

As Reported by the House Criminal Justice Committee

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 57

Representative Combs

Cosponsors: Representatives McGregor, J., Fessler, Setzer, Jones, Adams,

Stewart, D., Collier, Heard

—

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, 16
2907.06, 2907.07, 2907.08, 2907.21, 2907.32, 2907.321, 2907.322, 17
or 2907.323 of the Revised Code; 18

(2) A violation of section 2907.04 of the Revised Code when 19
the offender is less than four years older than the other person 20
with whom the offender engaged in sexual conduct, the other person 21
did not consent to the sexual conduct, and the offender previously 22
has not been convicted of or pleaded guilty to a violation of 23
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 24
violation of former section 2907.12 of the Revised Code; 25

(3) A violation of section 2907.04 of the Revised Code when 26
the offender is at least four years older than the other person 27
with whom the offender engaged in sexual conduct or when the 28
offender is less than four years older than the other person with 29
whom the offender engaged in sexual conduct and the offender 30
previously has been convicted of or pleaded guilty to a violation 31
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 32
violation of former section 2907.12 of the Revised Code; 33

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 34
the Revised Code when the violation was committed with a sexual 35
motivation; 36

(5) A violation of division (A) of section 2903.04 of the 37
Revised Code when the offender committed or attempted to commit 38
the felony that is the basis of the violation with a sexual 39
motivation; 40

(6) A violation of division (A)(3) of section 2903.211 of the 41
Revised Code; 42

(7) A violation of division (A)(1), (2), (3), or (5) of 43
section 2905.01 of the Revised Code when the offense is committed 44
with a sexual motivation; 45

(8) A violation of division (A)(4) of section 2905.01 of the 46
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 offense; 50
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 170
the Revised Code; 171

(b) A violation of section 2907.04 of the Revised Code when 172
the offender is at least four years older than the other person 173
with whom the offender engaged in sexual conduct, or when the 174
offender is less than four years older than the other person with 175
whom the offender engaged in sexual conduct and the offender 176
previously has been convicted of or pleaded guilty to a violation 177
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 178
former section 2907.12 of the Revised Code; 179

(c) A violation of division (A)(4) of section 2907.05 or of 180
division (A)(1) or (2) of section 2907.323 of the Revised Code; 181

(d) A violation of division (A)(1), (2), (3), or (5) of 182
section 2905.01 of the Revised Code when the offense is committed 183
with a sexual motivation; 184

(e) A violation of division (A)(4) of section 2905.01 of the 185
Revised Code when the victim of the offense is eighteen years of 186
age or older; 187

(f) A violation of division (B) of section 2905.02 or of 188
division (B)(5) of section 2919.22 of the Revised Code; 189

(g) A violation of any former law of this state, any existing 190
or former municipal ordinance or law of another state or the 191
United States, any existing or former law applicable in a military 192
court or in an Indian tribal court, or any existing or former law 193
of any nation other than the United States that is or was 194
substantially equivalent to any offense listed in division 195
(F)(1)(a), (b), (c), (d), (e), or (f) of this section; 196

(h) Any attempt to commit, conspiracy to commit, or 197
complicity in committing any offense listed in division (F)(1)(a), 198
(b), (c), (d), (e), (f), or (g) of this section; 199

(i) Any sexually oriented offense that is committed after the 200
sex offender previously has been convicted of, pleaded guilty to, 201
or has been adjudicated a delinquent child for committing any 202

sexually oriented offense or child-victim oriented offense for 203
which the offender was classified a tier I sex 204
offender/child-victim offender. 205

(2) A child-victim offender who is convicted of, pleads 206
guilty to, has been convicted of, or has pleaded guilty to any 207
child-victim oriented offense when the child-victim oriented 208
offense is committed after the child-victim offender previously 209
has been convicted of, pleaded guilty to, or been adjudicated a 210
delinquent child for committing any sexually oriented offense or 211
child-victim oriented offense for which the offender was 212
classified a tier I sex offender/child-victim offender. 213

(3) A sex offender who is adjudicated a delinquent child for 214
committing or has been adjudicated a delinquent child for 215
committing any sexually oriented offense and who a juvenile court, 216
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 217
Revised Code, classifies a tier II sex offender/child-victim 218
offender relative to the offense. 219

(4) A child-victim offender who is adjudicated a delinquent 220
child for committing or has been adjudicated a delinquent child 221
for committing any child-victim oriented offense and whom a 222
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 223
2152.85 of the Revised Code, classifies a tier II sex 224
offender/child-victim offender relative to the current offense. 225

(5) A sex offender or child-victim offender who is not in any 226
category of tier II sex offender/child-victim offender set forth 227
in division (F)(1), (2), (3), or (4) of this section, who prior to 228
January 1, 2008, was adjudicated a delinquent child for committing 229
a sexually oriented offense or child-victim oriented offense, and 230
who prior to that date was determined to be a habitual sex 231
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 pursuant to section 2950.031 or 2950.032 of the Revised Code as a tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense.	234 235 236 237
(b) 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 III sex offender/child-victim offender relative to the offense.	238 239 240 241
(G) "Tier III sex offender/child-victim offender" means any of the following:	242 243
(1) A sex offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any of the following sexually oriented offenses:	244 245 246
(a) A violation of section 2907.02 or 2907.03 of the Revised Code;	247 248
(b) A violation of division (B) of section 2907.05 of the Revised Code;	249 250
(c) A violation of section 2903.01, 2903.02, or 2903.11 of the Revised Code when the violation was committed with a sexual motivation;	251 252 253
(d) 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;	254 255 256 257
(e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age;	258 259 260
(f) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the	261 262 263

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	293
Revised Code, classifies a tier III sex offender/child-victim	294

offender relative to the offense. 295

(4) A child-victim offender who is adjudicated a delinquent 296
child for committing or has been adjudicated a delinquent child 297
for committing any child-victim oriented offense and whom a 298
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 299
2152.85 of the Revised Code, classifies a tier III sex 300
offender/child-victim offender relative to the current offense. 301

(5) A sex offender or child-victim offender who is not in any 302
category of tier III sex offender/child-victim offender set forth 303
in division (G)(1), (2), (3), or (4) of this section, who prior to 304
January 1, 2008, was convicted of or pleaded guilty to a sexually 305
oriented offense or child-victim oriented offense or was 306
adjudicated a delinquent child for committing a sexually oriented 307
offense or child-victim oriented offense and classified a juvenile 308
offender registrant, and who prior to that date was adjudicated a 309
sexual predator or adjudicated a child-victim predator, unless 310
either of the following applies: 311

(a) The sex offender or child-victim offender is reclassified 312
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 313
tier I sex offender/child-victim offender or a tier II sex 314
offender/child-victim offender relative to the offense. 315

(b) The sex offender or child-victim offender is a delinquent 316
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 317
2152.84, or 2152.85 of the Revised Code, classifies the child a 318
tier I sex offender/child-victim offender or a tier II sex 319
offender/child-victim offender relative to the offense. 320

(6) A sex offender who is convicted of, pleads guilty to, was 321
convicted of, or pleaded guilty to a sexually oriented offense, if 322
the sexually oriented offense and the circumstances in which it 323
was committed are such that division (F) of section 2971.03 of the 324
Revised Code automatically classifies the offender as a tier III 325

sex offender/child-victim offender; 326

(7) A sex offender or child-victim offender who is convicted 327
of, pleads guilty to, was convicted of, pleaded guilty to, is 328
adjudicated a delinquent child for committing, or was adjudicated 329
a delinquent child for committing a sexually oriented offense or 330
child-victim offense in another state, in a federal court, 331
military court, or Indian tribal court, or in a court in any 332
nation other than the United States if both of the following 333
apply: 334

(a) Under the law of the jurisdiction in which the offender 335
was convicted or pleaded guilty or the delinquent child was 336
adjudicated, the offender or delinquent child is in a category 337
substantially equivalent to a category of tier III sex 338
offender/child-victim offender described in division (G)(1), (2), 339
(3), (4), (5), or (6) of this section. 340

(b) Subsequent to the conviction, plea of guilty, or 341
adjudication in the other jurisdiction, the offender or delinquent 342
child resides, has temporary domicile, attends school or an 343
institution of higher education, is employed, or intends to reside 344
in this state in any manner and for any period of time that 345
subjects the offender or delinquent child to a duty to register or 346
provide notice of intent to reside under section 2950.04 or 347
2950.041 of the Revised Code. 348

(H) "Confinement" includes, but is not limited to, a 349
community residential sanction imposed pursuant to section 2929.16 350
or 2929.26 of the Revised Code. 351

(I) "Prosecutor" has the same meaning as in section 2935.01 352
of the Revised Code. 353

(J) "Supervised release" means a release of an offender from 354
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 community control sanction, under transitional control, or under a post-release control sanction, and it requires the person to report to or be supervised by a parole officer, probation officer, field officer, or another type of supervising officer.

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

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

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

(M) "Juvenile offender registrant" means a person who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under section 2152.82, 2152.83, 2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a juvenile offender registrant and specifies has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. "Juvenile offender registrant" includes a person who prior to January 1, 2008, was a "juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who prior to July 31, 2003, was a "juvenile sex offender registrant" under the former definition of that former term.

357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388

(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 448
residential unit is located and the grounds upon which that 449
building stands, extending to the perimeter of the property. 450

"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, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been

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 573
administrator of each preschool program governed by Chapter 3301. 574
of the Revised Code that is located within the specified 575

geographical notification area and within the county served by the sheriff; 576
577

(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. 578
579
580
581
582
583
584
585
586

(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; 587
588
589
590
591
592
593
594

(8) The sheriff of each county that includes any portion of the specified geographical notification area; 595
596

(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; 597
598
599
600
601
602
603
604

(10) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, 605
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

(D)(1) A sheriff required by division (A) or (C) of this 647
section to provide notices regarding an offender or delinquent 648
child shall provide the notice to the neighbors that are described 649
in division (A)(1) of this section and the notices to law 650
enforcement personnel that are described in divisions (A)(8) and 651
(9) of this section as soon as practicable, but no later than five 652
days after the offender sends the notice of intent to reside to 653
the sheriff and again no later than five days after the offender 654
or delinquent child registers with the sheriff or, if the sheriff 655
is required by division (C) of this section to provide the 656
notices, no later than five days after the sheriff is provided the 657
notice described in division (A)(8) of this section. 658
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
division (A) of this section applies verifies the offender's or
delinquent child's current residence, school, institution of
higher education, or place of employment address, as applicable,
with a sheriff pursuant to section 2950.06 of the Revised Code,
the sheriff may provide a written notice containing the
information set forth in division (B) of this section to the
persons identified in divisions (A)(1) to ~~(10)~~(11) of this
section. If a sheriff provides a notice pursuant to this division
to the sheriff of one or more other counties in accordance with
division (A)(8) of this section, the sheriff of each of the other
counties who is provided the notice under division (A)(8) of this
section may provide, but is not required to provide, a written
notice containing the information set forth in division (B) of
this section to the persons identified in divisions (A)(1) to (7)
and (A)(9) ~~and (10)~~ to (11) of this section.

670

671

672

673

674

675

676

677

678

679

680

681

682

683

684

685

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

686

687

688

689

690

691

692

693

694

695

696

(E) All information that a sheriff possesses regarding an
offender or delinquent child who is in a category specified in
division (F)(1)(a), (b), or (c) of this section that is described
in division (B) of this section and that must be provided in a

697

698

699

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 731
Code. 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.

(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:

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

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

(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;

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

(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 request, the department or board shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

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

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

827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

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

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

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

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

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping

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 child-victim oriented offense the offender committed;	953 954
(4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims;	955 956
(5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented <u>offense</u> the offender committed or to prevent the victim from resisting;	957 958 959 960
(6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders;	961 962 963 964 965 966 967 968
(7) Any mental illness or mental disability of the offender;	969
(8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;	970 971 972 973 974 975 976 977
(9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty;	978 979 980 981
(10) Any additional behavioral characteristics that contribute to the offender's conduct.	982 983

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

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

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

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

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

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

(2) Each resident and sponsor who receives a notice described in division (B)(1) of this section shall sign a statement attesting to receipt of the notice. The signed statement shall be retained in the resident's file.

(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 1042
Revised Code; 1043

(7) A managing officer of a state correctional institution 1044
and an officer or employee of the department of rehabilitation and 1045
correction; 1046

(8) A person identified in division (A)(2), (3), (4), (5), 1047
(6), ~~or (7)~~, or (11) of section 2950.11 of the Revised Code, an 1048
organization or person identified in division (A)(10) of that 1049
section, or the agent of that person or organization; 1050

(9) A person identified in division (A)(2) of section 1051
2950.111 of the Revised Code, regarding the person's provision of 1052
information pursuant to that division to a sheriff or a designee 1053
of a sheriff. 1054

(B) The immunity described in division (A) of this section 1055
does not apply to a person described in divisions (A)(1) to (8) of 1056
this section if, in relation to the act or omission in question, 1057
any of the following applies: 1058

(1) The act or omission was manifestly outside the scope of 1059
the person's employment or official responsibilities. 1060

(2) The act or omission was with malicious purpose, in bad 1061
faith, or in a wanton or reckless manner. 1062

(3) Liability for the act or omission is expressly imposed by 1063
a section of the Revised Code. 1064

Sec. 2950.13. (A) The attorney general shall do all of the 1065
following: 1066

(1) No later than July 1, 1997, establish and maintain a 1067
state registry of sex offenders and child-victim offenders that is 1068
housed at the bureau of criminal identification and investigation 1069
and that contains all of the registration, change of residence, 1070
school, institution of higher education, or place of employment 1071
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	1137
duties under this chapter.	1138
(2) In consultation with local law enforcement	1139
representatives and no later than July 1, 1997, adopt rules that	1140
contain guidelines necessary for the implementation of this	1141
chapter;	1142
(3) In consultation with local law enforcement	1143
representatives, adopt rules for the implementation and	1144
administration of the provisions contained in section 2950.11 of	1145
the Revised Code that pertain to the notification of neighbors of	1146
an offender or a delinquent child who has committed a sexually	1147
oriented offense or a child-victim oriented offense and and is in	1148
a category specified in division (F)(1) of that section and rules	1149
that prescribe a manner in which victims of a sexually oriented	1150
offense or a child-victim oriented offense committed by an	1151
offender or a delinquent child who is in a category specified in	1152
division (B)(1) of section 2950.10 of the Revised Code may make a	1153
request that specifies that the victim would like to be provided	1154
the notices described in divisions (A)(1) and (2) of section	1155
2950.10 of the Revised Code;	1156
(4) In consultation with local law enforcement	1157
representatives and through the bureau of criminal identification	1158
and investigation, prescribe the forms to be used by judges and	1159
officials pursuant to section 2950.03 or 2950.032 of the Revised	1160
Code to advise offenders and delinquent children of their duties	1161
of filing a notice of intent to reside, registration, notification	1162
of a change of residence, school, institution of higher education,	1163
or place of employment address and registration of the new ⁷	1164
school, institution of higher education, or place of employment	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 registry-qualified juvenile offender registrant, at least the information specified in divisions (A)(11)(a) to (h) of this section. Otherwise, the bureau shall determine the information to be provided on the database for each offender and public registry-qualified juvenile offender registrant and shall obtain that information from the information contained in the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section, which information, while in the possession of the sheriff who provided it, is a public record open for inspection as described in section 2950.081 of the Revised Code. The database is a public record open for inspection under section 149.43 of the Revised Code, and it shall be searchable by offender or public registry-qualified juvenile offender registrant name, by county, by zip code, and by school district. The database shall provide a link to the web site of each sheriff who has established and operates on the internet a sex offender and child-victim offender database that contains information for offenders and public registry-qualified juvenile offender registrants who register in that county pursuant to section 2950.04 or 2950.041 of the Revised Code, with the link being a direct link to the sex offender and child-victim offender database for the sheriff. The bureau shall provide on the database, for each offender and public registry-qualified juvenile offender registrant, at least the following information:

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

(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;	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>palprints</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 public dissemination of information the sheriff receives pursuant to section 2950.14 of the Revised Code and, upon the request of any sheriff, provide technical guidance to the requesting sheriff	1283 1284 1285 1286 1287 1288 1289 1290 1291 1292 1293 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

1325

(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 representative, shall knowingly do any of the following:	1359 1360
(1) Gain or attempt to gain access to the database established and operated by the attorney general, through the bureau of criminal identification and investigation, pursuant to division (A)(13) of this section.	1361 1362 1363 1364
(2) Permit any person to inspect any information obtained through use of the database described in division (C)(1) of this section, other than as permitted under that division.	1365 1366 1367
(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of this state, representatives of the municipal chiefs of police and marshals of this state, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of this state.	1368 1369 1370 1371 1372 1373
Section 2. That existing sections 2950.01, 2950.11, 2950.12, and 2950.13 of the Revised Code are hereby repealed.	1374 1375