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Sub. H. B. No. 57

Representative Combs

Cosponsors: Representatives McGregor, J., Fessler, Setzer, Jones, Adams, Stewart, D., Collier, Heard, Bacon, Batchelder, Boyd, Chandler, Coley, Dolan, Domenick, Dyer, Evans, Flowers, Goyal, Hagan, J., Harwood, Hite, Hughes, Luckie, Lundy, Newcomb, Oelslager, Patton, Raussen, Slesnick, Williams, B., Williams, S.

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A B I L L

To amend sections 2950.01, 2950.11, 2950.12, and 1
2950.13 and to enact section 2950.112 of the 2
Revised Code to provide notice to a long-term care 3
facility when a registered sex offender indicates 4
an intent to reside or registers an address within 5
the facility's specified geographical notification 6
area. 7

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

Section 1. That sections 2950.01, 2950.11, 2950.12, and 8
2950.13 be amended and section 2950.112 of the Revised Code be 9
enacted to read as follows: 10

Sec. 2950.01. As used in this chapter, unless the context 11
clearly requires otherwise: 12

(A) "Sexually oriented offense" means any of the following 13
violations or offenses committed by a person, regardless of the 14
person's age: 15

(1) A violation of section 2907.02, 2907.03, 2907.05,
2907.06, 2907.07, 2907.08, 2907.21, 2907.32, 2907.321, 2907.322,
or 2907.323 of the Revised Code;

(2) A violation of section 2907.04 of the Revised Code when
the offender is less than four years older than the other person
with whom the offender engaged in sexual conduct, the other person
did not consent to the sexual conduct, and the offender previously
has not been convicted of or pleaded guilty to a violation of
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a
violation of former section 2907.12 of the Revised Code;

(3) A violation of section 2907.04 of the Revised Code when
the offender is at least four years older than the other person
with whom the offender engaged in sexual conduct or when the
offender is less than four years older than the other person with
whom the offender engaged in sexual conduct and the offender
previously has been convicted of or pleaded guilty to a violation
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a
violation of former section 2907.12 of the Revised Code;

(4) A violation of section 2903.01, 2903.02, or 2903.11 of
the Revised Code when the violation was committed with a sexual
motivation;

(5) A violation of division (A) of section 2903.04 of the
Revised Code when the offender committed or attempted to commit
the felony that is the basis of the violation with a sexual
motivation;

(6) A violation of division (A)(3) of section 2903.211 of the
Revised Code;

(7) A violation of division (A)(1), (2), (3), or (5) of
section 2905.01 of the Revised Code when the offense is committed
with a sexual motivation;

(8) A violation of division (A)(4) of section 2905.01 of the

Revised Code; 47

(9) A violation of division (B) of section 2905.01 of the 48
Revised Code when the victim of the offense is under eighteen 49
years of age and the offender is not a parent of the victim of the 50
offense; 51

(10) A violation of division (B) of section 2905.02, of 52
division (B) of section 2905.03, of division (B) of section 53
2905.05, or of division (B)(5) of section 2919.22 of the Revised 54
Code; 55

(11) A violation of any former law of this state, any 56
existing or former municipal ordinance or law of another state or 57
the United States, any existing or former law applicable in a 58
military court or in an Indian tribal court, or any existing or 59
former law of any nation other than the United States that is or 60
was substantially equivalent to any offense listed in division 61
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this 62
section; 63

(12) Any attempt to commit, conspiracy to commit, or 64
complicity in committing any offense listed in division (A)(1), 65
(2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this 66
section. 67

(B)(1) "Sex offender" means, subject to division (B)(2) of 68
this section, a person who is convicted of, pleads guilty to, has 69
been convicted of, has pleaded guilty to, is adjudicated a 70
delinquent child for committing, or has been adjudicated a 71
delinquent child for committing any sexually oriented offense. 72

(2) "Sex offender" does not include a person who is convicted 73
of, pleads guilty to, has been convicted of, has pleaded guilty 74
to, is adjudicated a delinquent child for committing, or has been 75
adjudicated a delinquent child for committing a sexually oriented 76
offense if the offense involves consensual sexual conduct or 77

consensual sexual contact and either of the following applies: 78

(a) The victim of the sexually oriented offense was eighteen 79
years of age or older and at the time of the sexually oriented 80
offense was not under the custodial authority of the person who is 81
convicted of, pleads guilty to, has been convicted of, has pleaded 82
guilty to, is adjudicated a delinquent child for committing, or 83
has been adjudicated a delinquent child for committing the 84
sexually oriented offense. 85

(b) The victim of the offense was thirteen years of age or 86
older, and the person who is convicted of, pleads guilty to, has 87
been convicted of, has pleaded guilty to, is adjudicated a 88
delinquent child for committing, or has been adjudicated a 89
delinquent child for committing the sexually oriented offense is 90
not more than four years older than the victim. 91

(C) "Child-victim oriented offense" means any of the 92
following violations or offenses committed by a person, regardless 93
of the person's age, when the victim is under eighteen years of 94
age and is not a child of the person who commits the violation: 95

(1) A violation of division (A)(1), (2), (3), or (5) of 96
section 2905.01 of the Revised Code when the violation is not 97
included in division (A)(7) of this section; 98

(2) A violation of division (A) of section 2905.02, division 99
(A) of section 2905.03, or division (A) of section 2905.05 of the 100
Revised Code; 101

(3) A violation of any former law of this state, any existing 102
or former municipal ordinance or law of another state or the 103
United States, any existing or former law applicable in a military 104
court or in an Indian tribal court, or any existing or former law 105
of any nation other than the United States that is or was 106
substantially equivalent to any offense listed in division (C)(1) 107
or (2) of this section; 108

(4) Any attempt to commit, conspiracy to commit, or 109
complicity in committing any offense listed in division (C)(1), 110
(2), or (3) of this section. 111

(D) "Child-victim offender" means a person who is convicted 112
of, pleads guilty to, has been convicted of, has pleaded guilty 113
to, is adjudicated a delinquent child for committing, or has been 114
adjudicated a delinquent child for committing any child-victim 115
oriented offense. 116

(E) "Tier I sex offender/child-victim offender" means any of 117
the following: 118

(1) A sex offender who is convicted of, pleads guilty to, has 119
been convicted of, or has pleaded guilty to any of the following 120
sexually oriented offenses: 121

(a) A violation of section 2907.06, 2907.07, 2907.08, or 122
2907.32 of the Revised Code; 123

(b) A violation of section 2907.04 of the Revised Code when 124
the offender is less than four years older than the other person 125
with whom the offender engaged in sexual conduct, the other person 126
did not consent to the sexual conduct, and the offender previously 127
has not been convicted of or pleaded guilty to a violation of 128
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 129
violation of former section 2907.12 of the Revised Code; 130

(c) A violation of division (A)(1), (2), (3), or (5) of 131
section 2907.05 of the Revised Code; 132

(d) A violation of division (A)(3) of section 2907.323 of the 133
Revised Code; 134

(e) A violation of division (A)(3) of section 2903.211, of 135
division (B) of section 2905.03, or of division (B) of section 136
2905.05 of the Revised Code; 137

(f) A violation of any former law of this state, any existing 138

or former municipal ordinance or law of another state or the 139
United States, any existing or former law applicable in a military 140
court or in an Indian tribal court, or any existing or former law 141
of any nation other than the United States, that is or was 142
substantially equivalent to any offense listed in division 143
(E)(1)(a), (b), (c), (d), or (e) of this section; 144

(g) Any attempt to commit, conspiracy to commit, or 145
complicity in committing any offense listed in division (E)(1)(a), 146
(b), (c), (d), (e), or (f) of this section. 147

(2) A child-victim offender who is convicted of, pleads 148
guilty to, has been convicted of, or has pleaded guilty to a 149
child-victim oriented offense and who is not within either 150
category of child-victim offender described in division (F)(2) or 151
(G)(2) of this section. 152

(3) A sex offender who is adjudicated a delinquent child for 153
committing or has been adjudicated a delinquent child for 154
committing any sexually oriented offense and who a juvenile court, 155
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 156
Revised Code, classifies a tier I sex offender/child-victim 157
offender relative to the offense. 158

(4) A child-victim offender who is adjudicated a delinquent 159
child for committing or has been adjudicated a delinquent child 160
for committing any child-victim oriented offense and who a 161
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 162
2152.85 of the Revised Code, classifies a tier I sex 163
offender/child-victim offender relative to the offense. 164

(F) "Tier II sex offender/child-victim offender" means any of 165
the following: 166

(1) A sex offender who is convicted of, pleads guilty to, has 167
been convicted of, or has pleaded guilty to any of the following 168
sexually oriented offenses: 169

(a) A violation of section 2907.21, 2907.321, or 2907.322 of the Revised Code; 170
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(b) A violation of section 2907.04 of the Revised Code when the offender is at least four years older than the other person with whom the offender engaged in sexual conduct, or when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct and the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or former section 2907.12 of the Revised Code; 172
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(c) A violation of division (A)(4) of section 2907.05 or of division (A)(1) or (2) of section 2907.323 of the Revised Code; 180
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(d) A violation of division (A)(1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation; 182
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(e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is eighteen years of age or older; 185
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(f) A violation of division (B) of section 2905.02 or of division (B)(5) of section 2919.22 of the Revised Code; 188
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(g) A 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 or was substantially equivalent to any offense listed in division (F)(1)(a), (b), (c), (d), (e), or (f) of this section; 190
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(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (F)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 197
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(i) Any sexually oriented offense that is committed after the sex offender previously has been convicted of, pleaded guilty to, or has been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.

(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any child-victim oriented offense when the child-victim oriented offense is committed after the child-victim offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.

(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier II sex offender/child-victim offender relative to the offense.

(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier II sex offender/child-victim offender relative to the current offense.

(5) A sex offender or child-victim offender who is not in any category of tier II sex offender/child-victim offender set forth in division (F)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense, and who prior to that date was determined to be a habitual sex

offender or determined to be a habitual child-victim offender,	232
unless either of the following applies:	233
(a) The sex offender or child-victim offender is reclassified	234
pursuant to section 2950.031 or 2950.032 of the Revised Code as a	235
tier I sex offender/child-victim offender or a tier III sex	236
offender/child-victim offender relative to the offense.	237
(b) A juvenile court, pursuant to section 2152.82, 2152.83,	238
2152.84, or 2152.85 of the Revised Code, classifies the child a	239
tier I sex offender/child-victim offender or a tier III sex	240
offender/child-victim offender relative to the offense.	241
(G) "Tier III sex offender/child-victim offender" means any	242
of the following:	243
(1) A sex offender who is convicted of, pleads guilty to, has	244
been convicted of, or has pleaded guilty to any of the following	245
sexually oriented offenses:	246
(a) A violation of section 2907.02 or 2907.03 of the Revised	247
Code;	248
(b) A violation of division (B) of section 2907.05 of the	249
Revised Code;	250
(c) A violation of section 2903.01, 2903.02, or 2903.11 of	251
the Revised Code when the violation was committed with a sexual	252
motivation;	253
(d) A violation of division (A) of section 2903.04 of the	254
Revised Code when the offender committed or attempted to commit	255
the felony that is the basis of the violation with a sexual	256
motivation;	257
(e) A violation of division (A)(4) of section 2905.01 of the	258
Revised Code when the victim of the offense is under eighteen	259
years of age;	260
(f) A violation of division (B) of section 2905.01 of the	261

Revised Code when the victim of the offense is under eighteen 262
years of age and the offender is not a parent of the victim of the 263
offense; 264

(g) A violation of any former law of this state, any existing 265
or former municipal ordinance or law of another state or the 266
United States, any existing or former law applicable in a military 267
court or in an Indian tribal court, or any existing or former law 268
of any nation other than the United States that is or was 269
substantially equivalent to any offense listed in division 270
(G)(1)(a), (b), (c), (d), (e), or (f) of this section; 271

(h) Any attempt to commit, conspiracy to commit, or 272
complicity in committing any offense listed in division (G)(1)(a), 273
(b), (c), (d), (e), (f), or (g) of this section; 274

(i) Any sexually oriented offense that is committed after the 275
sex offender previously has been convicted of, pleaded guilty to, 276
or been adjudicated a delinquent child for committing any sexually 277
oriented offense or child-victim oriented offense for which the 278
offender was classified a tier II sex offender/child-victim 279
offender or a tier III sex offender/child-victim offender. 280

(2) A child-victim offender who is convicted of, pleads 281
guilty to, has been convicted of, or has pleaded guilty to any 282
child-victim oriented offense when the child-victim oriented 283
offense is committed after the child-victim offender previously 284
has been convicted of, pleaded guilty to, or been adjudicated a 285
delinquent child for committing any sexually oriented offense or 286
child-victim oriented offense for which the offender was 287
classified a tier II sex offender/child-victim offender or a tier 288
III sex offender/child-victim offender. 289

(3) A sex offender who is adjudicated a delinquent child for 290
committing or has been adjudicated a delinquent child for 291
committing any sexually oriented offense and who a juvenile court, 292

pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier III sex offender/child-victim offender relative to the offense.

(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier III sex offender/child-victim offender relative to the current offense.

(5) A sex offender or child-victim offender who is not in any category of tier III sex offender/child-victim offender set forth in division (G)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense or was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and classified a juvenile offender registrant, and who prior to that date was adjudicated a sexual predator or adjudicated a child-victim predator, unless either of the following applies:

(a) The sex offender or child-victim offender is reclassified pursuant to section 2950.031 or 2950.032 of the Revised Code as a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense.

(b) The sex offender or child-victim offender is a delinquent child, and a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense.

(6) A sex offender who is convicted of, pleads guilty to, was convicted of, or pleaded guilty to a sexually oriented offense, if the sexually oriented offense and the circumstances in which it

was committed are such that division (F) of section 2971.03 of the Revised Code automatically classifies the offender as a tier III sex offender/child-victim offender;

(7) A sex offender or child-victim offender who is convicted of, pleads guilty to, was convicted of, pleaded guilty to, is adjudicated a delinquent child for committing, or was adjudicated a delinquent child for committing a sexually oriented offense or child-victim offense 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 if both of the following apply:

(a) Under the law of the jurisdiction in which the offender was convicted or pleaded guilty or the delinquent child was adjudicated, the offender or delinquent child is in a category substantially equivalent to a category of tier III sex offender/child-victim offender described in division (G)(1), (2), (3), (4), (5), or (6) of this section.

(b) Subsequent to the conviction, plea of guilty, or adjudication in the other jurisdiction, the offender or delinquent child resides, has temporary domicile, attends school or an institution of higher education, is employed, or intends to reside in this state in any manner and for any period of time that subjects the offender or delinquent child to a duty to register or provide notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code.

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

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

(J) "Supervised release" means a release of an offender from

a prison term, a term of imprisonment, or another type of 355
confinement that satisfies either of the following conditions: 356

(1) The release is on parole, a conditional pardon, under a 357
community control sanction, under transitional control, or under a 358
post-release control sanction, and it requires the person to 359
report to or be supervised by a parole officer, probation officer, 360
field officer, or another type of supervising officer. 361

(2) The release is any type of release that is not described 362
in division (J)(1) of this section and that requires the person to 363
report to or be supervised by a probation officer, a parole 364
officer, a field officer, or another type of supervising officer. 365

(K) "Sexually violent predator specification," "sexually 366
violent predator," "sexually violent offense," "sexual motivation 367
specification," "designated homicide, assault, or kidnapping 368
offense," and "violent sex offense" have the same meanings as in 369
section 2971.01 of the Revised Code. 370

(L) "Post-release control sanction" and "transitional 371
control" have the same meanings as in section 2967.01 of the 372
Revised Code. 373

(M) "Juvenile offender registrant" means a person who is 374
adjudicated a delinquent child for committing on or after January 375
1, 2002, a sexually oriented offense or a child-victim oriented 376
offense, who is fourteen years of age or older at the time of 377
committing the offense, and who a juvenile court judge, pursuant 378
to an order issued under section 2152.82, 2152.83, 2152.84, 379
2152.85, or 2152.86 of the Revised Code, classifies a juvenile 380
offender registrant and specifies has a duty to comply with 381
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 382
Code. "Juvenile offender registrant" includes a person who prior 383
to January 1, 2008, was a "juvenile offender registrant" under the 384
definition of the term in existence prior to January 1, 2008, and 385

a person who prior to July 31, 2003, was a "juvenile sex offender
registrant" under the former definition of that former term. 386
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(N) "Public registry-qualified juvenile offender registrant" 389
means a person who is adjudicated a delinquent child and on whom a 390
juvenile court has imposed a serious youthful offender 391
dispositional sentence under section 2152.13 of the Revised Code 392
before, on, or after January 1, 2008, and to whom all of the 393
following apply: 394

(1) The person is adjudicated a delinquent child for 395
committing, attempting to commit, conspiring to commit, or 396
complicity in committing one of the following acts: 397

(a) A violation of section 2907.02 of the Revised Code, 398
division (B) of section 2907.05 of the Revised Code, or section 399
2907.03 of the Revised Code if the victim of the violation was 400
less than twelve years of age; 401

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 402
the Revised Code that was committed with a purpose to gratify the 403
sexual needs or desires of the child. 404

(2) The person was fourteen, fifteen, sixteen, or seventeen 405
years of age at the time of committing the act. 406

(3) A juvenile court judge, pursuant to an order issued under 407
section 2152.86 of the Revised Code, classifies the person a 408
juvenile offender registrant, specifies the person has a duty to 409
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 410
Code, and classifies the person a public registry-qualified 411
juvenile offender registrant, and the classification of the person 412
as a public registry-qualified juvenile offender registrant has 413
not been terminated pursuant to division (D) of section 2152.86 of 414
the Revised Code. 415

(O) "Secure facility" means any facility that is designed and 416

operated to ensure that all of its entrances and exits are locked 417
and under the exclusive control of its staff and to ensure that, 418
because of that exclusive control, no person who is 419
institutionalized or confined in the facility may leave the 420
facility without permission or supervision. 421

(P) "Out-of-state juvenile offender registrant" means a 422
person who is adjudicated a delinquent child in a court in another 423
state, in a federal court, military court, or Indian tribal court, 424
or in a court in any nation other than the United States for 425
committing a sexually oriented offense or a child-victim oriented 426
offense, who on or after January 1, 2002, moves to and resides in 427
this state or temporarily is domiciled in this state for more than 428
five days, and who has a duty under section 2950.04 or 2950.041 of 429
the Revised Code to register in this state and the duty to 430
otherwise comply with that applicable section and sections 2950.05 431
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 432
registrant" includes a person who prior to January 1, 2008, was an 433
"out-of-state juvenile offender registrant" under the definition 434
of the term in existence prior to January 1, 2008, and a person 435
who prior to July 31, 2003, was an "out-of-state juvenile sex 436
offender registrant" under the former definition of that former 437
term. 438

(Q) "Juvenile court judge" includes a magistrate to whom the 439
juvenile court judge confers duties pursuant to division (A)(15) 440
of section 2151.23 of the Revised Code. 441

(R) "Adjudicated a delinquent child for committing a sexually 442
oriented offense" includes a child who receives a serious youthful 443
offender dispositional sentence under section 2152.13 of the 444
Revised Code for committing a sexually oriented offense. 445

(S) "School" and "school premises" have the same meanings as 446
in section 2925.01 of the Revised Code. 447

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

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

(V) "Multi-unit building" means a building in which is located more than twelve residential units that have entry doors that open directly into the unit from a hallway that is shared with one or more other units. A residential unit is not considered located in a multi-unit building if the unit does not have an entry door that opens directly into the unit from a hallway that is shared with one or more other units or if the unit is in a building that is not a multi-unit building as described in this division.

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

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

(Y) "Long-term care facility" and "sponsor" have the same meanings as in section 173.14 of the Revised Code.

Sec. 2950.11. (A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a

person is convicted of, pleads guilty to, has been convicted of, 478
or has pleaded guilty to a sexually oriented offense or a 479
child-victim oriented offense or a person is or has been 480
adjudicated a delinquent child for committing a sexually oriented 481
offense or a child-victim oriented offense and is classified a 482
juvenile offender registrant or is an out-of-state juvenile 483
offender registrant based on that adjudication, and if the 484
offender or delinquent child is in any category specified in 485
division (F)(1)(a), (b), or (c) of this section, the sheriff with 486
whom the offender or delinquent child has most recently registered 487
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 488
and the sheriff to whom the offender or delinquent child most 489
recently sent a notice of intent to reside under section 2950.04 490
or 2950.041 of the Revised Code, within the period of time 491
specified in division (C) of this section, shall provide a written 492
notice containing the information set forth in division (B) of 493
this section to all of the persons described in divisions (A)(1) 494
to ~~(10)~~(11) of this section. If the sheriff has sent a notice to 495
the persons described in those divisions as a result of receiving 496
a notice of intent to reside and if the offender or delinquent 497
child registers a residence address that is the same residence 498
address described in the notice of intent to reside, the sheriff 499
is not required to send an additional notice when the offender or 500
delinquent child registers. The sheriff shall provide the notice 501
to all of the following persons: 502

(1)(a) Any occupant of each residential unit that is located 503
within one thousand feet of the offender's or delinquent child's 504
residential premises, that is located within the county served by 505
the sheriff, and that is not located in a multi-unit building. 506
Division (D)(3) of this section applies regarding notices required 507
under this division. 508

(b) If the offender or delinquent child resides in a 509

multi-unit building, any occupant of each residential unit that is 510
located in that multi-unit building and that shares a common 511
hallway with the offender or delinquent child. For purposes of 512
this division, an occupant's unit shares a common hallway with the 513
offender or delinquent child if the entrance door into the 514
occupant's unit is located on the same floor and opens into the 515
same hallway as the entrance door to the unit the offender or 516
delinquent child occupies. Division (D)(3) of this section applies 517
regarding notices required under this division. 518

(c) The building manager, or the person the building owner or 519
condominium unit owners association authorizes to exercise 520
management and control, of each multi-unit building that is 521
located within one thousand feet of the offender's or delinquent 522
child's residential premises, including a multi-unit building in 523
which the offender or delinquent child resides, and that is 524
located within the county served by the sheriff. In addition to 525
notifying the building manager or the person authorized to 526
exercise management and control in the multi-unit building under 527
this division, the sheriff shall post a copy of the notice 528
prominently in each common entryway in the building and any other 529
location in the building the sheriff determines appropriate. The 530
manager or person exercising management and control of the 531
building shall permit the sheriff to post copies of the notice 532
under this division as the sheriff determines appropriate. In lieu 533
of posting copies of the notice as described in this division, a 534
sheriff may provide notice to all occupants of the multi-unit 535
building by mail or personal contact; if the sheriff so notifies 536
all the occupants, the sheriff is not required to post copies of 537
the notice in the common entryways to the building. Division 538
(D)(3) of this section applies regarding notices required under 539
this division. 540

(d) All additional persons who are within any category of 541

neighbors of the offender or delinquent child that the attorney 542
general by rule adopted under section 2950.13 of the Revised Code 543
requires to be provided the notice and who reside within the 544
county served by the sheriff; 545

(2) The executive director of the public children services 546
agency that has jurisdiction within the specified geographical 547
notification area and that is located within the county served by 548
the sheriff; 549

(3)(a) The superintendent of each board of education of a 550
school district that has schools within the specified geographical 551
notification area and that is located within the county served by 552
the sheriff; 553

(b) The principal of the school within the specified 554
geographical notification area and within the county served by the 555
sheriff that the delinquent child attends; 556

(c) If the delinquent child attends a school outside of the 557
specified geographical notification area or outside of the school 558
district where the delinquent child resides, the superintendent of 559
the board of education of a school district that governs the 560
school that the delinquent child attends and the principal of the 561
school that the delinquent child attends. 562

(4)(a) The appointing or hiring officer of each chartered 563
nonpublic school located within the specified geographical 564
notification area and within the county served by the sheriff or 565
of each other school located within the specified geographical 566
notification area and within the county served by the sheriff and 567
that is not operated by a board of education described in division 568
(A)(3) of this section; 569

(b) Regardless of the location of the school, the appointing 570
or hiring officer of a chartered nonpublic school that the 571
delinquent child attends. 572

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

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

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

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

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

(10) Volunteer organizations in which contact with minors or 605
other vulnerable individuals might occur or any organization, 606
company, or individual who requests notification as provided in 607
division (J) of this section; 608

(11) The manager of a long-term care facility where the 609
offender or delinquent child will reside or that is located within 610
the specified geographical notification area and within the county 611
served by the sheriff. 612

(B) The notice required under division (A) of this section 613
shall include all of the following information regarding the 614
subject offender or delinquent child: 615

(1) The offender's or delinquent child's name; 616

(2) The address or addresses of the offender's or public 617
registry-qualified juvenile offender registrant's residence, 618
school, institution of higher education, or place of employment, 619
as applicable, or the residence address or addresses of a 620
delinquent child who is not a public registry-qualified juvenile 621
offender registrant; 622

(3) The sexually oriented offense or child-victim oriented 623
offense of which the offender was convicted, to which the offender 624
pleaded guilty, or for which the child was adjudicated a 625
delinquent child; 626

(4) A statement that identifies the category specified in 627
division (F)(1)(a), (b), or (c) of this section that includes the 628
offender or delinquent child and that subjects the offender or 629
delinquent child to this section; 630

(5) The offender's or delinquent child's photograph. 631

(C) If a sheriff with whom an offender or delinquent child 632
registers under section 2950.04, 2950.041, or 2950.05 of the 633
Revised Code or to whom the offender or delinquent child most 634

recently sent a notice of intent to reside under section 2950.04 635
or 2950.041 of the Revised Code is required by division (A) of 636
this section to provide notices regarding an offender or 637
delinquent child and if, pursuant to that requirement, the sheriff 638
provides a notice to a sheriff of one or more other counties in 639
accordance with division (A)(8) of this section, the sheriff of 640
each of the other counties who is provided notice under division 641
(A)(8) of this section shall provide the notices described in 642
divisions (A)(1) to (7) and (A)(9) ~~and (10)~~ to (11) of this 643
section to each person or entity identified within those divisions 644
that is located within the specified geographical notification 645
area and within the county served by the sheriff in question. 646

647

(D)(1) A sheriff required by division (A) or (C) of this 648
section to provide notices regarding an offender or delinquent 649
child shall provide the notice to the neighbors that are described 650
in division (A)(1) of this section and the notices to law 651
enforcement personnel that are described in divisions (A)(8) and 652
(9) of this section as soon as practicable, but no later than five 653
days after the offender sends the notice of intent to reside to 654
the sheriff and again no later than five days after the offender 655
or delinquent child registers with the sheriff or, if the sheriff 656
is required by division (C) of this section to provide the 657
notices, no later than five days after the sheriff is provided the 658
notice described in division (A)(8) of this section. 659

A sheriff required by division (A) or (C) of this section to 660
provide notices regarding an offender or delinquent child shall 661
provide the notices to all other specified persons that are 662
described in divisions (A)(2) to (7) ~~and~~, (A)(10), and (A)(11) of 663
this section as soon as practicable, but not later than seven days 664
after the offender or delinquent child registers with the sheriff 665
or, if the sheriff is required by division (C) of this section to 666

provide the notices, no later than five days after the sheriff is 667
provided the notice described in division (A)(8) of this section. 668

669

(2) If an offender or delinquent child in relation to whom 670
division (A) of this section applies verifies the offender's or 671
delinquent child's current residence, school, institution of 672
higher education, or place of employment address, as applicable, 673
with a sheriff pursuant to section 2950.06 of the Revised Code, 674
the sheriff may provide a written notice containing the 675
information set forth in division (B) of this section to the 676
persons identified in divisions (A)(1) to ~~(10)~~(11) of this 677
section. If a sheriff provides a notice pursuant to this division 678
to the sheriff of one or more other counties in accordance with 679
division (A)(8) of this section, the sheriff of each of the other 680
counties who is provided the notice under division (A)(8) of this 681
section may provide, but is not required to provide, a written 682
notice containing the information set forth in division (B) of 683
this section to the persons identified in divisions (A)(1) to (7) 684
and (A)(9) ~~and (10)~~ to (11) of this section. 685

(3) A sheriff may provide notice under division (A)(1)(a) or 686
(b) of this section, and may provide notice under division 687
(A)(1)(c) of this section to a building manager or person 688
authorized to exercise management and control of a building, by 689
mail, by personal contact, or by leaving the notice at or under 690
the entry door to a residential unit. For purposes of divisions 691
(A)(1)(a) and (b) of this section, and the portion of division 692
(A)(1)(c) of this section relating to the provision of notice to 693
occupants of a multi-unit building by mail or personal contact, 694
the provision of one written notice per unit is deemed as 695
providing notice to all occupants of that unit. 696

(E) All information that a sheriff possesses regarding an 697
offender or delinquent child who is in a category specified in 698

division (F)(1)(a), (b), or (c) of this section that is described 699
in division (B) of this section and that must be provided in a 700
notice required under division (A) or (C) of this section or that 701
may be provided in a notice authorized under division (D)(2) of 702
this section is a public record that is open to inspection under 703
section 149.43 of the Revised Code. 704

The sheriff shall not cause to be publicly disseminated by 705
means of the internet any of the information described in this 706
division that is provided by a delinquent child unless that child 707
is in a category specified in division (F)(1)(a), (b), or (c) of 708
this section. 709

(F)(1) Except as provided in division (F)(2) of this section, 710
the duties to provide the notices described in divisions (A) and 711
(C) of this section apply regarding any offender or delinquent 712
child who is in any of the following categories: 713

(a) The offender is a tier III sex offender/child-victim 714
offender, or the delinquent child is a public registry-qualified 715
juvenile offender registrant, and a juvenile court has not removed 716
pursuant to section 2950.15 of the Revised Code the delinquent 717
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 718
and 2950.06 of the Revised Code. 719

(b) The delinquent child is a tier III sex 720
offender/child-victim offender who is not a ~~public registry~~ 721
~~qualified~~ public registry-qualified juvenile offender registrant, 722
the delinquent child was subjected to this section prior to ~~the~~ 723
~~effective date of this amendment~~ January 1, 2008, as a sexual 724
predator, habitual sex offender, child-victim predator, or 725
habitual child-victim offender, as those terms were defined in 726
section 2950.01 of the Revised Code as it existed prior to ~~the~~ 727
~~effective date of this amendment~~ January 1, 2008, and a juvenile 728
court has not removed pursuant to section 2152.84 or 2152.85 of 729
the Revised Code the delinquent child's duty to comply with 730

sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 731
732

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after ~~the effective date of this amendment~~ January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 733
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(2) The notification provisions of this section do not apply to a person described in division (F)(1)(a), (b), or (c) of this section if a court finds at a hearing after considering the factors described in this division that the person would not be subject to the notification provisions of this section that were in the version of this section that existed immediately prior to ~~the effective date of this amendment~~ January 1, 2008. In making the determination of whether a person would have been subject to the notification provisions under prior law as described in this division, the court shall consider the following factors: 744
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(a) The offender's or delinquent child's age; 754

(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses; 755
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(c) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made; 758
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(d) Whether the sexually oriented offense for which sentence 761

is to be imposed or the order of disposition is to be made 762
involved multiple victims; 763

(e) Whether the offender or delinquent child used drugs or 764
alcohol to impair the victim of the sexually oriented offense or 765
to prevent the victim from resisting; 766

(f) If the offender or delinquent child previously has been 767
convicted of or pleaded guilty to, or been adjudicated a 768
delinquent child for committing an act that if committed by an 769
adult would be, a criminal offense, whether the offender or 770
delinquent child completed any sentence or dispositional order 771
imposed for the prior offense or act and, if the prior offense or 772
act was a sex offense or a sexually oriented offense, whether the 773
offender or delinquent child participated in available programs 774
for sexual offenders; 775

(g) Any mental illness or mental disability of the offender 776
or delinquent child; 777

(h) The nature of the offender's or delinquent child's sexual 778
conduct, sexual contact, or interaction in a sexual context with 779
the victim of the sexually oriented offense and whether the sexual 780
conduct, sexual contact, or interaction in a sexual context was 781
part of a demonstrated pattern of abuse; 782

(i) Whether the offender or delinquent child, during the 783
commission of the sexually oriented offense for which sentence is 784
to be imposed or the order of disposition is to be made, displayed 785
cruelty or made one or more threats of cruelty; 786

(j) Whether the offender or delinquent child would have been 787
a habitual sex offender or a habitual child victim offender under 788
the definitions of those terms set forth in section 2950.01 of the 789
Revised Code as that section existed prior to ~~the effective date~~ 790
~~of this amendment~~ January 1, 2008; 791

(k) Any additional behavioral characteristics that contribute 792

to the offender's or delinquent child's conduct. 793

(G)(1) The department of job and family services shall 794
compile, maintain, and update in January and July of each year, a 795
list of all agencies, centers, or homes of a type described in 796
division (A)(2) or (6) of this section that contains the name of 797
each agency, center, or home of that type, the county in which it 798
is located, its address and telephone number, and the name of an 799
administrative officer or employee of the agency, center, or home. 800

(2) The department of education shall compile, maintain, and 801
update in January and July of each year, a list of all boards of 802
education, schools, or programs of a type described in division 803
(A)(3), (4), or (5) of this section that contains the name of each 804
board of education, school, or program of that type, the county in 805
which it is located, its address and telephone number, the name of 806
the superintendent of the board or of an administrative officer or 807
employee of the school or program, and, in relation to a board of 808
education, the county or counties in which each of its schools is 809
located and the address of each such school. 810

(3) The Ohio board of regents shall compile, maintain, and 811
update in January and July of each year, a list of all 812
institutions of a type described in division (A)(7) of this 813
section that contains the name of each such institution, the 814
county in which it is located, its address and telephone number, 815
and the name of its president or other chief administrative 816
officer. 817

(4) A sheriff required by division (A) or (C) of this 818
section, or authorized by division (D)(2) of this section, to 819
provide notices regarding an offender or delinquent child, or a 820
designee of a sheriff of that type, may request the department of 821
job and family services, department of education, department of 822
health, or Ohio board of regents, by telephone, in person, or by 823
mail, to provide the sheriff or designee with the names, 824

addresses, and telephone numbers of the appropriate persons and 825
entities to whom the notices described in divisions (A)(2) to (7) 826
and (A)(11) of this section are to be provided. Upon receipt of a 827
request, the department or board shall provide the requesting 828
sheriff or designee with the names, addresses, and telephone 829
numbers of the appropriate persons and entities to whom those 830
notices are to be provided. 831

(5) The department of health shall compile, maintain, and 832
update in January and July of each year, a list of all long-term 833
care facilities that contains the name of each long-term care 834
facility, the county in which it is located, and its address and 835
telephone number. 836

(H)(1) Upon the motion of the offender or the prosecuting 837
attorney of the county in which the offender was convicted of or 838
pleaded guilty to the sexually oriented offense or child-victim 839
oriented offense for which the offender is subject to community 840
notification under this section, or upon the motion of the 841
sentencing judge or that judge's successor in office, the judge 842
may schedule a hearing to determine whether the interests of 843
justice would be served by suspending the community notification 844
requirement under this section in relation to the offender. The 845
judge may dismiss the motion without a hearing but may not issue 846
an order suspending the community notification requirement without 847
a hearing. At the hearing, all parties are entitled to be heard, 848
and the judge shall consider all of the factors set forth in 849
division (K) of this section. If, at the conclusion of the 850
hearing, the judge finds that the offender has proven by clear and 851
convincing evidence that the offender is unlikely to commit in the 852
future a sexually oriented offense or a child-victim oriented 853
offense and if the judge finds that suspending the community 854
notification requirement is in the interests of justice, the judge 855
may suspend the application of this section in relation to the 856

offender. The order shall contain both of these findings. 857
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The judge promptly shall serve a copy of the order upon the 859
sheriff with whom the offender most recently registered under 860
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 861
the bureau of criminal identification and investigation. 862

An order suspending the community notification requirement 863
does not suspend or otherwise alter an offender's duties to comply 864
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 865
Revised Code and does not suspend the victim notification 866
requirement under section 2950.10 of the Revised Code. 867

(2) A prosecuting attorney, a sentencing judge or that 868
judge's successor in office, and an offender who is subject to the 869
community notification requirement under this section may 870
initially make a motion under division (H)(1) of this section upon 871
the expiration of twenty years after the offender's duty to comply 872
with division (A)(2), (3), or (4) of section 2950.04, division 873
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 874
2950.06 of the Revised Code begins in relation to the offense for 875
which the offender is subject to community notification. After the 876
initial making of a motion under division (H)(1) of this section, 877
thereafter, the prosecutor, judge, and offender may make a 878
subsequent motion under that division upon the expiration of five 879
years after the judge has entered an order denying the initial 880
motion or the most recent motion made under that division. 881

(3) The offender and the prosecuting attorney have the right 883
to appeal an order approving or denying a motion made under 884
division (H)(1) of this section. 885

(4) Divisions (H)(1) to (3) of this section do not apply to 886
any of the following types of offender: 887

(a) A person who is convicted of or pleads guilty to a 888
violent sex offense or designated homicide, assault, or kidnapping 889
offense and who, in relation to that offense, is adjudicated a 890
sexually violent predator; 891

(b) A person who is convicted of or pleads guilty to a 892
sexually oriented offense that is a violation of division 893
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 894
after January 2, 2007, and either who is sentenced under section 895
2971.03 of the Revised Code or upon whom a sentence of life 896
without parole is imposed under division (B) of section 2907.02 of 897
the Revised Code; 898

(c) A person who is convicted of or pleads guilty to a 899
sexually oriented offense that is attempted rape committed on or 900
after January 2, 2007, and who also is convicted of or pleads 901
guilty to a specification of the type described in section 902
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 903

(d) A person who is convicted of or pleads guilty to an 904
offense described in division (B)(3)(a), (b), (c), or (d) of 905
section 2971.03 of the Revised Code and who is sentenced for that 906
offense pursuant to that division; 907

(e) An offender who is in a category specified in division 908
(F)(1)(a), (b), or (c) of this section and who, subsequent to 909
being subjected to community notification, has pleaded guilty to 910
or been convicted of a sexually oriented offense or child-victim 911
oriented offense. 912

(I) If a person is convicted of, pleads guilty to, has been 913
convicted of, or has pleaded guilty to a sexually oriented offense 914
or a child-victim oriented offense or a person is or has been 915
adjudicated a delinquent child for committing a sexually oriented 916
offense or a child-victim oriented offense and is classified a 917
juvenile offender registrant or is an out-of-state juvenile 918

offender registrant based on that adjudication, and if the 919
offender or delinquent child is not in any category specified in 920
division (F)(1)(a), (b), or (c) of this section, the sheriff with 921
whom the offender or delinquent child has most recently registered 922
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 923
and the sheriff to whom the offender or delinquent child most 924
recently sent a notice of intent to reside under section 2950.04 925
or 2950.041 of the Revised Code, within the period of time 926
specified in division (D) of this section, shall provide a written 927
notice containing the information set forth in division (B) of 928
this section to the executive director of the public children 929
services agency that has jurisdiction within the specified 930
geographical notification area and that is located within the 931
county served by the sheriff. 932

(J) Each sheriff shall allow a volunteer organization or 933
other organization, company, or individual who wishes to receive 934
the notice described in division (A)(10) of this section regarding 935
a specific offender or delinquent child or notice regarding all 936
offenders and delinquent children who are located in the specified 937
geographical notification area to notify the sheriff by electronic 938
mail or through the sheriff's web site of this election. The 939
sheriff shall promptly inform the bureau of criminal 940
identification and investigation of these requests in accordance 941
with the forwarding procedures adopted by the attorney general 942
pursuant to section 2950.13 of the Revised Code. 943

(K) In making a determination under division (H)(1) of this 944
section as to whether to suspend the community notification 945
requirement under this section for an offender, the judge shall 946
consider all relevant factors, including, but not limited to, all 947
of the following: 948

(1) The offender's age; 949

(2) The offender's prior criminal or delinquency record 950

regarding all offenses, including, but not limited to, all	951
sexually oriented offenses or child-victim oriented offenses;	952
(3) The age of the victim of the sexually oriented offense or	953
child-victim oriented offense the offender committed;	954
(4) Whether the sexually oriented offense or child-victim	955
oriented offense the offender committed involved multiple victims;	956
(5) Whether the offender used drugs or alcohol to impair the	957
victim of the sexually oriented offense or child-victim oriented	958
<u>offense</u> the offender committed or to prevent the victim from	959
resisting;	960
(6) If the offender previously has been convicted of, pleaded	961
guilty to, or been adjudicated a delinquent child for committing	962
an act that if committed by an adult would be a criminal offense,	963
whether the offender completed any sentence or dispositional order	964
imposed for the prior offense or act and, if the prior offense or	965
act was a sexually oriented offense or a child-victim oriented	966
offense, whether the offender or delinquent child participated in	967
available programs for sex offenders or child-victim offenders;	968
(7) Any mental illness or mental disability of the offender;	969
(8) The nature of the offender's sexual conduct, sexual	970
contact, or interaction in a sexual context with the victim of the	971
sexually oriented offense the offender committed or the nature of	972
the offender's interaction in a sexual context with the victim of	973
the child-victim oriented offense the offender committed,	974
whichever is applicable, and whether the sexual conduct, sexual	975
contact, or interaction in a sexual context was part of a	976
demonstrated pattern of abuse;	977
(9) Whether the offender, during the commission of the	978
sexually oriented offense or child-victim oriented offense the	979
offender committed, displayed cruelty or made one or more threats	980
of cruelty;	981

(10) Any additional behavioral characteristics that 982
contribute to the offender's conduct. 983

(L) As used in this section, "specified geographical 984
notification area" means the geographic area or areas within which 985
the attorney general, by rule adopted under section 2950.13 of the 986
Revised Code, requires the notice described in division (B) of 987
this section to be given to the persons identified in divisions 988
(A)(2) to (8) and (A)(11) of this section. 989

Sec. 2950.112. (A) A manager of a long-term care facility 990
that receives notices pursuant to division (A)(11) of section 991
2950.11 of the Revised Code shall do both of the following: 992

(1) Maintain a file of all notices received pursuant to that 993
section that is easily accessible to residents, sponsors, and 994
employees upon request; 995

(2) Post a copy of each notice in a location that is 996
accessible to employees of the facility. 997

(B)(1) The manager of a long-term care facility shall give 998
each resident and sponsor a notice at the time of admission to the 999
facility that states the following in typeface that is at least 1000
one-quarter inch tall: 1001

"This facility may have to admit registered sex offenders or 1002
child-victim offenders for treatment. If you would like to receive 1003
information about such offenders, please go to the attorney 1004
general's esorn web site located at 1005
<http://www.esorn.ag.state.oh.us> and either search for offenders 1006
near this facility's address or register for notification by 1007
e-mail. If you do not have access to a computer, contact the 1008
manager's office for assistance." 1009

(2) Each resident and sponsor who receives a notice described 1010
in division (B)(1) of this section shall sign a statement 1011

attesting to receipt of the notice. The signed statement shall be 1012
retained in the resident's file. 1013

(C) The manager of a long-term care facility shall 1014
conspicuously post a copy of the notice described in division 1015
(B)(1) of this section in the common area of the facility where 1016
the facility's license is displayed. 1017

Sec. 2950.12. (A) Except as provided in division (B) of this 1018
section, any of the following persons shall be immune from 1019
liability in a civil action to recover damages for injury, death, 1020
or loss to person or property allegedly caused by an act or 1021
omission in connection with a power, duty, responsibility, or 1022
authorization under this chapter or under rules adopted under 1023
authority of this chapter: 1024

(1) An officer or employee of the bureau of criminal 1025
identification and investigation; 1026

(2) The attorney general, a chief of police, marshal, or 1027
other chief law enforcement officer of a municipal corporation, a 1028
sheriff, a constable or chief of police of a township police 1029
department or police district police force, and a deputy, officer, 1030
or employee of the office of the attorney general, the law 1031
enforcement agency served by the marshal or the municipal or 1032
township chief, the office of the sheriff, or the constable; 1033

(3) A prosecutor and an officer or employee of the office of 1034
a prosecutor; 1035

(4) A supervising officer and an officer or employee of the 1036
adult parole authority of the department of rehabilitation and 1037
correction; 1038

(5) A supervising officer and an officer or employee of the 1039
department of youth services; 1040

(6) A supervisor and a caseworker or employee of a public 1041

children services agency acting pursuant to section 5153.16 of the Revised Code; 1042
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(7) A managing officer of a state correctional institution and an officer or employee of the department of rehabilitation and correction; 1044
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(8) A person identified in division (A)(2), (3), (4), (5), (6), ~~or (7)~~, or (11) of section 2950.11 of the Revised Code, an organization or person identified in division (A)(10) of that section, or the agent of that person or organization; 1047
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(9) A person identified in division (A)(2) of section 2950.111 of the Revised Code, regarding the person's provision of information pursuant to that division to a sheriff or a designee of a sheriff. 1051
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(B) The immunity described in division (A) of this section does not apply to a person described in divisions (A)(1) to (8) of this section if, in relation to the act or omission in question, any of the following applies: 1055
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(1) The act or omission was manifestly outside the scope of the person's employment or official responsibilities. 1059
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(2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner. 1061
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(3) Liability for the act or omission is expressly imposed by a section of the Revised Code. 1063
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Sec. 2950.13. (A) The attorney general shall do all of the following: 1065
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(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence, school, institution of higher education, or place of employment 1067
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address, and verification information the bureau receives pursuant 1072
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1073
Code regarding each person who is convicted of, pleads guilty to, 1074
has been convicted of, or has pleaded guilty to a sexually 1075
oriented offense or a child-victim oriented offense and each 1076
person who is or has been adjudicated a delinquent child for 1077
committing a sexually oriented offense or a child-victim oriented 1078
offense and is classified a juvenile offender registrant or is an 1079
out-of-state juvenile offender registrant based on that 1080
adjudication, all of the information the bureau receives pursuant 1081
to section 2950.14 of the Revised Code, and any notice of an order 1082
terminating or modifying an offender's or delinquent child's duty 1083
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1084
the Revised Code the bureau receives pursuant to section 2152.84, 1085
2152.85, or 2950.15 of the Revised Code. For a person who was 1086
convicted of or pleaded guilty to the sexually oriented offense or 1087
child-victim related offense, the registry also shall indicate 1088
whether the person was convicted of or pleaded guilty to the 1089
offense in a criminal prosecution or in a serious youthful 1090
offender case. The registry shall not be open to inspection by the 1091
public or by any person other than a person identified in division 1092
(A) of section 2950.08 of the Revised Code. In addition to the 1093
information and material previously identified in this division, 1094
the registry shall include all of the following regarding each 1095
person who is listed in the registry: 1096

(a) A citation for, and the name of, all sexually oriented 1098
offenses or child-victim oriented offenses of which the person was 1099
convicted, to which the person pleaded guilty, or for which the 1100
person was adjudicated a delinquent child and that resulted in a 1101
registration duty, and the date on which those offenses were 1102
committed; 1103

(b) The text of the sexually oriented offenses or 1104
child-victim oriented offenses identified in division (A)(1)(a) of 1105
this section as those offenses existed at the time the person was 1106
convicted of, pleaded guilty to, or was adjudicated a delinquent 1107
child for committing those offenses, or a link to a database that 1108
sets forth the text of those offenses; 1109

(c) A statement as to whether the person is a tier I sex 1110
offender/child-victim offender, a tier II sex 1111
offender/child-victim offender, or a tier III sex 1112
offender/child-victim offender for the sexually oriented offenses 1113
or child-victim oriented offenses identified in division (A)(1)(a) 1114
of this section; 1115

(d) The community supervision status of the person, 1116
including, but not limited to, whether the person is serving a 1117
community control sanction and the nature of any such sanction, 1118
whether the person is under supervised release and the nature of 1119
the release, or regarding a juvenile, whether the juvenile is 1120
under any type of release authorized under Chapter 2152. or 5139. 1121
of the Revised Code and the nature of any such release; 1122

(e) The offense and delinquency history of the person, as 1123
determined from information gathered or provided under sections 1124
109.57 and 2950.14 of the Revised Code; 1125

(f) The bureau of criminal identification and investigation 1126
tracking number assigned to the person if one has been so 1127
assigned, the federal bureau of investigation number assigned to 1128
the person if one has been assigned and the bureau of criminal 1129
identification and investigation is aware of the number, and any 1130
other state identification number assigned to the person of which 1131
the bureau is aware; 1132

(g) Fingerprints and palmprints of the person; 1133

(h) A DNA specimen, as defined in section 109.573 of the 1134

Revised Code, from the person;	1135
(i) Whether the person has any outstanding arrest warrants;	1136
(j) Whether the person is in compliance with the person's duties under this chapter.	1137 1138
(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter;	1139 1140 1141 1142
(3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and and is in a category specified in division (F)(1) of that section and rules that prescribe a manner in which victims of a sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who is in a category specified in division (B)(1) of section 2950.10 of the Revised Code may make a request that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of section 2950.10 of the Revised Code;	1143 1144 1145 1146 1147 1148 1149 1150 1151 1152 1153 1154 1155 1156
(4) In consultation with local law enforcement representatives and through the bureau of criminal identification and investigation, prescribe the forms to be used by judges and officials pursuant to section 2950.03 or 2950.032 of the Revised Code to advise offenders and delinquent children of their duties of filing a notice of intent to reside, registration, notification of a change of residence, school, institution of higher education, or place of employment address and registration of the new school, institution of higher education, or place of employment	1157 1158 1159 1160 1161 1162 1163 1164 1165

address, as applicable, and address verification under sections 1166
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 1167
prescribe the forms to be used by sheriffs relative to those 1168
duties of filing a notice of intent to reside, registration, 1169
change of residence, school, institution of higher education, or 1170
place of employment address notification, and address 1171
verification; 1172

(5) Make copies of the forms prescribed under division (A)(4) 1173
of this section available to judges, officials, and sheriffs; 1174

(6) Through the bureau of criminal identification and 1175
investigation, provide the notifications, the information and 1176
materials, and the documents that the bureau is required to 1177
provide to appropriate law enforcement officials and to the 1178
federal bureau of investigation pursuant to sections 2950.04, 1179
2950.041, 2950.05, and 2950.06 of the Revised Code; 1180

(7) Through the bureau of criminal identification and 1181
investigation, maintain the verification forms returned under the 1182
address verification mechanism set forth in section 2950.06 of the 1183
Revised Code; 1184

(8) In consultation with representatives of the officials, 1185
judges, and sheriffs, adopt procedures for officials, judges, and 1186
sheriffs to use to forward information, photographs, and 1187
fingerprints to the bureau of criminal identification and 1188
investigation pursuant to the requirements of sections 2950.03, 1189
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 1190
Code; 1191

(9) In consultation with the director of education, the 1192
director of job and family services, and the director of 1193
rehabilitation and correction, adopt rules that contain guidelines 1194
to be followed by boards of education of a school district, 1195
chartered nonpublic schools or other schools not operated by a 1196

board of education, preschool programs, child day-care centers, 1197
type A family day-care homes, certified type B family day-care 1198
homes, and institutions of higher education regarding the proper 1199
use and administration of information received pursuant to section 1200
2950.11 of the Revised Code relative to an offender or delinquent 1201
child who has committed a sexually oriented offense or a 1202
child-victim oriented offense and is in a category specified in 1203
division (F)(1) of that section; 1204

(10) In consultation with local law enforcement 1205
representatives and no later than July 1, 1997, adopt rules that 1206
designate a geographic area or areas within which the notice 1207
described in division (B) of section 2950.11 of the Revised Code 1208
must be given to the persons identified in divisions (A)(2) to (8) 1209
~~and~~, (A)(10), and (A)(11) of that section; 1210

(11) Through the bureau of criminal identification and 1211
investigation, not later than January 1, 2004, establish and 1212
operate on the internet a sex offender and child-victim offender 1213
database that contains information for every offender who has 1214
committed a sexually oriented offense or a child-victim oriented 1215
offense and registers in any county in this state pursuant to 1216
section 2950.04 or 2950.041 of the Revised Code and for every 1217
delinquent child who has committed a sexually oriented offense, is 1218
a public registry-qualified juvenile offender registrant, and 1219
registers in any county in this state pursuant to either such 1220
section. The bureau shall not include on the database the identity 1221
of any offender's or public registry-qualified juvenile offender 1222
registrant's victim, any offender's or public registry-qualified 1223
juvenile offender registrant's social security number, the name of 1224
any school or institution of higher education attended by any 1225
offender or public registry-qualified juvenile offender 1226
registrant, the name of the place of employment of any offender or 1227
public registry-qualified juvenile offender registrant, any 1228

tracking or identification number described in division (A)(1)(f) 1229
of this section, or any information described in division (C)(7) 1230
of section 2950.04 or 2950.041 of the Revised Code. The bureau 1231
shall provide on the database, for each offender and each public 1232
registry-qualified juvenile offender registrant, at least the 1233
information specified in divisions (A)(11)(a) to (h) of this 1234
section. Otherwise, the bureau shall determine the information to 1235
be provided on the database for each offender and public 1236
registry-qualified juvenile offender registrant and shall obtain 1237
that information from the information contained in the state 1238
registry of sex offenders and child-victim offenders described in 1239
division (A)(1) of this section, which information, while in the 1240
possession of the sheriff who provided it, is a public record open 1241
for inspection as described in section 2950.081 of the Revised 1242
Code. The database is a public record open for inspection under 1243
section 149.43 of the Revised Code, and it shall be searchable by 1244
offender or public registry-qualified juvenile offender registrant 1245
name, by county, by zip code, and by school district. The database 1246
shall provide a link to the web site of each sheriff who has 1247
established and operates on the internet a sex offender and 1248
child-victim offender database that contains information for 1249
offenders and public registry-qualified juvenile offender 1250
registrants who register in that county pursuant to section 1251
2950.04 or 2950.041 of the Revised Code, with the link being a 1252
direct link to the sex offender and child-victim offender database 1253
for the sheriff. The bureau shall provide on the database, for 1254
each offender and public registry-qualified juvenile offender 1255
registrant, at least the following information: 1256

(a) The information described in divisions (A)(1)(a), (b), 1258
(c), and (d) of this section relative to the offender or public 1259
registry-qualified juvenile offender registrant; 1260

(b) The address of the offender's or public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment provided in a registration form;	1261 1262 1263 1264
(c) The information described in division (C)(6) of section 2950.04 or 2950.041 of the Revised Code;	1265 1266
(d) A chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender;	1267 1268 1269 1270 1271
(e) Fingerprints and palm prints <u>palmprints</u> of the offender or public registry-qualified juvenile offender registrant and a DNA specimen from the offender or public registry-qualified juvenile offender registrant;	1272 1273 1274 1275
(f) The information set forth in division (B) of section 2950.11 of the Revised Code;	1276 1277
(g) Any outstanding arrest warrants for the offender or public registry-qualified juvenile offender registrant;	1278 1279
(h) The offender's or public registry-qualified juvenile offender registrant's compliance status with duties under this chapter.	1280 1281 1282
(12) Develop software to be used by sheriffs in establishing on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the information and materials described in division (A) of section 2950.081 of the Revised Code that are public records under that division, that are not prohibited from inclusion by division (B) of that section, and that pertain to offenders and public registry-qualified juvenile offender registrants who register in the sheriff's county pursuant to section 2950.04 or 2950.041 of the Revised Code and for the	1283 1284 1285 1286 1287 1288 1289 1290 1291

public dissemination of information the sheriff receives pursuant 1292
to section 2950.14 of the Revised Code and, upon the request of 1293
any sheriff, provide technical guidance to the requesting sheriff 1294
in establishing on the internet such a database; 1295

1296
(13) Through the bureau of criminal identification and 1297
investigation, not later than January 1, 2004, establish and 1298
operate on the internet a database that enables local law 1299
enforcement representatives to remotely search by electronic means 1300
the state registry of sex offenders and child-victim offenders 1301
described in division (A)(1) of this section and any information 1302
and materials the bureau receives pursuant to sections 2950.04, 1303
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 1304
database shall enable local law enforcement representatives to 1305
obtain detailed information regarding each offender and delinquent 1306
child who is included in the registry, including, but not limited 1307
to the offender's or delinquent child's name, aliases, residence 1308
address, name and address of any place of employment, school, 1309
institution of higher education, if applicable, license plate 1310
number of each vehicle identified in division (C)(5) of section 1311
2950.04 or 2950.041 of the Revised Code to the extent applicable, 1312
victim preference if available, date of most recent release from 1313
confinement if applicable, fingerprints, and palmprints, all of 1314
the information and material described in ~~division~~ divisions 1315
(A)(1)(a) to (h) of this section regarding the offender or 1316
delinquent child, and other identification parameters the bureau 1317
considers appropriate. The database is not a public record open 1318
for inspection under section 149.43 of the Revised Code and shall 1319
be available only to law enforcement representatives as described 1320
in this division. Information obtained by local law enforcement 1321
representatives through use of this database is not open to 1322
inspection by the public or by any person other than a person 1323
identified in division (A) of section 2950.08 of the Revised Code. 1324

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(14) Through the bureau of criminal identification and 1326
investigation, maintain a list of requests for notice about a 1327
specified offender or delinquent child or specified geographical 1328
notification area made pursuant to division (J) of section 2950.11 1329
of the Revised Code and, when an offender or delinquent child 1330
changes residence to another county, forward any requests for 1331
information about that specific offender or delinquent child to 1332
the appropriate sheriff; 1333

(15) Through the bureau of criminal identification and 1334
investigation, establish and operate a system for the immediate 1335
notification by electronic means of the appropriate officials in 1336
other states specified in this division each time an offender or 1337
delinquent child registers a residence, school, institution of 1338
higher education, or place of employment address under section 1339
2950.04 or 2950.041 of the ~~revised~~ Revised Code or provides a 1340
notice of a change of address or registers a new address under 1341
division (A) or (B) of section 2950.05 of the Revised Code. The 1342
immediate notification by electronic means shall be provided to 1343
the appropriate officials in each state in which the offender or 1344
delinquent child is required to register a residence, school, 1345
institution of higher education, or place of employment address. 1346
The notification shall contain the offender's or delinquent 1347
child's name and all of the information the bureau receives from 1348
the sheriff with whom the offender or delinquent child registered 1349
the address or provided the notice of change of address or 1350
registered the new address. 1351

(B) The attorney general in consultation with local law 1352
enforcement representatives, may adopt rules that establish one or 1353
more categories of neighbors of an offender or delinquent child 1354
who, in addition to the occupants of residential premises and 1355
other persons specified in division (A)(1) of section 2950.11 of 1356

the Revised Code, must be given the notice described in division 1357
(B) of that section. 1358

(C) No person, other than a local law enforcement 1359
representative, shall knowingly do any of the following: 1360

(1) Gain or attempt to gain access to the database 1361
established and operated by the attorney general, through the 1362
bureau of criminal identification and investigation, pursuant to 1363
division (A)(13) of this section. 1364

(2) Permit any person to inspect any information obtained 1365
through use of the database described in division (C)(1) of this 1366
section, other than as permitted under that division. 1367

(D) As used in this section, "local law enforcement 1368
representatives" means representatives of the sheriffs of this 1369
state, representatives of the municipal chiefs of police and 1370
marshals of this state, and representatives of the township 1371
constables and chiefs of police of the township police departments 1372
or police district police forces of this state. 1373

Section 2. That existing sections 2950.01, 2950.11, 2950.12, 1374
and 2950.13 of the Revised Code are hereby repealed. 1375