If the new residence address is in 494
another state, the person shall register with the appropriate law 495
enforcement officials in that state in the manner required under 496
the law of that state and within the earlier of the period of time 497
required under the law of that state or at least seven days prior 498
to changing the residence address. 499

(D)(1) Upon receiving from an offender or delinquent child 500
pursuant to division (A) of this section notice of a change of the 501
offender's or delinquent child's residence address, a sheriff 502
promptly shall forward the new residence address to the bureau of 503
criminal identification and investigation in accordance with the 504
forwarding procedures adopted pursuant to section 2950.13 of the 505
Revised Code if the new residence address is in another state or, 506
if the offender's or delinquent child's new residence address is 507
located in another county in this state, to the sheriff of that 508
county. The bureau shall include all information forwarded to it 509
under this division in the state registry of sex offenders 510
established and maintained under section 2950.13 of the Revised 511
Code and shall forward notice of the offender's or delinquent 512
child's new residence address to the appropriate officials in the 513

other state. 514

(2) When an offender or delinquent child registers a new 515
residence address pursuant to division (B) of this section, the 516
sheriff with whom the offender or delinquent child registers and 517
the bureau of criminal identification and investigation shall 518
comply with division (D) of section 2950.04 of the Revised Code. 519

(E)(1) No person who is required to notify a sheriff of a 520
change of address pursuant to division (A) of this section shall 521
fail to notify the appropriate sheriff in accordance with that 522
division. 523

(2) No person who is required to register a new residence 524
address with a sheriff or with an official of another state 525
pursuant to divisions (B) and (C) of this section shall fail to 526
register with the appropriate sheriff or official of the other 527
state in accordance with those divisions. 528

(F) An offender or delinquent child who is required to comply 529
with divisions (A), (B), and (C) of this section shall do so for 530
the period of time specified in section 2950.07 of the Revised 531
Code. 532

Sec. 2950.09. (A) If a person is convicted of or pleads 533
guilty to committing, on or after January 1, 1997, a sexually 534
oriented offense that is a sexually violent offense and also is 535
convicted of or pleads guilty to a sexually violent predator 536
specification that was included in the indictment, count in the 537
indictment, or information charging the sexually violent offense, 538
the conviction of or plea of guilty to the specification 539
automatically classifies the offender as a sexual predator for 540
purposes of this chapter. If a person is convicted of, pleads 541
guilty to, or is adjudicated a delinquent child for committing, a 542
sexually oriented offense in another state, or in a federal court, 543
military court, or an Indian tribal court and if, as a result of 544

that conviction, plea of guilty, or adjudication, the person is 545
required, under the law of the jurisdiction in which the person 546
was convicted, pleaded guilty, or was adjudicated, to register as 547
a sex offender until the person's death and is required to verify 548
the person's address on at least a quarterly basis each year, that 549
conviction, plea of guilty, or adjudication automatically 550
classifies the person as a sexual predator for the purposes of 551
this chapter, but the person may challenge that classification 552
pursuant to division (F) of this section. In all other cases, a 553
person who is convicted of or pleads guilty to, has been convicted 554
of or pleaded guilty to, or is adjudicated a delinquent child for 555
committing, a sexually oriented offense may be classified as a 556
sexual predator for purposes of this chapter only in accordance 557
with division (B) or (C) of this section or, regarding delinquent 558
children, divisions (B) and (C) of section 2152.83 of the Revised 559
Code. 560

(B)(1) The judge who is to impose sentence on a person who is 561
convicted of or pleads guilty to a sexually oriented offense or 562
the judge who is to impose or has imposed, pursuant to section 563
2152.82 or division (A) of section 2152.83 of the Revised Code, an 564
order of disposition upon a child who is adjudicated a delinquent 565
child for committing on or after ~~the effective date of this~~ 566
~~amendment~~ January 1, 2002, a sexually oriented offense shall 567
conduct a hearing to determine whether the offender is a sexual 568
predator if any of the following circumstances apply: 569

(a) Regardless of when the sexually oriented offense was 570
committed, the offender is to be sentenced on or after January 1, 571
1997, for a sexually oriented offense that is not a sexually 572
violent offense. 573

(b) Regardless of when the sexually oriented offense was 574
committed, the offender is to be sentenced on or after January 1, 575
1997, for a sexually oriented offense that is a sexually violent 576

offense and a sexually violent predator specification was not 577
included in the indictment, count in the indictment, or 578
information charging the sexually violent offense. 579

(c) The delinquent child was classified a juvenile sex 580
offender registrant pursuant to section 2152.82 or division (A) of 581
section 2152.83 of the Revised Code. A judge shall not conduct a 582
hearing under division (B) of this section regarding a delinquent 583
child unless the delinquent child is in the category of delinquent 584
children described in this division. 585

(d) Regardless of when the sexually oriented offense was 586
committed, the offender is to be sentenced on or after the 587
effective date of this amendment for a sexually oriented offense, 588
and that offender was acquitted of a sexually violent predator 589
specification that was included in the indictment, count in the 590
indictment, or information charging the sexually oriented offense. 591

(2) The judge shall conduct the hearing prior to sentencing 592
and, if the sexually oriented offense is a felony and if the 593
hearing is being conducted under division (B)(1)(a) ~~or~~, (b), or 594
(c) of this section, the judge may conduct it as part of the 595
sentencing hearing required by section 2929.19 of the Revised 596
Code. The court shall give the offender or delinquent child and 597
the prosecutor who prosecuted the offender or handled the case 598
against the delinquent child for the sexually oriented offense 599
notice of the date, time, and location of the hearing. At the 600
hearing, the offender or delinquent child and the prosecutor shall 601
have an opportunity to testify, present evidence, call and examine 602
witnesses and expert witnesses, and cross-examine witnesses and 603
expert witnesses regarding the determination as to whether the 604
offender or delinquent child is a sexual predator. The offender or 605
delinquent child shall have the right to be represented by counsel 606
and, if indigent, the right to have counsel appointed to represent 607
the offender or delinquent child. 608

(3) In making a determination under divisions (B)(1) and (4) 609
of this section as to whether an offender or delinquent child is a 610
sexual predator, the judge shall consider all relevant factors, 611
including, but not limited to, all of the following: 612

(a) The offender's or delinquent child's age; 613

(b) The offender's or delinquent child's prior criminal or 614
delinquency record regarding all offenses, including, but not 615
limited to, all sexual offenses; 616

(c) The age of the victim of the sexually oriented offense 617
for which sentence is to be imposed or the order of disposition is 618
to be made; 619

(d) Whether the sexually oriented offense for which sentence 620
is to be imposed or the order of disposition is to be made 621
involved multiple victims; 622

(e) Whether the offender or delinquent child used drugs or 623
alcohol to impair the victim of the sexually oriented offense or 624
to prevent the victim from resisting; 625

(f) If the offender or delinquent child previously has been 626
convicted of or pleaded guilty to, or been adjudicated a 627
delinquent child for committing an act that if committed by an 628
adult would be, a criminal offense, whether the offender or 629
delinquent child completed any sentence or dispositional order 630
imposed for the prior offense or act and, if the prior offense or 631
act was a sex offense or a sexually oriented offense, whether the 632
offender or delinquent child participated in available programs 633
for sexual offenders; 634

(g) Any mental illness or mental disability of the offender 635
or delinquent child; 636

(h) The nature of the offender's or delinquent child's sexual 637
conduct, sexual contact, or interaction in a sexual context with 638

the victim of the sexually oriented offense and whether the sexual
conduct, sexual contact, or interaction in a sexual context was
part of a demonstrated pattern of abuse;

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

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

(4) After reviewing all testimony and evidence presented at
the hearing conducted under division (B)(1) of this section and
the factors specified in division (B)(3) of this section, the
court shall determine by clear and convincing evidence whether the
subject offender or delinquent child is a sexual predator. If the
court determines that the subject offender or delinquent child is
not a sexual predator, the court shall specify in the offender's
sentence and the judgment of conviction that contains the sentence
or in the delinquent child's dispositional order, as appropriate,
that the court has determined that the offender or delinquent
child is not a sexual predator. If the court determines by clear
and convincing evidence that the subject offender or delinquent
child is a sexual predator, the court shall specify in the
offender's sentence and the judgment of conviction that contains
the sentence or in the delinquent child's dispositional order, as
appropriate, that the court has determined that the offender or
delinquent child is a sexual predator and shall specify that the
determination was pursuant to division (B) of this section. 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 and, 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.

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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.

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(b) If the court schedules a hearing under division (C)(2)(a) 735
of this section, the court shall give the offender and the 736
prosecutor who prosecuted the offender for the sexually oriented 737
offense, or that prosecutor's successor in office, notice of the 738
date, time, and place of the hearing. If the hearing is to 739
determine whether the offender is a sexual predator, it shall be 740
conducted in the manner described in division (B)(1) of this 741
section regarding hearings conducted under that division and, in 742
making a determination under this division as to whether the 743
offender is a sexual predator, the court shall consider all 744
relevant factors, including, but not limited to, all of the 745
factors specified in division (B)(2) of this section. After 746
reviewing all testimony and evidence presented at the sexual 747
predator hearing and the factors specified in division (B)(2) of 748
this section, the court shall determine by clear and convincing 749
evidence whether the offender is a sexual predator. If the court 750
determines that the offender is not a sexual predator, it also 751
shall determine whether the offender previously has been convicted 752
of or pleaded guilty to a sexually oriented offense other than the 753
offense in relation to which the hearing is being conducted. 754

Upon making its determinations at the hearing, the court 755
shall proceed as follows: 756

(i) If the hearing is to determine whether the offender is a 757
sexual predator, and if the court determines that the offender is 758
not a sexual predator and that the offender previously has not 759
been convicted of or pleaded guilty to a sexually oriented offense 760
other than the offense in relation to which the hearing is being 761
conducted, it shall include its determinations in the offender's 762
institutional record. 763

(ii) If the hearing is to determine whether the offender is a 764
sexual predator, and if the court determines that the offender is 765
not a sexual predator but that the offender previously has been 766

convicted of or pleaded guilty to a sexually oriented offense 767
other than the offense in relation to which the hearing is being 768
conducted, it shall include its determination that the offender is 769
not a sexual predator but is a habitual sex offender in the 770
offender's institutional record, shall attach the determinations 771
to the offender's sentence, shall specify that the determinations 772
were pursuant to division (C) of this section, shall provide a 773
copy of the determinations to the offender, to the prosecuting 774
attorney, and to the department of rehabilitation and correction, 775
and may impose a requirement that the offender be subject to the 776
community notification provisions regarding the offender's place 777
of residence that are contained in sections 2950.10 and 2950.11 of 778
the Revised Code. The offender shall not be subject to those 779
community notification provisions relative to the sexually 780
oriented offense in question if the court does not so impose the 781
requirement described in this division. If the court imposes those 782
community notification provisions, the offender may appeal the 783
judge's determination that the offender is a habitual sex 784
offender. 785

(iii) If the hearing is to determine whether the offender 786
previously has been convicted of or pleaded guilty to a sexually 787
oriented offense other than the offense in relation to which the 788
hearing is being conducted and whether to impose a requirement 789
that the offender be subject to the specified community 790
notification provisions, and if the court determines that the 791
offender previously has been convicted of or pleaded guilty to 792
such an offense, the court shall proceed as described in division 793
(C)(2)(b)(ii) of this section and may impose a community 794
notification requirement as described in that division. The 795
offender shall not be subject to the specified community 796
notification provisions relative to the sexually oriented offense 797
in question if the court does not so impose the requirement 798

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 831
offense. The procedures set forth in division (D) of this section 832
regarding a determination of whether a person no longer is a 833
sexual predator also apply, to the extent specified in section 834
2152.84 or 2152.85 of the Revised Code, to persons who have been 835
adjudicated a delinquent child for committing a sexually oriented 836
offense and have been determined by a juvenile court judge to be a 837
sexual predator. A person who has been adjudicated a delinquent 838
child for committing a sexually oriented offense and who has been 839
classified by a juvenile court judge a juvenile sex offender 840
registrant or, if applicable, additionally has been determined by 841
a juvenile court judge to be a sexual predator or habitual sex 842
offender, may petition the adjudicating court for a 843
reclassification or declassification pursuant to section 2152.85 844
of the Revised Code. 845

Upon the expiration of the applicable period of time 846
specified in division (D)(1)(a) or (b) of this section, an 847
offender who has been convicted of or pleaded guilty to a sexually 848
oriented offense and who has been adjudicated as being a sexual 849
predator relative to the sexually oriented offense in the manner 850
described in division (B) or (C) of this section may petition the 851
judge who made the determination that the offender was a sexual 852
predator, or that judge's successor in office, to enter a 853
determination that the offender no longer is a sexual predator. 854
Upon the filing of the petition, the judge may review the prior 855
sexual predator determination that comprises the ~~sexually violent~~ 856
sexual predator adjudication, and, upon consideration of all 857
relevant evidence and information, including, but not limited to, 858
the factors set forth in division (B)(3) of this section, either 859
shall enter a determination that the offender no longer is a 860
sexual predator or shall enter an order denying the petition. The 861
judge shall not enter a determination under this division that the 862

offender no longer is a sexual predator unless the judge 863
determines by clear and convincing evidence that the offender is 864
unlikely to commit a sexually oriented offense in the future. If 865
the judge enters a determination under this division that the 866
offender no longer is a sexual predator, the judge shall notify 867
the bureau of criminal identification and investigation and the 868
parole board of the determination. Upon receipt of the 869
notification, the bureau promptly shall notify the sheriff with 870
whom the offender most recently registered under section 2950.04 871
or 2950.05 of the Revised Code of the determination that the 872
offender no longer is a sexual predator. If the judge enters an 873
order denying the petition, the prior adjudication of the offender 874
as a sexual predator shall remain in effect. An offender 875
determined to be a sexual predator in the manner described in 876
division (B) or (C) of this section may file a petition under this 877
division after the expiration of the following periods of time: 878

(a) Regardless of when the sexually oriented offense was 879
committed, if, on or after January 1, 1997, the offender is 880
imprisoned or sentenced to a prison term or other confinement for 881
the sexually oriented offense in relation to which the 882
determination was made, the offender initially may file the 883
petition not earlier than one year prior to the offender's release 884
from the imprisonment, prison term, or other confinement by 885
discharge, parole, judicial release, or any other final release. 886
If the offender is sentenced on or after January 1, 1997, for the 887
sexually oriented offense in relation to which the determination 888
is made and is not imprisoned or sentenced to a prison term or 889
other confinement for the sexually oriented offense, the offender 890
initially may file the petition upon the expiration of one year 891
after the entry of the offender's judgment of conviction. 892

(b) After the offender's initial filing of a petition under 893
division (D)(1)(a) of this section, thereafter, an offender may 894

file a petition under this division upon the expiration of five 895
years after the court has entered an order denying the petition 896
under division (D)(1)(a) of this section or the most recent 897
petition the offender has filed under this division. 898

(2) Except as otherwise provided in this division, division 899
(D)(1) of this section does not apply to a person who is 900
classified as a sexual predator pursuant to division (A) of this 901
section. If a person who is so classified was sentenced to a 902
prison term pursuant to division (A)(3) of section 2971.03 of the 903
Revised Code and if the sentencing court terminates the offender's 904
prison term as provided in division (D) of section 2971.05 of the 905
Revised Code, the court's termination of the prison term 906
automatically shall constitute a determination by the court that 907
the offender no longer is a sexual predator. If the court so 908
terminates the offender's prison term, the court shall notify the 909
bureau of criminal identification and investigation and the parole 910
board of the determination that the offender no longer is a sexual 911
predator. Upon receipt of the notification, the bureau promptly 912
shall notify the sheriff with whom the offender most recently 913
registered under section 2950.04 or 2950.05 of the Revised Code 914
that the offender no longer is a sexual predator. If an offender 915
who is classified as a sexual predator pursuant to division (A) of 916
this section is released from prison pursuant to a pardon or 917
commutation, the classification of the offender as a sexual 918
predator shall remain in effect after the offender's release, and 919
the offender may file one or more petitions in accordance with the 920
procedures and time limitations contained in division (D)(1) of 921
this section for a determination that the offender no longer is a 922
sexual predator. 923

(E) If a person is convicted of or pleads guilty to 924
committing, on or after January 1, 1997, a sexually oriented 925
offense, the judge who is to impose sentence on the offender shall 926

determine, prior to sentencing, whether the offender previously 927
has been convicted of or pleaded guilty to a sexually oriented 928
offense. If a person is classified a juvenile sex offender 929
registrant, pursuant to section 2152.82 or division (A) of section 930
2152.83 of the Revised Code, the adjudicating judge shall 931
determine, prior to entering the order classifying the delinquent 932
child a juvenile sex offender registrant, whether the delinquent 933
child previously has been adjudicated a delinquent child for 934
committing a sexually oriented offense. If the adjudicating judge 935
has classified the delinquent child under division (A) of section 936
2152.83 of the Revised Code based on that adjudication a juvenile 937
sex offender registrant, the judge shall determine, prior to 938
entering the classification order, whether the delinquent child 939
previously has been adjudicated a delinquent child for committing 940
a sexually oriented offense. If the judge determines that the 941
offender previously has not been convicted of or pleaded guilty to 942
a sexually oriented offense or that the delinquent child 943
previously has not been adjudicated a delinquent child for 944
committing a sexually oriented offense, the judge shall specify in 945
the offender's sentence or in the order classifying the delinquent 946
child a juvenile sex offender registrant that the judge has 947
determined that the offender or delinquent child is not a habitual 948
sex offender. If the judge determines that the offender previously 949
has been convicted of or pleaded guilty to a sexually oriented 950
offense or that the delinquent child previously has been 951
adjudicated a delinquent child for committing a sexually oriented 952
offense, the judge shall specify in the offender's sentence and 953
the judgment of conviction that contains the sentence or in the 954
order classifying the delinquent child a juvenile sex offender 955
registrant that the judge has determined that the offender or 956
delinquent child is a habitual sex offender and may impose a 957
requirement in that sentence and judgment of conviction or in that 958
order that the offender or delinquent child be subject to the 959

community notification provisions regarding the offender's or 960
delinquent child's place of residence that are contained in 961
sections 2950.10 and 2950.11 of the Revised Code. Unless the 962
habitual sex offender also has been adjudicated as being a sexual 963
predator relative to the sexually oriented offense in question, 964
the offender or delinquent child shall be subject to those 965
community notification provisions only if the court imposes the 966
requirement described in this division in the offender's sentence 967
and the judgment of conviction or in the order classifying the 968
delinquent child a juvenile sex offender registrant. 969

(F)(1) An offender or delinquent child classified as a sexual 970
predator may petition the court of common pleas or, for a 971
delinquent child, the juvenile court of the county in which the 972
offender or delinquent child resides or temporarily is domiciled 973
to enter a determination that the offender or delinquent child is 974
not an adjudicated sexual predator in this state for purposes of 975
the sex offender registration requirements of this chapter or the 976
community notification provisions contained in sections 2950.10 977
and 2950.11 of the Revised Code if all of the following apply: 978

(a) The offender or delinquent child was convicted of, 979
pleaded guilty to, or was adjudicated a delinquent child for 980
committing, a sexually oriented offense in another state or in a 981
federal court, a military court, or an Indian tribal court. 982

(b) As a result of the conviction, plea of guilty, or 983
adjudication described in division (F)(1)(a) of this section, the 984
offender or delinquent child is required under the law of the 985
jurisdiction under which the offender or delinquent child was 986
convicted, pleaded guilty, or was adjudicated to register as a sex 987
offender until the offender's or delinquent child's death and is 988
required to verify the offender's or delinquent child's address on 989
at least a quarterly basis each year. 990

(c) The offender or delinquent child was automatically 991

classified as a sexual predator under division (A) of this section 992
in relation to the conviction, guilty plea, or adjudication 993
described in division (F)(1)(a) of this section. 994

(2) The court may enter a determination that the offender or 995
delinquent child filing the petition described in division (F)(1) 996
of this section is not an adjudicated sexual predator in this 997
state for purposes of the sex offender registration requirements 998
of this chapter or the community notification provisions contained 999
in sections 2950.10 and 2950.11 of the Revised Code only if the 1000
offender or delinquent child proves by clear and convincing 1001
evidence that the requirement of the other jurisdiction that the 1002
offender or delinquent child register as a sex offender until the 1003
offender's or delinquent child's death and the requirement that 1004
the offender or delinquent child verify the offender's or 1005
delinquent child's address on at least a quarterly basis each year 1006
is not substantially similar to a classification as a sexual 1007
predator for purposes of this chapter. 1008

Sec. 2950.11. (A) As used in this section, "specified 1009
geographical notification area" means the geographic area or areas 1010
within which the attorney general, by rule adopted under section 1011
2950.13 of the Revised Code, requires the notice described in 1012
division (B) of this section to be given to the persons identified 1013
in divisions (A)(2) to (8) of this section. If a person is 1014
convicted of or pleads guilty to, or has been convicted of or 1015
pleaded guilty to, a sexually oriented offense or a person is 1016
adjudicated a delinquent child for committing a sexually oriented 1017
offense and is classified a juvenile sex offender registrant or is 1018
an out-of-state juvenile sex offender registrant based on that 1019
adjudication, and if the offender or delinquent child has been 1020
adjudicated as being a sexual predator relative to the sexually 1021
oriented offense and the court has not subsequently determined 1022
pursuant to division (D) of section 2950.09, section 2152.84, or 1023

section 2152.85 of the Revised Code that the offender or 1024
delinquent child no longer is a sexual predator or the offender or 1025
delinquent child has been determined pursuant to division (C)(2) 1026
or (E) of section 2950.09, division (B) of section 2152.83, 1027
section 2152.84, or section 2152.85 of the Revised Code to be a 1028
habitual sex offender, the court has imposed a requirement under 1029
that division or section subjecting the habitual sex offender to 1030
this section, and the determination has not been removed pursuant 1031
to section 2152.84 or 2152.85 of the Revised Code, the sheriff 1032
with whom the offender or delinquent child has most recently 1033
registered under section 2950.04 or 2950.05 of the Revised Code 1034
and the sheriff to whom the offender or delinquent child most 1035
recently sent a notice of intent to reside under section 2950.04 1036
of the Revised Code, within the period of time specified in 1037
division (C) of this section, shall provide a written notice 1038
containing the information set forth in division (B) of this 1039
section to all of the following persons: 1040

(1) All occupants of residences ~~adjacent to~~ within one 1041
thousand feet of the offender's or delinquent child's place of 1042
residence that are located within the county served by the sheriff 1043
and all additional neighbors of the offender or delinquent child 1044
who are within any category that the attorney general by rule 1045
adopted under section 2950.13 of the Revised Code requires to be 1046
provided the notice and who reside within the county served by the 1047
sheriff; 1048

(2) The executive director of the public children services 1049
agency that has jurisdiction within the specified geographical 1050
notification area and that is located within the county served by 1051
the sheriff; 1052

(3)(a) The superintendent of each board of education of a 1053
school district that has schools within the specified geographical 1054
notification area and that is located within the county served by 1055

the sheriff; 1056

(b) The principal of the school within the specified 1057
geographical notification area and within the county served by the 1058
sheriff that the delinquent child attends; 1059

(c) If the delinquent child attends a school outside of the 1060
specified geographical notification area or outside of the school 1061
district where the delinquent child resides, the superintendent of 1062
the board of education of a school district that governs the 1063
school that the delinquent child attends and the principal of the 1064
school that the delinquent child attends. 1065

(4)(a) The appointing or hiring officer of each chartered 1066
nonpublic school located within the specified geographical 1067
notification area and within the county served by the sheriff or 1068
of each other school located within the specified geographical 1069
notification area and within the county served by the sheriff and 1070
that is not operated by a board of education described in division 1071
(A)(3) of this section; 1072

(b) Regardless of the location of the school, the appointing 1073
or hiring officer of a chartered nonpublic school that the 1074
delinquent child attends. 1075

(5) The director, head teacher, elementary principal, or site 1076
administrator of each preschool program governed by Chapter 3301. 1077
of the Revised Code that is located within the specified 1078
geographical notification area and within the county served by the 1079
sheriff; 1080

(6) The administrator of each child day-care center or type A 1081
family day-care home that is located within the specified 1082
geographical notification area and within the county served by the 1083
sheriff, and the provider of each certified type B family day-care 1084
home that is located within the specified geographical 1085
notification area and within the county served by the sheriff. As 1086

used in this division, "child day-care center," "type A family
day-care home," and "certified type B family day-care home" have
the same meanings as in section 5104.01 of the Revised Code.

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

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

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

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

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

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

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

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

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

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that ~~is~~ 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 1149
required by division (C) to provide the notices, no later than 1150
seventy-two hours after the sheriff is provided the notice 1151
described in division (A)(8) of this section. 1152

A sheriff required by division (A) or (C) of this section to 1153
provide notices regarding an offender or delinquent child shall 1154
provide the notices to all other specified persons that are 1155
described in divisions (A)(2) to (7) of this section not later 1156
than seven days after the offender or delinquent child registers 1157
with the sheriff, if the sheriff is required by division (C) to 1158
provide the notices, no later than seventy-two hours after the 1159
sheriff is provided the notice described in division (A)(8) of 1160
this section. 1161

(2) If an offender or delinquent child in relation to whom 1162
division (A) of this section applies verifies the offender's or 1163
delinquent child's current residence address with a sheriff 1164
pursuant to section 2950.06 of the Revised Code, the sheriff may 1165
provide a written notice containing the information set forth in 1166
division (B) of this section to the persons identified in 1167
divisions (A)(1) to (9) of this section. If a sheriff provides a 1168
notice pursuant to this division to the sheriff of one or more 1169
other counties in accordance with division (A)(8) of this section, 1170
the sheriff of each of the other counties who is provided the 1171
notice under division (A)(8) of this section may provide, but is 1172
not required to provide, a written notice containing the 1173
information set forth in division (B) of this section to the 1174
persons identified in divisions (A)(1) to (7) and (A)(9) of this 1175
section. 1176

(E) All information that a sheriff possesses regarding a 1177
sexual predator or a habitual sex offender that is described in 1178
division (B) of this section and that must be provided in a notice 1179
required under division (A) or (C) of this section or that may be 1180

provided in a notice authorized under division (D)(2) of this 1181
section is a public record that is open to inspection under 1182
section 149.43 of the Revised Code. 1183

If the sexual predator or habitual sex offender is a juvenile 1184
sex offender registrant, the sheriff shall not cause any of the 1185
information described in this division to be publicly disseminated 1186
by means of the internet, except when the act that is the basis of 1187
a child's classification as a juvenile sex offender registrant is 1188
a violation of, or an attempt to commit a violation of, section 1189
2903.01, 2903.02, or 2905.01 of the Revised Code that was 1190
committed with a purpose to gratify the sexual needs or desires of 1191
the child, a violation of section 2907.02 of the Revised Code, or 1192
an attempt to commit a violation of that section. 1193

(F) The notification provisions of this section do not apply 1194
regarding a person who is convicted of or pleads guilty to, has 1195
been convicted of or pleaded guilty to, or is adjudicated a 1196
delinquent child for committing, a sexually oriented offense, who 1197
has not been adjudicated as being a sexual predator relative to 1198
that sexually oriented offense, and who is determined pursuant to 1199
division (C)(2) or (E) of section 2950.09, division (B) of section 1200
2152.83, section 2152.84, or section 2152.85 of the Revised Code 1201
to be a habitual sex offender unless the sentencing or reviewing 1202
court imposes a requirement in the offender's sentence and in the 1203
judgment of conviction that contains the sentence or in the 1204
delinquent child's adjudication, or imposes a requirement as 1205
described in division (C)(2) of section 2950.09 of the Revised 1206
Code, that subjects the offender or the delinquent child to the 1207
provisions of this section. 1208

(G) The department of job and family services shall compile, 1209
maintain, and update in January and July of each year, a list of 1210
all agencies, centers, or homes of a type described in division 1211
(A)(2) or (6) of this section that contains the name of each 1212

agency, center, or home of that type, the county in which it is
located, its address and telephone number, and the name of an
administrative officer or employee of the agency, center, or home.
The department of education shall compile, maintain, and update in
January and July of each year, a list of all boards of education,
schools, or programs of a type described in division (A)(3), (4),
or (5) of this section that contains the name of each board of
education, school, or program of that type, the county in which it
is located, its address and telephone number, the name of the
superintendent of the board or of an administrative officer or
employee of the school or program, and, in relation to a board of
education, the county or counties in which each of its schools is
located and the address of each such school. The Ohio board of
regents shall compile, maintain, and update in January and July of
each year, a list of all institutions of a type described in
division (A)(7) of this section that contains the name of each
such institution, the county in which it is located, its address
and telephone number, and the name of its president or other chief
administrative officer. A sheriff required by division (A) or (C)
of this section, or authorized by division (D)(2) of this section,
to provide notices regarding an offender or delinquent child, or a
designee of a sheriff of that type, may request the department of
job and family services, department of education, or Ohio board of
regents, by telephone, in person, or by mail, to provide the
sheriff or designee with the names, addresses, and telephone
numbers of the appropriate persons and entities to whom the
notices described in divisions (A)(2) to (7) of this section are
to be provided. Upon receipt of a request, the department or board
shall provide the requesting sheriff or designee with the names,
addresses, and telephone numbers of the appropriate persons and
entities to whom those notices are to be provided.

Sec. 2950.12. (A) Except as provided in division (B) of this 1244

section, any of the following persons shall be immune from 1245
liability in a civil action to recover damages for injury, death, 1246
or loss to person or property allegedly caused by an act or 1247
omission in connection with a power, duty, responsibility, or 1248
authorization under this chapter or under rules adopted under 1249
authority of this chapter: 1250

(1) An officer or employee of the bureau of criminal 1251
identification and investigation; 1252

(2) The attorney general, a chief of police, marshal, or 1253
other chief law enforcement officer of a municipal corporation, a 1254
sheriff, a constable or chief of police of a township police 1255
department or police district police force, and a deputy, officer, 1256
or employee of the office of the attorney general, the law 1257
enforcement agency served by the marshal or the municipal or 1258
township chief, the office of the sheriff, or the constable; 1259

(3) A prosecutor and an officer or employee of the office of 1260
a prosecutor; 1261

(4) A supervising officer and an officer or employee of the 1262
adult parole authority of the department of rehabilitation and 1263
correction; 1264

(5) A supervising officer and an officer or employee of the 1265
department of youth services; 1266

(6) A supervisor and a caseworker or employee of a public 1267
children services agency acting pursuant to section 5153.16 of the 1268
Revised Code; 1269

(7) A managing officer of a state correctional institution 1270
and an officer or employee of the department of rehabilitation and 1271
correction; 1272

(8) A person identified in division (A)(2), (3), (4), (5), 1273
(6), or (7) of section 2950.11 of the Revised Code or the agent of 1274

that person. 1275

(B) The immunity described in division (A) of this section 1276
does not apply to a person described in divisions (A)(1) to ~~(7)~~ 1277
(8) of this section if, in relation to the act or omission in 1278
question, any of the following applies: 1279

(1) The act or omission was manifestly outside the scope of 1280
the person's employment or official responsibilities. 1281

(2) The act or omission was with malicious purpose, in bad 1282
faith, or in a wanton or reckless manner. 1283

(3) Liability for the act or omission is expressly imposed by 1284
a section of the Revised Code. 1285

Section 2. That existing sections 2907.07, 2950.01, 2950.04, 1286
2950.05, 2950.09, 2950.11, and 2950.12 of the Revised Code are 1287
hereby repealed. 1288

Section 3. This act is hereby declared to be an emergency 1289
measure necessary for the immediate preservation of the public 1290
peace, health, and safety. The reason for such necessity is that, 1291
because sexual predators are subjected to more stringent 1292
registration requirements and to community notification 1293
requirements that provide for increased public safety, it is 1294
crucial for courts to have the mechanism enacted in this act for 1295
determining whether a person who is convicted of a sexually 1296
oriented offense but acquitted of a sexually violent predator 1297
specification included in the charges for that offense is a sexual 1298
predator. Therefore, this act shall go into immediate effect. 1299