

**As Reported by the Senate Judiciary Committee**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Sub. H. B. No. 473**

**Representatives Hagan, Seitz, Latta, Hughes, Widowfield, McGregor, Slaby,  
Carano, Collier, DeGeeter, Willamowski, Buehrer, Cirelli, C. Evans, D. Evans,  
Faber, Fessler, Flowers, Otterman, Schaffer, Webster, Young  
Senators Schuring, Dann**

—

**A BILL**

To amend sections 109.42, 2921.34, 2929.01, 2929.13, 1  
2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 2  
2950.03, 2950.031, 2950.04, 2950.041, 2950.05, 3  
2950.09, 2950.11, 2950.99, 2953.08, 2971.01, 4  
2971.02, 2971.03, 2971.04, 2971.05, 5120.49, and 5  
5120.61 of the Revised Code to revise the Sex 6  
Offender Registration and Notification Law's 7  
"change of address" requirements relative to 8  
persons who do not have knowledge of a change in 9  
residence, school, institution of higher 10  
education, or place of employment address 11  
sufficiently in advance of the change to comply 12  
with the requirements' deadlines and persons whose 13  
residence address change is not to a fixed 14  
address; to include any person adjudicated a 15  
sexual predator within that Law's registration and 16  
notification requirements; to grant prosecuting 17  
attorneys, municipal and township chief legal 18  
officers, and officials designated as prosecutors 19  
in a municipal corporation a cause of action for 20  
injunctive relief when an offender required to 21

register under that Law violates its prohibition 22  
against residing within 1,000 feet of any school 23  
premises; to clarify that Law's criminal penalty 24  
provisions to ensure that they apply to offenders 25  
whose duties under that Law are based on a 26  
conviction that occurred in a jurisdiction other 27  
than Ohio; to clarify that the Sexually Violent 28  
Predator Sentencing Law does not require that an 29  
offender have a prior conviction of a sexually 30  
violent offense in order to be sentenced under 31  
that Law; and to increase the mandatory minimum 32  
term under the Sexually Violent Predator 33  
Sentencing Law for kidnapping with a sexual 34  
motivation specification and a sexually violent 35  
predator specification and for rape with a 36  
sexually violent predator specification. 37

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

**Section 1.** That sections 109.42, 2921.34, 2929.01, 2929.13, 38  
2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 2950.03, 2950.031, 39  
2950.04, 2950.041, 2950.05, 2950.09, 2950.11, 2950.99, 2953.08, 40  
2971.01, 2971.02, 2971.03, 2971.04, 2971.05, 5120.49, and 5120.61 41  
of the Revised Code be amended to read as follows: 42

**Sec. 109.42.** (A) The attorney general shall prepare and have 43  
printed a pamphlet that contains a compilation of all statutes 44  
relative to victim's rights in which the attorney general lists 45  
and explains the statutes in the form of a victim's bill of 46  
rights. The attorney general shall distribute the pamphlet to all 47  
sheriffs, marshals, municipal corporation and township police 48  
departments, constables, and other law enforcement agencies, to 49  
all prosecuting attorneys, city directors of law, village 50

solicitors, and other similar chief legal officers of municipal corporations, and to organizations that represent or provide services for victims of crime. The victim's bill of rights set forth in the pamphlet shall contain a description of all of the rights of victims that are provided for in Chapter 2930. or in any other section of the Revised Code and shall include, but not be limited to, all of the following:

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

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

(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;

(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 82  
of the trial or delinquency proceeding in the case or, if there 83  
will not be a trial or delinquency proceeding, information from 84  
the prosecutor, as defined in section 2930.01 of the Revised Code, 85  
regarding the disposition of the case; 86

(5) The right of the victim in certain criminal or juvenile 87  
cases or a victim's representative to receive, pursuant to section 88  
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 89  
name of the person charged with the violation, the case or docket 90  
number assigned to the charge, and a telephone number or numbers 91  
that can be called to obtain information about the disposition of 92  
the case; 93

(6) The right of the victim in certain criminal or juvenile 94  
cases or of the victim's representative pursuant to section 95  
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 96  
terms set by the court as authorized under section 2930.14 of the 97  
Revised Code, to make a statement about the victimization and, if 98  
applicable, a statement relative to the sentencing or disposition 99  
of the offender; 100

(7) The opportunity to obtain a court order, pursuant to 101  
section 2945.04 of the Revised Code, to prevent or stop the 102  
commission of the offense of intimidation of a crime victim or 103  
witness or an offense against the person or property of the 104  
complainant, or of the complainant's ward or child; 105

(8) The right of the victim in certain criminal or juvenile 106  
cases or a victim's representative pursuant to sections 2151.38, 107  
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 108  
receive notice of a pending motion for judicial release or early 109  
release of the person who committed the offense against the 110  
victim, to make an oral or written statement at the court hearing 111  
on the motion, and to be notified of the court's decision on the 112

motion;	113
(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;	114 115 116 117 118 119 120 121 122 123
(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;	124 125 126
(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;	127 128 129 130 131 132
(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;	133 134 135 136
(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;	137 138 139
(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	140 141 142 143

that notice from the custodial agency of the person at the 144  
victim's last address or telephone number provided to the 145  
custodial agency, and to receive notice that, if either the 146  
victim's address or telephone number changes, it is in the 147  
victim's interest to provide the new address or telephone number 148  
to the custodial agency; 149

(15) The right of a victim of domestic violence to seek the 150  
issuance of a civil protection order pursuant to section 3113.31 151  
of the Revised Code, the right of a victim of a violation of 152  
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 153  
of the Revised Code, a violation of a substantially similar 154  
municipal ordinance, or an offense of violence who is a family or 155  
household member of the offender at the time of the offense to 156  
seek the issuance of a temporary protection order pursuant to 157  
section 2919.26 of the Revised Code, and the right of both types 158  
of victims to be accompanied by a victim advocate during court 159  
proceedings; 160

(16) The right of a victim of a sexually oriented offense 161  
that is not a registration-exempt sexually oriented offense or of 162  
a child-victim oriented offense that is committed by a person who 163  
is convicted of or pleads guilty to an aggravated sexually 164  
oriented offense, by a person who is adjudicated a sexual predator 165  
or child-victim predator, or, in certain cases, by a person who is 166  
determined to be a habitual sex offender or habitual child-victim 167  
offender to receive, pursuant to section 2950.10 of the Revised 168  
Code, notice that the person has registered with a sheriff under 169  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 170  
notice of the person's name, the person's residence that is 171  
registered, and the offender's school, institution of higher 172  
education, or place of employment address or addresses that are 173  
registered, and a summary of the manner in which the victim must 174  
make a request to receive the notice. As used in this division, 175

"sexually oriented offense," "adjudicated a sexual predator," 176  
"habitual sex offender," "registration-exempt sexually oriented 177  
offense," "aggravated sexually oriented offense," "child-victim 178  
oriented offense," "adjudicated a child-victim predator," and 179  
"habitual child-victim offender" have the same meanings as in 180  
section 2950.01 of the Revised Code. 181

(17) The right of a victim of certain sexually violent 182  
offenses committed by an offender who also is convicted of or 183  
pleads guilty to a sexually violent predator specification and who 184  
is sentenced to a prison term pursuant to division (A)(3) of 185  
section 2971.03 of the Revised Code to receive, pursuant to 186  
section 2930.16 of the Revised Code, notice of a hearing to 187  
determine whether to modify the requirement that the offender 188  
serve the entire prison term in a state correctional facility, 189  
whether to continue, revise, or revoke any existing modification 190  
of that requirement, or whether to terminate the prison term. As 191  
used in this division, "sexually violent offense" and "sexually 192  
violent predator specification" have the same meanings as in 193  
section 2971.01 of the Revised Code. 194

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 195  
prosecuting attorney, assistant prosecuting attorney, city 196  
director of law, assistant city director of law, village 197  
solicitor, assistant village solicitor, or similar chief legal 198  
officer of a municipal corporation or an assistant of any of those 199  
officers who prosecutes an offense committed in this state, upon 200  
first contact with the victim of the offense, the victim's family, 201  
or the victim's dependents, shall give the victim, the victim's 202  
family, or the victim's dependents a copy of the pamphlet prepared 203  
pursuant to division (A) of this section and explain, upon 204  
request, the information in the pamphlet to the victim, the 205  
victim's family, or the victim's dependents. 206

(b) Subject to division (B)(1)(c) of this section, a law 207

enforcement agency that investigates an offense or delinquent act 208  
committed in this state shall give the victim of the offense or 209  
delinquent act, the victim's family, or the victim's dependents a 210  
copy of the pamphlet prepared pursuant to division (A) of this 211  
section at one of the following times: 212

(i) Upon first contact with the victim, the victim's family, 213  
or the victim's dependents; 214

(ii) If the offense or delinquent act is an offense of 215  
violence, if the circumstances of the offense or delinquent act 216  
and the condition of the victim, the victim's family, or the 217  
victim's dependents indicate that the victim, the victim's family, 218  
or the victim's dependents will not be able to understand the 219  
significance of the pamphlet upon first contact with the agency, 220  
and if the agency anticipates that it will have an additional 221  
contact with the victim, the victim's family, or the victim's 222  
dependents, upon the agency's second contact with the victim, the 223  
victim's family, or the victim's dependents. 224

If the agency does not give the victim, the victim's family, 225  
or the victim's dependents a copy of the pamphlet upon first 226  
contact with them and does not have a second contact with the 227  
victim, the victim's family, or the victim's dependents, the 228  
agency shall mail a copy of the pamphlet to the victim, the 229  
victim's family, or the victim's dependents at their last known 230  
address. 231

(c) In complying on and after December 9, 1994, with the 232  
duties imposed by division (B)(1)(a) or (b) of this section, an 233  
official or a law enforcement agency shall use copies of the 234  
pamphlet that are in the official's or agency's possession on 235  
December 9, 1994, until the official or agency has distributed all 236  
of those copies. After the official or agency has distributed all 237  
of those copies, the official or agency shall use only copies of 238



the pamphlet that contain at least the information described in 239  
divisions (A)(1) to (17) of this section. 240

(2) The failure of a law enforcement agency or of a 241  
prosecuting attorney, assistant prosecuting attorney, city 242  
director of law, assistant city director of law, village 243  
solicitor, assistant village solicitor, or similar chief legal 244  
officer of a municipal corporation or an assistant to any of those 245  
officers to give, as required by division (B)(1) of this section, 246  
the victim of an offense or delinquent act, the victim's family, 247  
or the victim's dependents a copy of the pamphlet prepared 248  
pursuant to division (A) of this section does not give the victim, 249  
the victim's family, the victim's dependents, or a victim's 250  
representative any rights under section 2743.51 to 2743.72, 251  
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 252  
Revised Code or under any other provision of the Revised Code and 253  
does not affect any right under those sections. 254

(3) A law enforcement agency, a prosecuting attorney or 255  
assistant prosecuting attorney, or a city director of law, 256  
assistant city director of law, village solicitor, assistant 257  
village solicitor, or similar chief legal officer of a municipal 258  
corporation that distributes a copy of the pamphlet prepared 259  
pursuant to division (A) of this section shall not be required to 260  
distribute a copy of an information card or other printed material 261  
provided by the clerk of the court of claims pursuant to section 262  
2743.71 of the Revised Code. 263

(C) The cost of printing and distributing the pamphlet 264  
prepared pursuant to division (A) of this section shall be paid 265  
out of the reparations fund, created pursuant to section 2743.191 266  
of the Revised Code, in accordance with division (D) of that 267  
section. 268

(D) As used in this section: 269

(1) "Victim's representative" has the same meaning as in 270  
section 2930.01 of the Revised Code; 271

(2) "Victim advocate" has the same meaning as in section 272  
2919.26 of the Revised Code. 273

**Sec. 2921.34.** (A)(1) No person, knowing the person is under 274  
detention or being reckless in that regard, shall purposely break 275  
or attempt to break the detention, or purposely fail to return to 276  
detention, either following temporary leave granted for a specific 277  
purpose or limited period, or at the time required when serving a 278  
sentence in intermittent confinement. 279

(2) No person who is adjudicated a sexually violent predator 280  
and is sentenced to a prison term pursuant to division (A)(3) of 281  
section 2971.03 of the Revised Code ~~as a~~ for the sexually violent 282  
~~predator~~ offense, for whom the requirement that the entire prison 283  
term be served in a state correctional institution has been 284  
modified pursuant to section 2971.05 of the Revised Code, and who, 285  
pursuant to that modification, is restricted to a geographic area, 286  
knowing that the person is under a geographic restriction or being 287  
reckless in that regard, shall purposely leave the geographic area 288  
to which the restriction applies or purposely fail to return to 289  
that geographic area following a temporary leave granted for a 290  
specific purpose or for a limited period of time. 291

(B) Irregularity in bringing about or maintaining detention, 292  
or lack of jurisdiction of the committing or detaining authority, 293  
is not a defense to a charge under this section if the detention 294  
is pursuant to judicial order or in a detention facility. In the 295  
case of any other detention, irregularity or lack of jurisdiction 296  
is an affirmative defense only if either of the following occurs: 297

(1) The escape involved no substantial risk of harm to the 298  
person or property of another. 299

(2) The detaining authority knew or should have known there 300  
was no legal basis or authority for the detention. 301

(C) Whoever violates this section is guilty of escape. 302

(1) If the offender, at the time of the commission of the 303  
offense, was under detention as an alleged or adjudicated 304  
delinquent child or unruly child and if the act for which the 305  
offender was under detention would not be a felony if committed by 306  
an adult, escape is a misdemeanor of the first degree. 307

(2) If the offender, at the time of the commission of the 308  
offense, was under detention in any other manner or was 309  
adjudicated a sexually violent predator for whom the requirement 310  
that the entire prison term imposed pursuant to division (A)(3) of 311  
section 2971.03 of the Revised Code be served in a state 312  
correctional institution has been modified pursuant to section 313  
2971.05 of the Revised Code, escape is one of the following: 314

(a) A felony of the second degree, when the most serious 315  
offense for which the person was under detention or adjudicated a 316  
sexually violent predator is aggravated murder, murder, or a 317  
felony of the first or second degree or, if the person was under 318  
detention as an alleged or adjudicated delinquent child, when the 319  
most serious act for which the person was under detention would be 320  
aggravated murder, murder, or a felony of the first or second 321  
degree if committed by an adult; 322

(b) A felony of the third degree, when the most serious 323  
offense for which the person was under detention or adjudicated a 324  
sexually violent predator is a felony of the third, fourth, or 325  
fifth degree or an unclassified felony or, if the person was under 326  
detention as an alleged or adjudicated delinquent child, when the 327  
most serious act for which the person was under detention would be 328  
a felony of the third, fourth, or fifth degree or an unclassified 329  
felony if committed by an adult; 330

(c) A felony of the fifth degree, when any of the following  
applies: 331  
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(i) The most serious offense for which the person was under  
detention is a misdemeanor. 333  
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(ii) The person was found not guilty by reason of insanity,  
and the person's detention consisted of hospitalization,  
institutionalization, or confinement in a facility under an order  
made pursuant to or under authority of section 2945.40, 2945.401,  
or 2945.402 of the Revised Code. 335  
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(d) A misdemeanor of the first degree, when the most serious  
offense for which the person was under detention is a misdemeanor  
and when the person fails to return to detention at a specified  
time following temporary leave granted for a specific purpose or  
limited period or at the time required when serving a sentence in  
intermittent confinement. 340  
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(D) As used in this section: 346

(1) "Adjudicated a sexually violent predator" has the same  
meaning as in section 2929.01 of the Revised Code, and a person is  
"adjudicated a sexually violent predator" in the same manner and  
the same circumstances as are described in that section. 347  
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(2) "Sexually violent offense" has the same meaning as in  
section 2971.01 of the Revised Code. 351  
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**Sec. 2929.01.** As used in this chapter: 353

(A)(1) "Alternative residential facility" means, subject to  
division (A)(2) of this section, any facility other than an  
offender's home or residence in which an offender is assigned to  
live and that satisfies all of the following criteria: 354  
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(a) It provides programs through which the offender may seek  
or maintain employment or may receive education, training, 358  
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treatment, or habilitation. 360

(b) It has received the appropriate license or certificate 361  
for any specialized education, training, treatment, habilitation, 362  
or other service that it provides from the government agency that 363  
is responsible for licensing or certifying that type of education, 364  
training, treatment, habilitation, or service. 365

(2) "Alternative residential facility" does not include a 366  
community-based correctional facility, jail, halfway house, or 367  
prison. 368

(B) "Bad time" means the time by which the parole board 369  
administratively extends an offender's stated prison term or terms 370  
pursuant to section 2967.11 of the Revised Code because the parole 371  
board finds by clear and convincing evidence that the offender, 372  
while serving the prison term or terms, committed an act that is a 373  
criminal offense under the law of this state or the United States, 374  
whether or not the offender is prosecuted for the commission of 375  
that act. 376

(C) "Basic probation supervision" means a requirement that 377  
the offender maintain contact with a person appointed to supervise 378  
the offender in accordance with sanctions imposed by the court or 379  
imposed by the parole board pursuant to section 2967.28 of the 380  
Revised Code. "Basic probation supervision" includes basic parole 381  
supervision and basic post-release control supervision. 382

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 383  
"unit dose" have the same meanings as in section 2925.01 of the 384  
Revised Code. 385

(E) "Community-based correctional facility" means a 386  
community-based correctional facility and program or district 387  
community-based correctional facility and program developed 388  
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 389

(F) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction that is not a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004.

(G) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

(H) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.

(I) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.

(J) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(K) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.

(L) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a

facility other than the person's home or residence while 421  
undergoing assessment and treatment. 422

(M) "Economic loss" means any economic detriment suffered by 423  
a victim as a direct and proximate result of the commission of an 424  
offense and includes any loss of income due to lost time at work 425  
because of any injury caused to the victim, and any property loss, 426  
medical cost, or funeral expense incurred as a result of the 427  
commission of the offense. "Economic loss" does not include 428  
non-economic loss or any punitive or exemplary damages. 429

(N) "Education or training" includes study at, or in 430  
conjunction with a program offered by, a university, college, or 431  
technical college or vocational study and also includes the 432  
completion of primary school, secondary school, and literacy 433  
curricula or their equivalent. 434

(O) "Firearm" has the same meaning as in section 2923.11 of 435  
the Revised Code. 436

(P) "Halfway house" means a facility licensed by the division 437  
of parole and community services of the department of 438  
rehabilitation and correction pursuant to section 2967.14 of the 439  
Revised Code as a suitable facility for the care and treatment of 440  
adult offenders. 441

(Q) "House arrest" means a period of confinement of an 442  
offender that is in the offender's home or in other premises 443  
specified by the sentencing court or by the parole board pursuant 444  
to section 2967.28 of the Revised Code and during which all of the 445  
following apply: 446

(1) The offender is required to remain in the offender's home 447  
or other specified premises for the specified period of 448  
confinement, except for periods of time during which the offender 449  
is at the offender's place of employment or at other premises as 450  
authorized by the sentencing court or by the parole board. 451

(2) The offender is required to report periodically to a 452  
person designated by the court or parole board. 453

(3) The offender is subject to any other restrictions and 454  
requirements that may be imposed by the sentencing court or by the 455  
parole board. 456

(R) "Intensive probation supervision" means a requirement 457  
that an offender maintain frequent contact with a person appointed 458  
by the court, or by the parole board pursuant to section 2967.28 459  
of the Revised Code, to supervise the offender while the offender 460  
is seeking or maintaining necessary employment and participating 461  
in training, education, and treatment programs as required in the 462  
court's or parole board's order. "Intensive probation supervision" 463  
includes intensive parole supervision and intensive post-release 464  
control supervision. 465

(S) "Jail" means a jail, workhouse, minimum security jail, or 466  
other residential facility used for the confinement of alleged or 467  
convicted offenders that is operated by a political subdivision or 468  
a combination of political subdivisions of this state. 469

(T) "Jail term" means the term in a jail that a sentencing 470  
court imposes or is authorized to impose pursuant to section 471  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 472  
provision of the Revised Code that authorizes a term in a jail for 473  
a misdemeanor conviction. 474

(U) "Mandatory jail term" means the term in a jail that a 475  
sentencing court is required to impose pursuant to division (G) of 476  
section 1547.99 of the Revised Code, division (E) of section 477  
2903.06 or division (D) of section 2903.08 of the Revised Code, 478  
division (E) of section 2929.24 of the Revised Code, division (B) 479  
of section 4510.14 of the Revised Code, or division (G) of section 480  
4511.19 of the Revised Code or pursuant to any other provision of 481  
the Revised Code that requires a term in a jail for a misdemeanor 482



conviction. 483

(V) "Delinquent child" has the same meaning as in section 484  
2152.02 of the Revised Code. 485

(W) "License violation report" means a report that is made by 486  
a sentencing court, or by the parole board pursuant to section 487  
2967.28 of the Revised Code, to the regulatory or licensing board 488  
or agency that issued an offender a professional license or a 489  
license or permit to do business in this state and that specifies 490  
that the offender has been convicted of or pleaded guilty to an 491  
offense that may violate the conditions under which the offender's 492  
professional license or license or permit to do business in this 493  
state was granted or an offense for which the offender's 494  
professional license or license or permit to do business in this 495  
state may be revoked or suspended. 496

(X) "Major drug offender" means an offender who is convicted 497  
of or pleads guilty to the possession of, sale of, or offer to 498  
sell any drug, compound, mixture, preparation, or substance that 499  
consists of or contains at least one thousand grams of hashish; at 500  
least one hundred grams of crack cocaine; at least one thousand 501  
grams of cocaine that is not crack cocaine; at least two thousand 502  
five hundred unit doses or two hundred fifty grams of heroin; at 503  
least five thousand unit doses of L.S.D. or five hundred grams of 504  
L.S.D. in a liquid concentrate, liquid extract, or liquid 505  
distillate form; or at least one hundred times the amount of any 506  
other schedule I or II controlled substance other than marihuana 507  
that is necessary to commit a felony of the third degree pursuant 508  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 509  
Code that is based on the possession of, sale of, or offer to sell 510  
the controlled substance. 511

(Y) "Mandatory prison term" means any of the following: 512

(1) Subject to division (Y)(2) of this section, the term in 513

prison that must be imposed for the offenses or circumstances set  
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section  
2929.13 and division (D) of section 2929.14 of the Revised Code.  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05,  
and 2925.11 of the Revised Code, unless the maximum or another  
specific term is required under section 2929.14 of the Revised  
Code, a mandatory prison term described in this division may be  
any prison term authorized for the level of offense.

(2) The term of sixty or one hundred twenty days in prison  
that a sentencing court is required to impose for a third or  
fourth degree felony OVI offense pursuant to division (G)(2) of  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19  
of the Revised Code or the term of one, two, three, four, or five  
years in prison that a sentencing court is required to impose  
pursuant to division (G)(2) of section 2929.13 of the Revised  
Code.

(3) The term in prison imposed pursuant to section 2971.03 of  
the Revised Code for the offenses and in the circumstances  
described in division (F)(11) of section 2929.13 of the Revised  
Code and that term as modified or terminated pursuant to section  
2971.05 of the Revised Code.

(Z) "Monitored time" means a period of time during which an  
offender continues to be under the control of the sentencing court  
or parole board, subject to no conditions other than leading a  
law-abiding life.

(AA) "Offender" means a person who, in this state, is  
convicted of or pleads guilty to a felony or a misdemeanor.

(BB) "Prison" means a residential facility used for the  
confinement of convicted felony offenders that is under the  
control of the department of rehabilitation and correction but  
does not include a violation sanction center operated under

authority of section 2967.141 of the Revised Code.	545
(CC) "Prison term" includes any of the following sanctions	546
for an offender:	547
(1) A stated prison term;	548
(2) A term in a prison shortened by, or with the approval of,	549
the sentencing court pursuant to section 2929.20, 2967.26,	550
5120.031, 5120.032, or 5120.073 of the Revised Code;	551
(3) A term in prison extended by bad time imposed pursuant to	552
section 2967.11 of the Revised Code or imposed for a violation of	553
post-release control pursuant to section 2967.28 of the Revised	554
Code.	555
(DD) "Repeat violent offender" means a person about whom both	556
of the following apply:	557
(1) The person has been convicted of or has pleaded guilty	558
to, and is being sentenced for committing, for complicity in	559
committing, or for an attempt to commit, aggravated murder,	560
murder, involuntary manslaughter, a felony of the first degree	561
other than one set forth in Chapter 2925. of the Revised Code, a	562
felony of the first degree set forth in Chapter 2925. of the	563
Revised Code that involved an attempt to cause serious physical	564
harm to a person or that resulted in serious physical harm to a	565
person, or a felony of the second degree that involved an attempt	566
to cause serious physical harm to a person or that resulted in	567
serious physical harm to a person.	568
(2) Either of the following applies:	569
(a) The person previously was convicted of or pleaded guilty	570
to, and previously served or, at the time of the offense was	571
serving, a prison term for, any of the following:	572
(i) Aggravated murder, murder, involuntary manslaughter,	573
rape, felonious sexual penetration as it existed under section	574

2907.12 of the Revised Code prior to September 3, 1996, a felony 575  
of the first or second degree that resulted in the death of a 576  
person or in physical harm to a person, or complicity in or an 577  
attempt to commit any of those offenses; 578

(ii) An offense under an existing or former law of this 579  
state, another state, or the United States that is or was 580  
substantially equivalent to an offense listed under division 581  
(DD)(2)(a)(i) of this section and that resulted in the death of a 582  
person or in physical harm to a person. 583

(b) The person previously was adjudicated a delinquent child 584  
for committing an act that if committed by an adult would have 585  
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 586  
section, the person was committed to the department of youth 587  
services for that delinquent act. 588

(EE) "Sanction" means any penalty imposed upon an offender 589  
who is convicted of or pleads guilty to an offense, as punishment 590  
for the offense. "Sanction" includes any sanction imposed pursuant 591  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 592  
2929.28 of the Revised Code. 593

(FF) "Sentence" means the sanction or combination of 594  
sanctions imposed by the sentencing court on an offender who is 595  
convicted of or pleads guilty to an offense. 596

(GG) "Stated prison term" means the prison term, mandatory 597  
prison term, or combination of all prison terms and mandatory 598  
prison terms imposed by the sentencing court pursuant to section 599  
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 600  
includes any credit received by the offender for time spent in 601  
jail awaiting trial, sentencing, or transfer to prison for the 602  
offense and any time spent under house arrest or house arrest with 603  
electronic monitoring imposed after earning credits pursuant to 604  
section 2967.193 of the Revised Code. 605

(HH) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for the offense.

(II) "Fourth degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the fourth degree.

(JJ) "Mandatory term of local incarceration" means the term of sixty or one hundred twenty days in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility that a sentencing court may impose upon a person who is convicted of or pleads guilty to a fourth degree felony OVI offense pursuant to division (G)(1) of section 2929.13 of the Revised Code and division (G)(1)(d) or (e) of section 4511.19 of the Revised Code.

(KK) "Designated homicide, assault, or kidnapping offense," "violent sex offense," "sexual motivation specification," "sexually violent offense," "sexually violent predator," and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

(LL) "Habitual sex offender," "sexually oriented offense," "sexual predator," "registration-exempt sexually oriented offense," "child-victim oriented offense," "habitual child-victim offender," and "child-victim predator" have the same meanings as in section 2950.01 of the Revised Code.

(MM) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed

within thirty feet of or within the same residential unit as the 637  
child and regardless of whether the child actually views the 638  
commission of the offense. 639

(NN) "Family or household member" has the same meaning as in 640  
section 2919.25 of the Revised Code. 641

(OO) "Motor vehicle" and "manufactured home" have the same 642  
meanings as in section 4501.01 of the Revised Code. 643

(PP) "Detention" and "detention facility" have the same 644  
meanings as in section 2921.01 of the Revised Code. 645

(QQ) "Third degree felony OVI offense" means a violation of 646  
division (A) of section 4511.19 of the Revised Code that, under 647  
division (G) of that section, is a felony of the third degree. 648

(RR) "Random drug testing" has the same meaning as in section 649  
5120.63 of the Revised Code. 650

(SS) "Felony sex offense" has the same meaning as in section 651  
2967.28 of the Revised Code. 652

(TT) "Body armor" has the same meaning as in section 653  
2941.1411 of the Revised Code. 654

(UU) "Electronic monitoring" means monitoring through the use 655  
of an electronic monitoring device. 656

(VV) "Electronic monitoring device" means any of the 657  
following: 658

(1) Any device that can be operated by electrical or battery 659  
power and that conforms with all of the following: 660

(a) The device has a transmitter that can be attached to a 661  
person, that will transmit a specified signal to a receiver of the 662  
type described in division (VV)(1)(b) of this section if the 663  
transmitter is removed from the person, turned off, or altered in 664  
any manner without prior court approval in relation to electronic 665

monitoring or without prior approval of the department of 666  
rehabilitation and correction in relation to the use of an 667  
electronic monitoring device for an inmate on transitional control 668  
or otherwise is tampered with, that can transmit continuously and 669  
periodically a signal to that receiver when the person is within a 670  
specified distance from the receiver, and that can transmit an 671  
appropriate signal to that receiver if the person to whom it is 672  
attached travels a specified distance from that receiver. 673

(b) The device has a receiver that can receive continuously 674  
the signals transmitted by a transmitter of the type described in 675  
division (VV)(1)(a) of this section, can transmit continuously 676  
those signals by telephone to a central monitoring computer of the 677  
type described in division (VV)(1)(c) of this section, and can 678  
transmit continuously an appropriate signal to that central 679  
monitoring computer if the receiver is turned off or altered 680  
without prior court approval or otherwise tampered with. 681

(c) The device has a central monitoring computer that can 682  
receive continuously the signals transmitted by telephone by a 683  
receiver of the type described in division (VV)(1)(b) of this 684  
section and can monitor continuously the person to whom an 685  
electronic monitoring device of the type described in division 686  
(VV)(1)(a) of this section is attached. 687

(2) Any device that is not a device of the type described in 688  
division (VV)(1) of this section and that conforms with all of the 689  
following: 690

(a) The device includes a transmitter and receiver that can 691  
monitor and determine the location of a subject person at any 692  
time, or at a designated point in time, through the use of a 693  
central monitoring computer or through other electronic means. 694

(b) The device includes a transmitter and receiver that can 695  
determine at any time, or at a designated point in time, through 696

the use of a central monitoring computer or other electronic means 697  
the fact that the transmitter is turned off or altered in any 698  
manner without prior approval of the court in relation to the 699  
electronic monitoring or without prior approval of the department 700  
of rehabilitation and correction in relation to the use of an 701  
electronic monitoring device for an inmate on transitional control 702  
or otherwise is tampered with. 703

(3) Any type of technology that can adequately track or 704  
determine the location of a subject person at any time and that is 705  
approved by the director of rehabilitation and correction, 706  
including, but not limited to, any satellite technology, voice 707  
tracking system, or retinal scanning system that is so approved. 708

(WW) "Non-economic loss" means nonpecuniary harm suffered by 709  
a victim of an offense as a result of or related to the commission 710  
of the offense, including, but not limited to, pain and suffering; 711  
loss of society, consortium, companionship, care, assistance, 712  
attention, protection, advice, guidance, counsel, instruction, 713  
training, or education; mental anguish; and any other intangible 714  
loss. 715

(XX) "Prosecutor" has the same meaning as in section 2935.01 716  
of the Revised Code. 717

~~(WW)~~(YY) "Continuous alcohol monitoring" means the ability to 718  
automatically test and periodically transmit alcohol consumption 719  
levels and tamper attempts at least every hour, regardless of the 720  
location of the person who is being monitored. 721

(ZZ) A person is "adjudicated a sexually violent predator" if 722  
the person is convicted of or pleads guilty to a violent sex 723  
offense and also is convicted of or pleads guilty to a sexually 724  
violent predator specification that was included in the 725  
indictment, count in the indictment, or information charging that 726  
violent sex offense or if the person is convicted of or pleads 727



guilty to a designated homicide, assault, or kidnapping offense 728  
and also is convicted of or pleads guilty to both a sexual 729  
motivation specification and a sexually violent predator 730  
specification that were included in the indictment, count in the 731  
indictment, or information charging that designated homicide, 732  
assault, or kidnapping offense. 733

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 734  
(G) of this section and unless a specific sanction is required to 735  
be imposed or is precluded from being imposed pursuant to law, a 736  
court that imposes a sentence upon an offender for a felony may 737  
impose any sanction or combination of sanctions on the offender 738  
that are provided in sections 2929.14 to 2929.18 of the Revised 739  
Code. The sentence shall not impose an unnecessary burden on state 740  
or local government resources. 741

If the offender is eligible to be sentenced to community 742  
control sanctions, the court shall consider the appropriateness of 743  
imposing a financial sanction pursuant to section 2929.18 of the 744  
Revised Code or a sanction of community service pursuant to 745  
section 2929.17 of the Revised Code as the sole sanction for the 746  
offense. Except as otherwise provided in this division, if the 747  
court is required to impose a mandatory prison term for the 748  
offense for which sentence is being imposed, the court also may 749  
impose a financial sanction pursuant to section 2929.18 of the 750  
Revised Code but may not impose any additional sanction or 751  
combination of sanctions under section 2929.16 or 2929.17 of the 752  
Revised Code. 753

If the offender is being sentenced for a fourth degree felony 754  
OVI offense or for a third degree felony OVI offense, in addition 755  
to the mandatory term of local incarceration or the mandatory 756  
prison term required for the offense by division (G)(1) or (2) of 757  
this section, the court shall impose upon the offender a mandatory 758

fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

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

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

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

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

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

(d) The offender held a public office or position of trust 790  
and the offense related to that office or position; the offender's 791  
position obliged the offender to prevent the offense or to bring 792  
those committing it to justice; or the offender's professional 793  
reputation or position facilitated the offense or was likely to 794  
influence the future conduct of others. 795

(e) The offender committed the offense for hire or as part of 796  
an organized criminal activity. 797

(f) The offense is a sex offense that is a fourth or fifth 798  
degree felony violation of section 2907.03, 2907.04, 2907.05, 799  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 800  
Revised Code. 801

(g) The offender at the time of the offense was serving, or 802  
the offender previously had served, a prison term. 803

(h) The offender committed the offense while under a 804  
community control sanction, while on probation, or while released 805  
from custody on a bond or personal recognizance. 806

(i) The offender committed the offense while in possession of 807  
a firearm. 808

(2)(a) If the court makes a finding described in division 809  
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 810  
section and if the court, after considering the factors set forth 811  
in section 2929.12 of the Revised Code, finds that a prison term 812  
is consistent with the purposes and principles of sentencing set 813  
forth in section 2929.11 of the Revised Code and finds that the 814  
offender is not amenable to an available community control 815  
sanction, the court shall impose a prison term upon the offender. 816

(b) Except as provided in division (E), (F), or (G) of this 817  
section, if the court does not make a finding described in 818  
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 819

this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.

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

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

(1) A community control sanction or a combination of

community control sanctions would adequately punish the offender 852  
and protect the public from future crime, because the applicable 853  
factors under section 2929.12 of the Revised Code indicating a 854  
lesser likelihood of recidivism outweigh the applicable factors 855  
under that section indicating a greater likelihood of recidivism. 856

(2) A community control sanction or a combination of 857  
community control sanctions would not demean the seriousness of 858  
the offense, because one or more factors under section 2929.12 of 859  
the Revised Code that indicate that the offender's conduct was 860  
less serious than conduct normally constituting the offense are 861  
applicable, and they outweigh the applicable factors under that 862  
section that indicate that the offender's conduct was more serious 863  
than conduct normally constituting the offense. 864

(E)(1) Except as provided in division (F) of this section, 865  
for any drug offense that is a violation of any provision of 866  
Chapter 2925. of the Revised Code and that is a felony of the 867  
third, fourth, or fifth degree, the applicability of a presumption 868  
under division (D) of this section in favor of a prison term or of 869  
division (B) or (C) of this section in determining whether to 870  
impose a prison term for the offense shall be determined as 871  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 872  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 873  
Revised Code, whichever is applicable regarding the violation. 874

(2) If an offender who was convicted of or pleaded guilty to 875  
a felony violates the conditions of a community control sanction 876  
imposed for the offense solely by reason of producing positive 877  
results on a drug test, the court, as punishment for the violation 878  
of the sanction, shall not order that the offender be imprisoned 879  
unless the court determines on the record either of the following: 880

(a) The offender had been ordered as a sanction for the 881  
felony to participate in a drug treatment program, in a drug 882

education program, or in narcotics anonymous or a similar program, 883  
and the offender continued to use illegal drugs after a reasonable 884  
period of participation in the program. 885

(b) The imprisonment of the offender for the violation is 886  
consistent with the purposes and principles of sentencing set 887  
forth in section 2929.11 of the Revised Code. 888

(F) Notwithstanding divisions (A) to (E) of this section, the 889  
court shall impose a prison term or terms under sections 2929.02 890  
to 2929.06, section 2929.14, or section 2971.03 of the Revised 891  
Code and except as specifically provided in section 2929.20 or 892  
2967.191 of the Revised Code or when parole is authorized for the 893  
offense under section 2967.13 of the Revised Code shall not reduce 894  
the terms pursuant to section 2929.20, section 2967.193, or any 895  
other provision of Chapter 2967. or Chapter 5120. of the Revised 896  
Code for any of the following offenses: 897

(1) Aggravated murder when death is not imposed or murder; 898

(2) Any rape, regardless of whether force was involved and 899  
regardless of the age of the victim, or an attempt to commit rape 900  
if, had the offender completed the rape that was attempted, the 901  
offender would have been subject to a sentence of life 902  
imprisonment or life imprisonment without parole for the rape; 903

(3) Gross sexual imposition or sexual battery, if the victim 904  
is under thirteen years of age, if the offender previously was 905  
convicted of or pleaded guilty to rape, the former offense of 906  
felonious sexual penetration, gross sexual imposition, or sexual 907  
battery, and if the victim of the previous offense was under 908  
thirteen years of age; 909

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 910  
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 911  
requires the imposition of a prison term; 912

(5) A first, second, or third degree felony drug offense for 913  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 914  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 915  
4729.99 of the Revised Code, whichever is applicable regarding the 916  
violation, requires the imposition of a mandatory prison term; 917

(6) Any offense that is a first or second degree felony and 918  
that is not set forth in division (F)(1), (2), (3), or (4) of this 919  
section, if the offender previously was convicted of or pleaded 920  
guilty to aggravated murder, murder, any first or second degree 921  
felony, or an offense under an existing or former law of this 922  
state, another state, or the United States that is or was 923  
substantially equivalent to one of those offenses; 924

(7) Any offense that is a third degree felony and that is 925  
listed in division (DD)(1) of section 2929.01 of the Revised Code 926  
if the offender previously was convicted of or pleaded guilty to 927  
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 928  
section 2929.01 of the Revised Code; 929

(8) Any offense, other than a violation of section 2923.12 of 930  
the Revised Code, that is a felony, if the offender had a firearm 931  
on or about the offender's person or under the offender's control 932  
while committing the felony, with respect to a portion of the 933  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 934  
of the Revised Code for having the firearm; 935

(9) Any offense of violence that is a felony, if the offender 936  
wore or carried body armor while committing the felony offense of 937  
violence, with respect to the portion of the sentence imposed 938  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 939  
Code for wearing or carrying the body armor; 940

(10) Corrupt activity in violation of section 2923.32 of the 941  
Revised Code when the most serious offense in the pattern of 942  
corrupt activity that is the basis of the offense is a felony of 943

the first degree; 944

(11) Any ~~sexually violent sex offense for which or designated~~ 945  
~~homicide, assault, or kidnapping offense if, in relation to that~~ 946  
~~offense,~~ the offender ~~also is convicted of or pleads guilty to~~ 947  
~~adjudicated~~ a sexually violent predator ~~specification that was~~ 948  
~~included in the indictment, count in the indictment, or~~ 949  
~~information charging the sexually violent offense;~~ 950

(12) A violation of division (A)(1) or (2) of section 2921.36 951  
of the Revised Code, or a violation of division (C) of that 952  
section involving an item listed in division (A)(1) or (2) of that 953  
section, if the offender is an officer or employee of the 954  
department of rehabilitation and correction; 955

(13) A violation of division (A)(1) or (2) of section 2903.06 956  
of the Revised Code if the victim of the offense is a peace 957  
officer, as defined in section 2935.01 of the Revised Code, with 958  
respect to the portion of the sentence imposed pursuant to 959  
division (D)(5) of section 2929.14 of the Revised Code; 960

(14) A violation of division (A)(1) or (2) of section 2903.06 961  
of the Revised Code if the offender has been convicted of or 962  
pleaded guilty to three or more violations of division (A) or (B) 963  
of section 4511.19 of the Revised Code or an equivalent offense, 964  
as defined in section 2941.1415 of the Revised Code, or three or 965  
more violations of any combination of those divisions and 966  
offenses, with respect to the portion of the sentence imposed 967  
pursuant to division (D)(6) of section 2929.14 of the Revised 968  
Code. 969

(G) Notwithstanding divisions (A) to (E) of this section, if 970  
an offender is being sentenced for a fourth degree felony OVI 971  
offense or for a third degree felony OVI offense, the court shall 972  
impose upon the offender a mandatory term of local incarceration 973  
or a mandatory prison term in accordance with the following: 974



(1) If the offender is being sentenced for a fourth degree 975  
felony OVI offense and if the offender has not been convicted of 976  
and has not pleaded guilty to a specification of the type 977  
described in section 2941.1413 of the Revised Code, the court may 978  
impose upon the offender a mandatory term of local incarceration 979  
of sixty days or one hundred twenty days as specified in division 980  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 981  
not reduce the term pursuant to section 2929.20, 2967.193, or any 982  
other provision of the Revised Code. The court that imposes a 983  
mandatory term of local incarceration under this division shall 984  
specify whether the term is to be served in a jail, a 985  
community-based correctional facility, a halfway house, or an 986  
alternative residential facility, and the offender shall serve the 987  
term in the type of facility specified by the court. A mandatory 988  
term of local incarceration imposed under division (G)(1) of this 989  
section is not subject to extension under section 2967.11 of the 990  
Revised Code, to a period of post-release control under section 991  
2967.28 of the Revised Code, or to any other Revised Code 992  
provision that pertains to a prison term except as provided in 993  
division (A)(1) of this section. 994

(2) If the offender is being sentenced for a third degree 995  
felony OVI offense, or if the offender is being sentenced for a 996  
fourth degree felony OVI offense and the court does not impose a 997  
mandatory term of local incarceration under division (G)(1) of 998  
this section, the court shall impose upon the offender a mandatory 999  
prison term of one, two, three, four, or five years if the 1000  
offender also is convicted of or also pleads guilty to a 1001  
specification of the type described in section 2941.1413 of the 1002  
Revised Code or shall impose upon the offender a mandatory prison 1003  
term of sixty days or one hundred twenty days as specified in 1004  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1005  
if the offender has not been convicted of and has not pleaded 1006

guilty to a specification of that type. The court shall not reduce  
the term pursuant to section 2929.20, 2967.193, or any other  
provision of the Revised Code. The offender shall serve the one-,  
two-, three-, four-, or five-year mandatory prison term  
consecutively to and prior to the prison term imposed for the  
underlying offense and consecutively to any other mandatory prison  
term imposed in relation to the offense. In no case shall an  
offender who once has been sentenced to a mandatory term of local  
incarceration pursuant to division (G)(1) of this section for a  
fourth degree felony OVI offense be sentenced to another mandatory  
term of local incarceration under that division for any violation  
of division (A) of section 4511.19 of the Revised Code. In  
addition to the mandatory prison term described in division (G)(2)  
of this section, the court may sentence the offender to a  
community control sanction under section 2929.16 or 2929.17 of the  
Revised Code, but the offender shall serve the prison term prior  
to serving the community control sanction. The department of  
rehabilitation and correction may place an offender sentenced to a  
mandatory prison term under this division in an intensive program  
prison established pursuant to section 5120.033 of the Revised  
Code if the department gave the sentencing judge prior notice of  
its intent to place the offender in an intensive program prison  
established under that section and if the judge did not notify the  
department that the judge disapproved the placement. Upon the  
establishment of the initial intensive program prison pursuant to  
section 5120.033 of the Revised Code that is privately operated  
and managed by a contractor pursuant to a contract entered into  
under section 9.06 of the Revised Code, both of the following  
apply:

(a) The department of rehabilitation and correction shall  
make a reasonable effort to ensure that a sufficient number of  
offenders sentenced to a mandatory prison term under this division

are placed in the privately operated and managed prison so that 1039  
the privately operated and managed prison has full occupancy. 1040

(b) Unless the privately operated and managed prison has full 1041  
occupancy, the department of rehabilitation and correction shall 1042  
not place any offender sentenced to a mandatory prison term under 1043  
this division in any intensive program prison established pursuant 1044  
to section 5120.033 of the Revised Code other than the privately 1045  
operated and managed prison. 1046

(H) If an offender is being sentenced for a sexually oriented 1047  
offense committed on or after January 1, 1997, the judge shall 1048  
require the offender to submit to a DNA specimen collection 1049  
procedure pursuant to section 2901.07 of the Revised Code if 1050  
either of the following applies: 1051

(1) The offense was a ~~sexually~~ violent sex offense, or a 1052  
designated homicide, assault, or kidnapping offense and, in 1053  
relation to that offense, the offender ~~also was convicted of or~~ 1054  
~~pleaded guilty to~~ adjudicated a sexually violent predator 1055  
~~specification that was included in the indictment, count in the~~ 1056  
~~indictment, or information charging the sexually violent offense.~~ 1057

(2) The judge imposing sentence for the sexually oriented 1058  
offense determines pursuant to division (B) of section 2950.09 of 1059  
the Revised Code that the offender is a sexual predator. 1060

(I) If an offender is being sentenced for a sexually oriented 1061  
offense that is not a registration-exempt sexually oriented 1062  
offense or for a child-victim oriented offense committed on or 1063  
after January 1, 1997, the judge shall include in the sentence a 1064  
summary of the offender's duties imposed under sections 2950.04, 1065  
2950.041, 2950.05, and 2950.06 of the Revised Code and the 1066  
duration of the duties. The judge shall inform the offender, at 1067  
the time of sentencing, of those duties and of their duration and, 1068  
if required under division (A)(2) of section 2950.03 of the 1069

Revised Code, shall perform the duties specified in that section. 1070

(J)(1) Except as provided in division (J)(2) of this section, 1071  
when considering sentencing factors under this section in relation 1072  
to an offender who is convicted of or pleads guilty to an attempt 1073  
to commit an offense in violation of section 2923.02 of the 1074  
Revised Code, the sentencing court shall consider the factors 1075  
applicable to the felony category of the violation of section 1076  
2923.02 of the Revised Code instead of the factors applicable to 1077  
the felony category of the offense attempted. 1078

(2) When considering sentencing factors under this section in 1079  
relation to an offender who is convicted of or pleads guilty to an 1080  
attempt to commit a drug abuse offense for which the penalty is 1081  
determined by the amount or number of unit doses of the controlled 1082  
substance involved in the drug abuse offense, the sentencing court 1083  
shall consider the factors applicable to the felony category that 1084  
the drug abuse offense attempted would be if that drug abuse 1085  
offense had been committed and had involved an amount or number of 1086  
unit doses of the controlled substance that is within the next 1087  
lower range of controlled substance amounts than was involved in 1088  
the attempt. 1089

(K) As used in this section, "drug abuse offense" has the 1090  
same meaning as in section 2925.01 of the Revised Code. 1091

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), 1092  
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and 1093  
except in relation to an offense for which a sentence of death or 1094  
life imprisonment is to be imposed, if the court imposing a 1095  
sentence upon an offender for a felony elects or is required to 1096  
impose a prison term on the offender pursuant to this chapter, the 1097  
court shall impose a definite prison term that shall be one of the 1098  
following: 1099

(1) For a felony of the first degree, the prison term shall 1100  
be three, four, five, six, seven, eight, nine, or ten years. 1101

(2) For a felony of the second degree, the prison term shall 1102  
be two, three, four, five, six, seven, or eight years. 1103

(3) For a felony of the third degree, the prison term shall 1104  
be one, two, three, four, or five years. 1105

(4) For a felony of the fourth degree, the prison term shall 1106  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1107  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1108

(5) For a felony of the fifth degree, the prison term shall 1109  
be six, seven, eight, nine, ten, eleven, or twelve months. 1110

(B) Except as provided in division (C), (D)(1), (D)(2), 1111  
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 1112  
of the Revised Code, or in Chapter 2925. of the Revised Code, if 1113  
the court imposing a sentence upon an offender for a felony elects 1114  
or is required to impose a prison term on the offender, the court 1115  
shall impose the shortest prison term authorized for the offense 1116  
pursuant to division (A) of this section, unless one or more of 1117  
the following applies: 1118

(1) The offender was serving a prison term at the time of the 1119  
offense, or the offender previously had served a prison term. 1120

(2) The court finds on the record that the shortest prison 1121  
term will demean the seriousness of the offender's conduct or will 1122  
not adequately protect the public from future crime by the 1123  
offender or others. 1124

(C) Except as provided in division (G) of this section or in 1125  
Chapter 2925. of the Revised Code, the court imposing a sentence 1126  
upon an offender for a felony may impose the longest prison term 1127  
authorized for the offense pursuant to division (A) of this 1128  
section only upon offenders who committed the worst forms of the 1129

offense, upon offenders who pose the greatest likelihood of 1130  
committing future crimes, upon certain major drug offenders under 1131  
division (D)(3) of this section, and upon certain repeat violent 1132  
offenders in accordance with division (D)(2) of this section. 1133

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1134  
section, if an offender who is convicted of or pleads guilty to a 1135  
felony also is convicted of or pleads guilty to a specification of 1136  
the type described in section 2941.141, 2941.144, or 2941.145 of 1137  
the Revised Code, the court shall impose on the offender one of 1138  
the following prison terms: 1139

(i) A prison term of six years if the specification is of the 1140  
type described in section 2941.144 of the Revised Code that 1141  
charges the offender with having a firearm that is an automatic 1142  
firearm or that was equipped with a firearm muffler or silencer on 1143  
or about the offender's person or under the offender's control 1144  
while committing the felony; 1145

(ii) A prison term of three years if the specification is of 1146  
the type described in section 2941.145 of the Revised Code that 1147  
charges the offender with having a firearm on or about the 1148  
offender's person or under the offender's control while committing 1149  
the offense and displaying the firearm, brandishing the firearm, 1150  
indicating that the offender possessed the firearm, or using it to 1151  
facilitate the offense; 1152

(iii) A prison term of one year if the specification is of 1153  
the type described in section 2941.141 of the Revised Code that 1154  
charges the offender with having a firearm on or about the 1155  
offender's person or under the offender's control while committing 1156  
the felony. 1157

(b) If a court imposes a prison term on an offender under 1158  
division (D)(1)(a) of this section, the prison term shall not be 1159  
reduced pursuant to section 2929.20, section 2967.193, or any 1160

other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(1)(a) of this section for felonies committed as part of the same act or transaction.

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

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section

2941.1411 of the Revised Code that charges the offender with 1193  
wearing or carrying body armor while committing the felony offense 1194  
of violence, the court shall impose on the offender a prison term 1195  
of two years. The prison term so imposed shall not be reduced 1196  
pursuant to section 2929.20, section 2967.193, or any other 1197  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1198  
court shall not impose more than one prison term on an offender 1199  
under division (D)(1)(d) of this section for felonies committed as 1200  
part of the same act or transaction. If a court imposes an 1201  
additional prison term under division (D)(1)(a) or (c) of this 1202  
section, the court is not precluded from imposing an additional 1203  
prison term under division (D)(1)(d) of this section. 1204

(e) The court shall not impose any of the prison terms 1205  
described in division (D)(1)(a) of this section or any of the 1206  
additional prison terms described in division (D)(1)(c) of this 1207  
section upon an offender for a violation of section 2923.12 or 1208  
2923.123 of the Revised Code. The court shall not impose any of 1209  
the prison terms described in division (D)(1)(a) of this section 1210  
or any of the additional prison terms described in division 1211  
(D)(1)(c) of this section upon an offender for a violation of 1212  
section 2923.13 of the Revised Code unless all of the following 1213  
apply: 1214

(i) The offender previously has been convicted of aggravated 1215  
murder, murder, or any felony of the first or second degree. 1216

(ii) Less than five years have passed since the offender was 1217  
released from prison or post-release control, whichever is later, 1218  
for the prior offense. 1219

(f) If an offender is convicted of or pleads guilty to a 1220  
felony that includes, as an essential element, causing or 1221  
attempting to cause the death of or physical harm to another and 1222  
also is convicted of or pleads guilty to a specification of the 1223



type described in section 2941.1412 of the Revised Code that 1224  
charges the offender with committing the offense by discharging a 1225  
firearm at a peace officer as defined in section 2935.01 of the 1226  
Revised Code or a corrections officer as defined in section 1227  
2941.1412 of the Revised Code, the court, after imposing a prison 1228  
term on the offender for the felony offense under division (A), 1229  
(D)(2), or (D)(3) of this section, shall impose an additional 1230  
prison term of seven years upon the offender that shall not be 1231  
reduced pursuant to section 2929.20, section 2967.193, or any 1232  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1233  
Code. A court shall not impose more than one additional prison 1234  
term on an offender under division (D)(1)(f) of this section for 1235  
felonies committed as part of the same act or transaction. If a 1236  
court imposes an additional prison term on an offender under 1237  
division (D)(1)(f) of this section relative to an offense, the 1238  
court shall not impose a prison term under division (D)(1)(a) or 1239  
(c) of this section relative to the same offense. 1240

(2)(a) If an offender who is convicted of or pleads guilty to 1241  
a felony also is convicted of or pleads guilty to a specification 1242  
of the type described in section 2941.149 of the Revised Code that 1243  
the offender is a repeat violent offender, the court shall impose 1244  
a prison term from the range of terms authorized for the offense 1245  
under division (A) of this section that may be the longest term in 1246  
the range and that shall not be reduced pursuant to section 1247  
2929.20, section 2967.193, or any other provision of Chapter 2967. 1248  
or Chapter 5120. of the Revised Code. If the court finds that the 1249  
repeat violent offender, in committing the offense, caused any 1250  
physical harm that carried a substantial risk of death to a person 1251  
or that involved substantial permanent incapacity or substantial 1252  
permanent disfigurement of a person, the court shall impose the 1253  
longest prison term from the range of terms authorized for the 1254  
offense under division (A) of this section. 1255

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

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

(ii) The terms so imposed are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(3)(a) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender and requires the imposition of a ten-year prison term on the offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172,

division (C) of section 4729.51, or division (J) of section 1288  
4729.54 of the Revised Code that includes the sale, offer to sell, 1289  
or possession of a schedule I or II controlled substance, with the 1290  
exception of marihuana, and the court imposing sentence upon the 1291  
offender finds that the offender is guilty of a specification of 1292  
the type described in section 2941.1410 of the Revised Code 1293  
charging that the offender is a major drug offender, if the court 1294  
imposing sentence upon an offender for a felony finds that the 1295  
offender is guilty of corrupt activity with the most serious 1296  
offense in the pattern of corrupt activity being a felony of the 1297  
first degree, or if the offender is guilty of an attempted 1298  
violation of section 2907.02 of the Revised Code and, had the 1299  
offender completed the violation of section 2907.02 of the Revised 1300  
Code that was attempted, the offender would have been subject to a 1301  
sentence of life imprisonment or life imprisonment without parole 1302  
for the violation of section 2907.02 of the Revised Code, the 1303  
court shall impose upon the offender for the felony violation a 1304  
ten-year prison term that cannot be reduced pursuant to section 1305  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1306

(b) The court imposing a prison term on an offender under 1307  
division (D)(3)(a) of this section may impose an additional prison 1308  
term of one, two, three, four, five, six, seven, eight, nine, or 1309  
ten years, if the court, with respect to the term imposed under 1310  
division (D)(3)(a) of this section and, if applicable, divisions 1311  
(D)(1) and (2) of this section, makes both of the findings set 1312  
forth in divisions (D)(2)(b)(i) and (ii) of this section. 1313

(4) If the offender is being sentenced for a third or fourth 1314  
degree felony OVI offense under division (G)(2) of section 2929.13 1315  
of the Revised Code, the sentencing court shall impose upon the 1316  
offender a mandatory prison term in accordance with that division. 1317  
In addition to the mandatory prison term, if the offender is being 1318  
sentenced for a fourth degree felony OVI offense, the court, 1319

notwithstanding division (A)(4) of this section, may sentence the  
offender to a definite prison term of not less than six months and  
not more than thirty months, and if the offender is being  
sentenced for a third degree felony OVI offense, the sentencing  
court may sentence the offender to an additional prison term of  
any duration specified in division (A)(3) of this section. In  
either case, the additional prison term imposed shall be reduced  
by the sixty or one hundred twenty days imposed upon the offender  
as the mandatory prison term. The total of the additional prison  
term imposed under division (D)(4) of this section plus the sixty  
or one hundred twenty days imposed as the mandatory prison term  
shall equal a definite term in the range of six months to thirty  
months for a fourth degree felony OVI offense and shall equal one  
of the authorized prison terms specified in division (A)(3) of  
this section for a third degree felony OVI offense. If the court  
imposes an additional prison term under division (D)(4) of this  
section, the offender shall serve the additional prison term after  
the offender has served the mandatory prison term required for the  
offense. In addition to the mandatory prison term or mandatory and  
additional prison term imposed as described in division (D)(4) of  
this section, the court also may sentence the offender to a  
community control sanction under section 2929.16 or 2929.17 of the  
Revised Code, but the offender shall serve all of the prison terms  
so imposed prior to serving the community control sanction.

If the offender is being sentenced for a fourth degree felony  
OVI offense under division (G)(1) of section 2929.13 of the  
Revised Code and the court imposes a mandatory term of local  
incarceration, the court may impose a prison term as described in  
division (A)(1) of that section.

(5) If an offender is convicted of or pleads guilty to a  
violation of division (A)(1) or (2) of section 2903.06 of the  
Revised Code and also is convicted of or pleads guilty to a

specification of the type described in section 2941.1414 of the  
Revised Code that charges that the victim of the offense is a  
peace officer, as defined in section 2935.01 of the Revised Code,  
the court shall impose on the offender a prison term of five  
years. If a court imposes a prison term on an offender under  
division (D)(5) of this section, the prison term shall not be  
reduced pursuant to section 2929.20, section 2967.193, or any  
other provision of Chapter 2967. or Chapter 5120. of the Revised  
Code. A court shall not impose more than one prison term on an  
offender under division (D)(5) of this section for felonies  
committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a  
violation of division (A)(1) or (2) of section 2903.06 of the  
Revised Code and also is convicted of or pleads guilty to a  
specification of the type described in section 2941.1415 of the  
Revised Code that charges that the offender previously has been  
convicted of or pleaded guilty to three or more violations of  
division (A) or (B) of section 4511.19 of the Revised Code or an  
equivalent offense, as defined in section 2941.1415 of the Revised  
Code, or three or more violations of any combination of those  
divisions and offenses, the court shall impose on the offender a  
prison term of three years. If a court imposes a prison term on an  
offender under division (D)(6) of this section, the prison term  
shall not be reduced pursuant to section 2929.20, section  
2967.193, or any other provision of Chapter 2967. or Chapter 5120.  
of the Revised Code. A court shall not impose more than one prison  
term on an offender under division (D)(6) of this section for  
felonies committed as part of the same act.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a  
mandatory prison term is imposed upon an offender pursuant to  
division (D)(1)(a) of this section for having a firearm on or  
about the offender's person or under the offender's control while

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

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

(c) If a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(f) of this section, the offender shall serve the mandatory prison term so imposed consecutively to and prior to any prison term imposed for the underlying felony under division (A), (D)(2), or (D)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is an escapee in violation of section 2921.34 of the Revised Code, any prison term imposed upon the offender for one of those violations shall be served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or subsequently imposed upon the offender.

(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code, a violation of division (A) of section 2913.02 of the Revised Code in which the stolen property is a firearm or dangerous ordnance, or a felony violation of division (B) of section 2921.331 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

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

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was

under a sanction imposed pursuant to section 2929.16, 2929.17, or 1448  
2929.18 of the Revised Code, or was under post-release control for 1449  
a prior offense. 1450

(b) At least two of the multiple offenses were committed as 1451  
part of one or more courses of conduct, and the harm caused by two 1452  
or more of the multiple offenses so committed was so great or 1453  
unusual that no single prison term for any of the offenses 1454  
committed as part of any of the courses of conduct adequately 1455  
reflects the seriousness of the offender's conduct. 1456

(c) The offender's history of criminal conduct demonstrates 1457  
that consecutive sentences are necessary to protect the public 1458  
from future crime by the offender. 1459

(5) If a mandatory prison term is imposed upon an offender 1460  
pursuant to division (D)(5) or (6) of this section, the offender 1461  
shall serve the mandatory prison term consecutively to and prior 1462  
to any prison term imposed for the underlying violation of 1463  
division (A)(1) or (2) of section 2903.06 of the Revised Code 1464  
pursuant to division (A) of this section. If a mandatory prison 1465  
term is imposed upon an offender pursuant to division (D)(5) of 1466  
this section, and if a mandatory prison term also is imposed upon 1467  
the offender pursuant to division (D)(6) of this section in 1468  
relation to the same violation, the offender shall serve the 1469  
mandatory prison term imposed pursuant to division (D)(5) of this 1470  
section consecutively to and prior to the mandatory prison term 1471  
imposed pursuant to division (D)(6) of this section and 1472  
consecutively to and prior to any prison term imposed for the 1473  
underlying violation of division (A)(1) or (2) of section 2903.06 1474  
of the Revised Code pursuant to division (A) of this section. 1475

(6) When consecutive prison terms are imposed pursuant to 1476  
division (E)(1), (2), (3), (4), or (5) of this section, the term 1477  
to be served is the aggregate of all of the terms so imposed. 1478



(F) If a court imposes a prison term of a type described in 1479  
division (B) of section 2967.28 of the Revised Code, it shall 1480  
include in the sentence a requirement that the offender be subject 1481  
to a period of post-release control after the offender's release 1482  
from imprisonment, in accordance with that division. If a court 1483  
imposes a prison term of a type described in division (C) of that 1484  
section, it shall include in the sentence a requirement that the 1485  
offender be subject to a period of post-release control after the 1486  
offender's release from imprisonment, in accordance with that 1487  
division, if the parole board determines that a period of 1488  
post-release control is necessary. 1489

(G) If a person is convicted of or pleads guilty to a 1490  
~~sexually violent sex offense or a designated homicide, assault, or~~ 1491  
~~kidnapping offense and also is convicted of or pleads guilty to,~~ 1492  
~~in relation to that offense, the offender is adjudicated a~~ 1493  
sexually violent predator ~~specification that was included in the~~ 1494  
~~indictment, count in the indictment, or information charging that~~ 1495  
~~offense,~~ the court shall impose sentence upon the offender in 1496  
accordance with section 2971.03 of the Revised Code, and Chapter 1497  
2971. of the Revised Code applies regarding the prison term or 1498  
term of life imprisonment without parole imposed upon the offender 1499  
and the service of that term of imprisonment. 1500

(H) If a person who has been convicted of or pleaded guilty 1501  
to a felony is sentenced to a prison term or term of imprisonment 1502  
under this section, sections 2929.02 to 2929.06 of the Revised 1503  
Code, section 2971.03 of the Revised Code, or any other provision 1504  
of law, section 5120.163 of the Revised Code applies regarding the 1505  
person while the person is confined in a state correctional 1506  
institution. 1507

(I) If an offender who is convicted of or pleads guilty to a 1508  
felony that is an offense of violence also is convicted of or 1509  
pleads guilty to a specification of the type described in section 1510

2941.142 of the Revised Code that charges the offender with having  
committed the felony while participating in a criminal gang, the  
court shall impose upon the offender an additional prison term of  
one, two, or three years.

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

(K) At the time of sentencing, the court may recommend the  
offender for placement in a program of shock incarceration under  
section 5120.031 of the Revised Code or for placement in an  
intensive program prison under section 5120.032 of the Revised  
Code, disapprove placement of the offender in a program of shock  
incarceration or an intensive program prison of that nature, or  
make no recommendation on placement of the offender. In no case  
shall the department of rehabilitation and correction place the  
offender in a program or prison of that nature unless the  
department determines as specified in section 5120.031 or 5120.032  
of the Revised Code, whichever is applicable, that the offender is  
eligible for the placement.

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

If the court recommends placement of the offender in a

program of shock incarceration or in an intensive program prison, 1542  
and if the offender is subsequently placed in the recommended 1543  
program or prison, the department shall notify the court of the 1544  
placement and shall include with the notice a brief description of 1545  
the placement. 1546

If the court recommends placement of the offender in a 1547  
program of shock incarceration or in an intensive program prison 1548  
and the department does not subsequently place the offender in the 1549  
recommended program or prison, the department shall send a notice 1550  
to the court indicating why the offender was not placed in the 1551  
recommended program or prison. 1552

If the court does not make a recommendation under this 1553  
division with respect to an offender and if the department 1554  
determines as specified in section 5120.031 or 5120.032 of the 1555  
Revised Code, whichever is applicable, that the offender is 1556  
eligible for placement in a program or prison of that nature, the 1557  
department shall screen the offender and determine if there is an 1558  
available program of shock incarceration or an intensive program 1559  
prison for which the offender is suited. If there is an available 1560  
program of shock incarceration or an intensive program prison for 1561  
which the offender is suited, the department shall notify the 1562  
court of the proposed placement of the offender as specified in 1563  
section 5120.031 or 5120.032 of the Revised Code and shall include 1564  
with the notice a brief description of the placement. The court 1565  
shall have ten days from receipt of the notice to disapprove the 1566  
placement. 1567

**Sec. 2929.19.** (A)(1) The court shall hold a sentencing 1568  
hearing before imposing a sentence under this chapter upon an 1569  
offender who was convicted of or pleaded guilty to a felony and 1570  
before resentencing an offender who was convicted of or pleaded 1571  
guilty to a felony and whose case was remanded pursuant to section 1572

2953.07 or 2953.08 of the Revised Code. At the hearing, the  
offender, the prosecuting attorney, the victim or the victim's  
representative in accordance with section 2930.14 of the Revised  
Code, and, with the approval of the court, any other person may  
present information relevant to the imposition of sentence in the  
case. The court shall inform the offender of the verdict of the  
jury or finding of the court and ask the offender whether the  
offender has anything to say as to why sentence should not be  
imposed upon the offender.

(2) Except as otherwise provided in this division, before  
imposing sentence on an offender who is being sentenced on or  
after January 1, 1997, for a sexually oriented offense ~~that was  
committed on or after January 1, 1997,~~ that is not a  
registration-exempt sexually oriented offense, ~~and that is not a  
sexually violent offense, and before imposing sentence on an  
offender who is being sentenced for a sexually violent offense  
committed on or after January 1, 1997, and who was not charged  
with a sexually violent predator specification in the indictment,  
count in the indictment, or information charging the sexually  
violent offense, and before imposing sentence on or after May 7,  
2002, on an offender who is being sentenced for a sexually  
oriented offense that is not a registration-exempt sexually  
oriented offense and who was acquitted of a sexually violent  
predator specification included in the indictment, count in the  
indictment, or information charging the sexually oriented offense  
and who is in any category of offender described in division  
(B)(1)(a)(i), (ii), or (iii) of section 2950.09 of the Revised  
Code,~~ the court shall conduct a hearing in accordance with  
division (B) of section 2950.09 of the Revised Code to determine  
whether the offender is a sexual predator. The court shall not  
conduct a hearing under that division if the offender is being  
sentenced for a ~~sexually violent~~ sex offense, ~~if a sexually  
violent predator specification was included in the indictment,~~

~~count in the indictment, or information charging the sexually~~ 1606  
~~violent offense, and if or a designated homicide, assault, or~~ 1607  
~~kidnapping offense and, in relation to that offense, the offender~~ 1608  
~~was convicted of or pleaded guilty to that adjudicated a sexually~~ 1609  
violent predator ~~specification~~. Before imposing sentence on an 1610  
offender who is being sentenced for a sexually oriented offense 1611  
that is not a registration-exempt sexually oriented offense, the 1612  
court also shall comply with division (E) of section 2950.09 of 1613  
the Revised Code. 1614

Before imposing sentence on or after July 31, 2003, on an 1615  
offender who is being sentenced for a child-victim oriented 1616  
offense, regardless of when the offense was committed, the court 1617  
shall conduct a hearing in accordance with division (B) of section 1618  
2950.091 of the Revised Code to determine whether the offender is 1619  
a child-victim predator. Before imposing sentence on an offender 1620  
who is being sentenced for a child-victim oriented offense, the 1621  
court also shall comply with division (E) of section 2950.091 of 1622  
the Revised Code. 1623

(B)(1) At the sentencing hearing, the court, before imposing 1624  
sentence, shall consider the record, any information presented at 1625  
the hearing by any person pursuant to division (A) of this 1626  
section, and, if one was prepared, the presentence investigation 1627  
report made pursuant to section 2951.03 of the Revised Code or 1628  
Criminal Rule 32.2, and any victim impact statement made pursuant 1629  
to section 2947.051 of the Revised Code. 1630

(2) The court shall impose a sentence and shall make a 1631  
finding that gives its reasons for selecting the sentence imposed 1632  
in any of the following circumstances: 1633

(a) Unless the offense is a ~~sexually~~ violent sex offense or 1634  
designated homicide, assault, or kidnapping offense for which the 1635  
court is required to impose sentence pursuant to division (G) of 1636  
section 2929.14 of the Revised Code, if it imposes a prison term 1637

for a felony of the fourth or fifth degree or for a felony drug 1638  
offense that is a violation of a provision of Chapter 2925. of the 1639  
Revised Code and that is specified as being subject to division 1640  
(B) of section 2929.13 of the Revised Code for purposes of 1641  
sentencing, its reasons for imposing the prison term, based upon 1642  
the overriding purposes and principles of felony sentencing set 1643  
forth in section 2929.11 of the Revised Code, and any factors 1644  
listed in divisions (B)(1)(a) to (i) of section 2929.13 of the 1645  
Revised Code that it found to apply relative to the offender. 1646

(b) If it does not impose a prison term for a felony of the 1647  
first or second degree or for a felony drug offense that is a 1648  
violation of a provision of Chapter 2925. of the Revised Code and 1649  
for which a presumption in favor of a prison term is specified as 1650  
being applicable, its reasons for not imposing the prison term and 1651  
for overriding the presumption, based upon the overriding purposes 1652  
and principles of felony sentencing set forth in section 2929.11 1653  
of the Revised Code, and the basis of the findings it made under 1654  
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 1655

(c) If it imposes consecutive sentences under section 2929.14 1656  
of the Revised Code, its reasons for imposing the consecutive 1657  
sentences; 1658

(d) If the sentence is for one offense and it imposes a 1659  
prison term for the offense that is the maximum prison term 1660  
allowed for that offense by division (A) of section 2929.14 of the 1661  
Revised Code, its reasons for imposing the maximum prison term; 1662

(e) If the sentence is for two or more offenses arising out 1663  
of a single incident and it imposes a prison term for those 1664  
offenses that is the maximum prison term allowed for the offense 1665  
of the highest degree by division (A) of section 2929.14 of the 1666  
Revised Code, its reasons for imposing the maximum prison term. 1667

(3) Subject to division (B)(4) of this section, if the 1668

sentencing court determines at the sentencing hearing that a 1669  
prison term is necessary or required, the court shall do all of 1670  
the following: 1671

(a) Impose a stated prison term; 1672

(b) Notify the offender that, as part of the sentence, the 1673  
parole board may extend the stated prison term for certain 1674  
violations of prison rules for up to one-half of the stated prison 1675  
term; 1676

(c) Notify the offender that the offender will be supervised 1677  
under section 2967.28 of the Revised Code after the offender 1678  
leaves prison if the offender is being sentenced for a felony of 1679  
the first degree or second degree, for a felony sex offense, or 1680  
for a felony of the third degree in the commission of which the 1681  
offender caused or threatened to cause physical harm to a person; 1682

(d) Notify the offender that the offender may be supervised 1683  
under section 2967.28 of the Revised Code after the offender 1684  
leaves prison if the offender is being sentenced for a felony of 1685  
the third, fourth, or fifth degree that is not subject to division 1686  
(B)(3)(c) of this section; 1687

(e) Notify the offender that, if a period of supervision is 1688  
imposed following the offender's release from prison, as described 1689  
in division (B)(3)(c) or (d) of this section, and if the offender 1690  
violates that supervision or a condition of post-release control 1691  
imposed under division (B) of section 2967.131 of the Revised 1692  
Code, the parole board may impose a prison term, as part of the 1693  
sentence, of up to one-half of the stated prison term originally 1694  
imposed upon the offender; 1695

(f) Require that the offender not ingest or be injected with 1696  
a drug of abuse and submit to random drug testing as provided in 1697  
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 1698  
is applicable to the offender who is serving a prison term, and 1699

require that the results of the drug test administered under any 1700  
of those sections indicate that the offender did not ingest or was 1701  
not injected with a drug of abuse. 1702

(4) If the offender is being sentenced for a ~~sexually~~ violent 1703  
~~sex~~ offense or designated homicide, assault, or kidnapping offense 1704  
that the offender committed on or after January 1, 1997, and the 1705  
offender ~~also is convicted of or pleads guilty to~~ adjudicated a 1706  
sexually violent predator ~~specification that was included in the~~ 1707  
~~indictment, count in the indictment, or information charging the~~ 1708  
~~sexually violent~~ in relation to that offense, if the offender is 1709  
being sentenced for a sexually oriented offense that is not a 1710  
registration-exempt sexually oriented offense and that the 1711  
offender committed on or after January 1, 1997, and the court 1712  
imposing the sentence has determined pursuant to division (B) of 1713  
section 2950.09 of the Revised Code that the offender is a sexual 1714  
predator, if the offender is being sentenced on or after July 31, 1715  
2003, for a child-victim oriented offense and the court imposing 1716  
the sentence has determined pursuant to division (B) of section 1717  
2950.091 of the Revised Code that the offender is a child-victim 1718  
predator, or if the offender is being sentenced for an aggravated 1719  
sexually oriented offense as defined in section 2950.01 of the 1720  
Revised Code, the court shall include in the offender's sentence a 1721  
statement that the offender has been adjudicated a sexual 1722  
predator, has been adjudicated a child victim predator, or has 1723  
been convicted of or pleaded guilty to an aggravated sexually 1724  
oriented offense, whichever is applicable, and shall comply with 1725  
the requirements of section 2950.03 of the Revised Code. 1726  
Additionally, in the circumstances described in division (G) of 1727  
section 2929.14 of the Revised Code, the court shall impose 1728  
sentence on the offender as described in that division. 1729

(5) If the sentencing court determines at the sentencing 1730  
hearing that a community control sanction should be imposed and 1731



the court is not prohibited from imposing a community control 1732  
sanction, the court shall impose a community control sanction. The 1733  
court shall notify the offender that, if the conditions of the 1734  
sanction are violated, if the offender commits a violation of any 1735  
law, or if the offender leaves this state without the permission 1736  
of the court or the offender's probation officer, the court may 1737  
impose a longer time under the same sanction, may impose a more 1738  
restrictive sanction, or may impose a prison term on the offender 1739  
and shall indicate the specific prison term that may be imposed as 1740  
a sanction for the violation, as selected by the court from the 1741  
range of prison terms for the offense pursuant to section 2929.14 1742  
of the Revised Code. 1743

(6) Before imposing a financial sanction under section 1744  
2929.18 of the Revised Code or a fine under section 2929.32 of the 1745  
Revised Code, the court shall consider the offender's present and 1746  
future ability to pay the amount of the sanction or fine. 1747

(7) If the sentencing court sentences the offender to a 1748  
sanction of confinement pursuant to section 2929.14 or 2929.16 of 1749  
the Revised Code that is to be served in a local detention 1750  
facility, as defined in section 2929.36 of the Revised Code, and 1751  
if the local detention facility is covered by a policy adopted 1752  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1753  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1754  
and section 2929.37 of the Revised Code, both of the following 1755  
apply: 1756

(a) The court shall specify both of the following as part of 1757  
the sentence: 1758

(i) If the offender is presented with an itemized bill 1759  
pursuant to section 2929.37 of the Revised Code for payment of the 1760  
costs of confinement, the offender is required to pay the bill in 1761  
accordance with that section. 1762

(ii) If the offender does not dispute the bill described in 1763  
division (B)(7)(a)(i) of this section and does not pay the bill by 1764  
the times specified in section 2929.37 of the Revised Code, the 1765  
clerk of the court may issue a certificate of judgment against the 1766  
offender as described in that section. 1767

(b) The sentence automatically includes any certificate of 1768  
judgment issued as described in division (B)(7)(a)(ii) of this 1769  
section. 1770

(C)(1) If the offender is being sentenced for a fourth degree 1771  
felony OVI offense under division (G)(1) of section 2929.13 of the 1772  
Revised Code, the court shall impose the mandatory term of local 1773  
incarceration in accordance with that division, shall impose a 1774  
mandatory fine in accordance with division (B)(3) of section 1775  
2929.18 of the Revised Code, and, in addition, may impose 1776  
additional sanctions as specified in sections 2929.15, 2929.16, 1777  
2929.17, and 2929.18 of the Revised Code. The court shall not 1778  
impose a prison term on the offender except that the court may 1779  
impose a prison term upon the offender as provided in division 1780  
(A)(1) of section 2929.13 of the Revised Code. 1781

(2) If the offender is being sentenced for a third or fourth 1782  
degree felony OVI offense under division (G)(2) of section 2929.13 1783  
of the Revised Code, the court shall impose the mandatory prison 1784  
term in accordance with that division, shall impose a mandatory 1785  
fine in accordance with division (B)(3) of section 2929.18 of the 1786  
Revised Code, and, in addition, may impose an additional prison 1787  
term as specified in section 2929.14 of the Revised Code. In 1788  
addition to the mandatory prison term or mandatory prison term and 1789  
additional prison term the court imposes, the court also may 1790  
impose a community control sanction on the offender, but the 1791  
offender shall serve all of the prison terms so imposed prior to 1792  
serving the community control sanction. 1793

(D) The sentencing court, pursuant to division (K) of section 1794  
2929.14 of the Revised Code, may recommend placement of the 1795  
offender in a program of shock incarceration under section 1796  
5120.031 of the Revised Code or an intensive program prison under 1797  
section 5120.032 of the Revised Code, disapprove placement of the 1798  
offender in a program or prison of that nature, or make no 1799  
recommendation. If the court recommends or disapproves placement, 1800  
it shall make a finding that gives its reasons for its 1801  
recommendation or disapproval. 1802

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim in 1803  
a case who has requested to receive notice under this section 1804  
shall be given notice of the incarceration of the defendant. If an 1805  
alleged juvenile offender is committed to the temporary custody of 1806  
a school, camp, institution, or other facility operated for the 1807  
care of delinquent children or to the legal custody of the 1808  
department of youth services, a victim in a case who has requested 1809  
to receive notice under this section shall be given notice of the 1810  
commitment. Promptly after sentence is imposed upon the defendant 1811  
or the commitment of the alleged juvenile offender is ordered, the 1812  
prosecutor in the case shall notify the victim of the date on 1813  
which the defendant will be released from confinement or the 1814  
prosecutor's reasonable estimate of that date or the date on which 1815  
the alleged juvenile offender will have served the minimum period 1816  
of commitment or the prosecutor's reasonable estimate of that 1817  
date. The prosecutor also shall notify the victim of the name of 1818  
the custodial agency of the defendant or alleged juvenile offender 1819  
and tell the victim how to contact that custodial agency. If the 1820  
custodial agency is the department of youth services, the 1821  
prosecutor shall notify the victim of the services provided by the 1822  
office of victims' services within the release authority of the 1823  
department pursuant to section 5139.55 of the Revised Code and the 1824  
victim's right pursuant to section 5139.56 of the Revised Code to 1825

submit a written request to the release authority to be notified 1826  
of actions the release authority takes with respect to the alleged 1827  
juvenile offender. The victim shall keep the custodial agency 1828  
informed of the victim's current address and telephone number. 1829

(B)(1) Upon the victim's request, the prosecutor promptly 1830  
shall notify the victim of any hearing for judicial release of the 1831  
defendant pursuant to section 2929.20 of the Revised Code or of 1832  
any hearing for judicial release or early release of the alleged 1833  
juvenile offender pursuant to section 2151.38 of the Revised Code 1834  
and of the victim's right to make a statement under those 1835  
sections. The court shall notify the victim of its ruling in each 1836  
of those hearings and on each of those applications. 1837

(2) ~~Upon the request of a victim of a crime that is~~ If an 1838  
offender is convicted of or pleads guilty to a sexually violent 1839  
sex offense and that is committed by or designated homicide, 1840  
assault, or kidnapping offense, if the offender is adjudicated a 1841  
sexually violent predator ~~who~~ in relation to that crime, and if 1842  
the offender is sentenced to a prison term for that crime pursuant 1843  
to division (A)(3) of section 2971.03 of the Revised Code, upon 1844  
the request of the victim of the crime, the prosecutor promptly 1845  
shall notify the victim of any hearing to be conducted pursuant to 1846  
section 2971.05 of the Revised Code to determine whether to modify 1847  
the requirement that the offender serve the entire prison term in 1848  
a state correctional facility in accordance with division (C) of 1849  
that section, whether to continue, revise, or revoke any existing 1850  
modification of that requirement, or whether to terminate the 1851  
prison term in accordance with division (D) of that section. The 1852  
court shall notify the victim of any order issued at the 1853  
conclusion of the hearing. As used in this division~~7~~: 1854

(a) "Adjudicated a sexually violent predator" has the same 1855  
meaning as in section 2929.01 of the Revised Code and a person is 1856  
"adjudicated a sexually violent predator" in the same manner and 1857

the same circumstances as are described in that section. 1858

(b) "Designated homicide, assault, or kidnapping offense" and 1859  
"sexually violent sex offense" and "~~sexually violent predator~~" 1860  
have the same meanings as in section 2971.01 of the Revised Code. 1861

(C) Upon the victim's request made at any time before the 1862  
particular notice would be due, the custodial agency of a 1863  
defendant or alleged juvenile offender shall give the victim any 1864  
of the following notices that is applicable: 1865

(1) At least three weeks before the adult parole authority 1866  
recommends a pardon or commutation of sentence for the defendant 1867  
or at least three weeks prior to a hearing before the adult parole 1868  
authority regarding a grant of parole to the defendant, notice of 1869  
the victim's right to submit a statement regarding the impact of 1870  
the defendant's release in accordance with section 2967.12 of the 1871  
Revised Code and, if applicable, of the victim's right to appear 1872  
at a full board hearing of the parole board to give testimony as 1873  
authorized by section 5149.101 of the Revised Code; 1874

(2) At least three weeks before the defendant is transferred 1875  
to transitional control under section 2967.26 of the Revised Code, 1876  
notice of the pendency of the transfer and of the victim's right 1877  
under that section to submit a statement regarding the impact of 1878  
the transfer; 1879

(3) At least thirty days before the release authority of the 1880  
department of youth services holds a release review, release 1881  
hearing, or discharge review for the alleged juvenile offender, 1882  
notice of the pendency of the review or hearing, of the victim's 1883  
right to make an oral or written statement regarding the impact of 1884  
the crime upon the victim or regarding the possible release or 1885  
discharge, and, if the notice pertains to a hearing, of the 1886  
victim's right to attend and make statements or comments at the 1887  
hearing as authorized by section 5139.56 of the Revised Code; 1888

(4) Prompt notice of the defendant's or alleged juvenile offender's escape from a facility of the custodial agency in which the defendant was incarcerated or in which the alleged juvenile offender was placed after commitment, of the defendant's or alleged juvenile offender's absence without leave from a mental health or mental retardation and developmental disabilities facility or from other custody, and of the capture of the defendant or alleged juvenile offender after an escape or absence;

(5) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody;

(6) Notice of the defendant's or alleged juvenile offender's release from confinement or custody and the terms and conditions of the release.

**Sec. 2941.148.** (A) The application of Chapter 2971. of the Revised Code to an offender is precluded unless the indictment, count in the indictment, or information charging the ~~sexually violent sex~~ offense ~~or charging the designated homicide, assault, or kidnapping offense~~ also includes a specification that the offender is a sexually violent predator, or the indictment, count in the indictment, or information charging the designated homicide, assault, or kidnapping offense also includes both a specification of the type described in section 2941.147 of the Revised Code and a specification that the offender is a sexually violent predator. The specification that the offender is a sexually violent predator shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:

"Specification (or, specification to the first count). The grand jury (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that the offender is a sexually violent predator."

(B) In determining for purposes of this section whether a person is a sexually violent predator, all of the factors set forth in divisions (H)(1) to (6) of section 2971.01 of the Revised Code that apply regarding the person may be considered as evidence tending to indicate that it is likely that the person will engage in the future in one or more sexually violent offenses.

(C) As used in this section, "designated homicide, assault, or kidnapping offense," "~~sexually~~ violent sex offense," and "sexually violent predator" have the same meanings as in section 2971.01 of the Revised Code.

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

(A) "Confinement" includes, but is not limited to, a community residential sanction imposed pursuant to section 2929.16 or 2929.26 of the Revised Code.

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

(1) The person is convicted of or pleads guilty to a sexually oriented offense that is not a registration-exempt sexually oriented offense, or the person is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense that is not a registration-exempt sexually oriented offense, was fourteen years of age or older at the time of committing the offense, and is classified a juvenile sex offender registrant based on that adjudication.

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

(a) Regarding a person who is an offender, the person previously was convicted of or pleaded guilty to one or more

sexually oriented offenses or child-victim oriented offenses or 1950  
previously was adjudicated a delinquent child for committing one 1951  
or more sexually oriented offenses or child-victim oriented 1952  
offenses and was classified a juvenile offender registrant or 1953  
out-of-state juvenile offender registrant based on one or more of 1954  
those adjudications, regardless of when the offense was committed 1955  
and regardless of the person's age at the time of committing the 1956  
offense. 1957

(b) Regarding a delinquent child, the person previously was 1958  
convicted of, pleaded guilty to, or was adjudicated a delinquent 1959  
child for committing one or more sexually oriented offenses or 1960  
child-victim oriented offenses, regardless of when the offense was 1961  
committed and regardless of the person's age at the time of 1962  
committing the offense. 1963

(C) "Prosecutor" has the same meaning as in section 2935.01 1964  
of the Revised Code. 1965

(D) "Sexually oriented offense" means any of the following: 1966

(1) Any of the following violations or offenses committed by 1967  
a person eighteen years of age or older: 1968

(a) Regardless of the age of the victim of the offense, a 1969  
violation of section 2907.02, 2907.03, 2907.05, or 2907.07 of the 1970  
Revised Code; 1971

(b) Any of the following offenses involving a minor, in the 1972  
circumstances specified: 1973

(i) A violation of division (A)(4) of section 2905.01 or 1974  
section 2907.04, 2907.06, or 2907.08 of the Revised Code, when the 1975  
victim of the offense is under eighteen years of age; 1976

(ii) A violation of section 2907.21 of the Revised Code when 1977  
the person who is compelled, induced, procured, encouraged, 1978  
solicited, requested, or facilitated to engage in, paid or agreed 1979



to be paid for, or allowed to engage in the sexual activity in	1980
question is under eighteen years of age;	1981
(iii) A violation of division (A)(1) or (3) of section	1982
2907.321 or 2907.322 of the Revised Code;	1983
(iv) A violation of division (A)(1) or (2) of section	1984
2907.323 of the Revised Code;	1985
(v) A violation of division (B)(5) of section 2919.22 of the	1986
Revised Code when the child who is involved in the offense is	1987
under eighteen years of age;	1988
(vi) A violation of division (A)(1), (2), (3), or (5) of	1989
section 2905.01, of section 2903.211, 2905.02, 2905.03, or	1990
2905.05, or of former section 2905.04 of the Revised Code, when	1991
the victim of the offense is under eighteen years of age and the	1992
offense is committed with a sexual motivation.	1993
(c) Regardless of the age of the victim of the offense, a	1994
violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the	1995
Revised Code, or of division (A) of section 2903.04 of the Revised	1996
Code, that is committed with a sexual motivation;	1997
(d) A <del>sexually violent sex offense, or a designated homicide,</del>	1998
<del>assault, or kidnapping offense if the offender also was convicted</del>	1999
<del>of or pleaded guilty to a sexual motivation specification that was</del>	2000
<del>included in the indictment, count in the indictment, or</del>	2001
<del>information charging the designated homicide, assault, or</del>	2002
<del>kidnapping offense;</del>	2003
(e) A violation of section 2907.06 or 2907.08 of the Revised	2004
Code when the victim of the offense is eighteen years of age or	2005
older, or a violation of section 2903.211 of the Revised Code when	2006
the victim of the offense is eighteen years of age or older and	2007
the offense is committed with a sexual motivation;	2008
(f) A violation of any former law of this state, any existing	2009

or former municipal ordinance or law of another state or the	2010
United States, any existing or former law applicable in a military	2011
court or in an Indian tribal court, or any existing or former law	2012
of any nation other than the United States, that is or was	2013
substantially equivalent to any offense listed in division	2014
(D)(1)(a), (b), (c), (d), or (e) of this section;	2015
(g) An attempt to commit, conspiracy to commit, or complicity	2016
in committing any offense listed in division (D)(1)(a), (b), (c),	2017
(d), (e), or (f) of this section.	2018
(2) An act committed by a person under eighteen years of age	2019
that is any of the following:	2020
(a) Subject to division (D)(2)(i) of this section, regardless	2021
of the age of the victim of the violation, a violation of section	2022
2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code;	2023
(b) Subject to division (D)(2)(i) of this section, any of the	2024
following acts involving a minor in the circumstances specified:	2025
(i) A violation of division (A)(4) of section 2905.01 or	2026
section 2907.06 or 2907.08 of the Revised Code, when the victim of	2027
the violation is under eighteen years of age;	2028
(ii) A violation of section 2907.21 of the Revised Code when	2029
the person who is compelled, induced, procured, encouraged,	2030
solicited, requested, or facilitated to engage in, paid or agreed	2031
to be paid for, or allowed to engage in the sexual activity in	2032
question is under eighteen years of age;	2033
(iii) A violation of division (B)(5) of section 2919.22 of	2034
the Revised Code when the child who is involved in the violation	2035
is under eighteen years of age;	2036
(iv) A violation of division (A)(1), (2), (3), or (5) of	2037
section 2905.01, section 2903.211, or former section 2905.04 of	2038
the Revised Code, when the victim of the violation is under	2039

eighteen years of age and the offense is committed with a sexual  
motivation. 2040  
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(c) Subject to division (D)(2)(i) of this section, any 2042  
~~sexually~~ of the following: 2043

(i) Any violent sex offense that, if committed by an adult, 2044  
would be a felony of the first, second, third, or fourth degree; 2045

(ii) Any designated homicide, assault, or kidnapping offense 2046  
if that offense, if committed by an adult, would be a felony of 2047  
the first, second, third, or fourth degree and if the court 2048  
determined that, if the child was an adult, the child would be 2049  
guilty of a sexual motivation specification regarding that 2050  
offense. 2051

(d) Subject to division (D)(2)(i) of this section, a 2052  
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 2053  
2905.02 of the Revised Code, a violation of division (A) of 2054  
section 2903.04 of the Revised Code, or an attempt to violate any 2055  
of those sections or that division that is committed with a sexual 2056  
motivation; 2057

(e) Subject to division (D)(2)(i) of this section, a 2058  
violation of division (A)(1) or (3) of section 2907.321, division 2059  
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 2060  
section 2907.323 of the Revised Code, or an attempt to violate any 2061  
of those divisions, if the person who violates or attempts to 2062  
violate the division is four or more years older than the minor 2063  
who is the victim of the violation; 2064

(f) Subject to division (D)(2)(i) of this section, a 2065  
violation of section 2907.06 or 2907.08 of the Revised Code when 2066  
the victim of the violation is eighteen years of age or older, or 2067  
a violation of section 2903.211 of the Revised Code when the 2068  
victim of the violation is eighteen years of age or older and the 2069  
offense is committed with a sexual motivation; 2070

(g) Subject to division (D)(2)(i) of this section, any 2071  
violation of any former law of this state, any existing or former 2072  
municipal ordinance or law of another state or the United States, 2073  
any existing or former law applicable in a military court or in an 2074  
Indian tribal court, or any existing or former law of any nation 2075  
other than the United States, that is or was substantially 2076  
equivalent to any offense listed in division (D)(2)(a), (b), (c), 2077  
(d), (e), or (f) of this section and that, if committed by an 2078  
adult, would be a felony of the first, second, third, or fourth 2079  
degree; 2080

(h) Subject to division (D)(2)(i) of this section, any 2081  
attempt to commit, conspiracy to commit, or complicity in 2082  
committing any offense listed in division (D)(2)(a), (b), (c), 2083  
(d), (e), (f), or (g) of this section; 2084

(i) If the child's case has been transferred for criminal 2085  
prosecution under section 2152.12 of the Revised Code, the act is 2086  
any violation listed in division (D)(1)(a), (b), (c), (d), (e), 2087  
(f), or (g) of this section or would be any offense listed in any 2088  
of those divisions if committed by an adult. 2089

(E) "Sexual predator" means a person to whom either of the 2090  
following applies: 2091

(1) The person has been convicted of or pleaded guilty to 2092  
committing a sexually oriented offense that is not a 2093  
registration-exempt sexually oriented offense and is likely to 2094  
engage in the future in one or more sexually oriented offenses. 2095

(2) The person has been adjudicated a delinquent child for 2096  
committing a sexually oriented offense that is not a 2097  
registration-exempt sexually oriented offense, was fourteen years 2098  
of age or older at the time of committing the offense, was 2099  
classified a juvenile offender registrant based on that 2100  
adjudication, and is likely to engage in the future in one or more 2101

sexually oriented offenses.

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

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

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

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

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(1) ~~The offender is convicted of or pleads guilty to committing, on or after January 1, 1997, a sexually oriented offense that is a sexually violent offense and that is not a registration-exempt sexually oriented offense and also is convicted of or pleads guilty to, the sexually oriented offense is a violent sex offense or a designated homicide, assault, or kidnapping offense, and the offender is adjudicated a sexually violent predator specification that was included in the indictment, count in the indictment, or information that charged the sexually violent in relation to that offense.~~

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(2) Regardless of when the sexually oriented offense was committed, on or after January 1, 1997, the offender is sentenced for a sexually oriented offense that is not a registration-exempt

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sexually oriented offense, and the sentencing judge determines 2133  
pursuant to division (B) of section 2950.09 of the Revised Code 2134  
that the offender is a sexual predator. 2135

(3) The delinquent child is adjudicated a delinquent child 2136  
for committing a sexually oriented offense that is not a 2137  
registration-exempt sexually oriented offense, was fourteen years 2138  
of age or older at the time of committing the offense, and has 2139  
been classified a juvenile offender registrant based on that 2140  
adjudication, and the adjudicating judge or that judge's successor 2141  
in office determines pursuant to division (B) of section 2950.09 2142  
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 2143  
the Revised Code that the delinquent child is a sexual predator. 2144

(4) Prior to January 1, 1997, the offender was convicted of 2145  
or pleaded guilty to, and was sentenced for, a sexually oriented 2146  
offense that is not a registration-exempt sexually oriented 2147  
offense, the offender is imprisoned in a state correctional 2148  
institution on or after January 1, 1997, and the court determines 2149  
pursuant to division (C) of section 2950.09 of the Revised Code 2150  
that the offender is a sexual predator. 2151

(5) Regardless of when the sexually oriented offense was 2152  
committed, the offender or delinquent child is convicted of or 2153  
pleads guilty to, has been convicted of or pleaded guilty to, or 2154  
is adjudicated a delinquent child for committing a sexually 2155  
oriented offense that is not a registration-exempt sexually 2156  
oriented offense in another state, in a federal court, military 2157  
court, or Indian tribal court, or in a court in any nation other 2158  
than the United States, as a result of that conviction, plea of 2159  
guilty, or adjudication, the offender or delinquent child is 2160  
required, under the law of the jurisdiction in which the offender 2161  
was convicted or pleaded guilty or the delinquent child was 2162  
adjudicated, to register as a sex offender until the offender's or 2163  
delinquent child's death, and, on or after July 1, 1997, for 2164

offenders or January 1, 2002, for delinquent children, the  
offender or delinquent child moves to and resides in this state or  
temporarily is domiciled in this state for more than five days or  
the offender is required under section 2950.04 of the Revised Code  
to register a school, institution of higher education, or place of  
employment address in this state, unless a court of common pleas  
or juvenile court determines that the offender or delinquent child  
is not a sexual predator pursuant to division (F) of section  
2950.09 of the Revised Code.

(H) "Sexually violent predator specification," ~~and~~ "sexually  
violent offense," "sexual motivation specification," designated  
homicide, assault, or kidnapping offense," and "violent sex  
offense" have the same meanings as in section 2971.01 of the  
Revised Code.

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

(J) "Juvenile offender registrant" means a person who is  
adjudicated a delinquent child for committing on or after January  
1, 2002, a sexually oriented offense that is not a  
registration-exempt sexually oriented offense or a child-victim  
oriented offense, who is fourteen years of age or older at the  
time of committing the offense, and who a juvenile court judge,  
pursuant to an order issued under section 2152.82, 2152.83,  
2152.84, or 2152.85 of the Revised Code, classifies a juvenile  
offender registrant and specifies has a duty to comply with  
sections 2950.04, 2950.05, and 2950.06 of the Revised Code if the  
child committed a sexually oriented offense or with sections  
2950.041, 2950.05, and 2950.06 of the Revised Code if the child  
committed a child-victim oriented offense. "Juvenile offender  
registrant" includes a person who, prior to July 31, 2003, was a  
"juvenile sex offender registrant" under the former definition of

that former term.

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

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(L) "Out-of-state juvenile offender registrant" means a person who is adjudicated a delinquent child in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense, who on or after January 1, 2002, moves to and resides in this state or temporarily is domiciled in this state for more than five days, and who has a duty under section 2950.04 of the Revised Code to register in this state and the duty to otherwise comply with that section and sections 2950.05 and 2950.06 of the Revised Code if the child committed a sexually oriented offense or has a duty under section 2950.041 of the Revised Code to register in this state and the duty to otherwise comply with that section and sections 2950.05 and 2950.06 of the Revised Code if the child committed a child-victim oriented offense. "Out-of-state juvenile offender registrant" includes a person who, prior to July 31, 2003, was an "out-of-state juvenile sex offender registrant" under the former definition of that former term.

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

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(N) "Adjudicated a delinquent child for committing a sexually

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

(O) "Aggravated sexually oriented offense" means a violation  
of division (A)(1)(b) of section 2907.02 of the Revised Code  
committed on or after June 13, 2002, or a violation of division  
(A)(2) of that section committed on or after July 31, 2003.

(P)(1) "Presumptive registration-exempt sexually oriented  
offense" means any of the following sexually oriented offenses  
described in division (P)(1)(a), (b), (c), (d), or (e) of this  
section, when the offense is committed by a person who previously  
has not been convicted of, pleaded guilty to, or adjudicated a  
delinquent child for committing any sexually oriented offense  
described in division (P)(1)(a), (b), (c), (d), or (e) of this  
section, any other sexually oriented offense, or any child-victim  
oriented offense and when the victim or intended victim of the  
offense is eighteen years of age or older:

(a) Any sexually oriented offense listed in division  
(D)(1)(e) or (D)(2)(f) of this section committed by a person who  
is eighteen years of age or older or, subject to division  
(P)(1)(e) of this section, committed by a person who is under  
eighteen years of age;

(b) Any violation of any former law of this state, any  
existing or former municipal ordinance or law of another state or  
the United States, any existing or former law applicable in a  
military court or in an Indian tribal court, or any existing or  
former law of any nation other than the United States that is  
committed by a person who is eighteen years of age or older and  
that is or was substantially equivalent to any sexually oriented  
offense listed in division (P)(1)(a) of this section;

(c) Subject to division (P)(1)(e) of this section, any

violation of any former law of this state, any existing or former  
municipal ordinance or law of another state or the United States,  
any existing or former law applicable in a military court or in an  
Indian tribal court, or any existing or former law of any nation  
other than the United States that is committed by a person who is  
under eighteen years of age, that is or was substantially  
equivalent to any sexually oriented offense listed in division  
(P)(1)(a) of this section, and that would be a felony of the  
fourth degree if committed by an adult;

(d) Any attempt to commit, conspiracy to commit, or  
complicity in committing any offense listed in division (P)(1)(a)  
or (b) of this section if the person is eighteen years of age or  
older or, subject to division (P)(1)(e) of this section, listed in  
division (P)(1)(a) or (c) of this section if the person is under  
eighteen years of age.

(e) Regarding an act committed by a person under eighteen  
years of age, if the child's case has been transferred for  
criminal prosecution under section 2152.12 of the Revised Code,  
the act is any sexually oriented offense listed in division  
(P)(1)(a), (b), or (d) of this section.

(2) "Presumptive registration-exempt sexually oriented  
offense" does not include any sexually oriented offense described  
in division (P)(1)(a), (b), (c), (d), or (e) of this section that  
is committed by a person who previously has been convicted of,  
pleaded guilty to, or adjudicated a delinquent child for  
committing any sexually oriented offense described in division  
(P)(1)(a), (b), (c), (d), or (e) of this section or any other  
sexually oriented offense.

(Q)(1) "Registration-exempt sexually oriented offense" means  
any presumptive registration-exempt sexually oriented offense, if  
a court does not issue an order under section 2950.021 of the

Revised Code that removes the presumptive exemption and subjects 2290  
the offender who was convicted of or pleaded guilty to the offense 2291  
to registration under section 2950.04 of the Revised Code and all 2292  
other duties and responsibilities generally imposed under this 2293  
chapter upon persons who are convicted of or plead guilty to any 2294  
sexually oriented offense other than a presumptive 2295  
registration-exempt sexually oriented offense or that removes the 2296  
presumptive exemption and potentially subjects the child who was 2297  
adjudicated a delinquent child for committing the offense to 2298  
classification as a juvenile offender registrant under section 2299  
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to 2300  
registration under section 2950.04 of the Revised Code and all 2301  
other duties and responsibilities generally imposed under this 2302  
chapter upon persons who are adjudicated delinquent children for 2303  
committing a sexually oriented offense other than a presumptive 2304  
registration-exempt sexually oriented offense. 2305

(2) "Registration-exempt sexually oriented offense" does not 2306  
include a presumptive registration-exempt sexually oriented 2307  
offense if a court issues an order under section 2950.021 of the 2308  
Revised Code that removes the presumptive exemption and subjects 2309  
the offender or potentially subjects the delinquent child to the 2310  
duties and responsibilities described in division (Q)(1) of this 2311  
section. 2312

(R) "School" and "school premises" have the same meanings as 2313  
in section 2925.01 of the Revised Code. 2314

(S)(1) "Child-victim oriented offense" means any of the 2315  
following: 2316

(a) Subject to division (S)(2) of this section, any of the 2317  
following violations or offenses committed by a person eighteen 2318  
years of age or older, when the victim of the violation is under 2319  
eighteen years of age and is not a child of the person who commits 2320

the violation: 2321

(i) A violation of division (A)(1), (2), (3), or (5) of 2322  
section 2905.01, of section 2905.02, 2905.03, or 2905.05, or of 2323  
former section 2905.04 of the Revised Code; 2324

(ii) A violation of any former law of this state, any 2325  
existing or former municipal ordinance or law of another state or 2326  
the United States, any existing or former law applicable in a 2327  
military court or in an Indian tribal court, or any existing or 2328  
former law of any nation other than the United States, that is or 2329  
was substantially equivalent to any offense listed in division 2330  
(S)(1)(a)(i) of this section; 2331

(iii) An attempt to commit, conspiracy to commit, or 2332  
complicity in committing any offense listed in division 2333  
(S)(1)(a)(i) or (ii) of this section. 2334

(b) Subject to division (S)(2) of this section, an act 2335  
committed by a person under eighteen years of age that is any of 2336  
the following, when the victim of the violation is under eighteen 2337  
years of age and is not a child of the person who commits the 2338  
violation: 2339

(i) Subject to division (S)(1)(b)(iv) of this section, a 2340  
violation of division (A)(1), (2), (3), or (5) of section 2905.01 2341  
or of former section 2905.04 of the Revised Code; 2342

(ii) Subject to division (S)(1)(b)(iv) of this section, any 2343  
violation of any former law of this state, any existing or former 2344  
municipal ordinance or law of another state or the United States, 2345  
any existing or former law applicable in a military court or in an 2346  
Indian tribal court, or any existing or former law of any nation 2347  
other than the United States, that is or was substantially 2348  
equivalent to any offense listed in division (S)(1)(b)(i) of this 2349  
section and that, if committed by an adult, would be a felony of 2350  
the first, second, third, or fourth degree; 2351

(iii) Subject to division (S)(1)(b)(iv) of this section, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (S)(1)(b)(i) or (ii) of this section;

(iv) If the child's case has been transferred for criminal prosecution under section 2152.12 of the Revised Code, the act is any violation listed in division (S)(1)(a)(i), (ii), or (iii) of this section or would be any offense listed in any of those divisions if committed by an adult.

(2) "Child-victim oriented offense" does not include any offense identified in division (S)(1)(a) or (b) of this section that is a sexually violent offense. An offense identified in division (S)(1)(a) or (b) of this section that is a sexually violent offense is within the definition of a sexually oriented offense.

(T)(1) "Habitual child-victim offender" means, except when a juvenile judge removes this classification pursuant to division (A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of the Revised Code, a person to whom both of the following apply:

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

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

(i) Regarding a person who is an offender, the person previously was convicted of or pleaded guilty to one or more child-victim oriented offenses or previously was adjudicated a delinquent child for committing one or more child-victim oriented offenses and was classified a juvenile offender registrant or

out-of-state juvenile offender registrant based on one or more of  
those adjudications, regardless of when the offense was committed  
and regardless of the person's age at the time of committing the  
offense.

(ii) Regarding a delinquent child, the person previously was  
convicted of, pleaded guilty to, or was adjudicated a delinquent  
child for committing one or more child-victim oriented offenses,  
regardless of when the offense was committed and regardless of the  
person's age at the time of committing the offense.

(2) "Habitual child-victim offender" includes a person who  
has been convicted of, pleaded guilty to, or adjudicated a  
delinquent child for committing, a child-victim oriented offense  
and who, on and after ~~the effective date of this amendment~~ July  
31, 2003, is automatically classified a habitual child-victim  
offender pursuant to division (E) of section 2950.091 of the  
Revised Code.

(U) "Child-victim predator" means a person to whom either of  
the following applies:

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

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

(V) An offender or delinquent child is "adjudicated as being  
a child-victim predator" or "adjudicated a child-victim predator"  
if any of the following applies and if, regarding a delinquent  
child, that status has not been removed pursuant to section

2152.84, 2152.85, or 2950.09 of the Revised Code: 2414

(1) The offender or delinquent child has been convicted of, 2415  
pleaded guilty to, or adjudicated a delinquent child for 2416  
committing, a child-victim oriented offense and, on and after July 2417  
31, 2003, is automatically classified a child-victim predator 2418  
pursuant to division (A) of section 2950.091 of the Revised Code. 2419

(2) Regardless of when the child-victim oriented offense was 2420  
committed, on or after July 31, 2003, the offender is sentenced 2421  
for a child-victim oriented offense, and the sentencing judge 2422  
determines pursuant to division (B) of section 2950.091 of the 2423  
Revised Code that the offender is a child-victim predator. 2424

(3) The delinquent child is adjudicated a delinquent child 2425  
for committing a child-victim oriented offense, was fourteen years 2426  
of age or older at the time of committing the offense, and has 2427  
been classified a juvenile offender registrant based on that 2428  
adjudication, and the adjudicating judge or that judge's successor 2429  
in office determines pursuant to division (B) of section 2950.09 2430  
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 2431  
the Revised Code that the delinquent child is a child-victim 2432  
predator. 2433

(4) Prior to ~~the effective date of this section~~ July 31, 2434  
2003, the offender was convicted of or pleaded guilty to a 2435  
child-victim oriented offense, at the time of the conviction or 2436  
guilty plea, the offense was considered a sexually oriented 2437  
offense, on or after July 31, 2003, the offender is serving a term 2438  
of imprisonment in a state correctional institution, and the court 2439  
determines pursuant to division (C) of section 2950.091 of the 2440  
Revised Code that the offender is a child-victim predator. 2441

(5) Regardless of when the child-victim oriented offense was 2442  
committed, the offender or delinquent child is convicted, pleads 2443  
guilty, has been convicted, pleaded guilty, or adjudicated a 2444

delinquent child in a court in another state, in a federal court, 2445  
military court, or Indian tribal court, or in a court in any 2446  
nation other than the United States for committing a child-victim 2447  
oriented offense, as a result of that conviction, plea of guilty, 2448  
or adjudication, the offender or delinquent child is required 2449  
under the law of the jurisdiction in which the offender was 2450  
convicted or pleaded guilty or the delinquent child was 2451  
adjudicated, to register as a child-victim offender or sex 2452  
offender until the offender's or delinquent child's death, and, on 2453  
or after July 1, 1997, for offenders or January 1, 2002, for 2454  
delinquent children the offender or delinquent child moves to and 2455  
resides in this state or temporarily is domiciled in this state 2456  
for more than five days or the offender is required under section 2457  
2950.041 of the Revised Code to register a school, institution of 2458  
higher education, or place of employment address in this state, 2459  
unless a court of common pleas or juvenile court determines that 2460  
the offender or delinquent child is not a child-victim predator 2461  
pursuant to division (F) of section 2950.091 of the Revised Code. 2462

(W) "Residential premises" means the building in which a 2463  
residential unit is located and the grounds upon which that 2464  
building stands, extending to the perimeter of the property. 2465  
"Residential premises" includes any type of structure in which a 2466  
residential unit is located, including, but not limited to, 2467  
multi-unit buildings and mobile and manufactured homes. 2468

(X) "Residential unit" means a dwelling unit for residential 2469  
use and occupancy, and includes the structure or part of a 2470  
structure that is used as a home, residence, or sleeping place by 2471  
one person who maintains a household or two or more persons who 2472  
maintain a common household. "Residential unit" does not include a 2473  
halfway house or a community-based correctional facility. 2474

(Y) "Multi-unit building" means a building in which is 2475  
located more than twelve residential units that have entry doors 2476



that open directly into the unit from a hallway that is shared 2477  
with one or more other units. A residential unit is not considered 2478  
located in a multi-unit building if the unit does not have an 2479  
entry door that opens directly into the unit from a hallway that 2480  
is shared with one or more other units or if the unit is in a 2481  
building that is not a multi-unit building as described in this 2482  
division. 2483

(Z) "Community control sanction" has the same meaning as in 2484  
section 2929.01 of the Revised Code. 2485

(AA) "Halfway house" and "community-based correctional 2486  
facility" have the same meanings as in section 2929.01 of the 2487  
Revised Code. 2488

(BB) "Adjudicated a sexually violent predator" has the same 2489  
meaning as in section 2929.01 of the Revised Code, and a person is 2490  
"adjudicated a sexually violent predator" in the same manner and 2491  
the same circumstances as are described in that section. 2492

**Sec. 2950.03.** (A) Each person who has been convicted of, is 2493  
convicted of, has pleaded guilty to, or pleads guilty to a 2494  
sexually oriented offense that is not a registration-exempt 2495  
sexually oriented offense and who has a duty to register pursuant 2496  
to section 2950.04 of the Revised Code, each person who is 2497  
adjudicated a delinquent child for committing a sexually oriented 2498  
offense that is not a registration-exempt sexually oriented 2499  
offense and who is classified a juvenile offender registrant based 2500  
on that adjudication, each person who has been convicted of, is 2501  
convicted of, has pleaded guilty to, or pleads guilty to a 2502  
child-victim oriented offense and has a duty to register pursuant 2503  
to section 2950.041 of the Revised Code, and each person who is 2504  
adjudicated a delinquent child for committing a child-victim 2505  
oriented offense and who is classified a juvenile offender 2506  
registrant based on that adjudication shall be provided notice in 2507

accordance with this section of the offender's or delinquent 2508  
child's duties imposed under sections 2950.04, 2950.041, 2950.05, 2509  
and 2950.06 of the Revised Code and of the offender's duties to 2510  
similarly register, provide notice of a change, and verify 2511  
addresses in another state if the offender resides, is temporarily 2512  
domiciled, attends a school or institution of higher education, or 2513  
is employed in a state other than this state. A person who has 2514  
been convicted of, is convicted of, has pleaded guilty to, or 2515  
pleads guilty to a sexually oriented offense that is a 2516  
registration-exempt sexually oriented offense, and a person who is 2517  
or has been adjudicated a delinquent child for committing a 2518  
sexually oriented offense that is a registration-exempt sexually 2519  
oriented offense, does not have a duty to register under section 2520  
2950.04 of the Revised Code based on that conviction, guilty plea, 2521  
or adjudication, and no notice is required to be provided to that 2522  
person under this division based on that conviction, guilty plea, 2523  
or adjudication. The following official shall provide the notice 2524  
required under this division to the specified person at the 2525  
following time: 2526

(1) Regardless of when the person committed the sexually 2527  
oriented offense or child-victim oriented offense, if the person 2528  
is an offender who is sentenced for the sexually oriented offense 2529  
or child-victim oriented offense to a prison term, a term of 2530  
imprisonment, or any other type of confinement, and if, on or 2531  
after January 1, 1997, the offender is serving that term or is 2532  
under that confinement, the official in charge of the jail, 2533  
workhouse, state correctional institution, or other institution in 2534  
which the offender serves the prison term, term of imprisonment, 2535  
or confinement, or a designee of that official, shall provide the 2536  
notice to the offender before the offender is released pursuant to 2537  
any type of supervised release or before the offender otherwise is 2538  
released from the prison term, term of imprisonment, or 2539  
confinement. This division applies to a child-victim oriented 2540

offense if the offender is sentenced for the offense on or after 2541  
~~the effective date of this amendment July 31, 2003,~~ or if, prior 2542  
to ~~the effective date of this amendment July 31, 2003,~~ the 2543  
child-victim oriented offense was a sexually oriented offense and 2544  
the offender was sentenced as described in this division for the 2545  
child-victim oriented offense when it was designated a sexually 2546  
oriented offense. If a person was provided notice under this 2547  
division prior to ~~the effective date of this amendment July 31,~~ 2548  
~~2003,~~ in relation to an offense that, prior to ~~the effective date~~ 2549  
~~of this amendment July 31, 2003,~~ was a sexually oriented offense 2550  
but that, on and after ~~the effective date of this amendment July~~ 2551  
~~31, 2003,~~ is a child-victim oriented offense, the notice provided 2552  
under this division shall suffice for purposes of this section as 2553  
notice to the offender of the offender's duties under sections 2554  
2950.041, 2950.05, and 2950.06 of the Revised Code imposed as a 2555  
result of the conviction of or plea of guilty to the child-victim 2556  
oriented offense. 2557

(2) Regardless of when the person committed the sexually 2558  
oriented offense or child-victim oriented offense, if the person 2559  
is an offender who is sentenced for the sexually oriented offense 2560  
on or after January 1, 1997, or who is sentenced for the 2561  
child-victim oriented offense on or after ~~the effective date of~~ 2562  
~~this amendment July 31, 2003,~~ and if division (A)(1) of this 2563  
section does not apply, the judge shall provide the notice to the 2564  
offender at the time of sentencing. If a person was provided 2565  
notice under this division prior to ~~the effective date of this~~ 2566  
~~amendment July 31, 2003,~~ in relation to an offense that, prior to 2567  
~~the effective date of this amendment July 31, 2003,~~, was a 2568  
sexually oriented offense but that, on and after ~~the effective~~ 2569  
~~date of this amendment July 31, 2003,~~, is a child-victim oriented 2570  
offense, the notice so provided under this division shall suffice 2571  
for purposes of this section as notice to the offender of the 2572

offender's duties under sections 2950.041, 2950.05, and 2950.06 of 2573  
the Revised Code imposed as a result of the conviction of or plea 2574  
of guilty to the child-victim oriented offense. 2575

(3) If the person is an offender who committed the sexually 2576  
oriented offense prior to January 1, 1997, if neither division 2577  
(A)(1) nor division (A)(2) of this section applies, and if, 2578  
immediately prior to January 1, 1997, the offender was a habitual 2579  
sex offender who was required to register under Chapter 2950. of 2580  
the Revised Code, the chief of police or sheriff with whom the 2581  
offender most recently registered under that chapter, in the 2582  
circumstances described in this division, shall provide the notice 2583  
to the offender. If the offender has registered with a chief of 2584  
police or sheriff under Chapter 2950. of the Revised Code as it 2585  
existed prior to January 1, 1997, the chief of police or sheriff 2586  
with whom the offender most recently registered shall provide the 2587  
notice to the offender as soon as possible after January 1, 1997, 2588  
as described in division (B)(1) of this section. If the offender 2589  
has not registered with a chief of police or sheriff under that 2590  
chapter, the failure to register shall constitute a waiver by the 2591  
offender of any right to notice under this section. If an offender 2592  
described in this division does not receive notice under this 2593  
section, the offender is not relieved of the offender's duties 2594  
imposed under sections 2950.04, 2950.05, and 2950.06 of the 2595  
Revised Code. 2596

(4) ~~If the person is an offender of the type described in~~ 2597  
neither division (A)(1), (2), nor (3) of this section applies and 2598  
~~if, subsequent to release,~~ the offender is adjudicated a sexual 2599  
predator pursuant to division (C) of section 2950.09 of the 2600  
Revised Code or a child-victim predator pursuant to division (C) 2601  
of section 2950.091 of the Revised Code, the judge shall provide 2602  
the notice to the offender at the time of adjudication. 2603

(5) If the person is a delinquent child who is classified a 2604

juvenile offender registrant, the judge shall provide the notice  
to the delinquent child at the time specified in division (B) of  
section 2152.82, division (D) of section 2152.83, division (C) of  
section 2152.84, or division (E) of section 2152.85 of the Revised  
Code, whichever is applicable. If a delinquent child was provided  
notice under this division prior to ~~the effective date of this~~  
~~amendment July 31, 2003,~~ in relation to an offense that, prior to  
~~the effective date of this amendment July 31, 2003,~~ was a sexually  
oriented offense but that, on and after ~~the effective date of this~~  
~~amendment July 31, 2003,~~ is a child-victim oriented offense, the  
notice so provided under this division shall suffice for purposes  
of this section as notice to the delinquent child of the  
delinquent child's duties under sections 2950.041, 2950.05, and  
2950.06 of the Revised Code imposed as a result of the  
adjudication as a delinquent child for the child-victim oriented  
offense.

(6) If the person is an offender in any category described in  
division (A)(1), (2), (3), or (4) of this section and if, prior to  
~~the effective date of this amendment July 31, 2003,~~ the offender  
was provided notice of the offender's duties in accordance with  
that division, not later than ninety days after ~~the effective date~~  
~~of this amendment July 31, 2003,~~ the sheriff with whom the  
offender most recently registered or verified an address under  
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code  
shall provide notice to the offender of the offender's duties  
imposed on and after ~~the effective date of this amendment July 31,~~  
2003, pursuant to any of those sections to register a school,  
institution of higher education, or place of employment address,  
provide notice of a change of that address, and verify that  
address. The sheriff may provide the notice to the offender at the  
time the offender registers, provides notice of a change in, or  
verifies a residence, school, institution of higher education, or

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place of employment address under any of those sections within the 2637  
specified ninety-day period. If the offender does not so register, 2638  
provide notice of a change in, or verify an address within the 2639  
specified ninety-day period, the sheriff shall provide the notice 2640  
to the offender by sending it to the offender at the most recent 2641  
residence address available for the offender. If the offender was 2642  
required to register prior to ~~the effective date of this amendment~~ 2643  
July 31, 2003, and failed to do so, the failure to register 2644  
constitutes a waiver by the offender of any right to notice under 2645  
this division. If the offender has not registered prior to ~~the~~ 2646  
~~effective date of this amendment~~ July 31, 2003, the offender is 2647  
presumed to have knowledge of the law and of the duties referred 2648  
to in this division that are imposed on and after ~~the effective~~ 2649  
~~date of this amendment~~ July 31, 2003. If an offender does not 2650  
receive notice under this division, the offender is not relieved 2651  
of any of the duties described in this division. 2652

(7) If the person is an offender or delinquent child who has 2653  
a duty to register in this state pursuant to division (A)(3) of 2654  
section 2950.04 or 2950.041 of the Revised Code, the offender or 2655  
delinquent child is presumed to have knowledge of the law and of 2656  
the offender's or delinquent child's duties imposed under sections 2657  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 2658

(B)(1) The notice provided under division (A) of this section 2659  
shall inform the offender or delinquent child of the offender's or 2660  
delinquent child's duty to register, to provide notice of a change 2661  
in the offender's or delinquent child's residence address or in 2662  
the offender's school, institution of higher education, or place 2663  
of employment address, as applicable, and register the new 2664  
address, to periodically verify the offender's or delinquent 2665  
child's residence address or the offender's school, institution of 2666  
higher education, or place of employment address, as applicable, 2667  
and, if applicable, to provide notice of the offender's or 2668

delinquent child's intent to reside, pursuant to sections 2950.04, 2669  
2950.041, 2950.05, and 2950.06 of the Revised Code. The notice 2670  
shall specify that, for an offender, it applies regarding 2671  
residence addresses or school, institution of higher education, 2672  
and place of employment addresses and that, for a delinquent 2673  
child, it applies regarding residence addresses. Additionally, it 2674  
shall inform the offender of the offender's duties to similarly 2675  
register, provide notice of a change in, and verify those 2676  
addresses in states other than this state as described in division 2677  
(A) of this section. A notice provided under division (A)(6) of 2678  
this section shall state the new duties imposed on the offender on 2679  
and after ~~the effective date of this amendment~~ July 31, 2003, to 2680  
register, provide notice of a change in, and periodically verify, 2681  
a school, institution of higher education, or place of employment 2682  
address and specify that the new duties are in addition to the 2683  
prior duties imposed upon the offender. A notice provided under 2684  
division (A)(1), (2), (3), (4), or (5) of this section shall 2685  
comport with the following: 2686

(a) If the notice is provided to an offender under division 2687  
(A)(3) of this section, the notice shall state the offender's 2688  
duties to register, to file a notice of intent to reside, if 2689  
applicable, to register a new residence address or new school, 2690  
institution of higher education, or place of employment address, 2691  
and to periodically verify those addresses, the offender's duties 2692  
in other states as described in division (A) of this section, and 2693  
that, if the offender has any questions concerning these duties, 2694  
the offender may contact the chief of police or sheriff who sent 2695  
the form for an explanation of the duties. If the offender appears 2696  
in person before the chief of police or sheriff, the chief or 2697  
sheriff shall provide the notice as described in division 2698  
(B)(1)(a) of this section, and all provisions of this section that 2699  
apply regarding a notice provided by an official, official's 2700

designee, or judge in that manner shall be applicable. 2701

(b) If the notice is provided to an offender under division 2702  
(A)(1), (2), or (4) of this section, the official, official's 2703  
designee, or judge shall require the offender to read and sign a 2704  
form stating that the offender's duties to register, to file a 2705  
notice of intent to reside, if applicable, to register a new 2706  
residence address or new school, institution of higher education, 2707  
or place of employment address, and to periodically verify those 2708  
addresses, and the offender's duties in other states as described 2709  
in division (A) of this section have been explained to the 2710  
offender. If the offender is unable to read, the official, 2711  
official's designee, or judge shall certify on the form that the 2712  
official, designee, or judge specifically informed the offender of 2713  
those duties and that the offender indicated an understanding of 2714  
those duties. 2715

(c) If the notice is provided to a delinquent child under 2716  
division (A)(5) of this section, the judge shall require the 2717  
delinquent child and the delinquent child's parent, guardian, or 2718  
custodian to read and sign a form stating that the delinquent 2719  
child's duties to register, to file a notice of intent to reside, 2720  
if applicable, to register a new residence address, and to 2721  
periodically verify that address have been explained to the 2722  
delinquent child and to the delinquent child's parent, guardian, 2723  
or custodian. If the delinquent child or the delinquent child's 2724  
parent, guardian, or custodian is unable to read, the judge shall 2725  
certify on the form that the judge specifically informed the 2726  
delinquent child or the delinquent child's parent, guardian, or 2727  
custodian of those duties and that the delinquent child or the 2728  
delinquent child's parent, guardian, or custodian indicated an 2729  
understanding of those duties. 2730

(2) The notice provided under divisions (A)(1) to (6) of this 2731  
section shall be on a form prescribed by the bureau of criminal 2732



identification and investigation and shall contain all of the 2733  
information specified in division (A) of this section and all of 2734  
the information required by the bureau. The notice provided under 2735  
divisions (A)(1) to (5) of this section shall include, but is not 2736  
limited to, all of the following: 2737

(a) For any notice provided under division (A)(1) to (5) of 2738  
this section, a statement as to whether the offender or delinquent 2739  
child has been adjudicated a sexual predator or a child-victim 2740  
predator relative to the sexually oriented offense or child-victim 2741  
oriented offense in question, a statement as to whether the 2742  
offender or delinquent child has been determined to be a habitual 2743  
sex offender or habitual child-victim offender, a statement as to 2744  
whether the offense for which the offender has the duty to 2745  
register is an aggravated sexually oriented offense, an 2746  
explanation of the offender's periodic residence address or 2747  
periodic school, institution of higher education, or place of 2748  
employment address verification process or of the delinquent 2749  
child's periodic residence address verification process, an 2750  
explanation of the frequency with which the offender or delinquent 2751  
child will be required to verify those addresses under that 2752  
process, a statement that the offender or delinquent child must 2753  
verify those addresses at the times specified under that process 2754  
or face criminal prosecution or a delinquent child proceeding, and 2755  
an explanation of the offender's duty to similarly register, 2756  
verify, and reregister those addresses in another state if the 2757  
offender resides in another state, attends a school or institution 2758  
of higher education in another state, or is employed in another 2759  
state. 2760

(b) If the notice is provided under division (A)(4) of this 2761  
section, a statement that the notice replaces any notice 2762  
previously provided to the offender under division (A)(1) of this 2763  
section, a statement that the offender's duties described in this 2764

notice supersede the duties described in the prior notice, and a  
statement notifying the offender that, if the offender already has  
registered under section 2950.04 or 2950.041 of the Revised Code,  
the offender must register again pursuant to division (A)(6) of  
that section;

(c) If the notice is provided under division (A)(5) of this  
section, a statement that the delinquent child has been classified  
by the adjudicating juvenile court judge or the judge's successor  
in office a juvenile offender registrant and has a duty to comply  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the  
Revised Code;

(d) If the notice is provided under division (A)(5) of this  
section, a statement that, if the delinquent child fails to comply  
with the requirements of sections 2950.04, 2950.041, 2950.05, and  
2950.06 of the Revised Code, both of the following apply:

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

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

(3)(a) After an offender described in division (A)(1), (2),  
or (4) of this section has signed the form described in divisions  
(B)(1) and (2) of this section or the official, official's

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

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

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

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

offender or delinquent child under divisions (A)(1) to (5) of this 2828  
section shall do all of the following: 2829

(1) If the notice is provided under division (A)(1), (2), 2830  
(4), or (5) of this section, the official, designee, or judge 2831  
shall determine the offender's or delinquent child's name, 2832  
identifying factors, and expected future residence address in this 2833  
state or any other state, shall obtain the offender's or 2834  
delinquent child's criminal and delinquency history, and shall 2835  
obtain a photograph and the fingerprints of the offender or 2836  
delinquent child. Regarding an offender, the official, designee, 2837  
or judge also shall obtain from the offender the offender's 2838  
current or expected future school, institution of higher 2839  
education, or place of employment address in this state, if any. 2840  
If the notice is provided by a judge under division (A)(2), (4), 2841  
or (5) of this section, the sheriff shall provide the offender's 2842  
or delinquent child's criminal and delinquency history to the 2843  
judge. The official, official's designee, or judge shall obtain 2844  
this information and these items prior to giving the notice, 2845  
except that a judge may give the notice prior to obtaining the 2846  
offender's or delinquent child's criminal and delinquency history. 2847  
Within three days after receiving this information and these 2848  
items, the official, official's designee, or judge shall forward 2849  
the information and items to the bureau of criminal identification 2850  
and investigation in accordance with the forwarding procedures 2851  
adopted pursuant to section 2950.13 of the Revised Code, to the 2852  
sheriff of the county in which the offender or delinquent child 2853  
expects to reside, and, regarding an offender, to the sheriff of 2854  
the county, if any, in which the offender attends or will attend a 2855  
school or institution of higher education or is or will be 2856  
employed. If the notice is provided under division (A)(5) of this 2857  
section and if the delinquent child has been committed to the 2858  
department of youth services or to a secure facility, the judge, 2859

in addition to the other information and items described in this 2860  
division, also shall forward to the bureau and to the sheriff 2861  
notification that the child has been so committed. If it has not 2862  
already done so, the bureau of criminal identification and 2863  
investigation shall forward a copy of the fingerprints and 2864  
conviction data received under this division to the federal bureau 2865  
of investigation. 2866

(2) If the notice is provided under division (A)(3) of this 2867  
section, the chief of police or sheriff shall determine the 2868  
offender's name, identifying factors, and residence address in 2869  
this state or any other state, shall obtain the offender's 2870  
criminal history from the bureau of criminal identification and 2871  
investigation, and, to the extent possible, shall obtain a 2872  
photograph and the fingerprints of the offender. Regarding an 2873  
offender, the chief or sheriff also shall obtain from the offender 2874  
the offender's current or expected future school, institution of 2875  
higher education, or place of employment address in this state, if 2876  
any. Within three days after receiving this information and these 2877  
items, the chief or sheriff shall forward the information and 2878  
items to the bureau of criminal identification and investigation 2879  
in accordance with the forwarding procedures adopted pursuant to 2880  
section 2950.13 of the Revised Code and, in relation to a chief of 2881  
police, to the sheriff of the county in which the offender 2882  
resides, and, regarding an offender, to the sheriff of the county, 2883  
if any, in which the offender attends or will attend a school or 2884  
institution of higher education or is or will be employed. If it 2885  
has not already done so, the bureau of criminal identification and 2886  
investigation shall forward a copy of the fingerprints and 2887  
conviction data so received to the federal bureau of 2888  
investigation. 2889

**Sec. 2950.031.** (A) No person who has been convicted of, is 2890

convicted of, has pleaded guilty to, or pleads guilty to either a 2891  
sexually oriented offense that is not a registration-exempt 2892  
sexually oriented offense or a child-victim oriented offense shall 2893  
establish a residence or occupy residential premises within one 2894  
thousand feet of any school premises. 2895

(B) ~~An owner or lessee of real property that is located~~ 2896  
~~within one thousand feet of any school premises has a cause of~~ 2897  
~~action for injunctive relief against~~ If a person who to whom 2898  
division (A) of this section applies violates division (A) of this 2899  
section by establishing a residence or occupying residential 2900  
premises within one thousand feet of ~~those~~ any school premises, an 2901  
owner or lessee of real property that is located within one 2902  
thousand feet of those school premises, or the prosecuting 2903  
attorney, village solicitor, city or township director of law, 2904  
similar chief legal officer of a municipal corporation or 2905  
township, or official designated as a prosecutor in a municipal 2906  
corporation that has jurisdiction over the place at which the 2907  
person establishes the residence or occupies the residential 2908  
premises in question, has a cause of action for injunctive relief 2909  
against the person. The ~~owner or lessee~~ plaintiff shall not be 2910  
required to prove irreparable harm in order to obtain the relief. 2911

**Sec. 2950.04.** (A)(1) Each of the following types of offender 2912  
who is convicted of or pleads guilty to, or has been convicted of 2913  
or pleaded guilty to, a sexually oriented offense that is not a 2914  
registration-exempt sexually oriented offense shall register 2915  
personally with the sheriff of the county within five days of the 2916  
offender's coming into a county in which the offender resides or 2917  
temporarily is domiciled for more than five days, shall register 2918  
personally with the sheriff of the county immediately upon coming 2919  
into a county in which the offender attends a school or 2920  
institution of higher education on a full-time or part-time basis 2921  
regardless of whether the offender resides or has a temporary 2922

domicile in this state or another state, shall register personally 2923  
with the sheriff of the county in which the offender is employed 2924  
if the offender resides or has a temporary domicile in this state 2925  
and has been employed in that county for more than fourteen days 2926  
or for an aggregate period of thirty or more days in that calendar 2927  
year, shall register personally with the sheriff of the county in 2928  
which the offender then is employed if the offender does not 2929  
reside or have a temporary domicile in this state and has been 2930  
employed at any location or locations in this state more than 2931  
fourteen days or for an aggregate period of thirty or more days in 2932  
that calendar year, and shall register with the sheriff or other 2933  
appropriate person of the other state immediately upon entering 2934  
into any state other than this state in which the offender attends 2935  
a school or institution of higher education on a full-time or 2936  
part-time basis or upon being employed in any state other than 2937  
this state for more than fourteen days or for an aggregate period 2938  
of thirty or more days in that calendar year regardless of whether 2939  
the offender resides or has a temporary domicile in this state, 2940  
the other state, or a different state: 2941

(a) Regardless of when the sexually oriented offense was 2942  
committed, an offender who is sentenced for the sexually oriented 2943  
offense to a prison term, a term of imprisonment, or any other 2944  
type of confinement and, on or after July 1, 1997, is released in 2945  
any manner from the prison term, term of imprisonment, or 2946  
confinement; 2947

(b) Regardless of when the sexually oriented offense was 2948  
committed, an offender who is sentenced for a sexually oriented 2949  
offense on or after July 1, 1997, and to whom division (A)(1)(a) 2950  
of this section does not apply; 2951

(c) If the sexually oriented offense was committed prior to 2952  
July 1, 1997, and neither division (A)(1)(a) nor division 2953  
(A)(1)(b) of this section applies, an offender who, immediately 2954

prior to July 1, 1997, was a habitual sex offender who was 2955  
required to register under Chapter 2950. of the Revised Code. 2956

(2) Each child who is adjudicated a delinquent child for 2957  
committing a sexually oriented offense that is not a 2958  
registration-exempt sexually oriented offense and who is 2959  
classified a juvenile offender registrant based on that 2960  
adjudication shall register personally with the sheriff of the 2961  
county within five days of the delinquent child's coming into a 2962  
county in which the delinquent child resides or temporarily is 2963  
domiciled for more than five days. If the delinquent child is 2964  
committed for the sexually oriented offense that is not a 2965  
registration-exempt sexually oriented offense to the department of 2966  
youth services or to a secure facility that is not operated by the 2967  
department, this duty begins when the delinquent child is 2968  
discharged or released in any manner from custody in a department 2969  
of youth services secure facility or from the secure facility that 2970  
is not operated by the department, if pursuant to the discharge or 2971  
release the delinquent child is not committed to any other secure 2972  
facility of the department or any other secure facility. The 2973  
delinquent child does not have a duty to register under this 2974  
division while the child is in a department of youth services 2975  
secure facility or in a secure facility that is not operated by 2976  
the department. 2977

(3) If divisions (A)(1) and (2) of this section do not apply, 2978  
each following type of offender and each following type of 2979  
delinquent child shall register personally with the sheriff of the 2980  
county within five days of the offender's or delinquent child's 2981  
coming into a county in which the offender or delinquent child 2982  
resides or temporarily is domiciled for more than five days, and 2983  
each following type of offender shall register personally with the 2984  
sheriff of the county immediately upon coming into a county in 2985  
which the offender attends a school or institution of higher 2986



education on a full-time or part-time basis regardless of whether  
the offender resides or has a temporary domicile in this state or  
another state, shall register personally with the sheriff of the  
county in which the offender is employed if the offender resides  
or has a temporary domicile in this state and has been employed in  
that county for more than fourteen days or for an aggregate period  
of thirty days or more in that calendar year, and shall register  
personally with the sheriff of the county in which the offender  
then is employed if the offender does not reside or have a  
temporary domicile in this state and has been employed at any  
location or locations in this state for more than fourteen days or  
for an aggregate period of thirty or more days in that calendar  
year:

(a) Regardless of when the sexually oriented offense was  
committed, a person who is convicted, pleads guilty, or  
adjudicated a delinquent child in a court in another state, in a  
federal court, military court, or Indian tribal court, or in a  
court in any nation other than the United States for committing a  
sexually oriented offense that is not a registration-exempt  
sexually oriented offense, if, on or after July 1, 1997, for  
offenders, or January 1, 2002, for delinquent children, the  
offender or delinquent child moves to and resides in this state or  
temporarily is domiciled in this state for more than five days,  
the offender enters this state to attend any school or institution  
of higher education on a full-time or part-time basis, or the  
offender is employed in this state for more than fourteen days or  
for an aggregate period of thirty or more days in any calendar  
year, and if, at the time the offender or delinquent child moves  
to and resides in this state or temporarily is domiciled in this  
state for more than five days, the offender enters this state to  
attend the school or institution of higher education, or the  
offender is employed in this state for more than the specified

period of time, the offender or delinquent child has a duty to 3019  
register as a sex offender or child-victim offender under the law 3020  
of that other jurisdiction as a result of the conviction, guilty 3021  
plea, or adjudication. 3022

(b) Regardless of when the sexually oriented offense was 3023  
committed, a person who is convicted of, pleads guilty to, or is 3024  
adjudicated a delinquent child in a court in another state, in a 3025  
federal court, military court, or Indian tribal court, or in a 3026  
court in any nation other than the United States for committing a 3027  
sexually oriented offense that is not a registration-exempt 3028  
sexually oriented offense, if, on or after July 1, 1997, for 3029  
offenders, or January 1, 2002, for delinquent children, the 3030  
offender or delinquent child is released from imprisonment, 3031  
confinement, or detention imposed for that offense, and if, on or 3032  
after July 1, 1997, for offenders, or January 1, 2002, for 3033  
delinquent children, the offender or delinquent child moves to and 3034  
resides in this state or temporarily is domiciled in this state 3035  
for more than five days, the offender enters this state to attend 3036  
any school or institution of higher education on a full-time or 3037  
part-time basis, or the offender is employed in this state for 3038  
more than fourteen days or for an aggregate period of thirty or 3039  
more days in any calendar year. The duty to register as described 3040  
in this division applies to an offender regardless of whether the 3041  
offender, at the time of moving to and residing in this state or 3042  
temporarily being domiciled in this state for more than five days, 3043  
at the time of entering into this state to attend the school or 3044  
institution of higher education, or at the time of being employed 3045  
in this state for the specified period of time, has a duty to 3046  
register as a sex offender or child-victim offender under the law 3047  
of the jurisdiction in which the conviction or guilty plea 3048  
occurred. The duty to register as described in this division 3049  
applies to a delinquent child only if the delinquent child, at the 3050

time of moving to and residing in this state or temporarily being 3051  
domiciled in this state for more than five days, has a duty to 3052  
register as a sex offender or child-victim offender under the law 3053  
of the jurisdiction in which the delinquent child adjudication 3054  
occurred or if, had the delinquent child adjudication occurred in 3055  
this state, the adjudicating juvenile court judge would have been 3056  
required to issue an order classifying the delinquent child as a 3057  
juvenile offender registrant pursuant to section 2152.82 or 3058  
division (A) of section 2152.83 of the Revised Code. 3059

(4) If neither division (A)(1)~~(a)~~, (2), nor (3) of this 3060  
section applies and if, ~~subsequent to the offender's release,~~ the 3061  
offender is adjudicated a sexual predator under division (C) of 3062  
section 2950.09 of the Revised Code, the offender shall register 3063  
within five days of the adjudication with the sheriff of the 3064  
county in which the offender resides or temporarily is domiciled 3065  
for more than five days, shall register with the sheriff of any 3066  
county in which the offender subsequently resides or temporarily 3067  
is domiciled for more than five days within five days of coming 3068  
into that county, shall register within five days of the 3069  
adjudication with the sheriff of the county in which the offender 3070  
attends any school or institution of higher education on a 3071  
full-time or part-time basis or in which the offender is employed 3072  
if the offender has been employed in that county for more than 3073  
fourteen days or for an aggregate period of thirty or more days in 3074  
that calendar year regardless of whether the offender resides or 3075  
has temporary domicile in this state or another state, and shall 3076  
register within five days of the adjudication with the sheriff or 3077  
other appropriate person of any state other than this state in 3078  
which the offender attends a school or institution of higher 3079  
education on a full-time or part-time basis or in which the 3080  
offender then is employed if the offender has been employed in 3081  
that state for more than fourteen days or for an aggregate period 3082

of thirty or more days in any calendar year regardless of whether 3083  
the offender resides or has temporary domicile in this state, the 3084  
other state, or a different state. 3085

(5) A person who is adjudicated a delinquent child for 3086  
committing a sexually oriented offense that is not a 3087  
registration-exempt sexually oriented offense is not required to 3088  
register under division (A)(2) of this section unless the 3089  
delinquent child committed the offense on or after January 1, 3090  
2002, is classified a juvenile offender registrant by a juvenile 3091  
court judge pursuant to an order issued under section 2152.82, 3092  
2152.83, 2152.84, or 2152.85 of the Revised Code based on that 3093  
adjudication, and has a duty to register pursuant to division 3094  
(A)(2) of this section. 3095

(6) A person who has been convicted of, is convicted of, has 3096  
pleaded guilty to, or pleads guilty to a sexually oriented offense 3097  
that is a registration-exempt sexually oriented offense, and a 3098  
person who is or has been adjudicated a delinquent child for 3099  
committing a sexually oriented offense that is a 3100  
registration-exempt sexually oriented offense, does not have any 3101  
duty to register under this section based on that conviction, 3102  
guilty plea, or adjudication. The exemption of an offender or 3103  
delinquent child from registration under this division for a 3104  
conviction of, plea of guilty to, or delinquent child adjudication 3105  
for a registration-exempt sexually oriented offense does not 3106  
limit, affect, or supersede any duties imposed upon the offender 3107  
or delinquent child under this chapter or sections 2152.82 to 3108  
2152.85 of the Revised Code for a conviction of, plea of guilty 3109  
to, or delinquent child adjudication for any other sexually 3110  
oriented offense or any child-victim oriented offense. 3111

(B) An offender or delinquent child who is required by 3112  
division (A) of this section to register in this state personally 3113  
shall obtain from the sheriff or from a designee of the sheriff a 3114

registration form that conforms to division (C) of this section, 3115  
shall complete and sign the form, and shall return the completed 3116  
form together with the offender's or delinquent child's photograph 3117  
to the sheriff or the designee. The sheriff or designee shall sign 3118  
the form and indicate on the form the date on which it is so 3119  
returned. The registration required under this division is 3120  
complete when the offender or delinquent child returns the form, 3121  
containing the requisite information, photograph, signatures, and 3122  
date, to the sheriff or designee. 3123

(C) The registration form to be used under divisions (A) and 3124  
(B) of this section shall include the photograph of the offender 3125  
or delinquent child who is registering and shall contain all of 3126  
the following: 3127

(1) Regarding an offender or delinquent child who is 3128  
registering under a duty imposed under division (A)(1), (2), (3), 3129  
or (4) of this section as a result of the offender or delinquent 3130  
child residing in this state or temporarily being domiciled in 3131  
this state for more than five days, the current residence address 3132  
of the offender or delinquent child who is registering, the name 3133  
and address of the offender's or delinquent child's employer if 3134  
the offender or delinquent child is employed at the time of 3135  
registration or if the offender or delinquent child knows at the 3136  
time of registration that the offender or delinquent child will be 3137  
commencing employment with that employer subsequent to 3138  
registration, the name and address of the offender's school or 3139  
institution of higher education if the offender attends one at the 3140  
time of registration or if the offender knows at the time of 3141  
registration that the offender will be commencing attendance at 3142  
that school or institution subsequent to registration, and any 3143  
other information required by the bureau of criminal 3144  
identification and investigation. 3145

(2) Regarding an offender who is registering under a duty 3146

imposed under division (A)(1), (3), or (4) of this section as a  
result of the offender attending a school or institution of higher  
education in this state on a full-time or part-time basis or being  
employed in this state or in a particular county in this state,  
whichever is applicable, for more than fourteen days or for an  
aggregate of thirty or more days in any calendar year, the current  
address of the school, institution of higher education, or place  
of employment of the offender who is registering and any other  
information required by the bureau of criminal identification and  
investigation.

(3) Regarding an offender or delinquent child who is  
registering under a duty imposed under division (A)(1), (2), (3),  
or (4) of this section for any reason, if the offender has been  
adjudicated a sexual predator relative to the sexually oriented  
offense in question, if the delinquent child has been adjudicated  
a sexual predator relative to the sexually oriented offense in  
question and the court has not subsequently determined pursuant to  
section 2152.84 or 2152.85 of the Revised Code that the delinquent  
child no longer is a sexual predator, if the judge determined  
pursuant to division (C) of section 2950.09 or pursuant to section  
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the  
offender or delinquent child is a habitual sex offender and the  
determination has not been removed pursuant to section 2152.84 or  
2152.85 of the Revised Code, or if the offender has the duty to  
register as a result of the conviction of or plea of guilty to an  
aggravated sexually oriented offense, the offender or delinquent  
child also shall include on the signed, written registration form  
all of the following information:

(a) A specific declaration that the person has been  
adjudicated a sexual predator, has been determined to be a  
habitual sex offender, or was convicted of or pleaded guilty to an  
aggravated sexually oriented offense, whichever is applicable;

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

(D) After an offender or delinquent child registers with a sheriff pursuant to this section, the sheriff shall forward the signed, written registration form and photograph to the bureau of criminal identification and investigation in accordance with the forwarding procedures adopted pursuant to section 2950.13 of the Revised Code. If an offender registers a school, institution of higher education, or place of employment address, or provides a school or institution of higher education address under division (C)(1) of this section, the sheriff also shall provide notice to the law enforcement agency with jurisdiction over the premises of the school, institution of higher education, or place of employment of the offender's name and that the offender has registered that address as a place at which the offender attends school or an institution of higher education or at which the offender is employed. The bureau shall include the information and materials forwarded to it under this division in the state registry of sex offenders and child victim offenders established and maintained under section 2950.13 of the Revised Code.

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

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

in section 2950.07 of the Revised Code. 3211

(G) If an offender or delinquent child who is required by 3212  
division (A) of this section to register is adjudicated a sexual 3213  
predator or a habitual sexual offender subject to community 3214  
notification under division (C)(2) or (E) of section 2950.09 of 3215  
the Revised Code, or if an offender who is required by division 3216  
(A) of this section to register has that duty as a result of a 3217  
conviction of or plea of guilty to an aggravated sexually oriented 3218  
offense, the offender or delinquent child also shall send the 3219  
sheriff of the county in which the offender or delinquent child 3220  
intends to reside written notice of the offender's or delinquent 3221  
child's intent to reside in the county. The offender or delinquent 3222  
child shall send the notice of intent to reside at least twenty 3223  
days prior to the date the offender or delinquent child begins to 3224  
reside in the county. The notice of intent to reside shall contain 3225  
the following information: 3226

(1) The offender's or delinquent child's name; 3227

(2) The address or addresses at which the offender or 3228  
delinquent child intends to reside; 3229

(3) The sexually oriented offense of which the offender was 3230  
convicted, to which the offender pleaded guilty, or for which the 3231  
child was adjudicated a delinquent child; 3232

(4) A statement that the offender has been adjudicated a 3233  
sexual predator, a statement that the delinquent child has been 3234  
adjudicated a sexual predator and that, as of the date of the 3235  
notice, the court has not entered a determination that the 3236  
delinquent child no longer is a sexual predator, a statement that 3237  
the sentencing or reviewing judge has determined that the offender 3238  
or delinquent child is a habitual sex offender and that, as of the 3239  
date of the notice, the determination has not been removed 3240  
pursuant to section 2152.84 or 2152.85 of the Revised Code, or a 3241



statement that the offender was convicted of or pleaded guilty to 3242  
an aggravated sexually oriented offense. 3243

(H) If, immediately prior to ~~the effective date of this~~ 3244  
~~amendment~~ July 31, 2003, an offender or delinquent child who was 3245  
convicted of, pleaded guilty to, or adjudicated a delinquent child 3246  
for committing a sexually oriented offense was required by 3247  
division (A) of this section to register and if, on or after ~~the~~ 3248  
~~effective date of this amendment~~ July 31, 2003, that offense no 3249  
longer is a sexually oriented offense but instead is designated a 3250  
child-victim oriented offense, division (A)(1)(c) or (2)(b) of 3251  
section 2950.041 of the Revised Code applies regarding the 3252  
offender or delinquent child and the duty to register that is 3253  
imposed pursuant to that division shall be considered, for 3254  
purposes of section 2950.07 of the Revised Code and for all other 3255  
purposes, to be a continuation of the duty imposed upon the 3256  
offender prior to ~~the effective date of this amendment~~ July 31, 3257  
2003, under this section. 3258

**Sec. 2950.041.** (A)(1) Each of the following types of offender 3259  
who is convicted of or pleads guilty to, or has been convicted of 3260  
or pleaded guilty to, a child-victim oriented offense shall 3261  
register personally with the sheriff of the county within five 3262  
days of the offender's coming into a county in which the offender 3263  
resides or temporarily is domiciled for more than five days, shall 3264  
register personally with the sheriff of the county immediately 3265  
upon coming into a county in which the offender attends a school 3266  
or institution of higher education on a full-time or part-time 3267  
basis regardless of whether the offender resides or has a 3268  
temporary domicile in this state or another state, shall register 3269  
personally with the sheriff of the county in which the offender is 3270  
employed if the offender resides or has a temporary domicile in 3271  
this state and has been employed in that county for more than 3272

fourteen days or for an aggregate period of thirty or more days in 3273  
that calendar year, shall register personally with the sheriff of 3274  
the county in which the offender then is employed if the offender 3275  
does not reside or have a temporary domicile in this state and has 3276  
been employed at any location or locations in this state for more 3277  
than fourteen days or for an aggregate period of thirty or more 3278  
days in that calendar year, and shall register personally with the 3279  
sheriff or other appropriate person of the other state immediately 3280  
upon entering into any state other than this state in which the 3281  
offender attends a school or institution of higher education on a 3282  
full-time or part-time basis or upon being employed in any state 3283  
other than this state for more than fourteen days or for an 3284  
aggregate period of thirty or more days in that calendar year 3285  
regardless of whether the offender resides or has a temporary 3286  
domicile in this state, the other state, or a different state: 3287

3288

(a) Regardless of when the child-victim oriented offense was 3289  
committed, an offender who is sentenced for the child-victim 3290  
oriented offense to a prison term, a term of imprisonment, or any 3291  
other type of confinement and, on or after ~~the effective date of~~ 3292  
~~this section~~ July 31, 2003, is released in any manner from the 3293  
prison term, term of imprisonment, or confinement; 3294

(b) Regardless of when the child-victim oriented offense was 3295  
committed, an offender who is sentenced for a child-victim 3296  
oriented offense on or after ~~the effective date of this section~~ 3297  
July 31, 2003, and to whom division (A)(1)(a) of this section does 3298  
not apply; 3299

(c) If the child-victim oriented offense was committed prior 3300  
to ~~the effective date of this section~~ July 31, 2003, if the 3301  
offense was considered prior to that date to be a sexually 3302  
oriented offense, and if neither division (A)(1)(a) nor division 3303

(A)(1)(b) of this section applies, an offender who, immediately 3304  
prior to ~~the effective date of this section~~ July 31, 2003, was 3305  
required to register as a result of conviction of or plea of 3306  
guilty to the commission of that offense under section 2950.04 of 3307  
the Revised Code. For any offender who is described in this 3308  
division, the duty imposed under this division shall be 3309  
considered, for purposes of section 2950.07 of the Revised Code 3310  
and for all other purposes, to be a continuation of the duty 3311  
imposed upon the offender prior to ~~the effective date of this~~ 3312  
~~section~~ July 31, 2003, under section 2950.04 of the Revised Code. 3313

(2) Each of the following types of delinquent children shall 3314  
register personally with the sheriff of the county within five 3315  
days of the delinquent child's coming into a county in which the 3316  
delinquent child resides or temporarily is domiciled for more than 3317  
five days: 3318

(a) Regardless of when the child-victim oriented offense was 3319  
committed, a child who on or after ~~the effective date of this~~ 3320  
~~section~~ July 31, 2003, is adjudicated a delinquent child for 3321  
committing a child-victim oriented offense and who is classified a 3322  
juvenile offender registrant based on that adjudication. If the 3323  
delinquent child is committed for the child-victim oriented 3324  
offense to the department of youth services or to a secure 3325  
facility that is not operated by the department, this duty begins 3326  
when the delinquent child is discharged or released in any manner 3327  
from custody in a department of youth services secure facility or 3328  
from the secure facility that is not operated by the department, 3329  
if pursuant to the discharge or release the delinquent child is 3330  
not committed to any other secure facility of the department or 3331  
any other secure facility. The delinquent child does not have a 3332  
duty to register under this division while the child is in a 3333  
department of youth services secure facility or in a secure 3334  
facility that is not operated by the department. 3335

(b) If the child-victim oriented offense was committed prior 3336  
to ~~the effective date of this section July 31, 2003~~, if the 3337  
offense was considered prior to that date to be a sexually 3338  
oriented offense, and if division (A)(2)(a) of this section does 3339  
not apply, a delinquent child who, immediately prior to ~~the~~ 3340  
~~effective date of this section July 31, 2003~~, was classified a 3341  
juvenile sex offender registrant and required to register as a 3342  
result of a delinquent child adjudication for the commission of 3343  
that offense under section 2950.04 of the Revised Code. For any 3344  
delinquent child who is described in this division, the duty 3345  
imposed under this division shall be considered, for purposes of 3346  
section 2950.07 of the Revised Code and for all other purposes, to 3347  
be a continuation of the duty imposed upon the delinquent child 3348  
prior to ~~the effective date of this section July 31, 2003~~, under 3349  
section 2950.04 of the Revised Code. If the delinquent child is 3350  
committed for the child-victim oriented offense to the department 3351  
of youth services or to a secure facility that is not operated by 3352  
the department, the provisions of division (A)(2)(a) of this 3353  
section regarding the beginning, and tolling, of a duty imposed 3354  
under that division also apply regarding the beginning, and 3355  
tolling, of the duty imposed under this division. 3356

(3) If divisions (A)(1) and (2) of this section do not apply, 3357  
each following type of offender and each following type of 3358  
delinquent child shall register personally with the sheriff of the 3359  
county within five days of the offender's or delinquent child's 3360  
coming into a county in which the offender or delinquent child 3361  
resides or temporarily is domiciled for more than five days, and 3362  
each following type of offender shall register personally with the 3363  
sheriff of the county immediately upon coming into a county in 3364  
which the offender attends a school or institution of higher 3365  
education on a full-time or part-time basis regardless of whether 3366  
the offender resides or has a temporary domicile in this state or 3367

another state, shall register personally with the sheriff of the 3368  
county in which the offender is employed if the offender resides 3369  
or has a temporary domicile in this state and has been employed in 3370  
that county for more than fourteen days or for an aggregate period 3371  
of thirty or more days in that calendar year, and shall register 3372  
personally with the sheriff of the county in which the offender 3373  
then is employed if the offender does not reside or have a 3374  
temporary domicile in this state and has been employed at any 3375  
location or locations in this state for more than fourteen days or 3376  
for an aggregate period of thirty or more days in that calendar 3377  
year: 3378

(a) Regardless of when the child-victim oriented offense was 3379  
committed, a person who is convicted, pleads guilty, or 3380  
adjudicated a delinquent child in a court in another state, in a 3381  
federal court, military court, or Indian tribal court, or in a 3382  
court in any nation other than the United States for committing a 3383  
child-victim oriented offense, if, on or after ~~the effective date~~ 3384  
~~of this section~~ July 31, 2003, the offender or delinquent child 3385  
moves to and resides in this state or temporarily is domiciled in 3386  
this state for more than five days, the offender enters this state 3387  
to attend any school or institution of higher education on a 3388  
full-time or part-time basis, or the offender is employed in this 3389  
state for more than fourteen days or for an aggregate period of 3390  
thirty or more days in any calendar year, and if, at the time the 3391  
offender or delinquent child moves to and resides in this state or 3392  
temporarily is domiciled in this state for more than five days, 3393  
the offender enters this state to attend the school or institution 3394  
of higher education, or the offender is employed in this state for 3395  
more than the specified period of time, the offender or delinquent 3396  
child has a duty to register as a child-victim offender or sex 3397  
offender under the law of that other jurisdiction as a result of 3398  
the conviction, guilty plea, or adjudication. 3399

(b) Regardless of when the child-victim oriented offense was 3400  
committed, a person who is convicted, pleads guilty, or 3401  
adjudicated a delinquent child in a court in another state, in a 3402  
federal court, military court, or Indian tribal court, or in a 3403  
court in any nation other than the United States for committing a 3404  
child-victim oriented offense, if, on or after ~~the effective date~~ 3405  
~~of this section~~ July 31, 2003, the offender or delinquent child is 3406  
released from imprisonment, confinement, or detention imposed for 3407  
that offense, and if, on or after ~~the effective date of this~~ 3408  
~~section~~ July 31, 2003, the offender or delinquent child moves to 3409  
and resides in this state or temporarily is domiciled in this 3410  
state for more than five days, the offender enters this state to 3411  
attend any school or institution of higher education on a 3412  
full-time or part-time basis, or the offender is employed in this 3413  
state for more than fourteen days or for an aggregate period of 3414  
thirty or more days in any calendar year. The duty to register as 3415  
described in this division applies to an offender regardless of 3416  
whether the offender, at the time of moving to and residing in 3417  
this state or temporarily being domiciled in this state for more 3418  
than five days, at the time of entering into this state to attend 3419  
the school or institution of higher education, or at the time of 3420  
being employed in this state for more than the specified period of 3421  
time, has a duty to register as a child-victim offender or sex 3422  
offender under the law of the jurisdiction in which the conviction 3423  
or guilty plea occurred. The duty to register as described in this 3424  
division applies to a delinquent child only if the delinquent 3425  
child, at the time of moving to and residing in this state or 3426  
temporarily being domiciled in this state for more than five days, 3427  
has a duty to register as a child-victim offender or sex offender 3428  
under the law of the jurisdiction in which the delinquent child 3429  
adjudication occurred or if, had the delinquent child adjudication 3430  
occurred in this state, the adjudicating juvenile court judge 3431  
would have been required to issue an order classifying the 3432

delinquent child as a juvenile offender registrant pursuant to 3433  
section 2152.82 or division (A) of section 2152.83 of the Revised 3434  
Code. 3435

(4) If neither division (A)(1)~~(a)~~, (2), nor (3) of this 3436  
section applies and if, ~~subsequent to the offender's release,~~ the 3437  
offender is adjudicated a child-victim predator under division (C) 3438  
of section ~~2950.09~~ 2950.091 of the Revised Code, the offender 3439  
shall register within five days of the adjudication with the 3440  
sheriff of the county in which the offender resides or temporarily 3441  
is domiciled for more than five days, shall register with the 3442  
sheriff of any county in which the offender subsequently resides 3443  
or temporarily is domiciled for more than five days within five 3444  
days of coming into that county, shall register within five days 3445  
of the adjudication with the sheriff of the county in which the 3446  
offender attends any school or institution of higher education on 3447  
a full-time or part-time basis or in which the offender is 3448  
employed if the offender has been employed in that county for more 3449  
than fourteen days or for an aggregate period of thirty or more 3450  
days in that calendar year regardless of whether the offender 3451  
resides or has temporary domicile in this state or another state, 3452  
and shall register within five days of the adjudication with the 3453  
sheriff or other appropriate person of any state other than this 3454  
state in which the offender attends a school or institution of 3455  
higher education on a full-time or part-time basis or in which the 3456  
offender then is employed if the offender has been employed in 3457  
this state for more than fourteen days or for an aggregate period 3458  
of thirty or more days in any calendar year regardless of whether 3459  
the offender resides or has temporary domicile in this state, the 3460  
other state, or a different state. 3461

(5) A person who is adjudicated a delinquent child for 3462  
committing a child-victim oriented offense is not required to 3463  
register under division (A)(2) of this section unless the 3464

delinquent child committed the offense on or after ~~the effective~~ 3465  
~~date of this section~~ July 31, 2003, is classified a juvenile 3466  
offender registrant by a juvenile court judge pursuant to an order 3467  
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 of the 3468  
Revised Code based on that adjudication, and has a duty to 3469  
register pursuant to division (A)(2) of this section. 3470

(B) An offender or delinquent child who is required by 3471  
division (A) of this section to register in this state personally 3472  
shall do so in the manner described in division (B) of section 3473  
2950.04 of the Revised Code, and the registration is complete as 3474  
described in that division. 3475

(C) The registration form to be used under divisions (A) and 3476  
(B) of this section shall include the photograph of the offender 3477  
or delinquent child who is registering and shall contain all of 3478  
the following: 3479

(1) Regarding an offender or delinquent child who is 3480  
registering under a duty imposed under division (A)(1), (2), (3), 3481  
or (4) of this section as a result of the offender or delinquent 3482  
child residing in this state or temporarily being domiciled in 3483  
this state for more than five days, all of the information 3484  
described in division (C)(1) of section 2950.04 of the Revised 3485  
Code; 3486

(2) Regarding an offender who is registering under a duty 3487  
imposed under division (A)(1), (3), or (4) of this section as a 3488  
result of the offender attending a school or institution of higher 3489  
education on a full-time or part-time basis or being employed in 3490  
this state or in a particular county in this state, whichever is 3491  
applicable, for more than fourteen days or for an aggregate of 3492  
thirty or more days in any calendar year, all of the information 3493  
described in division (C)(2) of section 2950.04 of the Revised 3494  
Code; 3495



(3) Regarding an offender or delinquent child who is 3496  
registering under a duty imposed under division (A)(1), (2), (3), 3497  
or (4) of this section, if the offender has been adjudicated a 3498  
child-victim predator relative to the child-victim oriented 3499  
offense in question, if the delinquent child has been adjudicated 3500  
a child-victim predator relative to the child-victim oriented 3501  
offense in question and the court has not subsequently determined 3502  
pursuant to section 2152.84 or 2152.85 of the Revised Code that 3503  
the delinquent child no longer is a child-victim predator, if the 3504  
offender or delinquent child is automatically classified a 3505  
habitual child-victim offender under division (E) of section 3506  
2950.091 of the Revised Code, or if the judge determined pursuant 3507  
to division (C) or (E) of section 2950.091 or pursuant to section 3508  
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the 3509  
offender or delinquent child is a habitual child-victim offender 3510  
and the determination has not been removed pursuant to section 3511  
2152.84 or 2152.85 of the Revised Code, the offender or delinquent 3512  
child shall include on the signed, written registration form all 3513  
of the information described in division (C)(3) of section 2950.04 3514  
of the Revised Code. 3515

(D) Division (D) of section 2950.04 of the Revised Code 3516  
applies when an offender or delinquent child registers with a 3517  
sheriff pursuant to this section. 3518

(E) No person who is required to register pursuant to 3519  
divisions (A) and (B) of this section, and no person who is 3520  
required to send a notice of intent to reside pursuant to division 3521  
(G) of this section, shall fail to register or send the notice as 3522  
required in accordance with those divisions or that division. 3523

(F) An offender or delinquent child who is required to 3524  
register pursuant to divisions (A) and (B) of this section shall 3525  
register pursuant to this section for the period of time specified 3526  
in section 2950.07 of the Revised Code. 3527

(G) If an offender or delinquent child who is required by 3528  
division (A) of this section to register is adjudicated a 3529  
child-victim predator or a habitual child-victim offender subject 3530  
to community notification under division (C)(2) or (E) of section 3531  
~~2950.09~~ 2950.091 of the Revised Code, the offender or delinquent 3532  
child also shall send the sheriff of the county in which the 3533  
offender or delinquent child intends to reside written notice of 3534  
the offender's or delinquent child's intent to reside in the 3535  
county. The offender or delinquent child shall send the notice of 3536  
intent to reside at least twenty days prior to the date the 3537  
offender or delinquent child begins to reside in the county. The 3538  
notice of intent to reside shall contain all of the following 3539  
information: 3540

(1) The information specified in divisions (G)(1) and (2) of 3541  
section 2950.04 of the Revised Code; 3542

(2) The child-victim oriented offense of which the offender 3543  
was convicted, to which the offender pleaded guilty, or for which 3544  
the child was adjudicated a delinquent child; 3545

(3) A statement that the offender has been adjudicated a 3546  
child-victim predator, a statement that the delinquent child has 3547  
been adjudicated a child-victim predator and that, as of the date 3548  
of the notice, the court has not entered a determination that the 3549  
delinquent child no longer is a child-victim predator, or a 3550  
statement that the sentencing or reviewing judge has determined 3551  
that the offender or delinquent child is a habitual child-victim 3552  
offender and that, as of the date of the notice, the determination 3553  
has not been removed pursuant to section 2152.84 or 2152.85 of the 3554  
Revised Code. 3555

**Sec. 2950.05.** (A) If an offender or delinquent child is 3556  
required to register pursuant to section 2950.04 or 2950.041 of 3557  
the Revised Code, the offender or delinquent child, at least 3558

twenty days prior to changing the offender's or delinquent child's residence address, or the offender, at least twenty days prior to changing the address of the offender's school or institution of higher education and not later than five days after changing the address of the offender's place of employment, during the period during which the offender or delinquent child is required to register, shall provide written notice of the residence, school, institution of higher education, or place of employment address change, as applicable, to the sheriff with whom the offender or delinquent child most recently registered the address under section 2950.04 or 2950.041 of the Revised Code or under division (B) of this section. If a residence address change is not to a fixed address, the offender or delinquent child shall include in that notice a detailed description of the place or places at which the offender or delinquent child intends to stay and, not later than the end of the first business day immediately following the day on which the person obtains a fixed residence address, shall provide that sheriff written notice of that fixed residence address. If a person whose residence address change is not to a fixed address describes in a notice under this division the place or places at which the person intends to stay, for purposes of divisions (C) to (H) of this section, sections 2950.06 to 2950.13 of the Revised Code, and sections 311.171 and 2919.24 of the Revised Code, the place or places so described in the notice shall be considered the person's residence address and registered residence address, until the person provides the written notice of a fixed residence address as described in this division.

(B) If an offender is required to provide notice of a residence, school, institution of higher education, or place of employment address change under division (A) of this section, or a delinquent child is required to provide notice of a residence address change under that division, the offender or delinquent

child, at least twenty days prior to changing the residence, 3591  
school, or institution of higher education address and not later 3592  
than five days after changing the place of employment address, as 3593  
applicable, also shall register the new address in the manner 3594  
described in divisions (B) and (C) of section 2950.04 or 2950.041 3595  
of the Revised Code, whichever is applicable, with the sheriff of 3596  
the county in which the offender's or delinquent child's new 3597  
address is located, subject to division (C) of this section. If a 3598  
residence address change is not to a fixed address, the offender 3599  
or delinquent child shall include in the registration a detailed 3600  
description of the place or places at which the offender or 3601  
delinquent child intends to stay and, not later than the end of 3602  
the first business day immediately following the day on which the 3603  
person obtains a fixed residence address, shall register with that 3604  
sheriff that fixed residence address. If a person whose residence 3605  
address change is not to a fixed address describes in a 3606  
registration under this division the place or places at which the 3607  
person intends to stay, for purposes of divisions (C) to (H) of 3608  
this section, sections 2950.06 to 2950.13 of the Revised Code, and 3609  
sections 311.171 and 2919.24 of the Revised Code, the place or 3610  
places so described in the registration shall be considered the 3611  
person's residence address and registered residence address, until 3612  
the person registers a fixed residence address as described in 3613  
this division. 3614

(C) Divisions (A) and (B) of this section apply to a person 3615  
who is required to register pursuant to section 2950.04 or 3616  
2950.041 of the Revised Code regardless of whether the new 3617  
residence, school, institution of higher education, or place of 3618  
employment address is in this state or in another state. If the 3619  
new address is in another state, the person shall register with 3620  
the appropriate law enforcement officials in that state in the 3621  
manner required under the law of that state and within the earlier 3622

of the period of time required under the law of that state or at 3623  
least seven days prior to changing the address. 3624

(D)(1) Upon receiving from an offender or delinquent child 3625  
pursuant to division (A) of this section notice of a change of the 3626  
offender's residence, school, institution of higher education, or 3627  
place of employment address or the delinquent child's residence 3628  
address, a sheriff promptly shall forward the new address to the 3629  
bureau of criminal identification and investigation in accordance 3630  
with the forwarding procedures adopted pursuant to section 2950.13 3631  
of the Revised Code if the new address is in another state or, if 3632  
the new address is located in another county in this state, to the 3633  
sheriff of that county. The bureau shall include all information 3634  
forwarded to it under this division in the state registry of sex 3635  
offenders and child-victim offenders established and maintained 3636  
under section 2950.13 of the Revised Code and shall forward notice 3637  
of the offender's or delinquent child's new residence, school, 3638  
institution of higher education, or place of employment address, 3639  
as applicable, to the appropriate officials in the other state. 3640

(2) When an offender registers a new residence, school, 3641  
institution of higher education, or place of employment address or 3642  
a delinquent child registers a new residence address pursuant to 3643  
division (B) of this section, the sheriff with whom the offender 3644  
or delinquent child registers and the bureau of criminal 3645  
identification and investigation shall comply with division (D) of 3646  
section 2950.04 or 2950.041 of the Revised Code, whichever is 3647  
applicable. 3648

(E)(1) No person who is required to notify a sheriff of a 3649  
change of address pursuant to division (A) of this section shall 3650  
fail to notify the appropriate sheriff in accordance with that 3651  
division. 3652

(2) No person who is required to register a new residence, 3653

school, institution of higher education, or place of employment  
address with a sheriff or with an official of another state  
pursuant to divisions (B) and (C) of this section shall fail to  
register with the appropriate sheriff or official of the other  
state in accordance with those divisions.

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(F)(1) It is an affirmative defense to a charge of a  
violation of division (E)(1) of this section that it was  
impossible for the person to provide the written notice to the  
sheriff as required under division (A) of this section because of  
a lack of knowledge, on the date specified for the provision of  
the written notice, of a residence, school, institution of higher  
education, or place of employment address change, and that the  
person provided notice of the residence, school, institution of  
higher education, or place of employment address change to the  
sheriff specified in division (A) of this section as soon as  
possible, but not later than the end of the first business day,  
after learning of the address change by doing either of the  
following:

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(a) The person provided notice of the address change to the  
sheriff specified in division (A) of this section by telephone  
immediately upon learning of the address change or, if the person  
did not have reasonable access to a telephone at that time, as  
soon as possible, but not later than the end of the first business  
day, after learning of the address change and having reasonable  
access to a telephone, and the person, as soon as possible, but  
not later than the end of the first business day, after providing  
notice of the address change to the sheriff by telephone, provided  
written notice of the address change to that sheriff.

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(b) The person, as soon as possible, but not later than the  
end of the first business day, after learning of the address  
change, provided written notice of the address change to the  
sheriff specified in division (A) of this section.

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(2) It is an affirmative defense to a charge of a violation of division (E)(2) of this section that it was impossible for the person to register the new address with the sheriff or the official of the other state as required under division (B) or (C) of this section because of a lack of knowledge, on the date specified for the registration of the new address, of a residence, school, institution of higher education, or place of employment address change, and that the person registered the new residence, school, institution of higher education, or place of employment address with the sheriff or the official of the other state specified in division (B) or (C) of this section as soon as possible, but not later than the end of the first business day, after learning of the address change by doing either of the following:

(a) The person provided notice of the new address to the sheriff or official specified in division (B) or (C) of this section by telephone immediately upon learning of the new address or, if the person did not have reasonable access to a telephone at that time, as soon as possible, but not later than the end of the first business day, after learning of the new address and having reasonable access to a telephone, and the person, as soon as possible, but not later than the end of the first business day, after providing notice of the new address to the sheriff or official by telephone, registered the new address with that sheriff or official in accordance with division (B) or (C) of this section.

(b) The person, as soon as possible, but not later than the end of the first business day, after learning of the new address, registered the new address with the sheriff or official specified in division (B) or (C) of this section, in accordance with that division.

(G) An offender or delinquent child who is required to comply

with divisions (A), (B), and (C) of this section shall do so for 3718  
the period of time specified in section 2950.07 of the Revised 3719  
Code. 3720

(H) As used in this section, and in all other sections of the 3721  
Revised Code that refer to the duties imposed on an offender or 3722  
delinquent child under this section relative to a change in the 3723  
offender's or delinquent child's residence, school, institution of 3724  
higher education, or place of employment address, "change in 3725  
address" includes any circumstance in which the old address for 3726  
the person in question no longer is accurate, regardless of 3727  
whether the person in question has a new address. 3728

**Sec. 2950.09.** (A) If a person is convicted of or pleads 3729  
guilty to committing, on or after January 1, 1997, a sexually 3730  
oriented offense that is not a registration-exempt sexually 3731  
oriented offense, ~~and that~~ if the sexually oriented offense is a 3732  
~~sexually violent sex offense and also is convicted of or pleads~~ 3733  
~~guilty to or a designated homicide, assault, or kidnapping offense~~ 3734  
and the offender is adjudicated a sexually violent predator 3735  
~~specification that was included in the indictment, count in the~~ 3736  
~~indictment, or information charging the sexually violent in~~ 3737  
relation to that offense, the conviction of or plea of guilty to 3738  
the ~~specification~~ offense and the adjudication as a sexually 3739  
violent predator automatically classifies the offender as a sexual 3740  
predator for purposes of this chapter. If a person is convicted, 3741  
pleads guilty, or adjudicated a delinquent child, in a court in 3742  
another state, in a federal court, military court, or Indian 3743  
tribal court, or in a court of any nation other than the United 3744  
States for committing a sexually oriented offense that is not a 3745  
registration-exempt sexually oriented offense, and if, as a result 3746  
of that conviction, plea of guilty, or adjudication, the person is 3747  
required, under the law of the jurisdiction in which the person 3748  
was convicted, pleaded guilty, or was adjudicated, to register as 3749



a sex offender until the person's death, that conviction, plea of guilty, or adjudication automatically classifies the person as a sexual predator for the purposes of this chapter, but the person may challenge that classification pursuant to division (F) of this section. In all other cases, a person who is convicted of or pleads guilty to, has been convicted of or pleaded guilty to, or is adjudicated a delinquent child for committing, a sexually oriented offense may be classified as a sexual predator for purposes of this chapter only in accordance with division (B) or (C) of this section or, regarding delinquent children, divisions (B) and (C) of section 2152.83 of the Revised Code.

(B)(1)(a) The judge who is to impose sentence on a person who is convicted of or pleads guilty to a sexually oriented offense that is not a registration-exempt sexually oriented offense shall conduct a hearing to determine whether the offender is a sexual predator if any of the following circumstances apply:

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

(ii) Regardless of when the sexually oriented offense was committed, the offender is to be sentenced on or after January 1, 1997, for a sexually oriented offense that is not a registration-exempt sexually oriented offense, and that either of the following applies: the sexually oriented offense is a sexually violent sex offense, and a sexually violent predator specification was not included in the indictment, count in the indictment, or information charging the sexually violent sex offense; or the sexually oriented offense is a designated homicide, assault, or kidnapping offense and either a sexual motivation specification or a sexually violent predator specification, or both such

specifications, were not included in the indictment, count in the 3782  
indictment, or information charging the designated homicide, 3783  
assault, or kidnapping offense. 3784

(iii) Regardless of when the sexually oriented offense was 3785  
committed, the offender is to be sentenced on or after May 7, 3786  
2002, for a sexually oriented offense that is not a 3787  
registration-exempt sexually oriented offense, and that offender 3788  
was acquitted of a sexually violent predator specification that 3789  
was included in the indictment, count in the indictment, or 3790  
information charging the sexually oriented offense. 3791

(b) The judge who is to impose or has imposed an order of 3792  
disposition upon a child who is adjudicated a delinquent child for 3793  
committing on or after January 1, 2002, a sexually oriented 3794  
offense that is not a registration-exempt sexually oriented 3795  
offense shall conduct a hearing as provided in this division to 3796  
determine whether the child is to be classified as a sexual 3797  
predator if either of the following applies: 3798

(i) The judge is required by section 2152.82 or division (A) 3799  
of section 2152.83 of the Revised Code to classify the child a 3800  
juvenile offender registrant. 3801

(ii) Division (B) of section 2152.83 of the Revised Code 3802  
applies regarding the child, the judge conducts a hearing under 3803  
that division for the purposes described in that division, and the 3804  
judge determines at that hearing that the child will be classified 3805  
a juvenile offender registrant. 3806

(2) Regarding an offender, the judge shall conduct the 3807  
hearing required by division (B)(1)(a) of this section prior to 3808  
sentencing and, if the sexually oriented offense for which 3809  
sentence is to be imposed is a felony and if the hearing is being 3810  
conducted under division (B)(1)(a) of this section, the judge may 3811  
conduct it as part of the sentencing hearing required by section 3812

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

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

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

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

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

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

(e) Whether the offender or delinquent child used drugs or 3844  
alcohol to impair the victim of the sexually oriented offense or 3845  
to prevent the victim from resisting; 3846

(f) If the offender or delinquent child previously has been 3847  
convicted of or pleaded guilty to, or been adjudicated a 3848  
delinquent child for committing an act that if committed by an 3849  
adult would be, a criminal offense, whether the offender or 3850  
delinquent child completed any sentence or dispositional order 3851  
imposed for the prior offense or act and, if the prior offense or 3852  
act was a sex offense or a sexually oriented offense, whether the 3853  
offender or delinquent child participated in available programs 3854  
for sexual offenders; 3855

(g) Any mental illness or mental disability of the offender 3856  
or delinquent child; 3857

(h) The nature of the offender's or delinquent child's sexual 3858  
conduct, sexual contact, or interaction in a sexual context with 3859  
the victim of the sexually oriented offense and whether the sexual 3860  
conduct, sexual contact, or interaction in a sexual context was 3861  
part of a demonstrated pattern of abuse; 3862

(i) Whether the offender or delinquent child, during the 3863  
commission of the sexually oriented offense for which sentence is 3864  
to be imposed or the order of disposition is to be made, displayed 3865  
cruelty or made one or more threats of cruelty; 3866

(j) Any additional behavioral characteristics that contribute 3867  
to the offender's or delinquent child's conduct. 3868

(4) After reviewing all testimony and evidence presented at 3869  
the hearing conducted under division (B)(1) of this section and 3870  
the factors specified in division (B)(3) of this section, the 3871  
court shall determine by clear and convincing evidence whether the 3872  
subject offender or delinquent child is a sexual predator. If the 3873  
court determines that the subject offender or delinquent child is 3874

not a sexual predator, the court shall specify in the offender's 3875  
sentence and the judgment of conviction that contains the sentence 3876  
or in the delinquent child's dispositional order, as appropriate, 3877  
that the court has determined that the offender or delinquent 3878  
child is not a sexual predator and the reason or reasons why the 3879  
court determined that the subject offender or delinquent child is 3880  
not a sexual predator. If the court determines by clear and 3881  
convincing evidence that the subject offender or delinquent child 3882  
is a sexual predator, the court shall specify in the offender's 3883  
sentence and the judgment of conviction that contains the sentence 3884  
or in the delinquent child's dispositional order, as appropriate, 3885  
that the court has determined that the offender or delinquent 3886  
child is a sexual predator and shall specify that the 3887  
determination was pursuant to division (B) of this section. In any 3888  
case in which the sexually oriented offense in question is an 3889  
aggravated sexually oriented offense, the court shall specify in 3890  
the offender's sentence and the judgment of conviction that 3891  
contains the sentence that the offender's offense is an aggravated 3892  
sexually oriented offense. The offender or delinquent child and 3893  
the prosecutor who prosecuted the offender or handled the case 3894  
against the delinquent child for the sexually oriented offense in 3895  
question may appeal as a matter of right the court's determination 3896  
under this division as to whether the offender or delinquent child 3897  
is, or is not, a sexual predator. 3898

(5) A hearing shall not be conducted under division (B) of 3899  
this section regarding an offender if the sexually oriented 3900  
offense in question is a sexually violent offense, if the 3901  
indictment, count in the indictment, or information charging the 3902  
offense also included a sexually violent predator specification, 3903  
and if the offender is convicted of or pleads guilty to that 3904  
sexually violent predator specification. 3905

(C)(1) If a person was convicted of or pleaded guilty to a 3906

sexually oriented offense that is not a registration-exempt 3907  
sexually oriented offense prior to January 1, 1997, if the person 3908  
was not sentenced for the offense on or after January 1, 1997, and 3909  
if, on or after January 1, 1997, the offender is serving a term of 3910  
imprisonment in a state correctional institution, the department 3911  
of rehabilitation and correction shall do whichever of the 3912  
following is applicable: 3913

(a) If the sexually oriented offense was an offense described 3914  
in division (D)(1)(c) of section 2950.01 of the Revised Code or 3915  
was a violent sex offense, the department shall notify the court 3916  
that sentenced the offender of this fact, and the court shall 3917  
conduct a hearing to determine whether the offender is a sexual 3918  
predator. 3919

(b) If division (C)(1)(a) of this section does not apply, the 3920  
department shall determine whether to recommend that the offender 3921  
be adjudicated a sexual predator. In making a determination under 3922  
this division as to whether to recommend that the offender be 3923  
adjudicated a sexual predator, the department shall consider all 3924  
relevant factors, including, but not limited to, all of the 3925  
factors specified in divisions (B)(2) and (3) of this section. If 3926  
the department determines that it will recommend that the offender 3927  
be adjudicated a sexual predator, it immediately shall send the 3928  
recommendation to the court that sentenced the offender. If the 3929  
department determines that it will not recommend that the offender 3930  
be adjudicated a sexual predator, it immediately shall send its 3931  
determination to the court that sentenced the offender. In all 3932  
cases, the department shall enter its determination and 3933  
recommendation in the offender's institutional record, and the 3934  
court shall proceed in accordance with division (C)(2) of this 3935  
section. 3936

(2)(a) If the department of rehabilitation and correction 3937  
sends to a court a notice under division (C)(1)(a) of this 3938

section, the court shall conduct a hearing to determine whether  
the subject offender is a sexual predator. If, pursuant to  
division (C)(1)(b) of this section, the department sends to a  
court a recommendation that an offender be adjudicated a sexual  
predator, the court is not bound by the department's  
recommendation, and the court shall conduct a hearing to determine  
whether the offender is a sexual predator. In any case, the court  
shall not make a determination as to whether the offender is, or  
is not, a sexual predator without a hearing. The court may hold  
the hearing and make the determination prior to the offender's  
release from imprisonment or at any time within one year following  
the offender's release from that imprisonment.

(b) If, pursuant to division (C)(1)(b) of this section, the  
department sends to the court a determination that it is not  
recommending that an offender be adjudicated a sexual predator,  
the court shall not make any determination as to whether the  
offender is, or is not, a sexual predator but 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 department made its determination or  
previously has been convicted of or pleaded guilty to a  
child-victim oriented offense.

The court may conduct a hearing to determine whether the  
offender previously has been convicted of or pleaded guilty to a  
sexually oriented offense or a child-victim oriented offense but  
may make the determination without a hearing. However, if the  
court determines that the offender previously has been convicted  
of or pleaded guilty to such an offense, it shall not impose a  
requirement that the offender be subject to the community  
notification provisions contained in sections 2950.10 and 2950.11  
of the Revised Code without a hearing. In determining whether to  
impose the community notification requirement, the court, in the

circumstances described in division (E)(2) of this section, shall  
apply the presumption specified in that division. 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  
or child-victim oriented offense, and, as such, whether the  
offender is a habitual sex offender.

(c) Upon scheduling a hearing under division (C)(2)(a) or (b)  
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 scheduled  
under division (C)(2)(a) of this section to determine whether the  
offender is a sexual predator, the prosecutor who is given the  
notice may contact the department of rehabilitation and correction  
and request that the department provide to the prosecutor all  
information the department possesses regarding the offender that  
is relevant and necessary for use in making the determination as  
to whether the offender is a sexual predator and that is not  
privileged or confidential under law. If the prosecutor makes a  
request for that information, the department promptly shall  
provide to the prosecutor all information the department possesses  
regarding the offender that is not privileged or confidential  
under law and that is relevant and necessary for making that  
determination. A hearing scheduled under division (C)(2)(a) of  
this section to determine whether the offender is a sexual  
predator 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 divisions (B)(2) and (3) of this



section. After reviewing all testimony and evidence presented at 4003  
the sexual predator hearing and the factors specified in divisions 4004  
(B)(2) and (3) of this section, the court shall determine by clear 4005  
and convincing evidence whether the offender is a sexual predator. 4006  
If the court determines at the sexual predator hearing that the 4007  
offender is not a sexual predator, it also shall determine whether 4008  
the offender previously has been convicted of or pleaded guilty to 4009  
a sexually oriented offense other than the offense in relation to 4010  
which the hearing is being conducted. 4011

Upon making its determinations at the sexual predator 4012  
hearing, the court shall proceed as follows: 4013

(i) If the court determines that the offender is not a sexual 4014  
predator and that the offender previously has not been convicted 4015  
of or pleaded guilty to a sexually oriented offense other than the 4016  
offense in relation to which the hearing is being conducted and 4017  
previously has not been convicted of or pleaded guilty to a 4018  
child-victim oriented offense, it shall include in the offender's 4019  
institutional record its determinations and the reason or reasons 4020  
why it determined that the offender is not a sexual predator. 4021

(ii) If the court determines that the offender is not a 4022  
sexual predator but that the offender previously has been 4023  
convicted of or pleaded guilty to a sexually oriented offense 4024  
other than the offense in relation to which the hearing is being 4025  
conducted or previously has been convicted of or pleaded guilty to 4026  
a child-victim oriented offense, it shall include in the 4027  
offender's institutional record its determination that the 4028  
offender is not a sexual predator but is a habitual sex offender 4029  
and the reason or reasons why it determined that the offender is 4030  
not a sexual predator, shall attach the determinations and the 4031  
reason or reasons to the offender's sentence, shall specify that 4032  
the determinations were pursuant to division (C) of this section, 4033  
shall provide a copy of the determinations and the reason or 4034

reasons 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 contained in sections 2950.10 and 2950.11  
of the Revised Code. In determining whether to impose the  
community notification requirements, the court, in the  
circumstances described in division (E)(2) of this section, shall  
apply the presumption specified in that division. 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 that requirement, the offender may appeal the  
judge's determination that the offender is a habitual sex  
offender.

(iii) If the court determines by clear and convincing  
evidence that the offender is a sexual predator, it shall enter  
its determination in the offender's institutional record, shall  
attach the determination to the offender's sentence, shall specify  
that the determination was pursuant to division (C) of this  
section, and shall provide a copy of the determination to the  
offender, to the prosecuting attorney, and to the department of  
rehabilitation and correction. The offender and the prosecutor may  
appeal as a matter of right the judge's determination under  
divisions (C)(2)(a) and (c) of this section as to whether the  
offender is, or is not, a sexual predator.

If the hearing is scheduled under division (C)(2)(b) of this  
section to determine whether the offender previously has been  
convicted of or pleaded guilty to a sexually oriented offense or a  
child-victim oriented offense or whether to subject the offender  
to the community notification provisions contained in sections  
2950.10 and 2950.11 of the Revised Code, upon making the  
determination, the court shall attach the determination or

determinations to the offender's sentence, shall provide a copy 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.  
In determining whether to impose the community notification  
requirements, the court, in the circumstances described in  
division (E)(2) of this section, shall apply the presumption  
specified in that division. The offender shall not be subject to  
the 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 that  
requirement, the offender may appeal the judge's determination  
that the offender is a habitual sex offender.

(3) The changes made in divisions (C)(1) and (2) of this  
section that take effect on ~~the effective date of this amendment~~  
July 31, 2003, do not require a court to conduct a new hearing  
under those divisions for any offender regarding a sexually  
oriented offense if, prior to ~~the effective date of this amendment~~  
July 31, 2003, the court previously conducted a hearing under  
those divisions regarding that offense to determine whether the  
offender was a sexual predator. The changes made in divisions  
(C)(1) and (2) of this section that take effect on ~~the effective~~  
~~date of this amendment~~ July 31, 2003, do not require a court to  
conduct a hearing under those divisions for any offender regarding  
a sexually oriented offense if, prior to ~~the effective date of~~  
~~this amendment~~ July 31, 2003, and pursuant to those divisions, the  
department of rehabilitation and correction recommended that the  
offender be adjudicated a sexual predator regarding that offense,  
and the court denied the recommendation and determined that the  
offender was not a sexual predator without a hearing, provided  
that this provision does not apply if the sexually oriented  
offense in question was an offense described in division (D)(1)(c)

of section 2950.01 of the Revised Code. 4099

(D)(1) Division (D)(1) of this section does not apply to any 4100  
person who has been convicted of or pleaded guilty to a sexually 4101  
oriented offense. Division (D) of this section applies only to 4102  
delinquent children as provided in Chapter 2152. of the Revised 4103  
Code. A person who has been adjudicated a delinquent child for 4104  
committing a sexually oriented offense that is not a 4105  
registration-exempt sexually oriented offense and who has been 4106  
classified by a juvenile court judge a juvenile offender 4107  
registrant or, if applicable, additionally has been determined by 4108  
a juvenile court judge to be a sexual predator or habitual sex 4109  
offender, may petition the adjudicating court for a 4110  
reclassification or declassification pursuant to section 2152.85 4111  
of the Revised Code. 4112

A judge who is reviewing a sexual predator determination for 4113  
a delinquent child under section 2152.84 or 2152.85 of the Revised 4114  
Code shall comply with this section. At the hearing, the judge 4115  
shall consider all relevant evidence and information, including, 4116  
but not limited to, the factors set forth in division (B)(3) of 4117  
this section. The judge shall not enter a determination that the 4118  
delinquent child no longer is a sexual predator unless the judge 4119  
determines by clear and convincing evidence that the delinquent 4120  
child is unlikely to commit a sexually oriented offense in the 4121  
future. If the judge enters a determination under this division 4122  
that the delinquent child no longer is a sexual predator, the 4123  
judge shall notify the bureau of criminal identification and 4124  
investigation of the determination and shall include in the notice 4125  
a statement of the reason or reasons why it determined that the 4126  
delinquent child no longer is a sexual predator. Upon receipt of 4127  
the notification, the bureau promptly shall notify the sheriff 4128  
with whom the delinquent child most recently registered under 4129  
section 2950.04 or 2950.05 of the Revised Code of the 4130

determination that the delinquent child no longer is a sexual  
predator. 4131  
4132

(2) If an offender who has been convicted of or pleaded 4133  
guilty to a sexually oriented offense is classified a sexual 4134  
predator pursuant to division (A) of this section or has been 4135  
adjudicated a sexual predator relative to the offense as described 4136  
in division (B) or (C) of this section, subject to division (F) of 4137  
this section, the classification or adjudication of the offender 4138  
as a sexual predator is permanent and continues in effect until 4139  
the offender's death and in no case shall the classification or 4140  
adjudication be removed or terminated. 4141

(E)(1) If a person is convicted of or pleads guilty to 4142  
committing, on or after January 1, 1997, a sexually oriented 4143  
offense that is not a registration-exempt sexually oriented 4144  
offense, the judge who is to impose sentence on the offender shall 4145  
determine, prior to sentencing, whether the offender previously 4146  
has been convicted of or pleaded guilty to, or adjudicated a 4147  
delinquent child for committing, a sexually oriented offense or a 4148  
child-victim oriented offense and is a habitual sex offender. The 4149  
judge who is to impose or has imposed an order of disposition upon 4150  
a child who is adjudicated a delinquent child for committing on or 4151  
after January 1, 2002, a sexually oriented offense that is not a 4152  
registration-exempt sexually oriented offense shall determine, 4153  
prior to entering the order classifying the delinquent child a 4154  
juvenile offender registrant, whether the delinquent child 4155  
previously has been convicted of or pleaded guilty to, or 4156  
adjudicated a delinquent child for committing, a sexually oriented 4157  
offense or a child-victim oriented offense and is a habitual sex 4158  
offender, if either of the following applies: 4159

(a) The judge is required by section 2152.82 or division (A) 4160  
of section 2152.83 of the Revised Code to classify the child a 4161  
juvenile offender registrant; 4162

(b) Division (B) of section 2152.83 of the Revised Code 4163  
applies regarding the child, the judge conducts a hearing under 4164  
that division for the purposes described in that division, and the 4165  
judge determines at that hearing that the child will be classified 4166  
a juvenile offender registrant. 4167

(2) If, under division (E)(1) of this section, the judge 4168  
determines that the offender or delinquent child previously has 4169  
not been convicted of or pleaded guilty to, or been adjudicated a 4170  
delinquent child for committing, a sexually oriented offense or a 4171  
child-victim oriented offense or that the offender otherwise does 4172  
not satisfy the criteria for being a habitual sex offender, the 4173  
judge shall specify in the offender's sentence or in the order 4174  
classifying the delinquent child a juvenile offender registrant 4175  
that the judge has determined that the offender or delinquent 4176  
child is not a habitual sex offender. 4177

If, under division (E)(1) of this section, the judge 4178  
determines that the offender or delinquent child previously has 4179  
been convicted of or pleaded guilty to, or been adjudicated a 4180  
delinquent child for committing, a sexually oriented offense or a 4181  
child-victim oriented offense and that the offender satisfies all 4182  
other criteria for being a habitual sex offender, the offender or 4183  
delinquent child is a habitual sex offender or habitual 4184  
child-victim offender and the court shall determine whether to 4185  
impose a requirement that the offender or delinquent child be 4186  
subject to the community notification provisions contained in 4187  
sections 2950.10 and 2950.11 of the Revised Code. In making the 4188  
determination regarding the possible imposition of the community 4189  
notification requirement, if at least two of the sexually oriented 4190  
offenses or child-victim oriented offenses that are the basis of 4191  
the habitual sex offender or habitual child-victim offender 4192  
determination were committed against a victim who was under 4193  
eighteen years of age, it is presumed that subjecting the offender 4194

or delinquent child to the community notification provisions is 4195  
necessary in order to comply with the determinations, findings, 4196  
and declarations of the general assembly regarding sex offenders 4197  
and child-victim offenders that are set forth in section 2950.02 4198  
of the Revised Code. When a judge determines as described in this 4199  
division that an offender or delinquent child is a habitual sex 4200  
offender or a habitual child-victim offender, the judge shall 4201  
specify in the offender's sentence and the judgment of conviction 4202  
that contains the sentence or in the order classifying the 4203  
delinquent child a juvenile offender registrant that the judge has 4204  
determined that the offender or delinquent child is a habitual sex 4205  
offender and may impose a requirement in that sentence and 4206  
judgment of conviction or in that order that the offender or 4207  
delinquent child be subject to the community notification 4208  
provisions contained in sections 2950.10 and 2950.11 of the 4209  
Revised Code. Unless the habitual sex offender also has been 4210  
adjudicated a sexual predator relative to the sexually oriented 4211  
offense in question or the habitual sex offender was convicted of 4212  
or pleaded guilty to an aggravated sexually oriented offense, the 4213  
offender or delinquent child shall be subject to those community 4214  
notification provisions only if the court imposes the requirement 4215  
described in this division in the offender's sentence and the 4216  
judgment of conviction or in the order classifying the delinquent 4217  
child a juvenile offender registrant. If the court determines 4218  
pursuant to this division or division (C)(2) of this section that 4219  
an offender is a habitual sex offender, the determination is 4220  
permanent and continues in effect until the offender's death, and 4221  
in no case shall the determination be removed or terminated. 4222

If a court in another state, a federal court, military court, 4223  
or Indian tribal court, or a court in any nation other than the 4224  
United States determines a person to be a habitual sex offender in 4225  
that jurisdiction, the person is considered to be determined to be 4226

a habitual sex offender in this state. If the court in the other  
state, the federal court, military court, or Indian tribal court,  
or the court in the nation other than the United States subjects  
the habitual sex offender to community notification regarding the  
person's place of residence, the person, as much as is  
practicable, is subject to the community notification provisions  
regarding the person's place of residence that are contained in  
sections 2950.10 and 2950.11 of the Revised Code, unless the court  
that so subjected the person to community notification determines  
that the person no longer is subject to community notification.

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

(a) The offender or delinquent child was convicted of,  
pleaded guilty to, or was adjudicated a delinquent child for  
committing, a sexually oriented offense that is not a  
registration-exempt sexually oriented offense in another state, in  
a federal court, a military court, or Indian tribal court, or in a  
court of any nation other than the United States.

(b) As a result of the conviction, plea of guilty, or  
adjudication described in division (F)(1)(a) of this section, the  
offender or delinquent child is required under the law of the  
jurisdiction under which the offender or delinquent child was  
convicted, pleaded guilty, or was adjudicated to register as a sex  
offender until the offender's or delinquent child's death.



(c) The offender or delinquent child was automatically 4258  
classified a sexual predator under division (A) of this section in 4259  
relation to the conviction, guilty plea, or adjudication described 4260  
in division (F)(1)(a) of this section. 4261

(2) The court may enter a determination that the offender or 4262  
delinquent child filing the petition described in division (F)(1) 4263  
of this section is not an adjudicated sexual predator in this 4264  
state for purposes of the registration and other requirements of 4265  
this chapter or the community notification provisions contained in 4266  
sections 2950.10 and 2950.11 of the Revised Code only if the 4267  
offender or delinquent child proves by clear and convincing 4268  
evidence that the requirement of the other jurisdiction that the 4269  
offender or delinquent child register as a sex offender until the 4270  
offender's or delinquent child's death is not substantially 4271  
similar to a classification as a sexual predator for purposes of 4272  
this chapter. If the court enters a determination that the 4273  
offender or delinquent child is not an adjudicated sexual predator 4274  
in this state for those purposes, the court shall include in the 4275  
determination a statement of the reason or reasons why it so 4276  
determined. 4277

(G) If, prior to the effective date of this section, an 4278  
offender or delinquent child was adjudicated a sexual predator or 4279  
was determined to be a habitual sex offender under this section or 4280  
section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code 4281  
and if, on and after ~~the effective date of this amendment~~ July 31, 4282  
2003, the sexually oriented offense upon which the classification 4283  
or determination was based no longer is considered a sexually 4284  
oriented offense but instead is a child-victim oriented offense, 4285  
notwithstanding the redesignation of that offense, on and after 4286  
~~the effective date of this amendment~~ July 31, 2003, all of the 4287  
following apply: 4288

(1) Divisions (A)(1) or (2) or (E)(1) and (2) of section 4289

2950.091 of the Revised Code apply regarding the offender or  
child, and the judge's classification or determination made prior  
to ~~the effective date of this amendment~~ July 31, 2003, shall be  
considered for all purposes to be a classification or  
determination that classifies the offender or child as described  
in those divisions.

(2) The offender's or child's classification or determination  
under divisions (A)(1) or (2) or (E)(1) and (2) of section  
2950.091 of the Revised Code shall be considered, for purposes of  
section 2950.07 of the Revised Code and for all other purposes, to  
be a continuation of the classification or determination made  
prior to ~~the effective date of this amendment~~ July 31, 2003.

(3) The offender's or child's duties under this chapter  
relative to that classification or determination shall be  
considered for all purposes to be a continuation of the duties  
related to that classification or determination as they existed  
prior to ~~the effective date of this amendment~~ July 31, 2003.

**Sec. 2950.11.** (A) As used in this section, "specified  
geographical notification area" means the geographic area or areas  
within which the attorney general, by rule adopted under section  
2950.13 of the Revised Code, requires the notice described in  
division (B) of this section to be given to the persons identified  
in divisions (A)(2) to (8) of this section. If a person is  
convicted of or pleads guilty to, or has been convicted of or  
pleaded guilty to, either a sexually oriented offense that is not  
a registration-exempt sexually oriented offense or a child-victim  
oriented offense, or a person is adjudicated a delinquent child  
for committing either a sexually oriented offense that is not a  
registration-exempt sexually oriented offense or a child-victim  
oriented offense and is classified a juvenile offender registrant  
or is an out-of-state juvenile offender registrant based on that

adjudication, and if the offender or delinquent child is in any 4321  
category specified in division (F)(1)(a), (b), or (c) of this 4322  
section, the sheriff with whom the offender or delinquent child 4323  
has most recently registered under section 2950.04, 2950.041, or 4324  
2950.05 of the Revised Code and the sheriff to whom the offender 4325  
or delinquent child most recently sent a notice of intent to 4326  
reside under section 2950.04 or 2950.041 of the Revised Code, 4327  
within the period of time specified in division (C) of this 4328  
section, shall provide a written notice containing the information 4329  
set forth in division (B) of this section to all of the persons 4330  
described in divisions (A)(1) to (9) of this section. If the 4331  
sheriff has sent a notice to the persons described in those 4332  
divisions as a result of receiving a notice of intent to reside 4333  
and if the offender or delinquent child registers a residence 4334  
address that is the same residence address described in the notice 4335  
of intent to reside, the sheriff is not required to send an 4336  
additional notice when the offender or delinquent child registers. 4337  
The sheriff shall provide the notice to all of the following 4338  
persons: 4339

(1)(a) Any occupant of each residential unit that is located 4340  
within one thousand feet of the offender's or delinquent child's 4341  
residential premises, that is located within the county served by 4342  
the sheriff, and that is not located in a multi-unit building. 4343  
Division (D)(3) of this section applies regarding notices required 4344  
under this division. 4345

(b) If the offender or delinquent child resides in a 4346  
multi-unit building, any occupant of each residential unit that is 4347  
located in that multi-unit building and that shares a common 4348  
hallway with the offender or delinquent child. For purposes of 4349  
this division, an occupant's unit shares a common hallway with the 4350  
offender or delinquent child if the entrance door into the 4351  
occupant's unit is located on the same floor and opens into the 4352

same hallway as the entrance door to the unit the offender or 4353  
delinquent child occupies. Division (D)(3) of this section applies 4354  
regarding notices required under this division. 4355

(c) The building manager, or the person the building owner or 4356  
condominium unit owners association authorizes to exercise 4357  
management and control, of each multi-unit building that is 4358  
located within one thousand feet of the offender's or delinquent 4359  
child's residential premises, including a multi-unit building in 4360  
which the offender or delinquent child resides, and that is 4361  
located within the county served by the sheriff. In addition to 4362  
notifying the building manager or the person authorized to 4363  
exercise management and control in the multi-unit building under 4364  
this division, the sheriff shall post a copy of the notice 4365  
prominently in each common entryway in the building and any other 4366  
location in the building the sheriff determines appropriate. The 4367  
manager or person exercising management and control of the 4368  
building shall permit the sheriff to post copies of the notice 4369  
under this division as the sheriff determines appropriate. In lieu 4370  
of posting copies of the notice as described in this division, a 4371  
sheriff may provide notice to all occupants of the multi-unit 4372  
building by mail or personal contact; if the sheriff so notifies 4373  
all the occupants, the sheriff is not required to post copies of 4374  
the notice in the common entryways to the building. Division 4375  
(D)(3) of this section applies regarding notices required under 4376  
this division. 4377

(d) All additional persons who are within any category of 4378  
neighbors of the offender or delinquent child that the attorney 4379  
general by rule adopted under section 2950.13 of the Revised Code 4380  
requires to be provided the notice and who reside within the 4381  
county served by the sheriff; 4382

(2) The executive director of the public children services 4383  
agency that has jurisdiction within the specified geographical 4384

notification area and that is located within the county served by 4385  
the sheriff; 4386

(3)(a) The superintendent of each board of education of a 4387  
school district that has schools within the specified geographical 4388  
notification area and that is located within the county served by 4389  
the sheriff; 4390

(b) The principal of the school within the specified 4391  
geographical notification area and within the county served by the 4392  
sheriff that the delinquent child attends; 4393

(c) If the delinquent child attends a school outside of the 4394  
specified geographical notification area or outside of the school 4395  
district where the delinquent child resides, the superintendent of 4396  
the board of education of a school district that governs the 4397  
school that the delinquent child attends and the principal of the 4398  
school that the delinquent child attends. 4399

(4)(a) The appointing or hiring officer of each chartered 4400  
nonpublic school located within the specified geographical 4401  
notification area and within the county served by the sheriff or 4402  
of each other school located within the specified geographical 4403  
notification area and within the county served by the sheriff and 4404  
that is not operated by a board of education described in division 4405  
(A)(3) of this section; 4406

(b) Regardless of the location of the school, the appointing 4407  
or hiring officer of a chartered nonpublic school that the 4408  
delinquent child attends. 4409

(5) The director, head teacher, elementary principal, or site 4410  
administrator of each preschool program governed by Chapter 3301. 4411  
of the Revised Code that is located within the specified 4412  
geographical notification area and within the county served by the 4413  
sheriff; 4414

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

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

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

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

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

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

(2) The address or addresses of the offender's residence, 4446  
school, institution of higher education, or place of employment, 4447  
as applicable, or the delinquent child's residence address or 4448  
addresses; 4449

(3) The sexually oriented offense or child-victim oriented 4450  
offense of which the offender was convicted, to which the offender 4451  
pleaded guilty, or for which the child was adjudicated a 4452  
delinquent child; 4453

(4) All of the following statements that are applicable: 4454

(a) A statement that the offender has been adjudicated a 4455  
sexual predator, a statement that the offender has been convicted 4456  
of or pleaded guilty to an aggravated sexually oriented offense, a 4457  
statement that the delinquent child has been adjudicated a sexual 4458  
predator and that, as of the date of the notice, the court has not 4459  
entered a determination that the delinquent child no longer is a 4460  
sexual predator, or a statement that the sentencing or reviewing 4461  
judge has determined that the offender or delinquent child is a 4462  
habitual sex offender and that, as of the date of the notice, the 4463  
determination regarding a delinquent child has not been removed 4464  
pursuant to section 2152.84 or 2152.85 of the Revised Code; 4465

(b) A statement that the offender has been adjudicated a 4466  
child-victim predator, a statement that the delinquent child has 4467  
been adjudicated a child-victim predator and that, as of the date 4468  
of the notice, the court has not entered a determination that the 4469  
delinquent child no longer is a child-victim predator, or a 4470  
statement that the sentencing or reviewing judge has determined 4471  
that the offender or delinquent child is a habitual child-victim 4472  
offender and that, as of the date of the notice, the determination 4473  
regarding a delinquent child has not been removed pursuant to 4474  
section 2152.84 or 2152.85 of the Revised Code. 4475

(C) If a sheriff with whom an offender or delinquent child 4476

registers under section 2950.04, 2950.041, or 2950.05 of the  
Revised Code or to whom the offender or delinquent child most  
recently sent a notice of intent to reside under section 2950.04  
or 2950.041 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 specified geographical notification area and within the county  
served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this  
section to provide notices regarding an offender or delinquent  
child shall provide the notice to the neighbors that are described  
in division (A)(1) of this section and the notices to law  
enforcement personnel that are described in divisions (A)(8) and  
(9) of this section as soon as practicable, but no later than five  
days after the offender sends the notice of intent to reside to  
the sheriff and again no later than five days 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  
five days after the sheriff is provided the notice described in  
division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to  
provide notices regarding an offender or delinquent child shall  
provide the notices to all other specified persons that are  
described in divisions (A)(2) to (7) of this section as soon as  
practicable, but not later than seven days 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 4509  
five days after the sheriff is provided the notice described in 4510  
division (A)(8) of this section. 4511

(2) If an offender or delinquent child in relation to whom 4512  
division (A) of this section applies verifies the offender's or 4513  
delinquent child's current residence, school, institution of 4514  
higher education, or place of employment address, as applicable, 4515  
with a sheriff pursuant to section 2950.06 of the Revised Code, 4516  
the sheriff may provide a written notice containing the 4517  
information set forth in division (B) of this section to the 4518  
persons identified in divisions (A)(1) to (9) of this section. If 4519  
a sheriff provides a notice pursuant to this division to the 4520  
sheriff of one or more other counties in accordance with division 4521  
(A)(8) of this section, the sheriff of each of the other counties 4522  
who is provided the notice under division (A)(8) of this section 4523  
may provide, but is not required to provide, a written notice 4524  
containing the information set forth in division (B) of this 4525  
section to the persons identified in divisions (A)(1) to (7) and 4526  
(A)(9) of this section. 4527

(3) A sheriff may provide notice under division (A)(1)(a) or 4528  
(b) of this section, and may provide notice under division 4529  
(A)(1)(c) of this section to a building manager or person 4530  
authorized to exercise management and control of a building, by 4531  
mail, by personal contact, or by leaving the notice at or under 4532  
the entry door to a residential unit. For purposes of divisions 4533  
(A)(1)(a) and (b) of this section, and the portion of division 4534  
(A)(1)(c) of this section relating to the provision of notice to 4535  
occupants of a multi-unit building by mail or personal contact, 4536  
the provision of one written notice per unit is deemed as 4537  
providing notice to all occupants of that unit. 4538

(E) All information that a sheriff possesses regarding a 4539  
sexual predator, a habitual sex offender, a child-victim predator, 4540

or a habitual child-victim offender that is described in division 4541  
(B) of this section and that must be provided in a notice required 4542  
under division (A) or (C) of this section or that may be provided 4543  
in a notice authorized under division (D)(2) of this section is a 4544  
public record that is open to inspection under section 149.43 of 4545  
the Revised Code. 4546

The sheriff shall not cause to be publicly disseminated by 4547  
means of the internet any of the information described in this 4548  
division that is provided by a sexual predator, habitual sex 4549  
offender, child-victim predator, or habitual child-victim offender 4550  
who is a juvenile offender registrant, except when the act that is 4551  
the basis of the child's classification as a juvenile offender 4552  
registrant is a violation of, or an attempt to commit a violation 4553  
of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that 4554  
was committed with a purpose to gratify the sexual needs or 4555  
desires of the child, a violation of section 2907.02 of the 4556  
Revised Code, or an attempt to commit a violation of that section. 4557

(F)(1) The duties to provide the notices described in 4558  
divisions (A) and (C) of this section apply regarding any offender 4559  
or delinquent child who is in any of the following categories, if 4560  
the other criteria set forth in division (A) or (C) of this 4561  
section, whichever is applicable, are satisfied: 4562

(a) The offender or delinquent child has been adjudicated a 4563  
sexual predator relative to the sexually oriented offense for 4564  
which the offender or delinquent child has the duty to register 4565  
under section 2950.04 of the Revised Code or has been adjudicated 4566  
a child-victim predator relative to the child-victim oriented 4567  
offense for which the offender or child has the duty to register 4568  
under section 2950.041 of the Revised Code, and the court has not 4569  
subsequently determined pursuant to section 2152.84 or 2152.85 of 4570  
the Revised Code regarding a delinquent child that the delinquent 4571  
child no longer is a sexual predator or no longer is a 4572

child-victim predator, whichever is applicable. 4573

(b) The offender or delinquent child has been determined 4574  
pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, 4575  
division (B) of section 2152.83, section 2152.84, or section 4576  
2152.85 of the Revised Code to be a habitual sex offender or a 4577  
habitual child-victim offender, the court has imposed a 4578  
requirement under that division or section subjecting the habitual 4579  
sex offender or habitual child-victim offender to this section, 4580  
and the determination has not been removed pursuant to section 4581  
2152.84 or 2152.85 of the Revised Code regarding a delinquent 4582  
child. 4583

(c) The sexually oriented offense for which the offender has 4584  
the duty to register under section 2950.04 of the Revised Code is 4585  
an aggravated sexually oriented offense, regardless of whether the 4586  
offender has been adjudicated a sexual predator relative to the 4587  
offense or has been determined to be a habitual sex offender. 4588

(2) The notification provisions of this section do not apply 4589  
regarding a person who is convicted of or pleads guilty to, has 4590  
been convicted of or pleaded guilty to, or is adjudicated a 4591  
delinquent child for committing, a sexually oriented offense or a 4592  
child-victim oriented offense, who is not in the category 4593  
specified in either division (F)(1)(a) or (c) of this section, and 4594  
who is determined pursuant to division (C)(2) or (E) of section 4595  
2950.09 or 2950.091, division (B) of section 2152.83, section 4596  
2152.84, or section 2152.85 of the Revised Code to be a habitual 4597  
sex offender or habitual child-victim offender unless the 4598  
sentencing or reviewing court imposes a requirement in the 4599  
offender's sentence and in the judgment of conviction that 4600  
contains the sentence or in the delinquent child's adjudication, 4601  
or imposes a requirement as described in division (C)(2) of 4602  
section 2950.09 or 2950.091 of the Revised Code, that subjects the 4603  
offender or the delinquent child to the provisions of this 4604

section.

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(G) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home. The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school. The Ohio board of regents shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer. A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a designee of a sheriff of that type, may request the department of job and family services, department of education, or Ohio board of regents, by telephone, in person, or by mail, to provide the sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in divisions (A)(2) to (7) of this section are

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to be provided. Upon receipt of a request, the department or board 4637  
shall provide the requesting sheriff or designee with the names, 4638  
addresses, and telephone numbers of the appropriate persons and 4639  
entities to whom those notices are to be provided. 4640

(H)(1) Upon the motion of the offender or the prosecuting 4641  
attorney of the county in which the offender was convicted of or 4642  
pleaded guilty to the sexually oriented offense or child-victim 4643  
oriented offense for which the offender is subject to community 4644  
notification under this section, or upon the motion of the 4645  
sentencing judge or that judge's successor in office, the judge 4646  
may schedule a hearing to determine whether the interests of 4647  
justice would be served by suspending the community notification 4648  
requirement under this section in relation to the offender. The 4649  
judge may dismiss the motion without a hearing but may not issue 4650  
an order suspending the community notification requirement without 4651  
a hearing. At the hearing, all parties are entitled to be heard, 4652  
and the judge shall consider all of the factors set forth in 4653  
division (B)(3) of section 2950.09 of the Revised Code. If, at the 4654  
conclusion of the hearing, the judge finds that the offender has 4655  
proven by clear and convincing evidence that the offender is 4656  
unlikely to commit in the future a sexually oriented offense or a 4657  
child-victim oriented offense and if the judge finds that 4658  
suspending the community notification requirement is in the 4659  
interests of justice, the judge may suspend the application of 4660  
this section in relation to the offender. The order shall contain 4661  
both of these findings. 4662

The judge promptly shall serve a copy of the order upon the 4663  
sheriff with whom the offender most recently registered under 4664  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 4665  
the bureau of criminal identification and investigation. 4666

An order suspending the community notification requirement 4667  
does not suspend or otherwise alter an offender's duties to comply 4668

with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the  
Revised Code and does not suspend the victim notification  
requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that  
judge's successor in office, and an offender who is subject to the  
community notification requirement under this section may  
initially make a motion under division (H)(1) of this section upon  
the expiration of twenty years after the offender's duty to comply  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the  
Revised Code begins in relation to the offense for which the  
offender is subject to community notification. After the initial  
making of a motion under division (H)(1) of this section,  
thereafter, the prosecutor, judge, and offender may make a  
subsequent motion under that division upon the expiration of five  
years after the judge has entered an order denying the initial  
motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right  
to appeal an order approving or denying a motion made under  
division (H)(1) of this section.

(4) Division (H) of this section does not apply to any of the  
following types of offender:

(a) A ~~sexually violent predator~~ person who is convicted of or  
pleads guilty to a violent sex offense or designated homicide,  
assault, or kidnapping offense and who, in relation to that  
offense, is adjudicated a sexually violent predator;

(b) A habitual sex offender or habitual child-victim oriented  
offender who is subject to community notification who, subsequent  
to being subjected to community notification, has pleaded guilty  
to or been convicted of a sexually oriented offense or a  
child-victim oriented offense;

(c) A sexual predator or child-victim predator who is not

adjudicated a sexually violent predator who, subsequent to being 4700  
subjected to community notification, has pleaded guilty to or been 4701  
convicted of a sexually oriented offense or child-victim oriented 4702  
offense. 4703

**Sec. 2950.99.** (A)(1)(a) Except as otherwise provided in 4704  
division (A)(1)(b) of this section, whoever violates a prohibition 4705  
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 4706  
Code shall be punished as follows: 4707

(i) If the most serious sexually oriented offense or 4708  
child-victim oriented offense that was the basis of the 4709  
registration, notice of intent to reside, change of address 4710  
notification, or address verification requirement that was 4711  
violated under the prohibition is aggravated murder, murder, or a 4712  
felony of the first, second, or third degree if committed by an 4713  
adult or a comparable category of offense committed in another 4714  
jurisdiction, the offender is guilty of a felony of the third 4715  
degree. 4716

(ii) If the most serious sexually oriented offense or 4717  
child-victim oriented offense that was the basis of the 4718  
registration, notice of intent to reside, change of address 4719  
notification, or address verification requirement that was 4720  
violated under the prohibition is a felony of the fourth or fifth 4721  
degree if committed by an adult or a comparable category of 4722  
offense committed in another jurisdiction, or if the most serious 4723  
sexually oriented offense or child-victim oriented offense that 4724  
was the basis of the registration, notice of intent to reside, 4725  
change of address notification, or address verification 4726  
requirement that was violated under the prohibition is a 4727  
misdemeanor if committed by an adult or a comparable category of 4728  
offense committed in another jurisdiction, the offender is guilty 4729  
of a felony of the same degree or a misdemeanor of the same degree 4730

as the most serious sexually oriented offense or child-victim 4731  
oriented offense that was the basis of the registration, notice of 4732  
intent to reside, change of address, or address verification 4733  
requirement that was violated under the prohibition or, if the 4734  
most serious sexually oriented offense or child-victim oriented 4735  
offense that was the basis of the registration, notice of intent 4736  
to reside, change of address, or address verification requirement 4737  
that was violated under the prohibition was a comparable category 4738  
of offense committed in another jurisdiction, the offender is 4739  
guilty of a felony of the same degree or a misdemeanor of the same 4740  
degree as that offense committed in the other jurisdiction would 4741  
constitute or would have constituted if it had been committed in 4742  
this state. 4743

(b) If the offender previously has been convicted of or 4744  
pleaded guilty to, or previously has been adjudicated a delinquent 4745  
child for committing, a violation of a prohibition in section 4746  
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 4747  
whoever violates a prohibition in section 2950.04, 2950.041, 4748  
2950.05, or 2950.06 of the Revised Code shall be punished as 4749  
follows: 4750

(i) If the most serious sexually oriented offense or 4751  
child-victim oriented offense that was the basis of the 4752  
registration, notice of intent to reside, change of address 4753  
notification, or address verification requirement that was 4754  
violated under the prohibition is aggravated murder, murder, or a 4755  
felony of the first, second, third, or fourth degree if committed 4756  
by an adult or a comparable category of offense committed in 4757  
another jurisdiction, the offender is guilty of a felony of the 4758  
third degree. 4759

(ii) If the most serious sexually oriented offense or 4760  
child-victim oriented offense that was the basis of the 4761  
registration, notice of intent to reside, change of address 4762



notification, or address verification requirement that was 4763  
violated under the prohibition is a felony of the fifth degree if 4764  
committed by an adult or a comparable category of offense 4765  
committed in another jurisdiction, the offender is guilty of a 4766  
felony of the fourth degree. 4767

(iii) If the most serious sexually oriented offense or 4768  
child-victim oriented offense that was the basis of the 4769  
registration, notice of intent to reside, change of address 4770  
notification, or address verification requirement that was 4771  
violated under the prohibition is a misdemeanor of the first 4772  
degree if committed by an adult or a comparable category of 4773  
offense committed in another jurisdiction, the offender is guilty 4774  
of a felony of the fifth degree. 4775

(iv) If the most serious sexually oriented offense or 4776  
child-victim oriented offense that was the basis of the 4777  
registration, notice of intent to reside, change of address 4778  
notification, or address verification requirement that was 4779  
violated under the prohibition is a misdemeanor other than a 4780  
misdemeanor of the first degree if committed by an adult or a 4781  
comparable category of offense committed in another jurisdiction, 4782  
the offender is guilty of a misdemeanor that is one degree higher 4783  
than the most serious sexually oriented offense or child-victim 4784  
oriented offense that was the basis of the registration, change of 4785  
address, or address verification requirement that was violated 4786  
under the prohibition or, if the most serious sexually oriented 4787  
offense or child-victim oriented offense that was the basis of the 4788  
registration, notice of intent to reside, change of address, or 4789  
address verification requirement that was violated under the 4790  
prohibition was a comparable category of offense committed in 4791  
another jurisdiction, the offender is guilty of a misdemeanor that 4792  
is one degree higher than the most serious sexually oriented 4793  
offense or child-victim oriented offense committed in the other 4794

jurisdiction would constitute or would have constituted if it had 4795  
been committed in this state. 4796

(2) In addition to any penalty or sanction imposed under 4797  
division (A)(1) of this section or any other provision of law for 4798  
a violation of a prohibition in section 2950.04, 2950.041, 4799  
2950.05, or 2950.06 of the Revised Code, if the offender or 4800  
delinquent child is subject to a community control sanction, is on 4801  
parole, is subject to one or more post-release control sanctions, 4802  
or is subject to any other type of supervised release at the time 4803  
of the violation, the violation shall constitute a violation of 4804  
the terms and conditions of the community control sanction, 4805  
parole, post-release control sanction, or other type of supervised 4806  
release. 4807

(3) As used in division (A)(1) of this section, "comparable 4808  
category of offense committed in another jurisdiction" means a 4809  
sexually oriented offense or child-victim oriented offense that 4810  
was the basis of the registration, notice of intent to reside, 4811  
change of address notification, or address verification 4812  
requirement that was violated, that is a violation of an existing 4813  
or former law of another state or the United States, an existing 4814  
or former law applicable in a military court or in an Indian 4815  
tribal court, or an existing or former law of any nation other 4816  
than the United States, and that, if it had been committed in this 4817  
state, would constitute or would have constituted aggravated 4818  
murder, murder, or a felony of the first, second, or third degree 4819  
for purposes of division (A)(1)(a)(i) of this section, a felony of 4820  
the fourth or fifth degree or a misdemeanor for purposes of 4821  
division (A)(1)(a)(ii) of this section, aggravated murder, murder, 4822  
or a felony of the first, second, third, or fourth degree for 4823  
purposes of division (A)(1)(b)(i) of this section, a felony of the 4824  
fifth degree for purposes of division (A)(1)(b)(ii) of this 4825  
section, a misdemeanor of the first degree for purposes of 4826

division (A)(1)(b)(iii) of this section, or a misdemeanor other 4827  
than a misdemeanor of the first degree for purposes of division 4828  
(A)(1)(b)(iv) of this section. 4829

(B) If a person violates a prohibition in section 2950.04, 4830  
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 4831  
the person as a result of the person being adjudicated a 4832  
delinquent child and being classified a juvenile offender 4833  
registrant or as an out-of-state juvenile offender registrant, 4834  
both of the following apply: 4835

(1) If the violation occurs while the person is under 4836  
eighteen years of age, the person is subject to proceedings under 4837  
Chapter 2152. of the Revised Code based on the violation. 4838

(2) If the violation occurs while the person is eighteen 4839  
years of age or older, the person is subject to criminal 4840  
prosecution based on the violation. 4841

(C) Whoever violates division (C) of section 2950.13 of the 4842  
Revised Code is guilty of a misdemeanor of the first degree. 4843

**Sec. 2953.08.** (A) In addition to any other right to appeal 4844  
and except as provided in division (D) of this section, a 4845  
defendant who is convicted of or pleads guilty to a felony may 4846  
appeal as a matter of right the sentence imposed upon the 4847  
defendant on one of the following grounds: 4848

(1) The sentence consisted of or included the maximum prison 4849  
term allowed for the offense by division (A) of section 2929.14 of 4850  
the Revised Code, the sentence was not imposed pursuant to 4851  
division (D)(3)(b) of section 2929.14 of the Revised Code, the 4852  
maximum prison term was not required for the offense pursuant to 4853  
Chapter 2925. or any other provision of the Revised Code, and the 4854  
court imposed the sentence under one of the following 4855  
circumstances: 4856

(a) The sentence was imposed for only one offense. 4857

(b) The sentence was imposed for two or more offenses arising 4858  
out of a single incident, and the court imposed the maximum prison 4859  
term for the offense of the highest degree. 4860

(2) The sentence consisted of or included a prison term, the 4861  
offense for which it was imposed is a felony of the fourth or 4862  
fifth degree or is a felony drug offense that is a violation of a 4863  
provision of Chapter 2925. of the Revised Code and that is 4864  
specified as being subject to division (B) of section 2929.13 of 4865  
the Revised Code for purposes of sentencing, and the court did not 4866  
specify at sentencing that it found one or more factors specified 4867  
in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised 4868  
Code to apply relative to the defendant. If the court specifies 4869  
that it found one or more of those factors to apply relative to 4870  
the defendant, the defendant is not entitled under this division 4871  
to appeal as a matter of right the sentence imposed upon the 4872  
offender. 4873

(3) The person was convicted of or pleaded guilty to a 4874  
~~sexually violent sex~~ offense or a designated homicide, assault, or 4875  
kidnapping offense, was adjudicated ~~as being~~ a sexually violent 4876  
predator in relation to that offense, and was sentenced pursuant 4877  
to division (A)(3) of section 2971.03 of the Revised Code, if the 4878  
minimum term of the indefinite term imposed pursuant to division 4879  
(A)(3) of section 2971.03 of the Revised Code is the longest term 4880  
available for the offense from among the range of terms listed in 4881  
section 2929.14 of the Revised Code. As used in this division, 4882  
"designated homicide, assault, or kidnapping offense" and 4883  
"sexually violent sex offense" and "sexually violent predator" 4884  
have the same meanings as in section 2971.01 of the Revised Code. 4885  
As used in this division, "adjudicated a sexually violent 4886  
predator" has the same meaning as in section 2929.01 of the 4887  
Revised Code, and a person is "adjudicated a sexually violent 4888

predator" in the same manner and the same circumstances as are 4889  
described in that section. 4890

(4) The sentence is contrary to law. 4891

(5) The sentence consisted of an additional prison term of 4892  
ten years imposed pursuant to division (D)(2)(b) of section 4893  
2929.14 of the Revised Code. 4894

(6) The sentence consisted of an additional prison term of 4895  
ten years imposed pursuant to division (D)(3)(b) of section 4896  
2929.14 of the Revised Code. 4897

(B) In addition to any other right to appeal and except as 4898  
provided in division (D) of this section, a prosecuting attorney, 4899  
a city director of law, village solicitor, or similar chief legal 4900  
officer of a municipal corporation, or the attorney general, if 4901  
one of those persons prosecuted the case, may appeal as a matter 4902  
of right a sentence imposed upon a defendant who is convicted of 4903  
or pleads guilty to a felony or, in the circumstances described in 4904  
division (B)(3) of this section the modification of a sentence 4905  
imposed upon such a defendant, on any of the following grounds: 4906

(1) The sentence did not include a prison term despite a 4907  
presumption favoring a prison term for the offense for which it 4908  
was imposed, as set forth in section 2929.13 or Chapter 2925. of 4909  
the Revised Code. 4910

(2) The sentence is contrary to law. 4911

(3) The sentence is a modification under section 2929.20 of 4912  
the Revised Code of a sentence that was imposed for a felony of 4913  
the first or second degree. 4914

(C) In addition to the right to appeal a sentence granted 4915  
under division (A) or (B) of this section, a defendant who is 4916  
convicted of or pleads guilty to a felony may seek leave to appeal 4917  
a sentence imposed upon the defendant on the basis that the 4918

sentencing judge has imposed consecutive sentences under division 4919  
(E)(3) or (4) of section 2929.14 of the Revised Code and that the 4920  
consecutive sentences exceed the maximum prison term allowed by 4921  
division (A) of that section for the most serious offense of which 4922  
the defendant was convicted. Upon the filing of a motion under 4923  
this division, the court of appeals may grant leave to appeal the 4924  
sentence if the court determines that the allegation included as 4925  
the basis of the motion is true. 4926

(D) A sentence imposed upon a defendant is not subject to 4927  
review under this section if the sentence is authorized by law, 4928  
has been recommended jointly by the defendant and the prosecution 4929  
in the case, and is imposed by a sentencing judge. A sentence 4930  
imposed for aggravated murder or murder pursuant to sections 4931  
2929.02 to 2929.06 of the Revised Code is not subject to review 4932  
under this section. 4933

(E) A defendant, prosecuting attorney, city director of law, 4934  
village solicitor, or chief municipal legal officer shall file an 4935  
appeal of a sentence under this section to a court of appeals 4936  
within the time limits specified in Rule 4(B) of the Rules of 4937  
Appellate Procedure, provided that if the appeal is pursuant to 4938  
division (B)(3) of this section, the time limits specified in that 4939  
rule shall not commence running until the court grants the motion 4940  
that makes the sentence modification in question. A sentence 4941  
appeal under this section shall be consolidated with any other 4942  
appeal in the case. If no other appeal is filed, the court of 4943  
appeals may review only the portions of the trial record that 4944  
pertain to sentencing. 4945

(F) On the appeal of a sentence under this section, the 4946  
record to be reviewed shall include all of the following, as 4947  
applicable: 4948

(1) Any presentence, psychiatric, or other investigative 4949

report that was submitted to the court in writing before the  
sentence was imposed. An appellate court that reviews a  
presentence investigation report prepared pursuant to section  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in  
connection with the appeal of a sentence under this section shall  
comply with division (D)(3) of section 2951.03 of the Revised Code  
when the appellate court is not using the presentence  
investigation report, and the appellate court's use of a  
presentence investigation report of that nature in connection with  
the appeal of a sentence under this section does not affect the  
otherwise confidential character of the contents of that report as  
described in division (D)(1) of section 2951.03 of the Revised  
Code and does not cause that report to become a public record, as  
defined in section 149.43 of the Revised Code, following the  
appellate court's use of the report.

(2) The trial record in the case in which the sentence was  
imposed;

(3) Any oral or written statements made to or by the court at  
the sentencing hearing at which the sentence was imposed;

(4) Any written findings that the court was required to make  
in connection with the modification of the sentence pursuant to a  
judicial release under division (H) of section 2929.20 of the  
Revised Code.

(G)(1) If the sentencing court was required to make the  
findings required by division (B) or (D) of section 2929.13,  
division (E)(4) of section 2929.14, or division (H) of section  
2929.20 of the Revised Code relative to the imposition or  
modification of the sentence, and if the sentencing court failed  
to state the required findings on the record, the court hearing an  
appeal under division (A), (B), or (C) of this section shall  
remand the case to the sentencing court and instruct the

sentencing court to state, on the record, the required findings. 4981

(2) The court hearing an appeal under division (A), (B), or 4982  
(C) of this section shall review the record, including the 4983  
findings underlying the sentence or modification given by the 4984  
sentencing court. 4985

The appellate court may increase, reduce, or otherwise modify 4986  
a sentence that is appealed under this section or may vacate the 4987  
sentence and remand the matter to the sentencing court for 4988  
resentencing. The appellate court's standard for review is not 4989  
whether the sentencing court abused its discretion. The appellate 4990  
court may take any action authorized by this division if it 4991  
clearly and convincingly finds either of the following: 4992

(a) That the record does not support the sentencing court's 4993  
findings under division (B) or (D) of section 2929.13, division 4994  
(E)(4) of section 2929.14, or division (H) of section 2929.20 of 4995  
the Revised Code, whichever, if any, is relevant; 4996

(b) That the sentence is otherwise contrary to law. 4997

(H) A judgment or final order of a court of appeals under 4998  
this section may be appealed, by leave of court, to the supreme 4999  
court. 5000

(I)(1) There is hereby established the felony sentence appeal 5001  
cost oversight committee, consisting of eight members. One member 5002  
shall be the chief justice of the supreme court or a 5003  
representative of the court designated by the chief justice, one 5004  
member shall be a member of the senate appointed by the president 5005  
of the senate, one member shall be a member of the house of 5006  
representatives appointed by the speaker of the house of 5007  
representatives, one member shall be the director of budget and 5008  
management or a representative of the office of budget and 5009  
management designated by the director, one member shall be a judge 5010  
of a court of appeals, court of common pleas, municipal court, or 5011



county court appointed by the chief justice of the supreme court, 5012  
one member shall be the state public defender or a representative 5013  
of the office of the state public defender designated by the state 5014  
public defender, one member shall be a prosecuting attorney 5015  
appointed by the Ohio prosecuting attorneys association, and one 5016  
member shall be a county commissioner appointed by the county 5017  
commissioners association of Ohio. No more than three of the 5018  
appointed members of the committee may be members of the same 5019  
political party. 5020

The president of the senate, the speaker of the house of 5021  
representatives, the chief justice of the supreme court, the Ohio 5022  
prosecuting attorneys association, and the county commissioners 5023  
association of Ohio shall make the initial appointments to the 5024  
committee of the appointed members no later than ninety days after 5025  
July 1, 1996. Of those initial appointments to the committee, the 5026  
members appointed by the speaker of the house of representatives 5027  
and the Ohio prosecuting attorneys association shall serve a term 5028  
ending two years after July 1, 1996, the member appointed by the 5029  
chief justice of the supreme court shall serve a term ending three 5030  
years after July 1, 1996, and the members appointed by the 5031  
president of the senate and the county commissioners association 5032  
of Ohio shall serve terms ending four years after July 1, 1996. 5033  
Thereafter, terms of office of the appointed members shall be for 5034  
four years, with each term ending on the same day of the same 5035  
month as did the term that it succeeds. Members may be 5036  
reappointed. Vacancies shall be filled in the same manner provided 5037  
for original appointments. A member appointed to fill a vacancy 5038  
occurring prior to the expiration of the term for which that 5039  
member's predecessor was appointed shall hold office as a member 5040  
for the remainder of the predecessor's term. An appointed member 5041  
shall continue in office subsequent to the expiration date of that 5042  
member's term until that member's successor takes office or until 5043

a period of sixty days has elapsed, whichever occurs first. 5044

If the chief justice of the supreme court, the director of 5045  
the office of budget and management, or the state public defender 5046  
serves as a member of the committee, that person's term of office 5047  
as a member shall continue for as long as that person holds office 5048  
as chief justice, director of the office of budget and management, 5049  
or state public defender. If the chief justice of the supreme 5050  
court designates a representative of the court to serve as a 5051  
member, the director of budget and management designates a 5052  
representative of the office of budget and management to serve as 5053  
a member, or the state public defender designates a representative 5054  
of the office of the state public defender to serve as a member, 5055  
the person so designated shall serve as a member of the commission 5056  
for as long as the official who made the designation holds office 5057  
as chief justice, director of the office of budget and management, 5058  
or state public defender or until that official revokes the 5059  
designation. 5060

The chief justice of the supreme court or the representative 5061  
of the supreme court appointed by the chief justice shall serve as 5062  
chairperson of the committee. The committee shall meet within two 5063  
weeks after all appointed members have been appointed and shall 5064  
organize as necessary. Thereafter, the committee shall meet at 5065  
least once every six months or more often upon the call of the 5066  
chairperson or the written request of three or more members, 5067  
provided that the committee shall not meet unless moneys have been 5068  
appropriated to the judiciary budget administered by the supreme 5069  
court specifically for the purpose of providing financial 5070  
assistance to counties under division (I)(2) of this section and 5071  
the moneys so appropriated then are available for that purpose. 5072

The members of the committee shall serve without 5073  
compensation, but, if moneys have been appropriated to the 5074  
judiciary budget administered by the supreme court specifically 5075

for the purpose of providing financial assistance to counties 5076  
under division (I)(2) of this section, each member shall be 5077  
reimbursed out of the moneys so appropriated that then are 5078  
available for actual and necessary expenses incurred in the 5079  
performance of official duties as a committee member. 5080

(2) The state criminal sentencing commission periodically 5081  
shall provide to the felony sentence appeal cost oversight 5082  
committee all data the commission collects pursuant to division 5083  
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 5084  
data from the state criminal sentencing commission, the felony 5085  
sentence appeal cost oversight committee periodically shall review 5086  
the data; determine whether any money has been appropriated to the 5087  
judiciary budget administered by the supreme court specifically 5088  
for the purpose of providing state financial assistance to 5089  
counties in accordance with this division for the increase in 5090  
expenses the counties experience as a result of the felony 5091  
sentence appeal provisions set forth in this section or as a 5092  
result of a postconviction relief proceeding brought under 5093  
division (A)(2) of section 2953.21 of the Revised Code or an 5094  
appeal of a judgment in that proceeding; if it determines that any 5095  
money has been so appropriated, determine the total amount of 5096  
moneys that have been so appropriated specifically for that 5097  
purpose and that then are available for that purpose; and develop 5098  
a recommended method of distributing those moneys to the counties. 5099  
The committee shall send a copy of its recommendation to the 5100  
supreme court. Upon receipt of the committee's recommendation, the 5101  
supreme court shall distribute to the counties, based upon that 5102  
recommendation, the moneys that have been so appropriated 5103  
specifically for the purpose of providing state financial 5104  
assistance to counties under this division and that then are 5105  
available for that purpose. 5106

Sec. 2971.01. As used in this chapter:	5107
(A) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	5108 5109
(B) "Designated homicide, assault, or kidnapping offense" means any of the following:	5110 5111
(1) A violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code or a violation of division (A) of section 2903.04 of the Revised Code;	5112 5113 5114
(2) An attempt to commit or complicity in committing a violation listed in division (B)(1) of this section, if the attempt or complicity is a felony.	5115 5116 5117
(C) "Examiner" has the same meaning as in section 2945.371 of the Revised Code.	5118 5119
(D) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	5120 5121
(E) "Prosecuting attorney" means the prosecuting attorney who prosecuted the case of the offender in question or the successor in office to that prosecuting attorney.	5122 5123 5124
(F) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	5125 5126 5127
(G) "Sexually violent offense" means <u>a any of the following:</u>	5128
(1) <u>A violent sex offense, <del>or a</del></u>	5129
(2) <u>A designated homicide, assault, or kidnapping offense <del>for which that</del> the offender also was convicted of or pleaded guilty to <del>commits with</del> a sexual motivation <del>specification.</del></u>	5130 5131 5132
(H)(1) "Sexually violent predator" means a person who <del>has been convicted of or pleaded guilty to committing,</del> on or after January 1, 1997, <u>commits</u> a sexually violent offense and is likely	5133 5134 5135

to engage in the future in one or more sexually violent offenses. 5136

(2) For purposes of division (H)(1) of this section, any of 5137  
the following factors may be considered as evidence tending to 5138  
indicate that there is a likelihood that the person will engage in 5139  
the future in one or more sexually violent offenses: 5140

(a) The person has been convicted two or more times, in 5141  
separate criminal actions, of a sexually oriented offense or a 5142  
child-victim oriented offense. For purposes of this division, 5143  
convictions that result from or are connected with the same act or 5144  
result from offenses committed at the same time are one 5145  
conviction, and a conviction set aside pursuant to law is not a 5146  
conviction. 5147

(b) The person has a documented history from childhood, into 5148  
the juvenile developmental years, that exhibits sexually deviant 5149  
behavior. 5150

(c) Available information or evidence suggests that the 5151  
person chronically commits offenses with a sexual motivation. 5152

(d) The person has committed one or more offenses in which 5153  
the person has tortured or engaged in ritualistic acts with one or 5154  
more victims. 5155

(e) The person has committed one or more offenses in which 5156  
one or more victims were physically harmed to the degree that the 5157  
particular victim's life was in jeopardy. 5158

(f) Any other relevant evidence. 5159

(I) "Sexually violent predator specification" means a 5160  
specification, as described in section 2941.148 of the Revised 5161  
Code, ~~charging that charges that~~ a person charged with being a 5162  
violent sex offense, or a person charged with a designated 5163  
homicide, assault, or kidnapping offense and a sexual motivation 5164  
specification, is a sexually violent predator. 5165

(J) "Sexual motivation" means a purpose to gratify the sexual needs or desires of the offender. 5166  
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(K) "Sexual motivation specification" means a specification, 5168  
as described in section 2941.147 of the Revised Code, that charges 5169  
that a person charged with a designated homicide, assault, or 5170  
kidnapping offense committed the offense with a sexual motivation. 5171

(L) "Violent sex offense" means any of the following: 5172

(1) A violation of section 2907.02, 2907.03, or 2907.12 or of 5173  
division (A)(4) of section 2907.05 of the Revised Code; 5174

(2) A felony violation of a former law of this state that is 5175  
substantially equivalent to a violation listed in division (L)(1) 5176  
of this section or of an existing or former law of the United 5177  
States or of another state that is substantially equivalent to a 5178  
violation listed in division (L)(1) of this section; 5179

(3) An attempt to commit or complicity in committing a 5180  
violation listed in division (L)(1) or (2) of this section if the 5181  
attempt or complicity is a felony. 5182

**Sec. 2971.02.** In any case in which a sexually violent 5183  
predator specification is included in the indictment, count in the 5184  
indictment, or information charging a ~~sexually~~ violent sex offense 5185  
or a designated homicide, assault, or kidnapping offense and in 5186  
which the defendant is tried by a jury, the defendant may elect to 5187  
have the court instead of the jury determine the sexually violent 5188  
predator specification. ~~If~~ 5189

If the defendant does not elect to have the court determine 5190  
the sexually violent predator specification, the defendant shall 5191  
be tried before the jury on the charge of the offense, and, 5192  
~~following~~ if the offense is a designated homicide, assault, or 5193  
kidnapping offense, on the sexual motivation specification that is 5194  
included in the indictment, count in the indictment, or 5195

information charging the offense. Following a verdict of guilty on 5196  
the charge of the offense and, if the offense is a designated 5197  
homicide, assault, or kidnapping offense, on the related sexual 5198  
motivation specification, the defendant shall be tried before the 5199  
jury on the sexually violent predator specification. ~~If~~ 5200

If the defendant elects to have the court determine the 5201  
sexually violent predator specification, the defendant shall be 5202  
tried ~~on the charge of the offense before the jury, and, following~~ 5203  
on the charge of the offense and, if the offense is a designated 5204  
homicide, assault, or kidnapping offense, on the sexual motivation 5205  
specification that is included in the indictment, count in the 5206  
indictment, or information charging the offense. Following a 5207  
verdict of guilty on the charge of the offense and, if the offense 5208  
if a designated homicide, assault, or kidnapping offense, on the 5209  
related sexual motivation specification, the court shall conduct a 5210  
proceeding at which it shall determine the sexually violent 5211  
predator specification. 5212

**Sec. 2971.03.** (A) Notwithstanding divisions (A), (B), (C), 5213  
and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 5214  
2929.13, or another section of the Revised Code, other than 5215  
divisions (D) and (E) of section 2929.14 of the Revised Code, that 5216  
authorizes or requires a specified prison term or a mandatory 5217  
prison term for a person who is convicted of or pleads guilty to a 5218  
felony or that specifies the manner and place of service of a 5219  
prison term or term of imprisonment, the court shall impose a 5220  
sentence upon a person who is convicted of or pleads guilty to a 5221  
~~sexually violent sex~~ offense and who also is convicted of or 5222  
pleads guilty to a sexually violent predator specification that 5223  
was included in the indictment, count in the indictment, or 5224  
information charging that offense, and upon a person who is 5225  
convicted of or pleads guilty to a designated homicide, assault, 5226  
or kidnapping offense and also is convicted of or pleads guilty to 5227

both a sexual motivation specification and a sexually violent 5228  
predator specification that were included in the indictment, count 5229  
in the indictment, or information charging that offense, as 5230  
follows: 5231

(1) If the offense for which the sentence is being imposed is 5232  
aggravated murder and if the court does not impose upon the 5233  
offender a sentence of death, it shall impose upon the offender a 5234  
term of life imprisonment without parole. If the court sentences 5235  
the offender to death and the sentence of death is vacated, 5236  
overturned, or otherwise set aside, the court shall impose upon 5237  
the offender a term of life imprisonment without parole. 5238

(2) If the offense for which the sentence is being imposed is 5239  
murder or an offense other than aggravated murder or murder for 5240  
which a term of life imprisonment may be imposed, it shall impose 5241  
upon the offender a term of life imprisonment without parole. 5242

(3)(a) Except as otherwise provided in division (A)(3)(b), 5243  
(c), or (d) or (A)(4) of this section, if the offense for which 5244  
the sentence is being imposed is an offense other than aggravated 5245  
murder, murder, or an offense for which a term of life 5246  
imprisonment may be imposed, it shall impose an indefinite prison 5247  
term consisting of a minimum term fixed by the court from among 5248  
the range of terms available as a definite term for the offense, 5249  
but not less than two years, and a maximum term of life 5250  
imprisonment. 5251

(b) Except as otherwise provided in division (A)(4) of this 5252  
section, if the offense for which the sentence is being imposed is 5253  
kidnapping that is a felony of the first degree, it shall impose 5254  
an indefinite prison term consisting of a minimum term fixed by 5255  
the court that is not less than ten years, and a maximum term of 5256  
life imprisonment. 5257

(c) Except as otherwise provided in division (A)(4) of this 5258



section, if the offense for which the sentence is being imposed is kidnapping that is a felony of the second degree, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than eight years, and a maximum term of life imprisonment. 5259  
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(d) Except as otherwise provided in division (A)(4) of this section, if the offense for which the sentence is being imposed is rape for which a term of life imprisonment is not imposed under section 2907.02 of the Revised Code or division (A)(2) of this section, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than ten years, and a maximum term of life imprisonment. 5264  
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(4) For any offense for which the sentence is being imposed, if the offender previously has been convicted of or pleaded guilty to a ~~sexually~~ violent sex offense and also to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or previously has been convicted of or pleaded guilty to a designated homicide, assault, or kidnapping offense and also to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, it shall impose upon the offender a term of life imprisonment without parole. 5271  
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(B) If the offender is sentenced to a prison term pursuant to division (A)(3) of this section, the parole board shall have control over the offender's service of the term during the entire term unless the parole board terminates its control in accordance with section 2971.04 of the Revised Code. 5282  
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(C)(1) Except as provided in division (C)(2) of this section, an offender sentenced to a prison term or term of life imprisonment without parole pursuant to division (A) of this 5287  
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section shall serve the entire prison term or term of life 5290  
imprisonment in a state correctional institution. The offender is 5291  
not eligible for judicial release under section 2929.20 of the 5292  
Revised Code. 5293

(2) For a prison term imposed pursuant to division (A)(3) of 5294  
this section, the court, in accordance with section 2971.05 of the 5295  
Revised Code, may terminate the prison term or modify the 5296  
requirement that the offender serve the entire term in a state 5297  
correctional institution if all of the following apply: 5298

(a) The offender has served at least the minimum term imposed 5299  
as part of that prison term. 5300

(b) The parole board, pursuant to section 2971.04 of the 5301  
Revised Code, has terminated its control over the offender's 5302  
service of that prison term. 5303

(c) The court has held a hearing and found, by clear and 5304  
convincing evidence, one of the following: 5305

(i) In the case of termination of the prison term, that the 5306  
offender is unlikely to commit a sexually violent offense in the 5307  
future; 5308

(ii) In the case of modification of the requirement, that the 5309  
offender does not represent a substantial risk of physical harm to 5310  
others. 5311

(3) An offender who has been sentenced to a term of life 5312  
imprisonment without parole pursuant to division (A)(1), (2), or 5313  
(4) of this section shall not be released from the term of life 5314  
imprisonment or be permitted to serve a portion of it in a place 5315  
other than a state correctional institution. 5316

(D) If a court sentences an offender to a prison term or term 5317  
of life imprisonment without parole pursuant to division (A) of 5318  
this section and the court also imposes on the offender one or 5319

more additional prison terms pursuant to division (D) of section 5320  
2929.14 of the Revised Code, all of the additional prison terms 5321  
shall be served consecutively with, and prior to, the prison term 5322  
or term of life imprisonment without parole imposed upon the 5323  
offender pursuant to division (A) of this section. 5324

(E) If the offender is convicted of or pleads guilty to two 5325  
or more offenses for which a prison term or term of life 5326  
imprisonment without parole is required to be imposed pursuant to 5327  
division (A) of this section, divisions (A) to (D) of this section 5328  
shall be applied for each offense. All minimum terms imposed upon 5329  
the offender pursuant to division (A)(3) of this section for those 5330  
offenses shall be aggregated and served consecutively, as if they 5331  
were a single minimum term imposed under that division. 5332

(F) If an offender is convicted of or pleads guilty to a 5333  
~~sexually violent sex~~ offense and also is convicted of or pleads 5334  
guilty to a sexually violent predator specification that was 5335  
included in the indictment, count in the indictment, or 5336  
information charging ~~the sexually violent that~~ offense, or is 5337  
convicted of or pleads guilty to a designated homicide, assault, 5338  
or kidnapping offense and also is convicted of or pleads guilty to 5339  
both a sexual motivation specification and a sexually violent 5340  
predator specification that were included in the indictment, count 5341  
in the indictment, or information charging that offense, the 5342  
conviction of or plea of guilty to the offense and the sexually 5343  
violent predator specification automatically classifies the 5344  
offender as a sexual predator for purposes of Chapter 2950. of the 5345  
Revised Code. The classification of the offender as a sexual 5346  
predator for purposes of that chapter is ~~terminated only if the~~ 5347  
~~offender was sentenced to a prison term pursuant to division~~ 5348  
~~(A)(3) of section 2971.03 of the Revised Code and the court~~ 5349  
~~terminates the offender's prison term as provided in division (D)~~ 5350  
~~of section 2971.05 of the Revised Code, or as otherwise permanent~~ 5351

and continues until the offender's death as described in division 5352  
(D)(2) of section 2950.09 of the Revised Code. 5353

**Sec. 2971.04.** (A) If an offender is serving a prison term 5354  
imposed under division (A)(3) of section 2971.03 of the Revised 5355  
Code, at any time after the offender has served the minimum term 5356  
imposed under that sentence, the parole board may terminate its 5357  
control over the offender's service of the prison term. The parole 5358  
board initially shall determine whether to terminate its control 5359  
over the offender's service of the prison term upon the completion 5360  
of the offender's service of the minimum term under the sentence 5361  
and shall make subsequent determinations at least once every two 5362  
years after that first determination. The parole board shall not 5363  
terminate its control over the offender's service of the prison 5364  
term unless it finds at a hearing that the offender does not 5365  
represent a substantial risk of physical harm to others. Prior to 5366  
determining whether to terminate its control over the offender's 5367  
service of the prison term, the parole board shall request the 5368  
department of rehabilitation and correction to prepare pursuant to 5369  
section 5120.61 of the Revised Code an update of the most recent 5370  
risk assessment and report relative to the offender. The offender 5371  
has the right to be present at any hearing held under this 5372  
section. At the hearing, the offender and the prosecuting attorney 5373  
may make a statement and present evidence as to whether the parole 5374  
board should terminate its control over the offender's service of 5375  
the prison term. In making its determination as to whether to 5376  
terminate its control over the offender's service of the prison 5377  
term, the parole board may follow the standards and guidelines 5378  
adopted by the department of rehabilitation and correction under 5379  
section 5120.49 of the Revised Code and shall consider the updated 5380  
risk assessment and report relating to the offender prepared by 5381  
the department pursuant to section 5120.61 of the Revised Code in 5382  
response to the request made under this division ~~(A)(1) of this~~ 5383

~~section~~ and any statements or evidence submitted by the offender 5384  
or the prosecuting attorney. If the parole board terminates its 5385  
control over an offender's service of a prison term imposed under 5386  
division (A)(3) of section 2971.03 of the Revised Code, it shall 5387  
recommend to the court modifications to the requirement that the 5388  
offender serve the entire term in a state correctional 5389  
institution. The court is not bound by the recommendations 5390  
submitted by the parole board. 5391

(B) If the parole board terminates its control over an 5392  
offender's service of a prison term imposed pursuant to division 5393  
(A)(3) of section 2971.03 of the Revised Code, the parole board 5394  
immediately shall provide written notice of its termination of 5395  
control to the department of rehabilitation and correction, the 5396  
court, and the prosecuting attorney, and, after the board's 5397  
termination of its control, the court shall have control over the 5398  
offender's service of that prison term. 5399

After the transfer, the court shall have control over the 5400  
offender's service of that prison term for the offender's entire 5401  
life, subject to the court's termination of the term pursuant to 5402  
section 2971.05 of the Revised Code. 5403

(C) If control over the offender's service of the prison term 5404  
is transferred to the court, all of the following apply: 5405

(1) The offender shall not be released solely as a result of 5406  
the transfer of control over the service of that prison term. 5407

(2) The offender shall not be permitted solely as a result of 5408  
the transfer to serve a portion of that term in a place other than 5409  
a state correctional institution. 5410

(3) The offender shall continue serving that term in a state 5411  
correctional institution, subject to the following: 5412

(a) A release pursuant to a pardon, commutation, or reprieve; 5413

(b) A modification or termination of the term by the court 5414  
pursuant to this chapter. 5415

**Sec. 2971.05.** (A)(1) After control over an offender's service 5416  
of a prison term imposed pursuant to division (A)(3) of section 5417  
2971.03 of the Revised Code has been transferred pursuant to 5418  
section 2971.04 of the Revised Code to the court, the court shall 5419  
schedule, within thirty days of any of the following, a hearing on 5420  
whether to modify in accordance with division (C) of this section 5421  
the requirement that the offender serve the entire prison term in 5422  
a state correctional institution or to terminate the prison term 5423  
in accordance with division (D) of this section: 5424

(a) Control over the offender's service of a prison term is 5425  
transferred pursuant to section 2971.04 of the Revised Code to the 5426  
court, and no hearing to modify the requirement has been held; 5427

(b) Two years elapse after the most recent prior hearing held 5428  
pursuant to division (A)(1) or (2) of this section; 5429

(c) The prosecuting attorney, the department of 5430  
rehabilitation and correction, or the adult parole authority 5431  
requests the hearing, and recommends that the requirement be 5432  
modified or that the offender's prison term be terminated. 5433

(2) After control over the offender's service of a prison 5434  
term has been transferred pursuant to section 2971.04 of the 5435  
Revised Code to the court, the court, within thirty days of either 5436  
of the following, shall conduct a hearing on whether to modify in 5437  
accordance with division (C) of this section the requirement that 5438  
the offender serve the entire prison term in a state correctional 5439  
institution, whether to continue, revise, or revoke an existing 5440  
modification of that requirement, or whether to terminate the term 5441  
in accordance with division (D) of this section: 5442

(a) The requirement that the offender serve the entire prison 5443

term in a state correctional institution has been modified, and 5444  
the offender is taken into custody for any reason. 5445

(b) The department of rehabilitation and correction or the 5446  
prosecuting attorney notifies the court pursuant to section 5447  
2971.06 of the Revised Code regarding a known or suspected 5448  
violation of a term or condition of the modification or a belief 5449  
that there is a substantial likelihood that the offender has 5450  
committed or is about to commit a sexually violent offense. 5451

(3) After control over the offender's service of a prison 5452  
term has been transferred pursuant to section 2971.04 of the 5453  
Revised Code to the court, the court, in any of the following 5454  
circumstances, may conduct a hearing within thirty days to 5455  
determine whether to modify in accordance with division (C) of 5456  
this section the requirement that the offender serve the entire 5457  
prison term in a state correctional institution, whether to 5458  
continue, revise, or revoke an existing modification of that 5459  
requirement, or whether to terminate the sentence in accordance 5460  
with division (D) of this section: 5461

(a) The offender requests the hearing; 5462

(b) Upon the court's own motion; 5463

(c) One or more examiners who have conducted a psychological 5464  
examination and assessment of the offender file a statement that 5465  
states that there no longer is a likelihood that the offender will 5466  
engage in the future in a sexually violent offense. 5467

(B)(1) Before a court holds a hearing pursuant to division 5468  
(A) of this section, the court shall provide notice of the date, 5469  
time, place, and purpose of the hearing to the offender, the 5470  
prosecuting attorney, the department of rehabilitation and 5471  
correction, and the adult parole authority and shall request the 5472  
department to prepare pursuant to section 5120.61 of the Revised 5473  
Code an update of the most recent risk assessment and report 5474

relative to the offender. The offender has the right to be present  
at any hearing held under this section. At the hearing, the  
offender and the prosecuting attorney may make a statement and  
present evidence as to whether the requirement should or should  
not be modified, whether the existing modification of the  
requirement should be continued, revised, or revoked, and whether  
the prison term should or should not be terminated.

(2) At a hearing held pursuant to division (A) of this  
section, the court may and, if the hearing is held pursuant to  
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall  
determine by clear and convincing evidence whether the offender is  
unlikely to commit a sexually violent offense in the future.

(3) At the conclusion of the hearing held pursuant to  
division (A) of this section, the court may order that the  
requirement that the offender serve the entire prison term in a  
state correctional institution be continued, that the requirement  
be modified pursuant to division (C) of this section, that an  
existing modification be continued, revised, or revoked pursuant  
to division (C) of this section, or that the prison term be  
terminated pursuant to division (D) of this section.

(C)(1) If, at the conclusion of a hearing held pursuant to  
division (A) of this section, the court determines by clear and  
convincing evidence that the offender will not represent a  
substantial risk of physical harm to others, the court may modify  
the requirement that the offender serve the entire prison term in  
a state correctional institution in a manner that the court  
considers appropriate.

(2) The modification of the requirement does not terminate  
the prison term but serves only to suspend the requirement that  
the offender serve the entire term in a state correctional  
institution. The prison term shall remain in effect for the



offender's entire life unless the court terminates the prison term 5506  
pursuant to division (D) of this section. The offender shall 5507  
remain under the jurisdiction of the court for the offender's 5508  
entire life unless the court so terminates the prison term. The 5509  
modification of the requirement does not terminate the 5510  
classification of the offender, as described in division (F) of 5511  
section 2971.03 of the Revised Code, as a sexual predator for 5512  
purposes of Chapter 2950. of the Revised Code. 5513

(3) If the court revokes the modification under 5514  
consideration, the court shall order that the offender be returned 5515  
to the custody of the department of rehabilitation and correction 5516  
to continue serving the prison term to which the modification 5517  
applied, and section 2971.06 of the Revised Code applies regarding 5518  
the offender. 5519

(D)(1) If, at the conclusion of a hearing held pursuant to 5520  
division (A) of this section, the court determines by clear and 5521  
convincing evidence that the offender is unlikely to commit a 5522  
sexually violent offense in the future, the court may terminate 5523  
the offender's prison term imposed under division (A)(3) of 5524  
section 2971.03 of the Revised Code, subject to the offender 5525  
satisfactorily completing the period of conditional release 5526  
required by this division. If the court terminates the prison 5527  
term, the court shall place the offender on conditional release 5528  
for five years, notify the adult parole authority of its 5529  
determination and of the termination of the prison term, and order 5530  
the adult parole authority to supervise the offender during the 5531  
five-year period of conditional release. Upon receipt of a notice 5532  
from a court pursuant to this division, the adult parole authority 5533  
shall supervise the offender who is the subject of the notice 5534  
during the five-year period of conditional release, periodically 5535  
notify the court of the offender's activities during that 5536  
five-year period of conditional release, and file with the court 5537

no later than thirty days prior to the expiration of the five-year 5538  
period of conditional release a written recommendation as to 5539  
whether the termination of the offender's prison term should be 5540  
finalized, whether the period of conditional release should be 5541  
extended, or whether another type of action authorized pursuant to 5542  
this chapter should be taken. 5543

Upon receipt of a recommendation of the adult parole 5544  
authority filed pursuant to this division, the court shall hold a 5545  
hearing to determine whether to finalize the termination of the 5546  
offender's prison term, to extend the period of conditional 5547  
release, or to take another type of action authorized pursuant to 5548  
this chapter. The court shall hold the hearing no later than the 5549  
date on which the five-year period of conditional release 5550  
terminates and shall provide notice of the date, time, place, and 5551  
purpose of the hearing to the offender and to the prosecuting 5552  
attorney. At the hearing, the offender, the prosecuting attorney, 5553  
and the adult parole authority employee who supervised the 5554  
offender during the period of conditional release may make a 5555  
statement and present evidence. 5556

(2) If the court determines to extend an offender's period of 5557  
conditional release, it may do so for additional periods of one 5558  
year in the same manner as the original period of conditional 5559  
release, and except as otherwise described in this division, all 5560  
procedures and requirements that applied to the original period of 5561  
conditional release apply to the additional period of extended 5562  
conditional release unless the court modifies a procedure or 5563  
requirement. If an offender's period of conditional release is 5564  
extended as described in this division, all references to a 5565  
five-year period of conditional release that are contained in 5566  
division (D)(1) of this section shall be construed, in applying 5567  
the provisions of that division to the extension, as being 5568  
references to the one-year period of the extension of the 5569

conditional release. 5570

If the court determines to take another type of action 5571  
authorized pursuant to this chapter, it may do so in the same 5572  
manner as if the action had been taken at any other stage of the 5573  
proceedings under this chapter. As used in this division, "another 5574  
type of action" includes the revocation of the conditional release 5575  
and the return of the offender to a state correctional institution 5576  
to continue to serve the prison term. 5577

If the court determines to finalize the termination of the 5578  
offender's prison term, it shall notify the department of 5579  
rehabilitation and correction, the department shall enter into its 5580  
records a final release and issue to the offender a certificate of 5581  
final release, and the prison term thereafter shall be considered 5582  
completed and terminated in every way. 5583

The termination of the offender's prison term pursuant to 5584  
division (D)(1) or (2) of this section ~~automatically terminates~~ 5585  
does not affect the classification of the offender, as described 5586  
in division (F) of section 2971.03 of the Revised Code, as a 5587  
sexual predator for purposes of Chapter 2950. of the Revised Code, 5588  
~~and the court shall comply with. The classification of the~~ 5589  
offender as a sexual predator is permanent and continues until the 5590  
offender's death as described in division (D)(2) of section 5591  
2950.09 of the Revised Code. 5592

**Sec. 5120.49.** The department of rehabilitation and 5593  
correction, by rule adopted under Chapter 119. of the Revised 5594  
Code, shall prescribe standards and guidelines to be used by the 5595  
parole board in determining, pursuant to section 2971.04 of the 5596  
Revised Code, whether it should terminate its control over an 5597  
offender's service of a prison term imposed upon the offender ~~for~~ 5598  
~~a sexually violent offense~~ under division (A)(3) of section 5599  
2971.03 of the Revised Code for conviction of a violent sex 5600

offense and a sexually violent predator specification or for 5601  
conviction of a designated homicide, assault, or kidnapping 5602  
offense and both a sexual motivation specification and a sexually 5603  
violent predator specification. The rules shall include provisions 5604  
that specify that the parole board may not terminate its control 5605  
over an offender's service of a prison term imposed upon the 5606  
offender under that division until after the offender has served 5607  
the minimum term imposed as part of that prison term and until the 5608  
parole board has determined that the offender does not represent a 5609  
substantial risk of physical harm to others. 5610

**Sec. 5120.61.** (A)(1) Not later than ninety days after the 5611  
effective date of this section, the department of rehabilitation 5612  
and correction shall adopt standards that it will use under this 5613  
section to assess a criminal offender who is convicted of or 5614  
pleads guilty to a ~~sexually violent sex offense or designated~~ 5615  
~~homicide, assault, or kidnapping offense and also is convicted of~~ 5616  
~~or pleads guilty to~~ is adjudicated a sexually violent predator 5617  
~~specification that was included in the indictment, count in the~~ 5618  
~~indictment, or information charging in relation to~~ that offense. 5619  
The department may periodically revise the standards. 5620

(2) When the department is requested by the parole board or 5621  
the court to provide a risk assessment report of the offender 5622  
under section 2971.04 or 2971.05 of the Revised Code, it shall 5623  
assess the offender and complete the assessment as soon as 5624  
possible after the offender has commenced serving the prison term 5625  
or term of life imprisonment without parole imposed under division 5626  
(A) of section 2971.03 of the Revised Code. Thereafter, the 5627  
department shall update a risk assessment report pertaining to an 5628  
offender as follows: 5629

(a) Periodically, in the discretion of the department, 5630  
provided that each report shall be updated no later than two years 5631

after its initial preparation or most recent update; 5632

(b) Upon the request of the parole board for use in 5633  
determining pursuant to section 2971.04 of the Revised Code 5634  
whether it should terminate its control over an offender's service 5635  
of a prison term imposed upon the offender under division (A)(3) 5636  
of section 2971.03 of the Revised Code; 5637

(c) Upon the request of the court. 5638

(3) After the department of rehabilitation and correction 5639  
assesses an offender pursuant to division (A)(2) of this section, 5640  
it shall prepare a report that contains its risk assessment for 5641  
the offender or, if a risk assessment report previously has been 5642  
prepared, it shall update the risk assessment report. 5643

(4) The department of rehabilitation and correction shall 5644  
provide each risk assessment report that it prepares or updates 5645  
pursuant to this section regarding an offender to all of the 5646  
following: 5647

(a) The parole board for its use in determining pursuant to 5648  
section 2971.04 of the Revised Code whether it should terminate 5649  
its control over an offender's service of a prison term imposed 5650  
upon the offender under division (A)(3) of section 2971.03 of the 5651  
Revised Code, if the parole board has not terminated its control 5652  
over the offender; 5653

(b) The court for use in determining, pursuant to section 5654  
2971.05 of the Revised Code, whether to modify the requirement 5655  
that the offender serve the entire prison term imposed upon the 5656  
offender under division (A)(3) of section 2971.03 of the Revised 5657  
Code in a state correctional institution, whether to revise any 5658  
modification previously made, or whether to terminate the prison 5659  
term; 5660

(c) The prosecuting attorney who prosecuted the case, or the 5661

successor in office to that prosecuting attorney; 5662

(d) The offender. 5663

(B) When the department of rehabilitation and correction 5664  
provides a risk assessment report regarding an offender to the 5665  
parole board or court pursuant to division (A)(4)(a) or (b) of 5666  
this section, the department, prior to the parole board's or 5667  
court's hearing, also shall provide to the offender or to the 5668  
offender's attorney of record a copy of the report and a copy of 5669  
any other relevant documents the department possesses regarding 5670  
the offender that the department does not consider to be 5671  
confidential. 5672

(C) As used in this section: 5673

(1) "Adjudicated a sexually violent predator" has the same 5674  
meaning as in section 2929.01 of the Revised Code, and a person is 5675  
"adjudicated a sexually violent predator" in the same manner and 5676  
the same circumstances as are described in that section. 5677

(2) "Designated homicide, assault, or kidnapping offense" and 5678  
"sexually violent sex offense" and ~~"sexually violent predator 5679  
specification"~~ have the same meanings as in section 2971.01 of the 5680  
Revised Code. 5681

**Section 2.** That existing sections 109.42, 2921.34, 2929.01, 5682  
2929.13, 1929.14, 2929.19, 2930.16, 2941.148, 2950.01, 2950.03, 5683  
2950.031, 2950.04, 2950.041, 2950.05, 2950.09, 2950.11, 2950.99, 5684  
2953.08, 2971.01, 2971.02, 2971.03, 2971.04, 2971.05, 5120.49, and 5685  
5120.61 of the Revised Code is hereby repealed. 5686

**Section 3.** Section 2921.34 of the Revised Code is presented 5687  
in this act as a composite of the section as amended by both Am. 5688  
Sub. H.B. 180 and Am. Sub. S.B. 285 of the 121st General Assembly. 5689  
Sections 2929.01, 2929.13, and 2929.14 of the Revised Code are 5690  
presented in this act as composites of the sections as amended by 5691

both Sub. H.B. 52 and Am. Sub. H.B. 163 of the 125th General	5692
Assembly. Section 2953.08 of the Revised Code is presented in this	5693
act as a composite of the section as amended by both Sub. H.B. 331	5694
and Am. Sub. S.B. 107 of the 123rd General Assembly. The General	5695
Assembly, applying the principle stated in division (B) of section	5696
1.52 of the Revised Code that amendments are to be harmonized if	5697
reasonably capable of simultaneous operation, finds that the	5698
composites are the resulting versions of the sections in effect	5699
prior to the effective date of the sections as presented in this	5700
act.	5701