

## As Introduced

**125th General Assembly  
Regular Session  
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**S. B. No. 5**

**Senators Jacobson, Amstutz, Austria, Coughlin, Randy Gardner, Goodman,  
Harris, Hottinger, Spada, Stivers**

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### **A B I L L**

To amend sections 2152.82, 2152.83, 2152.84, 2152.85,	1
2929.13, 2929.19, 2929.21, 2950.01, 2950.02,	2
2950.03, 2950.04, 2950.05, 2950.06, 2950.07,	3
2950.08, 2950.081, 2950.09, 2950.10, 2950.11,	4
2950.12, 2950.13, and 2950.99 and to enact section	5
2950.111 of the Revised Code to modify the Sex	6
Offender Registration and Notification Law by	7
adopting most of the recommendations of the	8
Governor's Sex Offender Registration and	9
Notification Task Force, generally conforming the	10
Law to federal guidelines, providing a penalty for	11
failing to send a notice of intent to reside,	12
clarifying that habitual sex offenders in another	13
jurisdiction are habitual sex offenders under Ohio	14
law, clarifying the Law's community notification	15
provisions as applied to multi-resident buildings,	16
specifying that convictions in courts of foreign	17
nations are sexually oriented offenses under the	18
Law, and making other changes in that Law, and to	19
amend the versions of sections 2929.13 and 2929.19	20
of the Revised Code that are scheduled to take	21
effect on January 1, 2004, to continue the	22
provisions of this act on and after that effective	23
date.	24

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

**Section 1.** That sections 2152.82, 2152.83, 2152.84, 2152.85, 25  
2929.13, 2929.19, 2929.21, 2950.01, 2950.02, 2950.03, 2950.04, 26  
2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.09, 2950.10, 27  
2950.11, 2950.12, 2950.13, and 2950.99 be amended and section 28  
2950.111 of the Revised Code be enacted to read as follows: 29

**Sec. 2152.82.** (A) The court that adjudicates a child a 30  
delinquent child shall issue as part of the dispositional order an 31  
order that classifies the child a juvenile sex offender registrant 32  
and specifies that the child has a duty to ~~register under section~~ 33  
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 34  
Code if all of the following apply: 35

(1) The act for which the child is adjudicated a delinquent 36  
child is a sexually oriented offense that the child committed on 37  
or after January 1, 2002. 38

(2) The child was fourteen, fifteen, sixteen, or seventeen 39  
years of age at the time of committing the offense. 40

(3) The court has determined that the child previously was 41  
convicted of, pleaded guilty to, or was adjudicated a delinquent 42  
child for committing any sexually oriented offense, regardless of 43  
when the prior offense was committed and regardless of the child's 44  
age at the time of committing the offense. 45

(B) An order required under division (A) of this section 46  
shall be issued at the time the judge makes the orders of 47  
disposition for the delinquent child. Prior to issuing the order 48  
required by division (A) of this section, the judge shall conduct 49  
the hearing and make the determinations required by division (B) 50  
of section 2950.09 of the Revised Code to determine if the child 51

is to be classified a sexual predator, shall make the 52  
determinations required by division (E) of that section to 53  
determine if the child is to be classified a habitual sex 54  
offender, and shall otherwise comply with those divisions. When a 55  
judge issues an order under division (A) of this section, all of 56  
the following apply: 57

(1) The judge shall include in the order any determination 58  
that the delinquent child is, or is not, a sexual predator or is, 59  
or is not, a habitual sex offender that the judge makes pursuant 60  
to division (B) or (E) of section 2950.09 of the Revised Code and 61  
any related information required or authorized under the division 62  
under which the determination is made, including, but not limited 63  
to, any requirement imposed by the court subjecting a child who is 64  
a habitual sex offender to community notification provisions as 65  
described in division (E) of that section. 66

(2) The judge shall include in the order a statement that, 67  
upon completion of the disposition of the delinquent child that 68  
was made for the sexually oriented offense upon which the order is 69  
based, a hearing will be conducted, and the order and any 70  
determinations included in the order are subject to modification 71  
or termination pursuant to sections 2152.84 and 2152.85 of the 72  
Revised Code. 73

(3) The judge shall provide ~~a copy of the order~~ to the 74  
delinquent child and to the delinquent child's parent, guardian, 75  
or custodian, ~~as part of the notice provided~~ required under 76  
divisions (A) and (B) of section 2950.03 of the Revised Code and 77  
shall provide as part of that notice a copy of the order. 78

(4) The judge shall include the order in the delinquent 79  
child's dispositional order and shall specify in the dispositional 80  
order that the order issued under division (A) of this section was 81  
made pursuant to this section. 82

(C) An order issued under division (A) of this section and  
any determinations included in the order shall remain in effect  
for the period of time specified in section 2950.07 of the Revised  
Code, subject to a modification or termination of the order under  
section 2152.84 or 2152.85 of the Revised Code. If an order is  
issued under division (A) of this section, the child's attainment  
of eighteen or twenty-one years of age does not affect or  
terminate the order, and the order remains in effect for the  
period of time described in this division.

**Sec. 2152.83.** (A)(1) The court that adjudicates a child a  
delinquent child shall issue as part of the dispositional order  
or, if the court commits the child for the delinquent act to the  
custody of a secure facility, shall issue at the time of the  
child's release from the secure facility, an order that classifies  
the child a juvenile sex offender registrant and specifies that  
the child has a duty to ~~register under section~~ comply with  
sections 2950.04, 2950.05, and 2950.06 of the Revised Code if all  
of the following apply:

(a) The act for which the child is or was adjudicated a  
delinquent child is a sexually oriented offense that the child  
committed on or after January 1, 2002.

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

(c) The court was not required to classify the child a  
juvenile sex offender registrant under section 2152.82 of the  
Revised Code.

(2) Prior to issuing the order required by division (A)(2) of  
this section, the judge shall conduct the hearing and make the  
determinations required by division (B) of section 2950.09 of the  
Revised Code to determine if the child is to be classified as a

sexual predator, shall make the determinations required by 113  
division (E) of that section to determine if the child is to be 114  
classified as a habitual sex offender, and shall otherwise comply 115  
with those divisions. When a judge issues an order under division 116  
(A)(1) of this section, the judge shall include in the order all 117  
of the determinations and information identified in division 118  
(B)(1) of section 2152.82 of the Revised Code that are relevant. 119

(B)(1) The court that adjudicates a child a delinquent child, 120  
on the judge's own motion, may conduct at the time of disposition 121  
of the child or, if the court commits the child for the delinquent 122  
act to the custody of a secure facility, may conduct at the time 123  
of the child's release from the secure facility, a hearing for the 124  
purposes described in division (B)(2) of this section if all of 125  
the following apply: 126

(a) The act for which the child is adjudicated a delinquent 127  
child is a sexually oriented offense that the child committed on 128  
or after January 1, 2002. 129

(b) The child was fourteen or fifteen years of age at the 130  
time of committing the offense. 131

(c) The court was not required to classify the child a 132  
juvenile sex offender registrant under section 2152.82 of the 133  
Revised Code. 134

(2) A judge shall conduct a hearing under division (B)(1) of 135  
this section to review the effectiveness of the disposition made 136  
of the child and of any treatment provided for the child placed in 137  
a secure setting and to determine whether the child should be 138  
classified a juvenile sex offender registrant. The judge may 139  
conduct the hearing on the judge's own initiative or based upon a 140  
recommendation of an officer or employee of the department of 141  
youth services, a probation officer, an employee of the court, or 142  
a prosecutor or law enforcement officer. If the judge conducts the 143

hearing, upon completion of the hearing, the judge, in the judge's 144  
discretion and after consideration of the factors listed in 145  
division (E) of this section, shall do either of the following: 146

(a) Decline to issue an order that classifies the child a 147  
juvenile sex offender registrant and specifies that the child has 148  
a duty to ~~register under section~~ comply with sections 2950.04, 149  
2950.05, and 2950.06 of the Revised Code; 150

(b) Issue an order that classifies the child a juvenile sex 151  
offender registrant and specifies that the child has a duty to 152  
~~register under section~~ comply with sections 2950.04, 2950.05, and 153  
2950.06 of the Revised Code and, if the judge ~~determines~~ conducts 154  
a hearing as described in division (C) of this section ~~that to~~ 155  
determine whether the child is a sexual predator or a habitual sex 156  
offender, include in the order a statement that the judge has 157  
determined that the child is, or is not, a sexual predator or a 158  
habitual sex offender, whichever is applicable. 159

(C) A judge may issue an order under division (B) of this 160  
section that contains a determination that a delinquent child is a 161  
sexual predator only if the judge, in accordance with the 162  
procedures specified in division (B) of section 2950.09 of the 163  
Revised Code, determines at the hearing by clear and convincing 164  
evidence that the child is a sexual predator. A judge may issue an 165  
order under division (B) of this section that contains a 166  
determination that a delinquent child is a habitual sex offender 167  
only if the judge at the hearing determines as described in 168  
division (E) of section 2950.09 of the Revised Code that the child 169  
is a habitual sex offender. If the judge issues an order under 170  
division (B) of this section that contains a determination that a 171  
delinquent child is a habitual sex offender, the judge may impose 172  
a requirement subjecting the child to community notification 173  
provisions as described in division (E) of section 2950.09 of the 174  
Revised Code. If the court conducts a hearing as described in this 175

division to determine whether the child is a sexual predator or a 176  
habitual sex offender, the judge shall comply with division (B) or 177  
(E) of section 2950.09 of the Revised Code, whichever is 178  
applicable, in all regards. 179

(D) If a judge issues an order under division (A) or (B) of 180  
this section, the judge shall provide to the delinquent child and 181  
to the delinquent child's parent, guardian, or custodian a copy of 182  
the order and a notice containing the information described in 183  
divisions (A) and (B) of section 2950.03 of the Revised Code. The 184  
judge shall provide the notice at the time of the issuance of the 185  
order, ~~shall provide the notice as described in division (B)(1)(c)~~ 186  
~~of that section,~~ and shall comply with divisions (B)(1), (B)(2), 187  
and (C) of that section regarding that notice and the provision of 188  
it. 189

The judge also shall include in the order a statement that, 190  
upon completion of the disposition of the delinquent child that 191  
was made for the sexually oriented offense upon which the order is 192  
based, a hearing will be conducted and the order is subject to 193  
modification or termination pursuant to section 2152.84 of the 194  
Revised Code. 195

(E) In making a decision under division (B) of this section 196  
as to whether a delinquent child should be classified a juvenile 197  
sex offender registrant and, if so, whether the child also is a 198  
sexual predator or a habitual sex offender, a judge shall consider 199  
all relevant factors, including, but not limited to, all of the 200  
following: 201

(1) The nature of the sexually oriented offense committed by 202  
the child; 203

(2) Whether the child has shown any genuine remorse or 204  
compunction for the offense; 205

(3) The public interest and safety; 206

(4) The factors set forth in division (B)(3) of section 207  
2950.09 of the Revised Code; 208

(5) The factors set forth in divisions (B) and (C) of section 209  
2929.12 of the Revised Code as those factors apply regarding the 210  
delinquent child, the offense, and the victim; 211

(6) The results of any treatment provided to the child and of 212  
any follow-up professional assessment of the child. 213

(F) An order issued under division (A) or (B) of this section 214  
shall remain in effect for the period of time specified in section 215  
2950.07 of the Revised Code, subject to a modification or 216  
termination of the order under section 2152.84 of the Revised 217  
Code. The child's attainment of eighteen or twenty-one years of 218  
age does not affect or terminate the order, and the order remains 219  
in effect for the period of time described in this division. 220

(G) As used in the section, "secure facility" has the same 221  
meaning as in section 2950.01 of the Revised Code. 222

**Sec. 2152.84.** (A)(1) When a juvenile court judge issues an 223  
order under section 2152.82 or division (A) or (B) of section 224  
2152.83 of the Revised Code that classifies a delinquent child a 225  
juvenile sex offender registrant and specifies that the child has 226  
a duty to ~~register under section~~ comply with sections 2950.04, 227  
2950.05, and 2950.06 of the Revised Code, upon completion of the 228  
disposition of that child made for the sexually oriented offense 229  
on which the juvenile sex offender registrant order was based, the 230  
judge or the judge's successor in office shall conduct a hearing 231  
to review the effectiveness of the disposition and of any 232  
treatment provided for the child, to determine the risks that the 233  
child might re-offend, and to determine whether the prior 234  
classification of the child as a juvenile sex offender registrant 235  
and, if applicable, as a sexual predator or habitual sex offender 236



should be continued, modified, or terminated as provided under 237  
division (A)(2) of this section. 238

(2) Upon completion of a hearing under division (A)(1) of 239  
this section, the judge, in the judge's discretion and after 240  
consideration of the factors listed in division (E) of section 241  
2152.83 of the Revised Code, shall do one of the following, as 242  
applicable: 243

(a) Enter an order that continues the classification of the 244  
delinquent child made in the prior order issued under section 245  
2152.82 or division (A) or (B) of section 2152.83 of the Revised 246  
Code, and any sexual predator or habitual sex offender 247  
determination included in the order; 248

(b) If the prior order was issued under section 2152.82 or 249  
division (A) of section 2152.83 of the Revised Code and includes a 250  
determination by the judge that the delinquent child is a sexual 251  
predator, enter an order that contains a determination that the 252  
delinquent child no longer is a sexual predator, the reason or 253  
reasons for that determination, and ~~that also contains~~ either a 254  
determination that the delinquent child is a habitual sex offender 255  
or a determination that the delinquent child remains a juvenile 256  
sex offender registrant but is not a sexual predator or habitual 257  
sex offender; 258

(c) If the prior order was issued under section 2152.82 or 259  
division (A) of section 2152.83 of the Revised Code and does not 260  
include a sexual predator determination as described in division 261  
(A)(2)(b) of this section but includes a determination by the 262  
judge that the delinquent child is a habitual sex offender, enter 263  
an order that contains a determination that the delinquent child 264  
no longer is a habitual sex offender and that also contains a 265  
determination that the delinquent child remains a juvenile sex 266  
offender registrant but is not a habitual sex offender; 267

(d) If the prior order was issued under division (B) of 268  
section 2152.83 of the Revised Code and includes a determination 269  
by the judge that the delinquent child is a sexual predator, enter 270  
an order that contains a determination that the delinquent child 271  
no longer is a sexual predator, the reason or reasons for that 272  
determination, and ~~that also contains~~ a determination that the 273  
delinquent child is a habitual sex offender, a determination that 274  
the delinquent child remains a juvenile sex offender registrant 275  
but is not a sexual predator or habitual sex offender, or a 276  
determination that specifies that the delinquent child no longer 277  
is a juvenile sex offender registrant and no longer has a duty to 278  
~~register under section~~ comply with sections 2950.04, 2950.05, and 279  
2950.06 of the Revised Code; 280

(e) If the prior order was issued under division (B) of 281  
section 2152.83 of the Revised Code and does not include a sexual 282  
predator determination as described in division (A)(2)(d) of this 283  
section but includes a determination by the judge that the 284  
delinquent child is a habitual sex offender, enter an order that 285  
contains a determination that the child no longer is a habitual 286  
sex offender and that also contains either a determination that 287  
the child remains a juvenile sex offender registrant but is not a 288  
sexual predator or habitual sex offender or a determination that 289  
specifies that the child no longer is a juvenile sex offender 290  
registrant and no longer has a duty to ~~register under section~~ 291  
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 292  
Code; 293

(f) If the prior order was issued under division (B) of 294  
section 2152.83 of the Revised Code and does not include a sexual 295  
predator determination or a habitual sex offender determination as 296  
described in divisions (A)(2)(d) and (e) of this section, enter an 297  
order that contains a determination that the delinquent child no 298  
longer is a juvenile sex offender registrant and no longer has a 299

duty to ~~register under section~~ comply with sections 2950.04, 300  
2950.05, and 2950.06 of the Revised Code. 301

(B) If a judge issues an order under division (A)(2)(a) of 302  
this section that continues the prior classification of the 303  
delinquent child as a juvenile sex offender registrant and any 304  
sexual predator or habitual sex offender determination included in 305  
the order, the prior classification and the prior determination, 306  
if applicable, shall remain in effect. 307

A judge may issue an order under division (A)(2) of this 308  
section that contains a determination that a child no longer is a 309  
sexual predator only if the judge, in accordance with the 310  
procedures specified in division (D)(1) of section 2950.09 of the 311  
Revised Code, determines at the hearing by clear and convincing 312  
evidence that the delinquent child is unlikely to commit a 313  
sexually oriented offense in the future. If the judge issues an 314  
order of that type, the judge shall provide the notifications 315  
described in division (D)(1) of section 2950.09 of the Revised 316  
Code, and the recipient of the notification shall comply with the 317  
provisions of that division. 318

If a judge issues an order under division (A)(2) of this 319  
section that otherwise reclassifies the delinquent child, the 320  
judge shall provide a copy of the order to the bureau of criminal 321  
identification and investigation, and the bureau, upon receipt of 322  
the copy of the order, promptly shall notify the sheriff with whom 323  
the child most recently registered under section 2950.04 of the 324  
Revised Code of the reclassification. 325

(C) If a judge issues an order under any provision of 326  
division (A)(2) of this section, the judge shall provide to the 327  
delinquent child and to the delinquent child's parent, guardian, 328  
or custodian a copy of the order and a notice containing the 329  
information described in divisions (A) and (B) of section 2950.03 330  
of the Revised Code. The judge shall provide the notice at the 331

time of the issuance of the order, ~~shall provide the notice as~~ 332  
~~described in division (B)(1)(c) of that section,~~ and shall comply 333  
with divisions (B)(1), ~~(B)(2),~~ and (C) of that section regarding 334  
that notice and the provision of it. 335

(D) In making a decision under division (A) of this section, 336  
a judge shall consider all relevant factors, including, but not 337  
limited to, the factors listed in division (E) of section 2152.83 338  
of the Revised Code. 339

(E) An order issued under division (A)(2) of this section and 340  
any determinations included in the order shall remain in effect 341  
for the period of time specified in section 2950.07 of the Revised 342  
Code, subject to a modification or termination of the order under 343  
section 2152.85 of the Revised Code. If an order is issued under 344  
division (A)(2) of this section, the child's attainment of 345  
eighteen or twenty-one years of age does not affect or terminate 346  
the order, and the order remains in effect for the period of time 347  
described in this division. 348

**Sec. 2152.85.** (A) Upon the expiration of the applicable 349  
period of time specified in division (B)(1) or (2) of this 350  
section, a delinquent child who has been classified pursuant to 351  
this section or section 2152.82 or 2152.83 of the Revised Code a 352  
juvenile sex offender registrant may petition the judge who made 353  
the classification, or that judge's successor in office, to do one 354  
of the following: 355

(1) If the order containing the juvenile sex offender 356  
registrant classification also includes a determination by the 357  
juvenile court judge that the delinquent child is a sexual 358  
predator relative to the sexually oriented offense in the manner 359  
described in section 2152.82 or 2152.83 of the Revised Code and 360  
that determination remains in effect, to enter an order that 361  
contains a determination that the child no longer is a sexual 362

predator, the reason or reasons for that determination, and ~~that~~ 363  
~~also contains~~ either a determination that the child is a habitual 364  
sex offender or a determination that the child remains a juvenile 365  
sex offender registrant but is not a sexual predator or habitual 366  
sex offender; 367

(2) If the order containing the juvenile sex offender 368  
registrant classification under section 2152.82 or 2152.83 of the 369  
Revised Code or under division (C)(2) of this section pursuant to 370  
a petition filed under division (A) of this section does not 371  
include a sexual predator determination as described in division 372  
(A)(1) of this section but includes a determination by the 373  
juvenile court judge that the delinquent child is a habitual sex 374  
offender relative to the sexually oriented offense in the manner 375  
described in section 2152.82 or 2152.83 of the Revised Code, or in 376  
this section, and that determination remains in effect, to enter 377  
an order that contains a determination that the child no longer is 378  
a habitual sex offender and that also contains either a 379  
determination that the child remains a juvenile sex offender 380  
registrant or a determination that the child no longer is a 381  
juvenile sex offender registrant and no longer has a duty to 382  
~~register under section~~ comply with sections 2950.04, 2950.05, and 383  
2950.06 of the Revised Code; 384

(3) If the order containing the juvenile sex offender 385  
registrant classification under section 2152.82 or 2152.83 of the 386  
Revised Code or under division (C)(2) of this section pursuant to 387  
a petition filed under division (A) of this section does not 388  
include a sexual predator or habitual sex offender determination 389  
as described in division (A)(1) or (2) of this section, to enter 390  
an order that contains a determination that the child no longer is 391  
a juvenile sex offender registrant and no longer has a duty to 392  
~~register under section~~ comply with sections 2950.04, 2950.05, and 393  
2950.06 of the Revised Code. 394

(B) A delinquent child who has been adjudicated a delinquent child for committing on or after ~~the effective date of this section~~ January 1, 2002, a sexually oriented offense and who has been classified a juvenile sex offender registrant relative to that sexually oriented offense may file a petition under division (A) of this section requesting reclassification or declassification as described in that division after the expiration of one of the following periods of time:

(1) The delinquent child initially may file a petition not earlier than three years after the entry of the juvenile court judge's order after the mandatory hearing conducted under section 2152.84 of the Revised Code.

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

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

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

(1) Enter an order denying the petition;

(2) Issue an order that reclassifies or declassifies the

delinquent child, in the requested manner specified in division 426  
(A)(1), (2), or (3) of this section. 427

(D) If a judge issues an order under division (C) of this 428  
section that denies a petition, the prior classification of the 429  
delinquent child as a juvenile sex offender registrant, and the 430  
prior determination that the child is a sexual predator or 431  
habitual sex offender, if applicable, shall remain in effect. 432

A judge may issue an order under division (C) of this section 433  
that contains a determination that a child no longer is a sexual 434  
predator only if the judge conducts a hearing and, in accordance 435  
with the procedures specified in division (D)(1) of section 436  
2950.09 of the Revised Code, determines at the hearing by clear 437  
and convincing evidence that the delinquent child is unlikely to 438  
commit a sexually oriented offense in the future. If the judge 439  
issues an order of that type, the judge shall provide the 440  
notifications described in division (D)(1) of section 2950.09 of 441  
the Revised Code, and the recipient of the notification shall 442  
comply with the provisions of that division. 443

A judge may issue an order under division (C) of this section 444  
that contains a determination that a delinquent child is a 445  
habitual sex offender only if the judge conducts a hearing and 446  
determines at the hearing as described in division (E) of section 447  
2950.09 of the Revised Code that the child is a habitual sex 448  
offender. If the judge issues an order that contains a 449  
determination that a delinquent child is a habitual sex offender, 450  
the judge may impose a requirement subjecting the child to 451  
community notification provisions as described in that division. 452

(E) If a judge issues an order under division (C) of this 453  
section, the judge shall provide to the delinquent child and to 454  
the delinquent child's parent, guardian, or custodian a copy of 455  
the order and a notice containing the information described in 456  
divisions (A) and (B) of section 2950.03 of the Revised Code. The 457

judge shall provide the notice at the time of the issuance of the 458  
order, ~~shall provide the notice as described in division (B)(1)(c)~~ 459  
~~of section 2950.03 of the Revised Code,~~ and shall comply with 460  
divisions (B)(1), ~~(B)(2),~~ and (C) of that section regarding that 461  
notice and the provision of it. 462

(F) An order issued under division (C) of this section shall 463  
remain in effect for the period of time specified in section 464  
2950.07 of the Revised Code, subject to a further modification or 465  
a termination of the order under this section. If an order is 466  
issued under division (C) of this section, the child's attainment 467  
of eighteen or twenty-one years of age does not affect or 468  
terminate the order, and the order remains in effect for the 469  
period of time described in this division. 470

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 471  
(G) of this section and unless a specific sanction is required to 472  
be imposed or is precluded from being imposed pursuant to law, a 473  
court that imposes a sentence upon an offender for a felony may 474  
impose any sanction or combination of sanctions on the offender 475  
that are provided in sections 2929.14 to 2929.18 of the Revised 476  
Code. The sentence shall not impose an unnecessary burden on state 477  
or local government resources. 478

If the offender is eligible to be sentenced to community 479  
control sanctions, the court shall consider the appropriateness of 480  
imposing a financial sanction pursuant to section 2929.18 of the 481  
Revised Code or a sanction of community service pursuant to 482  
section 2929.17 of the Revised Code as the sole sanction for the 483  
offense. Except as otherwise provided in this division, if the 484  
court is required to impose a mandatory prison term for the 485  
offense for which sentence is being imposed, the court also may 486  
impose a financial sanction pursuant to section 2929.18 of the 487  
Revised Code but may not impose any additional sanction or 488



combination of sanctions under section 2929.16 or 2929.17 of the 489  
Revised Code. 490

If the offender is being sentenced for a fourth degree felony 491  
OMVI offense or for a third degree felony OMVI offense, in 492  
addition to the mandatory term of local incarceration or the 493  
mandatory prison term required for the offense by division (G)(1) 494  
or (2) of this section, the court shall impose upon the offender a 495  
mandatory fine in accordance with division (B)(3) of section 496  
2929.18 of the Revised Code and may impose whichever of the 497  
following is applicable: 498

(1) For a fourth degree felony OMVI offense for which 499  
sentence is imposed under division (G)(1) of this section, an 500  
additional community control sanction or combination of community 501  
control sanctions under section 2929.16 or 2929.17 of the Revised 502  
Code; 503

(2) For a third or fourth degree felony OMVI offense for 504  
which sentence is imposed under division (G)(2) of this section, 505  
an additional prison term as described in division (D)(4) of 506  
section 2929.14 of the Revised Code. 507

(B)(1) Except as provided in division (B)(2), (E), (F), or 508  
(G) of this section, in sentencing an offender for a felony of the 509  
fourth or fifth degree, the sentencing court shall determine 510  
whether any of the following apply: 511

(a) In committing the offense, the offender caused physical 512  
harm to a person. 513

(b) In committing the offense, the offender attempted to 514  
cause or made an actual threat of physical harm to a person with a 515  
deadly weapon. 516

(c) In committing the offense, the offender attempted to 517  
cause or made an actual threat of physical harm to a person, and 518  
the offender previously was convicted of an offense that caused 519

physical harm to a person. 520

(d) The offender held a public office or position of trust 521  
and the offense related to that office or position; the offender's 522  
position obliged the offender to prevent the offense or to bring 523  
those committing it to justice; or the offender's professional 524  
reputation or position facilitated the offense or was likely to 525  
influence the future conduct of others. 526

(e) The offender committed the offense for hire or as part of 527  
an organized criminal activity. 528

(f) The offense is a sex offense that is a fourth or fifth 529  
degree felony violation of section 2907.03, 2907.04, 2907.05, 530  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 531  
Revised Code. 532

(g) The offender at the time of the offense was serving, or 533  
the offender previously had served, a prison term. 534

(h) The offender committed the offense while under a 535  
community control sanction, while on probation, or while released 536  
from custody on a bond or personal recognizance. 537

(i) The offender committed the offense while in possession of 538  
a firearm. 539

(2)(a) If the court makes a finding described in division 540  
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 541  
section and if the court, after considering the factors set forth 542  
in section 2929.12 of the Revised Code, finds that a prison term 543  
is consistent with the purposes and principles of sentencing set 544  
forth in section 2929.11 of the Revised Code and finds that the 545  
offender is not amenable to an available community control 546  
sanction, the court shall impose a prison term upon the offender. 547

(b) Except as provided in division (E), (F), or (G) of this 548  
section, if the court does not make a finding described in 549

division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 550  
this section and if the court, after considering the factors set 551  
forth in section 2929.12 of the Revised Code, finds that a 552  
community control sanction or combination of community control 553  
sanctions is consistent with the purposes and principles of 554  
sentencing set forth in section 2929.11 of the Revised Code, the 555  
court shall impose a community control sanction or combination of 556  
community control sanctions upon the offender. 557

(C) Except as provided in division (E), (F), or (G) of this 558  
section, in determining whether to impose a prison term as a 559  
sanction for a felony of the third degree or a felony drug offense 560  
that is a violation of a provision of Chapter 2925. of the Revised 561  
Code and that is specified as being subject to this division for 562  
purposes of sentencing, the sentencing court shall comply with the 563  
purposes and principles of sentencing under section 2929.11 of the 564  
Revised Code and with section 2929.12 of the Revised Code. 565

(D) Except as provided in division (E) or (F) of this 566  
section, for a felony of the first or second degree and for a 567  
felony drug offense that is a violation of any provision of 568  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 569  
presumption in favor of a prison term is specified as being 570  
applicable, it is presumed that a prison term is necessary in 571  
order to comply with the purposes and principles of sentencing 572  
under section 2929.11 of the Revised Code. Notwithstanding the 573  
presumption established under this division, the sentencing court 574  
may impose a community control sanction or a combination of 575  
community control sanctions instead of a prison term on an 576  
offender for a felony of the first or second degree or for a 577  
felony drug offense that is a violation of any provision of 578  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 579  
presumption in favor of a prison term is specified as being 580  
applicable if it makes both of the following findings: 581

(1) A community control sanction or a combination of 582  
community control sanctions would adequately punish the offender 583  
and protect the public from future crime, because the applicable 584  
factors under section 2929.12 of the Revised Code indicating a 585  
lesser likelihood of recidivism outweigh the applicable factors 586  
under that section indicating a greater likelihood of recidivism. 587

(2) A community control sanction or a combination of 588  
community control sanctions would not demean the seriousness of 589  
the offense, because one or more factors under section 2929.12 of 590  
the Revised Code that indicate that the offender's conduct was 591  
less serious than conduct normally constituting the offense are 592  
applicable, and they outweigh the applicable factors under that 593  
section that indicate that the offender's conduct was more serious 594  
than conduct normally constituting the offense. 595

(E)(1) Except as provided in division (F) of this section, 596  
for any drug offense that is a violation of any provision of 597  
Chapter 2925. of the Revised Code and that is a felony of the 598  
third, fourth, or fifth degree, the applicability of a presumption 599  
under division (D) of this section in favor of a prison term or of 600  
division (B) or (C) of this section in determining whether to 601  
impose a prison term for the offense shall be determined as 602  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 603  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 604  
Revised Code, whichever is applicable regarding the violation. 605

(2) If an offender who was convicted of or pleaded guilty to 606  
a felony violates the conditions of a community control sanction 607  
imposed for the offense solely by reason of producing positive 608  
results on a drug test, the court, as punishment for the violation 609  
of the sanction, shall not order that the offender be imprisoned 610  
unless the court determines on the record either of the following: 611

(a) The offender had been ordered as a sanction for the 612

felony to participate in a drug treatment program, in a drug 613  
education program, or in narcotics anonymous or a similar program, 614  
and the offender continued to use illegal drugs after a reasonable 615  
period of participation in the program. 616

(b) The imprisonment of the offender for the violation is 617  
consistent with the purposes and principles of sentencing set 618  
forth in section 2929.11 of the Revised Code. 619

(F) Notwithstanding divisions (A) to (E) of this section, the 620  
court shall impose a prison term or terms under sections 2929.02 621  
to 2929.06, section 2929.14, or section 2971.03 of the Revised 622  
Code and except as specifically provided in section 2929.20 or 623  
2967.191 of the Revised Code or when parole is authorized for the 624  
offense under section 2967.13 of the Revised Code shall not reduce 625  
the terms pursuant to section 2929.20, section 2967.193, or any 626  
other provision of Chapter 2967. or Chapter 5120. of the Revised 627  
Code for any of the following offenses: 628

(1) Aggravated murder when death is not imposed or murder; 629

(2) Any rape, regardless of whether force was involved and 630  
regardless of the age of the victim, or an attempt to commit rape 631  
if, had the offender completed the rape that was attempted, the 632  
offender would have been subject to a sentence of life 633  
imprisonment or life imprisonment without parole for the rape; 634

(3) Gross sexual imposition or sexual battery, if the victim 635  
is under thirteen years of age, if the offender previously was 636  
convicted of or pleaded guilty to rape, the former offense of 637  
felonious sexual penetration, gross sexual imposition, or sexual 638  
battery, and if the victim of the previous offense was under 639  
thirteen years of age; 640

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 641  
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 642  
requires the imposition of a prison term; 643

(5) A first, second, or third degree felony drug offense for 644  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 645  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 646  
4729.99 of the Revised Code, whichever is applicable regarding the 647  
violation, requires the imposition of a mandatory prison term; 648

(6) Any offense that is a first or second degree felony and 649  
that is not set forth in division (F)(1), (2), (3), or (4) of this 650  
section, if the offender previously was convicted of or pleaded 651  
guilty to aggravated murder, murder, any first or second degree 652  
felony, or an offense under an existing or former law of this 653  
state, another state, or the United States that is or was 654  
substantially equivalent to one of those offenses; 655

(7) Any offense that is a third degree felony and that is 656  
listed in division (DD)(1) of section 2929.01 of the Revised Code 657  
if the offender previously was convicted of or pleaded guilty to 658  
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 659  
section 2929.01 of the Revised Code; 660

(8) Any offense, other than a violation of section 2923.12 of 661  
the Revised Code, that is a felony, if the offender had a firearm 662  
on or about the offender's person or under the offender's control 663  
while committing the felony, with respect to a portion of the 664  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 665  
of the Revised Code for having the firearm; 666

(9) Any offense of violence that is a felony, if the offender 667  
wore or carried body armor while committing the felony offense of 668  
violence, with respect to the portion of the sentence imposed 669  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 670  
Code for wearing or carrying the body armor; 671

(10) Corrupt activity in violation of section 2923.32 of the 672  
Revised Code when the most serious offense in the pattern of 673  
corrupt activity that is the basis of the offense is a felony of 674

the first degree; 675

(11) Any sexually violent offense for which the offender also 676  
is convicted of or pleads guilty to a sexually violent predator 677  
specification that was included in the indictment, count in the 678  
indictment, or information charging the sexually violent offense; 679

(12) A violation of division (A)(1) or (2) of section 2921.36 680  
of the Revised Code, or a violation of division (C) of that 681  
section involving an item listed in division (A)(1) or (2) of that 682  
section, if the offender is an officer or employee of the 683  
department of rehabilitation and correction. 684

(G) Notwithstanding divisions (A) to (E) of this section, if 685  
an offender is being sentenced for a fourth degree felony OMVI 686  
offense or for a third degree felony OMVI offense, the court shall 687  
impose upon the offender a mandatory term of local incarceration 688  
or a mandatory prison term in accordance with the following: 689

(1) If the offender is being sentenced for a fourth degree 690  
felony OMVI offense, the court may impose upon the offender a 691  
mandatory term of local incarceration of sixty days as specified 692  
in division (A)(4) of section 4511.99 of the Revised Code or a 693  
mandatory term of local incarceration of one hundred twenty days 694  
as specified in division (A)(8) of that section. The court shall 695  
not reduce the term pursuant to section 2929.20, 2967.193, or any 696  
other provision of the Revised Code. The court that imposes a 697  
mandatory term of local incarceration under this division shall 698  
specify whether the term is to be served in a jail, a 699  
community-based correctional facility, a halfway house, or an 700  
alternative residential facility, and the offender shall serve the 701  
term in the type of facility specified by the court. A mandatory 702  
term of local incarceration imposed under division (G)(1) of this 703  
section is not subject to extension under section 2967.11 of the 704  
Revised Code, to a period of post-release control under section 705  
2967.28 of the Revised Code, or to any other Revised Code 706

provision that pertains to a prison term.

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(2) If the offender is being sentenced for a third degree  
felony OMVI offense, or if the offender is being sentenced for a  
fourth degree felony OMVI offense and the court does not impose a  
mandatory term of local incarceration under division (G)(1) of  
this section, the court shall impose upon the offender a mandatory  
prison term of sixty days as specified in division (A)(4) of  
section 4511.99 of the Revised Code or a mandatory prison term of  
one hundred twenty days as specified in division (A)(8) of that  
section. The court shall not reduce the term pursuant to section  
2929.20, 2967.193, or any other provision of the Revised Code. In  
no case shall an offender who once has been sentenced to a  
mandatory term of local incarceration pursuant to division (G)(1)  
of this section for a fourth degree felony OMVI offense be  
sentenced to another mandatory term of local incarceration under  
that division for any violation of division (A) of section 4511.19  
of the Revised Code. The court shall not sentence the offender to  
a community control sanction under section 2929.16 or 2929.17 of  
the Revised Code. The department of rehabilitation and correction  
may place an offender sentenced to a mandatory prison term under  
this division in an intensive program prison established pursuant  
to section 5120.033 of the Revised Code if the department gave the  
sentencing judge prior notice of its intent to place the offender  
in an intensive program prison established under that section and  
if the judge did not notify the department that the judge  
disapproved the placement. Upon the establishment of the initial  
intensive program prison pursuant to section 5120.033 of the  
Revised Code that is privately operated and managed by a  
contractor pursuant to a contract entered into under section 9.06  
of the Revised Code, both of the following apply:

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(a) The department of rehabilitation and correction shall  
make a reasonable effort to ensure that a sufficient number of

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offenders sentenced to a mandatory prison term under this division 739  
are placed in the privately operated and managed prison so that 740  
the privately operated and managed prison has full occupancy. 741

(b) Unless the privately operated and managed prison has full 742  
occupancy, the department of rehabilitation and correction shall 743  
not place any offender sentenced to a mandatory prison term under 744  
this division in any intensive program prison established pursuant 745  
to section 5120.033 of the Revised Code other than the privately 746  
operated and managed prison. 747

(H) If an offender is being sentenced for a sexually oriented 748  
offense committed on or after January 1, 1997, the judge shall 749  
require the offender to submit to a DNA specimen collection 750  
procedure pursuant to section 2901.07 of the Revised Code if 751  
either of the following applies: 752

(1) The offense was a sexually violent offense, and the 753  
offender also was convicted of or pleaded guilty to a sexually 754  
violent predator specification that was included in the 755  
indictment, count in the indictment, or information charging the 756  
sexually violent offense. 757

(2) The judge imposing sentence for the sexually oriented 758  
offense determines pursuant to division (B) of section 2950.09 of 759  
the Revised Code that the offender is a sexual predator. 760

(I) If an offender is being sentenced for a sexually oriented 761  
offense committed on or after January 1, 1997, the judge shall 762  
include in the sentence a summary of the offender's ~~duty to~~ 763  
~~register pursuant to section~~ duties imposed under sections 2950.04 764  
~~of the Revised Code, the offender's duty to provide notice of a~~ 765  
~~change in residence address and register the new residence address~~ 766  
~~pursuant to section, 2950.05 of the Revised Code, the offender's~~ 767  
~~duty to periodically verify the offender's current residence~~ 768  
~~address pursuant to section, and~~ 2950.06 of the Revised Code, and 769

the duration of the duties. The judge shall inform the offender, 770  
at the time of sentencing, of those duties and of their duration 771  
and, if required under division (A)(2) of section 2950.03 of the 772  
Revised Code, shall perform the duties specified in that section. 773

(J)(1) Except as provided in division (J)(2) of this section, 774  
when considering sentencing factors under this section in relation 775  
to an offender who is convicted of or pleads guilty to an attempt 776  
to commit an offense in violation of section 2923.02 of the 777  
Revised Code, the sentencing court shall consider the factors 778  
applicable to the felony category of the violation of section 779  
2923.02 of the Revised Code instead of the factors applicable to 780  
the felony category of the offense attempted. 781

(2) When considering sentencing factors under this section in 782  
relation to an offender who is convicted of or pleads guilty to an 783  
attempt to commit a drug abuse offense for which the penalty is 784  
determined by the amount or number of unit doses of the controlled 785  
substance involved in the drug abuse offense, the sentencing court 786  
shall consider the factors applicable to the felony category that 787  
the drug abuse offense attempted would be if that drug abuse 788  
offense had been committed and had involved an amount or number of 789  
unit doses of the controlled substance that is within the next 790  
lower range of controlled substance amounts than was involved in 791  
the attempt. 792

(K) As used in this section, "drug abuse offense" has the 793  
same meaning as in section 2925.01 of the Revised Code. 794

**Sec. 2929.19.** (A)(1) The court shall hold a sentencing 795  
hearing before imposing a sentence under this chapter upon an 796  
offender who was convicted of or pleaded guilty to a felony and 797  
before resentencing an offender who was convicted of or pleaded 798  
guilty to a felony and whose case was remanded pursuant to section 799  
2953.07 or 2953.08 of the Revised Code. At the hearing, the 800

offender, the prosecuting attorney, the victim or the victim's 801  
representative in accordance with section 2930.14 of the Revised 802  
Code, and, with the approval of the court, any other person may 803  
present information relevant to the imposition of sentence in the 804  
case. The court shall inform the offender of the verdict of the 805  
jury or finding of the court and ask the offender whether the 806  
offender has anything to say as to why sentence should not be 807  
imposed upon the offender. 808

(2) Except as otherwise provided in this division, before 809  
imposing sentence on an offender who is being sentenced for a 810  
sexually oriented offense that was committed on or after January 811  
1, 1997, and that is not a sexually violent offense, and before 812  
imposing sentence on an offender who is being sentenced for a 813  
sexually violent offense committed on or after January 1, 1997, 814  
and who was not charged with a sexually violent predator 815  
specification in the indictment, count in the indictment, or 816  
information charging the sexually violent offense, the court shall 817  
conduct a hearing in accordance with division (B) of section 818  
2950.09 of the Revised Code to determine whether the offender is a 819  
sexual predator. The court shall not conduct a hearing under that 820  
division if the offender is being sentenced for a sexually violent 821  
offense and a sexually violent predator specification was included 822  
in the indictment, count in the indictment, or information 823  
charging the sexually violent offense. Before imposing sentence on 824  
an offender who is being sentenced for a sexually oriented 825  
offense, the court also shall comply with division (E) of section 826  
2950.09 of the Revised Code. 827

(B)(1) At the sentencing hearing, the court, before imposing 828  
sentence, shall consider the record, any information presented at 829  
the hearing by any person pursuant to division (A) of this 830  
section, and, if one was prepared, the presentence investigation 831  
report made pursuant to section 2951.03 of the Revised Code or 832

Criminal Rule 32.2, and any victim impact statement made pursuant 833  
to section 2947.051 of the Revised Code. 834

(2) The court shall impose a sentence and shall make a 835  
finding that gives its reasons for selecting the sentence imposed 836  
in any of the following circumstances: 837

(a) Unless the offense is a sexually violent offense for 838  
which the court is required to impose sentence pursuant to 839  
division (G) of section 2929.14 of the Revised Code, if it imposes 840  
a prison term for a felony of the fourth or fifth degree or for a 841  
felony drug offense that is a violation of a provision of Chapter 842  
2925. of the Revised Code and that is specified as being subject 843  
to division (B) of section 2929.13 of the Revised Code for 844  
purposes of sentencing, its reasons for imposing the prison term, 845  
based upon the overriding purposes and principles of felony 846  
sentencing set forth in section 2929.11 of the Revised Code, and 847  
any factors listed in divisions (B)(1)(a) to (i) of section 848  
2929.13 of the Revised Code that it found to apply relative to the 849  
offender. 850

(b) If it does not impose a prison term for a felony of the 851  
first or second degree or for a felony drug offense that is a 852  
violation of a provision of Chapter 2925. of the Revised Code and 853  
for which a presumption in favor of a prison term is specified as 854  
being applicable, its reasons for not imposing the prison term and 855  
for overriding the presumption, based upon the overriding purposes 856  
and principles of felony sentencing set forth in section 2929.11 857  
of the Revised Code, and the basis of the findings it made under 858  
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 859

(c) If it imposes consecutive sentences under section 2929.14 860  
of the Revised Code, its reasons for imposing the consecutive 861  
sentences; 862

(d) If the sentence is for one offense and it imposes a 863

prison term for the offense that is the maximum prison term 864  
allowed for that offense by division (A) of section 2929.14 of the 865  
Revised Code, its reasons for imposing the maximum prison term; 866

(e) If the sentence is for two or more offenses arising out 867  
of a single incident and it imposes a prison term for those 868  
offenses that is the maximum prison term allowed for the offense 869  
of the highest degree by division (A) of section 2929.14 of the 870  
Revised Code, its reasons for imposing the maximum prison term. 871

(3) Subject to division (B)(4) of this section, if the 872  
sentencing court determines at the sentencing hearing that a 873  
prison term is necessary or required, the court shall do all of 874  
the following: 875

(a) Impose a stated prison term; 876

(b) Notify the offender that, as part of the sentence, the 877  
parole board may extend the stated prison term for certain 878  
violations of prison rules for up to one-half of the stated prison 879  
term; 880

(c) Notify the offender that the offender will be supervised 881  
under section 2967.28 of the Revised Code after the offender 882  
leaves prison if the offender is being sentenced for a felony of 883  
the first degree or second degree, for a felony sex offense, or 884  
for a felony of the third degree in the commission of which the 885  
offender caused or threatened to cause physical harm to a person; 886

(d) Notify the offender that the offender may be supervised 887  
under section 2967.28 of the Revised Code after the offender 888  
leaves prison if the offender is being sentenced for a felony of 889  
the third, fourth, or fifth degree that is not subject to division 890  
(B)(3)(c) of this section; 891

(e) Notify the offender that, if a period of supervision is 892  
imposed following the offender's release from prison, as described 893  
in division (B)(3)(c) or (d) of this section, and if the offender 894

violates that supervision or a condition of post-release control 895  
imposed under division (B) of section 2967.131 of the Revised 896  
Code, the parole board may impose a prison term, as part of the 897  
sentence, of up to one-half of the stated prison term originally 898  
imposed upon the offender; 899

(f) Require that the offender not ingest or be injected with 900  
a drug of abuse and submit to random drug testing as provided in 901  
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 902  
is applicable to the offender who is serving a prison term, and 903  
require that the results of the drug test administered under any 904  
of those sections indicate that the offender did not ingest or was 905  
not injected with a drug of abuse. 906

(4) If the offender is being sentenced for a sexually violent 907  
offense that the offender committed on or after January 1, 1997, 908  
and the offender also is convicted of or pleads guilty to a 909  
sexually violent predator specification that was included in the 910  
indictment, count in the indictment, or information charging the 911  
sexually violent offense, if the offender is being sentenced for a 912  
sexually oriented offense that the offender committed on or after 913  
January 1, 1997, and the court imposing the sentence has 914  
determined pursuant to division (B) of section 2950.09 of the 915  
Revised Code that the offender is a sexual predator, or if the 916  
offender is being sentenced for an aggravated sexually oriented 917  
offense as defined in section 2950.01 of the Revised Code ~~that the~~ 918  
~~offender committed on or after the effective date of this~~ 919  
~~amendment~~, the court shall include in the offender's sentence a 920  
statement that the offender has been adjudicated as being a sexual 921  
predator or has been convicted of or pleaded guilty to an 922  
aggravated sexually oriented offense, whichever is applicable, and 923  
shall comply with the requirements of section 2950.03 of the 924  
Revised Code. Additionally, in the circumstances described in 925  
division (G) of section 2929.14 of the Revised Code, the court 926

shall impose sentence on the offender as described in that 927  
division. 928

(5) If the sentencing court determines at the sentencing 929  
hearing that a community control sanction should be imposed and 930  
the court is not prohibited from imposing a community control 931  
sanction, the court shall impose a community control sanction. The 932  
court shall notify the offender that, if the conditions of the 933  
sanction are violated, if the offender commits a violation of any 934  
law, or if the offender leaves this state without the permission 935  
of the court or the offender's probation officer, the court may 936  
impose a longer time under the same sanction, may impose a more 937  
restrictive sanction, or may impose a prison term on the offender 938  
and shall indicate the specific prison term that may be imposed as 939  
a sanction for the violation, as selected by the court from the 940  
range of prison terms for the offense pursuant to section 2929.14 941  
of the Revised Code. 942

(6) Before imposing a financial sanction under section 943  
2929.18 of the Revised Code or a fine under section 2929.25 of the 944  
Revised Code, the court shall consider the offender's present and 945  
future ability to pay the amount of the sanction or fine. 946

(7) If the sentencing court sentences the offender to a 947  
sanction of confinement pursuant to section 2929.14 or 2929.16 of 948  
the Revised Code that is to be served in a local detention 949  
facility, as defined in section 2929.35 of the Revised Code, and 950  
if the local detention facility is covered by a policy adopted 951  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 952  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 953  
and section 2929.37 of the Revised Code, both of the following 954  
apply: 955

(a) The court shall specify both of the following as part of 956  
the sentence: 957

(i) If the offender is presented with an itemized bill 958  
pursuant to section 2929.37 of the Revised Code for payment of the 959  
costs of confinement, the offender is required to pay the bill in 960  
accordance with that section. 961

(ii) If the offender does not dispute the bill described in 962  
division (B)(7)(a)(i) of this section and does not pay the bill by 963  
the times specified in section 2929.37 of the Revised Code, the 964  
clerk of the court may issue a certificate of judgment against the 965  
offender as described in that section. 966

(b) The sentence automatically includes any certificate of 967  
judgment issued as described in division (B)(7)(a)(ii) of this 968  
section. 969

(C)(1) If the offender is being sentenced for a fourth degree 970  
felony OMVI offense under division (G)(1) of section 2929.13 of 971  
the Revised Code, the court shall impose the mandatory term of 972  
local incarceration in accordance with that division, shall impose 973  
a mandatory fine in accordance with division (B)(3) of section 974  
2929.18 of the Revised Code, and, in addition, may impose 975  
additional sanctions as specified in sections 2929.15, 2929.16, 976  
2929.17, and 2929.18 of the Revised Code. The court shall not 977  
impose a prison term on the offender. 978

(2) If the offender is being sentenced for a third or fourth 979  
degree felony OMVI offense under division (G)(2) of section 980  
2929.13 of the Revised Code, the court shall impose the mandatory 981  
prison term in accordance with that division, shall impose a 982  
mandatory fine in accordance with division (B)(3) of section 983  
2929.18 of the Revised Code, and, in addition, may impose an 984  
additional prison term as specified in section 2929.14 of the 985  
Revised Code. The court shall not impose any community control 986  
sanction on the offender. 987

(D) The sentencing court, pursuant to division (K) of section 988



2929.14 of the Revised Code, may recommend placement of the 989  
offender in a program of shock incarceration under section 990  
5120.031 of the Revised Code or an intensive program prison under 991  
section 5120.032 of the Revised Code, disapprove placement of the 992  
offender in a program or prison of that nature, or make no 993  
recommendation. If the court recommends or disapproves placement, 994  
it shall make a finding that gives its reasons for its 995  
recommendation or disapproval. 996

**Sec. 2929.21.** (A) Except as provided in division (G) of this 997  
section or in section 2929.23 of the Revised Code, whoever is 998  
convicted of or pleads guilty to a misdemeanor other than a minor 999  
misdemeanor shall be imprisoned for a definite term or fined, or 1000  
both, which term of imprisonment and fine shall be fixed by the 1001  
court as provided in this section. 1002

Whoever is convicted of or pleads guilty to committing, 1003  
attempting to commit, or complicity in committing a violation of 1004  
section 2909.03 of the Revised Code that is a misdemeanor, or a 1005  
violation of division (A)(2) of section 2909.06 of the Revised 1006  
Code when the means used are fire or explosion, shall be required 1007  
to reimburse agencies for their investigation or prosecution costs 1008  
in accordance with section 2929.28 of the Revised Code. 1009

(B) Except as provided in division (G) of this section, terms 1010  
of imprisonment for misdemeanor shall be imposed as follows: 1011

(1) For a misdemeanor of the first degree, not more than six 1012  
months; 1013

(2) For a misdemeanor of the second degree, not more than 1014  
ninety days; 1015

(3) For a misdemeanor of the third degree, not more than 1016  
sixty days; 1017

(4) For a misdemeanor of the fourth degree, not more than 1018

thirty days. 1019

(C) Fines for misdemeanor shall be imposed as follows: 1020

(1) For a misdemeanor of the first degree, not more than one 1021  
thousand dollars; 1022

(2) For a misdemeanor of the second degree, not more than 1023  
seven hundred fifty dollars; 1024

(3) For a misdemeanor of the third degree, not more than five 1025  
hundred dollars; 1026

(4) For a misdemeanor of the fourth degree, not more than two 1027  
hundred fifty dollars. 1028

(D) Whoever is convicted of or pleads guilty to a minor 1029  
misdemeanor shall be fined not more than one hundred dollars. 1030

(E) The court may require a person who is convicted of or 1031  
pleads guilty to a misdemeanor to make restitution for all or part 1032  
of the property damage that is caused by the offense and for all 1033  
or part of the value of the property that is the subject of any 1034  
theft offense, as defined in division (K) of section 2913.01 of 1035  
the Revised Code, that the person committed. If the court 1036  
determines that the victim of the offense was sixty-five years of 1037  
age or older or permanently or totally disabled at the time of the 1038  
commission of the offense, the court, regardless of whether the 1039  
offender knew the age of victim, shall consider this fact in favor 1040  
of imposing restitution, but this fact shall not control the 1041  
decision of the court. 1042

(F)(1) If a person is sentenced to a term of imprisonment 1043  
pursuant to this section and the term of imprisonment is to be 1044  
served in a county jail in a county that has established a county 1045  
jail industry program pursuant to section 5147.30 of the Revised 1046  
Code, the court shall specify, as part of the sentence, whether 1047  
the person may be considered by the county sheriff of that county 1048

for participation in the county jail industry program. The court 1049  
shall retain jurisdiction to modify its specification made 1050  
pursuant to this division during the person's term of imprisonment 1051  
upon a reassessment of the person's qualifications for 1052  
participation in the program. 1053

(2) If a person is sentenced to a term of imprisonment 1054  
pursuant to this section that is to be served in a local detention 1055  
facility, as defined in section 2929.35 of the Revised Code, the 1056  
court may impose as part of the sentence pursuant to section 1057  
2929.36 of the Revised Code a reimbursement sanction, and, if the 1058  
local detention facility is covered by a policy adopted pursuant 1059  
to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 1060  
753.16, 2301.56, or 2947.19 of the Revised Code and section 1061  
2929.37 of the Revised Code, both of the following apply: 1062

(a) The court shall specify both of the following as part of 1063  
the sentence: 1064

(i) If the person is presented with an itemized bill pursuant 1065  
to section 2929.37 of the Revised Code for payment of the costs of 1066  
confinement, the person is required to pay the bill in accordance 1067  
with that section. 1068

(ii) If the person does not dispute the bill described in 1069  
division (F)(2)(a)(i) of this section and does not pay the bill by 1070  
the times specified in section 2929.37 of the Revised Code, the 1071  
clerk of the court may issue a certificate of judgment against the 1072  
person as described in that section. 1073

(b) The sentence automatically includes any certificate of 1074  
judgment issued as described in division (F)(2)(a)(ii) of this 1075  
section. 1076

(G) If an offender is being sentenced for a sexually oriented 1077  
offense that is a misdemeanor committed on or after January 1, 1078  
1997, and if the judge imposing sentence for the sexually oriented 1079

offense determines pursuant to division (B) of section 2950.09 of 1080  
the Revised Code that the offender is a sexual predator, the judge 1081  
shall include in the offender's sentence a statement that the 1082  
offender has been adjudicated as being a sexual predator, shall 1083  
comply with the requirements of section 2950.03 of the Revised 1084  
Code, and shall require the offender to submit to a DNA specimen 1085  
collection procedure pursuant to section 2901.07 of the Revised 1086  
Code. 1087

(H) Before imposing sentence on an offender who is being 1088  
sentenced for a sexually oriented offense that is a misdemeanor 1089  
committed on or after January 1, 1997, the judge shall conduct a 1090  
hearing in accordance with division (B) of section 2950.09 of the 1091  
Revised Code to determine whether the offender is a sexual 1092  
predator. Before imposing sentence on an offender who is being 1093  
sentenced for a sexually oriented offense, the court also shall 1094  
comply with division (E) of section 2950.09 of the Revised Code. 1095

(I) If an offender is being sentenced for a sexually oriented 1096  
offense that is a misdemeanor committed on or after January 1, 1097  
1997, the judge shall include in the sentence a summary of the 1098  
offender's ~~duty to register pursuant to section~~ duties imposed 1099  
under sections 2950.04 ~~of the Revised Code, the offender's duty to~~ 1100  
~~provide notice of a change in residence address and register the~~ 1101  
~~new residence address pursuant to section,~~ 2950.05 ~~of the Revised~~ 1102  
~~Code, the offender's duty to periodically verify the offender's~~ 1103  
~~current residence address pursuant to section, and~~ 2950.06 of the 1104  
Revised Code, and the duration of the duties. The judge shall 1105  
inform the offender, at the time of sentencing, of those duties 1106  
and of their duration and, if required under division (A)(2) of 1107  
section 2950.03 of the Revised Code, shall perform the duties 1108  
specified in that section. 1109

**Sec. 2950.01.** As used in this chapter, unless the context 1110

clearly requires otherwise: 1111

(A) "Confinement" includes, but is not limited to, a 1112  
community residential sanction imposed pursuant to section 2929.16 1113  
of the Revised Code. 1114

(B) "Habitual sex offender" means, except when a juvenile 1115  
judge removes this classification pursuant to division (A)(2) of 1116  
section 2152.84 or division (C)(2) of section 2152.85 of the 1117  
Revised Code, a person to whom both of the following apply: 1118

(1) The person is convicted of or pleads guilty to a sexually 1119  
oriented offense, or the person is adjudicated a delinquent child 1120  
for committing on or after January 1, 2002, a sexually oriented 1121  
offense, was fourteen years of age or older at the time of 1122  
committing the offense, and is classified a juvenile sex offender 1123  
registrant based on that adjudication. 1124

(2) One of the following applies to the person: 1125

(a) Regarding a person who is an offender, the person 1126  
previously was convicted of or pleaded guilty to one or more 1127  
sexually oriented offenses or previously was adjudicated a 1128  
delinquent child for committing one or more sexually oriented 1129  
offenses and was classified a juvenile sex offender registrant or 1130  
out-of-state juvenile sex offender registrant based on one or more 1131  
of those adjudications, regardless of when the offense was 1132  
committed and regardless of the person's age at the time of 1133  
committing the offense. 1134

(b) Regarding a delinquent child, the person previously was 1135  
convicted of, pleaded guilty to, or was adjudicated a delinquent 1136  
child for committing one or more sexually oriented offenses, 1137  
regardless of when the offense was committed and regardless of the 1138  
person's age at the time of committing the offense. 1139

(C) "Prosecutor" has the same meaning as in section 2935.01 1140  
of the Revised Code. 1141

(D) "Sexually oriented offense" means any of the following: 1142

(1) Any of the following violations or offenses committed by 1143  
a person eighteen years of age or older: 1144

(a) Regardless of the age of the victim of the offense, a 1145  
violation of section 2907.02, 2907.03, ~~or~~ 2907.05, 2907.06, 1146  
2907.07, or 2907.08 of the Revised Code; 1147

(b) Any of the following offenses involving a minor, in the 1148  
circumstances specified: 1149

(i) A violation of section 2905.01, 2905.02, 2905.03, 1150  
2905.05, or 2907.04 or former section 2905.04 of the Revised Code 1151  
when the victim of the offense is under eighteen years of age; 1152

(ii) A violation of section 2907.21 of the Revised Code when 1153  
the person who is compelled, induced, procured, encouraged, 1154  
solicited, requested, or facilitated to engage in, paid or agreed 1155  
to be paid for, or allowed to engage in the sexual activity in 1156  
question is under eighteen years of age; 1157

(iii) A violation of division (A)(1) or (3) of section 1158  
2907.321 or 2907.322 of the Revised Code; 1159

(iv) A violation of division (A)(1) or (2) of section 1160  
2907.323 of the Revised Code; 1161

(v) A violation of division (B)(5) of section 2919.22 of the 1162  
Revised Code when the child who is involved in the offense is 1163  
under eighteen years of age; 1164

(vi) A violation of division (D) or (E) of section 2907.07 of 1165  
the Revised Code. 1166

(c) Regardless of the age of the victim of the offense, a 1167  
violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the 1168  
Revised Code, or of division (A) of section 2903.04 of the Revised 1169  
Code, that is committed with a purpose to gratify the sexual needs 1170  
or desires of the offender; 1171

(d) A sexually violent offense; 1172

(e) A violation of any former law of this state, any existing 1173  
or former municipal ordinance or law of another state or the 1174  
United States, ~~or~~ any existing or former law applicable in a 1175  
military court or in an Indian tribal court, or any existing or 1176  
former law of any nation other than the United States, that is or 1177  
was substantially equivalent to any offense listed in division 1178  
(D)(1)(a), (b), (c), or (d) of this section; 1179

(f) An attempt to commit, conspiracy to commit, or complicity 1180  
in committing any offense listed in division (D)(1)(a), (b), (c), 1181  
(d), or (e) of this section. 1182

(2) An act committed by a person under eighteen years of age 1183  
that is any of the following: 1184

(a) Subject to division (D)(2)(h) of this section, regardless 1185  
of the age of the victim of the violation, a violation of section 1186  
2907.02, 2907.03, ~~or~~ 2907.05, 2907.06, 2907.07, or 2907.08 of the 1187  
Revised Code; 1188

(b) Subject to division (D)(2)(h) of this section, any of the 1189  
following acts involving a minor in the circumstances specified: 1190

(i) A violation of section 2905.01 or 2905.02 of the Revised 1191  
Code, or of former section 2905.04 of the Revised Code, when the 1192  
victim of the violation is under eighteen years of age; 1193

(ii) A violation of section 2907.21 of the Revised Code when 1194  
the person who is compelled, induced, procured, encouraged, 1195  
solicited, requested, or facilitated to engage in, paid or agreed 1196  
to be paid for, or allowed to engage in the sexual activity in 1197  
question is under eighteen years of age; 1198

(iii) A violation of division (B)(5) of section 2919.22 of 1199  
the Revised Code when the child who is involved in the violation 1200  
is under eighteen years of age. 1201

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

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

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

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

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

(h) If the child's case has been transferred for criminal



prosecution under section 2152.12 of the Revised Code, the act is 1233  
any violation listed in division (D)(1)(a), (b), (c), (d), (e), or 1234  
(f) of this section or would be any offense listed in any of those 1235  
divisions if committed by an adult. 1236

(E) "Sexual predator" means a person to whom either of the 1237  
following applies: 1238

(1) The person has been convicted of or pleaded guilty to 1239  
committing a sexually oriented offense and is likely to engage in 1240  
the future in one or more sexually oriented offenses. 1241

(2) The person has been adjudicated a delinquent child for 1242  
committing a sexually oriented offense, was fourteen years of age 1243  
or older at the time of committing the offense, was classified a 1244  
juvenile sex offender registrant based on that adjudication, and 1245  
is likely to engage in the future in one or more sexually oriented 1246  
offenses. 1247

(F) "Supervised release" means a release of an offender from 1248  
a prison term, a term of imprisonment, or another type of 1249  
confinement that satisfies either of the following conditions: 1250

(1) The release is on parole, a conditional pardon, or 1251  
probation, under transitional control, or under a post-release 1252  
control sanction, and it requires the person to report to or be 1253  
supervised by a parole officer, probation officer, field officer, 1254  
or another type of supervising officer. 1255

(2) The release is any type of release that is not described 1256  
in division (F)(1) of this section and that requires the person to 1257  
report to or be supervised by a probation officer, a parole 1258  
officer, a field officer, or another type of supervising officer. 1259

(G) An offender or delinquent child is "adjudicated as being 1260  
a sexual predator" or "adjudicated a sexual predator" if any of 1261  
the following applies and if, regarding a delinquent child, that 1262  
status has not been removed pursuant to section 2152.84, 2152.85, 1263

or 2950.09 of the Revised Code: 1264

(1) The offender is convicted of or pleads guilty to 1265  
committing, on or after January 1, 1997, a sexually oriented 1266  
offense that is a sexually violent offense and also is convicted 1267  
of or pleads guilty to a sexually violent predator specification 1268  
that was included in the indictment, count in the indictment, or 1269  
information that charged the sexually violent offense. 1270

(2) Regardless of when the sexually oriented offense was 1271  
committed, on or after January 1, 1997, the offender is sentenced 1272  
for a sexually oriented offense, and the sentencing judge 1273  
determines pursuant to division (B) of section 2950.09 of the 1274  
Revised Code that the offender is a sexual predator. 1275

(3) The delinquent child is adjudicated a delinquent child 1276  
for committing a sexually oriented offense, was fourteen years of 1277  
age or older at the time of committing the offense, and has been 1278  
classified a juvenile sex offender registrant based on that 1279  
adjudication, and the adjudicating judge or that judge's successor 1280  
in office determines pursuant to division (B) of section 2950.09 1281  
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 1282  
the Revised Code that the delinquent child is a sexual predator. 1283

(4) Prior to January 1, 1997, the offender was convicted of 1284  
or pleaded guilty to, and was sentenced for, a sexually oriented 1285  
offense, the offender is imprisoned in a state correctional 1286  
institution on or after January 1, 1997, and the court determines 1287  
pursuant to division (C) of section 2950.09 of the Revised Code 1288  
that the offender is a sexual predator. 1289

(5) Regardless of when the sexually oriented offense was 1290  
committed, the offender or delinquent child is convicted of or 1291  
pleads guilty to, has been convicted of or pleaded guilty to, or 1292  
is adjudicated a delinquent child for committing a sexually 1293  
oriented offense in another state ~~or~~, in a federal court, military 1294

court, or ~~an~~ Indian tribal court, or in a court in any nation 1295  
other than the United States, as a result of that conviction, plea 1296  
of guilty, or adjudication, the offender or delinquent child is 1297  
required, under the law of the jurisdiction in which the offender 1298  
was convicted or pleaded guilty or the delinquent child was 1299  
adjudicated, to register as a sex offender until the offender's or 1300  
delinquent child's death ~~and to verify the offender's or~~ 1301  
~~delinquent child's address on at least a quarterly basis each~~ 1302  
~~year,~~ and, on or after July 1, 1997, for offenders or January 1, 1303  
2002, for delinquent children, the offender or delinquent child 1304  
moves to and resides in this state or temporarily is domiciled in 1305  
this state for more than ~~seven~~ five days or the offender is 1306  
required under section 2950.04 of the Revised Code to register a 1307  
school, institution of higher education, or place of employment 1308  
address in this state, unless a court of common pleas or juvenile 1309  
court determines that the offender or delinquent child is not a 1310  
sexual predator pursuant to division (F) of section 2950.09 of the 1311  
Revised Code. 1312

(H) "Sexually violent predator specification," ~~and~~ "sexually 1313  
violent offense," and "violent sex offense" have the same meanings 1314  
as in section 2971.01 of the Revised Code. 1315

(I) "Post-release control sanction" and "transitional 1316  
control" have the same meanings as in section 2967.01 of the 1317  
Revised Code. 1318

(J) "Juvenile sex offender registrant" means a person who is 1319  
adjudicated a delinquent child for committing on or after January 1320  
1, 2002, a sexually oriented offense, who is fourteen years of age 1321  
or older at the time of committing the offense, and who a juvenile 1322  
court judge, pursuant to an order issued under section 2152.82, 1323  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1324  
juvenile sex offender registrant and specifies has a duty to 1325  
~~register under section~~ comply with sections 2950.04, 2950.05, and 1326

2950.06 of the Revised Code. 1327

(K) "Secure facility" means any facility that is designed and 1328  
operated to ensure that all of its entrances and exits are locked 1329  
and under the exclusive control of its staff and to ensure that, 1330  
because of that exclusive control, no person who is 1331  
institutionalized or confined in the facility may leave the 1332  
facility without permission or supervision. 1333

(L) "Out-of-state juvenile sex offender registrant" means a 1334  
person who is adjudicated a delinquent child for committing a 1335  
sexually oriented offense in another state ~~or~~, in a federal court, 1336  
military court, or Indian tribal court, or in a court in any 1337  
nation other than the United States, who on or after January 1, 1338  
2002, moves to and resides in this state or temporarily is 1339  
domiciled in this state for more than ~~seven~~ five days, and who 1340  
under section 2950.04 of the Revised Code has a duty to register 1341  
in this state as described in that section. 1342

(M) "Juvenile court judge" includes a magistrate to whom the 1343  
juvenile court judge confers duties pursuant to division (A)(15) 1344  
of section 2151.23 of the Revised Code. 1345

(N) "Adjudicated a delinquent child for committing a sexually 1346  
oriented offense" includes a child who receives a serious youthful 1347  
offender dispositional sentence under section 2152.13 of the 1348  
Revised Code for committing a sexually oriented offense. 1349

(O) "Aggravated sexually oriented offense" means a violation 1350  
of division (A)(1)(b) of section 2907.02 of the Revised Code 1351  
committed on or after June 13, 2002, or a violation of division 1352  
(A)(2) of that section committed on or after the effective date of 1353  
this amendment. 1354

(P) "School" has the same meaning as in section 2925.01 of 1355  
the Revised Code. 1356

Sec. 2950.02. (A) The general assembly hereby determines and 1357  
declares that it recognizes and finds all of the following: 1358

(1) If the public is provided adequate notice and information 1359  
about ~~sexual predators, habitual sex offenders, and certain other~~ 1360  
offenders and delinquent children who commit sexually oriented 1361  
offenses, members of the public and communities can develop 1362  
constructive plans to prepare themselves and their children for 1363  
the ~~sexual predator's, habitual sex offender's, or other~~ 1364  
offender's or delinquent child's release from imprisonment, a 1365  
prison term, or other confinement or detention. This allows 1366  
members of the public and communities to meet with members of law 1367  
enforcement agencies to prepare and obtain information about the 1368  
rights and responsibilities of the public and the communities and 1369  
to provide education and counseling to their children. 1370

(2) ~~Sexual predators and habitual sex~~ Sex offenders pose a 1371  
~~high~~ risk of engaging in further ~~offenses~~ sexually abusive 1372  
behavior even after being released from imprisonment, a prison 1373  
term, or other confinement or detention, and ~~that~~ protection of 1374  
members of the public from ~~sexual predators and habitual sex~~ 1375  
offenders is a paramount governmental interest. 1376

(3) The penal, juvenile, and mental health components of the 1377  
justice system of this state are largely hidden from public view, 1378  
and a lack of information from any component may result in the 1379  
failure of the system to satisfy this paramount governmental 1380  
interest of public safety described in division (A)(2) of this 1381  
section. 1382

(4) Overly restrictive confidentiality and liability laws 1383  
governing the release of information about ~~sexual predators and~~ 1384  
~~habitual~~ sex offenders have reduced the willingness to release 1385  
information that could be appropriately released under the public 1386  
disclosure laws and have increased risks of public safety. 1387

(5) A person who is found to be a ~~sexual predator or a~~ 1388  
~~habitual~~ sex offender has a reduced expectation of privacy because 1389  
of the public's interest in public safety and in the effective 1390  
operation of government. 1391

(6) The release of information about ~~sexual predators and~~ 1392  
~~habitual~~ sex offenders to public agencies and the general public 1393  
will further the governmental interests of public safety and 1394  
public scrutiny of the criminal, juvenile, and mental health 1395  
systems as long as the information released is rationally related 1396  
to the furtherance of those goals. 1397

(B) The general assembly hereby declares that, in providing 1398  
in this chapter for registration regarding ~~sexual predators,~~ 1399  
~~habitual sex offenders,~~ and offenders and certain delinquent 1400  
children who have committed sexually oriented offenses and for 1401  
community notification regarding sexual predators and habitual sex 1402  
offenders who are about to be or have been released from 1403  
imprisonment, a prison term, or other confinement or detention and 1404  
who will live in or near a particular neighborhood or who 1405  
otherwise will live in or near a particular neighborhood, it is 1406  
the general assembly's intent to protect the safety and general 1407  
welfare of the people of this state. The general assembly further 1408  
declares that it is the policy of this state to require the 1409  
exchange in accordance with this chapter of relevant information 1410  
about ~~sexual predators and habitual~~ sex offenders among public 1411  
agencies and officials and to authorize the release in accordance 1412  
with this chapter of necessary and relevant information about 1413  
~~sexual predators and habitual~~ sex offenders to members of the 1414  
general public as a means of assuring public protection and that 1415  
the exchange or release of that information is not punitive. 1416

**Sec. 2950.03.** (A) Each person who has been convicted of, is 1417  
convicted of, has pleaded guilty to, or pleads guilty to a 1418

sexually oriented offense and who has a duty to register pursuant 1419  
to section 2950.04 of the Revised Code, and each person who is 1420  
adjudicated a delinquent child for committing a sexually oriented 1421  
offense and who is classified ~~pursuant to section 2152.82 or~~ 1422  
~~division (A) of section 2152.83 of the Revised Code~~ a juvenile sex 1423  
offender registrant based on that adjudication, shall be provided 1424  
notice in accordance with this section of the offender's or 1425  
delinquent child's ~~duty to register under section~~ duties imposed 1426  
under sections 2950.04 ~~of the Revised Code, the offender's or~~ 1427  
~~delinquent child's duty to provide notice of any change in the~~ 1428  
~~offender's or delinquent child's residence address and to register~~ 1429  
~~the new residence address pursuant to section, 2950.05 of the~~ 1430  
~~Revised Code, and the offender's or delinquent child's duty to~~ 1431  
~~periodically verify the offender's or delinquent child's residence~~ 1432  
~~address pursuant to section, and 2950.06 of the Revised Code and~~ 1433  
of the offender's duties to similarly register, provide notice of 1434  
a change, and verify addresses in another state if the offender 1435  
resides, is temporarily domiciled, attends a school or institution 1436  
of higher education, or is employed in a state other than this 1437  
state. The following official shall provide the notice to the 1438  
~~offender or delinquent child~~ specified person at the following 1439  
time: 1440

(1) Regardless of when the ~~offender~~ person committed the 1441  
sexually oriented offense, if the person is an offender who is 1442  
sentenced for the sexually oriented offense to a prison term, a 1443  
term of imprisonment, or any other type of confinement, and if, on 1444  
or after January 1, 1997, the offender is serving that term or is 1445  
under that confinement, the official in charge of the jail, 1446  
workhouse, state correctional institution, or other institution in 1447  
which the offender serves the prison term, term of imprisonment, 1448  
or confinement, or a designee of that official, shall provide the 1449  
notice to the offender before the offender is released pursuant to 1450  
any type of supervised release or before the offender otherwise is 1451

released from the prison term, term of imprisonment, or 1452  
confinement. 1453

(2) Regardless of when the ~~offender~~ person committed the 1454  
sexually oriented offense, if the person is an offender who is 1455  
sentenced for the sexually oriented offense on or after January 1, 1456  
1997, and if division (A)(1) of this section does not apply, the 1457  
judge shall provide the notice to the offender at the time of 1458  
sentencing. 1459

(3) If the person is an offender who committed the sexually 1460  
oriented offense prior to January 1, 1997, if neither division 1461  
(A)(1) nor division (A)(2) of this section applies, and if, 1462  
immediately prior to January 1, 1997, the offender was a habitual 1463  
sex offender who was required to register under Chapter 2950. of 1464  
the Revised Code, the chief of police or sheriff with whom the 1465  
offender most recently registered under that chapter, in the 1466  
circumstances described in this division, shall provide the notice 1467  
to the offender. If the offender has registered with a chief of 1468  
police or sheriff under Chapter 2950. of the Revised Code as it 1469  
existed prior to January 1, 1997, the chief of police or sheriff 1470  
with whom the offender most recently registered shall provide the 1471  
notice to the offender as soon as possible after January 1, 1997, 1472  
as described in division (B)(1) of this section. If the offender 1473  
has not registered with a chief of police or sheriff under that 1474  
chapter, the failure to register shall constitute a waiver by the 1475  
offender of any right to notice under this section. If an offender 1476  
described in this division does not receive notice under this 1477  
section, the offender is not relieved of the ~~duty to register, the~~ 1478  
~~duty to provide notice of any change in residence address and to~~ 1479  
~~register the new residence address, and the duty to periodically~~ 1480  
~~verify the residence address, as described in division (A) of this~~ 1481  
section offender's duties imposed under sections 2950.04, 2950.05, 1482  
and 2950.06 of the Revised Code. 1483



(4) If the person is an offender of the type described in 1484  
division (A)(1) of this section and if, subsequent to release, the 1485  
offender is adjudicated ~~as being~~ a sexual predator pursuant to 1486  
division (C) of section 2950.09 of the Revised Code, the judge 1487  
shall provide the notice to the offender at the time of 1488  
adjudication. 1489

(5) If the person is a delinquent child who is classified 1490  
~~pursuant to section 2152.82 or division (A) of section 2152.83 of~~ 1491  
~~the Revised Code~~ a juvenile sex offender registrant, the judge 1492  
shall provide the notice to the delinquent child at the time ~~of~~ 1493  
~~the classification specified in division (B) of section 2152.82,~~ 1494  
~~division (D) of section 2152.83, division (C) of section 2152.84,~~ 1495  
~~or division (E) of section 2152.85 of the Revised Code, whichever~~ 1496  
~~is applicable.~~ 1497

(6) If the person is an offender in any category described in 1498  
division (A)(1), (2), (3), or (4) of this section and if, prior to 1499  
the effective date of this amendment, the offender was provided 1500  
notice of the offender's duties in accordance with that division, 1501  
not later than ninety days after the effective date of this 1502  
amendment, the sheriff with whom the offender most recently 1503  
registered or verified an address under section 2950.04, 2950.05, 1504  
or 2950.06 of the Revised Code shall provide notice to the 1505  
offender of the offender's duties imposed on and after the 1506  
effective date of this amendment pursuant to any of those sections 1507  
to register a school, institution of higher education, or place of 1508  
employment address, provide notice of a change of that address, 1509  
and verify that address. The sheriff may provide the notice to the 1510  
offender at the time the offender registers, provides notice of a 1511  
change in, or verifies a residence, school, institution of higher 1512  
education, or place of employment address under any of those 1513  
sections within the specified ninety-day period. If the offender 1514  
does not so register, provide notice of a change in, or verify an 1515

address within the specified ninety-day period, the sheriff shall 1516  
provide the notice to the offender by sending it to the offender 1517  
at the most recent residence address available for the offender. 1518  
If the offender was required to register prior to the effective 1519  
date of this amendment and failed to do so, the failure to 1520  
register constitutes a waiver by the offender of any right to 1521  
notice under this division. If the offender has not registered 1522  
prior to the effective date of this amendment, the offender is 1523  
presumed to have knowledge of the law and of the duties referred 1524  
to in this division that are imposed on and after the effective 1525  
date of this amendment. If an offender does not receive notice 1526  
under this division, the offender is not relieved of any of the 1527  
duties described in this division. 1528

(7) If the person is an offender or delinquent child who has 1529  
a duty to register in this state pursuant to division (A)(3) of 1530  
section 2950.04 of the Revised Code, the offender or delinquent 1531  
child is presumed to have knowledge of the law and of the 1532  
offender's or delinquent child's duties imposed under sections 1533  
2950.04, 2950.05, and 2950.06 of the Revised Code. 1534

(B)(1) The notice provided under division (A) of this section 1535  
shall inform the offender or delinquent child of the offender's or 1536  
delinquent child's duty to register ~~under section 2950.04 of the~~ 1537  
~~Revised Code, to notify the appropriate officials~~ provide notice 1538  
of a change in the offender's or delinquent child's residence 1539  
address or in the offender's school, institution of higher 1540  
education, or place of employment address, as applicable, and to 1541  
register the new ~~residence address in accordance with section~~ 1542  
~~2950.05 of the Revised Code, and to periodically verify a the~~ 1543  
offender's or delinquent child's residence address ~~under section~~ 1544  
or the offender's school, institution of higher education, or 1545  
place of employment address, as applicable, and, if applicable, to 1546  
provide notice of the offender's intent to reside, pursuant to 1547

sections 2950.04, 2950.05, and 2950.06 of the Revised Code. The 1548  
notice shall specify that, for an offender, it applies regarding 1549  
residence addresses or school, institution of higher education, 1550  
and place of employment addresses and that, for a delinquent 1551  
child, it applies regarding residence addresses. Additionally, it 1552  
shall inform the offender of the offender's duties to similarly 1553  
register, provide notice of a change in, and verify those 1554  
addresses in states other than this state as described in division 1555  
(A) of this section. A notice provided under division (A)(6) of 1556  
this section shall state the new duties imposed on the offender on 1557  
and after the effective date of this amendment to register, 1558  
provide notice of a change in, and periodically verify, a school, 1559  
institution of higher education, or place of employment address 1560  
and specify that the new duties are in addition to the prior 1561  
duties imposed upon the offender. A notice provided under division 1562  
(A)(1), (2), (3), (4), or (5) of this section shall comport with 1563  
the following: 1564

(a) If the notice is provided to an offender under division 1565  
(A)(3) of this section, the notice shall ~~be on a form that is~~ 1566  
~~prescribed by the bureau of criminal identification and~~ 1567  
~~investigation and that states~~ state the offender's duties to 1568  
register, to file a notice of intent to reside, if applicable, to 1569  
register a new residence address or new school, institution of 1570  
higher education, or place of employment address, and to 1571  
periodically verify ~~a residence address~~ those addresses, the 1572  
offender's duties in other states as described in division (A) of 1573  
this section, and that, if the offender has any questions 1574  
concerning these duties, the offender may contact the chief of 1575  
police or sheriff who sent the form for an explanation of the 1576  
duties. If the offender appears in person before the chief of 1577  
police or sheriff, the chief or sheriff shall provide the notice 1578  
as described in division (B)(1)(a) of this section, and all 1579  
provisions of this section that apply regarding a notice provided 1580

by an official, official's designee, or judge in that manner shall 1581  
be applicable. 1582

(b) If the notice is provided to an offender under division 1583  
(A)(1), (2), or (4) of this section, the official, official's 1584  
designee, or judge shall require the offender to read and sign a 1585  
form ~~prescribed by the bureau of criminal identification and~~ 1586  
~~investigation,~~ stating that the offender's duties to register, to 1587  
file a notice of intent to reside, if applicable, to register a 1588  
new residence address or new school, institution of higher 1589  
education, or place of employment address, and to periodically 1590  
verify ~~a residence address~~ those addresses, and the offender's 1591  
duties in other states as described in division (A) of this 1592  
section have been explained to the offender. If the offender is 1593  
unable to read, the official, official's designee, or judge shall 1594  
certify on the form that the official, designee, or judge 1595  
specifically informed the offender of those duties and that the 1596  
offender indicated an understanding of those duties. 1597

(c) If the notice is provided to a delinquent child under 1598  
division (A)(5) of this section, the judge shall require the 1599  
delinquent child and the delinquent child's parent, guardian, or 1600  
custodian to read and sign a form ~~prescribed by the bureau of~~ 1601  
~~criminal identification and investigation,~~ stating that the 1602  
delinquent child's duties to register, to file a notice of intent 1603  
to reside, if applicable, to register a new residence address, and 1604  
to periodically verify ~~a residence~~ that address have been 1605  
explained to the delinquent child and to the delinquent child's 1606  
parent, guardian, or custodian. If the delinquent child or the 1607  
delinquent child's parent, guardian, or custodian is unable to 1608  
read, the judge shall certify on the form that the judge 1609  
specifically informed the delinquent child or the delinquent 1610  
child's parent, guardian, or custodian of those duties and that 1611  
the delinquent child or the delinquent child's parent, guardian, 1612

or custodian indicated an understanding of those duties. 1613

~~(d) For any (2) The notice provided under division divisions~~ 1614  
~~(A)(1) to (6) of this section, the form used shall be on a form~~ 1615  
~~prescribed by the bureau of criminal identification and~~ 1616  
~~investigation and shall contain all of the information specified~~ 1617  
~~in division (A) of this section and all of the information~~ 1618  
~~required by the bureau of criminal identification and~~ 1619  
~~investigation, including, but, The notice provided under divisions~~ 1620  
~~(A)(1) to (5) of this section shall include, but is not limited~~ 1621  
~~to, a statement that the subject delinquent child if applicable~~ 1622  
~~has been classified by the adjudicating juvenile court judge or~~ 1623  
~~the judge's successor in office a juvenile sex offender registrant~~ 1624  
~~and has a duty to register all of the following:~~ 1625

(a) For any notice provided under division (A)(1) to (5) of 1626  
this section, a statement as to whether the offender or delinquent 1627  
child has been adjudicated ~~as being~~ a sexual predator relative to 1628  
the sexually oriented offense in question, a statement as to 1629  
whether the offender or delinquent child has been determined to be 1630  
a habitual sex offender, a statement as to whether the offense for 1631  
which the offender has the duty to register is an aggravated 1632  
sexually oriented offense ~~committed on or after the effective date~~ 1633  
~~of this amendment,~~ an explanation of the offender's periodic 1634  
residence address or periodic school, institution of higher 1635  
education, or place of employment address verification process ~~and~~ 1636  
or of the delinquent child's periodic residence address 1637  
verification process, an explanation of the frequency with which 1638  
the offender or delinquent child will be required to verify ~~the~~ 1639  
~~residence address~~ those addresses under that process, ~~and~~ a 1640  
statement that the offender or delinquent child must verify ~~the~~ 1641  
~~residence address~~ those addresses at the times specified under 1642  
that process or face criminal prosecution or a delinquent child 1643  
proceeding, and an explanation of the offender's duty to similarly 1644

register, verify, and reregister those addresses in another state 1645  
if the offender resides in another state, attends a school or 1646  
institution of higher education in another state, or is employed 1647  
in another state. 1648

~~(e)~~(b) If the notice is provided under division (A)(4) of 1649  
this section, ~~in addition to all other information contained on~~ 1650  
~~it, the form also shall include~~ a statement that the notice 1651  
replaces any notice previously provided to the offender under 1652  
division (A)(1) of this section, a statement that the offender's 1653  
duties described in this notice supersede the duties described in 1654  
the prior notice, and a statement notifying the offender that, if 1655  
the offender already has registered under section 2950.04 of the 1656  
Revised Code, the offender must register again pursuant to 1657  
division (A)(6) of that section;~~i~~ 1658

(c) If the notice is provided under division (A)(5) of this 1659  
section, a statement that the delinquent child has been classified 1660  
by the adjudicating juvenile court judge or the judge's successor 1661  
in office a juvenile sex offender registrant and has a duty to 1662  
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 1663  
Code; 1664

~~(f)~~(d) If the notice is provided under division (A)(5) of 1665  
this section, ~~the form, in addition to all other information~~ 1666  
~~contained on it, shall inform the delinquent child and the~~ 1667  
~~delinquent child's parent, guardian, or custodian~~ a statement 1668  
that, if the delinquent child fails to comply with the 1669  
requirements of sections 2950.04, 2950.05, and 2950.06 of the 1670  
Revised Code, both of the following apply: 1671

(i) If the delinquent child's failure occurs while the child 1672  
is under eighteen years of age, the child is subject to 1673  
proceedings under Chapter 2152. of the Revised Code based on the 1674  
failure, but if the failure occurs while the child is eighteen 1675  
years of age or older, the child is subject to criminal 1676

prosecution based on the failure. 1677

(ii) If the delinquent child's failure occurs while the child 1678  
is under eighteen years of age, unless the child is emancipated, 1679  
as defined in section 2919.121 of the Revised Code, the failure of 1680  
the parent, guardian, or custodian to ensure that the child 1681  
complies with those requirements is a violation of section 2919.24 1682  
of the Revised Code and may result in the prosecution of the 1683  
parent, guardian, or custodian for that violation. 1684

~~(2)~~(3)(a) After an offender described in division (A)(1), 1685  
(2), or (4) of this section has signed the form described in 1686  
~~division~~ divisions (B)(1) and (2) of this section or the official, 1687  
official's designee, or judge has certified on the form that the 1688  
form has been explained to the offender and that the offender 1689  
indicated an understanding of the duties indicated on it, the 1690  
official, official's designee, or judge shall give one copy of the 1691  
form to the offender, within three days shall send one copy of the 1692  
form to the bureau of criminal identification and investigation in 1693  
accordance with the procedures adopted pursuant to section 2950.13 1694  
of the Revised Code, and shall send one copy of the form to the 1695  
sheriff of the county in which the offender expects to reside. 1696

(b) After a chief of police or sheriff has sent a form to an 1697  
offender under division (A)(3) of this section, the chief or 1698  
sheriff shall send a copy of the form to the bureau of criminal 1699  
identification and investigation in accordance with the procedures 1700  
adopted pursuant to section 2950.13 of the Revised Code. 1701

(c) After a delinquent child described in division (A)(5) of 1702  
this section and the delinquent child's parent, guardian, or 1703  
custodian have signed the form described in ~~division~~ divisions 1704  
(B)(1) and (2) of this section or the judge has certified on the 1705  
form that the form has been explained to the delinquent child or 1706  
the delinquent child's parent, guardian, or custodian and that the 1707  
delinquent child or the delinquent child's parent, guardian, or 1708

custodian indicated an understanding of the duties and information 1709  
indicated on the form, the judge shall give a copy of the form to 1710  
both the delinquent child and to the delinquent child's parent, 1711  
guardian, or custodian, within three days shall send one copy of 1712  
the form to the bureau of criminal identification and 1713  
investigation in accordance with the procedures adopted pursuant 1714  
to section 2950.13 of the Revised Code, and shall send one copy of 1715  
the form to the sheriff of the county in which the delinquent 1716  
child expects to reside. 1717

(C) The official, official's designee, judge, chief of 1718  
police, or sheriff who is required to provide notice to an 1719  
offender or delinquent child under ~~division~~ divisions (A)(1) to 1720  
(5) of this section shall do all of the following: 1721

(1) If the notice is provided under division (A)(1), (2), 1722  
(4), or (5) of this section, the official, designee, or judge 1723  
shall determine the offender's or delinquent child's name, 1724  
identifying factors, and expected future residence address in this 1725  
state or any other state, shall obtain the offender's or 1726  
delinquent child's criminal and delinquency history, and shall 1727  
obtain a photograph and the fingerprints of the offender or 1728  
delinquent child. Regarding an offender, the official, designee, 1729  
or judge also shall determine the offender's current or expected 1730  
future school, institution of higher education, or place of 1731  
employment address in this state, if any. If the notice is 1732  
provided by a judge under division (A)(2), (4), or (5) of this 1733  
section, the sheriff shall provide the offender's or delinquent 1734  
child's criminal and delinquency history to the judge. The 1735  
official, official's designee, or judge shall obtain this 1736  
information and these items prior to giving the notice, except 1737  
that a judge may give the notice prior to obtaining the offender's 1738  
or delinquent child's criminal and delinquency history. Within 1739  
three days after receiving this information and these items, the 1740



official, official's designee, or judge shall forward the 1741  
information and items to the bureau of criminal identification and 1742  
investigation in accordance with the forwarding procedures adopted 1743  
pursuant to section 2950.13 of the Revised Code ~~and~~, to the 1744  
sheriff of the county in which the offender or delinquent child 1745  
expects to reside, and, regarding an offender, to the sheriff of 1746  
the county, if any, in which the offender attends or will attend a 1747  
school or institution of higher education or is or will be 1748  
employed. If the notice is provided under division (A)(5) of this 1749  
section and if the delinquent child has been committed to the 1750  
department of youth services or to a secure facility, the judge, 1751  
in addition to the other information and items described in this 1752  
division, also shall forward to the bureau and to the sheriff 1753  
notification that the child has been so committed. If it has not 1754  
already done so, the bureau of criminal identification and 1755  
investigation shall forward a copy of the fingerprints and 1756  
conviction data received under this division to the federal bureau 1757  
of investigation. 1758

(2) If the notice is provided under division (A)(3) of this 1759  
section, the chief of police or sheriff shall determine the 1760  
offender's name, identifying factors, and residence address in 1761  
this state or any other state, shall obtain the offender's 1762  
criminal history from the bureau of criminal identification and 1763  
investigation, and, to the extent possible, shall obtain a 1764  
photograph and the fingerprints of the offender. Regarding an 1765  
offender, the chief or sheriff also shall determine the offender's 1766  
current or expected future school, institution of higher 1767  
education, or place of employment address in this state, if any. 1768  
Within three days after receiving this information and these 1769  
items, the chief or sheriff shall forward the information and 1770  
items to the bureau of criminal identification and investigation 1771  
in accordance with the forwarding procedures adopted pursuant to 1772  
section 2950.13 of the Revised Code and, in relation to a chief of 1773

police, to the sheriff of the county in which the offender 1774  
resides, and, regarding an offender, to the sheriff of the county, 1775  
if any, in which the offender attends or will attend a school or 1776  
institution of higher education or is or will be employed. If it 1777  
has not already done so, the bureau of criminal identification and 1778  
investigation shall forward a copy of the fingerprints and 1779  
conviction data so received to the federal bureau of 1780  
investigation. 1781

**Sec. 2950.04.** (A)(1) Each of the following types of offender 1782  
who is convicted of or pleads guilty to, or has been convicted of 1783  
or pleaded guilty to, a sexually oriented offense shall register 1784  
personally with the sheriff of the county within ~~seven~~ five days 1785  
of the offender's coming into a county in which the offender 1786  
resides or temporarily is domiciled for more than ~~seven~~ five days, 1787  
shall register personally with the sheriff of the county 1788  
immediately upon coming into a county in which the offender 1789  
attends a school or institution of higher education on a full-time 1790  
or part-time basis regardless of whether the offender resides or 1791  
has a temporary domicile in this state or another state, shall 1792  
register personally with the sheriff of the county in which the 1793  
offender is employed if the offender resides or has a temporary 1794  
domicile in this state and has been employed in that county for 1795  
more than fourteen days or for an aggregate period of thirty or 1796  
more days in that calendar year, shall register personally with 1797  
the sheriff of the county in which the offender then is employed 1798  
if the offender does not reside or have a temporary domicile in 1799  
this state and has been employed at any location or locations in 1800  
this state more than fourteen days or for an aggregate period of 1801  
thirty or more days in that calendar year, and shall register with 1802  
the sheriff or other appropriate person of the other state 1803  
immediately upon entering into any state other than this state in 1804  
which the offender attends a school or institution of higher 1805

education on a full-time or part-time basis or upon being employed 1806  
in any state other than this state for more than fourteen days or 1807  
for an aggregate period of thirty or more days in that calendar 1808  
year regardless of whether the offender resides or has a temporary 1809  
domicile in this state, the other state, or a different state: 1810

(a) Regardless of when the sexually oriented offense was 1811  
committed, an offender who is sentenced for the sexually oriented 1812  
offense to a prison term, a term of imprisonment, or any other 1813  
type of confinement and, on or after July 1, 1997, is released in 1814  
any manner from the prison term, term of imprisonment, or 1815  
confinement; 1816

(b) Regardless of when the sexually oriented offense was 1817  
committed, an offender who is sentenced for a sexually oriented 1818  
offense on or after July 1, 1997, and to whom division (A)(1)(a) 1819  
of this section does not apply; 1820

(c) If the sexually oriented offense was committed prior to 1821  
July 1, 1997, and neither division (A)(1)(a) nor division 1822  
(A)(1)(b) of this section applies, an offender who, immediately 1823  
prior to July 1, 1997, was a habitual sex offender who was 1824  
required to register under Chapter 2950. of the Revised Code. 1825

(2) Each child who is adjudicated a delinquent child for 1826  
committing a sexually oriented offense and who is classified a 1827  
juvenile sex offender registrant based on that adjudication shall 1828  
register personally with the sheriff of the county within ~~seven~~ 1829  
five days of the delinquent child's coming into a county in which 1830  
the delinquent child resides or temporarily is domiciled for more 1831  
than ~~seven~~ five days. If the delinquent child is committed for the 1832  
sexually oriented offense to the department of youth services or 1833  
to a secure facility that is not operated by the department, this 1834  
duty begins when the delinquent child is discharged or released in 1835  
any manner from custody in a department of youth services secure 1836  
facility or from the secure facility that is not operated by the 1837

department, if pursuant to the discharge or release the delinquent 1838  
child is not committed to any other secure facility of the 1839  
department or any other secure facility. The delinquent child does 1840  
not have a duty to register under this division while the child is 1841  
in a department of youth services secure facility or in a secure 1842  
facility that is not operated by the department. 1843

(3) If divisions (A)(1) and (2) of this section do not apply, 1844  
each following type of offender and each following type of 1845  
delinquent child shall register personally with the sheriff of the 1846  
county within ~~seven~~ five days of the offender's or delinquent 1847  
child's coming into a county in which the offender or delinquent 1848  
child resides or temporarily is domiciled for more than ~~seven~~ five 1849  
days, and each following type of offender shall register 1850  
personally with the sheriff of the county immediately upon coming 1851  
into a county in which the offender attends a school or 1852  
institution of higher education on a full-time or part-time basis 1853  
regardless of whether the offender resides or has a temporary 1854  
domicile in this state or another state, shall register personally 1855  
with the sheriff of the county in which the offender is employed 1856  
if the offender resides or has a temporary domicile in this state 1857  
and has been employed in that county for more than fourteen days 1858  
or for an aggregate period of thirty days or more in that calendar 1859  
year, and shall register personally with the sheriff of the county 1860  
in which the offender then is employed if the offender does not 1861  
reside or have a temporary domicile in this state and has been 1862  
employed at any location or locations in this state for more than 1863  
fourteen days or for an aggregate period of thirty or more days in 1864  
that calendar year: 1865

(a) Regardless of when the sexually oriented offense was 1866  
committed, a person who is convicted of, pleads guilty to, or is 1867  
adjudicated a delinquent child for committing a sexually oriented 1868  
offense in another state ~~or~~, in a federal court, military court, 1869

or ~~an~~ Indian tribal court, or in a court in any nation other than 1870  
the United States, if, on or after July 1, 1997, for offenders, or 1871  
January 1, 2002, for delinquent children, the offender or 1872  
delinquent child moves to and resides in this state or temporarily 1873  
is domiciled in this state for more than ~~seven~~ five days, the 1874  
offender enters this state to attend any school or institution of 1875  
higher education on a full-time or part-time basis, or the 1876  
offender is employed in this state for more than fourteen days or 1877  
for an aggregate period of thirty or more days in any calendar 1878  
year, and if, at the time the offender or delinquent child moves 1879  
to and resides in this state or temporarily is domiciled in this 1880  
state for more than ~~seven~~ five days, the offender enters this 1881  
state to attend the school or institution of higher education, or 1882  
the offender is employed in this state for more than the specified 1883  
period of time, the offender or delinquent child has a duty to 1884  
register as a sex offender under the law of that other 1885  
jurisdiction as a result of the conviction, guilty plea, or 1886  
adjudication. 1887

(b) Regardless of when the sexually oriented offense was 1888  
committed, a person who is convicted of, pleads guilty to, or is 1889  
adjudicated a delinquent child for committing a sexually oriented 1890  
offense in another state ~~or~~, in a federal court, military court, 1891  
or ~~an~~ Indian tribal court, or in a court in any nation other than 1892  
the United States, if, on or after July 1, 1997, for offenders, or 1893  
January 1, 2002, for delinquent children, the offender or 1894  
delinquent child is released from imprisonment, confinement, or 1895  
detention imposed for that offense, and if, on or after July 1, 1896  
1997, for offenders, or January 1, 2002, for delinquent children, 1897  
the offender or delinquent child moves to and resides in this 1898  
state or temporarily is domiciled in this state for more than 1899  
~~seven~~ five days, the offender enters this state to attend any 1900  
school or institution of higher education on a full-time or 1901  
part-time basis, or the offender is employed in this state for 1902

more than fourteen days or for an aggregate period of thirty or 1903  
more days in any calendar year. The duty to register as described 1904  
in this division applies to an offender regardless of whether the 1905  
offender, at the time of moving to and residing in this state or 1906  
temporarily being domiciled in this state for more than ~~seven~~ five 1907  
days, at the time of entering into this state to attend the school 1908  
or institution of higher education, or at the time of being 1909  
employed in this state for the specified period of time, has a 1910  
duty to register as a sex offender under the law of the 1911  
jurisdiction in which the conviction or guilty plea occurred. The 1912  
duty to register as described in this division applies to a 1913  
delinquent child only if the delinquent child, at the time of 1914  
moving to and residing in this state or temporarily being 1915  
domiciled in this state for more than ~~seven~~ five days, has a duty 1916  
to register as a sex offender under the law of the jurisdiction in 1917  
which the delinquent child adjudication occurred or if, had the 1918  
delinquent child adjudication occurred in this state, the 1919  
adjudicating juvenile court judge would have been required to 1920  
issue an order classifying the delinquent child as a juvenile sex 1921  
offender registrant pursuant to section 2152.82 or division (A) of 1922  
section 2152.83 of the Revised Code. 1923

(4) If division (A)(1)(a) of this section applies and if, 1924  
subsequent to the offender's release, the offender is adjudicated 1925  
to be a sexual predator under division (C) of section 2950.09 of 1926  
the Revised Code, the offender shall register within ~~seven~~ five 1927  
days of the adjudication with the sheriff of the county in which 1928  
the offender resides or temporarily is domiciled for more than 1929  
~~seven~~ five days ~~and,~~ shall register with the sheriff of any county 1930  
in which the offender subsequently resides or temporarily is 1931  
domiciled for more than ~~seven~~ five days within ~~seven~~ five days of 1932  
coming into that county, shall register within five days of the 1933  
adjudication with the sheriff of the county in which the offender 1934  
attends any school or institution of higher education on a 1935

full-time or part-time basis or in which the offender is employed 1936  
if the offender has been employed in that county for more than 1937  
fourteen days or for an aggregate period of thirty or more days in 1938  
that calendar year regardless of whether the offender resides or 1939  
has temporary domicile in this state or another state, and shall 1940  
register within five days of the adjudication with the sheriff or 1941  
other appropriate person of any state other than this state in 1942  
which the offender attends a school or institution of higher 1943  
education on a full-time or part-time basis or in which the 1944  
offender then is employed if the offender has been employed in 1945  
that state for more than fourteen days or for an aggregate period 1946  
of thirty or more days in any calendar year regardless of whether 1947  
the offender resides or has temporary domicile in this state, the 1948  
other state, or a different state. 1949

(5) A person who is adjudicated a delinquent child for 1950  
committing a sexually oriented offense is not required to register 1951  
under division (A)(2) of this section unless the delinquent child 1952  
committed the offense on or after January 1, 2002, is classified a 1953  
juvenile sex offender registrant by a juvenile court judge 1954  
pursuant to an order issued under section 2152.82, 2152.83, 1955  
2152.84, or 2152.85 of the Revised Code based on that 1956  
adjudication, and has a duty to register pursuant to division 1957  
(A)(2) of this section. 1958

(B) An offender or delinquent child who is required by 1959  
division (A) of this section to register in this state personally 1960  
shall obtain from the sheriff or from a designee of the sheriff a 1961  
registration form that conforms to division (C) of this section, 1962  
shall complete and sign the form, and shall return the completed 1963  
form together with the offender's or delinquent child's photograph 1964  
to the sheriff or the designee. The sheriff or designee shall sign 1965  
the form and indicate on the form the date on which it is so 1966  
returned. The registration required under this division is 1967

complete when the offender or delinquent child returns the form, 1968  
containing the requisite information, photograph, signatures, and 1969  
date, to the sheriff or designee. 1970

(C) The registration form to be used under divisions (A) and 1971  
(B) of this section shall ~~contain the~~ include the photograph of 1972  
the offender or delinquent child who is registering and shall 1973  
contain all of the following: 1974

(1) Regarding an offender or delinquent child who is 1975  
registering under a duty imposed under division (A)(1), (2), (3), 1976  
or (4) of this section as a result of the offender or delinquent 1977  
child residing in this state or temporarily being domiciled in 1978  
this state for more than five days, the current residence address 1979  
of the offender or delinquent child who is registering, the name 1980  
and address of the offender's or delinquent child's employer, if 1981  
the offender or delinquent child is employed at the time of 1982  
registration or if the offender or delinquent child knows at the 1983  
time of registration that the offender or delinquent child will be 1984  
commencing employment with that employer subsequent to 1985  
registration, the name and address of the offender's school or 1986  
institution of higher education if the offender attends one at the 1987  
time of registration or if the offender knows at the time of 1988  
registration that the offender will be commencing attendance at 1989  
that school or institution subsequent to registration, and any 1990  
other information required by the bureau of criminal 1991  
identification and investigation ~~and shall include the offender's~~ 1992  
~~or delinquent child's photograph. Additionally~~ 1993

(2) Regarding an offender who is registering under a duty 1994  
imposed under division (A)(1), (3), or (4) of this section as a 1995  
result of the offender attending a school or institution of higher 1996  
education in this state on a full-time or part-time basis or being 1997  
employed in this state or in a particular county in this state, 1998  
whichever is applicable, for more than fourteen days or for an 1999



aggregate of thirty or more days in any calendar year, the current 2000  
address of the school, institution of higher education, or place 2001  
of employment of the offender who is registering and any other 2002  
information required by the bureau of criminal identification and 2003  
investigation. 2004

(3) Regarding an offender or delinquent child who is 2005  
registering under a duty imposed under division (A)(1), (2), (3), 2006  
or (4) of this section for any reason, if the offender ~~or~~ 2007  
delinquent child has been adjudicated as being a sexual predator 2008  
relative to the sexually oriented offense in question, if the 2009  
delinquent child has been adjudicated a sexual predator relative 2010  
to the sexually oriented offense in question and the court has not 2011  
subsequently determined pursuant to division (D) of section 2012  
2950.09, section 2152.84, or section 2152.85 of the Revised Code 2013  
that the offender ~~or~~ delinquent child no longer is a sexual 2014  
predator, ~~or~~ if the judge determined pursuant to division (C) of 2015  
section 2950.09 or pursuant to section 2152.82, 2152.83, 2152.84, 2016  
or 2152.85 of the Revised Code that the offender or delinquent 2017  
child is a habitual sex offender and the determination has not 2018  
been removed pursuant to section 2152.84 or 2152.85 of the Revised 2019  
Code, or if the offender has the duty to register as a result of 2020  
the conviction of or plea of guilty to an aggravated sexually 2021  
oriented offense, the offender or delinquent child also shall 2022  
include on the signed, written registration form all of the 2023  
following information: 2024

~~(1)~~(a) A specific declaration that the person has been 2025  
adjudicated as being a sexual predator ~~or~~, has been determined to 2026  
be a habitual sex offender, or was convicted of or pleaded guilty 2027  
to an aggravated sexually oriented offense, whichever is 2028  
applicable; 2029

~~(2)~~(b) If the offender or delinquent child has been 2030  
adjudicated as being a sexual predator, the identification license 2031

plate number of each motor vehicle the offender or delinquent 2032  
child owns and of each motor vehicle registered in the offender's 2033  
or delinquent child's name. 2034

(D) After an offender or delinquent child registers with a 2035  
sheriff pursuant to this section, the sheriff shall forward the 2036  
signed, written registration form and photograph to the bureau of 2037  
criminal identification and investigation in accordance with the 2038  
forwarding procedures adopted pursuant to section 2950.13 of the 2039  
Revised Code. If an offender registers a school, institution of 2040  
higher education, or place of employment address, or provides a 2041  
school or institution of higher education address under division 2042  
(C)(1) of this section, the sheriff also shall provide notice to 2043  
the law enforcement agency with jurisdiction over the premises of 2044  
the school, institution of higher education, or place of 2045  
employment of the offender's name and that the offender has 2046  
registered that address as a place at which the offender attends 2047  
school or an institution of higher education or at which the 2048  
offender is employed. The bureau shall include the information and 2049  
materials forwarded to it under this division in the state 2050  
registry of sex offenders established and maintained under section 2051  
2950.13 of the Revised Code. 2052

(E) No person who is required to register pursuant to 2053  
divisions (A) and (B) of this section, and no person who is 2054  
required to send a notice of intent to reside pursuant to division 2055  
(G) of this section, shall fail to register or send the notice of 2056  
intent as required in accordance with those divisions or that 2057  
division. 2058

(F) An offender or delinquent child who is required to 2059  
register pursuant to divisions (A) and (B) of this section shall 2060  
register pursuant to this section for the period of time specified 2061  
in section 2950.07 of the Revised Code. 2062

(G) If an offender or delinquent child who is required by 2063

division (A) of this section to register is adjudicated a sexual  
predator or a habitual sexual offender subject to community  
notification under division (C)(2) or (E) of section 2950.09 of  
the Revised Code, or if an offender who is required by division  
(A) of this section to register has that duty as a result of a  
conviction of or plea of guilty to an aggravated sexually oriented  
offense ~~committed on or after the effective date of this~~  
~~amendment~~, the offender or delinquent child also shall send the  
sheriff of the county in which the offender or delinquent child  
intends to reside written notice of the offender's or delinquent  
child's intent to reside in the county. The offender or delinquent  
child shall send the notice of intent to reside at least twenty  
days prior to the date the offender or delinquent child begins to  
reside in the county. The notice of intent to reside shall contain  
the following information:

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

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

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

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

offense ~~committed on or after the effective date of this~~ 2096  
~~amendment.~~ 2097

**Sec. 2950.05.** (A) If an offender or delinquent child is 2098  
required to register pursuant to section 2950.04 of the Revised 2099  
Code, the offender or delinquent child, at least twenty days prior 2100  
to changing the offender's or delinquent child's residence 2101  
address, or the offender, at least twenty days prior to changing 2102  
the address of the offender's school or institution of higher 2103  
education and not later than five days after changing the address 2104  
of the offender's place of employment, during the period during 2105  
which the offender or delinquent child is required to register, 2106  
shall provide written notice of the residence, school, institution 2107  
of higher education, or place of employment address change, as 2108  
applicable, to the sheriff with whom the offender or delinquent 2109  
child most recently registered the address under section 2950.04 2110  
of the Revised Code or under division (B) of this section. 2111

(B) If an offender ~~or delinquent child~~ is required to provide 2112  
notice of a residence, school, institution of higher education, or 2113  
place of employment address change under division (A) of this 2114  
section, or a delinquent child is required to provide notice of a 2115  
residence address change under that division, the offender or 2116  
delinquent child, at least twenty days prior to changing the 2117  
residence, school, or institution of higher education address and 2118  
not later than five days after changing the place of employment 2119  
address, as applicable, also shall register the new ~~residence~~ 2120  
address in the manner described in divisions (B) and (C) of 2121  
section 2950.04 of the Revised Code with the sheriff of the county 2122  
in which the offender's or delinquent child's new ~~residence~~ 2123  
address is located, subject to division (C) of this section. 2124

(C) Divisions (A) and (B) of this section apply to a person 2125  
who is required to register pursuant to section 2950.04 of the 2126

Revised Code regardless of whether the new residence, school, 2127  
institution of higher education, or place of employment address is 2128  
in this state or in another state. If the new ~~residence~~ address is 2129  
in another state, the person shall register with the appropriate 2130  
law enforcement officials in that state in the manner required 2131  
under the law of that state and within the earlier of the period 2132  
of time required under the law of that state or at least seven 2133  
days prior to changing the ~~residence~~ address. 2134

(D)(1) Upon receiving from an offender or delinquent child 2135  
pursuant to division (A) of this section notice of a change of the 2136  
offender's ~~or delinquent child's~~ residence, school, institution of 2137  
higher education, or place of employment address ~~or the delinquent~~ 2138  
child's residence address, a sheriff promptly shall forward the 2139  
new ~~residence~~ address to the bureau of criminal identification and 2140  
investigation in accordance with the forwarding procedures adopted 2141  
pursuant to section 2950.13 of the Revised Code if the new 2142  
~~residence~~ address is in another state or, if the ~~offender's or~~ 2143  
~~delinquent child's~~ new ~~residence~~ address is located in another 2144  
county in this state, to the sheriff of that county. The bureau 2145  
shall include all information forwarded to it under this division 2146  
in the state registry of sex offenders established and maintained 2147  
under section 2950.13 of the Revised Code and shall forward notice 2148  
of the offender's or delinquent child's new residence, school, 2149  
institution of higher education, or place of employment address, 2150  
as applicable, to the appropriate officials in the other state. 2151

(2) When an offender ~~or delinquent child~~ registers a new 2152  
residence, school, institution of higher education, or place of 2153  
employment address or a delinquent child registers a new residence 2154  
address pursuant to division (B) of this section, the sheriff with 2155  
whom the offender or delinquent child registers and the bureau of 2156  
criminal identification and investigation shall comply with 2157  
division (D) of section 2950.04 of the Revised Code. 2158

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

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

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

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

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

(1) Regardless of when the sexually oriented offense for 2190  
which the offender or delinquent child is required to register was 2191  
committed, if the offender ~~or delinquent child~~ has been 2192  
adjudicated ~~as being~~ a sexual predator relative to the sexually 2193  
oriented offense, if the delinquent child has been adjudicated a 2194  
sexual predator relative to the sexually oriented offense and the 2195  
court has not subsequently entered a determination pursuant to 2196  
~~division (D) of section 2950.09, section 2152.84, or section~~ 2197  
2152.85 of the Revised Code that the ~~offender or~~ delinquent child 2198  
no longer is a sexual predator, or if the offender is required to 2199  
register as a result of an aggravated sexually oriented offense 2200  
~~committed on or after the effective date of this amendment~~, the 2201  
~~offender or delinquent child~~ shall verify the offender's ~~or~~ 2202  
~~delinquent child's~~ current residence address or current school, 2203  
institution of higher education, or place of employment address, 2204  
and the delinquent child shall verify the delinquent child's 2205  
current residence address, in accordance with division (C) of this 2206  
section every ninety days after the offender's or delinquent 2207  
child's initial registration date during the period the offender 2208  
or delinquent child is required to register. 2209

(2) In all circumstances not described in division (B)(1) of 2210  
this section, the offender ~~or delinquent child~~ shall verify the 2211  
offender's ~~or delinquent child's~~ current residence address or 2212  
current school, institution of higher education, or place of 2213  
employment address, and the delinquent child shall verify the 2214  
delinquent child's current residence address, in accordance with 2215  
division (C) of this section on each anniversary of the offender's 2216  
or delinquent child's initial registration date during the period 2217  
the offender or delinquent child is required to register. 2218

(C)(1) An offender or delinquent child who is required to 2219  
verify the offender's or delinquent child's current residence, 2220  
school, institution of higher education, or place of employment 2221

address pursuant to division (A) of this section shall verify the 2222  
address with the sheriff with whom the offender or delinquent 2223  
child most recently registered the address by personally appearing 2224  
before the sheriff or a designee of the sheriff, no earlier than 2225  
ten days before the date on which the verification is required 2226  
pursuant to division (B) of this section and no later than the 2227  
date so required for verification, and completing and signing a 2228  
copy of the verification form prescribed by the bureau of criminal 2229  
identification and investigation. The sheriff or designee shall 2230  
sign the completed form and indicate on the form the date on which 2231  
it is so completed. The verification required under this division 2232  
is complete when the offender or delinquent child personally 2233  
appears before the sheriff or designee and completes and signs the 2234  
form as described in this division. 2235

(2) To facilitate the verification of an offender's or 2236  
delinquent child's current residence, school, institution of 2237  
higher education, or place of employment address, as applicable, 2238  
under division (C)(1) of this section, the sheriff with whom the 2239  
offender or delinquent child most recently registered the address 2240  
may mail a nonforwardable verification form prescribed by the 2241  
bureau of criminal identification and investigation to the 2242  
offender's or delinquent child's last reported address and to the 2243  
last reported address of the parents of the delinquent child, with 2244  
a notice that conspicuously states that the offender or delinquent 2245  
child must personally appear before the sheriff or a designee of 2246  
the sheriff to complete the form and the date by which the form 2247  
must be so completed. Regardless of whether a sheriff mails a form 2248  
to an offender or delinquent child and that child's parents, each 2249  
offender or delinquent child who is required to verify the 2250  
offender's or delinquent child's current residence, school, 2251  
institution of higher education, or place of employment address, 2252  
as applicable, pursuant to division (A) of this section shall 2253  
personally appear before the sheriff or a designee of the sheriff 2254



to verify the address in accordance with division (C)(1) of this section. 2255  
2256

(D) The verification form to be used under division (C) of this section shall contain all of the following: 2257  
2258

(1) Except as provided in division (D)(2) of this section, 2259  
the current residence address of the offender or delinquent child, 2260  
the name and address of the offender's or delinquent child's 2261  
employer if the offender or delinquent child is employed at the 2262  
time of verification or if the offender or delinquent child knows 2263  
at the time of verification that the offender or delinquent child 2264  
will be commencing employment with that employer subsequent to 2265  
verification, the name and address of the offender's school or 2266  
institution of higher education if the offender attends one at the 2267  
time of verification or if the offender knows at the time of 2268  
registration that the offender will be commencing attendance at 2269  
that school or institution subsequent to verification, and any 2270  
other information required by the bureau of criminal 2271  
identification and investigation. 2272

(2) Regarding an offender who is verifying a current school, 2273  
institution of higher education, or place of employment address, 2274  
the current address of the school, institution of higher 2275  
education, or place of employment of the offender and any other 2276  
information required by the bureau of criminal identification and 2277  
investigation. 2278

(E) Upon an offender's or delinquent child's personal 2279  
appearance and completion of a verification form under division 2280  
(C) of this section, a sheriff promptly shall forward a copy of 2281  
the verification form to the bureau of criminal identification and 2282  
investigation in accordance with the forwarding procedures adopted 2283  
by the attorney general pursuant to section 2950.13 of the Revised 2284  
Code. If an offender verifies a school, institution of higher 2285  
education, or place of employment address, or provides a school or 2286

institution of higher education address under division (D)(1) of 2287  
this section, the sheriff also shall provide notice to the law 2288  
enforcement agency with jurisdiction over the premises of the 2289  
school, institution of higher education, or place of employment of 2290  
the offender's name and that the offender has verified that 2291  
address as a place at which the offender attends school or an 2292  
institution of higher education or at which the offender is 2293  
employed. The bureau shall include all information forwarded to it 2294  
under this division in the state registry of sex offenders 2295  
established and maintained under section 2950.13 of the Revised 2296  
Code. 2297

(F) No person who is required to verify a current residence, 2298  
school, institution of higher education, or place of employment 2299  
address, as applicable, pursuant to divisions (A) to (C) of this 2300  
section shall fail to verify a current residence, school, 2301  
institution of higher education, or place of employment address, 2302  
as applicable, in accordance with those divisions by the date 2303  
required for the verification as set forth in division (B) of this 2304  
section, provided that no person shall be prosecuted or subjected 2305  
to a delinquent child proceeding for a violation of this division, 2306  
and that no parent, guardian, or custodian of a delinquent child 2307  
shall be prosecuted for a violation of section 2919.24 of the 2308  
Revised Code based on the delinquent child's violation of this 2309  
division, prior to the expiration of the period of time specified 2310  
in division (G) of this section. 2311

(G)(1) If an offender or delinquent child fails to verify a 2312  
current residence, school, institution of higher education, or 2313  
place of employment address, as applicable, as required by 2314  
divisions (A) to (C) of this section by the date required for the 2315  
verification as set forth in division (B) of this section, the 2316  
sheriff with whom the offender or delinquent child is required to 2317  
verify the current ~~residence~~ address, on the day following that 2318

date required for the verification, shall send a written warning 2319  
to the offender or to the delinquent child and that child's 2320  
parents, at the offender's or delinquent child's and that child's 2321  
parents' last known residence, school, institution of higher 2322  
education, or place of employment address, as applicable, 2323  
regarding the offender's or delinquent child's duty to verify the 2324  
offender's or delinquent child's current residence, school, 2325  
institution of higher education, or place of employment address, 2326  
as applicable. 2327

The written warning shall do all of the following: 2328

(a) Identify the sheriff who sends it and the date on which 2329  
it is sent; 2330

(b) State conspicuously that the offender or delinquent child 2331  
has failed to verify the offender's ~~or delinquent child's~~ current 2332  
residence, school, institution of higher education, or place of 2333  
employment address or the delinquent child's current residence 2334  
address by the date required for the verification; 2335

(c) Conspicuously state that the offender or delinquent child 2336  
has seven days from the date on which the warning is sent to 2337  
verify the current residence, school, institution of higher 2338  
education, or place of employment address, as applicable, with the 2339  
sheriff who sent the warning; 2340

(d) Conspicuously state that a failure to timely verify the 2341  
specified current ~~residence~~ address or addresses is a felony 2342  
offense; 2343

(e) Conspicuously state that, if the offender ~~or delinquent~~ 2344  
~~child~~ verifies the current residence, school, institution of 2345  
higher education, or place of employment address or the delinquent 2346  
child verifies the current residence address with that sheriff 2347  
within that ~~seven-day period~~ seven-day period, the offender or 2348  
delinquent child will not be prosecuted or subjected to a 2349

delinquent child proceeding for a failure to timely verify a 2350  
current ~~residence~~ address and the delinquent child's parent, 2351  
guardian, or custodian will not be prosecuted based on a failure 2352  
of the delinquent child to timely verify an address; 2353

(f) Conspicuously state that, if the offender ~~or delinquent~~ 2354  
~~child~~ does not verify the current residence, school, institution 2355  
of higher education, or place of employment address or the 2356  
delinquent child verifies the current residence address with that 2357  
sheriff within that ~~seven-day period~~ seven-day period, the 2358  
offender or delinquent child will be arrested or taken into 2359  
custody, as appropriate, and prosecuted or subjected to a 2360  
delinquent child proceeding for a failure to timely verify a 2361  
current ~~residence~~ address and the delinquent child's parent, 2362  
guardian, or custodian may be prosecuted for a violation of 2363  
section 2919.24 of the Revised Code based on the delinquent 2364  
child's failure to timely verify a current residence address. 2365

(2) If an offender or delinquent child fails to verify a 2366  
current residence, school, institution of higher education, or 2367  
place of employment address, as applicable, as required by 2368  
divisions (A) to (C) of this section by the date required for the 2369  
verification as set forth in division (B) of this section, the 2370  
offender or delinquent child shall not be prosecuted or subjected 2371  
to a delinquent child proceeding for a violation of division (F) 2372  
of this section, and the delinquent child's parent, guardian, or 2373  
custodian shall not be prosecuted for a violation of section 2374  
2919.24 of the Revised Code based on the delinquent child's 2375  
failure to timely verify a current residence address, as 2376  
applicable, unless the ~~seven-day period~~ seven-day period 2377  
subsequent to that date that the offender or delinquent child is 2378  
provided under division (G)(1) of this section to verify the 2379  
current ~~residence~~ address has expired and the offender or 2380  
delinquent child, prior to the expiration of that ~~seven-day period~~ 2381

seven-day period, has not verified the current ~~residence~~ address. 2382  
Upon the expiration of the ~~seven-day period~~ seven-day period that 2383  
the offender or delinquent child is provided under division (G)(1) 2384  
of this section to verify the current ~~residence~~ address ~~has~~ 2385  
~~expired~~, if the offender or delinquent child has not verified the 2386  
current ~~residence~~ address, all of the following apply: 2387

(a) The sheriff with whom the offender or delinquent child is 2388  
required to verify the current residence, school, institution of 2389  
higher education, or place of employment address, as applicable, 2390  
promptly shall notify the bureau of criminal identification and 2391  
investigation of the failure. 2392

(b) The sheriff with whom the offender or delinquent child is 2393  
required to verify the current residence, school, institution of 2394  
higher education, or place of employment address, as applicable, 2395  
the sheriff of the county in which the offender or delinquent 2396  
child resides, the sheriff of the county in which is located the 2397  
offender's school, institution of higher education, or place of 2398  
employment address that was to be verified, or a deputy of the 2399  
appropriate sheriff, shall locate the offender or delinquent 2400  
child, promptly shall seek a warrant for the arrest or taking into 2401  
custody, as appropriate, of the offender or delinquent child for 2402  
the violation of division (F) of this section and shall arrest the 2403  
offender or take the child into custody, as appropriate. 2404

(c) The offender or delinquent child is subject to 2405  
prosecution or a delinquent child proceeding for the violation of 2406  
division (F) of this section, and the delinquent child's parent, 2407  
guardian, or custodian may be subject to prosecution for a 2408  
violation of section 2919.24 of the Revised Code based on the 2409  
delinquent child's violation of that division. 2410

(H) ~~A person~~ An offender who is required to verify the 2411  
~~person's~~ offender's current residence, school, institution of 2412  
higher education, or place of employment address pursuant to 2413

divisions (A) to (C) of this section and a delinquent child who is 2414  
required to verify the delinquent child's current residence 2415  
address pursuant to those divisions shall do so for the period of 2416  
time specified in section 2950.07 of the Revised Code. 2417

**Sec. 2950.07.** (A) The duty of an offender who is convicted of 2418  
or pleads guilty to, or has been convicted of or pleaded guilty 2419  
to, a sexually oriented offense and the duty of a delinquent child 2420  
who is adjudicated a delinquent child for committing a sexually 2421  
oriented offense and is classified a juvenile sex offender 2422  
registrant or who is an out-of-state juvenile sex offender 2423  
registrant to comply with sections 2950.04, 2950.05, and 2950.06 2424  
of the Revised Code commences on whichever of the following dates 2425  
is applicable: 2426

(1) If the offender's duty to register is imposed pursuant to 2427  
division (A)(1)(a) of section 2950.04 of the Revised Code, the 2428  
offender's duty to comply with those sections commences regarding 2429  
residence addresses on the date of the offender's release from a 2430  
prison term, a term of imprisonment, or any other type of 2431  
confinement or on July 1, 1997, whichever is later, and commences 2432  
regarding addresses of schools, institutions of higher education, 2433  
and places of employment on the date of the offender's release 2434  
from a prison term, term of imprisonment, or any other type of 2435  
confinement or on the effective date of this amendment, whichever 2436  
is later. 2437

(2) If the offender's duty to register is imposed pursuant to 2438  
division (A)(1)(b) of section 2950.04 of the Revised Code, the 2439  
offender's duty to comply with those sections commences regarding 2440  
residence addresses on the date of entry of the judgment of 2441  
conviction of the sexually oriented offense or on July 1, 1997, 2442  
whichever is later, and commences regarding addresses of schools, 2443  
institutions of higher education, and places of employment on the 2444

date of entry of the judgment of conviction of the sexually 2445  
oriented offense or on the effective date of this amendment, 2446  
whichever is later. 2447

(3) If the offender's duty to register is imposed pursuant to 2448  
division (A)(1)(c) of section 2950.04 of the Revised Code, the 2449  
offender's duty to comply with those sections commences fourteen 2450  
days after July 1, 1997, and commences regarding addresses of 2451  
schools, institutions of higher education, and places of 2452  
employment fourteen days after the effective date of this 2453  
amendment. 2454

(4) If the offender's or delinquent child's duty to register 2455  
is imposed pursuant to division (A)(3)(a) or (b) of section 2456  
2950.04 of the Revised Code, the offender's duty to comply with 2457  
those sections commences regarding residence addresses on March 2458  
30, 1999, or on the date that the offender begins to reside or 2459  
becomes temporarily domiciled in this state, whichever is later, 2460  
the offender's duty regarding addresses of schools, institutions 2461  
of higher education, and places of employment commences on the 2462  
effective date of this amendment or on the date the offender 2463  
begins attending any school or institution of higher education in 2464  
this state on a full-time or part-time basis or becomes employed 2465  
in this state, whichever is later, and the delinquent child's duty 2466  
commences on January 1, 2002, or on the date the delinquent child 2467  
begins to reside or becomes temporarily domiciled in this state, 2468  
whichever is later. 2469

(5) If the delinquent child's duty to register is imposed 2470  
pursuant to division (A)(2) of section 2950.04 of the Revised 2471  
Code, if the delinquent child's classification as a juvenile sex 2472  
offender registrant is made at the time of the child's disposition 2473  
for that sexually oriented offense, and if the delinquent child is 2474  
committed for the sexually oriented offense to the department of 2475  
youth services or to a secure facility that is not operated by the 2476

department, the delinquent child's duty to comply with those 2477  
sections commences on the date of the delinquent child's discharge 2478  
or release from custody in the department of youth services secure 2479  
facility or from the secure facility not operated by the 2480  
department as described in that division. 2481

(6) If the delinquent child's duty to register is imposed 2482  
pursuant to division (A)(2) of section 2950.04 of the Revised Code 2483  
and if either the delinquent child's classification as a juvenile 2484  
sex offender registrant is made at the time of the child's 2485  
disposition for that sexually oriented offense and the delinquent 2486  
child is not committed for the sexually oriented offense to the 2487  
department of youth services or to a secure facility that is not 2488  
operated by the department or the child's classification as a 2489  
juvenile sex offender registrant is made pursuant to sections 2490  
2152.83 of the Revised Code, the delinquent child's duty to comply 2491  
with those sections commences on the date of entry of the court's 2492  
order that classifies the delinquent child a juvenile sex offender 2493  
registrant. 2494

(B) The duty of an offender who is convicted of or pleads 2495  
guilty to, or has been convicted of or pleaded guilty to, a 2496  
sexually oriented offense and the duty of a delinquent child who 2497  
is adjudicated a delinquent child for committing a sexually 2498  
oriented offense and is classified a juvenile sex offender 2499  
registrant or who is an out-of-state juvenile sex offender 2500  
registrant to comply with sections 2950.04, 2950.05, and 2950.06 2501  
of the Revised Code continues, after the date of commencement, for 2502  
whichever of the following periods is applicable: 2503

(1) Except as otherwise provided in this division, if the 2504  
offender or delinquent child has been adjudicated a sexual 2505  
predator relative to the sexually oriented offense or if the 2506  
offender has the duty to register as a result of an aggravated 2507  
sexually oriented offense ~~committed on or after the effective date~~ 2508



~~of this amendment~~, the offender's or delinquent child's duty to 2509  
comply with those sections continues until the offender's or 2510  
delinquent child's death. Regarding ~~an offender or a~~ delinquent 2511  
child who has been adjudicated a sexual predator relative to the 2512  
sexually oriented offense, if the judge who ~~sentenced the offender~~ 2513  
~~or~~ made the disposition for the delinquent child or that judge's 2514  
successor in office subsequently enters a determination pursuant 2515  
to ~~division (D) of section 2950.09 or pursuant to~~ section 2152.84 2516  
or 2152.85 of the Revised Code that the ~~offender or~~ delinquent 2517  
child no longer is a sexual predator, the ~~offender's or~~ delinquent 2518  
child's duty to comply with those sections continues for the 2519  
period of time that otherwise would have been applicable to the 2520  
~~offender or~~ delinquent child under division (B)(2) or (3) of this 2521  
section or, if the offender's duty to register results from a 2522  
conviction of or plea of guilty to an aggravated sexually oriented 2523  
offense, until the offender's death as specified under this 2524  
division. In no case shall the lifetime duty to register comply 2525  
that is imposed under this division on an offender who is 2526  
adjudicated a sexual predator or for an aggravated sexually 2527  
oriented offense committed on or after the effective date of this 2528  
amendment, or the adjudication, classification, or conviction that 2529  
subjects the offender to this division, be removed or terminated. 2530

(2) If the judge who sentenced the offender or made the 2531  
disposition for the delinquent child for committing the sexually 2532  
oriented offense, or the successor in office of the juvenile court 2533  
judge who made the delinquent child disposition, determined 2534  
pursuant to division (E) of section 2950.09 or pursuant to 2535  
division (B) of section 2152.83, section 2152.84, or section 2536  
2152.85 of the Revised Code that the offender or delinquent child 2537  
is a habitual sex offender, the offender's ~~or delinquent child's~~ 2538  
duty to comply with those sections continues until the offender's 2539  
death and the delinquent child's duty to comply with those 2540  
sections continues for twenty years. If a delinquent child is 2541

determined pursuant to division (E) of section 2950.09 or pursuant 2542  
to division (B) of section 2152.83, section 2152.84, or section 2543  
2152.85 of the Revised Code to be a habitual sex offender and if 2544  
the judge who made the disposition for the delinquent child or 2545  
that judge's successor in office subsequently enters a 2546  
determination pursuant to section 2152.84 or 2152.85 of the 2547  
Revised Code that the delinquent child no longer is a habitual sex 2548  
offender but remains a juvenile sex offender registrant, the 2549  
delinquent child's duty to comply with those sections continues 2550  
for the period of time that otherwise would have been applicable 2551  
to the delinquent child under division (B)(3) of this section. In 2552  
no case shall the lifetime duty to comply that is imposed under 2553  
this division on an offender, or the determination that subjects 2554  
the offender to this division, be removed or terminated. 2555

(3) If neither division (B)(1) nor (B)(2) of this section 2556  
applies, the offender's or delinquent child's duty to comply with 2557  
those sections continues for ten years. If a delinquent child is 2558  
classified pursuant to section 2152.82 or 2152.83 of the Revised 2559  
Code a juvenile sex offender registrant and if the judge who made 2560  
the disposition for the delinquent child or that judge's successor 2561  
in office subsequently enters a determination pursuant to section 2562  
2152.84 or 2152.85 of the Revised Code that the delinquent child 2563  
no longer is to be classified a juvenile sex offender registrant, 2564  
the delinquent child's duty to comply with those sections 2565  
terminates upon the court's entry of the determination. 2566

(C)(1) If an offender has been convicted of or pleaded guilty 2567  
to a sexually oriented offense or a delinquent child has been 2568  
adjudicated a delinquent child for committing a sexually oriented 2569  
offense and is classified a juvenile sex offender registrant or is 2570  
an out-of-state juvenile sex offender registrant, and if the 2571  
offender subsequently is convicted of or pleads guilty to another 2572  
sexually oriented offense or the delinquent child subsequently is 2573

adjudicated a delinquent child for committing another sexually 2574  
oriented offense and is classified a juvenile sex offender 2575  
registrant relative to that offense or subsequently is convicted 2576  
of or pleads guilty to another sexually oriented offense, the 2577  
period of time for which the offender or delinquent child must 2578  
comply with the sections specified in division (A) of this section 2579  
shall be separately calculated pursuant to divisions (A)(1) to (6) 2580  
and (B)(1) to (3) of this section for each of the sexually 2581  
oriented offenses, and the separately calculated periods of time 2582  
shall be complied with independently. 2583

If a delinquent child has been adjudicated a delinquent child 2584  
for committing a sexually oriented offense, is classified a 2585  
juvenile sex offender registrant or is an out-of-state juvenile 2586  
sex offender registrant relative to the offense, and, after 2587  
attaining eighteen years of age, subsequently is convicted of or 2588  
pleads guilty to another sexually oriented offense, the subsequent 2589  
conviction or guilty plea does not limit, affect, or supersede the 2590  
duties imposed upon the delinquent child under this chapter 2591  
relative to the delinquent child's classification as a juvenile 2592  
sex offender registrant or as an out-of-state juvenile sex 2593  
offender registrant, and the delinquent child shall comply with 2594  
both those duties and the duties imposed under this chapter 2595  
relative to the subsequent conviction or guilty plea. 2596

(2) If a delinquent child has been adjudicated a delinquent 2597  
child for committing on or after January 1, 2002, a sexually 2598  
oriented offense and is classified a juvenile sex offender 2599  
registrant relative to the offense, if the order containing the 2600  
classification also contains a determination by the juvenile judge 2601  
that the delinquent child is a sexual predator or a habitual sex 2602  
offender, and if the juvenile judge or the judge's successor in 2603  
office subsequently determines pursuant to section 2152.84 or 2604  
2152.85 of the Revised Code that the delinquent child no longer is 2605

a sexual predator or habitual sex offender, the judge's subsequent  
determination does not affect the date of commencement of the  
delinquent child's duty to comply with sections 2950.04, 2950.05,  
and 2950.06 of the Revised Code as determined under division (A)  
of this section.

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

(E) An offender or delinquent child who has been convicted of  
or pleaded guilty to, or has been or is adjudicated a delinquent  
child for committing, a sexually oriented offense in another state  
~~or~~, in a federal court, military court, or ~~an~~ Indian tribal court,  
or in a court of any nation other than the United States may apply  
to the sheriff of the county in which the offender or delinquent  
child resides or temporarily is domiciled, or in which the  
offender attends a school or institution of higher education or is  
employed, for credit against the duty to register for the time  
that the offender or delinquent child has complied with the sex  
offender registration requirements of another jurisdiction. The  
sheriff shall grant the offender or delinquent child credit  
against the duty to register for time for which the offender or  
delinquent child provides adequate proof that the offender or  
delinquent child has complied with the sex offender registration  
requirements of another jurisdiction. If the offender or  
delinquent child disagrees with the determination of the sheriff,

the offender or delinquent child may appeal the determination to 2638  
the court of common pleas of the county in which the offender or 2639  
delinquent child resides or is temporarily domiciled, or in which 2640  
the offender attends a school or institution of higher education 2641  
or is employed. 2642

**Sec. 2950.08.** The (A) Subject to division (B) of this 2643  
section, the statements, information, photographs, and 2644  
fingerprints required by sections 2950.04, 2950.05, and 2950.06 of 2645  
the Revised Code and provided by a person who registers, who 2646  
provides notice of a change of residence, school, institution of 2647  
higher education, or place of employment address and registers the 2648  
new residence, school, institution of higher education, or place 2649  
of employment address, or who provides verification of a current 2650  
residence, school, institution of higher education, or place of 2651  
employment address pursuant to those sections and that are in the 2652  
possession of the bureau of criminal identification and 2653  
investigation and the information in the possession of the bureau 2654  
that was received by the bureau pursuant to section 2950.14 of the 2655  
Revised Code shall not be open to inspection by the public or by 2656  
any person other than the following persons: 2657

~~(A)(1)~~ A regularly employed peace officer or other law 2658  
enforcement officer; 2659

~~(B)(2)~~ An authorized employee of the bureau of criminal 2660  
identification and investigation for the purpose of providing 2661  
information to a board, administrator, or person pursuant to 2662  
division (F) or (G) of section 109.57 of the Revised Code. 2663

(B) Division (A) of this section does not apply to any 2664  
information that is contained in the internet sex offender 2665  
database established by the attorney general under division 2666  
(A)(11) of section 2950.13 of the Revised Code regarding offenders 2667  
and that is disseminated as described in that division. 2668

**Sec. 2950.081.** (A) Any statements, information, photographs, 2669  
or fingerprints that are required to be provided, and that are 2670  
provided, by an offender or delinquent child pursuant to section 2671  
2950.04, 2950.05, or 2950.06 of the Revised Code ~~requires a person~~ 2672  
~~to provide, that are provided by a person who registers, who~~ 2673  
~~provides notice of a change of residence address and registers the~~ 2674  
~~new residence address, or who provides verification of a current~~ 2675  
~~residence address pursuant to any provision of those sections,~~ 2676  
and that are in the possession of a county sheriff are public records 2677  
open to public inspection under section 149.43 of the Revised 2678  
Code. 2679

(B) Except when the act that is the basis of a child's 2680  
classification as a juvenile sex offender registrant is a 2681  
violation of, or an attempt to commit a violation of, section 2682  
2903.01, 2903.02, or 2905.01 of the Revised Code that was 2683  
committed with a purpose to gratify the sexual needs or desires of 2684  
the child, a violation of section 2907.02 of the Revised Code, or 2685  
an attempt to commit a violation of that section, the sheriff 2686  
shall not cause to be publicly disseminated by means of the 2687  
internet any statements, information, photographs, or fingerprints 2688  
that are provided by a juvenile sex offender registrant who 2689  
registers, who provides notice of a change of residence address 2690  
and registers the new residence address, or who provides 2691  
verification of a current residence address pursuant to this 2692  
chapter and that are in the possession of a county sheriff. 2693

**Sec. 2950.09.** (A) If a person is convicted of or pleads 2694  
guilty to committing, on or after January 1, 1997, a sexually 2695  
oriented offense that is a sexually violent offense and also is 2696  
convicted of or pleads guilty to a sexually violent predator 2697  
specification that was included in the indictment, count in the 2698  
indictment, or information charging the sexually violent offense, 2699

the conviction of or plea of guilty to the specification 2700  
automatically classifies the offender as a sexual predator for 2701  
purposes of this chapter. If a person is convicted of, pleads 2702  
guilty to, or is adjudicated a delinquent child for committing, a 2703  
sexually oriented offense in another state, ~~or~~ in a federal court, 2704  
military court, or ~~an~~ Indian tribal court, or in a court of any 2705  
nation other than the United States, and if, as a result of that 2706  
conviction, plea of guilty, or adjudication, the person is 2707  
required, under the law of the jurisdiction in which the person 2708  
was convicted, pleaded guilty, or was adjudicated, to register as 2709  
a sex offender until the person's death ~~and is required to verify~~ 2710  
~~the person's address on at least a quarterly basis each year~~, that 2711  
conviction, plea of guilty, or adjudication automatically 2712  
classifies the person as a sexual predator for the purposes of 2713  
this chapter, but the person may challenge that classification 2714  
pursuant to division (F) of this section. In all other cases, a 2715  
person who is convicted of or pleads guilty to, has been convicted 2716  
of or pleaded guilty to, or is adjudicated a delinquent child for 2717  
committing, a sexually oriented offense may be classified as a 2718  
sexual predator for purposes of this chapter only in accordance 2719  
with division (B) or (C) of this section or, regarding delinquent 2720  
children, divisions (B) and (C) of section 2152.83 of the Revised 2721  
Code. 2722

(B)(1)(a) The judge who is to impose sentence on a person who 2723  
is convicted of or pleads guilty to a sexually oriented offense 2724  
shall conduct a hearing to determine whether the offender is a 2725  
sexual predator if any of the following circumstances apply: 2726

(i) Regardless of when the sexually oriented offense was 2727  
committed, the offender is to be sentenced on or after January 1, 2728  
1997, for a sexually oriented offense that is not a sexually 2729  
violent offense. 2730

(ii) Regardless of when the sexually oriented offense was 2731

committed, the offender is to be sentenced on or after January 1, 2732  
1997, for a sexually oriented offense that is a sexually violent 2733  
offense and a sexually violent predator specification was not 2734  
included in the indictment, count in the indictment, or 2735  
information charging the sexually violent offense. 2736

(iii) Regardless of when the sexually oriented offense was 2737  
committed, the offender is to be sentenced on or after May 7, 2738  
2002, for a sexually oriented offense, and that offender was 2739  
acquitted of a sexually violent predator specification that was 2740  
included in the indictment, count in the indictment, or 2741  
information charging the sexually oriented offense. 2742

(b) The judge who is to impose or has imposed an order of 2743  
disposition upon a child who is adjudicated a delinquent child for 2744  
committing on or after January 1, 2002, a sexually oriented 2745  
offense shall conduct a hearing as provided in this division to 2746  
determine whether the child is to be classified as a sexual 2747  
predator if either of the following applies: 2748

(i) The judge is required by section 2152.82 or division (A) 2749  
of section 2152.83 of the Revised Code to classify the child a 2750  
juvenile sex offender registrant. 2751

(ii) Division (B) of section 2152.83 of the Revised Code 2752  
applies regarding the child, the judge conducts a hearing under 2753  
that division for the purposes described in that division, and the 2754  
judge determines at that hearing that the child will be classified 2755  
a juvenile sex offender registrant. 2756

(2) Regarding an offender, the judge shall conduct the 2757  
hearing required by division (B)(1)(a) of this section prior to 2758  
sentencing and, if the sexually oriented offense is a felony and 2759  
if the hearing is being conducted under division (B)(1)(a) of this 2760  
section, the judge may conduct it as part of the sentencing 2761  
hearing required by section 2929.19 of the Revised Code. Regarding 2762



a delinquent child, the judge may conduct the hearing required by 2763  
division (B)(1)(b) of this section at the same time as, or 2764  
separate from, the dispositional hearing, as specified in the 2765  
applicable provision of section 2152.82 or 2152.83 of the Revised 2766  
Code. The court shall give the offender or delinquent child and 2767  
the prosecutor who prosecuted the offender or handled the case 2768  
against the delinquent child for the sexually oriented offense 2769  
notice of the date, time, and location of the hearing. At the 2770  
hearing, the offender or delinquent child and the prosecutor shall 2771  
have an opportunity to testify, present evidence, call and examine 2772  
witnesses and expert witnesses, and cross-examine witnesses and 2773  
expert witnesses regarding the determination as to whether the 2774  
offender or delinquent child is a sexual predator. The offender or 2775  
delinquent child shall have the right to be represented by counsel 2776  
and, if indigent, the right to have counsel appointed to represent 2777  
the offender or delinquent child. 2778

(3) In making a determination under divisions (B)(1) and (4) 2779  
of this section as to whether an offender or delinquent child is a 2780  
sexual predator, the judge shall consider all relevant factors, 2781  
including, but not limited to, all of the following: 2782

(a) The offender's or delinquent child's age; 2783

(b) The offender's or delinquent child's prior criminal or 2784  
delinquency record regarding all offenses, including, but not 2785  
limited to, all sexual offenses; 2786

(c) The age of the victim of the sexually oriented offense 2787  
for which sentence is to be imposed or the order of disposition is 2788  
to be made; 2789

(d) Whether the sexually oriented offense for which sentence 2790  
is to be imposed or the order of disposition is to be made 2791  
involved multiple victims; 2792

(e) Whether the offender or delinquent child used drugs or 2793

alcohol to impair the victim of the sexually oriented offense or 2794  
to prevent the victim from resisting; 2795

(f) If the offender or delinquent child previously has been 2796  
convicted of or pleaded guilty to, or been adjudicated a 2797  
delinquent child for committing an act that if committed by an 2798  
adult would be, a criminal offense, whether the offender or 2799  
delinquent child completed any sentence or dispositional order 2800  
imposed for the prior offense or act and, if the prior offense or 2801  
act was a sex offense or a sexually oriented offense, whether the 2802  
offender or delinquent child participated in available programs 2803  
for sexual offenders; 2804

(g) Any mental illness or mental disability of the offender 2805  
or delinquent child; 2806

(h) The nature of the offender's or delinquent child's sexual 2807  
conduct, sexual contact, or interaction in a sexual context with 2808  
the victim of the sexually oriented offense and whether the sexual 2809  
conduct, sexual contact, or interaction in a sexual context was 2810  
part of a demonstrated pattern of abuse; 2811

(i) Whether the offender or delinquent child, during the 2812  
commission of the sexually oriented offense for which sentence is 2813  
to be imposed or the order of disposition is to be made, displayed 2814  
cruelty or made one or more threats of cruelty; 2815

(j) Any additional behavioral characteristics that contribute 2816  
to the offender's or delinquent child's conduct. 2817

(4) After reviewing all testimony and evidence presented at 2818  
the hearing conducted under division (B)(1) of this section and 2819  
the factors specified in division (B)(3) of this section, the 2820  
court shall determine by clear and convincing evidence whether the 2821  
subject offender or delinquent child is a sexual predator. If the 2822  
court determines that the subject offender or delinquent child is 2823  
not a sexual predator, the court shall specify in the offender's 2824

sentence and the judgment of conviction that contains the sentence 2825  
or in the delinquent child's dispositional order, as appropriate, 2826  
that the court has determined that the offender or delinquent 2827  
child is not a sexual predator and the reason or reasons why the 2828  
court determined that the subject offender or delinquent child is 2829  
not a sexual predator. If the court determines by clear and 2830  
convincing evidence that the subject offender or delinquent child 2831  
is a sexual predator, the court shall specify in the offender's 2832  
sentence and the judgment of conviction that contains the sentence 2833  
or in the delinquent child's dispositional order, as appropriate, 2834  
that the court has determined that the offender or delinquent 2835  
child is a sexual predator and shall specify that the 2836  
determination was pursuant to division (B) of this section. In any 2837  
case in which the sexually oriented offense in question is an 2838  
aggravated sexually oriented offense ~~committed on or after the~~ 2839  
~~effective date of this amendment~~, the court shall specify in the 2840  
offender's sentence and the judgment of conviction that contains 2841  
the sentence that the offender's offense is an aggravated sexually 2842  
oriented offense. The offender or delinquent child and the 2843  
prosecutor who prosecuted the offender or handled the case against 2844  
the delinquent child for the sexually oriented offense in question 2845  
may appeal as a matter of right the court's determination under 2846  
this division as to whether the offender or delinquent child is, 2847  
or is not, a sexual predator. 2848

(5) A hearing shall not be conducted under division (B) of 2849  
this section regarding an offender if the sexually oriented 2850  
offense in question is a sexually violent offense, if the 2851  
indictment, count in the indictment, or information charging the 2852  
offense also included a sexually violent predator specification, 2853  
and if the offender is convicted of or pleads guilty to that 2854  
sexually violent predator specification. 2855

(C)(1) If a person was convicted of or pleaded guilty to a 2856

sexually oriented offense prior to January 1, 1997, if the person  
was not sentenced for the offense on or after January 1, 1997, and  
if, on or after January 1, 1997, the offender is serving a term of  
imprisonment in a state correctional institution, the department  
of rehabilitation and correction shall do whichever of the  
following is applicable:

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

(b) If division (C)(1)(a) of this section does not apply, the  
department shall determine whether to recommend that the offender  
be adjudicated as being a sexual predator. In making a  
determination under this division as to whether to recommend that  
the offender be adjudicated as being a sexual predator, the  
department shall consider all relevant factors, including, but not  
limited to, all of the factors specified in division (B)(2) of  
this section. If the department determines that it will recommend  
that the offender be adjudicated ~~as being~~ a sexual predator, it  
immediately shall send the recommendation to the court that  
sentenced the offender ~~and~~. If the department determines that it  
will not recommend that the offender be adjudicated a sexual  
predator, it immediately shall send its determination to the court  
that sentenced the offender. In all cases, the department shall  
enter its determination and recommendation in the offender's  
institutional record, and the court shall proceed in accordance  
with division (C)(2) of this section.

(2)(a) If the department of rehabilitation and correction  
sends to a court a notice under division (C)(1)(a) of this  
section, the court shall conduct a hearing to determine whether

~~the subject offender is a sexual predator. If, pursuant to~~ 2889  
~~division (C)(1)(b) of this section, the department of~~ 2890  
~~rehabilitation and correction sends to a court a recommendation~~ 2891  
~~that an offender who has been convicted of or pleaded guilty to a~~ 2892  
~~sexually oriented offense be adjudicated as being a sexual~~ 2893  
~~predator, the court is not bound by the department's~~ 2894  
~~recommendation, and the court may shall conduct a hearing to~~ 2895  
~~determine whether the offender is a sexual predator. The In any~~ 2896  
~~case, the court may deny the recommendation and determine that the~~ 2897  
~~offender is not a sexual predator without a hearing but shall not~~ 2898  
~~make a determination that as to whether the offender is, or is~~ 2899  
~~not, a sexual predator in any case without a hearing. The court~~ 2900  
~~may hold the hearing and make the determination prior to the~~ 2901  
~~offender's release from imprisonment or at any time within one~~ 2902  
~~year following the offender's release from that imprisonment. If~~ 2903  
~~the court determines without a hearing that the offender is not a~~ 2904  
~~sexual predator, it shall include its determination in the~~ 2905  
~~offender's institutional record and~~ 2906

(b) If, pursuant to division (C)(1)(b) of this section, the 2907  
department sends to the court a determination that it is not 2908  
recommending that an offender be adjudicated a sexual predator, 2909  
the court shall not make any determination as to whether the 2910  
offender is, or is not, a sexual predator but shall determine 2911  
whether the offender previously has been convicted of or pleaded 2912  
guilty to a sexually oriented offense other than the offense in 2913  
relation to which the ~~court determined that the offender is not a~~ 2914  
~~sexual predator~~ department made its determination. 2915

The court may ~~make the determination as to~~ conduct a hearing 2916  
to determine whether the offender previously has been convicted of 2917  
or pleaded guilty to a sexually oriented offense but may make the 2918  
determination without a hearing, ~~but. However,~~ if the court 2919  
determines that the offender previously has been convicted of or 2920

pleaded guilty to such an offense, it shall not impose a 2921  
requirement that the offender be subject to the community 2922  
notification provisions ~~regarding the offender's place of~~ 2923  
~~residence that are~~ contained in sections 2950.10 and 2950.11 of 2924  
the Revised Code without a hearing. ~~The court may conduct a~~ 2925  
~~hearing to determine both whether the offender previously has been~~ 2926  
~~convicted of or pleaded guilty to a sexually oriented offense and~~ 2927  
~~whether to impose a requirement that the offender be subject to~~ 2928  
~~the community notification provisions as described in this~~ 2929  
~~division, or may conduct a hearing solely to make the latter~~ 2930  
~~determination.~~ The court shall include in the offender's 2931  
institutional record any determination made under this division as 2932  
to whether the offender previously has been convicted of or 2933  
pleaded guilty to a sexually oriented offense, and, as such, 2934  
whether the offender is a habitual sex offender. 2935

~~(b) If the court schedules~~ (c) Upon scheduling a hearing 2936  
under division (C)(2)(a) ~~or (b)~~ of this section, the court shall 2937  
give the offender and the prosecutor who prosecuted the offender 2938  
for the sexually oriented offense, or that prosecutor's successor 2939  
in office, notice of the date, time, and place of the hearing. If 2940  
the hearing is scheduled under division (C)(2)(a) of this section 2941  
to determine whether the offender is a sexual predator, it shall 2942  
be conducted in the manner described in division (B)(1) of this 2943  
section regarding hearings conducted under that division and, in 2944  
making a determination under this division as to whether the 2945  
offender is a sexual predator, the court shall consider all 2946  
relevant factors, including, but not limited to, all of the 2947  
factors specified in division (B)(2) of this section. After 2948  
reviewing all testimony and evidence presented at the sexual 2949  
predator hearing and the factors specified in division (B)(2) of 2950  
this section, the court shall determine by clear and convincing 2951  
evidence whether the offender is a sexual predator. If the court 2952  
determines at the sexual predator hearing that the offender is not 2953

a sexual predator, it also shall determine whether the offender 2954  
previously has been convicted of or pleaded guilty to a sexually 2955  
oriented offense other than the offense in relation to which the 2956  
hearing is being conducted. 2957

Upon making its determinations at the sexual predator 2958  
hearing, the court shall proceed as follows: 2959

(i) If the ~~hearing is to determine whether the offender is a~~ 2960  
~~sexual predator, and if the~~ court determines that the offender is 2961  
not a sexual predator and that the offender previously has not 2962  
been convicted of or pleaded guilty to a sexually oriented offense 2963  
other than the offense in relation to which the hearing is being 2964  
conducted, it shall include ~~its determinations~~ in the offender's 2965  
institutional record its determinations and the reason or reasons 2966  
why it determined that the offender is not a sexual predator. 2967

(ii) If the ~~hearing is to determine whether the offender is a~~ 2968  
~~sexual predator, and if the~~ court determines that the offender is 2969  
not a sexual predator but that the offender previously has been 2970  
convicted of or pleaded guilty to a sexually oriented offense 2971  
other than the offense in relation to which the hearing is being 2972  
conducted, it shall include ~~its determination that the offender is~~ 2973  
~~not a sexual predator but is a habitual sex offender~~ in the 2974  
offender's institutional record its determination that the 2975  
offender is not a sexual predator but is a habitual sex offender 2976  
and the reason or reasons why it determined that the offender is 2977  
not a sexual predator, shall attach the determinations and the 2978  
reason or reasons to the offender's sentence, shall specify that 2979  
the determinations were pursuant to division (C) of this section, 2980  
shall provide a copy of the determinations and the reason or 2981  
reasons to the offender, to the prosecuting attorney, and to the 2982  
department of rehabilitation and correction, and may impose a 2983  
requirement that the offender be subject to the community 2984  
notification provisions ~~regarding the offender's place of~~ 2985

~~residence that are~~ contained in sections 2950.10 and 2950.11 of  
the Revised Code. The offender shall not be subject to those  
community notification provisions relative to the sexually  
oriented offense in question if the court does not so impose the  
requirement described in this division. If the court imposes ~~those~~  
~~community notification provisions~~ that requirement, the offender  
may appeal the judge's determination that the offender is a  
habitual sex offender.

(iii) ~~If the hearing is to determine whether the offender~~  
~~previously has been convicted of or pleaded guilty to a sexually~~  
~~oriented offense other than the offense in relation to which the~~  
~~hearing is being conducted and whether to impose a requirement~~  
~~that the offender be subject to the specified community~~  
~~notification provisions, and if the court determines that the~~  
~~offender previously has been convicted of or pleaded guilty to~~  
~~such an offense, the court shall proceed as described in division~~  
~~(C)(2)(b)(ii) of this section and may impose a community~~  
~~notification requirement as described in that division. The~~  
~~offender shall not be subject to the specified community~~  
~~notification provisions relative to the sexually oriented offense~~  
~~in question if the court does not so impose the requirement~~  
~~described in that division. If the court imposes those community~~  
~~notification provisions, the offender may appeal the judge's~~  
~~determination that the offender is a habitual sex offender.~~

(iv) ~~If the court determined without a hearing that the~~  
~~offender previously has been convicted of or pleaded guilty to a~~  
~~sexually oriented offense other than the offense in relation to~~  
~~which the court determined that the offender is not a sexual~~  
~~predator, and, as such, is a habitual sex offender, and the~~  
~~hearing is solely to determine whether to impose a requirement~~  
~~that the offender be subject to the specified community~~  
~~notification provisions, after the hearing, the court may impose a~~



~~community notification requirement as described in division 3018~~  
~~(C)(2)(b)(ii) of this section. The offender shall not be subject 3019~~  
~~to the specified community notification provisions relative to the 3020~~  
~~sexually oriented offense in question if the court does not so 3021~~  
~~impose the requirement described in that division. If the court 3022~~  
~~imposes those community notification provisions, the offender may 3023~~  
~~appeal the judge's determination that the offender is a habitual 3024~~  
~~sex offender. 3025~~

~~(v) If the hearing is to determine whether the offender is a 3026~~  
~~sexual predator, and if the court determines by clear and 3027~~  
convincing evidence that the offender is a sexual predator, it 3028  
shall enter its determination in the offender's institutional 3029  
record, shall attach the determination to the offender's sentence, 3030  
shall specify that the determination was pursuant to division (C) 3031  
of this section, and shall provide a copy of the determination to 3032  
the offender, to the prosecuting attorney, and to the department 3033  
of rehabilitation and correction. The offender and the prosecutor 3034  
may appeal as a matter of right the judge's determination under 3035  
~~this division~~ divisions (C)(2)(a) and (c) of this section as to 3036  
whether the offender is, or is not, a sexual predator. 3037

If the hearing is scheduled under division (C)(2)(b) of this 3038  
section to determine whether the offender previously has been 3039  
convicted of or pleaded guilty to a sexually oriented offense or 3040  
whether to subject the offender to the community notification 3041  
provisions contained in sections 2950.10 and 2950.11 of the 3042  
Revised Code, the court shall attach the determination or 3043  
determinations to the offender's sentence, shall provide a copy to 3044  
the offender, to the prosecuting attorney, and to the department 3045  
of rehabilitation and correction and may impose a requirement that 3046  
the offender be subject to the community notification provisions. 3047  
The offender shall not be subject to the community notification 3048  
provisions relative to the sexually oriented offense in question 3049

if the court does not so impose the requirement described in this 3050  
division. If the court imposes that requirement, the offender may 3051  
appeal the judge's determination that the offender is a habitual 3052  
sex offender. 3053

(D)(1) Division (D) of this section ~~applies~~ does not apply to 3054  
~~persons~~ any person who ~~have~~ has been convicted of or pleaded 3055  
guilty to a sexually oriented offense ~~and also. Division (D) of~~ 3056  
this section applies only to delinquent children as provided in 3057  
Chapter 2152. of the Revised Code. A person who has been 3058  
adjudicated a delinquent child for committing a sexually oriented 3059  
offense and who has been classified by a juvenile court judge a 3060  
juvenile sex offender registrant or, if applicable, additionally 3061  
has been determined by a juvenile court judge to be a sexual 3062  
predator or habitual sex offender, may petition the adjudicating 3063  
court for a reclassification or declassification pursuant to 3064  
section 2152.85 of the Revised Code. 3065

~~Upon the expiration of the applicable period of time~~ 3066  
~~specified in division (D)(1)(a) or (b) of this section, an~~ 3067  
~~offender who has been convicted of or pleaded guilty to a sexually~~ 3068  
~~oriented offense and who has been adjudicated as being a sexual~~ 3069  
~~predator relative to the sexually oriented offense in the manner~~ 3070  
~~described in division (B) or (C) of this section may petition the~~ 3071  
~~judge who made the determination that the offender was a sexual~~ 3072  
~~predator, or that judge's successor in office, to enter a~~ 3073  
~~determination that the offender no longer is a sexual predator.~~ 3074  
~~Upon the filing of the petition, the judge may review the prior~~ 3075  
~~sexual predator determination that comprises the sexual predator~~ 3076  
~~adjudication, and, upon consideration of~~ A judge who is reviewing 3077  
a sexual predator determination for a delinquent child under 3078  
section 2152.84 or 2152.85 of the Revised Code shall comply with 3079  
this section. At the hearing, the judge shall consider all 3080  
relevant evidence and information, including, but not limited to, 3081

the factors set forth in division (B)(3) of this section, ~~either~~ 3082  
~~shall enter a determination that the offender no longer is a~~ 3083  
~~sexual predator or shall enter an order denying the petition.~~ The 3084  
judge shall not enter a determination ~~under this division~~ that the 3085  
~~offender~~ delinquent child no longer is a sexual predator unless 3086  
the judge determines by clear and convincing evidence that the 3087  
~~offender~~ delinquent child is unlikely to commit a sexually 3088  
oriented offense in the future. If the judge enters a 3089  
determination under this division that the ~~offender~~ delinquent 3090  
child no longer is a sexual predator, the judge shall notify the 3091  
bureau of criminal identification and investigation and the parole 3092  
board of the determination and shall include in the notice a 3093  
statement of the reason or reasons why it determined that the 3094  
delinquent child no longer is a sexual predator. Upon receipt of 3095  
the notification, the bureau promptly shall notify the sheriff 3096  
with whom the ~~offender~~ delinquent child most recently registered 3097  
under section 2950.04 or 2950.05 of the Revised Code of the 3098  
determination that the ~~offender~~ delinquent child no longer is a 3099  
sexual predator. ~~If the judge enters a determination under this~~ 3100  
~~division that the offender no longer is a sexual predator and if~~ 3101  
~~the offender has a duty to register under section 2950.04 of the~~ 3102  
~~Revised Code resulting from the offender's conviction of or plea~~ 3103  
~~of guilty to committing on or after the effective date of this~~ 3104  
~~amendment an aggravated sexually oriented offense, the entry of~~ 3105  
~~the determination under this division does not affect any duties~~ 3106  
~~imposed upon the offender under this chapter as a result of that~~ 3107  
~~conviction of or plea of guilty to the aggravated sexually~~ 3108  
~~oriented offense. If the judge enters an order denying the~~ 3109  
~~petition, the prior adjudication of the offender as a sexual~~ 3110  
~~predator shall remain in effect. An offender determined to be a~~ 3111  
~~sexual predator in the manner described in division (B) or (C) of~~ 3112  
~~this section may file a petition under this division after the~~ 3113  
~~expiration of the following periods of time:~~ 3114

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

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

~~(2) Except as otherwise provided in this division, division (D)(1) of this section does not apply to a person who is classified as a sexual predator pursuant to division (A) of this section. If a person who is so classified was sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code and if the sentencing court terminates the offender's prison term as provided in division (D) of section 2971.05 of the Revised Code, the court's termination of the prison term automatically shall constitute a determination by the court that the offender no longer is a sexual predator. However, if there is a determination under this division that the offender no longer is a sexual predator and if the offender has a duty to register under~~

~~section 2950.04 of the Revised Code resulting from the offender's~~ 3147  
~~conviction of or plea of guilty to committing on or after the~~ 3148  
~~effective date of this amendment an aggravated sexually oriented~~ 3149  
~~offense, the determination under this division does not affect any~~ 3150  
~~duties imposed upon the offender under this chapter as a result of~~ 3151  
~~that conviction of or plea of guilty to the aggravated sexually~~ 3152  
~~oriented offense. If the court so terminates the offender's prison~~ 3153  
~~term, the court shall notify the bureau of criminal identification~~ 3154  
~~and investigation and the parole board of the determination that~~ 3155  
~~the offender no longer is a sexual predator. Upon receipt of the~~ 3156  
~~notification, the bureau promptly shall notify the sheriff with~~ 3157  
~~whom the offender most recently registered under section 2950.04~~ 3158  
~~or 2950.05 of the Revised Code that the offender no longer is a~~ 3159  
~~sexual predator. If an offender who has been convicted of or~~ 3160  
~~pleaded guilty to a sexually oriented offense is classified as a~~ 3161  
~~sexual predator pursuant to division (A) of this section is~~ 3162  
~~released from prison pursuant to a pardon or commutation or has~~ 3163  
~~been adjudicated as a sexual predator relative to the offense as~~ 3164  
~~described in division (B) or (C) of this section, the~~ 3165  
~~classification or adjudication of the offender as a sexual~~ 3166  
~~predator shall remain in effect after the offender's release, and~~ 3167  
~~the offender may file one or more petitions in accordance with the~~ 3168  
~~procedures and time limitations contained in division (D)(1) of~~ 3169  
~~this section for a determination that the offender no longer is a~~ 3170  
~~sexual predator is permanent and continues in effect until the~~ 3171  
~~offender's death and in no case shall the classification or~~ 3172  
~~adjudication be removed or terminated.~~ 3173

(E)(1) If a person is convicted of or pleads guilty to 3174  
committing, on or after January 1, 1997, a sexually oriented 3175  
offense, the judge who is to impose sentence on the offender shall 3176  
determine, prior to sentencing, whether the offender previously 3177  
has been convicted of or pleaded guilty to, or adjudicated a 3178  
delinquent child for committing, a sexually oriented offense and 3179

is a habitual sex offender. The judge who is to impose or has 3180  
imposed an order of disposition upon a child who is adjudicated a 3181  
delinquent child for committing on or after January 1, 2002, a 3182  
sexually oriented offense shall determine, prior to entering the 3183  
order classifying the delinquent child a juvenile sex offender 3184  
registrant, whether the delinquent child previously has been 3185  
convicted of or pleaded guilty to, or adjudicated a delinquent 3186  
child for committing, a sexually oriented offense and is a 3187  
habitual sex offender, if either of the following applies: 3188

(a) The judge is required by section 2152.82 or division (A) 3189  
of section 2152.83 of the Revised Code to classify the child a 3190  
juvenile sex offender registrant; 3191

(b) Division (B) of section 2152.83 of the Revised Code 3192  
applies regarding the child, the judge conducts a hearing under 3193  
that division for the purposes described in that division, and the 3194  
judge determines at that hearing that the child will be classified 3195  
a juvenile sex offender registrant. 3196

(2) If, under division (E)(1) of this section, the judge 3197  
determines that the offender or delinquent child previously has 3198  
not been convicted of or pleaded guilty to, or been adjudicated a 3199  
delinquent child for committing, a sexually oriented offense or 3200  
that the offender otherwise does not satisfy the criteria for 3201  
being a habitual sex offender, the judge shall specify in the 3202  
offender's sentence or in the order classifying the delinquent 3203  
child a juvenile sex offender registrant that the judge has 3204  
determined that the offender or delinquent child is not a habitual 3205  
sex offender. If the judge determines that the offender or 3206  
delinquent child previously has been convicted of or pleaded 3207  
guilty to, or been adjudicated a delinquent child for committing, 3208  
a sexually oriented offense and that the offender satisfies all 3209  
other criteria for being a habitual sex offender, the judge shall 3210  
specify in the offender's sentence and the judgment of conviction 3211

that contains the sentence or in the order classifying the 3212  
delinquent child a juvenile sex offender registrant that the judge 3213  
has determined that the offender or delinquent child is a habitual 3214  
sex offender and may impose a requirement in that sentence and 3215  
judgment of conviction or in that order that the offender or 3216  
delinquent child be subject to the community notification 3217  
provisions regarding the offender's or delinquent child's place of 3218  
residence that are contained in sections 2950.10 and 2950.11 of 3219  
the Revised Code. Unless the habitual sex offender also has been 3220  
adjudicated as being a sexual predator relative to the sexually 3221  
oriented offense in question or the habitual sex offender was 3222  
convicted of or pleaded guilty to an aggravated sexually oriented 3223  
offense ~~that was committed on or after the effective date of this~~ 3224  
~~amendment~~, the offender or delinquent child shall be subject to 3225  
those community notification provisions only if the court imposes 3226  
the requirement described in this division in the offender's 3227  
sentence and the judgment of conviction or in the order 3228  
classifying the delinquent child a juvenile sex offender 3229  
registrant. If the court determines pursuant to this division or 3230  
division (C)(2) of this section that an offender is a habitual sex 3231  
offender, the determination is permanent and continues in effect 3232  
until the offender's death, and in no case shall the determination 3233  
be removed or terminated. 3234

If a court in another state, a federal court, military court, 3235  
or Indian tribal court, or a court in any nation other than the 3236  
United States determines a person to be a habitual sex offender in 3237  
that jurisdiction, the person is considered to be determined to be 3238  
a habitual sex offender in this state. If the court in the other 3239  
state, the federal court, military court, or Indian tribal court, 3240  
or the court in the nation other than the United States subjects 3241  
the habitual sex offender to community notification regarding the 3242  
person's place of residence, the person, as much as is 3243  
practicable, is subject to the community notification provisions 3244

regarding the person's place of residence that are contained in 3245  
sections 2950.10 and 2950.11 of the Revised Code, unless the court 3246  
that so subjected the person to community notification determines 3247  
that the person no longer is subject to community notification. 3248

(F)(1) An offender or delinquent child classified as a sexual 3249  
predator may petition the court of common pleas or, for a 3250  
delinquent child, the juvenile court of the county in which the 3251  
offender or delinquent child resides or temporarily is domiciled 3252  
to enter a determination that the offender or delinquent child is 3253  
not an adjudicated sexual predator in this state for purposes of 3254  
the sex offender registration requirements of this chapter or the 3255  
community notification provisions contained in sections 2950.10 3256  
and 2950.11 of the Revised Code if all of the following apply: 3257

(a) The offender or delinquent child was convicted of, 3258  
pleaded guilty to, or was adjudicated a delinquent child for 3259  
committing, a sexually oriented offense in another state ~~or~~, in a 3260  
federal court, a military court, or ~~an~~ Indian tribal court, or in 3261  
a court of any nation other than the United States. 3262

(b) As a result of the conviction, plea of guilty, or 3263  
adjudication described in division (F)(1)(a) of this section, the 3264  
offender or delinquent child is required under the law of the 3265  
jurisdiction under which the offender or delinquent child was 3266  
convicted, pleaded guilty, or was adjudicated to register as a sex 3267  
offender until the offender's or delinquent child's death ~~and is~~ 3268  
~~required to verify the offender's or delinquent child's address on~~ 3269  
~~at least a quarterly basis each year.~~ 3270

(c) The offender or delinquent child was automatically 3271  
classified as a sexual predator under division (A) of this section 3272  
in relation to the conviction, guilty plea, or adjudication 3273  
described in division (F)(1)(a) of this section. 3274

(2) The court may enter a determination that the offender or 3275



delinquent child filing the petition described in division (F)(1) 3276  
of this section is not an adjudicated sexual predator in this 3277  
state for purposes of the sex offender registration requirements 3278  
of this chapter or the community notification provisions contained 3279  
in sections 2950.10 and 2950.11 of the Revised Code only if the 3280  
offender or delinquent child proves by clear and convincing 3281  
evidence that the requirement of the other jurisdiction that the 3282  
offender or delinquent child register as a sex offender until the 3283  
offender's or delinquent child's death ~~and the requirement that~~ 3284  
~~the offender or delinquent child verify the offender's or~~ 3285  
~~delinquent child's address on at least a quarterly basis each year~~ 3286  
is not substantially similar to a classification as a sexual 3287  
predator for purposes of this chapter. If the court enters a 3288  
determination that the offender or delinquent child is not an 3289  
adjudicated sexual predator in this state for those purposes, the 3290  
court shall include in the determination a statement of the reason 3291  
or reasons why it so determined. 3292

**Sec. 2950.10.** (A)(1) If a person is convicted of or pleads 3293  
guilty to, or has been convicted of or pleaded guilty to, a 3294  
sexually oriented offense or a person is adjudicated a delinquent 3295  
child for committing a sexually oriented offense and is classified 3296  
a juvenile sex offender registrant or is an out-of-state juvenile 3297  
sex offender registrant based on that adjudication, if the 3298  
offender or delinquent child is in any category specified in 3299  
division (B)(1)(a), (b), or (c) of this section, if the offender 3300  
or delinquent child registers with a sheriff pursuant to section 3301  
2950.04 or 2950.05 of the Revised Code, and if the victim of the 3302  
sexually oriented offense has made a request in accordance with 3303  
rules adopted by the attorney general that specifies that the 3304  
victim would like to be provided the notices described in this 3305  
section, the sheriff shall notify the victim of the sexually 3306  
oriented offense, in writing, that the offender or delinquent 3307

child has registered and shall include in the notice the 3308  
offender's ~~or delinquent child's~~ name and ~~residence~~ the address or 3309  
addresses of the offender's residence, school, institution of 3310  
higher education, or place of employment, as applicable, or the 3311  
delinquent child's name and residence address or addresses. The 3312  
sheriff shall provide the notice required by this division to the 3313  
victim at the most recent residence address available for that 3314  
victim, not later than ~~seventy-two hours~~ five days after the 3315  
offender or delinquent child registers with the sheriff. 3316

(2) If a person is convicted of or pleads guilty to, or has 3317  
been convicted of or pleaded guilty to, a sexually oriented 3318  
offense or a person is adjudicated a delinquent child for 3319  
committing a sexually oriented offense and is classified a 3320  
juvenile sex offender registrant or is an out-of-state juvenile 3321  
sex offender registrant based on that adjudication, if the 3322  
offender or delinquent child is in any category specified in 3323  
division (B)(1)(a), (b), or (c) of this section, if the offender 3324  
or delinquent child registers with a sheriff pursuant to section 3325  
2950.04 or 2950.05 of the Revised Code, if the victim of the 3326  
sexually oriented offense has made a request in accordance with 3327  
rules adopted by the attorney general that specifies that the 3328  
victim would like to be provided the notices described in this 3329  
section, and if the offender ~~or delinquent child~~ notifies the 3330  
sheriff of a change of residence, school, institution of higher 3331  
education, or place of employment address or the delinquent child 3332  
notifies the sheriff of a change of residence address pursuant to 3333  
section 2950.05 of the Revised Code, the sheriff shall notify the 3334  
victim of the sexually oriented offense, in writing, that the 3335  
offender's or delinquent child's ~~residence~~ address has changed and 3336  
shall include in the notice the offender's ~~or delinquent child's~~ 3337  
name and the new ~~residence~~ address or addresses of the offender's 3338  
residence, school, institution of higher education, or place of 3339  
employment, as applicable, or the delinquent child's name and new 3340

residence address or addresses. The sheriff shall provide the 3341  
notice required by this division to the victim at the most recent 3342  
residence address available for that victim, no later than 3343  
~~seventy-two hours~~ five days after the offender or delinquent child 3344  
notifies the sheriff of the change in the offender's or delinquent 3345  
child's residence, school, institution of higher education, or 3346  
place of employment address. 3347

(3) If a person is convicted of or pleads guilty to, or has 3348  
been convicted of or pleaded guilty to, a sexually oriented 3349  
offense or a person is adjudicated a delinquent child for 3350  
committing a sexually oriented offense and is classified a 3351  
juvenile sex offender registrant or is an out-of-state juvenile 3352  
sex offender registrant based on that adjudication, and if the 3353  
offender or delinquent child is ~~adjudicated as being a sexual~~ 3354  
~~predator relative to the sexually oriented offense or the offender~~ 3355  
~~or delinquent child is determined pursuant to division (E) of~~ 3356  
~~section 2950.09, division (B) of section 2152.83, section 2152.84,~~ 3357  
~~or section 2152.85 of the Revised Code to be a habitual sex~~ 3358  
~~offender and is made subject to~~ in any category specified in 3359  
division (B)(1)(a), (b), or (c) of this section, the victim of the 3360  
offense may make a request in accordance with rules adopted by the 3361  
attorney general pursuant to section 2950.13 of the Revised Code 3362  
that specifies that the victim would like to be provided the 3363  
notices described in divisions (A)(1) and (2) of this section. If 3364  
the victim makes a request in accordance with those rules, the 3365  
sheriff described in divisions (A)(1) and (2) of this section 3366  
shall provide the victim with the notices described in those 3367  
divisions. 3368

(4) If a victim makes a request as described in division 3369  
(A)(3) of this section that specifies that the victim would like 3370  
to be provided the notices described in divisions (A)(1) and (2) 3371  
of this section, all information a sheriff obtains regarding the 3372

victim from or as a result of the request is confidential, and the 3373  
information is not a public record open for inspection under 3374  
section 149.43 of the Revised Code. 3375

(5) The notices described in divisions (A)(1) and (2) of this 3376  
section are in addition to any notices regarding the offender or 3377  
delinquent child that the victim is entitled to receive under 3378  
Chapter 2930. of the Revised Code. 3379

(B)(1) The duties to provide the notices described in 3380  
divisions (A)(1) and (2) of this section apply regarding any 3381  
offender or delinquent child who is in any of the following 3382  
categories, if the other criteria set forth in division (A)(1) or 3383  
(2) of this section, whichever is applicable, are satisfied: 3384

(a) The offender or delinquent child has been adjudicated a 3385  
sexual predator relative to the sexually oriented offense for 3386  
which the offender or delinquent child has the duty to register 3387  
under section 2950.04 of the Revised Code, and, regarding a 3388  
delinquent child, the court has not subsequently determined 3389  
pursuant to ~~division (D) of section 2950.09~~, section 2152.84, or 3390  
~~section~~ 2152.85 of the Revised Code that the ~~offender or~~ 3391  
delinquent child no longer is a sexual predator. 3392

(b) The offender or delinquent child has been determined 3393  
pursuant to division (C)(2) or (E) of section 2950.09, division 3394  
(B) of section 2152.83, section 2152.84, or section 2152.85 of the 3395  
Revised Code to be a habitual sex offender, the court has imposed 3396  
a requirement under that division or section subjecting the 3397  
habitual sex offender to this section, and, regarding a delinquent 3398  
child, the determination has not been removed pursuant to section 3399  
2152.84 or 2152.85 of the Revised Code. 3400

(c) The sexually oriented offense for which the offender has 3401  
the duty to register under section 2950.04 of the Revised Code is 3402  
an aggravated sexually oriented offense ~~committed on or after the~~ 3403

~~effective date of this amendment~~, regardless of whether the 3404  
offender has been adjudicated a sexual predator relative to the 3405  
offense or has been determined to be a habitual sex offender and, 3406  
if the offender has been so ~~adjudicated or~~ determined to be a 3407  
habitual sex offender, regardless of whether the ~~court has~~ 3408  
~~subsequently determined that the offender no longer is a sexual~~ 3409  
~~predator or whether the~~ habitual sex offender determination has 3410  
not been removed as described in division (A)(1)~~(a) or~~ (b) of this 3411  
section. 3412

(2) A victim of a sexually oriented offense is not entitled 3413  
to be provided any notice described in division (A)(1) or (2) of 3414  
this section unless the offender or delinquent child is in a 3415  
category specified in division (B)(1)(a), (b), or (c) of this 3416  
section. A victim of a sexually oriented offense is not entitled 3417  
to any notice described in division (A)(1) or (2) of this section 3418  
unless the victim makes a request in accordance with rules adopted 3419  
by the attorney general pursuant to section 2950.13 of the Revised 3420  
Code that specifies that the victim would like to be provided the 3421  
notices described in divisions (A)(1) and (2) of this section. 3422  
This division does not affect any rights of a victim of a sexually 3423  
oriented offense to be provided notice regarding an offender or 3424  
delinquent child that are described in Chapter 2930. of the 3425  
Revised Code. 3426

**Sec. 2950.11.** (A) As used in this section, "specified 3427  
geographical notification area" means the geographic area or areas 3428  
within which the attorney general, by rule adopted under section 3429  
2950.13 of the Revised Code, requires the notice described in 3430  
division (B) of this section to be given to the persons identified 3431  
in divisions (A)(2) to (8) of this section. If a person is 3432  
convicted of or pleads guilty to, or has been convicted of or 3433  
pleaded guilty to, a sexually oriented offense or a person is 3434  
adjudicated a delinquent child for committing a sexually oriented 3435

offense and is classified a juvenile sex offender registrant or is 3436  
an out-of-state juvenile sex offender registrant based on that 3437  
adjudication, and if the offender or delinquent child is in any 3438  
category specified in division (F)(1)(a), (b), or (c) of this 3439  
section, the sheriff with whom the offender or delinquent child 3440  
has most recently registered under section 2950.04 or 2950.05 of 3441  
the Revised Code and the sheriff to whom the offender or 3442  
delinquent child most recently sent a notice of intent to reside 3443  
under section 2950.04 of the Revised Code, within the period of 3444  
time specified in division (C) of this section, shall provide a 3445  
written notice containing the information set forth in division 3446  
(B) of this section to all of the ~~following~~ persons: described in 3447  
divisions (A)(1) to (9) of this section. If the sheriff has sent a 3448  
notice to the persons described in those divisions as a result of 3449  
receiving a notice of intent to reside and if the offender or 3450  
delinquent child registers a residence address that is the same 3451  
residence address described in the notice of intent to reside, the 3452  
sheriff is not required to send an additional notice when the 3453  
offender or delinquent child registers. 3454

(1) All of the following types of persons: 3455

(a) Except as otherwise provided in divisions (A)(1)(b) and 3456  
(c) of this section, all occupants of residences that are located 3457  
on premises that are within one thousand feet of the premises on 3458  
which the offender's or delinquent child's place of residence is 3459  
located and that are located within the county served by the 3460  
sheriff and all; 3461

(b) If the offender's or delinquent child's place of 3462  
residence is in a multi-resident building, all occupants of 3463  
residences in the same building that share a common hallway with 3464  
the offender's or delinquent child's place of residence, and 3465  
either the manager of the building or any party authorized by the 3466  
owner of the building to exercise management, custody, and control 3467

of the building. The manager or other party shall permit the 3468  
sheriff to post, and the sheriff shall post, a copy of the notice 3469  
prominently in each of the common entryways to the building. This 3470  
division does not prohibit the sheriff from notifying occupants of 3471  
residences in the multi-resident building referred to in this 3472  
division by mail or by personal contact. If the sheriff notifies 3473  
occupants of residences in that multi-resident building by mail or 3474  
by personal contact, the sheriff is not required to post any copy 3475  
of the notice in any common entryway to that building. 3476

(c) If division (A)(1)(b) of this section does not apply, the 3477  
manager of each multi-resident building that is located within one 3478  
thousand feet of the premises on which the offender's or 3479  
delinquent child's place of residence is located and that is 3480  
located within the county served by the sheriff or any party 3481  
authorized by the owner of the building to exercise management, 3482  
custody, and control of the building. The manager or other party 3483  
shall permit the sheriff to post, and the sheriff shall post, a 3484  
copy of the notice prominently in each of the common entryways to 3485  
the building. This division does not prohibit the sheriff from 3486  
notifying occupants of residences in one or more of the 3487  
multi-resident buildings referred to in this division by mail or 3488  
by personal contact. If the sheriff notifies occupants of 3489  
residences in a multi-resident building referred to in this 3490  
division by mail or by personal contact, the sheriff is not 3491  
required to post any copy of the notice in any common entryway to 3492  
that building. 3493

(d) All additional neighbors of the offender or delinquent 3494  
child who are within any category that the attorney general by 3495  
rule adopted under section 2950.13 of the Revised Code requires to 3496  
be provided the notice and who reside within the county served by 3497  
the sheriff; 3498

(2) The executive director of the public children services 3499

agency that has jurisdiction within the specified geographical 3500  
notification area and that is located within the county served by 3501  
the sheriff; 3502

(3)(a) The superintendent of each board of education of a 3503  
school district that has schools within the specified geographical 3504  
notification area and that is located within the county served by 3505  
the sheriff; 3506

(b) The principal of the school within the specified 3507  
geographical notification area and within the county served by the 3508  
sheriff that the delinquent child attends; 3509

(c) If the delinquent child attends a school outside of the 3510  
specified geographical notification area or outside of the school 3511  
district where the delinquent child resides, the superintendent of 3512  
the board of education of a school district that governs the 3513  
school that the delinquent child attends and the principal of the 3514  
school that the delinquent child attends. 3515

(4)(a) The appointing or hiring officer of each chartered 3516  
nonpublic school located within the specified geographical 3517  
notification area and within the county served by the sheriff or 3518  
of each other school located within the specified geographical 3519  
notification area and within the county served by the sheriff and 3520  
that is not operated by a board of education described in division 3521  
(A)(3) of this section; 3522

(b) Regardless of the location of the school, the appointing 3523  
or hiring officer of a chartered nonpublic school that the 3524  
delinquent child attends. 3525

(5) The director, head teacher, elementary principal, or site 3526  
administrator of each preschool program governed by Chapter 3301. 3527  
of the Revised Code that is located within the specified 3528  
geographical notification area and within the county served by the 3529  
sheriff; 3530



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

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

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

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

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

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

(2) The address or addresses ~~at which the offender or~~ 3562  
~~delinquent child resides~~ of the offender's residence, school, 3563  
institution of higher education, or place of employment, as 3564  
applicable, or the delinquent child's residence address or 3565  
addresses; 3566

(3) The sexually oriented offense of which the offender was 3567  
convicted, to which the offender pleaded guilty, or for which the 3568  
child was adjudicated a delinquent child; 3569

(4) A statement that the offender ~~or delinquent child~~ has 3570  
been adjudicated ~~as being~~ a sexual predator, a statement that the 3571  
delinquent child has been adjudicated a sexual predator and that, 3572  
as of the date of the notice, the court has not entered a 3573  
determination that the ~~offender or~~ delinquent child no longer is a 3574  
sexual predator, or a statement that the sentencing or reviewing 3575  
judge has determined that the offender or delinquent child is a 3576  
habitual sex offender and that, as of the date of the notice, the 3577  
determination regarding a delinquent child has not been removed 3578  
pursuant to section 2152.84 or 2152.85 of the Revised Code. 3579

(C) If a sheriff with whom an offender or delinquent child 3580  
registers under section 2950.04 or 2950.05 of the Revised Code or 3581  
to whom the offender or delinquent child most recently sent a 3582  
notice of intent to reside under section 2950.04 of the Revised 3583  
Code is required by division (A) of this section to provide 3584  
notices regarding an offender or delinquent child and if, pursuant 3585  
to that requirement, the sheriff provides a notice to a sheriff of 3586  
one or more other counties in accordance with division (A)(8) of 3587  
this section, the sheriff of each of the other counties who is 3588  
provided notice under division (A)(8) of this section shall 3589  
provide the notices described in divisions (A)(1) to (7) and 3590  
(A)(9) of this section to each person or entity identified within 3591  
those divisions that is located within the geographical 3592  
notification area and within the county served by the sheriff in 3593

question. 3594

(D)(1) A sheriff required by division (A) or (C) of this 3595  
section to provide notices regarding an offender or delinquent 3596  
child shall provide the notice to the neighbors that are described 3597  
in division (A)(1) of this section and the notices to law 3598  
enforcement personnel that are described in divisions (A)(8) and 3599  
(9) of this section as soon as practicable, but no later than 3600  
~~seventy-two hours~~ five days after the offender sends the notice of 3601  
intent to reside to the sheriff and again no later than 3602  
~~seventy-two hours~~ five days after the offender or delinquent child 3603  
registers with the sheriff or, if the sheriff is required by 3604  
division (C) to provide the notices, no later than ~~seventy-two~~ 3605  
~~hours~~ five days after the sheriff is provided the notice described 3606  
in division (A)(8) of this section. 3607

A sheriff required by division (A) or (C) of this section to 3608  
provide notices regarding an offender or delinquent child shall 3609  
provide the notices to all other specified persons that are 3610  
described in divisions (A)(2) to (7) of this section as soon as 3611  
practicable, but not later than seven days after the offender or 3612  
delinquent child registers with the sheriff or, if the sheriff is 3613  
required by division (C) to provide the notices, no later than 3614  
~~seventy-two hours~~ five days after the sheriff is provided the 3615  
notice described in division (A)(8) of this section. 3616

(2) If an offender or delinquent child in relation to whom 3617  
division (A) of this section applies verifies the offender's or 3618  
delinquent child's current residence, school, institution of 3619  
higher education, or place of employment address, as applicable, 3620  
with a sheriff pursuant to section 2950.06 of the Revised Code, 3621  
the sheriff may provide a written notice containing the 3622  
information set forth in division (B) of this section to the 3623  
persons identified in divisions (A)(1) to (9) of this section. If 3624  
a sheriff provides a notice pursuant to this division to the 3625

sheriff of one or more other counties in accordance with division 3626  
(A)(8) of this section, the sheriff of each of the other counties 3627  
who is provided the notice under division (A)(8) of this section 3628  
may provide, but is not required to provide, a written notice 3629  
containing the information set forth in division (B) of this 3630  
section to the persons identified in divisions (A)(1) to (7) and 3631  
(A)(9) of this section. 3632

(E) All information that a sheriff possesses regarding a 3633  
sexual predator or a habitual sex offender that is described in 3634  
division (B) of this section and that must be provided in a notice 3635  
required under division (A) or (C) of this section or that may be 3636  
provided in a notice authorized under division (D)(2) of this 3637  
section is a public record that is open to inspection under 3638  
section 149.43 of the Revised Code. 3639

If the sexual predator or habitual sex offender is a juvenile 3640  
sex offender registrant, the sheriff shall not cause any of the 3641  
information described in this division to be publicly disseminated 3642  
by means of the internet, except when the act that is the basis of 3643  
a child's classification as a juvenile sex offender registrant is 3644  
a violation of, or an attempt to commit a violation of, section 3645  
2903.01, 2903.02, or 2905.01 of the Revised Code that was 3646  
committed with a purpose to gratify the sexual needs or desires of 3647  
the child, a violation of section 2907.02 of the Revised Code, or 3648  
an attempt to commit a violation of that section. 3649

(F)(1) The duties to provide the notices described in 3650  
divisions (A) and (C) of this section apply regarding any offender 3651  
or delinquent child who is in any of the following categories, if 3652  
the other criteria set forth in division (A) or (C) of this 3653  
section, whichever is applicable, are satisfied: 3654

(a) The offender or delinquent child has been adjudicated a 3655  
sexual predator relative to the sexually oriented offense for 3656  
which the offender or delinquent child has the duty to register 3657

under section 2950.04 of the Revised Code, and, regarding a 3658  
delinquent child, the court has not subsequently determined 3659  
pursuant to ~~division (D) of section 2950.09~~, section 2152.84, or 3660  
~~section~~ 2152.85 of the Revised Code that the ~~offender or~~ 3661  
delinquent child no longer is a sexual predator. 3662

(b) The offender or delinquent child has been determined 3663  
pursuant to division (C)(2) or (E) of section 2950.09, division 3664  
(B) of section 2152.83, section 2152.84, or section 2152.85 of the 3665  
Revised Code to be a habitual sex offender, the court has imposed 3666  
a requirement under that division or section subjecting the 3667  
habitual sex offender to this section, and, regarding a delinquent 3668  
child, the determination has not been removed pursuant to section 3669  
2152.84 or 2152.85 of the Revised Code. 3670

(c) The sexually oriented offense for which the offender has 3671  
the duty to register under section 2950.04 of the Revised Code is 3672  
an aggravated sexually oriented offense ~~committed on or after the~~ 3673  
~~effective date of this amendment~~, regardless of whether the 3674  
offender has been adjudicated a sexual predator relative to the 3675  
offense or has been determined to be a habitual sex offender ~~and,~~ 3676  
~~if the offender has been so adjudicated or determined, regardless~~ 3677  
~~of whether the court has subsequently determined that the offender~~ 3678  
~~no longer is a sexual predator or whether the habitual sex~~ 3679  
~~offender determination has not been removed as described in~~ 3680  
~~division (F)(1)(a) or (b) of this section.~~ 3681

(2) The notification provisions of this section do not apply 3682  
regarding a person who is convicted of or pleads guilty to, has 3683  
been convicted of or pleaded guilty to, or is adjudicated a 3684  
delinquent child for committing, a sexually oriented offense, who 3685  
is not in the category specified in either division (F)(1)(a) or 3686  
(c) of this section, and who is determined pursuant to division 3687  
(C)(2) or (E) of section 2950.09, division (B) of section 2152.83, 3688  
section 2152.84, or section 2152.85 of the Revised Code to be a 3689

habitual sex offender unless the sentencing or reviewing court 3690  
imposes a requirement in the offender's sentence and in the 3691  
judgment of conviction that contains the sentence or in the 3692  
delinquent child's adjudication, or imposes a requirement as 3693  
described in division (C)(2) of section 2950.09 of the Revised 3694  
Code, that subjects the offender or the delinquent child to the 3695  
provisions of this section. 3696

(G) The department of job and family services shall compile, 3697  
maintain, and update in January and July of each year, a list of 3698  
all agencies, centers, or homes of a type described in division 3699  
(A)(2) or (6) of this section that contains the name of each 3700  
agency, center, or home of that type, the county in which it is 3701  
located, its address and telephone number, and the name of an 3702  
administrative officer or employee of the agency, center, or home. 3703  
The department of education shall compile, maintain, and update in 3704  
January and July of each year, a list of all boards of education, 3705  
schools, or programs of a type described in division (A)(3), (4), 3706  
or (5) of this section that contains the name of each board of 3707  
education, school, or program of that type, the county in which it 3708  
is located, its address and telephone number, the name of the 3709  
superintendent of the board or of an administrative officer or 3710  
employee of the school or program, and, in relation to a board of 3711  
education, the county or counties in which each of its schools is 3712  
located and the address of each such school. The Ohio board of 3713  
regents shall compile, maintain, and update in January and July of 3714  
each year, a list of all institutions of a type described in 3715  
division (A)(7) of this section that contains the name of each 3716  
such institution, the county in which it is located, its address 3717  
and telephone number, and the name of its president or other chief 3718  
administrative officer. A sheriff required by division (A) or (C) 3719  
of this section, or authorized by division (D)(2) of this section, 3720  
to provide notices regarding an offender or delinquent child, or a 3721  
designee of a sheriff of that type, may request the department of 3722

job and family services, department of education, or Ohio board of 3723  
regents, by telephone, in person, or by mail, to provide the 3724  
sheriff or designee with the names, addresses, and telephone 3725  
numbers of the appropriate persons and entities to whom the 3726  
notices described in divisions (A)(2) to (7) of this section are 3727  
to be provided. Upon receipt of a request, the department or board 3728  
shall provide the requesting sheriff or designee with the names, 3729  
addresses, and telephone numbers of the appropriate persons and 3730  
entities to whom those notices are to be provided. 3731

Sec. 2950.111. (A) If an offender or delinquent child 3732  
registers a residence address, provides notice of a change of any 3733  
residence address, or verifies a current residence address 3734  
pursuant to section 2950.04, 2950.05, or 2950.06 of the Revised 3735  
Code, all of the following apply: 3736

(1) At any time after the registration, provision of the 3737  
notice, or verification, the sheriff with whom the offender or 3738  
delinquent child so registered or to whom the offender or 3739  
delinquent child so provided the notice or verified the current 3740  
address, or a designee of that sheriff, may contact a person who 3741  
owns, leases, or otherwise has custody, control, or supervision of 3742  
the premises at the address provided by the offender or delinquent 3743  
child in the registration, the notice, or the verification and 3744  
request that the person confirm or deny that the offender or 3745  
delinquent child currently resides at that address. 3746

(2) Upon receipt of a request under division (A)(1) of this 3747  
section, notwithstanding any other provision of law, the person 3748  
who owns, leases, or otherwise has custody, control, or 3749  
supervision of the premises, or an agent of that person, shall 3750  
comply with the request and inform the sheriff or designee who 3751  
made the request whether or not the offender or delinquent child 3752  
currently resides at that address. 3753

(3) Section 2950.12 of the Revised Code applies to a person 3754  
who, in accordance with division (A)(2) of this section, provides 3755  
information of the type described in that division. 3756

(B) Division (A) of this section applies regarding any public 3757  
or private residential premises, including, but not limited to, a 3758  
private residence, a multi-unit residential facility, a halfway 3759  
house, a homeless shelter, or any other type of residential 3760  
premises. Division (A) of this section does not apply regarding an 3761  
offender's registration, provision of notice of a change in, or 3762  
verification of a school, institution of higher education, or 3763  
place of employment address pursuant to section 2950.04, 2950.05, 3764  
or 2950.06 of the Revised Code. 3765

(C) A sheriff or designee of a sheriff may attempt to confirm 3766  
that an offender or delinquent child who registers a residence 3767  
address, provides notice of a change of any residence address, or 3768  
verifies a current residence address as described in division (A) 3769  
of this section currently resides at the address in question in 3770  
manners other than the manner provided in this section. A sheriff 3771  
or designee of a sheriff is not limited in the number of requests 3772  
that may be made under this section regarding any registration, 3773  
provision of notice, or verification, or in the number of times 3774  
that the sheriff or designee may attempt to confirm, in manners 3775  
other than the manner provided in this section, that an offender 3776  
or delinquent child currently resides at the address in question. 3777

**Sec. 2950.12.** (A) Except as provided in division (B) of this 3778  
section, any of the following persons shall be immune from 3779  
liability in a civil action to recover damages for injury, death, 3780  
or loss to person or property allegedly caused by an act or 3781  
omission in connection with a power, duty, responsibility, or 3782  
authorization under this chapter or under rules adopted under 3783  
authority of this chapter: 3784



(1) An officer or employee of the bureau of criminal identification and investigation;	3785 3786
(2) The attorney general, a chief of police, marshal, or other chief law enforcement officer of a municipal corporation, a sheriff, a constable or chief of police of a township police department or police district police force, and a deputy, officer, or employee of the office of the attorney general, the law enforcement agency served by the marshal or the municipal or township chief, the office of the sheriff, or the constable;	3787 3788 3789 3790 3791 3792 3793
(3) A prosecutor and an officer or employee of the office of a prosecutor;	3794 3795
(4) A supervising officer and an officer or employee of the adult parole authority of the department of rehabilitation and correction;	3796 3797 3798
(5) A supervising officer and an officer or employee of the department of youth services;	3799 3800
(6) A supervisor and a caseworker or employee of a public children services agency acting pursuant to section 5153.16 of the Revised Code;	3801 3802 3803
(7) A managing officer of a state correctional institution and an officer or employee of the department of rehabilitation and correction;	3804 3805 3806
(8) A person identified in division (A)(2), (3), (4), (5), (6), or (7) of section 2950.11 of the Revised Code or the agent of that person;	3807 3808 3809
<u>(9) A person identified in division (A)(2) of section 2950.111 of the Revised Code, regarding the person's provision of information pursuant to that division to a sheriff or a designee of a sheriff.</u>	3810 3811 3812 3813
(B) The immunity described in division (A) of this section	3814

does not apply to a person described in divisions (A)(1) to (8) of 3815  
this section if, in relation to the act or omission in question, 3816  
any of the following applies: 3817

(1) The act or omission was manifestly outside the scope of 3818  
the person's employment or official responsibilities. 3819

(2) The act or omission was with malicious purpose, in bad 3820  
faith, or in a wanton or reckless manner. 3821

(3) Liability for the act or omission is expressly imposed by 3822  
a section of the Revised Code. 3823

**Sec. 2950.13.** (A) The attorney general shall do all of the 3824  
following: 3825

(1) No later than July 1, 1997, establish and maintain a 3826  
state registry of sex offenders that is housed at the bureau of 3827  
criminal identification and investigation and that contains all of 3828  
the registration, change of residence, school, institution of 3829  
higher education, or place of employment address, and verification 3830  
information the bureau receives pursuant to sections 2950.04, 3831  
2950.05, and 2950.06 of the Revised Code regarding a person who is 3832  
convicted of or pleads guilty to, or has been convicted of or 3833  
pleaded guilty to, a sexually oriented offense or a person who is 3834  
adjudicated a delinquent child for committing a sexually oriented 3835  
offense and is classified a juvenile sex offender registrant or is 3836  
an out-of-state juvenile sex offender registrant based on that 3837  
adjudication, and all of the information the bureau receives 3838  
pursuant to section 2950.14 of the Revised Code; 3839

(2) In consultation with local law enforcement 3840  
representatives and no later than July 1, 1997, adopt rules that 3841  
contain guidelines necessary for the implementation of this 3842  
chapter; 3843

(3) In consultation with local law enforcement 3844

representatives and no later than July 1, 1997, adopt rules for 3845  
the implementation and administration of the provisions contained 3846  
in section 2950.11 of the Revised Code that pertain to the 3847  
notification of neighbors of an offender or a delinquent child who 3848  
has committed a sexually oriented offense and has been adjudicated 3849  
~~as being~~ a sexual predator or determined to be a habitual sex 3850  
offender or who has committed ~~on or after the effective date of~~ 3851  
~~this amendment~~ an aggravated sexually oriented offense, and rules 3852  
that prescribe a manner in which victims of a sexually oriented 3853  
offense committed by an offender or a delinquent child who has 3854  
been adjudicated ~~as being~~ a sexual predator or determined to be a 3855  
habitual sex offender or who has committed on or after ~~the~~ 3856  
~~effective date of this amendment~~ June 13, 2002, an aggravated 3857  
sexually oriented offense may make a request that specifies that 3858  
the victim would like to be provided the notices described in 3859  
divisions (A)(1) and (2) of section 2950.10 of the Revised Code; 3860

(4) In consultation with local law enforcement 3861  
representatives and through the bureau of criminal identification 3862  
and investigation, prescribe the forms to be used by judges and 3863  
officials pursuant to section 2950.03 of the Revised Code to 3864  
advise offenders and delinquent children of their duties of filing 3865  
a notice of intent to reside, registration, notification of a 3866  
change of residence, school, institution of higher education, or 3867  
place of employment address and registration of the new ~~residence~~, 3868  
school, institution of higher education, or place of employment 3869  
address, as applicable, and ~~residence~~ address verification under 3870  
sections 2950.04, 2950.05, and 2950.06 of the Revised Code, and 3871  
prescribe the forms to be used by sheriffs relative to those 3872  
duties of filing a notice of intent to reside, registration, 3873  
change of residence, school, institution of higher education, or 3874  
place of employment address notification, and ~~residence~~ address 3875  
verification; 3876

(5) Make copies of the forms prescribed under division (A)(4) 3877  
of this section available to judges, officials, and sheriffs; 3878

(6) Through the bureau of criminal identification and 3879  
investigation, provide the notifications, the information, and the 3880  
documents that the bureau is required to provide to appropriate 3881  
law enforcement officials and to the federal bureau of 3882  
investigation pursuant to sections 2950.04, 2950.05, and 2950.06 3883  
of the Revised Code; 3884

(7) Through the bureau of criminal identification and 3885  
investigation, maintain the verification forms returned under the 3886  
~~residence~~ address verification mechanism set forth in section 3887  
2950.06 of the Revised Code; 3888

(8) In consultation with representatives of the officials, 3889  
judges, and sheriffs, adopt procedures for officials, judges, and 3890  
sheriffs to use to forward information, photographs, and 3891  
fingerprints to the bureau of criminal identification and 3892  
investigation pursuant to the requirements of sections 2950.03, 3893  
2950.04, 2950.05, and 2950.06 of the Revised Code; 3894

(9) In consultation with the director of education, the 3895  
director of job and family services, and the director of 3896  
rehabilitation and correction and no later than July 1, 1997, 3897  
adopt rules that contain guidelines to be followed by boards of 3898  
education of a school district, chartered nonpublic schools or 3899  
other schools not operated by a board of education, preschool 3900  
programs, child day-care centers, type A family day-care homes, 3901  
certified type B family day-care homes, and institutions of higher 3902  
education regarding the proper use and administration of 3903  
information received pursuant to section 2950.11 of the Revised 3904  
Code relative to an offender or delinquent child who has been 3905  
adjudicated as being a sexual predator or determined to be a 3906  
habitual sex offender; 3907

(10) In consultation with local law enforcement 3908  
representatives and no later than July 1, 1997, adopt rules that 3909  
designate a geographic area or areas within which the notice 3910  
described in division (B) of section 2950.11 of the Revised Code 3911  
must be given to the persons identified in divisions (A)(2) to (8) 3912  
of that section; 3913

(11) Through the bureau of criminal identification and 3914  
investigation, establish and operate on the internet a sex 3915  
offender database that contains information for every offender who 3916  
has committed a sexually oriented offense and who registers in any 3917  
county in this state pursuant to section 2950.04 of the Revised 3918  
Code. The bureau shall determine the information to be provided on 3919  
the database for each offender and shall obtain that information 3920  
from the information contained in the state registry of sex 3921  
offenders described in division (A)(1) of this section. The 3922  
information provided for each offender shall include at least the 3923  
information set forth in division (B) of section 2950.11 of the 3924  
Revised Code. The database is a public record open for inspection 3925  
under section 149.43 of the Revised Code, and it shall be 3926  
searchable by offender name, by county, by zip code, and by school 3927  
district. The database shall provide a link to the web site of 3928  
each county, or of each sheriff or other official of a county, 3929  
that has established and operates on the internet a sex offender 3930  
database that contains information for offenders who register in 3931  
that county pursuant to section 2950.04 of the Revised Code, with 3932  
the link being a direct link to the sex offender database for the 3933  
county, sheriff, or other official. 3934

(12) Upon the request of any county, or of any sheriff or 3935  
other official of a county, provide technical assistance to the 3936  
requesting county, sheriff, or other official in establishing and 3937  
operating on the internet a sex offender database for the public 3938  
dissemination of some or all of the materials described in 3939

division (A) of section 2950.081 of the Revised Code that are 3940  
public records under that division and that pertain to offenders 3941  
who register in that county pursuant to section 2950.04 of the 3942  
Revised Code. 3943

(B) The attorney general, in consultation with local law 3944  
enforcement representatives, may adopt rules that establish one or 3945  
more categories of neighbors of an offender or delinquent child 3946  
who, in addition to the occupants of residences adjacent to an 3947  
offender's or delinquent child's place of residence, must be given 3948  
the notice described in division (B) of section 2950.11 of the 3949  
Revised Code. 3950

(C) As used in this section, "local law enforcement 3951  
representatives" means representatives of the sheriffs of this 3952  
state, representatives of the municipal chiefs of police and 3953  
marshals of this state, and representatives of the township 3954  
constables and chiefs of police of the township police departments 3955  
or police district police forces of this state. 3956

**Sec. 2950.99.** (A) ~~Whoever~~ (1)(a) Except as otherwise provided 3957  
in division (A)(1)(b) of this section, whoever violates a 3958  
prohibition in section 2950.04, 2950.05, or 2950.06 of the Revised 3959  
Code ~~is guilty of a felony of the fifth degree if~~ shall be 3960  
punished as follows: 3961

(i) If the most serious sexually oriented offense that was 3962  
the basis of the registration, notice of intent to reside, change 3963  
of address notification, or address verification requirement that 3964  
was violated under the prohibition is aggravated murder, murder, 3965  
or a felony of the first, second, or third degree if committed by 3966  
an adult, the offender is guilty of a felony of the third degree. 3967

(ii) If the most serious sexually oriented offense that was 3968  
the basis of the registration, notice of intent to reside, change 3969  
of address notification, or address verification requirement that 3970

was violated under the prohibition is a felony of the fourth or 3971  
fifth degree if committed by an adult, ~~and a misdemeanor of the~~ 3972  
~~first degree, or~~ if the most serious sexually oriented offense 3973  
that was the basis of the registration, notice of intent to 3974  
reside, change of address notification, or address verification 3975  
requirement that was violated under the prohibition is a 3976  
misdemeanor if committed by an adult. ~~In, the offender is guilty~~ 3977  
of a felony of the same degree or a misdemeanor of the same degree 3978  
as the most serious sexually oriented offense that was the basis 3979  
of the registration, notice of intent to reside, change of 3980  
address, or address verification requirement that was violated 3981  
under the prohibition. 3982

(b) If the offender previously has been convicted of or 3983  
pleaded guilty to, or previously has been adjudicated a delinquent 3984  
child for committing, a violation of a prohibition in section 3985  
2950.04, 2950.05, or 2950.06 of the Revised Code, whoever violates 3986  
a prohibition in section 2950.04, 2950.05, or 2950.06 of the 3987  
Revised Code shall be punished as follows: 3988

(i) If the most serious sexually oriented offense that was 3989  
the basis of the registration, notice of intent to reside, change 3990  
of address notification, or address verification requirement that 3991  
was violated under the prohibition is aggravated murder, murder, 3992  
or a felony of the first, second, third, or fourth degree if 3993  
committed by an adult, the offender is guilty of a felony of the 3994  
third degree. 3995

(ii) If the most serious sexually oriented offense that was 3996  
the basis of the registration, notice of intent to reside, change 3997  
of address notification, or address verification requirement that 3998  
was violated under the prohibition is a felony of the fifth degree 3999  
if committed by an adult, the offender is guilty of a felony of 4000  
the fourth degree. 4001

(iii) If the most serious sexually oriented offense that was 4002

the basis of the registration, notice of intent to reside, change 4003  
of address notification, or address verification requirement that 4004  
was violated under the prohibition is a misdemeanor of the first 4005  
degree if committed by an adult, the offender is guilty of a 4006  
felony of the fifth degree. 4007

(iv) If the most serious sexually oriented offense that was 4008  
the basis of the registration, notice of intent to reside, change 4009  
of address notification, or address verification requirement that 4010  
was violated under the prohibition is a misdemeanor other than a 4011  
misdemeanor of the first degree if committed by an adult, the 4012  
offender is guilty of a misdemeanor that is one degree higher than 4013  
the most serious sexually oriented offense that was the basis of 4014  
the registration, change of address, or address verification 4015  
requirement that was violated under the prohibition. 4016

(2) In addition to any penalty or sanction imposed under 4017  
division (A)(1) of this section or any other provision of law for 4018  
the a violation of a prohibition in section 2950.04, 2950.05, or 4019  
2950.06 of the Revised Code, if the offender or delinquent child 4020  
is on probation or parole, is subject to one or more post-release 4021  
control sanctions, or is subject to any other type of supervised 4022  
release at the time of the violation, the violation shall 4023  
constitute a violation of the terms and conditions of the 4024  
probation, parole, post-release control sanction, or other type of 4025  
supervised release. 4026

(B) If a person violates a prohibition in section 2950.04, 4027  
2950.05, or 2950.06 of the Revised Code that applies to the person 4028  
as a result of the person being adjudicated a delinquent child and 4029  
being classified a juvenile sex offender registrant or ~~is~~ as an 4030  
out-of-state juvenile sex offender registrant, both of the 4031  
following apply: 4032

(1) If the violation occurs while the person is under 4033  
eighteen years of age, the person is subject to proceedings under 4034



Chapter 2152. of the Revised Code based on the violation. 4035

(2) If the violation occurs while the person is eighteen 4036  
years of age or older, the person is subject to criminal 4037  
prosecution based on the violation. 4038

**Section 2.** That existing sections 2152.82, 2152.83, 2152.84, 4039  
2152.85, 2929.13, 2929.19, 2929.21, 2950.01, 2950.02, 2950.03, 4040  
2950.04, 2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.09, 4041  
2950.10, 2950.11, 2950.12, 2950.13, and 2950.99 of the Revised 4042  
Code are hereby repealed. 4043

**Section 3.** That the versions of sections 2929.13 and 2929.19 4044  
of the Revised Code that are scheduled to take effect January 1, 4045  
2004, be amended to read as follows: 4046

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 4047  
(G) of this section and unless a specific sanction is required to 4048  
be imposed or is precluded from being imposed pursuant to law, a 4049  
court that imposes a sentence upon an offender for a felony may 4050  
impose any sanction or combination of sanctions on the offender 4051  
that are provided in sections 2929.14 to 2929.18 of the Revised 4052  
Code. The sentence shall not impose an unnecessary burden on state 4053  
or local government resources. 4054

If the offender is eligible to be sentenced to community 4055  
control sanctions, the court shall consider the appropriateness of 4056  
imposing a financial sanction pursuant to section 2929.18 of the 4057  
Revised Code or a sanction of community service pursuant to 4058  
section 2929.17 of the Revised Code as the sole sanction for the 4059  
offense. Except as otherwise provided in this division, if the 4060  
court is required to impose a mandatory prison term for the 4061  
offense for which sentence is being imposed, the court also may 4062  
impose a financial sanction pursuant to section 2929.18 of the 4063  
Revised Code but may not impose any additional sanction or 4064

combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

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

(1) For a fourth degree felony 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;

(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.

(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 4096  
and the offense related to that office or position; the offender's 4097  
position obliged the offender to prevent the offense or to bring 4098  
those committing it to justice; or the offender's professional 4099  
reputation or position facilitated the offense or was likely to 4100  
influence the future conduct of others. 4101

(e) The offender committed the offense for hire or as part of 4102  
an organized criminal activity. 4103

(f) The offense is a sex offense that is a fourth or fifth 4104  
degree felony violation of section 2907.03, 2907.04, 2907.05, 4105  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 4106  
Revised Code. 4107

(g) The offender at the time of the offense was serving, or 4108  
the offender previously had served, a prison term. 4109

(h) The offender committed the offense while under a 4110  
community control sanction, while on probation, or while released 4111  
from custody on a bond or personal recognizance. 4112

(i) The offender committed the offense while in possession of 4113  
a firearm. 4114

(2)(a) If the court makes a finding described in division 4115  
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 4116  
section and if the court, after considering the factors set forth 4117  
in section 2929.12 of the Revised Code, finds that a prison term 4118  
is consistent with the purposes and principles of sentencing set 4119  
forth in section 2929.11 of the Revised Code and finds that the 4120  
offender is not amenable to an available community control 4121  
sanction, the court shall impose a prison term upon the offender. 4122

(b) Except as provided in division (E), (F), or (G) of this 4123  
section, if the court does not make a finding described in 4124  
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 4125

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 4158  
and protect the public from future crime, because the applicable 4159  
factors under section 2929.12 of the Revised Code indicating a 4160  
lesser likelihood of recidivism outweigh the applicable factors 4161  
under that section indicating a greater likelihood of recidivism. 4162

(2) A community control sanction or a combination of 4163  
community control sanctions would not demean the seriousness of 4164  
the offense, because one or more factors under section 2929.12 of 4165  
the Revised Code that indicate that the offender's conduct was 4166  
less serious than conduct normally constituting the offense are 4167  
applicable, and they outweigh the applicable factors under that 4168  
section that indicate that the offender's conduct was more serious 4169  
than conduct normally constituting the offense. 4170

(E)(1) Except as provided in division (F) of this section, 4171  
for any drug offense that is a violation of any provision of 4172  
Chapter 2925. of the Revised Code and that is a felony of the 4173  
third, fourth, or fifth degree, the applicability of a presumption 4174  
under division (D) of this section in favor of a prison term or of 4175  
division (B) or (C) of this section in determining whether to 4176  
impose a prison term for the offense shall be determined as 4177  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 4178  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 4179  
Revised Code, whichever is applicable regarding the violation. 4180

(2) If an offender who was convicted of or pleaded guilty to 4181  
a felony violates the conditions of a community control sanction 4182  
imposed for the offense solely by reason of producing positive 4183  
results on a drug test, the court, as punishment for the violation 4184  
of the sanction, shall not order that the offender be imprisoned 4185  
unless the court determines on the record either of the following: 4186

(a) The offender had been ordered as a sanction for the 4187  
felony to participate in a drug treatment program, in a drug 4188  
education program, or in narcotics anonymous or a similar program, 4189

and the offender continued to use illegal drugs after a reasonable 4190  
period of participation in the program. 4191

(b) The imprisonment of the offender for the violation is 4192  
consistent with the purposes and principles of sentencing set 4193  
forth in section 2929.11 of the Revised Code. 4194

(F) Notwithstanding divisions (A) to (E) of this section, the 4195  
court shall impose a prison term or terms under sections 2929.02 4196  
to 2929.06, section 2929.14, or section 2971.03 of the Revised 4197  
Code and except as specifically provided in section 2929.20 or 4198  
2967.191 of the Revised Code or when parole is authorized for the 4199  
offense under section 2967.13 of the Revised Code shall not reduce 4200  
the terms pursuant to section 2929.20, section 2967.193, or any 4201  
other provision of Chapter 2967. or Chapter 5120. of the Revised 4202  
Code for any of the following offenses: 4203

(1) Aggravated murder when death is not imposed or murder; 4204

(2) Any rape, regardless of whether force was involved and 4205  
regardless of the age of the victim, or an attempt to commit rape 4206  
if, had the offender completed the rape that was attempted, the 4207  
offender would have been subject to a sentence of life 4208  
imprisonment or life imprisonment without parole for the rape; 4209

(3) Gross sexual imposition or sexual battery, if the victim 4210  
is under thirteen years of age, if the offender previously was 4211  
convicted of or pleaded guilty to rape, the former offense of 4212  
felonious sexual penetration, gross sexual imposition, or sexual 4213  
battery, and if the victim of the previous offense was under 4214  
thirteen years of age; 4215

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 4216  
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 4217  
requires the imposition of a prison term; 4218

(5) A first, second, or third degree felony drug offense for 4219  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 4220

2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4221  
4729.99 of the Revised Code, whichever is applicable regarding the 4222  
violation, requires the imposition of a mandatory prison term; 4223

(6) Any offense that is a first or second degree felony and 4224  
that is not set forth in division (F)(1), (2), (3), or (4) of this 4225  
section, if the offender previously was convicted of or pleaded 4226  
guilty to aggravated murder, murder, any first or second degree 4227  
felony, or an offense under an existing or former law of this 4228  
state, another state, or the United States that is or was 4229  
substantially equivalent to one of those offenses; 4230

(7) Any offense that is a third degree felony and that is 4231  
listed in division (DD)(1) of section 2929.01 of the Revised Code 4232  
if the offender previously was convicted of or pleaded guilty to 4233  
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 4234  
section 2929.01 of the Revised Code; 4235

(8) Any offense, other than a violation of section 2923.12 of 4236  
the Revised Code, that is a felony, if the offender had a firearm 4237  
on or about the offender's person or under the offender's control 4238  
while committing the felony, with respect to a portion of the 4239  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 4240  
of the Revised Code for having the firearm; 4241

(9) Any offense of violence that is a felony, if the offender 4242  
wore or carried body armor while committing the felony offense of 4243  
violence, with respect to the portion of the sentence imposed 4244  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 4245  
Code for wearing or carrying the body armor; 4246

(10) Corrupt activity in violation of section 2923.32 of the 4247  
Revised Code when the most serious offense in the pattern of 4248  
corrupt activity that is the basis of the offense is a felony of 4249  
the first degree; 4250

(11) Any sexually violent offense for which the offender also 4251

is convicted of or pleads guilty to a sexually violent predator 4252  
specification that was included in the indictment, count in the 4253  
indictment, or information charging the sexually violent offense; 4254

(12) A violation of division (A)(1) or (2) of section 2921.36 4255  
of the Revised Code, or a violation of division (C) of that 4256  
section involving an item listed in division (A)(1) or (2) of that 4257  
section, if the offender is an officer or employee of the 4258  
department of rehabilitation and correction. 4259

(G) Notwithstanding divisions (A) to (E) of this section, if 4260  
an offender is being sentenced for a fourth degree felony OVI 4261  
offense or for a third degree felony OVI offense, the court shall 4262  
impose upon the offender a mandatory term of local incarceration 4263  
or a mandatory prison term in accordance with the following: 4264

(1) If the offender is being sentenced for a fourth degree 4265  
felony OVI offense, the court may impose upon the offender a 4266  
mandatory term of local incarceration of sixty days or one hundred 4267  
twenty days as specified in division (G)(1)(d) of section 4511.19 4268  
of the Revised Code. The court shall not reduce the term pursuant 4269  
to section 2929.20, 2967.193, or any other provision of the 4270  
Revised Code. The court that imposes a mandatory term of local 4271  
incarceration under this division shall specify whether the term 4272  
is to be served in a jail, a community-based correctional 4273  
facility, a halfway house, or an alternative residential facility, 4274  
and the offender shall serve the term in the type of facility 4275  
specified by the court. A mandatory term of local incarceration 4276  
imposed under division (G)(1) of this section is not subject to 4277  
extension under section 2967.11 of the Revised Code, to a period 4278  
of post-release control under section 2967.28 of the Revised Code, 4279  
or to any other Revised Code provision that pertains to a prison 4280  
term. 4281

(2) If the offender is being sentenced for a third degree 4282  
felony OVI offense, or if the offender is being sentenced for a 4283



fourth degree felony OVI offense and the court does not impose a 4284  
mandatory term of local incarceration under division (G)(1) of 4285  
this section, the court shall impose upon the offender a mandatory 4286  
prison term of sixty days or one hundred twenty days as specified 4287  
in division (G)(1)(e) of section 4511.19 of the Revised Code. The 4288  
court shall not reduce the term pursuant to section 2929.20, 4289  
2967.193, or any other provision of the Revised Code. In no case 4290  
shall an offender who once has been sentenced to a mandatory term 4291  
of local incarceration pursuant to division (G)(1) of this section 4292  
for a fourth degree felony OVI offense be sentenced to another 4293  
mandatory term of local incarceration under that division for any 4294  
violation of division (A) of section 4511.19 of the Revised Code. 4295  
The court shall not sentence the offender to a community control 4296  
sanction under section 2929.16 or 2929.17 of the Revised Code. The 4297  
department of rehabilitation and correction may place an offender 4298  
sentenced to a mandatory prison term under this division in an 4299  
intensive program prison established pursuant to section 5120.033 4300  
of the Revised Code if the department gave the sentencing judge 4301  
prior notice of its intent to place the offender in an intensive 4302  
program prison established under that section and if the judge did 4303  
not notify the department that the judge disapproved the 4304  
placement. Upon the establishment of the initial intensive program 4305  
prison pursuant to section 5120.033 of the Revised Code that is 4306  
privately operated and managed by a contractor pursuant to a 4307  
contract entered into under section 9.06 of the Revised Code, both 4308  
of the following apply: 4309

(a) The department of rehabilitation and correction shall 4310  
make a reasonable effort to ensure that a sufficient number of 4311  
offenders sentenced to a mandatory prison term under this division 4312  
are placed in the privately operated and managed prison so that 4313  
the privately operated and managed prison has full occupancy. 4314

(b) Unless the privately operated and managed prison has full 4315

occupancy, the department of rehabilitation and correction shall 4316  
not place any offender sentenced to a mandatory prison term under 4317  
this division in any intensive program prison established pursuant 4318  
to section 5120.033 of the Revised Code other than the privately 4319  
operated and managed prison. 4320

(H) If an offender is being sentenced for a sexually oriented 4321  
offense committed on or after January 1, 1997, the judge shall 4322  
require the offender to submit to a DNA specimen collection 4323  
procedure pursuant to section 2901.07 of the Revised Code if 4324  
either of the following applies: 4325

(1) The offense was a sexually violent offense, and the 4326  
offender also was convicted of or pleaded guilty to a sexually 4327  
violent predator specification that was included in the 4328  
indictment, count in the indictment, or information charging the 4329  
sexually violent offense. 4330

(2) The judge imposing sentence for the sexually oriented 4331  
offense determines pursuant to division (B) of section 2950.09 of 4332  
the Revised Code that the offender is a sexual predator. 4333

(I) If an offender is being sentenced for a sexually oriented 4334  
offense committed on or after January 1, 1997, the judge shall 4335  
include in the sentence a summary of the offender's ~~duty to~~ 4336  
~~register pursuant to section~~ duties imposed under sections 2950.04 4337  
~~of the Revised Code, the offender's duty to provide notice of a~~ 4338  
~~change in residence address and register the new residence address~~ 4339  
~~pursuant to section, 2950.05 of the Revised Code, the offender's~~ 4340  
~~duty to periodically verify the offender's current residence~~ 4341  
~~address pursuant to section, and~~ 2950.06 of the Revised Code, and 4342  
the duration of the duties. The judge shall inform the offender, 4343  
at the time of sentencing, of those duties and of their duration 4344  
and, if required under division (A)(2) of section 2950.03 of the 4345  
Revised Code, shall perform the duties specified in that section. 4346

(J)(1) Except as provided in division (J)(2) of this section, 4347  
when considering sentencing factors under this section in relation 4348  
to an offender who is convicted of or pleads guilty to an attempt 4349  
to commit an offense in violation of section 2923.02 of the 4350  
Revised Code, the sentencing court shall consider the factors 4351  
applicable to the felony category of the violation of section 4352  
2923.02 of the Revised Code instead of the factors applicable to 4353  
the felony category of the offense attempted. 4354

(2) When considering sentencing factors under this section in 4355  
relation to an offender who is convicted of or pleads guilty to an 4356  
attempt to commit a drug abuse offense for which the penalty is 4357  
determined by the amount or number of unit doses of the controlled 4358  
substance involved in the drug abuse offense, the sentencing court 4359  
shall consider the factors applicable to the felony category that 4360  
the drug abuse offense attempted would be if that drug abuse 4361  
offense had been committed and had involved an amount or number of 4362  
unit doses of the controlled substance that is within the next 4363  
lower range of controlled substance amounts than was involved in 4364  
the attempt. 4365

(K) As used in this section, "drug abuse offense" has the 4366  
same meaning as in section 2925.01 of the Revised Code. 4367

**Sec. 2929.19.** (A)(1) The court shall hold a sentencing 4368  
hearing before imposing a sentence under this chapter upon an 4369  
offender who was convicted of or pleaded guilty to a felony and 4370  
before resentencing an offender who was convicted of or pleaded 4371  
guilty to a felony and whose case was remanded pursuant to section 4372  
2953.07 or 2953.08 of the Revised Code. At the hearing, the 4373  
offender, the prosecuting attorney, the victim or the victim's 4374  
representative in accordance with section 2930.14 of the Revised 4375  
Code, and, with the approval of the court, any other person may 4376  
present information relevant to the imposition of sentence in the 4377

case. The court shall inform the offender of the verdict of the 4378  
jury or finding of the court and ask the offender whether the 4379  
offender has anything to say as to why sentence should not be 4380  
imposed upon the offender. 4381

(2) Except as otherwise provided in this division, before 4382  
imposing sentence on an offender who is being sentenced for a 4383  
sexually oriented offense that was committed on or after January 4384  
1, 1997, and that is not a sexually violent offense, and before 4385  
imposing sentence on an offender who is being sentenced for a 4386  
sexually violent offense committed on or after January 1, 1997, 4387  
and who was not charged with a sexually violent predator 4388  
specification in the indictment, count in the indictment, or 4389  
information charging the sexually violent offense, the court shall 4390  
conduct a hearing in accordance with division (B) of section 4391  
2950.09 of the Revised Code to determine whether the offender is a 4392  
sexual predator. The court shall not conduct a hearing under that 4393  
division if the offender is being sentenced for a sexually violent 4394  
offense and a sexually violent predator specification was included 4395  
in the indictment, count in the indictment, or information 4396  
charging the sexually violent offense. Before imposing sentence on 4397  
an offender who is being sentenced for a sexually oriented 4398  
offense, the court also shall comply with division (E) of section 4399  
2950.09 of the Revised Code. 4400

(B)(1) At the sentencing hearing, the court, before imposing 4401  
sentence, shall consider the record, any information presented at 4402  
the hearing by any person pursuant to division (A) of this 4403  
section, and, if one was prepared, the presentence investigation 4404  
report made pursuant to section 2951.03 of the Revised Code or 4405  
Criminal Rule 32.2, and any victim impact statement made pursuant 4406  
to section 2947.051 of the Revised Code. 4407

(2) The court shall impose a sentence and shall make a 4408  
finding that gives its reasons for selecting the sentence imposed 4409

in any of the following circumstances: 4410

(a) Unless the offense is a sexually violent offense for 4411  
which the court is required to impose sentence pursuant to 4412  
division (G) of section 2929.14 of the Revised Code, if it imposes 4413  
a prison term for a felony of the fourth or fifth degree or for a 4414  
felony drug offense that is a violation of a provision of Chapter 4415  
2925. of the Revised Code and that is specified as being subject 4416  
to division (B) of section 2929.13 of the Revised Code for 4417  
purposes of sentencing, its reasons for imposing the prison term, 4418  
based upon the overriding purposes and principles of felony 4419  
sentencing set forth in section 2929.11 of the Revised Code, and 4420  
any factors listed in divisions (B)(1)(a) to (i) of section 4421  
2929.13 of the Revised Code that it found to apply relative to the 4422  
offender. 4423

(b) If it does not impose a prison term for a felony of the 4424  
first or second degree or for a felony drug offense that is a 4425  
violation of a provision of Chapter 2925. of the Revised Code and 4426  
for which a presumption in favor of a prison term is specified as 4427  
being applicable, its reasons for not imposing the prison term and 4428  
for overriding the presumption, based upon the overriding purposes 4429  
and principles of felony sentencing set forth in section 2929.11 4430  
of the Revised Code, and the basis of the findings it made under 4431  
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 4432

(c) If it imposes consecutive sentences under section 2929.14 4433  
of the Revised Code, its reasons for imposing the consecutive 4434  
sentences; 4435

(d) If the sentence is for one offense and it imposes a 4436  
prison term for the offense that is the maximum prison term 4437  
allowed for that offense by division (A) of section 2929.14 of the 4438  
Revised Code, its reasons for imposing the maximum prison term; 4439

(e) If the sentence is for two or more offenses arising out 4440

of a single incident and it imposes a prison term for those 4441  
offenses that is the maximum prison term allowed for the offense 4442  
of the highest degree by division (A) of section 2929.14 of the 4443  
Revised Code, its reasons for imposing the maximum prison term. 4444

(3) Subject to division (B)(4) of this section, if the 4445  
sentencing court determines at the sentencing hearing that a 4446  
prison term is necessary or required, the court shall do all of 4447  
the following: 4448

(a) Impose a stated prison term; 4449

(b) Notify the offender that, as part of the sentence, the 4450  
parole board may extend the stated prison term for certain 4451  
violations of prison rules for up to one-half of the stated prison 4452  
term; 4453

(c) Notify the offender that the offender will be supervised 4454  
under section 2967.28 of the Revised Code after the offender 4455  
leaves prison if the offender is being sentenced for a felony of 4456  
the first degree or second degree, for a felony sex offense, or 4457  
for a felony of the third degree in the commission of which the 4458  
offender caused or threatened to cause physical harm to a person; 4459

(d) Notify the offender that the offender may be supervised 4460  
under section 2967.28 of the Revised Code after the offender 4461  
leaves prison if the offender is being sentenced for a felony of 4462  
the third, fourth, or fifth degree that is not subject to division 4463  
(B)(3)(c) of this section; 4464

(e) Notify the offender that, if a period of supervision is 4465  
imposed following the offender's release from prison, as described 4466  
in division (B)(3)(c) or (d) of this section, and if the offender 4467  
violates that supervision or a condition of post-release control 4468  
imposed under division (B) of section 2967.131 of the Revised 4469  
Code, the parole board may impose a prison term, as part of the 4470  
sentence, of up to one-half of the stated prison term originally 4471

imposed upon the offender; 4472

(f) Require that the offender not ingest or be injected with 4473  
a drug of abuse and submit to random drug testing as provided in 4474  
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 4475  
is applicable to the offender who is serving a prison term, and 4476  
require that the results of the drug test administered under any 4477  
of those sections indicate that the offender did not ingest or was 4478  
not injected with a drug of abuse. 4479

(4) If the offender is being sentenced for a sexually violent 4480  
offense that the offender committed on or after January 1, 1997, 4481  
and the offender also is convicted of or pleads guilty to a 4482  
sexually violent predator specification that was included in the 4483  
indictment, count in the indictment, or information charging the 4484  
sexually violent offense, if the offender is being sentenced for a 4485  
sexually oriented offense that the offender committed on or after 4486  
January 1, 1997, and the court imposing the sentence has 4487  
determined pursuant to division (B) of section 2950.09 of the 4488  
Revised Code that the offender is a sexual predator, or if the 4489  
offender is being sentenced for an aggravated sexually oriented 4490  
offense as defined in section 2950.01 of the Revised Code ~~that the~~ 4491  
~~offender committed on or after the effective date of this~~ 4492  
~~amendment~~, the court shall include in the offender's sentence a 4493  
statement that the offender has been adjudicated as being a sexual 4494  
predator or has been convicted of or pleaded guilty to an 4495  
aggravated sexually oriented offense, whichever is applicable, and 4496  
shall comply with the requirements of section 2950.03 of the 4497  
Revised Code. Additionally, in the circumstances described in 4498  
division (G) of section 2929.14 of the Revised Code, the court 4499  
shall impose sentence on the offender as described in that 4500  
division. 4501

(5) If the sentencing court determines at the sentencing 4502  
hearing that a community control sanction should be imposed and 4503

the court is not prohibited from imposing a community control 4504  
sanction, the court shall impose a community control sanction. The 4505  
court shall notify the offender that, if the conditions of the 4506  
sanction are violated, if the offender commits a violation of any 4507  
law, or if the offender leaves this state without the permission 4508  
of the court or the offender's probation officer, the court may 4509  
impose a longer time under the same sanction, may impose a more 4510  
restrictive sanction, or may impose a prison term on the offender 4511  
and shall indicate the specific prison term that may be imposed as 4512  
a sanction for the violation, as selected by the court from the 4513  
range of prison terms for the offense pursuant to section 2929.14 4514  
of the Revised Code. 4515

(6) Before imposing a financial sanction under section 4516  
2929.18 of the Revised Code or a fine under section 2929.25 of the 4517  
Revised Code, the court shall consider the offender's present and 4518  
future ability to pay the amount of the sanction or fine. 4519

(7) If the sentencing court sentences the offender to a 4520  
sanction of confinement pursuant to section 2929.14 or 2929.16 of 4521  
the Revised Code that is to be served in a local detention 4522  
facility, as defined in section 2929.35 of the Revised Code, and 4523  
if the local detention facility is covered by a policy adopted 4524  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 4525  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 4526  
and section 2929.37 of the Revised Code, both of the following 4527  
apply: 4528

(a) The court shall specify both of the following as part of 4529  
the sentence: 4530

(i) If the offender is presented with an itemized bill 4531  
pursuant to section 2929.37 of the Revised Code for payment of the 4532  
costs of confinement, the offender is required to pay the bill in 4533  
accordance with that section. 4534



(ii) If the offender does not dispute the bill described in 4535  
division (B)(7)(a)(i) of this section and does not pay the bill by 4536  
the times specified in section 2929.37 of the Revised Code, the 4537  
clerk of the court may issue a certificate of judgment against the 4538  
offender as described in that section. 4539

(b) The sentence automatically includes any certificate of 4540  
judgment issued as described in division (B)(7)(a)(ii) of this 4541  
section. 4542

(C)(1) If the offender is being sentenced for a fourth degree 4543  
felony OVI offense under division (G)(1) of section 2929.13 of the 4544  
Revised Code, the court shall impose the mandatory term of local 4545  
incarceration in accordance with that division, shall impose a 4546  
mandatory fine in accordance with division (B)(3) of section 4547  
2929.18 of the Revised Code, and, in addition, may impose 4548  
additional sanctions as specified in sections 2929.15, 2929.16, 4549  
2929.17, and 2929.18 of the Revised Code. The court shall not 4550  
impose a prison term on the offender. 4551

(2) If the offender is being sentenced for a third or fourth 4552  
degree felony OVI offense under division (G)(2) of section 2929.13 4553  
of the Revised Code, the court shall impose the mandatory prison 4554  
term in accordance with that division, shall impose a mandatory 4555  
fine in accordance with division (B)(3) of section 2929.18 of the 4556  
Revised Code, and, in addition, may impose an additional prison 4557  
term as specified in section 2929.14 of the Revised Code. The 4558  
court shall not impose any community control sanction on the 4559  
offender. 4560

(D) The sentencing court, pursuant to division (K) of section 4561  
2929.14 of the Revised Code, may recommend placement of the 4562  
offender in a program of shock incarceration under section 4563  
5120.031 of the Revised Code or an intensive program prison under 4564  
section 5120.032 of the Revised Code, disapprove placement of the 4565

offender in a program or prison of that nature, or make no 4566  
recommendation. If the court recommends or disapproves placement, 4567  
it shall make a finding that gives its reasons for its 4568  
recommendation or disapproval. 4569

**Section 4.** That the existing versions of sections 2929.13 and 4570  
2929.19 of the Revised Code that are scheduled to take effect 4571  
January 1, 2004, are hereby repealed. 4572

**Section 5.** Sections 3 and 4 of this act shall take effect 4573  
January 1, 2004. 4574

**Section 6.** The provisions of this act are severable. If a 4575  
codified or uncoded section of law contained in this act or a 4576  
provision or application of such a section is held invalid, the 4577  
invalidity does not affect any other codified or uncoded 4578  
section of law contained in this act, or any related codified or 4579  
uncoded section, or any provision or application of any such 4580  
section, that can be given effect without the invalid section or 4581  
provision or application. 4582

**Section 7.** (A) Section 2929.13 of the Revised Code is 4583  
presented in Section 1 of this act as a composite of the section 4584  
as amended by both Am. Sub. H.B. 327 and Sub. H.B. 485 of the 4585  
124th General Assembly. Section 2929.19 of the Revised Code, 4586  
effective until January 1, 2004, is presented in Section 1 of this 4587  
act as a composite of the section as amended by both Sub. H.B. 170 4588  
and Sub. H.B. 485 of the 124th General Assembly. Section 2950.08 4589  
of the Revised Code is presented in Section 1 of this act as a 4590  
composite of the section as amended by both Am. Sub. H.B. 180 and 4591  
Am. Sub. S.B. 160 of the 121st General Assembly. The General 4592  
Assembly, applying the principle stated in division (B) of section 4593  
1.52 of the Revised Code that amendments are to be harmonized if 4594

reasonably capable of simultaneous operation, finds that the 4595  
composites are the resulting versions of the sections in effect 4596  
prior to the effective date of the sections as presented in 4597  
Section 1 of this act. 4598

(B) Section 2929.13 of the Revised Code is presented in 4599  
Section 3 of this act as a composite of the section as amended by 4600  
Am. Sub. H.B. 327, Sub. H.B. 485, and Am. Sub. S.B. 123 of the 4601  
124th General Assembly. Section 2929.19 of the Revised Code, 4602  
effective January 1, 2004, is presented in Section 3 of this act 4603  
as a composite of the section as amended by Sub. H.B. 170, Sub. 4604  
H.B. 485, and Am. Sub. S.B. 123, all of the 124th General 4605  
Assembly. The General Assembly, applying the principle stated in 4606  
division (B) of section 1.52 of the Revised Code that amendments 4607  
are to be harmonized if reasonably capable of simultaneous 4608  
operation, finds that the composites are the resulting versions of 4609  
the sections in effect prior to the effective date of the sections 4610  
as presented in Section 3 of this act. 4611