

As Introduced

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Representative Heard

**Cosponsors: Representatives Miller, Brady, Boyd, Budish, Fende, Dodd,
Mallory, Harwood, Domenick, Collier, Bolon**

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A B I L L

To amend sections 2950.031 and 2950.99 of the Revised 1
Code to provide that any person required to 2
register under Ohio's Sex Offender Registration 3
and Notification Law who establishes or occupies 4
residential premises within one thousand feet of 5
any school premises, recreation center, 6
playground, or other place where it is reasonable 7
to expect children to frequent or linger is guilty 8
of a misdemeanor of the first degree and to 9
require a court to order a violator to vacate the 10
premises as part of any injunctive relief granted 11
for the violation. 12

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

Section 1. That sections 2950.031 and 2950.99 of the Revised 13
Code be amended to read as follows: 14

Sec. 2950.031. (A) No person who ~~has been convicted of,~~ is 15
~~convicted of, has pleaded guilty to, or pleads guilty to either a~~ 16
~~sexually oriented offense that is not a registration exempt~~ 17
~~sexually oriented offense or a child victim oriented offense~~ 18

required to register pursuant to section 2950.04 or 2950.041 of 19
the Revised Code shall establish a residence or occupy residential 20
premises within one thousand feet of any school premises, 21
recreation center, playground, or other place where it is 22
reasonable to expect children to frequent or linger. 23

(B) If a person to whom division (A) of this section applies 24
violates division (A) of this section by establishing a residence 25
or occupying residential premises within one thousand feet of any 26
school premises, recreation center, playground, or other place 27
where it is reasonable to expect children to frequent or linger, 28
an owner or lessee of real property that is located within one 29
thousand feet of those school premises or that recreation center, 30
playground, or place where it is reasonable to expect children to 31
frequent or linger, or the prosecuting attorney, village 32
solicitor, city or township director of law, similar chief legal 33
officer of a municipal corporation or township, or official 34
designated as a prosecutor in a municipal corporation that has 35
jurisdiction over the place at which the person establishes the 36
residence or occupies the residential premises in question, has a 37
cause of action for injunctive relief against the person. The 38
plaintiff shall not be required to prove irreparable harm in order 39
to obtain the relief. In addition to any other injunctive relief 40
granted pursuant to this division, the court shall order any 41
person in violation of division (A) of this section to vacate the 42
person's residence established or residential premises occupied in 43
violation of division (A) of this section. The court may punish a 44
person's failure to comply with a court order issued under this 45
division within thirty days after being served with the order as 46
contempt of court. The thirty-day period for a person to comply 47
with a court order issued under this division shall not run during 48
the pendency of the person's appeal of the court order. 49

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 50

division (A)(1)(b) of this section, whoever violates a prohibition 51
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 52
Code shall be punished as follows: 53

(i) If the most serious sexually oriented offense or 54
child-victim oriented offense that was the basis of the 55
registration, notice of intent to reside, change of address 56
notification, or address verification requirement that was 57
violated under the prohibition is aggravated murder, murder, or a 58
felony of the first, second, or third degree if committed by an 59
adult or a comparable category of offense committed in another 60
jurisdiction, the offender is guilty of a felony of the third 61
degree. 62

(ii) If the most serious sexually oriented offense or 63
child-victim oriented offense that was the basis of the 64
registration, notice of intent to reside, change of address 65
notification, or address verification requirement that was 66
violated under the prohibition is a felony of the fourth or fifth 67
degree if committed by an adult or a comparable category of 68
offense committed in another jurisdiction, or if the most serious 69
sexually oriented offense or child-victim oriented offense that 70
was the basis of the registration, notice of intent to reside, 71
change of address notification, or address verification 72
requirement that was violated under the prohibition is a 73
misdemeanor if committed by an adult or a comparable category of 74
offense committed in another jurisdiction, the offender is guilty 75
of a felony of the same degree or a misdemeanor of the same degree 76
as the most serious sexually oriented offense or child-victim 77
oriented offense that was the basis of the registration, notice of 78
intent to reside, change of address, or address verification 79
requirement that was violated under the prohibition or, if the 80
most serious sexually oriented offense or child-victim oriented 81
offense that was the basis of the registration, notice of intent 82

to reside, change of address, or address verification requirement 83
that was violated under the prohibition was a comparable category 84
of offense committed in another jurisdiction, the offender is 85
guilty of a felony of the same degree or a misdemeanor of the same 86
degree as that offense committed in the other jurisdiction would 87
constitute or would have constituted if it had been committed in 88
this state. 89

(b) If the offender previously has been convicted of or 90
pleaded guilty to, or previously has been adjudicated a delinquent 91
child for committing, a violation of a prohibition in section 92
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 93
whoever violates a prohibition in section 2950.04, 2950.041, 94
2950.05, or 2950.06 of the Revised Code shall be punished as 95
follows: 96

(i) If the most serious sexually oriented offense or 97
child-victim oriented offense that was the basis of the 98
registration, notice of intent to reside, change of address 99
notification, or address verification requirement that was 100
violated under the prohibition is aggravated murder, murder, or a 101
felony of the first, second, third, or fourth degree if committed 102
by an adult or a comparable category of offense committed in 103
another jurisdiction, the offender is guilty of a felony of the 104
third degree. 105

(ii) If the most serious sexually oriented offense or 106
child-victim oriented offense that was the basis of the 107
registration, notice of intent to reside, change of address 108
notification, or address verification requirement that was 109
violated under the prohibition is a felony of the fifth degree if 110
committed by an adult or a comparable category of offense 111
committed in another jurisdiction, the offender is guilty of a 112
felony of the fourth degree. 113

(iii) If the most serious sexually oriented offense or 114

child-victim oriented offense that was the basis of the 115
registration, notice of intent to reside, change of address 116
notification, or address verification requirement that was 117
violated under the prohibition is a misdemeanor of the first 118
degree if committed by an adult or a comparable category of 119
offense committed in another jurisdiction, the offender is guilty 120
of a felony of the fifth degree. 121

(iv) If the most serious sexually oriented offense or 122
child-victim oriented offense that was the basis of the 123
registration, notice of intent to reside, change of address 124
notification, or address verification requirement that was 125
violated under the prohibition is a misdemeanor other than a 126
misdemeanor of the first degree if committed by an adult or a 127
comparable category of offense committed in another jurisdiction, 128
the offender is guilty of a misdemeanor that is one degree higher 129
than the most serious sexually oriented offense or child-victim 130
oriented offense that was the basis of the registration, change of 131
address, or address verification requirement that was violated 132
under the prohibition or, if the most serious sexually oriented 133
offense or child-victim oriented offense that was the basis of the 134
registration, notice of intent to reside, change of address, or 135
address verification requirement that was violated under the 136
prohibition was a comparable category of offense committed in 137
another jurisdiction, the offender is guilty of a misdemeanor that 138
is one degree higher than the most serious sexually oriented 139
offense or child-victim oriented offense committed in the other 140
jurisdiction would constitute or would have constituted if it had 141
been committed in this state. 142

(2) In addition to any penalty or sanction imposed under 143
division (A)(1) of this section or any other provision of law for 144
a violation of a prohibition in section 2950.04, 2950.041, 145
2950.05, or 2950.06 of the Revised Code, if the offender or 146

delinquent child is subject to a community control sanction, is on 147
parole, is subject to one or more post-release control sanctions, 148
or is subject to any other type of supervised release at the time 149
of the violation, the violation shall constitute a violation of 150
the terms and conditions of the community control sanction, 151
parole, post-release control sanction, or other type of supervised 152
release. 153

(3) As used in division (A)(1) of this section, "comparable 154
category of offense committed in another jurisdiction" means a 155
sexually oriented offense or child-victim oriented offense that 156
was the basis of the registration, notice of intent to reside, 157
change of address notification, or address verification 158
requirement that was violated, that is a violation of an existing 159
or former law of another state or the United States, an existing 160
or former law applicable in a military court or in an Indian 161
tribal court, or an existing or former law of any nation other 162
than the United States, and that, if it had been committed in this 163
state, would constitute or would have constituted aggravated 164
murder, murder, or a felony of the first, second, or third degree 165
for purposes of division (A)(1)(a)(i) of this section, a felony of 166
the fourth or fifth degree or a misdemeanor for purposes of 167
division (A)(1)(a)(ii) of this section, aggravated murder, murder, 168
or a felony of the first, second, third, or fourth degree for 169
purposes of division (A)(1)(b)(i) of this section, a felony of the 170
fifth degree for purposes of division (A)(1)(b)(ii) of this 171
section, a misdemeanor of the first degree for purposes of 172
division (A)(1)(b)(iii) of this section, or a misdemeanor other 173
than a misdemeanor of the first degree for purposes of division 174
(A)(1)(b)(iv) of this section. 175

(B) If a person violates a prohibition in section 2950.04, 176
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 177
the person as a result of the person being adjudicated a 178

delinquent child and being classified a juvenile offender 179
registrant or as an out-of-state juvenile offender registrant, 180
both of the following apply: 181

(1) If the violation occurs while the person is under 182
eighteen years of age, the person is subject to proceedings under 183
Chapter 2152. of the Revised Code based on the violation. 184

(2) If the violation occurs while the person is eighteen 185
years of age or older, the person is subject to criminal 186
prosecution based on the violation. 187

(C) Whoever violates division (C) of section 2950.13 of the 188
Revised Code is guilty of a misdemeanor of the first degree. 189

(D) Whoever violates division (A) of section 2950.031 of the 190
Revised Code is guilty of a misdemeanor of the first degree. 191

Section 2. That existing sections 2950.031 and 2950.99 of the 192
Revised Code are hereby repealed. 193