

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 430

Representative Garrison

**Cosponsors: Representatives Bacon, Batchelder, Brady, Combs, Evans,
Fende, Hughes, Luckie, Lundy, McGregor, J., Strahorn, Williams, B., Yuko**

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A B I L L

To amend section 2950.99 and to enact section 1
2950.035 of the Revised Code to prohibit adult 2
tier III sex offender/child-victim offenders who 3
have committed specified offenses against a victim 4
under sixteen years of age from knowingly being 5
present on school premises or preschool or child 6
day-care premises. 7

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

Section 1. That section 2950.99 be amended and section 8
2950.035 of the Revised Code be enacted to read as follows: 9

Sec. 2950.035. (A) No tier III sex offender/child-victim 10
offender who is eighteen years of age or older, who is convicted 11
of, pleads guilty to, has been convicted of, or has pleaded guilty 12
to any of the sexually oriented offenses listed in division 13
(G)(1)(a), (c), (d), or (e) of section 2950.01 of the Revised 14
Code, and whose victim was under sixteen years of age at the time 15
of the commission of any one of the offenses that is the basis of 16
the offender's tier III classification shall knowingly be present 17
on school premises or preschool or child day-care center premises. 18

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(B) No tier III sex offender/child-victim offender who is 20
eighteen years of age or older and who is convicted of, pleads 21
guilty to, has been convicted of, or has pleaded guilty to a 22
violation of division (B) of section 2907.05 of the Revised Code 23
shall knowingly be present on school premises or preschool or 24
child day-care center premises. 25

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(C) As used in this section, "preschool" and "child day-care 26
center premises" have the same meanings as in section 2950.034 of 27
the Revised Code. 28

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Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 29
division (A)(1)(b) of this section, whoever violates a prohibition 30
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 31
Code shall be punished as follows: 32

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(i) If the most serious sexually oriented offense that was 33
the basis of the registration, notice of intent to reside, change 34
of address notification, or address verification requirement that 35
was violated under the prohibition is aggravated murder or murder 36
if committed by an adult or a comparable category of offense 37
committed in another jurisdiction, the offender is guilty of a 38
felony of the first degree. 39

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(ii) If the most serious sexually oriented offense or 40
child-victim oriented offense that was the basis of the 41
registration, notice of intent to reside, change of address 42
notification, or address verification requirement that was 43
violated under the prohibition is a felony of the first, second, 44
third, or fourth degree if committed by an adult or a comparable 45
category of offense committed in another jurisdiction, the 46
offender is guilty of a felony of the same degree as the most 47
serious sexually oriented offense or child-victim oriented offense 48
that was the basis of the registration, notice of intent to 49

reside, change of address, or address verification requirement 50
that was violated under the prohibition, or, if the most serious 51
sexually oriented offense or child-victim oriented offense that 52
was the basis of the registration, notice of intent to reside, 53
change of address, or address verification requirement that was 54
violated under the prohibition is a comparable category of offense 55
committed in another jurisdiction, the offender is guilty of a 56
felony of the same degree as that offense committed in the other 57
jurisdiction would constitute if committed in this state. 58

(iii) If the most serious sexually oriented offense or 59
child-victim oriented offense that was the basis of the 60
registration, notice of intent to reside, change of address 61
notification, or address verification requirement that was 62
violated under the prohibition is a felony of the fifth degree or 63
a misdemeanor if committed by an adult or a comparable category of 64
offense committed in another jurisdiction, the offender is guilty 65
of a felony of the fourth degree. 66

(b) If the offender previously has been convicted of or 67
pleaded guilty to, or previously has been adjudicated a delinquent 68
child for committing, a violation of a prohibition in section 69
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 70
whoever violates a prohibition in section 2950.04, 2950.041, 71
2950.05, or 2950.06 of the Revised Code shall be punished as 72
follows: 73

(i) If the most serious sexually oriented offense that was 74
the basis of the registration, notice of intent to reside, change 75
of address notification, or address verification requirement that 76
was violated under the prohibition is aggravated murder or murder 77
if committed by an adult or a comparable category of offense 78
committed in another jurisdiction, the offender is guilty of a 79
felony of the first degree. 80

(ii) If the most serious sexually oriented offense or 81

child-victim oriented offense that was the basis of the 82
registration, notice of intent to reside, change of address 83
notification, or address verification requirement that was 84
violated under the prohibition is a felony of the first, second, 85
or third degree if committed by an adult or a comparable category 86
of offense committed in another jurisdiction, the offender is 87
guilty of a felony of the same degree as the most serious sexually 88
oriented offense or child-victim oriented offense that was the 89
basis of the registration, notice of intent to reside, change of 90
address, or address verification requirement that was violated 91
under the prohibition, or, if the most serious sexually oriented 92
offense or child-victim oriented offense that was the basis of the 93
registration, notice of intent to reside, change of address, or 94
address verification requirement that was violated under the 95
prohibition is a comparable category of offense committed in 96
another jurisdiction, the offender is guilty of a felony of the 97
same degree as that offense committed in the other jurisdiction 98
would constitute if committed in this state. 99

(iii) If the most serious sexually oriented offense or 100
child-victim oriented offense that was the basis of the 101
registration, notice of intent to reside, change of address 102
notification, or address verification requirement that was 103
violated under the prohibition is a felony of the fourth or fifth 104
degree if committed by an adult or a comparable category of 105
offense committed in another jurisdiction, the offender is guilty 106
of a felony of the third degree. 107

(iv) If the most serious sexually oriented offense or 108
child-victim oriented offense that was the basis of the 109
registration, notice of intent to reside, change of address 110
notification, or address verification requirement that was 111
violated under the prohibition is a misdemeanor if committed by an 112
adult or a comparable category of offense committed in another 113

jurisdiction, the offender is guilty of a felony of the fourth 114
degree. 115

(2)(a) In addition to any penalty or sanction imposed under 116
division (A)(1) of this section or any other provision of law for 117
a violation of a prohibition in section 2950.04, 2950.041, 118
2950.05, or 2950.06 of the Revised Code, if the offender or 119
delinquent child is subject to a community control sanction, is on 120
parole, is subject to one or more post-release control sanctions, 121
or is subject to any other type of supervised release at the time 122
of the violation, the violation shall constitute a violation of 123
the terms and conditions of the community control sanction, 124
parole, post-release control sanction, or other type of supervised 125
release. 126

(b) In addition to any penalty or sanction imposed under 127
division (A)(1)(b)(i), (ii), or (iii) of this section or any other 128
provision of law for a violation of a prohibition in section 129
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 130
offender previously has been convicted of or pleaded guilty to, or 131
previously has been adjudicated a delinquent child for committing, 132
a violation of a prohibition in section 2950.04, 2950.041, 133
2950.05, or 2950.06 of the Revised Code when the most serious 134
sexually oriented offense or child-victim oriented offense that 135
was the basis of the requirement that was violated under the 136
prohibition is a felony if committed by an adult or a comparable 137
category of offense committed in another jurisdiction, the court 138
imposing a sentence upon the offender shall impose a definite 139
prison term of no less than three years. The definite prison term 140
imposed under this section is not restricted by division (B) of 141
section 2929.14 of the Revised Code and shall not be reduced to 142
less than three years pursuant to Chapter 2967. or any other 143
provision of the Revised Code. 144

(3) As used in division (A)(1) of this section, "comparable 145

category of offense committed in another jurisdiction" means a 146
sexually oriented offense or child-victim oriented offense that 147
was the basis of the registration, notice of intent to reside, 148
change of address notification, or address verification 149
requirement that was violated, that is a violation of an existing 150
or former law of another state or the United States, an existing 151
or former law applicable in a military court or in an Indian 152
tribal court, or an existing or former law of any nation other 153
than the United States, and that, if it had been committed in this 154
state, would constitute or would have constituted aggravated 155
murder or murder for purposes of division (A)(1)(a)(i) of this 156
section, a felony of the first, second, third, or fourth degree 157
for purposes of division (A)(1)(a)(ii) of this section, a felony 158
of the fifth degree or a misdemeanor for purposes of division 159
(A)(1)(a)(iii) of this section, aggravated murder or murder for 160
purposes of division (A)(1)(b)(i) of this section, a felony of the 161
first, second, or third degree for purposes of division 162
(A)(1)(b)(ii) of this section, a felony of the fourth or fifth 163
degree for purposes of division (A)(1)(b)(iii) of this section, or 164
a misdemeanor for purposes of division (A)(1)(b)(iv) of this 165
section. 166

(B) If a person violates a prohibition in section 2950.04, 167
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 168
the person as a result of the person being adjudicated a 169
delinquent child and being classified a juvenile offender 170
registrant or an out-of-state juvenile offender registrant, both 171
of the following apply: 172

(1) If the violation occurs while the person is under 173
eighteen years of age, the person is subject to proceedings under 174
Chapter 2152. of the Revised Code based on the violation. 175

(2) If the violation occurs while the person is eighteen 176
years of age or older, the person is subject to criminal 177

prosecution based on the violation. 178

(C) Whoever violates division (C) of section 2950.13 of the Revised Code is guilty of a misdemeanor of the first degree. 179
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(D) Whoever violates section 2950.035 of the Revised Code is guilty of a felony of the fifth degree. 181
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Section 2. That existing section 2950.99 of the Revised Code is hereby repealed. 183
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