

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 5

Senators Jacobson, Amstutz, Austria, Coughlin, Randy Gardner, Goodman,
Harris, Hottinger, Spada, Stivers, Herington, Dann, Fedor, Blessing, Carnes,
Fingerhut, Jordan, Mumper, Roberts, Schuler, Schuring, Carey, Miller,
Armbruster, Nein, Robert Gardner
Representatives Latta, Callender, Oelslager, DePiero, Faber, D. Evans,
Grendell, Gilb, Willamowski, Seitz, Mason

A B I L L

To amend sections 109.42, 109.57, 325.32, 1923.01,	1
1923.02, 1923.051, 2152.02, 2152.19, 2152.191,	2
2152.82, 2152.83, 2152.84, 2152.85, 2743.191,	3
2743.69, 2901.07, 2907.07, 2919.24, 2929.01,	4
2929.13, 2929.19, 2929.21, 2935.36, 2950.01,	5
2950.02, 2950.03, 2950.04, 2950.05, 2950.06,	6
2950.07, 2950.08, 2950.081, 2950.09, 2950.10,	7
2950.11, 2950.12, 2950.13, 2950.14, 2950.99,	8
2971.01, 3319.20, 3319.31, 5139.13, 5321.01, and	9
5321.03 and to enact sections 311.171, 2152.811,	10
2152.851, 2950.021, 2950.022, 2950.031, 2950.041,	11
2950.091, 2950.111, and 5321.051 of the Revised	12
Code to modify the Sex Offender Registration and	13
Notification Law by adopting most of the	14
recommendations of the Governor's Sex Offender	15
Registration and Notification Task Force,	16
generally conforming the Law to federal	17
guidelines, renaming as "child-victim oriented	18
offenses" certain crimes against children not	19

committed with a sexual motivation that currently 20
subject offenders and delinquent children to the 21
Law, exempting certain sexually oriented offenses 22
committed by a first-time offender delinquent 23
child against a person 18 years of age or older 24
from the registration and related duties under the 25
Law unless a judge removes the exemption, 26
providing a penalty for failing to send a notice 27
of intent to reside, clarifying that habitual sex 28
offenders or habitual child-victim offenders in 29
another jurisdiction are habitual sex offenders or 30
habitual child-victim offenders under Ohio law, 31
clarifying the Law's community notification 32
provisions as applied to multi-unit buildings, 33
specifying that convictions in courts of foreign 34
nations are sexually oriented offenses or 35
child-victim oriented offenses under the Law, 36
prohibiting an offender who is subject to the Law 37
from establishing a residence within 1,000 feet of 38
any school premises, permitting landlords to evict 39
such an offender from residential premises located 40
within 1,000 feet of school premises, permitting a 41
sheriff to charge a fee to register, register a 42
change of residence address of, or verify a 43
residence address of an adult offender who is 44
required to register under the Law, and making 45
other changes in that Law; to expand the victim 46
and community notification provisions of the Law 47
and to specifically authorize specified use of the 48
Internet for those provisions; to establish the 49
Sex Offender Technology Fund for a sex offender 50
and child-victim offender tracking program 51
established by the Attorney General; to authorize 52

use of the Internet for the tracking program; to 53
expand the information included in a registration 54
or residence address verification form under the 55
Law; to modify the deadline imposed for address 56
verification under that Law; to authorize a 57
sheriff who uses the Internet for the victim and 58
community notification provisions of the Law to 59
receive funds from the Sex Offender Technology 60
Fund; to eliminate from the offense of 61
"importuning" a prohibition that the Supreme Court 62
found to be unconstitutional; to expand the 63
purposes for which payments may be made from the 64
Reparations Fund; to amend the versions of 65
sections 109.42, 2152.02, 2152.19, 2743.191, 66
2929.01, 2929.13, 2929.19, 2929.23, 2950.01, 67
2950.99, and 5321.01 of the Revised Code that are 68
scheduled to take effect on January 1, 2004, to 69
continue the provisions of this act on and after 70
that effective date; and to declare an emergency. 71

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

Section 1. That sections 109.42, 109.57, 325.32, 1923.01, 72
1923.02, 1923.051, 2152.02, 2152.19, 2152.191, 2152.82, 2152.83, 73
2152.84, 2152.85, 2743.191, 2743.69, 2901.07, 2907.07, 2919.24, 74
2929.01, 2929.13, 2929.19, 2929.21, 2935.36, 2950.01, 2950.02, 75
2950.03, 2950.04, 2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 76
2950.09, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 2950.99, 77
2971.01, 3319.20, 3319.31, 5139.13, 5321.01, and 5321.03 be 78
amended and sections 311.171, 2152.811, 2152.851, 2950.021, 79
2950.022, 2950.031, 2950.041, 2950.091, 2950.111, and 5321.051 of 80
the Revised Code be enacted to read as follows: 81

Sec. 109.42. (A) The attorney general shall prepare and have 82
printed a pamphlet that contains a compilation of all statutes 83
relative to victim's rights in which the attorney general lists 84
and explains the statutes in the form of a victim's bill of 85
rights. The attorney general shall distribute the pamphlet to all 86
sheriffs, marshals, municipal corporation and township police 87
departments, constables, and other law enforcement agencies, to 88
all prosecuting attorneys, city directors of law, village 89
solicitors, and other similar chief legal officers of municipal 90
corporations, and to organizations that represent or provide 91
services for victims of crime. The victim's bill of rights set 92
forth in the pamphlet shall contain a description of all of the 93
rights of victims that are provided for in Chapter 2930. or in any 94
other section of the Revised Code and shall include, but not be 95
limited to, all of the following: 96

(1) The right of a victim or a victim's representative to 97
attend a proceeding before a grand jury, in a juvenile case, or in 98
a criminal case pursuant to a subpoena without being discharged 99
from the victim's or representative's employment, having the 100
victim's or representative's employment terminated, having the 101
victim's or representative's pay decreased or withheld, or 102
otherwise being punished, penalized, or threatened as a result of 103
time lost from regular employment because of the victim's or 104
representative's attendance at the proceeding pursuant to the 105
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 106
2945.451 of the Revised Code; 107

(2) The potential availability pursuant to section 2151.359 108
or 2152.61 of the Revised Code of a forfeited recognizance to pay 109
damages caused by a child when the delinquency of the child or 110
child's violation of probation or community control is found to be 111
proximately caused by the failure of the child's parent or 112

guardian to subject the child to reasonable parental authority or 113
to faithfully discharge the conditions of probation or community 114
control; 115

(3) The availability of awards of reparations pursuant to 116
sections 2743.51 to 2743.72 of the Revised Code for injuries 117
caused by criminal offenses; 118

(4) The right of the victim in certain criminal or juvenile 119
cases or a victim's representative to receive, pursuant to section 120
2930.06 of the Revised Code, notice of the date, time, and place 121
of the trial or delinquency proceeding in the case or, if there 122
will not be a trial or delinquency proceeding, information from 123
the prosecutor, as defined in section 2930.01 of the Revised Code, 124
regarding the disposition of the case; 125

(5) The right of the victim in certain criminal or juvenile 126
cases or a victim's representative to receive, pursuant to section 127
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 128
name of the person charged with the violation, the case or docket 129
number assigned to the charge, and a telephone number or numbers 130
that can be called to obtain information about the disposition of 131
the case; 132

(6) The right of the victim in certain criminal or juvenile 133
cases or of the victim's representative pursuant to section 134
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 135
terms set by the court as authorized under section 2930.14 of the 136
Revised Code, to make a statement about the victimization and, if 137
applicable, a statement relative to the sentencing or disposition 138
of the offender; 139

(7) The opportunity to obtain a court order, pursuant to 140
section 2945.04 of the Revised Code, to prevent or stop the 141
commission of the offense of intimidation of a crime victim or 142
witness or an offense against the person or property of the 143

complainant, or of the complainant's ward or child; 144

(8) The right of the victim in certain criminal or juvenile 145
cases or a victim's representative pursuant to sections 2151.38, 146
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 147
receive notice of a pending motion for judicial release or early 148
release of the person who committed the offense against the 149
victim, to make an oral or written statement at the court hearing 150
on the motion, and to be notified of the court's decision on the 151
motion; 152

(9) The right of the victim in certain criminal or juvenile 153
cases or a victim's representative pursuant to section 2930.16, 154
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 155
of any pending commutation, pardon, parole, transitional control, 156
discharge, other form of authorized release, post-release control, 157
or supervised release for the person who committed the offense 158
against the victim or any application for release of that person 159
and to send a written statement relative to the victimization and 160
the pending action to the adult parole authority or the release 161
authority of the department of youth services; 162

(10) The right of the victim to bring a civil action pursuant 163
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 164
from the offender's profit fund; 165

(11) The right, pursuant to section 3109.09 of the Revised 166
Code, to maintain a civil action to recover compensatory damages 167
not exceeding ten thousand dollars and costs from the parent of a 168
minor who willfully damages property through the commission of an 169
act that would be a theft offense, as defined in section 2913.01 170
of the Revised Code, if committed by an adult; 171

(12) The right, pursuant to section 3109.10 of the Revised 172
Code, to maintain a civil action to recover compensatory damages 173
not exceeding ten thousand dollars and costs from the parent of a 174

minor who willfully and maliciously assaults a person; 175

(13) The possibility of receiving restitution from an 176
offender or a delinquent child pursuant to section 2152.20, 177
2929.18, or 2929.21 of the Revised Code; 178

(14) The right of the victim in certain criminal or juvenile 179
cases or a victim's representative, pursuant to section 2930.16 of 180
the Revised Code, to receive notice of the escape from confinement 181
or custody of the person who committed the offense, to receive 182
that notice from the custodial agency of the person at the 183
victim's last address or telephone number provided to the 184
custodial agency, and to receive notice that, if either the 185
victim's address or telephone number changes, it is in the 186
victim's interest to provide the new address or telephone number 187
to the custodial agency; 188

(15) The right of a victim of domestic violence to seek the 189
issuance of a temporary protection order pursuant to section 190
2919.26 of the Revised Code, to seek the issuance of a civil 191
protection order pursuant to section 3113.31 of the Revised Code, 192
and to be accompanied by a victim advocate during court 193
proceedings; 194

(16) The right of a victim of a sexually oriented offense 195
that is not a registration-exempt sexually oriented offense or of 196
a child-victim oriented offense that is committed by a person who 197
is convicted of or pleads guilty to an aggravated sexually 198
oriented offense, by a person who is adjudicated ~~as being~~ a sexual 199
predator or child-victim predator, or, in certain cases, by a 200
person who is determined to be a habitual sex offender or habitual 201
child-victim offender to receive, pursuant to section 2950.10 of 202
the Revised Code, notice that the person has registered with a 203
sheriff under section 2950.04, 2950.041, or 2950.05 of the Revised 204
Code and notice of the person's name ~~and,~~ the person's residence 205
address that is registered, and the offender's school, institution 206

of higher education, or place of employment address or addresses 207
that are registered, and a summary of the manner in which the 208
victim must make a request to receive the notice. As used in this 209
division, "sexually oriented offense," "adjudicated ~~as being~~ a 210
sexual predator," ~~and~~ "habitual sex offender," 211
"registration-exempt sexually oriented offense," "aggravated 212
sexually oriented offense," "child-victim oriented offense," 213
"adjudicated a child-victim predator," and "habitual child-victim 214
offender" have the same meanings as in section 2950.01 of the 215
Revised Code. 216

(17) The right of a victim of certain sexually violent 217
offenses committed by a sexually violent predator who is sentenced 218
to a prison term pursuant to division (A)(3) of section 2971.03 of 219
the Revised Code to receive, pursuant to section 2930.16 of the 220
Revised Code, notice of a hearing to determine whether to modify 221
the requirement that the offender serve the entire prison term in 222
a state correctional facility, whether to continue, revise, or 223
revoke any existing modification of that requirement, or whether 224
to terminate the prison term. As used in this division, "sexually 225
violent offense" and "sexually violent predator" have the same 226
meanings as in section 2971.01 of the Revised Code. 227

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 228
prosecuting attorney, assistant prosecuting attorney, city 229
director of law, assistant city director of law, village 230
solicitor, assistant village solicitor, or similar chief legal 231
officer of a municipal corporation or an assistant of any of those 232
officers who prosecutes an offense committed in this state, upon 233
first contact with the victim of the offense, the victim's family, 234
or the victim's dependents, shall give the victim, the victim's 235
family, or the victim's dependents a copy of the pamphlet prepared 236
pursuant to division (A) of this section and explain, upon 237
request, the information in the pamphlet to the victim, the 238

victim's family, or the victim's dependents. 239

(b) Subject to division (B)(1)(c) of this section, a law 240
enforcement agency that investigates an offense or delinquent act 241
committed in this state shall give the victim of the offense or 242
delinquent act, the victim's family, or the victim's dependents a 243
copy of the pamphlet prepared pursuant to division (A) of this 244
section at one of the following times: 245

(i) Upon first contact with the victim, the victim's family, 246
or the victim's dependents; 247

(ii) If the offense or delinquent act is an offense of 248
violence, if the circumstances of the offense or delinquent act 249
and the condition of the victim, the victim's family, or the 250
victim's dependents indicate that the victim, the victim's family, 251
or the victim's dependents will not be able to understand the 252
significance of the pamphlet upon first contact with the agency, 253
and if the agency anticipates that it will have an additional 254
contact with the victim, the victim's family, or the victim's 255
dependents, upon the agency's second contact with the victim, the 256
victim's family, or the victim's dependents. 257

If the agency does not give the victim, the victim's family, 258
or the victim's dependents a copy of the pamphlet upon first 259
contact with them and does not have a second contact with the 260
victim, the victim's family, or the victim's dependents, the 261
agency shall mail a copy of the pamphlet to the victim, the 262
victim's family, or the victim's dependents at their last known 263
address. 264

(c) In complying on and after December 9, 1994, with the 265
duties imposed by division (B)(1)(a) or (b) of this section, an 266
official or a law enforcement agency shall use copies of the 267
pamphlet that are in the official's or agency's possession on 268
December 9, 1994, until the official or agency has distributed all 269

of those copies. After the official or agency has distributed all 270
of those copies, the official or agency shall use only copies of 271
the pamphlet that contain at least the information described in 272
division (A)(1) to (17) of this section. 273

(2) The failure of a law enforcement agency or of a 274
prosecuting attorney, assistant prosecuting attorney, city 275
director of law, assistant city director of law, village 276
solicitor, assistant village solicitor, or similar chief legal 277
officer of a municipal corporation or an assistant to any of those 278
officers to give, as required by division (B)(1) of this section, 279
the victim of an offense or delinquent act, the victim's family, 280
or the victim's dependents a copy of the pamphlet prepared 281
pursuant to division (A) of this section does not give the victim, 282
the victim's family, the victim's dependents, or a victim's 283
representative any rights under section 122.95, 2743.51 to 284
2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 285
of the Revised Code or under any other provision of the Revised 286
Code and does not affect any right under those sections. 287

(3) A law enforcement agency, a prosecuting attorney or 288
assistant prosecuting attorney, or a city director of law, 289
assistant city director of law, village solicitor, assistant 290
village solicitor, or similar chief legal officer of a municipal 291
corporation that distributes a copy of the pamphlet prepared 292
pursuant to division (A) of this section shall not be required to 293
distribute a copy of an information card or other printed material 294
provided by the clerk of the court of claims pursuant to section 295
2743.71 of the Revised Code. 296

(C) The cost of printing and distributing the pamphlet 297
prepared pursuant to division (A) of this section shall be paid 298
out of the reparations fund, created pursuant to section 2743.191 299
of the Revised Code, in accordance with division (D) of that 300
section. 301

(D) As used in this section: 302

(1) "Victim's representative" has the same meaning as in 303
section 2930.01 of the Revised Code; 304

(2) "Victim advocate" has the same meaning as in section 305
2919.26 of the Revised Code. 306

Sec. 109.57. (A)(1) The superintendent of the bureau of 307
criminal identification and investigation shall procure from 308
wherever procurable and file for record photographs, pictures, 309
descriptions, fingerprints, measurements, and other information 310
that may be pertinent of all persons who have been convicted of 311
committing within this state a felony, any crime constituting a 312
misdemeanor on the first offense and a felony on subsequent 313
offenses, or any misdemeanor described in division (A)(1)(a) of 314
section 109.572 of the Revised Code, of all children under 315
eighteen years of age who have been adjudicated delinquent 316
children for committing within this state an act that would be a 317
felony or an offense of violence if committed by an adult or who 318
have been convicted of or pleaded guilty to committing within this 319
state a felony or an offense of violence, and of all well-known 320
and habitual criminals. The person in charge of any county, 321
multicounty, municipal, municipal-county, or multicounty-municipal 322
jail or workhouse, community-based correctional facility, halfway 323
house, alternative residential facility, or state correctional 324
institution and the person in charge of any state institution 325
having custody of a person suspected of having committed a felony, 326
any crime constituting a misdemeanor on the first offense and a 327
felony on subsequent offenses, or any misdemeanor described in 328
division (A)(1)(a) of section 109.572 of the Revised Code or 329
having custody of a child under eighteen years of age with respect 330
to whom there is probable cause to believe that the child may have 331
committed an act that would be a felony or an offense of violence 332

if committed by an adult shall furnish such material to the 333
superintendent of the bureau. Fingerprints, photographs, or other 334
descriptive information of a child who is under eighteen years of 335
age, has not been arrested or otherwise taken into custody for 336
committing an act that would be a felony or an offense of violence 337
if committed by an adult, has not been adjudicated a delinquent 338
child for committing an act that would be a felony or an offense 339
of violence if committed by an adult, has not been convicted of or 340
pleaded guilty to committing a felony or an offense of violence, 341
and is not a child with respect to whom there is probable cause to 342
believe that the child may have committed an act that would be a 343
felony or an offense of violence if committed by an adult shall 344
not be procured by the superintendent or furnished by any person 345
in charge of any county, multicounty, municipal, municipal-county, 346
or multicounty-municipal jail or workhouse, community-based 347
correctional facility, halfway house, alternative residential 348
facility, or state correctional institution, except as authorized 349
in section 2151.313 of the Revised Code. 350

(2) Every clerk of a court of record in this state, other 351
than the supreme court or a court of appeals, shall send to the 352
superintendent of the bureau a weekly report containing a summary 353
of each case involving a felony, involving any crime constituting 354
a misdemeanor on the first offense and a felony on subsequent 355
offenses, involving a misdemeanor described in division (A)(1)(a) 356
of section 109.572 of the Revised Code, or involving an 357
adjudication in a case in which a child under eighteen years of 358
age was alleged to be a delinquent child for committing an act 359
that would be a felony or an offense of violence if committed by 360
an adult. The clerk of the court of common pleas shall include in 361
the report and summary the clerk sends under this division all 362
information described in divisions (A)(2)(a) to (f) of this 363
section regarding a case before the court of appeals that is 364
served by that clerk. The summary shall be written on the standard 365

forms furnished by the superintendent pursuant to division (B) of 366
this section and shall include the following information: 367

(a) The incident tracking number contained on the standard 368
forms furnished by the superintendent pursuant to division (B) of 369
this section; 370

(b) The style and number of the case; 371

(c) The date of arrest; 372

(d) The date that the person was convicted of or pleaded 373
guilty to the offense, adjudicated a delinquent child for 374
committing the act that would be a felony or an offense of 375
violence if committed by an adult, found not guilty of the 376
offense, or found not to be a delinquent child for committing an 377
act that would be a felony or an offense of violence if committed 378
by an adult, the date of an entry dismissing the charge, an entry 379
declaring a mistrial of the offense in which the person is 380
discharged, an entry finding that the person or child is not 381
competent to stand trial, or an entry of a nolle prosequi, or the 382
date of any other determination that constitutes final resolution 383
of the case; 384

(e) A statement of the original charge with the section of 385
the Revised Code that was alleged to be violated; 386

(f) If the person or child was convicted, pleaded guilty, or 387
was adjudicated a delinquent child, the sentence or terms of 388
probation imposed or any other disposition of the offender or the 389
delinquent child. 390

If the offense involved the disarming of a law enforcement 391
officer or an attempt to disarm a law enforcement officer, the 392
clerk shall clearly state that fact in the summary, and the 393
superintendent shall ensure that a clear statement of that fact is 394
placed in the bureau's records. 395

(3) The superintendent shall cooperate with and assist 396
sheriffs, chiefs of police, and other law enforcement officers in 397
the establishment of a complete system of criminal identification 398
and in obtaining fingerprints and other means of identification of 399
all persons arrested on a charge of a felony, any crime 400
constituting a misdemeanor on the first offense and a felony on 401
subsequent offenses, or a misdemeanor described in division 402
(A)(1)(a) of section 109.572 of the Revised Code and of all 403
children under eighteen years of age arrested or otherwise taken 404
into custody for committing an act that would be a felony or an 405
offense of violence if committed by an adult. The superintendent 406
also shall file for record the fingerprint impressions of all 407
persons confined in a county, multicounty, municipal, 408
municipal-county, or multicounty-municipal jail or workhouse, 409
community-based correctional facility, halfway house, alternative 410
residential facility, or state correctional institution for the 411
violation of state laws and of all children under eighteen years 412
of age who are confined in a county, multicounty, municipal, 413
municipal-county, or multicounty-municipal jail or workhouse, 414
community-based correctional facility, halfway house, alternative 415
residential facility, or state correctional institution or in any 416
facility for delinquent children for committing an act that would 417
be a felony or an offense of violence if committed by an adult, 418
and any other information that the superintendent may receive from 419
law enforcement officials of the state and its political 420
subdivisions. 421

(4) The superintendent shall carry out Chapter 2950. of the 422
Revised Code with respect to the registration of persons who are 423
convicted of or plead guilty to either a sexually oriented offense 424
that is not a registration-exempt sexually oriented offense or a 425
child-victim oriented offense and with respect to all other duties 426
imposed on the bureau under that chapter. 427

(B) The superintendent shall prepare and furnish to every 428
county, multicounty, municipal, municipal-county, or 429
multicounty-municipal jail or workhouse, community-based 430
correctional facility, halfway house, alternative residential 431
facility, or state correctional institution and to every clerk of 432
a court in this state specified in division (A)(2) of this section 433
standard forms for reporting the information required under 434
division (A) of this section. The standard forms that the 435
superintendent prepares pursuant to this division may be in a 436
tangible format, in an electronic format, or in both tangible 437
formats and electronic formats. 438

(C) The superintendent may operate a center for electronic, 439
automated, or other data processing for the storage and retrieval 440
of information, data, and statistics pertaining to criminals and 441
to children under eighteen years of age who are adjudicated 442
delinquent children for committing an act that would be a felony 443
or an offense of violence if committed by an adult, criminal 444
activity, crime prevention, law enforcement, and criminal justice, 445
and may establish and operate a statewide communications network 446
to gather and disseminate information, data, and statistics for 447
the use of law enforcement agencies. The superintendent may 448
gather, store, retrieve, and disseminate information, data, and 449
statistics that pertain to children who are under eighteen years 450
of age and that are gathered pursuant to sections 109.57 to 109.61 451
of the Revised Code together with information, data, and 452
statistics that pertain to adults and that are gathered pursuant 453
to those sections. 454

(D) The information and materials furnished to the 455
superintendent pursuant to division (A) of this section and 456
information and materials furnished to any board or person under 457
division (F) or (G) of this section are not public records under 458
section 149.43 of the Revised Code. 459

(E) The attorney general shall adopt rules, in accordance 460
with Chapter 119. of the Revised Code, setting forth the procedure 461
by which a person may receive or release information gathered by 462
the superintendent pursuant to division (A) of this section. A 463
reasonable fee may be charged for this service. If a temporary 464
employment service submits a request for a determination of 465
whether a person the service plans to refer to an employment 466
position has been convicted of or pleaded guilty to an offense 467
listed in division (A)(1), (3), (4), or (5) of section 109.572 of 468
the Revised Code, the request shall be treated as a single request 469
and only one fee shall be charged. 470

(F)(1) As used in division (F)(2) of this section, "head 471
start agency" means an entity in this state that has been approved 472
to be an agency for purposes of subchapter II of the "Community 473
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 474
as amended. 475

(2)(a) In addition to or in conjunction with any request that 476
is required to be made under section 109.572, 2151.86, 3301.32, 477
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 478
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 479
education of any school district; the director of mental 480
retardation and developmental disabilities; any county board of 481
mental retardation and developmental disabilities; any entity 482
under contract with a county board of mental retardation and 483
developmental disabilities; the chief administrator of any 484
chartered nonpublic school; the chief administrator of any home 485
health agency; the chief administrator of or person operating any 486
child day-care center, type A family day-care home, or type B 487
family day-care home licensed or certified under Chapter 5104. of 488
the Revised Code; the administrator of any type C family day-care 489
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 490
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 491

general assembly; the chief administrator of any head start 492
agency; or the executive director of a public children services 493
agency may request that the superintendent of the bureau 494
investigate and determine, with respect to any individual who has 495
applied for employment in any position after October 2, 1989, or 496
any individual wishing to apply for employment with a board of 497
education may request, with regard to the individual, whether the 498
bureau has any information gathered under division (A) of this 499
section that pertains to that individual. On receipt of the 500
request, the superintendent shall determine whether that 501
information exists and, upon request of the person, board, or 502
entity requesting information, also shall request from the federal 503
bureau of investigation any criminal records it has pertaining to 504
that individual. Within thirty days of the date that the 505
superintendent receives a request, the superintendent shall send 506
to the board, entity, or person a report of any information that 507
the superintendent determines exists, including information 508
contained in records that have been sealed under section 2953.32 509
of the Revised Code, and, within thirty days of its receipt, shall 510
send the board, entity, or person a report of any information 511
received from the federal bureau of investigation, other than 512
information the dissemination of which is prohibited by federal 513
law. 514

(b) When a board of education is required to receive 515
information under this section as a prerequisite to employment of 516
an individual pursuant to section 3319.39 of the Revised Code, it 517
may accept a certified copy of records that were issued by the 518
bureau of criminal identification and investigation and that are 519
presented by an individual applying for employment with the 520
district in lieu of requesting that information itself. In such a 521
case, the board shall accept the certified copy issued by the 522
bureau in order to make a photocopy of it for that individual's 523
employment application documents and shall return the certified 524

copy to the individual. In a case of that nature, a district only 525
shall accept a certified copy of records of that nature within one 526
year after the date of their issuance by the bureau. 527

(3) The state board of education may request, with respect to 528
any individual who has applied for employment after October 2, 529
1989, in any position with the state board or the department of 530
education, any information that a school district board of 531
education is authorized to request under division (F)(2) of this 532
section, and the superintendent of the bureau shall proceed as if 533
the request has been received from a school district board of 534
education under division (F)(2) of this section. 535

(4) When the superintendent of the bureau receives a request 536
for information that is authorized under section 3319.291 of the 537
Revised Code, the superintendent shall proceed as if the request 538
has been received from a school district board of education under 539
division (F)(2) of this section. 540

(5) When a recipient of an OhioReads classroom or community 541
reading grant paid under section 3301.86 or 3301.87 of the Revised 542
Code or an entity approved by the OhioReads council requests, with 543
respect to any individual who applies to participate in providing 544
any program or service through an entity approved by the OhioReads 545
council or funded in whole or in part by the grant, the 546
information that a school district board of education is 547
authorized to request under division (F)(2)(a) of this section, 548
the superintendent of the bureau shall proceed as if the request 549
has been received from a school district board of education under 550
division (F)(2)(a) of this section. 551

(G) In addition to or in conjunction with any request that is 552
required to be made under section 173.41, 3701.881, 3712.09, 553
3721.121, or 3722.151 of the Revised Code with respect to an 554
individual who has applied for employment in a position that 555
involves providing direct care to an older adult, the chief 556

administrator of a PASSPORT agency that provides services through 557
the PASSPORT program created under section 173.40 of the Revised 558
Code, home health agency, hospice care program, home licensed 559
under Chapter 3721. of the Revised Code, adult day-care program 560
operated pursuant to rules adopted under section 3721.04 of the 561
Revised Code, or adult care facility may request that the 562
superintendent of the bureau investigate and determine, with 563
respect to any individual who has applied after January 27, 1997, 564
for employment in a position that does not involve providing 565
direct care to an older adult, whether the bureau has any 566
information gathered under division (A) of this section that 567
pertains to that individual. On receipt of the request, the 568
superintendent shall determine whether that information exists 569
and, on request of the administrator requesting information, shall 570
also request from the federal bureau of investigation any criminal 571
records it has pertaining to that individual. Within thirty days 572
of the date a request is received, the superintendent shall send 573
to the administrator a report of any information determined to 574
exist, including information contained in records that have been 575
sealed under section 2953.32 of the Revised Code, and, within 576
thirty days of its receipt, shall send the administrator a report 577
of any information received from the federal bureau of 578
investigation, other than information the dissemination of which 579
is prohibited by federal law. 580

(H) Information obtained by a board, administrator, or other 581
person under this section is confidential and shall not be 582
released or disseminated. 583

(I) The superintendent may charge a reasonable fee for 584
providing information or criminal records under division (F)(2) or 585
(G) of this section. 586

Sec. 311.171. (A) As used in this section: 587

(1) "Federal poverty level" means the income level 588
represented by the poverty guidelines as revised annually by the 589
United States department of health and human services in 590
accordance with section 673(2) of the "Omnibus Reconciliation Act 591
of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family 592
size equal to the size of the family of the person whose income is 593
being determined. 594

(2) "Registration year" of an offender means one of the 595
following: 596

(a) The twelve-month period beginning on the anniversary, 597
occurring on or after January 1, 2004, of the date on which an 598
offender's registration period began in accordance with section 599
2950.07 of the Revised Code; 600

(b) The twelve-month period beginning on the date on which an 601
offender's registration period begins, on or after January 1, 602
2004, in accordance with section 2950.07 of the Revised Code. 603

(B) The sheriff may charge a fee each time a person does any 604
of the following: 605

(1) Registers under section 2950.04 or 2950.041 of the 606
Revised Code; 607

(2) Registers a new residence address under section 2950.05 608
of the Revised Code; 609

(3) Verifies a current residence address under section 610
2950.06 of the Revised Code. 611

(C) If the sheriff charges one or more fees provided for in 612
division (B) of this section, all of the following apply: 613

(1) The sheriff shall not require the payment of any fee from 614
a delinquent child until the delinquent child reaches eighteen 615
years of age. When a delinquent child reaches eighteen years of 616
age and the sheriff charges a fee to the delinquent child, the 617

provisions of this section applicable to "offenders" shall be 618
construed to apply to the delinquent child. 619

(2) For an offender who has been adjudicated a sexual 620
predator or child-victim predator or who has a duty to register as 621
a result of committing an aggravated sexually oriented offense, 622
the fees may not exceed a total of one hundred dollars for each 623
registration year. 624

(3) For an offender who has been determined to be a habitual 625
sexual offender or a habitual child-victim offender, who is not 626
described in division (C)(2) of this section, and for whom the 627
sentencing judge has required community notification, the fees may 628
not exceed a total of fifty dollars for each registration year. 629

(4) For an offender who has been convicted of or pleaded 630
guilty to a sexually oriented offense that is not a 631
registration-exempt sexually oriented offense or a child-victim 632
offense and who is not described in division (C)(2) or (3) of this 633
section, the fees may not exceed a total of twenty-five dollars 634
for each registration year. 635

(5) An offender who is required to pay a fee shall retain the 636
receipts received under section 325.28 of the Revised Code for 637
payments made during the offender's registration year to establish 638
that the payment of any fee will exceed the maximum annual amount 639
permissible under this division. 640

(6) The sheriff shall not refuse to register a person, 641
register a new residence address of a person, or verify the 642
current residence address of a person, who does not pay a fee the 643
sheriff requires under this section. 644

(7) The sheriff shall report unpaid fees in accordance with 645
division (C) of section 325.31 of the Revised Code, and the county 646
may recover those fees in a civil action in the same manner as 647
other money due the county. 648

(D) Each time a person appears before the sheriff to provide 649
any registration or verification specified in division (B) of this 650
section for which the sheriff charges a fee, the sheriff shall 651
determine whether the person is able to pay the fee. In making 652
that determination, the sheriff shall determine whether the 653
person's income is less than one hundred twenty-five per cent of 654
the federal poverty level. A person whose income is equal to or 655
greater than one hundred twenty-five per cent of the federal 656
poverty level shall be considered able to pay the fee. 657

(E) If a sheriff determines a person's income is less than 658
one hundred twenty-five per cent of the federal poverty level, the 659
sheriff shall waive payment of the fee. If the sheriff determines 660
a person's income is equal to or greater than one hundred 661
twenty-five per cent of the federal poverty level, the sheriff may 662
allow the person to pay the fee in accordance with a payment 663
schedule the sheriff establishes based on the person's ability to 664
pay. The sheriff shall document any waiver or alternative fee 665
arrangement in the official registration records of the sheriff's 666
office and shall provide the offender with a written copy of any 667
waiver or alternative fee arrangement. 668

(F) All fees paid to a sheriff under this section shall be 669
paid into the county treasury to the credit of the county general 670
fund and shall be allocated to the sheriff to be used to defray 671
the costs of registering sex offenders and child-victim offenders 672
and providing community notification under Chapter 2950. of the 673
Revised Code. 674

(G) If an offender has registered with a sheriff and 675
subsequently relocates to a different county during a registration 676
year, the annual maximum amounts set forth in division (C) of this 677
section shall apply to the sheriff in the new county, and that 678
sheriff shall consider any payments already made by the offender 679
for purposes of determining when the applicable maximum has been 680

met for the offender's registration year. 681

Sec. 325.32. ~~No~~ Except as otherwise provided in section 682
311.171 of the Revised Code, no county officer named in section 683
325.27 of the Revised Code, shall make any reduction, abatement, 684
or remission of any fees, costs, percentages, penalties, 685
allowances, or perquisites of any kind, required to be charged and 686
collected by ~~him~~ the officer. 687

Sec. 1923.01. (A) As provided in this chapter, any judge of a 688
county or municipal court or a court of common pleas, within the 689
judge's proper area of jurisdiction, may inquire about persons who 690
make unlawful and forcible entry into lands or tenements and 691
detain them, and about persons who make a lawful and peaceable 692
entry into lands or tenements and hold them unlawfully and by 693
force. If, upon the inquiry, it is found that an unlawful and 694
forcible entry has been made and the lands or tenements are 695
detained, or that, after a lawful entry, lands or tenements are 696
held unlawfully and by force, a judge shall cause the plaintiff in 697
an action under this chapter to have restitution of the lands or 698
tenements. 699

(B) An action shall be brought under this chapter within two 700
years after the cause of action accrues. 701

(C) As used in this chapter: 702

(1) "Tenant" means a person who is entitled under a rental 703
agreement to the use or occupancy of premises, other than premises 704
located in a manufactured home park, to the exclusion of others. 705

(2) "Landlord" means the owner, lessor, or sublessor of 706
premises, or the agent or person the landlord authorizes to manage 707
premises or to receive rent from a tenant under a rental 708
agreement, except, if required by the facts of the action to which 709
the term is applied, "landlord" means a park operator. 710

(3) "Park operator," "manufactured home," "mobile home," 711
"manufactured home park," "recreational vehicle," and "resident" 712
have the same meanings as in section 3733.01 of the Revised Code. 713

(4) "Residential premises" has the same meaning as in section 714
5321.01 of the Revised Code, except, if required by the facts of 715
the action to which the term is applied, "residential premises" 716
has the same meaning as in section 3733.01 of the Revised Code. 717

(5) "Rental agreement" means any agreement or lease, written 718
or oral, that establishes or modifies the terms, conditions, 719
rules, or other provisions concerning the use or occupancy of 720
premises by one of the parties to the agreement or lease, except 721
that "rental agreement," as used in division (A)(13) of section 722
1923.02 of the Revised Code and where the context requires as used 723
in this chapter, means a rental agreement as defined in division 724
(D) of section 5322.01 of the Revised Code. 725

(6) "Controlled substance" has the same meaning as in section 726
3719.01 of the Revised Code. 727

(7) "School premises" has the same meaning as in section 728
2925.01 of the Revised Code. 729

(8) "Sexually oriented offense" and "child-victim oriented 730
offense" have the same meanings as in section 2950.01 of the 731
Revised Code. 732

Sec. 1923.02. (A) Proceedings under this chapter may be had 733
as follows: 734

(1) Against tenants or manufactured home park residents 735
holding over their terms; 736

(2) Against tenants or manufactured home park residents in 737
possession under an oral tenancy, who are in default in the 738
payment of rent as provided in division (B) of this section; 739

(3) In sales of real estate, on executions, orders, or other 740
judicial process, when the judgment debtor was in possession at 741
the time of the rendition of the judgment or decree, by virtue of 742
which the sale was made; 743

(4) In sales by executors, administrators, or guardians, and 744
on partition, when any of the parties to the complaint were in 745
possession at the commencement of the action, after the sales, so 746
made on execution or otherwise, have been examined by the proper 747
court and adjudged legal; 748

(5) When the defendant is an occupier of lands or tenements, 749
without color of title, and the complainant has the right of 750
possession to them; 751

(6) In any other case of the unlawful and forcible detention 752
of lands or tenements. For purposes of this division, in addition 753
to any other type of unlawful and forcible detention of lands or 754
tenements, such a detention may be determined to exist when both 755
of the following apply: 756

(a) A tenant fails to vacate residential premises within 757
three days after both of the following occur: 758

(i) The tenant's landlord has actual knowledge of or has 759
reasonable cause to believe that the tenant, any person in the 760
tenant's household, or any person on the premises with the consent 761
of the tenant previously has or presently is engaged in a 762
violation of Chapter 2925. or 3719. of the Revised Code, or of a 763
municipal ordinance that is substantially similar to any section 764
in either of those chapters, which involves a controlled substance 765
and which occurred in, is occurring in, or otherwise was or is 766
connected with the premises, whether or not the tenant or other 767
person has been charged with, has pleaded guilty to or been 768
convicted of, or has been determined to be a delinquent child for 769
an act that, if committed by an adult, would be a violation as 770

described in this division. For purposes of this division, a 771
landlord has "actual knowledge of or has reasonable cause to 772
believe" that a tenant, any person in the tenant's household, or 773
any person on the premises with the consent of the tenant 774
previously has or presently is engaged in a violation as described 775
in this division if a search warrant was issued pursuant to 776
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 777
affidavit presented to obtain the warrant named or described the 778
tenant or person as the individual to be searched and particularly 779
described the tenant's premises as the place to be searched, named 780
or described one or more controlled substances to be searched for 781
and seized, stated substantially the offense under Chapter 2925. 782
or 3719. of the Revised Code or the substantially similar 783
municipal ordinance that occurred in, is occurring in, or 784
otherwise was or is connected with the tenant's premises, and 785
states the factual basis for the affiant's belief that the 786
controlled substances are located on the tenant's premises; the 787
warrant was properly executed by a law enforcement officer and any 788
controlled substance described in the affidavit was found by that 789
officer during the search and seizure; and, subsequent to the 790
search and seizure, the landlord was informed by that or another 791
law enforcement officer of the fact that the tenant or person has 792
or presently is engaged in a violation as described in this 793
division and it occurred in, is occurring in, or otherwise was or 794
is connected with the tenant's premises. 795

(ii) The landlord gives the tenant the notice required by 796
division (C) of section 5321.17 of the Revised Code. 797

(b) The court determines, by a preponderance of the evidence, 798
that the tenant, any person in the tenant's household, or any 799
person on the premises with the consent of the tenant previously 800
has or presently is engaged in a violation as described in 801
division (A)(6)(a)(i) of this section. 802

(7) In cases arising out of Chapter 5313. of the Revised Code. In those cases, the court has the authority to declare a forfeiture of the vendee's rights under a land installment contract and to grant any other claims arising out of the contract.

(8) Against tenants who have breached an obligation that is imposed by section 5321.05 of the Revised Code, other than the obligation specified in division (A)(9) of that section, and that materially affects health and safety. Prior to the commencement of an action under this division, notice shall be given to the tenant and compliance secured with section 5321.11 of the Revised Code.

(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;

(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a manufactured home park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.

(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the public health council, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 3733.13 of the Revised Code;

(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle that is parked in the manufactured home park, has been left

unoccupied for that thirty-day period, without notice to the park 834
operator and without payment of rent due under the rental 835
agreement with the park operator; 836

(13) Against occupants of self-service storage facilities, as 837
defined in division (A) of section 5322.01 of the Revised Code, 838
who have breached the terms of a rental agreement or violated 839
section 5322.04 of the Revised Code; 840

(14) Against any resident or occupant who, pursuant to a 841
rental agreement, resides in or occupies residential premises 842
located within one thousand feet of any school premises and to 843
whom both of the following apply: 844

(a) The resident's or occupant's name appears on the state 845
registry of sex offenders and child-victim offenders maintained 846
under section 2950.13 of the Revised Code. 847

(b) The state registry of sex offenders and child-victim 848
offenders indicates that the resident or occupant was convicted of 849
or pleaded guilty to either a sexually oriented offense that is 850
not a registration-exempt sexually oriented offense or a 851
child-victim oriented offense in a criminal prosecution and was 852
not sentenced to a serious youthful offender dispositional 853
sentence for that offense. 854

(15) Against any tenant who permits any person to occupy 855
residential premises located within one thousand feet of any 856
school premises if both of the following apply to the person: 857

(a) The person's name appears on the state registry of sex 858
offenders and child-victim offenders maintained under section 859
2950.13 of the Revised Code. 860

(b) The state registry of sex offenders and child-victim 861
offenders indicates that the person was convicted of or pleaded 862
guilty to either a sexually oriented offense that is not a 863
registration-exempt sexually oriented offense or a child-victim 864

oriented offense in a criminal prosecution and was not sentenced 865
to a serious youthful offender dispositional sentence for that 866
offense. 867

(B) If a tenant or manufactured home park resident holding 868
under an oral tenancy is in default in the payment of rent, the 869
tenant or resident forfeits the right of occupancy, and the 870
landlord may, at the landlord's option, terminate the tenancy by 871
notifying the tenant or resident, as provided in section 1923.04 872
of the Revised Code, to leave the premises, for the restitution of 873
which an action may then be brought under this chapter. 874

(C)(1) If a tenant or any other person with the tenant's 875
permission resides in or occupies residential premises that are 876
located within one thousand feet of any school premises and is a 877
resident or occupant of the type described in division (A)(14) of 878
this section or a person of the type described in division (A)(15) 879
of this section, the landlord for those residential premises, upon 880
discovery that the tenant or other person is a resident, occupant, 881
or person of that nature, may terminate the rental agreement or 882
tenancy for those residential premises by notifying the tenant and 883
all other occupants, as provided in section 1923.04 of the Revised 884
Code, to leave the premises. 885

(2) If a landlord is authorized to terminate a rental 886
agreement or tenancy pursuant to division (C)(1) of this section 887
but does not so terminate the rental agreement or tenancy, the 888
landlord is not liable in a tort or other civil action in damages 889
for any injury, death, or loss to person or property that 890
allegedly result from that decision. 891

(D) This chapter does not apply to a student tenant as 892
defined by division (H) of section 5321.01 of the Revised Code 893
when the college or university proceeds to terminate a rental 894
agreement pursuant to section 5321.031 of the Revised Code. 895

Sec. 1923.051. (A) Notwithstanding the time-for-service of a 896
summons provision of division (A) of section 1923.06 of the 897
Revised Code, if the complaint described in section 1923.05 of the 898
Revised Code that is filed by a landlord in an action under this 899
chapter states that the landlord seeks a judgment of restitution 900
based on the grounds specified in divisions (A)(6)(a) and (b) of 901
section 1923.02 of the Revised Code, then the clerk of the 902
municipal court, county court, or court of common pleas in which 903
the complaint is filed shall cause both of the following to occur: 904

(1) The service and return of the summons in the action in 905
accordance with the Rules of Civil Procedure, which service shall 906
be made, if possible, within three working days after the filing 907
of the complaint; 908

(2) The action to be set for trial ~~on~~ not later than the 909
thirtieth ~~working~~ calendar day after the date that the tenant is 910
served with a copy of the summons in accordance with division 911
(A)(1) of this section. 912

(B) The tenant in an action under this chapter as described 913
in division (A) of this section is not required to file an answer 914
to the complaint of the landlord, and may present any defenses 915
that ~~he~~ the tenant may possess at the trial of the action in 916
accordance with section 1923.061 of the Revised Code. 917

(C) No continuances of an action under this chapter as 918
described in division (A) of this section shall be permitted under 919
section 1923.08 of the Revised Code, and if the tenant in the 920
action does not appear at the trial and the summons in the action 921
was properly served in accordance with division (A)(1) of this 922
section, then the court shall try the action in accordance with 923
section 1923.07 of the Revised Code. 924

(D) All provisions of this chapter that are not inconsistent 925

with this section shall apply to an action under this chapter as 926
described in division (A) of this section. 927

Sec. 2152.02. As used in this chapter: 928

(A) "Act charged" means the act that is identified in a 929
complaint, indictment, or information alleging that a child is a 930
delinquent child. 931

(B) "Admitted to a department of youth services facility" 932
includes admission to a facility operated, or contracted for, by 933
the department and admission to a comparable facility outside this 934
state by another state or the United States. 935

(C)(1) "Child" means a person who is under eighteen years of 936
age, except as otherwise provided in divisions (C)(2) to (6) of 937
this section. 938

(2) Subject to division (C)(3) of this section, any person 939
who violates a federal or state law or a municipal ordinance prior 940
to attaining eighteen years of age shall be deemed a "child" 941
irrespective of that person's age at the time the complaint with 942
respect to that violation is filed or the hearing on the complaint 943
is held. 944

(3) Any person who, while under eighteen years of age, 945
commits an act that would be a felony if committed by an adult and 946
who is not taken into custody or apprehended for that act until 947
after the person attains twenty-one years of age is not a child in 948
relation to that act. 949

(4) Any person whose case is transferred for criminal 950
prosecution pursuant to section 2152.12 of the Revised Code shall 951
be deemed after the transfer not to be a child in the transferred 952
case. 953

(5) Any person whose case is transferred for criminal 954
prosecution pursuant to section 2152.12 of the Revised Code and 955

who subsequently is convicted of or pleads guilty to a felony in 956
that case, and any person who is adjudicated a delinquent child 957
for the commission of an act, who has a serious youthful offender 958
dispositional sentence imposed for the act pursuant to section 959
2152.13 of the Revised Code, and whose adult portion of the 960
dispositional sentence is invoked pursuant to section 2152.14 of 961
the Revised Code, shall be deemed after the transfer or invocation 962
not to be a child in any case in which a complaint is filed 963
against the person. 964

(6) The juvenile court has jurisdiction over a person who is 965
adjudicated a delinquent child or juvenile traffic offender prior 966
to attaining eighteen years of age until the person attains 967
twenty-one years of age, and, for purposes of that jurisdiction 968
related to that adjudication, except as otherwise provided in this 969
division, a person who is so adjudicated a delinquent child or 970
juvenile traffic offender shall be deemed a "child" until the 971
person attains twenty-one years of age. If a person is so 972
adjudicated a delinquent child or juvenile traffic offender and 973
the court makes a disposition of the person under this chapter, at 974
any time after the person attains eighteen years of age, the 975
places at which the person may be held under that disposition are 976
not limited to places authorized under this chapter solely for 977
confinement of children, and the person may be confined under that 978
disposition, in accordance with division (F)(2) of section 2152.26 979
of the Revised Code, in places other than those authorized under 980
this chapter solely for confinement of children. 981

(D) "Chronic truant" means any child of compulsory school age 982
who is absent without legitimate excuse for absence from the 983
public school the child is supposed to attend for seven or more 984
consecutive school days, ten or more school days in one school 985
month, or fifteen or more school days in a school year. 986

(E) "Community corrections facility," "public safety beds," 987

"release authority," and "supervised release" have the same 988
meanings as in section 5139.01 of the Revised Code. 989

(F) "Delinquent child" includes any of the following: 990

(1) Any child, except a juvenile traffic offender, who 991
violates any law of this state or the United States, or any 992
ordinance of a political subdivision of the state, that would be 993
an offense if committed by an adult; 994

(2) Any child who violates any lawful order of the court made 995
under this chapter or under Chapter 2151. of the Revised Code 996
other than an order issued under section 2151.87 of the Revised 997
Code; 998

(3) Any child who violates division (A) of section 2923.211 999
of the Revised Code; 1000

(4) Any child who is a habitual truant and who previously has 1001
been adjudicated an unruly child for being a habitual truant; 1002

(5) Any child who is a chronic truant. 1003

(G) "Discretionary serious youthful offender" means a person 1004
who is eligible for a discretionary SYO and who is not transferred 1005
to adult court under a mandatory or discretionary transfer. 1006

(H) "Discretionary SYO" means a case in which the juvenile 1007
court, in the juvenile court's discretion, may impose a serious 1008
youthful offender disposition under section 2152.13 of the Revised 1009
Code. 1010

(I) "Discretionary transfer" means that the juvenile court 1011
has discretion to transfer a case for criminal prosecution under 1012
division (B) of section 2152.12 of the Revised Code. 1013

(J) "Drug abuse offense," "felony drug abuse offense," and 1014
"minor drug possession offense" have the same meanings as in 1015
section 2925.01 of the Revised Code. 1016

(K) "Electronic monitoring device," "certified electronic 1017

monitoring device," "electronically monitored house arrest," 1018
"electronic monitoring system," and "certified electronic 1019
monitoring system" have the same meanings as in section 2929.23 of 1020
the Revised Code. 1021

(L) "Economic loss" means any economic detriment suffered by 1022
a victim of a delinquent act as a result of the delinquent act and 1023
includes any loss of income due to lost time at work because of 1024
any injury caused to the victim and any property loss, medical 1025
cost, or funeral expense incurred as a result of the delinquent 1026
act. 1027

(M) "Firearm" has the same meaning as in section 2923.11 of 1028
the Revised Code. 1029

(N) "Juvenile traffic offender" means any child who violates 1030
any traffic law, traffic ordinance, or traffic regulation of this 1031
state, the United States, or any political subdivision of this 1032
state, other than a resolution, ordinance, or regulation of a 1033
political subdivision of this state the violation of which is 1034
required to be handled by a parking violations bureau or a joint 1035
parking violations bureau pursuant to Chapter 4521. of the Revised 1036
Code. 1037

(O) A "legitimate excuse for absence from the public school 1038
the child is supposed to attend" has the same meaning as in 1039
section 2151.011 of the Revised Code. 1040

(P) "Mandatory serious youthful offender" means a person who 1041
is eligible for a mandatory SYO and who is not transferred to 1042
adult court under a mandatory or discretionary transfer. 1043

(Q) "Mandatory SYO" means a case in which the juvenile court 1044
is required to impose a mandatory serious youthful offender 1045
disposition under section 2152.13 of the Revised Code. 1046

(R) "Mandatory transfer" means that a case is required to be 1047
transferred for criminal prosecution under division (A) of section 1048

2152.12 of the Revised Code. 1049

(S) "Mental illness" has the same meaning as in section 1050
5122.01 of the Revised Code. 1051

(T) "Mentally retarded person" has the same meaning as in 1052
section 5123.01 of the Revised Code. 1053

(U) "Monitored time" and "repeat violent offender" have the 1054
same meanings as in section 2929.01 of the Revised Code. 1055

(V) "Of compulsory school age" has the same meaning as in 1056
section 3321.01 of the Revised Code. 1057

(W) "Public record" has the same meaning as in section 149.43 1058
of the Revised Code. 1059

(X) "Serious youthful offender" means a person who is 1060
eligible for a mandatory SYO or discretionary SYO but who is not 1061
transferred to adult court under a mandatory or discretionary 1062
transfer. 1063

(Y) "Sexually oriented offense," "habitual sex offender," 1064
"juvenile ~~sex~~ offender registrant," ~~and~~ "sexual predator," 1065
"presumptive registration-exempt sexually oriented offense," 1066
"registration-exempt sexually oriented offense," "child-victim 1067
oriented offense," "habitual child-victim offender," and 1068
"child-victim predator" have the same meanings as in section 1069
2950.01 of the Revised Code. 1070

(Z) "Traditional juvenile" means a case that is not 1071
transferred to adult court under a mandatory or discretionary 1072
transfer, that is eligible for a disposition under sections 1073
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1074
that is not eligible for a disposition under section 2152.13 of 1075
the Revised Code. 1076

(AA) "Transfer" means the transfer for criminal prosecution 1077
of a case involving the alleged commission by a child of an act 1078

that would be an offense if committed by an adult from the 1079
juvenile court to the appropriate court that has jurisdiction of 1080
the offense. 1081

(BB) "Category one offense" means any of the following: 1082

(1) A violation of section 2903.01 or 2903.02 of the Revised 1083
Code; 1084

(2) A violation of section 2923.02 of the Revised Code 1085
involving an attempt to commit aggravated murder or murder. 1086

(CC) "Category two offense" means any of the following: 1087

(1) A violation of section 2903.03, 2905.01, 2907.02, 1088
2909.02, 2911.01, or 2911.11 of the Revised Code; 1089

(2) A violation of section 2903.04 of the Revised Code that 1090
is a felony of the first degree; 1091

(3) A violation of section 2907.12 of the Revised Code as it 1092
existed prior to September 3, 1996. 1093

Sec. 2152.19. (A) If a child is adjudicated a delinquent 1094
child, the court may make any of the following orders of 1095
disposition, in addition to any other disposition authorized or 1096
required by this chapter: 1097

(1) Any order that is authorized by section 2151.353 of the 1098
Revised Code for the care and protection of an abused, neglected, 1099
or dependent child; 1100

(2) Commit the child to the temporary custody of any school, 1101
camp, institution, or other facility operated for the care of 1102
delinquent children by the county, by a district organized under 1103
section 2152.41 or 2151.65 of the Revised Code, or by a private 1104
agency or organization, within or without the state, that is 1105
authorized and qualified to provide the care, treatment, or 1106
placement required, including, but not limited to, a school, camp, 1107

or facility operated under section 2151.65 of the Revised Code; 1108

(3) Place the child in a detention facility or district 1109
detention facility operated under section 2152.41 of the Revised 1110
Code, for up to ninety days; 1111

(4) Place the child on community control under any sanctions, 1112
services, and conditions that the court prescribes. As a condition 1113
of community control in every case and in addition to any other 1114
condition that it imposes upon the child, the court shall require 1115
the child to abide by the law during the period of community 1116
control. As referred to in this division, community control 1117
includes, but is not limited to, the following sanctions and 1118
conditions: 1119

(a) A period of basic probation supervision in which the 1120
child is required to maintain contact with a person appointed to 1121
supervise the child in accordance with sanctions imposed by the 1122
court; 1123

(b) A period of intensive probation supervision in which the 1124
child is required to maintain frequent contact with a person 1125
appointed by the court to supervise the child while the child is 1126
seeking or maintaining employment and participating in training, 1127
education, and treatment programs as the order of disposition; 1128

(c) A period of day reporting in which the child is required 1129
each day to report to and leave a center or another approved 1130
reporting location at specified times in order to participate in 1131
work, education or training, treatment, and other approved 1132
programs at the center or outside the center; 1133

(d) A period of community service of up to five hundred hours 1134
for an act that would be a felony or a misdemeanor of the first 1135
degree if committed by an adult, up to two hundred hours for an 1136
act that would be a misdemeanor of the second, third, or fourth 1137
degree if committed by an adult, or up to thirty hours for an act 1138

that would be a minor misdemeanor if committed by an adult; 1139

(e) A requirement that the child obtain a high school 1140
diploma, a certificate of high school equivalence, vocational 1141
training, or employment; 1142

(f) A period of drug and alcohol use monitoring; 1143

(g) A requirement of alcohol or drug assessment or 1144
counseling, or a period in an alcohol or drug treatment program 1145
with a level of security for the child as determined necessary by 1146
the court; 1147

(h) A period in which the court orders the child to observe a 1148
curfew that may involve daytime or evening hours; 1149

(i) A requirement that the child serve monitored time; 1150

(j) A period of house arrest with or without electronic 1151
monitoring; 1152

(k) A period of electronic monitoring without house arrest or 1153
electronically monitored house arrest that does not exceed the 1154
maximum sentence of imprisonment that could be imposed upon an 1155
adult who commits the same act. 1156

A period of electronically monitored house arrest imposed 1157
under this division shall not extend beyond the child's 1158
twenty-first birthday. If a court imposes a period of 1159
electronically monitored house arrest upon a child under this 1160
division, it shall require the child: to wear, otherwise have 1161
attached to the child's person, or otherwise be subject to 1162
monitoring by a certified electronic monitoring device or to 1163
participate in the operation of and monitoring by a certified 1164
electronic monitoring system; to remain in the child's home or 1165
other specified premises for the entire period of electronically 1166
monitored house arrest except when the court permits the child to 1167
leave those premises to go to school or to other specified 1168

premises; to be monitored by a central system that can determine 1169
the child's location at designated times; to report periodically 1170
to a person designated by the court; and to enter into a written 1171
contract with the court agreeing to comply with all requirements 1172
imposed by the court, agreeing to pay any fee imposed by the court 1173
for the costs of the electronically monitored house arrest, and 1174
agreeing to waive the right to receive credit for any time served 1175
on electronically monitored house arrest toward the period of any 1176
other dispositional order imposed upon the child if the child 1177
violates any of the requirements of the dispositional order of 1178
electronically monitored house arrest. The court also may impose 1179
other reasonable requirements upon the child. 1180

Unless ordered by the court, a child shall not receive credit 1181
for any time served on electronically monitored house arrest 1182
toward any other dispositional order imposed upon the child for 1183
the act for which was imposed the dispositional order of 1184
electronically monitored house arrest. 1185

(1) A suspension of the driver's license, probationary 1186
driver's license, or temporary instruction permit issued to the 1187
child or a suspension of the registration of all motor vehicles 1188
registered in the name of the child. A child whose license or 1189
permit is so suspended is ineligible for issuance of a license or 1190
permit during the period of suspension. At the end of the period 1191
of suspension, the child shall not be reissued a license or permit 1192
until the child has paid any applicable reinstatement fee and 1193
complied with all requirements governing license reinstatement. 1194

(5) Commit the child to the custody of the court; 1195

(6) Require the child to not be absent without legitimate 1196
excuse from the public school the child is supposed to attend for 1197
five or more consecutive days, seven or more school days in one 1198
school month, or twelve or more school days in a school year; 1199

(7)(a) If a child is adjudicated a delinquent child for being 1200
a chronic truant or an habitual truant who previously has been 1201
adjudicated an unruly child for being a habitual truant, do either 1202
or both of the following: 1203

(i) Require the child to participate in a truancy prevention 1204
mediation program; 1205

(ii) Make any order of disposition as authorized by this 1206
section, except that the court shall not commit the child to a 1207
facility described in division (A)(2) or (3) of this section 1208
unless the court determines that the child violated a lawful court 1209
order made pursuant to division (C)(1)(e) of section 2151.354 of 1210
the Revised Code or division (A)(6) of this section. 1211

(b) If a child is adjudicated a delinquent child for being a 1212
chronic truant or a habitual truant who previously has been 1213
adjudicated an unruly child for being a habitual truant and the 1214
court determines that the parent, guardian, or other person having 1215
care of the child has failed to cause the child's attendance at 1216
school in violation of section 3321.38 of the Revised Code, do 1217
either or both of the following: 1218

(i) Require the parent, guardian, or other person having care 1219
of the child to participate in a truancy prevention mediation 1220
program; 1221

(ii) Require the parent, guardian, or other person having 1222
care of the child to participate in any community service program, 1223
preferably a community service program that requires the 1224
involvement of the parent, guardian, or other person having care 1225
of the child in the school attended by the child. 1226

(8) Make any further disposition that the court finds proper, 1227
except that the child shall not be placed in any of the following: 1228

(a) A state correctional institution, a county, multicounty, 1229

or municipal jail or workhouse, or another place in which an adult 1230
convicted of a crime, under arrest, or charged with a crime is 1231
held; 1232

(b) A community corrections facility, if the child would be 1233
covered by the definition of public safety beds for purposes of 1234
sections 5139.41 to 5139.45 of the Revised Code if the court 1235
exercised its authority to commit the child to the legal custody 1236
of the department of youth services for institutionalization or 1237
institutionalization in a secure facility pursuant to this 1238
chapter. 1239

(B) If a child is adjudicated a delinquent child, in addition 1240
to any order of disposition made under division (A) of this 1241
section, the court, in the following situations, shall suspend the 1242
child's temporary instruction permit, restricted license, 1243
probationary driver's license, or nonresident operating privilege, 1244
or suspend the child's ability to obtain such a permit: 1245

(1) The child is adjudicated a delinquent child for violating 1246
section 2923.122 of the Revised Code, with the suspension and 1247
denial being in accordance with division (E)(1)(a), (c), (d), or 1248
(e) of section 2923.122 of the Revised Code. 1249

(2) The child is adjudicated a delinquent child for 1250
committing an act that if committed by an adult would be a drug 1251
abuse offense or for violating division (B) of section 2917.11 of 1252
the Revised Code, with the suspension continuing until the child 1253
attends and satisfactorily completes a drug abuse or alcohol abuse 1254
education, intervention, or treatment program specified by the 1255
court. During the time the child is attending the program, the 1256
court shall retain any temporary instruction permit, probationary 1257
driver's license, or driver's license issued to the child, and the 1258
court shall return the permit or license when the child 1259
satisfactorily completes the program. 1260

(C) The court may establish a victim-offender mediation 1261
program in which victims and their offenders meet to discuss the 1262
offense and suggest possible restitution. If the court obtains the 1263
assent of the victim of the delinquent act committed by the child, 1264
the court may require the child to participate in the program. 1265

(D)(1) If a child is adjudicated a delinquent child for 1266
committing an act that would be a felony if committed by an adult 1267
and if the child caused, attempted to cause, threatened to cause, 1268
or created a risk of physical harm to the victim of the act, the 1269
court, prior to issuing an order of disposition under this 1270
section, shall order the preparation of a victim impact statement 1271
by the probation department of the county in which the victim of 1272
the act resides, by the court's own probation department, or by a 1273
victim assistance program that is operated by the state, a county, 1274
a municipal corporation, or another governmental entity. The court 1275
shall consider the victim impact statement in determining the 1276
order of disposition to issue for the child. 1277

(2) Each victim impact statement shall identify the victim of 1278
the act for which the child was adjudicated a delinquent child, 1279
itemize any economic loss suffered by the victim as a result of 1280
the act, identify any physical injury suffered by the victim as a 1281
result of the act and the seriousness and permanence of the 1282
injury, identify any change in the victim's personal welfare or 1283
familial relationships as a result of the act and any 1284
psychological impact experienced by the victim or the victim's 1285
family as a result of the act, and contain any other information 1286
related to the impact of the act upon the victim that the court 1287
requires. 1288

(3) A victim impact statement shall be kept confidential and 1289
is not a public record. However, the court may furnish copies of 1290
the statement to the department of youth services if the 1291
delinquent child is committed to the department or to both the 1292

adjudicated delinquent child or the adjudicated delinquent child's 1293
counsel and the prosecuting attorney. The copy of a victim impact 1294
statement furnished by the court to the department pursuant to 1295
this section shall be kept confidential and is not a public 1296
record. If an officer is preparing pursuant to section 2947.06 or 1297
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 1298
investigation report pertaining to a person, the court shall make 1299
available to the officer, for use in preparing the report, a copy 1300
of any victim impact statement regarding that person. The copies 1301
of a victim impact statement that are made available to the 1302
adjudicated delinquent child or the adjudicated delinquent child's 1303
counsel and the prosecuting attorney pursuant to this division 1304
shall be returned to the court by the person to whom they were 1305
made available immediately following the imposition of an order of 1306
disposition for the child under this chapter. 1307

The copy of a victim impact statement that is made available 1308
pursuant to this division to an officer preparing a criminal 1309
presentence investigation report shall be returned to the court by 1310
the officer immediately following its use in preparing the report. 1311

(4) The department of youth services shall work with local 1312
probation departments and victim assistance programs to develop a 1313
standard victim impact statement. 1314

(E) If a child is adjudicated a delinquent child for being a 1315
chronic truant or an habitual truant who previously has been 1316
adjudicated an unruly child for being an habitual truant and the 1317
court determines that the parent, guardian, or other person having 1318
care of the child has failed to cause the child's attendance at 1319
school in violation of section 3321.38 of the Revised Code, in 1320
addition to any order of disposition it makes under this section, 1321
the court shall warn the parent, guardian, or other person having 1322
care of the child that any subsequent adjudication of the child as 1323
an unruly or delinquent child for being an habitual or chronic 1324

truant may result in a criminal charge against the parent, 1325
guardian, or other person having care of the child for a violation 1326
of division (C) of section 2919.21 or section 2919.24 of the 1327
Revised Code. 1328

(F)(1) During the period of a delinquent child's community 1329
control granted under this section, authorized probation officers 1330
who are engaged within the scope of their supervisory duties or 1331
responsibilities may search, with or without a warrant, the person 1332
of the delinquent child, the place of residence of the delinquent 1333
child, and a motor vehicle, another item of tangible or intangible 1334
personal property, or other real property in which the delinquent 1335
child has a right, title, or interest or for which the delinquent 1336
child has the express or implied permission of a person with a 1337
right, title, or interest to use, occupy, or possess if the 1338
probation officers have reasonable grounds to believe that the 1339
delinquent child is not abiding by the law or otherwise is not 1340
complying with the conditions of the delinquent child's community 1341
control. The court that places a delinquent child on community 1342
control under this section shall provide the delinquent child with 1343
a written notice that informs the delinquent child that authorized 1344
probation officers who are engaged within the scope of their 1345
supervisory duties or responsibilities may conduct those types of 1346
searches during the period of community control if they have 1347
reasonable grounds to believe that the delinquent child is not 1348
abiding by the law or otherwise is not complying with the 1349
conditions of the delinquent child's community control. The court 1350
also shall provide the written notice described in division (E)(2) 1351
of this section to each parent, guardian, or custodian of the 1352
delinquent child who is described in that division. 1353

(2) The court that places a child on community control under 1354
this section shall provide the child's parent, guardian, or other 1355
custodian with a written notice that informs them that authorized 1356

probation officers may conduct searches pursuant to division 1357
(E)(1) of this section. The notice shall specifically state that a 1358
permissible search might extend to a motor vehicle, another item 1359
of tangible or intangible personal property, or a place of 1360
residence or other real property in which a notified parent, 1361
guardian, or custodian has a right, title, or interest and that 1362
the parent, guardian, or custodian expressly or impliedly permits 1363
the child to use, occupy, or possess. 1364

(G) If a juvenile court commits a delinquent child to the 1365
custody of any person, organization, or entity pursuant to this 1366
section and if the delinquent act for which the child is so 1367
committed is a sexually oriented offense that is not a 1368
registration-exempt sexually oriented offense or is a child-victim 1369
oriented offense, the court in the order of disposition shall do 1370
one of the following: 1371

(1) Require that the child be provided treatment as described 1372
in division (A)(2) of section 5139.13 of the Revised Code; 1373

(2) Inform the person, organization, or entity that it is the 1374
preferred course of action in this state that the child be 1375
provided treatment as described in division (A)(2) of section 1376
5139.13 of the Revised Code and encourage the person, 1377
organization, or entity to provide that treatment. 1378

Sec. 2152.191. If a child is adjudicated a delinquent child 1379
for committing a sexually oriented offense that is not a 1380
registration-exempt sexually oriented offense or for committing a 1381
child-victim oriented offense, if the child is fourteen years of 1382
age or older at the time of committing the offense, and if the 1383
child committed the offense on or after ~~the effective date of this~~ 1384
~~section, all~~ January 1, 2002, both of the following apply: 1385

(A) Sections 2152.82 to 2152.85 and Chapter 2950. of the 1386
Revised Code apply to the child and the adjudication. 1387

(B) In addition to any order of disposition it makes of the child under this chapter, the court may make any determination, adjudication, or order authorized under sections 2152.82 to 2152.85 and Chapter 2950. of the Revised Code and shall make any determination, adjudication, or order required under those sections and that chapter.

Sec. 2152.811. If a court adjudicates a child a delinquent child for committing a presumptive registration-exempt sexually oriented offense, the court may determine pursuant to section 2950.021 of the Revised Code, prior to making an order of disposition for the child, that the child potentially should be subjected to classification as a juvenile offender registrant under sections 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to registration under section 2950.04 of the Revised Code and all other duties and responsibilities generally imposed under Chapter 2950. of the Revised Code upon persons who are adjudicated delinquent children for committing a sexually oriented offense other than a presumptive registration-exempt sexually oriented offense. If the court so determines, divisions (B)(1) and (3) of section 2950.021 of the Revised Code apply, and the court shall proceed as described in those divisions.

Sec. 2152.82. (A) The court that adjudicates a child a delinquent child shall issue as part of the dispositional order 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, 2950.041, 2950.05, and 2950.06 of the Revised Code if all of the following apply:

(1) The act for which the child is adjudicated a delinquent child is a sexually oriented offense that is not a registration-exempt sexually oriented offense or is a child-victim

oriented offense that the child committed on or after January 1, 1418
2002. 1419

(2) The child was fourteen, fifteen, sixteen, or seventeen 1420
years of age at the time of committing the offense. 1421

(3) The court has determined that the child previously was 1422
convicted of, pleaded guilty to, or was adjudicated a delinquent 1423
child for committing any sexually oriented offense or child-victim 1424
oriented offense, regardless of when the prior offense was 1425
committed and regardless of the child's age at the time of 1426
committing the offense. 1427

(B) An order required under division (A) of this section 1428
shall be issued at the time the judge makes the orders of 1429
disposition for the delinquent child. Prior to issuing the order 1430
required by division (A) of this section, the judge shall conduct 1431
the hearing and make the determinations required by division (B) 1432
of section 2950.09 of the Revised Code regarding a sexually 1433
oriented offense that is not a registration-exempt sexually 1434
oriented offense or division (B) of section 2950.091 of the 1435
Revised Code regarding a child-victim oriented offense to 1436
determine if the child is to be classified a sexual predator or a 1437
child-victim predator, shall make the determinations required by 1438
division (E) of ~~that~~ section 2950.09 of the Revised Code regarding 1439
a sexually oriented offense that is not a registration-exempt 1440
sexually oriented offense or division (E) of section 2950.091 of 1441
the Revised Code regarding a child-victim oriented offense to 1442
determine if the child is to be classified a habitual sex offender 1443
or a habitual child-victim offender, and shall otherwise comply 1444
with those divisions. When a judge issues an order under division 1445
(A) of this section, all of the following apply: 1446

(1) The judge shall include in the order any determination 1447
that the delinquent child is, or is not, a sexual predator or 1448
child-victim predator or is, or is not, a habitual sex offender or 1449

habitual child-victim offender that the judge makes pursuant to 1450
division (B) or (E) of section 2950.09 or 2950.091 of the Revised 1451
Code and any related information required or authorized under the 1452
division under which the determination is made, including, but not 1453
limited to, any requirement imposed by the court subjecting a 1454
child who is a habitual sex offender or habitual child-victim 1455
offender to community notification provisions as described in 1456
division (E) of ~~that~~ section 2950.09 or 2950.091 of the Revised 1457
Code. 1458

(2) The judge shall include in the order a statement that, 1459
upon completion of the disposition of the delinquent child that 1460
was made for the sexually oriented offense or child-victim 1461
oriented offense upon which the order is based, a hearing will be 1462
conducted, and the order and any determinations included in the 1463
order are subject to modification or termination pursuant to 1464
sections 2152.84 and 2152.85 of the Revised Code. 1465

(3) The judge shall provide ~~a copy of the order~~ to the 1466
delinquent child and to the delinquent child's parent, guardian, 1467
or custodian, ~~as part of the notice provided~~ required under 1468
divisions (A) and (B) of section 2950.03 of the Revised Code and 1469
shall provide as part of that notice a copy of the order. 1470

(4) The judge shall include the order in the delinquent 1471
child's dispositional order and shall specify in the dispositional 1472
order that the order issued under division (A) of this section was 1473
made pursuant to this section. 1474

(C) An order issued under division (A) of this section and 1475
any determinations included in the order shall remain in effect 1476
for the period of time specified in section 2950.07 of the Revised 1477
Code, subject to a modification or termination of the order under 1478
section 2152.84 or 2152.85 of the Revised Code, and section 1479
2152.851 of the Revised Code applies regarding the order and the 1480
determinations. If an order is issued under division (A) of this 1481

section, the child's attainment of eighteen or twenty-one years of 1482
age does not affect or terminate the order, and the order remains 1483
in effect for the period of time described in this division. 1484

(D) A court that adjudicates a child a delinquent child for a 1485
sexually oriented offense that is a registration-exempt sexually 1486
oriented offense shall not issue based on that adjudication an 1487
order under this section that classifies the child a juvenile 1488
offender registrant and specifies that the child has a duty to 1489
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1490
the Revised Code. 1491

Sec. 2152.83. (A)(1) The court that adjudicates a child a 1492
delinquent child shall issue as part of the dispositional order 1493
or, if the court commits the child for the delinquent act to the 1494
custody of a secure facility, shall issue at the time of the 1495
child's release from the secure facility, an order that classifies 1496
the child a juvenile ~~sex~~ offender registrant and specifies that 1497
the child has a duty to ~~register under section~~ comply with 1498
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1499
Code if all of the following apply: 1500

(a) The act for which the child is or was adjudicated a 1501
delinquent child is a sexually oriented offense that is not a 1502
registration-exempt sexually oriented offense or is a child-victim 1503
oriented offense that the child committed on or after January 1, 1504
2002. 1505

(b) The child was sixteen or seventeen years of age at the 1506
time of committing the offense. 1507

(c) The court was not required to classify the child a 1508
juvenile ~~sex~~ offender registrant under section 2152.82 of the 1509
Revised Code. 1510

(2) Prior to issuing the order required by division (A)(2) of 1511

this section, the judge shall conduct the hearing and make the 1512
determinations required by division (B) of section 2950.09 of the 1513
Revised Code regarding a sexually oriented offense that is not a 1514
registration-exempt sexually oriented offense or division (B) of 1515
section 2950.091 of the Revised Code regarding a child-victim 1516
oriented offense to determine if the child is to be classified ~~as~~ 1517
a sexual predator or a child-victim predator, shall make the 1518
determinations required by division (E) of ~~that~~ section 2950.09 of 1519
the Revised Code regarding a sexually oriented offense that is not 1520
a registration-exempt sexually oriented offense or division (E) of 1521
section 2950.091 of the Revised Code regarding a child-victim 1522
oriented offense to determine if the child is to be classified ~~as~~ 1523
a habitual sex offender or a habitual child-victim offender, and 1524
shall otherwise comply with those divisions. When a judge issues 1525
an order under division (A)(1) of this section, the judge shall 1526
include in the order all of the determinations and information 1527
identified in division (B)(1) of section 2152.82 of the Revised 1528
Code that are relevant. 1529

(B)(1) The court that adjudicates a child a delinquent child, 1530
on the judge's own motion, may conduct at the time of disposition 1531
of the child or, if the court commits the child for the delinquent 1532
act to the custody of a secure facility, may conduct at the time 1533
of the child's release from the secure facility, a hearing for the 1534
purposes described in division (B)(2) of this section if all of 1535
the following apply: 1536

(a) The act for which the child is adjudicated a delinquent 1537
child is a sexually oriented offense that is not a 1538
registration-exempt sexually oriented offense or is a child-victim 1539
oriented offense that the child committed on or after January 1, 1540
2002. 1541

(b) The child was fourteen or fifteen years of age at the 1542
time of committing the offense. 1543

(c) The court was not required to classify the child a 1544
juvenile ~~sex~~ offender registrant under section 2152.82 of the 1545
Revised Code. 1546

(2) A judge shall conduct a hearing under division (B)(1) of 1547
this section to review the effectiveness of the disposition made 1548
of the child and of any treatment provided for the child placed in 1549
a secure setting and to determine whether the child should be 1550
classified a juvenile ~~sex~~ offender registrant. The judge may 1551
conduct the hearing on the judge's own initiative or based upon a 1552
recommendation of an officer or employee of the department of 1553
youth services, a probation officer, an employee of the court, or 1554
a prosecutor or law enforcement officer. If the judge conducts the 1555
hearing, upon completion of the hearing, the judge, in the judge's 1556
discretion and after consideration of the factors listed in 1557
division (E) of this section, shall do either of the following: 1558

(a) Decline to issue an order that classifies the child a 1559
juvenile ~~sex~~ offender registrant and specifies that the child has 1560
a duty to ~~register under section~~ comply with sections 2950.04, 1561
2950.041, 2950.05, and 2950.06 of the Revised Code; 1562

(b) Issue an order that classifies the child a juvenile ~~sex~~ 1563
offender registrant and specifies that the child has a duty to 1564
~~register under section~~ comply with sections 2950.04, 2950.041, 1565
2950.05, and 2950.06 of the Revised Code and, if the judge 1566
~~determines~~ conducts a hearing as described in division (C) of this 1567
section ~~that~~ to determine whether the child is a sexual predator 1568
or child-victim predator or a habitual sex offender or habitual 1569
child-victim offender, include in the order a statement that the 1570
judge has determined that the child is, or is not, a sexual 1571
predator ~~or a~~, child-victim predator, habitual sex offender, or 1572
habitual child-victim offender, whichever is applicable. 1573

(C) A judge may issue an order under division (B) of this 1574

section that contains a determination that a delinquent child is a sexual predator or child-victim predator only if the judge, in accordance with the procedures specified in division (B) of section 2950.09 of the Revised Code regarding sexual predators or division (B) of section 2950.091 of the Revised Code regarding child-victim predators, determines at the hearing by clear and convincing evidence that the child is a sexual predator or a child-victim predator. A judge may issue an order under division (B) of this section that contains a determination that a delinquent child is a habitual sex offender or a habitual child-victim offender only if the judge at the hearing determines as described in division (E) of section 2950.09 of the Revised Code regarding habitual sex offenders or division (E) of section 2950.091 of the Revised Code regarding habitual child-victim offenders that the child is a habitual sex offender or a habitual child-victim offender. If the judge issues an order under division (B) of this section that contains a determination that a delinquent child is a habitual sex offender or a habitual child-victim offender, the judge may impose a requirement subjecting the child to community notification provisions as described in division (E) of section 2950.09 or 2950.091 of the Revised Code, whichever is applicable. If the court conducts a hearing as described in this division to determine whether the child is a sexual predator or child-victim predator or a habitual sex offender or habitual child-victim offender, the judge shall comply with division (B) or (E) of section 2950.09 or 2950.091 of the Revised Code, whichever is applicable, in all regards.

(D) If a judge issues an order under division (A) or (B) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the

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

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

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

(1) The nature of the sexually oriented offense that is not a
registration-exempt sexually oriented offense or the child-victim
oriented offense committed by the child;

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

(3) The public interest and safety;

(4) The factors set forth in division (B)(3) of section
2950.09 or 2950.091 of the Revised Code, whichever is applicable;

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

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

(F) An order issued under division (A) or (B) 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 of the Revised Code, and section
2152.851 of the Revised Code applies regarding the order and the
determinations. 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.

(G) A court that adjudicates a child a delinquent child for a
sexually oriented offense that is a registration-exempt sexually
oriented offense shall not issue based on that adjudication an
order under this section that classifies the child a juvenile
offender registrant and specifies that the child has a duty to
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of
the Revised Code.

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

Sec. 2152.84. (A)(1) When a juvenile court judge issues an
order under section 2152.82 or division (A) or (B) of section
2152.83 of the Revised Code that classifies a delinquent child a
juvenile ~~sex~~ offender registrant and specifies that the child has
a duty to ~~register under section~~ comply with sections 2950.04,
2950.041, 2950.05, and 2950.06 of the Revised Code, upon
completion of the disposition of that child made for the sexually
oriented offense that is not a registration-exempt sexually
oriented offense or the child-victim oriented offense on which the
juvenile ~~sex~~ offender registrant order was based, the judge or the
judge's successor in office shall conduct a hearing to review the
effectiveness of the disposition and of any treatment provided for

the child, to determine the risks that the child might re-offend, 1669
and to determine whether the prior classification of the child as 1670
a juvenile ~~sex~~ offender registrant and, if applicable, as a sexual 1671
predator or child-victim predator or as a habitual sex offender or 1672
habitual child-victim offender should be continued, modified, or 1673
terminated as provided under division (A)(2) of this section. 1674

(2) Upon completion of a hearing under division (A)(1) of 1675
this section, the judge, in the judge's discretion and after 1676
consideration of the factors listed in division (E) of section 1677
2152.83 of the Revised Code, shall do one of the following, as 1678
applicable: 1679

(a) Enter an order that continues the classification of the 1680
delinquent child made in the prior order issued under section 1681
2152.82 or division (A) or (B) of section 2152.83 of the Revised 1682
Code, and any sexual predator ~~or~~, child-victim predator, habitual 1683
sex offender, or habitual child-victim offender determination 1684
included in the order; 1685

(b) If the prior order was issued under section 2152.82 or 1686
division (A) of section 2152.83 of the Revised Code and includes a 1687
determination by the judge that the delinquent child is a sexual 1688
predator or child-victim predator, enter, as applicable, an order 1689
that contains a determination that the ~~delinquent~~ child no longer 1690
is a sexual predator, the reason or reasons for that 1691
determination, and ~~that also contains~~ either a determination that 1692
the ~~delinquent~~ child is a habitual sex offender or a determination 1693
that the ~~delinquent~~ child remains a juvenile ~~sex~~ offender 1694
registrant but is not a sexual predator or habitual sex offender, 1695
or an order that contains a determination that the child no longer 1696
is a child-victim predator, the reason or reasons for that 1697
determination, and either a determination that the child is a 1698
habitual child-victim offender or a determination that the child 1699
remains a juvenile offender registrant but is not a child-victim 1700

predator or habitual child-victim offender; 1701

(c) If the prior order was issued under section 2152.82 or 1702
division (A) of section 2152.83 of the Revised Code and does not 1703
include a sexual predator or child-victim predator determination 1704
as described in division (A)(2)(b) of this section but includes a 1705
determination by the judge that the delinquent child is a habitual 1706
sex offender or a habitual child-victim offender, enter, as 1707
applicable, an order that contains a determination that the 1708
~~delinquent~~ child no longer is a habitual sex offender and ~~that~~ 1709
~~also contains~~ a determination that the ~~delinquent~~ child remains a 1710
juvenile sex offender registrant but is not a habitual ~~sex~~ 1711
offender, or an order that contains a determination that the child 1712
no longer is a habitual child-victim offender and a determination 1713
that the child remains a juvenile offender registrant but is not a 1714
habitual child-victim offender; 1715

(d) If the prior order was issued under division (B) of 1716
section 2152.83 of the Revised Code and includes a determination 1717
by the judge that the delinquent child is a sexual predator or 1718
child-victim predator, enter, as applicable, an order that 1719
contains a determination that the ~~delinquent~~ child no longer is a 1720
sexual predator, the reason or reasons for that determination, and 1721
~~that also contains either~~ a determination that the ~~delinquent~~ 1722
child is a habitual sex offender, a determination that the 1723
~~delinquent~~ child remains a juvenile ~~sex~~ offender registrant but is 1724
not a sexual predator or habitual sex offender, or a determination 1725
that ~~specifies that~~ the ~~delinquent~~ child no longer is a juvenile 1726
~~sex~~ offender registrant and no longer has a duty to ~~register under~~ 1727
~~section~~ comply with sections 2950.04, 2950.05, and 2950.06 of the 1728
Revised Code, or an order that contains a determination that the 1729
child no longer is a child-victim predator, the reason or reasons 1730
for that determination, and either a determination that the child 1731
is a habitual child-victim offender, a determination that the 1732

child remains a juvenile offender registrant but is not a 1733
child-victim predator or habitual child-victim offender, or a 1734
determination that the child no longer is a juvenile offender 1735
registrant and no longer has a duty to comply with sections 1736
2950.041, 2950.05, and 2950.06 of the Revised Code; 1737

(e) If the prior order was issued under division (B) of 1738
section 2152.83 of the Revised Code and does not include a sexual 1739
predator or child-victim predator determination as described in 1740
division (A)(2)(d) of this section but includes a determination by 1741
the judge that the delinquent child is a habitual sex offender or 1742
habitual child-victim offender, enter, as applicable, an order 1743
that contains a determination that the child no longer is a 1744
habitual sex offender and ~~that also contains~~ either a 1745
determination that the child remains a juvenile ~~sex~~ offender 1746
registrant but is not a sexual predator or habitual sex offender 1747
or a determination that ~~specifies that~~ the child no longer is a 1748
juvenile ~~sex~~ offender registrant and no longer has a duty to 1749
~~register under section~~ comply with sections 2950.04, 2950.05, and 1750
2950.06 of the Revised Code, or an order that contains a 1751
determination that the child no longer is a habitual child-victim 1752
offender and either a determination that the child remains a 1753
juvenile offender registrant but is not a child-victim predator or 1754
habitual child-victim offender or a determination that the child 1755
no longer is a juvenile offender registrant and no longer has a 1756
duty to comply with sections 2950.041, 2950.05, and 2950.06 of the 1757
Revised Code; 1758

(f) If the prior order was issued under division (B) of 1759
section 2152.83 of the Revised Code and does not include a sexual 1760
predator or child-victim predator determination or a habitual sex 1761
offender or habitual child-victim offender determination as 1762
described in divisions (A)(2)(d) and (e) of this section, enter, 1763
as applicable, an order that contains a determination that the 1764

delinquent child no longer is a juvenile ~~sex~~ offender registrant 1765
and no longer has a duty to ~~register under section~~ comply with 1766
sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or an 1767
order that contains a determination that the delinquent child no 1768
longer is a juvenile offender registrant and no longer has a duty 1769
to comply with sections 2950.041, 2950.05, and 2950.06 of the 1770
Revised Code. 1771

(B) If a judge issues an order under division (A)(2)(a) of 1772
this section that continues the prior classification of the 1773
delinquent child as a juvenile ~~sex~~ offender registrant and any 1774
sexual predator or habitual sex offender determination included in 1775
the order, or that continues the prior classification of the 1776
delinquent child as a juvenile offender registrant and any 1777
child-victim predator or habitual child-victim offender 1778
determination included in the order, the prior classification and 1779
the prior determination, if applicable, shall remain in effect. 1780

A judge may issue an order under division (A)(2) of this 1781
section that contains a determination that a child no longer is a 1782
sexual predator or no longer is a child-victim predator only if 1783
the judge, in accordance with the procedures specified in division 1784
(D)(1) of section 2950.09 of the Revised Code regarding a sexual 1785
predator, determines at the hearing by clear and convincing 1786
evidence that the delinquent child is unlikely to commit a 1787
sexually oriented offense in the future, or the judge, in 1788
accordance with the procedures specified in division (D)(1) of 1789
section 2950.091 of the Revised Code regarding a child-victim 1790
predator, determines at the hearing by clear and convincing 1791
evidence that the delinquent child is unlikely to commit a 1792
child-victim oriented offense in the future. If the judge issues 1793
an order of that type, the judge shall provide the notifications 1794
described in division (D)(1) of section 2950.09 or 2950.091 of the 1795
Revised Code, whichever is applicable, and the recipient of the 1796

notification shall comply with the provisions of that division. 1797

If a judge issues an order under division (A)(2) of this 1798
section that otherwise reclassifies the delinquent child, the 1799
judge shall provide a copy of the order to the bureau of criminal 1800
identification and investigation, and the bureau, upon receipt of 1801
the copy of the order, promptly shall notify the sheriff with whom 1802
the child most recently registered under section 2950.04 or 1803
2950.041 of the Revised Code of the reclassification. 1804

(C) If a judge issues an order under any provision of 1805
division (A)(2) of this section, the judge shall provide to the 1806
delinquent child and to the delinquent child's parent, guardian, 1807
or custodian a copy of the order and a notice containing the 1808
information described in divisions (A) and (B) of section 2950.03 1809
of the Revised Code. The judge shall provide the notice at the 1810
time of the issuance of the order, ~~shall provide the notice as~~ 1811
~~described in division (B)(1)(c) of that section,~~ and shall comply 1812
with divisions (B)(1), ~~(B)(2),~~ and (C) of that section regarding 1813
that notice and the provision of it. 1814

(D) In making a decision under division (A) of this section, 1815
a judge shall consider all relevant factors, including, but not 1816
limited to, the factors listed in division (E) of section 2152.83 1817
of the Revised Code. 1818

(E) An order issued under division (A)(2) of this section and 1819
any determinations included in the order shall remain in effect 1820
for the period of time specified in section 2950.07 of the Revised 1821
Code, subject to a modification or termination of the order under 1822
section 2152.85 of the Revised Code, and section 2152.851 of the 1823
Revised Code applies regarding the order and the determinations. 1824
If an order is issued under division (A)(2) of this section, the 1825
child's attainment of eighteen or twenty-one years of age does not 1826
affect or terminate the order, and the order remains in effect for 1827
the period of time described in this division. 1828

Sec. 2152.85. (A) Upon the expiration of the applicable 1829
period of time specified in division (B)(1) or (2) of this 1830
section, a delinquent child who has been classified pursuant to 1831
this section or section 2152.82 or 2152.83 of the Revised Code a 1832
juvenile ~~sex~~ offender registrant may petition the judge who made 1833
the classification, or that judge's successor in office, to do one 1834
of the following: 1835

(1) If the order containing the juvenile ~~sex~~ offender 1836
registrant classification also includes a determination by the 1837
juvenile court judge that the delinquent child is a sexual 1838
predator ~~relative to the sexually-oriented offense or child-victim~~ 1839
predator in the manner described in section 2152.82 or 2152.83 of 1840
the Revised Code and that determination remains in effect, to 1841
enter, as applicable, an order that contains a determination that 1842
the child no longer is a sexual predator, the reason or reasons 1843
for that determination, and ~~that also contains~~ either a 1844
determination that the child is a habitual sex offender or a 1845
determination that the child remains a juvenile ~~sex~~ offender 1846
registrant but is not a sexual predator or habitual sex offender, 1847
or an order that contains a determination that the child no longer 1848
is a child-victim predator, the reason or reasons for that 1849
determination, and either a determination that the child is a 1850
habitual child-victim offender or a determination that the child 1851
remains a juvenile offender registrant but is not a child-victim 1852
predator or habitual child-victim offender; 1853

(2) If the order containing the juvenile ~~sex~~ offender 1854
registrant classification under section 2152.82 or 2152.83 of the 1855
Revised Code or under division (C)(2) of this section pursuant to 1856
a petition filed under division (A) of this section does not 1857
include a sexual predator or child-victim predator determination 1858
as described in division (A)(1) of this section but includes a 1859

determination by the juvenile court judge that the delinquent 1860
child is a habitual sex offender ~~relative to the sexually oriented~~ 1861
~~offense or a habitual child-victim offender~~ in the manner 1862
described in section 2152.82 or 2152.83 of the Revised Code, or in 1863
this section, and that determination remains in effect, to enter, 1864
as applicable, an order that contains a determination that the 1865
child no longer is a habitual sex offender and ~~that also contains~~ 1866
either a determination that the child remains a juvenile ~~sex~~ 1867
offender registrant or a determination that the child no longer is 1868
a juvenile ~~sex~~ offender registrant and no longer has a duty to 1869
~~register under section~~ comply with sections 2950.04, 2950.05, and 1870
2950.06 of the Revised Code, or an order that contains a 1871
determination that the child no longer is a habitual child-victim 1872
offender and either a determination that the child remains a 1873
juvenile offender registrant or a determination that the child no 1874
longer is a juvenile offender registrant and no longer has a duty 1875
to comply with sections 2950.041, 2950.05, and 2950.06 of the 1876
Revised Code; 1877

(3) If the order containing the juvenile ~~sex~~ offender 1878
registrant classification under section 2152.82 or 2152.83 of the 1879
Revised Code or under division (C)(2) of this section pursuant to 1880
a petition filed under division (A) of this section does not 1881
include a sexual predator or child-victim predator determination 1882
or a habitual sex offender or habitual child-victim offender 1883
determination as described in division (A)(1) or (2) of this 1884
section, to enter, as applicable, an order that contains a 1885
determination that the child no longer is a juvenile ~~sex~~ offender 1886
registrant and no longer has a duty to ~~register under section~~ 1887
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 1888
Code, or an order that contains a determination that the child no 1889
longer is a juvenile offender registrant and no longer has a duty 1890
to comply with sections 2950.041, 2950.05, and 2950.06 of the 1891
Revised Code. 1892

(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 that is not a registration-exempt sexually oriented offense and who has been classified a juvenile ~~sex~~ offender registrant relative to that ~~sexually oriented offense~~ or who has been adjudicated a delinquent child for committing on or after that date a child-victim oriented offense and who has been classified a juvenile offender registrant relative to that 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 (A)(1), (2), or (3) of this section.

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

A judge may issue an order under division (C) of this section that contains a determination that a child no longer is a sexual predator or no longer is a child-victim predator only if the judge conducts a hearing and, in accordance with the procedures specified in division (D)(1) of section 2950.09 of the Revised Code regarding a sexual predator, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a sexually oriented offense in the future, or, in accordance with the procedures specified in division (D)(1) of section 2950.091 of the Revised Code regarding a child-victim predator, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a child-victim oriented offense in the future. If the judge issues an order of that type, the judge shall provide the notifications described in division (D)(1) of section 2950.09 or 2950.091 of the Revised Code, whichever is applicable, and the recipient of the notification shall comply with the provisions of that division.

A judge may issue an order under division (C) of this section that contains a determination that a delinquent child is a

habitual sex offender or a habitual child-victim offender only if 1955
the judge conducts a hearing and determines at the hearing as 1956
described in division (E) of section 2950.09 of the Revised Code 1957
regarding habitual sex offenders or division (E) of section 1958
2950.091 of the Revised Code regarding habitual child-victim 1959
offenders that the child is a habitual sex offender or a habitual 1960
child-victim offender. If the judge issues an order that contains 1961
a determination that a delinquent child is a habitual sex offender 1962
or a habitual child-victim offender, the judge may impose a 1963
requirement subjecting the child to community notification 1964
provisions as described in that division. 1965

(E) If a judge issues an order under division (C) of this 1966
section, the judge shall provide to the delinquent child and to 1967
the delinquent child's parent, guardian, or custodian a copy of 1968
the order and a notice containing the information described in 1969
divisions (A) and (B) of section 2950.03 of the Revised Code. The 1970
judge shall provide the notice at the time of the issuance of the 1971
order, ~~shall provide the notice as described in division (B)(1)(c)~~ 1972
~~of section 2950.03 of the Revised Code,~~ and shall comply with 1973
divisions (B)(1), (B)(2), and (C) of that section regarding that 1974
notice and the provision of it. 1975

(F) An order issued under division (C) of this section shall 1976
remain in effect for the period of time specified in section 1977
2950.07 of the Revised Code, subject to a further modification or 1978
a termination of the order under this section, and section 1979
2152.851 of the Revised Code applies regarding the order and the 1980
determinations. If an order is issued under division (C) of this 1981
section, the child's attainment of eighteen or twenty-one years of 1982
age does not affect or terminate the order, and the order remains 1983
in effect for the period of time described in this division. 1984

Sec. 2152.851. (A) If, prior to the effective date of this 1985

section, a judge issues an order under section 2152.82, 2152.83, 1986
2152.84, or 2152.85 of the Revised Code that classifies a 1987
delinquent child a juvenile offender registrant and if, on and 1988
after the effective date of this section, the sexually oriented 1989
offense upon which the order was based no longer is considered a 1990
sexually oriented offense but instead is a child-victim oriented 1991
offense, notwithstanding the redesignation of the offense, the 1992
order shall remain in effect for the period described in the 1993
section under which it was issued, the order shall be considered 1994
for all purposes to be an order that classifies the child a 1995
juvenile offender registrant, division (A)(2)(b) of section 1996
2950.041 of the Revised Code applies regarding the child, and the 1997
duty to register imposed pursuant to that division shall be 1998
considered, for purposes of section 2950.07 of the Revised Code 1999
and for all other purposes, to be a continuation of the duty 2000
imposed upon the child prior to the effective date of this section 2001
under the order issued under section 2152.82, 2152.83, 2152.84, or 2002
2152.85 and Chapter 2950. of the Revised Code. 2003

(B) If an order of the type described in division (A) of this 2004
section included a classification or determination that the 2005
delinquent child was a sexual predator or habitual sex offender, 2006
notwithstanding the redesignation of the offense upon which the 2007
determination was based, all of the following apply: 2008

(1) Divisions (A)(1) and (2) or (E)(1) and (2) of section 2009
2950.091 of the Revised Code apply regarding the child and the 2010
judge's order made prior to the effective date of this section 2011
shall be considered for all purposes to be an order that 2012
classifies the child as described in those divisions; 2013

(2) The child's classification or determination under 2014
divisions (A)(1) and (2) or (E)(1) and (2) of section 2950.091 of 2015
the Revised Code shall be considered, for purposes of section 2016
2950.07 of the Revised Code and for all other purposes, to be a 2017

continuation of classification or determination made prior to the 2018
effective date of this section; 2019

(3) The child's duties under Chapter 2950. of the Revised 2020
Code relative to that classification or determination shall be 2021
considered for all purposes to be a continuation of the duties 2022
related to that classification or determination as they existed 2023
prior to the effective date of this section. 2024

Sec. 2743.191. (A)(1) There is hereby created in the state 2025
treasury the reparations fund, which shall be used only for the 2026
following purposes: 2027

(a) The payment of awards of reparations that are granted by 2028
the attorney general; 2029

(b) The compensation of any personnel needed by the attorney 2030
general to administer sections 2743.51 to 2743.72 of the Revised 2031
Code; 2032

(c) The compensation of witnesses as provided in division (B) 2033
of section 2743.65 of the Revised Code; 2034

(d) Other administrative costs of hearing and determining 2035
claims for an award of reparations by the attorney general; 2036

(e) The costs of administering sections 2907.28 and 2969.01 2037
to 2969.06 of the Revised Code; 2038

(f) The costs of investigation and decision-making as 2039
certified by the attorney general; 2040

(g) The provision of state financial assistance to victim 2041
assistance programs in accordance with sections 109.91 and 109.92 2042
of the Revised Code; 2043

(h) The costs of paying the expenses of sex offense-related 2044
examinations and antibiotics pursuant to section 2907.28 of the 2045
Revised Code; 2046

(i) The cost of printing and distributing the pamphlet 2047
prepared by the attorney general pursuant to section 109.42 of the 2048
Revised Code; 2049

(j) Subject to division (D) of section 2743.71 of the Revised 2050
Code, the costs associated with the printing and providing of 2051
information cards or other printed materials to law enforcement 2052
agencies and prosecuting authorities and with publicizing the 2053
availability of awards of reparations pursuant to section 2743.71 2054
of the Revised Code; 2055

(k) The payment of costs of administering a DNA specimen 2056
collection procedure pursuant to section 2152.74 of the Revised 2057
Code in relation to any act identified in division (E)(1) to (5) 2058
of that section and pursuant to section 2901.07 of the Revised 2059
Code in relation to any act identified in division (E)(1) to (5) 2060
of that section, of performing DNA analysis of those DNA 2061
specimens, and of entering the resulting DNA records regarding 2062
those analyses into the DNA database pursuant to section 109.573 2063
of the Revised Code; 2064

(l) The payment of actual costs associated with initiatives 2065
by the attorney general for the apprehension, prosecution, and 2066
accountability of offenders, and the enhancing of services to 2067
crime victims. The amount of payments made pursuant to division 2068
(A)(1)(1) of this section during any given fiscal year shall not 2069
exceed five per cent of the balance of the reparations fund at the 2070
close of the immediately previous fiscal year. 2071

(2) All costs paid pursuant to section 2743.70 of the Revised 2072
Code, the portions of license reinstatement fees mandated by 2073
division (L)(2)(b) of section 4511.191 of the Revised Code to be 2074
credited to the fund, the portions of the proceeds of the sale of 2075
a forfeited vehicle specified in division (D)(2) of section 2076
4503.234 of the Revised Code, payments collected by the department 2077

of rehabilitation and correction from prisoners who voluntarily 2078
participate in an approved work and training program pursuant to 2079
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 2080
all moneys collected by the state pursuant to its right of 2081
subrogation provided in section 2743.72 of the Revised Code shall 2082
be deposited in the fund. 2083

(B) In making an award of reparations, the attorney general 2084
shall render the award against the state. The award shall be 2085
accomplished only through the following procedure, and the 2086
following procedure may be enforced by writ of mandamus directed 2087
to the appropriate official: 2088

(1) The attorney general shall provide for payment of the 2089
claimant or providers in the amount of the award. 2090

(2) The expense shall be charged against all available 2091
unencumbered moneys in the fund. 2092

(3) If sufficient unencumbered moneys do not exist in the 2093
fund, the attorney general shall make application for payment of 2094
the award out of the emergency purposes account or any other 2095
appropriation for emergencies or contingencies, and payment out of 2096
this account or other appropriation shall be authorized if there 2097
are sufficient moneys greater than the sum total of then pending 2098
emergency purposes account requests or requests for releases from 2099
the other appropriations. 2100

(4) If sufficient moneys do not exist in the account or any 2101
other appropriation for emergencies or contingencies to pay the 2102
award, the attorney general shall request the general assembly to 2103
make an appropriation sufficient to pay the award, and no payment 2104
shall be made until the appropriation has been made. The attorney 2105
general shall make this appropriation request during the current 2106
biennium and during each succeeding biennium until a sufficient 2107
appropriation is made. If, prior to the time that an appropriation 2108

is made by the general assembly pursuant to this division, the 2109
fund has sufficient unencumbered funds to pay the award or part of 2110
the award, the available funds shall be used to pay the award or 2111
part of the award, and the appropriation request shall be amended 2112
to request only sufficient funds to pay that part of the award 2113
that is unpaid. 2114

(C) The attorney general shall not make payment on a decision 2115
or order granting an award until all appeals have been determined 2116
and all rights to appeal exhausted, except as otherwise provided 2117
in this section. If any party to a claim for an award of 2118
reparations appeals from only a portion of an award, and a 2119
remaining portion provides for the payment of money by the state, 2120
that part of the award calling for the payment of money by the 2121
state and not a subject of the appeal shall be processed for 2122
payment as described in this section. 2123

(D) The attorney general shall prepare itemized bills for the 2124
costs of printing and distributing the pamphlet the attorney 2125
general prepares pursuant to section 109.42 of the Revised Code. 2126
The itemized bills shall set forth the name and address of the 2127
persons owed the amounts set forth in them. 2128

(E) As used in this section, "DNA analysis" and "DNA 2129
specimen" have the same meanings as in section 109.573 of the 2130
Revised Code. 2131

Sec. 2743.69. (A) The attorney general shall prepare and 2132
transmit annually to the governor, the president of the senate, 2133
the speaker of the house of representatives, and the minority 2134
leaders of both houses a report of the activities of the Ohio 2135
crime victims compensation program under sections 2743.51 to 2136
2743.72 of the Revised Code. The report shall include ~~the~~ all of 2137
the following: 2138

(1) The number of claims filed, the number of awards made and 2139

the amount of each award, and a statistical summary of awards made 2140
and denied, including the average size of awards; ~~the~~ 2141

(2) The balance in the reparations fund, with a listing by 2142
source and amount of the moneys that have been deposited in the 2143
fund; ~~the~~ 2144

(3) The amount that has been withdrawn from the fund, 2145
including separate listings of the administrative costs incurred 2146
by the attorney general and a court of claims panel of 2147
commissioners, compensation of judges and court personnel, ~~and the~~ 2148
amount awarded as attorney's fees, and the amount of payments made 2149
pursuant to divisions (A)(1)(k) and (l) of section 2743.191 of the 2150
Revised Code. ~~The~~ 2151

(B) The director of budget and management shall assist the 2152
attorney general in the preparation of the report required by this 2153
section. 2154

Sec. 2901.07. (A) As used in this section: 2155

(1) "DNA analysis" and "DNA specimen" have the same meanings 2156
as in section 109.573 of the Revised Code. 2157

(2) "Jail" and "community-based correctional facility" have 2158
the same meanings as in section 2929.01 of the Revised Code. 2159

(3) "Post-release control" has the same meaning as in section 2160
2967.01 of the Revised Code. 2161

(B)(1) A person who is convicted of or pleads guilty to a 2162
felony offense listed in division (D) of this section and who is 2163
sentenced to a prison term or to a community residential sanction 2164
in a jail or community-based correctional facility pursuant to 2165
section 2929.16 of the Revised Code, and a person who is convicted 2166
of or pleads guilty to a misdemeanor offense listed in division 2167
(D) of this section and who is sentenced to a term of imprisonment 2168
shall submit to a DNA specimen collection procedure administered 2169

by the director of rehabilitation and correction or the chief 2170
administrative officer of the jail or other detention facility in 2171
which the person is serving the term of imprisonment. If the 2172
person serves the prison term in a state correctional institution, 2173
the director of rehabilitation and correction shall cause the DNA 2174
specimen to be collected from the person during the intake process 2175
at the reception facility designated by the director. If the 2176
person serves the community residential sanction or term of 2177
imprisonment in a jail, a community-based correctional facility, 2178
or another county, multicounty, municipal, municipal-county, or 2179
multicounty-municipal detention facility, the chief administrative 2180
officer of the jail, community-based correctional facility, or 2181
detention facility shall cause the DNA specimen to be collected 2182
from the person during the intake process at the jail, 2183
community-based correctional facility, or detention facility. In 2184
accordance with division (C) of this section, the director or the 2185
chief administrative officer shall cause the DNA specimen to be 2186
forwarded to the bureau of criminal identification and 2187
investigation no later than fifteen days after the date of the 2188
collection of the DNA specimen. The DNA specimen shall be 2189
collected in accordance with division (C) of this section. 2190

(2) If a person is convicted of or pleads guilty to an 2191
offense listed in division (D) of this section, is serving a 2192
prison term, community residential sanction, or term of 2193
imprisonment for that offense, and does not provide a DNA specimen 2194
pursuant to division (B)(1) of this section, prior to the person's 2195
release from the prison term, community residential sanction, or 2196
imprisonment, the person shall submit to, and the director of 2197
rehabilitation and correction or the chief administrative officer 2198
of the jail, community-based correctional facility, or detention 2199
facility in which the person is serving the prison term, community 2200
residential sanction, or term of imprisonment shall administer, a 2201
DNA specimen collection procedure at the state correctional 2202

institution, jail, community-based correctional facility, or 2203
detention facility in which the person is serving the prison term, 2204
community residential sanction, or term of imprisonment. In 2205
accordance with division (C) of this section, the director or the 2206
chief administrative officer shall cause the DNA specimen to be 2207
forwarded to the bureau of criminal identification and 2208
investigation no later than fifteen days after the date of the 2209
collection of the DNA specimen. The DNA specimen shall be 2210
collected in accordance with division (C) of this section. 2211

(3) If a person sentenced to a term of imprisonment or 2212
serving a prison term or community residential sanction for 2213
committing an offense listed in division (D) of this section is on 2214
probation, is released on parole, under transitional control, or 2215
on another type of release, or is on post-release control, if the 2216
person is under the supervision of a probation department or the 2217
adult parole authority, if the person is sent to jail or is 2218
returned to a jail, community-based correctional facility, or 2219
state correctional institution for a violation of the terms and 2220
conditions of the probation, parole, transitional control, other 2221
release, or post-release control, if the person was or will be 2222
serving a term of imprisonment, prison term, or community 2223
residential sanction for committing an offense listed in division 2224
(D) of this section, and if the person did not provide a DNA 2225
specimen pursuant to division (B)(1) or (2) of this section, the 2226
person shall submit to, and the director of rehabilitation and 2227
correction or the chief administrative officer of the jail or 2228
community-based correctional facility shall administer, a DNA 2229
specimen collection procedure at the jail, community-based 2230
correctional facility, or state correctional institution in which 2231
the person is serving the term of imprisonment, prison term, or 2232
community residential sanction. In accordance with division (C) of 2233
this section, the director or the chief administrative officer 2234
shall cause the DNA specimen to be forwarded to the bureau of 2235

criminal identification and investigation no later than fifteen 2236
days after the date of the collection of the DNA specimen. The DNA 2237
specimen shall be collected from the person in accordance with 2238
division (C) of this section. 2239

(C) If the DNA specimen is collected by withdrawing blood 2240
from the person or a similarly invasive procedure, a physician, 2241
registered nurse, licensed practical nurse, duly licensed clinical 2242
laboratory technician, or other qualified medical practitioner 2243
shall collect in a medically approved manner the DNA specimen 2244
required to be collected pursuant to division (B) of this section. 2245
If the DNA specimen is collected by swabbing for buccal cells or a 2246
similarly noninvasive procedure, this section does not require 2247
that the DNA specimen be collected by a qualified medical 2248
practitioner of that nature. No later than fifteen days after the 2249
date of the collection of the DNA specimen, the director of 2250
rehabilitation and correction or the chief administrative officer 2251
of the jail, community-based correctional facility, or other 2252
county, multicounty, municipal, municipal-county, or 2253
multicounty-municipal detention facility, in which the person is 2254
serving the prison term, community residential sanction, or term 2255
of imprisonment shall cause the DNA specimen to be forwarded to 2256
the bureau of criminal identification and investigation in 2257
accordance with procedures established by the superintendent of 2258
the bureau under division (H) of section 109.573 of the Revised 2259
Code. The bureau shall provide the specimen vials, mailing tubes, 2260
labels, postage, and instructions needed for the collection and 2261
forwarding of the DNA specimen to the bureau. 2262

(D) The director of rehabilitation and correction and the 2263
chief administrative officer of the jail, community-based 2264
correctional facility, or other county, multicounty, municipal, 2265
municipal-county, or multicounty-municipal detention facility 2266
shall cause a DNA specimen to be collected in accordance with 2267

divisions (B) and (C) of this section from a person in its custody 2268
who is convicted of or pleads guilty to any of the following 2269
offenses: 2270

(1) A violation of section 2903.01, 2903.02, 2903.11, 2271
2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2911.01, 2911.02, 2272
2911.11, or 2911.12 of the Revised Code; 2273

(2) A violation of section 2907.12 of the Revised Code as it 2274
existed prior to September 3, 1996; 2275

(3) An attempt to commit a violation of section 2903.01, 2276
2903.02, 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code 2277
or to commit a violation of section 2907.12 of the Revised Code as 2278
it existed prior to September 3, 1996; 2279

(4) A violation of any law that arose out of the same facts 2280
and circumstances and same act as did a charge against the person 2281
of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 2282
2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code that 2283
previously was dismissed or amended or as did a charge against the 2284
person of a violation of section 2907.12 of the Revised Code as it 2285
existed prior to September 3, 1996, that previously was dismissed 2286
or amended; 2287

(5) A violation of section 2905.02 or 2919.23 of the Revised 2288
Code that would have been a violation of section 2905.04 of the 2289
Revised Code as it existed prior to July 1, 1996, had it been 2290
committed prior to that date; 2291

(6) A sexually oriented offense or a child-victim oriented 2292
offense, both as defined in section 2950.01 of the Revised Code, 2293
if, in relation to that offense, the offender has been adjudicated 2294
~~as being~~ a sexual predator or a child-victim predator, both as 2295
defined in section 2950.01 of the Revised Code; 2296

(7) A felony violation of any law that arose out of the same 2297
facts and circumstances and same act as did a charge against the 2298

person of a violation of section 2903.11, 2911.01, 2911.02, or 2299
2911.12 of the Revised Code that previously was dismissed or 2300
amended; 2301

(8) A conspiracy to commit a violation of section 2903.01, 2302
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 2303
Revised Code; 2304

(9) Complicity in committing a violation of section 2903.01, 2305
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2306
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 2307
violation of section 2907.12 of the Revised Code as it existed 2308
prior to September 3, 1996. 2309

(E) The director of rehabilitation and correction or a chief 2310
administrative officer of a jail, community-based correctional 2311
facility, or other detention facility described in division (B) of 2312
this section in relation to the following offenses is not required 2313
to comply with this section until the superintendent of the bureau 2314
of criminal identification and investigation gives agencies in the 2315
criminal justice system, as defined in section 181.51 of the 2316
Revised Code, in the state official notification that the state 2317
DNA laboratory is prepared to accept DNA specimens of that nature: 2318

(1) A violation of section 2903.11, 2911.01, 2911.02, or 2319
2911.12 of the Revised Code; 2320

(2) An attempt to commit a violation of section 2903.01 or 2321
2903.02 of the Revised Code; 2322

(3) A felony violation of any law that arose out of the same 2323
facts and circumstances and same act as did a charge against the 2324
person of a violation of section 2903.11, 2911.01, 2911.02, or 2325
2911.12 of the Revised Code that previously was dismissed or 2326
amended; 2327

(4) A conspiracy to commit a violation of section 2903.01, 2328
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 2329

Revised Code; 2330

(5) Complicity in committing a violation of section 2903.01, 2331
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2332
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 2333
violation of section 2907.12 of the Revised Code as it existed 2334
prior to September 3, 1996. 2335

Sec. 2907.07. (A) No person shall solicit a person who is 2336
less than thirteen years of age to engage in sexual activity with 2337
the offender, whether or not the offender knows the age of such 2338
person. 2339

~~(B) No person shall solicit a person of the same sex to~~ 2340
~~engage in sexual activity with the offender, when the offender~~ 2341
~~knows such solicitation is offensive to the other person, or is~~ 2342
~~reckless in that regard.~~ 2343

~~(C)~~ No person shall solicit another, not the spouse of the 2344
offender, to engage in sexual conduct with the offender, when the 2345
offender is eighteen years of age or older and four or more years 2346
older than the other person, and the other person is thirteen 2347
years of age or older but less than sixteen years of age, whether 2348
or not the offender knows the age of the other person. 2349

~~(D)~~(C) No person shall solicit another by means of a 2350
telecommunications device, as defined in section 2913.01 of the 2351
Revised Code, to engage in sexual activity with the offender when 2352
the offender is eighteen years of age or older and either of the 2353
following applies: 2354

(1) The other person is less than thirteen years of age, and 2355
the offender knows that the other person is less than thirteen 2356
years of age or is reckless in that regard. 2357

(2) The other person is a law enforcement officer posing as a 2358
person who is less than thirteen years of age, and the offender 2359

believes that the other person is less than thirteen years of age 2360
or is reckless in that regard. 2361

~~(E)~~(D) No person shall solicit another by means of a 2362
telecommunications device, as defined in section 2913.01 of the 2363
Revised Code, to engage in sexual activity with the offender when 2364
the offender is eighteen years of age or older and either of the 2365
following applies: 2366

(1) The other person is thirteen years of age or older but 2367
less than sixteen years of age, the offender knows that the other 2368
person is thirteen years of age or older but less than sixteen 2369
years of age or is reckless in that regard, and the offender is 2370
four or more years older than the other person. 2371

(2) The other person is a law enforcement officer posing as a 2372
person who is thirteen years of age or older but less than sixteen 2373
years of age, the offender believes that the other person is 2374
thirteen years of age or older but less than sixteen years of age 2375
or is reckless in that regard, and the offender is four or more 2376
years older than the age the law enforcement officer assumes in 2377
posing as the person who is thirteen years of age or older but 2378
less than sixteen years of age. 2379

~~(F)~~(E) Divisions ~~(D)~~(C) and ~~(E)~~(D) of this section apply to 2380
any solicitation that is contained in a transmission via a 2381
telecommunications device that either originates in this state or 2382
is received in this state. 2383

~~(G)~~(F) Whoever violates this section is guilty of 2384
importuning. ~~Violation of division (B) of this section is a~~ 2385
~~misdemeanor of the first degree.~~ A violation of division (A) or 2386
~~(D)~~(C) of this section is a felony of the fourth degree on a first 2387
offense and a felony of the third degree on each subsequent 2388
offense. A violation of division ~~(C)~~(B) or ~~(E)~~(D) of this section 2389
is a felony of the fifth degree on a first offense and a felony of 2390

the fourth degree on each subsequent offense. 2391

Sec. 2919.24. (A) No person, including a parent, guardian, or 2392
other custodian of a child, shall do any of the following: 2393

(1) Aid, abet, induce, cause, encourage, or contribute to a 2394
child or a ward of the juvenile court becoming an unruly child, as 2395
defined in section 2151.022 of the Revised Code, or a delinquent 2396
child, as defined in section 2152.02 of the Revised Code; 2397

(2) Act in a way tending to cause a child or a ward of the 2398
juvenile court to become an unruly child, as defined in section 2399
2151.022 of the Revised Code, or a delinquent child, as defined in 2400
section 2152.02 of the Revised Code; 2401

(3) If the person is the parent, guardian, or custodian of a 2402
child who has the duties under Chapters 2152. and 2950. of the 2403
Revised Code to register, ~~to~~ register a new residence address, and 2404
~~to~~ periodically verify a residence address, and, if applicable, to 2405
send a notice of intent to reside, and if the child is not 2406
emancipated, as defined in section 2919.121 of the Revised Code, 2407
fail to ensure that the child complies with those duties under 2408
Chapters 2152. and 2950. of the Revised Code. 2409

(B) Whoever violates this section is guilty of contributing 2410
to the unruliness or delinquency of a child, a misdemeanor of the 2411
first degree. Each day of violation of this section is a separate 2412
offense. 2413

Sec. 2929.01. As used in this chapter: 2414

(A)(1) "Alternative residential facility" means, subject to 2415
division (A)(2) of this section, any facility other than an 2416
offender's home or residence in which an offender is assigned to 2417
live and that satisfies all of the following criteria: 2418

(a) It provides programs through which the offender may seek 2419

or maintain employment or may receive education, training, 2420
treatment, or habilitation. 2421

(b) It has received the appropriate license or certificate 2422
for any specialized education, training, treatment, habilitation, 2423
or other service that it provides from the government agency that 2424
is responsible for licensing or certifying that type of education, 2425
training, treatment, habilitation, or service. 2426

(2) "Alternative residential facility" does not include a 2427
community-based correctional facility, jail, halfway house, or 2428
prison. 2429

(B) "Bad time" means the time by which the parole board 2430
administratively extends an offender's stated prison term or terms 2431
pursuant to section 2967.11 of the Revised Code because the parole 2432
board finds by clear and convincing evidence that the offender, 2433
while serving the prison term or terms, committed an act that is a 2434
criminal offense under the law of this state or the United States, 2435
whether or not the offender is prosecuted for the commission of 2436
that act. 2437

(C) "Basic probation supervision" means a requirement that 2438
the offender maintain contact with a person appointed to supervise 2439
the offender in accordance with sanctions imposed by the court or 2440
imposed by the parole board pursuant to section 2967.28 of the 2441
Revised Code. "Basic probation supervision" includes basic parole 2442
supervision and basic post-release control supervision. 2443

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 2444
"unit dose" have the same meanings as in section 2925.01 of the 2445
Revised Code. 2446

(E) "Community-based correctional facility" means a 2447
community-based correctional facility and program or district 2448
community-based correctional facility and program developed 2449
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 2450

(F) "Community control sanction" means a sanction that is not
a prison term and that is described in section 2929.15, 2929.16,
2929.17, or 2929.18 of the Revised Code.

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

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

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

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

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

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

(M) "Economic loss" means any economic detriment suffered by
a victim as a result of the commission of a felony and includes
any loss of income due to lost time at work because of any injury

caused to the victim, and any property loss, medical cost, or 2481
funeral expense incurred as a result of the commission of the 2482
felony. 2483

(N) "Education or training" includes study at, or in 2484
conjunction with a program offered by, a university, college, or 2485
technical college or vocational study and also includes the 2486
completion of primary school, secondary school, and literacy 2487
curricula or their equivalent. 2488

(O) "Electronically monitored house arrest" has the same 2489
meaning as in section 2929.23 of the Revised Code. 2490

(P) "Eligible offender" has the same meaning as in section 2491
2929.23 of the Revised Code except as otherwise specified in 2492
section 2929.20 of the Revised Code. 2493

(Q) "Firearm" has the same meaning as in section 2923.11 of 2494
the Revised Code. 2495

(R) "Halfway house" means a facility licensed by the division 2496
of parole and community services of the department of 2497
rehabilitation and correction pursuant to section 2967.14 of the 2498
Revised Code as a suitable facility for the care and treatment of 2499
adult offenders. 2500

(S) "House arrest" means a period of confinement of an 2501
eligible offender that is in the eligible offender's home or in 2502
other premises specified by the sentencing court or by the parole 2503
board pursuant to section 2967.28 of the Revised Code, that may be 2504
electronically monitored house arrest, and during which all of the 2505
following apply: 2506

(1) The eligible offender is required to remain in the 2507
eligible offender's home or other specified premises for the 2508
specified period of confinement, except for periods of time during 2509
which the eligible offender is at the eligible offender's place of 2510
employment or at other premises as authorized by the sentencing 2511

court or by the parole board. 2512

(2) The eligible offender is required to report periodically 2513
to a person designated by the court or parole board. 2514

(3) The eligible offender is subject to any other 2515
restrictions and requirements that may be imposed by the 2516
sentencing court or by the parole board. 2517

(T) "Intensive probation supervision" means a requirement 2518
that an offender maintain frequent contact with a person appointed 2519
by the court, or by the parole board pursuant to section 2967.28 2520
of the Revised Code, to supervise the offender while the offender 2521
is seeking or maintaining necessary employment and participating 2522
in training, education, and treatment programs as required in the 2523
court's or parole board's order. "Intensive probation supervision" 2524
includes intensive parole supervision and intensive post-release 2525
control supervision. 2526

(U) "Jail" means a jail, workhouse, minimum security jail, or 2527
other residential facility used for the confinement of alleged or 2528
convicted offenders that is operated by a political subdivision or 2529
a combination of political subdivisions of this state. 2530

(V) "Delinquent child" has the same meaning as in section 2531
2152.02 of the Revised Code. 2532

(W) "License violation report" means a report that is made by 2533
a sentencing court, or by the parole board pursuant to section 2534
2967.28 of the Revised Code, to the regulatory or licensing board 2535
or agency that issued an offender a professional license or a 2536
license or permit to do business in this state and that specifies 2537
that the offender has been convicted of or pleaded guilty to an 2538
offense that may violate the conditions under which the offender's 2539
professional license or license or permit to do business in this 2540
state was granted or an offense for which the offender's 2541
professional license or license or permit to do business in this 2542

state may be revoked or suspended. 2543

(X) "Major drug offender" means an offender who is convicted 2544
of or pleads guilty to the possession of, sale of, or offer to 2545
sell any drug, compound, mixture, preparation, or substance that 2546
consists of or contains at least one thousand grams of hashish; at 2547
least one hundred grams of crack cocaine; at least one thousand 2548
grams of cocaine that is not crack cocaine; at least two thousand 2549
five hundred unit doses or two hundred fifty grams of heroin; at 2550
least five thousand unit doses of L.S.D. or five hundred grams of 2551
L.S.D. in a liquid concentrate, liquid extract, or liquid 2552
distillate form; or at least one hundred times the amount of any 2553
other schedule I or II controlled substance other than marihuana 2554
that is necessary to commit a felony of the third degree pursuant 2555
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 2556
Code that is based on the possession of, sale of, or offer to sell 2557
the controlled substance. 2558

(Y) "Mandatory prison term" means any of the following: 2559

(1) Subject to division (Y)(2) of this section, the term in 2560
prison that must be imposed for the offenses or circumstances set 2561
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 2562
division (D) of section 2929.14 of the Revised Code. Except as 2563
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 2564
2925.11 of the Revised Code, unless the maximum or another 2565
specific term is required under section 2929.14 of the Revised 2566
Code, a mandatory prison term described in this division may be 2567
any prison term authorized for the level of offense. 2568

(2) The term of sixty or one hundred twenty days in prison 2569
that a sentencing court is required to impose for a third or 2570
fourth degree felony OMVI offense pursuant to division (G)(2) of 2571
section 2929.13 and division (A)(4) or (8) of section 4511.99 of 2572
the Revised Code. 2573

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

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

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

(BB) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.

(CC) "Prison term" includes any of the following sanctions for an offender:

(1) A stated prison term;

(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code;

(3) A term in prison extended by bad time imposed pursuant to section 2967.11 of the Revised Code or imposed for a violation of post-release control pursuant to section 2967.28 of the Revised Code.

(DD) "Repeat violent offender" means a person about whom both of the following apply:

(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in

committing, or for an attempt to commit, aggravated murder, 2604
murder, involuntary manslaughter, a felony of the first degree 2605
other than one set forth in Chapter 2925. of the Revised Code, a 2606
felony of the first degree set forth in Chapter 2925. of the 2607
Revised Code that involved an attempt to cause serious physical 2608
harm to a person or that resulted in serious physical harm to a 2609
person, or a felony of the second degree that involved an attempt 2610
to cause serious physical harm to a person or that resulted in 2611
serious physical harm to a person. 2612

(2) Either of the following applies: 2613

(a) The person previously was convicted of or pleaded guilty 2614
to, and previously served or, at the time of the offense was 2615
serving, a prison term for, any of the following: 2616

(i) Aggravated murder, murder, involuntary manslaughter, 2617
rape, felonious sexual penetration as it existed under section 2618
2907.12 of the Revised Code prior to September 3, 1996, a felony 2619
of the first or second degree that resulted in the death of a 2620
person or in physical harm to a person, or complicity in or an 2621
attempt to commit any of those offenses; 2622

(ii) An offense under an existing or former law of this 2623
state, another state, or the United States that is or was 2624
substantially equivalent to an offense listed under division 2625
(DD)(2)(a)(i) of this section and that resulted in the death of a 2626
person or in physical harm to a person. 2627

(b) The person previously was adjudicated a delinquent child 2628
for committing an act that if committed by an adult would have 2629
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 2630
section, the person was committed to the department of youth 2631
services for that delinquent act. 2632

(EE) "Sanction" means any penalty imposed upon an offender 2633
who is convicted of or pleads guilty to an offense, as punishment 2634

for the offense. "Sanction" includes any sanction imposed pursuant 2635
to any provision of sections 2929.14 to 2929.18 of the Revised 2636
Code. 2637

(FF) "Sentence" means the sanction or combination of 2638
sanctions imposed by the sentencing court on an offender who is 2639
convicted of or pleads guilty to a felony. 2640

(GG) "Stated prison term" means the prison term, mandatory 2641
prison term, or combination of all prison terms and mandatory 2642
prison terms imposed by the sentencing court pursuant to section 2643
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 2644
includes any credit received by the offender for time spent in 2645
jail awaiting trial, sentencing, or transfer to prison for the 2646
offense and any time spent under house arrest or electronically 2647
monitored house arrest imposed after earning credits pursuant to 2648
section 2967.193 of the Revised Code. 2649

(HH) "Victim-offender mediation" means a reconciliation or 2650
mediation program that involves an offender and the victim of the 2651
offense committed by the offender and that includes a meeting in 2652
which the offender and the victim may discuss the offense, discuss 2653
restitution, and consider other sanctions for the offense. 2654

(II) "Fourth degree felony OMVI offense" means a violation of 2655
division (A) of section 4511.19 of the Revised Code that, under 2656
section 4511.99 of the Revised Code, is a felony of the fourth 2657
degree. 2658

(JJ) "Mandatory term of local incarceration" means the term 2659
of sixty or one hundred twenty days in a jail, a community-based 2660
correctional facility, a halfway house, or an alternative 2661
residential facility that a sentencing court may impose upon a 2662
person who is convicted of or pleads guilty to a fourth degree 2663
felony OMVI offense pursuant to division (G)(1) of section 2929.13 2664
of the Revised Code and division (A)(4) or (8) of section 4511.99 2665

of the Revised Code. 2666

(KK) "Designated homicide, assault, or kidnapping offense," 2667
"sexual motivation specification," "sexually violent offense," 2668
"sexually violent predator," and "sexually violent predator 2669
specification" have the same meanings as in section 2971.01 of the 2670
Revised Code. 2671

(LL) "Habitual sex offender," "sexually oriented offense," 2672
~~and "sexual predator," "registration-exempt sexually oriented~~ 2673
~~offense," "child-victim oriented offense," "habitual child-victim~~ 2674
~~offender," and "child-victim predator"~~ have the same meanings as 2675
in section 2950.01 of the Revised Code. 2676

(MM) An offense is "committed in the vicinity of a child" if 2677
the offender commits the offense within thirty feet of or within 2678
the same residential unit as a child who is under eighteen years 2679
of age, regardless of whether the offender knows the age of the 2680
child or whether the offender knows the offense is being committed 2681
within thirty feet of or within the same residential unit as the 2682
child and regardless of whether the child actually views the 2683
commission of the offense. 2684

(NN) "Family or household member" has the same meaning as in 2685
section 2919.25 of the Revised Code. 2686

(OO) "Motor vehicle" and "manufactured home" have the same 2687
meanings as in section 4501.01 of the Revised Code. 2688

(PP) "Detention" and "detention facility" have the same 2689
meanings as in section 2921.01 of the Revised Code. 2690

(QQ) "Third degree felony OMVI offense" means a violation of 2691
division (A) of section 4511.19 of the Revised Code that, under 2692
section 4511.99 of the Revised Code, is a felony of the third 2693
degree. 2694

(RR) "Random drug testing" has the same meaning as in section 2695

5120.63 of the Revised Code. 2696

(SS) "Felony sex offense" has the same meaning as in section 2697
2957.28 of the Revised Code. 2698

(TT) "Body armor" has the same meaning as in section 2699
2941.1411 of the Revised Code. 2700

Sec. 2929.13. (A) Except as provided in division (E), (F), or 2701
(G) of this section and unless a specific sanction is required to 2702
be imposed or is precluded from being imposed pursuant to law, a 2703
court that imposes a sentence upon an offender for a felony may 2704
impose any sanction or combination of sanctions on the offender 2705
that are provided in sections 2929.14 to 2929.18 of the Revised 2706
Code. The sentence shall not impose an unnecessary burden on state 2707
or local government resources. 2708

If the offender is eligible to be sentenced to community 2709
control sanctions, the court shall consider the appropriateness of 2710
imposing a financial sanction pursuant to section 2929.18 of the 2711
Revised Code or a sanction of community service pursuant to 2712
section 2929.17 of the Revised Code as the sole sanction for the 2713
offense. Except as otherwise provided in this division, if the 2714
court is required to impose a mandatory prison term for the 2715
offense for which sentence is being imposed, the court also may 2716
impose a financial sanction pursuant to section 2929.18 of the 2717
Revised Code but may not impose any additional sanction or 2718
combination of sanctions under section 2929.16 or 2929.17 of the 2719
Revised Code. 2720

If the offender is being sentenced for a fourth degree felony 2721
OMVI offense or for a third degree felony OMVI offense, in 2722
addition to the mandatory term of local incarceration or the 2723
mandatory prison term required for the offense by division (G)(1) 2724
or (2) of this section, the court shall impose upon the offender a 2725
mandatory fine in accordance with division (B)(3) of section 2726

2929.18 of the Revised Code and may impose whichever of the 2727
following is applicable: 2728

(1) For a fourth degree felony OMVI offense for which 2729
sentence is imposed under division (G)(1) of this section, an 2730
additional community control sanction or combination of community 2731
control sanctions under section 2929.16 or 2929.17 of the Revised 2732
Code; 2733

(2) For a third or fourth degree felony OMVI offense for 2734
which sentence is imposed under division (G)(2) of this section, 2735
an additional prison term as described in division (D)(4) of 2736
section 2929.14 of the Revised Code. 2737

(B)(1) Except as provided in division (B)(2), (E), (F), or 2738
(G) of this section, in sentencing an offender for a felony of the 2739
fourth or fifth degree, the sentencing court shall determine 2740
whether any of the following apply: 2741

(a) In committing the offense, the offender caused physical 2742
harm to a person. 2743

(b) In committing the offense, the offender attempted to 2744
cause or made an actual threat of physical harm to a person with a 2745
deadly weapon. 2746

(c) In committing the offense, the offender attempted to 2747
cause or made an actual threat of physical harm to a person, and 2748
the offender previously was convicted of an offense that caused 2749
physical harm to a person. 2750

(d) The offender held a public office or position of trust 2751
and the offense related to that office or position; the offender's 2752
position obliged the offender to prevent the offense or to bring 2753
those committing it to justice; or the offender's professional 2754
reputation or position facilitated the offense or was likely to 2755
influence the future conduct of others. 2756

(e) The offender committed the offense for hire or as part of 2757
an organized criminal activity. 2758

(f) The offense is a sex offense that is a fourth or fifth 2759
degree felony violation of section 2907.03, 2907.04, 2907.05, 2760
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 2761
Revised Code. 2762

(g) The offender at the time of the offense was serving, or 2763
the offender previously had served, a prison term. 2764

(h) The offender committed the offense while under a 2765
community control sanction, while on probation, or while released 2766
from custody on a bond or personal recognizance. 2767

(i) The offender committed the offense while in possession of 2768
a firearm. 2769

(2)(a) If the court makes a finding described in division 2770
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 2771
section and if the court, after considering the factors set forth 2772
in section 2929.12 of the Revised Code, finds that a prison term 2773
is consistent with the purposes and principles of sentencing set 2774
forth in section 2929.11 of the Revised Code and finds that the 2775
offender is not amenable to an available community control 2776
sanction, the court shall impose a prison term upon the offender. 2777

(b) Except as provided in division (E), (F), or (G) of this 2778
section, if the court does not make a finding described in 2779
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 2780
this section and if the court, after considering the factors set 2781
forth in section 2929.12 of the Revised Code, finds that a 2782
community control sanction or combination of community control 2783
sanctions is consistent with the purposes and principles of 2784
sentencing set forth in section 2929.11 of the Revised Code, the 2785
court shall impose a community control sanction or combination of 2786
community control sanctions upon the offender. 2787

(C) Except as provided in division (E), (F), or (G) of this 2788
section, in determining whether to impose a prison term as a 2789
sanction for a felony of the third degree or a felony drug offense 2790
that is a violation of a provision of Chapter 2925. of the Revised 2791
Code and that is specified as being subject to this division for 2792
purposes of sentencing, the sentencing court shall comply with the 2793
purposes and principles of sentencing under section 2929.11 of the 2794
Revised Code and with section 2929.12 of the Revised Code. 2795

(D) Except as provided in division (E) or (F) of this 2796
section, for a felony of the first or second degree and for a 2797
felony drug offense that is a violation of any provision of 2798
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2799
presumption in favor of a prison term is specified as being 2800
applicable, it is presumed that a prison term is necessary in 2801
order to comply with the purposes and principles of sentencing 2802
under section 2929.11 of the Revised Code. Notwithstanding the 2803
presumption established under this division, the sentencing court 2804
may impose a community control sanction or a combination of 2805
community control sanctions instead of a prison term on an 2806
offender for a felony of the first or second degree or for a 2807
felony drug offense that is a violation of any provision of 2808
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2809
presumption in favor of a prison term is specified as being 2810
applicable if it makes both of the following findings: 2811

(1) A community control sanction or a combination of 2812
community control sanctions would adequately punish the offender 2813
and protect the public from future crime, because the applicable 2814
factors under section 2929.12 of the Revised Code indicating a 2815
lesser likelihood of recidivism outweigh the applicable factors 2816
under that section indicating a greater likelihood of recidivism. 2817

(2) A community control sanction or a combination of 2818
community control sanctions would not demean the seriousness of 2819

the offense, because one or more factors under section 2929.12 of 2820
the Revised Code that indicate that the offender's conduct was 2821
less serious than conduct normally constituting the offense are 2822
applicable, and they outweigh the applicable factors under that 2823
section that indicate that the offender's conduct was more serious 2824
than conduct normally constituting the offense. 2825

(E)(1) Except as provided in division (F) of this section, 2826
for any drug offense that is a violation of any provision of 2827
Chapter 2925. of the Revised Code and that is a felony of the 2828
third, fourth, or fifth degree, the applicability of a presumption 2829
under division (D) of this section in favor of a prison term or of 2830
division (B) or (C) of this section in determining whether to 2831
impose a prison term for the offense shall be determined as 2832
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2833
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 2834
Revised Code, whichever is applicable regarding the violation. 2835

(2) If an offender who was convicted of or pleaded guilty to 2836
a felony violates the conditions of a community control sanction 2837
imposed for the offense solely by reason of producing positive 2838
results on a drug test, the court, as punishment for the violation 2839
of the sanction, shall not order that the offender be imprisoned 2840
unless the court determines on the record either of the following: 2841

(a) The offender had been ordered as a sanction for the 2842
felony to participate in a drug treatment program, in a drug 2843
education program, or in narcotics anonymous or a similar program, 2844
and the offender continued to use illegal drugs after a reasonable 2845
period of participation in the program. 2846

(b) The imprisonment of the offender for the violation is 2847
consistent with the purposes and principles of sentencing set 2848
forth in section 2929.11 of the Revised Code. 2849

(F) Notwithstanding divisions (A) to (E) of this section, the 2850

court shall impose a prison term or terms under sections 2929.02 2851
to 2929.06, section 2929.14, or section 2971.03 of the Revised 2852
Code and except as specifically provided in section 2929.20 or 2853
2967.191 of the Revised Code or when parole is authorized for the 2854
offense under section 2967.13 of the Revised Code shall not reduce 2855
the terms pursuant to section 2929.20, section 2967.193, or any 2856
other provision of Chapter 2967. or Chapter 5120. of the Revised 2857
Code for any of the following offenses: 2858

(1) Aggravated murder when death is not imposed or murder; 2859

(2) Any rape, regardless of whether force was involved and 2860
regardless of the age of the victim, or an attempt to commit rape 2861
if, had the offender completed the rape that was attempted, the 2862
offender would have been subject to a sentence of life 2863
imprisonment or life imprisonment without parole for the rape; 2864

(3) Gross sexual imposition or sexual battery, if the victim 2865
is under thirteen years of age, if the offender previously was 2866
convicted of or pleaded guilty to rape, the former offense of 2867
felonious sexual penetration, gross sexual imposition, or sexual 2868
battery, and if the victim of the previous offense was under 2869
thirteen years of age; 2870

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2871
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 2872
requires the imposition of a prison term; 2873

(5) A first, second, or third degree felony drug offense for 2874
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2875
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 2876
4729.99 of the Revised Code, whichever is applicable regarding the 2877
violation, requires the imposition of a mandatory prison term; 2878

(6) Any offense that is a first or second degree felony and 2879
that is not set forth in division (F)(1), (2), (3), or (4) of this 2880
section, if the offender previously was convicted of or pleaded 2881

guilty to aggravated murder, murder, any first or second degree 2882
felony, or an offense under an existing or former law of this 2883
state, another state, or the United States that is or was 2884
substantially equivalent to one of those offenses; 2885

(7) Any offense that is a third degree felony and that is 2886
listed in division (DD)(1) of section 2929.01 of the Revised Code 2887
if the offender previously was convicted of or pleaded guilty to 2888
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 2889
section 2929.01 of the Revised Code; 2890

(8) Any offense, other than a violation of section 2923.12 of 2891
the Revised Code, that is a felony, if the offender had a firearm 2892
on or about the offender's person or under the offender's control 2893
while committing the felony, with respect to a portion of the 2894
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 2895
of the Revised Code for having the firearm; 2896

(9) Any offense of violence that is a felony, if the offender 2897
wore or carried body armor while committing the felony offense of 2898
violence, with respect to the portion of the sentence imposed 2899
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 2900
Code for wearing or carrying the body armor; 2901

(10) Corrupt activity in violation of section 2923.32 of the 2902
Revised Code when the most serious offense in the pattern of 2903
corrupt activity that is the basis of the offense is a felony of 2904
the first degree; 2905

(11) Any sexually violent offense for which the offender also 2906
is convicted of or pleads guilty to a sexually violent predator 2907
specification that was included in the indictment, count in the 2908
indictment, or information charging the sexually violent offense; 2909

(12) A violation of division (A)(1) or (2) of section 2921.36 2910
of the Revised Code, or a violation of division (C) of that 2911
section involving an item listed in division (A)(1) or (2) of that 2912

section, if the offender is an officer or employee of the 2913
department of rehabilitation and correction. 2914

(G) Notwithstanding divisions (A) to (E) of this section, if 2915
an offender is being sentenced for a fourth degree felony OMVI 2916
offense or for a third degree felony OMVI offense, the court shall 2917
impose upon the offender a mandatory term of local incarceration 2918
or a mandatory prison term in accordance with the following: 2919

(1) If the offender is being sentenced for a fourth degree 2920
felony OMVI offense, the court may impose upon the offender a 2921
mandatory term of local incarceration of sixty days as specified 2922
in division (A)(4) of section 4511.99 of the Revised Code or a 2923
mandatory term of local incarceration of one hundred twenty days 2924
as specified in division (A)(8) of that section. The court shall 2925
not reduce the term pursuant to section 2929.20, 2967.193, or any 2926
other provision of the Revised Code. The court that imposes a 2927
mandatory term of local incarceration under this division shall 2928
specify whether the term is to be served in a jail, a 2929
community-based correctional facility, a halfway house, or an 2930
alternative residential facility, and the offender shall serve the 2931
term in the type of facility specified by the court. A mandatory 2932
term of local incarceration imposed under division (G)(1) of this 2933
section is not subject to extension under section 2967.11 of the 2934
Revised Code, to a period of post-release control under section 2935
2967.28 of the Revised Code, or to any other Revised Code 2936
provision that pertains to a prison term. 2937

(2) If the offender is being sentenced for a third degree 2938
felony OMVI offense, or if the offender is being sentenced for a 2939
fourth degree felony OMVI offense and the court does not impose a 2940
mandatory term of local incarceration under division (G)(1) of 2941
this section, the court shall impose upon the offender a mandatory 2942
prison term of sixty days as specified in division (A)(4) of 2943
section 4511.99 of the Revised Code or a mandatory prison term of 2944

one hundred twenty days as specified in division (A)(8) of that 2945
section. The court shall not reduce the term pursuant to section 2946
2929.20, 2967.193, or any other provision of the Revised Code. In 2947
no case shall an offender who once has been sentenced to a 2948
mandatory term of local incarceration pursuant to division (G)(1) 2949
of this section for a fourth degree felony OMVI offense be 2950
sentenced to another mandatory term of local incarceration under 2951
that division for any violation of division (A) of section 4511.19 2952
of the Revised Code. The court shall not sentence the offender to 2953
a community control sanction under section 2929.16 or 2929.17 of 2954
the Revised Code. The department of rehabilitation and correction 2955
may place an offender sentenced to a mandatory prison term under 2956
this division in an intensive program prison established pursuant 2957
to section 5120.033 of the Revised Code if the department gave the 2958
sentencing judge prior notice of its intent to place the offender 2959
in an intensive program prison established under that section and 2960
if the judge did not notify the department that the judge 2961
disapproved the placement. Upon the establishment of the initial 2962
intensive program prison pursuant to section 5120.033 of the 2963
Revised Code that is privately operated and managed by a 2964
contractor pursuant to a contract entered into under section 9.06 2965
of the Revised Code, both of the following apply: 2966

(a) The department of rehabilitation and correction shall 2967
make a reasonable effort to ensure that a sufficient number of 2968
offenders sentenced to a mandatory prison term under this division 2969
are placed in the privately operated and managed prison so that 2970
the privately operated and managed prison has full occupancy. 2971

(b) Unless the privately operated and managed prison has full 2972
occupancy, the department of rehabilitation and correction shall 2973
not place any offender sentenced to a mandatory prison term under 2974
this division in any intensive program prison established pursuant 2975
to section 5120.033 of the Revised Code other than the privately 2976

operated and managed prison. 2977

(H) If an offender is being sentenced for a sexually oriented 2978
offense committed on or after January 1, 1997, the judge shall 2979
require the offender to submit to a DNA specimen collection 2980
procedure pursuant to section 2901.07 of the Revised Code if 2981
either of the following applies: 2982

(1) The offense was a sexually violent offense, and the 2983
offender also was convicted of or pleaded guilty to a sexually 2984
violent predator specification that was included in the 2985
indictment, count in the indictment, or information charging the 2986
sexually violent offense. 2987

(2) The judge imposing sentence for the sexually oriented 2988
offense determines pursuant to division (B) of section 2950.09 of 2989
the Revised Code that the offender is a sexual predator. 2990

(I) If an offender is being sentenced for a sexually oriented 2991
offense that is not a registration-exempt sexually oriented 2992
offense or for a child-victim oriented offense committed on or 2993
after January 1, 1997, the judge shall include in the sentence a 2994
summary of the offender's ~~duty to register pursuant to section~~ 2995
~~duties imposed under sections~~ 2950.04 of the Revised Code, ~~the~~ 2996
~~offender's duty to provide notice of a change in residence address~~ 2997
~~and register the new residence address pursuant to section,~~ 2998
~~2950.041,~~ 2950.05 of the Revised Code, ~~the offender's duty to~~ 2999
~~periodically verify the offender's current residence address~~ 3000
~~pursuant to section, and~~ 2950.06 of the Revised Code, and the 3001
duration of the duties. The judge shall inform the offender, at 3002
the time of sentencing, of those duties and of their duration and, 3003
if required under division (A)(2) of section 2950.03 of the 3004
Revised Code, shall perform the duties specified in that section. 3005

(J)(1) Except as provided in division (J)(2) of this section, 3006
when considering sentencing factors under this section in relation 3007

to an offender who is convicted of or pleads guilty to an attempt 3008
to commit an offense in violation of section 2923.02 of the 3009
Revised Code, the sentencing court shall consider the factors 3010
applicable to the felony category of the violation of section 3011
2923.02 of the Revised Code instead of the factors applicable to 3012
the felony category of the offense attempted. 3013

(2) When considering sentencing factors under this section in 3014
relation to an offender who is convicted of or pleads guilty to an 3015
attempt to commit a drug abuse offense for which the penalty is 3016
determined by the amount or number of unit doses of the controlled 3017
substance involved in the drug abuse offense, the sentencing court 3018
shall consider the factors applicable to the felony category that 3019
the drug abuse offense attempted would be if that drug abuse 3020
offense had been committed and had involved an amount or number of 3021
unit doses of the controlled substance that is within the next 3022
lower range of controlled substance amounts than was involved in 3023
the attempt. 3024

(K) As used in this section, "drug abuse offense" has the 3025
same meaning as in section 2925.01 of the Revised Code. 3026

Sec. 2929.19. (A)(1) The court shall hold a sentencing 3027
hearing before imposing a sentence under this chapter upon an 3028
offender who was convicted of or pleaded guilty to a felony and 3029
before resentencing an offender who was convicted of or pleaded 3030
guilty to a felony and whose case was remanded pursuant to section 3031
2953.07 or 2953.08 of the Revised Code. At the hearing, the 3032
offender, the prosecuting attorney, the victim or the victim's 3033
representative in accordance with section 2930.14 of the Revised 3034
Code, and, with the approval of the court, any other person may 3035
present information relevant to the imposition of sentence in the 3036
case. The court shall inform the offender of the verdict of the 3037
jury or finding of the court and ask the offender whether the 3038

offender has anything to say as to why sentence should not be 3039
imposed upon the offender. 3040

(2) Except as otherwise provided in this division, before 3041
imposing sentence on an offender who is being sentenced for a 3042
sexually oriented offense that was committed on or after January 3043
1, 1997, that is not a registration-exempt sexually oriented 3044
offense, and that is not a sexually violent offense, ~~and~~ before 3045
imposing sentence on an offender who is being sentenced for a 3046
sexually violent offense committed on or after January 1, 1997, 3047
and who was not charged with a sexually violent predator 3048
specification in the indictment, count in the indictment, or 3049
information charging the sexually violent offense, and before 3050
imposing sentence on or after May 7, 2002, on an offender who is 3051
being sentenced for a sexually oriented offense that is not a 3052
registration-exempt sexually oriented offense and who was 3053
acquitted of a sexually violent predator specification included in 3054
the indictment, count in the indictment, or information charging 3055
the sexually oriented offense, the court shall conduct a hearing 3056
in accordance with division (B) of section 2950.09 of the Revised 3057
Code to determine whether the offender is a sexual predator. The 3058
court shall not conduct a hearing under that division if the 3059
offender is being sentenced for a sexually violent offense ~~and~~, if 3060
a sexually violent predator specification was included in the 3061
indictment, count in the indictment, or information charging the 3062
sexually violent offense, and if the offender was convicted of or 3063
pleaded guilty to that sexually violent predator specification. 3064
Before imposing sentence on an offender who is being sentenced for 3065
a sexually oriented offense that is not a registration-exempt 3066
sexually oriented offense, the court also shall comply with 3067
division (E) of section 2950.09 of the Revised Code. 3068

Before imposing sentence on or after the effective date of 3069
this amendment on an offender who is being sentenced for a 3070

child-victim oriented offense, regardless of when the offense was 3071
committed, the court shall conduct a hearing in accordance with 3072
division (B) of section 2950.091 of the Revised Code to determine 3073
whether the offender is a child-victim predator. Before imposing 3074
sentence on an offender who is being sentenced for a child-victim 3075
oriented offense, the court also shall comply with division (E) of 3076
section 2950.091 of the Revised Code. 3077

(B)(1) At the sentencing hearing, the court, before imposing 3078
sentence, shall consider the record, any information presented at 3079
the hearing by any person pursuant to division (A) of this 3080
section, and, if one was prepared, the presentence investigation 3081
report made pursuant to section 2951.03 of the Revised Code or 3082
Criminal Rule 32.2, and any victim impact statement made pursuant 3083
to section 2947.051 of the Revised Code. 3084

(2) The court shall impose a sentence and shall make a 3085
finding that gives its reasons for selecting the sentence imposed 3086
in any of the following circumstances: 3087

(a) Unless the offense is a sexually violent offense for 3088
which the court is required to impose sentence pursuant to 3089
division (G) of section 2929.14 of the Revised Code, if it imposes 3090
a prison term for a felony of the fourth or fifth degree or for a 3091
felony drug offense that is a violation of a provision of Chapter 3092
2925. of the Revised Code and that is specified as being subject 3093
to division (B) of section 2929.13 of the Revised Code for 3094
purposes of sentencing, its reasons for imposing the prison term, 3095
based upon the overriding purposes and principles of felony 3096
sentencing set forth in section 2929.11 of the Revised Code, and 3097
any factors listed in divisions (B)(1)(a) to (i) of section 3098
2929.13 of the Revised Code that it found to apply relative to the 3099
offender. 3100

(b) If it does not impose a prison term for a felony of the 3101
first or second degree or for a felony drug offense that is a 3102

violation of a provision of Chapter 2925. of the Revised Code and 3103
for which a presumption in favor of a prison term is specified as 3104
being applicable, its reasons for not imposing the prison term and 3105
for overriding the presumption, based upon the overriding purposes 3106
and principles of felony sentencing set forth in section 2929.11 3107
of the Revised Code, and the basis of the findings it made under 3108
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 3109

(c) If it imposes consecutive sentences under section 2929.14 3110
of the Revised Code, its reasons for imposing the consecutive 3111
sentences; 3112

(d) If the sentence is for one offense and it imposes a 3113
prison term for the offense that is the maximum prison term 3114
allowed for that offense by division (A) of section 2929.14 of the 3115
Revised Code, its reasons for imposing the maximum prison term; 3116

(e) If the sentence is for two or more offenses arising out 3117
of a single incident and it imposes a prison term for those 3118
offenses that is the maximum prison term allowed for the offense 3119
of the highest degree by division (A) of section 2929.14 of the 3120
Revised Code, its reasons for imposing the maximum prison term. 3121

(3) Subject to division (B)(4) of this section, if the 3122
sentencing court determines at the sentencing hearing that a 3123
prison term is necessary or required, the court shall do all of 3124
the following: 3125

(a) Impose a stated prison term; 3126

(b) Notify the offender that, as part of the sentence, the 3127
parole board may extend the stated prison term for certain 3128
violations of prison rules for up to one-half of the stated prison 3129
term; 3130

(c) Notify the offender that the offender will be supervised 3131
under section 2967.28 of the Revised Code after the offender 3132
leaves prison if the offender is being sentenced for a felony of 3133

the first degree or second degree, for a felony sex offense, or 3134
for a felony of the third degree in the commission of which the 3135
offender caused or threatened to cause physical harm to a person; 3136

(d) Notify the offender that the offender may be supervised 3137
under section 2967.28 of the Revised Code after the offender 3138
leaves prison if the offender is being sentenced for a felony of 3139
the third, fourth, or fifth degree that is not subject to division 3140
(B)(3)(c) of this section; 3141

(e) Notify the offender that, if a period of supervision is 3142
imposed following the offender's release from prison, as described 3143
in division (B)(3)(c) or (d) of this section, and if the offender 3144
violates that supervision or a condition of post-release control 3145
imposed under division (B) of section 2967.131 of the Revised 3146
Code, the parole board may impose a prison term, as part of the 3147
sentence, of up to one-half of the stated prison term originally 3148
imposed upon the offender; 3149

(f) Require that the offender not ingest or be injected with 3150
a drug of abuse and submit to random drug testing as provided in 3151
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 3152
is applicable to the offender who is serving a prison term, and 3153
require that the results of the drug test administered under any 3154
of those sections indicate that the offender did not ingest or was 3155
not injected with a drug of abuse. 3156

(4) If the offender is being sentenced for a sexually violent 3157
offense that the offender committed on or after January 1, 1997, 3158
and the offender also is convicted of or pleads guilty to a 3159
sexually violent predator specification that was included in the 3160
indictment, count in the indictment, or information charging the 3161
sexually violent offense, if the offender is being sentenced for a 3162
sexually oriented offense that is not a registration-exempt 3163
sexually oriented offense and that the offender committed on or 3164
after January 1, 1997, and the court imposing the sentence has 3165

determined pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator, if the offender is being sentenced on or after the effective date of this amendment for a child-victim oriented offense and the court imposing the sentence has determined pursuant to division (B) of section 2950.091 of the Revised Code that the offender is a child-victim predator, or if the offender is being sentenced for an aggravated sexually oriented offense as defined in section 2950.01 of the Revised Code ~~that the offender committed on or after the effective date of this amendment~~, the court shall include in the offender's sentence a statement that the offender has been adjudicated ~~as being~~ a sexual predator, has been adjudicated a child-victim predator, or has been convicted of or pleaded guilty to an aggravated sexually oriented offense, whichever is applicable, and shall comply with the requirements of section 2950.03 of the Revised Code. Additionally, in the circumstances described in division (G) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division.

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

(6) Before imposing a financial sanction under section 3199
2929.18 of the Revised Code or a fine under section 2929.25 of the 3200
Revised Code, the court shall consider the offender's present and 3201
future ability to pay the amount of the sanction or fine. 3202

(7) If the sentencing court sentences the offender to a 3203
sanction of confinement pursuant to section 2929.14 or 2929.16 of 3204
the Revised Code that is to be served in a local detention 3205
facility, as defined in section 2929.35 of the Revised Code, and 3206
if the local detention facility is covered by a policy adopted 3207
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 3208
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 3209
and section 2929.37 of the Revised Code, both of the following 3210
apply: 3211

(a) The court shall specify both of the following as part of 3212
the sentence: 3213

(i) If the offender is presented with an itemized bill 3214
pursuant to section 2929.37 of the Revised Code for payment of the 3215
costs of confinement, the offender is required to pay the bill in 3216
accordance with that section. 3217

(ii) If the offender does not dispute the bill described in 3218
division (B)(7)(a)(i) of this section and does not pay the bill by 3219
the times specified in section 2929.37 of the Revised Code, the 3220
clerk of the court may issue a certificate of judgment against the 3221
offender as described in that section. 3222

(b) The sentence automatically includes any certificate of 3223
judgment issued as described in division (B)(7)(a)(ii) of this 3224
section. 3225

(C)(1) If the offender is being sentenced for a fourth degree 3226
felony OMVI offense under division (G)(1) of section 2929.13 of 3227
the Revised Code, the court shall impose the mandatory term of 3228
local incarceration in accordance with that division, shall impose 3229

a mandatory fine in accordance with division (B)(3) of section 3230
2929.18 of the Revised Code, and, in addition, may impose 3231
additional sanctions as specified in sections 2929.15, 2929.16, 3232
2929.17, and 2929.18 of the Revised Code. The court shall not 3233
impose a prison term on the offender. 3234

(2) If the offender is being sentenced for a third or fourth 3235
degree felony OMVI offense under division (G)(2) of section 3236
2929.13 of the Revised Code, the court shall impose the mandatory 3237
prison term in accordance with that division, shall impose a 3238
mandatory fine in accordance with division (B)(3) of section 3239
2929.18 of the Revised Code, and, in addition, may impose an 3240
additional prison term as specified in section 2929.14 of the 3241
Revised Code. The court shall not impose any community control 3242
sanction on the offender. 3243

(D) The sentencing court, pursuant to division (K) of section 3244
2929.14 of the Revised Code, may recommend placement of the 3245
offender in a program of shock incarceration under section 3246
5120.031 of the Revised Code or an intensive program prison under 3247
section 5120.032 of the Revised Code, disapprove placement of the 3248
offender in a program or prison of that nature, or make no 3249
recommendation. If the court recommends or disapproves placement, 3250
it shall make a finding that gives its reasons for its 3251
recommendation or disapproval. 3252

Sec. 2929.21. (A) Except as provided in division (G) of this 3253
section or in section 2929.23 of the Revised Code, whoever is 3254
convicted of or pleads guilty to a misdemeanor other than a minor 3255
misdemeanor shall be imprisoned for a definite term or fined, or 3256
both, which term of imprisonment and fine shall be fixed by the 3257
court as provided in this section. 3258

Whoever is convicted of or pleads guilty to committing, 3259
attempting to commit, or complicity in committing a violation of 3260

section 2909.03 of the Revised Code that is a misdemeanor, or a 3261
violation of division (A)(2) of section 2909.06 of the Revised 3262
Code when the means used are fire or explosion, shall be required 3263
to reimburse agencies for their investigation or prosecution costs 3264
in accordance with section 2929.28 of the Revised Code. 3265

(B) Except as provided in division (G) of this section, terms 3266
of imprisonment for misdemeanor shall be imposed as follows: 3267

(1) For a misdemeanor of the first degree, not more than six 3268
months; 3269

(2) For a misdemeanor of the second degree, not more than 3270
ninety days; 3271

(3) For a misdemeanor of the third degree, not more than 3272
sixty days; 3273

(4) For a misdemeanor of the fourth degree, not more than 3274
thirty days. 3275

(C) Fines for misdemeanor shall be imposed as follows: 3276

(1) For a misdemeanor of the first degree, not more than one 3277
thousand dollars; 3278

(2) For a misdemeanor of the second degree, not more than 3279
seven hundred fifty dollars; 3280

(3) For a misdemeanor of the third degree, not more than five 3281
hundred dollars; 3282

(4) For a misdemeanor of the fourth degree, not more than two 3283
hundred fifty dollars. 3284

(D) Whoever is convicted of or pleads guilty to a minor 3285
misdemeanor shall be fined not more than one hundred dollars. 3286

(E) The court may require a person who is convicted of or 3287
pleads guilty to a misdemeanor to make restitution for all or part 3288
of the property damage that is caused by the offense and for all 3289

or part of the value of the property that is the subject of any 3290
theft offense, as defined in division (K) of section 2913.01 of 3291
the Revised Code, that the person committed. If the court 3292
determines that the victim of the offense was sixty-five years of 3293
age or older or permanently or totally disabled at the time of the 3294
commission of the offense, the court, regardless of whether the 3295
offender knew the age of victim, shall consider this fact in favor 3296
of imposing restitution, but this fact shall not control the 3297
decision of the court. 3298

(F)(1) If a person is sentenced to a term of imprisonment 3299
pursuant to this section and the term of imprisonment is to be 3300
served in a county jail in a county that has established a county 3301
jail industry program pursuant to section 5147.30 of the Revised 3302
Code, the court shall specify, as part of the sentence, whether 3303
the person may be considered by the county sheriff of that county 3304
for participation in the county jail industry program. The court 3305
shall retain jurisdiction to modify its specification made 3306
pursuant to this division during the person's term of imprisonment 3307
upon a reassessment of the person's qualifications for 3308
participation in the program. 3309

(2) If a person is sentenced to a term of imprisonment 3310
pursuant to this section that is to be served in a local detention 3311
facility, as defined in section 2929.35 of the Revised Code, the 3312
court may impose as part of the sentence pursuant to section 3313
2929.36 of the Revised Code a reimbursement sanction, and, if the 3314
local detention facility is covered by a policy adopted pursuant 3315
to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 3316
753.16, 2301.56, or 2947.19 of the Revised Code and section 3317
2929.37 of the Revised Code, both of the following apply: 3318

(a) The court shall specify both of the following as part of 3319
the sentence: 3320

(i) If the person is presented with an itemized bill pursuant 3321

to section 2929.37 of the Revised Code for payment of the costs of 3322
confinement, the person is required to pay the bill in accordance 3323
with that section. 3324

(ii) If the person does not dispute the bill described in 3325
division (F)(2)(a)(i) of this section and does not pay the bill by 3326
the times specified in section 2929.37 of the Revised Code, the 3327
clerk of the court may issue a certificate of judgment against the 3328
person as described in that section. 3329

(b) The sentence automatically includes any certificate of 3330
judgment issued as described in division (F)(2)(a)(ii) of this 3331
section. 3332

(G) If an offender is being sentenced for a sexually oriented 3333
offense that is a misdemeanor committed on or after January 1, 3334
1997, and if the judge imposing sentence for the sexually oriented 3335
offense determines pursuant to division (B) of section 2950.09 of 3336
the Revised Code that the offender is a sexual predator, the judge 3337
shall include in the offender's sentence a statement that the 3338
offender has been adjudicated as being a sexual predator, shall 3339
comply with the requirements of section 2950.03 of the Revised 3340
Code, and shall require the offender to submit to a DNA specimen 3341
collection procedure pursuant to section 2901.07 of the Revised 3342
Code. 3343

(H) Before imposing sentence on an offender who is being 3344
sentenced for a sexually oriented offense that is a misdemeanor, 3345
that was committed on or after January 1, 1997, and that is not a 3346
registration-exempt sexually oriented offense, the judge shall 3347
conduct a hearing in accordance with division (B) of section 3348
2950.09 of the Revised Code to determine whether the offender is a 3349
sexual predator. Before imposing sentence on an offender who is 3350
being sentenced for a sexually oriented offense that is not a 3351
registration-exempt sexually oriented offense, the court also 3352
shall comply with division (E) of section 2950.09 of the Revised 3353

Code. 3354

Before imposing sentence on or after the effective date of 3355
this amendment on an offender who is being sentenced for a 3356
child-victim oriented offense that is a misdemeanor, regardless of 3357
when the offense was committed, the judge shall conduct a hearing 3358
in accordance with division (B) of section 2950.091 of the Revised 3359
Code to determine whether the offender is a child-victim predator. 3360
Before imposing sentence on an offender who is being sentenced for 3361
a child-victim oriented offense, the court also shall comply with 3362
division (E) of section 2950.091 of the Revised Code. 3363

(I) If an offender is being sentenced for a sexually oriented 3364
offense that is not a registration-exempt sexually oriented 3365
offense or for a child-victim oriented offense that is a 3366
misdemeanor committed on or after January 1, 1997, the judge shall 3367
include in the sentence a summary of the offender's ~~duty to~~ 3368
~~register pursuant to section~~ duties imposed under sections 2950.04 3369
~~of the Revised Code, the offender's duty to provide notice of a~~ 3370
~~change in residence address and register the new residence address~~ 3371
~~pursuant to section, 2950.041, 2950.05 of the Revised Code, the~~ 3372
~~offender's duty to periodically verify the offender's current~~ 3373
~~residence address pursuant to section, and~~ 2950.06 of the Revised 3374
Code, and the duration of the duties. The judge shall inform the 3375
offender, at the time of sentencing, of those duties and of their 3376
duration and, if required under division (A)(2) of section 2950.03 3377
of the Revised Code, shall perform the duties specified in that 3378
section. 3379

Sec. 2935.36. (A) The prosecuting attorney may establish 3380
pre-trial diversion programs for adults who are accused of 3381
committing criminal offenses and whom the prosecuting attorney 3382
believes probably will not offend again. The programs shall be 3383
operated pursuant to written standards approved by journal entry 3384

by the presiding judge or, in courts with only one judge, the 3385
judge of the court of common pleas and shall not be applicable to 3386
any of the following: 3387

(1) Repeat offenders or dangerous offenders; 3388

(2) Persons accused of an offense of violence, of a violation 3389
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 3390
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 3391
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 3392
violation of section 2905.01, 2905.02, or 2919.23 of the Revised 3393
Code that, had it occurred prior to July 1, 1996, would have been 3394
a violation of section 2905.04 of the Revised Code as it existed 3395
prior to that date, with the exception that the prosecuting 3396
attorney may permit persons accused of any such offense to enter a 3397
pre-trial diversion program, if the prosecuting attorney finds any 3398
of the following: 3399

(a) The accused did not cause, threaten, or intend serious 3400
physical harm to any person; 3401

(b) The offense was the result of circumstances not likely to 3402
recur; 3403

(c) The accused has no history of prior delinquency or 3404
criminal activity; 3405

(d) The accused has led a law-abiding life for a substantial 3406
time before commission of the alleged offense; 3407

(e) Substantial grounds tending to excuse or justify the 3408
alleged offense. 3409

(3) Persons accused of a violation of Chapter 2925. or 3719. 3410
of the Revised Code; 3411

(4) Drug dependent persons or persons in danger of becoming 3412
drug dependent persons, as defined in section 3719.011 of the 3413
Revised Code. However, this division does not affect the 3414

eligibility of such persons for intervention in lieu of conviction 3415
pursuant to section 2951.041 of the Revised Code. 3416

(5) Persons accused of a violation of section 4511.19 of the 3417
Revised Code or a violation of any substantially similar municipal 3418
ordinance. 3419

(B) An accused who enters a diversion program shall do all of 3420
the following: 3421

(1) Waive, in writing and contingent upon the accused's 3422
successful completion of the program, the accused's right to a 3423
speedy trial, the preliminary hearing, the time period within 3424
which the grand jury may consider an indictment against the 3425
accused, and arraignment, unless the hearing, indictment, or 3426
arraignment has already occurred; 3427

(2) Agree, in writing, to the tolling while in the program of 3428
all periods of limitation established by statutes or rules of 3429
court, that are applicable to the offense with which the accused 3430
is charged and to the conditions of the diversion program 3431
established by the prosecuting attorney. 3432

(C) The trial court, upon the application of the prosecuting 3433
attorney, shall order the release from confinement of any accused 3434
who has agreed to enter a pre-trial diversion program and shall 3435
discharge and release any existing bail and release any sureties 3436
on recognizances and shall release the accused on a recognizance 3437
bond conditioned upon the accused's compliance with the terms of 3438
the diversion program. The prosecuting attorney shall notify every 3439
victim of the crime and the arresting officers of the prosecuting 3440
attorney's intent to permit the accused to enter a pre-trial 3441
diversion program. The victim of the crime and the arresting 3442
officers shall have the opportunity to file written objections 3443
with the prosecuting attorney prior to the commencement of the 3444
pre-trial diversion program. 3445

(D) If the accused satisfactorily completes the diversion 3446
program, the prosecuting attorney shall recommend to the trial 3447
court that the charges against the accused be dismissed, and the 3448
court, upon the recommendation of the prosecuting attorney, shall 3449
dismiss the charges. If the accused chooses not to enter the 3450
prosecuting attorney's diversion program, or if the accused 3451
violates the conditions of the agreement pursuant to which the 3452
accused has been released, the accused may be brought to trial 3453
upon the charges in the manner provided by law, and the waiver 3454
executed pursuant to division (B)(1) of this section shall be void 3455
on the date the accused is removed from the program for the 3456
violation. 3457

(E) As used in this section: 3458

(1) "Repeat offender" means a person who has a history of 3459
persistent criminal activity and whose character and condition 3460
reveal a substantial risk that the person will commit another 3461
offense. It is prima-facie evidence that a person is a repeat 3462
offender if any of the following applies: 3463

(a) Having been convicted of one or more offenses of violence 3464
and having been imprisoned pursuant to sentence for any such 3465
offense, the person commits a subsequent offense of violence; 3466

(b) Having been convicted of one or more sexually oriented 3467
offenses or child-victim oriented offenses, both as defined in 3468
section 2950.01 of the Revised Code, and having been imprisoned 3469
pursuant to sentence for one or more of those offenses, the person 3470
commits a subsequent sexually oriented offense or child-victim
oriented offense; 3471
3472

(c) Having been convicted of one or more theft offenses as 3473
defined in section 2913.01 of the Revised Code and having been 3474
imprisoned pursuant to sentence for one or more of those theft 3475
offenses, the person commits a subsequent theft offense; 3476

(d) Having been convicted of one or more felony drug abuse offenses as defined in section 2925.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those felony drug abuse offenses, the person commits a subsequent felony drug abuse offense;

(e) Having been convicted of two or more felonies and having been imprisoned pursuant to sentence for one or more felonies, the person commits a subsequent offense;

(f) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense.

(2) "Dangerous offender" means a person who has committed an offense, whose history, character, and condition reveal a substantial risk that the person will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences.

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

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

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

(1) The person is convicted of or pleads guilty to a sexually oriented offense that is not a registration-exempt sexually

oriented offense, or the person is adjudicated a delinquent child 3507
for committing on or after January 1, 2002, a sexually oriented 3508
offense that is not a registration-exempt sexually oriented 3509
offense, was fourteen years of age or older at the time of 3510
committing the offense, and is classified a juvenile ~~sex~~ offender 3511
registrant based on that adjudication. 3512

(2) One of the following applies to the person: 3513

(a) Regarding a person who is an offender, the person 3514
previously was convicted of or pleaded guilty to one or more 3515
sexually oriented offenses or child-victim oriented offenses or 3516
previously was adjudicated a delinquent child for committing one 3517
or more sexually oriented offenses or child-victim oriented 3518
offenses and was classified a juvenile ~~sex~~ offender registrant or 3519
out-of-state juvenile ~~sex~~ offender registrant based on one or more 3520
of those adjudications, regardless of when the offense was 3521
committed and regardless of the person's age at the time of 3522
committing the offense. 3523

(b) Regarding a delinquent child, the person previously was 3524
convicted of, pleaded guilty to, or was adjudicated a delinquent 3525
child for committing one or more sexually oriented offenses or 3526
child-victim oriented offenses, regardless of when the offense was 3527
committed and regardless of the person's age at the time of 3528
committing the offense. 3529

(C) "Prosecutor" has the same meaning as in section 2935.01 3530
of the Revised Code. 3531

(D) "Sexually oriented offense" means any of the following: 3532

(1) Any of the following violations or offenses committed by 3533
a person eighteen years of age or older: 3534

(a) Regardless of the age of the victim of the offense, a 3535
violation of section 2907.02, 2907.03, ~~or~~ 2907.05, or 2907.07 of 3536
the Revised Code; 3537

(b) Any of the following offenses involving a minor, in the 3538
circumstances specified: 3539

(i) A violation of division (A)(4) of section 2905.01, 3540
~~2905.02, 2905.03, 2905.05, or section 2907.04 or former section~~ 3541
~~2905.04, 2907.06, or 2907.08~~ of the Revised Code, when the victim 3542
of the offense is under eighteen years of age; 3543

(ii) A violation of section 2907.21 of the Revised Code when 3544
the person who is compelled, induced, procured, encouraged, 3545
solicited, requested, or facilitated to engage in, paid or agreed 3546
to be paid for, or allowed to engage in the sexual activity in 3547
question is under eighteen years of age; 3548

(iii) A violation of division (A)(1) or (3) of section 3549
2907.321 or 2907.322 of the Revised Code; 3550

(iv) A violation of division (A)(1) or (2) of section 3551
2907.323 of the Revised Code; 3552

(v) A violation of division (B)(5) of section 2919.22 of the 3553
Revised Code when the child who is involved in the offense is 3554
under eighteen years of age; 3555

(vi) A violation of ~~division (D) or (E) of section 2907.07 of~~ 3556
~~the Revised Code (A)(1), (2), (3), or (5) of section 2905.01, of~~ 3557
~~section 2903.211, 2905.02, 2905.03, or 2905.05, or of former~~ 3558
~~section 2905.04 of the Revised Code, when the victim of the~~ 3559
~~offense is under eighteen years of age and the offense is~~ 3560
~~committed with a sexual motivation.~~ 3561

(c) Regardless of the age of the victim of the offense, a 3562
violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the 3563
Revised Code, or of division (A) of section 2903.04 of the Revised 3564
Code, that is committed with a ~~purpose to gratify the sexual needs~~ 3565
~~or desires of the offender~~ sexual motivation; 3566

(d) A sexually violent offense; 3567

(e) A violation of section 2907.06 or 2907.08 of the Revised Code when the victim of the offense is eighteen years of age or older, or a violation of section 2903.211 of the Revised Code when the victim of the offense is eighteen years of age or older and the offense is committed with a sexual motivation; 3568
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(f) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, ~~or~~ any existing or former law applicable in a military court or in an Indian tribal court, 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)(1)(a), (b), (c), ~~or~~ (d), or (e) of this section; 3573
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~~(f)~~(g) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (D)(1)(a), (b), (c), (d), ~~or~~ (e), or (f) of this section. 3580
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(2) An act committed by a person under eighteen years of age that is any of the following: 3583
3584

(a) Subject to division (D)(2)~~(h)~~(i) of this section, regardless of the age of the victim of the violation, a violation of section 2907.02, 2907.03, ~~or~~ 2907.05, or 2907.07 of the Revised Code; 3585
3586
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(b) Subject to division (D)(2)~~(h)~~(i) of this section, any of the following acts involving a minor in the circumstances specified: 3589
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3591

(i) A violation of division (A)(4) of section 2905.01 or ~~2905.02~~ section 2907.06 or 2907.08 of the Revised Code, ~~or of former section 2905.04 of the Revised Code,~~ when the victim of the violation is under eighteen years of age; 3592
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(ii) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, 3596
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solicited, requested, or facilitated to engage in, paid or agreed 3598
to be paid for, or allowed to engage in the sexual activity in 3599
question is under eighteen years of age; 3600

(iii) A violation of division (B)(5) of section 2919.22 of 3601
the Revised Code when the child who is involved in the violation 3602
is under eighteen years of age; 3603

(iv) A violation of division (A)(1), (2), (3), or (5) of 3604
section 2905.01, section 2903.211, or former section 2905.04 of 3605
the Revised Code, when the victim of the violation is under 3606
eighteen years of age and the offense is committed with a sexual 3607
motivation. 3608

(c) Subject to division (D)(2)~~(h)~~(i) of this section, any 3609
sexually violent offense that, if committed by an adult, would be 3610
a felony of the first, second, third, or fourth degree; 3611

(d) Subject to division (D)(2)~~(h)~~(i) of this section, a 3612
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 3613
2905.02 of the Revised Code, a violation of division (A) of 3614
section 2903.04 of the Revised Code, or an attempt to violate any 3615
of those sections or that division that is committed with a 3616
~~purpose to gratify the sexual needs or desires of the child~~ 3617
~~committing the violation~~ sexual motivation; 3618

(e) Subject to division (D)(2)~~(h)~~(i) of this section, a 3619
violation of division (A)(1) or (3) of section 2907.321, division 3620
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 3621
section 2907.323 of the Revised Code, or an attempt to violate any 3622
of those divisions, if the person who violates or attempts to 3623
violate the division is four or more years older than the minor 3624
who is the victim of the violation; 3625

(f) Subject to division (D)(2)(i) of this section, a 3626
violation of section 2907.06 or 2907.08 of the Revised Code when 3627
the victim of the violation is eighteen years of age or older, or 3628

a violation of section 2903.211 of the Revised Code when the 3629
victim of the violation is eighteen years of age or older and the 3630
offense is committed with a sexual motivation; 3631

(g) Subject to division (D)(2)~~(h)~~(i) of this section, any 3632
violation of any former law of this state, any existing or former 3633
municipal ordinance or law of another state or the United States, 3634
~~or~~ any existing or former law applicable in a military court or in 3635
an Indian tribal court, or any existing or former law of any 3636
nation other than the United States, that is or was substantially 3637
equivalent to any offense listed in division (D)(2)(a), (b), (c), 3638
(d), ~~or~~ (e), or (f) of this section and that, if committed by an 3639
adult, would be a felony of the first, second, third, or fourth 3640
degree; 3641

~~(g)~~(h) Subject to division (D)(2)~~(h)~~(i) of this section, any 3642
attempt to commit, conspiracy to commit, or complicity in 3643
committing any offense listed in division (D)(2)(a), (b), (c), 3644
(d), (e), ~~or~~ (f), or (g) of this section; 3645

~~(h)~~(i) If the child's case has been transferred for criminal 3646
prosecution under section 2152.12 of the Revised Code, the act is 3647
any violation listed in division (D)(1)(a), (b), (c), (d), (e), ~~or~~ 3648
(f), or (g) of this section or would be any offense listed in any 3649
of those divisions if committed by an adult. 3650

(E) "Sexual predator" means a person to whom either of the 3651
following applies: 3652

(1) The person has been convicted of or pleaded guilty to 3653
committing a sexually oriented offense that is not a 3654
registration-exempt sexually oriented offense and is likely to 3655
engage in the future in one or more sexually oriented offenses. 3656

(2) The person has been adjudicated a delinquent child for 3657
committing a sexually oriented offense that is not a 3658
registration-exempt sexually oriented offense, was fourteen years 3659

of age or older at the time of committing the offense, was 3660
classified a juvenile ~~sex~~ offender registrant based on that 3661
adjudication, and is likely to engage in the future in one or more 3662
sexually oriented offenses. 3663

(F) "Supervised release" means a release of an offender from 3664
a prison term, a term of imprisonment, or another type of 3665
confinement that satisfies either of the following conditions: 3666

(1) The release is on parole, a conditional pardon, or 3667
probation, under transitional control, or under a post-release 3668
control sanction, and it requires the person to report to or be 3669
supervised by a parole officer, probation officer, field officer, 3670
or another type of supervising officer. 3671

(2) The release is any type of release that is not described 3672
in division (F)(1) of this section and that requires the person to 3673
report to or be supervised by a probation officer, a parole 3674
officer, a field officer, or another type of supervising officer. 3675

(G) An offender or delinquent child is "adjudicated as being 3676
a sexual predator" or "adjudicated a sexual predator" if any of 3677
the following applies and if, regarding a delinquent child, that 3678
status has not been removed pursuant to section 2152.84, 2152.85, 3679
or 2950.09 of the Revised Code: 3680

(1) The offender is convicted of or pleads guilty to 3681
committing, on or after January 1, 1997, a sexually oriented 3682
offense that is a sexually violent offense and that is not a 3683
registration-exempt sexually oriented offense and also is 3684
convicted of or pleads guilty to a sexually violent predator 3685
specification that was included in the indictment, count in the 3686
indictment, or information that charged the sexually violent 3687
offense. 3688

(2) Regardless of when the sexually oriented offense was 3689
committed, on or after January 1, 1997, the offender is sentenced 3690

for a sexually oriented offense that is not a registration-exempt 3691
sexually oriented offense, and the sentencing judge determines 3692
pursuant to division (B) of section 2950.09 of the Revised Code 3693
that the offender is a sexual predator. 3694

(3) The delinquent child is adjudicated a delinquent child 3695
for committing a sexually oriented offense that is not a 3696
registration-exempt sexually oriented offense, was fourteen years 3697
of age or older at the time of committing the offense, and has 3698
been classified a juvenile ~~sex~~ offender registrant based on that 3699
adjudication, and the adjudicating judge or that judge's successor 3700
in office determines pursuant to division (B) of section 2950.09 3701
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 3702
the Revised Code that the delinquent child is a sexual predator. 3703

(4) Prior to January 1, 1997, the offender was convicted of 3704
or pleaded guilty to, and was sentenced for, a sexually oriented 3705
offense that is not a registration-exempt sexually oriented 3706
offense, the offender is imprisoned in a state correctional 3707
institution on or after January 1, 1997, and the court determines 3708
pursuant to division (C) of section 2950.09 of the Revised Code 3709
that the offender is a sexual predator. 3710

(5) Regardless of when the sexually oriented offense was 3711
committed, the offender or delinquent child is convicted of or 3712
pleads guilty to, has been convicted of or pleaded guilty to, or 3713
is adjudicated a delinquent child for committing a sexually 3714
oriented offense that is not a registration-exempt sexually 3715
oriented offense in another state ~~or~~, in a federal court, military 3716
court, or ~~an~~ Indian tribal court, or in a court in any nation 3717
other than the United States, as a result of that conviction, plea 3718
of guilty, or adjudication, the offender or delinquent child is 3719
required₇ under the law of the jurisdiction in which the offender 3720
was convicted or pleaded guilty or the delinquent child was 3721
adjudicated₇ to register as a sex offender until the offender's or 3722

delinquent child's death ~~and to verify the offender's or~~ 3723
~~delinquent child's address on at least a quarterly basis each~~ 3724
~~year~~, and, on or after July 1, 1997, for offenders or January 1, 3725
2002, for delinquent children, the offender or delinquent child 3726
moves to and resides in this state or temporarily is domiciled in 3727
this state for more than ~~seven~~ five days or the offender is 3728
required under section 2950.04 of the Revised Code to register a 3729
school, institution of higher education, or place of employment 3730
address in this state, unless a court of common pleas or juvenile 3731
court determines that the offender or delinquent child is not a 3732
sexual predator pursuant to division (F) of section 2950.09 of the 3733
Revised Code. 3734

(H) "Sexually violent predator specification," ~~and~~ "sexually 3735
violent offense," "sexual motivation," and "violent sex offense" 3736
have the same meanings as in section 2971.01 of the Revised Code. 3737

(I) "Post-release control sanction" and "transitional 3738
control" have the same meanings as in section 2967.01 of the 3739
Revised Code. 3740

(J) "Juvenile ~~sex~~ offender registrant" means a person who is 3741
adjudicated a delinquent child for committing on or after January 3742
1, 2002, a sexually oriented offense that is not a 3743
registration-exempt sexually oriented offense or a child-victim 3744
oriented offense, who is fourteen years of age or older at the 3745
time of committing the offense, and who a juvenile court judge, 3746
pursuant to an order issued under section 2152.82, 2152.83, 3747
2152.84, or 2152.85 of the Revised Code, classifies a juvenile ~~sex~~ 3748
offender registrant and specifies has a duty to ~~register under~~ 3749
~~section~~ comply with sections 2950.04, 2950.05, and 2950.06 of the 3750
Revised Code if the child committed a sexually oriented offense or 3751
with sections 2950.041, 2950.05, and 2950.06 of the Revised Code 3752
if the child committed a child-victim oriented offense. "Juvenile 3753
offender registrant" includes a person who, prior to the effective 3754

date of this amendment, was a "juvenile sex offender registrant" 3755
under the former definition of that former term. 3756

(K) "Secure facility" means any facility that is designed and 3757
operated to ensure that all of its entrances and exits are locked 3758
and under the exclusive control of its staff and to ensure that, 3759
because of that exclusive control, no person who is 3760
institutionalized or confined in the facility may leave the 3761
facility without permission or supervision. 3762

(L) "Out-of-state juvenile ~~sex~~ offender registrant" means a 3763
person who is adjudicated a delinquent child ~~for committing a~~ 3764
~~sexually oriented offense~~ in a court in another state ~~or~~, in a 3765
federal court, military court, or Indian tribal court, or in a 3766
court in any nation other than the United States for committing a 3767
sexually oriented offense that is not a registration-exempt 3768
sexually oriented offense or a child-victim oriented offense, who 3769
on or after January 1, 2002, moves to and resides in this state or 3770
temporarily is domiciled in this state for more than ~~seven~~ five 3771
days, and who has a duty under section 2950.04 of the Revised Code 3772
~~has a duty~~ to register in this state ~~as described in that section~~ 3773
and the duty to otherwise comply with that section and sections 3774
2950.05 and 2950.06 of the Revised Code if the child committed a 3775
sexually oriented offense or has a duty under section 2950.041 of 3776
the Revised Code to register in this state and the duty to 3777
otherwise comply with that section and sections 2950.05 and 3778
2950.06 of the Revised Code if the child committed a child-victim 3779
oriented offense. "Out-of-state juvenile offender registrant" 3780
includes a person who, prior to the effective date of this 3781
amendment, was an "out-of-state juvenile sex offender registrant" 3782
under the former definition of that former term. 3783

(M) "Juvenile court judge" includes a magistrate to whom the 3784
juvenile court judge confers duties pursuant to division (A)(15) 3785
of section 2151.23 of the Revised Code. 3786

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

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

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

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

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

offense listed in division (P)(1)(a) of this section; 3818

(c) Subject to division (P)(1)(e) of this section, any 3819
violation of any former law of this state, any existing or former 3820
municipal ordinance or law of another state or the United States, 3821
any existing or former law applicable in a military court or in an 3822
Indian tribal court, or any existing or former law of any nation 3823
other than the United States that is committed by a person who is 3824
under eighteen years of age, that is or was substantially 3825
equivalent to any sexually oriented offense listed in division 3826
(P)(1)(a) of this section, and that would be a felony of the 3827
fourth degree if committed by an adult; 3828

(d) Any attempt to commit, conspiracy to commit, or 3829
complicity in committing any offense listed in division (P)(1)(a) 3830
or (b) of this section if the person is eighteen years of age or 3831
older or, subject to division (P)(1)(e) of this section, listed in 3832
division (P)(1)(a) or (c) of this section if the person is under 3833
eighteen years of age. 3834

(e) Regarding an act committed by a person under eighteen 3835
years of age, if the child's case has been transferred for 3836
criminal prosecution under section 2152.12 of the Revised Code, 3837
the act is any sexually oriented offense listed in division 3838
(P)(1)(a), (b), or (d) of this section. 3839

(2) "Presumptive registration-exempt sexually oriented 3840
offense" does not include any sexually oriented offense described 3841
in division (P)(1)(a), (b), (c), (d), or (e) of this section that 3842
is committed by a person who previously has been convicted of, 3843
pleaded guilty to, or adjudicated a delinquent child for 3844
committing any sexually oriented offense described in division 3845
(P)(1)(a), (b), (c), (d), or (e) of this section or any other 3846
sexually oriented offense. 3847

(O)(1) "Registration-exempt sexually oriented offense" means 3848

any presumptive registration-exempt sexually oriented offense, if 3849
a court does not issue an order under section 2950.021 of the 3850
Revised Code that removes the presumptive exemption and subjects 3851
the offender who was convicted of or pleaded guilty to the offense 3852
to registration under section 2950.04 of the Revised Code and all 3853
other duties and responsibilities generally imposed under this 3854
chapter upon persons who are convicted of or plead guilty to any 3855
sexually oriented offense other than a presumptive 3856
registration-exempt sexually oriented offense or that removes the 3857
presumptive exemption and potentially subjects the child who was 3858
adjudicated a delinquent child for committing the offense to 3859
classification as a juvenile offender registrant under sections 3860
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to 3861
registration under section 2950.04 of the Revised Code and all 3862
other duties and responsibilities generally imposed under this 3863
chapter upon persons who are adjudicated delinquent children for 3864
committing a sexually oriented offense other than a presumptive 3865
registration-exempt sexually oriented offense. 3866

(2) "Registration-exempt sexually oriented offense" does not 3867
include a presumptive registration-exempt sexually oriented 3868
offense if a court issues an order under section 2950.021 of the 3869
Revised Code that removes the presumptive exemption and subjects 3870
the offender or potentially subjects the delinquent child to the 3871
duties and responsibilities described in division (Q)(1) of this 3872
section. 3873

(R) "School" and "school premises" have the same meanings as 3874
in section 2925.01 of the Revised Code. 3875

(S)(1) "Child-victim oriented offense" means any of the 3876
following: 3877

(a) Subject to division (S)(2) of this section, any of the 3878
following violations or offenses committed by a person eighteen 3879
years of age or older, when the victim of the violation is under 3880

eighteen years of age and is not a child of the person who commits 3881
the violation: 3882

(i) A violation of division (A)(1), (2), (3), or (5) of 3883
section 2905.01, of section 2905.02, 2905.03, or 2905.05, or of 3884
former section 2905.04 of the Revised Code; 3885

(ii) A violation of any former law of this state, any 3886
existing or former municipal ordinance or law of another state or 3887
the United States, any existing or former law applicable in a 3888
military court or in an Indian tribal court, or any existing or 3889
former law of any nation other than the United States, that is or 3890
was substantially equivalent to any offense listed in division 3891
(S)(1)(a)(i) of this section; 3892

(iii) An attempt to commit, conspiracy to commit, or 3893
complicity in committing any offense listed in division 3894
(S)(1)(a)(i) or (ii) of this section. 3895

(b) Subject to division (S)(2) of this section, an act 3896
committed by a person under eighteen years of age that is any of 3897
the following, when the victim of the violation is under eighteen 3898
years of age and is not a child of the person who commits the 3899
violation: 3900

(i) Subject to division (S)(1)(b)(iv) of this section, a 3901
violation of division (A)(1), (2), (3), or (5) of section 2905.01 3902
or of former section 2905.04 of the Revised Code; 3903

(ii) Subject to division (S)(1)(b)(iv) of this section, any 3904
violation of any former law of this state, any existing or former 3905
municipal ordinance or law of another state or the United States, 3906
any existing or former law applicable in a military court or in an 3907
Indian tribal court, or any existing or former law of any nation 3908
other than the United States, that is or was substantially 3909
equivalent to any offense listed in division (S)(1)(b)(i) of this 3910
section and that, if committed by an adult, would be a felony of 3911

the first, second, third, or fourth degree; 3912

(iii) Subject to division (S)(1)(b)(iv) of this section, any 3913
attempt to commit, conspiracy to commit, or complicity in 3914
committing any offense listed in division (S)(1)(b)(i) or (ii) of 3915
this section; 3916

(iv) If the child's case has been transferred for criminal 3917
prosecution under section 2152.12 of the Revised Code, the act is 3918
any violation listed in division (S)(1)(a)(i), (ii), or (iii) of 3919
this section or would be any offense listed in any of those 3920
divisions if committed by an adult. 3921

(2) "Child-victim oriented offense" does not include any 3922
offense identified in division (S)(1)(a) or (b) of this section 3923
that is a sexually violent offense. An offense identified in 3924
division (S)(1)(a) or (b) of this section that is a sexually 3925
violent offense is within the definition of a sexually oriented 3926
offense. 3927

(T)(1) "Habitual child-victim offender" means, except when a 3928
juvenile judge removes this classification pursuant to division 3929
(A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of 3930
the Revised Code, a person to whom both of the following apply: 3931

(a) The person is convicted of or pleads guilty to a 3932
child-victim oriented offense, or the person is adjudicated a 3933
delinquent child for committing on or after January 1, 2002, a 3934
child-victim oriented offense, was fourteen years of age or older 3935
at the time of committing the offense, and is classified a 3936
juvenile offender registrant based on that adjudication. 3937

(b) One of the following applies to the person: 3938

(i) Regarding a person who is an offender, the person 3939
previously was convicted of or pleaded guilty to one or more 3940
child-victim oriented offenses or previously was adjudicated a 3941
delinquent child for committing one or more child-victim oriented 3942

offenses and was classified a juvenile offender registrant or 3943
out-of-state juvenile offender registrant based on one or more of 3944
those adjudications, regardless of when the offense was committed 3945
and regardless of the person's age at the time of committing the 3946
offense. 3947

(ii) Regarding a delinquent child, the person previously was 3948
convicted of, pleaded guilty to, or was adjudicated a delinquent 3949
child for committing one or more child-victim oriented offenses, 3950
regardless of when the offense was committed and regardless of the 3951
person's age at the time of committing the offense. 3952

(2) "Habitual child-victim offender" includes a person who 3953
has been convicted of, pleaded guilty to, or adjudicated a 3954
delinquent child for committing, a child-victim oriented offense 3955
and who, on and after the effective date of this amendment, is 3956
automatically classified a habitual child-victim offender pursuant 3957
to division (E) of section 2950.091 of the Revised Code. 3958

(U) "Child-victim predator" means a person to whom either of 3959
the following applies: 3960

(1) The person has been convicted of or pleaded guilty to 3961
committing a child-victim oriented offense and is likely to engage 3962
in the future in one or more child-victim oriented offenses. 3963

(2) The person has been adjudicated a delinquent child for 3964
committing a child-victim oriented offense, was fourteen years of 3965
age or older at the time of committing the offense, was classified 3966
a juvenile offender registrant based on that adjudication, and is 3967
likely to engage in the future in one or more child-victim 3968
oriented offenses. 3969

(V) An offender or delinquent child is "adjudicated as being 3970
a child-victim predator" or "adjudicated a child-victim predator" 3971
if any of the following applies and if, regarding a delinquent 3972
child, that status has not been removed pursuant to section 3973

2152.84, 2152.85, or 2950.09 of the Revised Code: 3974

(1) The offender or delinquent child has been convicted of, 3975
pleaded guilty to, or adjudicated a delinquent child for 3976
committing, a child-victim oriented offense and, on and after the 3977
effective date of this amendment, is automatically classified a 3978
child-victim predator pursuant to division (A) of section 2950.091 3979
of the Revised Code. 3980

(2) Regardless of when the child-victim oriented offense was 3981
committed, on or after the effective date of this amendment, the 3982
offender is sentenced for a child-victim oriented offense, and the 3983
sentencing judge determines pursuant to division (B) of section 3984
2950.091 of the Revised Code that the offender is a child-victim 3985
predator. 3986

(3) The delinquent child is adjudicated a delinquent child 3987
for committing a child-victim oriented offense, was fourteen years 3988
of age or older at the time of committing the offense, and has 3989
been classified a juvenile offender registrant based on that 3990
adjudication, and the adjudicating judge or that judge's successor 3991
in office determines pursuant to division (B) of section 2950.09 3992
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 3993
the Revised Code that the delinquent child is a child-victim 3994
predator. 3995

(4) Prior to the effective date of this section, the offender 3996
was convicted of or pleaded guilty to a child-victim oriented 3997
offense, at the time of the conviction or guilty plea, the offense 3998
was considered a sexually oriented offense, on or after the 3999
effective date of this amendment, the offender is serving a term 4000
of imprisonment in a state correctional institution, and the court 4001
determines pursuant to division (C) of section 2950.091 of the 4002
Revised Code that the offender is a child-victim predator. 4003

(5) Regardless of when the child-victim oriented offense was 4004

committed, the offender or delinquent child is convicted, pleads 4005
guilty, has been convicted, pleaded guilty, or adjudicated a 4006
delinquent child in a court in another state, in a federal court, 4007
military court, or Indian tribal court, or in a court in any 4008
nation other than the United States for committing a child-victim 4009
oriented offense, as a result of that conviction, plea of guilty, 4010
or adjudication, the offender or delinquent child is required 4011
under the law of the jurisdiction in which the offender was 4012
convicted or pleaded guilty or the delinquent child was 4013
adjudicated, to register as a child-victim offender or sex 4014
offender until the offender's or delinquent child's death, and, on 4015
or after July 1, 1997, for offenders or January 1, 2002, for 4016
delinquent children the offender or delinquent child moves to and 4017
resides in this state or temporarily is domiciled in this state 4018
for more than five days or the offender is required under section 4019
2950.041 of the Revised Code to register a school, institution of 4020
higher education, or place of employment address in this state, 4021
unless a court of common pleas or juvenile court determines that 4022
the offender or delinquent child is not a child-victim predator 4023
pursuant to division (F) of section 2950.091 of the Revised Code. 4024

(W) "Residential premises" means the building in which a 4025
residential unit is located and the grounds upon which that 4026
building stands, extending to the perimeter of the property. 4027
"Residential premises" includes any type of structure in which a 4028
residential unit is located, including, but not limited to, 4029
multi-unit buildings and mobile and manufactured homes. 4030

(X) "Residential unit" means a dwelling unit for residential 4031
use and occupancy, and includes the structure or part of a 4032
structure that is used as a home, residence, or sleeping place by 4033
one person who maintains a household or two or more persons who 4034
maintain a common household. 4035

(Y) "Multi-unit building" means a building in which is 4036

located more than twelve residential units that have entry doors 4037
that open directly into the unit from a hallway that is shared 4038
with one or more other units. A residential unit is not considered 4039
located in a multi-unit building if the unit does not have an 4040
entry door that opens directly into the unit from a hallway that 4041
is shared with one or more other units or if the unit is in a 4042
building that is not a multi-unit building as described in this 4043
division. 4044

Sec. 2950.02. (A) The general assembly hereby determines and 4045
declares that it recognizes and finds all of the following: 4046

(1) If the public is provided adequate notice and information 4047
about ~~sexual predators, habitual sex offenders, and certain other~~ 4048
offenders and delinquent children who commit sexually oriented 4049
offenses that are not registration-exempt sexually oriented 4050
offenses or who commit child-victim oriented offenses, members of 4051
the public and communities can develop constructive plans to 4052
prepare themselves and their children for the ~~sexual predator's,~~ 4053
~~habitual sex offender's, or other~~ offender's or delinquent child's 4054
release from imprisonment, a prison term, or other confinement or 4055
detention. This allows members of the public and communities to 4056
meet with members of law enforcement agencies to prepare and 4057
obtain information about the rights and responsibilities of the 4058
public and the communities and to provide education and counseling 4059
to their children. 4060

(2) ~~Sexual predators and habitual sex~~ Sex offenders and 4061
offenders who commit child-victim oriented offenses pose a high 4062
risk of engaging in further ~~offenses~~ sexually abusive behavior 4063
even after being released from imprisonment, a prison term, or 4064
other confinement or detention, ~~and that~~ protection of members of 4065
the public from ~~sexual predators and habitual~~ sex offenders and 4066
offenders who commit child-victim oriented offenses is a paramount 4067

governmental interest. 4068

(3) The penal, juvenile, and mental health components of the 4069
justice system of this state are largely hidden from public view, 4070
and a lack of information from any component may result in the 4071
failure of the system to satisfy this paramount governmental 4072
interest of public safety described in division (A)(2) of this 4073
section. 4074

(4) Overly restrictive confidentiality and liability laws 4075
governing the release of information about ~~sexual predators and~~ 4076
~~habitual~~ sex offenders and offenders who commit child-victim 4077
oriented offenses have reduced the willingness to release 4078
information that could be appropriately released under the public 4079
disclosure laws and have increased risks of public safety. 4080

(5) A person who is found to be a ~~sexual predator or a~~ 4081
~~habitual~~ sex offender or to have committed a child-victim oriented 4082
offense has a reduced expectation of privacy because of the 4083
public's interest in public safety and in the effective operation 4084
of government. 4085

(6) The release of information about ~~sexual predators and~~ 4086
~~habitual~~ sex offenders and offenders who commit child-victim 4087
oriented offenses to public agencies and the general public will 4088
further the governmental interests of public safety and public 4089
scrutiny of the criminal, juvenile, and mental health systems as 4090
long as the information released is rationally related to the 4091
furtherance of those goals. 4092

(B) The general assembly hereby declares that, in providing 4093
in this chapter for registration regarding ~~sexual predators,~~ 4094
~~habitual sex offenders, and~~ offenders and certain delinquent 4095
children who have committed sexually oriented offenses that are 4096
not registration-exempt sexually oriented offenses or who have 4097
committed child-victim oriented offenses and for community 4098

notification regarding sexual predators ~~and, child-victim~~ 4099
~~predators, habitual sex offenders, and habitual child-victim~~ 4100
~~offenders~~ who are about to be or have been released from 4101
imprisonment, a prison term, or other confinement or detention and 4102
who will live in or near a particular neighborhood or who 4103
otherwise will live in or near a particular neighborhood, it is 4104
the general assembly's intent to protect the safety and general 4105
welfare of the people of this state. The general assembly further 4106
declares that it is the policy of this state to require the 4107
exchange in accordance with this chapter of relevant information 4108
about ~~sexual predators and habitual~~ sex offenders and offenders 4109
who commit child-victim oriented offenses among public agencies 4110
and officials and to authorize the release in accordance with this 4111
chapter of necessary and relevant information about ~~sexual~~ 4112
~~predators and habitual~~ sex offenders and offenders who commit 4113
child-victim oriented offenses to members of the general public as 4114
a means of assuring public protection and that the exchange or 4115
release of that information is not punitive. 4116

Sec. 2950.021. (A) If an offender is convicted of or pleads 4117
guilty to, or a child is adjudicated a delinquent child for 4118
committing, any presumptive registration-exempt sexually oriented 4119
offense, the court that is imposing sentence on the offender for 4120
that offense or the juvenile court that is making the disposition 4121
of the delinquent child for that offense may determine, prior to 4122
imposing the sentence or making the disposition, that the offender 4123
should be subjected to registration under section 2950.04 of the 4124
Revised Code and all other duties and responsibilities generally 4125
imposed under this chapter upon persons who are convicted of or 4126
plead guilty to any sexually oriented offense other than a 4127
presumptive registration-exempt sexually oriented offense or that 4128
the child potentially should be subjected to classification as a 4129
juvenile offender registrant under sections 2152.82, 2152.83, 4130

2152.84, or 2152.85 of the Revised Code and to registration under 4131
section 2950.04 of the Revised Code and all other duties and 4132
responsibilities generally imposed under this chapter upon persons 4133
who are adjudicated delinquent children for committing a sexually 4134
oriented offense other than a presumptive registration-exempt 4135
sexually oriented offense. The court may make a determination as 4136
described in this division without a hearing but may conduct a 4137
hearing on the matter. In making a determination under this 4138
division, the court shall consider all relevant factors, 4139
including, but not limited to, public safety, the interests of 4140
justice, and the determinations, findings, and declarations of the 4141
general assembly regarding sex offenders and child-victim 4142
offenders that are set forth in section 2950.02 of the Revised 4143
Code. 4144

(B) If a court determines under division (A) of this section 4145
that an offender who has been convicted of or pleaded guilty to a 4146
presumptive registration-exempt sexually oriented offense should 4147
be subjected to registration under section 2950.04 of the Revised 4148
Code and all other duties and responsibilities generally imposed 4149
under this chapter upon persons who are convicted of or plead 4150
guilty to any sexually oriented offense other than a presumptive 4151
registration-exempt sexually oriented offense or that a delinquent 4152
child potentially should be subjected to classification as a 4153
juvenile offender registrant under sections 2152.82, 2152.83, 4154
2152.84, or 2152.85 of the Revised Code and to registration under 4155
section 2950.04 of the Revised Code and all other duties and 4156
responsibilities generally imposed under this chapter upon persons 4157
who are adjudicated delinquent children for committing a sexually 4158
oriented offense other than a presumptive registration-exempt 4159
sexually oriented offense, all of the following apply: 4160

(1) The court shall issue an order that contains its 4161
determination and that removes the presumptive exemption from 4162

registration for the sexually oriented offense, shall include the 4163
order in the offender's sentence or in the delinquent child's 4164
dispositional order, and shall enter the order in the record in 4165
the case. 4166

(2) Regarding an offender, the presumptive exemption from 4167
registration is terminated, and the offender is subject to 4168
registration under section 2950.04 of the Revised Code and all 4169
other duties and responsibilities generally imposed under this 4170
chapter upon persons who are convicted of or plead guilty to any 4171
sexually oriented offense other than a presumptive 4172
registration-exempt sexually oriented offense. 4173

(3) Regarding a delinquent child, the presumptive exemption 4174
from registration is terminated, the delinquent child is 4175
potentially subject to classification as a juvenile offender 4176
registrant under sections 2152.82, 2152.83, 2152.84, or 2152.85 of 4177
the Revised Code and to registration under section 2950.04 of the 4178
Revised Code and all other duties and responsibilities generally 4179
imposed under this chapter upon persons who are adjudicated 4180
delinquent children for committing a sexually oriented offense 4181
other than a presumptive registration-exempt sexually oriented 4182
offense, and the juvenile court shall proceed as required and may 4183
proceed as authorized under section 2152.82, 2152.83, 2152.84, or 4184
2152.85 of the Revised Code regarding the child in the same manner 4185
as for persons who are adjudicated delinquent children for 4186
committing a sexually oriented offense other than a presumptive 4187
registration-exempt sexually oriented offense. 4188

Sec. 2950.022. There is hereby created in the state treasury 4189
the sex offender technology fund. The attorney general shall 4190
administer the fund. The fund shall be used only for the following 4191
purposes: 4192

(A) The establishment and operation by the attorney general 4193

of a sex offender and child-victim offender tracking program as 4194
described in division (A) of section 2950.13 of the Revised Code, 4195
including, if applicable, any costs associated with publicly 4196
disseminating or causing to be publicly disseminated by means of 4197
the internet as described in division (B) of that section the 4198
information contained in the program; 4199

(B) The making of payments to sheriffs for their costs in 4200
publicly disseminating or causing to be publicly disseminated by 4201
means of the internet any statements, information, photographs, or 4202
fingerprints of the type described in division (A) of section 4203
2950.08 of the Revised Code or in performing any duties imposed 4204
upon sheriffs by sections 2950.04, 2950.041, 2950.05, 2950.06, 4205
2950.10, 2950.11, and 2950.111 of the Revised Code. 4206

Sec. 2950.03. (A) Each person who has been convicted of, is 4207
convicted of, has pleaded guilty to, or pleads guilty to a 4208
sexually oriented offense that is not a registration-exempt 4209
sexually oriented offense and who has a duty to register pursuant 4210
to section 2950.04 of the Revised Code, ~~and~~ each person who is 4211
adjudicated a delinquent child for committing a sexually oriented 4212
offense that is not a registration-exempt sexually oriented 4213
offense and who is classified ~~pursuant to section 2152.82 or~~ 4214
~~division (A) of section 2152.83 of the Revised Code~~ a juvenile sex 4215
offender registrant based on that adjudication, each person who 4216
has been convicted of, is convicted of, has pleaded guilty to, or 4217
pleads guilty to a child-victim oriented offense and has a duty to 4218
register pursuant to section 2950.041 of the Revised Code, and 4219
each person who is adjudicated a delinquent child for committing a 4220
child-victim oriented offense and who is classified a juvenile 4221
offender registrant based on that adjudication shall be provided 4222
notice in accordance with this section of the offender's or 4223
delinquent child's ~~duty to register under section~~ duties imposed 4224
under sections 2950.04 ~~of the Revised Code, the offender's or~~ 4225

~~delinquent child's duty to provide notice of any change in the~~ 4226
~~offender's or delinquent child's residence address and to register~~ 4227
~~the new residence address pursuant to section, 2950.041, 2950.05~~ 4228
~~of the Revised Code, and the offender's or delinquent child's duty~~ 4229
~~to periodically verify the offender's or delinquent child's~~ 4230
~~residence address pursuant to section, and 2950.06 of the Revised~~ 4231
~~Code and of the offender's duties to similarly register, provide~~ 4232
~~notice of a change, and verify addresses in another state if the~~ 4233
~~offender resides, is temporarily domiciled, attends a school or~~ 4234
~~institution of higher education, or is employed in a state other~~ 4235
~~than this state. A person who has been convicted of, is convicted~~ 4236
~~of, has pleaded guilty to, or pleads guilty to a sexually oriented~~ 4237
~~offense that is a registration-exempt sexually oriented offense,~~ 4238
~~and a person who is or has been adjudicated a delinquent child for~~ 4239
~~committing a sexually oriented offense that is a~~ 4240
~~registration-exempt sexually oriented offense, does not have a~~ 4241
~~duty to register under section 2950.04 of the Revised Code based~~ 4242
~~on that conviction, guilty plea, or adjudication, and no notice is~~ 4243
~~required to be provided to that person under this division based~~ 4244
~~on that conviction, guilty plea, or adjudication. The following~~ 4245
official shall provide the notice required under this division to 4246
the ~~offender or delinquent child~~ specified person at the following 4247
time: 4248

(1) Regardless of when the ~~offender~~ person committed the 4249
sexually oriented offense or child-victim oriented offense, if the 4250
person is an offender who is sentenced for the sexually oriented 4251
offense or child-victim oriented offense to a prison term, a term 4252
of imprisonment, or any other type of confinement, and if, on or 4253
after January 1, 1997, the offender is serving that term or is 4254
under that confinement, the official in charge of the jail, 4255
workhouse, state correctional institution, or other institution in 4256
which the offender serves the prison term, term of imprisonment, 4257
or confinement, or a designee of that official, shall provide the 4258

notice to the offender before the offender is released pursuant to 4259
any type of supervised release or before the offender otherwise is 4260
released from the prison term, term of imprisonment, or 4261
confinement. This division applies to a child-victim oriented 4262
offense if the offender is sentenced for the offense on or after 4263
the effective date of this amendment or if, prior to the effective 4264
date of this amendment, the child-victim oriented offense was a 4265
sexually oriented offense and the offender was sentenced as 4266
described in this division for the child-victim oriented offense 4267
when it was designated a sexually oriented offense. If a person 4268
was provided notice under this division prior to the effective 4269
date of this amendment in relation to an offense that, prior to 4270
the effective date of this amendment, was a sexually oriented 4271
offense but that, on and after the effective date of this 4272
amendment, is a child-victim oriented offense, the notice provided 4273
under this division shall suffice for purposes of this section as 4274
notice to the offender of the offender's duties under sections 4275
2950.041, 2950.05, and 2950.06 of the Revised Code imposed as a 4276
result of the conviction of or plea of guilty to the child-victim 4277
oriented offense. 4278

(2) Regardless of when the ~~offender~~ person committed the 4279
sexually oriented offense or child-victim oriented offense, if the 4280
person is an offender who is sentenced for the sexually oriented 4281
offense on or after January 1, 1997, or who is sentenced for the 4282
child-victim oriented offense on or after the effective date of 4283
this amendment and if division (A)(1) of this section does not 4284
apply, the judge shall provide the notice to the offender at the 4285
time of sentencing. If a person was provided notice under this 4286
division prior to the effective date of this amendment in relation 4287
to an offense that, prior to the effective date of this amendment, 4288
was a sexually oriented offense but that, on and after the 4289
effective date of this amendment, is a child-victim oriented 4290
offense, the notice so provided under this division shall suffice 4291

for purposes of this section as notice to the offender of the 4292
offender's duties under sections 2950.041, 2950.05, and 2950.06 of 4293
the Revised Code imposed as a result of the conviction of or plea 4294
of guilty to the child-victim oriented offense. 4295

(3) If the person is an offender who committed the sexually 4296
oriented offense prior to January 1, 1997, if neither division 4297
(A)(1) nor division (A)(2) of this section applies, and if, 4298
immediately prior to January 1, 1997, the offender was a habitual 4299
sex offender who was required to register under Chapter 2950. of 4300
the Revised Code, the chief of police or sheriff with whom the 4301
offender most recently registered under that chapter, in the 4302
circumstances described in this division, shall provide the notice 4303
to the offender. If the offender has registered with a chief of 4304
police or sheriff under Chapter 2950. of the Revised Code as it 4305
existed prior to January 1, 1997, the chief of police or sheriff 4306
with whom the offender most recently registered shall provide the 4307
notice to the offender as soon as possible after January 1, 1997, 4308
as described in division (B)(1) of this section. If the offender 4309
has not registered with a chief of police or sheriff under that 4310
chapter, the failure to register shall constitute a waiver by the 4311
offender of any right to notice under this section. If an offender 4312
described in this division does not receive notice under this 4313
section, the offender is not relieved of the ~~duty to register, the~~ 4314
~~duty to provide notice of any change in residence address and to~~ 4315
~~register the new residence address, and the duty to periodically~~ 4316
~~verify the residence address, as described in division (A) of this~~ 4317
section offender's duties imposed under sections 2950.04, 2950.05, 4318
and 2950.06 of the Revised Code. 4319

(4) If the person is an offender of the type described in 4320
division (A)(1) of this section and if, subsequent to release, the 4321
offender is adjudicated ~~as being~~ a sexual predator pursuant to 4322
division (C) of section 2950.09 of the Revised Code or a 4323

child-victim predator pursuant to division (C) of section 2950.091 4324
of the Revised Code, the judge shall provide the notice to the 4325
offender at the time of adjudication. 4326

(5) If the person is a delinquent child who is classified 4327
~~pursuant to section 2152.82 or division (A) of section 2152.83 of~~ 4328
~~the Revised Code~~ a juvenile ~~sex~~ offender registrant, the judge 4329
shall provide the notice to the delinquent child at the time ~~of~~ 4330
~~the classification specified in division (B) of section 2152.82,~~ 4331
~~division (D) of section 2152.83, division (C) of section 2152.84,~~ 4332
~~or division (E) of section 2152.85 of the Revised Code, whichever~~ 4333
~~is applicable. If a delinquent child was provided notice under~~ 4334
~~this division prior to the effective date of this amendment in~~ 4335
~~relation to an offense that, prior to the effective date of this~~ 4336
~~amendment, was a sexually oriented offense but that, on and after~~ 4337
~~the effective date of this amendment, is a child-victim oriented~~ 4338
~~offense, the notice so provided under this division shall suffice~~ 4339
~~for purposes of this section as notice to the delinquent child of~~ 4340
~~the delinquent child's duties under sections 2950.041, 2950.05,~~ 4341
~~and 2950.06 of the Revised Code imposed as a result of the~~ 4342
~~adjudication as a delinquent child for the child-victim oriented~~ 4343
~~offense.~~ 4344

(6) If the person is an offender in any category described in 4345
division (A)(1), (2), (3), or (4) of this section and if, prior to 4346
the effective date of this amendment, the offender was provided 4347
notice of the offender's duties in accordance with that division, 4348
not later than ninety days after the effective date of this 4349
amendment, the sheriff with whom the offender most recently 4350
registered or verified an address under section 2950.04, 2950.041, 4351
2950.05, or 2950.06 of the Revised Code shall provide notice to 4352
the offender of the offender's duties imposed on and after the 4353
effective date of this amendment pursuant to any of those sections 4354
to register a school, institution of higher education, or place of 4355

employment address, provide notice of a change of that address, 4356
and verify that address. The sheriff may provide the notice to the 4357
offender at the time the offender registers, provides notice of a 4358
change in, or verifies a residence, school, institution of higher 4359
education, or place of employment address under any of those 4360
sections within the specified ninety-day period. If the offender 4361
does not so register, provide notice of a change in, or verify an 4362
address within the specified ninety-day period, the sheriff shall 4363
provide the notice to the offender by sending it to the offender 4364
at the most recent residence address available for the offender. 4365
If the offender was required to register prior to the effective 4366
date of this amendment and failed to do so, the failure to 4367
register constitutes a waiver by the offender of any right to 4368
notice under this division. If the offender has not registered 4369
prior to the effective date of this amendment, the offender is 4370
presumed to have knowledge of the law and of the duties referred 4371
to in this division that are imposed on and after the effective 4372
date of this amendment. If an offender does not receive notice 4373
under this division, the offender is not relieved of any of the 4374
duties described in this division. 4375

(7) If the person is an offender or delinquent child who has 4376
a duty to register in this state pursuant to division (A)(3) of 4377
section 2950.04 or 2950.041 of the Revised Code, the offender or 4378
delinquent child is presumed to have knowledge of the law and of 4379
the offender's or delinquent child's duties imposed under sections 4380
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 4381

(B)(1) The notice provided under division (A) of this section 4382
shall inform the offender or delinquent child of the offender's or 4383
delinquent child's duty to register under section 2950.04 of the 4384
Revised Code, to notify the appropriate officials provide notice 4385
of a change in the offender's or delinquent child's residence 4386
address or in the offender's school, institution of higher 4387

education, or place of employment address, as applicable, and to 4388
register the new residence address in accordance with section 4389
2950.05 of the Revised Code, and to periodically verify a the 4390
offender's or delinquent child's residence address under section 4391
or the offender's school, institution of higher education, or 4392
place of employment address, as applicable, and, if applicable, to 4393
provide notice of the offender's or delinquent child's intent to 4394
reside, pursuant to sections 2950.04, 2950.041, 2950.05, and 4395
2950.06 of the Revised Code. The notice shall specify that, for an 4396
offender, it applies regarding residence addresses or school, 4397
institution of higher education, and place of employment addresses 4398
and that, for a delinquent child, it applies regarding residence 4399
addresses. Additionally, it shall inform the offender of the 4400
offender's duties to similarly register, provide notice of a 4401
change in, and verify those addresses in states other than this 4402
state as described in division (A) of this section. A notice 4403
provided under division (A)(6) of this section shall state the new 4404
duties imposed on the offender on and after the effective date of 4405
this amendment to register, provide notice of a change in, and 4406
periodically verify, a school, institution of higher education, or 4407
place of employment address and specify that the new duties are in 4408
addition to the prior duties imposed upon the offender. A notice 4409
provided under division (A)(1), (2), (3), (4), or (5) of this 4410
section shall comport with the following: 4411

(a) If the notice is provided to an offender under division 4412
(A)(3) of this section, the notice shall ~~be on a form that is~~ 4413
~~prescribed by the bureau of criminal identification and~~ 4414
~~investigation and that states~~ state the offender's duties to 4415
register, to file a notice of intent to reside, if applicable, to 4416
register a new residence address or new school, institution of 4417
higher education, or place of employment address, and to 4418
periodically verify a residence address those addresses, the 4419
offender's duties in other states as described in division (A) of 4420

this section, and that, if the offender has any questions 4421
concerning these duties, the offender may contact the chief of 4422
police or sheriff who sent the form for an explanation of the 4423
duties. If the offender appears in person before the chief of 4424
police or sheriff, the chief or sheriff shall provide the notice 4425
as described in division (B)(1)(a) of this section, and all 4426
provisions of this section that apply regarding a notice provided 4427
by an official, official's designee, or judge in that manner shall 4428
be applicable. 4429

(b) If the notice is provided to an offender under division 4430
(A)(1), (2), or (4) of this section, the official, official's 4431
designee, or judge shall require the offender to read and sign a 4432
form ~~prescribed by the bureau of criminal identification and~~ 4433
~~investigation~~, stating that the offender's duties to register, to 4434
file a notice of intent to reside, if applicable, to register a 4435
new residence address or new school, institution of higher 4436
education, or place of employment address, and to periodically 4437
verify ~~a residence address~~ those addresses, and the offender's 4438
duties in other states as described in division (A) of this 4439
section have been explained to the offender. If the offender is 4440
unable to read, the official, official's designee, or judge shall 4441
certify on the form that the official, designee, or judge 4442
specifically informed the offender of those duties and that the 4443
offender indicated an understanding of those duties. 4444

(c) If the notice is provided to a delinquent child under 4445
division (A)(5) of this section, the judge shall require the 4446
delinquent child and the delinquent child's parent, guardian, or 4447
custodian to read and sign a form ~~prescribed by the bureau of~~ 4448
~~criminal identification and investigation~~, stating that the 4449
delinquent child's duties to register, to file a notice of intent 4450
to reside, if applicable, to register a new residence address, and 4451
to periodically verify ~~a residence~~ that address have been 4452

explained to the delinquent child and to the delinquent child's 4453
parent, guardian, or custodian. If the delinquent child or the 4454
delinquent child's parent, guardian, or custodian is unable to 4455
read, the judge shall certify on the form that the judge 4456
specifically informed the delinquent child or the delinquent 4457
child's parent, guardian, or custodian of those duties and that 4458
the delinquent child or the delinquent child's parent, guardian, 4459
or custodian indicated an understanding of those duties. 4460

~~(d) For any (2) The notice provided under division divisions~~ 4461
~~(A)(1) to (6) of this section, the form used shall be on a form~~ 4462
~~prescribed by the bureau of criminal identification and~~ 4463
~~investigation and shall contain all of the information specified~~ 4464
~~in division (A) of this section and all of the information~~ 4465
~~required by the bureau of criminal identification and~~ 4466
~~investigation, including, but, The notice provided under divisions~~ 4467
~~(A)(1) to (5) of this section shall include, but is not limited~~ 4468
~~to, a statement that the subject delinquent child if applicable~~ 4469
~~has been classified by the adjudicating juvenile court judge or~~ 4470
~~the judge's successor in office a juvenile sex offender registrant~~ 4471
~~and has a duty to register all of the following:~~ 4472

(a) For any notice provided under division (A)(1) to (5) of 4473
this section, a statement as to whether the offender or delinquent 4474
child has been adjudicated ~~as being~~ a sexual predator or a 4475
child-victim predator relative to the sexually oriented offense or 4476
child-victim oriented offense in question, a statement as to 4477
whether the offender or delinquent child has been determined to be 4478
a habitual sex offender or habitual child-victim offender, a 4479
statement as to whether the offense for which the offender has the 4480
duty to register is an aggravated sexually oriented offense 4481
~~committed on or after the effective date of this amendment or is a~~ 4482
sexually oriented offense committed on or after the effective date 4483
of this amendment, an explanation of the offender's periodic 4484

residence address or periodic school, institution of higher 4485
education, or place of employment address verification process ~~and~~ 4486
or of the delinquent child's periodic residence address 4487
verification process, an explanation of the frequency with which 4488
the offender or delinquent child will be required to verify ~~the~~ 4489
~~residence address~~ those addresses under that process, ~~and~~ a 4490
statement that the offender or delinquent child must verify ~~the~~ 4491
~~residence address~~ those addresses at the times specified under 4492
that process or face criminal prosecution or a delinquent child 4493
proceeding, and an explanation of the offender's duty to similarly 4494
register, verify, and reregister those addresses in another state 4495
if the offender resides in another state, attends a school or 4496
institution of higher education in another state, or is employed 4497
in another state. 4498

~~(e)~~(b) If the notice is provided under division (A)(4) of 4499
this section, ~~in addition to all other information contained on~~ 4500
~~it, the form also shall include~~ a statement that the notice 4501
replaces any notice previously provided to the offender under 4502
division (A)(1) of this section, a statement that the offender's 4503
duties described in this notice supersede the duties described in 4504
the prior notice, and a statement notifying the offender that, if 4505
the offender already has registered under section 2950.04 or 4506
2950.041 of the Revised Code, the offender must register again 4507
pursuant to division (A)(6) of that section~~;~~ 4508

(c) If the notice is provided under division (A)(5) of this 4509
section, a statement that the delinquent child has been classified 4510
by the adjudicating juvenile court judge or the judge's successor 4511
in office a juvenile offender registrant and has a duty to comply 4512
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 4513
Revised Code; 4514

~~(f)~~(d) If the notice is provided under division (A)(5) of 4515
this section, ~~the form, in addition to all other information~~ 4516

~~contained on it, shall inform the delinquent child and the~~ 4517
~~delinquent child's parent, guardian, or custodian a statement~~ 4518
that, if the delinquent child fails to comply with the 4519
requirements of sections 2950.04, 2950.041, 2950.05, and 2950.06 4520
of the Revised Code, both of the following apply: 4521

(i) If the delinquent child's failure occurs while the child 4522
is under eighteen years of age, the child is subject to 4523
proceedings under Chapter 2152. of the Revised Code based on the 4524
failure, but if the failure occurs while the child is eighteen 4525
years of age or older, the child is subject to criminal 4526
prosecution based on the failure. 4527

(ii) If the delinquent child's failure occurs while the child 4528
is under eighteen years of age, unless the child is emancipated, 4529
as defined in section 2919.121 of the Revised Code, the failure of 4530
the parent, guardian, or custodian to ensure that the child 4531
complies with those requirements is a violation of section 2919.24 4532
of the Revised Code and may result in the prosecution of the 4533
parent, guardian, or custodian for that violation. 4534

~~(2)~~(3)(a) After an offender described in division (A)(1), 4535
(2), or (4) of this section has signed the form described in 4536
~~division~~ divisions (B)(1) and (2) of this section or the official, 4537
official's designee, or judge has certified on the form that the 4538
form has been explained to the offender and that the offender 4539
indicated an understanding of the duties indicated on it, the 4540
official, official's designee, or judge shall give one copy of the 4541
form to the offender, within three days shall send one copy of the 4542
form to the bureau of criminal identification and investigation in 4543
accordance with the procedures adopted pursuant to section 2950.13 4544
of the Revised Code, and shall send one copy of the form to the 4545
sheriff of the county in which the offender expects to reside. 4546

(b) After a chief of police or sheriff has sent a form to an 4547
offender under division (A)(3) of this section, the chief or 4548

sheriff shall send a copy of the form to the bureau of criminal 4549
identification and investigation in accordance with the procedures 4550
adopted pursuant to section 2950.13 of the Revised Code. 4551

(c) After a delinquent child described in division (A)(5) of 4552
this section and the delinquent child's parent, guardian, or 4553
custodian have signed the form described in ~~division~~ divisions 4554
(B)(1) and (2) of this section or the judge has certified on the 4555
form that the form has been explained to the delinquent child or 4556
the delinquent child's parent, guardian, or custodian and that the 4557
delinquent child or the delinquent child's parent, guardian, or 4558
custodian indicated an understanding of the duties and information 4559
indicated on the form, the judge shall give a copy of the form to 4560
both the delinquent child and to the delinquent child's parent, 4561
guardian, or custodian, within three days shall send one copy of 4562
the form to the bureau of criminal identification and 4563
investigation in accordance with the procedures adopted pursuant 4564
to section 2950.13 of the Revised Code, and shall send one copy of 4565
the form to the sheriff of the county in which the delinquent 4566
child expects to reside. 4567

(C) The official, official's designee, judge, chief of 4568
police, or sheriff who is required to provide notice to an 4569
offender or delinquent child under ~~division~~ divisions (A)(1) to 4570
(5) of this section shall do all of the following: 4571

(1) If the notice is provided under division (A)(1), (2), 4572
(4), or (5) of this section, the official, designee, or judge 4573
shall determine the offender's or delinquent child's name, 4574
identifying factors, and expected future residence address in this 4575
state or any other state, shall obtain the offender's or 4576
delinquent child's criminal and delinquency history, and shall 4577
obtain a photograph and the fingerprints of the offender or 4578
delinquent child. Regarding an offender, the official, designee, 4579
or judge also shall obtain from the offender the offender's 4580

current or expected future school, institution of higher 4581
education, or place of employment address in this state, if any. 4582
If the notice is provided by a judge under division (A)(2), (4), 4583
or (5) of this section, the sheriff shall provide the offender's 4584
or delinquent child's criminal and delinquency history to the 4585
judge. The official, official's designee, or judge shall obtain 4586
this information and these items prior to giving the notice, 4587
except that a judge may give the notice prior to obtaining the 4588
offender's or delinquent child's criminal and delinquency history. 4589
Within three days after receiving this information and these 4590
items, the official, official's designee, or judge shall forward 4591
the information and items to the bureau of criminal identification 4592
and investigation in accordance with the forwarding procedures 4593
adopted pursuant to section 2950.13 of the Revised Code ~~and~~, to 4594
the sheriff of the county in which the offender or delinquent 4595
child expects to reside, and, regarding an offender, to the 4596
sheriff of the county, if any, in which the offender attends or 4597
will attend a school or institution of higher education or is or 4598
will be employed. If the notice is provided under division (A)(5) 4599
of this section and if the delinquent child has been committed to 4600
the department of youth services or to a secure facility, the 4601
judge, in addition to the other information and items described in 4602
this division, also shall forward to the bureau and to the sheriff 4603
notification that the child has been so committed. If it has not 4604
already done so, the bureau of criminal identification and 4605
investigation shall forward a copy of the fingerprints and 4606
conviction data received under this division to the federal bureau 4607
of investigation. 4608

(2) If the notice is provided under division (A)(3) of this 4609
section, the chief of police or sheriff shall determine the 4610
offender's name, identifying factors, and residence address in 4611
this state or any other state, shall obtain the offender's 4612
criminal history from the bureau of criminal identification and 4613

investigation, and, to the extent possible, shall obtain a 4614
photograph and the fingerprints of the offender. Regarding an 4615
offender, the chief or sheriff also shall obtain from the offender 4616
the offender's current or expected future school, institution of 4617
higher education, or place of employment address in this state, if 4618
any. Within three days after receiving this information and these 4619
items, the chief or sheriff shall forward the information and 4620
items to the bureau of criminal identification and investigation 4621
in accordance with the forwarding procedures adopted pursuant to 4622
section 2950.13 of the Revised Code and, in relation to a chief of 4623
police, to the sheriff of the county in which the offender 4624
resides, and, regarding an offender, to the sheriff of the county, 4625
if any, in which the offender attends or will attend a school or 4626
institution of higher education or is or will be employed. If it 4627
has not already done so, the bureau of criminal identification and 4628
investigation shall forward a copy of the fingerprints and 4629
conviction data so received to the federal bureau of 4630
investigation. 4631

Sec. 2950.031. (A) No person who has been convicted of, is 4632
convicted of, has pleaded guilty to, or pleads guilty to either a 4633
sexually oriented offense that is not a registration-exempt 4634
sexually oriented offense or a child-victim oriented offense shall 4635
establish a residence or occupy residential premises within one 4636
thousand feet of any school premises. 4637

(B) An owner or lessee of real property that is located 4638
within one thousand feet of any school premises has a cause of 4639
action for injunctive relief against a person who violates 4640
division (A) of this section by establishing a residence or 4641
occupying residential premises within one thousand feet of those 4642
school premises. The owner or lessee shall not be required to 4643
prove irreparable harm in order to obtain the relief. 4644

Sec. 2950.04. (A)(1) Each of the following types of offender 4645
who is convicted of or pleads guilty to, or has been convicted of 4646
or pleaded guilty to, a sexually oriented offense that is not a 4647
registration-exempt sexually oriented offense shall register 4648
personally with the sheriff of the county within ~~seven~~ five days 4649
of the offender's coming into a county in which the offender 4650
resides or temporarily is domiciled for more than ~~seven~~ five days, 4651
shall register personally with the sheriff of the county 4652
immediately upon coming into a county in which the offender 4653
attends a school or institution of higher education on a full-time 4654
or part-time basis regardless of whether the offender resides or 4655
has a temporary domicile in this state or another state, shall 4656
register personally with the sheriff of the county in which the 4657
offender is employed if the offender resides or has a temporary 4658
domicile in this state and has been employed in that county for 4659
more than fourteen days or for an aggregate period of thirty or 4660
more days in that calendar year, shall register personally with 4661
the sheriff of the county in which the offender then is employed 4662
if the offender does not reside or have a temporary domicile in 4663
this state and has been employed at any location or locations in 4664
this state more than fourteen days or for an aggregate period of 4665
thirty or more days in that calendar year, and shall register with 4666
the sheriff or other appropriate person of the other state 4667
immediately upon entering into any state other than this state in 4668
which the offender attends a school or institution of higher 4669
education on a full-time or part-time basis or upon being employed 4670
in any state other than this state for more than fourteen days or 4671
for an aggregate period of thirty or more days in that calendar 4672
year regardless of whether the offender resides or has a temporary 4673
domicile in this state, the other state, or a different state: 4674

(a) Regardless of when the sexually oriented offense was 4675
committed, an offender who is sentenced for the sexually oriented 4676

offense to a prison term, a term of imprisonment, or any other 4677
type of confinement and, on or after July 1, 1997, is released in 4678
any manner from the prison term, term of imprisonment, or 4679
confinement; 4680

(b) Regardless of when the sexually oriented offense was 4681
committed, an offender who is sentenced for a sexually oriented 4682
offense on or after July 1, 1997, and to whom division (A)(1)(a) 4683
of this section does not apply; 4684

(c) If the sexually oriented offense was committed prior to 4685
July 1, 1997, and neither division (A)(1)(a) nor division 4686
(A)(1)(b) of this section applies, an offender who, immediately 4687
prior to July 1, 1997, was a habitual sex offender who was 4688
required to register under Chapter 2950. of the Revised Code. 4689

(2) Each child who is adjudicated a delinquent child for 4690
committing a sexually oriented offense that is not a 4691
registration-exempt sexually oriented offense and who is 4692
classified a juvenile ~~sex~~ offender registrant based on that 4693
adjudication shall register personally with the sheriff of the 4694
county within ~~seven~~ five days of the delinquent child's coming 4695
into a county in which the delinquent child resides or temporarily 4696
is domiciled for more than ~~seven~~ five days. If the delinquent 4697
child is committed for the sexually oriented offense that is not a 4698
registration-exempt sexually oriented offense to the department of 4699
youth services or to a secure facility that is not operated by the 4700
department, this duty begins when the delinquent child is 4701
discharged or released in any manner from custody in a department 4702
of youth services secure facility or from the secure facility that 4703
is not operated by the department, if pursuant to the discharge or 4704
release the delinquent child is not committed to any other secure 4705
facility of the department or any other secure facility. The 4706
delinquent child does not have a duty to register under this 4707
division while the child is in a department of youth services 4708

secure facility or in a secure facility that is not operated by 4709
the department. 4710

(3) If divisions (A)(1) and (2) of this section do not apply, 4711
each following type of offender and each following type of 4712
delinquent child shall register personally with the sheriff of the 4713
county within ~~seven~~ five days of the offender's or delinquent 4714
child's coming into a county in which the offender or delinquent 4715
child resides or temporarily is domiciled for more than ~~seven~~ five 4716
days, and each following type of offender shall register 4717
personally with the sheriff of the county immediately upon coming 4718
into a county in which the offender attends a school or 4719
institution of higher education on a full-time or part-time basis 4720
regardless of whether the offender resides or has a temporary 4721
domicile in this state or another state, shall register personally 4722
with the sheriff of the county in which the offender is employed 4723
if the offender resides or has a temporary domicile in this state 4724
and has been employed in that county for more than fourteen days 4725
or for an aggregate period of thirty days or more in that calendar 4726
year, and shall register personally with the sheriff of the county 4727
in which the offender then is employed if the offender does not 4728
reside or have a temporary domicile in this state and has been 4729
employed at any location or locations in this state for more than 4730
fourteen days or for an aggregate period of thirty or more days in 4731
that calendar year: 4732

(a) Regardless of when the sexually oriented offense was 4733
committed, a person who is convicted ~~of~~, pleads guilty ~~to~~, or ~~is~~ 4734
adjudicated a delinquent child ~~for committing a sexually oriented~~ 4735
~~offense~~ in a court in another state ~~or~~, in a federal court, 4736
military court, or ~~an~~ Indian tribal court, or in a court in any 4737
nation other than the United States for committing a sexually 4738
oriented offense that is not a registration-exempt sexually 4739
oriented offense, if, on or after July 1, 1997, for offenders, or 4740

January 1, 2002, for delinquent children, the offender or 4741
delinquent child moves to and resides in this state or temporarily 4742
is domiciled in this state for more than ~~seven~~ five days, the 4743
offender enters this state to attend any school or institution of 4744
higher education on a full-time or part-time basis, or the 4745
offender is employed in this state for more than fourteen days or 4746
for an aggregate period of thirty or more days in any calendar 4747
year, and if, at the time the offender or delinquent child moves 4748
to and resides in this state or temporarily is domiciled in this 4749
state for more than ~~seven~~ five days, the offender enters this 4750
state to attend the school or institution of higher education, or 4751
the offender is employed in this state for more than the specified 4752
period of time, the offender or delinquent child has a duty to 4753
register as a sex offender or child-victim offender under the law 4754
of that other jurisdiction as a result of the conviction, guilty 4755
plea, or adjudication. 4756

(b) Regardless of when the sexually oriented offense was 4757
committed, a person who is convicted of, pleads guilty to, or is 4758
adjudicated a delinquent child ~~for committing a sexually oriented~~ 4759
~~offense in a court in~~ another state ~~or~~, in a federal court, 4760
military court, or ~~an~~ Indian tribal court, or in a court in any 4761
nation other than the United States for committing a sexually 4762
oriented offense that is not a registration-exempt sexually 4763
oriented offense, if, on or after July 1, 1997, for offenders, or 4764
January 1, 2002, for delinquent children, the offender or 4765
delinquent child is released from imprisonment, confinement, or 4766
detention imposed for that offense, and if, on or after July 1, 4767
1997, for offenders, or January 1, 2002, for delinquent children, 4768
the offender or delinquent child moves to and resides in this 4769
state or temporarily is domiciled in this state for more than 4770
~~seven~~ five days, the offender enters this state to attend any 4771
school or institution of higher education on a full-time or 4772
part-time basis, or the offender is employed in this state for 4773

more than fourteen days or for an aggregate period of thirty or 4774
more days in any calendar year. The duty to register as described 4775
in this division applies to an offender regardless of whether the 4776
offender, at the time of moving to and residing in this state or 4777
temporarily being domiciled in this state for more than ~~seven~~ five 4778
days, at the time of entering into this state to attend the school 4779
or institution of higher education, or at the time of being 4780
employed in this state for the specified period of time, has a 4781
duty to register as a sex offender or child-victim offender under 4782
the law of the jurisdiction in which the conviction or guilty plea 4783
occurred. The duty to register as described in this division 4784
applies to a delinquent child only if the delinquent child, at the 4785
time of moving to and residing in this state or temporarily being 4786
domiciled in this state for more than ~~seven~~ five days, has a duty 4787
to register as a sex offender or child-victim offender under the 4788
law of the jurisdiction in which the delinquent child adjudication 4789
occurred or if, had the delinquent child adjudication occurred in 4790
this state, the adjudicating juvenile court judge would have been 4791
required to issue an order classifying the delinquent child as a 4792
juvenile ~~sex~~ offender registrant pursuant to section 2152.82 or 4793
division (A) of section 2152.83 of the Revised Code. 4794

(4) If division (A)(1)(a) of this section applies and if, 4795
subsequent to the offender's release, the offender is adjudicated 4796
~~to be~~ a sexual predator under division (C) of section 2950.09 of 4797
the Revised Code, the offender shall register within ~~seven~~ five 4798
days of the adjudication with the sheriff of the county in which 4799
the offender resides or temporarily is domiciled for more than 4800
~~seven~~ five days ~~and,~~ shall register with the sheriff of any county 4801
in which the offender subsequently resides or temporarily is 4802
domiciled for more than ~~seven~~ five days within ~~seven~~ five days of 4803
coming into that county, shall register within five days of the 4804
adjudication with the sheriff of the county in which the offender 4805
attends any school or institution of higher education on a 4806

full-time or part-time basis or in which the offender is employed 4807
if the offender has been employed in that county for more than 4808
fourteen days or for an aggregate period of thirty or more days in 4809
that calendar year regardless of whether the offender resides or 4810
has temporary domicile in this state or another state, and shall 4811
register within five days of the adjudication with the sheriff or 4812
other appropriate person of any state other than this state in 4813
which the offender attends a school or institution of higher 4814
education on a full-time or part-time basis or in which the 4815
offender then is employed if the offender has been employed in 4816
that state for more than fourteen days or for an aggregate period 4817
of thirty or more days in any calendar year regardless of whether 4818
the offender resides or has temporary domicile in this state, the 4819
other state, or a different state. 4820

(5) A person who is adjudicated a delinquent child for 4821
committing a sexually oriented offense that is not a 4822
registration-exempt sexually oriented offense is not required to 4823
register under division (A)(2) of this section unless the 4824
delinquent child committed the offense on or after January 1, 4825
2002, is classified a juvenile ~~sex~~ offender registrant by a 4826
juvenile court judge pursuant to an order issued under section 4827
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code based on 4828
that adjudication, and has a duty to register pursuant to division 4829
(A)(2) of this section. 4830

(6) A person who has been convicted of, is convicted of, has 4831
pleaded guilty to, or pleads guilty to a sexually oriented offense 4832
that is a registration-exempt sexually oriented offense, and a 4833
person who is or has been adjudicated a delinquent child for 4834
committing a sexually oriented offense that is a 4835
registration-exempt sexually oriented offense, does not have any 4836
duty to register under this section based on that conviction, 4837
guilty plea, or adjudication. The exemption of an offender or 4838

delinquent child from registration under this division for a 4839
conviction of, plea of guilty to, or delinquent child adjudication 4840
for a registration-exempt sexually oriented offense does not 4841
limit, affect, or supersede any duties imposed upon the offender 4842
or delinquent child under this chapter or sections 2152.82 to 4843
2152.85 of the Revised Code for a conviction of, plea of guilty 4844
to, or delinquent child adjudication for any other sexually 4845
oriented offense or any child-victim oriented offense. 4846

(B) An offender or delinquent child who is required by 4847
division (A) of this section to register in this state personally 4848
shall obtain from the sheriff or from a designee of the sheriff a 4849
registration form that conforms to division (C) of this section, 4850
shall complete the form, shall include a statement that all 4851
information provided on the form is accurate and sign the form, 4852
and shall return the completed form together with the offender's 4853
or delinquent child's photograph to the sheriff or the designee. 4854
The sheriff or designee shall sign the form and indicate on the 4855
form the date on which it is so returned. The registration 4856
required under this division is complete when the offender or 4857
delinquent child returns the form, containing the requisite 4858
information, photograph, signatures, and date, to the sheriff or 4859
designee. 4860

(C) The registration form to be used under divisions (A) and 4861
(B) of this section shall ~~contain the~~ include the photograph of 4862
the offender or delinquent child who is registering and shall 4863
contain all of the following: 4864

(1) Regarding an offender or delinquent child who is 4865
registering under a duty imposed under division (A)(1), (2), (3), 4866
or (4) of this section as a result of the offender or delinquent 4867
child residing in this state or temporarily being domiciled in 4868
this state for more than five days, the current residence address 4869
of the offender or delinquent child who is registering, the name 4870

and address of the offender's or delinquent child's employer, if 4871
the offender or delinquent child is employed at the time of 4872
registration or if the offender or delinquent child knows at the 4873
time of registration that the offender or delinquent child will be 4874
commencing employment with that employer subsequent to 4875
registration, the date on which the offender or delinquent child 4876
committed each sexually oriented offense that is the basis of the 4877
registration, the name and address of the offender's school or 4878
institution of higher education if the offender attends one at the 4879
time of registration or if the offender knows at the time of 4880
registration that the offender will be commencing attendance at 4881
that school or institution subsequent to registration, and any 4882
other information required by the bureau of criminal 4883
identification and investigation ~~and shall include the offender's~~ 4884
~~or delinquent child's photograph. Additionally~~ 4885

(2) Regarding an offender who is registering under a duty 4886
imposed under division (A)(1), (3), or (4) of this section as a 4887
result of the offender attending a school or institution of higher 4888
education in this state on a full-time or part-time basis or being 4889
employed in this state or in a particular county in this state, 4890
whichever is applicable, for more than fourteen days or for an 4891
aggregate of thirty or more days in any calendar year, the current 4892
address of the school, institution of higher education, or place 4893
of employment of the offender who is registering and any other 4894
information required by the bureau of criminal identification and 4895
investigation. 4896

(3) Regarding an offender or delinquent child who is 4897
registering under a duty imposed under division (A)(1), (2), (3), 4898
or (4) of this section for any reason, if the offender ~~or~~ 4899
~~delinquent child~~ has been adjudicated ~~as being~~ a sexual predator 4900
relative to the sexually oriented offense in question, if the 4901
delinquent child has been adjudicated a sexual predator relative 4902

to the sexually oriented offense in question and the court has not
subsequently determined pursuant to ~~division (D) of section~~
~~2950.09~~, section 2152.84, or ~~section~~ 2152.85 of the Revised Code
that the ~~offender or~~ delinquent child no longer is a sexual
predator, ~~or~~ if the judge determined pursuant to division (C) of
section 2950.09 or pursuant to section 2152.82, 2152.83, 2152.84,
or 2152.85 of the Revised Code that the offender or delinquent
child is a habitual sex offender and the determination has not
been removed pursuant to section 2152.84 or 2152.85 of the Revised
Code, or if the offender has the duty to register as a result of
the conviction of or plea of guilty to an aggravated sexually
oriented offense, the offender or delinquent child also shall
include on the signed, written registration form all of the
following information:

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

~~(2)~~(b) If the offender or delinquent child has been
adjudicated ~~as being~~ a sexual predator, the identification license
plate number, make, model, year, and color of each motor vehicle
~~the offender or delinquent child owns and of each motor vehicle~~
registered in the offender's or delinquent child's name, and any
other identifying information that the sheriff requires for each
motor vehicle that is registered in the offender's or delinquent
child's name.

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

Revised Code. If an offender registers a school, institution of 4935
higher education, or place of employment address, or provides a 4936
school or institution of higher education address under division 4937
(C)(1) of this section, the sheriff also shall provide notice to 4938
the law enforcement agency with jurisdiction over the premises of 4939
the school, institution of higher education, or place of 4940
employment of the offender's name and that the offender has 4941
registered that address as a place at which the offender attends 4942
school or an institution of higher education or at which the 4943
offender is employed. The bureau shall include the information and 4944
materials forwarded to it under this division in the state 4945
registry of sex offenders and child victim offenders established 4946
and maintained under section 2950.13 of the Revised Code. 4947

(E) No person who is required to register pursuant to 4948
divisions (A) and (B) of this section, and no person who is 4949
required to send a notice of intent to reside pursuant to division 4950
(G) of this section, shall fail to register or send the notice of 4951
intent as required in accordance with those divisions or that 4952
division. 4953

(F) An offender or delinquent child who is required to 4954
register pursuant to divisions (A) and (B) of this section shall 4955
register pursuant to this section for the period of time specified 4956
in section 2950.07 of the Revised Code. 4957

(G) If an offender or delinquent child who is required by 4958
division (A) of this section to register is adjudicated a sexual 4959
predator or a habitual sexual offender subject to community 4960
notification under division (C)(2) or (E) of section 2950.09 of 4961
the Revised Code, or if an offender who is required by division 4962
(A) of this section to register has that duty as a result of a 4963
conviction of or plea of guilty to an aggravated sexually oriented 4964
offense ~~committed on or after the effective date of this~~ 4965
~~amendment~~, the offender or delinquent child also shall send the 4966

sheriff of the county in which the offender or delinquent child 4967
intends to reside written notice of the offender's or delinquent 4968
child's intent to reside in the county. The offender or delinquent 4969
child shall send the notice of intent to reside at least twenty 4970
days prior to the date the offender or delinquent child begins to 4971
reside in the county. The notice of intent to reside shall contain 4972
the following information: 4973

(1) The offender's or delinquent child's name; 4974

(2) The address or addresses at which the offender or 4975
delinquent child intends to reside; 4976

(3) The sexually oriented offense of which the offender was 4977
convicted, to which the offender pleaded guilty, or for which the 4978
child was adjudicated a delinquent child; 4979

(4) A statement that the offender ~~or delinquent child~~ has 4980
been adjudicated ~~as being~~ a sexual predator, a statement that the 4981
delinquent child has been adjudicated a sexual predator and that, 4982
as of the date of the notice, the court has not entered a 4983
determination that the ~~offender or~~ delinquent child no longer is a 4984
sexual predator, a statement that the sentencing or reviewing 4985
judge has determined that the offender or delinquent child is a 4986
habitual sex offender and that, as of the date of the notice, the 4987
determination has not been removed pursuant to section 2152.84 or 4988
2152.85 of the Revised Code, or a statement that the offender was 4989
convicted of or pleaded guilty to an aggravated sexually oriented 4990
offense ~~committed on or after the effective date of this~~ 4991
~~amendment.~~ 4992

(H) If, immediately prior to the effective date of this 4993
amendment, an offender or delinquent child who was convicted of, 4994
pleaded guilty to, or adjudicated a delinquent child for 4995
committing a sexually oriented offense was required by division 4996
(A) of this section to register and if, on or after the effective 4997

date of this amendment, that offense no longer is a sexually 4998
oriented offense but instead is designated a child-victim oriented 4999
offense, division (A)(1)(c) or (2)(b) of section 2950.041 of the 5000
Revised Code applies regarding the offender or delinquent child 5001
and the duty to register that is imposed pursuant to that division 5002
shall be considered, for purposes of section 2950.07 of the 5003
Revised Code and for all other purposes, to be a continuation of 5004
the duty imposed upon the offender prior to the effective date of 5005
this amendment under this section. 5006

Sec. 2950.041. (A)(1) Each of the following types of offender 5007
who is convicted of or pleads guilty to, or has been convicted of 5008
or pleaded guilty to, a child-victim oriented offense shall 5009
register personally with the sheriff of the county within five 5010
days of the offender's coming into a county in which the offender 5011
resides or temporarily is domiciled for more than five days, shall 5012
register personally with the sheriff of the county immediately 5013
upon coming into a county in which the offender attends a school 5014
or institution of higher education on a full-time or part-time 5015
basis regardless of whether the offender resides or has a 5016
temporary domicile in this state or another state, shall register 5017
personally with the sheriff of the county in which the offender is 5018
employed if the offender resides or has a temporary domicile in 5019
this state and has been employed in that county for more than 5020
fourteen days or for an aggregate period of thirty or more days in 5021
that calendar year, shall register personally with the sheriff of 5022
the county in which the offender then is employed if the offender 5023
does not reside or have a temporary domicile in this state and has 5024
been employed at any location or locations in this state for more 5025
than fourteen days or for an aggregate period of thirty or more 5026
days in that calendar year, and shall register personally with the 5027
sheriff or other appropriate person of the other state immediately 5028
upon entering into any state other than this state in which the 5029

offender attends a school or institution of higher education on a 5030
full-time or part-time basis or upon being employed in any state 5031
other than this state for more than fourteen days or for an 5032
aggregate period of thirty or more days in that calendar year 5033
regardless of whether the offender resides or has a temporary 5034
domicile in this state, the other state, or a different state: 5035

5036

(a) Regardless of when the child-victim oriented offense was 5037
committed, an offender who is sentenced for the child-victim 5038
oriented offense to a prison term, a term of imprisonment, or any 5039
other type of confinement and, on or after the effective date of 5040
this section, is released in any manner from the prison term, term 5041
of imprisonment, or confinement; 5042

(b) Regardless of when the child-victim oriented offense was 5043
committed, an offender who is sentenced for a child-victim 5044
oriented offense on or after the effective date of this section, 5045
and to whom division (A)(1)(a) of this section does not apply; 5046

(c) If the child-victim oriented offense was committed prior 5047
to the effective date of this section, if the offense was 5048
considered prior to that date to be a sexually oriented offense, 5049
and if neither division (A)(1)(a) nor division (A)(1)(b) of this 5050
section applies, an offender who, immediately prior to the 5051
effective date of this section, was required to register as a 5052
result of conviction of or plea of guilty to the commission of 5053
that offense under section 2950.04 of the Revised Code. For any 5054
offender who is described in this division, the duty imposed under 5055
this division shall be considered, for purposes of section 2950.07 5056
of the Revised Code and for all other purposes, to be a 5057
continuation of the duty imposed upon the offender prior to the 5058
effective date of this section under section 2950.04 of the 5059
Revised Code. 5060

(2) Each of the following types of delinquent children shall 5061

register personally with the sheriff of the county within five 5062
days of the delinquent child's coming into a county in which the 5063
delinquent child resides or temporarily is domiciled for more than 5064
five days: 5065

(a) Regardless of when the child-victim oriented offense was 5066
committed, a child who on or after the effective date of this 5067
section is adjudicated a delinquent child for committing a 5068
child-victim oriented offense and who is classified a juvenile 5069
offender registrant based on that adjudication. If the delinquent 5070
child is committed for the child-victim oriented offense to the 5071
department of youth services or to a secure facility that is not 5072
operated by the department, this duty begins when the delinquent 5073
child is discharged or released in any manner from custody in a 5074
department of youth services secure facility or from the secure 5075
facility that is not operated by the department, if pursuant to 5076
the discharge or release the delinquent child is not committed to 5077
any other secure facility of the department or any other secure 5078
facility. The delinquent child does not have a duty to register 5079
under this division while the child is in a department of youth 5080
services secure facility or in a secure facility that is not 5081
operated by the department. 5082

(b) If the child-victim oriented offense was committed prior 5083
to the effective date of this section, if the offense was 5084
considered prior to that date to be a sexually oriented offense, 5085
and if division (A)(2)(a) of this section does not apply, a 5086
delinquent child who, immediately prior to the effective date of 5087
this section, was classified a juvenile sex offender registrant 5088
and required to register as a result of a delinquent child 5089
adjudication for the commission of that offense under section 5090
2950.04 of the Revised Code. For any delinquent child who is 5091
described in this division, the duty imposed under this division 5092
shall be considered, for purposes of section 2950.07 of the 5093

Revised Code and for all other purposes, to be a continuation of 5094
the duty imposed upon the delinquent child prior to the effective 5095
date of this section under section 2950.04 of the Revised Code. If 5096
the delinquent child is committed for the child-victim oriented 5097
offense to the department of youth services or to a secure 5098
facility that is not operated by the department, the provisions of 5099
division (A)(2)(a) of this section regarding the beginning, and 5100
tolling, of a duty imposed under that division also apply 5101
regarding the beginning, and tolling, of the duty imposed under 5102
this division. 5103

(3) If divisions (A)(1) and (2) of this section do not apply, 5104
each following type of offender and each following type of 5105
delinquent child shall register personally with the sheriff of the 5106
county within five days of the offender's or delinquent child's 5107
coming into a county in which the offender or delinquent child 5108
resides or temporarily is domiciled for more than five days, and 5109
each following type of offender shall register personally with the 5110
sheriff of the county immediately upon coming into a county in 5111
which the offender attends a school or institution of higher 5112
education on a full-time or part-time basis regardless of whether 5113
the offender resides or has a temporary domicile in this state or 5114
another state, shall register personally with the sheriff of the 5115
county in which the offender is employed if the offender resides 5116
or has a temporary domicile in this state and has been employed in 5117
that county for more than fourteen days or for an aggregate period 5118
of thirty or more days in that calendar year, and shall register 5119
personally with the sheriff of the county in which the offender 5120
then is employed if the offender does not reside or have a 5121
temporary domicile in this state and has been employed at any 5122
location or locations in this state for more than fourteen days or 5123
for an aggregate period of thirty or more days in that calendar 5124
year: 5125

(a) Regardless of when the child-victim oriented offense was 5126
committed, a person who is convicted, pleads guilty, or 5127
adjudicated a delinquent child in a court in another state, in a 5128
federal court, military court, or Indian tribal court, or in a 5129
court in any nation other than the United States for committing a 5130
child-victim oriented offense, if, on or after the effective date 5131
of this section, the offender or delinquent child moves to and 5132
resides in this state or temporarily is domiciled in this state 5133
for more than five days, the offender enters this state to attend 5134
any school or institution of higher education on a full-time or 5135
part-time basis, or the offender is employed in this state for 5136
more than fourteen days or for an aggregate period of thirty or 5137
more days in any calendar year, and if, at the time the offender 5138
or delinquent child moves to and resides in this state or 5139
temporarily is domiciled in this state for more than five days, 5140
the offender enters this state to attend the school or institution 5141
of higher education, or the offender is employed in this state for 5142
more than the specified period of time, the offender or delinquent 5143
child has a duty to register as a child-victim offender or sex 5144
offender under the law of that other jurisdiction as a result of 5145
the conviction, guilty plea, or adjudication. 5146

(b) Regardless of when the child-victim oriented offense was 5147
committed, a person who is convicted, pleads guilty, or 5148
adjudicated a delinquent child in a court in another state, in a 5149
federal court, military court, or Indian tribal court, or in a 5150
court in any nation other than the United States for committing a 5151
child-victim oriented offense, if, on or after the effective date 5152
of this section, the offender or delinquent child is released from 5153
imprisonment, confinement, or detention imposed for that offense, 5154
and if, on or after the effective date of this section, the 5155
offender or delinquent child moves to and resides in this state or 5156
temporarily is domiciled in this state for more than five days, 5157

the offender enters this state to attend any school or institution 5158
of higher education on a full-time or part-time basis, or the 5159
offender is employed in this state for more than fourteen days or 5160
for an aggregate period of thirty or more days in any calendar 5161
year. The duty to register as described in this division applies 5162
to an offender regardless of whether the offender, at the time of 5163
moving to and residing in this state or temporarily being 5164
domiciled in this state for more than five days, at the time of 5165
entering into this state to attend the school or institution of 5166
higher education, or at the time of being employed in this state 5167
for more than the specified period of time, has a duty to register 5168
as a child-victim offender or sex offender under the law of the 5169
jurisdiction in which the conviction or guilty plea occurred. The 5170
duty to register as described in this division applies to a 5171
delinquent child only if the delinquent child, at the time of 5172
moving to and residing in this state or temporarily being 5173
domiciled in this state for more than five days, has a duty to 5174
register as a child-victim offender or sex offender under the law 5175
of the jurisdiction in which the delinquent child adjudication 5176
occurred or if, had the delinquent child adjudication occurred in 5177
this state, the adjudicating juvenile court judge would have been 5178
required to issue an order classifying the delinquent child as a 5179
juvenile offender registrant pursuant to section 2152.82 or 5180
division (A) of section 2152.83 of the Revised Code. 5181

(4) If division (A)(1)(a) of this section applies and if, 5182
subsequent to the offender's release, the offender is adjudicated 5183
a child-victim predator under division (C) of section 2950.09 of 5184
the Revised Code, the offender shall register within five days of 5185
the adjudication with the sheriff of the county in which the 5186
offender resides or temporarily is domiciled for more than five 5187
days, shall register with the sheriff of any county in which the 5188
offender subsequently resides or temporarily is domiciled for more 5189
than five days within five days of coming into that county, shall 5190

register within five days of the adjudication with the sheriff of 5191
the county in which the offender attends any school or institution 5192
of higher education on a full-time or part-time basis or in which 5193
the offender is employed if the offender has been employed in that 5194
county for more than fourteen days or for an aggregate period of 5195
thirty or more days in that calendar year regardless of whether 5196
the offender resides or has temporary domicile in this state or 5197
another state, and shall register within five days of the 5198
adjudication with the sheriff or other appropriate person of any 5199
state other than this state in which the offender attends a school 5200
or institution of higher education on a full-time or part-time 5201
basis or in which the offender then is employed if the offender 5202
has been employed in this state for more than fourteen days or for 5203
an aggregate period of thirty or more days in any calendar year 5204
regardless of whether the offender resides or has temporary 5205
domicile in this state, the other state, or a different state. 5206

(5) A person who is adjudicated a delinquent child for 5207
committing a child-victim oriented offense is not required to 5208
register under division (A)(2) of this section unless the 5209
delinquent child committed the offense on or after the effective 5210
date of this section, is classified a juvenile offender registrant 5211
by a juvenile court judge pursuant to an order issued under 5212
section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code 5213
based on that adjudication, and has a duty to register pursuant to 5214
division (A)(2) of this section. 5215

(B) An offender or delinquent child who is required by 5216
division (A) of this section to register in this state personally 5217
shall do so in the manner described in division (B) of section 5218
2950.04 of the Revised Code, and the registration is complete as 5219
described in that division. 5220

(C) The registration form to be used under divisions (A) and 5221
(B) of this section shall include the photograph of the offender 5222

or delinquent child who is registering and the date on which the 5223
offender or delinquent child committed each child-victim oriented 5224
offense that is the basis of the registration and shall contain 5225
all of the following: 5226

(1) Regarding an offender or delinquent child who is 5227
registering under a duty imposed under division (A)(1), (2), (3), 5228
or (4) of this section as a result of the offender or delinquent 5229
child residing in this state or temporarily being domiciled in 5230
this state for more than five days, all of the information 5231
described in division (C)(1) of section 2950.04 of the Revised 5232
Code; 5233

(2) Regarding an offender who is registering under a duty 5234
imposed under division (A)(1), (3), or (4) of this section as a 5235
result of the offender attending a school or institution of higher 5236
education on a full-time or part-time basis or being employed in 5237
this state or in a particular county in this state, whichever is 5238
applicable, for more than fourteen days or for an aggregate of 5239
thirty or more days in any calendar year, all of the information 5240
described in division (C)(2) of section 2950.04 of the Revised 5241
Code; 5242

(3) Regarding an offender or delinquent child who is 5243
registering under a duty imposed under division (A)(1), (2), (3), 5244
or (4) of this section, if the offender has been adjudicated a 5245
child-victim predator relative to the child-victim oriented 5246
offense in question, if the delinquent child has been adjudicated 5247
a child-victim predator relative to the child-victim oriented 5248
offense in question and the court has not subsequently determined 5249
pursuant to section 2152.84 or 2152.85 of the Revised Code that 5250
the delinquent child no longer is a child-victim predator, if the 5251
offender or delinquent child is automatically classified a 5252
habitual child-victim offender under division (E) of section 5253
2950.091 of the Revised Code, or if the judge determined pursuant 5254

to division (C) or (E) of section 2950.091 or pursuant to section 5255
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the 5256
offender or delinquent child is a habitual child-victim offender 5257
and the determination has not been removed pursuant to section 5258
2152.84 or 2152.85 of the Revised Code, the offender or delinquent 5259
child shall include on the signed, written registration form all 5260
of the information described in division (C)(3) of section 2950.04 5261
of the Revised Code. 5262

(D) Division (D) of section 2950.04 of the Revised Code 5263
applies when an offender or delinquent child registers with a 5264
sheriff pursuant to this section. 5265

(E) No person who is required to register pursuant to 5266
divisions (A) and (B) of this section, and no person who is 5267
required to send a notice of intent to reside pursuant to division 5268
(G) of this section, shall fail to register or send the notice as 5269
required in accordance with those divisions or that division. 5270

(F) An offender or delinquent child who is required to 5271
register pursuant to divisions (A) and (B) of this section shall 5272
register pursuant to this section for the period of time specified 5273
in section 2950.07 of the Revised Code. 5274

(G) If an offender or delinquent child who is required by 5275
division (A) of this section to register is adjudicated a 5276
child-victim predator or a habitual child-victim offender subject 5277
to community notification under division (C)(2) or (E) of section 5278
2950.09 of the Revised Code, the offender or delinquent child also 5279
shall send the sheriff of the county in which the offender or 5280
delinquent child intends to reside written notice of the 5281
offender's or delinquent child's intent to reside in the county. 5282
The offender or delinquent child shall send the notice of intent 5283
to reside at least twenty days prior to the date the offender or 5284
delinquent child begins to reside in the county. The notice of 5285
intent to reside shall contain all of the following information: 5286

(1) The information specified in divisions (G)(1) and (2) of 5287
section 2950.04 of the Revised Code; 5288

(2) The child-victim oriented offense of which the offender 5289
was convicted, to which the offender pleaded guilty, or for which 5290
the child was adjudicated a delinquent child; 5291

(3) A statement that the offender has been adjudicated a 5292
child-victim predator, a statement that the delinquent child has 5293
been adjudicated a child-victim predator and that, as of the date 5294
of the notice, the court has not entered a determination that the 5295
delinquent child no longer is a child-victim predator, or a 5296
statement that the sentencing or reviewing judge has determined 5297
that the offender or delinquent child is a habitual child-victim 5298
offender and that, as of the date of the notice, the determination 5299
has not been removed pursuant to section 2152.84 or 2152.85 of the 5300
Revised Code. 5301

Sec. 2950.05. (A) If an offender or delinquent child is 5302
required to register pursuant to section 2950.04 or 2950.041 of 5303
the Revised Code, the offender or delinquent child, at least 5304
twenty days prior to changing the offender's or delinquent child's 5305
residence address, or the offender, at least twenty days prior to 5306
changing the address of the offender's school or institution of 5307
higher education and not later than five days after changing the 5308
address of the offender's place of employment, during the period 5309
during which the offender or delinquent child is required to 5310
register, shall provide written notice of the residence, school, 5311
institution of higher education, or place of employment address 5312
change, as applicable, to the sheriff with whom the offender or 5313
delinquent child most recently registered the address under 5314
section 2950.04 or 2950.041 of the Revised Code or under division 5315
(B) of this section. 5316

(B) If an offender ~~or delinquent child~~ is required to provide 5317

notice of a residence, school, institution of higher education, or 5318
place of employment address change under division (A) of this 5319
section, or a delinquent child is required to provide notice of a 5320
residence address change under that division, the offender or 5321
delinquent child, at least twenty days prior to changing the 5322
residence, school, or institution of higher education address and 5323
not later than five days after changing the place of employment 5324
address, as applicable, also shall register the new ~~residence~~ 5325
address in the manner described in divisions (B) and (C) of 5326
section 2950.04 or 2950.041 of the Revised Code, whichever is 5327
applicable, with the sheriff of the county in which the offender's 5328
or delinquent child's new ~~residence~~ address is located, subject to 5329
division (C) of this section. 5330

(C) Divisions (A) and (B) of this section apply to a person 5331
who is required to register pursuant to section 2950.04 or 5332
2950.041 of the Revised Code regardless of whether the new 5333
residence, school, institution of higher education, or place of 5334
employment address is in this state or in another state. If the 5335
new ~~residence~~ address is in another state, the person shall 5336
register with the appropriate law enforcement officials in that 5337
state in the manner required under the law of that state and 5338
within the earlier of the period of time required under the law of 5339
that state or at least seven days prior to changing the ~~residence~~ 5340
address. 5341

(D)(1) Upon receiving from an offender or delinquent child 5342
pursuant to division (A) of this section notice of a change of the 5343
offender's ~~or delinquent child's~~ residence, school, institution of 5344
higher education, or place of employment address or the delinquent 5345
child's residence address, a sheriff promptly shall forward the 5346
new ~~residence~~ address to the bureau of criminal identification and 5347
investigation in accordance with the forwarding procedures adopted 5348
pursuant to section 2950.13 of the Revised Code if the new 5349

~~residence~~ address is in another state or, if the ~~offender's or~~ 5350
~~delinquent child's~~ new ~~residence~~ address is located in another 5351
county in this state, to the sheriff of that county. The bureau 5352
shall include all information forwarded to it under this division 5353
in the state registry of sex offenders and child-victim offenders 5354
established and maintained under section 2950.13 of the Revised 5355
Code and shall forward notice of the offender's or delinquent 5356
child's new residence, school, institution of higher education, or 5357
place of employment address, as applicable, to the appropriate 5358
officials in the other state. 5359

(2) When an offender ~~or delinquent child~~ registers a new 5360
residence, school, institution of higher education, or place of 5361
employment address or a delinquent child registers a new residence 5362
address pursuant to division (B) of this section, the sheriff with 5363
whom the offender or delinquent child registers and the bureau of 5364
criminal identification and investigation shall comply with 5365
division (D) of section 2950.04 or 2950.041 of the Revised Code, 5366
whichever is applicable. 5367

(E)(1) No person who is required to notify a sheriff of a 5368
change of address pursuant to division (A) of this section shall 5369
fail to notify the appropriate sheriff in accordance with that 5370
division. 5371

(2) No person who is required to register a new residence, 5372
school, institution of higher education, or place of employment 5373
address with a sheriff or with an official of another state 5374
pursuant to divisions (B) and (C) of this section shall fail to 5375
register with the appropriate sheriff or official of the other 5376
state in accordance with those divisions. 5377

(F) An offender or delinquent child who is required to comply 5378
with divisions (A), (B), and (C) of this section shall do so for 5379
the period of time specified in section 2950.07 of the Revised 5380
Code. 5381

Sec. 2950.06. (A) An offender or delinquent child who is 5382
required to register a residence address pursuant to section 5383
2950.04 or 2950.041 of the Revised Code shall periodically verify 5384
the offender's or delinquent child's current residence address, 5385
and an offender who is required to register a school, institution 5386
of higher education, or place of employment address pursuant to 5387
either of those sections shall periodically verify the address of 5388
the offender's current school, institution of higher education, or 5389
place of employment, in accordance with this section. The 5390
frequency of verification shall be determined in accordance with 5391
division (B) of this section, and the manner of verification shall 5392
be determined in accordance with division (C) of this section. 5393

(B) The frequency with which an offender or delinquent child 5394
must verify the offender's or delinquent child's current 5395
residence, school, institution of higher education, or place of 5396
employment address pursuant to division (A) of this section shall 5397
be determined as follows: 5398

(1) Regardless of when the sexually oriented offense or 5399
child-victim oriented offense for which the offender or delinquent 5400
child is required to register was committed, ~~if the offender or~~ 5401
~~delinquent child has been adjudicated as being a sexual predator~~ 5402
~~relative to the sexually oriented offense and the court has not~~ 5403
~~subsequently entered a determination pursuant to division (D) of~~ 5404
~~section 2950.09, section 2152.84, or section 2152.85 of the~~ 5405
~~Revised Code that the offender or delinquent child no longer is a~~ 5406
~~sexual predator, or if the offender is required to register as a~~ 5407
~~result of an aggravated sexually oriented offense committed on or~~ 5408
~~after the effective date of this amendment,~~ the offender ~~or~~ 5409
~~delinquent child~~ shall verify the offender's ~~or delinquent child's~~ 5410
current residence address or current school, institution of higher 5411
education, or place of employment address, and the delinquent 5412

child shall verify the delinquent child's current residence 5413
address, in accordance with division (C) of this section every 5414
ninety days after the offender's or delinquent child's initial 5415
registration date during the period the offender or delinquent 5416
child is required to register if any of the following applies: 5417

(a) The offender or delinquent child is required to register 5418
based on a sexually oriented offense, and either the offender has 5419
been adjudicated a sexual predator relative to the sexually 5420
oriented offense, the delinquent child has been adjudicated a 5421
sexual predator relative to the sexually oriented offense and the 5422
court has not subsequently entered a determination pursuant to 5423
section 2152.84 or 2152.85 of the Revised Code that the delinquent 5424
child no longer is a sexual predator, or the offender is required 5425
to register as a result of an aggravated sexually oriented 5426
offense. 5427

(b) The offender or delinquent child is required to register 5428
based on a child-victim oriented offense, and either the offender 5429
has been adjudicated a child-victim predator relative to the 5430
child-victim oriented offense or the delinquent child has been 5431
adjudicated a child-victim predator relative to the child-victim 5432
oriented offense and the court has not subsequently entered a 5433
determination pursuant to section 2152.84 or 2152.85 of the 5434
Revised Code that the delinquent child no longer is a child-victim 5435
predator. 5436

(2) In all circumstances not described in division (B)(1) of 5437
this section, the offender ~~or delinquent child~~ shall verify the 5438
offender's ~~or delinquent child's~~ current residence address or 5439
current school, institution of higher education, or place of 5440
employment address, and the delinquent child shall verify the 5441
delinquent child's current residence address, in accordance with 5442
division (C) of this section ~~on~~ each year on the day that is ten 5443
days before the anniversary of the offender's or delinquent 5444

child's initial registration date during the period the offender 5445
or delinquent child is required to register. 5446

If, prior to the effective date of this amendment, an 5447
offender or delinquent child registered with a sheriff under a 5448
duty imposed under section 2950.04 of the Revised Code as a result 5449
of a conviction of, plea of guilty to, or adjudication as a 5450
delinquent child for committing a sexually oriented offense and 5451
if, on or after the effective date of this amendment, that offense 5452
no longer is a sexually oriented offense but instead is a 5453
child-victim oriented offense, the duty to register that is 5454
imposed on the offender or delinquent child pursuant to section 5455
2950.041 of the Revised Code is a continuation of the duty imposed 5456
upon the offender prior to the effective date of this amendment 5457
under section 2950.04 of the Revised Code and, for purposes of 5458
divisions (B)(1) and (2) of this section, the offender's initial 5459
registration date related to that offense is the date on which the 5460
offender initially registered under section 2950.04 of the Revised 5461
Code. 5462

(C)(1) An offender or delinquent child who is required to 5463
verify the offender's or delinquent child's current residence, 5464
school, institution of higher education, or place of employment 5465
address pursuant to division (A) of this section shall verify the 5466
address with the sheriff with whom the offender or delinquent 5467
child most recently registered the address by personally appearing 5468
before the sheriff or a designee of the sheriff, no earlier than 5469
ten days before the date on which the verification is required 5470
pursuant to division (B) of this section and no later than the 5471
date so required for verification, and completing and signing a 5472
copy of the verification form prescribed by the bureau of criminal 5473
identification and investigation. The sheriff or designee shall 5474
sign the completed form and indicate on the form the date on which 5475
it is so completed. The verification required under this division 5476

is complete when the offender or delinquent child personally 5477
appears before the sheriff or designee and completes and signs the 5478
form as described in this division. 5479

(2) To facilitate the verification of an offender's or 5480
delinquent child's current residence, school, institution of 5481
higher education, or place of employment address, as applicable, 5482
under division (C)(1) of this section, the sheriff with whom the 5483
offender or delinquent child most recently registered the address 5484
may mail a nonforwardable verification form prescribed by the 5485
bureau of criminal identification and investigation to the 5486
offender's or delinquent child's last reported address and to the 5487
last reported address of the parents of the delinquent child, with 5488
a notice that conspicuously states that the offender or delinquent 5489
child must personally appear before the sheriff or a designee of 5490
the sheriff to complete the form and the date by which the form 5491
must be so completed. Regardless of whether a sheriff mails a form 5492
to an offender or delinquent child and that child's parents, each 5493
offender or delinquent child who is required to verify the 5494
offender's or delinquent child's current residence, school, 5495
institution of higher education, or place of employment address, 5496
as applicable, pursuant to division (A) of this section shall 5497
personally appear before the sheriff or a designee of the sheriff 5498
to verify the address in accordance with division (C)(1) of this 5499
section. 5500

(D) The verification form to be used under division (C) of 5501
this section shall contain all of the following: 5502

(1) Except as provided in division (D)(2) of this section, 5503
the current residence address of the offender or delinquent child, 5504
the name and address of the offender's or delinquent child's 5505
employer if the offender or delinquent child is employed at the 5506
time of verification or if the offender or delinquent child knows 5507
at the time of verification that the offender or delinquent child 5508

will be commencing employment with that employer subsequent to 5509
verification, the date on which the offender or delinquent child 5510
committed each sexually oriented offense or child-victim oriented 5511
offense that is the basis of the verification, the name and 5512
address of the offender's school or institution of higher 5513
education if the offender attends one at the time of verification 5514
or if the offender knows at the time of verification that the 5515
offender will be commencing attendance at that school or 5516
institution subsequent to verification, and any other information 5517
required by the bureau of criminal identification and 5518
investigation. Additionally, for every verification on or after 5519
the effective date of this amendment, the offender or delinquent 5520
child shall include on the signed verification form the 5521
identification license plate number, make, model, year, and color 5522
of each motor vehicle registered in the offender's or delinquent 5523
child's name, and any other identifying information that the 5524
sheriff requires for each motor vehicle that is registered in the 5525
offender's or delinquent child's name. 5526

(2) Regarding an offender who is verifying a current school, 5527
institution of higher education, or place of employment address, 5528
the current address of the school, institution of higher 5529
education, or place of employment of the offender and any other 5530
information required by the bureau of criminal identification and 5531
investigation. 5532

(E) Upon an offender's or delinquent child's personal 5533
appearance and completion of a verification form under division 5534
(C) of this section, a sheriff promptly shall forward a copy of 5535
the verification form to the bureau of criminal identification and 5536
investigation in accordance with the forwarding procedures adopted 5537
by the attorney general pursuant to section 2950.13 of the Revised 5538
Code. If an offender verifies a school, institution of higher 5539
education, or place of employment address, or provides a school or 5540

institution of higher education address under division (D)(1) of 5541
this section, the sheriff also shall provide notice to the law 5542
enforcement agency with jurisdiction over the premises of the 5543
school, institution of higher education, or place of employment of 5544
the offender's name and that the offender has verified or provided 5545
that address as a place at which the offender attends school or an 5546
institution of higher education or at which the offender is 5547
employed. The bureau shall include all information forwarded to it 5548
under this division in the state registry of sex offenders and 5549
child-victim offenders established and maintained under section 5550
2950.13 of the Revised Code. 5551

(F) No person who is required to verify a current residence, 5552
school, institution of higher education, or place of employment 5553
address, as applicable, pursuant to divisions (A) to (C) of this 5554
section shall fail to verify a current residence, school, 5555
institution of higher education, or place of employment address, 5556
as applicable, in accordance with those divisions by the date 5557
required for the verification as set forth in division (B) of this 5558
section, provided that no person shall be prosecuted or subjected 5559
to a delinquent child proceeding for a violation of this division, 5560
and that no parent, guardian, or custodian of a delinquent child 5561
shall be prosecuted for a violation of section 2919.24 of the 5562
Revised Code based on the delinquent child's violation of this 5563
division, prior to the expiration of the period of time specified 5564
in division (G) of this section. 5565

(G)(1) If an offender or delinquent child fails to verify a 5566
current residence, school, institution of higher education, or 5567
place of employment address, as applicable, as required by 5568
divisions (A) to (C) of this section by the date required for the 5569
verification as set forth in division (B) of this section, the 5570
sheriff with whom the offender or delinquent child is required to 5571
verify the current ~~residence~~ address, on the day following that 5572

date required for the verification, shall send a written warning 5573
to the offender or to the delinquent child and that child's 5574
parents, at the offender's or delinquent child's and that child's 5575
parents' last known residence, school, institution of higher 5576
education, or place of employment address, as applicable, 5577
regarding the offender's or delinquent child's duty to verify the 5578
offender's or delinquent child's current residence, school, 5579
institution of higher education, or place of employment address, 5580
as applicable. 5581

The written warning shall do all of the following: 5582

(a) Identify the sheriff who sends it and the date on which 5583
it is sent; 5584

(b) State conspicuously that the offender or delinquent child 5585
has failed to verify the offender's ~~or delinquent child's~~ current 5586
residence, school, institution of higher education, or place of 5587
employment address or the delinquent child's current residence 5588
address by the date required for the verification; 5589

(c) Conspicuously state that the offender or delinquent child 5590
has seven days from the date on which the warning is sent to 5591
verify the current residence, school, institution of higher 5592
education, or place of employment address, as applicable, with the 5593
sheriff who sent the warning; 5594

(d) Conspicuously state that a failure to timely verify the 5595
specified current ~~residence~~ address or addresses is a felony 5596
offense; 5597

(e) Conspicuously state that, if the offender ~~or delinquent~~ 5598
~~child~~ verifies the current residence, school, institution of 5599
higher education, or place of employment address or the delinquent 5600
child verifies the current residence address with that sheriff 5601
within that ~~seven-day period~~ seven-day period, the offender or 5602
delinquent child will not be prosecuted or subjected to a 5603

delinquent child proceeding for a failure to timely verify a 5604
current ~~residence~~ address and the delinquent child's parent, 5605
guardian, or custodian will not be prosecuted based on a failure 5606
of the delinquent child to timely verify an address; 5607

(f) Conspicuously state that, if the offender ~~or delinquent~~ 5608
~~child~~ does not verify the current residence, school, institution 5609
of higher education, or place of employment address or the 5610
delinquent child verifies the current residence address with that 5611
sheriff within that ~~seven-day period~~ seven-day period, the 5612
offender or delinquent child will be arrested or taken into 5613
custody, as appropriate, and prosecuted or subjected to a 5614
delinquent child proceeding for a failure to timely verify a 5615
current ~~residence~~ address and the delinquent child's parent, 5616
guardian, or custodian may be prosecuted for a violation of 5617
section 2919.24 of the Revised Code based on the delinquent 5618
child's failure to timely verify a current residence address. 5619

(2) If an offender or delinquent child fails to verify a 5620
current residence, school, institution of higher education, or 5621
place of employment address, as applicable, as required by 5622
divisions (A) to (C) of this section by the date required for the 5623
verification as set forth in division (B) of this section, the 5624
offender or delinquent child shall not be prosecuted or subjected 5625
to a delinquent child proceeding for a violation of division (F) 5626
of this section, and the delinquent child's parent, guardian, or 5627
custodian shall not be prosecuted for a violation of section 5628
2919.24 of the Revised Code based on the delinquent child's 5629
failure to timely verify a current residence address, as 5630
applicable, unless the ~~seven-day period~~ seven-day period 5631
subsequent to that date that the offender or delinquent child is 5632
provided under division (G)(1) of this section to verify the 5633
current ~~residence~~ address has expired and the offender or 5634
delinquent child, prior to the expiration of that ~~seven-day period~~ 5635

seven-day period, has not verified the current ~~residence~~ address. 5636
Upon the expiration of the ~~seven-day period~~ seven-day period that 5637
the offender or delinquent child is provided under division (G)(1) 5638
of this section to verify the current ~~residence~~ address ~~has~~ 5639
~~expired~~, if the offender or delinquent child has not verified the 5640
current ~~residence~~ address, all of the following apply: 5641

(a) The sheriff with whom the offender or delinquent child is 5642
required to verify the current residence, school, institution of 5643
higher education, or place of employment address, as applicable, 5644
promptly shall notify the bureau of criminal identification and 5645
investigation of the failure. 5646

(b) The sheriff with whom the offender or delinquent child is 5647
required to verify the current residence, school, institution of 5648
higher education, or place of employment address, as applicable, 5649
the sheriff of the county in which the offender or delinquent 5650
child resides, the sheriff of the county in which is located the 5651
offender's school, institution of higher education, or place of 5652
employment address that was to be verified, or a deputy of the 5653
appropriate sheriff, shall locate the offender or delinquent 5654
child, promptly shall seek a warrant for the arrest or taking into 5655
custody, as appropriate, of the offender or delinquent child for 5656
the violation of division (F) of this section and shall arrest the 5657
offender or take the child into custody, as appropriate. 5658

(c) The offender or delinquent child is subject to 5659
prosecution or a delinquent child proceeding for the violation of 5660
division (F) of this section, and the delinquent child's parent, 5661
guardian, or custodian may be subject to prosecution for a 5662
violation of section 2919.24 of the Revised Code based on the 5663
delinquent child's violation of that division. 5664

(H) ~~A person~~ An offender who is required to verify the 5665
~~person's~~ offender's current residence, school, institution of 5666
higher education, or place of employment address pursuant to 5667

divisions (A) to (C) of this section and a delinquent child who is 5668
required to verify the delinquent child's current residence 5669
address pursuant to those divisions shall do so for the period of 5670
time specified in section 2950.07 of the Revised Code. 5671

Sec. 2950.07. (A) The duty of an offender who is convicted of 5672
or pleads guilty to, or has been convicted of or pleaded guilty 5673
to, either a sexually oriented offense that is not a 5674
registration-exempt sexually oriented offense or a child-victim 5675
oriented offense and the duty of a delinquent child who is 5676
adjudicated a delinquent child for committing either a sexually 5677
oriented offense that is not a registration-exempt sexually 5678
oriented offense or a child-victim oriented offense and is 5679
classified a juvenile ~~sex~~ offender registrant or who is an 5680
out-of-state juvenile ~~sex~~ offender registrant to comply with 5681
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 5682
Code commences on whichever of the following dates is applicable: 5683

(1) If the offender's duty to register is imposed pursuant to 5684
division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of 5685
section 2950.041 of the Revised Code, the offender's duty to 5686
comply with those sections commences regarding residence addresses 5687
on the date of the offender's release from a prison term, a term 5688
of imprisonment, or any other type of confinement or on July 1, 5689
1997, for a duty under section 2950.04 or the effective date of 5690
this amendment for a duty under section 2950.041 of the Revised 5691
Code, whichever is later, and commences regarding addresses of 5692
schools, institutions of higher education, and places of 5693
employment on the date of the offender's release from a prison 5694
term, term of imprisonment, or any other type of confinement or on 5695
the effective date of this amendment, whichever is later. 5696

(2) If the offender's duty to register is imposed pursuant to 5697
division (A)(1)(b) of section 2950.04 or division (A)(1)(b) of 5698

section 2950.041 of the Revised Code, the offender's duty to 5699
comply with those sections commences regarding residence addresses 5700
on the date of entry of the judgment of conviction of the sexually 5701
oriented offense or child-victim oriented offense or on July 1, 5702
1997, for a duty under section 2950.04 or the effective date of 5703
this amendment for a duty under section 2950.041 of the Revised 5704
Code, whichever is later, and commences regarding addresses of 5705
schools, institutions of higher education, and places of 5706
employment on the date of entry of the judgment of conviction of 5707
the sexually oriented offense or child-victim oriented offense or 5708
on the effective date of this amendment, whichever is later. 5709

(3) If the offender's duty to register is imposed pursuant to 5710
division (A)(1)(c) of section 2950.04 of the Revised Code, the 5711
offender's duty to comply with those sections commences regarding 5712
residence addresses fourteen days after July 1, 1997, and 5713
commences regarding addresses of schools, institutions of higher 5714
education, and places of employment fourteen days after the 5715
effective date of this amendment. 5716

(4) If the offender's or delinquent child's duty to register 5717
is imposed pursuant to division (A)(3)(a) or (b) of section 5718
2950.04 or division (A)(3)(a) or (b) of section 2950.041 of the 5719
Revised Code, the offender's duty to comply with those sections 5720
commences regarding residence addresses on ~~March 30, 1999, or on~~ 5721
the date that the offender begins to reside or becomes temporarily 5722
domiciled in this state or on March 30, 1999, for a duty under 5723
section 2950.04 of the Revised Code or the effective date of this 5724
amendment for a duty under section 2950.041 of the Revised Code, 5725
whichever is later, the offender's duty regarding addresses of 5726
schools, institutions of higher education, and places of 5727
employment commences on the effective date of this amendment or on 5728
the date the offender begins attending any school or institution 5729
of higher education in this state on a full-time or part-time 5730

basis or becomes employed in this state, whichever is later, and 5731
the delinquent child's duty commences on January 1, 2002, or on 5732
the date the delinquent child begins to reside or becomes 5733
temporarily domiciled in this state or on January 1, 2002, for a 5734
duty under section 2950.04 of the Revised Code or the effective 5735
date of this amendment for a duty under section 2950.041 of the 5736
Revised Code, whichever is later. 5737

(5) If the delinquent child's duty to register is imposed 5738
pursuant to division (A)(2) of section 2950.04 or division 5739
(A)(2)(a) of section 2950.041 of the Revised Code, if the 5740
delinquent child's classification as a juvenile ~~sex~~ offender 5741
registrant is made at the time of the child's disposition for that 5742
sexually oriented offense or child-victim oriented offense, 5743
whichever is applicable, and if the delinquent child is committed 5744
for the sexually oriented offense or child-victim oriented offense 5745
to the department of youth services or to a secure facility that 5746
is not operated by the department, the delinquent child's duty to 5747
comply with those sections commences on the date of the delinquent 5748
child's discharge or release from custody in the department of 5749
youth services secure facility or from the secure facility not 5750
operated by the department as described in that division. 5751

(6) If the delinquent child's duty to register is imposed 5752
pursuant to division (A)(2) of section 2950.04 or division 5753
(A)(2)(a) of section 2950.041 of the Revised Code and if either 5754
the delinquent child's classification as a juvenile ~~sex~~ offender 5755
registrant is made at the time of the child's disposition for that 5756
sexually oriented offense or child-victim oriented offense, 5757
whichever is applicable, and the delinquent child is not committed 5758
for the sexually oriented offense or child-victim oriented offense 5759
to the department of youth services or to a secure facility that 5760
is not operated by the department or the child's classification as 5761
a juvenile ~~sex~~ offender registrant is made pursuant to sections 5762

2152.83 of the Revised Code, the delinquent child's duty to comply 5763
with those sections commences on the date of entry of the court's 5764
order that classifies the delinquent child a juvenile ~~sex~~ offender 5765
registrant. 5766

(7) If the offender's duty to register is imposed pursuant to 5767
division (A)(1)(c) of section 2950.041 of the Revised Code, the 5768
offender's duty to comply with those sections regarding residence 5769
addresses is a continuation of the offender's former duty to 5770
register regarding residence addresses imposed prior to the 5771
effective date of this amendment under section 2950.04 of the 5772
Revised Code and shall be considered for all purposes as having 5773
commenced on the date that the offender's former duty under that 5774
section commenced. The offender's duty to comply with those 5775
sections commences regarding addresses of schools, institutions of 5776
higher education, and places of employment on the effective date 5777
of this amendment. 5778

(8) If the delinquent child's duty to register is imposed 5779
pursuant to division (A)(2)(b) of section 2950.041 of the Revised 5780
Code, the delinquent child's duty to comply with those sections is 5781
a continuation of the delinquent child's former duty to register 5782
imposed prior to the effective date of this amendment under 5783
section 2950.04 of the Revised Code and shall be considered for 5784
all purposes as having commenced on the date that the delinquent 5785
child's former duty under that section commenced or commences. 5786

(B) The duty of an offender who is convicted of or pleads 5787
guilty to, or has been convicted of or pleaded guilty to, either a 5788
sexually oriented offense that is not a registration-exempt 5789
sexually oriented offense or a child-victim oriented offense and 5790
the duty of a delinquent child who is adjudicated a delinquent 5791
child for committing either a sexually oriented offense that is 5792
not a registration-exempt sexually oriented offense or a 5793
child-victim oriented offense and is classified a juvenile ~~sex~~ 5794

offender registrant or who is an out-of-state juvenile ~~sex~~ 5795
offender registrant to comply with sections 2950.04, 2950.041, 5796
2950.05, and 2950.06 of the Revised Code continues, after the date 5797
of commencement, for whichever of the following periods is 5798
applicable: 5799

(1) Except as otherwise provided in this division, if the 5800
offense is a sexually oriented offense that is not a 5801
registration-exempt sexually oriented offense and the offender or 5802
delinquent child has been adjudicated a sexual predator relative 5803
to the sexually oriented offense ~~or~~, if the offense is a sexually 5804
oriented offense and the offender has the duty to register as a 5805
result of an aggravated sexually oriented offense ~~committed on or~~ 5806
~~after the effective date of this amendment, or if the offense is a~~ 5807
child-victim oriented offense and the offender or delinquent child 5808
has been adjudicated a child-victim predator relative to the 5809
child-victim oriented offense, the offender's or delinquent 5810
child's duty to comply with those sections continues until the 5811
offender's or delinquent child's death. Regarding ~~an offender or a~~ 5812
delinquent child who has been adjudicated a sexual predator 5813
relative to the sexually oriented offense or who has been 5814
adjudicated a child-victim predator relative to the child-victim 5815
oriented offense, if the judge who ~~sentenced the offender or~~ made 5816
the disposition for the delinquent child or that judge's successor 5817
in office subsequently enters a determination pursuant to ~~division~~ 5818
~~(D) of section 2950.09 or pursuant to~~ section 2152.84 or 2152.85 5819
of the Revised Code that the ~~offender or~~ delinquent child no 5820
longer is a sexual predator or child-victim predator, the 5821
~~offender's or~~ delinquent child's duty to comply with those 5822
sections continues for the period of time that otherwise would 5823
have been applicable to the ~~offender or~~ delinquent child under 5824
division (B)(2) or (3) of this section ~~or, if the offender's duty~~ 5825
~~to register results from a conviction of or plea of guilty to an~~ 5826
~~aggravated sexually oriented offense, until the offender's death~~ 5827

~~as specified under this division.~~ In no case shall the lifetime 5828
duty to ~~register~~ comply that is imposed under this division on an 5829
offender who is adjudicated a sexual predator or is adjudicated a 5830
child-victim predator or is imposed under this division for an 5831
aggravated sexually oriented offense ~~committed on or after the~~ 5832
~~effective date of this amendment, or the adjudication,~~ 5833
classification, or conviction that subjects the offender to this 5834
division, be removed or terminated. 5835

(2) If the judge who sentenced the offender or made the 5836
disposition for the delinquent child for committing the sexually 5837
oriented offense that is not a registration-exempt sexually 5838
oriented offense or the child-victim oriented offense, or the 5839
successor in office of the juvenile court judge who made the 5840
delinquent child disposition, determined pursuant to division (E) 5841
of section 2950.09 or 2950.091 or pursuant to division (B) of 5842
section 2152.83, section 2152.84, or section 2152.85 of the 5843
Revised Code that the offender or delinquent child is a habitual 5844
sex offender or a habitual child-victim offender, or if the 5845
offender or delinquent child is automatically classified a 5846
habitual child-victim offender pursuant to division (E) of section 5847
2950.091 of the Revised Code, the offender's ~~or delinquent child's~~ 5848
duty to comply with those sections continues either until the 5849
offender's death or for twenty years, determined as provided in 5850
this division, and the delinquent child's duty to comply with 5851
those sections continues for twenty years. If a delinquent child 5852
is so determined ~~pursuant to division (E) of section 2950.09 or~~ 5853
~~pursuant to division (B) of section 2152.83, section 2152.84, or~~ 5854
~~section 2152.85 of the Revised Code~~ or classified to be a habitual 5855
sex offender or a habitual child-victim offender and if the judge 5856
who made the disposition for the delinquent child or that judge's 5857
successor in office subsequently enters a determination pursuant 5858
to section 2152.84 or 2152.85 of the Revised Code that the 5859
delinquent child no longer is a habitual sex offender or habitual 5860

child-victim offender but remains a juvenile ~~sex~~ offender 5861
registrant, the delinquent child's duty to comply with those 5862
sections continues for the period of time that otherwise would 5863
have been applicable to the delinquent child under division (B)(3) 5864
of this section. Except as otherwise provided in this division, 5865
the offender's duty to comply with those sections continues until 5866
the offender's death. If a lifetime duty to comply is imposed 5867
under this division on an offender, in no case shall that lifetime 5868
duty, or the determination that subjects the offender to this 5869
division, be removed or terminated. The offender's duty to comply 5870
with those sections continues for twenty years if the offender is 5871
a habitual sex offender and both of the following apply: 5872

(a) At least one of the sexually oriented offenses of which 5873
the offender has been convicted or to which the offender has 5874
pleaded guilty and that are included in the habitual sex offender 5875
determination is a violation of division (A)(1) or (5) of section 5876
2907.06 of the Revised Code involving a victim who is eighteen 5877
years of age or older, a violation of division (A), (B), or (E) of 5878
section 2907.08 of the Revised Code involving a victim who is 5879
eighteen years of age or older, or a violation of section 2903.211 5880
of the Revised Code that is a misdemeanor; 5881

(b) The total of all the sexually oriented offenses of which 5882
the offender has been convicted or to which the offender has 5883
pleaded guilty and that are included in the habitual sex offender 5884
determination does not include at least two sexually oriented 5885
offenses that are not described in division (B)(2)(a) of this 5886
section. 5887

(3) If neither division (B)(1) nor (B)(2) of this section 5888
applies, the offender's or delinquent child's duty to comply with 5889
those sections continues for ten years. If a delinquent child is 5890
classified pursuant to section 2152.82 or 2152.83 of the Revised 5891
Code a juvenile ~~sex~~ offender registrant and if the judge who made 5892

the disposition for the delinquent child or that judge's successor 5893
in office subsequently enters a determination pursuant to section 5894
2152.84 or 2152.85 of the Revised Code that the delinquent child 5895
no longer is to be classified a juvenile ~~sex~~ offender registrant, 5896
the delinquent child's duty to comply with those sections 5897
terminates upon the court's entry of the determination. 5898

(C)(1) If an offender has been convicted of or pleaded guilty 5899
to a sexually oriented offense ~~or a delinquent child has been~~ 5900
~~adjudicated a delinquent child for committing a sexually oriented~~ 5901
~~offense and is classified a juvenile sex offender registrant or is~~ 5902
~~an out-of-state juvenile sex offender registrant, that is not a~~ 5903
registration-exempt sexually oriented offense and ~~if~~ the offender 5904
subsequently is convicted of or pleads guilty to another sexually 5905
oriented offense or a child-victim oriented offense, if an 5906
offender has been convicted of or pleaded guilty to a child-victim 5907
oriented offense and the offender subsequently is convicted of or 5908
pleads guilty to another child-victim oriented offense or a 5909
sexually oriented offense, if a delinquent child has been 5910
adjudicated a delinquent child for committing a sexually oriented 5911
offense that is not a registration-exempt sexually oriented 5912
offense and is classified a juvenile offender registrant or is an 5913
out-of-state juvenile offender registrant and the ~~delinquent~~ child 5914
subsequently is adjudicated a delinquent child for committing 5915
another sexually oriented offense or a child-victim oriented 5916
offense and is classified a juvenile ~~sex~~ offender registrant 5917
relative to that offense or subsequently is convicted of or pleads 5918
guilty to another sexually oriented offense or a child-victim 5919
oriented offense, or if a delinquent child has been adjudicated a 5920
delinquent child for committing a child-victim oriented offense 5921
and is classified a juvenile offender registrant or is an 5922
out-of-state juvenile offender registrant and the child 5923
subsequently is adjudicated a delinquent child for committing 5924
another child-victim oriented offense or a sexually oriented 5925

offense and is classified a juvenile offender registrant relative 5926
to that offense or subsequently is convicted of or pleads guilty 5927
to another child-victim oriented offense or a sexually oriented 5928
offense, the period of time for which the offender or delinquent 5929
child must comply with the sections specified in division (A) of 5930
this section shall be separately calculated pursuant to divisions 5931
(A)(1) to ~~(6)~~(8) and (B)(1) to (3) of this section for each of the 5932
sexually oriented offenses and child-victim oriented offenses, and 5933
the separately calculated periods of time shall be complied with 5934
independently. 5935

If a delinquent child has been adjudicated a delinquent child 5936
for committing either a sexually oriented offense that is not a 5937
registration-exempt sexually oriented offense or a child-victim 5938
oriented offense, is classified a juvenile ~~sex~~ offender registrant 5939
or is an out-of-state juvenile ~~sex~~ offender registrant relative to 5940
the offense, and, after attaining eighteen years of age, 5941
subsequently is convicted of or pleads guilty to another sexually 5942
oriented offense or child-victim oriented offense, the subsequent 5943
conviction or guilty plea does not limit, affect, or supersede the 5944
duties imposed upon the delinquent child under this chapter 5945
relative to the delinquent child's classification as a juvenile 5946
~~sex~~ offender registrant or as an out-of-state juvenile ~~sex~~ 5947
offender registrant, and the delinquent child shall comply with 5948
both those duties and the duties imposed under this chapter 5949
relative to the subsequent conviction or guilty plea. 5950

(2) If a delinquent child has been adjudicated a delinquent 5951
child for committing on or after January 1, 2002, either a 5952
sexually oriented offense that is not a registration-exempt 5953
sexually oriented offense or a child-victim oriented offense and 5954
is classified a juvenile ~~sex~~ offender registrant relative to the 5955
offense, if the order containing the classification also contains 5956
a determination by the juvenile judge that the ~~delinquent~~ child is 5957

a sexual predator or a habitual sex offender or that the child is 5958
a child-victim predator or a habitual child-victim offender, and 5959
if the juvenile judge or the judge's successor in office 5960
subsequently determines pursuant to section 2152.84 or 2152.85 of 5961
the Revised Code that the delinquent child no longer is a sexual 5962
predator or habitual sex offender or no longer is a child-victim 5963
predator or habitual child-victim offender, whichever is 5964
applicable, the judge's subsequent determination does not affect 5965
the date of commencement of the delinquent child's duty to comply 5966
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 5967
Revised Code as determined under division (A) of this section. 5968

(D) The duty of an offender or delinquent child to register 5969
under this chapter is tolled for any period during which the 5970
offender or delinquent child is returned to confinement in a 5971
secure facility for any reason or imprisoned for an offense when 5972
the confinement in a secure facility or imprisonment occurs 5973
subsequent to the date determined pursuant to division (A) of this 5974
section. The offender's or delinquent child's duty to register 5975
under this chapter resumes upon the offender's or delinquent 5976
child's release from confinement in a secure facility or 5977
imprisonment. 5978

(E) An offender or delinquent child who has been convicted ~~of~~ 5979
or pleaded guilty ~~to,~~ or has been or is adjudicated a delinquent 5980
child ~~for committing, a sexually oriented offense,~~ in a court in 5981
another state ~~or,~~ in a federal court, military court, or ~~an~~ Indian 5982
tribal court, or in a court of any nation other than the United 5983
States for committing either a sexually oriented offense that is 5984
not a registration-exempt sexually oriented offense or a 5985
child-victim oriented offense may apply to the sheriff of the 5986
county in which the offender or delinquent child resides or 5987
temporarily is domiciled, or in which the offender attends a 5988
school or institution of higher education or is employed, for 5989

credit against the duty to register for the time that the offender 5990
or delinquent child has complied with the sex offender or 5991
child-victim offender registration requirements of another 5992
jurisdiction. The sheriff shall grant the offender or delinquent 5993
child credit against the duty to register for time for which the 5994
offender or delinquent child provides adequate proof that the 5995
offender or delinquent child has complied with the sex offender or 5996
child-victim offender registration requirements of another 5997
jurisdiction. If the offender or delinquent child disagrees with 5998
the determination of the sheriff, the offender or delinquent child 5999
may appeal the determination to the court of common pleas of the 6000
county in which the offender or delinquent child resides or is 6001
temporarily domiciled, or in which the offender attends a school 6002
or institution of higher education or is employed. 6003

Sec. 2950.08. ~~The~~ (A) Subject to division (B) of this 6004
section, the statements, information, photographs, and 6005
fingerprints required by sections 2950.04, 2950.041, 2950.05, and 6006
2950.06 of the Revised Code and provided by a person who 6007
registers, who provides notice of a change of residence, school, 6008
institution of higher education, or place of employment address 6009
and registers the new residence, school, institution of higher 6010
education, or place of employment address, or who provides 6011
verification of a current residence, school, institution of higher 6012
education, or place of employment address pursuant to those 6013
sections and that are in the possession of the bureau of criminal 6014
identification and investigation and the information in the 6015
possession of the bureau that was received by the bureau pursuant 6016
to section 2950.14 of the Revised Code shall not be open to 6017
inspection by the public or by any person other than the following 6018
persons: 6019

~~(A)(1)~~ (1) A regularly employed peace officer or other law 6020
enforcement officer; 6021

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

(3) The registrar of motor vehicles, or an employee of the
registrar of motor vehicles, for the purpose of verifying and
updating any of the information so provided, upon the request of
the bureau of criminal identification and investigation.

(B) Division (A) of this section does not apply to either of
the following:

(1) Any information that is contained in the internet sex
offender and child-victim offender database established by the
attorney general under division (A)(11) of section 2950.13 of the
Revised Code regarding offenders and that is disseminated as
described in that division;

(2) Any information that is contained in the sex offender
tracking program established by the attorney general under
division (A)(15) of section 2950.13 of the Revised Code and that
is disseminated as described in that section.

Sec. 2950.081. (A) Any statements, information, photographs,
or fingerprints that are required to be provided, and that are
provided, by an offender or delinquent child pursuant to section
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code
~~requires a person to provide, that are provided by a person who~~
~~registers, who provides notice of a change of residence address~~
~~and registers the new residence address, or who provides~~
~~verification of a current residence address pursuant to any~~
~~provision of those sections,~~ and that are in the possession of a
county sheriff are public records open to public inspection under
section 149.43 of the Revised Code and shall be included in the

internet sex offender and child-victim offender database 6052
established and maintained under section 2950.13 of the Revised 6053
Code to the extent provided in that section. Subject to division 6054
(B) of this section, a sheriff may publicly disseminate or cause 6055
to be publicly disseminated by means of the internet a notice 6056
containing the information set forth in division (B) of section 6057
2950.11 of the Revised Code or any other statements, information, 6058
photographs, or fingerprints of a type described in this division. 6059

(B) Except when the child is classified a juvenile offender 6060
registrant and the act that is the basis of a child's the 6061
classification as a juvenile sex offender registrant is a 6062
violation of, or an attempt to commit a violation of, section 6063
2903.01, 2903.02, or 2905.01 of the Revised Code that was 6064
committed with a purpose to gratify the sexual needs or desires of 6065
the child, a violation of section 2907.02 of the Revised Code, or 6066
an attempt to commit a violation of that section, the sheriff 6067
shall not cause to be publicly disseminated by means of the 6068
internet any statements, information, photographs, or fingerprints 6069
that are provided by a juvenile ~~sex~~ offender registrant who sends 6070
a notice of intent to reside, registers, ~~who~~ provides notice of a 6071
change of residence address and registers the new residence 6072
address, or ~~who~~ provides verification of a current residence 6073
address pursuant to this chapter and that are in the possession of 6074
a county sheriff. 6075

Sec. 2950.09. (A) If a person is convicted of or pleads 6076
guilty to committing, on or after January 1, 1997, a sexually 6077
oriented offense that is not a registration-exempt sexually 6078
oriented offense and that is a sexually violent offense and also 6079
is convicted of or pleads guilty to a sexually violent predator 6080
specification that was included in the indictment, count in the 6081
indictment, or information charging the sexually violent offense, 6082
the conviction of or plea of guilty to the specification 6083

automatically classifies the offender as a sexual predator for 6084
purposes of this chapter. If a person is convicted ~~of~~, pleads 6085
guilty ~~to~~, or ~~is~~ adjudicated a delinquent child ~~for committing~~, a 6086
~~sexually oriented offense~~ in a court in another state, ~~or~~ in a 6087
federal court, military court, or ~~an~~ Indian tribal court, or in a 6088
court of any nation other than the United States for committing a 6089
sexually oriented offense that is not a registration-exempt 6090
sexually oriented offense, and if, as a result of that conviction, 6091
plea of guilty, or adjudication, the person is required, under the 6092
law of the jurisdiction in which the person was convicted, pleaded 6093
guilty, or was adjudicated, to register as a sex offender until 6094
the person's death ~~and is required to verify the person's address~~ 6095
~~on at least a quarterly basis each year~~, that conviction, plea of 6096
guilty, or adjudication automatically classifies the person as a 6097
sexual predator for the purposes of this chapter, but the person 6098
may challenge that classification pursuant to division (F) of this 6099
section. In all other cases, a person who is convicted of or 6100
pleads guilty to, has been convicted of or pleaded guilty to, or 6101
is adjudicated a delinquent child for committing, a sexually 6102
oriented offense may be classified as a sexual predator for 6103
purposes of this chapter only in accordance with division (B) or 6104
(C) of this section or, regarding delinquent children, divisions 6105
(B) and (C) of section 2152.83 of the Revised Code. 6106

(B)(1)(a) The judge who is to impose sentence on a person who 6107
is convicted of or pleads guilty to a sexually oriented offense 6108
that is not a registration-exempt sexually oriented offense shall 6109
conduct a hearing to determine whether the offender is a sexual 6110
predator if any of the following circumstances apply: 6111

(i) Regardless of when the sexually oriented offense was 6112
committed, the offender is to be sentenced on or after January 1, 6113
1997, for a sexually oriented offense that is not a 6114
registration-exempt sexually oriented offense and that is not a 6115

sexually violent offense. 6116

(ii) Regardless of when the sexually oriented offense was 6117
committed, the offender is to be sentenced on or after January 1, 6118
1997, for a sexually oriented offense that is not a 6119
registration-exempt sexually oriented offense and that is a 6120
sexually violent offense, and a sexually violent predator 6121
specification was not included in the indictment, count in the 6122
indictment, or information charging the sexually violent offense. 6123

(iii) Regardless of when the sexually oriented offense was 6124
committed, the offender is to be sentenced on or after May 7, 6125
2002, for a sexually oriented offense that is not a 6126
registration-exempt sexually oriented offense, and that offender 6127
was acquitted of a sexually violent predator specification that 6128
was included in the indictment, count in the indictment, or 6129
information charging the sexually oriented offense. 6130

(b) The judge who is to impose or has imposed an order of 6131
disposition upon a child who is adjudicated a delinquent child for 6132
committing on or after January 1, 2002, a sexually oriented 6133
offense that is not a registration-exempt sexually oriented 6134
offense shall conduct a hearing as provided in this division to 6135
determine whether the child is to be classified as a sexual 6136
predator if either of the following applies: 6137

(i) The judge is required by section 2152.82 or division (A) 6138
of section 2152.83 of the Revised Code to classify the child a 6139
juvenile ~~sex~~ offender registrant. 6140

(ii) Division (B) of section 2152.83 of the Revised Code 6141
applies regarding the child, the judge conducts a hearing under 6142
that division for the purposes described in that division, and the 6143
judge determines at that hearing that the child will be classified 6144
a juvenile ~~sex~~ offender registrant. 6145

(2) Regarding an offender, the judge shall conduct the 6146

hearing required by division (B)(1)(a) of this section prior to 6147
sentencing and, if the sexually oriented offense for which 6148
sentence is to be imposed is a felony and if the hearing is being 6149
conducted under division (B)(1)(a) of this section, the judge may 6150
conduct it as part of the sentencing hearing required by section 6151
2929.19 of the Revised Code. Regarding a delinquent child, the 6152
judge may conduct the hearing required by division (B)(1)(b) of 6153
this section at the same time as, or separate from, the 6154
dispositional hearing, as specified in the applicable provision of 6155
section 2152.82 or 2152.83 of the Revised Code. The court shall 6156
give the offender or delinquent child and the prosecutor who 6157
prosecuted the offender or handled the case against the delinquent 6158
child for the sexually oriented offense notice of the date, time, 6159
and location of the hearing. At the hearing, the offender or 6160
delinquent child and the prosecutor shall have an opportunity to 6161
testify, present evidence, call and examine witnesses and expert 6162
witnesses, and cross-examine witnesses and expert witnesses 6163
regarding the determination as to whether the offender or 6164
delinquent child is a sexual predator. The offender or delinquent 6165
child shall have the right to be represented by counsel and, if 6166
indigent, the right to have counsel appointed to represent the 6167
offender or delinquent child. 6168

(3) In making a determination under divisions (B)(1) and (4) 6169
of this section as to whether an offender or delinquent child is a 6170
sexual predator, the judge shall consider all relevant factors, 6171
including, but not limited to, all of the following: 6172

(a) The offender's or delinquent child's age; 6173

(b) The offender's or delinquent child's prior criminal or 6174
delinquency record regarding all offenses, including, but not 6175
limited to, all sexual offenses; 6176

(c) The age of the victim of the sexually oriented offense 6177
for which sentence is to be imposed or the order of disposition is 6178

to be made; 6179

(d) Whether the sexually oriented offense for which sentence 6180
is to be imposed or the order of disposition is to be made 6181
involved multiple victims; 6182

(e) Whether the offender or delinquent child used drugs or 6183
alcohol to impair the victim of the sexually oriented offense or 6184
to prevent the victim from resisting; 6185

(f) If the offender or delinquent child previously has been 6186
convicted of or pleaded guilty to, or been adjudicated a 6187
delinquent child for committing an act that if committed by an 6188
adult would be, a criminal offense, whether the offender or 6189
delinquent child completed any sentence or dispositional order 6190
imposed for the prior offense or act and, if the prior offense or 6191
act was a sex offense or a sexually oriented offense, whether the 6192
offender or delinquent child participated in available programs 6193
for sexual offenders; 6194

(g) Any mental illness or mental disability of the offender 6195
or delinquent child; 6196

(h) The nature of the offender's or delinquent child's sexual 6197
conduct, sexual contact, or interaction in a sexual context with 6198
the victim of the sexually oriented offense and whether the sexual 6199
conduct, sexual contact, or interaction in a sexual context was 6200
part of a demonstrated pattern of abuse; 6201

(i) Whether the offender or delinquent child, during the 6202
commission of the sexually oriented offense for which sentence is 6203
to be imposed or the order of disposition is to be made, displayed 6204
cruelty or made one or more threats of cruelty; 6205

(j) Any additional behavioral characteristics that contribute 6206
to the offender's or delinquent child's conduct. 6207

(4) After reviewing all testimony and evidence presented at 6208

the hearing conducted under division (B)(1) of this section and 6209
the factors specified in division (B)(3) of this section, the 6210
court shall determine by clear and convincing evidence whether the 6211
subject offender or delinquent child is a sexual predator. If the 6212
court determines that the subject offender or delinquent child is 6213
not a sexual predator, the court shall specify in the offender's 6214
sentence and the judgment of conviction that contains the sentence 6215
or in the delinquent child's dispositional order, as appropriate, 6216
that the court has determined that the offender or delinquent 6217
child is not a sexual predator and the reason or reasons why the 6218
court determined that the subject offender or delinquent child is 6219
not a sexual predator. If the court determines by clear and 6220
convincing evidence that the subject offender or delinquent child 6221
is a sexual predator, the court shall specify in the offender's 6222
sentence and the judgment of conviction that contains the sentence 6223
or in the delinquent child's dispositional order, as appropriate, 6224
that the court has determined that the offender or delinquent 6225
child is a sexual predator and shall specify that the 6226
determination was pursuant to division (B) of this section. In any 6227
case in which the sexually oriented offense in question is an 6228
aggravated sexually oriented offense ~~committed on or after the~~ 6229
~~effective date of this amendment,~~ the court shall specify in the 6230
offender's sentence and the judgment of conviction that contains 6231
the sentence that the offender's offense is an aggravated sexually 6232
oriented offense. In any case in which the sexually oriented 6233
offense in question was committed by the offender on or after the 6234
effective date of this amendment, the court shall specify in the 6235
offender's sentence and judgment of conviction that contains the 6236
sentence that the offender committed the sexually oriented offense 6237
on or after the effective date of this amendment. The offender or 6238
delinquent child and the prosecutor who prosecuted the offender or 6239
handled the case against the delinquent child for the sexually 6240
oriented offense in question may appeal as a matter of right the 6241

court's determination under this division as to whether the 6242
offender or delinquent child is, or is not, a sexual predator. 6243

(5) A hearing shall not be conducted under division (B) of 6244
this section regarding an offender if the sexually oriented 6245
offense in question is a sexually violent offense, if the 6246
indictment, count in the indictment, or information charging the 6247
offense also included a sexually violent predator specification, 6248
and if the offender is convicted of or pleads guilty to that 6249
sexually violent predator specification. 6250

(C)(1) If a person was convicted of or pleaded guilty to a 6251
sexually oriented offense that is not a registration-exempt 6252
sexually oriented offense prior to January 1, 1997, if the person 6253
was not sentenced for the offense on or after January 1, 1997, and 6254
if, on or after January 1, 1997, the offender is serving a term of 6255
imprisonment in a state correctional institution, the department 6256
of rehabilitation and correction shall do whichever of the 6257
following is applicable: 6258

(a) If the sexually oriented offense was an offense described 6259
in division (D)(1)(c) of section 2950.01 of the Revised Code or 6260
was a violent sex offense, the department shall notify the court 6261
that sentenced the offender of this fact, and the court shall 6262
conduct a hearing to determine whether the offender is a sexual 6263
predator. 6264

(b) If division (C)(1)(a) of this section does not apply, the 6265
department shall determine whether to recommend that the offender 6266
be adjudicated ~~as being~~ a sexual predator. In making a 6267
determination under this division as to whether to recommend that 6268
the offender be adjudicated ~~as being~~ a sexual predator, the 6269
department shall consider all relevant factors, including, but not 6270
limited to, all of the factors specified in ~~division~~ divisions 6271
(B)(2) and (3) of this section. If the department determines that 6272
it will recommend that the offender be adjudicated ~~as being~~ a 6273

sexual predator, it immediately shall send the recommendation to 6274
the court that sentenced the offender ~~and~~. If the department 6275
determines that it will not recommend that the offender be 6276
adjudicated a sexual predator, it immediately shall send its 6277
determination to the court that sentenced the offender. In all 6278
cases, the department shall enter its determination and 6279
recommendation in the offender's institutional record, and the 6280
court shall proceed in accordance with division (C)(2) of this 6281
section. 6282

(2)(a) If the department of rehabilitation and correction 6283
sends to a court a notice under division (C)(1)(a) of this 6284
section, the court shall conduct a hearing to determine whether 6285
the subject offender is a sexual predator. If, pursuant to 6286
division (C)(1)(b) of this section, the department ~~of~~ 6287
~~rehabilitation and correction~~ sends to a court a recommendation 6288
that an offender ~~who has been convicted of or pleaded guilty to a~~ 6289
~~sexually oriented offense~~ be adjudicated ~~as being~~ a sexual 6290
predator, the court is not bound by the department's 6291
recommendation, and the court ~~may~~ shall conduct a hearing to 6292
determine whether the offender is a sexual predator. ~~The~~ In any 6293
case, the court ~~may deny the recommendation and determine that the~~ 6294
~~offender is not a sexual predator without a hearing but~~ shall not 6295
make a determination ~~that~~ as to whether the offender is, or is 6296
not, a sexual predator ~~in any case~~ without a hearing. The court 6297
may hold the hearing and make the determination prior to the 6298
offender's release from imprisonment or at any time within one 6299
year following the offender's release from that imprisonment. ~~If~~ 6300
~~the court determines without a hearing that the offender is not a~~ 6301
~~sexual predator, it shall include its determination in the~~ 6302
~~offender's institutional record and~~ 6303

(b) If, pursuant to division (C)(1)(b) of this section, the 6304
department sends to the court a determination that it is not 6305

recommending that an offender be adjudicated a sexual predator, 6306
the court shall not make any determination as to whether the 6307
offender is, or is not, a sexual predator but shall determine 6308
whether the offender previously has been convicted of or pleaded 6309
guilty to a sexually oriented offense other than the offense in 6310
relation to which the ~~court determined that the offender is not a~~ 6311
~~sexual predator~~ department made its determination or previously 6312
has been convicted of or pleaded guilty to a child-victim oriented 6313
offense. 6314

The court may ~~make the determination as to~~ conduct a hearing 6315
to determine whether the offender previously has been convicted of 6316
or pleaded guilty to a sexually oriented offense ~~or a child-victim~~ 6317
~~oriented offense but may make the determination~~ without a hearing, 6318
~~but.~~ However, if the court determines that the offender previously 6319
has been convicted of or pleaded guilty to such an offense, it 6320
shall not impose a requirement that the offender be subject to the 6321
community notification provisions ~~regarding the offender's place~~ 6322
~~of residence that are~~ contained in sections 2950.10 and 2950.11 of 6323
the Revised Code without a hearing. ~~The court may conduct a~~ 6324
~~hearing to determine both whether the offender previously has been~~ 6325
~~convicted of or pleaded guilty to a sexually oriented offense and~~ 6326
~~whether to impose a requirement that the offender be subject to~~ 6327
~~the community notification provisions as described in this~~ 6328
~~division, or may conduct a hearing solely to make the latter~~ 6329
~~determination.~~ In determining whether to impose the community 6330
notification requirement, the court, in the circumstances 6331
described in division (E)(2) of this section, shall apply the 6332
presumption specified in that division. The court shall include in 6333
the offender's institutional record any determination made under 6334
this division as to whether the offender previously has been 6335
convicted of or pleaded guilty to a sexually oriented offense or 6336
child-victim oriented offense, and, as such, whether the offender 6337
is a habitual sex offender. 6338

~~(b) If the court schedules~~ (c) Upon scheduling a hearing 6339
under division (C)(2)(a) or (b) of this section, the court shall 6340
give the offender and the prosecutor who prosecuted the offender 6341
for the sexually oriented offense, or that prosecutor's successor 6342
in office, notice of the date, time, and place of the hearing. If 6343
the hearing is scheduled under division (C)(2)(a) of this section 6344
to determine whether the offender is a sexual predator, ~~it the~~ 6345
prosecutor who is given the notice may contact the department of 6346
rehabilitation and correction and request that the department 6347
provide to the prosecutor all information the department possesses 6348
regarding the offender that is relevant and necessary for use in 6349
making the determination as to whether the offender is a sexual 6350
predator and that is not privileged or confidential under law. If 6351
the prosecutor makes a request for that information, the 6352
department promptly shall provide to the prosecutor all 6353
information the department possesses regarding the offender that 6354
is not privileged or confidential under law and that is relevant 6355
and necessary for making that determination. A hearing scheduled 6356
under division (C)(2)(a) of this section to determine whether the 6357
offender is a sexual predator shall be conducted in the manner 6358
described in division (B)(1) of this section regarding hearings 6359
conducted under that division and, in making a determination under 6360
this division as to whether the offender is a sexual predator, the 6361
court shall consider all relevant factors, including, but not 6362
limited to, all of the factors specified in ~~division~~ divisions 6363
(B)(2) and (3) of this section. After reviewing all testimony and 6364
evidence presented at the sexual predator hearing and the factors 6365
specified in ~~division~~ divisions (B)(2) and (3) of this section, 6366
the court shall determine by clear and convincing evidence whether 6367
the offender is a sexual predator. If the court determines at the 6368
sexual predator hearing that the offender is not a sexual 6369
predator, it also shall determine whether the offender previously 6370
has been convicted of or pleaded guilty to a sexually oriented 6371

offense other than the offense in relation to which the hearing is 6372
being conducted. 6373

Upon making its determinations at the sexual predator 6374
hearing, the court shall proceed as follows: 6375

(i) If the ~~hearing is to determine whether the offender is a~~ 6376
~~sexual predator, and if the~~ court determines that the offender is 6377
not a sexual predator and that the offender previously has not 6378
been convicted of or pleaded guilty to a sexually oriented offense 6379
other than the offense in relation to which the hearing is being 6380
conducted and previously has not been convicted of or pleaded 6381
guilty to a child-victim oriented offense, it shall include ~~its~~ 6382
~~determinations~~ in the offender's institutional record its 6383
determinations and the reason or reasons why it determined that 6384
the offender is not a sexual predator. 6385

(ii) If the ~~hearing is to determine whether the offender is a~~ 6386
~~sexual predator, and if the~~ court determines that the offender is 6387
not a sexual predator but that the offender previously has been 6388
convicted of or pleaded guilty to a sexually oriented offense 6389
other than the offense in relation to which the hearing is being 6390
conducted or previously has been convicted of or pleaded guilty to 6391
a child-victim oriented offense, it shall include ~~its~~ 6392
~~determination that the offender is not a sexual predator but is a~~ 6393
~~habitual sex offender~~ in the offender's institutional record its 6394
determination that the offender is not a sexual predator but is a 6395
habitual sex offender and the reason or reasons why it determined 6396
that the offender is not a sexual predator, shall attach the 6397
determinations and the reason or reasons to the offender's 6398
sentence, shall specify that the determinations were pursuant to 6399
division (C) of this section, shall provide a copy of the 6400
determinations and the reason or reasons to the offender, to the 6401
prosecuting attorney, and to the department of rehabilitation and 6402
correction, and may impose a requirement that the offender be 6403

subject to the community notification provisions ~~regarding the~~ 6404
~~offender's place of residence that are~~ contained in sections 6405
2950.10 and 2950.11 of the Revised Code. In determining whether to 6406
impose the community notification requirements, the court, in the 6407
circumstances described in division (E)(2) of this section, shall 6408
apply the presumption specified in that division. The offender 6409
shall not be subject to those community notification provisions 6410
relative to the sexually oriented offense in question if the court 6411
does not so impose the requirement described in this division. If 6412
the court imposes ~~those community notification provisions that~~ 6413
requirement, the offender may appeal the judge's determination 6414
that the offender is a habitual sex offender. 6415

(iii) ~~If the hearing is to determine whether the offender~~ 6416
~~previously has been convicted of or pleaded guilty to a sexually~~ 6417
~~oriented offense other than the offense in relation to which the~~ 6418
~~hearing is being conducted and whether to impose a requirement~~ 6419
~~that the offender be subject to the specified community~~ 6420
~~notification provisions, and if the court determines that the~~ 6421
~~offender previously has been convicted of or pleaded guilty to~~ 6422
~~such an offense, the court shall proceed as described in division~~ 6423
~~(C)(2)(b)(ii) of this section and may impose a community~~ 6424
~~notification requirement as described in that division. The~~ 6425
~~offender shall not be subject to the specified community~~ 6426
~~notification provisions relative to the sexually oriented offense~~ 6427
~~in question if the court does not so impose the requirement~~ 6428
~~described in that division. If the court imposes those community~~ 6429
~~notification provisions, the offender may appeal the judge's~~ 6430
~~determination that the offender is a habitual sex offender.~~ 6431

(iv) ~~If the court determined without a hearing that the~~ 6432
~~offender previously has been convicted of or pleaded guilty to a~~ 6433
~~sexually oriented offense other than the offense in relation to~~ 6434
~~which the court determined that the offender is not a sexual~~ 6435

~~predator, and, as such, is a habitual sex offender, and the~~ 6436
~~hearing is solely to determine whether to impose a requirement~~ 6437
~~that the offender be subject to the specified community~~ 6438
~~notification provisions, after the hearing, the court may impose a~~ 6439
~~community notification requirement as described in division~~ 6440
~~(C)(2)(b)(ii) of this section. The offender shall not be subject~~ 6441
~~to the specified community notification provisions relative to the~~ 6442
~~sexually oriented offense in question if the court does not so~~ 6443
~~impose the requirement described in that division. If the court~~ 6444
~~imposes those community notification provisions, the offender may~~ 6445
~~appeal the judge's determination that the offender is a habitual~~ 6446
~~sex offender.~~ 6447

~~(v) If the hearing is to determine whether the offender is a~~ 6448
~~sexual predator, and if the court determines by clear and~~ 6449
convincing evidence that the offender is a sexual predator, it 6450
shall enter its determination in the offender's institutional 6451
record, shall attach the determination to the offender's sentence, 6452
shall specify that the determination was pursuant to division (C) 6453
of this section, and shall provide a copy of the determination to 6454
the offender, to the prosecuting attorney, and to the department 6455
of rehabilitation and correction. The offender and the prosecutor 6456
may appeal as a matter of right the judge's determination under 6457
~~this division~~ divisions (C)(2)(a) and (c) of this section as to 6458
whether the offender is, or is not, a sexual predator. 6459

If the hearing is scheduled under division (C)(2)(b) of this 6460
section to determine whether the offender previously has been 6461
convicted of or pleaded guilty to a sexually oriented offense or a 6462
child-victim oriented offense or whether to subject the offender 6463
to the community notification provisions contained in sections 6464
2950.10 and 2950.11 of the Revised Code, upon making the 6465
determination, the court shall attach the determination or 6466
determinations to the offender's sentence, shall provide a copy to 6467

the offender, to the prosecuting attorney, and to the department 6468
of rehabilitation and correction and may impose a requirement that 6469
the offender be subject to the community notification provisions. 6470
In determining whether to impose the community notification 6471
requirements, the court, in the circumstances described in 6472
division (E)(2) of this section, shall apply the presumption 6473
specified in that division. The offender shall not be subject to 6474
the community notification provisions relative to the sexually 6475
oriented offense in question if the court does not so impose the 6476
requirement described in this division. If the court imposes that 6477
requirement, the offender may appeal the judge's determination 6478
that the offender is a habitual sex offender. 6479

(3) The changes made in divisions (C)(1) and (2) of this 6480
section that take effect on the effective date of this amendment 6481
do not require a court to conduct a new hearing under those 6482
divisions for any offender regarding a sexually oriented offense 6483
if, prior to the effective date of this amendment, the court 6484
previously conducted a hearing under those divisions regarding 6485
that offense to determine whether the offender was a sexual 6486
predator. The changes made in divisions (C)(1) and (2) of this 6487
section that take effect on the effective date of this amendment 6488
do not require a court to conduct a hearing under those divisions 6489
for any offender regarding a sexually oriented offense if, prior 6490
to the effective date of this amendment and pursuant to those 6491
divisions, the department of rehabilitation and correction 6492
recommended that the offender be adjudicated a sexual predator 6493
regarding that offense, and the court denied the recommendation 6494
and determined that the offender was not a sexual predator without 6495
a hearing, provided that this provision does not apply if the 6496
sexually oriented offense in question was an offense described in 6497
division (D)(1)(c) of section 2950.01 of the Revised Code. 6498

(D)(1) Division (D)(1) of this section ~~applies~~ does not apply 6499

to ~~persons~~ any person who ~~have~~ has been convicted of or pleaded 6500
guilty to a sexually oriented offense ~~and also. Division (D) of~~ 6501
this section applies only to delinquent children as provided in 6502
Chapter 2152. of the Revised Code. A person who has been 6503
adjudicated a delinquent child for committing a sexually oriented 6504
offense that is not a registration-exempt sexually oriented 6505
offense and who has been classified by a juvenile court judge a 6506
juvenile ~~sex~~ offender registrant or, if applicable, additionally 6507
has been determined by a juvenile court judge to be a sexual 6508
predator or habitual sex offender, may petition the adjudicating 6509
court for a reclassification or declassification pursuant to 6510
section 2152.85 of the Revised Code. 6511

~~Upon the expiration of the applicable period of time~~ 6512
~~specified in division (D)(1)(a) or (b) of this section, an~~ 6513
~~offender who has been convicted of or pleaded guilty to a sexually~~ 6514
~~oriented offense and who has been adjudicated as being a sexual~~ 6515
~~predator relative to the sexually oriented offense in the manner~~ 6516
~~described in division (B) or (C) of this section may petition the~~ 6517
~~judge who made the determination that the offender was a sexual~~ 6518
~~predator, or that judge's successor in office, to enter a~~ 6519
~~determination that the offender no longer is a sexual predator.~~ 6520
~~Upon the filing of the petition, the judge may review the prior~~ 6521
~~sexual predator determination that comprises the sexual predator~~ 6522
~~adjudication, and, upon consideration of~~ A judge who is reviewing 6523
a sexual predator determination for a delinquent child under 6524
section 2152.84 or 2152.85 of the Revised Code shall comply with 6525
this section. At the hearing, the judge shall consider all 6526
relevant evidence and information, including, but not limited to, 6527
the factors set forth in division (B)(3) of this section, ~~either~~ 6528
~~shall enter a determination that the offender no longer is a~~ 6529
~~sexual predator or shall enter an order denying the petition. The~~ 6530
judge shall not enter a determination ~~under this division~~ that the 6531
~~offender~~ delinquent child no longer is a sexual predator unless 6532

the judge determines by clear and convincing evidence that the
offender delinquent child is unlikely to commit a sexually
oriented offense in the future. If the judge enters a
determination under this division that the offender delinquent
child no longer is a sexual predator, the judge shall notify the
bureau of criminal identification and investigation ~~and the parole
board~~ of the determination and shall include in the notice a
statement of the reason or reasons why it determined that the
delinquent child no longer is a sexual predator. Upon receipt of
the notification, the bureau promptly shall notify the sheriff
with whom the offender delinquent child most recently registered
under section 2950.04 or 2950.05 of the Revised Code of the
determination that the offender delinquent child no longer is a
sexual predator. ~~If the judge enters a determination under this
division that the offender no longer is a sexual predator and if
the offender has a duty to register under section 2950.04 of the
Revised Code resulting from the offender's conviction of or plea
of guilty to committing on or after the effective date of this
amendment an aggravated sexually oriented offense, the entry of
the determination under this division does not affect any duties
imposed upon the offender under this chapter as a result of that
conviction of or plea of guilty to the aggravated sexually
oriented offense. If the judge enters an order denying the
petition, the prior adjudication of the offender as a sexual
predator shall remain in effect. An offender determined to be a
sexual predator in the manner described in division (B) or (C) of
this section may file a petition under this division after the
expiration of the following periods of time:~~

~~(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 6566
from the imprisonment, prison term, or other confinement by 6567
discharge, parole, judicial release, or any other final release. 6568
If the offender is sentenced on or after January 1, 1997, for the 6569
sexually oriented offense in relation to which the determination 6570
is made and is not imprisoned or sentenced to a prison term or 6571
other confinement for the sexually oriented offense, the offender 6572
initially may file the petition upon the expiration of one year 6573
after the entry of the offender's judgment of conviction. 6574~~

~~(b) After the offender's initial filing of a petition under 6575
division (D)(1)(a) of this section, thereafter, an offender may 6576
file a petition under this division upon the expiration of five 6577
years after the court has entered an order denying the petition 6578
under division (D)(1)(a) of this section or the most recent 6579
petition the offender has filed under this division. 6580~~

~~(2) Except as otherwise provided in this division, division 6581
(D)(1) of this section does not apply to a person who is 6582
classified as a sexual predator pursuant to division (A) of this 6583
section. If a person who is so classified was sentenced to a 6584
prison term pursuant to division (A)(3) of section 2971.03 of the 6585
Revised Code and if the sentencing court terminates the offender's 6586
prison term as provided in division (D) of section 2971.05 of the 6587
Revised Code, the court's termination of the prison term 6588
automatically shall constitute a determination by the court that 6589
the offender no longer is a sexual predator. However, if there is 6590
a determination under this division that the offender no longer is 6591
a sexual predator and if the offender has a duty to register under 6592
section 2950.04 of the Revised Code resulting from the offender's 6593
conviction of or plea of guilty to committing on or after the 6594
effective date of this amendment an aggravated sexually oriented 6595
offense, the determination under this division does not affect any 6596
duties imposed upon the offender under this chapter as a result of 6597~~

~~that conviction of or plea of guilty to the aggravated sexually~~ 6598
~~oriented offense. If the court so terminates the offender's prison~~ 6599
~~term, the court shall notify the bureau of criminal identification~~ 6600
~~and investigation and the parole board of the determination that~~ 6601
~~the offender no longer is a sexual predator. Upon receipt of the~~ 6602
~~notification, the bureau promptly shall notify the sheriff with~~ 6603
~~whom the offender most recently registered under section 2950.04~~ 6604
~~or 2950.05 of the Revised Code that the offender no longer is a~~ 6605
~~sexual predator. If an offender who has been convicted of or~~ 6606
~~pleaded guilty to a sexually oriented offense is classified as a~~ 6607
~~sexual predator pursuant to division (A) of this section is~~ 6608
~~released from prison pursuant to a pardon or commutation or has~~ 6609
~~been adjudicated a sexual predator relative to the offense as~~ 6610
~~described in division (B) or (C) of this section, subject to~~ 6611
~~division (F) of this section, the classification or adjudication~~ 6612
~~of the offender as a sexual predator shall remain in effect after~~ 6613
~~the offender's release, and the offender may file one or more~~ 6614
~~petitions in accordance with the procedures and time limitations~~ 6615
~~contained in division (D)(1) of this section for a determination~~ 6616
~~that the offender no longer is a sexual predator is permanent and~~ 6617
~~continues in effect until the offender's death and in no case~~ 6618
~~shall the classification or adjudication be removed or terminated.~~ 6619

(E)(1) If a person is convicted of or pleads guilty to 6620
committing, on or after January 1, 1997, a sexually oriented 6621
offense that is not a registration-exempt sexually oriented 6622
offense, the judge who is to impose sentence on the offender shall 6623
determine, prior to sentencing, whether the offender previously 6624
has been convicted of or pleaded guilty to, or adjudicated a 6625
delinquent child for committing, a sexually oriented offense or a 6626
child-victim oriented offense and is a habitual sex offender. The 6627
judge who is to impose or has imposed an order of disposition upon 6628
a child who is adjudicated a delinquent child for committing on or 6629
after January 1, 2002, a sexually oriented offense that is not a 6630

registration-exempt sexually oriented offense shall determine, 6631
prior to entering the order classifying the delinquent child a 6632
juvenile ~~sex~~ offender registrant, whether the delinquent child 6633
previously has been convicted of or pleaded guilty to, or 6634
adjudicated a delinquent child for committing, a sexually oriented 6635
offense or a child-victim oriented offense and is a habitual sex 6636
offender, if either of the following applies: 6637

(a) The judge is required by section 2152.82 or division (A) 6638
of section 2152.83 of the Revised Code to classify the child a 6639
juvenile ~~sex~~ offender registrant; 6640

(b) Division (B) of section 2152.83 of the Revised Code 6641
applies regarding the child, the judge conducts a hearing under 6642
that division for the purposes described in that division, and the 6643
judge determines at that hearing that the child will be classified 6644
a juvenile ~~sex~~ offender registrant. 6645

(2) If, under division (E)(1) of this section, the judge 6646
determines that the offender or delinquent child previously has 6647
not been convicted of or pleaded guilty to, or been adjudicated a 6648
delinquent child for committing, a sexually oriented offense or a 6649
child-victim oriented offense or that the offender otherwise does 6650
not satisfy the criteria for being a habitual sex offender, the 6651
judge shall specify in the offender's sentence or in the order 6652
classifying the delinquent child a juvenile ~~sex~~ offender 6653
registrant that the judge has determined that the offender or 6654
delinquent child is not a habitual sex offender. ~~If~~ 6655

If, under division (E)(1) of this section, the judge 6656
determines that the offender or delinquent child previously has 6657
been convicted of or pleaded guilty to, or been adjudicated a 6658
delinquent child for committing, a sexually oriented offense or a 6659
child-victim oriented offense and that the offender satisfies all 6660
other criteria for being a habitual sex offender, the offender or 6661
delinquent child is a habitual sex offender or habitual 6662

child-victim offender and the court shall determine whether to 6663
impose a requirement that the offender or delinquent child be 6664
subject to the community notification provisions contained in 6665
sections 2950.10 and 2950.11 of the Revised Code. In making the 6666
determination regarding the possible imposition of the community 6667
notification requirement, if at least two of the sexually oriented 6668
offenses or child-victim oriented offenses that are the basis of 6669
the habitual sex offender or habitual child-victim offender 6670
determination were committed against a victim who was under 6671
eighteen years of age, it is presumed that subjecting the offender 6672
or delinquent child to the community notification provisions is 6673
necessary in order to comply with the determinations, findings, 6674
and declarations of the general assembly regarding sex offenders 6675
and child-victim offenders that are set forth in section 2950.02 6676
of the Revised Code. When a judge determines as described in this 6677
division that an offender or delinquent child is a habitual sex 6678
offender or a habitual child-victim offender, the judge shall 6679
specify in the offender's sentence and the judgment of conviction 6680
that contains the sentence or in the order classifying the 6681
delinquent child a juvenile ~~sex~~ offender registrant that the judge 6682
has determined that the offender or delinquent child is a habitual 6683
sex offender and, regarding an offender who committed the most 6684
recent sexually oriented offense prior to the effective date of 6685
this amendment or a delinquent child, may impose a requirement in 6686
that sentence and judgment of conviction or in that order that the 6687
offender or delinquent child be subject to the community 6688
notification provisions ~~regarding the offender's or delinquent~~ 6689
~~child's place of residence that are~~ contained in sections 2950.10 6690
and 2950.11 of the Revised Code. Unless the habitual sex offender 6691
also has been adjudicated ~~as being~~ a sexual predator relative to 6692
the sexually oriented offense in question ~~or,~~ the habitual sex 6693
offender was convicted of or pleaded guilty to an aggravated 6694
sexually oriented offense ~~that was committed on or after the~~ 6695

effective date of this amendment, or the habitual sex offender was 6696
convicted of or pleaded guilty to a sexually oriented offense that 6697
was committed on or after the effective date of this amendment, 6698
the offender or delinquent child shall be subject to those 6699
community notification provisions only if the court imposes the 6700
requirement described in this division in the offender's sentence 6701
and the judgment of conviction or in the order classifying the 6702
delinquent child a juvenile ~~sex~~ offender registrant. If the court 6703
determines pursuant to this division or division (C)(2) of this 6704
section that an offender is a habitual sex offender, the 6705
determination is permanent and continues in effect until the 6706
offender's death, and in no case shall the determination be 6707
removed or terminated. Sections 2950.10 and 2950.11 of the Revised 6708
Code automatically apply regarding an offender who was convicted 6709
of or pleaded guilty to an aggravated sexually oriented offense 6710
committed on or after June 13, 2002, or was convicted of or 6711
pleaded guilty to a sexually oriented offense committed on or 6712
after the effective date of this amendment. 6713

If a court in another state, a federal court, military court, 6714
or Indian tribal court, or a court in any nation other than the 6715
United States determines a person to be a habitual sex offender in 6716
that jurisdiction, the person is considered to be determined to be 6717
a habitual sex offender in this state. If the court in the other 6718
state, the federal court, military court, or Indian tribal court, 6719
or the court in the nation other than the United States subjects 6720
the habitual sex offender to community notification regarding the 6721
person's place of residence, the person, as much as is 6722
practicable, is subject to the community notification provisions 6723
regarding the person's place of residence that are contained in 6724
sections 2950.10 and 2950.11 of the Revised Code, unless the court 6725
that so subjected the person to community notification determines 6726
that the person no longer is subject to community notification. 6727

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

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

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

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

(2) The court may enter a determination that the offender or delinquent child filing the petition described in division (F)(1) of this section is not an adjudicated sexual predator in this

state for purposes of the ~~sex-offender~~ registration and other 6759
requirements of this chapter or the community notification 6760
provisions contained in sections 2950.10 and 2950.11 of the 6761
Revised Code only if the offender or delinquent child proves by 6762
clear and convincing evidence that the requirement of the other 6763
jurisdiction that the offender or delinquent child register as a 6764
sex offender until the offender's or delinquent child's death ~~and~~ 6765
~~the requirement that the offender or delinquent child verify the~~ 6766
~~offender's or delinquent child's address on at least a quarterly~~ 6767
~~basis each year~~ is not substantially similar to a classification 6768
as a sexual predator for purposes of this chapter. If the court 6769
enters a determination that the offender or delinquent child is 6770
not an adjudicated sexual predator in this state for those 6771
purposes, the court shall include in the determination a statement 6772
of the reason or reasons why it so determined. 6773

(G) If, prior to the effective date of this section, an 6774
offender or delinquent child was adjudicated a sexual predator or 6775
was determined to be a habitual sex offender under this section or 6776
section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code 6777
and if, on and after the effective date of this amendment, the 6778
sexually oriented offense upon which the classification or 6779
determination was based no longer is considered a sexually 6780
oriented offense but instead is a child-victim oriented offense, 6781
notwithstanding the redesignation of that offense, on and after 6782
the effective date of this amendment, all of the following apply: 6783

(1) Divisions (A)(1) or (2) or (E)(1) and (2) of section 6784
2950.091 of the Revised Code apply regarding the offender or 6785
child, and the judge's classification or determination made prior 6786
to the effective date of this amendment shall be considered for 6787
all purposes to be a classification or determination that 6788
classifies the offender or child as described in those divisions. 6789

(2) The offender's or child's classification or determination 6790

under divisions (A)(1) or (2) or (E)(1) and (2) of section 6791
2950.091 of the Revised Code shall be considered, for purposes of 6792
section 2950.07 of the Revised Code and for all other purposes, to 6793
be a continuation of the classification or determination made 6794
prior to the effective date of this amendment. 6795

(3) The offender's or child's duties under this chapter 6796
relative to that classification or determination shall be 6797
considered for all purposes to be a continuation of the duties 6798
related to that classification or determination as they existed 6799
prior to the effective date of this amendment. 6800

Sec. 2950.091. (A)(1) If, prior to the effective date of this 6801
section, a person was convicted of, pleaded guilty to, or was 6802
adjudicated a delinquent child for committing, a sexually oriented 6803
offense, if, prior to the effective date of this section, the 6804
offender or delinquent child was classified a sexual predator in 6805
relation to that offense pursuant to division (A) of section 6806
2950.09 of the Revised Code, and if, on and after the effective 6807
date of this section, the sexually oriented offense upon which the 6808
classification was based no longer is considered a sexually 6809
oriented offense but instead is a child-victim oriented offense, 6810
notwithstanding the redesignation of the offense, the 6811
classification of the offender or child as a sexual predator 6812
remains valid and in effect on and after the effective date of 6813
this section. 6814

(2) If, prior to the effective date of this section, a person 6815
was convicted of, pleaded guilty to, or was adjudicated a 6816
delinquent child for committing a sexually oriented offense, if, 6817
prior to the effective date of this section, the offender or 6818
delinquent child was adjudicated a sexual predator in relation to 6819
that offense under section 2950.09 or section 2152.82, 2152.83, 6820
2152.84, or 2152.85 of the Revised Code, if, on and after the 6821

effective date of this section, the sexually oriented offense upon 6822
which the adjudication was based no longer is considered a 6823
sexually oriented offense but instead is a child-victim oriented 6824
offense, and if division (A)(1) of this section does not apply, 6825
notwithstanding the redesignation of the offense, on and after the 6826
effective date of this section, the offender or delinquent child 6827
automatically is classified a child-victim predator. If a person 6828
is convicted, pleads guilty, or adjudicated a delinquent child in 6829
a court of another state, in a federal court, military court, or 6830
Indian tribal court, or in a court of any nation other than the 6831
United States for committing a child-victim oriented offense, and 6832
if, as a result of that conviction, plea of guilty, or 6833
adjudication, the person is required under the law of the 6834
jurisdiction in which the person was convicted, pleaded guilty, or 6835
adjudicated to register as a child-victim offender or sex offender 6836
until the person's death, that conviction, plea of guilty, or 6837
adjudication automatically classifies the person a child-victim 6838
predator for the purposes of this chapter, but the person may 6839
challenge that classification pursuant to division (F) of this 6840
section. 6841

(3) In all cases not described in division (A)(1) or (2) of 6842
this section, a person who is convicted of or pleads guilty to, 6843
has been convicted of or pleaded guilty to, or is adjudicated a 6844
delinquent child for committing a child-victim oriented offense 6845
may be classified a child-victim predator for purposes of this 6846
chapter only in accordance with division (B) or (C) of this 6847
section or, regarding delinquent children, divisions (B) and (C) 6848
of section 2152.83 of the Revised Code. 6849

(B)(1)(a) Regardless of when the offense was committed, the 6850
judge who is to impose sentence on or after the effective date of 6851
this section on an offender who has been convicted of or pleaded 6852
guilty to a child-victim oriented offense shall conduct a hearing 6853

to determine whether the offender is a child-victim predator. 6854

(b) The judge who is to impose or has imposed an order of 6855
disposition upon a child who is adjudicated a delinquent child for 6856
committing on or after the effective date of this section a 6857
child-victim oriented offense shall conduct a hearing as provided 6858
in this division to determine whether the child is to be 6859
classified as a child-victim predator if either of the following 6860
applies: 6861

(i) The judge is required by section 2152.82 or division (A) 6862
of section 2152.83 of the Revised Code to classify the child a 6863
juvenile offender registrant. 6864

(ii) Division (B) of section 2152.83 of the Revised Code 6865
applies regarding the child, the judge conducts a hearing under 6866
that division for the purposes described in that division, and the 6867
judge determines at that hearing that the child will be classified 6868
a juvenile offender registrant. 6869

(2) Regarding an offender, the judge shall conduct the 6870
hearing required by division (B)(1)(a) of this section prior to 6871
sentencing and, if the child-victim oriented offense is a felony 6872
and if the hearing is being conducted under division (B)(1)(a) of 6873
this section, the judge may conduct it as part of the sentencing 6874
hearing required by section 2929.19 of the Revised Code. Regarding 6875
a delinquent child, the judge may conduct the hearing required by 6876
division (B)(1)(b) of this section at the same time as, or 6877
separate from, the dispositional hearing, as specified in the 6878
applicable provision of section 2152.82 or 2152.83 of the Revised 6879
Code. The court shall give the offender or delinquent child and 6880
the prosecutor who prosecuted the offender or handled the case 6881
against the delinquent child for the child-victim oriented offense 6882
notice of the date, time, and location of the hearing. At the 6883
hearing, the offender or delinquent child and the prosecutor have 6884
the same opportunities and rights as described in division (B)(2) 6885

of section 2950.09 of the Revised Code regarding sexual predator 6886
hearings. 6887

(3) In making a determination under divisions (B)(1) and (4) 6888
of this section as to whether an offender or delinquent child is a 6889
child-victim predator, the judge shall consider all relevant 6890
factors, including, but not limited to, all of the factors 6891
identified in division (B)(3) of section 2950.09 of the Revised 6892
Code regarding sexual predator hearings, except that all 6893
references in the factors so identified in that division to any 6894
"sexual offense" or "sexually oriented offense" shall be construed 6895
for purposes of this division as being references to a 6896
"child-victim oriented offense" and all references in the factors 6897
so identified to "sexual offenders" shall be construed for 6898
purposes of this division as being references to "child-victim 6899
offenders." 6900

(4) After reviewing all testimony and evidence presented at 6901
the hearing conducted under division (B)(1) of this section and 6902
the factors specified in division (B)(3) of this section, the 6903
court shall determine by clear and convincing evidence whether the 6904
subject offender or delinquent child is a child-victim predator. 6905
If the court determines that the subject offender or delinquent 6906
child is not a child-victim predator, the court shall specify in 6907
the offender's sentence and the judgment of conviction that 6908
contains the sentence or in the delinquent child's dispositional 6909
order, as appropriate, that the court has determined that the 6910
offender or delinquent child is not a child-victim predator and 6911
the reason or reasons why the court determined that the subject 6912
offender or delinquent child is not a child-victim predator. If 6913
the court determines by clear and convincing evidence that the 6914
subject offender or delinquent child is a child-victim predator, 6915
the court shall specify in the offender's sentence and the 6916
judgment of conviction that contains the sentence or in the 6917

delinquent child's dispositional order, as appropriate, that the 6918
court has determined that the offender or delinquent child is a 6919
child-victim predator and shall specify that the determination was 6920
pursuant to division (B) of this section. In any case in which the 6921
child-victim oriented offense in question was committed by the 6922
offender on or after the effective date of this amendment, the 6923
court shall specify in the offender's sentence and judgment of 6924
conviction that contains the sentence that the offender committed 6925
the child-victim oriented offense on or after the effective date 6926
of this section. The offender or delinquent child and the 6927
prosecutor who prosecuted the offender or handled the case against 6928
the delinquent child for the child-victim oriented offense in 6929
question may appeal as a matter of right the court's determination 6930
under this division as to whether the offender or delinquent child 6931
is, or is not, a child-victim predator. 6932

(C)(1) If, prior to the effective date of this section, a 6933
person was convicted of or pleaded guilty to a sexually oriented 6934
offense, if, on and after the effective date of this section, the 6935
sexually oriented offense no longer is considered a sexually 6936
oriented offense but instead is a child-victim oriented offense, 6937
if the person was not sentenced for the offense on or after 6938
January 1, 1997, and if, on or after the effective date of this 6939
section, the offender is serving a term of imprisonment in a state 6940
correctional institution, the department of rehabilitation and 6941
correction shall determine whether to recommend that the offender 6942
be adjudicated a child-victim predator. In making a determination 6943
under this division as to whether to recommend that the offender 6944
be adjudicated a child-victim predator, the department shall 6945
consider all relevant factors, including, but not limited to, all 6946
of the factors specified in divisions (B)(2) and (3) of this 6947
section. If the department determines that it will recommend that 6948
the offender be adjudicated a child-victim predator or determines 6949
that it will not recommend that the offender be adjudicated a 6950

child-victim predator, it immediately shall send its 6951
recommendation or determination to the court that sentenced the 6952
offender. In all cases, the department shall enter its 6953
determination and recommendation in the offender's institutional 6954
record, and the court shall proceed in accordance with division 6955
(C)(2) of this section. 6956

(2)(a) If, pursuant to division (C)(1) of this section, the 6957
department of rehabilitation and correction sends to a court a 6958
recommendation that an offender be adjudicated a child-victim 6959
predator, the court is not bound by the department's 6960
recommendation, and the court shall conduct a hearing to determine 6961
whether the offender is a child-victim predator. In any case, the 6962
court shall not make a determination that the offender is, or is 6963
not, a child-victim predator without a hearing. The court may hold 6964
the hearing and make the determination prior to the offender's 6965
release from imprisonment or at any time within one year following 6966
the offender's release from that imprisonment. 6967

(b) If, pursuant to division (C)(1) of this section, the 6968
department sends to the court a determination that it is not 6969
recommending that an offender be adjudicated a child-victim 6970
predator, the court shall not make any determination as to whether 6971
the offender is, or is not, a child-victim predator but shall 6972
determine whether the offender previously has been convicted of or 6973
pleaded guilty to a child-victim oriented offense other than the 6974
offense in relation to which the department made its 6975
determination. 6976

The court may conduct a hearing to determine whether the 6977
offender previously has been convicted of or pleaded guilty to a 6978
child-victim oriented offense but may make the determination 6979
without a hearing. However, if the court determines that the 6980
offender previously has been convicted of or pleaded guilty to an 6981
offense of that nature, it shall not impose a requirement that the 6982

offender be subject to the community notification provisions 6983
contained in sections 2950.10 and 2950.11 of the Revised Code 6984
without a hearing. The court shall include in the offender's 6985
institutional record any determination made under this division as 6986
to whether the offender previously has been convicted of or 6987
pleaded guilty to a child-victim oriented offense and whether the 6988
offender is a habitual child-victim offender. 6989

(c) Upon scheduling a hearing under division (C)(2)(a) or (b) 6990
of this section, the court shall give the offender and the 6991
prosecutor who prosecuted the offender for the child-victim 6992
oriented offense, or that prosecutor's successor in office, notice 6993
of the date, time, and place of the hearing. If the hearing is 6994
scheduled under division (C)(2)(a) of this section to determine 6995
whether the offender is a child-victim predator, it shall be 6996
conducted in the manner described in division (B)(1) of this 6997
section regarding hearings conducted under that division, and, in 6998
making a determination under this division as to whether the 6999
offender is a child-victim predator, the court shall consider all 7000
relevant factors, including, but not limited to, all of the 7001
factors specified in divisions (B)(2) and (3) of this section. 7002
After reviewing all testimony and evidence presented at the 7003
child-victim predator hearing and the factors specified in 7004
divisions (B)(2) and (3) of this section, the court shall 7005
determine by clear and convincing evidence whether the offender is 7006
a child-victim predator. If the court determines at the 7007
child-victim predator hearing that the offender is not a 7008
child-victim predator, it also shall determine whether the 7009
offender previously has been convicted of or pleaded guilty to a 7010
child-victim oriented offense other than the offense in relation 7011
to which the hearing is being conducted. 7012

Upon making its determinations at the child-victim predator 7013
hearing, the court shall proceed as follows: 7014

(i) If the court determines that the offender is not a 7015
child-victim predator and that the offender previously has not 7016
been convicted of or pleaded guilty to a child-victim oriented 7017
offense other than the offense in relation to which the hearing is 7018
being conducted, it shall include in the offender's institutional 7019
record its determinations and the reason or reasons why it 7020
determined that the offender is not a child-victim predator. 7021

(ii) If the court determines that the offender is not a 7022
child-victim predator but that the offender previously has been 7023
convicted of or pleaded guilty to a child-victim oriented offense 7024
other than the offense in relation to which the hearing is being 7025
conducted, it shall include in the offender's institutional record 7026
its determination that the offender is not a child-victim predator 7027
but is a habitual child-victim offender and the reason or reasons 7028
why it determined that the offender is not a child-victim 7029
predator, shall attach the determinations and the reason or 7030
reasons to the offender's sentence, shall specify that the 7031
determinations were made pursuant to division (C) of this section, 7032
shall provide a copy of the determinations and the reason or 7033
reasons to the offender, to the prosecuting attorney, and to the 7034
department of rehabilitation and correction, and may impose a 7035
requirement that the offender be subject to the community 7036
notification provisions contained in sections 2950.10 and 2950.11 7037
of the Revised Code. The offender shall not be subject to those 7038
community notification provisions relative to the child-victim 7039
oriented offense in question if the court does not so impose the 7040
requirement described in this division. If the court imposes that 7041
requirement, the offender may appeal the judge's determination 7042
that the offender is a habitual child-victim offender. 7043

(iii) If the court determines by clear and convincing 7044
evidence that the offender is a child-victim predator, it shall 7045
enter its determination in the offender's institutional record, 7046

shall attach the determination to the offender's sentence, shall 7047
specify that the determination was made pursuant to division (C) 7048
of this section, and shall provide a copy of the determination to 7049
the offender, to the prosecuting attorney, and to the department 7050
of rehabilitation and correction. The offender and the prosecutor 7051
may appeal as a matter of right the judge's determination under 7052
this division as to whether the offender is, or is not, a 7053
child-victim predator. 7054

If the hearing is scheduled under division (C)(2)(b) of this 7055
section to determine whether the offender previously has been 7056
convicted of or pleaded guilty to a child-victim oriented offense 7057
or whether to subject the offender to the community notification 7058
provisions contained in sections 2950.10 and 2950.11 of the 7059
Revised Code, upon making the determination, the court shall 7060
attach the determination or determinations to the offender's 7061
sentence, shall provide a copy to the offender, to the prosecuting 7062
attorney, and to the department of rehabilitation and correction 7063
and may impose a requirement that the offender be subject to the 7064
community notification provisions. The offender shall not be 7065
subject to the community notification provisions relative to the 7066
child-victim oriented offense in question if the court does not so 7067
impose the requirement described in this division. If the court 7068
imposes that requirement, the offender may appeal the judge's 7069
determination that the offender is a habitual child-victim 7070
offender. 7071

(3) Divisions (C)(1) and (2) of this section do not require a 7072
court to conduct a new hearing under those divisions for any 7073
offender regarding a child-victim oriented offense if, prior to 7074
the effective date of this section, the court previously conducted 7075
a hearing under divisions (C)(1) and (2) of section 2950.09 of the 7076
Revised Code regarding that offense, while it formerly was 7077
classified a sexually oriented offense, to determine whether the 7078

offender was a sexual predator. Divisions (C)(1) and (2) of this 7079
section do not require a court to conduct a hearing under those 7080
divisions for any offender regarding a child-victim oriented 7081
offense if, prior to the effective date of this section and 7082
pursuant to divisions (C)(1) and (2) of section 2950.09 of the 7083
Revised Code, the department of rehabilitation and correction 7084
recommended that the offender be adjudicated a sexual predator 7085
regarding that offense, while it formerly was classified a 7086
sexually oriented offense, and the court denied the recommendation 7087
and determined that the offender was not a sexual predator without 7088
a hearing, provided that this provision does not apply if the 7089
child-victim oriented offense in question was an offense described 7090
in division (D)(1)(c) of section 2950.01 of the Revised Code. 7091

(D)(1) Division (D) of this section does not apply to any 7092
person who has been convicted of or pleaded guilty to a 7093
child-victim oriented offense. Division (D) of this section 7094
applies only to delinquent children as provided in Chapter 2152. 7095
of the Revised Code. A person who has been adjudicated a 7096
delinquent child for committing a child-victim oriented offense 7097
and who has been classified by a juvenile court judge a juvenile 7098
offender registrant or, if applicable, additionally has been 7099
determined by a juvenile court judge to be a child-victim predator 7100
or habitual child-victim offender, may petition the adjudicating 7101
court for a reclassification or declassification pursuant to 7102
section 2152.85 of the Revised Code. 7103

A judge who is reviewing a child-victim predator 7104
determination for a delinquent child under section 2152.84 or 7105
2152.85 of the Revised Code shall comply with this section. At the 7106
hearing, the judge shall consider all relevant evidence and 7107
information, including, but not limited to, the factors set forth 7108
in division (B)(3) of this section. The judge shall not enter a 7109
determination that the delinquent child no longer is a 7110

child-victim predator unless the judge determines by clear and 7111
convincing evidence that the delinquent child is unlikely to 7112
commit a child-victim oriented offense in the future. If the judge 7113
enters a determination under this division that the delinquent 7114
child no longer is a child-victim predator, the judge shall notify 7115
the bureau of criminal identification and investigation of the 7116
determination and shall include in the notice a statement of the 7117
reason or reasons why it determined that the delinquent child no 7118
longer is a child-victim predator. Upon receipt of the 7119
notification, the bureau promptly shall notify the sheriff with 7120
whom the delinquent child most recently registered under section 7121
2950.04 or 2950.05 of the Revised Code of the determination that 7122
the offender no longer is a child-victim predator. 7123

(2) If an offender who has been convicted of or pleaded 7124
guilty to a child-victim oriented offense is classified a 7125
child-victim predator pursuant to division (A) of this section or 7126
has been adjudicated a child-victim predator relative to the 7127
offense as described in division (B) or (C) of this section, 7128
subject to division (F) of this section, the classification or 7129
adjudication of the offender as a child-victim predator is 7130
permanent and continues in effect until the offender's death, and 7131
in no case shall the classification or adjudication be removed or 7132
terminated. 7133

(E)(1) If, prior to the effective date of this section, a 7134
person was convicted of, pleaded guilty to, or adjudicated a 7135
delinquent child for committing a sexually oriented offense, if, 7136
on and after the effective date of this section, the sexually 7137
oriented offense no longer is considered a sexually oriented 7138
offense but instead is a child-victim oriented offense, if, prior 7139
to the effective date of this section, a judge determined that the 7140
offender or delinquent child was a habitual sex offender, and if 7141
one or more of the offenses that was the basis of the offender or 7142

delinquent child being a habitual sex offender remains on and 7143
after the effective date of this section a sexually oriented 7144
offense, notwithstanding the redesignation of the offense as 7145
described in this division, the determination and classification 7146
of that person as a habitual sex offender remains valid and in 7147
effect on and after the effective date of this section. 7148

(2) If, prior to the effective date of this section, a person 7149
was convicted of, pleaded guilty to, or adjudicated a delinquent 7150
child for committing a sexually oriented offense, if, on and after 7151
the effective date of this section, the sexually oriented offense 7152
no longer is considered a sexually oriented offense but instead is 7153
a child-victim oriented offense, if, prior to the effective date 7154
of this section, a judge determined that the offender or 7155
delinquent child was a habitual sex offender, and if none of the 7156
offenses that was the basis of the offender or delinquent child 7157
being a habitual sex offender remains on and after the effective 7158
date of this section a sexually oriented offense, on and after the 7159
effective date of this section, the offender or delinquent child 7160
automatically is classified a habitual child-victim offender. 7161

(3) If a person is convicted of or pleads guilty to 7162
committing a child-victim oriented offense and is to be sentenced 7163
for the offense on or after the effective date of this section, 7164
the judge who is to impose sentence on the offender shall 7165
determine, prior to sentencing, whether the offender previously 7166
has been convicted of or pleaded guilty to, or adjudicated a 7167
delinquent child for committing, a child-victim oriented offense 7168
and is a habitual child-victim offender. The judge who is to 7169
impose or has imposed an order of disposition on or after the 7170
effective date of this section upon a child who is adjudicated a 7171
delinquent child for committing a child-victim oriented offense 7172
shall determine, prior to entering the order classifying the 7173
delinquent child a juvenile child-victim offender registrant, 7174

whether the delinquent child previously has been convicted of or 7175
pleaded guilty to, or adjudicated a delinquent child for 7176
committing, a child-victim oriented offense and is a habitual 7177
child-victim offender, if either of the following applies: 7178

(a) The judge is required by section 2152.82 or division (A) 7179
of section 2152.83 of the Revised Code to classify the child a 7180
juvenile offender registrant. 7181

(b) Division (B) of section 2152.83 of the Revised Code 7182
applies regarding the child, the judge conducts a hearing under 7183
that division for the purposes described in that division, and the 7184
judge determines at that hearing that the child will be classified 7185
a juvenile offender registrant. 7186

(4) If, under division (E)(3) of this section, the judge 7187
determines that the offender or delinquent child previously has 7188
not been convicted of or pleaded guilty to, or been adjudicated a 7189
delinquent child for committing, a child-victim oriented offense 7190
or that the offender otherwise does not satisfy the criteria for 7191
being a habitual child-victim offender, the judge shall specify in 7192
the offender's sentence or in the order classifying the delinquent 7193
child a juvenile child-victim offender registrant that the judge 7194
has determined that the offender or delinquent child is not a 7195
habitual child-victim offender. If the judge determines that the 7196
offender or delinquent child previously has been convicted of or 7197
pleaded guilty to, or been adjudicated a delinquent child for 7198
committing, a child-victim oriented offense and that the offender 7199
satisfies all other criteria for being a habitual child-victim 7200
offender, the judge shall specify in the offender's sentence and 7201
the judgment of conviction that contains the sentence or in the 7202
order classifying the delinquent child a juvenile offender 7203
registrant that the judge has determined that the offender or 7204
delinquent child is a habitual child-victim offender and regarding 7205
an offender who committed the most recent child-victim oriented 7206

offense prior to the effective date of this section or a 7207
delinquent child, may impose a requirement in that sentence and 7208
judgment of conviction or in that order that the offender or 7209
delinquent child be subject to the community notification 7210
provisions contained in sections 2950.10 and 2950.11 of the 7211
Revised Code. Unless the habitual child-victim offender also has 7212
been adjudicated a child-victim predator relative to the 7213
child-victim oriented offense in question, or the habitual 7214
child-victim offender was convicted of or pleaded guilty to a 7215
child-victim oriented offense that was committed on or after the 7216
effective date of this section the offender or delinquent child 7217
shall be subject to those community notification provisions only 7218
if the court imposes the requirement described in this division in 7219
the offender's sentence and the judgment of conviction or in the 7220
order classifying the delinquent child a juvenile offender 7221
registrant. If the court determines pursuant to this division or 7222
division (C)(2) of this section that an offender is a habitual 7223
child-victim offender, the determination is permanent and 7224
continues in effect until the offender's death, and in no case 7225
shall the determination be removed or terminated. 7226

If a court in another state, a federal court, military court, 7227
or Indian tribal court, or a court in any nation other than the 7228
United States, determines a person is a habitual child-victim 7229
offender in that jurisdiction, the person is considered to be 7230
determined a habitual child-victim offender in this state. If the 7231
court in the other state, the federal court, military court, or 7232
Indian tribal court, or the court in any nation other than the 7233
United States subjects the habitual child-victim offender to 7234
community notification regarding the person's place of residence, 7235
the person, as much as is practicable, is subject to the community 7236
notification provisions regarding the person's place of residence 7237
that are contained in sections 2950.10 and 2950.11 of the Revised 7238
Code, unless the court that so subjected the person to community 7239

notification determines that the person no longer is subject to 7240
community notification. 7241

(F)(1) An offender or delinquent child classified a 7242
child-victim predator may petition the court of common pleas or, 7243
for a delinquent child, the juvenile court of the county in which 7244
the offender or delinquent child resides or temporarily is 7245
domiciled to enter a determination that the offender or delinquent 7246
child is not an adjudicated child-victim predator in this state 7247
for purposes of the registration and other requirements of this 7248
chapter or the community notification provisions contained in 7249
sections 2950.10 and 2950.11 of the Revised Code if all of the 7250
following apply: 7251

(a) The offender or delinquent child was convicted, pleaded 7252
guilty, or adjudicated a delinquent child in a court of another 7253
state, in a federal court, a military court, or Indian tribal 7254
court, or in a court of any nation other than the United States 7255
for committing a child-victim oriented offense. 7256

(b) As a result of the conviction, plea of guilty, or 7257
adjudication described in division (F)(1)(a) of this section, the 7258
offender or delinquent child is required under the law of the 7259
jurisdiction under which the offender or delinquent child was 7260
convicted, pleaded guilty, or was adjudicated to register as a 7261
child-victim offender until the offender's or delinquent child's 7262
death. 7263

(c) The offender or delinquent child was automatically 7264
classified a child-victim predator under division (A) of this 7265
section in relation to the conviction, guilty plea, or 7266
adjudication described in division (F)(1)(a) of this section. 7267

(2) The court may enter a determination that the offender or 7268
delinquent child filing the petition described in division (F)(1) 7269
of this section is not an adjudicated child-victim predator in 7270

this state for purposes of the registration and other requirements 7271
of this chapter or the community notification provisions contained 7272
in sections 2950.10 and 2950.11 of the Revised Code only if the 7273
offender or delinquent child proves by clear and convincing 7274
evidence that the requirement of the other jurisdiction that the 7275
offender or delinquent child register as a child-victim offender 7276
until the offender's or delinquent child's death is not 7277
substantially similar to a classification as a child-victim 7278
predator for purposes of this chapter. If the court enters a 7279
determination that the offender or delinquent child is not an 7280
adjudicated child-victim predator in this state for those 7281
purposes, the court shall include in the determination a statement 7282
of the reason or reasons why it so determined. 7283

Sec. 2950.10. (A)(1) If a person is convicted of or pleads 7284
guilty to, or has been convicted of or pleaded guilty to, either a 7285
sexually oriented offense that is not a registration-exempt 7286
sexually oriented offense or a child-victim oriented offense or a 7287
person is adjudicated a delinquent child for committing either a 7288
sexually oriented offense that is not a registration-exempt 7289
sexually oriented offense or a child-victim oriented offense and 7290
is classified a juvenile ~~sex~~ offender registrant or is an 7291
out-of-state juvenile ~~sex~~ offender registrant based on that 7292
adjudication, if the offender or delinquent child is in any 7293
category specified in division (B)(1)(a), (b), ~~or~~ (c), or (d) of 7294
this section, if the offender or delinquent child registers with a 7295
sheriff pursuant to section 2950.04, 2950.041, or 2950.05 of the 7296
Revised Code, and if the victim of the sexually oriented offense 7297
or child-victim oriented offense has made a request in accordance 7298
with rules adopted by the attorney general that specifies that the 7299
victim would like to be provided the notices described in this 7300
section, the sheriff shall notify the victim of the sexually 7301
oriented offense or child-victim oriented offense, in writing, 7302

that the offender or delinquent child has registered and shall 7303
include in the notice the offender's ~~or delinquent child's~~ name 7304
and ~~residence~~ the address or addresses of the offender's 7305
residence, school, institution of higher education, or place of 7306
employment, as applicable, or the delinquent child's name and 7307
residence address or addresses. The sheriff shall provide the 7308
notice required by this division to the victim at the most recent 7309
residence address available for that victim, not later than 7310
~~seventy-two hours~~ five days after the offender or delinquent child 7311
registers with the sheriff. 7312

(2) If a person is convicted of or pleads guilty to, or has 7313
been convicted of or pleaded guilty to, either a sexually oriented 7314
offense that is not a registration-exempt sexually oriented 7315
offense or a child-victim oriented offense or a person is 7316
adjudicated a delinquent child for committing either a sexually 7317
oriented offense that is not a registration-exempt sexually 7318
oriented offense or a child-victim oriented offense and is 7319
classified a juvenile ~~sex~~ offender registrant or is an 7320
out-of-state juvenile ~~sex~~ offender registrant based on that 7321
adjudication, if the offender or delinquent child is in any 7322
category specified in division (B)(1)(a), (b), ~~or~~ (c), or (d) of 7323
this section, if the offender or delinquent child registers with a 7324
sheriff pursuant to section 2950.04, 2950.041, or 2950.05 of the 7325
Revised Code, if the victim of the sexually oriented offense or 7326
child-victim oriented offense has made a request in accordance 7327
with rules adopted by the attorney general that specifies that the 7328
victim would like to be provided the notices described in this 7329
section, and if the offender ~~or delinquent child~~ notifies the 7330
sheriff of a change of residence, school, institution of higher 7331
education, or place of employment address or the delinquent child 7332
notifies the sheriff of a change of residence address pursuant to 7333
section 2950.05 of the Revised Code, the sheriff shall notify the 7334
victim of the sexually oriented offense or child-victim oriented 7335

offense, in writing, that the offender's or delinquent child's
residence address has changed and shall include in the notice the
offender's ~~or delinquent child's~~ name and the new residence
address or addresses of the offender's residence, school,
institution of higher education, or place of employment, as
applicable, or the delinquent child's name and new residence
address or addresses. The sheriff shall provide the notice
required by this division to the victim at the most recent
residence address available for that victim, no later than
~~seventy-two hours~~ five days after the offender or delinquent child
notifies the sheriff of the change in the offender's or delinquent
child's residence, school, institution of higher education, or
place of employment address.

(3) If a person is convicted of or pleads guilty to, or has
been convicted of or pleaded guilty to, either a sexually oriented
offense that is not a registration-exempt sexually oriented
offense or a child-victim oriented offense or a person is
adjudicated a delinquent child for committing either a sexually
oriented offense that is not a registration-exempt sexually
oriented offense or a child-victim oriented offense and is
classified a juvenile ~~sex~~ offender registrant or is an
out-of-state juvenile ~~sex~~ offender registrant based on that
adjudication, and if the offender or delinquent child is
~~adjudicated as being a sexual predator relative to the sexually~~
~~oriented offense or the offender or delinquent child is determined~~
~~pursuant to division (E) of section 2950.09, division (B) of~~
~~section 2152.83, section 2152.84, or section 2152.85 of the~~
~~Revised Code to be a habitual sex offender and is made subject to~~
in any category specified in division (B)(1)(a), (b), (c), or (d)
of this section, the victim of the offense may make a request in
accordance with rules adopted by the attorney general pursuant to
section 2950.13 of the Revised Code that specifies that the victim
would like to be provided the notices described in divisions

(A)(1) and (2) of this section. If the victim makes a request in accordance with those rules, the sheriff described in divisions (A)(1) and (2) of this section shall provide the victim with the notices described in those divisions.

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

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

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

(a) The offender or sexually oriented offense or child-victim oriented offense for which the offender has the duty to register under section 2950.04 or 2950.041 of the Revised Code was committed prior to the effective date of this amendment and the offender has been adjudicated a sexual predator or child-victim predator relative to that offense, or the delinquent child has been adjudicated a sexual predator relative to the sexually oriented offense for which the offender or delinquent child has the duty to register under section 2950.04 of the Revised Code or the offender or delinquent child has been adjudicated a child-victim predator relative to the child-victim oriented offense for which the offender or child has the duty to register

under section 2950.041 of the Revised Code, and the court has not 7401
subsequently determined pursuant to ~~division (D) of section~~ 7402
~~2950.09~~, section 2152.84, or ~~section~~ 2152.85 of the Revised Code 7403
regarding a delinquent child that the ~~offender or~~ delinquent child 7404
no longer is a sexual predator or no longer is a child-victim 7405
predator, whichever is applicable. 7406

(b) The ~~offender or~~ sexually oriented offense or child-victim 7407
oriented offense for which the offender has the duty to register 7408
under section 2950.04 or 2950.041 of the Revised Code was 7409
committed prior to the effective date of this amendment, the 7410
offender has been determined pursuant to division (C)(2) or (E) of 7411
section 2950.09 or 2950.091 of the Revised Code to be a habitual 7412
sex offender or habitual child-victim offender, and the court has 7413
imposed a requirement under that division subjecting the offender 7414
to this section, or the delinquent child has been determined 7415
pursuant to division ~~(C)(2) or~~ (E) of section 2950.09 or 2950.091, 7416
division (B) of section 2152.83, section 2152.84, or section 7417
2152.85 of the Revised Code to be a habitual sex offender or a 7418
habitual child-victim offender, the court has imposed a 7419
requirement under that division or section subjecting the habitual 7420
sex offender or habitual child-victim offender to this section, 7421
and the determination has not been removed pursuant to section 7422
2152.84 or 2152.85 of the Revised Code regarding a delinquent 7423
child. 7424

(c) The sexually oriented offense for which the offender has 7425
the duty to register under section 2950.04 of the Revised Code is 7426
an aggravated sexually oriented offense committed ~~on or after the~~ 7427
~~effective date of this amendment~~ prior to the effective date of 7428
this amendment, regardless of whether the offender has been 7429
adjudicated a sexual predator relative to the offense or has been 7430
determined to be a habitual sex offender and, if the offender has 7431
been so ~~adjudicated or~~ determined to be a habitual sex offender, 7432

regardless of whether the ~~court has subsequently determined that~~ 7433
~~the offender no longer is a sexual predator or whether the~~ 7434
habitual sex offender determination has not been removed as 7435
described in division (A)(1)~~(a) or~~ (b) of this section. 7436

(d) The sexually oriented offense or child-victim oriented 7437
offense for which the offender has the duty to register under 7438
section 2950.04 or 2950.041 of the Revised Code was committed on 7439
or after the effective date of this amendment in this state or 7440
another state, under the law of the United States, or under the 7441
law applicable in a military court or in an Indian tribal court, 7442
regardless of whether the offender has been adjudicated a sexual 7443
predator or a child-victim predator relative to that offense, 7444
regardless of whether the offender has been determined to be a 7445
habitual sex offender or habitual child-victim offender, and 7446
regardless of whether that offense is an aggravated sexually 7447
oriented offense. 7448

(2) A victim of a sexually oriented offense that is not a 7449
registration-exempt sexually oriented offense or of a child-victim 7450
oriented offense is not entitled to be provided any notice 7451
described in division (A)(1) or (2) of this section unless the 7452
offender or delinquent child is in a category specified in 7453
division (B)(1)(a), (b), ~~or~~ (c), or (d) of this section. A victim 7454
of a sexually oriented offense that is not a registration-exempt 7455
sexually oriented offense or of a child-victim oriented offense is 7456
not entitled to any notice described in division (A)(1) or (2) of 7457
this section unless the victim makes a request in accordance with 7458
rules adopted by the attorney general pursuant to section 2950.13 7459
of the Revised Code that specifies that the victim would like to 7460
be provided the notices described in divisions (A)(1) and (2) of 7461
this section. This division does not affect any rights of a victim 7462
of a sexually oriented offense or child-victim oriented offense to 7463
be provided notice regarding an offender or delinquent child that 7464

are described in Chapter 2930. of the Revised Code.

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Sec. 2950.11. (A) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section. If a person is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense, or a person is adjudicated a delinquent child for committing either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and is classified a juvenile ~~sex~~ offender registrant or is an out-of-state juvenile ~~sex~~ offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), ~~or~~ (c), or (d) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the ~~following~~ persons described in divisions (A)(1) to (9) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child

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registers. The sheriff shall provide the notice to all of the 7497
following persons: 7498

(1) ~~All occupants of residences~~ (a) Any occupant of each 7499
residential unit that is located within one thousand feet of the 7500
offender's or delinquent child's ~~place of residence~~ residential 7501
premises, that ~~are~~ is located within the county served by the 7502
sheriff, and ~~all that is not located in a multi-unit building.~~ 7503
Division (D)(3) of this section applies regarding notices required 7504
under this division. 7505

(b) If the offender or delinquent child resides in a 7506
multi-unit building, any occupant of each residential unit that is 7507
located in that multi-unit building and that shares a common 7508
hallway with the offender or delinquent child. For purposes of 7509
this division, an occupant's unit shares a common hallway with the 7510
offender or delinquent child if the entrance door into the 7511
occupant's unit is located on the same floor and opens into the 7512
same hallway as the entrance door to the unit the offender or 7513
delinquent child occupies. Division (D)(3) of this section applies 7514
regarding notices required under this division. 7515

(c) The building manager, or the person the building owner or 7516
condominium unit owners association authorizes to exercise 7517
management and control, of each multi-unit building that is 7518
located within one thousand feet of the offender's or delinquent 7519
child's residential premises, including a multi-unit building in 7520
which the offender or delinquent child resides, and that is 7521
located within the county served by the sheriff. In addition to 7522
notifying the building manager or the person authorized to 7523
exercise management and control in the multi-unit building under 7524
this division, the sheriff shall post a copy of the notice 7525
prominently in each common entryway in the building and any other 7526
location in the building the sheriff determines appropriate. The 7527
manager or person exercising management and control of the 7528

building shall permit the sheriff to post copies of the notice 7529
under this division as the sheriff determines appropriate. In lieu 7530
of posting copies of the notice as described in this division, a 7531
sheriff may provide notice to all occupants of the multi-unit 7532
building by mail or personal contact; if the sheriff so notifies 7533
all the occupants, the sheriff is not required to post copies of 7534
the notice in the common entryways to the building. Division 7535
(D)(3) of this section applies regarding notices required under 7536
this division. 7537

(d) All additional neighbors of the offender or delinquent 7538
child persons who are within any category of neighbors of the 7539
offender or delinquent child that the attorney general by rule 7540
adopted under section 2950.13 of the Revised Code requires to be 7541
provided the notice and who reside within the county served by the 7542
sheriff; 7543

(2) The executive director of the public children services 7544
agency that has jurisdiction within the specified geographical 7545
notification area and that is located within the county served by 7546
the sheriff; 7547

(3)(a) The superintendent of each board of education of a 7548
school district that has schools within the specified geographical 7549
notification area and that is located within the county served by 7550
the sheriff; 7551

(b) The principal of the school within the specified 7552
geographical notification area and within the county served by the 7553
sheriff that the delinquent child attends; 7554

(c) If the delinquent child attends a school outside of the 7555
specified geographical notification area or outside of the school 7556
district where the delinquent child resides, the superintendent of 7557
the board of education of a school district that governs the 7558
school that the delinquent child attends and the principal of the 7559

school that the delinquent child attends. 7560

(4)(a) The appointing or hiring officer of each chartered 7561
nonpublic school located within the specified geographical 7562
notification area and within the county served by the sheriff or 7563
of each other school located within the specified geographical 7564
notification area and within the county served by the sheriff and 7565
that is not operated by a board of education described in division 7566
(A)(3) of this section; 7567

(b) Regardless of the location of the school, the appointing 7568
or hiring officer of a chartered nonpublic school that the 7569
delinquent child attends. 7570

(5) The director, head teacher, elementary principal, or site 7571
administrator of each preschool program governed by Chapter 3301. 7572
of the Revised Code that is located within the specified 7573
geographical notification area and within the county served by the 7574
sheriff; 7575

(6) The administrator of each child day-care center or type A 7576
family day-care home that is located within the specified 7577
geographical notification area and within the county served by the 7578
sheriff, and the provider of each certified type B family day-care 7579
home that is located within the specified geographical 7580
notification area and within the county served by the sheriff. As 7581
used in this division, "child day-care center," "type A family 7582
day-care home," and "certified type B family day-care home" have 7583
the same meanings as in section 5104.01 of the Revised Code. 7584

(7) The president or other chief administrative officer of 7585
each institution of higher education, as defined in section 7586
2907.03 of the Revised Code, that is located within the specified 7587
geographical notification area and within the county served by the 7588
sheriff, and the chief law enforcement officer of the state 7589
university law enforcement agency or campus police department 7590

established under section 3345.04 or 1713.50 of the Revised Code, 7591
if any, that serves that institution; 7592

(8) The sheriff of each county that includes any portion of 7593
the specified geographical notification area; 7594

(9) If the offender or delinquent child resides within the 7595
county served by the sheriff, the chief of police, marshal, or 7596
other chief law enforcement officer of the municipal corporation 7597
in which the offender or delinquent child resides or, if the 7598
offender or delinquent child resides in an unincorporated area, 7599
the constable or chief of the police department or police district 7600
police force of the township in which the offender or delinquent 7601
child resides. 7602

(B) The notice required under division (A) of this section 7603
shall include all of the following information regarding the 7604
subject offender or delinquent child: 7605

(1) The offender's or delinquent child's name; 7606

(2) The address or addresses ~~at which the offender or~~ 7607
~~delinquent child resides~~ of the offender's residence, school, 7608
institution of higher education, or place of employment, as 7609
applicable, or the delinquent child's residence address or 7610
addresses; 7611

(3) The sexually oriented offense or child-victim oriented 7612
offense of which the offender was convicted, to which the offender 7613
pleaded guilty, or for which the child was adjudicated a 7614
delinquent child; 7615

(4) All of the following statements that are applicable: 7616

(a) A statement that the offender ~~or delinquent child~~ has 7617
been adjudicated ~~as being~~ a sexual predator for an offense 7618
committed prior to the effective date of this amendment, a 7619
statement that the offender has been convicted of or pleaded 7620

guilty to an aggravated sexually oriented offense committed prior 7621
to the effective date of this amendment, a statement that the 7622
delinquent child has been adjudicated a sexual predator and that, 7623
as of the date of the notice, the court has not entered a 7624
determination that the ~~offender or~~ delinquent child no longer is a 7625
sexual predator, or a statement that the sentencing or reviewing 7626
judge has determined that the offender ~~or~~ is a habitual sex 7627
offender regarding two or more offenses committed prior to the 7628
effective date of this amendment, a statement that the sentencing 7629
or reviewing judge has determined that the delinquent child is a 7630
habitual sex offender and that, as of the date of the notice, the 7631
determination has not been removed pursuant to section 2152.84 or 7632
2152.85 of the Revised Code, or a statement that the offender has 7633
committed a sexually oriented offense or a child-victim oriented 7634
offense on or after the effective date of this amendment, 7635
whichever is applicable; 7636

(b) A statement that the offender has been adjudicated a 7637
child-victim predator, a statement that the delinquent child has 7638
been adjudicated a child-victim predator and that, as of the date 7639
of the notice, the court has not entered a determination that the 7640
delinquent child no longer is a child-victim predator, or a 7641
statement that the sentencing or reviewing judge has determined 7642
that the offender or delinquent child is a habitual child-victim 7643
offender and that, as of the date of the notice, the determination 7644
regarding a delinquent child has not been removed pursuant to 7645
section 2152.84 or 2152.85 of the Revised Code. 7646

(C) If a sheriff with whom an offender or delinquent child 7647
registers under section 2950.04, 2950.041, or 2950.05 of the 7648
Revised Code or to whom the offender or delinquent child most 7649
recently sent a notice of intent to reside under section 2950.04 7650
or 2950.041 of the Revised Code is required by division (A) of 7651
this section to provide notices regarding an offender or 7652

delinquent child and if, pursuant to that requirement, the sheriff 7653
provides a notice to a sheriff of one or more other counties in 7654
accordance with division (A)(8) of this section, the sheriff of 7655
each of the other counties who is provided notice under division 7656
(A)(8) of this section shall provide the notices described in 7657
divisions (A)(1) to (7) and (A)(9) of this section to each person 7658
or entity identified within those divisions that is located within 7659
the specified geographical notification area and within the county 7660
served by the sheriff in question. 7661

(D)(1) A sheriff required by division (A) or (C) of this 7662
section to provide notices regarding an offender or delinquent 7663
child shall provide the notice to the neighbors that are described 7664
in division (A)(1) of this section and the notices to law 7665
enforcement personnel that are described in divisions (A)(8) and 7666
(9) of this section as soon as practicable, but no later than 7667
~~seventy-two hours~~ five days after the offender sends the notice of 7668
intent to reside to the sheriff and again no later than 7669
~~seventy-two hours~~ five days after the offender or delinquent child 7670
registers with the sheriff or, if the sheriff is required by 7671
division (C) to provide the notices, no later than ~~seventy-two~~ 7672
~~hours~~ five days after the sheriff is provided the notice described 7673
in division (A)(8) of this section. 7674

A sheriff required by division (A) or (C) of this section to 7675
provide notices regarding an offender or delinquent child shall 7676
provide the notices to all other specified persons that are 7677
described in divisions (A)(2) to (7) of this section as soon as 7678
practicable, but not later than seven days after the offender or 7679
delinquent child registers with the sheriff or, if the sheriff is 7680
required by division (C) to provide the notices, no later than 7681
~~seventy-two hours~~ five days after the sheriff is provided the 7682
notice described in division (A)(8) of this section. 7683

(2) If an offender or delinquent child in relation to whom 7684

division (A) of this section applies verifies the offender's or 7685
delinquent child's current residence, school, institution of 7686
higher education, or place of employment address, as applicable, 7687
with a sheriff pursuant to section 2950.06 of the Revised Code, 7688
the sheriff may provide a written notice containing the 7689
information set forth in division (B) of this section to the 7690
persons identified in divisions (A)(1) to (9) of this section. If 7691
a sheriff provides a notice pursuant to this division to the 7692
sheriff of one or more other counties in accordance with division 7693
(A)(8) of this section, the sheriff of each of the other counties 7694
who is provided the notice under division (A)(8) of this section 7695
may provide, but is not required to provide, a written notice 7696
containing the information set forth in division (B) of this 7697
section to the persons identified in divisions (A)(1) to (7) and 7698
(A)(9) of this section. 7699

(3) A sheriff may provide notice under division (A)(1)(a) or 7700
(b) of this section, and may provide notice under division 7701
(A)(1)(c) of this section to a building manager or person 7702
authorized to exercise management and control of a building, by 7703
mail, by personal contact, or by leaving the notice at or under 7704
the entry door to a residential unit. For purposes of divisions 7705
(A)(1)(a) and (b) of this section, and the portion of division 7706
(A)(1)(c) of this section relating to the provision of notice to 7707
occupants of a multi-unit building by mail or personal contact, 7708
the provision of one written notice per unit is deemed as 7709
providing notice to all occupants of that unit. 7710

(E)(1) All information that a sheriff possesses regarding an 7711
offender or regarding a delinquent child who is a sexual predator 7712
or, a habitual sex offender, a child-victim predator, or a 7713
habitual child-victim offender that is described in division (B) 7714
of this section and that must be provided in a notice required 7715
under division (A) or (C) of this section or that may be provided 7716

in a notice authorized under division (D)(2) of this section is a 7717
public record that is open to inspection under section 149.43 of 7718
the Revised Code. Subject to division (E)(2) of this section, a 7719
sheriff may publicly disseminate or cause to be publicly 7720
disseminated by means of the internet a notice containing the 7721
information set forth in division (B) of this section or any other 7722
information of a type described in this division. 7723

~~If the sexual predator or habitual sex offender is a juvenile~~ 7724
~~sex offender registrant, the (2) The~~ sheriff shall not cause ~~any~~ 7725
~~of the information described in this division~~ to be publicly 7726
disseminated by means of the internet any of the information 7727
described in this division that is provided by a sexual predator, 7728
habitual sex offender, child-victim predator, or habitual 7729
child-victim offender who is a juvenile offender registrant, 7730
except when the act that is the basis of ~~a~~ the child's 7731
classification as a juvenile ~~sex~~ offender registrant is a 7732
violation of, or an attempt to commit a violation of, section 7733
2903.01, 2903.02, or 2905.01 of the Revised Code that was 7734
committed with a purpose to gratify the sexual needs or desires of 7735
the child, a violation of section 2907.02 of the Revised Code, or 7736
an attempt to commit a violation of that section. 7737

(F)(1) The duties to provide the notices described in 7738
divisions (A) and (C) of this section apply regarding any offender 7739
or delinquent child who is in any of the following categories, if 7740
the other criteria set forth in division (A) or (C) of this 7741
section, whichever is applicable, are satisfied: 7742

(a) ~~The offender or~~ sexually oriented offense or child-victim 7743
oriented offense for which the offender has the duty to register 7744
under section 2950.04 or 2950.041 of the Revised Code was 7745
committed prior to the effective date of this amendment, the 7746
offender has been adjudicated a sexual predator relative to that 7747
offense, or the delinquent child has been adjudicated a sexual 7748

predator relative to the sexually oriented offense for which the 7749
~~offender or~~ delinquent child has the duty to register under 7750
section 2950.04 of the Revised Code or has been adjudicated a 7751
child-victim predator relative to the child-victim oriented 7752
offense for which the child has the duty to register under section 7753
2950.041 of the Revised Code, and the court has not subsequently 7754
determined pursuant to ~~division (D) of section 2950.09~~, section 7755
2152.84, or ~~section~~ 2152.85 of the Revised Code regarding a 7756
delinquent child that the ~~offender or~~ delinquent child no longer 7757
is a sexual predator or no longer is a child-victim predator, 7758
whichever is applicable. 7759

(b) The ~~offender or~~ sexually oriented offense or child-victim 7760
oriented offense for which the offender has the duty to register 7761
under section 2950.04 or 2950.041 of the Revised Code was 7762
committed prior to the effective date of this amendment, the 7763
offender has been determined pursuant to division (C)(2) or (E) of 7764
section 2950.09 or 2950.091 of the Revised Code to be a habitual 7765
sex offender or habitual child-victim offender, and the court has 7766
imposed a requirement under that division subjecting the offender 7767
to this section, or the delinquent child has been determined 7768
pursuant to division ~~(C)(2) or~~ (E) of section 2950.09 or 2950.091, 7769
division (B) of section 2152.83, section 2152.84, or section 7770
2152.85 of the Revised Code to be a habitual sex offender or a 7771
habitual child-victim offender, the court has imposed a 7772
requirement under that division or section subjecting the habitual 7773
sex offender or habitual child-victim offender to this section, 7774
and the determination has not been removed pursuant to section 7775
2152.84 or 2152.85 of the Revised Code regarding a delinquent 7776
child. 7777

(c) The sexually oriented offense for which the offender has 7778
the duty to register under section 2950.04 of the Revised Code is 7779
an aggravated sexually oriented offense committed ~~on or after the~~ 7780

~~effective date of this amendment prior to the effective date of
this amendment, regardless of whether the offender has been
adjudicated a sexual predator relative to the offense or has been
determined to be a habitual sex offender and, if the offender has
been so adjudicated or determined, regardless of whether the court
has subsequently determined that the offender no longer is a
sexual predator or whether the habitual sex offender determination
has not been removed as described in division (F)(1)(a) or (b) of
this section.~~

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(d) The sexually oriented offense for which the offender has
the duty to register under section 2950.04 of the Revised Code or
the child-victim offense for which the offender has the duty to
register under section 2950.041 of the Revised Code was committed
on or after the effective date of this amendment in this state or
another state, under the law of the United States, or under the
law applicable in a military court or in an Indian tribal court,
regardless of whether the offender has been adjudicated a sexual
predator or child-victim predator relative to that offense,
regardless of whether the offender has been determined to be a
habitual sex offender or habitual child-victim offender, and
regardless of whether that offense is an aggravated sexually
oriented offense.

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(2) The notification provisions of this section do not apply
regarding a person who is convicted of or pleads guilty to, has
been convicted of or pleaded guilty to, or is adjudicated a
delinquent child for committing, a sexually oriented offense prior
to the effective date of this amendment or a child-victim oriented
offense, who is not in the category specified in either division
(F)(1)(a) or (c) of this section, and who is determined pursuant
to division (C)(2) or (E) of section 2950.09 or 2950.091, division
(B) of section 2152.83, section 2152.84, or section 2152.85 of the
Revised Code to be a habitual sex offender or habitual

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child-victim offender unless the sentencing or reviewing court 7813
imposes a requirement in the offender's sentence and in the 7814
judgment of conviction that contains the sentence or in the 7815
delinquent child's adjudication, or imposes a requirement as 7816
described in division (C)(2) of section 2950.09 or 2950.091 of the 7817
Revised Code, that subjects the offender or the delinquent child 7818
to the provisions of this section. 7819

(G) The department of job and family services shall compile, 7820
maintain, and update in January and July of each year, a list of 7821
all agencies, centers, or homes of a type described in division 7822
(A)(2) or (6) of this section that contains the name of each 7823
agency, center, or home of that type, the county in which it is 7824
located, its address and telephone number, and the name of an 7825
administrative officer or employee of the agency, center, or home. 7826
The department of education shall compile, maintain, and update in 7827
January and July of each year, a list of all boards of education, 7828
schools, or programs of a type described in division (A)(3), (4), 7829
or (5) of this section that contains the name of each board of 7830
education, school, or program of that type, the county in which it 7831
is located, its address and telephone number, the name of the 7832
superintendent of the board or of an administrative officer or 7833
employee of the school or program, and, in relation to a board of 7834
education, the county or counties in which each of its schools is 7835
located and the address of each such school. The Ohio board of 7836
regents shall compile, maintain, and update in January and July of 7837
each year, a list of all institutions of a type described in 7838
division (A)(7) of this section that contains the name of each 7839
such institution, the county in which it is located, its address 7840
and telephone number, and the name of its president or other chief 7841
administrative officer. A sheriff required by division (A) or (C) 7842
of this section, or authorized by division (D)(2) of this section, 7843
to provide notices regarding an offender or delinquent child, or a 7844
designee of a sheriff of that type, may request the department of 7845

job and family services, department of education, or Ohio board of 7846
regents, by telephone, in person, or by mail, to provide the 7847
sheriff or designee with the names, addresses, and telephone 7848
numbers of the appropriate persons and entities to whom the 7849
notices described in divisions (A)(2) to (7) of this section are 7850
to be provided. Upon receipt of a request, the department or board 7851
shall provide the requesting sheriff or designee with the names, 7852
addresses, and telephone numbers of the appropriate persons and 7853
entities to whom those notices are to be provided. 7854

(H)(1) Upon the motion of the offender or the prosecuting 7855
attorney of the county in which the offender was convicted of or 7856
pleaded guilty to the sexually oriented offense or child-victim 7857
oriented offense for which the offender is subject to community 7858
notification under this section, or upon the motion of the 7859
sentencing judge or that judge's successor in office, the judge 7860
may schedule a hearing to determine whether the interests of 7861
justice would be served by suspending the community notification 7862
requirement under this section in relation to the offender. The 7863
judge may dismiss the motion without a hearing but may not issue 7864
an order suspending the community notification requirement without 7865
a hearing. At the hearing, all parties are entitled to be heard, 7866
and the judge shall consider all of the factors set forth in 7867
division (B)(3) of section 2950.09 of the Revised Code. If, at the 7868
conclusion of the hearing, the judge finds that the offender has 7869
proven by clear and convincing evidence that the offender is 7870
unlikely to commit in the future a sexually oriented offense or a 7871
child-victim oriented offense and if the judge finds that 7872
suspending the community notification requirement is in the 7873
interests of justice, the judge may suspend the application of 7874
this section in relation to the offender. The order shall contain 7875
both of these findings. 7876

The judge promptly shall serve a copy of the order upon the 7877

sheriff with whom the offender most recently registered under 7878
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 7879
the bureau of criminal identification and investigation. 7880

An order suspending the community notification requirement 7881
does not suspend or otherwise alter an offender's duties to comply 7882
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 7883
Revised Code and does not suspend the victim notification 7884
requirement under section 2950.10 of the Revised Code. 7885

(2) A prosecuting attorney, a sentencing judge or that 7886
judge's successor in office, and an offender who is subject to the 7887
community notification requirement under this section may 7888
initially make a motion under division (H)(1) of this section upon 7889
the expiration of twenty years after the offender's duty to comply 7890
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 7891
Revised Code begins in relation to the offense for which the 7892
offender is subject to community notification. After the initial 7893
making of a motion under division (H)(1) of this section, 7894
thereafter, the prosecutor, judge, and offender may make a 7895
subsequent motion under that division upon the expiration of five 7896
years after the judge has entered an order denying the initial 7897
motion or the most recent motion made under that division. 7898

(3) The offender and the prosecuting attorney have the right 7899
to appeal an order approving or denying a motion made under 7900
division (H)(1) of this section. 7901

(4) Division (H) of this section does not apply to any of the 7902
following types of offender: 7903

(a) A sexually violent predator; 7904

(b) A habitual sex offender or habitual child-victim oriented 7905
offender who is subject to community notification who, subsequent 7906
to being subjected to community notification, has pleaded guilty 7907
to or been convicted of a sexually oriented offense or a 7908

child-victim oriented offense; 7909

(c) A sexual predator or child-victim predator who is not a 7910
sexually violent predator who, subsequent to being subjected to 7911
community notification, has pleaded guilty to or been convicted of 7912
a sexually oriented offense or child-victim oriented offense. 7913

Sec. 2950.111. (A) If an offender or delinquent child 7914
registers a residence address, provides notice of a change of any 7915
residence address, or verifies a current residence address 7916
pursuant to section 2950.04, 2950.041, 2950.05, or 2950.06 of the 7917
Revised Code, all of the following apply: 7918

(1) At any time after the registration, provision of the 7919
notice, or verification, the sheriff with whom the offender or 7920
delinquent child so registered or to whom the offender or 7921
delinquent child so provided the notice or verified the current 7922
address, or a designee of that sheriff, may contact a person who 7923
owns, leases, or otherwise has custody, control, or supervision of 7924
the premises at the address provided by the offender or delinquent 7925
child in the registration, the notice, or the verification and 7926
request that the person confirm or deny that the offender or 7927
delinquent child currently resides at that address. 7928

(2) Upon receipt of a request under division (A)(1) of this 7929
section, notwithstanding any other provision of law, the person 7930
who owns, leases, or otherwise has custody, control, or 7931
supervision of the premises, or an agent of that person, shall 7932
comply with the request and inform the sheriff or designee who 7933
made the request whether or not the offender or delinquent child 7934
currently resides at that address. 7935

(3) Section 2950.12 of the Revised Code applies to a person 7936
who, in accordance with division (A)(2) of this section, provides 7937
information of the type described in that division. 7938

(B) Division (A) of this section applies regarding any public 7939
or private residential premises, including, but not limited to, a 7940
private residence, a multi-unit residential facility, a halfway 7941
house, a homeless shelter, or any other type of residential 7942
premises. Division (A) of this section does not apply regarding an 7943
offender's registration, provision of notice of a change in, or 7944
verification of a school, institution of higher education, or 7945
place of employment address pursuant to section 2950.04, 2950.041, 7946
2950.05, or 2950.06 of the Revised Code. 7947

(C) A sheriff or designee of a sheriff may attempt to confirm 7948
that an offender or delinquent child who registers a residence 7949
address, provides notice of a change of any residence address, or 7950
verifies a current residence address as described in division (A) 7951
of this section currently resides at the address in question in 7952
manners other than the manner provided in this section. A sheriff 7953
or designee of a sheriff is not limited in the number of requests 7954
that may be made under this section regarding any registration, 7955
provision of notice, or verification, or in the number of times 7956
that the sheriff or designee may attempt to confirm, in manners 7957
other than the manner provided in this section, that an offender 7958
or delinquent child currently resides at the address in question. 7959

Sec. 2950.12. (A) Except as provided in division (B) of this 7960
section, any of the following persons shall be immune from 7961
liability in a civil action to recover damages for injury, death, 7962
or loss to person or property allegedly caused by an act or 7963
omission in connection with a power, duty, responsibility, or 7964
authorization under this chapter or under rules adopted under 7965
authority of this chapter: 7966

(1) An officer or employee of the bureau of criminal 7967
identification and investigation; 7968

(2) The attorney general, a chief of police, marshal, or 7969

other chief law enforcement officer of a municipal corporation, a 7970
sheriff, a constable or chief of police of a township police 7971
department or police district police force, and a deputy, officer, 7972
or employee of the office of the attorney general, the law 7973
enforcement agency served by the marshal or the municipal or 7974
township chief, the office of the sheriff, or the constable; 7975

(3) A prosecutor and an officer or employee of the office of 7976
a prosecutor; 7977

(4) A supervising officer and an officer or employee of the 7978
adult parole authority of the department of rehabilitation and 7979
correction; 7980

(5) A supervising officer and an officer or employee of the 7981
department of youth services; 7982

(6) A supervisor and a caseworker or employee of a public 7983
children services agency acting pursuant to section 5153.16 of the 7984
Revised Code; 7985

(7) A managing officer of a state correctional institution 7986
and an officer or employee of the department of rehabilitation and 7987
correction; 7988

(8) A person identified in division (A)(2), (3), (4), (5), 7989
(6), or (7) of section 2950.11 of the Revised Code or the agent of 7990
that person; 7991

(9) A person identified in division (A)(2) of section 7992
2950.111 of the Revised Code, regarding the person's provision of 7993
information pursuant to that division to a sheriff or a designee 7994
of a sheriff. 7995

(B) The immunity described in division (A) of this section 7996
does not apply to a person described in divisions (A)(1) to (8) of 7997
this section if, in relation to the act or omission in question, 7998
any of the following applies: 7999

(1) The act or omission was manifestly outside the scope of 8000
the person's employment or official responsibilities. 8001

(2) The act or omission was with malicious purpose, in bad 8002
faith, or in a wanton or reckless manner. 8003

(3) Liability for the act or omission is expressly imposed by 8004
a section of the Revised Code. 8005

Sec. 2950.13. (A) The attorney general shall do all of the 8006
following: 8007

(1) No later than July 1, 1997, establish and maintain a 8008
state registry of sex offenders and child-victim offenders that is 8009
housed at the bureau of criminal identification and investigation 8010
and that contains all of the registration, change of residence, 8011
school, institution of higher education, or place of employment 8012
address, and verification information the bureau receives pursuant 8013
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 8014
Code regarding a person who is convicted of or pleads guilty to, 8015
or has been convicted of or pleaded guilty to, either a sexually 8016
oriented offense that is not a registration-exempt sexually 8017
oriented offense or a child-victim oriented offense or a person 8018
who is adjudicated a delinquent child for committing either a 8019
sexually oriented offense that is not a registration-exempt 8020
sexually oriented offense or a child-victim oriented offense and 8021
is classified a juvenile ~~sex~~ offender registrant or is an 8022
out-of-state juvenile ~~sex~~ offender registrant based on that 8023
adjudication, and all of the information the bureau receives 8024
pursuant to section 2950.14 of the Revised Code~~+~~. For a person who 8025
was convicted of or pleaded guilty to the sexually oriented 8026
offense or child-victim related offense, the registry also shall 8027
indicate whether the person was convicted of or pleaded guilty to 8028
the offense in a criminal prosecution or in a serious youthful 8029
offender case. 8030

(2) In consultation with local law enforcement 8031
representatives and no later than July 1, 1997, adopt rules that 8032
contain guidelines necessary for the implementation of this 8033
chapter; 8034

(3) In consultation with local law enforcement 8035
representatives ~~and no later than July 1, 1997,~~ adopt rules for 8036
the implementation and administration of the provisions contained 8037
in section 2950.11 of the Revised Code that pertain to the 8038
notification of neighbors of an offender or a delinquent child who 8039
has committed a sexually oriented offense that is not a 8040
registration-exempt sexually oriented offense and has been 8041
adjudicated ~~as being~~ a sexual predator or determined to be a 8042
habitual sex offender ~~or, an offender~~ who has committed ~~on or~~ 8043
~~after the effective date of this amendment~~ an aggravated sexually 8044
oriented offense, or an offender or delinquent child who has 8045
committed a child-victim oriented offense and has been adjudicated 8046
a child-victim predator or determined to be a habitual 8047
child-victim offender, and rules that prescribe a manner in which 8048
victims of either a sexually oriented offense that is not a 8049
registration-exempt sexually oriented offense or a child-victim 8050
oriented offense committed by an offender or a delinquent child 8051
who has been adjudicated ~~as being~~ a sexual predator or determined 8052
to be a habitual sex offender ~~or, an offender~~ who has committed ~~on~~ 8053
~~or after the effective date of this amendment~~ an aggravated 8054
sexually oriented offense, or an offender or delinquent child who 8055
has committed a child-victim oriented offense and has been 8056
adjudicated a child-victim predator or determined to be a habitual 8057
child-victim offender may make a request that specifies that the 8058
victim would like to be provided the notices described in 8059
divisions (A)(1) and (2) of section 2950.10 of the Revised Code; 8060

(4) In consultation with local law enforcement 8061
representatives and through the bureau of criminal identification 8062

and investigation, prescribe the forms to be used by judges and 8063
officials pursuant to section 2950.03 of the Revised Code to 8064
advise offenders and delinquent children of their duties of filing 8065
a notice of intent to reside, registration, notification of a 8066
change of residence, school, institution of higher education, or 8067
place of employment address and registration of the new ~~residence~~, 8068
school, institution of higher education, or place of employment 8069
address, as applicable, and ~~residence~~ address verification under 8070
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 8071
Code, and prescribe the forms to be used by sheriffs relative to 8072
those duties of filing a notice of intent to reside, registration, 8073
change of residence, school, institution of higher education, or 8074
place of employment address notification, and ~~residence~~ address 8075
verification; 8076

(5) Make copies of the forms prescribed under division (A)(4) 8077
of this section available to judges, officials, and sheriffs; 8078

(6) Through the bureau of criminal identification and 8079
investigation, provide the notifications, the information, and the 8080
documents that the bureau is required to provide to appropriate 8081
law enforcement officials and to the federal bureau of 8082
investigation pursuant to sections 2950.04, 2950.041, 2950.05, and 8083
2950.06 of the Revised Code; 8084

(7) Through the bureau of criminal identification and 8085
investigation, maintain the verification forms returned under the 8086
~~residence~~ address verification mechanism set forth in section 8087
2950.06 of the Revised Code; 8088

(8) In consultation with representatives of the officials, 8089
judges, and sheriffs, adopt procedures for officials, judges, and 8090
sheriffs to use to forward information, photographs, and 8091
fingerprints to the bureau of criminal identification and 8092
investigation pursuant to the requirements of sections 2950.03, 8093
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code; 8094

(9) In consultation with the director of education, the 8095
director of job and family services, and the director of 8096
rehabilitation and correction ~~and no later than July 1, 1997,~~ 8097
adopt rules that contain guidelines to be followed by boards of 8098
education of a school district, chartered nonpublic schools or 8099
other schools not operated by a board of education, preschool 8100
programs, child day-care centers, type A family day-care homes, 8101
certified type B family day-care homes, and institutions of higher 8102
education regarding the proper use and administration of 8103
information received pursuant to section 2950.11 of the Revised 8104
Code relative to an offender or delinquent child who has been 8105
adjudicated ~~as being~~ a sexual predator or child-victim predator or 8106
determined to be a habitual sex offender or habitual child-victim 8107
offender, or an offender who has committed an aggravated sexually 8108
oriented offense; 8109

(10) In consultation with local law enforcement 8110
representatives and no later than July 1, 1997, adopt rules that 8111
designate a geographic area or areas within which the notice 8112
described in division (B) of section 2950.11 of the Revised Code 8113
must be given to the persons identified in divisions (A)(2) to (8) 8114
of that section; 8115

(11) Through the bureau of criminal identification and 8116
investigation, not later than January 1, 2004, establish and 8117
operate on the internet a sex offender and child-victim offender 8118
database that contains information for every offender who has 8119
committed either a sexually oriented offense that is not a 8120
registration-exempt sexually oriented offense or a child-victim 8121
oriented offense and who registers in any county in this state 8122
pursuant to section 2950.04 or 2950.041 of the Revised Code. The 8123
bureau shall determine the information to be provided on the 8124
database for each offender and shall obtain that information from 8125
the information contained in the state registry of sex offenders 8126

and child-victim offenders described in division (A)(1) of this 8127
section, which information, while in the possession of the sheriff 8128
who provided it, is a public record open for inspection as 8129
described in section 2950.081 of the Revised Code. The information 8130
provided for each offender shall include at least the information 8131
set forth in division (B) of section 2950.11 of the Revised Code. 8132
The database is a public record open for inspection under section 8133
149.43 of the Revised Code, and it shall be searchable by offender 8134
name, by county, by zip code, and by school district. The database 8135
shall provide a link to the web site of each sheriff who has 8136
established and operates on the internet a sex offender and 8137
child-victim offender database that contains information for 8138
offenders who register in that county pursuant to section 2950.04 8139
or 2950.041 of the Revised Code, with the link being a direct link 8140
to the sex offender and child-victim offender database for the 8141
sheriff. 8142

(12) Upon the request of any sheriff, provide technical 8143
guidance to the requesting sheriff in establishing on the internet 8144
a sex offender and child-victim offender database for the public 8145
dissemination of some or all of the materials described in 8146
division (A) of section 2950.081 of the Revised Code that are 8147
public records under that division and that pertain to offenders 8148
who register in that county pursuant to section 2950.04 or 8149
2950.041 of the Revised Code; 8150

(13) Through the bureau of criminal identification and 8151
investigation, not later than January 1, 2004, establish and 8152
operate on the internet a database that enables local law 8153
enforcement representatives to remotely search by electronic means 8154
the state registry of sex offenders and child-victim offenders 8155
described in division (A)(1) of this section and any information 8156
the bureau receives pursuant to sections 2950.04, 2950.041, 8157
2950.05, 2950.06, and 2950.14 of the Revised Code. The database 8158

shall enable local law enforcement representatives to obtain 8159
detailed information regarding each offender and delinquent child 8160
who is included in the registry, including, but not limited to the 8161
offender's or delinquent child's name, residence address, place of 8162
employment if applicable, motor vehicle license plate number if 8163
applicable, victim preference if available, date of most recent 8164
release from confinement if applicable, fingerprints, and other 8165
identification parameters the bureau considers appropriate. The 8166
database is not a public record open for inspection under section 8167
149.43 of the Revised Code and shall be available only to law 8168
enforcement representatives as described in this division. 8169
Information obtained by local law enforcement representatives 8170
through use of this database is not open to inspection by the 8171
public or by any person other than a person identified in division 8172
(A) of section 2950.08 of the Revised Code; 8173

(14) Establish and operate a sex offender tracking program, 8174
using the information contained in the state registry of sex 8175
offenders described in division (A)(1) of this section. 8176

(B) The attorney general, ~~in~~ may do any of the following: 8177

(1) In consultation with local law enforcement 8178
representatives, ~~may~~ adopt rules that establish one or more 8179
categories of neighbors of an offender or delinquent child who, in 8180
addition to the occupants of ~~residences adjacent to an offender's~~ 8181
~~or delinquent child's place of residence~~ residential premises and 8182
other persons specified in division (A)(1) of section 2950.11 of 8183
the Revised Code, must be given the notice described in division 8184
(B) of ~~that~~ section 2950.11 of the Revised Code; 8185

(2) Publicly disseminate or cause to be publicly disseminated 8186
by means of the internet the information contained in the sex 8187
offender tracking program established under division (A)(14) of 8188
this section, including, but not limited to, a notice containing 8189
the information set forth in division (B) of section 2950.11 of 8190

the Revised Code. 8191

(C) No person, other than a local law enforcement 8192
representative, shall knowingly do any of the following: 8193

(1) Gain or attempt to gain access to the database 8194
established and operated by the attorney general, through the 8195
bureau of criminal identification and investigation, pursuant to 8196
division (A)(13) of this section. 8197

(2) Permit any person to inspect any information obtained 8198
through use of the database described in division (C)(1) of this 8199
section, other than as permitted under that division. 8200

(D) As used in this section, "local law enforcement 8201
representatives" means representatives of the sheriffs of this 8202
state, representatives of the municipal chiefs of police and 8203
marshals of this state, and representatives of the township 8204
constables and chiefs of police of the township police departments 8205
or police district police forces of this state. 8206

Sec. 2950.14. (A) Prior to releasing an offender who is under 8207
the custody and control of the department of rehabilitation and 8208
correction and who has been convicted of or pleaded guilty to 8209
committing, either prior to, on, or after January 1, 1997, any 8210
sexually oriented offense that is not a registration-exempt 8211
sexually oriented offense or any child-victim oriented offense, 8212
the department of rehabilitation and correction shall provide all 8213
of the information described in division (B) of this section to 8214
the bureau of criminal identification and investigation regarding 8215
the offender. Prior to releasing a delinquent child who is in the 8216
custody of the department of youth services who has been 8217
adjudicated a delinquent child for committing on or after January 8218
1, 2002, a any sexually oriented offense that is not a 8219
registration-exempt sexually oriented offense or any child-victim 8220
oriented offense, and who has been classified a juvenile ~~sex~~ 8221

offender registrant based on that adjudication, the department of 8222
youth services shall provide all of the information described in 8223
division (B) of this section to the bureau of criminal 8224
identification and investigation regarding the delinquent child. 8225

(B) The department of rehabilitation and correction and the 8226
department of youth services shall provide all of the following 8227
information to the bureau of criminal identification and 8228
investigation regarding an offender or delinquent child described 8229
in division (A) of this section: 8230

(1) The offender's or delinquent child's name and any aliases 8231
used by the offender or delinquent child; 8232

(2) All identifying factors concerning the offender or 8233
delinquent child; 8234

(3) The offender's or delinquent child's anticipated future 8235
residence; 8236

(4) The offense and delinquency history of the offender or 8237
delinquent child; 8238

(5) Whether the offender or delinquent child was treated for 8239
a mental abnormality or personality disorder while under the 8240
custody and control of the department; 8241

(6) Any other information that the bureau indicates is 8242
relevant and that the department possesses. 8243

(C) Upon receipt of the information described in division (B) 8244
of this section regarding an offender or delinquent child, the 8245
bureau immediately shall enter the information into the state 8246
registry of sex offenders and child-victim offenders that the 8247
bureau maintains pursuant to section 2950.13 of the Revised Code 8248
and into the records that the bureau maintains pursuant to 8249
division (A) of section 109.57 of the Revised Code. 8250

Sec. 2950.99. (A) ~~Whoever~~ (1)(a) Except as otherwise provided 8251

in division (A)(1)(b) of this section, whoever violates a 8252
prohibition in section 2950.04, ~~2950.041~~, 2950.05, or 2950.06 of 8253
the Revised Code ~~is guilty of a felony of the fifth degree if~~ 8254
shall be punished as follows: 8255

(i) If the most serious sexually oriented offense or 8256
child-victim oriented offense that was the basis of the 8257
registration, notice of intent to reside, change of address 8258
notification, or address verification requirement that was 8259
violated under the prohibition is aggravated murder, murder, or a 8260
felony of the first, second, or third degree if committed by an 8261
adult, the offender is guilty of a felony of the third degree. 8262

(ii) If the most serious sexually oriented offense or 8263
child-victim oriented offense that was the basis of the 8264
registration, notice of intent to reside, change of address 8265
notification, or address verification requirement that was 8266
violated under the prohibition is a felony of the fourth or fifth 8267
degree if committed by an adult, ~~and a misdemeanor of the first~~ 8268
~~degree, or~~ if the most serious sexually oriented offense or 8269
child-victim oriented offense that was the basis of the 8270
registration, notice of intent to reside, change of address 8271
notification, or address verification requirement that was 8272
violated under the prohibition is a misdemeanor if committed by an 8273
adult. ~~In, the offender is guilty of a felony of the same degree~~ 8274
~~or a misdemeanor of the same degree as the most serious sexually~~ 8275
~~oriented offense or child-victim oriented offense that was the~~ 8276
~~basis of the registration, notice of intent to reside, change of~~ 8277
~~address, or address verification requirement that was violated~~ 8278
~~under the prohibition.~~ 8279

(b) If the offender previously has been convicted of or 8280
pleaded guilty to, or previously has been adjudicated a delinquent 8281
child for committing, a violation of a prohibition in section 8282
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 8283

whoever violates a prohibition in section 2950.04, 2950.041, 8284
2950.05, or 2950.06 of the Revised Code shall be punished as 8285
follows: 8286

(i) If the most serious sexually oriented offense or 8287
child-victim oriented offense that was the basis of the 8288
registration, notice of intent to reside, change of address 8289
notification, or address verification requirement that was 8290
violated under the prohibition is aggravated murder, murder, or a 8291
felony of the first, second, third, or fourth degree if committed 8292
by an adult, the offender is guilty of a felony of the third 8293
degree. 8294

(ii) If the most serious sexually oriented offense or 8295
child-victim oriented offense that was the basis of the 8296
registration, notice of intent to reside, change of address 8297
notification, or address verification requirement that was 8298
violated under the prohibition is a felony of the fifth degree if 8299
committed by an adult, the offender is guilty of a felony of the 8300
fourth degree. 8301

(iii) If the most serious sexually oriented offense or 8302
child-victim oriented offense that was the basis of the 8303
registration, notice of intent to reside, change of address 8304
notification, or address verification requirement that was 8305
violated under the prohibition is a misdemeanor of the first 8306
degree if committed by an adult, the offender is guilty of a 8307
felony of the fifth degree. 8308

(iv) If the most serious sexually oriented offense or 8309
child-victim oriented offense that was the basis of the 8310
registration, notice of intent to reside, change of address 8311
notification, or address verification requirement that was 8312
violated under the prohibition is a misdemeanor other than a 8313
misdemeanor of the first degree if committed by an adult, the 8314
offender is guilty of a misdemeanor that is one degree higher than 8315

the most serious sexually oriented offense or child-victim 8316
oriented offense that was the basis of the registration, change of 8317
address, or address verification requirement that was violated 8318
under the prohibition. 8319

(2) In addition to any penalty or sanction imposed under 8320
division (A)(1) of this section or any other provision of law for 8321
the a violation of a prohibition in section 2950.04, 2950.041, 8322
2950.05, or 2950.06 of the Revised Code, if the offender or 8323
delinquent child is on probation or parole, is subject to one or 8324
more post-release control sanctions, or is subject to any other 8325
type of supervised release at the time of the violation, the 8326
violation shall constitute a violation of the terms and conditions 8327
of the probation, parole, post-release control sanction, or other 8328
type of supervised release. 8329

(B) If a person violates a prohibition in section 2950.04, 8330
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 8331
the person as a result of the person being adjudicated a 8332
delinquent child and being classified a juvenile ~~sex~~ offender 8333
registrant or ~~is~~ as an out-of-state juvenile ~~sex~~ offender 8334
registrant, both of the following apply: 8335

(1) If the violation occurs while the person is under 8336
eighteen years of age, the person is subject to proceedings under 8337
Chapter 2152. of the Revised Code based on the violation. 8338

(2) If the violation occurs while the person is eighteen 8339
years of age or older, the person is subject to criminal 8340
prosecution based on the violation. 8341

(C) Whoever violates division (C) of section 2950.13 of the 8342
Revised Code is guilty of a misdemeanor of the first degree. 8343

Sec. 2971.01. As used in this chapter: 8344

(A) "Mandatory prison term" has the same meaning as in 8345

section 2929.01 of the Revised Code. 8346

(B) "Designated homicide, assault, or kidnapping offense" 8347
means any of the following: 8348

(1) A violation of section 2903.01, 2903.02, 2903.11, or 8349
2905.01 of the Revised Code or a violation of division (A) of 8350
section 2903.04 of the Revised Code; 8351

(2) An attempt to commit or complicity in committing a 8352
violation listed in division (B)(1) of this section, if the 8353
attempt or complicity is a felony. 8354

(C) "Examiner" has the same meaning as in section 2945.371 of 8355
the Revised Code. 8356

(D) "Peace officer" has the same meaning as in section 8357
2935.01 of the Revised Code. 8358

(E) "Prosecuting attorney" means the prosecuting attorney who 8359
prosecuted the case of the offender in question or the successor 8360
in office to that prosecuting attorney. 8361

(F) "Sexually oriented offense" ~~has~~ and "child-victim 8362
oriented offense" ~~have~~ the same ~~meaning~~ meanings as in section 8363
2950.01 of the Revised Code. 8364

(G) "Sexually violent offense" means a violent sex offense, 8365
or a designated homicide, assault, or kidnapping offense for which 8366
the offender also was convicted of or pleaded guilty to a sexual 8367
motivation specification. 8368

(H)(1) "Sexually violent predator" means a person who has 8369
been convicted of or pleaded guilty to committing, on or after ~~the~~ 8370
~~effective date of this section~~ January 1, 1997, a sexually violent 8371
offense and is likely to engage in the future in one or more 8372
sexually violent offenses. 8373

(2) For purposes of division (H)(1) of this section, any of 8374
the following factors may be considered as evidence tending to 8375

indicate that there is a likelihood that the person will engage in 8376
the future in one or more sexually violent offenses: 8377

(a) The person has been convicted two or more times, in 8378
separate criminal actions, of a sexually oriented offense or a 8379
child-victim oriented offense. For purposes of this division, 8380
convictions that result from or are connected with the same act or 8381
result from offenses committed at the same time are one 8382
conviction, and a conviction set aside pursuant to law is not a 8383
conviction. 8384

(b) The person has a documented history from childhood, into 8385
the juvenile developmental years, that exhibits sexually deviant 8386
behavior. 8387

(c) Available information or evidence suggests that the 8388
person chronically commits offenses with a sexual motivation. 8389

(d) The person has committed one or more offenses in which 8390
the person has tortured or engaged in ritualistic acts with one or 8391
more victims. 8392

(e) The person has committed one or more offenses in which 8393
one or more victims were physically harmed to the degree that the 8394
particular victim's life was in jeopardy. 8395

(f) Any other relevant evidence. 8396

(I) "Sexually violent predator specification" means a 8397
specification, as described in section 2941.148 of the Revised 8398
Code, charging a person with being a sexually violent predator. 8399

(J) "Sexual motivation" means a purpose to gratify the sexual 8400
needs or desires of the offender. 8401

(K) "Sexual motivation specification" means a specification, 8402
as described in section 2941.147 of the Revised Code, that charges 8403
that a person charged with a designated homicide, assault, or 8404
kidnapping offense committed the offense with a sexual motivation. 8405

(L) "Violent sex offense" means any of the following: 8406

(1) A violation of section 2907.02, 2907.03, or 2907.12 or of 8407
division (A)(4) of section 2907.05 of the Revised Code; 8408

(2) A felony violation of a former law of this state that is 8409
substantially equivalent to a violation listed in division (L)(1) 8410
of this section or of an existing or former law of the United 8411
States or of another state that is substantially equivalent to a 8412
violation listed in division (L)(1) of this section; 8413

(3) An attempt to commit or complicity in committing a 8414
violation listed in division (L)(1) or (2) of this section if the 8415
attempt or complicity is a felony. 8416

Sec. 3319.20. Whenever an employee of a board of education, 8417
other than an employee who is a license holder to whom section 8418
3319.52 of the Revised Code applies, is convicted of or pleads 8419
guilty to a felony, a violation of section 2907.04 or 2907.06 or 8420
of division (A) or ~~(C)~~(B) of section 2907.07 of the Revised Code, 8421
an offense of violence, theft offense, or drug abuse offense that 8422
is not a minor misdemeanor, or a violation of an ordinance of a 8423
municipal corporation that is substantively comparable to a felony 8424
or to a violation or offense of that nature, the prosecutor in the 8425
case, on forms prescribed and furnished by the state board of 8426
education, shall notify the employing board of education of the 8427
employee's name and residence address, the fact that the employee 8428
was convicted of or pleaded guilty to the specified offense, the 8429
section of the Revised Code or the municipal ordinance violated, 8430
and the sentence imposed by the court. 8431

The prosecutor shall give the notification required by this 8432
section no earlier than the fifth day following the expiration of 8433
the period within which the employee may file a notice of appeal 8434
from the judgment of the trial court under Appellate Rule 4(B) and 8435

no later than the eighth day following the expiration of that 8436
period. The notification also shall indicate whether the employee 8437
appealed the conviction, and, if applicable, the court in which 8438
the appeal will be heard. If the employee is permitted, by leave 8439
of court pursuant to Appellate Rule 5, to appeal the judgment of 8440
the trial court subsequent to the expiration of the period for 8441
filing a notice of appeal under Appellate Rule 4(B), the 8442
prosecutor promptly shall notify the employing board of education 8443
of the appeal and the court in which the appeal will be heard. 8444

As used in this section, "theft offense" has the same meaning 8445
as in section 2913.01 of the Revised Code, "drug abuse offense" 8446
has the same meaning as in section 2925.01 of the Revised Code, 8447
and "prosecutor" has the same meaning as in section 2935.01 of the 8448
Revised Code. 8449

Sec. 3319.31. (A) As used in this section and sections 8450
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 8451
means a certificate, license, or permit described in division (B) 8452
of section 3301.071 or in section 3301.074, 3319.088, 3319.29, or 8453
3319.302 of the Revised Code. 8454

(B) For any of the following reasons, the state board of 8455
education, in accordance with Chapter 119. and section 3319.311 of 8456
the Revised Code, may refuse to issue a license to an applicant, 8457
may limit a license it issues to an applicant, or may suspend, 8458
revoke, or limit a license that has been issued to any person: 8459

(1) Engaging in an immoral act, incompetence, negligence, or 8460
conduct that is unbecoming to the applicant's or person's 8461
position; 8462

(2) A plea of guilty to, a finding of guilt by a jury or 8463
court of, or a conviction of any of the following: 8464

(a) A felony; 8465

(b) A violation of section 2907.04 or 2907.06 or division (A) 8466
or ~~(C)~~(B) of section 2907.07 of the Revised Code; 8467

(c) An offense of violence; 8468

(d) A theft offense, as defined in section 2913.01 of the 8469
Revised Code; 8470

(e) A drug abuse offense, as defined in section 2925.01 of 8471
the Revised Code, that is not a minor misdemeanor; 8472

(f) A violation of an ordinance of a municipal corporation 8473
that is substantively comparable to an offense listed in divisions 8474
(B)(2)(a) to (e) of this section. 8475

(C) The state board may take action under division (B) of 8476
this section on the basis of substantially comparable conduct 8477
occurring in a jurisdiction outside this state or occurring before 8478
a person applies for or receives any license. 8479

(D) The state board may adopt rules in accordance with 8480
Chapter 119. of the Revised Code to carry out this section and 8481
section 3319.311 of the Revised Code. 8482

Sec. 5139.13. (A) The department of youth services shall do 8483
all of the following: 8484

(1) Control and manage all institutions for the 8485
rehabilitation of delinquent children and youthful offenders that 8486
are operated by the state, except where the control and management 8487
of an institution is vested by law in another agency; 8488

(2) Provide treatment and training for children committed to 8489
the department and assigned by the department to various 8490
institutions under its control and management, including, but not 8491
limited to, for a child committed to it for an act that is either 8492
a sexually oriented offense that is not a registration-exempt 8493
sexually oriented offense or a child-victim oriented offense, 8494

treatment that is appropriate for a child who commits an act that 8495
is a sexually oriented offense that is not a registration-exempt 8496
sexually oriented offense or child-victim oriented offense and 8497
that is intended to ensure that the child does not commit any 8498
subsequent act that is a sexually oriented offense or a 8499
child-victim oriented offense; 8500

(3) Establish and maintain appropriate reception centers for 8501
the reception of children committed to the department and employ 8502
competent persons to have charge of those centers and to conduct 8503
investigations; 8504

(4) Establish and maintain any other facilities necessary for 8505
the training, treatment, and rehabilitation of children committed 8506
to the department. 8507

(B) As used in this section, "sexually oriented offense" ~~has~~ 8508
and "child-victim oriented offense" have the same ~~meaning~~ meanings 8509
as in section 2950.01 of the Revised Code. 8510

Sec. 5321.01. As used in this chapter: 8511

(A) "Tenant" means a person entitled under a rental agreement 8512
to the use and occupancy of residential premises to the exclusion 8513
of others. 8514

(B) "Landlord" means the owner, lessor, or sublessor of 8515
residential premises, the agent of the owner, lessor, or 8516
sublessor, or any person authorized by the owner, lessor, or 8517
sublessor to manage the premises or to receive rent from a tenant 8518
under a rental agreement. 8519

(C) "Residential premises" means a dwelling unit for 8520
residential use and occupancy and the structure of which it is a 8521
part, the facilities and appurtenances in it, and the grounds, 8522
areas, and facilities for the use of tenants generally or the use 8523
of which is promised the tenant. "Residential premises" includes a 8524

dwelling unit that is owned or operated by a college or 8525
university. "Residential premises" does not include any of the 8526
following: 8527

(1) Prisons, jails, workhouses, and other places of 8528
incarceration or correction, including, but not limited to, 8529
halfway houses or residential arrangements which are used or 8530
occupied as a requirement of probation or parole; 8531

(2) Hospitals and similar institutions with the primary 8532
purpose of providing medical services, and homes licensed pursuant 8533
to Chapter 3721. of the Revised Code; 8534

(3) Tourist homes, hotels, motels, recreational vehicle 8535
parks, recreation camps, combined park-camps, temporary 8536
park-camps, and other similar facilities where circumstances 8537
indicate a transient occupancy; 8538

(4) Elementary and secondary boarding schools, where the cost 8539
of room and board is included as part of the cost of tuition; 8540

(5) Orphanages and similar institutions; 8541

(6) Farm residences furnished in connection with the rental 8542
of land of a minimum of two acres for production of agricultural 8543
products by one or more of the occupants; 8544

(7) Dwelling units subject to sections 3733.41 to 3733.49 of 8545
the Revised Code; 8546

(8) Occupancy by an owner of a condominium unit; 8547

(9) Occupancy in a facility licensed as an SRO facility 8548
pursuant to Chapter 3731. of the Revised Code, if the facility is 8549
owned or operated by an organization that is exempt from taxation 8550
under section 501(c)(3) of the "Internal Revenue Code of 1986," 8551
100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or 8552
group of entities in which such an organization has a controlling 8553
interest, and if either of the following applies: 8554

(a) The occupancy is for a period of less than sixty days; 8555

(b) The occupancy is for participation in a program operated 8556
by the facility, or by a public entity or private charitable 8557
organization pursuant to a contract with the facility, to provide 8558
either of the following: 8559

(i) Services licensed, certified, registered, or approved by 8560
a governmental agency or private accrediting organization for the 8561
rehabilitation of mentally ill persons, developmentally disabled 8562
persons, adults or juveniles convicted of criminal offenses, or 8563
persons suffering from substance abuse; 8564

(ii) Shelter for juvenile runaways, victims of domestic 8565
violence, or homeless persons. 8566

(10) Emergency shelters operated by organizations exempt from 8567
federal income taxation under section 501(c)(3) of the "Internal 8568
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 8569
amended, for persons whose circumstances indicate a transient 8570
occupancy, including homeless people, victims of domestic 8571
violence, and juvenile runaways. 8572

(D) "Rental agreement" means any agreement or lease, written 8573
or oral, which establishes or modifies the terms, conditions, 8574
rules, or any other provisions concerning the use and occupancy of 8575
residential premises by one of the parties. 8576

(E) "Security deposit" means any deposit of money or property 8577
to secure performance by the tenant under a rental agreement. 8578

(F) "Dwelling unit" means a structure or the part of a 8579
structure that is used as a home, residence, or sleeping place by 8580
one person who maintains a household or by two or more persons who 8581
maintain a common household. 8582

(G) "Controlled substance" has the same meaning as in section 8583
3719.01 of the Revised Code. 8584

(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.

(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3733.01 of the Revised Code.

(J) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

(K) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the Revised Code, a landlord may bring an action under Chapter 1923. of the Revised Code for possession of the premises if:

(1) The tenant is in default in the payment of rent;

(2) The violation of the applicable building, housing, health, or safety code that the tenant complained of was primarily caused by any act or lack of reasonable care by the tenant, or by any other person in the tenant's household, or by anyone on the premises with the consent of the tenant;

(3) Compliance with the applicable building, housing, health, or safety code would require alteration, remodeling, or demolition of the premises which would effectively deprive the tenant of the use of the dwelling unit;

(4) A tenant is holding over ~~his~~ the tenant's term.

(5) The residential premises are located within one thousand feet of any school premises, and both of the following apply regarding the tenant or other occupant who resides in or occupies

the premises: 8614

(a) The tenant's or other occupant's name appears on the 8615
state registry of sex offenders and child-victim offenders 8616
maintained under section 2950.13 of the Revised Code. 8617

(b) The state registry of sex offenders and child-victim 8618
offenders indicates that the tenant or other occupant was 8619
convicted of or pleaded guilty to either a sexually oriented 8620
offense that is not a registration-exempt sexually oriented 8621
offense or a child-victim oriented offense in a criminal 8622
prosecution and was not sentenced to a serious youthful offender 8623
dispositional sentence for that offense. 8624

(B) The maintenance of an action by the landlord under this 8625
section does not prevent the tenant from recovering damages for 8626
any violation by the landlord of the rental agreement or of 8627
section 5321.04 of the Revised Code. 8628

(C) This section does not apply to a dwelling unit occupied 8629
by a student tenant. 8630

Sec. 5321.051. (A)(1) No tenant of any residential premises 8631
located within one thousand feet of any school premises shall 8632
allow any person to occupy those residential premises if both of 8633
the following apply regarding the person: 8634

(a) The person's name appears on the state registry of sex 8635
offenders and child-victim offenders maintained under section 8636
2950.13 of the Revised Code. 8637

(b) The state registry of sex offenders and child-victim 8638
offenders indicates that the person was convicted of or pleaded 8639
guilty to either a sexually oriented offense that is not a 8640
registration-exempt sexually oriented offense or a child-victim 8641
oriented offense in a criminal prosecution and was not sentenced 8642
to a serious youthful offender dispositional sentence for that 8643

offense. 8644

(2) If a tenant allows occupancy in violation of this section 8645
or a person establishes a residence or occupies residential 8646
premises in violation of section 2950.031 of the Revised Code, the 8647
landlord for the residential premises that are the subject of the 8648
rental agreement or other tenancy may terminate the rental 8649
agreement or other tenancy of the tenant and all other occupants. 8650

(B) If a landlord is authorized to terminate a rental 8651
agreement or other tenancy pursuant to division (A) of this 8652
section but does not so terminate the rental agreement or other 8653
tenancy, the landlord is not liable in a tort or other civil 8654
action in damages for any injury, death, or loss to person or 8655
property that allegedly results from that decision. 8656

Section 2. That existing sections 109.42, 109.57, 325.32, 8657
1923.01, 1923.02, 1923.051, 2152.02, 2152.19, 2152.191, 2152.82, 8658
2152.83, 2152.84, 2152.85, 2743.191, 2743.69, 2901.07, 2907.07, 8659
2919.24, 2929.01, 2929.13, 2929.19, 2929.21, 2935.36, 2950.01, 8660
2950.02, 2950.03, 2950.04, 2950.05, 2950.06, 2950.07, 2950.08, 8661
2950.081, 2950.09, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 8662
2950.99, 2971.01, 3319.20, 3319.31, 5139.13, 5321.01, and 5321.03 8663
of the Revised Code are hereby repealed. 8664

Section 3. That the versions of sections 109.42, 2152.02, 8665
2152.19, 2743.191, 2929.01, 2929.13, 2929.19, 2929.23, 2950.01, 8666
2950.99, and 5321.01 of the Revised Code that are scheduled to 8667
take effect January 1, 2004, be amended to read as follows: 8668

Sec. 109.42. (A) The attorney general shall prepare and have 8669
printed a pamphlet that contains a compilation of all statutes 8670
relative to victim's rights in which the attorney general lists 8671
and explains the statutes in the form of a victim's bill of 8672
rights. The attorney general shall distribute the pamphlet to all 8673

sheriffs, marshals, municipal corporation and township police 8674
departments, constables, and other law enforcement agencies, to 8675
all prosecuting attorneys, city directors of law, village 8676
solicitors, and other similar chief legal officers of municipal 8677
corporations, and to organizations that represent or provide 8678
services for victims of crime. The victim's bill of rights set 8679
forth in the pamphlet shall contain a description of all of the 8680
rights of victims that are provided for in Chapter 2930. or in any 8681
other section of the Revised Code and shall include, but not be 8682
limited to, all of the following: 8683

(1) The right of a victim or a victim's representative to 8684
attend a proceeding before a grand jury, in a juvenile case, or in 8685
a criminal case pursuant to a subpoena without being discharged 8686
from the victim's or representative's employment, having the 8687
victim's or representative's employment terminated, having the 8688
victim's or representative's pay decreased or withheld, or 8689
otherwise being punished, penalized, or threatened as a result of 8690
time lost from regular employment because of the victim's or 8691
representative's attendance at the proceeding pursuant to the 8692
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 8693
2945.451 of the Revised Code; 8694

(2) The potential availability pursuant to section 2151.359 8695
or 2152.61 of the Revised Code of a forfeited recognizance to pay 8696
damages caused by a child when the delinquency of the child or 8697
child's violation of probation or community control is found to be 8698
proximately caused by the failure of the child's parent or 8699
guardian to subject the child to reasonable parental authority or 8700
to faithfully discharge the conditions of probation or community 8701
control; 8702

(3) The availability of awards of reparations pursuant to 8703
sections 2743.51 to 2743.72 of the Revised Code for injuries 8704
caused by criminal offenses; 8705

(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;

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

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

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

(8) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to sections 2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to receive notice of a pending motion for judicial release or early release of the person who committed the offense against the

victim, to make an oral or written statement at the court hearing 8737
on the motion, and to be notified of the court's decision on the 8738
motion; 8739

(9) The right of the victim in certain criminal or juvenile 8740
cases or a victim's representative pursuant to section 2930.16, 8741
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 8742
of any pending commutation, pardon, parole, transitional control, 8743
discharge, other form of authorized release, post-release control, 8744
or supervised release for the person who committed the offense 8745
against the victim or any application for release of that person 8746
and to send a written statement relative to the victimization and 8747
the pending action to the adult parole authority or the release 8748
authority of the department of youth services; 8749

(10) The right of the victim to bring a civil action pursuant 8750
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 8751
from the offender's profit fund; 8752

(11) The right, pursuant to section 3109.09 of the Revised 8753
Code, to maintain a civil action to recover compensatory damages 8754
not exceeding ten thousand dollars and costs from the parent of a 8755
minor who willfully damages property through the commission of an 8756
act that would be a theft offense, as defined in section 2913.01 8757
of the Revised Code, if committed by an adult; 8758

(12) The right, pursuant to section 3109.10 of the Revised 8759
Code, to maintain a civil action to recover compensatory damages 8760
not exceeding ten thousand dollars and costs from the parent of a 8761
minor who willfully and maliciously assaults a person; 8762

(13) The possibility of receiving restitution from an 8763
offender or a delinquent child pursuant to section 2152.20, 8764
2929.18, or 2929.28 of the Revised Code; 8765

(14) The right of the victim in certain criminal or juvenile 8766
cases or a victim's representative, pursuant to section 2930.16 of 8767

the Revised Code, to receive notice of the escape from confinement 8768
or custody of the person who committed the offense, to receive 8769
that notice from the custodial agency of the person at the 8770
victim's last address or telephone number provided to the 8771
custodial agency, and to receive notice that, if either the 8772
victim's address or telephone number changes, it is in the 8773
victim's interest to provide the new address or telephone number 8774
to the custodial agency; 8775

(15) The right of a victim of domestic violence to seek the 8776
issuance of a temporary protection order pursuant to section 8777
2919.26 of the Revised Code, to seek the issuance of a civil 8778
protection order pursuant to section 3113.31 of the Revised Code, 8779
and to be accompanied by a victim advocate during court 8780
proceedings; 8781

(16) The right of a victim of a sexually oriented offense 8782
that is not a registration-exempt sexually oriented offense or of 8783
a child-victim oriented offense that is committed by a person who 8784
is convicted of or pleads guilty to an aggravated sexually 8785
oriented offense, by a person who is adjudicated ~~as being~~ a sexual 8786
predator or child-victim predator, or, in certain cases, by a 8787
person who is determined to be a habitual sex offender or habitual 8788
child-victim offender to receive, pursuant to section 2950.10 of 8789
the Revised Code, notice that the person has registered with a 8790
sheriff under section 2950.04, 2950.041, or 2950.05 of the Revised 8791
Code and notice of the person's name ~~and,~~ the person's residence 8792
that is registered, and the offender's school, institution of 8793
higher education, or place of employment address or addresses that 8794
are registered, and a summary of the manner in which the victim 8795
must make a request to receive the notice. As used in this 8796
division, "sexually oriented offense," "adjudicated ~~as being~~ a 8797
sexual predator," ~~and~~ "habitual sex offender," 8798
"registration-exempt sexually oriented offense," "aggravated 8799

sexually oriented offense," "child-victim oriented offense," 8800
"adjudicated a child-victim predator," and "habitual child-victim 8801
offender" have the same meanings as in section 2950.01 of the 8802
Revised Code. 8803

(17) The right of a victim of certain sexually violent 8804
offenses committed by a sexually violent predator who is sentenced 8805
to a prison term pursuant to division (A)(3) of section 2971.03 of 8806
the Revised Code to receive, pursuant to section 2930.16 of the 8807
Revised Code, notice of a hearing to determine whether to modify 8808
the requirement that the offender serve the entire prison term in 8809
a state correctional facility, whether to continue, revise, or 8810
revoke any existing modification of that requirement, or whether 8811
to terminate the prison term. As used in this division, "sexually 8812
violent offense" and "sexually violent predator" have the same 8813
meanings as in section 2971.01 of the Revised Code. 8814

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 8815
prosecuting attorney, assistant prosecuting attorney, city 8816
director of law, assistant city director of law, village 8817
solicitor, assistant village solicitor, or similar chief legal 8818
officer of a municipal corporation or an assistant of any of those 8819
officers who prosecutes an offense committed in this state, upon 8820
first contact with the victim of the offense, the victim's family, 8821
or the victim's dependents, shall give the victim, the victim's 8822
family, or the victim's dependents a copy of the pamphlet prepared 8823
pursuant to division (A) of this section and explain, upon 8824
request, the information in the pamphlet to the victim, the 8825
victim's family, or the victim's dependents. 8826

(b) Subject to division (B)(1)(c) of this section, a law 8827
enforcement agency that investigates an offense or delinquent act 8828
committed in this state shall give the victim of the offense or 8829
delinquent act, the victim's family, or the victim's dependents a 8830
copy of the pamphlet prepared pursuant to division (A) of this 8831

section at one of the following times: 8832

(i) Upon first contact with the victim, the victim's family, 8833
or the victim's dependents; 8834

(ii) If the offense or delinquent act is an offense of 8835
violence, if the circumstances of the offense or delinquent act 8836
and the condition of the victim, the victim's family, or the 8837
victim's dependents indicate that the victim, the victim's family, 8838
or the victim's dependents will not be able to understand the 8839
significance of the pamphlet upon first contact with the agency, 8840
and if the agency anticipates that it will have an additional 8841
contact with the victim, the victim's family, or the victim's 8842
dependents, upon the agency's second contact with the victim, the 8843
victim's family, or the victim's dependents. 8844

If the agency does not give the victim, the victim's family, 8845
or the victim's dependents a copy of the pamphlet upon first 8846
contact with them and does not have a second contact with the 8847
victim, the victim's family, or the victim's dependents, the 8848
agency shall mail a copy of the pamphlet to the victim, the 8849
victim's family, or the victim's dependents at their last known 8850
address. 8851

(c) In complying on and after December 9, 1994, with the 8852
duties imposed by division (B)(1)(a) or (b) of this section, an 8853
official or a law enforcement agency shall use copies of the 8854
pamphlet that are in the official's or agency's possession on 8855
December 9, 1994, until the official or agency has distributed all 8856
of those copies. After the official or agency has distributed all 8857
of those copies, the official or agency shall use only copies of 8858
the pamphlet that contain at least the information described in 8859
division (A)(1) to (17) of this section. 8860

(2) The failure of a law enforcement agency or of a 8861
prosecuting attorney, assistant prosecuting attorney, city 8862

director of law, assistant city director of law, village 8863
solicitor, assistant village solicitor, or similar chief legal 8864
officer of a municipal corporation or an assistant to any of those 8865
officers to give, as required by division (B)(1) of this section, 8866
the victim of an offense or delinquent act, the victim's family, 8867
or the victim's dependents a copy of the pamphlet prepared 8868
pursuant to division (A) of this section does not give the victim, 8869
the victim's family, the victim's dependents, or a victim's 8870
representative any rights under section 122.95, 2743.51 to 8871
2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 8872
of the Revised Code or under any other provision of the Revised 8873
Code and does not affect any right under those sections. 8874

(3) A law enforcement agency, a prosecuting attorney or 8875
assistant prosecuting attorney, or a city director of law, 8876
assistant city director of law, village solicitor, assistant 8877
village solicitor, or similar chief legal officer of a municipal 8878
corporation that distributes a copy of the pamphlet prepared 8879
pursuant to division (A) of this section shall not be required to 8880
distribute a copy of an information card or other printed material 8881
provided by the clerk of the court of claims pursuant to section 8882
2743.71 of the Revised Code. 8883

(C) The cost of printing and distributing the pamphlet 8884
prepared pursuant to division (A) of this section shall be paid 8885
out of the reparations fund, created pursuant to section 2743.191 8886
of the Revised Code, in accordance with division (D) of that 8887
section. 8888

(D) As used in this section: 8889

(1) "Victim's representative" has the same meaning as in 8890
section 2930.01 of the Revised Code; 8891

(2) "Victim advocate" has the same meaning as in section 8892
2919.26 of the Revised Code. 8893

Sec. 2152.02. As used in this chapter: 8894

(A) "Act charged" means the act that is identified in a 8895
complaint, indictment, or information alleging that a child is a 8896
delinquent child. 8897

(B) "Admitted to a department of youth services facility" 8898
includes admission to a facility operated, or contracted for, by 8899
the department and admission to a comparable facility outside this 8900
state by another state or the United States. 8901

(C)(1) "Child" means a person who is under eighteen years of 8902
age, except as otherwise provided in divisions (C)(2) to (6) of 8903
this section. 8904

(2) Subject to division (C)(3) of this section, any person 8905
who violates a federal or state law or a municipal ordinance prior 8906
to attaining eighteen years of age shall be deemed a "child" 8907
irrespective of that person's age at the time the complaint with 8908
respect to that violation is filed or the hearing on the complaint 8909
is held. 8910

(3) Any person who, while under eighteen years of age, 8911
commits an act that would be a felony if committed by an adult and 8912
who is not taken into custody or apprehended for that act until 8913
after the person attains twenty-one years of age is not a child in 8914
relation to that act. 8915

(4) Any person whose case is transferred for criminal 8916
prosecution pursuant to section 2152.12 of the Revised Code shall 8917
be deemed after the transfer not to be a child in the transferred 8918
case. 8919

(5) Any person whose case is transferred for criminal 8920
prosecution pursuant to section 2152.12 of the Revised Code and 8921
who subsequently is convicted of or pleads guilty to a felony in 8922
that case, and any person who is adjudicated a delinquent child 8923

for the commission of an act, who has a serious youthful offender 8924
dispositional sentence imposed for the act pursuant to section 8925
2152.13 of the Revised Code, and whose adult portion of the 8926
dispositional sentence is invoked pursuant to section 2152.14 of 8927
the Revised Code, shall be deemed after the transfer or invocation 8928
not to be a child in any case in which a complaint is filed 8929
against the person. 8930

(6) The juvenile court has jurisdiction over a person who is 8931
adjudicated a delinquent child or juvenile traffic offender prior 8932
to attaining eighteen years of age until the person attains 8933
twenty-one years of age, and, for purposes of that jurisdiction 8934
related to that adjudication, except as otherwise provided in this 8935
division, a person who is so adjudicated a delinquent child or 8936
juvenile traffic offender shall be deemed a "child" until the 8937
person attains twenty-one years of age. If a person is so 8938
adjudicated a delinquent child or juvenile traffic offender and 8939
the court makes a disposition of the person under this chapter, at 8940
any time after the person attains eighteen years of age, the 8941
places at which the person may be held under that disposition are 8942
not limited to places authorized under this chapter solely for 8943
confinement of children, and the person may be confined under that 8944
disposition, in accordance with division (F)(2) of section 2152.26 8945
of the Revised Code, in places other than those authorized under 8946
this chapter solely for confinement of children. 8947

(D) "Chronic truant" means any child of compulsory school age 8948
who is absent without legitimate excuse for absence from the 8949
public school the child is supposed to attend for seven or more 8950
consecutive school days, ten or more school days in one school 8951
month, or fifteen or more school days in a school year. 8952

(E) "Community corrections facility," "public safety beds," 8953
"release authority," and "supervised release" have the same 8954
meanings as in section 5139.01 of the Revised Code. 8955

(F) "Delinquent child" includes any of the following: 8956

(1) Any child, except a juvenile traffic offender, who 8957
violates any law of this state or the United States, or any 8958
ordinance of a political subdivision of the state, that would be 8959
an offense if committed by an adult; 8960

(2) Any child who violates any lawful order of the court made 8961
under this chapter or under Chapter 2151. of the Revised Code 8962
other than an order issued under section 2151.87 of the Revised 8963
Code; 8964

(3) Any child who violates division (A) of section 2923.211 8965
of the Revised Code; 8966

(4) Any child who is a habitual truant and who previously has 8967
been adjudicated an unruly child for being a habitual truant; 8968

(5) Any child who is a chronic truant. 8969

(G) "Discretionary serious youthful offender" means a person 8970
who is eligible for a discretionary SYO and who is not transferred 8971
to adult court under a mandatory or discretionary transfer. 8972

(H) "Discretionary SYO" means a case in which the juvenile 8973
court, in the juvenile court's discretion, may impose a serious 8974
youthful offender disposition under section 2152.13 of the Revised 8975
Code. 8976

(I) "Discretionary transfer" means that the juvenile court 8977
has discretion to transfer a case for criminal prosecution under 8978
division (B) of section 2152.12 of the Revised Code. 8979

(J) "Drug abuse offense," "felony drug abuse offense," and 8980
"minor drug possession offense" have the same meanings as in 8981
section 2925.01 of the Revised Code. 8982

(K) "Electronic monitoring" and "electronic monitoring 8983
device" have the same meanings as in section 2929.01 of the 8984
Revised Code. 8985

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

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

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

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

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

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

(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code.

(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 9016
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(U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code. 9018
9019

(V) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 9020
9021

(W) "Public record" has the same meaning as in section 149.43 of the Revised Code. 9022
9023

(X) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer. 9024
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(Y) "Sexually oriented offense," "habitual sex offender," "juvenile ~~sex~~ offender registrant," ~~and~~ "sexual predator," "presumptive registration-exempt sexually oriented offense," "registration-exempt sexually oriented offense," "child-victim oriented offense," "habitual child-victim offender," and "child-victim predator" have the same meanings as in section 2950.01 of the Revised Code. 9028
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(Z) "Traditional juvenile" means a case that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and that is not eligible for a disposition under section 2152.13 of the Revised Code. 9035
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(AA) "Transfer" means the transfer for criminal prosecution of a case involving the alleged commission by a child of an act that would be an offense if committed by an adult from the juvenile court to the appropriate court that has jurisdiction of the offense. 9041
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(BB) "Category one offense" means any of the following: 9046

(1) A violation of section 2903.01 or 2903.02 of the Revised 9047
Code; 9048

(2) A violation of section 2923.02 of the Revised Code 9049
involving an attempt to commit aggravated murder or murder. 9050

(CC) "Category two offense" means any of the following: 9051

(1) A violation of section 2903.03, 2905.01, 2907.02, 9052
2909.02, 2911.01, or 2911.11 of the Revised Code; 9053

(2) A violation of section 2903.04 of the Revised Code that 9054
is a felony of the first degree; 9055

(3) A violation of section 2907.12 of the Revised Code as it 9056
existed prior to September 3, 1996. 9057

Sec. 2152.19. (A) If a child is adjudicated a delinquent 9058
child, the court may make any of the following orders of 9059
disposition, in addition to any other disposition authorized or 9060
required by this chapter: 9061

(1) Any order that is authorized by section 2151.353 of the 9062
Revised Code for the care and protection of an abused, neglected, 9063
or dependent child; 9064

(2) Commit the child to the temporary custody of any school, 9065
camp, institution, or other facility operated for the care of 9066
delinquent children by the county, by a district organized under 9067
section 2152.41 or 2151.65 of the Revised Code, or by a private 9068
agency or organization, within or without the state, that is 9069
authorized and qualified to provide the care, treatment, or 9070
placement required, including, but not limited to, a school, camp, 9071
or facility operated under section 2151.65 of the Revised Code; 9072

(3) Place the child in a detention facility or district 9073
detention facility operated under section 2152.41 of the Revised 9074

Code, for up to ninety days; 9075

(4) Place the child on community control under any sanctions, 9076
services, and conditions that the court prescribes. As a condition 9077
of community control in every case and in addition to any other 9078
condition that it imposes upon the child, the court shall require 9079
the child to abide by the law during the period of community 9080
control. As referred to in this division, community control 9081
includes, but is not limited to, the following sanctions and 9082
conditions: 9083

(a) A period of basic probation supervision in which the 9084
child is required to maintain contact with a person appointed to 9085
supervise the child in accordance with sanctions imposed by the 9086
court; 9087

(b) A period of intensive probation supervision in which the 9088
child is required to maintain frequent contact with a person 9089
appointed by the court to supervise the child while the child is 9090
seeking or maintaining employment and participating in training, 9091
education, and treatment programs as the order of disposition; 9092

(c) A period of day reporting in which the child is required 9093
each day to report to and leave a center or another approved 9094
reporting location at specified times in order to participate in 9095
work, education or training, treatment, and other approved 9096
programs at the center or outside the center; 9097

(d) A period of community service of up to five hundred hours 9098
for an act that would be a felony or a misdemeanor of the first 9099
degree if committed by an adult, up to two hundred hours for an 9100
act that would be a misdemeanor of the second, third, or fourth 9101
degree if committed by an adult, or up to thirty hours for an act 9102
that would be a minor misdemeanor if committed by an adult; 9103

(e) A requirement that the child obtain a high school 9104
diploma, a certificate of high school equivalence, vocational 9105

training, or employment; 9106

(f) A period of drug and alcohol use monitoring; 9107

(g) A requirement of alcohol or drug assessment or 9108
counseling, or a period in an alcohol or drug treatment program 9109
with a level of security for the child as determined necessary by 9110
the court; 9111

(h) A period in which the court orders the child to observe a 9112
curfew that may involve daytime or evening hours; 9113

(i) A requirement that the child serve monitored time; 9114

(j) A period of house arrest without electronic monitoring; 9115

(k) A period of electronic monitoring without house arrest or 9116
house arrest with electronic monitoring that does not exceed the 9117
maximum sentence of imprisonment that could be imposed upon an 9118
adult who commits the same act. 9119

A period of house arrest with electronic monitoring imposed 9120
under this division shall not extend beyond the child's 9121
twenty-first birthday. If a court imposes a period of house arrest 9122
with electronic monitoring upon a child under this division, it 9123
shall require the child: to remain in the child's home or other 9124
specified premises for the entire period of house arrest with 9125
electronic monitoring except when the court permits the child to 9126
leave those premises to go to school or to other specified 9127
premises; to be monitored by a central system that can determine 9128
the child's location at designated times; to report periodically 9129
to a person designated by the court; and to enter into a written 9130
contract with the court agreeing to comply with all requirements 9131
imposed by the court, agreeing to pay any fee imposed by the court 9132
for the costs of the house arrest with electronic monitoring, and 9133
agreeing to waive the right to receive credit for any time served 9134
on house arrest with electronic monitoring toward the period of 9135
any other dispositional order imposed upon the child if the child 9136

violates any of the requirements of the dispositional order of 9137
house arrest with electronic monitoring. The court also may impose 9138
other reasonable requirements upon the child. 9139

Unless ordered by the court, a child shall not receive credit 9140
for any time served on house arrest with electronic monitoring 9141
toward any other dispositional order imposed upon the child for 9142
the act for which was imposed the dispositional order of house 9143
arrest with electronic monitoring. 9144

(1) A suspension of the driver's license, probationary 9145
driver's license, or temporary instruction permit issued to the 9146
child for a period of time prescribed by the court, or a 9147
suspension of the registration of all motor vehicles registered in 9148
the name of the child for a period of time prescribed by the 9149
court. A child whose license or permit is so suspended is 9150
ineligible for issuance of a license or permit during the period 9151
of suspension. At the end of the period of suspension, the child 9152
shall not be reissued a license or permit until the child has paid 9153
any applicable reinstatement fee and complied with all 9154
requirements governing license reinstatement. 9155

(5) Commit the child to the custody of the court; 9156

(6) Require the child to not be absent without legitimate 9157
excuse from the public school the child is supposed to attend for 9158
five or more consecutive days, seven or more school days in one 9159
school month, or twelve or more school days in a school year; 9160

(7)(a) If a child is adjudicated a delinquent child for being 9161
a chronic truant or an habitual truant who previously has been 9162
adjudicated an unruly child for being a habitual truant, do either 9163
or both of the following: 9164

(i) Require the child to participate in a truancy prevention 9165
mediation program; 9166

(ii) Make any order of disposition as authorized by this 9167

section, except that the court shall not commit the child to a 9168
facility described in division (A)(2) or (3) of this section 9169
unless the court determines that the child violated a lawful court 9170
order made pursuant to division (C)(1)(e) of section 2151.354 of 9171
the Revised Code or division (A)(6) of this section. 9172

(b) If a child is adjudicated a delinquent child for being a 9173
chronic truant or a habitual truant who previously has been 9174
adjudicated an unruly child for being a habitual truant and the 9175
court determines that the parent, guardian, or other person having 9176
care of the child has failed to cause the child's attendance at 9177
school in violation of section 3321.38 of the Revised Code, do 9178
either or both of the following: 9179

(i) Require the parent, guardian, or other person having care 9180
of the child to participate in a truancy prevention mediation 9181
program; 9182

(ii) Require the parent, guardian, or other person having 9183
care of the child to participate in any community service program, 9184
preferably a community service program that requires the 9185
involvement of the parent, guardian, or other person having care 9186
of the child in the school attended by the child. 9187

(8) Make any further disposition that the court finds proper, 9188
except that the child shall not be placed in any of the following: 9189

(a) A state correctional institution, a county, multicounty, 9190
or municipal jail or workhouse, or another place in which an adult 9191
convicted of a crime, under arrest, or charged with a crime is 9192
held; 9193

(b) A community corrections facility, if the child would be 9194
covered by the definition of public safety beds for purposes of 9195
sections 5139.41 to 5139.45 of the Revised Code if the court 9196
exercised its authority to commit the child to the legal custody 9197
of the department of youth services for institutionalization or 9198

institutionalization in a secure facility pursuant to this 9199
chapter. 9200

(B) If a child is adjudicated a delinquent child, in addition 9201
to any order of disposition made under division (A) of this 9202
section, the court, in the following situations and for the 9203
specified periods of time, shall suspend the child's temporary 9204
instruction permit, restricted license, probationary driver's 9205
license, or nonresident operating privilege, or suspend the 9206
child's ability to obtain such a permit: 9207

(1) If the child is adjudicated a delinquent child for 9208
violating section 2923.122 of the Revised Code, impose a class 9209
four suspension of the child's license, permit, or privilege from 9210
the range specified in division (A)(4) of section 4510.02 of the 9211
Revised Code or deny the child the issuance of a license or permit 9212
in accordance with division (F)(1) of section 2923.122 of the 9213
Revised Code. 9214

(2) If the child is adjudicated a delinquent child for 9215
committing an act that if committed by an adult would be a drug 9216
abuse offense or for violating division (B) of section 2917.11 of 9217
the Revised Code, suspend the child's license, permit, or 9218
privilege for a period of time prescribed by the court. The court, 9219
in its discretion, may terminate the suspension if the child 9220
attends and satisfactorily completes a drug abuse or alcohol abuse 9221
education, intervention, or treatment program specified by the 9222
court. During the time the child is attending a program described 9223
in this division, the court shall retain the child's temporary 9224
instruction permit, probationary driver's license, or driver's 9225
license, and the court shall return the permit or license if it 9226
terminates the suspension as described in this division. 9227

(C) The court may establish a victim-offender mediation 9228
program in which victims and their offenders meet to discuss the 9229
offense and suggest possible restitution. If the court obtains the 9230

assent of the victim of the delinquent act committed by the child, 9231
the court may require the child to participate in the program. 9232

(D)(1) If a child is adjudicated a delinquent child for 9233
committing an act that would be a felony if committed by an adult 9234
and if the child caused, attempted to cause, threatened to cause, 9235
or created a risk of physical harm to the victim of the act, the 9236
court, prior to issuing an order of disposition under this 9237
section, shall order the preparation of a victim impact statement 9238
by the probation department of the county in which the victim of 9239
the act resides, by the court's own probation department, or by a 9240
victim assistance program that is operated by the state, a county, 9241
a municipal corporation, or another governmental entity. The court 9242
shall consider the victim impact statement in determining the 9243
order of disposition to issue for the child. 9244

(2) Each victim impact statement shall identify the victim of 9245
the act for which the child was adjudicated a delinquent child, 9246
itemize any economic loss suffered by the victim as a result of 9247
the act, identify any physical injury suffered by the victim as a 9248
result of the act and the seriousness and permanence of the 9249
injury, identify any change in the victim's personal welfare or 9250
familial relationships as a result of the act and any 9251
psychological impact experienced by the victim or the victim's 9252
family as a result of the act, and contain any other information 9253
related to the impact of the act upon the victim that the court 9254
requires. 9255

(3) A victim impact statement shall be kept confidential and 9256
is not a public record. However, the court may furnish copies of 9257
the statement to the department of youth services if the 9258
delinquent child is committed to the department or to both the 9259
adjudicated delinquent child or the adjudicated delinquent child's 9260
counsel and the prosecuting attorney. The copy of a victim impact 9261
statement furnished by the court to the department pursuant to 9262

this section shall be kept confidential and is not a public 9263
record. If an officer is preparing pursuant to section 2947.06 or 9264
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 9265
investigation report pertaining to a person, the court shall make 9266
available to the officer, for use in preparing the report, a copy 9267
of any victim impact statement regarding that person. The copies 9268
of a victim impact statement that are made available to the 9269
adjudicated delinquent child or the adjudicated delinquent child's 9270
counsel and the prosecuting attorney pursuant to this division 9271
shall be returned to the court by the person to whom they were 9272
made available immediately following the imposition of an order of 9273
disposition for the child under this chapter. 9274

The copy of a victim impact statement that is made available 9275
pursuant to this division to an officer preparing a criminal 9276
presentence investigation report shall be returned to the court by 9277
the officer immediately following its use in preparing the report. 9278

(4) The department of youth services shall work with local 9279
probation departments and victim assistance programs to develop a 9280
standard victim impact statement. 9281

(E) If a child is adjudicated a delinquent child for being a 9282
chronic truant or an habitual truant who previously has been 9283
adjudicated an unruly child for being an habitual truant and the 9284
court determines that the parent, guardian, or other person having 9285
care of the child has failed to cause the child's attendance at 9286
school in violation of section 3321.38 of the Revised Code, in 9287
addition to any order of disposition it makes under this section, 9288
the court shall warn the parent, guardian, or other person having 9289
care of the child that any subsequent adjudication of the child as 9290
an unruly or delinquent child for being an habitual or chronic 9291
truant may result in a criminal charge against the parent, 9292
guardian, or other person having care of the child for a violation 9293
of division (C) of section 2919.21 or section 2919.24 of the 9294

Revised Code. 9295

(F)(1) During the period of a delinquent child's community 9296
control granted under this section, authorized probation officers 9297
who are engaged within the scope of their supervisory duties or 9298
responsibilities may search, with or without a warrant, the person 9299
of the delinquent child, the place of residence of the delinquent 9300
child, and a motor vehicle, another item of tangible or intangible 9301
personal property, or other real property in which the delinquent 9302
child has a right, title, or interest or for which the delinquent 9303
child has the express or implied permission of a person with a 9304
right, title, or interest to use, occupy, or possess if the 9305
probation officers have reasonable grounds to believe that the 9306
delinquent child is not abiding by the law or otherwise is not 9307
complying with the conditions of the delinquent child's community 9308
control. The court that places a delinquent child on community 9309
control under this section shall provide the delinquent child with 9310
a written notice that informs the delinquent child that authorized 9311
probation officers who are engaged within the scope of their 9312
supervisory duties or responsibilities may conduct those types of 9313
searches during the period of community control if they have 9314
reasonable grounds to believe that the delinquent child is not 9315
abiding by the law or otherwise is not complying with the 9316
conditions of the delinquent child's community control. The court 9317
also shall provide the written notice described in division (E)(2) 9318
of this section to each parent, guardian, or custodian of the 9319
delinquent child who is described in that division. 9320

(2) The court that places a child on community control under 9321
this section shall provide the child's parent, guardian, or other 9322
custodian with a written notice that informs them that authorized 9323
probation officers may conduct searches pursuant to division 9324
(E)(1) of this section. The notice shall specifically state that a 9325
permissible search might extend to a motor vehicle, another item 9326

of tangible or intangible personal property, or a place of 9327
residence or other real property in which a notified parent, 9328
guardian, or custodian has a right, title, or interest and that 9329
the parent, guardian, or custodian expressly or impliedly permits 9330
the child to use, occupy, or possess. 9331

(G) If a juvenile court commits a delinquent child to the 9332
custody of any person, organization, or entity pursuant to this 9333
section and if the delinquent act for which the child is so 9334
committed is a sexually oriented offense that is not a 9335
registration-exempt sexually oriented offense or is a child-victim 9336
oriented offense, the court in the order of disposition shall do 9337
one of the following: 9338

(1) Require that the child be provided treatment as described 9339
in division (A)(2) of section 5139.13 of the Revised Code; 9340

(2) Inform the person, organization, or entity that it is the 9341
preferred course of action in this state that the child be 9342
provided treatment as described in division (A)(2) of section 9343
5139.13 of the Revised Code and encourage the person, 9344
organization, or entity to provide that treatment. 9345

Sec. 2743.191. (A)(1) There is hereby created in the state 9346
treasury the reparations fund, which shall be used only for the 9347
following purposes: 9348

(a) The payment of awards of reparations that are granted by 9349
the attorney general; 9350

(b) The compensation of any personnel needed by the attorney 9351
general to administer sections 2743.51 to 2743.72 of the Revised 9352
Code; 9353

(c) The compensation of witnesses as provided in division (B) 9354
of section 2743.65 of the Revised Code; 9355

(d) Other administrative costs of hearing and determining 9356

claims for an award of reparations by the attorney general;	9357
(e) The costs of administering sections 2907.28 and 2969.01	9358
to 2969.06 of the Revised Code;	9359
(f) The costs of investigation and decision-making as	9360
certified by the attorney general;	9361
(g) The provision of state financial assistance to victim	9362
assistance programs in accordance with sections 109.91 and 109.92	9363
of the Revised Code;	9364
(h) The costs of paying the expenses of sex offense-related	9365
examinations and antibiotics pursuant to section 2907.28 of the	9366
Revised Code;	9367
(i) The cost of printing and distributing the pamphlet	9368
prepared by the attorney general pursuant to section 109.42 of the	9369
Revised Code;	9370
(j) Subject to division (D) of section 2743.71 of the Revised	9371
Code, the costs associated with the printing and providing of	9372
information cards or other printed materials to law enforcement	9373
agencies and prosecuting authorities and with publicizing the	9374
availability of awards of reparations pursuant to section 2743.71	9375
of the Revised Code;	9376
(k) The payment of costs of administering a DNA specimen	9377
collection procedure pursuant to section 2152.74 of the Revised	9378
Code in relation to any act identified in division (E)(1) to (5)	9379
of that section and pursuant to section 2901.07 of the Revised	9380
Code in relation to any act identified in division (E)(1) to (5)	9381
of that section, of performing DNA analysis of those DNA	9382
specimens, and of entering the resulting DNA records regarding	9383
those analyses into the DNA database pursuant to section 109.573	9384
of the Revised Code;	9385
<u>(l) The payment of actual costs associated with initiatives</u>	9386

by the attorney general for the apprehension, prosecution, and 9387
accountability of offenders, and the enhancing of services to 9388
crime victims. The amount of payments made pursuant to division 9389
(A)(1)(1) of this section during any given fiscal year shall not 9390
exceed five per cent of the balance of the reparations fund at the 9391
close of the immediately previous fiscal year. 9392

(2) All costs paid pursuant to section 2743.70 of the Revised 9393
Code, the portions of license reinstatement fees mandated by 9394
division (F)(2)(b) of section 4511.191 of the Revised Code to be 9395
credited to the fund, the portions of the proceeds of the sale of 9396
a forfeited vehicle specified in division (C)(2) of section 9397
4503.234 of the Revised Code, payments collected by the department 9398
of rehabilitation and correction from prisoners who voluntarily 9399
participate in an approved work and training program pursuant to 9400
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 9401
all moneys collected by the state pursuant to its right of 9402
subrogation provided in section 2743.72 of the Revised Code shall 9403
be deposited in the fund. 9404

(B) In making an award of reparations, the attorney general 9405
shall render the award against the state. The award shall be 9406
accomplished only through the following procedure, and the 9407
following procedure may be enforced by writ of mandamus directed 9408
to the appropriate official: 9409

(1) The attorney general shall provide for payment of the 9410
claimant or providers in the amount of the award. 9411

(2) The expense shall be charged against all available 9412
unencumbered moneys in the fund. 9413

(3) If sufficient unencumbered moneys do not exist in the 9414
fund, the attorney general shall make application for payment of 9415
the award out of the emergency purposes account or any other 9416
appropriation for emergencies or contingencies, and payment out of 9417

this account or other appropriation shall be authorized if there 9418
are sufficient moneys greater than the sum total of then pending 9419
emergency purposes account requests or requests for releases from 9420
the other appropriations. 9421

(4) If sufficient moneys do not exist in the account or any 9422
other appropriation for emergencies or contingencies to pay the 9423
award, the attorney general shall request the general assembly to 9424
make an appropriation sufficient to pay the award, and no payment 9425
shall be made until the appropriation has been made. The attorney 9426
general shall make this appropriation request during the current 9427
biennium and during each succeeding biennium until a sufficient 9428
appropriation is made. If, prior to the time that an appropriation 9429
is made by the general assembly pursuant to this division, the 9430
fund has sufficient unencumbered funds to pay the award or part of 9431
the award, the available funds shall be used to pay the award or 9432
part of the award, and the appropriation request shall be amended 9433
to request only sufficient funds to pay that part of the award 9434
that is unpaid. 9435

(C) The attorney general shall not make payment on a decision 9436
or order granting an award until all appeals have been determined 9437
and all rights to appeal exhausted, except as otherwise provided 9438
in this section. If any party to a claim for an award of 9439
reparations appeals from only a portion of an award, and a 9440
remaining portion provides for the payment of money by the state, 9441
that part of the award calling for the payment of money by the 9442
state and not a subject of the appeal shall be processed for 9443
payment as described in this section. 9444

(D) The attorney general shall prepare itemized bills for the 9445
costs of printing and distributing the pamphlet the attorney 9446
general prepares pursuant to section 109.42 of the Revised Code. 9447
The itemized bills shall set forth the name and address of the 9448
persons owed the amounts set forth in them. 9449

(E) As used in this section, "DNA analysis" and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code. 9450
9451
9452

Sec. 2929.01. As used in this chapter: 9453

(A)(1) "Alternative residential facility" means, subject to 9454
division (A)(2) of this section, any facility other than an 9455
offender's home or residence in which an offender is assigned to 9456
live and that satisfies all of the following criteria: 9457

(a) It provides programs through which the offender may seek 9458
or maintain employment or may receive education, training, 9459
treatment, or habilitation. 9460

(b) It has received the appropriate license or certificate 9461
for any specialized education, training, treatment, habilitation, 9462
or other service that it provides from the government agency that 9463
is responsible for licensing or certifying that type of education, 9464
training, treatment, habilitation, or service. 9465

(2) "Alternative residential facility" does not include a 9466
community-based correctional facility, jail, halfway house, or 9467
prison. 9468

(B) "Bad time" means the time by which the parole board 9469
administratively extends an offender's stated prison term or terms 9470
pursuant to section 2967.11 of the Revised Code because the parole 9471
board finds by clear and convincing evidence that the offender, 9472
while serving the prison term or terms, committed an act that is a 9473
criminal offense under the law of this state or the United States, 9474
whether or not the offender is prosecuted for the commission of 9475
that act. 9476

(C) "Basic probation supervision" means a requirement that 9477
the offender maintain contact with a person appointed to supervise 9478
the offender in accordance with sanctions imposed by the court or 9479

imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.

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

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

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

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

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

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

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

(K) "Drug and alcohol use monitoring" means a program under 9511
which an offender agrees to submit to random chemical analysis of 9512
the offender's blood, breath, or urine to determine whether the 9513
offender has ingested any alcohol or other drugs. 9514

(L) "Drug treatment program" means any program under which a 9515
person undergoes assessment and treatment designed to reduce or 9516
completely eliminate the person's physical or emotional reliance 9517
upon alcohol, another drug, or alcohol and another drug and under 9518
which the person may be required to receive assessment and 9519
treatment on an outpatient basis or may be required to reside at a 9520
facility other than the person's home or residence while 9521
undergoing assessment and treatment. 9522

(M) "Economic loss" means any economic detriment suffered by 9523
a victim as a result of the commission of a felony and includes 9524
any loss of income due to lost time at work because of any injury 9525
caused to the victim, and any property loss, medical cost, or 9526
funeral expense incurred as a result of the commission of the 9527
felony. 9528

(N) "Education or training" includes study at, or in 9529
conjunction with a program offered by, a university, college, or 9530
technical college or vocational study and also includes the 9531
completion of primary school, secondary school, and literacy 9532
curricula or their equivalent. 9533

(O) "Firearm" has the same meaning as in section 2923.11 of 9534
the Revised Code. 9535

(P) "Halfway house" means a facility licensed by the division 9536
of parole and community services of the department of 9537
rehabilitation and correction pursuant to section 2967.14 of the 9538
Revised Code as a suitable facility for the care and treatment of 9539
adult offenders. 9540

(Q) "House arrest" means a period of confinement of an 9541

offender that is in the offender's home or in other premises 9542
specified by the sentencing court or by the parole board pursuant 9543
to section 2967.28 of the Revised Code and during which all of the 9544
following apply: 9545

(1) The offender is required to remain in the offender's home 9546
or other specified premises for the specified period of 9547
confinement, except for periods of time during which the offender 9548
is at the offender's place of employment or at other premises as 9549
authorized by the sentencing court or by the parole board. 9550

(2) The offender is required to report periodically to a 9551
person designated by the court or parole board. 9552

(3) The offender is subject to any other restrictions and 9553
requirements that may be imposed by the sentencing court or by the 9554
parole board. 9555

(R) "Intensive probation supervision" means a requirement 9556
that an offender maintain frequent contact with a person appointed 9557
by the court, or by the parole board pursuant to section 2967.28 9558
of the Revised Code, to supervise the offender while the offender 9559
is seeking or maintaining necessary employment and participating 9560
in training, education, and treatment programs as required in the 9561
court's or parole board's order. "Intensive probation supervision" 9562
includes intensive parole supervision and intensive post-release 9563
control supervision. 9564

(S) "Jail" means a jail, workhouse, minimum security jail, or 9565
other residential facility used for the confinement of alleged or 9566
convicted offenders that is operated by a political subdivision or 9567
a combination of political subdivisions of this state. 9568

(T) "Jail term" means the term in a jail that a sentencing 9569
court imposes or is authorized to impose pursuant to section 9570
2929.24 or 2929.25 of the Revised Code or pursuant to any other 9571
provision of the Revised Code that authorizes a term in a jail for 9572

a misdemeanor conviction. 9573

(U) "Mandatory jail term" means the term in a jail that a 9574
sentencing court is required to impose pursuant to division (G) of 9575
section 1547.99 of the Revised Code, division (B) of section 9576
4510.14 of the Revised Code, or division (G) of section 4511.19 of 9577
the Revised Code or pursuant to any other provision of the Revised 9578
Code that requires a term in a jail for a misdemeanor conviction. 9579

(V) "Delinquent child" has the same meaning as in section 9580
2152.02 of the Revised Code. 9581

(W) "License violation report" means a report that is made by 9582
a sentencing court, or by the parole board pursuant to section 9583
2967.28 of the Revised Code, to the regulatory or licensing board 9584
or agency that issued an offender a professional license or a 9585
license or permit to do business in this state and that specifies 9586
that the offender has been convicted of or pleaded guilty to an 9587
offense that may violate the conditions under which the offender's 9588
professional license or license or permit to do business in this 9589
state was granted or an offense for which the offender's 9590
professional license or license or permit to do business in this 9591
state may be revoked or suspended. 9592

(X) "Major drug offender" means an offender who is convicted 9593
of or pleads guilty to the possession of, sale of, or offer to 9594
sell any drug, compound, mixture, preparation, or substance that 9595
consists of or contains at least one thousand grams of hashish; at 9596
least one hundred grams of crack cocaine; at least one thousand 9597
grams of cocaine that is not crack cocaine; at least two thousand 9598
five hundred unit doses or two hundred fifty grams of heroin; at 9599
least five thousand unit doses of L.S.D. or five hundred grams of 9600
L.S.D. in a liquid concentrate, liquid extract, or liquid 9601
distillate form; or at least one hundred times the amount of any 9602
other schedule I or II controlled substance other than marihuana 9603
that is necessary to commit a felony of the third degree pursuant 9604

to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 9605
Code that is based on the possession of, sale of, or offer to sell 9606
the controlled substance. 9607

(Y) "Mandatory prison term" means any of the following: 9608

(1) Subject to division (Y)(2) of this section, the term in 9609
prison that must be imposed for the offenses or circumstances set 9610
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 9611
division (D) of section 2929.14 of the Revised Code. Except as 9612
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 9613
2925.11 of the Revised Code, unless the maximum or another 9614
specific term is required under section 2929.14 of the Revised 9615
Code, a mandatory prison term described in this division may be 9616
any prison term authorized for the level of offense. 9617

(2) The term of sixty or one hundred twenty days in prison 9618
that a sentencing court is required to impose for a third or 9619
fourth degree felony OVI offense pursuant to division (G)(2) of 9620
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 9621
of the Revised Code. 9622

(3) The term in prison imposed pursuant to section 2971.03 of 9623
the Revised Code for the offenses and in the circumstances 9624
described in division (F)(11) of section 2929.13 of the Revised 9625
Code and that term as modified or terminated pursuant to section 9626
2971.05 of the Revised Code. 9627

(Z) "Monitored time" means a period of time during which an 9628
offender continues to be under the control of the sentencing court 9629
or parole board, subject to no conditions other than leading a 9630
law-abiding life. 9631

(AA) "Offender" means a person who, in this state, is 9632
convicted of or pleads guilty to a felony or a misdemeanor. 9633

(BB) "Prison" means a residential facility used for the 9634
confinement of convicted felony offenders that is under the 9635

control of the department of rehabilitation and correction but 9636
does not include a violation sanction center operated under 9637
authority of section 2967.141 of the Revised Code. 9638

(CC) "Prison term" includes any of the following sanctions 9639
for an offender: 9640

(1) A stated prison term; 9641

(2) A term in a prison shortened by, or with the approval of, 9642
the sentencing court pursuant to section 2929.20, 2967.26, 9643
5120.031, 5120.032, or 5120.073 of the Revised Code; 9644

(3) A term in prison extended by bad time imposed pursuant to 9645
section 2967.11 of the Revised Code or imposed for a violation of 9646
post-release control pursuant to section 2967.28 of the Revised 9647
Code. 9648

(DD) "Repeat violent offender" means a person about whom both 9649
of the following apply: 9650

(1) The person has been convicted of or has pleaded guilty 9651
to, and is being sentenced for committing, for complicity in 9652
committing, or for an attempt to commit, aggravated murder, 9653
murder, involuntary manslaughter, a felony of the first degree 9654
other than one set forth in Chapter 2925. of the Revised Code, a 9655
felony of the first degree set forth in Chapter 2925. of the 9656
Revised Code that involved an attempt to cause serious physical 9657
harm to a person or that resulted in serious physical harm to a 9658
person, or a felony of the second degree that involved an attempt 9659
to cause serious physical harm to a person or that resulted in 9660
serious physical harm to a person. 9661

(2) Either of the following applies: 9662

(a) The person previously was convicted of or pleaded guilty 9663
to, and previously served or, at the time of the offense was 9664
serving, a prison term for, any of the following: 9665

(i) Aggravated murder, murder, involuntary manslaughter, 9666
rape, felonious sexual penetration as it existed under section 9667
2907.12 of the Revised Code prior to September 3, 1996, a felony 9668
of the first or second degree that resulted in the death of a 9669
person or in physical harm to a person, or complicity in or an 9670
attempt to commit any of those offenses; 9671

(ii) An offense under an existing or former law of this 9672
state, another state, or the United States that is or was 9673
substantially equivalent to an offense listed under division 9674
(DD)(2)(a)(i) of this section and that resulted in the death of a 9675
person or in physical harm to a person. 9676

(b) The person previously was adjudicated a delinquent child 9677
for committing an act that if committed by an adult would have 9678
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 9679
section, the person was committed to the department of youth 9680
services for that delinquent act. 9681

(EE) "Sanction" means any penalty imposed upon an offender 9682
who is convicted of or pleads guilty to an offense, as punishment 9683
for the offense. "Sanction" includes any sanction imposed pursuant 9684
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 9685
2929.28 of the Revised Code. 9686

(FF) "Sentence" means the sanction or combination of 9687
sanctions imposed by the sentencing court on an offender who is 9688
convicted of or pleads guilty to an offense. 9689

(GG) "Stated prison term" means the prison term, mandatory 9690
prison term, or combination of all prison terms and mandatory 9691
prison terms imposed by the sentencing court pursuant to section 9692
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 9693
includes any credit received by the offender for time spent in 9694
jail awaiting trial, sentencing, or transfer to prison for the 9695
offense and any time spent under house arrest or house arrest with 9696

electronic monitoring imposed after earning credits pursuant to 9697
section 2967.193 of the Revised Code. 9698

(HH) "Victim-offender mediation" means a reconciliation or 9699
mediation program that involves an offender and the victim of the 9700
offense committed by the offender and that includes a meeting in 9701
which the offender and the victim may discuss the offense, discuss 9702
restitution, and consider other sanctions for the offense. 9703

(II) "Fourth degree felony OVI offense" means a violation of 9704
division (A) of section 4511.19 of the Revised Code that, under 9705
division (G) of that section, is a felony of the fourth degree. 9706

(JJ) "Mandatory term of local incarceration" means the term 9707
of sixty or one hundred twenty days in a jail, a community-based 9708
correctional facility, a halfway house, or an alternative 9709
residential facility that a sentencing court may impose upon a 9710
person who is convicted of or pleads guilty to a fourth degree 9711
felony OVI offense pursuant to division (G)(1) of section 2929.13 9712
of the Revised Code and division (G)(1)(d) or (e) of section 9713
4511.19 of the Revised Code. 9714

(KK) "Designated homicide, assault, or kidnapping offense," 9715
"sexual motivation specification," "sexually violent offense," 9716
"sexually violent predator," and "sexually violent predator 9717
specification" have the same meanings as in section 2971.01 of the 9718
Revised Code. 9719

(LL) "Habitual sex offender," "sexually oriented offense," 9720
~~and "sexual predator,"~~ "registration-exempt sexually oriented 9721
offense," "child-victim oriented offense," "habitual child-victim 9722
offender," and "child-victim predator" have the same meanings as 9723
in section 2950.01 of the Revised Code. 9724

(MM) An offense is "committed in the vicinity of a child" if 9725
the offender commits the offense within thirty feet of or within 9726
the same residential unit as a child who is under eighteen years 9727

of age, regardless of whether the offender knows the age of the 9728
child or whether the offender knows the offense is being committed 9729
within thirty feet of or within the same residential unit as the 9730
child and regardless of whether the child actually views the 9731
commission of the offense. 9732

(NN) "Family or household member" has the same meaning as in 9733
section 2919.25 of the Revised Code. 9734

(OO) "Motor vehicle" and "manufactured home" have the same 9735
meanings as in section 4501.01 of the Revised Code. 9736

(PP) "Detention" and "detention facility" have the same 9737
meanings as in section 2921.01 of the Revised Code. 9738

(QQ) "Third degree felony OVI offense" means a violation of 9739
division (A) of section 4511.19 of the Revised Code that, under 9740
division (G) of that section, is a felony of the third degree. 9741

(RR) "Random drug testing" has the same meaning as in section 9742
5120.63 of the Revised Code. 9743

(SS) "Felony sex offense" has the same meaning as in section 9744
2967.28 of the Revised Code. 9745

(TT) "Body armor" has the same meaning as in section 9746
2941.1411 of the Revised Code. 9747

(UU) "Electronic monitoring" means monitoring through the use 9748
of an electronic monitoring device. 9749

(VV) "Electronic monitoring device" means any of the 9750
following: 9751

(1) Any device that can be operated by electrical or battery 9752
power and that conforms with all of the following: 9753

(a) The device has a transmitter that can be attached to a 9754
person, that will transmit a specified signal to a receiver of the 9755
type described in division (VV)(1)(b) of this section if the 9756
transmitter is removed from the person, turned off, or altered in 9757

any manner without prior court approval in relation to electronic 9758
monitoring or without prior approval of the department of 9759
rehabilitation and correction in relation to the use of an 9760
electronic monitoring device for an inmate on transitional control 9761
or otherwise is tampered with, that can transmit continuously and 9762
periodically a signal to that receiver when the person is within a 9763
specified distance from the receiver, and that can transmit an 9764
appropriate signal to that receiver if the person to whom it is 9765
attached travels a specified distance from that receiver. 9766

(b) The device has a receiver that can receive continuously 9767
the signals transmitted by a transmitter of the type described in 9768
division (VV)(1)(a) of this section, can transmit continuously 9769
those signals by telephone to a central monitoring computer of the 9770
type described in division (VV)(1)(c) of this section, and can 9771
transmit continuously an appropriate signal to that central 9772
monitoring computer if the receiver is turned off or altered 9773
without prior court approval or otherwise tampered with. 9774

(c) The device has a central monitoring computer that can 9775
receive continuously the signals transmitted by telephone by a 9776
receiver of the type described in division (VV)(1)(b) of this 9777
section and can monitor continuously the person to whom an 9778
electronic monitoring device of the type described in division 9779
(VV)(1)(a) of this section is attached. 9780

(2) Any device that is not a device of the type described in 9781
division (VV)(1) of this section and that conforms with all of the 9782
following: 9783

(a) The device includes a transmitter and receiver that can 9784
monitor and determine the location of a subject person at any 9785
time, or at a designated point in time, through the use of a 9786
central monitoring computer or through other electronic means. 9787

(b) The device includes a transmitter and receiver that can 9788

determine at any time, or at a designated point in time, through 9789
the use of a central monitoring computer or other electronic means 9790
the fact that the transmitter is turned off or altered in any 9791
manner without prior approval of the court in relation to the 9792
electronic monitoring or without prior approval of the department 9793
of rehabilitation and correction in relation to the use of an 9794
electronic monitoring device for an inmate on transitional control 9795
or otherwise is tampered with. 9796

(3) Any type of technology that can adequately track or 9797
determine the location of a subject person at any time and that is 9798
approved by the director of rehabilitation and correction, 9799
including, but not limited to, any satellite technology, voice 9800
tracking system, or retinal scanning system that is so approved. 9801

Sec. 2929.13. (A) Except as provided in division (E), (F), or 9802
(G) of this section and unless a specific sanction is required to 9803
be imposed or is precluded from being imposed pursuant to law, a 9804
court that imposes a sentence upon an offender for a felony may 9805
impose any sanction or combination of sanctions on the offender 9806
that are provided in sections 2929.14 to 2929.18 of the Revised 9807
Code. The sentence shall not impose an unnecessary burden on state 9808
or local government resources. 9809

If the offender is eligible to be sentenced to community 9810
control sanctions, the court shall consider the appropriateness of 9811
imposing a financial sanction pursuant to section 2929.18 of the 9812
Revised Code or a sanction of community service pursuant to 9813
section 2929.17 of the Revised Code as the sole sanction for the 9814
offense. Except as otherwise provided in this division, if the 9815
court is required to impose a mandatory prison term for the 9816
offense for which sentence is being imposed, the court also may 9817
impose a financial sanction pursuant to section 2929.18 of the 9818
Revised Code but may not impose any additional sanction or 9819

combination of sanctions under section 2929.16 or 2929.17 of the 9820
Revised Code. 9821

If the offender is being sentenced for a fourth degree felony 9822
OVI offense or for a third degree felony OVI offense, in addition 9823
to the mandatory term of local incarceration or the mandatory 9824
prison term required for the offense by division (G)(1) or (2) of 9825
this section, the court shall impose upon the offender a mandatory 9826
fine in accordance with division (B)(3) of section 2929.18 of the 9827
Revised Code and may impose whichever of the following is 9828
applicable: 9829

(1) For a fourth degree felony OVI offense for which sentence 9830
is imposed under division (G)(1) of this section, an additional 9831
community control sanction or combination of community control 9832
sanctions under section 2929.16 or 2929.17 of the Revised Code; 9833

(2) For a third or fourth degree felony OVI offense for which 9834
sentence is imposed under division (G)(2) of this section, an 9835
additional prison term as described in division (D)(4) of section 9836
2929.14 of the Revised Code. 9837

(B)(1) Except as provided in division (B)(2), (E), (F), or 9838
(G) of this section, in sentencing an offender for a felony of the 9839
fourth or fifth degree, the sentencing court shall determine 9840
whether any of the following apply: 9841

(a) In committing the offense, the offender caused physical 9842
harm to a person. 9843

(b) In committing the offense, the offender attempted to 9844
cause or made an actual threat of physical harm to a person with a 9845
deadly weapon. 9846

(c) In committing the offense, the offender attempted to 9847
cause or made an actual threat of physical harm to a person, and 9848
the offender previously was convicted of an offense that caused 9849
physical harm to a person. 9850

(d) The offender held a public office or position of trust 9851
and the offense related to that office or position; the offender's 9852
position obliged the offender to prevent the offense or to bring 9853
those committing it to justice; or the offender's professional 9854
reputation or position facilitated the offense or was likely to 9855
influence the future conduct of others. 9856

(e) The offender committed the offense for hire or as part of 9857
an organized criminal activity. 9858

(f) The offense is a sex offense that is a fourth or fifth 9859
degree felony violation of section 2907.03, 2907.04, 2907.05, 9860
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 9861
Revised Code. 9862

(g) The offender at the time of the offense was serving, or 9863
the offender previously had served, a prison term. 9864

(h) The offender committed the offense while under a 9865
community control sanction, while on probation, or while released 9866
from custody on a bond or personal recognizance. 9867

(i) The offender committed the offense while in possession of 9868
a firearm. 9869

(2)(a) If the court makes a finding described in division 9870
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 9871
section and if the court, after considering the factors set forth 9872
in section 2929.12 of the Revised Code, finds that a prison term 9873
is consistent with the purposes and principles of sentencing set 9874
forth in section 2929.11 of the Revised Code and finds that the 9875
offender is not amenable to an available community control 9876
sanction, the court shall impose a prison term upon the offender. 9877

(b) Except as provided in division (E), (F), or (G) of this 9878
section, if the court does not make a finding described in 9879
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 9880

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 9913
and protect the public from future crime, because the applicable 9914
factors under section 2929.12 of the Revised Code indicating a 9915
lesser likelihood of recidivism outweigh the applicable factors 9916
under that section indicating a greater likelihood of recidivism. 9917

(2) A community control sanction or a combination of 9918
community control sanctions would not demean the seriousness of 9919
the offense, because one or more factors under section 2929.12 of 9920
the Revised Code that indicate that the offender's conduct was 9921
less serious than conduct normally constituting the offense are 9922
applicable, and they outweigh the applicable factors under that 9923
section that indicate that the offender's conduct was more serious 9924
than conduct normally constituting the offense. 9925

(E)(1) Except as provided in division (F) of this section, 9926
for any drug offense that is a violation of any provision of 9927
Chapter 2925. of the Revised Code and that is a felony of the 9928
third, fourth, or fifth degree, the applicability of a presumption 9929
under division (D) of this section in favor of a prison term or of 9930
division (B) or (C) of this section in determining whether to 9931
impose a prison term for the offense shall be determined as 9932
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 9933
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 9934
Revised Code, whichever is applicable regarding the violation. 9935

(2) If an offender who was convicted of or pleaded guilty to 9936
a felony violates the conditions of a community control sanction 9937
imposed for the offense solely by reason of producing positive 9938
results on a drug test, the court, as punishment for the violation 9939
of the sanction, shall not order that the offender be imprisoned 9940
unless the court determines on the record either of the following: 9941

(a) The offender had been ordered as a sanction for the 9942
felony to participate in a drug treatment program, in a drug 9943
education program, or in narcotics anonymous or a similar program, 9944

and the offender continued to use illegal drugs after a reasonable 9945
period of participation in the program. 9946

(b) The imprisonment of the offender for the violation is 9947
consistent with the purposes and principles of sentencing set 9948
forth in section 2929.11 of the Revised Code. 9949

(F) Notwithstanding divisions (A) to (E) of this section, the 9950
court shall impose a prison term or terms under sections 2929.02 9951
to 2929.06, section 2929.14, or section 2971.03 of the Revised 9952
Code and except as specifically provided in section 2929.20 or 9953
2967.191 of the Revised Code or when parole is authorized for the 9954
offense under section 2967.13 of the Revised Code shall not reduce 9955
the terms pursuant to section 2929.20, section 2967.193, or any 9956
other provision of Chapter 2967. or Chapter 5120. of the Revised 9957
Code for any of the following offenses: 9958

(1) Aggravated murder when death is not imposed or murder; 9959

(2) Any rape, regardless of whether force was involved and 9960
regardless of the age of the victim, or an attempt to commit rape 9961
if, had the offender completed the rape that was attempted, the 9962
offender would have been subject to a sentence of life 9963
imprisonment or life imprisonment without parole for the rape; 9964

(3) Gross sexual imposition or sexual battery, if the victim 9965
is under thirteen years of age, if the offender previously was 9966
convicted of or pleaded guilty to rape, the former offense of 9967
felonious sexual penetration, gross sexual imposition, or sexual 9968
battery, and if the victim of the previous offense was under 9969
thirteen years of age; 9970

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 9971
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 9972
requires the imposition of a prison term; 9973

(5) A first, second, or third degree felony drug offense for 9974
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 9975

2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 9976
4729.99 of the Revised Code, whichever is applicable regarding the 9977
violation, requires the imposition of a mandatory prison term; 9978

(6) Any offense that is a first or second degree felony and 9979
that is not set forth in division (F)(1), (2), (3), or (4) of this 9980
section, if the offender previously was convicted of or pleaded 9981
guilty to aggravated murder, murder, any first or second degree 9982
felony, or an offense under an existing or former law of this 9983
state, another state, or the United States that is or was 9984
substantially equivalent to one of those offenses; 9985

(7) Any offense that is a third degree felony and that is 9986
listed in division (DD)(1) of section 2929.01 of the Revised Code 9987
if the offender previously was convicted of or pleaded guilty to 9988
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 9989
section 2929.01 of the Revised Code; 9990

(8) Any offense, other than a violation of section 2923.12 of 9991
the Revised Code, that is a felony, if the offender had a firearm 9992
on or about the offender's person or under the offender's control 9993
while committing the felony, with respect to a portion of the 9994
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 9995
of the Revised Code for having the firearm; 9996

(9) Any offense of violence that is a felony, if the offender 9997
wore or carried body armor while committing the felony offense of 9998
violence, with respect to the portion of the sentence imposed 9999
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 10000
Code for wearing or carrying the body armor; 10001

(10) Corrupt activity in violation of section 2923.32 of the 10002
Revised Code when the most serious offense in the pattern of 10003
corrupt activity that is the basis of the offense is a felony of 10004
the first degree; 10005

(11) Any sexually violent offense for which the offender also 10006

is convicted of or pleads guilty to a sexually violent predator 10007
specification that was included in the indictment, count in the 10008
indictment, or information charging the sexually violent offense; 10009

(12) A violation of division (A)(1) or (2) of section 2921.36 10010
of the Revised Code, or a violation of division (C) of that 10011
section involving an item listed in division (A)(1) or (2) of that 10012
section, if the offender is an officer or employee of the 10013
department of rehabilitation and correction. 10014

(G) Notwithstanding divisions (A) to (E) of this section, if 10015
an offender is being sentenced for a fourth degree felony OVI 10016
offense or for a third degree felony OVI offense, the court shall 10017
impose upon the offender a mandatory term of local incarceration 10018
or a mandatory prison term in accordance with the following: 10019

(1) If the offender is being sentenced for a fourth degree 10020
felony OVI offense, the court may impose upon the offender a 10021
mandatory term of local incarceration of sixty days or one hundred 10022
twenty days as specified in division (G)(1)(d) of section 4511.19 10023
of the Revised Code. The court shall not reduce the term pursuant 10024
to section 2929.20, 2967.193, or any other provision of the 10025
Revised Code. The court that imposes a mandatory term of local 10026
incarceration under this division shall specify whether the term 10027
is to be served in a jail, a community-based correctional 10028
facility, a halfway house, or an alternative residential facility, 10029
and the offender shall serve the term in the type of facility 10030
specified by the court. A mandatory term of local incarceration 10031
imposed under division (G)(1) of this section is not subject to 10032
extension under section 2967.11 of the Revised Code, to a period 10033
of post-release control under section 2967.28 of the Revised Code, 10034
or to any other Revised Code provision that pertains to a prison 10035
term. 10036

(2) If the offender is being sentenced for a third degree 10037
felony OVI offense, or if the offender is being sentenced for a 10038

fourth degree felony OVI offense and the court does not impose a 10039
mandatory term of local incarceration under division (G)(1) of 10040
this section, the court shall impose upon the offender a mandatory 10041
prison term of sixty days or one hundred twenty days as specified 10042
in division (G)(1)(e) of section 4511.19 of the Revised Code. The 10043
court shall not reduce the term pursuant to section 2929.20, 10044
2967.193, or any other provision of the Revised Code. In no case 10045
shall an offender who once has been sentenced to a mandatory term 10046
of local incarceration pursuant to division (G)(1) of this section 10047
for a fourth degree felony OVI offense be sentenced to another 10048
mandatory term of local incarceration under that division for any 10049
violation of division (A) of section 4511.19 of the Revised Code. 10050
The court shall not sentence the offender to a community control 10051
sanction under section 2929.16 or 2929.17 of the Revised Code. The 10052
department of rehabilitation and correction may place an offender 10053
sentenced to a mandatory prison term under this division in an 10054
intensive program prison established pursuant to section 5120.033 10055
of the Revised Code if the department gave the sentencing judge 10056
prior notice of its intent to place the offender in an intensive 10057
program prison established under that section and if the judge did 10058
not notify the department that the judge disapproved the 10059
placement. Upon the establishment of the initial intensive program 10060
prison pursuant to section 5120.033 of the Revised Code that is 10061
privately operated and managed by a contractor pursuant to a 10062
contract entered into under section 9.06 of the Revised Code, both 10063
of the following apply: 10064

(a) The department of rehabilitation and correction shall 10065
make a reasonable effort to ensure that a sufficient number of 10066
offenders sentenced to a mandatory prison term under this division 10067
are placed in the privately operated and managed prison so that 10068
the privately operated and managed prison has full occupancy. 10069

(b) Unless the privately operated and managed prison has full 10070

occupancy, the department of rehabilitation and correction shall 10071
not place any offender sentenced to a mandatory prison term under 10072
this division in any intensive program prison established pursuant 10073
to section 5120.033 of the Revised Code other than the privately 10074
operated and managed prison. 10075

(H) If an offender is being sentenced for a sexually oriented 10076
offense committed on or after January 1, 1997, the judge shall 10077
require the offender to submit to a DNA specimen collection 10078
procedure pursuant to section 2901.07 of the Revised Code if 10079
either of the following applies: 10080

(1) The offense was a sexually violent offense, and the 10081
offender also was convicted of or pleaded guilty to a sexually 10082
violent predator specification that was included in the 10083
indictment, count in the indictment, or information charging the 10084
sexually violent offense. 10085

(2) The judge imposing sentence for the sexually oriented 10086
offense determines pursuant to division (B) of section 2950.09 of 10087
the Revised Code that the offender is a sexual predator. 10088

(I) If an offender is being sentenced for a sexually oriented 10089
offense that is not a registration-exempt sexually oriented 10090
offense or for a child-victim oriented offense committed on or 10091
after January 1, 1997, the judge shall include in the sentence a 10092
summary of the offender's ~~duty to register pursuant to section~~ 10093
~~duties imposed under sections~~ 2950.04 ~~of the Revised Code, the~~ 10094
~~offender's duty to provide notice of a change in residence address~~ 10095
~~and register the new residence address pursuant to section,~~ 10096
~~2950.041, 2950.05 of the Revised Code, the offender's duty to~~ 10097
~~periodically verify the offender's current residence address~~ 10098
~~pursuant to section, and~~ 2950.06 of the Revised Code, and the 10099
duration of the duties. The judge shall inform the offender, at 10100
the time of sentencing, of those duties and of their duration and, 10101
if required under division (A)(2) of section 2950.03 of the 10102

Revised Code, shall perform the duties specified in that section. 10103

(J)(1) Except as provided in division (J)(2) of this section, 10104
when considering sentencing factors under this section in relation 10105
to an offender who is convicted of or pleads guilty to an attempt 10106
to commit an offense in violation of section 2923.02 of the 10107
Revised Code, the sentencing court shall consider the factors 10108
applicable to the felony category of the violation of section 10109
2923.02 of the Revised Code instead of the factors applicable to 10110
the felony category of the offense attempted. 10111

(2) When considering sentencing factors under this section in 10112
relation to an offender who is convicted of or pleads guilty to an 10113
attempt to commit a drug abuse offense for which the penalty is 10114
determined by the amount or number of unit doses of the controlled 10115
substance involved in the drug abuse offense, the sentencing court 10116
shall consider the factors applicable to the felony category that 10117
the drug abuse offense attempted would be if that drug abuse 10118
offense had been committed and had involved an amount or number of 10119
unit doses of the controlled substance that is within the next 10120
lower range of controlled substance amounts than was involved in 10121
the attempt. 10122

(K) As used in this section, "drug abuse offense" has the 10123
same meaning as in section 2925.01 of the Revised Code. 10124

Sec. 2929.19. (A)(1) The court shall hold a sentencing 10125
hearing before imposing a sentence under this chapter upon an 10126
offender who was convicted of or pleaded guilty to a felony and 10127
before resentencing an offender who was convicted of or pleaded 10128
guilty to a felony and whose case was remanded pursuant to section 10129
2953.07 or 2953.08 of the Revised Code. At the hearing, the 10130
offender, the prosecuting attorney, the victim or the victim's 10131
representative in accordance with section 2930.14 of the Revised 10132
Code, and, with the approval of the court, any other person may 10133

present information relevant to the imposition of sentence in the 10134
case. The court shall inform the offender of the verdict of the 10135
jury or finding of the court and ask the offender whether the 10136
offender has anything to say as to why sentence should not be 10137
imposed upon the offender. 10138

(2) Except as otherwise provided in this division, before 10139
imposing sentence on an offender who is being sentenced for a 10140
sexually oriented offense that was committed on or after January 10141
1, 1997, that is not a registration-exempt sexually oriented 10142
offense, and that is not a sexually violent offense, and before 10143
imposing sentence on an offender who is being sentenced for a 10144
sexually violent offense committed on or after January 1, 1997, 10145
and who was not charged with a sexually violent predator 10146
specification in the indictment, count in the indictment, or 10147
information charging the sexually violent offense, and before 10148
imposing sentence on or after May 7, 2002, on an offender who is 10149
being sentenced for a sexually oriented offense that is not a 10150
registration-exempt sexually oriented offense and who was 10151
acquitted of a sexually violent predator specification included in 10152
the indictment, count in the indictment, or information charging 10153
the sexually oriented offense, the court shall conduct a hearing 10154
in accordance with division (B) of section 2950.09 of the Revised 10155
Code to determine whether the offender is a sexual predator. The 10156
court shall not conduct a hearing under that division if the 10157
offender is being sentenced for a sexually violent offense and, if 10158
a sexually violent predator specification was included in the 10159
indictment, count in the indictment, or information charging the 10160
sexually violent offense, and if the offender was convicted of or 10161
pleaded guilty to that sexually violent predator specification. 10162
Before imposing sentence on an offender who is being sentenced for 10163
a sexually oriented offense that is not a registration-exempt 10164
sexually oriented offense, the court also shall comply with 10165
division (E) of section 2950.09 of the Revised Code. 10166

Before imposing sentence on or after the effective date of 10167
this amendment on an offender who is being sentenced for a 10168
child-victim oriented offense, regardless of when the offense was 10169
committed, the court shall conduct a hearing in accordance with 10170
division (B) of section 2950.091 of the Revised Code to determine 10171
whether the offender is a child-victim predator. Before imposing 10172
sentence on an offender who is being sentenced for a child-victim 10173
oriented offense, the court also shall comply with division (E) of 10174
section 2950.091 of the Revised Code. 10175

(B)(1) At the sentencing hearing, the court, before imposing 10176
sentence, shall consider the record, any information presented at 10177
the hearing by any person pursuant to division (A) of this 10178
section, and, if one was prepared, the presentence investigation 10179
report made pursuant to section 2951.03 of the Revised Code or 10180
Criminal Rule 32.2, and any victim impact statement made pursuant 10181
to section 2947.051 of the Revised Code. 10182

(2) The court shall impose a sentence and shall make a 10183
finding that gives its reasons for selecting the sentence imposed 10184
in any of the following circumstances: 10185

(a) Unless the offense is a sexually violent offense for 10186
which the court is required to impose sentence pursuant to 10187
division (G) of section 2929.14 of the Revised Code, if it imposes 10188
a prison term for a felony of the fourth or fifth degree or for a 10189
felony drug offense that is a violation of a provision of Chapter 10190
2925. of the Revised Code and that is specified as being subject 10191
to division (B) of section 2929.13 of the Revised Code for 10192
purposes of sentencing, its reasons for imposing the prison term, 10193
based upon the overriding purposes and principles of felony 10194
sentencing set forth in section 2929.11 of the Revised Code, and 10195
any factors listed in divisions (B)(1)(a) to (i) of section 10196
2929.13 of the Revised Code that it found to apply relative to the 10197
offender. 10198

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

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

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

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

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

(a) Impose a stated prison term;

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

(c) Notify the offender that the offender will be supervised 10229
under section 2967.28 of the Revised Code after the offender 10230
leaves prison if the offender is being sentenced for a felony of 10231
the first degree or second degree, for a felony sex offense, or 10232
for a felony of the third degree in the commission of which the 10233
offender caused or threatened to cause physical harm to a person; 10234

(d) Notify the offender that the offender may be supervised 10235
under section 2967.28 of the Revised Code after the offender 10236
leaves prison if the offender is being sentenced for a felony of 10237
the third, fourth, or fifth degree that is not subject to division 10238
(B)(3)(c) of this section; 10239

(e) Notify the offender that, if a period of supervision is 10240
imposed following the offender's release from prison, as described 10241
in division (B)(3)(c) or (d) of this section, and if the offender 10242
violates that supervision or a condition of post-release control 10243
imposed under division (B) of section 2967.131 of the Revised 10244
Code, the parole board may impose a prison term, as part of the 10245
sentence, of up to one-half of the stated prison term originally 10246
imposed upon the offender; 10247

(f) Require that the offender not ingest or be injected with 10248
a drug of abuse and submit to random drug testing as provided in 10249
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 10250
is applicable to the offender who is serving a prison term, and 10251
require that the results of the drug test administered under any 10252
of those sections indicate that the offender did not ingest or was 10253
not injected with a drug of abuse. 10254

(4) If the offender is being sentenced for a sexually violent 10255
offense that the offender committed on or after January 1, 1997, 10256
and the offender also is convicted of or pleads guilty to a 10257
sexually violent predator specification that was included in the 10258
indictment, count in the indictment, or information charging the 10259

sexually violent offense, if the offender is being sentenced for a 10260
sexually oriented offense that is not a registration-exempt 10261
sexually oriented offense and that the offender committed on or 10262
after January 1, 1997, and the court imposing the sentence has 10263
determined pursuant to division (B) of section 2950.09 of the 10264
Revised Code that the offender is a sexual predator, if the 10265
offender is being sentenced on or after the effective date of this 10266
amendment for a child-victim oriented offense and the court 10267
imposing the sentence has determined pursuant to division (B) of 10268
section 2950.091 of the Revised Code that the offender is a 10269
child-victim predator, or if the offender is being sentenced for 10270
an aggravated sexually oriented offense as defined in section 10271
2950.01 of the Revised Code ~~that the offender committed on or~~ 10272
~~after June 13, 2002,~~ the court shall include in the offender's 10273
sentence a statement that the offender has been adjudicated ~~as~~ 10274
~~being~~ a sexual predator, has been adjudicated a child victim 10275
predator, or has been convicted of or pleaded guilty to an 10276
aggravated sexually oriented offense, whichever is applicable, and 10277
shall comply with the requirements of section 2950.03 of the 10278
Revised Code. Additionally, in the circumstances described in 10279
division (G) of section 2929.14 of the Revised Code, the court 10280
shall impose sentence on the offender as described in that 10281
division. 10282

(5) If the sentencing court determines at the sentencing 10283
hearing that a community control sanction should be imposed and 10284
the court is not prohibited from imposing a community control 10285
sanction, the court shall impose a community control sanction. The 10286
court shall notify the offender that, if the conditions of the 10287
sanction are violated, if the offender commits a violation of any 10288
law, or if the offender leaves this state without the permission 10289
of the court or the offender's probation officer, the court may 10290
impose a longer time under the same sanction, may impose a more 10291
restrictive sanction, or may impose a prison term on the offender 10292

and shall indicate the specific prison term that may be imposed as 10293
a sanction for the violation, as selected by the court from the 10294
range of prison terms for the offense pursuant to section 2929.14 10295
of the Revised Code. 10296

(6) Before imposing a financial sanction under section 10297
2929.18 of the Revised Code or a fine under section 2929.32 of the 10298
Revised Code, the court shall consider the offender's present and 10299
future ability to pay the amount of the sanction or fine. 10300

(7) If the sentencing court sentences the offender to a 10301
sanction of confinement pursuant to section 2929.14 or 2929.16 of 10302
the Revised Code that is to be served in a local detention 10303
facility, as defined in section 2929.36 of the Revised Code, and 10304
if the local detention facility is covered by a policy adopted 10305
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 10306
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 10307
and section 2929.37 of the Revised Code, both of the following 10308
apply: 10309

(a) The court shall specify both of the following as part of 10310
the sentence: 10311

(i) If the offender is presented with an itemized bill 10312
pursuant to section 2929.37 of the Revised Code for payment of the 10313
costs of confinement, the offender is required to pay the bill in 10314
accordance with that section. 10315

(ii) If the offender does not dispute the bill described in 10316
division (B)(7)(a)(i) of this section and does not pay the bill by 10317
the times specified in section 2929.37 of the Revised Code, the 10318
clerk of the court may issue a certificate of judgment against the 10319
offender as described in that section. 10320

(b) The sentence automatically includes any certificate of 10321
judgment issued as described in division (B)(7)(a)(ii) of this 10322
section. 10323

(C)(1) If the offender is being sentenced for a fourth degree 10324
felony OVI offense under division (G)(1) of section 2929.13 of the 10325
Revised Code, the court shall impose the mandatory term of local 10326
incarceration in accordance with that division, shall impose a 10327
mandatory fine in accordance with division (B)(3) of section 10328
2929.18 of the Revised Code, and, in addition, may impose 10329
additional sanctions as specified in sections 2929.15, 2929.16, 10330
2929.17, and 2929.18 of the Revised Code. The court shall not 10331
impose a prison term on the offender. 10332

(2) If the offender is being sentenced for a third or fourth 10333
degree felony OVI offense under division (G)(2) of section 2929.13 10334
of the Revised Code, the court shall impose the mandatory prison 10335
term in accordance with that division, shall impose a mandatory 10336
fine in accordance with division (B)(3) of section 2929.18 of the 10337
Revised Code, and, in addition, may impose an additional prison 10338
term as specified in section 2929.14 of the Revised Code. The 10339
court shall not impose any community control sanction on the 10340
offender. 10341

(D) The sentencing court, pursuant to division (K) of section 10342
2929.14 of the Revised Code, may recommend placement of the 10343
offender in a program of shock incarceration under section 10344
5120.031 of the Revised Code or an intensive program prison under 10345
section 5120.032 of the Revised Code, disapprove placement of the 10346
offender in a program or prison of that nature, or make no 10347
recommendation. If the court recommends or disapproves placement, 10348
it shall make a finding that gives its reasons for its 10349
recommendation or disapproval. 10350

Sec. 2929.23. (A) If an offender is being sentenced for a 10351
sexually oriented offense that is a misdemeanor committed on or 10352
after January 1, 1997, and if the judge imposing sentence for the 10353
sexually oriented offense determines pursuant to division (B) of 10354

section 2950.09 of the Revised Code that the offender is a sexual 10355
predator, the judge shall include in the offender's sentence a 10356
statement that the offender has been adjudicated a sexual 10357
predator, shall comply with the requirements of section 2950.03 of 10358
the Revised Code, and shall require the offender to submit to a 10359
DNA specimen collection procedure pursuant to section 2901.07 of 10360
the Revised Code. 10361

(B) Before imposing sentence on an offender who is being 10362
sentenced for a sexually oriented offense that is a misdemeanor, 10363
that was committed on or after January 1, 1997, and that is not a 10364
registration-exempt sexually oriented offense, the judge shall 10365
conduct a hearing in accordance with division (B) of section 10366
2950.09 of the Revised Code to determine whether the offender is a 10367
sexual predator. Before imposing sentence on an offender who is 10368
being sentenced for a sexually oriented offense that is not a 10369
registration-exempt sexually oriented offense, the court also 10370
shall comply with division (E) of section 2950.09 of the Revised 10371
Code. 10372

Before imposing sentence on or after the effective date of 10373
this amendment on an offender who is being sentenced for a 10374
child-victim oriented offense that is a misdemeanor, regardless of 10375
when the offense was committed, the judge shall conduct a hearing 10376
in accordance with division (B) of section 2950.091 of the Revised 10377
Code to determine whether the offender is a child-victim predator. 10378
Before imposing sentence on an offender who is being sentenced for 10379
a child-victim oriented offense, the court also shall comply with 10380
division (E) of section 2950.091 of the Revised Code. 10381

(C) If an offender is being sentenced for a sexually oriented 10382
offense that is not a registration-exempt sexually oriented 10383
offense or for a child-victim oriented offense that is a 10384
misdemeanor committed on or after January 1, 1997, the judge shall 10385
include in the sentence a summary of the offender's ~~duty to~~ 10386

~~register pursuant to section duties imposed under sections 2950.04~~ 10387
~~of the Revised Code, the offender's duty to provide notice of an~~ 10388
~~intent to reside in a county if applicable pursuant to division~~ 10389
~~(C) of section 2950.04 of the Revised Code, the offender's duty to~~ 10390
~~provide notice of a change in residence address and register the~~ 10391
~~new residence address pursuant to section, 2950.041, 2950.05 of~~ 10392
~~the Revised Code, the offender's duty to periodically verify the~~ 10393
~~offender's current residence address pursuant to section, and~~ 10394
2950.06 of the Revised Code, and the duration of the duties. The 10395
judge shall inform the offender, at the time of sentencing, of 10396
those duties and of their duration and, if required under division 10397
(A)(2) of section 2950.03 of the Revised Code, shall perform the 10398
duties specified in that section. 10399

Sec. 2950.01. As used in this chapter, unless the context 10400
clearly requires otherwise: 10401

(A) "Confinement" includes, but is not limited to, a 10402
community residential sanction imposed pursuant to section 2929.16 10403
or 2929.26 of the Revised Code. 10404

(B) "Habitual sex offender" means, except when a juvenile 10405
judge removes this classification pursuant to division (A)(2) of 10406
section 2152.84 or division (C)(2) of section 2152.85 of the 10407
Revised Code, a person to whom both of the following apply: 10408

(1) The person is convicted of or pleads guilty to a sexually 10409
oriented offense that is not a registration-exempt sexually 10410
oriented offense, or the person is adjudicated a delinquent child 10411
for committing on or after January 1, 2002, a sexually oriented 10412
offense that is not a registration-exempt sexually oriented 10413
offense, was fourteen years of age or older at the time of 10414
committing the offense, and is classified a juvenile sex offender 10415
registrant based on that adjudication. 10416

(2) One of the following applies to the person: 10417

(a) Regarding a person who is an offender, the person 10418
previously was convicted of or pleaded guilty to one or more 10419
sexually oriented offenses or child-victim oriented offenses or 10420
previously was adjudicated a delinquent child for committing one 10421
or more sexually oriented offenses or child-victim oriented 10422
offenses and was classified a juvenile ~~sex~~ offender registrant or 10423
out-of-state juvenile ~~sex~~ offender registrant based on one or more 10424
of those adjudications, regardless of when the offense was 10425
committed and regardless of the person's age at the time of 10426
committing the offense. 10427

(b) Regarding a delinquent child, the person previously was 10428
convicted of, pleaded guilty to, or was adjudicated a delinquent 10429
child for committing one or more sexually oriented offenses or 10430
child-victim oriented offenses, regardless of when the offense was 10431
committed and regardless of the person's age at the time of 10432
committing the offense. 10433

(C) "Prosecutor" has the same meaning as in section 2935.01 10434
of the Revised Code. 10435

(D) "Sexually oriented offense" means any of the following: 10436

(1) Any of the following violations or offenses committed by 10437
a person eighteen years of age or older: 10438

(a) Regardless of the age of the victim of the offense, a 10439
violation of section 2907.02, 2907.03, ~~or~~ 2907.05, or 2907.07 of 10440
the Revised Code; 10441

(b) Any of the following offenses involving a minor, in the 10442
circumstances specified: 10443

(i) A violation of division (A)(4) of section 2905.01~~7~~ 10444
~~2905.02, 2905.03, 2905.05,~~ or section 2907.04 ~~or former section~~ 10445
~~2905.04, 2907.06, or 2907.08~~ of the Revised Code, when the victim 10446
of the offense is under eighteen years of age; 10447

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

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

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

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

(vi) A violation of division ~~(D) or (E) of section 2907.07 of the Revised Code~~ (A)(1), (2), (3), or (5) of section 2905.01, of section 2903.211, 2905.02, 2905.03, or 2905.05, or of former section 2905.04 of the Revised Code, when the victim of the offense is under eighteen years of age and the offense is committed with a sexual motivation.

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

(d) A sexually violent offense;

(e) A violation of section 2907.06 or 2907.08 of the Revised Code when the victim of the offense is eighteen years of age or older, or a violation of section 2903.211 of the Revised Code when the victim of the offense is eighteen years of age or older and the offense is committed with a sexual motivation;

(f) A violation of any former law of this state, any existing

or former municipal ordinance or law of another state or the 10478
United States, ~~or~~ any existing or former law applicable in a 10479
military court or in an Indian tribal court, or any existing or 10480
former law of any nation other than the United States, that is or 10481
was substantially equivalent to any offense listed in division 10482
(D)(1)(a), (b), (c), ~~or~~ (d), or (e) of this section; 10483

~~(f)~~(g) An attempt to commit, conspiracy to commit, or 10484
complicity in committing any offense listed in division (D)(1)(a), 10485
(b), (c), (d), ~~or~~ (e), or (f) of this section. 10486

(2) An act committed by a person under eighteen years of age 10487
that is any of the following: 10488

(a) Subject to division (D)(2)~~(h)~~(i) of this section, 10489
regardless of the age of the victim of the violation, a violation 10490
of section 2907.02, 2907.03, ~~or~~ 2907.05, or 2907.07 of the Revised 10491
Code; 10492

(b) Subject to division (D)(2)~~(h)~~(i) of this section, any of 10493
the following acts involving a minor in the circumstances 10494
specified: 10495

(i) A violation of division (A)(4) of section 2905.01 or 10496
~~2905.02~~ section 2907.06 or 2907.08 of the Revised Code, ~~or of~~ 10497
~~former section 2905.04 of the Revised Code,~~ when the victim of the 10498
violation is under eighteen years of age; 10499

(ii) A violation of section 2907.21 of the Revised Code when 10500
the person who is compelled, induced, procured, encouraged, 10501
solicited, requested, or facilitated to engage in, paid or agreed 10502
to be paid for, or allowed to engage in the sexual activity in 10503
question is under eighteen years of age; 10504

(iii) A violation of division (B)(5) of section 2919.22 of 10505
the Revised Code when the child who is involved in the violation 10506
is under eighteen years of age; 10507

(iv) A violation of division (A)(1), (2), (3), or (5) of 10508
section 2905.01, section 2903.211, or former section 2905.04 of 10509
the Revised Code, when the victim of the violation is under 10510
eighteen years of age and the offense is committed with a sexual 10511
motivation. 10512

(c) Subject to division (D)(2)(~~h~~)(i) of this section, any 10513
sexually violent offense that, if committed by an adult, would be 10514
a felony of the first, second, third, or fourth degree; 10515

(d) Subject to division (D)(2)(~~h~~)(i) of this section, a 10516
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 10517
2905.02 of the Revised Code, a violation of division (A) of 10518
section 2903.04 of the Revised Code, or an attempt to violate any 10519
of those sections or that division that is committed with a 10520
~~purpose to gratify the sexual needs or desires of the child~~ 10521
~~committing the violation~~ motivation; 10522

(e) Subject to division (D)(2)(~~h~~)(i) of this section, a 10523
violation of division (A)(1) or (3) of section 2907.321, division 10524
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 10525
section 2907.323 of the Revised Code, or an attempt to violate any 10526
of those divisions, if the person who violates or attempts to 10527
violate the division is four or more years older than the minor 10528
who is the victim of the violation; 10529

(f) Subject to division (D)(2)(i) of this section, a 10530
violation of section 2907.06 or 2907.08 of the Revised Code when 10531
the victim of the violation is eighteen years of age or older, or 10532
a violation of section 2903.211 of the Revised Code when the 10533
victim of the violation is eighteen years of age or older and the 10534
offense is committed with a sexual motivation; 10535

(g) Subject to division (D)(2)(~~h~~)(i) of this section, any 10536
violation of any former law of this state, any existing or former 10537
municipal ordinance or law of another state or the United States, 10538

~~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), or (f) of this section and that, if committed by an
adult, would be a felony of the first, second, third, or fourth
degree;

~~(g)~~(h) Subject to division (D)(2)~~(h)~~(i) 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), or (g) of this section;

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

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

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

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

(F) "Supervised release" means a release of an offender from
a prison term, a term of imprisonment, or another type of

confinement that satisfies either of the following conditions: 10570

(1) The release is on parole, a conditional pardon, under a 10571
community control sanction, under transitional control, or under a 10572
post-release control sanction, and it requires the person to 10573
report to or be supervised by a parole officer, probation officer, 10574
field officer, or another type of supervising officer. 10575

(2) The release is any type of release that is not described 10576
in division (F)(1) of this section and that requires the person to 10577
report to or be supervised by a probation officer, a parole 10578
officer, a field officer, or another type of supervising officer. 10579

(G) An offender or delinquent child is "adjudicated as being 10580
a sexual predator" or "adjudicated a sexual predator" if any of 10581
the following applies and if, regarding a delinquent child, that 10582
status has not been removed pursuant to section 2152.84, 2152.85, 10583
or 2950.09 of the Revised Code: 10584

(1) The offender is convicted of or pleads guilty to 10585
committing, on or after January 1, 1997, a sexually oriented 10586
offense that is a sexually violent offense and that is not a 10587
registration-exempt sexually oriented offense and also is 10588
convicted of or pleads guilty to a sexually violent predator 10589
specification that was included in the indictment, count in the 10590
indictment, or information that charged the sexually violent 10591
offense. 10592

(2) Regardless of when the sexually oriented offense was 10593
committed, on or after January 1, 1997, the offender is sentenced 10594
for a sexually oriented offense that is not a registration-exempt 10595
sexually oriented offense, and the sentencing judge determines 10596
pursuant to division (B) of section 2950.09 of the Revised Code 10597
that the offender is a sexual predator. 10598

(3) The delinquent child is adjudicated a delinquent child 10599
for committing a sexually oriented offense that is not a 10600

registration-exempt sexually oriented offense, was fourteen years 10601
of age or older at the time of committing the offense, and has 10602
been classified a juvenile ~~sex~~ offender registrant based on that 10603
adjudication, and the adjudicating judge or that judge's successor 10604
in office determines pursuant to division (B) of section 2950.09 10605
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 10606
the Revised Code that the delinquent child is a sexual predator. 10607

(4) Prior to January 1, 1997, the offender was convicted of 10608
or pleaded guilty to, and was sentenced for, a sexually oriented 10609
offense that is not a registration-exempt sexually oriented 10610
offense, the offender is imprisoned in a state correctional 10611
institution on or after January 1, 1997, and the court determines 10612
pursuant to division (C) of section 2950.09 of the Revised Code 10613
that the offender is a sexual predator. 10614

(5) Regardless of when the sexually oriented offense was 10615
committed, the offender or delinquent child is convicted of or 10616
pleads guilty to, has been convicted of or pleaded guilty to, or 10617
is adjudicated a delinquent child for committing a sexually 10618
oriented offense that is not a registration-exempt sexually 10619
oriented offense in another state ~~or~~, in a federal court, military 10620
court, or ~~an~~ Indian tribal court, or in a court in any nation 10621
other than the United States, as a result of that conviction, plea 10622
of guilty, or adjudication, the offender or delinquent child is 10623
required, under the law of the jurisdiction in which the offender 10624
was convicted or pleaded guilty or the delinquent child was 10625
adjudicated, to register as a sex offender until the offender's or 10626
delinquent child's death ~~and to verify the offender's or~~ 10627
~~delinquent child's address on at least a quarterly basis each~~ 10628
~~year~~, and, on or after July 1, 1997, for offenders or January 1, 10629
2002, for delinquent children, the offender or delinquent child 10630
moves to and resides in this state or temporarily is domiciled in 10631
this state for more than ~~seven~~ five days or the offender is 10632

required under section 2950.04 of the Revised Code to register a 10633
school, institution of higher education, or place of employment 10634
address in this state, unless a court of common pleas or juvenile 10635
court determines that the offender or delinquent child is not a 10636
sexual predator pursuant to division (F) of section 2950.09 of the 10637
Revised Code. 10638

(H) "Sexually violent predator specification," and "sexually 10639
violent offense," "sexual motivation," and "violent sex offense" 10640
have the same meanings as in section 2971.01 of the Revised Code. 10641

(I) "Post-release control sanction" and "transitional 10642
control" have the same meanings as in section 2967.01 of the 10643
Revised Code. 10644

(J) "Juvenile ~~sex~~ offender registrant" means a person who is 10645
adjudicated a delinquent child for committing on or after January 10646
1, 2002, a sexually oriented offense that is not a 10647
registration-exempt sexually oriented offense or a child-victim 10648
oriented offense, who is fourteen years of age or older at the 10649
time of committing the offense, and who a juvenile court judge, 10650
pursuant to an order issued under section 2152.82, 2152.83, 10651
2152.84, or 2152.85 of the Revised Code, classifies a juvenile ~~sex~~ 10652
offender registrant and specifies has a duty to ~~register under~~ 10653
~~section~~ comply with sections 2950.04, 2950.05, and 2950.06 of the 10654
Revised Code if the child committed a sexually oriented offense or 10655
with sections 2950.041, 2950.05, and 2950.06 of the Revised Code 10656
if the child committed a child-victim oriented offense. "Juvenile 10657
offender registrant" includes a person who, prior to the effective 10658
date of this amendment, was a "juvenile sex offender registrant" 10659
under the former definition of that former term. 10660

(K) "Secure facility" means any facility that is designed and 10661
operated to ensure that all of its entrances and exits are locked 10662
and under the exclusive control of its staff and to ensure that, 10663
because of that exclusive control, no person who is 10664

institutionalized or confined in the facility may leave the 10665
facility without permission or supervision. 10666

(L) "Out-of-state juvenile ~~sex~~ offender registrant" means a 10667
person who is adjudicated a delinquent child ~~for committing a~~ 10668
~~sexually oriented offense~~ in a court in another state ~~or~~, in a 10669
federal court, military court, or Indian tribal court, or in a 10670
court in any nation other than the United States for committing a 10671
sexually oriented offense that is not a registration-exempt 10672
sexually oriented offense or a child-victim oriented offense, who 10673
on or after January 1, 2002, moves to and resides in this state or 10674
temporarily is domiciled in this state for more than ~~seven~~ five 10675
days, and who has a duty under section 2950.04 of the Revised Code 10676
~~has a duty~~ to register in this state ~~as described in that section~~ 10677
and the duty to otherwise comply with that section and sections 10678
2950.05 and 2950.06 of the Revised Code if the child committed a 10679
sexually oriented offense or has a duty under section 2950.041 of 10680
the Revised Code to register in this state and the duty to 10681
otherwise comply with that section and sections 2950.05 and 10682
2950.06 of the Revised Code if the child committed a child-victim 10683
oriented offense. "Out-of-state juvenile offender registrant" 10684
includes a person who, prior to the effective date of this 10685
amendment, was an "out-of-state juvenile sex offender registrant" 10686
under the former definition of that former term. 10687

(M) "Juvenile court judge" includes a magistrate to whom the 10688
juvenile court judge confers duties pursuant to division (A)(15) 10689
of section 2151.23 of the Revised Code. 10690

(N) "Adjudicated a delinquent child for committing a sexually 10691
oriented offense" includes a child who receives a serious youthful 10692
offender dispositional sentence under section 2152.13 of the 10693
Revised Code for committing a sexually oriented offense. 10694

(O) "Aggravated sexually oriented offense" means a violation 10695
of division (A)(1)(b) of section 2907.02 of the Revised Code 10696

committed on or after June 13, 2002, or a violation of division 10697
(A)(2) of that section committed on or after the effective date of 10698
this amendment. 10699

(P)(1) "Presumptive registration-exempt sexually oriented 10700
offense" means any of the following sexually oriented offenses 10701
described in division (P)(1)(a), (b), (c), (d), or (e) of this 10702
section, when the offense is committed by a person who previously 10703
has not been convicted of, pleaded guilty to, or adjudicated a 10704
delinquent child for committing any sexually oriented offense 10705
described in division (P)(1)(a), (b), (c), (d), or (e) of this 10706
section, any other sexually oriented offense, or any child-victim 10707
oriented offense and when the victim or intended victim of the 10708
offense is eighteen years of age or older: 10709

(a) Any sexually oriented offense listed in division 10710
(D)(1)(e) or (D)(2)(f) of this section committed by a person who 10711
is eighteen years of age or older or, subject to division 10712
(P)(1)(e) of this section, committed by a person who is under 10713
eighteen years of age; 10714

(b) Any violation of any former law of this state, any 10715
existing or former municipal ordinance or law of another state or 10716
the United States, any existing or former law applicable in a 10717
military court or in an Indian tribal court, or any existing or 10718
former law of any nation other than the United States that is 10719
committed by a person who is eighteen years of age or older and 10720
that is or was substantially equivalent to any sexually oriented 10721
offense listed in division (P)(1)(a) of this section; 10722

(c) Subject to division (P)(1)(e) of this section, any 10723
violation of any former law of this state, any existing or former 10724
municipal ordinance or law of another state or the United States, 10725
any existing or former law applicable in a military court or in an 10726
Indian tribal court, or any existing or former law of any nation 10727
other than the United States that is committed by a person who is 10728

under eighteen years of age, that is or was substantially 10729
equivalent to any sexually oriented offense listed in division 10730
(P)(1)(a) of this section, and that would be a felony of the 10731
fourth degree if committed by an adult; 10732

(d) Any attempt to commit, conspiracy to commit, or 10733
complicity in committing any offense listed in division (P)(1)(a) 10734
or (b) of this section if the person is eighteen years of age or 10735
older or, subject to division (P)(1)(e) of this section, listed in 10736
division (P)(1)(a) or (c) of this section if the person is under 10737
eighteen years of age. 10738

(e) Regarding an act committed by a person under eighteen 10739
years of age, if the child's case has been transferred for 10740
criminal prosecution under section 2152.12 of the Revised Code, 10741
the act is any sexually oriented offense listed in division 10742
(P)(1)(a), (b), or (d) of this section. 10743

(2) "Presumptive registration-exempt sexually oriented 10744
offense" does not include any sexually oriented offense described 10745
in division (P)(1)(a), (b), (c), (d), or (e) of this section that 10746
is committed by a person who previously has been convicted of, 10747
pleaded guilty to, or adjudicated a delinquent child for 10748
committing any sexually oriented offense described in division 10749
(P)(1)(a), (b), (c), (d), or (e) of this section or any other 10750
sexually oriented offense. 10751

(O)(1) "Registration-exempt sexually oriented offense" means 10752
any presumptive registration-exempt sexually oriented offense, if 10753
a court does not issue an order under section 2950.021 of the 10754
Revised Code that removes the presumptive exemption and subjects 10755
the offender who was convicted of or pleaded guilty to the offense 10756
to registration under section 2950.04 of the Revised Code and all 10757
other duties and responsibilities generally imposed under this 10758
chapter upon persons who are convicted of or plead guilty to any 10759
sexually oriented offense other than a presumptive 10760

registration-exempt sexually oriented offense or that removes the 10761
presumptive exemption and potentially subjects the child who was 10762
adjudicated a delinquent child for committing the offense to 10763
classification as a juvenile offender registrant under sections 10764
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to 10765
registration under section 2950.04 of the Revised Code and all 10766
other duties and responsibilities generally imposed under this 10767
chapter upon persons who are adjudicated delinquent children for 10768
committing a sexually oriented offense other than a presumptive 10769
registration-exempt sexually oriented offense. 10770

(2) "Registration-exempt sexually oriented offense" does not 10771
include a presumptive registration-exempt sexually oriented 10772
offense if a court issues an order under section 2950.021 of the 10773
Revised Code that removes the presumptive exemption and subjects 10774
the offender or potentially subjects the delinquent child to the 10775
duties and responsibilities described in division (O)(1) of this 10776
section. 10777

(R) "School" and "school premises" have the same meanings as 10778
in section 2925.01 of the Revised Code. 10779

(S)(1) "Child-victim oriented offense" means any of the 10780
following: 10781

(a) Subject to division (S)(2) of this section, any of the 10782
following violations or offenses committed by a person eighteen 10783
years of age or older, when the victim of the violation is under 10784
eighteen years of age and is not a child of the person who commits 10785
the violation: 10786

(i) A violation of division (A)(1), (2), (3), or (5) of 10787
section 2905.01, of section 2905.02, 2905.03, or 2905.05, or of 10788
former section 2905.04 of the Revised Code; 10789

(ii) A violation of any former law of this state, any 10790
existing or former municipal ordinance or law of another state or 10791

the United States, any existing or former law applicable in a 10792
military court or in an Indian tribal court, or any existing or 10793
former law of any nation other than the United States, that is or 10794
was substantially equivalent to any offense listed in division 10795
(S)(1)(a)(i) of this section; 10796

(iii) An attempt to commit, conspiracy to commit, or 10797
complicity in committing any offense listed in division 10798
(S)(1)(a)(i) or (ii) of this section. 10799

(b) Subject to division (S)(2) of this section, an act 10800
committed by a person under eighteen years of age that is any of 10801
the following, when the victim of the violation is under eighteen 10802
years of age and is not a child of the person who commits the 10803
violation: 10804

(i) Subject to division (S)(1)(b)(iv) of this section, a 10805
violation of division (A)(1), (2), (3), or (5) of section 2905.01 10806
or of former section 2905.04 of the Revised Code; 10807

(ii) Subject to division (S)(1)(b)(iv) of this section, any 10808
violation of any former law of this state, any existing or former 10809
municipal ordinance or law of another state or the United States, 10810
any existing or former law applicable in a military court or in an 10811
Indian tribal court, or any existing or former law of any nation 10812
other than the United States, that is or was substantially 10813
equivalent to any offense listed in division (S)(1)(b)(i) of this 10814
section and that, if committed by an adult, would be a felony of 10815
the first, second, third, or fourth degree; 10816

(iii) Subject to division (S)(1)(b)(iv) of this section, any 10817
attempt to commit, conspiracy to commit, or complicity in 10818
committing any offense listed in division (S)(1)(b)(i) or (ii) of 10819
this section; 10820

(iv) If the child's case has been transferred for criminal 10821
prosecution under section 2152.12 of the Revised Code, the act is 10822

any violation listed in division (S)(1)(a)(i), (ii), or (iii) of 10823
this section or would be any offense listed in any of those 10824
divisions if committed by an adult. 10825

(2) "Child-victim oriented offense" does not include any 10826
offense identified in division (S)(1)(a) or (b) of this section 10827
that is a sexually violent offense. An offense identified in 10828
division (S)(1)(a) or (b) of this section that is a sexually 10829
violent offense is within the definition of a sexually oriented 10830
offense. 10831

(T)(1) "Habitual child-victim offender" means, except when a 10832
juvenile judge removes this classification pursuant to division 10833
(A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of 10834
the Revised Code, a person to whom both of the following apply: 10835

(a) The person is convicted of or pleads guilty to a 10836
child-victim oriented offense, or the person is adjudicated a 10837
delinquent child for committing on or after January 1, 2002, a 10838
child-victim oriented offense, was fourteen years of age or older 10839
at the time of committing the offense, and is classified a 10840
juvenile offender registrant based on that adjudication. 10841

(b) One of the following applies to the person: 10842

(i) Regarding a person who is an offender, the person 10843
previously was convicted of or pleaded guilty to one or more 10844
child-victim oriented offenses or previously was adjudicated a 10845
delinquent child for committing one or more child-victim oriented 10846
offenses and was classified a juvenile offender registrant or 10847
out-of-state juvenile offender registrant based on one or more of 10848
those adjudications, regardless of when the offense was committed 10849
and regardless of the person's age at the time of committing the 10850
offense. 10851

(ii) Regarding a delinquent child, the person previously was 10852
convicted of, pleaded guilty to, or was adjudicated a delinquent 10853

child for committing one or more child-victim oriented offenses, 10854
regardless of when the offense was committed and regardless of the 10855
person's age at the time of committing the offense. 10856

(2) "Habitual child-victim offender" includes a person who 10857
has been convicted of, pleaded guilty to, or adjudicated a 10858
delinquent child for committing, a child-victim oriented offense 10859
and who, on and after the effective date of this amendment, is 10860
automatically classified a habitual child-victim offender pursuant 10861
to division (E) of section 2950.091 of the Revised Code. 10862

(U) "Child-victim predator" means a person to whom either of 10863
the following applies: 10864

(1) The person has been convicted of or pleaded guilty to 10865
committing a child-victim oriented offense and is likely to engage 10866
in the future in one or more child-victim oriented offenses. 10867

(2) The person has been adjudicated a delinquent child for 10868
committing a child-victim oriented offense, was fourteen years of 10869
age or older at the time of committing the offense, was classified 10870
a juvenile offender registrant based on that adjudication, and is 10871
likely to engage in the future in one or more child-victim 10872
oriented offenses. 10873

(V) An offender or delinquent child is "adjudicated as being 10874
a child-victim predator" or "adjudicated a child-victim predator" 10875
if any of the following applies and if, regarding a delinquent 10876
child, that status has not been removed pursuant to section 10877
2152.84, 2152.85, or 2950.09 of the Revised Code: 10878

(1) The offender or delinquent child has been convicted of, 10879
pleaded guilty to, or adjudicated a delinquent child for 10880
committing, a child-victim oriented offense and, on and after the 10881
effective date of this amendment, is automatically classified a 10882
child-victim predator pursuant to division (A) of section 2950.091 10883
of the Revised Code. 10884

(2) Regardless of when the child-victim oriented offense was committed, on or after the effective date of this amendment, the offender is sentenced for a child-victim oriented offense, and the sentencing judge determines pursuant to division (B) of section 2950.091 of the Revived Code that the offender is a child-victim predator.

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

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

(5) Regardless of when the child-victim oriented offense was committed, the offender or delinquent child is convicted, pleads guilty, has been convicted, pleaded guilty, or adjudicated a delinquent child in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a child-victim oriented offense, as a result of that conviction, plea of guilty, or adjudication, the offender or delinquent child is required under the law of the jurisdiction in which the offender was

convicted or pleaded guilty or the delinquent child was 10917
adjudicated, to register as a child-victim offender or sex 10918
offender until the offender's or delinquent child's death, and, on 10919
or after July 1, 1997, for offenders or January 1, 2002, for 10920
delinquent children the offender or delinquent child moves to and 10921
resides in this state or temporarily is domiciled in this state 10922
for more than five days or the offender is required under section 10923
2950.041 of the Revised Code to register a school, institution of 10924
higher education, or place of employment address in this state, 10925
unless a court of common pleas or juvenile court determines that 10926
the offender or delinquent child is not a child-victim predator 10927
pursuant to division (F) of section 2950.091 of the Revised Code. 10928

(W) "Residential premises" means the building in which a 10929
residential unit is located and the grounds upon which that 10930
building stands, extending to the perimeter of the property. 10931
"Residential premises" includes any type of structure in which a 10932
residential unit is located, including, but not limited to, 10933
multi-unit buildings and mobile and manufactured homes. 10934

(X) "Residential unit" means a dwelling unit for residential 10935
use and occupancy, and includes the structure or part of a 10936
structure that is used as a home, residence, or sleeping place by 10937
one person who maintains a household or two or more persons who 10938
maintain a common household. 10939

(Y) "Multi-unit building" means a building in which is 10940
located more than twelve residential units that have entry doors 10941
that open directly into the unit from a hallway that is shared 10942
with one or more other units. A residential unit is not considered 10943
located in a multi-unit building if the unit does not have an 10944
entry door that opens directly into the unit from a hallway that 10945
is shared with one or more other units or if the unit is in a 10946
building that is not a multi-unit building as described in this 10947
division. 10948

(Z) "Community control sanction" has the same meaning as in 10949
section 2929.01 of the Revised Code. 10950

Sec. 2950.99. (A) ~~Whoever (1)(a) Except as otherwise provided~~ 10951
in division (A)(1)(b) of this section, whoever violates a 10952
prohibition in section 2950.04, ~~2950.041~~, 2950.05, or 2950.06 of 10953
the Revised Code ~~is guilty of a felony of the fifth degree if~~ 10954
shall be punished as follows: 10955

(i) If the most serious sexually oriented offense or 10956
child-victim oriented offense that was the basis of the 10957
registration, notice of intent to reside, change of address 10958
notification, or address verification requirement that was 10959
violated under the prohibition is aggravated murder, murder, or a 10960
felony of the first, second, or third degree if committed by an 10961
adult, the offender is guilty of a felony of the third degree. 10962

(ii) If the most serious sexually oriented offense or 10963
child-victim oriented offense that was the basis of the 10964
registration, notice of intent to reside, change of address 10965
notification, or address verification requirement that was 10966
violated under the prohibition is a felony of the fourth or fifth 10967
degree if committed by an adult, ~~and a misdemeanor of the first~~ 10968
~~degree or~~ if the most serious sexually oriented offense or 10969
child-victim oriented offense that was the basis of the 10970
registration, notice of intent to reside, change of address 10971
notification, or address verification requirement that was 10972
violated under the prohibition is a misdemeanor if committed by an 10973
adult. ~~In,~~ the offender is guilty of a felony of the same degree 10974
or a misdemeanor of the same degree as the most serious sexually 10975
oriented offense or child-victim oriented offense that was the 10976
basis of the registration, notice of intent to reside, change of 10977
address, or address verification requirement that was violated 10978
under the prohibition. 10979

(b) If the offender previously has been convicted of or 10980
pleaded guilty to, or previously has been adjudicated a delinquent 10981
child for committing, a violation of a prohibition in section 10982
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 10983
whoever violates a prohibition in section 2950.04, 2950.041, 10984
2950.05, or 2950.06 of the Revised Code shall be punished as 10985
follows: 10986

(i) If the most serious sexually oriented offense or 10987
child-victim oriented offense that was the basis of the 10988
registration, notice of intent to reside, change of address 10989
notification, or address verification requirement that was 10990
violated under the prohibition is aggravated murder, murder, or a 10991
felony of the first, second, third, or fourth degree if committed 10992
by an adult, the offender is guilty of a felony of the third 10993
degree. 10994

(ii) If the most serious sexually oriented offense or 10995
child-victim oriented offense that was the basis of the 10996
registration, notice of intent to reside, change of address 10997
notification, or address verification requirement that was 10998
violated under the prohibition is a felony of the fifth degree if 10999
committed by an adult, the offender is guilty of a felony of the 11000
fourth degree. 11001

(iii) If the most serious sexually oriented offense or 11002
child-victim oriented offense that was the basis of the 11003
registration, notice of intent to reside, change of address 11004
notification, or address verification requirement that was 11005
violated under the prohibition is a misdemeanor of the first 11006
degree if committed by an adult, the offender is guilty of a 11007
felony of the fifth degree. 11008

(iv) If the most serious sexually oriented offense or 11009
child-victim oriented offense that was the basis of the 11010

registration, notice of intent to reside, change of address 11011
notification, or address verification requirement that was 11012
violated under the prohibition is a misdemeanor other than a 11013
misdemeanor of the first degree if committed by an adult, the 11014
offender is guilty of a misdemeanor that is one degree higher than 11015
the most serious sexually oriented offense or child-victim 11016
oriented offense that was the basis of the registration, change of 11017
address, or address verification requirement that was violated 11018
under the prohibition. 11019

(2) In addition to any penalty or sanction imposed under 11020
division (A)(1) of this section or any other provision of law for 11021
the a violation of a prohibition in section 2950.04, 2950.041, 11022
2950.05, or 2950.06 of the Revised Code, if the offender or 11023
delinquent child is subject to a community control sanction, is on 11024
parole, is subject to one or more post-release control sanctions, 11025
or is subject to any other type of supervised release at the time 11026
of the violation, the violation shall constitute a violation of 11027
the terms and conditions of the community control sanction, 11028
parole, post-release control sanction, or other type of supervised 11029
release. 11030

(B) If a person violates a prohibition in section 2950.04, 11031
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 11032
the person as a result of the person being adjudicated a 11033
delinquent child and being classified a juvenile ~~sex~~ offender 11034
registrant or ~~is~~ as an out-of-state juvenile ~~sex~~ offender 11035
registrant, both of the following apply: 11036

(1) If the violation occurs while the person is under 11037
eighteen years of age, the person is subject to proceedings under 11038
Chapter 2152. of the Revised Code based on the violation. 11039

(2) If the violation occurs while the person is eighteen 11040
years of age or older, the person is subject to criminal 11041
prosecution based on the violation. 11042

(C) Whoever violates division (C) of section 2950.13 of the 11043
Revised Code is guilty of a misdemeanor of the first degree. 11044

Sec. 5321.01. As used in this chapter: 11045

(A) "Tenant" means a person entitled under a rental agreement 11046
to the use and occupancy of residential premises to the exclusion 11047
of others. 11048

(B) "Landlord" means the owner, lessor, or sublessor of 11049
residential premises, the agent of the owner, lessor, or 11050
sublessor, or any person authorized by the owner, lessor, or 11051
sublessor to manage the premises or to receive rent from a tenant 11052
under a rental agreement. 11053

(C) "Residential premises" means a dwelling unit for 11054
residential use and occupancy and the structure of which it is a 11055
part, the facilities and appurtenances in it, and the grounds, 11056
areas, and facilities for the use of tenants generally or the use 11057
of which is promised the tenant. "Residential premises" includes a 11058
dwelling unit that is owned or operated by a college or 11059
university. "Residential premises" does not include any of the 11060
following: 11061

(1) Prisons, jails, workhouses, and other places of 11062
incarceration or correction, including, but not limited to, 11063
halfway houses or residential arrangements that are used or 11064
occupied as a requirement of a community control sanction, a 11065
post-release control sanction, or parole; 11066

(2) Hospitals and similar institutions with the primary 11067
purpose of providing medical services, and homes licensed pursuant 11068
to Chapter 3721. of the Revised Code; 11069

(3) Tourist homes, hotels, motels, recreational vehicle 11070
parks, recreation camps, combined park-camps, temporary 11071
park-camps, and other similar facilities where circumstances 11072

indicate a transient occupancy; 11073

(4) Elementary and secondary boarding schools, where the cost 11074
of room and board is included as part of the cost of tuition; 11075

(5) Orphanages and similar institutions; 11076

(6) Farm residences furnished in connection with the rental 11077
of land of a minimum of two acres for production of agricultural 11078
products by one or more of the occupants; 11079

(7) Dwelling units subject to sections 3733.41 to 3733.49 of 11080
the Revised Code; 11081

(8) Occupancy by an owner of a condominium unit; 11082

(9) Occupancy in a facility licensed as an SRO facility 11083
pursuant to Chapter 3731. of the Revised Code, if the facility is 11084
owned or operated by an organization that is exempt from taxation 11085
under section 501(c)(3) of the "Internal Revenue Code of 1986," 11086
100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or 11087
group of entities in which such an organization has a controlling 11088
interest, and if either of the following applies: 11089

(a) The occupancy is for a period of less than sixty days; 11090

(b) The occupancy is for participation in a program operated 11091
by the facility, or by a public entity or private charitable 11092
organization pursuant to a contract with the facility, to provide 11093
either of the following: 11094

(i) Services licensed, certified, registered, or approved by 11095
a governmental agency or private accrediting organization for the 11096
rehabilitation of mentally ill persons, developmentally disabled 11097
persons, adults or juveniles convicted of criminal offenses, or 11098
persons suffering from substance abuse; 11099

(ii) Shelter for juvenile runaways, victims of domestic 11100
violence, or homeless persons. 11101

(10) Emergency shelters operated by organizations exempt from 11102

federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.

(D) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.

(E) "Security deposit" means any deposit of money or property to secure performance by the tenant under a rental agreement.

(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.

(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3733.01 of the Revised Code.

~~(I)~~(J) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

~~(J)~~(K) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(L) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 11133
11134
11135

Section 4. That the existing versions of sections 109.42, 11136
2152.02, 2152.19, 2743.191, 2929.01, 2929.13, 2929.19, 2929.23, 11137
2950.01, 2950.99, and 5321.01 of the Revised Code that are 11138
scheduled to take effect January 1, 2004, are hereby repealed. 11139

Section 5. Sections 3 and 4 of this act shall take effect 11140
January 1, 2004. 11141

Section 6. The provisions of this act are severable. If a 11142
codified or uncodified section of law contained in this act or a 11143
provision or application of such a section is held invalid, the 11144
invalidity does not affect any other codified or uncodified 11145
section of law contained in this act, or any related codified or 11146
uncodified section, or any provision or application of any such 11147
section, that can be given effect without the invalid section or 11148
provision or application. 11149

Section 7. (A) Section 2919.24 of the Revised Code is 11150
presented in Section 1 of this act as a composite of the section 11151
as amended by Am. Sub. S.B. 3 of the 124th General Assembly and 11152
Am. Sub. S.B. 179 of the 123rd General Assembly. Section 2929.13 11153
of the Revised Code is presented in Section 1 of this act as a 11154
composite of the section as amended by both Am. Sub. H.B. 327 and 11155
Sub. H.B. 485 of the 124th General Assembly. Section 2929.19 of 11156
the Revised Code, effective until January 1, 2004, is presented in 11157
Section 1 of this act as a composite of the section as amended by 11158
both Sub. H.B. 170 and Sub. H.B. 485 of the 124th General 11159
Assembly. Section 2950.08 of the Revised Code is presented in 11160
Section 1 of this act as a composite of the section as amended by 11161

both Am. Sub. H.B. 180 and Am. Sub. S.B. 160 of the 121st General 11162
Assembly. The General Assembly, applying the principle stated in 11163
division (B) of section 1.52 of the Revised Code that amendments 11164
are to be harmonized if reasonably capable of simultaneous 11165
operation, finds that the composites are the resulting versions of 11166
the sections in effect prior to the effective date of the sections 11167
as presented in Section 1 of this act. 11168

(B) Section 2152.02 of the Revised Code, effective January 1, 11169
2004, is presented in Section 3 of this act as a composite of the 11170
section as amended by both Am. Sub. H.B. 400 and Am. Sub. H.B. 490 11171
of the 124th General Assembly. Section 2152.19 of the Revised 11172
Code, effective January 1, 2004, is presented in Section 3 of this 11173
act as a composite of the section as amended by both Am. Sub. H.B. 11174
400 and Am. Sub. H.B. 490 of the 124th General Assembly. Section 11175
2743.191 of the Revised Code is presented in Section 3 of this act 11176
as a composite of the section as amended by both Sub. H.B. 427 and 11177
Am. Sub. S.B. 123 of the 124th General Assembly. Section 2929.13 11178
of the Revised Code, effective January 1, 2004, is presented in 11179
Section 3 of this act as a composite of the section as amended by 11180
Am. Sub. H.B. 327, Sub. H.B. 485, and Am. Sub. S.B. 123 of the 11181
124th General Assembly. Section 5321.01 of the Revised Code, 11182
effective January 1, 2004, is presented in Section 3 of this act 11183
as a composite of the section as amended by both Am. Sub. H.B. 490 11184
and Sub. H.B. 520 of the 124th General Assembly. The General 11185
Assembly, applying the principle stated in division (B) of section 11186
1.52 of the Revised Code that amendments are to be harmonized if 11187
reasonably capable of simultaneous operation, finds that the 11188
composites are the resulting versions of the sections in effect 11189
prior to the effective date of the sections as presented in 11190
Section 3 of this act. 11191

Section 8. Sections 1923.01, 1923.02, 1923.051, 5321.01, and 11192
5321.03 of the Revised Code, as amended by this act, and sections 11193

2950.031 and 5321.051 of the Revised Code, as enacted by this act, 11194
apply to rental agreements entered into on or after the effective 11195
date of this act. 11196

Section 9. This act is hereby declared to be an emergency 11197
measure necessary for the immediate preservation of the public 11198
peace, health, and safety. The reason for such necessity is that 11199
it is crucial for this state to make the changes in this act as 11200
soon as possible, in order to expand the protections and 11201
information afforded residents of this state regarding offenders 11202
who commit sexually oriented offenses or child-victim oriented 11203
offenses and in order to comply with the federal Jacob Wetterling 11204
Crimes Against Children and Sexually Violent Offender Registration 11205
Act and standards adopted under that Act and receive related 11206
federal funding that is contingent upon compliance. Therefore, 11207
this act shall go into immediate effect. 11208