

As Reported by the Senate Judiciary--Criminal Justice Committee

124th General Assembly

Regular Session

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Sub. S. B. No. 3

**SENATORS Hottinger, Johnson, Randy Gardner, Spada, Harris, Armbruster,
Jordan**

A B I L L

To amend sections 109.42, 2151.23, 2152.02, 2152.18, 1
2152.19, 2152.22, 2919.24, 2950.01, 2950.02, 2
2950.03, 2950.04, 2950.05, 2950.06, 2950.07, 3
2950.09, 2950.10, 2950.11, 2950.12, 2950.13, 4
2950.14, 2950.99, and 5139.13 and to enact sections 5
2152.191, 2152.82, 2152.83, 2152.84, and 2950.081 6
of the Revised Code to apply the Sex Offender 7
Registration and Notification Law to persons 8
adjudicated delinquent children for committing a 9
sexually oriented offense while 14 years of age or 10
older and to clarify that sex offender registration 11
information held by a county sheriff is a public 12
record. 13

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

Section 1. That sections 109.42, 2151.23, 2152.02, 2152.18, 14
2152.19, 2152.22, 2919.24, 2950.01, 2950.02, 2950.03, 2950.04, 15
2950.05, 2950.06, 2950.07, 2950.09, 2950.10, 2950.11, 2950.12, 16
2950.13, 2950.14, 2950.99, and 5139.13 be amended and sections 17
2152.191, 2152.82, 2152.83, 2152.84, and 2950.081 of the Revised 18
Code be enacted to read as follows: 19

Sec. 109.42. (A) The attorney general shall prepare and have 20
printed a pamphlet that contains a compilation of all statutes 21
relative to victim's rights in which the attorney general lists 22
and explains the statutes in the form of a victim's bill of 23
rights. The attorney general shall distribute the pamphlet to all 24
sheriffs, marshals, municipal corporation and township police 25
departments, constables, and other law enforcement agencies, to 26
all prosecuting attorneys, city directors of law, village 27
solicitors, and other similar chief legal officers of municipal 28
corporations, and to organizations that represent or provide 29
services for victims of crime. The victim's bill of rights set 30
forth in the pamphlet shall contain a description of all of the 31
rights of victims that are provided for in Chapter 2930. or in any 32
other section of the Revised Code and shall include, but not be 33
limited to, all of the following: 34

(1) The right of a victim or a victim's representative to 35
attend a proceeding before a grand jury, in a juvenile case, or in 36
a criminal case pursuant to a subpoena without being discharged 37
from the victim's or representative's employment, having the 38
victim's or representative's employment terminated, having the 39
victim's or representative's pay decreased or withheld, or 40
otherwise being punished, penalized, or threatened as a result of 41
time lost from regular employment because of the victim's or 42
representative's attendance at the proceeding pursuant to the 43
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 44
2945.451 of the Revised Code; 45

(2) The potential availability pursuant to section 2151.359 46
or 2152.61 of the Revised Code of a forfeited recognizance to pay 47
damages caused by a child when the delinquency of the child or 48
child's violation of probation or community control is found to be 49
proximately caused by the failure of the child's parent or 50
guardian to subject the child to reasonable parental authority or 51

to faithfully discharge the conditions of probation or community control; 52
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(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses; 54
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(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case; 57
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(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case; 64
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(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing or disposition of the offender; 71
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(7) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the complainant, or of the complainant's ward or child; 78
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(8) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to sections 2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to receive notice of a pending motion for judicial release or early release of the person who committed the offense against the victim, to make an oral or written statement at the court hearing on the motion, and to be notified of the court's decision on the motion;

(9) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to section 2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice of any pending commutation, pardon, parole, transitional control, discharge, other form of authorized release, post-release control, or supervised release for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority or the release authority of the department of youth services;

(10) The right of the victim to bring a civil action pursuant to sections 2969.01 to 2969.06 of the Revised Code to obtain money from the offender's profit fund;

(11) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.21 of the Revised Code;

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;

(15) The right of a victim of domestic violence to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, and to be accompanied by a victim advocate during court proceedings;

(16) The right of a victim of a sexually oriented offense that is committed by ~~a person~~ an offender or delinquent child who is adjudicated as being a sexual predator or, in certain cases, by ~~a person~~ an offender or delinquent child who is determined to be a habitual sex offender to receive, pursuant to section 2950.10 of the Revised Code, notice that the ~~person~~ offender or delinquent child has registered with a sheriff under section 2950.04 or 2950.05 of the Revised Code and notice of the ~~person's~~ offender's or delinquent child's name and residence address or addresses, and a summary of the manner in which the victim must make a request to receive the notice. As used in this division, "sexually oriented offense," "adjudicated as being a sexual predator," and "habitual sex offender" have the same meanings as in section 2950.01 of the

Revised Code. 146

(17) The right of a victim of certain sexually violent 147
offenses committed by a sexually violent predator who is sentenced 148
to a prison term pursuant to division (A)(3) of section 2971.03 of 149
the Revised Code to receive, pursuant to section 2930.16 of the 150
Revised Code, notice of a hearing to determine whether to modify 151
the requirement that the offender serve the entire prison term in 152
a state correctional facility, whether to continue, revise, or 153
revoke any existing modification of that requirement, or whether 154
to terminate the prison term. As used in this division, "sexually 155
violent offense" and "sexually violent predator" have the same 156
meanings as in section 2971.01 of the Revised Code. 157

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 158
prosecuting attorney, assistant prosecuting attorney, city 159
director of law, assistant city director of law, village 160
solicitor, assistant village solicitor, or similar chief legal 161
officer of a municipal corporation or an assistant of any of those 162
officers who prosecutes an offense committed in this state, upon 163
first contact with the victim of the offense, the victim's family, 164
or the victim's dependents, shall give the victim, the victim's 165
family, or the victim's dependents a copy of the pamphlet prepared 166
pursuant to division (A) of this section and explain, upon 167
request, the information in the pamphlet to the victim, the 168
victim's family, or the victim's dependents. 169

(b) Subject to division (B)(1)(c) of this section, a law 170
enforcement agency that investigates an offense or delinquent act 171
committed in this state shall give the victim of the offense or 172
delinquent act, the victim's family, or the victim's dependents a 173
copy of the pamphlet prepared pursuant to division (A) of this 174
section at one of the following times: 175

(i) Upon first contact with the victim, the victim's family, 176
or the victim's dependents; 177

(ii) If the offense or delinquent act is an offense of 178
violence, if the circumstances of the offense or delinquent act 179
and the condition of the victim, the victim's family, or the 180
victim's dependents indicate that the victim, the victim's family, 181
or the victim's dependents will not be able to understand the 182
significance of the pamphlet upon first contact with the agency, 183
and if the agency anticipates that it will have an additional 184
contact with the victim, the victim's family, or the victim's 185
dependents, upon the agency's second contact with the victim, the 186
victim's family, or the victim's dependents. 187

If the agency does not give the victim, the victim's family, 188
or the victim's dependents a copy of the pamphlet upon first 189
contact with them and does not have a second contact with the 190
victim, the victim's family, or the victim's dependents, the 191
agency shall mail a copy of the pamphlet to the victim, the 192
victim's family, or the victim's dependents at their last known 193
address. 194

(c) In complying on and after December 9, 1994, with the 195
duties imposed by division (B)(1)(a) or (b) of this section, an 196
official or a law enforcement agency shall use copies of the 197
pamphlet that are in the official's or agency's possession on 198
December 9, 1994, until the official or agency has distributed all 199
of those copies. After the official or agency has distributed all 200
of those copies, the official or agency shall use only copies of 201
the pamphlet that contain at least the information described in 202
division (A)(1) to (17) of this section. 203

(2) The failure of a law enforcement agency or of a 204
prosecuting attorney, assistant prosecuting attorney, city 205
director of law, assistant city director of law, village 206
solicitor, assistant village solicitor, or similar chief legal 207
officer of a municipal corporation or an assistant to any of those 208
officers to give, as required by division (B)(1) of this section, 209

the victim of an offense or delinquent act, the victim's family, 210
or the victim's dependents a copy of the pamphlet prepared 211
pursuant to division (A) of this section does not give the victim, 212
the victim's family, the victim's dependents, or a victim's 213
representative any rights under section 122.95, 2743.51 to 214
2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 215
of the Revised Code or under any other provision of the Revised 216
Code and does not affect any right under those sections. 217

(3) A law enforcement agency, a prosecuting attorney or 218
assistant prosecuting attorney, or a city director of law, 219
assistant city director of law, village solicitor, assistant 220
village solicitor, or similar chief legal officer of a municipal 221
corporation that distributes a copy of the pamphlet prepared 222
pursuant to division (A) of this section shall not be required to 223
distribute a copy of an information card or other printed material 224
provided by the clerk of the court of claims pursuant to section 225
2743.71 of the Revised Code. 226

(C) The cost of printing and distributing the pamphlet 227
prepared pursuant to division (A) of this section shall be paid 228
out of the reparations fund, created pursuant to section 2743.191 229
of the Revised Code, in accordance with division (D) of that 230
section. 231

(D) As used in this section: 232

(1) "Victim's representative" has the same meaning as in 233
section 2930.01 of the Revised Code; 234

(2) "Victim advocate" has the same meaning as in section 235
2919.26 of the Revised Code. 236

Sec. 2151.23. (A) The juvenile court has exclusive original 237
jurisdiction under the Revised Code as follows: 238

(1) Concerning any child who on or about the date specified 239

in the complaint, indictment, or information is alleged to have 240
violated section 2151.87 of the Revised Code or an order issued 241
under that section or to be a juvenile traffic offender or a 242
delinquent, unruly, abused, neglected, or dependent child and, 243
based on and in relation to the allegation pertaining to the 244
child, concerning the parent, guardian, or other person having 245
care of a child who is alleged to be an unruly or delinquent child 246
for being an habitual or chronic truant; 247

(2) Subject to division (V) of section 2301.03 of the Revised 248
Code, to determine the custody of any child not a ward of another 249
court of this state; 250

(3) To hear and determine any application for a writ of 251
habeas corpus involving the custody of a child; 252

(4) To exercise the powers and jurisdiction given the probate 253
division of the court of common pleas in Chapter 5122. of the 254
Revised Code, if the court has probable cause to believe that a 255
child otherwise within the jurisdiction of the court is a mentally 256
ill person subject to hospitalization by court order, as defined 257
in section 5122.01 of the Revised Code; 258

(5) To hear and determine all criminal cases charging adults 259
with the violation of any section of this chapter; 260

(6) To hear and determine all criminal cases in which an 261
adult is charged with a violation of division (C) of section 262
2919.21, division (B)(1) of section 2919.22, section 2919.222, 263
division (B) of section 2919.23, or section 2919.24 of the Revised 264
Code, provided the charge is not included in an indictment that 265
also charges the alleged adult offender with the commission of a 266
felony arising out of the same actions that are the basis of the 267
alleged violation of division (C) of section 2919.21, division 268
(B)(1) of section 2919.22, section 2919.222, division (B) of 269
section 2919.23, or section 2919.24 of the Revised Code; 270

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| (7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code; | 271 272 |
| (8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody; | 273 274 275 276 |
| (9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code; | 277 278 279 280 |
| (10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code; | 281 282 |
| (11) Subject to division (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code; | 283 284 285 286 287 288 289 |
| (12) Concerning an action commenced under section 121.38 of the Revised Code; | 290 291 |
| (13) To hear and determine violations of section 3321.38 of the Revised Code; | 292 293 |
| (14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child; | 294 295 296 297 298 |
| <u>(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections</u> | 299 300 |

2152.82 to 2152.84 and Chapter 2950. of the Revised Code regarding
a child who has been adjudicated a delinquent child.

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(B) Except as provided in division (I) of section 2301.03 of
the Revised Code, the juvenile court has original jurisdiction
under the Revised Code:

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(1) To hear and determine all cases of misdemeanors charging
adults with any act or omission with respect to any child, which
act or omission is a violation of any state law or any municipal
ordinance;

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(2) To determine the paternity of any child alleged to have
been born out of wedlock pursuant to sections 3111.01 to 3111.18
of the Revised Code;

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(3) Under the uniform interstate family support act in
Chapter 3115. of the Revised Code;

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(4) To hear and determine an application for an order for the
support of any child, if the child is not a ward of another court
of this state;

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(5) To hear and determine an action commenced under section
3111.28 of the Revised Code;

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(6) To hear and determine a motion filed under section
3119.961 of the Revised Code.

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(C) The juvenile court, except as to juvenile courts that are
a separate division of the court of common pleas or a separate and
independent juvenile court, has jurisdiction to hear, determine,
and make a record of any action for divorce or legal separation
that involves the custody or care of children and that is filed in
the court of common pleas and certified by the court of common
pleas with all the papers filed in the action to the juvenile
court for trial, provided that no certification of that nature
shall be made to any juvenile court unless the consent of the

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juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.

(D) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree of the court of common pleas as the same relate to the custody and support of children.

(E) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine the case of any child certified to the court by any court of competent jurisdiction if the child comes within the jurisdiction of the juvenile court as defined by this section.

(F)(1) The juvenile court shall exercise its jurisdiction in child custody matters in accordance with sections 3109.04, 3109.21 to 3109.36, and 5103.20 to 5103.28 of the Revised Code.

(2) The juvenile court shall exercise its jurisdiction in child support matters in accordance with section 3109.05 of the Revised Code.

(G) Any juvenile court that makes or modifies an order for child support shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other

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penalty or remedy imposed, shall assess all court costs arising
out of the contempt proceeding against the person and require the
person to pay any reasonable attorney's fees of any adverse party,
as determined by the court, that arose in relation to the act of
contempt.

(H) If a child who is charged with an act that would be an
offense if committed by an adult was fourteen years of age or
older and under eighteen years of age at the time of the alleged
act and if the case is transferred for criminal prosecution
pursuant to section 2152.12 of the Revised Code, the juvenile
court does not have jurisdiction to hear or determine the case
subsequent to the transfer. The court to which the case is
transferred for criminal prosecution pursuant to that section has
jurisdiction subsequent to the transfer to hear and determine the
case in the same manner as if the case originally had been
commenced in that court, including, but not limited to,
jurisdiction to accept a plea of guilty or another plea authorized
by Criminal Rule 11 or another section of the Revised Code and
jurisdiction to accept a verdict and to enter a judgment of
conviction pursuant to the Rules of Criminal Procedure against the
child for the commission of the offense that was the basis of the
transfer of the case for criminal prosecution, whether the
conviction is for the same degree or a lesser degree of the
offense charged, for the commission of a lesser-included offense,
or for the commission of another offense that is different from
the offense charged.

(I) If a person under eighteen years of age allegedly commits
an act that would be a felony if committed by an adult and if the
person is not taken into custody or apprehended for that act until
after the person attains twenty-one years of age, the juvenile
court does not have jurisdiction to hear or determine any portion
of the case charging the person with committing that act. In those

circumstances, divisions (A) and (B) of section 2152.12 of the Revised Code do not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or older when the person committed the act. All proceedings pertaining to the act shall be within the jurisdiction of the court having jurisdiction of the offense, and that court has all the authority and duties in the case that it has in other criminal cases in that court.

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Sec. 2152.02. As used in this chapter:

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(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.

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(B) "Admitted to a department of youth services facility" includes admission to a facility operated, or contracted for, by the department and admission to a comparable facility outside this state by another state or the United States.

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(C)(1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C)(2) to (6) of this section.

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(2) Subject to division (C)(3) of this section, any person who violates a federal or state law or a municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the complaint with respect to that violation is filed or the hearing on the complaint is held.

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(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until

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after the person attains twenty-one years of age is not a child in
relation to that act.

(4) Any person whose case is transferred for criminal
prosecution pursuant to section 2152.12 of the Revised Code shall
be deemed after the transfer not to be a child in the transferred
case.

(5) Any person whose case is transferred for criminal
prosecution pursuant to section 2152.12 of the Revised Code and
who subsequently is convicted of or pleads guilty to a felony in
that case, and any person who is adjudicated a delinquent child
for the commission of an act, who has a serious youthful offender
dispositional sentence imposed for the act pursuant to section
2152.13 of the Revised Code, and whose adult portion of the
dispositional sentence is invoked pursuant to section 2152.14 of
the Revised Code, shall be deemed after the transfer or invocation
not to be a child in any case in which a complaint is filed
against the person.

(6) The juvenile court has jurisdiction over a person who is
adjudicated a delinquent child or juvenile traffic offender prior
to attaining eighteen years of age until the person attains
twenty-one years of age, and, for purposes of that jurisdiction
related to that adjudication, a person who is so adjudicated a
delinquent child or juvenile traffic offender shall be deemed a
"child" until the person attains twenty-one years of age.

(D) "Chronic truant" means any child of compulsory school age
who is absent without legitimate excuse for absence from the
public school the child is supposed to attend for seven or more
consecutive school days, ten or more school days in one school
month, or fifteen or more school days in a school year.

(E) "Community corrections facility," "public safety beds,"
"release authority," and "supervised release" have the same

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| meanings as in section 5139.01 of the Revised Code. | 455 |
| (F) "Delinquent child" includes any of the following: | 456 |
| (1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult; | 457 458 459 460 |
| (2) Any child who violates any lawful order of the court made under this chapter or under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code; | 461 462 463 464 |
| (3) Any child who violates division (A) of section 2923.211 of the Revised Code; | 465 466 |
| (4) Any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant; | 467 468 |
| (5) Any child who is a chronic truant. | 469 |
| (G) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer. | 470 471 472 |
| (H) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code. | 473 474 475 476 |
| (I) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code. | 477 478 479 |
| (J) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code. | 480 481 482 |
| (K) "Electronic monitoring device," "certified electronic | 483 |

monitoring device," "electronically monitored house arrest," 484
"electronic monitoring system," and "certified electronic 485
monitoring system" have the same meanings as in section 2929.23 of 486
the Revised Code. 487

(L) "Economic loss" means any economic detriment suffered by 488
a victim of a delinquent act as a result of the delinquent act and 489
includes any loss of income due to lost time at work because of 490
any injury caused to the victim and any property loss, medical 491
cost, or funeral expense incurred as a result of the delinquent 492
act. 493

(M) "Firearm" has the same meaning as in section 2923.11 of 494
the Revised Code. 495

(N) "Juvenile traffic offender" means any child who violates 496
any traffic law, traffic ordinance, or traffic regulation of this 497
state, the United States, or any political subdivision of this 498
state, other than a resolution, ordinance, or regulation of a 499
political subdivision of this state the violation of which is 500
required to be handled by a parking violations bureau or a joint 501
parking violations bureau pursuant to Chapter 4521. of the Revised 502
Code. 503

(O) A "legitimate excuse for absence from the public school 504
the child is supposed to attend" has the same meaning as in 505
section 2151.011 of the Revised Code. 506

(P) "Mandatory serious youthful offender" means a person who 507
is eligible for a mandatory SYO and who is not transferred to 508
adult court under a mandatory or discretionary transfer. 509

(Q) "Mandatory SYO" means a case in which the juvenile court 510
is required to impose a mandatory serious youthful offender 511
disposition under section 2152.13 of the Revised Code. 512

(R) "Mandatory transfer" means that a case is required to be 513
transferred for criminal prosecution under division (A) of section 514

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| 2152.12 of the Revised Code. | 515 |
| (S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code. | 516 |
| (T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. | 517 |
| (U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code. | 518 |
| (V) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. | 519 |
| (W) "Public record" has the same meaning as in section 149.43 of the Revised Code. | 520 |
| (X) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer. | 521 |
| (Y) "Sexually oriented offense," has <u>"habitual sex offender," "juvenile sex offender registrant," and "sexual predator" have the same meaning meanings</u> as in section 2950.01 of the Revised Code. | 522 |
| (Z) "Traditional juvenile" means a case that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and that is not eligible for a disposition under section 2152.13 of the Revised Code. | 523 |
| (AA) "Transfer" means the transfer for criminal prosecution of a case involving the alleged commission by a child of an act that would be an offense if committed by an adult from the juvenile court to the appropriate court that has jurisdiction of the offense. | 524 |
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| (BB) "Category one offense" means any of the following: | 545 |
| (1) A violation of section 2903.01 or 2903.02 of the Revised Code; | 546 |
| (2) A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder. | 548 |
| (CC) "Category two offense" means any of the following: | 550 |
| (1) A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code; | 551 |
| (2) A violation of section 2903.04 of the Revised Code that is a felony of the first degree; | 553 |
| (3) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996. | 555 |
| Sec. 2152.18. (A) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this chapter, the court shall not designate the specific institution in which the department is to place the child but instead shall specify that the child is to be institutionalized in a secure facility. | 557 |
| (B) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this chapter, the court shall state in the order of commitment the total number of days that the child has been held in detention in connection with the delinquent child complaint upon which the order of commitment is based. The department shall reduce the minimum period of institutionalization that was ordered by both the total number of days that the child has been so held in detention as stated by the court in the order of commitment and the total number of any additional days that the child has been held in detention subsequent to the order of commitment but prior to the transfer of physical custody of the child to the | 563 |

department.

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(C)(1) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this chapter, the court shall provide the department with the child's medical records, a copy of the report of any mental examination of the child ordered by the court, the Revised Code section or sections the child violated and the degree of each violation, the warrant to convey the child to the department, a copy of the court's journal entry ordering the commitment of the child to the legal custody of the department, a copy of the arrest record pertaining to the act for which the child was adjudicated a delinquent child, a copy of any victim impact statement pertaining to the act, and any other information concerning the child that the department reasonably requests. The court also shall complete the form for the standard predisposition investigation report that the department furnishes pursuant to section 5139.04 of the Revised Code and provide the department with the completed form.

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The department may refuse to accept physical custody of a delinquent child who is committed to the legal custody of the department until the court provides to the department the documents specified in this division. No officer or employee of the department who refuses to accept physical custody of a delinquent child who is committed to the legal custody of the department shall be subject to prosecution or contempt of court for the refusal if the court fails to provide the documents specified in this division at the time the court transfers the physical custody of the child to the department.

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(2) Within twenty working days after the department of youth services receives physical custody of a delinquent child from a juvenile court, the court shall provide the department with a certified copy of the child's birth certificate and the child's social security number or, if the court made all reasonable

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efforts to obtain the information but was unsuccessful, with
documentation of the efforts it made to obtain the information.

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(D)(1) Within ten days after an adjudication that a child is
a delinquent child, the court shall give written notice of the
adjudication to the superintendent of a city, local, exempted
village, or joint vocational school district, and to the principal
of the school the child attends, if the basis of the adjudication
was the commission of an act that would be a criminal offense if
committed by an adult, if the act was committed by the delinquent
child when the child was fourteen years of age or older, and if
the act is any of the following:

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(a) An act that would be a felony or an offense of violence
if committed by an adult, an act in the commission of which the
child used or brandished a firearm, or an act that is a violation
of section 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, or
2907.241 of the Revised Code and that would be a misdemeanor if
committed by an adult;

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(b) A violation of section 2923.12 of the Revised Code or of
a substantially similar municipal ordinance that would be a
misdemeanor if committed by an adult and that was committed on
property owned or controlled by, or at an activity held under the
auspices of, the board of education of that school district;

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(c) A violation of division (A) of section 2925.03 or 2925.11
of the Revised Code that would be a misdemeanor if committed by an
adult, that was committed on property owned or controlled by, or
at an activity held under the auspices of, the board of education
of that school district, and that is not a minor drug possession
offense;

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(d) An act that would be a criminal offense if committed by
an adult and that results in serious physical harm to persons or
serious physical harm to property while the child is at school, on

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any other property owned or controlled by the board, or at an
interscholastic competition, an extracurricular event, or any
other school program or activity;

(e) Complicity in any violation described in division
(D)(1)(a), (b), (c), or (d) of this section that was alleged to
have been committed in the manner described in division (D)(1)(a),
(b), (c), or (d) of this section, regardless of whether the act of
complicity was committed on property owned or controlled by, or at
an activity held under the auspices of, the board of education of
that school district.

(2) The notice given pursuant to division (K)(1) of this
section shall include the name of the child who was adjudicated to
be a delinquent child, the child's age at the time the child
committed the act that was the basis of the adjudication, and
identification of the violation of the law or ordinance that was
the basis of the adjudication.

(3) Within fourteen days after committing a delinquent child
to the custody of the department of youth services, the court
shall give notice to the school attended by the child of the
child's commitment by sending to that school a copy of the court's
journal entry ordering the commitment. As soon as possible after
receipt of the notice described in this division, the school shall
provide the department with the child's school transcript.
However, the department shall not refuse to accept a child
committed to it, and a child committed to it shall not be held in
a county or district detention facility, because of a school's
failure to provide the school transcript that it is required to
provide under this division.

(4) Within fourteen days after releasing a child from an
institution under its control, the department of youth services
shall provide the court and the school with an updated copy of the
child's school transcript and a summary of the institutional

record of the child. The department also shall provide the court
with a copy of any portion of the child's institutional record
that the court specifically requests, within five working days of
the request.

(E) At any hearing at which a child is adjudicated a
delinquent child or as soon as possible after the hearing, the
court shall notify all victims of the delinquent act who may be
entitled to a recovery under any of the following sections of the
right of the victims to recover, pursuant to section 3109.09 of
the Revised Code, compensatory damages from the child's parents;
of the right of the victims to recover, pursuant to section
3109.10 of the Revised Code, compensatory damages from the child's
parents for willful and malicious assaults committed by the child;
and of the right of the victims to recover an award of reparations
pursuant to sections 2743.51 to 2743.72 of the Revised Code.

(F) When a juvenile court commits a child to the department
of youth services pursuant to this chapter for an act that is a
sexually oriented offense, the court in the order of commitment
shall order the department to provide the child with treatment
that is appropriate for persons who commit sexually oriented
offenses and that is intended to ensure that they not do commit
sexually oriented offenses in the future.

Sec. 2152.19. (A) If a child is adjudicated a delinquent
child, the court may make any of the following orders of
disposition, in addition to any other disposition authorized or
required by this chapter:

(1) Any order that is authorized by section 2151.353 of the
Revised Code for the care and protection of an abused, neglected,
or dependent child-;

(2) Commit the child to the temporary custody of any school,
camp, institution, or other facility operated for the care of

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delinquent children by the county, by a district organized under 701
section 2152.41 or 2151.65 of the Revised Code, or by a private 702
agency or organization, within or without the state, that is 703
authorized and qualified to provide the care, treatment, or 704
placement required; 705

(3) Place the child on community control under any sanctions, 706
services, and conditions that the court prescribes. As a condition 707
of community control in every case and in addition to any other 708
condition that it imposes upon the child, the court shall require 709
the child to abide by the law during the period of community 710
control. As referred to in this division, community control 711
includes, but is not limited to, the following sanctions and 712
conditions: 713

(a) A period of basic probation supervision in which the 714
child is required to maintain contact with a person appointed to 715
supervise the child in accordance with sanctions imposed by the 716
court; 717

(b) A period of intensive probation supervision in which the 718
child is required to maintain frequent contact with a person 719
appointed by the court to supervise the child while the child is 720
seeking or maintaining employment and participating in training, 721
education, and treatment programs as the order of disposition; 722

(c) A period of day reporting in which the child is required 723
each day to report to and leave a center or another approved 724
reporting location at specified times in order to participate in 725
work, education or training, treatment, and other approved 726
programs at the center or outside the center; 727

(d) A period of community service of up to five hundred hours 728
for an act that would be a felony or a misdemeanor of the first 729
degree if committed by an adult, up to two hundred hours for an 730
act that would be a misdemeanor of the second, third, or fourth 731

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| degree if committed by an adult, or up to thirty hours for an act | 732 |
| that would be a minor misdemeanor if committed by an adult; | 733 |
| (e) A requirement that the child obtain a high school | 734 |
| diploma, a certificate of high school equivalence, vocational | 735 |
| training, or employment; | 736 |
| (f) A period of drug and alcohol use monitoring; | 737 |
| (g) A requirement of alcohol or drug assessment or | 738 |
| counseling, or a period in an alcohol or drug treatment program | 739 |
| with a level of security for the child as determined necessary by | 740 |
| the court; | 741 |
| (h) A period in which the court orders the child to observe a | 742 |
| curfew that may involve daytime or evening hours; | 743 |
| (i) A requirement that the child serve monitored time; | 744 |
| (j) A period of house arrest with or without electronic | 745 |
| monitoring; | 746 |
| (k) A period of electronic monitoring without house arrest or | 747 |
| electronically monitored house arrest that does not exceed the | 748 |
| maximum sentence of imprisonment that could be imposed upon an | 749 |
| adult who commits the same act. | 750 |
| A period of electronically monitored house arrest imposed | 751 |
| under this division shall not extend beyond the child's | 752 |
| twenty-first birthday. If a court imposes a period of | 753 |
| electronically monitored house arrest upon a child under this | 754 |
| division, it shall require the child: to wear, otherwise have | 755 |
| attached to the child's person, or otherwise be subject to | 756 |
| monitoring by a certified electronic monitoring device or to | 757 |
| participate in the operation of and monitoring by a certified | 758 |
| electronic monitoring system; to remain in the child's home or | 759 |
| other specified premises for the entire period of electronically | 760 |
| monitored house arrest except when the court permits the child to | 761 |

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leave those premises to go to school or to other specified 762
premises; to be monitored by a central system that can determine 763
the child's location at designated times; to report periodically 764
to a person designated by the court; and to enter into a written 765
contract with the court agreeing to comply with all requirements 766
imposed by the court, agreeing to pay any fee imposed by the court 767
for the costs of the electronically monitored house arrest, and 768
agreeing to waive the right to receive credit for any time served 769
on electronically monitored house arrest toward the period of any 770
other dispositional order imposed upon the child if the child 771
violates any of the requirements of the dispositional order of 772
electronically monitored house arrest. The court also may impose 773
other reasonable requirements upon the child. 774

Unless ordered by the court, a child shall not receive credit 775
for any time served on electronically monitored house arrest 776
toward any other dispositional order imposed upon the child for 777
the act for which was imposed the dispositional order of 778
electronically monitored house arrest. 779

(1) A suspension of the driver's license, probationary 780
driver's license, or temporary instruction permit issued to the 781
child or a suspension of the registration of all motor vehicles 782
registered in the name of the child. A child whose license or 783
permit is so suspended is ineligible for issuance of a license or 784
permit during the period of suspension. At the end of the period 785
of suspension, the child shall not be reissued a license or permit 786
until the child has paid any applicable reinstatement fee and 787
complied with all requirements governing license reinstatement. 788

(4) Commit the child to the custody of the court; 789

(5) Require the child to not be absent without legitimate 790
excuse from the public school the child is supposed to attend for 791
five or more consecutive days, seven or more school days in one 792
school month, or twelve or more school days in a school year; 793

(6)(a) If a child is adjudicated a delinquent child for being a chronic truant or an habitual truant who previously has been adjudicated an unruly child for being a habitual truant, do either or both of the following:

(i) Require the child to participate in a truancy prevention mediation program;

(ii) Make any order of disposition as authorized by this section, except that the court shall not commit the child to a facility described in division (A)(2) of this section unless the court determines that the child violated a lawful court order made pursuant to division (C)(1)(e) of section 2151.354 of the Revised Code or division (A)(5) of this section.

(b) If a child is adjudicated a delinquent child for being a chronic truant or a habitual truant who previously has been adjudicated an unruly child for being a habitual truant and the court determines that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, do either or both of the following:

(i) Require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program;

(ii) Require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child.

(7) Make any further disposition that the court finds proper, except that the child shall not be placed in any of the following:

(a) A state correctional institution, a county, multicounty,

or municipal jail or workhouse, or another place in which an adult 825
convicted of a crime, under arrest, or charged with a crime is 826
held; 827

(b) A community corrections facility, if the child would be 828
covered by the definition of public safety beds for purposes of 829
sections 5139.41 to 5139.45 of the Revised Code if the court 830
exercised its authority to commit the child to the legal custody 831
of the department of youth services for institutionalization or 832
institutionalization in a secure facility pursuant to this 833
chapter. 834

(B) If a child is adjudicated a delinquent child, in addition 835
to any order of disposition made under division (A) of this 836
section, the court, in the following situations, shall suspend the 837
child's temporary instruction permit, restricted license, 838
probationary driver's license, or nonresident operating privilege, 839
or suspend the child's ability to obtain such a permit: 840

(1) The child is adjudicated a delinquent child for violating 841
section 2923.122 of the Revised Code, with the suspension and 842
denial being in accordance with division (E)(1)(a), (c), (d), or 843
(e) of section 2923.122 of the Revised Code. 844

(2) The child is adjudicated a delinquent child for 845
committing an act that if committed by an adult would be a drug 846
abuse offense or for violating division (B) of section 2917.11 of 847
the Revised Code, with the suspension continuing until the child 848
attends and satisfactorily completes a drug abuse or alcohol abuse 849
education, intervention, or treatment program specified by the 850
court. During the time the child is attending the program, the 851
court shall retain any temporary instruction permit, probationary 852
driver's license, or driver's license issued to the child, and the 853
court shall return the permit or license when the child 854
satisfactorily completes the program. 855

(C) The court may establish a victim-offender mediation program in which victims and their offenders meet to discuss the offense and suggest possible restitution. If the court obtains the assent of the victim of the delinquent act committed by the child, the court may require the child to participate in the program.

(D)(1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child caused, attempted to cause, threatened to cause, or created a risk of physical harm to the victim of the act, the court, prior to issuing an order of disposition under this section, shall order the preparation of a victim impact statement by the probation department of the county in which the victim of the act resides, by the court's own probation department, or by a victim assistance program that is operated by the state, a county, a municipal corporation, or another governmental entity. The court shall consider the victim impact statement in determining the order of disposition to issue for the child.

(2) Each victim impact statement shall identify the victim of the act for which the child was adjudicated a delinquent child, itemize any economic loss suffered by the victim as a result of the act, identify any physical injury suffered by the victim as a result of the act and the seriousness and permanence of the injury, identify any change in the victim's personal welfare or familial relationships as a result of the act and any psychological impact experienced by the victim or the victim's family as a result of the act, and contain any other information related to the impact of the act upon the victim that the court requires.

(3) A victim impact statement shall be kept confidential and is not a public record. However, the court may furnish copies of the statement to the department of youth services if the

delinquent child is committed to the department or to both the
adjudicated delinquent child or the adjudicated delinquent child's
counsel and the prosecuting attorney. The copy of a victim impact
statement furnished by the court to the department pursuant to
this section shall be kept confidential and is not a public
record. The copies of a victim impact statement that are made
available to the adjudicated delinquent child or the adjudicated
delinquent child's counsel and the prosecuting attorney pursuant
to this division shall be returned to the court by the person to
whom they were made available immediately following the imposition
of an order of disposition for the child under this chapter.

(4) The department of youth services shall work with local
probation departments and victim assistance programs to develop a
standard victim impact statement.

(E) If a child is adjudicated a delinquent child for being a
chronic truant or an habitual truant who previously has been
adjudicated an unruly child for being an habitual truant and the
court determines that the parent, guardian, or other person having
care of the child has failed to cause the child's attendance at
school in violation of section 3321.38 of the Revised Code, in
addition to any order of disposition it makes under this section,
the court shall warn the parent, guardian, or other person having
care of the child that any subsequent adjudication of the child as
an unruly or delinquent child for being an habitual or chronic
truant may result in a criminal charge against the parent,
guardian, or other person having care of the child for a violation
of division (C) of section 2919.21 or section 2919.24 of the
Revised Code.

(F)(1) During the period of a delinquent child's community
control granted under this section, authorized probation officers
who are engaged within the scope of their supervisory duties or
responsibilities may search, with or without a warrant, the person

of the delinquent child, the place of residence of the delinquent 920
child, and a motor vehicle, another item of tangible or intangible 921
personal property, or other real property in which the delinquent 922
child has a right, title, or interest or for which the delinquent 923
child has the express or implied permission of a person with a 924
right, title, or interest to use, occupy, or possess if the 925
probation officers have reasonable grounds to believe that the 926
delinquent child is not abiding by the law or otherwise is not 927
complying with the conditions of the delinquent child's community 928
control. The court that places a delinquent child on community 929
control under this section shall provide the delinquent child with 930
a written notice that informs the delinquent child that authorized 931
probation officers who are engaged within the scope of their 932
supervisory duties or responsibilities may conduct those types of 933
searches during the period of community control if they have 934
reasonable grounds to believe that the delinquent child is not 935
abiding by the law or otherwise is not complying with the 936
conditions of the delinquent child's community control. The court 937
also shall provide the written notice described in division (E)(2) 938
of this section to each parent, guardian, or custodian of the 939
delinquent child who is described in that division. 940

(2) The court that places a child on community control under 941
this section shall provide the child's parent, guardian, or other 942
custodian with a written notice that informs them that authorized 943
probation officers may conduct searches pursuant to division 944
(E)(1) of this section. The notice shall specifically state that a 945
permissible search might extend to a motor vehicle, another item 946
of tangible or intangible personal property, or a place of 947
residence or other real property in which a notified parent, 948
guardian, or custodian has a right, title, or interest and that 949
the parent, guardian, or custodian expressly or impliedly permits 950
the child to use, occupy, or possess. 951

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(G) If a juvenile court commits a delinquent child to the custody of any person, organization, or entity pursuant to this section and if the delinquent act for which the child is so committed is a sexually oriented offense, the court in the order of disposition shall inform the person, organization, or entity that it is the preferred course of action in this state that the child be provided treatment as described in division (F) of section 2152.18 of the Revised Code and shall encourage the person, organization, or entity to provide that treatment.

Sec. 2152.191. If a child is adjudicated a delinquent child for committing a sexually oriented offense, if the child is fourteen years of age or older at the time of committing the offense, and if the child committed the offense on or after the effective date of this section, both of the following apply:

(A) Sections 2152.82 to 2152.84 and Chapter 2950. of the Revised Code apply to the child and the adjudication.

(B) In addition to any order of disposition it makes of the child under this chapter, the court may make any determination, adjudication, or order authorized under sections 2152.82 to 2152.84 and Chapter 2950. of the Revised Code and shall make any determination, adjudication, or order required under those sections and that chapter.

Sec. 2152.22. (A) When a child is committed to the legal custody of the department of youth services under this chapter, the juvenile court relinquishes control with respect to the child so committed, except as provided in divisions (B), (C), and (G) of this section or in section 2152.83 or 2152.84 of the Revised Code. Subject to divisions (B) and (C) of this section, sections 2151.353 and 2151.412 to 2151.421 of the Revised Code, sections 2152.82, 2152.83, and 2152.84 of the Revised Code, and any other

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provision of law that specifies a different duration for a 982
dispositional order, all other dispositional orders made by the 983
court under this chapter shall be temporary and shall continue for 984
a period that is designated by the court in its order, until 985
terminated or modified by the court or until the child attains 986
twenty-one years of age. 987

The department shall not release the child from a department 988
facility and as a result shall not discharge the child or order 989
the child's release on supervised release prior to the expiration 990
of the period of court control over the child or prior to the 991
child's attainment of twenty-one years of age, except upon the 992
order of a court pursuant to division (B) or (C) of this section 993
or in accordance with section 5139.54 of the Revised Code. 994

(B)(1) The court that commits a delinquent child to the 995
department may grant judicial release of the child to court 996
supervision under this division, during any of the following 997
periods that are applicable, provided any commitment imposed under 998
division (A), (B), or (C) of section 2152.17 of the Revised Code 999
has ended: 1000

(a) If the child was given a disposition under section 1001
2152.16 of the Revised Code for committing an act that would be a 1002
felony of the third, fourth, or fifth degree if committed by an 1003
adult, at any time during the first ninety days of the period of 1004
court control over the child; 1005

(b) If the child was given a disposition under section 1006
2152.13 or 2152.16 of the Revised Code, or both of those sections, 1007
for committing an act that would be a felony of the first or 1008
second degree if committed by an adult, at any time during the 1009
first one hundred eighty days of the period of court control over 1010
the child; 1011

(c) If the child was committed to the department until the 1012
child attains twenty-one years of age for an act that would be 1013

aggravated murder or murder if committed by an adult, at any time 1014
during the first half of the prescribed period of that commitment 1015
of the child. 1016

(2) If the department of youth services desires to release a 1017
child during a period specified in division (B)(1) of this 1018
section, it shall request the court that committed the child to 1019
grant a judicial release of the child to court supervision. During 1020
whichever of those periods is applicable, the child or the parents 1021
of the child also may request that court to grant a judicial 1022
release of the child to court supervision. Upon receipt of a 1023
request for a judicial release to court supervision from the 1024
department, the child, or the child's parent, or upon its own 1025
motion, the court that committed the child shall do one of the 1026
following: approve the release by journal entry; schedule within 1027
thirty days after the request is received a time for a hearing on 1028
whether the child is to be released; or reject the request by 1029
journal entry without conducting a hearing. 1030

If the court rejects an initial request for a release under 1031
this division by the child or the child's parent, the child or the 1032
child's parent may make one additional request for a judicial 1033
release to court supervision within the applicable period. The 1034
additional request may be made no earlier than thirty days after 1035
the filing of the prior request for a judicial release to court 1036
supervision. Upon the filing of a second request for a judicial 1037
release to court supervision, the court shall either approve or 1038
disapprove the release by journal entry or schedule within thirty 1039
days after the request is received a time for a hearing on whether 1040
the child is to be released. 1041

(3) If a court schedules a hearing under division (B)(2) of 1042
this section, it may order the department to deliver the child to 1043
the court on the date set for the hearing and may order the 1044
department to present to the court a report on the child's 1045

progress in the institution to which the child was committed and 1046
recommendations for conditions of supervision of the child by the 1047
court after release. The court may conduct the hearing without the 1048
child being present. The court shall determine at the hearing 1049
whether the child should be granted a judicial release to court 1050
supervision. 1051

If the court approves the release, it shall order its staff 1052
to prepare a written treatment and rehabilitation plan for the 1053
child that may include any conditions of the child's release that 1054
were recommended by the department and approved by the court. The 1055
committing court shall send the juvenile court of the county in 1056
which the child is placed a copy of the recommended plan. The 1057
court of the county in which the child is placed may adopt the 1058
recommended conditions set by the committing court as an order of 1059
the court and may add any additional consistent conditions it 1060
considers appropriate. If a child is granted a judicial release to 1061
court supervision, the release discharges the child from the 1062
custody of the department of youth services. 1063

(C)(1) The court that commits a delinquent child to the 1064
department may grant judicial release of the child to department 1065
of youth services supervision under this division, during any of 1066
the following periods that are applicable, provided any commitment 1067
imposed under division (A), (B), or (C) of section 2152.17 of the 1068
Revised Code has ended: 1069

(a) If the child was given a disposition under section 1070
2152.16 of the Revised Code for an act that would be a felony of 1071
the third, fourth, or fifth degree if committed by an adult, at 1072
any time during the period of court control over the child, 1073
provided that at least ninety days of that period have elapsed; 1074

(b) If the child was given a disposition under section 1075
2152.13 or 2152.16 of the Revised Code, or both of those sections, 1076
for an act that would be a felony of the first or second degree if 1077

committed by an adult, at any time during the period of court control over the child, provided that at least one hundred eighty days of that period have elapsed;

(c) If the child was committed to the department for an act that would be aggravated murder or murder if committed by an adult until the child attains twenty-one years of age, at any time during the second half of the prescribed period of that commitment of the child.

(2) If the department of youth services desires to release a child during a period specified in division (C)(1) of this section, it shall request the court that committed the child to grant a judicial release to department of youth services supervision. During whichever of those periods is applicable, the child or the child's parent also may request the court that committed the child to grant a judicial release to department of youth services supervision. Upon receipt of a request for judicial release to department of youth services supervision, the child, or the child's parent, or upon its own motion at any time during that period, the court shall do one of the following: approve the release by journal entry; schedule a time within thirty days after receipt of the request for a hearing on whether the child is to be released; or reject the request by journal entry without conducting a hearing.

If the court rejects an initial request for release under this division by the child or the child's parent, the child or the child's parent may make one or more subsequent requests for a release within the applicable period, but may make no more than one request during each period of ninety days that the child is in a secure department facility after the filing of a prior request for early release. Upon the filing of a request for release under this division subsequent to an initial request, the court shall either approve or disapprove the release by journal entry or

schedule a time within thirty days after receipt of the request 1110
for a hearing on whether the child is to be released. 1111

(3) If a court schedules a hearing under division (C)(2) of 1112
this section, it may order the department to deliver the child to 1113
the court on the date set for the hearing and shall order the 1114
department to present to the court at that time a treatment plan 1115
for the child's post-institutional care. The court may conduct the 1116
hearing without the child being present. The court shall determine 1117
at the hearing whether the child should be granted a judicial 1118
release to department of youth services supervision. 1119

If the court approves the judicial release to department of 1120
youth services supervision, the department shall prepare a written 1121
treatment and rehabilitation plan for the child pursuant to 1122
division (E) of this section that shall include the conditions of 1123
the child's release. It shall send the committing court and the 1124
juvenile court of the county in which the child is placed a copy 1125
of the plan. The court of the county in which the child is placed 1126
may adopt the conditions set by the department as an order of the 1127
court and may add any additional consistent conditions it 1128
considers appropriate, provided that the court may not add any 1129
condition that decreases the level or degree of supervision 1130
specified by the department in its plan, that substantially 1131
increases the financial burden of supervision that will be 1132
experienced by the department, or that alters the placement 1133
specified by the department in its plan. If the court of the 1134
county in which the child is placed adds to the department's plan 1135
any additional conditions, it shall enter those additional 1136
conditions in its journal and shall send to the department a copy 1137
of the journal entry of the additional conditions. 1138

If the court approves the judicial release to department of 1139
youth services supervision, the actual date on which the 1140
department shall release the child is contingent upon the 1141

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department finding a suitable placement for the child. If the
child is to be returned to the child's home, the department shall
return the child on the date that the court schedules for the
child's release or shall bear the expense of any additional time
that the child remains in a department facility. If the child is
unable to return to the child's home, the department shall
exercise reasonable diligence in finding a suitable placement for
the child, and the child shall remain in a department facility
while the department finds the suitable placement.

(D) If a child is released under division (B) or (C) of this
section and the court of the county in which the child is placed
has reason to believe that the child's department is not in
accordance with the conditions of the child's judicial release,
the court of the county in which the child is placed shall
schedule a time for a hearing to determine whether the child
violated any of the post-release conditions, and, if the child was
released under division (C) of this section, divisions (A) to (E)
of section 5139.52 of the Revised Code apply regarding the child.

If that court determines at the hearing that the child
violated any of the post-release conditions, the court, if it
determines that the violation was a serious violation, may order
the child to be returned to the department for
institutionalization, consistent with the original order of
commitment of the child, or in any case may make any other
disposition of the child authorized by law that the court
considers proper. If the court of the county in which the child is
placed orders the child to be returned to a department of youth
services institution, the time during which the child was held in
a secure department facility prior to the child's judicial release
shall be considered as time served in fulfilling the prescribed
period of institutionalization that is applicable to the child
under the child's original order of commitment. If the court

orders the child returned to a department institution, the child 1174
shall remain in institutional care for a minimum of three months 1175
or until the child successfully completes a revocation program of 1176
a duration of not less than thirty days operated either by the 1177
department or by an entity with which the department has 1178
contracted to provide a revocation program. 1179

(E) The department of youth services, prior to the release of 1180
a child pursuant to division (C) of this section, shall do all of 1181
the following: 1182

(1) After reviewing the child's rehabilitative progress 1183
history and medical and educational records, prepare a written 1184
treatment and rehabilitation plan for the child that includes 1185
conditions of the release; 1186

(2) Completely discuss the conditions of the plan prepared 1187
pursuant to division (E)(1) of this section and the possible 1188
penalties for violation of the plan with the child and the child's 1189
parents, guardian, or legal custodian; 1190

(3) Have the plan prepared pursuant to division (E)(1) of 1191
this section signed by the child, the child's parents, legal 1192
guardian, or custodian, and any authority or person that is to 1193
supervise, control, and provide supportive assistance to the child 1194
at the time of the child's release pursuant to division (C) of 1195
this section; 1196

(4) Prior to the child's release, file a copy of the 1197
treatment plan prepared pursuant to division (E)(1) of this 1198
section with the committing court and the juvenile court of the 1199
county in which the child is to be placed. 1200

(F) The department of youth services shall file a written 1201
progress report with the committing court regarding each child 1202
released pursuant to division (C) of this section at least once 1203
every thirty days unless specifically directed otherwise by the 1204

court. The report shall indicate the treatment and rehabilitative
progress of the child and the child's family, if applicable, and
shall include any suggestions for altering the program, custody,
living arrangements, or treatment. The department shall retain
legal custody of a child so released until it discharges the child
or until the custody is terminated as otherwise provided by law.

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(G) When a child is committed to the legal custody of the
department of youth services, the court retains jurisdiction to
perform the functions specified in section 5139.51 of the Revised
Code with respect to the granting of supervised release by the
release authority and to perform the functions specified in
section 5139.52 of the Revised Code with respect to violations of
the conditions of supervised release granted by the release
authority and to the revocation of supervised release granted by
the release authority.

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Sec. 2152.82. (A) If a person is adjudicated a delinquent
child for committing on or after the effective date of this
section a sexually oriented offense, the juvenile court judge who
adjudicates the child a delinquent child shall issue an order that
classifies the child a juvenile sex offender registrant and
specifies that the child has a duty to register under section
2950.04 of the Revised Code if either of the following applies:

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(1) The delinquent child was sixteen or seventeen years of
age at the time of committing the offense.

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(2) The delinquent child was fourteen or fifteen years of age
at the time of committing the offense, and the delinquent child
previously was adjudicated a delinquent child for committing any
sexually oriented offense, regardless of when the prior offense
was committed and regardless of the delinquent child's age at the
time of committing the offense.

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(B) If a person is adjudicated a delinquent child for

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committing on or after the effective date of this section a 1236
sexually oriented offense, if the delinquent child was fourteen or 1237
fifteen years of age at the time of committing the offense, and if 1238
division (A)(2) of this section does not apply, the juvenile court 1239
judge who adjudicated the child a delinquent child may, in the 1240
judge's discretion and after consideration of the factors listed 1241
in division (D) of this section, issue an order that classifies 1242
the child a juvenile sex offender registrant and specifies that 1243
the child has a duty to register under section 2950.04 of the 1244
Revised Code. 1245

(C) An order required under division (A) of this section or 1246
authorized under division (B) of this section shall be issued at 1247
the time the judge makes the orders of disposition for the 1248
delinquent child. Prior to issuing the order, the judge shall 1249
conduct the hearing and make the determinations required by, and 1250
otherwise comply with, divisions (B) and (E) of section 2950.09 of 1251
the Revised Code. When a judge issues an order under division (A) 1252
or (B) of this section, all of the following apply: 1253

(1) The judge shall include in the order any determination 1254
that the delinquent child is a sexual predator or is a habitual 1255
sex offender that the judge makes pursuant to division (B) or (E) 1256
of section 2950.09 of the Revised Code and any related information 1257
required or authorized under the division under which the 1258
determination is made, including, but not limited to, any 1259
requirement imposed by the court subjecting a child who is a 1260
habitual sex offender to community notification provisions as 1261
described in division (E) of that section. 1262

(2) The judge shall include in the order a statement that, 1263
upon completion of the disposition of the delinquent child that 1264
was made for the sexually oriented offense upon which the order is 1265
based, a hearing will be conducted and the order is subject to 1266
modification or termination pursuant to section 2152.83 of the 1267

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| <u>Revised Code.</u> | 1268 |
| <u>(3) The judge shall provide a copy of the order to the delinquent child and to the delinquent child's parent, guardian, or custodian, as part of the notice provided under divisions (A) and (B) of section 2950.03 of the Revised Code.</u> | 1269 1270 1271 1272 |
| <u>(4) The judge shall include the order in the delinquent child's dispositional order and shall specify in the dispositional order that the order issued under division (A) or (B) of this section was made pursuant to this section.</u> | 1273 1274 1275 1276 |
| <u>(D) In making a decision under division (B) of this section as to whether to issue an order that classifies a delinquent child a juvenile sex offender registrant and specifies that the child has a duty to register under section 2950.04 of the Revised Code, a judge shall consider all relevant factors, including, but not limited to, all of the following:</u> | 1277 1278 1279 1280 1281 1282 |
| <u>(1) The nature of the sexually oriented offense committed by the child;</u> | 1283 1284 |
| <u>(2) Whether the child has shown any genuine remorse or compunction for the offense;</u> | 1285 1286 |
| <u>(3) The public interest and safety;</u> | 1287 |
| <u>(4) The factors set forth in division (B)(3) of section 2950.09 of the Revised Code;</u> | 1288 1289 |
| <u>(5) The factors set forth in divisions (B) and (C) of section 2929.12 of the Revised Code as those factors apply regarding the delinquent child, the offense, and the victim.</u> | 1290 1291 1292 |
| <u>(E) An order issued under division (A) or (B) of this section shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.83 or 2152.84 of the Revised Code. If an order is issued under division (A) or (B) of</u> | 1293 1294 1295 1296 1297 |

this section, the child's attainment of eighteen or twenty-one 1298
years of age does not affect or terminate the order, and the order 1299
remains in effect for the period of time described in this 1300
division. 1301

Sec. 2152.83. (A)(1) When a juvenile court judge issues an 1302
order under division (A) or (B) of section 2152.82 of the Revised 1303
Code that classifies a delinquent child a juvenile sex offender 1304
registrant and specifies that the child has a duty to register 1305
under section 2950.04 of the Revised Code, upon completion of the 1306
disposition of that delinquent child that the judge made for the 1307
sexually oriented offense on which the juvenile sex offender 1308
registrant order was based, the judge or the judge's successor in 1309
office shall conduct a hearing to do all of the following: 1310

(a) Review the effectiveness of the disposition and of any 1311
treatment provided for the child; 1312

(b) If the order also contains a determination that the 1313
delinquent child is a sexual predator or a habitual sex offender 1314
that the court made pursuant to division (B) or (E) of section 1315
2950.09 of the Revised Code, determine whether the classification 1316
of the child as a sexual predator, habitual sex offender, or 1317
juvenile sex offender registrant should be continued or modified 1318
or, regarding an order issued under division (B) of section 1319
2152.82 of the Revised Code, terminated; 1320

(c) If the order was issued under division (B) of section 1321
2152.82 of the Revised Code and does not contain a sexual predator 1322
or a habitual sex offender determination that the court makes as 1323
described in division (A)(1)(b) of this section, determine whether 1324
the classification of the child as a juvenile sex offender 1325
registrant should be continued, modified, or terminated. 1326

(2) Upon completion of a hearing under division (A)(1) of 1327
this section, the judge, in the judge's discretion and after 1328

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consideration of the factors listed in division (E) of this 1329
section, shall do one of the following, as applicable: 1330

(a) Enter an order that continues the classification of the 1331
delinquent child made in the order issued under division (A) or 1332
(B) of section 2152.82 of the Revised Code, and any sexual 1333
predator or habitual sex offender determination included in the 1334
order; 1335

(b) If the order was issued under division (A) of section 1336
2152.82 of the Revised Code and includes a determination by the 1337
judge that the delinquent child is a sexual predator, enter an 1338
order that contains a determination that the delinquent child no 1339
longer is a sexual predator and that also contains either a 1340
determination that the delinquent child is a habitual sex offender 1341
or a determination that the delinquent child remains a juvenile 1342
sex offender registrant but is not a sexual predator or habitual 1343
sex offender; 1344

(c) If the order was issued under division (A) of section 1345
2152.82 of the Revised Code and does not include a sexual predator 1346
determination as described in division (A)(2)(b) of this section 1347
but includes a determination by the judge that the delinquent 1348
child is a habitual sex offender, enter an order that contains a 1349
determination that the delinquent child no longer is a habitual 1350
sex offender and that also contains a determination that the 1351
delinquent child remains a juvenile sex offender registrant but is 1352
not a habitual sex offender; 1353

(d) If the order was issued under division (B) of section 1354
2152.82 of the Revised Code and includes a determination by the 1355
judge that the delinquent child is a sexual predator, enter an 1356
order that contains a determination that the delinquent child no 1357
longer is a sexual predator and that also contains a determination 1358
that the delinquent child is a habitual sex offender, a 1359
determination that the delinquent child remains a juvenile sex 1360

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offender registrant but is not a sexual predator or habitual sex offender, or a determination that specifies that the delinquent child no longer is a juvenile sex offender registrant and no longer has a duty to register under section 2950.04 of the Revised Code; 1361
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(e) If the order was issued under division (B) of section 2152.82 of the Revised Code and does not include a sexual predator determination as described in division (A)(2)(d) of this section but includes a determination by the judge that the delinquent child is a habitual sex offender, enter an order that contains a determination that the child no longer is a habitual sex offender and that also contains either a determination that the child remains a juvenile sex offender registrant but is not a sexual predator or habitual sex offender or a determination that specifies that the child no longer is a juvenile sex offender registrant and no longer has a duty to register under section 2950.04 of the Revised Code; 1366
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(f) If the order was issued under division (B) of section 2152.82 of the Revised Code, the order does not include a sexual predator determination or a habitual sex offender determination as described in divisions (A)(2)(d) and (e) of this section, and division (A)(2)(a) of this section does not apply, enter an order that contains a determination that the delinquent child no longer is a juvenile sex offender registrant and no longer has a duty to register under section 2950.04 of the Revised Code. 1378
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(B) If a juvenile court judge is authorized to issue an order under division (B) of section 2152.82 of the Revised Code that classifies a particular delinquent child a juvenile sex offender registrant and specifies that the child has a duty to register under section 2950.04 of the Revised Code but the judge does not issue an order of that nature for that delinquent child, upon completion of the disposition of that delinquent child that the 1386
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judge made for the sexually oriented offense on which the juvenile 1393
sex offender registrant order could have been based, the judge or 1394
the judge's successor in office, on the judge's own motion, may 1395
conduct a hearing to review the effectiveness of the disposition 1396
and of any treatment provided for the child and to determine 1397
whether the child should be classified a juvenile sex offender 1398
registrant. The judge may conduct the hearing on the judge's own 1399
initiative or based upon a recommendation of an officer or 1400
employee of the department of youth services, a probation officer, 1401
an employee of the court, or a prosecutor or law enforcement 1402
officer. If the judge conducts such a hearing, upon completion of 1403
the hearing, the judge, in the judge's discretion and after 1404
consideration of the factors listed in division (E) of this 1405
section, shall do either of the following: 1406

(1) Decline to issue an order that classifies the child a 1407
juvenile sex offender registrant and specifies that the child has 1408
a duty to register under section 2950.04 of the Revised Code; 1409

(2) Issue an order that classifies the child as a juvenile 1410
sex offender registrant and specifies that the child has a duty to 1411
register under section 2950.04 of the Revised Code and, if the 1412
judge determines as described in division (C) of this section that 1413
the child is a sexual predator or a habitual sex offender, include 1414
in the order a statement that the judge has determined that the 1415
child is a sexual predator or a habitual sex offender, whichever 1416
is applicable. 1417

(C) If a judge issues an order under division (A)(2)(a) of 1418
this section that continues the prior classification of the 1419
delinquent child as a juvenile sex offender registrant and any 1420
sexual predator or habitual sex offender determination included in 1421
the order, the prior classification and the prior determination, 1422
if applicable, shall remain in effect. 1423

A judge may issue an order under division (A)(2) of this 1424

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section that contains a determination that a child no longer is a 1425
sexual predator only if the judge, in accordance with the 1426
procedures specified in division (D)(1) of section 2950.09 of the 1427
Revised Code, determines at the hearing by clear and convincing 1428
evidence that the delinquent child is unlikely to commit a 1429
sexually oriented offense in the future. If the judge issues an 1430
order of that type, the judge shall provide the notifications 1431
described in division (D)(1) of section 2950.09 of the Revised 1432
Code, and the recipient of the notification shall comply with the 1433
provisions of that division. 1434

A judge may issue an order under division (B)(2) of this 1435
section that contains a determination that a delinquent child is a 1436
sexual predator only if the judge, in accordance with the 1437
procedures specified in division (B) of section 2950.09 of the 1438
Revised Code, determines at the hearing by clear and convincing 1439
evidence that the child is a sexual predator. A judge may issue an 1440
order under division (B)(2) of this section that contains a 1441
determination that a delinquent child is a habitual sex offender 1442
only if the judge determines at the hearing as described in 1443
division (E) of section 2950.09 of the Revised Code that the child 1444
is a habitual sex offender. If the judge issues an order under 1445
division (B)(2) of this section that contains a determination that 1446
a delinquent child is a habitual sex offender, the judge may 1447
impose a requirement subjecting the child to community 1448
notification provisions as described in division (E) of section 1449
2950.09 of the Revised Code. 1450

(D) If a judge issues an order under any provision of 1451
division (A)(2) or (B)(2) of this section, the judge shall provide 1452
to the delinquent child and to the delinquent child's parent, 1453
guardian, or custodian a copy of the order and a notice containing 1454
the information described in divisions (A)(5), (B)(1)(c), and 1455
(B)(1)(f) of section 2950.03 of the Revised Code. The judge shall 1456

provide the notice at the time of the issuance of the order, shall 1457
provide the notice as described in division (B)(1)(c) of that 1458
section, and shall comply with divisions (B)(1), (B)(2), and (C) 1459
of that section regarding that notice. 1460

(E) In making a decision under division (A) of this section 1461
as to whether the classification of a delinquent child as a 1462
juvenile sex offender registrant and any determination that the 1463
delinquent child is a sexual predator or habitual sex offender 1464
should be continued or modified, or when permissible, terminated, 1465
and in making a decision under division (B) of this section as to 1466
whether a delinquent child should be classified as a juvenile sex 1467
offender registrant and, if so, whether the child also is a sexual 1468
predator or a habitual sex offender, a judge shall consider all 1469
relevant factors, including, but not limited to, both of the 1470
following: 1471

(1) The factors listed in division (D) of section 2152.82 of 1472
the Revised Code; 1473

(2) The results of any treatment provided to the child and of 1474
any follow-up professional assessment of the child. 1475

(F) An order issued under division (A)(2) or (B)(2) of this 1476
section shall remain in effect for the period of time specified in 1477
section 2950.07 of the Revised Code, subject to a modification or 1478
termination of the order under section 2152.84 of the Revised 1479
Code. If an order is issued under division (A)(2) or (B)(2) of 1480
this section, the child's attainment of eighteen or twenty-one 1481
years of age does not affect or terminate the order, and the order 1482
remains in effect for the period of time described in this 1483
division. 1484

Sec. 2152.84. (A) Upon the expiration of the applicable 1486
period of time specified in division (B)(1) or (2) of this 1487
section, a delinquent child who has been adjudicated a delinquent 1488

child for committing on or after the effective date of this 1489
section a sexually oriented offense, who was fourteen years of age 1490
or older at the time of committing the offense, and who has been 1491
classified by a juvenile court judge pursuant to section 2152.82 1492
or 2152.83 of the Revised Code or this section a juvenile sex 1493
offender registrant relative to that sexually oriented offense may 1494
petition the judge who made the classification, or that judge's 1495
successor in office, to do one of the following: 1496

(1) If the order containing the juvenile sex offender 1497
registrant classification also includes a determination by the 1498
juvenile court judge that the delinquent child is a sexual 1499
predator relative to the offense in the manner described in 1500
section 2152.82 or 2152.83 of the Revised Code and that 1501
determination remains in effect, to enter an order that contains a 1502
determination that the child no longer is a sexual predator and 1503
that also contains either a determination that the child is a 1504
habitual sex offender or a determination that the child remains a 1505
juvenile sex offender registrant but is not a sexual predator or 1506
habitual sex offender; 1507

(2) If the order containing the juvenile sex offender 1508
registrant classification does not include a sexual predator 1509
determination as described in division (A)(1) of this section but 1510
includes a determination by the juvenile court judge that the 1511
delinquent child is a habitual sex offender relative to the 1512
offense in the manner described in section 2152.82 or 2152.83 of 1513
the Revised Code, or in this section, and that determination 1514
remains in effect, to enter an order that contains a determination 1515
that the child no longer is a habitual sex offender and that also 1516
contains a determination that the child remains a juvenile sex 1517
offender registrant; 1518

(3) If the order containing the juvenile sex offender 1519
registrant classification does not include a sexual predator or 1520

habitual sex offender determination as described in division 1521
(A)(1) or (2) of this section, to enter an order that contains a 1522
determination that the child no longer is a juvenile sex offender 1523
registrant and no longer has a duty to register under section 1524
2950.04 of the Revised Code. 1525

(B) A delinquent child who has been adjudicated a delinquent 1526
child for committing on or after the effective date of this 1527
section a sexually oriented offense and who has been classified a 1528
juvenile sex offender registrant may file a petition under 1529
division (A) of this section requesting reclassification or 1530
declassification as described in that division after the 1531
expiration of one of the following periods of time: 1532

(1) The delinquent child initially may file a petition not 1533
earlier than three years after the entry of the juvenile court 1534
judge's order after the mandatory hearing conducted under division 1535
(A) of section 2152.83 of the Revised Code or not earlier than 1536
three years after the entry of the juvenile court judge's order 1537
under division (B) of that section that contains the 1538
classification or determination in question, whichever is 1539
applicable. 1540

(2) After the delinquent child's initial filing of a petition 1541
under division (B)(1) of this section, the child may file a second 1542
petition not earlier than three years after the judge has entered 1543
an order deciding the petition under division (B)(1) of this 1544
section. 1545

(3) After the delinquent child's filing of a petition under 1546
division (B)(2) of this section, thereafter, the delinquent child 1547
may file a petition under this division upon the expiration of 1548
five years after the judge has entered an order deciding the 1549
petition under division (B)(2) of this section or the most recent 1550
petition the delinquent child has filed under this division. 1551

(C) Upon the filing of a petition under divisions (A) and (B) of this section, the judge may review the prior classification or determination in question and, upon consideration of all relevant factors and information, including, but not limited to the factors listed in division (E) of section 2152.83 of the Revised Code, the judge, in the judge's discretion, shall do one of the following:

(1) Enter an order denying the petition;

(2) Issue an order that reclassifies or declassifies the delinquent child, in the requested manner specified in division (A)(1), (2), or (3) of this section.

(D) If a judge issues an order under division (C) of this section that denies a petition, the prior classification of the delinquent child as a juvenile sex offender registrant, and the prior determination that the child is a sexual predator or habitual sex offender, if applicable, shall remain in effect.

A judge may issue an order under division (C) of this section that contains a determination that a child no longer is a sexual predator only if the judge conducts a hearing and, in accordance with the procedures specified in division (D)(1) of section 2950.09 of the Revised Code, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a sexually oriented offense in the future. If the judge issues an order of that type, the judge shall provide the notifications described in division (D)(1) of section 2950.09 of the Revised Code, and the recipient of the notification shall comply with the provisions of that division.

A judge may issue an order under division (C) of this section that contains a determination that a delinquent child is a habitual sex offender only if the judge conducts a hearing and determines at the hearing as described in division (E) of section

2950.09 of the Revised Code that the child is a habitual sex offender. If the judge issues an order that contains a determination that a delinquent child is a habitual sex offender, the judge may impose a requirement subjecting the child to community notification provisions as described in that division.

(E) If a judge issues an order under division (C) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and a notice containing the information described in divisions (A)(5), (B)(1)(c), and (B)(1)(f) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order, shall provide the notice as described in division (B)(1)(c) of section 2950.03 of the Revised Code, and shall comply with divisions (B)(1), (B)(2), and (C) of that section regarding that notice.

(F) An order issued under division (C) of this section shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a further modification or a termination of the order under this section. If an order is issued under division (C) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

Sec. 2919.24. (A) No person shall do ~~either~~ any of the following:

(1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child, as defined in section 2151.022 of the Revised Code, or a delinquent child, as defined in section 2151.02 of the Revised Code;

(2) Act in a way tending to cause a child or a ward of the

juvenile court to become an unruly child, as defined in section
2151.022 of the Revised Code, or a delinquent child, as defined in
section 2151.02 of the Revised Code;

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(3) If the person is the parent, guardian, or custodian of a
child who has the duties under Chapter 2950. of the Revised Code
to register, to register a new residence address, and to
periodically verify a residence address and if the child is not
emancipated, as defined in section 2919.121 of the Revised Code,
fail to ensure that the child complies with those duties under
Chapter 2950. of the Revised Code.

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(B) Whoever violates this section is guilty of contributing
to the unruliness or delinquency of a child, a misdemeanor of the
first degree. Each day of violation of this section is a separate
offense.

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

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

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(B) "Habitual sex offender" means a person ~~who~~ to whom both
of the following apply:

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(1) The person is convicted of or pleads guilty to a sexually
oriented offense and who, or the person is adjudicated a
delinquent child for committing on or after the effective date of
this amendment 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 by the adjudicating
juvenile court judge or that judge's successor in office based on
that adjudication.

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(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. 1644
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(C) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 1648
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(D) "Sexually oriented offense" means any of the following: 1650

(1) Subject to division (D)(2) of this section, any of the following violations or offenses: 1651
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~~(1)~~(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; 1653
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~~(2)~~(b) Any of the following offenses involving a minor, in the circumstances specified: 1656
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~~(a)~~(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; 1658
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~~(b)~~(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; 1661
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~~(c)~~(iii) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code; 1666
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~~(d)~~(iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code; 1668
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~~(e)~~(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. 1670
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~~(3)(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 or child;

~~(4)(d)~~ A sexually violent offense;

~~(5)(e)~~ A violation of any former law of this state that was substantially equivalent to any offense listed in division (D)(1)(a), ~~(2), (3)(b), (c),~~ or ~~(4)(d)~~ of this section;

~~(6)(f)~~ A violation of an existing or former municipal ordinance or law of another state or the United States, a violation under the law applicable in a military court, or a violation under the law applicable in an Indian tribal court that is or was substantially equivalent to any offense listed in division (D)(1)(a), ~~(2), (3)(b), (c),~~ or ~~(4)(d)~~ of this section;

~~(7)(g)~~ An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (D)(1)(a), ~~(2), (3), (4), (5)(b), (c), (d), (e),~~ or ~~(6)(f)~~ of this section.

(2) An act committed by a person under eighteen years of age and that, if committed by an adult, would be aggravated murder, murder, attempted aggravated murder or murder, or a felony of the first, second, third, or fourth degree that 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 and that, if committed by an adult, would be aggravated murder, murder, attempted aggravated murder or murder, or a felony of the first, second, third, or fourth degree.

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

(1) The person has been convicted of or pleaded guilty to

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committing a sexually oriented offense and is likely to engage in 1704
the future in one or more sexually oriented offenses. 1705

(2) The person has been adjudicated a delinquent child for 1706
committing on or after the effective date of this amendment a 1707
sexually oriented offense, was fourteen years of age or older at 1708
the time of committing the offense, was classified a juvenile sex 1709
offender registrant by the adjudicating juvenile judge or that 1710
judge's successor in office based on that adjudication, and is 1711
likely to engage in the future in one or more sexually oriented 1712
offenses. 1713

(F) "Supervised release" means a release of an offender from 1714
a prison term, a term of imprisonment, or another type of 1715
confinement that satisfies either of the following conditions: 1716

(1) The release is on parole, a conditional pardon, or 1717
probation, under transitional control, or under a post-release 1718
control sanction, and it requires the person to report to or be 1719
supervised by a parole officer, probation officer, field officer, 1720
or another type of supervising officer. 1721

(2) The release is any type of release that is not described 1722
in division (F)(1) of this section and that requires the person to 1723
report to or be supervised by a probation officer, a parole 1724
officer, a field officer, or another type of supervising officer. 1725

(G) An offender or delinquent child is "adjudicated as being 1726
a sexual predator" if any of the following applies: 1727

(1) The offender is convicted of or pleads guilty to 1728
committing, on or after January 1, 1997, a sexually oriented 1729
offense that is a sexually violent offense and also is convicted 1730
of or pleads guilty to a sexually violent predator specification 1731
that was included in the indictment, count in the indictment, or 1732
information that charged the sexually violent offense. 1733

(2) Regardless of when the sexually oriented offense was 1734

committed, on or after January 1, 1997, the offender is sentenced 1735
for a sexually oriented offense, and the sentencing judge 1736
determines pursuant to division (B) of section 2950.09 of the 1737
Revised Code that the offender is a sexual predator. 1738

(3) The delinquent child is adjudicated a delinquent child 1739
for committing on or after the effective date of this amendment a 1740
sexually oriented offense, the delinquent child was fourteen years 1741
of age or older at the time of committing the offense, the 1742
adjudicating juvenile court judge or that judge's successor in 1743
office classifies the delinquent child based on that adjudication 1744
a juvenile sex offender registrant, and the adjudicating judge or 1745
that judge's successor in office determines pursuant to division 1746
(B) of section 2950.09 or pursuant to section 2152.83 or 2152.84 1747
of the Revised Code that the delinquent child is a sexual 1748
predator. 1749

(4) Prior to January 1, 1997, the offender was convicted of 1750
or pleaded guilty to, and was sentenced for, a sexually oriented 1751
offense, the offender is imprisoned in a state correctional 1752
institution on or after January 1, 1997, and the court determines 1753
pursuant to division (C) of section 2950.09 of the Revised Code 1754
that the offender is a sexual predator. 1755

~~(4)~~(5) Regardless of when the sexually oriented offense was 1756
committed, the offender or delinquent child is convicted of or 1757
pleads guilty to, ~~or~~ has been convicted of or pleaded guilty to, 1758
or is adjudicated a delinquent child for committing a sexually 1759
oriented offense in another state or in a federal court, military 1760
court, or an Indian tribal court, as a result of that conviction 1761
~~or~~, plea of guilty, or adjudication, the offender or delinquent 1762
child is required, under the law of the jurisdiction in which the 1763
offender was convicted or pleaded guilty or the delinquent child 1764
was adjudicated, to register as a sex offender until the 1765
offender's or delinquent child's death and to verify the 1766

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offender's or delinquent child's address on at least a quarterly 1767
basis each year, and, on or after July 1, 1997, for offenders or 1768
the effective date of this amendment for delinquent children the 1769
offender or delinquent child moves to and resides in this state or 1770
temporarily is domiciled in this state for more than seven days, 1771
unless a court of common pleas or juvenile court determines that 1772
the offender or delinquent child is not a sexual predator pursuant 1773
to division (F) of section 2950.09 of the Revised Code. 1774

(H) "Sexually violent predator specification" and "sexually 1775
violent offense" have the same meanings as in section 2971.01 of 1776
the Revised Code. 1777

(I) "Post-release control sanction" and "transitional 1778
control" have the same meanings as in section 2967.01 of the 1779
Revised Code. 1780

(J) "Juvenile sex offender registrant" means a person who is 1781
adjudicated a delinquent child for committing on or after the 1782
effective date of this amendment a sexually oriented offense, who 1783
is fourteen years of age or older at the time of committing the 1784
offense, and who a juvenile court judge, pursuant to an order 1785
issued under division (A) or (B) of section 2152.82, section 1786
2152.83, or section 2152.84 of the Revised Code, classifies as a 1787
juvenile sex offender registrant and specifies has a duty to 1788
register under section 2950.04 of the Revised Code. 1789

(K) "Secure facility" means any facility that is designed and 1790
operated to ensure that all of its entrances and exits are locked 1791
and under the exclusive control of its staff and to ensure that, 1792
because of that exclusive control, no person who is 1793
institutionalized or confined in the facility may leave the 1794
facility without permission or supervision. 1795

Sec. 2950.02. (A) The general assembly hereby determines and 1796
declares that it recognizes and finds all of the following: 1797

(1) If the public is provided adequate notice and information 1798
about sexual predators, habitual sex offenders, and certain other 1799
offenders and delinquent children who commit sexually oriented 1800
offenses, members of the public and communities can develop 1801
constructive plans to prepare themselves and their children for 1802
the sexual predator's, habitual sex offender's, or other 1803
offender's or delinquent child's release from imprisonment, a 1804
prison term, or other confinement or detention. This allows 1805
members of the public and communities to meet with members of law 1806
enforcement agencies to prepare and obtain information about the 1807
rights and responsibilities of the public and the communities and 1808
to provide education and counseling to their children. 1809

(2) Sexual predators and habitual sex offenders pose a high 1810
risk of engaging in further offenses even after being released 1811
from imprisonment, a prison term, or other confinement or 1812
detention and that protection of members of the public from sexual 1813
predators and habitual sex offenders is a paramount governmental 1814
interest. 1815

(3) The penal, juvenile, and mental health components of the 1816
justice system of this state are largely hidden from public view, 1817
and a lack of information from ~~either~~ any component may result in 1818
the failure of ~~both systems~~ the system to satisfy this paramount 1819
governmental interest of public safety described in division 1820
(A)(2) of this section. 1821

(4) Overly restrictive confidentiality and liability laws 1822
governing the release of information about sexual predators and 1823
habitual sex offenders have reduced the willingness to release 1824
information that could be appropriately released under the public 1825
disclosure laws and have increased risks of public safety. 1826

(5) A person who is found to be a sexual predator or a 1827
habitual sex offender has a reduced expectation of privacy because 1828
of the public's interest in public safety and in the effective 1829

operation of government.

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(6) The release of information about sexual predators and habitual sex offenders to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal, juvenile, and mental health systems as long as the information released is rationally related to the furtherance of those goals.

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(B) The general assembly hereby declares that, in providing in this chapter for registration regarding sexual predators, habitual sex offenders, and offenders and certain delinquent children who have committed sexually oriented offenses and for community notification regarding sexual predators and habitual sex offenders who are about to be or have been released from imprisonment, a prison term, or other confinement or detention and who will live in or near a particular neighborhood or who otherwise will live in or near a particular neighborhood, it is the general assembly's intent to protect the safety and general welfare of the people of this state. The general assembly further declares that it is the policy of this state to require the exchange in accordance with this chapter of relevant information about sexual predators and habitual sex offenders among public agencies and officials and to authorize the release in accordance with this chapter of necessary and relevant information about sexual predators and habitual sex offenders to members of the general public as a means of assuring public protection and that the exchange or release of that information is not punitive.

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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 on or after the

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effective date of this amendment a sexually oriented offense, who 1861
is fourteen years of age or older at the time of committing the 1862
offense, and who is classified by the adjudicating juvenile court 1863
judge pursuant to section 2152.82 of the Revised Code a juvenile 1864
sex offender registrant based on that adjudication, shall be 1865
provided notice in accordance with this section of the offender's 1866
or delinquent child's duty to register under ~~that~~ section 2950.04 1867
of the Revised Code, the offender's or delinquent child's duty to 1868
provide notice of any change in the offender's or delinquent 1869
child's residence address and to register the new residence 1870
address pursuant to section 2950.05 of the Revised Code, and the 1871
offender's or delinquent child's duty to periodically verify the 1872
offender's or delinquent child's residence address pursuant to 1873
section 2950.06 of the Revised Code. The following official shall 1874
provide the notice to the offender or delinquent child at the 1875
following time: 1876

(1) Regardless of when the offender committed the sexually 1877
oriented offense, if the person is an offender who is sentenced 1878
for the sexually oriented offense to a prison term, a term of 1879
imprisonment, or any other type of confinement, and if, on or 1880
after January 1, 1997, the offender is serving that term or is 1881
under that confinement, the official in charge of the jail, 1882
workhouse, state correctional institution, or other institution in 1883
which the offender serves the prison term, term of imprisonment, 1884
or confinement, or a designee of that official, shall provide the 1885
notice to the offender before the offender is released pursuant to 1886
any type of supervised release or before the offender otherwise is 1887
released from the prison term, term of imprisonment, or 1888
confinement. 1889

(2) Regardless of when the offender committed the sexually 1890
oriented offense, if the person is an offender who is sentenced 1891
for ~~that~~ the sexually oriented offense on or after January 1, 1892

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1997, and if division (A)(1) of this section does not apply, the judge shall provide the notice to the offender at the time of sentencing.

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

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

(5) If the person is a delinquent child who is adjudicated a delinquent child for committing on or after the effective date of this amendment a sexually oriented offense, who is fourteen years of age or older at the time of committing the offense, and who is classified by the adjudicating juvenile court judge pursuant to section 2152.82 of the Revised Code a juvenile sex offender registrant based on that adjudication, the judge shall provide the notice to the delinquent child at the time of the adjudication and classification.

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

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

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(b) If the notice is provided to an offender under division 1957
(A)(1), (2), or (4) of this section, the official, official's 1958
designee, or judge shall require the offender to read and sign a 1959
form prescribed by the bureau of criminal identification and 1960
investigation, stating that the offender's duties to register, to 1961
register a new residence address, and to periodically verify a 1962
residence address have been explained to the offender. If the 1963
offender is unable to read, the official, official's designee, or 1964
judge shall certify on the form that the official, designee, or 1965
judge specifically informed the offender of those duties and that 1966
the offender indicated an understanding of those duties. 1967

(c) If the notice is provided to a delinquent child under 1968
division (A)(5) of this section, the judge shall require the 1969
delinquent child and the delinquent child's parent, guardian, or 1970
custodian to read and sign a form prescribed by the bureau of 1971
criminal identification and investigation, stating that the 1972
delinquent child's duties to register, to register a new residence 1973
address, and to periodically verify a residence address have been 1974
explained to the delinquent child and to the delinquent child's 1975
parent, guardian, or custodian. If the delinquent child or the 1976
delinquent child's parent, guardian, or custodian is unable to 1977
read, the judge shall certify on the form that the judge 1978
specifically informed the delinquent child or the delinquent 1979
child's parent, guardian, or custodian of those duties and that 1980
the delinquent child or the delinquent child's parent, guardian, 1981
or custodian indicated an understanding of those duties. 1982

(d) For any notice provided under division (A) of this 1983
section, the form used shall contain all of the information 1984
required by the bureau of criminal identification and 1985
investigation, including, but not limited to, a statement that the 1986
subject delinquent child if applicable has been classified by the 1987
adjudicating juvenile court judge a juvenile sex offender 1988

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registrant and has a duty to register, a statement as to whether 1989
the offender or delinquent child has been adjudicated as being a 1990
sexual predator relative to the sexually oriented offense in 1991
question, a statement as to whether the offender or delinquent 1992
child has been determined to be a habitual sex offender, an 1993
explanation of the periodic residence address verification process 1994
and of the frequency with which the offender or delinquent child 1995
will be required to verify the residence address under that 1996
process, and a statement that the offender or delinquent child 1997
must verify the residence address at the times specified under 1998
that process or face criminal prosecution or a delinquent child 1999
proceeding. 2000

(d)(e) If the notice is provided under division (A)(4) of 2001
this section, in addition to all other information contained on 2002
it, the form also shall include a statement that the notice 2003
replaces any notice previously provided to the offender under 2004
division (A)(1) of this section, a statement that the offender's 2005
duties described in this notice supersede the duties described in 2006
the prior notice, and a statement notifying the offender that, if 2007
the offender already has registered under section 2950.04 of the 2008
Revised Code, the offender must register again pursuant to 2009
division (A)(6) of that section. 2010

(f) If the notice is provided under division (A)(5) of this 2011
section, the form, in addition to all other information contained 2012
on it, shall inform the delinquent child and the delinquent 2013
child's parent, guardian, or custodian that, if the delinquent 2014
child fails to comply with the requirements of sections 2950.04, 2015
2950.05, and 2950.06 of the Revised Code, all of the following 2016
apply: 2017

(i) If the delinquent child's failure occurs while the child 2018
is under eighteen years of age, the child is subject to 2019
proceedings under Chapter 2152. of the Revised Code based on the 2020

failure, but if the failure occurs while the child is eighteen 2021
years of age or older, the child is subject to criminal 2022
prosecution based on the failure. 2023

(ii) If the delinquent child's failure occurs while the child 2024
is under eighteen years of age, unless the child is emancipated, 2025
as defined in section 2919.121 of the Revised Code, the failure of 2026
the parent, guardian, or custodian to ensure that the child 2027
complies with those requirements is a violation of section 2919.24 2028
of the Revised Code and may result in the prosecution of the 2029
parent, guardian, or custodian for that violation. 2030

(2)(a) After an offender described in division (A)(1), (2), 2032
or (4) of this section has signed the form described in division 2033
(B)(1) of this section or the official, official's designee, or 2034
judge has certified on ~~it~~ the form that ~~it~~ the form has been 2035
explained to the offender and that the offender indicated an 2036
understanding of the duties indicated on it, the official, 2037
official's designee, or judge shall give one copy of the form to 2038
the offender, within three days shall send one copy of the form to 2039
the bureau of criminal identification and investigation in 2040
accordance with the procedures adopted pursuant to section 2950.13 2041
of the Revised Code, and shall send one copy of the form to the 2042
sheriff of the county in which the offender expects to reside. 2043
After 2044

(b) After a chief of police or sheriff has sent a form to an 2045
offender under division (A)(3) of this section, the chief or 2046
sheriff shall send a copy of the form to the bureau of criminal 2047
identification and investigation in accordance with the procedures 2048
adopted pursuant to section 2950.13 of the Revised Code. 2049

(c) After a delinquent child described in division (A)(5) of 2050
this section and the delinquent child's parent, guardian, or 2051
custodian have signed the form described in division (B)(1) of 2052

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this section or the judge has certified on the form that the form 2053
has been explained to the delinquent child or the delinquent 2054
child's parent, guardian, or custodian and that the delinquent 2055
child or the delinquent child's parent, guardian, or custodian 2056
indicated an understanding of the duties and information indicated 2057
on the form, the judge shall give a copy of the form to both the 2058
delinquent child and to the delinquent child's parent, guardian, 2059
or custodian, within three days shall send one copy of the form to 2060
the bureau of criminal identification and investigation in 2061
accordance with the procedures adopted pursuant to section 2950.13 2062
of the Revised Code, and shall send one copy of the form to the 2063
sheriff of the county in which the delinquent child expects to 2064
reside. 2065

(C) The official, official's designee, judge, chief of 2066
police, or sheriff who is required to provide notice to an 2067
offender or delinquent child under division (A) of this section 2068
shall do all of the following: 2069

(1) If the notice is provided under division (A)(1), (2), ~~or~~ 2070
(4), or (5) of this section, the official, designee, or judge 2071
shall determine the offender's or delinquent child's name, 2072
identifying factors, and expected future residence address, shall 2073
obtain the offender's or delinquent child's criminal and 2074
delinquency history, and shall obtain a photograph and the 2075
fingerprints of the offender or delinquent child. If the notice is 2076
provided by a judge under division (A)(2) ~~or~~, (4), or (5) of this 2077
section, the sheriff shall provide the offender's or delinquent 2078
child's criminal and delinquency history to the judge. The 2079
official, official's designee, or judge shall obtain this 2080
information and these items prior to giving the notice, except 2081
that a judge may give the notice prior to obtaining the offender's 2082
or delinquent child's criminal and delinquency history. Within 2083
three days after receiving this information and these items, the 2084

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official, official's designee, or judge shall forward the 2085
information and items to the bureau of criminal identification and 2086
investigation in accordance with the forwarding procedures adopted 2087
pursuant to section 2950.13 of the Revised Code and to the sheriff 2088
of the county in which the offender or delinquent child expects to 2089
reside. If the notice is provided under division (A)(5) of this 2090
section and if the delinquent child has been committed to the 2091
department of youth services or to a secure facility, the judge, 2092
in addition to the other information and items described in this 2093
division, also shall forward to the bureau and to the sheriff 2094
notification that the child has been so committed. If it has not 2095
already done so, the bureau of criminal identification and 2096
investigation shall forward a copy of the fingerprints and 2097
conviction data received under this division to the federal bureau 2098
of investigation. 2099

(2) If the notice is provided under division (A)(3) of this 2100
section, the chief of police or sheriff shall determine the 2101
offender's name, identifying factors, and residence address, shall 2102
obtain the offender's criminal history from the bureau of criminal 2103
identification and investigation, and, to the extent possible, 2104
shall obtain a photograph and the fingerprints of the offender. 2105
Within three days after receiving this information and these 2106
items, the chief or sheriff shall forward the information and 2107
items to the bureau of criminal identification and investigation 2108
in accordance with the forwarding procedures adopted pursuant to 2109
section 2950.13 of the Revised Code and, in relation to a chief of 2110
police, to the sheriff of the county in which the offender 2111
resides. If it has not already done so, the bureau of criminal 2112
identification and investigation shall forward a copy of the 2113
fingerprints and conviction data so received to the federal bureau 2114
of investigation. 2115

Sec. 2950.04. (A)(1) Each offender who is convicted of or 2116

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pleads guilty to, or has been convicted of or pleaded guilty to, a 2117
sexually oriented offense and who is described in division 2118
(A)(1)(a), ~~(2)(b)~~, or ~~(3)(c)~~ of this section shall register 2119
personally with the sheriff of the following applicable described 2120
county and at the following time: 2121

~~(1)(a)~~ Regardless of when the sexually oriented offense was 2122
committed, if the offender is sentenced for the sexually oriented 2123
offense to a prison term, a term of imprisonment, or any other 2124
type of confinement and if, on or after July 1, 1997, the offender 2125
is released in any manner from the prison term, term of 2126
imprisonment, or confinement, within seven days of the offender's 2127
coming into any county in which the offender resides or 2128
temporarily is domiciled for more than seven days, the offender 2129
shall register with the sheriff of that county. 2130

~~(2)(b)~~ Regardless of when the sexually oriented offense was 2131
committed, if the offender is sentenced for a sexually oriented 2132
offense on or after July 1, 1997, and if division (A)(1)(a) of 2133
this section does not apply, within seven days of the offender's 2134
coming into any county in which the offender resides or 2135
temporarily is domiciled for more than seven days, the offender 2136
shall register with the sheriff of that county. 2137

~~(3)(c)~~ If the sexually oriented offense was committed prior 2138
to July 1, 1997, if neither division (A)(1)(a) nor division 2139
(A)~~(2)(1)(b)~~ of this section applies, and if, immediately prior to 2140
July 1, 1997, the offender was a habitual sex offender who was 2141
required to register under Chapter 2950. of the Revised Code, 2142
within seven days of the offender's coming into any county in 2143
which the offender resides or temporarily is domiciled for more 2144
than seven days, the offender shall register with the sheriff of 2145
that county. 2146

(2) Each delinquent child who is adjudicated a delinquent 2147
child for committing on or after the effective date of this 2148

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amendment a sexually oriented offense, who is fourteen years of 2149
age or older at the time of committing the offense, who is 2150
classified by a juvenile court judge pursuant to an order issued 2151
under division (A) or (B) of section 2152.82, section 2152.83, or 2152
section 2152.84 of the Revised Code a juvenile sex offender 2153
registrant based on that adjudication, and who is described in 2154
division (A)(2)(a) or (b) of this section shall register 2155
personally with the sheriff of the following applicable described 2156
county and at the following time: 2157

(a) If the delinquent child is committed for the sexually 2158
oriented offense to the department of youth services or to a 2159
secure facility that is not operated by the department, if, on or 2160
after the effective date of this amendment, the delinquent child 2161
is discharged or released in any manner from custody in a 2162
department of youth services secure facility or from the secure 2163
facility that is not operated by the department, and if pursuant 2164
to the discharge or release the delinquent child is not committed 2165
to any other secure facility of the department or any other secure 2166
facility, within seven days of the delinquent child's coming into 2167
any county in which the delinquent child resides or temporarily is 2168
domiciled for more than seven days, the delinquent child shall 2169
register with the sheriff of that county. The delinquent child 2170
does not have a duty to register under this division or division 2171
(A)(2)(b) of this section while the child is in a department of 2172
youth services secure facility or in a secure facility that is not 2173
operated by the department. 2174

(b) If the delinquent child has not been committed as 2175
described in division (A)(2)(a) of this section, within seven days 2176
of the delinquent child's coming into any county in which the 2177
delinquent child resides or temporarily is domiciled for more than 2178
seven days, the delinquent child shall register with the sheriff 2179
of that county. 2180

+4)(3) Each offender who is convicted of or pleads guilty to, 2181
or has been convicted of or pleaded guilty to, a sexually oriented 2182
offense and who is described in division (A)(3)(a) or (b) of this 2183
section, and each delinquent child who is adjudicated a delinquent 2184
child for committing a sexually oriented offense and who is 2185
described in either of those divisions, shall register personally 2186
with the sheriff of the following applicable described county and 2187
at the following time: 2188

(a) Regardless of when the sexually oriented offense was 2189
committed, if divisions (A)(1), ~~(2)~~, and ~~(3)~~(a), (A)(1)(b), 2190
(A)(1)(c), (A)(2)(a), and (A)(2)(b) of this section do not apply, 2191
if the offender person is convicted of or, pleads guilty to, or is 2192
adjudicated a delinquent child for committing a sexually oriented 2193
offense in another state or in a federal court, military court, or 2194
an Indian tribal court, if, on or after July 1, 1997, for 2195
offenders or the effective date of this amendment for delinquent 2196
children the offender or delinquent child moves to and resides in 2197
this state or temporarily is domiciled in this state for more than 2198
seven days, and if, at the time the offender or delinquent child 2199
moves to and resides in this state or temporarily is domiciled in 2200
this state for more than seven days, the offender or delinquent 2201
child has a duty to register as a sex offender under the law of 2202
that other jurisdiction as a result of the conviction or, guilty 2203
plea, or adjudication, within seven days of the offender's or 2204
delinquent child's coming into any county in which the offender or 2205
delinquent child resides or temporarily is domiciled for more than 2206
seven days, the offender or delinquent child shall register with 2207
the sheriff of that county. 2208

+5)(b) Regardless of when the sexually oriented offense was 2209
committed, if divisions (A)(1), ~~(2)~~, and ~~(3)~~(a), (A)(1)(b), 2210
(A)(1)(c), (A)(2)(a), and (A)(2)(b) of this section do not apply, 2211
if the offender person is convicted of or, pleads guilty to, or is 2212

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adjudicated a delinquent child for committing a sexually oriented 2213
offense in another state or in a federal court, military court, or 2214
an Indian tribal court, if, on or after July 1, 1997, for 2215
offenders or the effective date of this amendment for delinquent 2216
children, the offender or delinquent child is released from 2217
imprisonment or, confinement, or detention imposed for that 2218
offense, and if, on or after July 1, 1997, for offenders or the 2219
effective date of this amendment for delinquent children, the 2220
offender or delinquent child moves to and resides in this state or 2221
temporarily is domiciled in this state for more than seven days, 2222
within seven days of the offender's or delinquent child's coming 2223
into any county in which the offender or delinquent child resides 2224
or temporarily is domiciled for more than seven days the offender 2225
or delinquent child shall register with the sheriff of that 2226
county. The duty to register as described in this division applies 2227
to an offender regardless of whether the offender, at the time of 2228
moving to and residing in this state or temporarily being 2229
domiciled in this state for more than seven days, has a duty to 2230
register as a sex offender under the law of the jurisdiction in 2231
which the conviction or guilty plea occurred. The duty to register 2232
as described in this division applies to a delinquent child only 2233
if the delinquent child, at the time of moving to and residing in 2234
this state or temporarily being domiciled in this state for more 2235
than seven days, has a duty to register as a sex offender under 2236
the law of the jurisdiction in which the delinquent child 2237
adjudication occurred or if, had the delinquent child adjudication 2238
occurred in this state, the adjudicating juvenile court judge 2239
would have been required to issue an order classifying the 2240
delinquent child as a juvenile sex offender registrant pursuant to 2241
division (A) of section 2952.82 of the Revised Code. 2242

+6)(4) If division (A)(1)(a) of this section applies and if, 2243
subsequent to the offender's release, the offender is adjudicated 2244
to be a sexual predator under division (C) of section 2950.09 of 2245

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the Revised Code, the offender shall register within seven days of 2246
the adjudication with the sheriff of the county in which the 2247
offender resides or temporarily is domiciled for more than seven 2248
days and shall register with the sheriff of any county in which 2249
the offender subsequently resides or temporarily is domiciled for 2250
more than seven days within seven days of coming into that county. 2251

(5) A person who is adjudicated a delinquent child for 2252
committing a sexually oriented offense is not required to register 2253
under division (A)(2) of this section unless the delinquent child 2254
committed the offense on or after the effective date of this 2255
amendment, was fourteen years of age or older at the time of 2256
committing the offense, is classified a juvenile sex offender 2257
registrant by a juvenile court judge pursuant to an order issued 2258
under division (A) or (B) of section 2152.82, section 2152.83, or 2259
section 2152.84 of the Revised Code based on that adjudication, 2260
and has a duty to register pursuant to division (A)(2)(a) or (b) 2261
of this section. 2262

(B) An offender or delinquent child who is required by 2263
division (A) of this section to register personally shall obtain 2264
from the sheriff or from a designee of the sheriff a registration 2265
form that conforms to division (C) of this section, shall complete 2266
and sign the form, and shall return the completed form together 2267
with the offender's or delinquent child's photograph to the 2268
sheriff or the designee. The sheriff or designee shall sign the 2269
form and indicate on the form the date on which it is so returned. 2270
The registration required under this division is complete when the 2271
offender or delinquent child returns the form, containing the 2272
requisite information, photograph, signatures, and date, to the 2273
sheriff or designee. 2274

(C) The registration form to be used under divisions (A) and 2275
(B) of this section shall contain the current residence address of 2276
the offender or delinquent child who is registering, the name and 2277

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address of the offender's or delinquent child's employer, if the 2278
offender or delinquent child is employed at the time of 2279
registration or if the offender or delinquent child knows at the 2280
time of registration that the offender or delinquent child will be 2281
commencing employment with that employer subsequent to 2282
registration, and any other information required by the bureau of 2283
criminal identification and investigation and shall include the 2284
offender's or delinquent child's photograph. Additionally, if the 2285
offender or delinquent child has been adjudicated as being a 2286
sexual predator relative to the sexually oriented offense in 2287
question and the court has not subsequently determined pursuant to 2288
division (D) of section 2950.09, section 2152.83, or section 2289
2152.84 of the Revised Code that the offender or delinquent child 2290
no longer is a sexual predator or if the ~~sentencing~~ judge 2291
determined pursuant to division (C) of section 2950.09, section 2292
2152.83, or section 2152.84 of the Revised Code that the offender 2293
or delinquent child is a habitual sex offender, the offender or 2294
delinquent child shall include on the signed, written registration 2295
form all of the following information: 2296

(1) A specific declaration that the person has been 2297
adjudicated as being a sexual predator or has been determined to 2298
be a habitual sex offender, whichever is applicable; 2299

(2) If the offender or delinquent child has been adjudicated 2300
as being a sexual predator, the identification license plate 2301
number of each motor vehicle the offender or delinquent child owns 2302
and of each motor vehicle registered in the offender's or 2303
delinquent child's name. 2304

(D) After an offender or delinquent child registers with a 2305
sheriff pursuant to this section, the sheriff shall forward the 2306
signed, written registration form and photograph to the bureau of 2307
criminal identification and investigation in accordance with the 2308
forwarding procedures adopted pursuant to section 2950.13 of the 2309

Revised Code. The bureau shall include the information and 2310
materials forwarded to it under this division in the state 2311
registry of sex offenders established and maintained under section 2312
2950.13 of the Revised Code. 2313

(E) No person who is required to register pursuant to 2314
divisions (A) and (B) of this section shall fail to register as 2315
required in accordance with those divisions or that division. 2316

(F) An offender or delinquent child who is required to 2317
register pursuant to divisions (A) and (B) of this section shall 2318
register pursuant to this section for the period of time specified 2319
in section 2950.07 of the Revised Code. 2320

Sec. 2950.05. (A) If an offender or delinquent child is 2321
required to register pursuant to section 2950.04 of the Revised 2322
Code, the offender or delinquent child, at least seven days prior 2323
to changing the offender's or delinquent child's residence address 2324
during the period during which the offender or delinquent child is 2325
required to register, shall provide written notice of the 2326
residence address change to the sheriff with whom the offender or 2327
delinquent child most recently registered under section 2950.04 of 2328
the Revised Code or under division (B) of this section. 2329

(B) If an offender or delinquent child is required to provide 2330
notice of a residence address change under division (A) of this 2331
section, the offender or delinquent child, at least seven days 2332
prior to changing the residence address, also shall register the 2333
new residence address in the manner described in divisions (B) and 2334
(C) of section 2950.04 of the Revised Code with the sheriff of the 2335
county in which the offender's or delinquent child's new residence 2336
address is located, subject to division (C) of this section. 2337

(C) Divisions (A) and (B) of this section apply to a person 2339
who is required to register pursuant to section 2950.04 of the 2340

Revised Code regardless of whether the new residence address is in
this state or in another state. If the new residence address is in
another state, the person shall register with the appropriate law
enforcement officials in that state in the manner required under
the law of that state and within the earlier of the period of time
required under the law of that state or at least seven days prior
to changing the residence address.

(D)(1) Upon receiving from an offender or delinquent child
pursuant to division (A) of this section notice of a change of the
offender's or delinquent child's residence address, a sheriff
promptly shall forward the new residence address to the bureau of
criminal identification and investigation in accordance with the
forwarding procedures adopted pursuant to section 2950.13 of the
Revised Code if the new residence address is in another state or,
if the offender's or delinquent child's new residence address is
located in another county in this state, to the sheriff of that
county. 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 and shall forward notice of the offender's or delinquent
child's new residence address to the appropriate officials in the
other state.

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

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

(2) No person who is required to register a new residence

address with a sheriff or with an official of another state 2373
pursuant to divisions (B) and (C) of this section shall fail to 2374
register with the appropriate sheriff or official of the other 2375
state in accordance with those divisions. 2376

(F) An offender or delinquent child who is required to comply 2377
with divisions (A), (B), and (C) of this section shall do so for 2378
the period of time specified in section 2950.07 of the Revised 2379
Code. 2380

Sec. 2950.06. (A) An offender or delinquent child who is 2381
required to register pursuant to section 2950.04 of the Revised 2382
Code shall periodically verify the offender's or delinquent 2383
child's current residence address in accordance with this section. 2384
The frequency of verification shall be determined in accordance 2385
with division (B) of this section, and the manner of verification 2386
shall be determined in accordance with division (C) of this 2387
section. 2388

(B) The frequency with which an offender or delinquent child 2389
must verify the offender's or delinquent child's current residence 2390
address pursuant to division (A) of this section shall be 2391
determined as follows: 2392

(1) Regardless of when the sexually oriented offense for 2393
which the offender or delinquent child is required to register was 2394
committed, if the offender or delinquent child has been 2395
adjudicated as being a sexual predator relative to the sexually 2396
oriented offense and if the court has not subsequently entered a 2397
determination pursuant to division (D) of section 2950.09, section 2398
2152.83, or section 2152.84 of the Revised Code that the offender 2399
or delinquent child no longer is a sexual predator, the offender 2400
or delinquent child shall verify the offender's or delinquent 2401
child's current residence address in accordance with division (C) 2402
of this section every ninety days after the offender's or 2403

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delinquent child's initial registration date during the period the 2404
offender or delinquent child is required to register. 2405

(2) In all circumstances not described in division (B)(1) of 2406
this section, the offender or delinquent child shall verify the 2407
offender's or delinquent child's current residence address in 2408
accordance with division (C) of this section on each anniversary 2409
of the offender's or delinquent child's initial registration date 2410
during the period the offender or delinquent child is required to 2411
register. 2412

(C)(1) An offender or delinquent child who is required to 2413
verify the offender's or delinquent child's current residence 2414
address pursuant to division (A) of this section shall verify the 2415
address with the sheriff with whom the offender or delinquent 2416
child most recently registered by personally appearing before the 2417
sheriff or a designee of the sheriff, no earlier than ten days 2418
before the date on which the verification is required pursuant to 2419
division (B) of this section and no later than the date so 2420
required for verification, and completing and signing a copy of 2421
the verification form prescribed by the bureau of criminal 2422
identification and investigation. The sheriff or designee shall 2423
sign the completed form and indicate on the form the date on which 2424
it is so completed. The verification required under this division 2425
is complete when the offender or delinquent child personally 2426
appears before the sheriff or designee and completes and signs the 2427
form as described in this division. 2428

(2) To facilitate the verification of an offender's or 2429
delinquent child's current residence address under division (C)(1) 2430
of this section, the sheriff with whom the offender or delinquent 2431
child most recently registered may mail a nonforwardable 2432
verification form prescribed by the bureau of criminal 2433
identification and investigation to the offender's or delinquent 2434
child's last reported address and to the last reported address of 2435

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the parents of the delinquent child, with a notice that 2436
conspicuously states that the offender or delinquent child must 2437
personally appear before the sheriff or a designee of the sheriff 2438
to complete the form and the date by which the form must be so 2439
completed. Regardless of whether a sheriff mails a form to an 2440
offender or delinquent child and that child's parents, each 2441
offender or delinquent child who is required to verify the 2442
offender's or delinquent child's current residence address 2443
pursuant to division (A) of this section shall personally appear 2444
before the sheriff or a designee of the sheriff to verify the 2445
address in accordance with division (C)(1) of this section. 2446

(D) The verification form to be used under division (C) of 2447
this section shall contain the current residence address of the 2448
offender or delinquent child, the name and address of the 2449
offender's or delinquent child's employer if the offender or 2450
delinquent child is employed at the time of verification or if the 2451
offender or delinquent child knows at the time of verification 2452
that the offender or delinquent child will be commencing 2453
employment with that employer subsequent to verification, and any 2454
other information required by the bureau of criminal 2455
identification and investigation. 2456

(E) Upon an offender's or delinquent child's personal 2457
appearance and completion of a verification form under division 2458
(C) of this section, a sheriff promptly shall forward a copy of 2459
the verification form to the bureau of criminal identification and 2460
investigation in accordance with the forwarding procedures adopted 2461
by the attorney general pursuant to section 2950.13 of the Revised 2462
Code. The bureau shall include all information forwarded to it 2463
under this division in the state registry of sex offenders 2464
established and maintained under section 2950.13 of the Revised 2465
Code. 2466

(F) No person who is required to verify a current residence 2467

address pursuant to divisions (A) to (C) of this section shall 2468
fail to verify a current residence address in accordance with 2469
those divisions by the date required for the verification as set 2470
forth in division (B) of this section, provided that no person 2471
shall be prosecuted or subjected to a delinquent child proceeding 2472
for a violation of this division, and that no parent, guardian, or 2473
custodian of a delinquent child shall be prosecuted for a 2474
violation of section 2919.24 of the Revised Code based on the 2475
delinquent child's violation of this division, prior to the 2476
expiration of the period of time specified in division (G) of this 2477
section. 2478

(G)(1) If an offender or delinquent child fails to verify a 2479
current residence address as required by divisions (A) to (C) of 2480
this section by the date required for the verification as set 2481
forth in division (B) of this section, the sheriff with whom the 2482
offender or delinquent child is required to verify the current 2483
residence address, on the day following that date required for the 2484
verification, shall send a written warning to the offender or to 2485
the delinquent child and that child's parents, at the offender's 2486
or delinquent child's and that child's parents last known 2487
residence address, regarding the offender's or delinquent child's 2488
duty to verify the offender's or delinquent child's current 2489
residence address. ~~The~~ 2490

The written warning shall identify do all of the following: 2491

(a) Identify the sheriff who sends it and the date on which 2492
it is sent ~~and shall state;~~ 2493

(b) State conspicuously that the offender or delinquent child 2494
has failed to verify the offender's or delinquent child's current 2495
residence address by the date required for the verification~~;~~i 2496

(c) Conspicuously state that the offender or delinquent child 2497
2498

has seven days from the date on which the warning is sent to 2499
verify the current residence address with the sheriff who sent the 2500
warning; 2501

(d) Conspicuously state that a failure to timely verify the 2502
current residence address is a felony offense; 2503

(e) Conspicuously state that, if the offender or delinquent 2504
child verifies the current residence address with that sheriff 2505
within that seven-day-period, the offender or delinquent child 2506
will not be prosecuted or subjected to a delinquent child 2507
proceeding for a failure to timely verify a current residence 2508
address; and the delinquent child's parent, guardian, or custodian 2509
will not be prosecuted based on a failure of the delinquent child 2510
to timely verify an address; 2511

(f) Conspicuously state that, if the offender or delinquent 2512
child does not verify the current residence address with that 2513
sheriff within that seven-day-period, the offender or delinquent 2514
child will be arrested or taken into custody, as appropriate, and 2515
prosecuted or subjected to a delinquent child proceeding for a 2516
failure to timely verify a current residence address and the 2517
delinquent child's parent, guardian, or custodian may be 2518
prosecuted for a violation of section 2919.24 of the Revised Code 2519
based on the delinquent child's failure to timely verify a current 2520
residence address. 2521

(2) If an offender or delinquent child fails to verify a 2522
current residence address as required by divisions (A) to (C) of 2523
this section by the date required for the verification as set 2524
forth in division (B) of this section, the offender or delinquent 2525
child shall not be prosecuted or subjected to a delinquent child 2526
proceeding for a violation of division (F) of this section, and 2527
the delinquent child's parent, guardian, or custodian shall not be 2528
prosecuted for a violation of section 2919.24 of the Revised Code 2529
based on the delinquent child's failure to timely verify a current 2530

residence address, unless the seven-day-period subsequent to that 2531
date that the offender or delinquent child is provided under 2532
division (G)(1) of this section to verify the current residence 2533
address has expired and the offender or delinquent child, prior to 2534
the expiration of that seven-day-period, has not verified the 2535
current residence address. Upon the expiration of the 2536
seven-day-period that the offender or delinquent child is provided 2537
under division (G)(1) of this section to verify the current 2538
residence address has expired, if the offender or delinquent child 2539
has not verified the current residence address, all of the 2540
following apply: 2541

(a) The sheriff with whom the offender or delinquent child is 2542
required to verify the current residence address promptly shall 2543
notify the bureau of criminal identification and investigation of 2544
the failure. 2545

(b) The sheriff with whom the offender or delinquent child is 2546
required to verify the current residence address, the sheriff of 2547
the county in which the offender or delinquent child resides, or a 2548
deputy of the appropriate sheriff, shall locate the offender or 2549
delinquent child, promptly shall seek a warrant for the arrest or 2550
taking into custody, as appropriate, of the offender or delinquent 2551
child for the violation of division (F) of this section and shall 2552
arrest the offender or take the child into custody, as 2553
appropriate. 2554

(c) The offender or delinquent child is subject to 2555
prosecution or a delinquent child proceeding for the violation of 2556
division (F) of this section, and the delinquent child's parent, 2557
guardian, or custodian may be subject to prosecution for a 2558
violation of section 2919.24 of the Revised Code based on the 2559
delinquent child's violation of that division. 2560

(H) A person who is required to verify the person's current 2561
residence address pursuant to divisions (A) to (C) of this section 2562

shall do so for the period of time specified in section 2950.07 of
the Revised Code.

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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 who is classified as a juvenile sex offense
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:

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(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.

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

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

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(4) If the offender's or delinquent child's duty to register
is imposed pursuant to division (A)~~(4)~~ or (5)(3)(a) or (b) of
section 2950.04 of the Revised Code, the offender's duty to comply
with those sections commences on ~~the effective date of this~~
~~amendment~~ March 30, 1999, or on the date that the offender begins
to reside or becomes temporarily domiciled in this state,

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whichever is later, and the delinquent child's duty commences on 2594
the effective date of this amendment or on the date the delinquent 2595
child begins to reside or beomes temporarily domiciled in this 2596
state, whichever is later. 2597

(5) If the delinquent child's duty to register is imposed 2598
pursuant to division (A)(2)(a) of section 2950.04 of the Revised 2599
Code, the delinquent child's duty to comply with those sections 2600
commences on the date of the delinquent child's discharge or 2601
release from custody in a department of youth services secure 2602
facility or from a secure facility not operated by the department 2603
as described in that division. 2604

(6) If the delinquent child's duty to register is imposed 2605
pursuant to division (A)(2)(b) of section 2950.04 of the Revised 2606
Code and the delinquent child's classification as a juvenile sex 2607
offender registrant is made pursuant to section 2152.82 of the 2608
Revised Code, the delinquent child's duty to comply with those 2609
sections commences on the date of entry of the order of 2610
disposition for committing the sexually oriented offense. 2611

(7) If the delinquent child's duty to register is imposed 2612
pursuant to division (A)(2)(b) of section 2950.04 of the Revised 2613
Code and the delinquent child's classification as a juvenile sex 2614
offender registrant is made pursuant to division (B) of section 2615
2152.83 of the Revised Code, the delinquent child's duty to comply 2616
with those sections commences on the date of entry of the court's 2617
order that classifies the delinquent child a juvenile sex offender 2618
registrant. 2619

(B) The duty of an offender who is convicted of or pleads 2620
guilty to, or has been convicted of or ~~pleads~~ pleaded guilty to, a 2621
sexually oriented offense and the duty of a delinquent child who 2622
is adjudicated a delinquent child for committing a sexually 2623
oriented offense and who is classified a juvenile sex offender 2624
registrant to comply with sections 2950.04, 2950.05, and 2950.06 2625

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of the Revised Code continues, after the date of commencement, for 2626
whichever of the following periods is applicable: 2627

(1) Except as otherwise provided in this division, if the 2628
offender or delinquent child has been adjudicated as being a 2629
sexual predator relative to the sexually oriented offense, the 2630
offender's or delinquent child's duty to comply with those 2631
sections continues until the offender's or delinquent child's 2632
death. If the judge who sentenced the offender or made the 2633
disposition for the delinquent child or that judge's successor in 2634
office subsequently enters a determination pursuant to division 2635
(D) of section 2950.09 or pursuant to section 2152.83 or 2152.84 2636
of the Revised Code that the offender or delinquent child no 2637
longer is a sexual predator, the offender's or delinquent child's 2638
duty to comply with those sections continues for the period of 2639
time that otherwise would have been applicable to the offender or 2640
delinquent child under division (B)(2) or (3) of this section. 2641

(2) If the judge who sentenced the offender or made the 2642
disposition for the delinquent child for committing the sexually 2643
oriented offense, or the successor in office of the juvenile court 2644
judge who made the delinquent child disposition, determined 2645
pursuant to division (E) of section 2950.09 or pursuant to section 2646
2152.83 or 2152.84 of the Revised Code that the offender or 2647
delinquent child is a habitual sex offender, the offender's or 2648
delinquent child's duty to comply with those sections continues 2649
for twenty years. If a delinquent child is determined pursuant to 2650
division (E) of section 2950.09 or pursuant to section 2152.83 or 2651
2152.84 of the Revised Code to be a habitual sex offender and if 2652
the judge who made the disposition for the delinquent child or 2653
that judge's successor in office subsequently enters a 2654
determination pursuant to section 2152.83 or 2152.84 of the 2655
Revised Code that the delinquent child no longer is a habitual sex 2656
offender but remains a juvenile sex offender registrant, the 2657

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delinquent child's duty to comply with those sections continues 2658
for the period of time that otherwise would have been applicable 2659
to the delinquent child under division (B)(3) of this section. 2660

(3) If neither division (B)(1) nor (B)(2) of this section 2661
applies, the offender's or delinquent child's duty to comply with 2662
those sections continues for ten years. If a delinquent child is 2663
determined pursuant to section 2152.82 or division (B) of section 2664
2152.83 of the Revised Code to be a juvenile sex offender 2665
registrant and if the judge who made the disposition for the 2666
delinquent child or that judge's successor in office subsequently 2667
enters a determination pursuant to section 2152.83 or 2152.84 of 2668
the Revised Code that the delinquent child no longer is to be 2669
classified a juvenile sex offender registrant, the delinquent 2670
child's duty to comply with those sections terminates upon the 2671
court's entry of the determination. 2672

(C)(1) If an offender has been convicted of or pleaded guilty 2673
to a sexually oriented offense or a delinquent child has been 2674
adjudicated a delinquent child for committing on or after the 2675
effective date of this amendment a sexually oriented offense and 2676
is classified a juvenile sex offender registrant, and if the 2677
offender subsequently is convicted of or pleads guilty to another 2678
sexually oriented offense or the delinquent child subsequently is 2679
adjudicated a delinquent child for committing another sexually 2680
oriented offense and is classified a juvenile sex offender 2681
registrant relative to that offense or subsequently is convicted 2682
of or pleads guilty to another sexually oriented offense, the 2683
period of time for which the offender or delinquent child must 2684
comply with the sections specified in division (A) of this section 2685
shall be separately calculated pursuant to divisions (A)(1), (2), 2686
and (3), (4), (5), (6), and (7) of this section for each of the 2687
sexually oriented offenses, and the separately calculated periods 2688
of time shall be complied with independently. 2689

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If a delinquent child has been adjudicated a delinquent child for committing on or after the effective date of this amendment a sexually oriented offense, is classified a 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, 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 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 2152.83 or 2152.84 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

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section. The offender's or delinquent child's duty to register 2722
 under this chapter resumes upon the offender's or delinquent 2723
child's release from confinement in a secure facility or 2724
 imprisonment. 2725

(E) An offender or delinquent child who has been convicted of 2726
 or pleaded guilty to, or has been or is adjudicated a delinquent 2727
child for committing, a sexually oriented offense in another state 2728
 or in a federal court, military court, or an Indian tribal court 2729
 may apply to the sheriff of the county in which the offender or 2730
delinquent child resides or temporarily is domiciled for credit 2731
 against the duty to register for the time that the offender or 2732
delinquent child has complied with the sex offender registration 2733
 requirements of another jurisdiction. The sheriff shall grant the 2734
 offender or delinquent child credit against the duty to register 2735
 for time for which the offender or delinquent child provides 2736
 adequate proof that the offender or delinquent child has complied 2737
 with the sex offender registration requirements of another 2738
 jurisdiction. If the offender or delinquent child disagrees with 2739
 the determination of the sheriff, the offender or delinquent child 2740
 may appeal the determination to the court of common pleas of the 2741
 county in which the offender or delinquent child resides or is 2742
 temporarily domiciled. 2743

Sec. 2950.081. Any statements, information, photographs, or 2744
fingerprints that section 2950.04, 2950.05, or 2950.06 of the 2745
Revised Code requires a person to provide, that are provided by a 2746
person who registers, who provides notice of a change of residence 2747
address and registers the new residence address, or who provides 2748
verification of a current residence address pursuant to any 2749
provision of those sections, and that are in the possession of a 2750
county sheriff are public records open to public inspection under 2751
section 149.43 of the Revised Code. 2752

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Sec. 2950.09. (A) If a person is convicted of or pleads 2753
 guilty to committing, on or after January 1, 1997, a sexually 2754
 oriented offense that is a sexually violent offense and also is 2755
 convicted of or pleads guilty to a sexually violent predator 2756
 specification that was included in the indictment, count in the 2757
 indictment, or information charging the sexually violent offense, 2758
 the conviction of plea of guilty to the specification 2759
 automatically classifies the offender as a sexual predator for 2760
 purposes of this chapter. If a person is convicted of ~~or~~, pleads 2761
 guilty to, or is adjudicated a delinquent child for committing, a 2762
 sexually oriented offense in another state, or in a federal court, 2763
 military court, or an Indian tribal court and if, as a result of 2764
 that conviction ~~or~~, plea of guilty, or adjudication, the person is 2765
 required, under the law of the jurisdiction in which the person 2766
 was convicted ~~or~~, pleaded guilty, or was adjudicated, to register 2767
 as a sex offender until the person's death and is required to 2768
 verify the person's address on at least a quarterly basis each 2769
 year, that conviction ~~or~~, plea of guilty, or adjudication 2770
 automatically classifies the ~~offender~~ person as a sexual predator 2771
 for the purposes of this chapter, but the ~~offender~~ person may 2772
 challenge that classification pursuant to division (F) of this 2773
 section. In all other cases, a person who is convicted of or 2774
 pleads guilty to, ~~or~~ has been convicted of or pleaded guilty to, 2775
or is adjudicated a delinquent child for committing, a sexually 2776
 oriented offense may be classified as a sexual predator for 2777
 purposes of this chapter only in accordance with division (B) or 2778
 (C) of this section or, regarding delinquent children, section 2779
2152.83 of the Revised Code. 2780

(B)(1) The judge who is to impose sentence on a person who is 2781
convicted of or pleads guilty to a sexually oriented offense or 2782
who is to impose an order of disposition upon a child who is 2783
adjudicated a delinquent child for committing on or after the 2784

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effective date of this amendment a sexually oriented offense shall 2785
conduct a hearing to determine whether the offender is a sexual 2786
predator if any of the following circumstances apply: 2787

(a) Regardless of when the sexually oriented offense was 2788
committed, if a person the offender is to be sentenced on or after 2789
January 1, 1997, for a sexually oriented offense that is not a 2790
sexually violent offense, or if a person. 2791

(b) Regardless of when the sexually oriented offense was 2792
committed, the offender is to be sentenced on or after January 1, 2793
1997, for a sexually oriented offense that is a sexually violent 2794
offense and a sexually violent predator specification was not 2795
included in the indictment, count in the indictment, or 2796
information charging the sexually violent offense, the judge who 2797
is to impose sentence upon the offender shall conduct a hearing to 2798
determine whether the offender is a sexual predator. The judge. 2799

(c) The delinquent child was adjudicated a delinquent child 2800
for committing on or after the effective date of this amendment a 2801
sexually oriented offense, the delinquent child was fourteen years 2802
of age or older at the time of committing the offense, and the 2803
adjudicating judge has classified the delinquent child under 2804
section 2152.82 of the Revised Code based on that adjudication a 2805
juvenile sex offender registrant. A judge shall not conduct a 2806
hearing under division (B) of this section regarding a delinquent 2807
child unless the delinquent child is in the category of delinquent 2808
children described in this division. 2809

(2) The judge shall conduct the hearing required under 2810
division (B)(1) of this section prior to sentencing and, if or 2811
making an order of disposition. If the sexually oriented offense 2812
is a felony, and if the hearing is being conducted under division 2813
(B)(1)(a) or (b) of this section, the judge may conduct it as part 2814
of the sentencing hearing required by section 2929.19 of the 2815
Revised Code. The court shall give the offender or delinquent 2816

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child and the prosecutor who prosecuted the offender or handled 2817
the case against the delinquent child for the sexually oriented 2818
offense notice of the date, time, and location of the hearing. At 2819
the hearing, the offender or delinquent child and the prosecutor 2820
shall have an opportunity to testify, present evidence, call and 2821
examine witnesses and expert witnesses, and cross-examine 2822
witnesses and expert witnesses regarding the determination as to 2823
whether the offender or delinquent child is a sexual predator. The 2824
offender or delinquent child shall have the right to be 2825
represented by counsel and, if indigent, the right to have counsel 2826
appointed to represent the offender or delinquent child. 2827

~~(2)~~(3) In making a determination under divisions (B)(1) and 2828
~~(3)~~(4) of this section as to whether an offender or delinquent 2829
child is a sexual predator, the judge shall consider all relevant 2830
factors, including, but not limited to, all of the following: 2831

(a) The offender's or delinquent child's age; 2832

(b) The offender's or delinquent child's prior criminal or 2833
delinquency record regarding all offenses, including, but not 2834
limited to, all sexual offenses; 2835

(c) The age of the victim of the sexually oriented offense 2836
for which sentence is to be imposed or the order of disposition is 2837
to be made; 2838

(d) Whether the sexually oriented offense for which sentence 2839
is to be imposed or the order of disposition is to be made 2840
involved multiple victims; 2841

(e) Whether the offender or delinquent child used drugs or 2842
alcohol to impair the victim of the sexually oriented offense or 2843
to prevent the victim from resisting; 2844

(f) If the offender or delinquent child previously has been 2845
convicted of or pleaded guilty to any, or been adjudicated a 2846
delinquent child for committing an act that if committed by an 2847

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adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

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

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

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

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

~~(3)~~(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)~~(2)~~(3) of this section, the ~~judge court~~ shall determine by clear and convincing evidence whether the subject offender or delinquent child is a sexual predator. If the ~~judge court~~ determines that the subject offender or delinquent child is not a sexual predator, the ~~judge 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 ~~judge court~~ has determined that the offender or delinquent child is not a sexual predator. If the ~~judge court~~ determines by clear and convincing evidence that the subject offender or delinquent child is a sexual

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predator, the ~~judge~~ court shall specify in the offender's sentence 2880
and the judgment of conviction that contains the sentence or in 2881
the delinquent child's dispositional order, as appropriate, that 2882
the ~~judge~~ court has determined that the offender or delinquent 2883
child is a sexual predator and shall specify that the 2884
determination was pursuant to division (B) of this section. The 2885
offender or delinquent child and the prosecutor who prosecuted the 2886
offender or handled the case against the delinquent child for the 2887
sexually oriented offense in question may appeal as a matter of 2888
right the ~~judge's~~ court's determination under this division as to 2889
whether the offender or delinquent child is, or is not, a sexual 2890
predator. 2891

~~(4)~~(5) A hearing shall not be conducted under division (B) of 2892
this section regarding an offender if the sexually oriented 2893
offense in question is a sexually violent offense and the 2894
indictment, count in the indictment, or information charging the 2895
offense also included a sexually violent predator specification. 2896

(C)(1) If a person was convicted of or pleaded guilty to a 2897
sexually oriented offense prior to January 1, 1997, if the person 2898
was not sentenced for the offense on or after January 1, 1997, and 2899
if, on or after January 1, 1997, the offender is serving a term of 2900
imprisonment in a state correctional institution, the department 2901
of rehabilitation and correction shall determine whether to 2902
recommend that the offender be adjudicated as being a sexual 2903
predator. In making a determination under this division as to 2904
whether to recommend that the offender be adjudicated as being a 2905
sexual predator, the department shall consider all relevant 2906
factors, including, but not limited to, all of the factors 2907
specified in division (B)(2) of this section. If the department 2908
determines that it will recommend that the offender be adjudicated 2909
as being a sexual predator, it immediately shall send the 2910
recommendation to the court that sentenced the offender and shall 2911

enter its determination and recommendation in the offender's 2912
institutional record, and the court shall proceed in accordance 2913
with division (C)(2) of this section. 2914

(2)(a) If, pursuant to division (C)(1) of this section, the 2915
department of rehabilitation and correction sends to a court a 2916
recommendation that an offender who has been convicted of or 2917
pleaded guilty to a sexually oriented offense be adjudicated as 2918
being a sexual predator, the court is not bound by the 2919
department's recommendation, and the court may conduct a hearing 2920
to determine whether the offender is a sexual predator. The court 2921
may deny the recommendation and determine that the offender is not 2922
a sexual predator without a hearing but shall not make a 2923
determination that the offender is a sexual predator in any case 2924
without a hearing. The court may hold the hearing and make the 2925
determination prior to the offender's release from imprisonment or 2926
at any time within one year following the offender's release from 2927
that imprisonment. If the court determines without a hearing that 2928
the offender is not a sexual predator, it shall include its 2929
determination in the offender's institutional record and shall 2930
determine whether the offender previously has been convicted of or 2931
pleaded guilty to a sexually oriented offense other than the 2932
offense in relation to which the court determined that the 2933
offender is not a sexual predator. 2934

The court may make the determination as to whether the 2935
offender previously has been convicted of or pleaded guilty to a 2936
sexually oriented offense without a hearing, but, if the court 2937
determines that the offender previously has been convicted of or 2938
pleaded guilty to such an offense, it shall not impose a 2939
requirement that the offender be subject to the community 2940
notification provisions regarding the offender's place of 2941
residence that are contained in sections 2950.10 and 2950.11 of 2942
the Revised Code without a hearing. The court may conduct a 2943

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hearing to determine both whether the offender previously has been
convicted of or pleaded guilty to a sexually oriented offense and
whether to impose a requirement that the offender be subject to
the community notification provisions as described in this
division, or may conduct a hearing solely to make the latter
determination. The court shall include in the offender's
institutional record any determination made under this division as
to whether the offender previously has been convicted of or
pleaded guilty to a sexually oriented offense, and, as such,
whether the offender is a habitual sex offender.

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

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

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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.

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

(iii) If the hearing is to determine whether the offender previously has been convicted of or pleaded guilty to a sexually oriented offense other than the offense in relation to which the

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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 3040
record, shall attach the determination to the offender's sentence, 3041
shall specify that the determination was pursuant to division (C) 3042
of this section, and shall provide a copy of the determination to 3043
the offender, to the prosecuting attorney, and to the department 3044
of rehabilitation and correction. The offender and the prosecutor 3045
may appeal as a matter of right the judge's determination under 3046
this division as to whether the offender is, or is not, a sexual 3047
predator. 3048

(D)(1) Upon Division (D) of this section applies to persons 3049
who have been convicted of or pleaded guilty to a sexually 3050
oriented offense. A person who has been adjudicated a delinquent 3051
child for committing a sexually oriented offense and who has been 3052
classified by a juvenile court judge a juvenile sex offender 3053
registrant or, if applicable, additionally has been determined by 3054
a juvenile court judge to be a sexual predator or habitual sex 3055
offender, may petition the adjudicating court for a 3056
reclassification or declassification pursuant to section 2152.84 3057
of the Revised Code. 3058

Upon the expiration of the applicable period of time 3059
specified in division (D)(1)(a) or (b) of this section, an 3060
offender who has been convicted of or pleaded guilty to a sexually 3061
oriented offense and who has been adjudicated as being a sexual 3062
predator relative to the sexually oriented offense in the manner 3063
described in division (B) or (C) of this section may petition the 3064
judge who made the determination that the offender was a sexual 3065
predator, or that judge's successor in office, to enter a 3066
determination that the offender no longer is a sexual predator. 3067
Upon the filing of the petition, the judge may review the prior 3068
sexual predator determination that comprises the sexually violent 3069
predator adjudication, and, upon consideration of all relevant 3070
evidence and information, including, but not limited to, the 3071

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factors set forth in division (B)~~(2)~~(3) of this section, either 3072
shall enter a determination that the offender no longer is a 3073
sexual predator or shall enter an order denying the petition. The 3074
~~court~~ judge shall not enter a determination under this division 3075
that the offender no longer is a sexual predator unless the ~~court~~ 3076
judge determines by clear and convincing evidence that the 3077
offender is unlikely to commit a sexually oriented offense in the 3078
future. If the judge enters a determination under this division 3079
that the offender no longer is a sexual predator, the judge shall 3080
notify the bureau of criminal identification and investigation and 3081
the parole board of the determination. Upon receipt of the 3082
notification, the bureau promptly shall notify the sheriff with 3083
whom the offender most recently registered under section 2950.04 3084
or 2950.05 of the Revised Code of the determination that the 3085
offender no longer is a sexual predator. If the judge enters an 3086
order denying the petition, the prior adjudication of the offender 3087
as a sexual predator shall remain in effect. An offender 3088
determined to be a sexual predator in the manner described in 3089
division (B) or (C) of this section may file a petition under this 3090
division after the expiration of the following periods of time: 3091

(a) Regardless of when the sexually oriented offense was 3092
committed, if, on or after January 1, 1997, the offender is 3093
imprisoned or sentenced to a prison term or other confinement for 3094
the sexually oriented offense in relation to which the 3095
determination was made, the offender initially may file the 3096
petition not earlier than one year prior to the offender's release 3097
from the imprisonment, prison term, or other confinement by 3098
discharge, parole, judicial release, or any other final release. 3099
If the offender is sentenced on or after January 1, 1997, for the 3100
sexually oriented offense in relation to which the determination 3101
is made and is not imprisoned or sentenced to a prison term or 3102
other confinement for the sexually oriented offense, the offender 3103
initially may file the petition upon the expiration of one year 3104

after the entry of the offender's judgment of conviction. 3105

(b) After the offender's initial filing of a petition under 3106
division (D)(1)(a) of this section, thereafter, an offender may 3107
file a petition under this division upon the expiration of five 3108
years after the court has entered an order denying the petition 3109
under division (D)(1)(a) of this section or the most recent 3110
petition the offender has filed under this division. 3111

(2) Except as otherwise provided in this division, division 3112
(D)(1) of this section does not apply to a person who is 3113
classified as a sexual predator pursuant to division (A) of this 3114
section. If a person who is so classified was sentenced to a 3115
prison term pursuant to division (A)(3) of section 2971.03 of the 3116
Revised Code and if the sentencing court terminates the offender's 3117
prison term as provided in division (D) of section 2971.05 of the 3118
Revised Code, the court's termination of the prison term 3119
automatically shall constitute a determination by the court that 3120
the offender no longer is a sexual predator. If the court so 3121
terminates the offender's prison term, the court shall notify the 3122
bureau of criminal identification and investigation and the parole 3123
board of the determination that the offender no longer is a sexual 3124
predator. Upon receipt of the notification, the bureau promptly 3125
shall notify the sheriff with whom the offender most recently 3126
registered under section 2950.04 or 2950.05 of the Revised Code 3127
that the offender no longer is a sexual predator. If an offender 3128
who is classified as a sexual predator pursuant to division (A) of 3129
this section is released from prison pursuant to a pardon or 3130
commutation, the classification of the offender as a sexual 3131
predator shall remain in effect after the offender's release, and 3132
the offender may file one or more petitions in accordance with the 3133
procedures and time limitations contained in division (D)(1) of 3134
this section for a determination that the offender no longer is a 3135
sexual predator. 3136

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(E) 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 a sexually oriented offense. If a person is adjudicated a delinquent child for committing on or after the effective date of this amendment a sexually oriented offense, if the delinquent child was fourteen years of age or older at the time of committing the offense, and if the adjudicating judge has classified the delinquent child under section 2152.82 of the Revised Code based on that adjudication a juvenile sex offender registrant, the adjudicating judge shall determine, prior to entering the order of disposition, whether the delinquent child previously has been adjudicated a delinquent child for committing a sexually oriented offense. If the judge determines that the offender previously has not been convicted of or pleaded guilty to a sexually oriented offense or that the delinquent child previously has not been adjudicated a delinquent child for committing a sexually oriented offense, the judge shall specify in the offender's sentence or in the delinquent child's dispositional order that the judge has determined that the offender or delinquent child is not a habitual sex offender. If the judge determines that the offender previously has been convicted of or pleaded guilty to a sexually oriented offense or that the delinquent child previously has been adjudicated a delinquent child for committing a sexually oriented offense, the judge shall specify in the offender's sentence and the judgment of conviction that contains the sentence or in the delinquent child's dispositional order 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 dispositional order that the offender or delinquent child be subject to the community

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notification provisions regarding the offender's or delinquent 3170
child's place of residence that are contained in sections 2950.10 3171
and 2950.11 of the Revised Code. Unless the habitual sex offender 3172
also has been adjudicated as being a sexual predator relative to 3173
the sexually oriented offense in question, the offender or 3174
delinquent child shall ~~not~~ be subject to those community 3175
notification provisions only if the court ~~does not impose~~ imposes 3176
the requirement described in this division in the offender's 3177
sentence and the judgment of conviction or in the delinquent 3178
child's dispositional order. This division does not apply 3179
regarding a delinquent child unless the delinquent child was 3180
fourteen years of age or older at the time of committing the 3181
sexually oriented offense and the adjudicating judge has 3182
classified the delinquent child under section 2152.82 of the 3183
Revised Code based on that adjudication a juvenile sex offender 3184
registrant, or unless section 2152.83 or 2152.84 of the Revised 3185
Code authorizes or requires a juvenile court judge to make a 3186
determination under this division regarding the delinquent child. 3187

(F)(1) An offender or delinquent child classified as a sexual 3188
predator may petition the court of common pleas or, for a 3189
delinquent child, the juvenile court of the county in which the 3190
offender or delinquent child resides or temporarily is domiciled 3191
to enter a determination that the offender or delinquent child is 3192
not an adjudicated sexual predator in this state for purposes of 3193
the sex offender registration requirements of this chapter or the 3194
community notification provisions contained in sections 2950.10 3195
and 2950.11 of the Revised Code if all of the following apply: 3196

(a) The offender or delinquent child was convicted of ~~or,~~ 3197
pleaded guilty to, or was adjudicated a delinquent child for 3198
committing, a sexually oriented offense in another state or in a 3199
federal court, a military court, or an Indian tribal court. 3200

(b) As a result of the conviction ~~or,~~ plea of guilty, or 3201

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adjudication described in division (F)(1)(a) of this section, the
offender or delinquent child is required under the law of the
jurisdiction under which the offender or delinquent child was
convicted ~~or~~, pleaded guilty, or was adjudicated to register as a
sex offender until the offender's or delinquent child's death and
is required to verify the offender's or delinquent child's address
on at least a quarterly basis each year.

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

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

Sec. 2950.10. (A)(1) If a person is convicted of or pleads
guilty to, or has been convicted of or pleaded guilty to, a
sexually oriented offense or a person is adjudicated a delinquent
child for committing on or after the effective date of this
amendment a sexually oriented offense, was fourteen years of age
or older at the time of committing the sexually oriented offense,
and is classified a juvenile sex offender registrant by a juvenile

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court judge based on that adjudication, if the offender or 3234
delinquent child has been adjudicated as being a sexual predator 3235
relative to the sexually oriented offense⁷, and the court has not 3236
subsequently determined pursuant to division (D) of section 3237
2950.09, section 2152.83, or section 2152.84 of the Revised Code 3238
that the offender or delinquent child no longer is a sexual 3239
predator or the offender or delinquent child has been determined 3240
pursuant to division (C)(2) or (E) of section 2950.09, section 3241
2152.83, or section 2152.84 of the Revised Code to be a habitual 3242
sex offender and, the court has imposed a requirement under that 3243
division or section subjecting the habitual sex offender to this 3244
section and the determination has not been removed pursuant to 3245
section 2152.83 or 2152.84 of the Revised Code, if the offender or 3246
delinquent child registers with a sheriff pursuant to section 3247
2950.04 or 2950.05 of the Revised Code, and if the victim of the 3248
sexually oriented offense has made a request in accordance with 3249
rules adopted by the attorney general that specifies that the 3250
victim would like to be provided the notices described in this 3251
section, the sheriff shall notify the victim of the sexually 3252
oriented offense, in writing, that the offender or delinquent 3253
child has registered and shall include in the notice the 3254
offender's or delinquent child's name and residence address or 3255
addresses. The sheriff shall provide the notice required by this 3256
division to the victim at the most recent residence address 3257
available for that victim, not later than seventy-two hours after 3258
the offender or delinquent child registers with the sheriff. 3259

(2) If a person is convicted of or pleads guilty to¹, or has 3260
been convicted of or pleaded guilty to, a sexually oriented 3261
offense or a person is adjudicated a delinquent child for 3262
committing on or after the effective date of this amendment a 3263
sexually oriented offense, was fourteen years of age or older at 3264
the time of committing the sexually oriented offense, and is 3265

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classified a juvenile sex offender registrant by a juvenile court 3266
judge based on that adjudication, if the offender or delinquent 3267
child has been adjudicated as being a sexual predator relative to 3268
the sexually oriented offense or sexually violent offense and the 3269
court has not subsequently determined pursuant to division (D) of 3270
section 2950.09, section 2152.83, or section 2152.84 of the 3271
Revised Code that the offender or delinquent child no longer is a 3272
sexual predator or the offender or delinquent child has been 3273
determined pursuant to division (E) of section 2950.09, section 3274
2152.83, or section 2152.84 of the Revised Code to be a habitual 3275
sex offender and, the court has imposed a requirement under that 3276
division or section subjecting the habitual sex offender to this 3277
section, and the determination has not been removed pursuant to 3278
section 2152.83 or 2152.84 of the Revised Code, if the offender or 3279
delinquent child registers with a sheriff pursuant to section 3280
2950.04 or 2950.05 of the Revised Code, if the victim of the 3281
sexually oriented offense has made a request in accordance with 3282
rules adopted by the attorney general that specifies that the 3283
victim would like to be provided the notices described in this 3284
section, and if the offender or delinquent child notifies the 3285
sheriff of a change of residence address pursuant to section 3286
2950.05 of the Revised Code, the sheriff shall notify the victim 3287
of the sexually oriented offense, in writing, that the offender's 3288
or delinquent child's residence address has changed and shall 3289
include in the notice the offender's or delinquent child's name 3290
and new residence address or addresses. The sheriff shall provide 3291
the notice required by this division to the victim at the most 3292
recent residence address available for that victim, no later than 3293
seventy-two hours after the offender or delinquent child notifies 3294
the sheriff of the change in the offender's or delinquent child's 3295
residence address. 3296

(3) If ~~an offender~~ a person is convicted of or pleads guilty 3297
to, or has been convicted of or pleaded guilty to, a sexually 3298

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oriented offense or a person is adjudicated a delinquent child for 3299
committing on or after the effective date of this amendment a 3300
sexually oriented offense, was fourteen years of age or older at 3301
the time of committing the sexually oriented offense, and is 3302
classified a juvenile sex offender registrant by a juvenile court 3303
judge based on that adjudication, and if the offender or 3304
delinquent child is adjudicated as being a sexual predator 3305
relative to the sexually oriented offense or the offender or 3306
delinquent child is determined pursuant to division (E) of section 3307
2950.09, section 2152.83, or section 2152.84 of the Revised Code 3308
to be a habitual sex offender and is made subject to this section, 3309
the victim of the offense may make a request in accordance with 3310
rules adopted by the attorney general pursuant to section 2950.13 3311
of the Revised Code that specifies that the victim would like to 3312
be provided the notices described in divisions (A)(1) and (2) of 3313
this section. If the victim makes a request in accordance with 3314
those rules, the sheriff described in divisions (A)(1) and (2) of 3315
this section shall provide the victim with the notices described 3316
in those divisions. 3317

(4) If a victim makes a request as described in division 3318
(A)(3) of this section that specifies that the victim would like 3319
to be provided the notices described in divisions (A)(1) and (2) 3320
of this section, all information a sheriff obtains regarding the 3321
victim from or as a result of the request is confidential, and the 3322
information is not a public record open for inspection under 3323
section 149.43 of the Revised Code. 3324

(5) The notices described in divisions (A)(1) and (2) of this 3325
section are in addition to any notices regarding the offender or 3326
delinquent child that the victim is entitled to receive under 3327
Chapter 2930. of the Revised Code. 3328

(B) A victim of a sexually oriented offense is not entitled 3329
to be provided any notice described in division (A)(1) or (2) of 3330

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this section unless the offender or delinquent child is 3331
adjudicated as being a sexual predator relative to the sexually 3332
oriented offense and the court has not subsequently determined 3333
pursuant to division ~~(E)~~(D) of section 2950.09, section 2152.83, 3334
or section 2152.84 of the Revised Code that the offender or 3335
delinquent child no longer is a sexual predator or the offender or 3336
delinquent child has been determined pursuant to division (E) of 3337
section 2950.09, section 2152.83, or section 2152.84 of the 3338
Revised Code to be a habitual sex offender ~~and,~~ the court has 3339
imposed a requirement under that division or section subjecting 3340
the habitual sex offender to this section, and the determination 3341
has not been removed pursuant to section 2152.83 or 2152.84 of the 3342
Revised Code. A victim of a sexually oriented offense is not 3343
entitled to any notice described in division (A)(1) or (2) of this 3344
section unless the victim makes a request in accordance with rules 3345
adopted by the attorney general pursuant to section 2950.13 of the 3346
Revised Code that specifies that the victim would like to be 3347
provided the notices described in divisions (A)(1) and (2) of this 3348
section. This division does not affect any rights of a victim of a 3349
sexually oriented offense to be provided notice regarding an 3350
offender or delinquent child that are described in Chapter ~~2950-~~ 3351
2930. of the Revised Code. 3352

Sec. 2950.11. (A) As used in this section, "specified 3353
geographical notification area" means the geographic area or areas 3354
within which the attorney general, by rule adopted under section 3355
2950.13 of the Revised Code, requires the notice described in 3356
division (B) of this section to be given to the persons identified 3357
in divisions (A)(2) to (8) of this section. If a person is 3358
convicted of or pleads guilty to, or has been convicted of or 3359
pleaded guilty to, a sexually oriented offense or a person is 3360
adjudicated a delinquent child for committing on or after the 3361
effective date of this amendment a sexually oriented offense, was 3362

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fourteen years of age or older at the time of committing the 3363
sexually oriented offense, and is classified a juvenile sex 3364
offender registrant by a juvenile court judge based on that 3365
adjudication, and if the offender or delinquent child has been 3366
adjudicated as being a sexual predator relative to the sexually 3367
oriented offense and the court has not subsequently determined 3368
pursuant to division (D) of section 2950.09, section 2152.83, or 3369
section 2152.84 of the Revised Code that the offender or 3370
delinquent child no longer is a sexual predator or the offender or 3371
delinquent child has been determined pursuant to division (C)(2) 3372
or (E) of section 2950.09, section 2152.83, or section 2152.84 of 3373
the Revised Code to be a habitual sex offender and, the court has 3374
imposed a requirement under that division or section subjecting 3375
the habitual sex offender to this section, and the determination 3376
has not been removed pursuant to section 2152.83 or 2152.84 of the 3377
Revised Code, the sheriff with whom the offender or delinquent 3378
child has most recently registered under section 2950.04 or 3379
2950.05 of the Revised Code, within the period of time specified 3380
in division (C) of this section, shall provide a written notice 3381
containing the information set forth in division (B) of this 3382
section to all of the following persons: 3383

(1) All occupants of residences adjacent to the offender's or 3384
delinquent child's place of residence that are located within the 3385
county served by the sheriff and all additional neighbors of the 3386
offender or delinquent child who are within any category that the 3387
attorney general by rule adopted under section 2950.13 of the 3388
Revised Code requires to be provided the notice and who reside 3389
within the county served by the sheriff; 3390

(2) The executive director of the public children services 3391
agency that has jurisdiction within the specified geographical 3392
notification area and that is located within the county served by 3393
the sheriff; 3394

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| | |
|---|--|
| (3)(a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff; | 3395 3396 3397 3398 |
| <u>(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends;</u> | 3399 3400 3401 |
| <u>(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.</u> | 3402 3403 3404 3405 3406 3407 |
| (4)(a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section; | 3408 3409 3410 3411 3412 3413 3414 |
| <u>(b) Regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends.</u> | 3415 3416 3417 |
| (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; | 3418 3419 3420 3421 3422 |
| (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 | 3423 3424 3425 |

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

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

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

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

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

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

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

(3) The sexually oriented offense of which the offender was

convicted ~~or~~, 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 2152.83 or 2152.84 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 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 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 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. 3489

A sheriff required by division (A) or (C) of this section to 3490
provide notices regarding an offender or delinquent child shall 3491
provide the notices to all other specified persons that are 3492
described in divisions (A)(2) to (7) of this section not later 3493
than seven days after the offender or delinquent child registers 3494
with the sheriff, if the sheriff is required by division (C) to 3495
provide the notices, no later than seventy-two hours after the 3496
sheriff is provided the notice described in division (A)(8) of 3497
this section. 3498

(2) If an offender or delinquent child in relation to whom 3499
division (A) of this section applies verifies the offender's or 3500
delinquent child's current residence address with a sheriff 3501
pursuant to section 2950.06 of the Revised Code, the sheriff may 3502
provide a written notice containing the information set forth in 3503
division (B) of this section to the persons identified in 3504
divisions (A)(1) to (9) of this section. If a sheriff provides a 3505
notice pursuant to this division to the sheriff of one or more 3506
other counties in accordance with division (A)(8) of this section, 3507
the sheriff of each of the other counties who is provided the 3508
notice under division (A)(8) of this section may provide, but is 3509
not required to provide, a written notice containing the 3510
information set forth in division (B) of this section to the 3511
persons identified in divisions (A)(1) to (7) and (A)(9) of this 3512
section. 3513

(E) All information that a sheriff possesses regarding a 3514
sexual predator or a habitual sex offender that is described in 3515
division (B) of this section and that must be provided in a notice 3516
required under division (A) or (C) of this section or that may be 3517
provided in a notice authorized under division (D)(2) of this 3518
section is a public record that is open to inspection under 3519
section 149.43 of the Revised Code. 3520

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(F) The notification provisions of this section do not apply 3521
regarding a person who is convicted of or pleads guilty to, ~~or~~ has 3522
been convicted of or pleaded guilty to, or is adjudicated a 3523
delinquent child for committing, a sexually oriented offense, who 3524
has not been adjudicated as being a sexual predator relative to 3525
that sexually oriented offense, and who is determined pursuant to 3526
division (C)(2) or (E) of section 2950.09, section 2152.83, or 3527
section 2152.84 of the Revised Code to be a habitual sex offender 3528
unless the sentencing or reviewing court imposes a requirement in 3529
the offender's sentence and in the judgment of conviction that 3530
contains the sentence or in the delinquent child's adjudication, 3531
or imposes a requirement as described in division (C)(2) of 3532
section 2950.09 of the Revised Code, that subjects the offender or 3533
the delinquent child to the provisions of this section. 3534

(G) The department of job and family services shall compile, 3535
maintain, and update in January and July of each year, a list of 3536
all agencies, centers, or homes of a type described in division 3537
(A)(2) or (6) of this section that contains the name of each 3538
agency, center, or home of that type, the county in which it is 3539
located, its address and telephone number, and the name of an 3540
administrative officer or employee of the agency, center, or home. 3541
The department of education shall compile, maintain, and update in 3542
January and July of each year, a list of all boards of education, 3543
schools, or programs of a type described in division (A)(3), (4), 3544
or (5) of this section that contains the name of each board of 3545
education, school, or program of that type, the county in which it 3546
is located, its address and telephone number, the name of the 3547
superintendent of the board or of an administrative officer or 3548
employee of the school or program, and, in relation to a board of 3549
education, the county or counties in which each of its schools is 3550
located and the address of each such school. The Ohio board of 3551
regents shall compile, maintain, and update in January and July of 3552

each year, a list of all institutions of a type described in 3553
division (A)(7) of this section that contains the name of each 3554
such institution, the county in which it is located, its address 3555
and telephone number, and the name of its president or other chief 3556
administrative officer. A sheriff required by division (A) or (C) 3557
of this section, or authorized by division (D)(2) of this section, 3558
to provide notices regarding an offender or delinquent child, or a 3559
designee of a sheriff of that type, may request the department of 3560
job and family services, department of education, or Ohio board of 3561
regents, by telephone, in person, or by mail, to provide the 3562
sheriff or designee with the names, addresses, and telephone 3563
numbers of the appropriate persons and entities to whom the 3564
notices described in divisions (A)(2) to (7) of this section are 3565
to be provided. Upon receipt of a request, the department or board 3566
shall provide the requesting sheriff or designee with the names, 3567
addresses, and telephone numbers of the appropriate persons and 3568
entities to whom those notices are to be provided. 3569

Sec. 2950.12. (A) Except as provided in division (B) of this 3570
section, any of the following persons shall be immune from 3571
liability in a civil action to recover damages for injury, death, 3572
or loss to person or property allegedly caused by an act or 3573
omission in connection with a power, duty, responsibility, or 3574
authorization under this chapter or under rules adopted under 3575
authority of this chapter: 3576

(1) An officer or employee of the bureau of criminal 3577
identification and investigation; 3578

(2) The attorney general, a chief of police, marshal, or 3579
other chief law enforcement officer of a municipal corporation, a 3580
sheriff, a constable or chief of police of a township police 3581
department or police district police force, and a deputy, officer, 3582
or employee of the office of the attorney general, the law 3583

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| enforcement agency served by the marshal or the municipal or | 3584 |
| township chief, the office of the sheriff, or the constable; | 3585 |
| (3) A prosecutor and an officer or employee of the office of | 3586 |
| a prosecutor; | 3587 |
| (4) A supervising officer and an officer or employee of the | 3588 |
| adult parole authority of the department of rehabilitation and | 3589 |
| correction; | 3590 |
| (5) <u>A supervising officer and an officer or employee of the</u> | 3591 |
| <u>department of youth services;</u> | 3592 |
| <u>(6)</u> A person identified in division (A)(2), (3), (4), (5), | 3593 |
| (6), or (7) of section 2950.11 of the Revised Code or the agent of | 3594 |
| that person. | 3595 |
| (B) The immunity described in division (A) of this section | 3596 |
| does not apply to a person described in divisions (A)(1) to (5) <u>(6)</u> | 3597 |
| of this section if, in relation to the act or omission in | 3598 |
| question, any of the following applies: | 3599 |
| (1) The act or omission was manifestly outside the scope of | 3600 |
| the person's employment or official responsibilities. | 3601 |
| (2) The act or omission was with malicious purpose, in bad | 3602 |
| faith, or in a wanton or reckless manner. | 3603 |
| (3) Liability for the act or omission is expressly imposed by | 3604 |
| a section of the Revised Code. | 3605 |
| Sec. 2950.13. (A) The attorney general shall do all of the | 3606 |
| following: | 3607 |
| (1) No later than July 1, 1997, establish and maintain a | 3608 |
| state registry of sex offenders that is housed at the bureau of | 3609 |
| criminal identification and investigation and that contains all of | 3610 |
| the registration, change of residence address, and verification | 3611 |
| information the bureau receives pursuant to sections 2950.04, | 3612 |

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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 on or after the
effective date of this amendment a sexually oriented offense, was
fourteen years of age or older at the time of committing the
sexually oriented offense, and is classified a juvenile sex
offender registrant by a juvenile court judge based on that
adjudication, and all of the information the bureau receives
pursuant to section 2950.14 of the Revised Code;

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

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

(4) In consultation with local law enforcement
representatives and through the bureau of criminal identification
and investigation, prescribe the forms to be used by judges and
officials pursuant to section 2950.03 of the Revised Code to

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advise offenders and delinquent children of their duties of registration, notification of a change of residence address and registration of the new residence address, and residence address verification under sections 2950.04, 2950.05, and 2950.06 of the Revised Code, and prescribe the forms to be used by sheriffs relative to those duties of registration, change of residence address notification, and residence address verification;

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

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

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

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

(9) In consultation with the director of education, the director of job and family services, and the director of rehabilitation and correction and no later than July 1, 1997, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or

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other schools not operated by a board of education, preschool
programs, child day-care centers, type A family day-care homes,
certified type B family day-care homes, and institutions of higher
education regarding the proper use and administration of
information received pursuant to section 2950.11 of the Revised
Code relative to ~~a person~~ an offender or delinquent child who has
been adjudicated as being a sexual predator or determined to be a
habitual sex offender;

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

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

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

Sec. 2950.14. (A) Prior to releasing an offender who is under
the custody and control of the department of rehabilitation and
correction and who has been convicted of or pleaded guilty to
committing, either prior to, on, or after January 1, 1997, any

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sexually oriented offense, the department of rehabilitation and 3707
correction shall provide all of the ~~following~~ information 3708
described in division (B) of this section to the bureau of 3709
criminal identification and investigation regarding the offender. 3710
Prior to releasing a delinquent child who is in the custody of the 3711
department of youth services and who has been adjudicated a 3712
delinquent child for committing on or after the effective date of 3713
this amendment a sexually oriented offense, the department of 3714
youth services shall provide all of the information described in 3715
division (B) of this section to the bureau of criminal 3716
identification and investigation regarding the delinquent child. 3717

(B) The department of rehabilitation and correction and the 3718
department of youth services shall provide all of the following 3719
information to the bureau of criminal identification and 3720
investigation regarding an offender or delinquent child described 3721
in division (A) of this section: 3722

(1) The offender's or delinquent child's name and any aliases 3723
used by the offender or delinquent child; 3724

(2) All identifying factors concerning the offender or 3725
delinquent child; 3726

(3) The offender's or delinquent child's anticipated future 3727
residence; 3728

(4) The offense and delinquency history of the offender or 3729
delinquent child; 3730

(5) Whether the offender or delinquent child was treated for 3731
a mental abnormality or personality disorder while under the 3732
custody and control of the department; 3733

(6) Any other information that the bureau indicates is 3734
relevant and that the department possesses. 3735

~~(B)~~(C) Upon receipt of the information described in division 3736

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~~(A)~~(B) of this section regarding an offender or delinquent child, 3737
the bureau immediately shall enter the information into the state 3738
registry of ~~sexual~~ sex offenders that the bureau maintains 3739
pursuant to section 2950.13 of the Revised Code and into the 3740
records that the bureau maintains pursuant to division (A) of 3741
section 109.57 of the Revised Code. 3742

Sec. 2950.99. (A) Whoever violates a prohibition in section 3743
2950.04, 2950.05, or 2950.06 of the Revised Code is guilty of a 3744
felony of the fifth degree if the most serious sexually oriented 3745
offense that was the basis of the registration, change of address 3746
notification, or address verification requirement that was 3747
violated under the prohibition is a felony if committed by an 3748
adult, and a misdemeanor of the first degree if the most serious 3749
sexually oriented offense that was the basis of the registration, 3750
change of address notification, or address verification 3751
requirement that was violated under the prohibition is a 3752
misdemeanor if committed by an adult. In addition to any penalty 3753
or sanction imposed for the violation, if the offender or 3754
delinquent child is on probation or parole, is subject to one or 3755
more post-release control sanctions, or is subject to any other 3756
type of supervised release at the time of the violation, the 3757
violation shall constitute a violation of the terms and conditions 3758
of the probation, parole, post-release control sanction, or other 3759
type of supervised release. 3760

(B) If a person violates a prohibition in section 2950.04, 3761
2950.05, or 2950.06 of the Revised Code that applies to the person 3762
as a result of the person being adjudicated a delinquent child and 3763
being classified a juvenile sex offender registrant, both of the 3764
following apply: 3765

(1) If the violation occurs while the person is under 3766
eighteen years of age, the person is subject to proceedings under 3767
Chapter 2152. of the Revised Code based on the violation. 3768

(2) If the violation occurs while the person is eighteen 3769
years of age or older, the person is subject to criminal 3770
prosecution based on the violation. 3771

Sec. 5139.13. The department of youth services shall do all 3772
of the following: 3773

(A) Control and manage all institutions for the 3774
rehabilitation of delinquent children and youthful offenders that 3775
are operated by the state, except where the control and management 3776
of an institution is vested by law in another agency; 3777

(B) Provide treatment and training for children committed to 3778
the department and assigned by the department to various 3779
institutions under its control and management, including, but not 3780
limited to, treatment as described in division (F) of section 3781
2152.18 of the Revised Code for children committed to it for an 3782
act that is a sexually oriented offense, as defined in section 3783
2950.01 of the Revised Code; 3784

(C) Establish and maintain appropriate reception centers for 3785
the reception of children committed to the department and employ 3786
competent persons to have charge of those centers and to conduct 3787
investigations; 3788

(D) Establish and maintain any other facilities necessary for 3789
the training, treatment, and rehabilitation of children committed 3790
to the department. 3791

Section 2. That existing sections 109.42, 2151.23, 2152.02, 3792
2152.18, 2152.19, 2152.22, 2919.24, 2950.01, 2950.02, 2950.03, 3793
2950.04, 2950.05, 2950.06, 2950.07, 2950.09, 2950.10, 2950.11, 3794
2950.12, 2950.13, 2950.14, 2950.99, and 5139.13 of the Revised 3795
Code are hereby repealed. 3796

Section 3. Sections 1 and 2 of this act shall take effect on 3797

January 1, 2002, or the earliest date permitted by law, whichever 3798
is later. 3799

Section 4. Section 2151.23 of the Revised Code is presented 3800
in this act as a composite of the section as amended by Am. Sub. 3801
S.B. 179, Am. Sub. S.B. 180, and Sub. S.B. 218 of the 123rd 3802
General Assembly. The General Assembly, applying the principle 3803
stated in division (B) of section 1.52 of the Revised Code that 3804
amendments are to be harmonized if reasonably capable of 3805
simultaneous operation, finds that the composite is the resulting 3806
version of the section in effect prior to the effective date of 3807
the section as presented in this act. 3808

Section 2152.02 of the Revised Code, as presented in this 3809
act, includes matter that was amended into former section 2151.02 3810
of the Revised Code by S.B. 218 of the 123rd General Assembly. 3811
Paragraphs of former section 2151.02 of the Revised Code were 3812
transferred to section 2152.02 of the Revised Code by S.B. 179 of 3813
the 123rd General Assembly as part of its general revision of the 3814
juvenile sentencing laws. The General Assembly, applying the 3815
principle stated in division (B) of section 1.52 of the Revised 3816
Code that amendments are to be harmonized if reasonably capable of 3817
simultaneous operation, finds that the version of section 2152.02 3818
of the Revised Code presented in this act is the resulting version 3819
of the section in effect prior to the date of the section as 3820
presented in this act. 3821