

As Passed by the House

127th General Assembly

Regular Session

2007-2008

Am. Sub. S. B. No. 10

Senator Austria

**Cosponsors: Senators Carey, Clancy, Faber, Gardner, Goodman, Grendell,
Harris, Kearney, Mumper, Niehaus, Padgett, Schaffer, Schuler, Spada,
Stivers, Wilson, Cates, Buehrer, Fedor, Miller, R., Schuring, Mason,
Jacobson**

**Representatives Jones, Bulp, Hughes, Widowfield, Barrett, Latta, Yuko,
Dyer, Aslanides, Bacon, Batchelder, Bolon, Boyd, Brady, Combs, Core,
DeGeeter, Distel, Dodd, Dolan, Domenick, Driehaus, Evans, Fende, Flowers,
Gerberry, Gibbs, Goyal, Hagan, J., Hagan, R., Harwood, Healy, Heard,
Hottinger, Letson, Luckie, Mallory, McGregor, J., Miller, Otterman, Patton,
Schindel, Schlichter, Setzer, Stebelton, Stewart, D., Strahorn, Szollosi,
Uecker, Wagoner, Webster, White, Williams, B., Zehringer**

—

A B I L L

To amend sections 109.42, 109.57, 311.171, 1923.01,	1
1923.02, 2151.23, 2151.357, 2152.02, 2152.19,	2
2152.191, 2152.22, 2152.82, 2152.83, 2152.84,	3
2152.85, 2152.851, 2743.191, 2901.07, 2903.211,	4
2905.01, 2905.02, 2905.03, 2905.05, 2907.01,	5
2907.02, 2907.05, 2921.34, 2929.01, 2929.02,	6
2929.022, 2929.03, 2929.06, 2929.13, 2929.14,	7
2929.19, 2929.23, 2930.16, 2941.148, 2950.01,	8
2950.02, 2950.03, 2950.031, 2950.04, 2950.041,	9
2950.05, 2950.06, 2950.07, 2950.08, 2950.081,	10
2950.10, 2950.11, 2950.12, 2950.13, 2950.14,	11
2953.32, 2967.12, 2967.121, 2971.01, 2971.03,	12

2971.04, 2971.05, 2971.06, 2971.07, 5120.49, 13
5120.61, 5120.66, 5139.13, 5149.10, 5321.01, 14
5321.03, and 5321.051; to amend, for the purpose 15
of adopting new section numbers as indicated in 16
parentheses, sections 2152.821 (2152.811) and 17
2950.031 (2950.034); to enact new section 2950.031 18
and sections 2152.831, 2152.86, 2950.011, 19
2950.032, 2950.033, 2950.042, 2950.043, 2950.131, 20
2950.15, and 2950.16; and to repeal sections 21
2152.811, 2950.021, 2950.09, and 2950.091 of the 22
Revised Code to revise Ohio's Sex Offender 23
Registration and Notification Law and conform it 24
to recently enacted requirements of federal law 25
contained in the Adam Walsh Child Protection and 26
Safety Act of 2006, to increase the penalties for 27
certain violations of kidnapping, aggravated 28
murder when a sentence of death or life without 29
parole is not imposed, and murder when the victim 30
of any of those offenses is less than 13 years of 31
age and the offense was committed with a sexual 32
motivation and require that those sentences be 33
served under the Sexually Violent Predator 34
Sentencing Law, and to declare an emergency. 35

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

Section 1. That sections 109.42, 109.57, 311.171, 1923.01, 36
1923.02, 2151.23, 2151.357, 2152.02, 2152.19, 2152.191, 2152.22, 37
2152.82, 2152.83, 2152.84, 2152.85, 2152.851, 2743.191, 2901.07, 38
2903.211, 2905.01, 2905.02, 2905.03, 2905.05, 2907.01, 2907.02, 39
2907.05, 2921.34, 2929.01, 2929.02, 2929.022, 2929.03, 2929.06, 40
2929.13, 2929.14, 2929.19, 2929.23, 2930.16, 2941.148, 2950.01, 41
2950.02, 2950.03, 2950.031, 2950.04, 2950.041, 2950.05, 2950.06, 42

2950.07, 2950.08, 2950.081, 2950.10, 2950.11, 2950.12, 2950.13, 43
2950.14, 2953.32, 2967.12, 2967.121, 2971.01, 2971.03, 2971.04, 44
2971.05, 2971.06, 2971.07, 5120.49, 5120.61, 5120.66, 5139.13, 45
5149.10, 5321.01, 5321.03, and 5321.051 be amended, that sections 46
2152.821 (2152.811) and 2950.031 (2950.034) be amended for the 47
purpose of adopting new section numbers as indicated in 48
parentheses, and that new section 2950.031 and sections 2152.831, 49
2152.86, 2950.011, 2950.032, 2950.033, 2950.042, 2950.043, 50
2950.131, 2950.15, and 2950.16 of the Revised Code be enacted to 51
read as follows: 52

Sec. 109.42. (A) The attorney general shall prepare and have 53
printed a pamphlet that contains a compilation of all statutes 54
relative to victim's rights in which the attorney general lists 55
and explains the statutes in the form of a victim's bill of 56
rights. The attorney general shall distribute the pamphlet to all 57
sheriffs, marshals, municipal corporation and township police 58
departments, constables, and other law enforcement agencies, to 59
all prosecuting attorneys, city directors of law, village 60
solicitors, and other similar chief legal officers of municipal 61
corporations, and to organizations that represent or provide 62
services for victims of crime. The victim's bill of rights set 63
forth in the pamphlet shall contain a description of all of the 64
rights of victims that are provided for in Chapter 2930. or in any 65
other section of the Revised Code and shall include, but not be 66
limited to, all of the following: 67

(1) The right of a victim or a victim's representative to 68
attend a proceeding before a grand jury, in a juvenile case, or in 69
a criminal case pursuant to a subpoena without being discharged 70
from the victim's or representative's employment, having the 71
victim's or representative's employment terminated, having the 72
victim's or representative's pay decreased or withheld, or 73
otherwise being punished, penalized, or threatened as a result of 74

time lost from regular employment because of the victim's or 75
representative's attendance at the proceeding pursuant to the 76
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 77
2945.451 of the Revised Code; 78

(2) The potential availability pursuant to section 2151.359 79
or 2152.61 of the Revised Code of a forfeited recognizance to pay 80
damages caused by a child when the delinquency of the child or 81
child's violation of probation or community control is found to be 82
proximately caused by the failure of the child's parent or 83
guardian to subject the child to reasonable parental authority or 84
to faithfully discharge the conditions of probation or community 85
control; 86

(3) The availability of awards of reparations pursuant to 87
sections 2743.51 to 2743.72 of the Revised Code for injuries 88
caused by criminal offenses; 89

(4) The right of the victim in certain criminal or juvenile 90
cases or a victim's representative to receive, pursuant to section 91
2930.06 of the Revised Code, notice of the date, time, and place 92
of the trial or delinquency proceeding in the case or, if there 93
will not be a trial or delinquency proceeding, information from 94
the prosecutor, as defined in section 2930.01 of the Revised Code, 95
regarding the disposition of the case; 96

(5) The right of the victim in certain criminal or juvenile 97
cases or a victim's representative to receive, pursuant to section 98
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 99
name of the person charged with the violation, the case or docket 100
number assigned to the charge, and a telephone number or numbers 101
that can be called to obtain information about the disposition of 102
the case; 103

(6) The right of the victim in certain criminal or juvenile 104
cases or of the victim's representative pursuant to section 105

2930.13 or 2930.14 of the Revised Code, subject to any reasonable 106
terms set by the court as authorized under section 2930.14 of the 107
Revised Code, to make a statement about the victimization and, if 108
applicable, a statement relative to the sentencing or disposition 109
of the offender; 110

(7) The opportunity to obtain a court order, pursuant to 111
section 2945.04 of the Revised Code, to prevent or stop the 112
commission of the offense of intimidation of a crime victim or 113
witness or an offense against the person or property of the 114
complainant, or of the complainant's ward or child; 115

(8) The right of the victim in certain criminal or juvenile 116
cases or a victim's representative pursuant to sections 2151.38, 117
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 118
receive notice of a pending motion for judicial release or early 119
release of the person who committed the offense against the 120
victim, to make an oral or written statement at the court hearing 121
on the motion, and to be notified of the court's decision on the 122
motion; 123

(9) The right of the victim in certain criminal or juvenile 124
cases or a victim's representative pursuant to section 2930.16, 125
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 126
of any pending commutation, pardon, parole, transitional control, 127
discharge, other form of authorized release, post-release control, 128
or supervised release for the person who committed the offense 129
against the victim or any application for release of that person 130
and to send a written statement relative to the victimization and 131
the pending action to the adult parole authority or the release 132
authority of the department of youth services; 133

(10) The right of the victim to bring a civil action pursuant 134
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 135
from the offender's profit fund; 136

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

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;

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

(15) The right of a victim of domestic violence to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, and the right of both types

of victims to be accompanied by a victim advocate during court 169
proceedings; 170

(16) The right of a victim of a sexually oriented offense 171
~~that is not a registration exempt sexually oriented offense~~ or of 172
a child-victim oriented offense that is committed by a person who 173
is convicted of ~~or~~, pleads guilty to ~~an aggravated sexually~~ 174
~~oriented offense, by a person who is adjudicated a sexual predator~~ 175
~~or child victim predator, or, in certain cases, by a person who is~~ 176
~~determined to be a habitual sex offender or habitual child victim~~ 177
~~offender, or is adjudicated a delinquent child for committing the~~ 178
~~offense and who is in a category specified in division (B) of~~ 179
~~section 2950.10 of the Revised Code~~ to receive, pursuant to that 180
~~section 2950.10 of the Revised Code~~, notice that the person has 181
registered with a sheriff under section 2950.04, 2950.041, or 182
2950.05 of the Revised Code and notice of the person's name, the 183
person's residence that is registered, and the offender's school, 184
institution of higher education, or place of employment address or 185
addresses that are registered, the person's photograph, and a 186
summary of the manner in which the victim must make a request to 187
receive the notice. As used in this division, "sexually oriented 188
offense," ~~"adjudicated a sexual predator," "habitual sex~~ 189
~~offender," "registration exempt sexually oriented offense,"~~ 190
~~"aggravated sexually oriented offense,"~~ and "child-victim oriented 191
offense," ~~"adjudicated a child victim predator," and "habitual~~ 192
~~child victim offender"~~ have the same meanings as in section 193
2950.01 of the Revised Code. 194

(17) The right of a victim of certain sexually violent 195
offenses committed by an offender who also is convicted of or 196
pleads guilty to a sexually violent predator specification and who 197
is sentenced to a prison term pursuant to division (A)(3) of 198
section 2971.03 of the Revised Code, of a victim of a violation of 199
division (A)(1)(b) of section 2907.02 of the Revised Code 200

committed on or after ~~the effective date of this amendment~~ January 2, 2007, by an offender who is sentenced for the violation pursuant to division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised Code, ~~and~~ of a victim of an attempted rape committed on or after ~~the effective date of this amendment~~ January 2, 2007, by an offender who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is sentenced for the violation pursuant to division (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code, and of a victim of an offense that is described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and is committed by an offender who is sentenced pursuant to one of those divisions to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term. As used in this division, "sexually violent offense" and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

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

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

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

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

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

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

the pamphlet that contain at least the information described in 266
divisions (A)(1) to (17) of this section. 267

(2) The failure of a law enforcement agency or of a 268
prosecuting attorney, assistant prosecuting attorney, city 269
director of law, assistant city director of law, village 270
solicitor, assistant village solicitor, or similar chief legal 271
officer of a municipal corporation or an assistant to any of those 272
officers to give, as required by division (B)(1) of this section, 273
the victim of an offense or delinquent act, the victim's family, 274
or the victim's dependents a copy of the pamphlet prepared 275
pursuant to division (A) of this section does not give the victim, 276
the victim's family, the victim's dependents, or a victim's 277
representative any rights under section 2743.51 to 2743.72, 278
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 279
Revised Code or under any other provision of the Revised Code and 280
does not affect any right under those sections. 281

(3) A law enforcement agency, a prosecuting attorney or 282
assistant prosecuting attorney, or a city director of law, 283
assistant city director of law, village solicitor, assistant 284
village solicitor, or similar chief legal officer of a municipal 285
corporation that distributes a copy of the pamphlet prepared 286
pursuant to division (A) of this section shall not be required to 287
distribute a copy of an information card or other printed material 288
provided by the clerk of the court of claims pursuant to section 289
2743.71 of the Revised Code. 290

(C) The cost of printing and distributing the pamphlet 291
prepared pursuant to division (A) of this section shall be paid 292
out of the reparations fund, created pursuant to section 2743.191 293
of the Revised Code, in accordance with division (D) of that 294
section. 295

(D) As used in this section: 296

(1) "Victim's representative" has the same meaning as in 297
section 2930.01 of the Revised Code; 298

(2) "Victim advocate" has the same meaning as in section 299
2919.26 of the Revised Code. 300

Sec. 109.57. (A)(1) The superintendent of the bureau of 301
criminal identification and investigation shall procure from 302
wherever procurable and file for record photographs, pictures, 303
descriptions, fingerprints, measurements, and other information 304
that may be pertinent of all persons who have been convicted of 305
committing within this state a felony, any crime constituting a 306
misdemeanor on the first offense and a felony on subsequent 307
offenses, or any misdemeanor described in division (A)(1)(a) or 308
(A)(10)(a) of section 109.572 of the Revised Code, of all children 309
under eighteen years of age who have been adjudicated delinquent 310
children for committing within this state an act that would be a 311
felony or an offense of violence if committed by an adult or who 312
have been convicted of or pleaded guilty to committing within this 313
state a felony or an offense of violence, and of all well-known 314
and habitual criminals. The person in charge of any county, 315
multicounty, municipal, municipal-county, or multicounty-municipal 316
jail or workhouse, community-based correctional facility, halfway 317
house, alternative residential facility, or state correctional 318
institution and the person in charge of any state institution 319
having custody of a person suspected of having committed a felony, 320
any crime constituting a misdemeanor on the first offense and a 321
felony on subsequent offenses, or any misdemeanor described in 322
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 323
Code or having custody of a child under eighteen years of age with 324
respect to whom there is probable cause to believe that the child 325
may have committed an act that would be a felony or an offense of 326
violence if committed by an adult shall furnish such material to 327
the superintendent of the bureau. Fingerprints, photographs, or 328

other descriptive information of a child who is under eighteen 329
years of age, has not been arrested or otherwise taken into 330
custody for committing an act that would be a felony or an offense 331
of violence if committed by an adult, has not been adjudicated a 332
delinquent child for committing an act that would be a felony or 333
an offense of violence if committed by an adult, has not been 334
convicted of or pleaded guilty to committing a felony or an 335
offense of violence, and is not a child with respect to whom there 336
is probable cause to believe that the child may have committed an 337
act that would be a felony or an offense of violence if committed 338
by an adult shall not be procured by the superintendent or 339
furnished by any person in charge of any county, multicounty, 340
municipal, municipal-county, or multicounty-municipal jail or 341
workhouse, community-based correctional facility, halfway house, 342
alternative residential facility, or state correctional 343
institution, except as authorized in section 2151.313 of the 344
Revised Code. 345

(2) Every clerk of a court of record in this state, other 346
than the supreme court or a court of appeals, shall send to the 347
superintendent of the bureau a weekly report containing a summary 348
of each case involving a felony, involving any crime constituting 349
a misdemeanor on the first offense and a felony on subsequent 350
offenses, involving a misdemeanor described in division (A)(1)(a) 351
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 352
an adjudication in a case in which a child under eighteen years of 353
age was alleged to be a delinquent child for committing an act 354
that would be a felony or an offense of violence if committed by 355
an adult. The clerk of the court of common pleas shall include in 356
the report and summary the clerk sends under this division all 357
information described in divisions (A)(2)(a) to (f) of this 358
section regarding a case before the court of appeals that is 359
served by that clerk. The summary shall be written on the standard 360
forms furnished by the superintendent pursuant to division (B) of 361

this section and shall include the following information: 362

(a) The incident tracking number contained on the standard 363
forms furnished by the superintendent pursuant to division (B) of 364
this section; 365

(b) The style and number of the case; 366

(c) The date of arrest; 367

(d) The date that the person was convicted of or pleaded 368
guilty to the offense, adjudicated a delinquent child for 369
committing the act that would be a felony or an offense of 370
violence if committed by an adult, found not guilty of the 371
offense, or found not to be a delinquent child for committing an 372
act that would be a felony or an offense of violence if committed 373
by an adult, the date of an entry dismissing the charge, an entry 374
declaring a mistrial of the offense in which the person is 375
discharged, an entry finding that the person or child is not 376
competent to stand trial, or an entry of a nolle prosequi, or the 377
date of any other determination that constitutes final resolution 378
of the case; 379

(e) A statement of the original charge with the section of 380
the Revised Code that was alleged to be violated; 381

(f) If the person or child was convicted, pleaded guilty, or 382
was adjudicated a delinquent child, the sentence or terms of 383
probation imposed or any other disposition of the offender or the 384
delinquent child. 385

If the offense involved the disarming of a law enforcement 386
officer or an attempt to disarm a law enforcement officer, the 387
clerk shall clearly state that fact in the summary, and the 388
superintendent shall ensure that a clear statement of that fact is 389
placed in the bureau's records. 390

(3) The superintendent shall cooperate with and assist 391

sheriffs, chiefs of police, and other law enforcement officers in 392
the establishment of a complete system of criminal identification 393
and in obtaining fingerprints and other means of identification of 394
all persons arrested on a charge of a felony, any crime 395
constituting a misdemeanor on the first offense and a felony on 396
subsequent offenses, or a misdemeanor described in division 397
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 398
of all children under eighteen years of age arrested or otherwise 399
taken into custody for committing an act that would be a felony or 400
an offense of violence if committed by an adult. The 401
superintendent also shall file for record the fingerprint 402
impressions of all persons confined in a county, multicounty, 403
municipal, municipal-county, or multicounty-municipal jail or 404
workhouse, community-based correctional facility, halfway house, 405
alternative residential facility, or state correctional 406
institution for the violation of state laws and of all children 407
under eighteen years of age who are confined in a county, 408
multicounty, municipal, municipal-county, or multicounty-municipal 409
jail or workhouse, community-based correctional facility, halfway 410
house, alternative residential facility, or state correctional 411
institution or in any facility for delinquent children for 412
committing an act that would be a felony or an offense of violence 413
if committed by an adult, and any other information that the 414
superintendent may receive from law enforcement officials of the 415
state and its political subdivisions. 416

(4) The superintendent shall carry out Chapter 2950. of the 417
Revised Code with respect to the registration of persons who are 418
convicted of or plead guilty to ~~either~~ a sexually oriented offense 419
~~that is not a registration exempt sexually oriented offense~~ or a 420
child-victim oriented offense and with respect to all other duties 421
imposed on the bureau under that chapter. 422

(5) The bureau shall perform centralized recordkeeping 423

functions for criminal history records and services in this state 424
for purposes of the national crime prevention and privacy compact 425
set forth in section 109.571 of the Revised Code and is the 426
criminal history record repository as defined in that section for 427
purposes of that compact. The superintendent or the 428
superintendent's designee is the compact officer for purposes of 429
that compact and shall carry out the responsibilities of the 430
compact officer specified in that compact. 431

(B) The superintendent shall prepare and furnish to every 432
county, multicounty, municipal, municipal-county, or 433
multicounty-municipal jail or workhouse, community-based 434
correctional facility, halfway house, alternative residential 435
facility, or state correctional institution and to every clerk of 436
a court in this state specified in division (A)(2) of this section 437
standard forms for reporting the information required under 438
division (A) of this section. The standard forms that the 439
superintendent prepares pursuant to this division may be in a 440
tangible format, in an electronic format, or in both tangible 441
formats and electronic formats. 442

(C)(1) The superintendent may operate a center for 443
electronic, automated, or other data processing for the storage 444
and retrieval of information, data, and statistics pertaining to 445
criminals and to children under eighteen years of age who are 446
adjudicated delinquent children for committing an act that would 447
be a felony or an offense of violence if committed by an adult, 448
criminal activity, crime prevention, law enforcement, and criminal 449
justice, and may establish and operate a statewide communications 450
network to gather and disseminate information, data, and 451
statistics for the use of law enforcement agencies and for other 452
uses specified in this division. The superintendent may gather, 453
store, retrieve, and disseminate information, data, and statistics 454
that pertain to children who are under eighteen years of age and 455

that are gathered pursuant to sections 109.57 to 109.61 of the
Revised Code together with information, data, and statistics that
pertain to adults and that are gathered pursuant to those
sections. ~~In~~

(2) The superintendent or the superintendent's designee shall
gather information of the nature described in division (C)(1) of
this section that pertains to the offense and delinquency history
of a person who has been convicted of, pleaded guilty to, or been
adjudicated a delinquent child for committing a sexually oriented
offense or a child-victim oriented offense for inclusion in the
state registry of sex offenders and child-victim offenders
maintained pursuant to division (A)(1) of section 2950.13 of the
Revised Code and in the internet database operated pursuant to
division (A)(13) of that section and for possible inclusion in the
internet database operated pursuant to division (A)(11) of that
section.

(3) In addition to any other authorized use of information,
data, and statistics of ~~that~~ the nature described in division
(C)(1) of this section, the superintendent or the superintendent's
designee may provide and exchange the information, data, and
statistics pursuant to the national crime prevention and privacy
compact as described in division (A)(5) of this section.

(D) The information and materials furnished to the
superintendent pursuant to division (A) of this section and
information and materials furnished to any board or person under
division (F) or (G) of this section are not public records under
section 149.43 of the Revised Code. The superintendent or the
superintendent's designee shall gather and retain information so
furnished under division (A) of this section that pertains to the
offense and delinquency history of a person who has been convicted
of, pleaded guilty to, or been adjudicated a delinquent child for
committing a sexually oriented offense or a child-victim oriented

offense for the purposes described in division (C)(2) of this 488
section. 489

(E) The attorney general shall adopt rules, in accordance 490
with Chapter 119. of the Revised Code, setting forth the procedure 491
by which a person may receive or release information gathered by 492
the superintendent pursuant to division (A) of this section. A 493
reasonable fee may be charged for this service. If a temporary 494
employment service submits a request for a determination of 495
whether a person the service plans to refer to an employment 496
position has been convicted of or pleaded guilty to an offense 497
listed in division (A)(1), (3), (4), (5), or (6) of section 498
109.572 of the Revised Code, the request shall be treated as a 499
single request and only one fee shall be charged. 500

(F)(1) As used in division (F)(2) of this section, "head 501
start agency" means an entity in this state that has been approved 502
to be an agency for purposes of subchapter II of the "Community 503
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 504
as amended. 505

(2)(a) In addition to or in conjunction with any request that 506
is required to be made under section 109.572, 2151.86, 3301.32, 507
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 508
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 509
education of any school district; the director of mental 510
retardation and developmental disabilities; any county board of 511
mental retardation and developmental disabilities; any entity 512
under contract with a county board of mental retardation and 513
developmental disabilities; the chief administrator of any 514
chartered nonpublic school; the chief administrator of any home 515
health agency; the chief administrator of or person operating any 516
child day-care center, type A family day-care home, or type B 517
family day-care home licensed or certified under Chapter 5104. of 518
the Revised Code; the administrator of any type C family day-care 519

home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 520
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 521
general assembly; the chief administrator of any head start 522
agency; or the executive director of a public children services 523
agency may request that the superintendent of the bureau 524
investigate and determine, with respect to any individual who has 525
applied for employment in any position after October 2, 1989, or 526
any individual wishing to apply for employment with a board of 527
education may request, with regard to the individual, whether the 528
bureau has any information gathered under division (A) of this 529
section that pertains to that individual. On receipt of the 530
request, the superintendent shall determine whether that 531
information exists and, upon request of the person, board, or 532
entity requesting information, also shall request from the federal 533
bureau of investigation any criminal records it has pertaining to 534
that individual. The superintendent or the superintendent's 535
designee also may request criminal history records from other 536
states or the federal government pursuant to the national crime 537
prevention and privacy compact set forth in section 109.571 of the 538
Revised Code. Within thirty days of the date that the 539
superintendent receives a request, the superintendent shall send 540
to the board, entity, or person a report of any information that 541
the superintendent determines exists, including information 542
contained in records that have been sealed under section 2953.32 543
of the Revised Code, and, within thirty days of its receipt, shall 544
send the board, entity, or person a report of any information 545
received from the federal bureau of investigation, other than 546
information the dissemination of which is prohibited by federal 547
law. 548

(b) When a board of education is required to receive 549
information under this section as a prerequisite to employment of 550
an individual pursuant to section 3319.39 of the Revised Code, it 551
may accept a certified copy of records that were issued by the 552

bureau of criminal identification and investigation and that are 553
presented by an individual applying for employment with the 554
district in lieu of requesting that information itself. In such a 555
case, the board shall accept the certified copy issued by the 556
bureau in order to make a photocopy of it for that individual's 557
employment application documents and shall return the certified 558
copy to the individual. In a case of that nature, a district only 559
shall accept a certified copy of records of that nature within one 560
year after the date of their issuance by the bureau. 561

(3) The state board of education may request, with respect to 562
any individual who has applied for employment after October 2, 563
1989, in any position with the state board or the department of 564
education, any information that a school district board of 565
education is authorized to request under division (F)(2) of this 566
section, and the superintendent of the bureau shall proceed as if 567
the request has been received from a school district board of 568
education under division (F)(2) of this section. 569

(4) When the superintendent of the bureau receives a request 570
for information under section 3319.291 of the Revised Code, the 571
superintendent shall proceed as if the request has been received 572
from a school district board of education under division (F)(2) of 573
this section. 574

(5) When a recipient of a classroom reading improvement grant 575
paid under section 3301.86 of the Revised Code requests, with 576
respect to any individual who applies to participate in providing 577
any program or service funded in whole or in part by the grant, 578
the information that a school district board of education is 579
authorized to request under division (F)(2)(a) of this section, 580
the superintendent of the bureau shall proceed as if the request 581
has been received from a school district board of education under 582
division (F)(2)(a) of this section. 583

(G) In addition to or in conjunction with any request that is 584

required to be made under section 3701.881, 3712.09, 3721.121, or 585
3722.151 of the Revised Code with respect to an individual who has 586
applied for employment in a position that involves providing 587
direct care to an older adult, the chief administrator of a home 588
health agency, hospice care program, home licensed under Chapter 589
3721. of the Revised Code, adult day-care program operated 590
pursuant to rules adopted under section 3721.04 of the Revised 591
Code, or adult care facility may request that the superintendent 592
of the bureau investigate and determine, with respect to any 593
individual who has applied after January 27, 1997, for employment 594
in a position that does not involve providing direct care to an 595
older adult, whether the bureau has any information gathered under 596
division (A) of this section that pertains to that individual. 597

In addition to or in conjunction with any request that is 598
required to be made under section 173.27 of the Revised Code with 599
respect to an individual who has applied for employment in a 600
position that involves providing ombudsperson services to 601
residents of long-term care facilities or recipients of 602
community-based long-term care services, the state long-term care 603
ombudsperson, ombudsperson's designee, or director of health may 604
request that the superintendent investigate and determine, with 605
respect to any individual who has applied for employment in a 606
position that does not involve providing such ombudsperson 607
services, whether the bureau has any information gathered under 608
division (A) of this section that pertains to that applicant. 609

In addition to or in conjunction with any request that is 610
required to be made under section 173.394 of the Revised Code with 611
respect to an individual who has applied for employment in a 612
position that involves providing direct care to an individual, the 613
chief administrator of a community-based long-term care agency may 614
request that the superintendent investigate and determine, with 615
respect to any individual who has applied for employment in a 616

position that does not involve providing direct care, whether the 617
bureau has any information gathered under division (A) of this 618
section that pertains to that applicant. 619

On receipt of a request under this division, the 620
superintendent shall determine whether that information exists 621
and, on request of the individual requesting information, shall 622
also request from the federal bureau of investigation any criminal 623
records it has pertaining to the applicant. The superintendent or 624
the superintendent's designee also may request criminal history 625
records from other states or the federal government pursuant to 626
the national crime prevention and privacy compact set forth in 627
section 109.571 of the Revised Code. Within thirty days of the 628
date a request is received, the superintendent shall send to the 629
requester a report of any information determined to exist, 630
including information contained in records that have been sealed 631
under section 2953.32 of the Revised Code, and, within thirty days 632
of its receipt, shall send the requester a report of any 633
information received from the federal bureau of investigation, 634
other than information the dissemination of which is prohibited by 635
federal law. 636

(H) Information obtained by a government entity or person 637
under this section is confidential and shall not be released or 638
disseminated. 639

(I) The superintendent may charge a reasonable fee for 640
providing information or criminal records under division (F)(2) or 641
(G) of this section. 642

(J) As used in this section, "sexually oriented offense" and 643
"child-victim oriented offense" have the same meanings as in 644
section 2950.01 of the Revised Code. 645

Sec. 311.171. (A) As used in this section: 646

(1) "Federal poverty level" means the income level 647
represented by the poverty guidelines as revised annually by the 648
United States department of health and human services in 649
accordance with section 673(2) of the "Omnibus Reconciliation Act 650
of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family 651
size equal to the size of the family of the person whose income is 652
being determined. 653

(2) "Registration year" of an offender means one of the 654
following: 655

(a) The twelve-month period beginning on the anniversary, 656
occurring on or after January 1, 2004, of the date on which an 657
offender's registration period began in accordance with section 658
2950.07 of the Revised Code; 659

(b) The twelve-month period beginning on the date on which an 660
offender's registration period begins, on or after January 1, 661
2004, in accordance with section 2950.07 of the Revised Code. 662

(3) "Sexually oriented offense," "child-victim oriented 663
offense," and "tier III sex offender/child-victim offender" have 664
the same meanings as in section 2950.01 of the Revised Code. 665

(B) The sheriff may charge a fee each time a person does any 666
of the following: 667

(1) Registers under section 2950.04 or 2950.041 of the 668
Revised Code; 669

(2) Registers a new residence address under section 2950.05 670
of the Revised Code; 671

(3) Verifies a current residence address under section 672
2950.06 of the Revised Code. 673

(C) If the sheriff charges one or more fees provided for in 674
division (B) of this section, all of the following apply: 675

(1) The sheriff shall not require the payment of any fee from 676

a delinquent child until the delinquent child reaches eighteen 677
years of age. When a delinquent child reaches eighteen years of 678
age and the sheriff charges a fee to the delinquent child, the 679
provisions of this section applicable to "offenders" shall be 680
construed to apply to the delinquent child. 681

(2) For an offender who ~~has been adjudicated a sexual~~ 682
~~predator or child victim predator or who has a duty to register as~~ 683
~~a result of committing an aggravated sexually oriented offense is~~ 684
~~a tier III sex offender/child-victim offender~~, the fees may not 685
exceed a total of one hundred dollars for each registration year. 686

(3) ~~For an offender who has been determined to be a habitual~~ 687
~~sexual offender or a habitual child victim offender, who is not~~ 688
~~described in division (C)(2) of this section, and for whom the~~ 689
~~sentencing judge has required community notification, the fees may~~ 690
~~not exceed a total of fifty dollars for each registration year.~~ 691

~~(4)~~ For an offender who has been convicted of or pleaded 692
guilty to a sexually oriented offense ~~that is not a~~ 693
~~registration exempt sexually oriented offense~~ or a child-victim 694
offense and who is not described in division (C)(2) ~~or (3)~~ of this 695
section, the fees may not exceed a total of twenty-five dollars 696
for each registration year. 697

~~(5)~~(4) An offender who is required to pay a fee shall retain 698
the receipts received under section 325.28 of the Revised Code for 699
payments made during the offender's registration year to establish 700
that the payment of any fee will exceed the maximum annual amount 701
permissible under this division. 702

~~(6)~~(5) The sheriff shall not refuse to register a person, 703
register a new residence address of a person, or verify the 704
current residence address of a person, who does not pay a fee the 705
sheriff requires under this section. 706

~~(7)~~(6) The sheriff shall report unpaid fees in accordance 707

with division (C) of section 325.31 of the Revised Code, and the 708
county may recover those fees in a civil action in the same manner 709
as other money due the county. 710

(D) Each time a person appears before the sheriff to provide 711
any registration or verification specified in division (B) of this 712
section for which the sheriff charges a fee, the sheriff shall 713
determine whether the person is able to pay the fee. In making 714
that determination, the sheriff shall determine whether the 715
person's income is less than one hundred twenty-five per cent of 716
the federal poverty level. A person whose income is equal to or 717
greater than one hundred twenty-five per cent of the federal 718
poverty level shall be considered able to pay the fee. 719

(E) If a sheriff determines a person's income is less than 720
one hundred twenty-five per cent of the federal poverty level, the 721
sheriff shall waive payment of the fee. If the sheriff determines 722
a person's income is equal to or greater than one hundred 723
twenty-five per cent of the federal poverty level, the sheriff may 724
allow the person to pay the fee in accordance with a payment 725
schedule the sheriff establishes based on the person's ability to 726
pay. The sheriff shall document any waiver or alternative fee 727
arrangement in the official registration records of the sheriff's 728
office and shall provide the offender with a written copy of any 729
waiver or alternative fee arrangement. 730

(F) All fees paid to a sheriff under this section shall be 731
paid into the county treasury to the credit of the county general 732
fund and shall be allocated to the sheriff to be used to defray 733
the costs of registering sex offenders and child-victim offenders 734
and providing community notification under Chapter 2950. of the 735
Revised Code. 736

(G) If an offender has registered with a sheriff and 737
subsequently relocates to a different county during a registration 738
year, the annual maximum amounts set forth in division (C) of this 739

section shall apply to the sheriff in the new county, and that 740
sheriff shall consider any payments already made by the offender 741
for purposes of determining when the applicable maximum has been 742
met for the offender's registration year. 743

Sec. 1923.01. (A) As provided in this chapter, any judge of a 744
county or municipal court or a court of common pleas, within the 745
judge's proper area of jurisdiction, may inquire about persons who 746
make unlawful and forcible entry into lands or tenements and 747
detain them, and about persons who make a lawful and peaceable 748
entry into lands or tenements and hold them unlawfully and by 749
force. If, upon the inquiry, it is found that an unlawful and 750
forcible entry has been made and the lands or tenements are 751
detained, or that, after a lawful entry, lands or tenements are 752
held unlawfully and by force, a judge shall cause the plaintiff in 753
an action under this chapter to have restitution of the lands or 754
tenements. 755

(B) An action shall be brought under this chapter within two 756
years after the cause of action accrues. 757

(C) As used in this chapter: 758

(1) "Tenant" means a person who is entitled under a rental 759
agreement to the use or occupancy of premises, other than premises 760
located in a manufactured home park, to the exclusion of others. 761

(2) "Landlord" means the owner, lessor, or sublessor of 762
premises, or the agent or person the landlord authorizes to manage 763
premises or to receive rent from a tenant under a rental 764
agreement, except, if required by the facts of the action to which 765
the term is applied, "landlord" means a park operator. 766

(3) "Park operator," "manufactured home," "mobile home," 767
"manufactured home park," and "resident" have the same meanings as 768
in section 3733.01 of the Revised Code. 769

(4) "Residential premises" has the same meaning as in section 770
5321.01 of the Revised Code, except, if required by the facts of 771
the action to which the term is applied, "residential premises" 772
has the same meaning as in section 3733.01 of the Revised Code. 773

(5) "Rental agreement" means any agreement or lease, written 774
or oral, that establishes or modifies the terms, conditions, 775
rules, or other provisions concerning the use or occupancy of 776
premises by one of the parties to the agreement or lease, except 777
that "rental agreement," as used in division (A)(13) of section 778
1923.02 of the Revised Code and where the context requires as used 779
in this chapter, means a rental agreement as defined in division 780
(D) of section 5322.01 of the Revised Code. 781

(6) "Controlled substance" has the same meaning as in section 782
3719.01 of the Revised Code. 783

(7) "School premises" has the same meaning as in section 784
2925.01 of the Revised Code. 785

(8) "Sexually oriented offense" and "child-victim oriented 786
offense" have the same meanings as in section 2950.01 of the 787
Revised Code. 788

(9) "Recreational vehicle" has the same meaning as in section 789
4501.01 of the Revised Code. 790

(10) "Preschool or child day-care center premises" has the 791
same meaning as in section 2950.034 of the Revised Code. 792

Sec. 1923.02. (A) Proceedings under this chapter may be had 793
as follows: 794

(1) Against tenants or manufactured home park residents 795
holding over their terms; 796

(2) Against tenants or manufactured home park residents in 797
possession under an oral tenancy, who are in default in the 798
payment of rent as provided in division (B) of this section; 799

(3) In sales of real estate, on executions, orders, or other 800
judicial process, when the judgment debtor was in possession at 801
the time of the rendition of the judgment or decree, by virtue of 802
which the sale was made; 803

(4) In sales by executors, administrators, or guardians, and 804
on partition, when any of the parties to the complaint were in 805
possession at the commencement of the action, after the sales, so 806
made on execution or otherwise, have been examined by the proper 807
court and adjudged legal; 808

(5) When the defendant is an occupier of lands or tenements, 809
without color of title, and the complainant has the right of 810
possession to them; 811

(6) In any other case of the unlawful and forcible detention 812
of lands or tenements. For purposes of this division, in addition 813
to any other type of unlawful and forcible detention of lands or 814
tenements, such a detention may be determined to exist when both 815
of the following apply: 816

(a) A tenant fails to vacate residential premises within 817
three days after both of the following occur: 818

(i) The tenant's landlord has actual knowledge of or has 819
reasonable cause to believe that the tenant, any person in the 820
tenant's household, or any person on the premises with the consent 821
of the tenant previously has or presently is engaged in a 822
violation of Chapter 2925. or 3719. of the Revised Code, or of a 823
municipal ordinance that is substantially similar to any section 824
in either of those chapters, which involves a controlled substance 825
and which occurred in, is occurring in, or otherwise was or is 826
connected with the premises, whether or not the tenant or other 827
person has been charged with, has pleaded guilty to or been 828
convicted of, or has been determined to be a delinquent child for 829
an act that, if committed by an adult, would be a violation as 830

described in this division. For purposes of this division, a 831
landlord has "actual knowledge of or has reasonable cause to 832
believe" that a tenant, any person in the tenant's household, or 833
any person on the premises with the consent of the tenant 834
previously has or presently is engaged in a violation as described 835
in this division if a search warrant was issued pursuant to 836
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 837
affidavit presented to obtain the warrant named or described the 838
tenant or person as the individual to be searched and particularly 839
described the tenant's premises as the place to be searched, named 840
or described one or more controlled substances to be searched for 841
and seized, stated substantially the offense under Chapter 2925. 842
or 3719. of the Revised Code or the substantially similar 843
municipal ordinance that occurred in, is occurring in, or 844
otherwise was or is connected with the tenant's premises, and 845
states the factual basis for the affiant's belief that the 846
controlled substances are located on the tenant's premises; the 847
warrant was properly executed by a law enforcement officer and any 848
controlled substance described in the affidavit was found by that 849
officer during the search and seizure; and, subsequent to the 850
search and seizure, the landlord was informed by that or another 851
law enforcement officer of the fact that the tenant or person has 852
or presently is engaged in a violation as described in this 853
division and it occurred in, is occurring in, or otherwise was or 854
is connected with the tenant's premises. 855

(ii) The landlord gives the tenant the notice required by 856
division (C) of section 5321.17 of the Revised Code. 857

(b) The court determines, by a preponderance of the evidence, 858
that the tenant, any person in the tenant's household, or any 859
person on the premises with the consent of the tenant previously 860
has or presently is engaged in a violation as described in 861
division (A)(6)(a)(i) of this section. 862

(7) In cases arising out of Chapter 5313. of the Revised 863
Code. In those cases, the court has the authority to declare a 864
forfeiture of the vendee's rights under a land installment 865
contract and to grant any other claims arising out of the 866
contract. 867

(8) Against tenants who have breached an obligation that is 868
imposed by section 5321.05 of the Revised Code, other than the 869
obligation specified in division (A)(9) of that section, and that 870
materially affects health and safety. Prior to the commencement of 871
an action under this division, notice shall be given to the tenant 872
and compliance secured with section 5321.11 of the Revised Code. 873

(9) Against tenants who have breached an obligation imposed 874
upon them by a written rental agreement; 875

(10) Against manufactured home park residents who have 876
defaulted in the payment of rent or breached the terms of a rental 877
agreement with a manufactured home park operator. Nothing in this 878
division precludes the commencement of an action under division 879
(A)(12) of this section when the additional circumstances 880
described in that division apply. 881

(11) Against manufactured home park residents who have 882
committed two material violations of the rules of the manufactured 883
home park, of the public health council, or of applicable state 884
and local health and safety codes and who have been notified of 885
the violations in compliance with section 3733.13 of the Revised 886
Code; 887

(12) Against a manufactured home park resident, or the estate 888
of a manufactured home park resident, who has been absent from the 889
manufactured home park for a period of thirty consecutive days 890
prior to the commencement of an action under this division and 891
whose manufactured home or mobile home, or recreational vehicle 892
that is parked in the manufactured home park, has been left 893

unoccupied for that thirty-day period, without notice to the park 894
operator and without payment of rent due under the rental 895
agreement with the park operator; 896

(13) Against occupants of self-service storage facilities, as 897
defined in division (A) of section 5322.01 of the Revised Code, 898
who have breached the terms of a rental agreement or violated 899
section 5322.04 of the Revised Code; 900

(14) Against any resident or occupant who, pursuant to a 901
rental agreement, resides in or occupies residential premises 902
located within one thousand feet of any school premises or 903
preschool or child day-care center premises and to whom both of 904
the following apply: 905

(a) The resident's or occupant's name appears on the state 906
registry of sex offenders and child-victim offenders maintained 907
under section 2950.13 of the Revised Code. 908

(b) The state registry of sex offenders and child-victim 909
offenders indicates that the resident or occupant was convicted of 910
or pleaded guilty to ~~either a sexually oriented offense that is~~ 911
~~not a registration-exempt sexually oriented offense~~ or a 912
child-victim oriented offense in a criminal prosecution and was 913
not sentenced to a serious youthful offender dispositional 914
sentence for that offense. 915

(15) Against any tenant who permits any person to occupy 916
residential premises located within one thousand feet of any 917
school premises or preschool or child day-care center premises if 918
both of the following apply to the person: 919

(a) The person's name appears on the state registry of sex 920
offenders and child-victim offenders maintained under section 921
2950.13 of the Revised Code. 922

(b) The state registry of sex offenders and child-victim 923
offenders indicates that the person was convicted of or pleaded 924

guilty to ~~either a sexually oriented offense that is not a~~ 925
~~registration exempt sexually oriented offense~~ or a child-victim 926
oriented offense in a criminal prosecution and was not sentenced 927
to a serious youthful offender dispositional sentence for that 928
offense. 929

(B) If a tenant or manufactured home park resident holding 930
under an oral tenancy is in default in the payment of rent, the 931
tenant or resident forfeits the right of occupancy, and the 932
landlord may, at the landlord's option, terminate the tenancy by 933
notifying the tenant or resident, as provided in section 1923.04 934
of the Revised Code, to leave the premises, for the restitution of 935
which an action may then be brought under this chapter. 936

(C)(1) If a tenant or any other person with the tenant's 937
permission resides in or occupies residential premises that are 938
located within one thousand feet of any school premises and is a 939
resident or occupant of the type described in division (A)(14) of 940
this section or a person of the type described in division (A)(15) 941
of this section, the landlord for those residential premises, upon 942
discovery that the tenant or other person is a resident, occupant, 943
or person of that nature, may terminate the rental agreement or 944
tenancy for those residential premises by notifying the tenant and 945
all other occupants, as provided in section 1923.04 of the Revised 946
Code, to leave the premises. 947

(2) If a landlord is authorized to terminate a rental 948
agreement or tenancy pursuant to division (C)(1) of this section 949
but does not so terminate the rental agreement or tenancy, the 950
landlord is not liable in a tort or other civil action in damages 951
for any injury, death, or loss to person or property that 952
allegedly result from that decision. 953

(D) This chapter does not apply to a student tenant as 954
defined by division (H) of section 5321.01 of the Revised Code 955
when the college or university proceeds to terminate a rental 956

agreement pursuant to section 5321.031 of the Revised Code. 957

Sec. 2151.23. (A) The juvenile court has exclusive original 958
jurisdiction under the Revised Code as follows: 959

(1) Concerning any child who on or about the date specified 960
in the complaint, indictment, or information is alleged to have 961
violated section 2151.87 of the Revised Code or an order issued 962
under that section or to be a juvenile traffic offender or a 963
delinquent, unruly, abused, neglected, or dependent child and, 964
based on and in relation to the allegation pertaining to the 965
child, concerning the parent, guardian, or other person having 966
care of a child who is alleged to be an unruly or delinquent child 967
for being an habitual or chronic truant; 968

(2) Subject to divisions (G) and (V) of section 2301.03 of 969
the Revised Code, to determine the custody of any child not a ward 970
of another court of this state; 971

(3) To hear and determine any application for a writ of 972
habeas corpus involving the custody of a child; 973

(4) To exercise the powers and jurisdiction given the probate 974
division of the court of common pleas in Chapter 5122. of the 975
Revised Code, if the court has probable cause to believe that a 976
child otherwise within the jurisdiction of the court is a mentally 977
ill person subject to hospitalization by court order, as defined 978
in section 5122.01 of the Revised Code; 979

(5) To hear and determine all criminal cases charging adults 980
with the violation of any section of this chapter; 981

(6) To hear and determine all criminal cases in which an 982
adult is charged with a violation of division (C) of section 983
2919.21, division (B)(1) of section 2919.22, section 2919.222, 984
division (B) of section 2919.23, or section 2919.24 of the Revised 985
Code, provided the charge is not included in an indictment that 986

also charges the alleged adult offender with the commission of a 987
felony arising out of the same actions that are the basis of the 988
alleged violation of division (C) of section 2919.21, division 989
(B)(1) of section 2919.22, section 2919.222, division (B) of 990
section 2919.23, or section 2919.24 of the Revised Code; 991

(7) Under the interstate compact on juveniles in section 992
2151.56 of the Revised Code; 993

(8) Concerning any child who is to be taken into custody 994
pursuant to section 2151.31 of the Revised Code, upon being 995
notified of the intent to take the child into custody and the 996
reasons for taking the child into custody; 997

(9) To hear and determine requests for the extension of 998
temporary custody agreements, and requests for court approval of 999
permanent custody agreements, that are filed pursuant to section 1000
5103.15 of the Revised Code; 1001

(10) To hear and determine applications for consent to marry 1002
pursuant to section 3101.04 of the Revised Code; 1003

(11) Subject to divisions (G) and (V) of section 2301.03 of 1004
the Revised Code, to hear and determine a request for an order for 1005
the support of any child if the request is not ancillary to an 1006
action for divorce, dissolution of marriage, annulment, or legal 1007
separation, a criminal or civil action involving an allegation of 1008
domestic violence, or an action for support brought under Chapter 1009
3115. of the Revised Code; 1010

(12) Concerning an action commenced under section 121.38 of 1011
the Revised Code; 1012

(13) To hear and determine violations of section 3321.38 of 1013
the Revised Code; 1014

(14) To exercise jurisdiction and authority over the parent, 1015
guardian, or other person having care of a child alleged to be a 1016

delinquent child, unruly child, or juvenile traffic offender, 1017
based on and in relation to the allegation pertaining to the 1018
child; 1019

(15) To conduct the hearings, and to make the determinations, 1020
adjudications, and orders authorized or required under sections 1021
2152.82 to ~~2152.85~~ 2152.86 and Chapter 2950. of the Revised Code 1022
regarding a child who has been adjudicated a delinquent child and 1023
to refer the duties conferred upon the juvenile court judge under 1024
sections 2152.82 to ~~2152.85~~ 2152.86 and Chapter 2950. of the 1025
Revised Code to magistrates appointed by the juvenile court judge 1026
in accordance with Juvenile Rule 40. 1027

(B) Except as provided in divisions (G) and (I) of section 1028
2301.03 of the Revised Code, the juvenile court has original 1029
jurisdiction under the Revised Code: 1030

(1) To hear and determine all cases of misdemeanors charging 1031
adults with any act or omission with respect to any child, which 1032
act or omission is a violation of any state law or any municipal 1033
ordinance; 1034

(2) To determine the paternity of any child alleged to have 1035
been born out of wedlock pursuant to sections 3111.01 to 3111.18 1036
of the Revised Code; 1037

(3) Under the uniform interstate family support act in 1038
Chapter 3115. of the Revised Code; 1039

(4) To hear and determine an application for an order for the 1040
support of any child, if the child is not a ward of another court 1041
of this state; 1042

(5) To hear and determine an action commenced under section 1043
3111.28 of the Revised Code; 1044

(6) To hear and determine a motion filed under section 1045
3119.961 of the Revised Code; 1046

(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.

(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;

(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.

(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.

(D) The juvenile court, except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree of the court of common pleas as the same relate to the custody and support of

children. 1079

(E) The juvenile court, except as provided in divisions (G) 1080
and (I) of section 2301.03 of the Revised Code, has jurisdiction 1081
to hear and determine the case of any child certified to the court 1082
by any court of competent jurisdiction if the child comes within 1083
the jurisdiction of the juvenile court as defined by this section. 1084

(F)(1) The juvenile court shall exercise its jurisdiction in 1085
child custody matters in accordance with sections 3109.04, 3127.01 1086
to 3127.53, and 5103.20 to 5103.22 of the Revised Code. 1087

(2) The juvenile court shall exercise its jurisdiction in 1088
child support matters in accordance with section 3109.05 of the 1089
Revised Code. 1090

(G) Any juvenile court that makes or modifies an order for 1091
child support shall comply with Chapters 3119., 3121., 3123., and 1092
3125. of the Revised Code. If any person required to pay child 1093
support under an order made by a juvenile court on or after April 1094
15, 1985, or modified on or after December 1, 1986, is found in 1095
contempt of court for failure to make support payments under the 1096
order, the court that makes the finding, in addition to any other 1097
penalty or remedy imposed, shall assess all court costs arising 1098
out of the contempt proceeding against the person and require the 1099
person to pay any reasonable attorney's fees of any adverse party, 1100
as determined by the court, that arose in relation to the act of 1101
contempt. 1102

(H) If a child who is charged with an act that would be an 1103
offense if committed by an adult was fourteen years of age or 1104
older and under eighteen years of age at the time of the alleged 1105
act and if the case is transferred for criminal prosecution 1106
pursuant to section 2152.12 of the Revised Code, the juvenile 1107
court does not have jurisdiction to hear or determine the case 1108
subsequent to the transfer. The court to which the case is 1109

transferred for criminal prosecution pursuant to that section has 1110
jurisdiction subsequent to the transfer to hear and determine the 1111
case in the same manner as if the case originally had been 1112
commenced in that court, including, but not limited to, 1113
jurisdiction to accept a plea of guilty or another plea authorized 1114
by Criminal Rule 11 or another section of the Revised Code and 1115
jurisdiction to accept a verdict and to enter a judgment of 1116
conviction pursuant to the Rules of Criminal Procedure against the 1117
child for the commission of the offense that was the basis of the 1118
transfer of the case for criminal prosecution, whether the 1119
conviction is for the same degree or a lesser degree of the 1120
offense charged, for the commission of a lesser-included offense, 1121
or for the commission of another offense that is different from 1122
the offense charged. 1123

(I) If a person under eighteen years of age allegedly commits 1124
an act that would be a felony if committed by an adult and if the 1125
person is not taken into custody or apprehended for that act until 1126
after the person attains twenty-one years of age, the juvenile 1127
court does not have jurisdiction to hear or determine any portion 1128
of the case charging the person with committing that act. In those 1129
circumstances, divisions (A) and (B) of section 2152.12 of the 1130
Revised Code do not apply regarding the act, and the case charging 1131
the person with committing the act shall be a criminal prosecution 1132
commenced and heard in the appropriate court having jurisdiction 1133
of the offense as if the person had been eighteen years of age or 1134
older when the person committed the act. All proceedings 1135
pertaining to the act shall be within the jurisdiction of the 1136
court having jurisdiction of the offense, and that court has all 1137
the authority and duties in the case that it has in other criminal 1138
cases in that court. 1139

Sec. 2151.357. (A) If the court orders the records of a 1140
person sealed pursuant to section 2151.356 of the Revised Code, 1141

the person who is subject of the order properly may, and the court 1142
shall, reply that no record exists with respect to the person upon 1143
any inquiry in the matter, and the court, except as provided in 1144
division (D) of this section, shall do all of the following: 1145

(1) Order that the proceedings in a case described in 1146
divisions (B) and (C) of section 2151.356 of the Revised Code be 1147
deemed never to have occurred; 1148

(2) Except as provided in division (C) of this section, 1149
delete all index references to the case and the person so that the 1150
references are permanently irretrievable; 1151

(3) Order that all original records of the case maintained by 1152
any public office or agency, except fingerprints held by a law 1153
enforcement agency, DNA specimens collected pursuant to section 1154
2152.74 of the Revised Code, and DNA records derived from DNA 1155
specimens pursuant to section 109.573 of the Revised Code, be 1156
delivered to the court; 1157

(4) Order each public office or agency, upon the delivering 1158
of records to the court under division (A)(3) of this section, to 1159
expunge remaining records of the case that are the subject of the 1160
sealing order that are maintained by that public office or agency, 1161
except fingerprints, DNA specimens, and DNA records described 1162
under division (A)(3) of this section; 1163

(5) Send notice of the order to seal to any public office or 1164
agency that the court has reason to believe may have a record of 1165
the sealed record; 1166

(6) Seal all of the records delivered to the court under 1167
division (A)(3) of this section, in a separate file in which only 1168
sealed records are maintained. 1169

(B) Except as provided in division (D) of this section, an 1170
order to seal under section 2151.356 of the Revised Code applies 1171
to every public office or agency that has a record relating to the 1172

case, regardless of whether it receives notice of the hearing on 1173
the sealing of the record or a copy of the order. Except as 1174
provided in division (D) of this section, upon the written request 1175
of a person whose record has been sealed and the presentation of a 1176
copy of the order and compliance with division (A)(3) of this 1177
section, a public office or agency shall expunge its record 1178
relating to the case, except a record of the adjudication or 1179
arrest or taking into custody that is maintained for compiling 1180
statistical data and that does not contain any reference to the 1181
person who is the subject of the order. 1182

(C) The court that maintains sealed records pursuant to this 1183
section may maintain a manual or computerized index of the sealed 1184
records and shall make the index available only for the purposes 1185
set forth in division (E) of this section. 1186

(1) Each entry regarding a sealed record in the index of 1187
sealed records shall contain all of the following: 1188

(a) The name of the person who is the subject of the sealed 1189
record; 1190

(b) An alphanumeric identifier relating to the person who is 1191
the subject of the sealed record; 1192

(c) The word "sealed"; 1193

(d) The name of the court that has custody of the sealed 1194
record. 1195

(2) Any entry regarding a sealed record in the index of 1196
sealed records shall not contain either of the following: 1197

(a) The social security number of the person who is subject 1198
of the sealed record; 1199

(b) The name or a description of the act committed. 1200

(D) Notwithstanding any provision of this section that 1201
requires otherwise, a board of education of a city, local, 1202

exempted village, or joint vocational school district that 1203
maintains records of an individual who has been permanently 1204
excluded under sections 3301.121 and 3313.662 of the Revised Code 1205
is permitted to maintain records regarding an adjudication that 1206
the individual is a delinquent child that was used as the basis 1207
for the individual's permanent exclusion, regardless of a court 1208
order to seal the record. An order issued under section 2151.356 1209
of the Revised Code to seal the record of an adjudication that an 1210
individual is a delinquent child does not revoke the adjudication 1211
order of the superintendent of public instruction to permanently 1212
exclude the individual who is the subject of the sealing order. An 1213
order to seal the record of an adjudication that an individual is 1214
a delinquent child may be presented to a district superintendent 1215
as evidence to support the contention that the superintendent 1216
should recommend that the permanent exclusion of the individual 1217
who is the subject of the sealing order be revoked. Except as 1218
otherwise authorized by this division and sections 3301.121 and 1219
3313.662 of the Revised Code, any school employee in possession of 1220
or having access to the sealed adjudication records of an 1221
individual that were the basis of a permanent exclusion of the 1222
individual is subject to division (F) of this section. 1223

(E) Inspection of records that have been ordered sealed under 1224
section 2151.356 of the Revised Code may be made only by the 1225
following persons or for the following purposes: 1226

(1) By the court; 1227

(2) If the records in question pertain to an act that would 1228
be an offense of violence that would be a felony if committed by 1229
an adult, by any law enforcement officer or any prosecutor, or the 1230
assistants of a law enforcement officer or prosecutor, for any 1231
valid law enforcement or prosecutorial purpose; 1232

(3) Upon application by the person who is the subject of the 1233
sealed records, by the person that is named in that application; 1234

(4) If the records in question pertain to an alleged 1235
violation of division (E)(1) of section 4301.69 of the Revised 1236
Code, by any law enforcement officer or any prosecutor, or the 1237
assistants of a law enforcement officer or prosecutor, for the 1238
purpose of determining whether the person is eligible for 1239
diversion under division (E)(2) of section 4301.69 of the Revised 1240
Code; 1241

(5) At the request of a party in a civil action that is based 1242
on a case the records for which are the subject of a sealing order 1243
issued under section 2151.356 of the Revised Code, as needed for 1244
the civil action. The party also may copy the records as needed 1245
for the civil action. The sealed records shall be used solely in 1246
the civil action and are otherwise confidential and subject to the 1247
provisions of this section; 1248

(6) By the attorney general or an authorized employee of the 1249
attorney general or the court for purposes of determining whether 1250
a child is a public registry-qualified juvenile offender 1251
registrant, as defined in section 2950.01 of the Revised Code, for 1252
purposes of Chapter 2950. of the Revised Code. 1253

(F) No officer or employee of the state or any of its 1254
political subdivisions shall knowingly release, disseminate, or 1255
make available for any purpose involving employment, bonding, 1256
licensing, or education to any person or to any department, 1257
agency, or other instrumentality of the state or of any of its 1258
political subdivisions any information or other data concerning 1259
any arrest, taking into custody, complaint, indictment, 1260
information, trial, hearing, adjudication, or correctional 1261
supervision, the records of which have been sealed pursuant to 1262
section 2151.356 of the Revised Code and the release, 1263
dissemination, or making available of which is not expressly 1264
permitted by this section. Whoever violates this division is 1265
guilty of divulging confidential information, a misdemeanor of the 1266

fourth degree. 1267

(G) In any application for employment, license, or other 1268
right or privilege, any appearance as a witness, or any other 1269
inquiry, a person may not be questioned with respect to any arrest 1270
or taking into custody for which the records were sealed. If an 1271
inquiry is made in violation of this division, the person may 1272
respond as if the sealed arrest or taking into custody did not 1273
occur, and the person shall not be subject to any adverse action 1274
because of the arrest or taking into custody or the response. 1275

(H) The judgment rendered by the court under this chapter 1276
shall not impose any of the civil disabilities ordinarily imposed 1277
by conviction of a crime in that the child is not a criminal by 1278
reason of the adjudication, and no child shall be charged with or 1279
convicted of a crime in any court except as provided by this 1280
chapter. The disposition of a child under the judgment rendered or 1281
any evidence given in court shall not operate to disqualify a 1282
child in any future civil service examination, appointment, or 1283
application. Evidence of a judgment rendered and the disposition 1284
of a child under the judgment is not admissible to impeach the 1285
credibility of the child in any action or proceeding. Otherwise, 1286
the disposition of a child under the judgment rendered or any 1287
evidence given in court is admissible as evidence for or against 1288
the child in any action or proceeding in any court in accordance 1289
with the Rules of Evidence and also may be considered by any court 1290
as to the matter of sentence or to the granting of probation, and 1291
a court may consider the judgment rendered and the disposition of 1292
a child under that judgment for purposes of determining whether 1293
the child, for a future criminal conviction or guilty plea, is a 1294
repeat violent offender, as defined in section 2929.01 of the 1295
Revised Code. 1296

Sec. 2152.02. As used in this chapter: 1297

(A) "Act charged" means the act that is identified in a 1298
complaint, indictment, or information alleging that a child is a 1299
delinquent child. 1300

(B) "Admitted to a department of youth services facility" 1301
includes admission to a facility operated, or contracted for, by 1302
the department and admission to a comparable facility outside this 1303
state by another state or the United States. 1304

(C)(1) "Child" means a person who is under eighteen years of 1305
age, except as otherwise provided in divisions (C)(2) to (6) of 1306
this section. 1307

(2) Subject to division (C)(3) of this section, any person 1308
who violates a federal or state law or a municipal ordinance prior 1309
to attaining eighteen years of age shall be deemed a "child" 1310
irrespective of that person's age at the time the complaint with 1311
respect to that violation is filed or the hearing on the complaint 1312
is held. 1313

(3) Any person who, while under eighteen years of age, 1314
commits an act that would be a felony if committed by an adult and 1315
who is not taken into custody or apprehended for that act until 1316
after the person attains twenty-one years of age is not a child in 1317
relation to that act. 1318

(4) Any person whose case is transferred for criminal 1319
prosecution pursuant to section 2152.12 of the Revised Code shall 1320
be deemed after the transfer not to be a child in the transferred 1321
case. 1322

(5) Any person whose case is transferred for criminal 1323
prosecution pursuant to section 2152.12 of the Revised Code and 1324
who subsequently is convicted of or pleads guilty to a felony in 1325
that case, and any person who is adjudicated a delinquent child 1326
for the commission of an act, who has a serious youthful offender 1327
dispositional sentence imposed for the act pursuant to section 1328

2152.13 of the Revised Code, and whose adult portion of the 1329
dispositional sentence is invoked pursuant to section 2152.14 of 1330
the Revised Code, shall be deemed after the transfer or invocation 1331
not to be a child in any case in which a complaint is filed 1332
against the person. 1333

(6) The juvenile court has jurisdiction over a person who is 1334
adjudicated a delinquent child or juvenile traffic offender prior 1335
to attaining eighteen years of age until the person attains 1336
twenty-one years of age, and, for purposes of that jurisdiction 1337
related to that adjudication, except as otherwise provided in this 1338
division, a person who is so adjudicated a delinquent child or 1339
juvenile traffic offender shall be deemed a "child" until the 1340
person attains twenty-one years of age. If a person is so 1341
adjudicated a delinquent child or juvenile traffic offender and 1342
the court makes a disposition of the person under this chapter, at 1343
any time after the person attains eighteen years of age, the 1344
places at which the person may be held under that disposition are 1345
not limited to places authorized under this chapter solely for 1346
confinement of children, and the person may be confined under that 1347
disposition, in accordance with division (F)(2) of section 2152.26 1348
of the Revised Code, in places other than those authorized under 1349
this chapter solely for confinement of children. 1350

(D) "Chronic truant" means any child of compulsory school age 1351
who is absent without legitimate excuse for absence from the 1352
public school the child is supposed to attend for seven or more 1353
consecutive school days, ten or more school days in one school 1354
month, or fifteen or more school days in a school year. 1355

(E) "Community corrections facility," "public safety beds," 1356
"release authority," and "supervised release" have the same 1357
meanings as in section 5139.01 of the Revised Code. 1358

(F) "Delinquent child" includes any of the following: 1359

(1) Any child, except a juvenile traffic offender, who 1360
violates any law of this state or the United States, or any 1361
ordinance of a political subdivision of the state, that would be 1362
an offense if committed by an adult; 1363

(2) Any child who violates any lawful order of the court made 1364
under this chapter or under Chapter 2151. of the Revised Code 1365
other than an order issued under section 2151.87 of the Revised 1366
Code; 1367

(3) Any child who violates division (C) of section 2907.39 1368
~~or~~ division (A) of section 2923.211, or division (C)(1) or (D) of 1369
section 2925.55 of the Revised Code; 1370

(4) Any child who is a habitual truant and who previously has 1371
been adjudicated an unruly child for being a habitual truant; 1372

(5) Any child who is a chronic truant. 1373

(G) "Discretionary serious youthful offender" means a person 1374
who is eligible for a discretionary SYO and who is not transferred 1375
to adult court under a mandatory or discretionary transfer. 1376

(H) "Discretionary SYO" means a case in which the juvenile 1377
court, in the juvenile court's discretion, may impose a serious 1378
youthful offender disposition under section 2152.13 of the Revised 1379
Code. 1380

(I) "Discretionary transfer" means that the juvenile court 1381
has discretion to transfer a case for criminal prosecution under 1382
division (B) of section 2152.12 of the Revised Code. 1383

(J) "Drug abuse offense," "felony drug abuse offense," and 1384
"minor drug possession offense" have the same meanings as in 1385
section 2925.01 of the Revised Code. 1386

(K) "Electronic monitoring" and "electronic monitoring 1387
device" have the same meanings as in section 2929.01 of the 1388
Revised Code. 1389

(L) "Economic loss" means any economic detriment suffered by 1390
a victim of a delinquent act or juvenile traffic offense as a 1391
direct and proximate result of the delinquent act or juvenile 1392
traffic offense and includes any loss of income due to lost time 1393
at work because of any injury caused to the victim and any 1394
property loss, medical cost, or funeral expense incurred as a 1395
result of the delinquent act or juvenile traffic offense. 1396
"Economic loss" does not include non-economic loss or any punitive 1397
or exemplary damages. 1398

(M) "Firearm" has the same meaning as in section 2923.11 of 1399
the Revised Code. 1400

(N) "Juvenile traffic offender" means any child who violates 1401
any traffic law, traffic ordinance, or traffic regulation of this 1402
state, the United States, or any political subdivision of this 1403
state, other than a resolution, ordinance, or regulation of a 1404
political subdivision of this state the violation of which is 1405
required to be handled by a parking violations bureau or a joint 1406
parking violations bureau pursuant to Chapter 4521. of the Revised 1407
Code. 1408

(O) A "legitimate excuse for absence from the public school 1409
the child is supposed to attend" has the same meaning as in 1410
section 2151.011 of the Revised Code. 1411

(P) "Mandatory serious youthful offender" means a person who 1412
is eligible for a mandatory SYO and who is not transferred to 1413
adult court under a mandatory or discretionary transfer. 1414

(Q) "Mandatory SYO" means a case in which the juvenile court 1415
is required to impose a mandatory serious youthful offender 1416
disposition under section 2152.13 of the Revised Code. 1417

(R) "Mandatory transfer" means that a case is required to be 1418
transferred for criminal prosecution under division (A) of section 1419
2152.12 of the Revised Code. 1420

(S) "Mental illness" has the same meaning as in section 1421
5122.01 of the Revised Code. 1422

(T) "Mentally retarded person" has the same meaning as in 1423
section 5123.01 of the Revised Code. 1424

(U) "Monitored time" and "repeat violent offender" have the 1425
same meanings as in section 2929.01 of the Revised Code. 1426

(V) "Of compulsory school age" has the same meaning as in 1427
section 3321.01 of the Revised Code. 1428

(W) "Public record" has the same meaning as in section 149.43 1429
of the Revised Code. 1430

(X) "Serious youthful offender" means a person who is 1431
eligible for a mandatory SYO or discretionary SYO but who is not 1432
transferred to adult court under a mandatory or discretionary 1433
transfer. 1434

(Y) "Sexually oriented offense," ~~"habitual sex offender,"~~ 1435
"juvenile offender registrant," ~~"sexual predator," "presumptive~~ 1436
~~registration-exempt sexually oriented offense,"~~ 1437
~~"registration-exempt sexually oriented offense,"~~ "child-victim 1438
oriented offense," ~~"habitual child victim offender," and~~ 1439
~~"child-victim predator"~~ "tier I sex offender/child-victim 1440
offender," "tier II sex offender/child-victim offender," "tier III 1441
sex offender/child-victim offender," and "public 1442
registry-qualified juvenile offender registrant" have the same 1443
meanings as in section 2950.01 of the Revised Code. 1444

(Z) "Traditional juvenile" means a case that is not 1445
transferred to adult court under a mandatory or discretionary 1446
transfer, that is eligible for a disposition under sections 1447
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1448
that is not eligible for a disposition under section 2152.13 of 1449
the Revised Code. 1450

(AA) "Transfer" means the transfer for criminal prosecution
of a case involving the alleged commission by a child of an act
that would be an offense if committed by an adult from the
juvenile court to the appropriate court that has jurisdiction of
the offense.

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

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

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

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

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

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

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

(DD) "Non-economic loss" means nonpecuniary harm suffered by
a victim of a delinquent act or juvenile traffic offense as a
result of or related to the delinquent act or juvenile traffic
offense, including, but not limited to, pain and suffering; loss
of society, consortium, companionship, care, assistance,
attention, protection, advice, guidance, counsel, instruction,
training, or education; mental anguish; and any other intangible
loss.

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

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

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

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

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

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

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

(c) A period of day reporting in which the child is required 1511
each day to report to and leave a center or another approved 1512
reporting location at specified times in order to participate in 1513
work, education or training, treatment, and other approved 1514
programs at the center or outside the center; 1515

(d) A period of community service of up to five hundred hours 1516
for an act that would be a felony or a misdemeanor of the first 1517
degree if committed by an adult, up to two hundred hours for an 1518
act that would be a misdemeanor of the second, third, or fourth 1519
degree if committed by an adult, or up to thirty hours for an act 1520
that would be a minor misdemeanor if committed by an adult; 1521

(e) A requirement that the child obtain a high school 1522
diploma, a certificate of high school equivalence, vocational 1523
training, or employment; 1524

(f) A period of drug and alcohol use monitoring; 1525

(g) A requirement of alcohol or drug assessment or 1526
counseling, or a period in an alcohol or drug treatment program 1527
with a level of security for the child as determined necessary by 1528
the court; 1529

(h) A period in which the court orders the child to observe a 1530
curfew that may involve daytime or evening hours; 1531

(i) A requirement that the child serve monitored time; 1532

(j) A period of house arrest without electronic monitoring or 1533
continuous alcohol monitoring; 1534

(k) A period of electronic monitoring or continuous alcohol 1535
monitoring without house arrest, or house arrest with electronic 1536
monitoring or continuous alcohol monitoring or both electronic 1537
monitoring and continuous alcohol monitoring, that does not exceed 1538
the maximum sentence of imprisonment that could be imposed upon an 1539
adult who commits the same act. 1540

A period of house arrest with electronic monitoring or 1541
continuous alcohol monitoring or both electronic monitoring and 1542
continuous alcohol monitoring, imposed under this division shall 1543
not extend beyond the child's twenty-first birthday. If a court 1544
imposes a period of house arrest with electronic monitoring or 1545
continuous alcohol monitoring or both electronic monitoring and 1546
continuous alcohol monitoring, upon a child under this division, 1547
it shall require the child: to remain in the child's home or other 1548
specified premises for the entire period of house arrest with 1549
electronic monitoring or continuous alcohol monitoring or both 1550
except when the court permits the child to leave those premises to 1551
go to school or to other specified premises. Regarding electronic 1552
monitoring, the court also shall require the child to be monitored 1553
by a central system that can determine the child's location at 1554
designated times; to report periodically to a person designated by 1555
the court; and to enter into a written contract with the court 1556
agreeing to comply with all requirements imposed by the court, 1557
agreeing to pay any fee imposed by the court for the costs of the 1558
house arrest with electronic monitoring, and agreeing to waive the 1559
right to receive credit for any time served on house arrest with 1560
electronic monitoring toward the period of any other dispositional 1561
order imposed upon the child if the child violates any of the 1562
requirements of the dispositional order of house arrest with 1563
electronic monitoring. The court also may impose other reasonable 1564
requirements upon the child. 1565

Unless ordered by the court, a child shall not receive credit 1566
for any time served on house arrest with electronic monitoring or 1567
continuous alcohol monitoring or both toward any other 1568
dispositional order imposed upon the child for the act for which 1569
was imposed the dispositional order of house arrest with 1570
electronic monitoring or continuous alcohol monitoring. As used in 1571
this division and division (A)(4)(1) of this section, "continuous 1572
alcohol monitoring" has the same meaning as in section 2929.01 of 1573

the Revised Code. 1574

(1) A suspension of the driver's license, probationary 1575
driver's license, or temporary instruction permit issued to the 1576
child for a period of time prescribed by the court, or a 1577
suspension of the registration of all motor vehicles registered in 1578
the name of the child for a period of time prescribed by the 1579
court. A child whose license or permit is so suspended is 1580
ineligible for issuance of a license or permit during the period 1581
of suspension. At the end of the period of suspension, the child 1582
shall not be reissued a license or permit until the child has paid 1583
any applicable reinstatement fee and complied with all 1584
requirements governing license reinstatement. 1585

(5) Commit the child to the custody of the court; 1586

(6) Require the child to not be absent without legitimate 1587
excuse from the public school the child is supposed to attend for 1588
five or more consecutive days, seven or more school days in one 1589
school month, or twelve or more school days in a school year; 1590

(7)(a) If a child is adjudicated a delinquent child for being 1591
a chronic truant or a habitual truant who previously has been 1592
adjudicated an unruly child for being a habitual truant, do either 1593
or both of the following: 1594

(i) Require the child to participate in a truancy prevention 1595
mediation program; 1596

(ii) Make any order of disposition as authorized by this 1597
section, except that the court shall not commit the child to a 1598
facility described in division (A)(2) or (3) of this section 1599
unless the court determines that the child violated a lawful court 1600
order made pursuant to division (C)(1)(e) of section 2151.354 of 1601
the Revised Code or division (A)(6) of this section. 1602

(b) If a child is adjudicated a delinquent child for being a 1603
chronic truant or a habitual truant who previously has been 1604

adjudicated an unruly child for being a habitual truant and the 1605
court determines that the parent, guardian, or other person having 1606
care of the child has failed to cause the child's attendance at 1607
school in violation of section 3321.38 of the Revised Code, do 1608
either or both of the following: 1609

(i) Require the parent, guardian, or other person having care 1610
of the child to participate in a truancy prevention mediation 1611
program; 1612

(ii) Require the parent, guardian, or other person having 1613
care of the child to participate in any community service program, 1614
preferably a community service program that requires the 1615
involvement of the parent, guardian, or other person having care 1616
of the child in the school attended by the child. 1617

(8) Make any further disposition that the court finds proper, 1618
except that the child shall not be placed in any of the following: 1619

(a) A state correctional institution, a county, multicounty, 1620
or municipal jail or workhouse, or another place in which an adult 1621
convicted of a crime, under arrest, or charged with a crime is 1622
held; 1623

(b) A community corrections facility, if the child would be 1624
covered by the definition of public safety beds for purposes of 1625
sections 5139.41 to 5139.43 of the Revised Code if the court 1626
exercised its authority to commit the child to the legal custody 1627
of the department of youth services for institutionalization or 1628
institutionalization in a secure facility pursuant to this 1629
chapter. 1630

(B) If a child is adjudicated a delinquent child, in addition 1631
to any order of disposition made under division (A) of this 1632
section, the court, in the following situations and for the 1633
specified periods of time, shall suspend the child's temporary 1634
instruction permit, restricted license, probationary driver's 1635

license, or nonresident operating privilege, or suspend the 1636
child's ability to obtain such a permit: 1637

(1) If the child is adjudicated a delinquent child for 1638
violating section 2923.122 of the Revised Code, impose a class 1639
four suspension of the child's license, permit, or privilege from 1640
the range specified in division (A)(4) of section 4510.02 of the 1641
Revised Code or deny the child the issuance of a license or permit 1642
in accordance with division (F)(1) of section 2923.122 of the 1643
Revised Code. 1644

(2) If the child is adjudicated a delinquent child for 1645
committing an act that if committed by an adult would be a drug 1646
abuse offense or for violating division (B) of section 2917.11 of 1647
the Revised Code, suspend the child's license, permit, or 1648
privilege for a period of time prescribed by the court. The court, 1649
in its discretion, may terminate the suspension if the child 1650
attends and satisfactorily completes a drug abuse or alcohol abuse 1651
education, intervention, or treatment program specified by the 1652
court. During the time the child is attending a program described 1653
in this division, the court shall retain the child's temporary 1654
instruction permit, probationary driver's license, or driver's 1655
license, and the court shall return the permit or license if it 1656
terminates the suspension as described in this division. 1657

(C) The court may establish a victim-offender mediation 1658
program in which victims and their offenders meet to discuss the 1659
offense and suggest possible restitution. If the court obtains the 1660
assent of the victim of the delinquent act committed by the child, 1661
the court may require the child to participate in the program. 1662

(D)(1) If a child is adjudicated a delinquent child for 1663
committing an act that would be a felony if committed by an adult 1664
and if the child caused, attempted to cause, threatened to cause, 1665
or created a risk of physical harm to the victim of the act, the 1666
court, prior to issuing an order of disposition under this 1667

section, shall order the preparation of a victim impact statement 1668
by the probation department of the county in which the victim of 1669
the act resides, by the court's own probation department, or by a 1670
victim assistance program that is operated by the state, a county, 1671
a municipal corporation, or another governmental entity. The court 1672
shall consider the victim impact statement in determining the 1673
order of disposition to issue for the child. 1674

(2) Each victim impact statement shall identify the victim of 1675
the act for which the child was adjudicated a delinquent child, 1676
itemize any economic loss suffered by the victim as a result of 1677
the act, identify any physical injury suffered by the victim as a 1678
result of the act and the seriousness and permanence of the 1679
injury, identify any change in the victim's personal welfare or 1680
familial relationships as a result of the act and any 1681
psychological impact experienced by the victim or the victim's 1682
family as a result of the act, and contain any other information 1683
related to the impact of the act upon the victim that the court 1684
requires. 1685

(3) A victim impact statement shall be kept confidential and 1686
is not a public record. However, the court may furnish copies of 1687
the statement to the department of youth services if the 1688
delinquent child is committed to the department or to both the 1689
adjudicated delinquent child or the adjudicated delinquent child's 1690
counsel and the prosecuting attorney. The copy of a victim impact 1691
statement furnished by the court to the department pursuant to 1692
this section shall be kept confidential and is not a public 1693
record. If an officer is preparing pursuant to section 2947.06 or 1694
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 1695
investigation report pertaining to a person, the court shall make 1696
available to the officer, for use in preparing the report, a copy 1697
of any victim impact statement regarding that person. The copies 1698
of a victim impact statement that are made available to the 1699

adjudicated delinquent child or the adjudicated delinquent child's 1700
counsel and the prosecuting attorney pursuant to this division 1701
shall be returned to the court by the person to whom they were 1702
made available immediately following the imposition of an order of 1703
disposition for the child under this chapter. 1704

The copy of a victim impact statement that is made available 1705
pursuant to this division to an officer preparing a criminal 1706
presentence investigation report shall be returned to the court by 1707
the officer immediately following its use in preparing the report. 1708

(4) The department of youth services shall work with local 1709
probation departments and victim assistance programs to develop a 1710
standard victim impact statement. 1711

(E) If a child is adjudicated a delinquent child for being a 1712
chronic truant or a habitual truant who previously has been 1713
adjudicated an unruly child for being a habitual truant and the 1714
court determines that the parent, guardian, or other person having 1715
care of the child has failed to cause the child's attendance at 1716
school in violation of section 3321.38 of the Revised Code, in 1717
addition to any order of disposition it makes under this section, 1718
the court shall warn the parent, guardian, or other person having 1719
care of the child that any subsequent adjudication of the child as 1720
an unruly or delinquent child for being a habitual or chronic 1721
truant may result in a criminal charge against the parent, 1722
guardian, or other person having care of the child for a violation 1723
of division (C) of section 2919.21 or section 2919.24 of the 1724
Revised Code. 1725

(F)(1) During the period of a delinquent child's community 1726
control granted under this section, authorized probation officers 1727
who are engaged within the scope of their supervisory duties or 1728
responsibilities may search, with or without a warrant, the person 1729
of the delinquent child, the place of residence of the delinquent 1730
child, and a motor vehicle, another item of tangible or intangible 1731

personal property, or other real property in which the delinquent 1732
child has a right, title, or interest or for which the delinquent 1733
child has the express or implied permission of a person with a 1734
right, title, or interest to use, occupy, or possess if the 1735
probation officers have reasonable grounds to believe that the 1736
delinquent child is not abiding by the law or otherwise is not 1737
complying with the conditions of the delinquent child's community 1738
control. The court that places a delinquent child on community 1739
control under this section shall provide the delinquent child with 1740
a written notice that informs the delinquent child that authorized 1741
probation officers who are engaged within the scope of their 1742
supervisory duties or responsibilities may conduct those types of 1743
searches during the period of community control if they have 1744
reasonable grounds to believe that the delinquent child is not 1745
abiding by the law or otherwise is not complying with the 1746
conditions of the delinquent child's community control. The court 1747
also shall provide the written notice described in division (E)(2) 1748
of this section to each parent, guardian, or custodian of the 1749
delinquent child who is described in that division. 1750

(2) The court that places a child on community control under 1751
this section shall provide the child's parent, guardian, or other 1752
custodian with a written notice that informs them that authorized 1753
probation officers may conduct searches pursuant to division 1754
(E)(1) of this section. The notice shall specifically state that a 1755
permissible search might extend to a motor vehicle, another item 1756
of tangible or intangible personal property, or a place of 1757
residence or other real property in which a notified parent, 1758
guardian, or custodian has a right, title, or interest and that 1759
the parent, guardian, or custodian expressly or impliedly permits 1760
the child to use, occupy, or possess. 1761

(G) If a juvenile court commits a delinquent child to the 1762
custody of any person, organization, or entity pursuant to this 1763

section and if the delinquent act for which the child is so 1764
committed is a sexually oriented offense ~~that is not a~~ 1765
~~registration-exempt sexually oriented offense~~ or is a child-victim 1766
oriented offense, the court in the order of disposition shall do 1767
one of the following: 1768

(1) Require that the child be provided treatment as described 1769
in division (A)(2) of section 5139.13 of the Revised Code; 1770

(2) Inform the person, organization, or entity that it is the 1771
preferred course of action in this state that the child be 1772
provided treatment as described in division (A)(2) of section 1773
5139.13 of the Revised Code and encourage the person, 1774
organization, or entity to provide that treatment. 1775

Sec. 2152.191. If a child is adjudicated a delinquent child 1776
for committing a sexually oriented offense ~~that is not a~~ 1777
~~registration-exempt sexually oriented offense~~ or ~~for committing a~~ 1778
child-victim oriented offense, if the child is fourteen years of 1779
age or older at the time of committing the offense, and if the 1780
child committed the offense on or after January 1, 2002, both of 1781
the following apply: 1782

(A) Sections 2152.82 to ~~2152.85~~ 2152.86 and Chapter 2950. of 1783
the Revised Code apply to the child and the adjudication. 1784

(B) In addition to any order of disposition it makes of the 1785
child under this chapter, the court may make any determination, 1786
adjudication, or order authorized under sections 2152.82 to 1787
~~2152.85~~ 2152.86 and Chapter 2950. of the Revised Code and shall 1788
make any determination, adjudication, or order required under 1789
those sections and that chapter. 1790

Sec. 2152.22. (A) When a child is committed to the legal 1791
custody of the department of youth services under this chapter, 1792
the juvenile court relinquishes control with respect to the child 1793

so committed, except as provided in divisions (B), (C), and (G) of 1794
this section or in sections 2152.82 to ~~2152.85~~ 2152.86 of the 1795
Revised Code. Subject to divisions (B) and (C) of this section, 1796
sections 2151.353 and 2151.412 to 2151.421 of the Revised Code, 1797
sections 2152.82 to ~~2152.85~~ 2152.86 of the Revised Code, and any 1798
other provision of law that specifies a different duration for a 1799
dispositional order, all other dispositional orders made by the 1800
court under this chapter shall be temporary and shall continue for 1801
a period that is designated by the court in its order, until 1802
terminated or modified by the court or until the child attains 1803
twenty-one years of age. 1804

The department shall not release the child from a department 1805
facility and as a result shall not discharge the child or order 1806
the child's release on supervised release prior to the expiration 1807
of the minimum period specified by the court in division (A)(1) of 1808
section 2152.16 of the Revised Code and any term of commitment 1809
imposed under section 2152.17 of the Revised Code or prior to the 1810
child's attainment of twenty-one years of age, except upon the 1811
order of a court pursuant to division (B) or (C) of this section 1812
or in accordance with section 5139.54 of the Revised Code. 1813

(B)(1) The court that commits a delinquent child to the 1814
department may grant judicial release of the child to court 1815
supervision under this division during the first half of the 1816
prescribed minimum term for which the child was committed to the 1817
department or, if the child was committed to the department until 1818
the child attains twenty-one years of age, during the first half 1819
of the prescribed period of commitment that begins on the first 1820
day of commitment and ends on the child's twenty-first birthday, 1821
provided any commitment imposed under division (A), (B), (C), or 1822
(D) of section 2152.17 of the Revised Code has ended. 1823

(2) If the department of youth services desires to release a 1824
child during a period specified in division (B)(1) of this 1825

section, it shall request the court that committed the child to 1826
grant a judicial release of the child to court supervision. During 1827
whichever of those periods is applicable, the child or the parents 1828
of the child also may request that court to grant a judicial 1829
release of the child to court supervision. Upon receipt of a 1830
request for a judicial release to court supervision from the 1831
department, the child, or the child's parent, or upon its own 1832
motion, the court that committed the child shall do one of the 1833
following: approve the release by journal entry; schedule within 1834
thirty days after the request is received a time for a hearing on 1835
whether the child is to be released; or reject the request by 1836
journal entry without conducting a hearing. 1837

If the court rejects an initial request for a release under 1838
this division by the child or the child's parent, the child or the 1839
child's parent may make one additional request for a judicial 1840
release to court supervision within the applicable period. The 1841
additional request may be made no earlier than thirty days after 1842
the filing of the prior request for a judicial release to court 1843
supervision. Upon the filing of a second request for a judicial 1844
release to court supervision, the court shall either approve or 1845
disapprove the release by journal entry or schedule within thirty 1846
days after the request is received a time for a hearing on whether 1847
the child is to be released. 1848

(3) If a court schedules a hearing under division (B)(2) of 1849
this section, it may order the department to deliver the child to 1850
the court on the date set for the hearing and may order the 1851
department to present to the court a report on the child's 1852
progress in the institution to which the child was committed and 1853
recommendations for conditions of supervision of the child by the 1854
court after release. The court may conduct the hearing without the 1855
child being present. The court shall determine at the hearing 1856
whether the child should be granted a judicial release to court 1857

supervision. 1858

If the court approves the release, it shall order its staff 1859
to prepare a written treatment and rehabilitation plan for the 1860
child that may include any conditions of the child's release that 1861
were recommended by the department and approved by the court. The 1862
committing court shall send the juvenile court of the county in 1863
which the child is placed a copy of the recommended plan. The 1864
court of the county in which the child is placed may adopt the 1865
recommended conditions set by the committing court as an order of 1866
the court and may add any additional consistent conditions it 1867
considers appropriate. If a child is granted a judicial release to 1868
court supervision, the release discharges the child from the 1869
custody of the department of youth services. 1870

(C)(1) The court that commits a delinquent child to the 1871
department may grant judicial release of the child to department 1872
of youth services supervision under this division during the 1873
second half of the prescribed minimum term for which the child was 1874
committed to the department or, if the child was committed to the 1875
department until the child attains twenty-one years of age, during 1876
the second half of the prescribed period of commitment that begins 1877
on the first day of commitment and ends on the child's 1878
twenty-first birthday, provided any commitment imposed under 1879
division (A), (B), (C), or (D) of section 2152.17 of the Revised 1880
Code has ended. 1881

(2) If the department of youth services desires to release a 1882
child during a period specified in division (C)(1) of this 1883
section, it shall request the court that committed the child to 1884
grant a judicial release to department of youth services 1885
supervision. During whichever of those periods is applicable, the 1886
child or the child's parent also may request the court that 1887
committed the child to grant a judicial release to department of 1888
youth services supervision. Upon receipt of a request for judicial 1889

release to department of youth services supervision, the child, or 1890
the child's parent, or upon its own motion at any time during that 1891
period, the court shall do one of the following: approve the 1892
release by journal entry; schedule a time within thirty days after 1893
receipt of the request for a hearing on whether the child is to be 1894
released; or reject the request by journal entry without 1895
conducting a hearing. 1896

If the court rejects an initial request for release under 1897
this division by the child or the child's parent, the child or the 1898
child's parent may make one or more subsequent requests for a 1899
release within the applicable period, but may make no more than 1900
one request during each period of ninety days that the child is in 1901
a secure department facility after the filing of a prior request 1902
for early release. Upon the filing of a request for release under 1903
this division subsequent to an initial request, the court shall 1904
either approve or disapprove the release by journal entry or 1905
schedule a time within thirty days after receipt of the request 1906
for a hearing on whether the child is to be released. 1907

(3) If a court schedules a hearing under division (C)(2) of 1908
this section, it may order the department to deliver the child to 1909
the court on the date set for the hearing and shall order the 1910
department to present to the court at that time a treatment plan 1911
for the child's post-institutional care. The court may conduct the 1912
hearing without the child being present. The court shall determine 1913
at the hearing whether the child should be granted a judicial 1914
release to department of youth services supervision. 1915

If the court approves the judicial release to department of 1916
youth services supervision, the department shall prepare a written 1917
treatment and rehabilitation plan for the child pursuant to 1918
division (E) of this section that shall include the conditions of 1919
the child's release. It shall send the committing court and the 1920
juvenile court of the county in which the child is placed a copy 1921

of the plan. The court of the county in which the child is placed 1922
may adopt the conditions set by the department as an order of the 1923
court and may add any additional consistent conditions it 1924
considers appropriate, provided that the court may not add any 1925
condition that decreases the level or degree of supervision 1926
specified by the department in its plan, that substantially 1927
increases the financial burden of supervision that will be 1928
experienced by the department, or that alters the placement 1929
specified by the department in its plan. If the court of the 1930
county in which the child is placed adds to the department's plan 1931
any additional conditions, it shall enter those additional 1932
conditions in its journal and shall send to the department a copy 1933
of the journal entry of the additional conditions. 1934

If the court approves the judicial release to department of 1935
youth services supervision, the actual date on which the 1936
department shall release the child is contingent upon the 1937
department finding a suitable placement for the child. If the 1938
child is to be returned to the child's home, the department shall 1939
return the child on the date that the court schedules for the 1940
child's release or shall bear the expense of any additional time 1941
that the child remains in a department facility. If the child is 1942
unable to return to the child's home, the department shall 1943
exercise reasonable diligence in finding a suitable placement for 1944
the child, and the child shall remain in a department facility 1945
while the department finds the suitable placement. 1946

(D) If a child is released under division (B) or (C) of this 1947
section and the court of the county in which the child is placed 1948
has reason to believe that the child's department is not in 1949
accordance with the conditions of the child's judicial release, 1950
the court of the county in which the child is placed shall 1951
schedule a time for a hearing to determine whether the child 1952
violated any of the post-release conditions, and, if the child was 1953

released under division (C) of this section, divisions (A) to (E) 1954
of section 5139.52 of the Revised Code apply regarding the child. 1955

If that court determines at the hearing that the child 1956
violated any of the post-release conditions, the court, if it 1957
determines that the violation was a serious violation, may order 1958
the child to be returned to the department for 1959
institutionalization, consistent with the original order of 1960
commitment of the child, or in any case may make any other 1961
disposition of the child authorized by law that the court 1962
considers proper. If the court of the county in which the child is 1963
placed orders the child to be returned to a department of youth 1964
services institution, the time during which the child was held in 1965
a secure department facility prior to the child's judicial release 1966
shall be considered as time served in fulfilling the prescribed 1967
period of institutionalization that is applicable to the child 1968
under the child's original order of commitment. If the court 1969
orders the child returned to a department institution, the child 1970
shall remain in institutional care for a minimum of three months 1971
or until the child successfully completes a revocation program of 1972
a duration of not less than thirty days operated either by the 1973
department or by an entity with which the department has 1974
contracted to provide a revocation program. 1975

(E) The department of youth services, prior to the release of 1976
a child pursuant to division (C) of this section, shall do all of 1977
the following: 1978

(1) After reviewing the child's rehabilitative progress 1979
history and medical and educational records, prepare a written 1980
treatment and rehabilitation plan for the child that includes 1981
conditions of the release; 1982

(2) Completely discuss the conditions of the plan prepared 1983
pursuant to division (E)(1) of this section and the possible 1984
penalties for violation of the plan with the child and the child's 1985

parents, guardian, or legal custodian; 1986

(3) Have the plan prepared pursuant to division (E)(1) of 1987
this section signed by the child, the child's parents, legal 1988
guardian, or custodian, and any authority or person that is to 1989
supervise, control, and provide supportive assistance to the child 1990
at the time of the child's release pursuant to division (C) of 1991
this section; 1992

(4) Prior to the child's release, file a copy of the 1993
treatment plan prepared pursuant to division (E)(1) of this 1994
section with the committing court and the juvenile court of the 1995
county in which the child is to be placed. 1996

(F) The department of youth services shall file a written 1997
progress report with the committing court regarding each child 1998
released pursuant to division (C) of this section at least once 1999
every thirty days unless specifically directed otherwise by the 2000
court. The report shall indicate the treatment and rehabilitative 2001
progress of the child and the child's family, if applicable, and 2002
shall include any suggestions for altering the program, custody, 2003
living arrangements, or treatment. The department shall retain 2004
legal custody of a child so released until it discharges the child 2005
or until the custody is terminated as otherwise provided by law. 2006

(G) When a child is committed to the legal custody of the 2007
department of youth services, the court retains jurisdiction to 2008
perform the functions specified in section 5139.51 of the Revised 2009
Code with respect to the granting of supervised release by the 2010
release authority and to perform the functions specified in 2011
section 5139.52 of the Revised Code with respect to violations of 2012
the conditions of supervised release granted by the release 2013
authority and to the revocation of supervised release granted by 2014
the release authority. 2015

Sec. ~~2152.821~~ 2152.811. (A) As used in this section: 2016

(1) "Mentally retarded person" and "developmentally disabled person" have the same meanings as in section 5123.01 of the Revised Code.

(2) "Mentally retarded or developmentally disabled victim" includes any of the following persons:

(a) A mentally retarded person or developmentally disabled person who was a victim of a violation identified in division (B)(1) of this section or an act that would be an offense of violence if committed by an adult;

(b) A mentally retarded person or developmentally disabled person against whom was directed any conduct that constitutes, or that is an element of, a violation identified in division (B)(1) of this section or an act that would be an offense of violence if committed by an adult.

(B)(1) In any proceeding in juvenile court involving a complaint, indictment, or information in which a child is charged with a violation of section 2903.16, 2903.34, 2903.341, 2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code or an act that would be an offense of violence if committed by an adult and in which an alleged victim of the violation or act was a mentally retarded person or developmentally disabled person, the juvenile judge, upon motion of the prosecution, shall order that the testimony of the mentally retarded or developmentally disabled victim be taken by deposition. The prosecution also may request that the deposition be videotaped in accordance with division (B)(2) of this section. The judge shall notify the mentally retarded or developmentally disabled victim whose deposition is to be taken, the prosecution, and the attorney for the child who is charged with the violation or act of the date, time, and place for taking the deposition. The notice shall identify the mentally retarded or developmentally disabled victim who is to be examined and shall

indicate whether a request that the deposition be videotaped has 2049
been made. The child who is charged with the violation or act 2050
shall have the right to attend the deposition and the right to be 2051
represented by counsel. Depositions shall be taken in the manner 2052
provided in civil cases, except that the judge in the proceeding 2053
shall preside at the taking of the deposition and shall rule at 2054
that time on any objections of the prosecution or the attorney for 2055
the child charged with the violation or act. The prosecution and 2056
the attorney for the child charged with the violation or act shall 2057
have the right, as at an adjudication hearing, to full examination 2058
and cross-examination of the mentally retarded or developmentally 2059
disabled victim whose deposition is to be taken. 2060

If a deposition taken under this division is intended to be 2061
offered as evidence in the proceeding, it shall be filed in the 2062
juvenile court in which the action is pending and is admissible in 2063
the manner described in division (C) of this section. If a 2064
deposition of a mentally retarded or developmentally disabled 2065
victim taken under this division is admitted as evidence at the 2066
proceeding under division (C) of this section, the mentally 2067
retarded or developmentally disabled victim shall not be required 2068
to testify in person at the proceeding. 2069

At any time before the conclusion of the proceeding, the 2070
attorney for the child charged with the violation or act may file 2071
a motion with the judge requesting that another deposition of the 2072
mentally retarded or developmentally disabled victim be taken 2073
because new evidence material to the defense of the child charged 2074
has been discovered that the attorney for the child charged could 2075
not with reasonable diligence have discovered prior to the taking 2076
of the admitted deposition. Any motion requesting another 2077
deposition shall be accompanied by supporting affidavits. Upon the 2078
filing of the motion and affidavits, the court may order that 2079
additional testimony of the mentally retarded or developmentally 2080

disabled victim relative to the new evidence be taken by another 2081
deposition. If the court orders the taking of another deposition 2082
under this provision, the deposition shall be taken in accordance 2083
with this division. If the admitted deposition was a videotaped 2084
deposition taken in accordance with division (B)(2) of this 2085
section, the new deposition also shall be videotaped in accordance 2086
with that division. In other cases, the new deposition may be 2087
videotaped in accordance with that division. 2088

(2) If the prosecution requests that a deposition to be taken 2089
under division (B)(1) of this section be videotaped, the juvenile 2090
judge shall order that the deposition be videotaped in accordance 2091
with this division. If a juvenile judge issues an order to video 2092
tape the deposition, the judge shall exclude from the room in 2093
which the deposition is to be taken every person except the 2094
mentally retarded or developmentally disabled victim giving the 2095
testimony, the judge, one or more interpreters if needed, the 2096
attorneys for the prosecution and the child who is charged with 2097
the violation or act, any person needed to operate the equipment 2098
to be used, one person chosen by the mentally retarded or 2099
developmentally disabled victim giving the deposition, and any 2100
person whose presence the judge determines would contribute to the 2101
welfare and well-being of the mentally retarded or developmentally 2102
disabled victim giving the deposition. The person chosen by the 2103
mentally retarded or developmentally disabled victim shall not be 2104
a witness in the proceeding and, both before and during the 2105
deposition, shall not discuss the testimony of the victim with any 2106
other witness in the proceeding. To the extent feasible, any 2107
person operating the recording equipment shall be restricted to a 2108
room adjacent to the room in which the deposition is being taken, 2109
or to a location in the room in which the deposition is being 2110
taken that is behind a screen or mirror so that the person 2111
operating the recording equipment can see and hear, but cannot be 2112
seen or heard by, the mentally retarded or developmentally 2113

disabled victim giving the deposition during the deposition. 2114

The child who is charged with the violation or act shall be 2115
permitted to observe and hear the testimony of the mentally 2116
retarded or developmentally disabled victim giving the deposition 2117
on a monitor, shall be provided with an electronic means of 2118
immediate communication with the attorney of the child who is 2119
charged with the violation or act during the testimony, and shall 2120
be restricted to a location from which the child who is charged 2121
with the violation or act cannot be seen or heard by the mentally 2122
retarded or developmentally disabled victim giving the deposition, 2123
except on a monitor provided for that purpose. The mentally 2124
retarded or developmentally disabled victim giving the deposition 2125
shall be provided with a monitor on which the mentally retarded or 2126
developmentally disabled victim can observe, while giving 2127
testimony, the child who is charged with the violation or act. The 2128
judge, at the judge's discretion, may preside at the deposition by 2129
electronic means from outside the room in which the deposition is 2130
to be taken; if the judge presides by electronic means, the judge 2131
shall be provided with monitors on which the judge can see each 2132
person in the room in which the deposition is to be taken and with 2133
an electronic means of communication with each person in that 2134
room, and each person in the room shall be provided with a monitor 2135
on which that person can see the judge and with an electronic 2136
means of communication with the judge. A deposition that is 2137
videotaped under this division shall be taken and filed in the 2138
manner described in division (B)(1) of this section and is 2139
admissible in the manner described in this division and division 2140
(C) of this section. If a deposition that is videotaped under this 2141
division is admitted as evidence at the proceeding, the mentally 2142
retarded or developmentally disabled victim shall not be required 2143
to testify in person at the proceeding. No deposition videotaped 2144
under this division shall be admitted as evidence at any 2145
proceeding unless division (C) of this section is satisfied 2146

relative to the deposition and all of the following apply relative 2147
to the recording: 2148

(a) The recording is both aural and visual and is recorded on 2149
film or videotape, or by other electronic means. 2150

(b) The recording is authenticated under the Rules of 2151
Evidence and the Rules of Criminal Procedure as a fair and 2152
accurate representation of what occurred, and the recording is not 2153
altered other than at the direction and under the supervision of 2154
the judge in the proceeding. 2155

(c) Each voice on the recording that is material to the 2156
testimony on the recording or the making of the recording, as 2157
determined by the judge, is identified. 2158

(d) Both the prosecution and the child who is charged with 2159
the violation or act are afforded an opportunity to view the 2160
recording before it is shown in the proceeding. 2161

(C)(1) At any proceeding in relation to which a deposition 2162
was taken under division (B) of this section, the deposition or a 2163
part of it is admissible in evidence upon motion of the 2164
prosecution if the testimony in the deposition or the part to be 2165
admitted is not excluded by the hearsay rule and if the deposition 2166
or the part to be admitted otherwise is admissible under the Rules 2167
of Evidence. For purposes of this division, testimony is not 2168
excluded by the hearsay rule if the testimony is not hearsay under 2169
Evidence Rule 801; the testimony is within an exception to the 2170
hearsay rule set forth in Evidence Rule 803; the mentally retarded 2171
or developmentally disabled victim who gave the testimony is 2172
unavailable as a witness, as defined in Evidence Rule 804, and the 2173
testimony is admissible under that rule; or both of the following 2174
apply: 2175

(a) The child who is charged with the violation or act had an 2176
opportunity and similar motive at the time of the taking of the 2177

deposition to develop the testimony by direct, cross, or redirect 2178
examination. 2179

(b) The judge determines that there is reasonable cause to 2180
believe that, if the mentally retarded or developmentally disabled 2181
victim who gave the testimony in the deposition were to testify in 2182
person at the proceeding, the mentally retarded or developmentally 2183
disabled victim would experience serious emotional trauma as a 2184
result of the mentally retarded or developmentally disabled 2185
victim's participation at the proceeding. 2186

(2) Objections to receiving in evidence a deposition or a 2187
part of it under division (C) of this section shall be made as 2188
provided in civil actions. 2189

(3) The provisions of divisions (B) and (C) of this section 2190
are in addition to any other provisions of the Revised Code, the 2191
Rules of Juvenile Procedure, the Rules of Criminal Procedure, or 2192
the Rules of Evidence that pertain to the taking or admission of 2193
depositions in a juvenile court proceeding and do not limit the 2194
admissibility under any of those other provisions of any 2195
deposition taken under division (B) of this section or otherwise 2196
taken. 2197

(D) In any proceeding in juvenile court involving a 2198
complaint, indictment, or information in which a child is charged 2199
with a violation listed in division (B)(1) of this section or an 2200
act that would be an offense of violence if committed by an adult 2201
and in which an alleged victim of the violation or offense was a 2202
mentally retarded or developmentally disabled person, the 2203
prosecution may file a motion with the juvenile judge requesting 2204
the judge to order the testimony of the mentally retarded or 2205
developmentally disabled victim to be taken in a room other than 2206
the room in which the proceeding is being conducted and be 2207
televised, by closed circuit equipment, into the room in which the 2208
proceeding is being conducted to be viewed by the child who is 2209

charged with the violation or act and any other persons who are 2210
not permitted in the room in which the testimony is to be taken 2211
but who would have been present during the testimony of the 2212
mentally retarded or developmentally disabled victim had it been 2213
given in the room in which the proceeding is being conducted. 2214
Except for good cause shown, the prosecution shall file a motion 2215
under this division at least seven days before the date of the 2216
proceeding. The juvenile judge may issue the order upon the motion 2217
of the prosecution filed under this division, if the judge 2218
determines that the mentally retarded or developmentally disabled 2219
victim is unavailable to testify in the room in which the 2220
proceeding is being conducted in the physical presence of the 2221
child charged with the violation or act for one or more of the 2222
reasons set forth in division (F) of this section. If a juvenile 2223
judge issues an order of that nature, the judge shall exclude from 2224
the room in which the testimony is to be taken every person except 2225
a person described in division (B)(2) of this section. The judge, 2226
at the judge's discretion, may preside during the giving of the 2227
testimony by electronic means from outside the room in which it is 2228
being given, subject to the limitations set forth in division 2229
(B)(2) of this section. To the extent feasible, any person 2230
operating the televising equipment shall be hidden from the sight 2231
and hearing of the mentally retarded or developmentally disabled 2232
victim giving the testimony, in a manner similar to that described 2233
in division (B)(2) of this section. The child who is charged with 2234
the violation or act shall be permitted to observe and hear the 2235
testimony of the mentally retarded or developmentally disabled 2236
victim giving the testimony on a monitor, shall be provided with 2237
an electronic means of immediate communication with the attorney 2238
of the child who is charged with the violation or act during the 2239
testimony, and shall be restricted to a location from which the 2240
child who is charged with the violation or act cannot be seen or 2241
heard by the mentally retarded or developmentally disabled victim 2242

giving the testimony, except on a monitor provided for that 2243
purpose. The mentally retarded or developmentally disabled victim 2244
giving the testimony shall be provided with a monitor on which the 2245
mentally retarded or developmentally disabled victim can observe, 2246
while giving testimony, the child who is charged with the 2247
violation or act. 2248

(E) In any proceeding in juvenile court involving a 2249
complaint, indictment, or information in which a child is charged 2250
with a violation listed in division (B)(1) of this section or an 2251
act that would be an offense of violence if committed by an adult 2252
and in which an alleged victim of the violation or offense was a 2253
mentally retarded or developmentally disabled person, the 2254
prosecution may file a motion with the juvenile judge requesting 2255
the judge to order the testimony of the mentally retarded or 2256
developmentally disabled victim to be taken outside of the room in 2257
which the proceeding is being conducted and be recorded for 2258
showing in the room in which the proceeding is being conducted 2259
before the judge, the child who is charged with the violation or 2260
act, and any other persons who would have been present during the 2261
testimony of the mentally retarded or developmentally disabled 2262
victim had it been given in the room in which the proceeding is 2263
being conducted. Except for good cause shown, the prosecution 2264
shall file a motion under this division at least seven days before 2265
the date of the proceeding. The juvenile judge may issue the order 2266
upon the motion of the prosecution filed under this division, if 2267
the judge determines that the mentally retarded or developmentally 2268
disabled victim is unavailable to testify in the room in which the 2269
proceeding is being conducted in the physical presence of the 2270
child charged with the violation or act, due to one or more of the 2271
reasons set forth in division (F) of this section. If a juvenile 2272
judge issues an order of that nature, the judge shall exclude from 2273
the room in which the testimony is to be taken every person except 2274
a person described in division (B)(2) of this section. To the 2275

extent feasible, any person operating the recording equipment 2276
shall be hidden from the sight and hearing of the mentally 2277
retarded or developmentally disabled victim giving the testimony, 2278
in a manner similar to that described in division (B)(2) of this 2279
section. The child who is charged with the violation or act shall 2280
be permitted to observe and hear the testimony of the mentally 2281
retarded or developmentally disabled victim giving the testimony 2282
on a monitor, shall be provided with an electronic means of 2283
immediate communication with the attorney of the child who is 2284
charged with the violation or act during the testimony, and shall 2285
be restricted to a location from which the child who is charged 2286
with the violation or act cannot be seen or heard by the mentally 2287
retarded or developmentally disabled victim giving the testimony, 2288
except on a monitor provided for that purpose. The mentally 2289
retarded or developmentally disabled victim giving the testimony 2290
shall be provided with a monitor on which the mentally retarded or 2291
developmentally disabled victim can observe, while giving 2292
testimony, the child who is charged with the violation or act. No 2293
order for the taking of testimony by recording shall be issued 2294
under this division unless the provisions set forth in divisions 2295
(B)(2)(a), (b), (c), and (d) of this section apply to the 2296
recording of the testimony. 2297

(F) For purposes of divisions (D) and (E) of this section, a 2298
juvenile judge may order the testimony of a mentally retarded or 2299
developmentally disabled victim to be taken outside of the room in 2300
which a proceeding is being conducted if the judge determines that 2301
the mentally retarded or developmentally disabled victim is 2302
unavailable to testify in the room in the physical presence of the 2303
child charged with the violation or act due to one or more of the 2304
following circumstances: 2305

(1) The persistent refusal of the mentally retarded or 2306
developmentally disabled victim to testify despite judicial 2307

requests to do so; 2308

(2) The inability of the mentally retarded or developmentally 2309
disabled victim to communicate about the alleged violation or 2310
offense because of extreme fear, failure of memory, or another 2311
similar reason; 2312

(3) The substantial likelihood that the mentally retarded or 2313
developmentally disabled victim will suffer serious emotional 2314
trauma from so testifying. 2315

(G)(1) If a juvenile judge issues an order pursuant to 2316
division (D) or (E) of this section that requires the testimony of 2317
a mentally retarded or developmentally disabled victim in a 2318
juvenile court proceeding to be taken outside of the room in which 2319
the proceeding is being conducted, the order shall specifically 2320
identify the mentally retarded or developmentally disabled victim 2321
to whose testimony it applies, the order applies only during the 2322
testimony of the specified mentally retarded or developmentally 2323
disabled victim, and the mentally retarded or developmentally 2324
disabled victim giving the testimony shall not be required to 2325
testify at the proceeding other than in accordance with the order. 2326
The authority of a judge to close the taking of a deposition under 2327
division (B)(2) of this section or a proceeding under division (D) 2328
or (E) of this section is in addition to the authority of a judge 2329
to close a hearing pursuant to section 2151.35 of the Revised 2330
Code. 2331

(2) A juvenile judge who makes any determination regarding 2332
the admissibility of a deposition under divisions (B) and (C) of 2333
this section, the videotaping of a deposition under division 2334
(B)(2) of this section, or the taking of testimony outside of the 2335
room in which a proceeding is being conducted under division (D) 2336
or (E) of this section shall enter the determination and findings 2337
on the record in the proceeding. 2338

Sec. 2152.82. (A) The court that adjudicates a child a 2339
delinquent child shall issue as part of the dispositional order an 2340
order that classifies the child a juvenile offender registrant and 2341
specifies that the child has a duty to comply with sections 2342
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if all 2343
of the following apply: 2344

(1) The act for which the child is adjudicated a delinquent 2345
child is a sexually oriented offense ~~that is not a~~ 2346
~~registration-exempt sexually oriented offense~~ or is a child-victim 2347
oriented offense that the child committed on or after January 1, 2348
2002. 2349

(2) The child was fourteen, fifteen, sixteen, or seventeen 2350
years of age at the time of committing the offense. 2351

(3) The court has determined that the child previously was 2352
~~convicted of, pleaded guilty to, or was~~ adjudicated a delinquent 2353
child for committing any sexually oriented offense or child-victim 2354
oriented offense, regardless of when the prior offense was 2355
committed and regardless of the child's age at the time of 2356
committing the offense. 2357

(4) The court is not required to classify the child as both a 2358
juvenile offender registrant and a public registry-qualified 2359
juvenile offender registrant under section 2152.86 of the Revised 2360
Code. 2361

(B) An order required under division (A) of this section 2362
shall be issued at the time the judge makes the ~~orders~~ order of 2363
disposition for the delinquent child. Prior to issuing the order 2364
required by division (A) of this section, the judge shall conduct 2365
~~the hearing and make the determinations required by division (B)~~ 2366
~~of section 2950.09 of the Revised Code regarding a sexually~~ 2367
~~oriented offense that is not a registration-exempt sexually~~ 2368
~~oriented offense or division (B) of section 2950.091 of the~~ 2369

~~Revised Code regarding a child victim oriented offense to~~ 2370
~~determine if the child is to be classified a sexual predator or a~~ 2371
~~child victim predator, shall make the determinations required by~~ 2372
~~division (E) of section 2950.09 of the Revised Code regarding a~~ 2373
~~sexually oriented offense that is not a registration exempt~~ 2374
~~sexually oriented offense or division (E) of section 2950.091 of~~ 2375
~~the Revised Code regarding a child victim oriented offense to~~ 2376
~~determine if the child is to be classified a habitual sex offender~~ 2377
~~or a habitual child victim offender, and shall otherwise comply~~ 2378
~~with those divisions~~ a hearing under section 2152.831 of the 2379
Revised Code to determine whether the child is a tier I sex 2380
offender/child-victim offender, a tier II sex 2381
offender/child-victim offender, or a tier III sex 2382
offender/child-victim offender. If the court determines that the 2383
delinquent child to whom the order applies is a tier III sex 2384
offender/child-victim offender and the child is not a public 2385
registry-qualified juvenile offender registrant, the judge may 2386
impose a requirement subjecting the child to the victim and 2387
community notification provisions of sections 2950.10 and 2950.11 2388
of the Revised Code. When a judge issues an order under division 2389
(A) of this section, all of the following apply: 2390

(1) ~~The judge shall include in the order any determination~~ 2391
~~that the delinquent child is, or is not, a sexual predator or~~ 2392
~~child victim predator or is, or is not, a habitual sex offender or~~ 2393
~~habitual child victim offender that the judge makes pursuant to~~ 2394
~~division (B) or (E) of section 2950.09 or 2950.091 of the Revised~~ 2395
~~Code and any related information required or authorized under the~~ 2396
~~division under which the determination is made, including, but not~~ 2397
~~limited to, any requirement imposed by the court subjecting a~~ 2398
~~child who is a habitual sex offender or habitual child victim~~ 2399
~~offender to community notification provisions as described in~~ 2400
~~division (E) of section 2950.09 or 2950.091 of the Revised Code.~~ 2401

~~(2)~~ The judge shall include in the order a statement that, 2402
upon completion of the disposition of the delinquent child that 2403
was made for the sexually oriented offense or child-victim 2404
oriented offense upon which the order is based, a hearing will be 2405
conducted, and the order and any determinations included in the 2406
order are subject to modification or termination pursuant to 2407
sections 2152.84 and 2152.85 of the Revised Code. 2408

~~(3)~~(2) The judge shall provide to the delinquent child and to 2409
the delinquent child's parent, guardian, or custodian the notice 2410
required under divisions (A) and (B) of section 2950.03 of the 2411
Revised Code and shall provide as part of that notice a copy of 2412
the order. 2413

~~(4)~~(3) The judge shall include the order in the delinquent 2414
child's dispositional order and shall specify in the dispositional 2415
order that the order issued under division (A) of this section was 2416
made pursuant to this section. 2417

(4) If the court determines that the delinquent child to whom 2418
the order applies is a tier III sex offender/child-victim 2419
offender, if the child is not a public registry-qualified juvenile 2420
offender registrant, and if the judge imposes a requirement 2421
subjecting the child to the victim and community notification 2422
provisions of sections 2950.10 and 2950.11 of the Revised Code, 2423
the judge shall include the requirement in the order. 2424

(5) The court shall include in the order its determination 2425
made at the hearing held under section 2151.831 of the Revised 2426
Code as to whether the delinquent child is a tier I sex 2427
offender/child-victim offender, a tier II sex 2428
offender/child-victim offender, or a tier III sex 2429
offender/child-victim offender. 2430

(C) ~~An~~ Except as provided in division (D) of this section, an 2431
order issued under division (A) of this section and any 2432

determinations included in the order shall remain in effect for 2433
the period of time specified in section 2950.07 of the Revised 2434
Code, subject to a modification or termination of the order under 2435
section 2152.84 or 2152.85 of the Revised Code, and section 2436
2152.851 of the Revised Code applies regarding the order and the 2437
determinations. If an order is issued under division (A) of this 2438
section, the child's attainment of eighteen or twenty-one years of 2439
age does not affect or terminate the order, and the order remains 2440
in effect for the period of time described in this division. 2441

(D) ~~A court that adjudicates a child a delinquent child for a~~ 2442
~~sexually oriented offense that is a registration exempt sexually~~ 2443
~~oriented offense shall not issue based on that adjudication an~~ 2444
~~order under this section that classifies the child a juvenile~~ 2445
~~offender registrant and specifies that the child has a duty to~~ 2446
~~comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of~~ 2447
~~the Revised Code. If a court issues an order under division (A) of~~ 2448
~~this section before January 1, 2008, not later than February 1,~~ 2449
~~2008, the court shall terminate the order and issue a new order~~ 2450
~~that reclassifies the child as both a juvenile offender registrant~~ 2451
~~and a public registry-qualified juvenile offender registrant~~ 2452
~~pursuant to section 2152.86 of the Revised Code if the court~~ 2453
~~imposed on the child a serious youthful offender dispositional~~ 2454
~~sentence under section 2152.13 of the Revised Code and if the act~~ 2455
~~that was the basis of the classification of the delinquent child~~ 2456
~~as a juvenile offender registrant and is the basis of the serious~~ 2457
~~youthful offender dispositional sentence is any of the following:~~ 2458

(1) Committing, attempting to commit, conspiring to commit, 2459
or complicity in committing a violation of section 2907.02 of the 2460
Revised Code, division (B) of section 2907.05 of the Revised Code, 2461
or section 2907.03 of the Revised Code if the victim of the 2462
violation was less than twelve years of age; 2463

(2) Committing, attempting to commit, conspiring to commit, 2464

or complicity in committing a violation of section 2903.01, 2465
2903.02, or 2905.01 of the Revised Code that was committed with a 2466
purpose to gratify the sexual needs or desires of the child. 2467

Sec. 2152.83. (A)(1) The court that adjudicates a child a 2468
delinquent child shall issue as part of the dispositional order 2469
or, if the court commits the child for the delinquent act to the 2470
custody of a secure facility, shall issue at the time of the 2471
child's release from the secure facility, an order that classifies 2472
the child a juvenile offender registrant and specifies that the 2473
child has a duty to comply with sections 2950.04, 2950.041, 2474
2950.05, and 2950.06 of the Revised Code if all of the following 2475
apply: 2476

(a) The act for which the child is or was adjudicated a 2477
delinquent child is a sexually oriented offense ~~that is not a~~ 2478
~~registration-exempt sexually oriented offense~~ or is a child-victim 2479
oriented offense that the child committed on or after January 1, 2480
2002. 2481

(b) The child was sixteen or seventeen years of age at the 2482
time of committing the offense. 2483

(c) The court was not required to classify the child a 2484
juvenile offender registrant under section 2152.82 of the Revised 2485
Code or as both a juvenile offender registrant and a public 2486
registry-qualified juvenile offender registrant under section 2487
2152.86 of the Revised Code. 2488

(2) Prior to issuing the order required by division (A)(2) of 2489
this section, the judge shall conduct ~~the hearing and make the~~ 2490
~~determinations required by division (B) of section 2950.09 of the~~ 2491
~~Revised Code regarding a sexually oriented offense that is not a~~ 2492
~~registration-exempt sexually oriented offense or division (B) of~~ 2493
~~section 2950.091 of the Revised Code regarding a child victim~~ 2494
~~oriented offense to determine if the child is to be classified a~~ 2495

sexual predator or a child victim predator, shall make the 2496
determinations required by division (E) of section 2950.09 of the 2497
Revised Code regarding a sexually oriented offense that is not a 2498
registration exempt sexually oriented offense or division (E) of 2499
section 2950.091 of the Revised Code regarding a child victim 2500
oriented offense to determine if the child is to be classified a 2501
habitual sex offender or a habitual child victim offender, and 2502
shall otherwise comply with those divisions a hearing under 2503
section 2152.831 of the Revised Code, except as otherwise provided 2504
in that section, to determine whether the child is a tier I sex 2505
offender/child-victim offender, a tier II sex 2506
offender/child-victim offender, or a tier III sex 2507
offender/child-victim offender. When a judge issues an order under 2508
division (A)(1) of this section, the judge shall include in the 2509
order ~~all of the determinations and information~~ identified in 2510
division (B)(1)(5) of section 2152.82 of the Revised Code ~~that are~~ 2511
relevant. 2512

(B)(1) The court that adjudicates a child a delinquent child, 2513
on the judge's own motion, may conduct at the time of disposition 2514
of the child or, if the court commits the child for the delinquent 2515
act to the custody of a secure facility, may conduct at the time 2516
of the child's release from the secure facility, a hearing for the 2517
purposes described in division (B)(2) of this section if all of 2518
the following apply: 2519

(a) The act for which the child is adjudicated a delinquent 2520
child is a sexually oriented offense ~~that is not a~~ 2521
~~registration exempt sexually oriented offense~~ or is a child-victim 2522
oriented offense that the child committed on or after January 1, 2523
2002. 2524

(b) The child was fourteen or fifteen years of age at the 2525
time of committing the offense. 2526

(c) The court was not required to classify the child a 2527

juvenile offender registrant under section 2152.82 of the Revised 2528
Code or as both a juvenile offender registrant and a public 2529
registry-qualified juvenile offender registrant under section 2530
2152.86 of the Revised Code. 2531

(2) A judge shall conduct a hearing under division (B)(1) of 2532
this section to review the effectiveness of the disposition made 2533
of the child and of any treatment provided for the child placed in 2534
a secure setting and to determine whether the child should be 2535
classified a juvenile offender registrant. The judge may conduct 2536
the hearing on the judge's own initiative or based upon a 2537
recommendation of an officer or employee of the department of 2538
youth services, a probation officer, an employee of the court, or 2539
a prosecutor or law enforcement officer. If the judge conducts the 2540
hearing, upon completion of the hearing, the judge, in the judge's 2541
discretion and after consideration of the factors listed in 2542
division (E) of this section, shall do either of the following: 2543

(a) Decline to issue an order that classifies the child a 2544
juvenile offender registrant and specifies that the child has a 2545
duty to comply with sections 2950.04, 2950.041, 2950.05, and 2546
2950.06 of the Revised Code; 2547

(b) Issue an order that classifies the child a juvenile 2548
offender registrant and specifies that the child has a duty to 2549
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 2550
the Revised Code and, ~~if the judge conducts a hearing as described~~ 2551
~~in division (C) of this section to determine whether the child is~~ 2552
~~a sexual predator or child victim predator or a habitual sex~~ 2553
~~offender or habitual child victim offender, include in the order a~~ 2554
~~statement that the judge has determined that the child is, or is~~ 2555
~~not, a sexual predator, child victim predator, habitual sex~~ 2556
~~offender, or habitual child victim offender, whichever is~~ 2557
applicable that states the determination that the judge makes at 2558
the hearing held pursuant to section 2152.831 of the Revised Code 2559

as to whether the child is a tier I sex offender/child-victim 2560
offender, a tier II sex offender/child-victim offender, or a tier 2561
III sex offender/child-victim offender. 2562

(C) ~~A judge may issue (1) Prior to issuing an order under~~ 2563
~~division (B)(2)(b) of this section that contains a determination~~ 2564
~~that a delinquent child is a sexual predator or child victim~~ 2565
~~predator only if the judge, in accordance with the procedures~~ 2566
~~specified in division (B) of section 2950.09 of the Revised Code~~ 2567
~~regarding sexual predators or division (B) of section 2950.091 of~~ 2568
~~the Revised Code regarding child victim predators, determines at~~ 2569
~~the hearing by clear and convincing evidence that the child is a~~ 2570
~~sexual predator or a child victim predator. A judge may issue an~~ 2571
~~order under division (B) of this section that contains a~~ 2572
~~determination that a delinquent child is a habitual sex offender~~ 2573
~~or a habitual child victim offender only if the judge at the~~ 2574
~~hearing determines as described in division (E) of section 2950.09~~ 2575
~~of the Revised Code regarding habitual sex offenders or division~~ 2576
~~(E) of section 2950.091 of the Revised Code regarding habitual~~ 2577
~~child victim offenders that the child is a habitual sex offender~~ 2578
~~or a habitual child victim offender. If the judge issues an order~~ 2579
~~under division (B) of this section that contains a determination~~ 2580
~~that a delinquent child is a habitual sex offender or a habitual~~ 2581
~~child victim offender, the judge may impose a requirement~~ 2582
~~subjecting the child to community notification provisions as~~ 2583
~~described in division (E) of section 2950.09 or 2950.091 of the~~ 2584
~~Revised Code, whichever is applicable. If the court conducts a~~ 2585
~~hearing as described in this division to determine whether the~~ 2586
~~child is a sexual predator or child victim predator or a habitual~~ 2587
~~sex offender or habitual child victim offender, the judge shall~~ 2588
~~comply with division (B) or (E) of section 2950.09 or 2950.091 of~~ 2589
~~the Revised Code, whichever is applicable, in all regards, the~~ 2590
judge shall conduct a hearing under section 2152.831 of the 2591
Revised Code to determine whether the child is a tier I sex 2592

offender/child-victim offender, a tier II sex 2593
offender/child-victim offender, or a tier III sex 2594
offender/child-victim offender. The judge may hold the hearing at 2595
the same time as the hearing under division (B) of this section. 2596

(2) If a judge issues an order under division (A) or (B) of 2597
this section and the court determines that the delinquent child to 2598
whom the order applies is a tier III sex offender/child-victim 2599
offender and the child is not a public registry-qualified juvenile 2600
offender registrant, the judge may impose a requirement subjecting 2601
the child to the victim and community notification provisions of 2602
sections 2950.10 and 2950.11 of the Revised Code. If the judge 2603
imposes a requirement subjecting the child to the victim and 2604
community notification provisions of sections 2950.10 and 2950.11 2605
of the Revised Code, the judge shall include the requirement in 2606
the order. 2607

~~(D)~~(3) If a judge issues an order under division (A) or (B) 2608
of this section, the judge shall provide to the delinquent child 2609
and to the delinquent child's parent, guardian, or custodian a 2610
copy of the order and a notice containing the information 2611
described in divisions (A) and (B) of section 2950.03 of the 2612
Revised Code. The judge shall provide the notice at the time of 2613
the issuance of the order and shall comply with divisions (B) and 2614
(C) of that section regarding that notice and the provision of it. 2615
2616

The judge also shall include in the order a statement that, 2617
upon completion of the disposition of the delinquent child that 2618
was made for the sexually oriented offense or child-victim 2619
oriented offense upon which the order is based, a hearing will be 2620
conducted and the order is subject to modification or termination 2621
pursuant to section 2152.84 of the Revised Code. 2622

~~(E)~~(D) In making a decision under division (B) of this 2623
section as to whether a delinquent child should be classified a 2624

juvenile offender registrant and, if so, whether the child also is 2625
a sexual predator or child victim predator or a habitual sex 2626
offender or habitual child victim offender, a judge shall consider 2627
all relevant factors, including, but not limited to, all of the 2628
following: 2629

(1) The nature of the sexually oriented offense ~~that is not a~~ 2630
~~registration-exempt sexually oriented offense~~ or the child-victim 2631
oriented offense committed by the child; 2632

(2) Whether the child has shown any genuine remorse or 2633
compunction for the offense; 2634

(3) The public interest and safety; 2635

(4) The factors set forth in division ~~(B)(3)~~(K) of section 2636
~~2950.09 or 2950.091~~ 2950.11 of the Revised Code, ~~whichever is~~ 2637
~~applicable;~~ provided that references in the factors as set forth 2638
in that division to "the offender" shall be construed for purposes 2639
of this division to be references to "the delinquent child;" 2640

(5) The factors set forth in divisions (B) and (C) of section 2641
2929.12 of the Revised Code as those factors apply regarding the 2642
delinquent child, the offense, and the victim; 2643

(6) The results of any treatment provided to the child and of 2644
any follow-up professional assessment of the child. 2645

~~(F)~~(E) An order issued under division (A) or (B) of this 2646
section and any determinations included in the order shall remain 2647
in effect for the period of time specified in section 2950.07 of 2648
the Revised Code, subject to a modification or termination of the 2649
order under section 2152.84 of the Revised Code, and section 2650
2152.851 of the Revised Code applies regarding the order and the 2651
determinations. The child's attainment of eighteen or twenty-one 2652
years of age does not affect or terminate the order, and the order 2653
remains in effect for the period of time described in this 2654
division. 2655

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

~~(H)~~(F) If a court issues an order under division (A) or (B) of this section before January 1, 2008, not later than February 1, 2008, the court shall terminate the order and issue a new order that reclassifies the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code if the court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code and if the act that was the basis of the classification of the delinquent child as a juvenile offender registrant and is the basis of the serious youthful offender dispositional sentence is any of the following:

(1) Committing, attempting to commit, conspiring to commit, or complicity in committing a violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section 2907.03 of the Revised Code if the victim of the violation was less than twelve years of age;

(2) Committing, attempting to commit, conspiring to commit, or complicity in committing a violation of section 2903.01, 2903.02, or 2905.01 of the Revised Code that was committed with a purpose to gratify the sexual needs or desires of the child.

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

Sec. 2152.831. (A) If, on or after January 1, 2008, a juvenile court adjudicates a child a delinquent child and

classifies the child a juvenile offender registrant pursuant to 2687
section 2152.82 or 2152.83 of the Revised Code, before issuing the 2688
order that classifies the child a juvenile offender registrant the 2689
court shall conduct a hearing to determine whether to classify the 2690
child a tier I sex offender/child-victim offender, a tier II sex 2691
offender/child-victim offender, or a tier III sex offender/ 2692
child-victim offender. 2693

(B) When a judge issues an order under section 2152.82 or 2694
2152.83 of the Revised Code that classifies a delinquent child a 2695
juvenile offender registrant, in addition to the other statements 2696
and information required by the section under which the order is 2697
issued, the judge shall include in the order its determination 2698
made under division (A) of this section as to whether the child is 2699
a tier I sex offender/child-victim offender, a tier II sex 2700
offender/child-victim offender, or a tier III sex 2701
offender/child-victim offender. When a judge issues an order under 2702
section 2152.84 or 2152.85 of the Revised Code that reclassifies a 2703
delinquent child from one tier of sex offender/child-victim 2704
offender to a different tier of sex offender/child-victim 2705
offender, in addition to the other statements and information 2706
required by the section under which the order is issued, the judge 2707
shall include in the order its determination as to the 2708
reclassification of the child and the tier to which the child is 2709
reclassified. 2710

(C) The provisions of this section do not apply to a 2711
delinquent child if the court is required to classify the child as 2712
both a juvenile offender registrant and a public 2713
registry-qualified juvenile offender registrant pursuant to 2714
section 2152.86 of the Revised Code. 2715

Sec. 2152.84. (A)(1) When a juvenile court judge issues an 2716
order under section 2152.82 or division (A) or (B) of section 2717

2152.83 of the Revised Code that classifies a delinquent child a 2718
juvenile offender registrant and specifies that the child has a 2719
duty to comply with sections 2950.04, 2950.041, 2950.05, and 2720
2950.06 of the Revised Code, upon completion of the disposition of 2721
that child made for the sexually oriented offense ~~that is not a~~ 2722
~~registration-exempt sexually oriented offense~~ or the child-victim 2723
oriented offense on which the juvenile offender registrant order 2724
was based, the judge or the judge's successor in office shall 2725
conduct a hearing to review the effectiveness of the disposition 2726
and of any treatment provided for the child, to determine the 2727
risks that the child might re-offend, ~~and~~ to determine whether the 2728
prior classification of the child as a juvenile offender 2729
registrant ~~and, if applicable, as a sexual predator or~~ 2730
~~child-victim predator or as a habitual sex offender or habitual~~ 2731
~~child-victim offender~~ should be continued, ~~modified,~~ or terminated 2732
as provided under division (A)(2) of this section, and to 2733
determine whether its prior determination made at the hearing held 2734
pursuant to section 2152.831 of the Revised Code as to whether the 2735
child is a tier I sex offender/child-victim offender, a tier II 2736
sex offender/child-victim offender, or a tier III sex 2737
offender/child-victim offender should be continued or modified as 2738
provided under division (A)(2) of this section. 2739

(2) Upon completion of a hearing under division (A)(1) of 2740
this section, the judge, in the judge's discretion and after 2741
consideration of all relevant factors, including but not limited 2742
to, the factors listed in division ~~(E)~~(D) of section 2152.83 of 2743
the Revised Code, shall do one of the following, as applicable: 2744

(a) Enter an order that continues the classification of the 2745
delinquent child as a juvenile offender registrant made in the 2746
prior order issued under section 2152.82 or division (A) or (B) of 2747
section 2152.83 of the Revised Code, ~~and any sexual predator,~~ 2748
~~child-victim predator, habitual sex offender, or habitual~~ 2749

~~child victim offender the prior~~ determination included in the 2750
~~order that the child is a tier I sex offender/child-victim~~ 2751
~~offender, a tier II sex offender/child-victim offender, or a tier~~ 2752
~~III sex offender/child-victim offender, whichever is applicable;~~ 2753

(b) ~~If the prior order was issued under section 2152.82 or~~ 2754
~~division (A) of section 2152.83 of the Revised Code and includes a~~ 2755
~~determination by the judge that the delinquent child is a sexual~~ 2756
~~predator or child victim predator, enter, as applicable, an order~~ 2757
~~that contains a determination that the child no longer is a sexual~~ 2758
~~predator, the reason or reasons for that determination, and either~~ 2759
~~a determination that the child is a habitual sex offender or a~~ 2760
~~determination that the child remains a juvenile offender~~ 2761
~~registrant but is not a sexual predator or habitual sex offender,~~ 2762
~~or an order that contains a determination that the child no longer~~ 2763
~~is a child victim predator, the reason or reasons for that~~ 2764
~~determination, and either a determination that the child is a~~ 2765
~~habitual child victim offender or a determination that the child~~ 2766
~~remains a juvenile offender registrant but is not a child victim~~ 2767
~~predator or habitual child victim offender;~~ 2768

(c) ~~If the prior order was issued under section 2152.82 or~~ 2769
~~division (A) of section 2152.83 of the Revised Code and does not~~ 2770
~~include a sexual predator or child victim predator determination~~ 2771
~~as described in division (A)(2)(b) of this section but includes a~~ 2772
~~determination by the judge that the delinquent child is a habitual~~ 2773
~~sex offender or a habitual child victim offender, enter, as~~ 2774
~~applicable, an order that contains a determination that the child~~ 2775
~~no longer is a habitual sex offender and a determination that the~~ 2776
~~child remains a juvenile sex offender registrant but is not a~~ 2777
~~habitual offender, or an order that contains a determination that~~ 2778
~~the child no longer is a habitual child victim offender and a~~ 2779
~~determination that the child remains a juvenile offender~~ 2780
~~registrant but is not a habitual child victim offender;~~ 2781

~~(d) If the prior order was issued under division (B) of section 2152.83 of the Revised Code and includes a determination by the judge that the delinquent child is a sexual predator or child victim predator, enter, as applicable, an order that contains a determination that the child no longer is a sexual predator, the reason or reasons for that determination, and either a determination that the child is a habitual sex offender, a determination that the child remains a juvenile offender registrant but is not a sexual predator or habitual sex offender, or a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or an order that contains a determination that the child no longer is a child victim predator, the reason or reasons for that determination, and either a determination that the child is a habitual child victim offender, a determination that the child remains a juvenile offender registrant but is not a child victim predator or habitual child victim offender, or a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.041, 2950.05, and 2950.06 of the Revised Code;~~

~~(e) If the prior order was issued under division (B) of section 2152.83 of the Revised Code and does not include a sexual predator or child victim predator determination as described in division (A)(2)(d) of this section but includes a determination by the judge that the delinquent child is a habitual sex offender or habitual child victim offender, enter, as applicable, an order that contains a determination that the child no longer is a habitual sex offender and either a determination that the child remains a juvenile offender registrant but is not a sexual predator or habitual sex offender or a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.05, and 2950.06~~

~~of the Revised Code, or an order that contains a determination~~ 2815
~~that the child no longer is a habitual child victim offender and~~ 2816
~~either a determination that the child remains a juvenile offender~~ 2817
~~registrant but is not a child victim predator or habitual~~ 2818
~~child victim offender or a determination that the child no longer~~ 2819
~~is a juvenile offender registrant and no longer has a duty to~~ 2820
~~comply with sections 2950.041, 2950.05, and 2950.06 of the Revised~~ 2821
~~Code.~~ 2822

~~(f)~~ If the prior order was issued under division (B) of 2823
section 2152.83 of the Revised Code ~~and does not include a sexual~~ 2824
~~predator or child victim predator determination or a habitual sex~~ 2825
~~offender or habitual child victim offender determination as~~ 2826
~~described in divisions (A)(2)(d) and (e) of this section, enter,~~ 2827
~~as applicable, enter~~ an order that contains a determination that 2828
the delinquent child no longer is a juvenile offender registrant 2829
and no longer has a duty to comply with sections 2950.04, 2830
2950.041, 2950.05, and 2950.06 of the Revised Code, ~~or an order~~ 2831
~~that contains a determination that the delinquent child no longer~~ 2832
~~is a juvenile offender registrant and no longer has a duty to~~ 2833
~~comply with sections 2950.041, 2950.05, and 2950.06 of the Revised~~ 2834
~~Code. An order issued under division (A)(2)(b) of this section~~ 2835
~~also terminates all prior determinations that the child is a tier~~ 2836
I sex offender/child-victim offender, a tier II sex 2837
offender/child-victim offender, or a tier III sex 2838
offender/child-victim offender, whichever is applicable. Division 2839
(A)(2)(b) of this section does not apply to a prior order issued 2840
under section 2152.82 or division (A) of section 2152.83 of the 2841
Revised Code. 2842

(c) If the prior order was issued under section 2152.82 or 2843
division (A) or (B) of section 2152.83 of the Revised Code, enter 2844
an order that continues the classification of the delinquent child 2845
as a juvenile offender registrant made in the prior order issued 2846

under section 2152.82 or division (A) or (B) of section 2152.83 of 2847
the Revised Code, and that modifies the prior determination made 2848
at the hearing held pursuant to section 2152.831 of the Revised 2849
Code that the child is a tier I sex offender/child-victim 2850
offender, a tier II sex offender/child-victim offender, or a tier 2851
III sex offender/child-victim offender, whichever is applicable. 2852
An order issued under division (A)(2)(c) of this section shall not 2853
include a determination that increases to a higher tier the tier 2854
classification of the delinquent child. An order issued under 2855
division (A)(2)(c) of this section shall specify the new 2856
determination made by the court at a hearing held pursuant to 2857
division (A)(1) of this section as to whether the child is a tier 2858
I sex offender/child-victim offender, a tier II sex 2859
offender/child-victim offender, or a tier III sex 2860
offender/child-victim offender, whichever is applicable. 2861

(B)(1) If a judge issues an order under division (A)(2)(a) of 2862
this section that continues the prior classification of the 2863
delinquent child as a juvenile offender registrant and ~~any sexual~~ 2864
~~predator or habitual sex offender~~ the prior determination included 2865
in the order, ~~or that continues the prior classification of the~~ 2866
~~delinquent child as a juvenile offender registrant and any~~ 2867
~~child victim predator or habitual child victim offender~~ 2868
~~determination included in the order~~ that the child is a tier I sex 2869
offender/child-victim offender, a tier II sex 2870
offender/child-victim offender, or a tier III sex 2871
offender/child-victim offender, whichever is applicable, the prior 2872
classification and the prior determination, ~~if applicable,~~ shall 2873
remain in effect. 2874

(2) A judge may issue an order under division (A)(2)(c) of 2875
this section that contains a determination that reclassifies a 2876
child ~~no longer is a sexual predator or no longer is a~~ 2877
~~child victim predator only if the judge, in accordance with the~~ 2878

~~procedures specified in division (D)(1) of section 2950.09 of the~~ 2879
~~Revised Code regarding a sexual predator, determines at the~~ 2880
~~hearing by clear and convincing evidence that the delinquent child~~ 2881
~~is unlikely to commit a sexually oriented offense in the future,~~ 2882
~~or the judge, in accordance with the procedures specified in~~ 2883
~~division (D)(1) of section 2950.091 of the Revised Code regarding~~ 2884
~~a child victim predator, determines at the hearing by clear and~~ 2885
~~convincing evidence that the delinquent child is unlikely to~~ 2886
~~commit a child victim oriented offense in the future. If the judge~~ 2887
~~issues an order of that type, the judge shall provide the~~ 2888
~~notifications described in division (D)(1) of section 2950.09 or~~ 2889
~~2950.091 of the Revised Code, whichever is applicable, and the~~ 2890
~~recipient of the notification shall comply with the provisions of~~ 2891
~~that division~~ from a tier III sex offender/child-victim offender 2892
classification to a tier II sex offender/child-victim offender 2893
classification or to a tier I sex offender/child-victim offender 2894
classification. 2895

A judge may issue an order under division (A)(2)(c) of this 2896
section that contains a determination that reclassifies a child 2897
from a tier II sex offender/child-victim offender classification. 2898
A judge may not issue an order under that division that contains a 2899
determination that reclassifies a child from a tier II sex 2900
offender/child-victim offender classification to a tier III sex 2901
offender/child-victim offender classification. 2902

A judge may not issue an order under division (A)(2)(c) of 2903
this section that contains a determination that reclassifies a 2904
child from a tier I sex offender/child-victim offender 2905
classification to a tier II sex offender/child-victim offender 2906
classification or to a tier III sex offender/child-victim offender 2907
classification. 2908

If a judge issues an order under this division that contains 2909
a determination that reclassifies a child, the judge shall provide 2910

a copy of the order to the delinquent child and the bureau of 2911
criminal identification and investigation, and the bureau, upon 2912
receipt of the copy of the order, promptly shall notify the 2913
sheriff with whom the child most recently registered under section 2914
2950.04 or 2950.041 of the Revised Code of the determination and 2915
reclassification. 2916

(3) If a judge issues an order under division (A)(2)(b) of 2917
this section that ~~otherwise reclassifies~~ declassifies the 2918
delinquent child as a juvenile offender registrant, the judge 2919
shall provide a copy of the order to the bureau of criminal 2920
identification and investigation, and the bureau, upon receipt of 2921
the copy of the order, promptly shall notify the sheriff with whom 2922
the child most recently registered under section 2950.04 or 2923
2950.041 of the Revised Code of the ~~reclassification~~ 2924
declassification. 2925

(C) If a judge issues an order under ~~any provision of~~ 2926
division (A)(2)(a), (b), or (c) of this section, the judge shall 2927
provide to the delinquent child and to the delinquent child's 2928
parent, guardian, or custodian a copy of the order and, if 2929
applicable, a notice containing the information described in 2930
divisions (A) and (B) of section 2950.03 of the Revised Code. The 2931
judge shall provide the notice at the time of the issuance of the 2932
order and shall comply with divisions (B) and (C) of that section 2933
regarding that notice and the provision of it. 2934

(D) ~~In making a decision under division (A) of this section,~~ 2935
~~a judge shall consider all relevant factors, including, but not~~ 2936
~~limited to, the factors listed in division (E) of section 2152.83~~ 2937
~~of the Revised Code.~~ 2938

~~(E)~~ An order issued under division (A)(2)(a) or (c) of this 2939
section and any determinations included in the order shall remain 2940
in effect for the period of time specified in section 2950.07 of 2941
the Revised Code, subject to a modification or termination of the 2942

order under section 2152.85 of the Revised Code, and section 2943
2152.851 of the Revised Code applies regarding the order and the 2944
determinations. If an order is issued under division (A)(2)(a) or 2945
(c) of this section, the child's attainment of eighteen or 2946
twenty-one years of age does not affect or terminate the order, 2947
and the order remains in effect for the period of time described 2948
in this division. 2949

(E) The provisions of this section do not apply to a 2950
delinquent child who is classified as both a juvenile offender 2951
registrant and a public registry-qualified juvenile offender 2952
registrant pursuant to section 2152.86 of the Revised Code. 2953

Sec. 2152.85. (A) Upon Regardless of when the delinquent 2954
child was classified a juvenile offender registrant, upon the 2955
expiration of the applicable period of time specified in division 2956
(B)(1) ~~or~~, (2), or (3) of this section, a delinquent child who has 2957
been classified pursuant to this section or section 2152.82 or 2958
2152.83 of the Revised Code a juvenile offender registrant may 2959
petition the judge who made the classification, or that judge's 2960
successor in office, to do one of the following: 2961

(1) If the order containing the juvenile offender registrant 2962
classification also includes a determination by the juvenile court 2963
judge that the delinquent child is a ~~sexual predator or 2964~~
~~child victim predator in the manner described in section 2152.82 2965~~
~~or 2152.83 of the Revised Code and that determination remains in 2966~~
~~effect, to enter, as applicable, an order that contains a 2967~~
~~determination that the child no longer is a sexual predator, the 2968~~
~~reason or reasons for that determination, and either a 2969~~
~~determination that the child is a habitual sex offender or a 2970~~
~~determination that the child remains a juvenile offender 2971~~
~~registrant but is not a sexual predator or habitual sex offender, 2972~~
~~or an order that contains a determination that the child no longer 2973~~

is a child victim predator, the reason or reasons for that 2974
determination, and either a determination that the child is a 2975
habitual child victim offender or a determination that the child 2976
remains a juvenile offender registrant but is not a child victim 2977
predator or habitual child victim offender tier III sex 2978
offender/child-victim offender, to enter, as applicable, an order 2979
that contains a determination that reclassifies the child as 2980
either a tier II sex offender/child-victim offender or a tier I 2981
sex offender/child-victim offender, the reason or reasons for that 2982
reclassification, and a determination that the child remains a 2983
juvenile offender registrant, or an order that contains a 2984
determination that the child no longer is a juvenile offender 2985
registrant and no longer has a duty to comply with sections 2986
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code; 2987

(2) If the order containing the juvenile offender registrant 2988
classification under section 2152.82 or 2152.83 of the Revised 2989
Code or under division (C)(2) of this section pursuant to a 2990
petition filed under division (A) of this section does not include 2991
a sexual predator or child victim predator determination as 2992
described in division (A)(1) of this section but includes a 2993
determination by the juvenile court judge that the delinquent 2994
child is a habitual sex offender or a habitual child victim 2995
offender in the manner described in section 2152.82 or 2152.83 of 2996
the Revised Code, or in this section, and that determination 2997
remains in effect, to enter, as applicable, an order that contains 2998
a determination that the child no longer is a habitual sex 2999
offender and either a determination that the child remains a 3000
juvenile offender registrant or a determination that the child no 3001
longer is a juvenile offender registrant and no longer has a duty 3002
to comply with sections 2950.04, 2950.05, and 2950.06 of the 3003
Revised Code, or an order that contains a determination that the 3004
child no longer is a habitual child victim offender and either a 3005
determination that the child remains a juvenile offender 3006

~~registrant or~~ also includes a determination by the juvenile court 3007
judge that the delinquent child is a tier II sex 3008
offender/child-victim offender, to enter, as applicable, an order 3009
that contains a determination that reclassifies the child as a 3010
tier I sex offender/child-victim offender, the reason or reasons 3011
for that reclassification, and a determination that the child 3012
remains a juvenile offender registrant, or an order that contains 3013
a determination that the child no longer is a juvenile offender 3014
registrant and no longer has a duty to comply with sections 3015
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code; 3016

(3) If the order containing the juvenile offender registrant 3017
classification ~~under section 2152.82 or 2152.83 of the Revised~~ 3018
~~Code or under division (C)(2) of this section pursuant to a~~ 3019
~~petition filed under division (A) of this section does not include~~ 3020
~~a sexual predator or child victim predator determination or a~~ 3021
~~habitual sex offender or habitual child victim offender~~ 3022
~~determination as described in division (A)(1) or (2) of this~~ 3023
~~section~~ also includes a determination by the juvenile court judge 3024
that the delinquent child is a tier I sex offender/child-victim 3025
offender, to enter, as applicable, an order that contains a 3026
determination that the child no longer is a juvenile offender 3027
registrant and no longer has a duty to comply with sections 3028
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, ~~or an~~ 3029
~~order that contains a determination that the child no longer is a~~ 3030
~~juvenile offender registrant and no longer has a duty to comply~~ 3031
~~with sections 2950.041, 2950.05, and 2950.06 of the Revised Code.~~ 3032

(B) A delinquent child who has been adjudicated a delinquent 3033
child for committing on or after January 1, 2002, a sexually 3034
oriented offense ~~that is not a registration exempt sexually or a~~ 3035
child-victim oriented offense and who has been classified a 3036
juvenile offender registrant relative to that offense ~~or who has~~ 3037
~~been adjudicated a delinquent child for committing on or after~~ 3038

~~that date a child victim oriented offense and who has been~~ 3039
~~classified a juvenile offender registrant relative to that offense~~ 3040
may file a petition under division (A) of this section requesting 3041
reclassification or declassification as described in that division 3042
after the expiration of one of the following periods of time: 3043
3044

(1) The delinquent child initially may file a petition not 3045
earlier than three years after the entry of the juvenile court 3046
judge's order after the mandatory hearing conducted under section 3047
2152.84 of the Revised Code. 3048

(2) After the delinquent child's initial filing of a petition 3049
under division (B)(1) of this section, the child may file a second 3050
petition not earlier than three years after the judge has entered 3051
an order deciding the petition under division (B)(1) of this 3052
section. 3053

(3) After the delinquent child's filing of a petition under 3054
division (B)(2) of this section, thereafter, the delinquent child 3055
may file a petition under this division upon the expiration of 3056
five years after the judge has entered an order deciding the 3057
petition under division (B)(2) of this section or the most recent 3058
petition the delinquent child has filed under this division. 3059

(C) Upon the filing of a petition under ~~divisions~~ division 3060
(A) ~~and (B)~~ of this section, the judge may review the prior 3061
classification or determination in question and, upon 3062
consideration of all relevant factors and information, including, 3063
but not limited to the factors listed in division ~~(E)~~ (D) of 3064
section 2152.83 of the Revised Code, the judge, in the judge's 3065
discretion, shall do one of the following: 3066

(1) Enter an order denying the petition; 3067

(2) Issue an order that reclassifies or declassifies the 3068
delinquent child, in the requested manner ~~specified in division~~ 3069

~~(A)(1), (2), or (3) of this section.~~

3070

(D) If a judge issues an order under division (C)(1) of this section that denies a petition, the prior classification of the delinquent child as a juvenile offender registrant, and the prior determination that the child is a ~~sexual predator, child victim predator, habitual sex offender, or habitual child victim offender, if tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is~~ applicable, shall remain in effect.

3071

3072

3073

3074

3075

3076

3077

3078

3079

A judge may issue an order under division (C)(2) of this section that contains a determination that ~~a child no longer is a sexual predator or no longer is a child victim predator only if the judge conducts a hearing and, in accordance with the procedures specified in division (D)(1) of section 2950.09 of the Revised Code regarding a sexual predator, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a sexually oriented offense in the future, or, in accordance with the procedures specified in division (D)(1) of section 2950.091 of the Revised Code regarding a child victim predator, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a child victim oriented offense in the future. If the judge issues an order of that type, the judge shall provide the notifications described in division (D)(1) of section 2950.09 or 2950.091 of the Revised Code, whichever is applicable, and the recipient of the notification shall comply with the provisions of that division reclassifies a child from a tier III sex offender/child-victim offender classification to a tier II sex offender/child-victim offender classification or to a tier I sex offender/child-victim offender classification.~~

3080

3081

3082

3083

3084

3085

3086

3087

3088

3089

3090

3091

3092

3093

3094

3095

3096

3097

3098

3099

3100

A judge may issue an order under division (C)(2) of this

3101

section that contains a determination that reclassifies a child 3102
from a tier II sex offender/child-victim offender classification 3103
to a tier I sex offender/child-victim offender classification. 3104

If a judge issues an order under this division that contains 3105
a determination that reclassifies a child, the judge shall provide 3106
a copy of the order to the delinquent child and the bureau of 3107
criminal identification and investigation, and the bureau, upon 3108
receipt of the copy of the order, promptly shall notify the 3109
sheriff with whom the child most recently registered under section 3110
2950.04 or 2950.041 of the Revised Code of the determination and 3111
reclassification. 3112

~~A judge may issue an order under division (C) of this section~~ 3113
~~that contains a determination that a delinquent child is a~~ 3114
~~habitual sex offender or a habitual child victim offender only if~~ 3115
~~the judge conducts a hearing and determines at the hearing as~~ 3116
~~described in division (E) of section 2950.09 of the Revised Code~~ 3117
~~regarding habitual sex offenders or division (E) of section~~ 3118
~~2950.091 of the Revised Code regarding habitual child victim~~ 3119
~~offenders that the child is a habitual sex offender or a habitual~~ 3120
~~child victim offender. If the judge issues an order that contains~~ 3121
~~a determination that a delinquent child is a habitual sex offender~~ 3122
~~or a habitual child victim offender, the judge may impose a~~ 3123
~~requirement subjecting the child to community notification~~ 3124
~~provisions as described in that division.~~ 3125

If a judge issues an order under division (C)(2) of this 3126
section that declassifies the delinquent child, the order also 3127
terminates all prior determinations that the child is a tier I sex 3128
offender/child-victim offender, a tier II sex 3129
offender/child-victim offender, or a tier III sex 3130
offender/child-victim offender, whichever is applicable. If a 3131
judge issues an order under division (C)(2) of this section that 3132
declassifies the delinquent child, the judge shall provide a copy 3133

of the order to the bureau of criminal identification and 3134
investigation, and the bureau, upon receipt of a copy of the 3135
order, promptly shall notify the sheriff with whom the child most 3136
recently registered under section 2950.04 or 2950.041 of the 3137
Revised Code of the declassification. 3138

(E) If a judge issues an order under division (C) (1) or (2) 3139
of this section, the judge shall provide to the delinquent child 3140
and to the delinquent child's parent, guardian, or custodian a 3141
copy of the order and, if applicable, a notice containing the 3142
information described in divisions (A) and (B) of section 2950.03 3143
of the Revised Code. The judge shall provide the notice at the 3144
time of the issuance of the order and shall comply with divisions 3145
(B) and (C) of that section regarding that notice and the 3146
provision of it. 3147

(F) An order issued under division (C) of this section shall 3148
remain in effect for the period of time specified in section 3149
2950.07 of the Revised Code, subject to a further modification or 3150
a future termination of the order under this section, ~~and section~~ 3151
~~2152.851 of the Revised Code applies regarding the order and the~~ 3152
~~determinations.~~ If an order is issued under division (C) of this 3153
section, the child's attainment of eighteen or twenty-one years of 3154
age does not affect or terminate the order, and the order remains 3155
in effect for the period of time described in this division. 3156

(G) The provisions of this section do not apply to a 3157
delinquent child who is classified as both a juvenile offender 3158
registrant and a public registry-qualified juvenile offender 3159
registrant pursuant to section 2152.86 of the Revised Code. 3160

Sec. 2152.851. ~~(A) If, prior to the effective date of this~~ 3161
~~section~~ January 1, 2008, a judge issues an order under section 3162
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that 3163
classifies a delinquent child a juvenile offender registrant based 3164

on an adjudication for a sexually oriented offense or a 3165
child-victim oriented offense as those terms were defined in 3166
section 2950.01 of the Revised Code prior to January 1, 2008, and 3167
if, on and after the effective date of this section January 1, 3168
2008, the ~~sexually oriented~~ offense upon which the order was based 3169
no longer is considered a sexually oriented offense but instead is 3170
or a child-victim oriented offense as those terms are defined in 3171
section 2950.01 of the Revised Code on and after January 1, 2008, 3172
notwithstanding the redesignation of the offense changes to 3173
sections 2152.82, 2152.83, 2152.84, and 2152.85 of the Revised 3174
Code made on January 1, 2008, on and after that date, the order 3175
shall remain in effect for the period described in the section 3176
under which it was issued, the order shall be considered for all 3177
purposes to be an order that classifies the child a juvenile 3178
offender registrant, division (A)(2)(b) of section 2950.041 of the 3179
Revised Code applies regarding the child as that section exists on 3180
and after January 1, 2008, subject to subsequent modification or 3181
termination under section 2152.84, 2152.85, or 2950.15 of the 3182
Revised Code, or, if division (A)(3) of section 2152.86 of the 3183
Revised Code applies regarding the child, for the period described 3184
in division (C) of that section subject to modification or 3185
termination under section 2152.84, 2152.85, or 2950.15 of the 3186
Revised Code, whichever is applicable, and the duty to register 3187
imposed pursuant to that division comply with sections 2950.04, 3188
2950.041, 2950.05, and 2950.06 of the Revised Code on and after 3189
January 1, 2008, shall be considered, for purposes of section 3190
2950.07 of the Revised Code and for all other purposes, to be a 3191
continuation of the duty imposed upon the child prior to the 3192
effective date of this section January 1, 2008, under the order 3193
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and 3194
Chapter 2950. of the Revised Code. 3195

~~(B) If an order of the type described in division (A) of this 3196
section included a classification or determination that the 3197~~

delinquent child was a sexual predator or habitual sex offender, 3198
notwithstanding the redesignation of the offense upon which the 3199
determination was based, all of the following apply: 3200

(1) Divisions (A)(1) and (2) or (E)(1) and (2) of section 3201
2950.091 of the Revised Code apply regarding the child and the 3202
judge's order made prior to the effective date of this section 3203
shall be considered for all purposes to be an order that 3204
classifies the child as described in those divisions; 3205

(2) The child's classification or determination under 3206
divisions (A)(1) and (2) or (E)(1) and (2) of section 2950.091 of 3207
the Revised Code shall be considered, for purposes of section 3208
2950.07 of the Revised Code and for all other purposes, to be a 3209
continuation of classification or determination made prior to the 3210
effective date of this section; 3211

(3) The child's duties under Chapter 2950. of the Revised 3212
Code relative to that classification or determination shall be 3213
considered for all purposes to be a continuation of the duties 3214
related to that classification or determination as they existed 3215
prior to the effective date of this section. 3216

Sec. 2152.86. (A)(1) The court that, on or after January 1, 3217
2008, adjudicates a child a delinquent child for committing an act 3218
shall issue as part of the dispositional order an order that 3219
classifies the child a juvenile offender registrant, specifies 3220
that the child has a duty to comply with sections 2950.04, 3221
2950.041, 2950.05, and 2950.06 of the Revised Code, and 3222
additionally classifies the child a public registry-qualified 3223
juvenile offender registrant if the child was fourteen, fifteen, 3224
sixteen, or seventeen years of age at the time of committing the 3225
act, the court imposed on the child a serious youthful offender 3226
dispositional sentence under section 2152.13 of the Revised Code, 3227
and the child is adjudicated a delinquent child for committing, 3228

attempting to commit, conspiring to commit, or complicity in 3229
committing any of the following acts: 3230

(a) A violation of section 2907.02 of the Revised Code, 3231
division (B) of section 2907.05 of the Revised Code, or section 3232
2907.03 of the Revised Code if the victim of the violation was 3233
less than twelve years of age; 3234

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 3235
the Revised Code that was committed with a purpose to gratify the 3236
sexual needs or desires of the child. 3237

(2) Upon a child's release, on or after January 1, 2008, from 3238
the department of youth services, the court shall issue an order 3239
that classifies the child a juvenile offender registrant, 3240
specifies that the child has a duty to comply with sections 3241
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 3242
additionally classifies the child a public registry-qualified 3243
juvenile offender registrant if all of the following apply: 3244

(a) The child was adjudicated a delinquent child, and a 3245
juvenile court imposed on the child a serious youthful offender 3246
dispositional sentence under section 2152.13 of the Revised Code 3247
for committing one of the acts described in division (A)(1)(a) or 3248
(b) of this section. 3249

(b) The child was fourteen, fifteen, sixteen, or seventeen 3250
years of age at the time of committing the act. 3251

(c) The court did not issue an order classifying the child as 3252
both a juvenile offender registrant and a public 3253
registry-qualified juvenile offender registrant pursuant to 3254
division (A)(1) of this section. 3255

(3) If a court issued an order classifying a child a juvenile 3256
offender registrant pursuant to section 2152.82 or 2152.83 of the 3257
Revised Code prior to January 1, 2008, not later than February 1, 3258
2008, the court shall issue a new order that reclassifies the 3259

child as a juvenile offender registrant, specifies that the child 3260
has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 3261
2950.06 of the Revised Code, and additionally classifies the child 3262
a public registry-qualified juvenile offender registrant if all of 3263
the following apply: 3264

(a) The sexually oriented offense that was the basis of the 3265
previous order that classified the child a juvenile offender 3266
registrant was an act described in division (A)(1)(a) or (b) of 3267
this section. 3268

(b) The child was fourteen, fifteen, sixteen, or seventeen 3269
years of age at the time of committing the act. 3270

(c) The court imposed on the child a serious youthful 3271
offender dispositional sentence under section 2152.13 of the 3272
Revised Code for the act described in division (A)(1)(a) or (b) of 3273
this section. 3274

(B)(1) If an order is issued under division (A)(1), (2), or 3275
(3) of this section, the classification of tier III sex 3276
offender/child-victim offender automatically applies to the 3277
delinquent child based on the sexually oriented offense the child 3278
committed, subject to a possible reclassification pursuant to 3279
division (D) of this section for a child whose delinquent act was 3280
committed prior to January 1, 2008. If an order is issued under 3281
division (A)(2) of this section regarding a child whose delinquent 3282
act described in division (A)(1)(a) or (b) of this section was 3283
committed prior to January 1, 2008, or if an order is issued under 3284
division (A)(3) of this section regarding a delinquent child, the 3285
order shall inform the child and the child's parent, guardian, or 3286
custodian, that the child has a right to a hearing as described in 3287
division (D) of this section and inform the child and the child's 3288
parent, guardian, or custodian of the procedures for requesting 3289
the hearing and the period of time within which the request for 3290
the hearing must be made. Section 2152.831 of the Revised Code 3291

does not apply regarding an order issued under division (A)(1), 3292
(2), or (3) of this section. 3293

(2) The judge that issues an order under division (A)(1), 3294
(2), or (3) of this section shall provide to the delinquent child 3295
who is the subject of the order and to the delinquent child's 3296
parent, guardian, or custodian the notice required under divisions 3297
(A) and (B) of section 2950.03 of the Revised Code and shall 3298
provide as part of that notice a copy of the order required under 3299
division (A)(1), (2), or (3) of this section. The judge shall 3300
include the order in the delinquent child's dispositional order 3301
and shall specify in the dispositional order that the order issued 3302
under division (A)(1), (2), or (3) of this section was made 3303
pursuant to this section. 3304

(C) An order issued under division (A)(1), (2), or (3) of 3305
this section shall remain in effect for the period of time 3306
specified in section 2950.07 of the Revised Code as it exists on 3307
and after January 1, 2008, subject to a judicial termination of 3308
that period of time as provided in section 2950.15 of the Revised 3309
Code, subject to a possible reclassification of the child pursuant 3310
to division (D) of this section if the child's delinquent act was 3311
committed prior to January 1, 2008. If an order is issued under 3312
division (A)(1), (2), or (3) of this section, the child's 3313
attainment of eighteen or twenty-one years of age does not affect 3314
or terminate the order, and the order remains in effect for the 3315
period of time described in this division. If an order is issued 3316
under division (A)(3) of this section, the duty to comply with 3317
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3318
Code based upon that order shall be considered, for purposes of 3319
section 2950.07 of the Revised Code and for all other purposes, to 3320
be a continuation of the duty to comply with those sections 3321
imposed upon the child prior to January 1, 2008, under the order 3322
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and 3323

Chapter 2950. of the Revised Code. 3324

(D)(1) If an order is issued under division (A)(2) of this 3325
section regarding a delinquent child whose delinquent act 3326
described in division (A)(1)(a) or (b) of this section was 3327
committed prior to January 1, 2008, or if an order is issued under 3328
division (A)(3) of this section regarding a delinquent child, 3329
except as otherwise provided in this division, the child may 3330
request as a matter of right a court hearing to contest the 3331
court's classification in the order of the child as a public 3332
registry-qualified juvenile offender registrant. To request the 3333
hearing, not later than the date that is sixty days after the 3334
delinquent child is provided with the copy of the order, the 3335
delinquent child shall file a petition with the juvenile court 3336
that issued the order. 3337

If the delinquent child requests a hearing by timely filing a 3338
petition with the juvenile court, the delinquent child shall serve 3339
a copy of the petition on the prosecutor who handled the case in 3340
which the delinquent child was adjudicated a delinquent child for 3341
committing the sexually oriented offense or child-victim oriented 3342
offense that resulted in the delinquent child's registration duty 3343
under section 2950.04 or 2950.041 of the Revised Code. The 3344
prosecutor shall represent the interest of the state in the 3345
hearing. In any hearing under this division, the Rules of Juvenile 3346
Procedure apply except to the extent that those Rules would by 3347
their nature be clearly inapplicable. The court shall schedule a 3348
hearing and shall provide notice to the delinquent child and the 3349
delinquent child's parent, guardian, or custodian and to the 3350
prosecutor of the date, time, and place of the hearing. 3351

If the delinquent child requests a hearing in accordance with 3352
this division, until the court issues its decision at or 3353
subsequent to the hearing, the delinquent child shall comply with 3354
Chapter 2950. of the Revised Code as it exists on and after 3355

January 1, 2008. If a delinquent child requests a hearing in 3356
accordance with this division, at the hearing, all parties are 3357
entitled to be heard, and the court shall consider all relevant 3358
information and testimony presented relative to the issue of 3359
whether the child should be classified a public registry-qualified 3360
juvenile offender registrant. Notwithstanding the court's 3361
classification of the delinquent child as a public 3362
registry-qualified juvenile offender registrant, the court may 3363
terminate that classification if it determines by clear and 3364
convincing evidence that the classification is in error. 3365

If the court decides to terminate the court's classification 3366
of the delinquent child as a public registry-qualified juvenile 3367
offender registrant, the court shall issue an order that specifies 3368
that it has determined that the child is not a public 3369
registry-qualified juvenile offender registrant and that it has 3370
terminated the court's classification of the delinquent child as a 3371
public registry-qualified juvenile offender registrant. The court 3372
promptly shall serve a copy of the order upon the sheriff with 3373
whom the delinquent child most recently registered under section 3374
2950.04 or 2950.041 of the Revised Code and upon the bureau of 3375
criminal identification and investigation. The delinquent child 3376
and the prosecutor have the right to appeal the decision of the 3377
court issued under this division. 3378

If the delinquent child fails to request a hearing in 3379
accordance with this division within the applicable sixty-day 3380
period specified in this division, the failure constitutes a 3381
waiver by the delinquent child of the delinquent child's right to 3382
a hearing under this division, and the delinquent child is bound 3383
by the court's classification of the delinquent child as a public 3384
registry-qualified juvenile offender registrant. 3385

(2) An order issued under division (D)(1) of this section is 3386
independent of any order of a type described in division (F) of 3387

section 2950.031 of the Revised Code or division (E) of section 3388
2950.032 of the Revised Code, and the court may issue an order 3389
under both division (D)(1) of this section and an order of a type 3390
described in division (F) of section 2950.031 of the Revised Code 3391
or division (E) of section 2950.032 of the Revised Code. A court 3392
that conducts a hearing under division (D)(1) of this section may 3393
consolidate that hearing with a hearing conducted for the same 3394
delinquent child under division (F) of section 2950.031 of the 3395
Revised Code or division (E) of section 2950.032 of the Revised 3396
Code. 3397

Sec. 2743.191. (A)(1) There is hereby created in the state 3398
treasury the reparations fund, which shall be used only for the 3399
following purposes: 3400

(a) The payment of awards of reparations that are granted by 3401
the attorney general; 3402

(b) The compensation of any personnel needed by the attorney 3403
general to administer sections 2743.51 to 2743.72 of the Revised 3404
Code; 3405

(c) The compensation of witnesses as provided in division (J) 3406
of section 2743.65 of the Revised Code; 3407

(d) Other administrative costs of hearing and determining 3408
claims for an award of reparations by the attorney general; 3409

(e) The costs of administering sections 2907.28 and 2969.01 3410
to 2969.06 of the Revised Code; 3411

(f) The costs of investigation and decision-making as 3412
certified by the attorney general; 3413

(g) The provision of state financial assistance to victim 3414
assistance programs in accordance with sections 109.91 and 109.92 3415
of the Revised Code; 3416

(h) The costs of paying the expenses of sex offense-related 3417

examinations and antibiotics pursuant to section 2907.28 of the Revised Code;

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

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

(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of the Revised Code, of performing DNA analysis of those DNA specimens, and of entering the resulting DNA records regarding those analyses into the DNA database pursuant to section 109.573 of the Revised Code;

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

(m) The costs of administering the adult parole authority's supervision pursuant to division (E) of section 2971.05 of the Revised Code of sexually violent predators who are sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code, and of offenders who are sentenced to a prison term pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of that section ~~for a~~

~~violation of division (A)(1)(b) of section 2907.02 of the Revised Code, and of offenders who are sentenced to a prison term pursuant to division (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code for attempted rape and a specification of the type described in section 2941.1418, 2941.1419, 2941.1420 of the Revised Code.~~

(2) All costs paid pursuant to section 2743.70 of the Revised Code, the portions of license reinstatement fees mandated by division (F)(2)(b) of section 4511.191 of the Revised Code to be credited to the fund, the portions of the proceeds of the sale of a forfeited vehicle specified in division (C)(2) of section 4503.234 of the Revised Code, payments collected by the department of rehabilitation and correction from prisoners who voluntarily participate in an approved work and training program pursuant to division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and all moneys collected by the state pursuant to its right of subrogation provided in section 2743.72 of the Revised Code shall be deposited in the fund.

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

(1) The attorney general shall provide for payment of the claimant or providers in the amount of the award only if the amount of the award is fifty dollars or more.

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

(3) If sufficient unencumbered moneys do not exist in the fund, the attorney general shall make application for payment of the award out of the emergency purposes account or any other

appropriation for emergencies or contingencies, and payment out of 3480
this account or other appropriation shall be authorized if there 3481
are sufficient moneys greater than the sum total of then pending 3482
emergency purposes account requests or requests for releases from 3483
the other appropriations. 3484

(4) If sufficient moneys do not exist in the account or any 3485
other appropriation for emergencies or contingencies to pay the 3486
award, the attorney general shall request the general assembly to 3487
make an appropriation sufficient to pay the award, and no payment 3488
shall be made until the appropriation has been made. The attorney 3489
general shall make this appropriation request during the current 3490
biennium and during each succeeding biennium until a sufficient 3491
appropriation is made. If, prior to the time that an appropriation 3492
is made by the general assembly pursuant to this division, the 3493
fund has sufficient unencumbered funds to pay the award or part of 3494
the award, the available funds shall be used to pay the award or 3495
part of the award, and the appropriation request shall be amended 3496
to request only sufficient funds to pay that part of the award 3497
that is unpaid. 3498

(C) The attorney general shall not make payment on a decision 3499
or order granting an award until all appeals have been determined 3500
and all rights to appeal exhausted, except as otherwise provided 3501
in this section. If any party to a claim for an award of 3502
reparations appeals from only a portion of an award, and a 3503
remaining portion provides for the payment of money by the state, 3504
that part of the award calling for the payment of money by the 3505
state and not a subject of the appeal shall be processed for 3506
payment as described in this section. 3507

(D) The attorney general shall prepare itemized bills for the 3508
costs of printing and distributing the pamphlet the attorney 3509
general prepares pursuant to section 109.42 of the Revised Code. 3510
The itemized bills shall set forth the name and address of the 3511

persons owed the amounts set forth in them. 3512

(E) As used in this section, "DNA analysis" and "DNA 3513
specimen" have the same meanings as in section 109.573 of the 3514
Revised Code. 3515

Sec. 2901.07. (A) As used in this section: 3516

(1) "DNA analysis" and "DNA specimen" have the same meanings 3517
as in section 109.573 of the Revised Code. 3518

(2) "Jail" and "community-based correctional facility" have 3519
the same meanings as in section 2929.01 of the Revised Code. 3520

(3) "Post-release control" has the same meaning as in section 3521
2967.01 of the Revised Code. 3522

(B)(1) Regardless of when the conviction occurred or the 3523
guilty plea was entered, a person who has been convicted of, is 3524
convicted of, has pleaded guilty to, or pleads guilty to a felony 3525
offense and who is sentenced to a prison term or to a community 3526
residential sanction in a jail or community-based correctional 3527
facility for that offense pursuant to section 2929.16 of the 3528
Revised Code, and a person who has been convicted of, is convicted 3529
of, has pleaded guilty to, or pleads guilty to a misdemeanor 3530
offense listed in division (D) of this section and who is 3531
sentenced to a term of imprisonment for that offense shall submit 3532
to a DNA specimen collection procedure administered by the 3533
director of rehabilitation and correction or the chief 3534
administrative officer of the jail or other detention facility in 3535
which the person is serving the term of imprisonment. If the 3536
person serves the prison term in a state correctional institution, 3537
the director of rehabilitation and correction shall cause the DNA 3538
specimen to be collected from the person during the intake process 3539
at the reception facility designated by the director. If the 3540
person serves the community residential sanction or term of 3541

imprisonment in a jail, a community-based correctional facility, 3542
or another county, multicounty, municipal, municipal-county, or 3543
multicounty-municipal detention facility, the chief administrative 3544
officer of the jail, community-based correctional facility, or 3545
detention facility shall cause the DNA specimen to be collected 3546
from the person during the intake process at the jail, 3547
community-based correctional facility, or detention facility. The 3548
DNA specimen shall be collected in accordance with division (C) of 3549
this section. 3550

(2) Regardless of when the conviction occurred or the guilty 3551
plea was entered, if a person has been convicted of, is convicted 3552
of, has pleaded guilty to, or pleads guilty to a felony offense or 3553
a misdemeanor offense listed in division (D) of this section, is 3554
serving a prison term, community residential sanction, or term of 3555
imprisonment for that offense, and does not provide a DNA specimen 3556
pursuant to division (B)(1) of this section, prior to the person's 3557
release from the prison term, community residential sanction, or 3558
imprisonment, the person shall submit to, and the director of 3559
rehabilitation and correction or the chief administrative officer 3560
of the jail, community-based correctional facility, or detention 3561
facility in which the person is serving the prison term, community 3562
residential sanction, or term of imprisonment shall administer, a 3563
DNA specimen collection procedure at the state correctional 3564
institution, jail, community-based correctional facility, or 3565
detention facility in which the person is serving the prison term, 3566
community residential sanction, or term of imprisonment. The DNA 3567
specimen shall be collected in accordance with division (C) of 3568
this section. 3569

(3)(a) Regardless of when the conviction occurred or the 3570
guilty plea was entered, if a person has been convicted of, is 3571
convicted of, has pleaded guilty to, or pleads guilty to a felony 3572
offense or a misdemeanor offense listed in division (D) of this 3573

section and the person is on probation, released on parole, under 3574
transitional control, on community control, on post-release 3575
control, or under any other type of supervised release under the 3576
supervision of a probation department or the adult parole 3577
authority for that offense, the person shall submit to a DNA 3578
specimen collection procedure administered by the chief 3579
administrative officer of the probation department or the adult 3580
parole authority. The DNA specimen shall be collected in 3581
accordance with division (C) of this section. If the person 3582
refuses to submit to a DNA specimen collection procedure as 3583
provided in this division, the person may be subject to the 3584
provisions of section 2967.15 of the Revised Code. 3585

(b) If a person to whom division (B)(3)(a) of this section 3586
applies is sent to jail or is returned to a jail, community-based 3587
correctional facility, or state correctional institution for a 3588
violation of the terms and conditions of the probation, parole, 3589
transitional control, other release, or post-release control, if 3590
the person was or will be serving a term of imprisonment, prison 3591
term, or community residential sanction for committing a felony 3592
offense or for committing a misdemeanor offense listed in division 3593
(D) of this section, and if the person did not provide a DNA 3594
specimen pursuant to division (B)(1), (2) or (3)(a) of this 3595
section, the person shall submit to, and the director of 3596
rehabilitation and correction or the chief administrative officer 3597
of the jail or community-based correctional facility shall 3598
administer, a DNA specimen collection procedure at the jail, 3599
community-based correctional facility, or state correctional 3600
institution in which the person is serving the term of 3601
imprisonment, prison term, or community residential sanction. The 3602
DNA specimen shall be collected from the person in accordance with 3603
division (C) of this section. 3604

(4) Regardless of when the conviction occurred or the guilty 3605

plea was entered, if a person has been convicted of, is convicted 3606
of, has pleaded guilty to, or pleads guilty to a felony offense or 3607
a misdemeanor offense listed in division (D) of this section, the 3608
person is not sentenced to a prison term, a community residential 3609
sanction in a jail or community-based correctional facility, a 3610
term of imprisonment, or any type of supervised release under the 3611
supervision of a probation department or the adult parole 3612
authority, and the person does not provide a DNA specimen pursuant 3613
to division (B)(1), (2), (3)(a), or (3)(b) of this section, the 3614
sentencing court shall order the person to report to the county 3615
probation department immediately after sentencing to submit to a 3616
DNA specimen collection procedure administered by the chief 3617
administrative officer of the county probation office. If the 3618
person is incarcerated at the time of sentencing, the person shall 3619
submit to a DNA specimen collection procedure administered by the 3620
director of rehabilitation and correction or the chief 3621
administrative officer of the jail or other detention facility in 3622
which the person is incarcerated. The DNA specimen shall be 3623
collected in accordance with division (C) of this section. 3624

(C) If the DNA specimen is collected by withdrawing blood 3625
from the person or a similarly invasive procedure, a physician, 3626
registered nurse, licensed practical nurse, duly licensed clinical 3627
laboratory technician, or other qualified medical practitioner 3628
shall collect in a medically approved manner the DNA specimen 3629
required to be collected pursuant to division (B) of this section. 3630
If the DNA specimen is collected by swabbing for buccal cells or a 3631
similarly noninvasive procedure, this section does not require 3632
that the DNA specimen be collected by a qualified medical 3633
practitioner of that nature. No later than fifteen days after the 3634
date of the collection of the DNA specimen, the director of 3635
rehabilitation and correction or the chief administrative officer 3636
of the jail, community-based correctional facility, or other 3637
county, multicounty, municipal, municipal-county, or 3638

multicounty-municipal detention facility, in which the person is 3639
serving the prison term, community residential sanction, or term 3640
of imprisonment shall cause the DNA specimen to be forwarded to 3641
the bureau of criminal identification and investigation in 3642
accordance with procedures established by the superintendent of 3643
the bureau under division (H) of section 109.573 of the Revised 3644
Code. The bureau shall provide the specimen vials, mailing tubes, 3645
labels, postage, and instructions needed for the collection and 3646
forwarding of the DNA specimen to the bureau. 3647

(D) The director of rehabilitation and correction, the chief 3648
administrative officer of the jail, community-based correctional 3649
facility, or other county, multicounty, municipal, 3650
municipal-county, or multicounty-municipal detention facility, or 3651
the chief administrative officer of a county probation department 3652
or the adult parole authority shall cause a DNA specimen to be 3653
collected in accordance with divisions (B) and (C) of this section 3654
from a person in its custody or under its supervision who has been 3655
convicted of, is convicted of, has pleaded guilty to, or pleads 3656
guilty to any felony offense or any of the following misdemeanor 3657
offenses: 3658

(1) A misdemeanor violation, an attempt to commit a 3659
misdemeanor violation, or complicity in committing a misdemeanor 3660
violation of section 2907.04 of the Revised Code; 3661

(2) A misdemeanor violation of any law that arose out of the 3662
same facts and circumstances and same act as did a charge against 3663
the person of a violation of section 2903.01, 2903.02, 2905.01, 3664
2907.02, 2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code 3665
that previously was dismissed or amended or as did a charge 3666
against the person of a violation of section 2907.12 of the 3667
Revised Code as it existed prior to September 3, 1996, that 3668
previously was dismissed or amended; 3669

(3) A misdemeanor violation of section 2919.23 of the Revised 3670

Code that would have been a violation of section 2905.04 of the
Revised Code as it existed prior to July 1, 1996, had it been
committed prior to that date;

(4) A sexually oriented offense or a child-victim oriented
offense, both as defined in section 2950.01 of the Revised Code,
that is a misdemeanor, if, in relation to that offense, the
offender ~~has been adjudicated a sexual predator, child-victim
predator, habitual sex offender, or habitual~~ is a tier III sex
offender/child-victim offender, all as defined in section 2950.01
of the Revised Code.

(E) The director of rehabilitation and correction may
prescribe rules in accordance with Chapter 119. of the Revised
Code to collect a DNA specimen, as provided in this section, from
an offender whose supervision is transferred from another state to
this state in accordance with the interstate compact for adult
offender supervision described in section 5149.21 of the Revised
Code.

Sec. 2903.211. (A)(1) No person by engaging in a pattern of
conduct shall knowingly cause another person to believe that the
offender will cause physical harm to the other person or cause
mental distress to the other person.

(2) No person, through the use of any electronic method of
remotely transferring information, including, but not limited to,
any computer, computer network, computer program, or computer
system, shall post a message with purpose to urge or incite
another to commit a violation of division (A)(1) of this section.

(3) No person, with a sexual motivation, shall violate
division (A)(1) or (2) of this section.

(B) Whoever violates this section is guilty of menacing by
stalking.

(1) Except as otherwise provided in divisions (B)(2) and (3) 3701
of this section, menacing by stalking is a misdemeanor of the 3702
first degree. 3703

(2) Menacing by stalking is a felony of the fourth degree if 3704
any of the following applies: 3705

(a) The offender previously has been convicted of or pleaded 3706
guilty to a violation of this section or a violation of section 3707
2911.211 of the Revised Code. 3708

(b) In committing the offense under division (A)(1) ~~or~~ (2) or 3709
(3) of this section, the offender made a threat of physical 3710
harm to or against the victim, or as a result of an offense 3711
committed under division (A)(2) or (3) of this section, a third 3712
person induced by the offender's posted message made a threat of 3713
physical harm to or against the victim. 3714

(c) In committing the offense under division (A)(1) ~~or~~ (2) or 3715
(3) of this section, the offender trespassed on the land or 3716
premises where the victim lives, is employed, or attends school, 3717
or as a result of an offense committed under division (A)(2) or 3718
(3) of this section, a third person induced by the offender's 3719
posted message trespassed on the land or premises where the victim 3720
lives, is employed, or attends school. 3721

(d) The victim of the offense is a minor. 3722

(e) The offender has a history of violence toward the victim 3723
or any other person or a history of other violent acts toward the 3724
victim or any other person. 3725

(f) While committing the offense under division (A)(1) of 3726
this section or a violation of division (A)(3) of this section 3727
based on conduct in violation of division (A)(1) of this section, 3728
the offender had a deadly weapon on or about the offender's person 3729
or under the offender's control. Division (B)(2)(f) of this 3730
section does not apply in determining the penalty for a violation 3731

of division (A)(2) of this section or a violation of division 3732
(A)(3) of this section based on conduct in violation of division 3733
(A)(2) of this section. 3734

(g) At the time of the commission of the offense, the 3735
offender was the subject of a protection order issued under 3736
section 2903.213 or 2903.214 of the Revised Code, regardless of 3737
whether the person to be protected under the order is the victim 3738
of the offense or another person. 3739

(h) In committing the offense under division (A)(1) ~~or~~ (2) ~~or~~ 3740
or (3) of this section, the offender caused serious physical harm 3741
to the premises at which the victim resides, to the real property 3742
on which that premises is located, or to any personal property 3743
located on that premises, ~~or~~ as a result of an offense committed 3744
under division (A)(2) of this section or an offense committed 3745
under division (A)(3) of this section based on a violation of 3746
division (A)(2) of this section, a third person induced by the 3747
offender's posted message caused serious physical harm to that 3748
premises, that real property, or any personal property on that 3749
premises. 3750

(i) Prior to committing the offense, the offender had been 3751
determined to represent a substantial risk of physical harm to 3752
others as manifested by evidence of then-recent homicidal or other 3753
violent behavior, evidence of then-recent threats that placed 3754
another in reasonable fear of violent behavior and serious 3755
physical harm, or other evidence of then-present dangerousness. 3756

(3) If the victim of the offense is an officer or employee of 3757
a public children services agency or a private child placing 3758
agency and the offense relates to the officer's or employee's 3759
performance or anticipated performance of official 3760
responsibilities or duties, menacing by stalking is either a 3761
felony of the fifth degree or, if the offender previously has been 3762
convicted of or pleaded guilty to an offense of violence, the 3763

victim of that prior offense was an officer or employee of a 3764
public children services agency or private child placing agency, 3765
and that prior offense related to the officer's or employee's 3766
performance or anticipated performance of official 3767
responsibilities or duties, a felony of the fourth degree. 3768

(C) Section 2919.271 of the Revised Code applies in relation 3769
to a defendant charged with a violation of this section. 3770

(D) As used in this section: 3771

(1) "Pattern of conduct" means two or more actions or 3772
incidents closely related in time, whether or not there has been a 3773
prior conviction based on any of those actions or incidents. 3774
Actions or incidents that prevent, obstruct, or delay the 3775
performance by a public official, firefighter, rescuer, emergency 3776
medical services person, or emergency facility person of any 3777
authorized act within the public official's, firefighter's, 3778
rescuer's, emergency medical services person's, or emergency 3779
facility person's official capacity, or the posting of messages or 3780
receipt of information or data through the use of an electronic 3781
method of remotely transferring information, including, but not 3782
limited to, a computer, computer network, computer program, 3783
computer system, or telecommunications device, may constitute a 3784
"pattern of conduct." 3785

(2) "Mental distress" means any of the following: 3786

(a) Any mental illness or condition that involves some 3787
temporary substantial incapacity; 3788

(b) Any mental illness or condition that would normally 3789
require psychiatric treatment, psychological treatment, or other 3790
mental health services, whether or not any person requested or 3791
received psychiatric treatment, psychological treatment, or other 3792
mental health services. 3793

(3) "Emergency medical services person" is the singular of 3794

"emergency medical services personnel" as defined in section 3795
2133.21 of the Revised Code. 3796

(4) "Emergency facility person" is the singular of "emergency 3797
facility personnel" as defined in section 2909.04 of the Revised 3798
Code. 3799

(5) "Public official" has the same meaning as in section 3800
2921.01 of the Revised Code. 3801

(6) "Computer," "computer network," "computer program," 3802
"computer system," and "telecommunications device" have the same 3803
meanings as in section 2913.01 of the Revised Code. 3804

(7) "Post a message" means transferring, sending, posting, 3805
publishing, disseminating, or otherwise communicating, or 3806
attempting to transfer, send, post, publish, disseminate, or 3807
otherwise communicate, any message or information, whether 3808
truthful or untruthful, about an individual, and whether done 3809
under one's own name, under the name of another, or while 3810
impersonating another. 3811

(8) "Third person" means, in relation to conduct as described 3812
in division (A)(2) of this section, an individual who is neither 3813
the offender nor the victim of the conduct. 3814

(9) "Sexual motivation" has the same meaning as in section 3815
2971.01 of the Revised Code. 3816

(E) The state does not need to prove in a prosecution under 3817
this section that a person requested or received psychiatric 3818
treatment, psychological treatment, or other mental health 3819
services in order to show that the person was caused mental 3820
distress as described in division (D)(2)(b) of this section. 3821

(F)(1) This section does not apply to a person solely because 3822
the person provided access or connection to or from an electronic 3823
method of remotely transferring information not under that 3824

person's control, including having provided capabilities that are 3825
incidental to providing access or connection to or from the 3826
electronic method of remotely transferring the information, and 3827
that do not include the creation of the content of the material 3828
that is the subject of the access or connection. In addition, any 3829
person providing access or connection to or from an electronic 3830
method of remotely transferring information not under that 3831
person's control shall not be liable for any action voluntarily 3832
taken in good faith to block the receipt or transmission through 3833
its service of any information that it believes is, or will be 3834
sent, in violation of this section. 3835

(2) Division (F)(1) of this section does not create an 3836
affirmative duty for any person providing access or connection to 3837
or from an electronic method of remotely transferring information 3838
not under that person's control to block the receipt or 3839
transmission through its service of any information that it 3840
believes is, or will be sent, in violation of this section except 3841
as otherwise provided by law. 3842

(3) Division (F)(1) of this section does not apply to a 3843
person who conspires with a person actively involved in the 3844
creation or knowing distribution of material in violation of this 3845
section or who knowingly advertises the availability of material 3846
of that nature. 3847

Sec. 2905.01. (A) No person, by force, threat, or deception, 3848
or, in the case of a victim under the age of thirteen or mentally 3849
incompetent, by any means, shall remove another from the place 3850
where the other person is found or restrain the liberty of the 3851
other person, for any of the following purposes: 3852

(1) To hold for ransom, or as a shield or hostage; 3853

(2) To facilitate the commission of any felony or flight 3854
thereafter; 3855

(3) To terrorize, or to inflict serious physical harm on the 3856
victim or another; 3857

(4) To engage in sexual activity, as defined in section 3858
2907.01 of the Revised Code, with the victim against the victim's 3859
will; 3860

(5) To hinder, impede, or obstruct a function of government, 3861
or to force any action or concession on the part of governmental 3862
authority. 3863

(B) No person, by force, threat, or deception, or, in the 3864
case of a victim under the age of thirteen or mentally 3865
incompetent, by any means, shall knowingly do any of the 3866
following, under circumstances that create a substantial risk of 3867
serious physical harm to the victim or, in the case of a minor 3868
victim, under circumstances that either create a substantial risk 3869
of serious physical harm to the victim or cause physical harm to 3870
the victim: 3871

(1) Remove another from the place where the other person is 3872
found; 3873

(2) Restrain another of ~~his~~ the other person's liberty; 3874

(3) Hold another in a condition of involuntary servitude. 3875

(C) Whoever violates this section is guilty of kidnapping. 3876
Except as otherwise provided in this division, kidnapping is a 3877
felony of the first degree. ~~If~~ Except as otherwise provided in 3878
this division, if the offender releases the victim in a safe place 3879
unharmed, kidnapping is a felony of the second degree. If the 3880
victim of the offense is less than thirteen years of age and if 3881
the offender also is convicted of or pleads guilty to a sexual 3882
motivation specification that was included in the indictment, 3883
count in the indictment, or information charging the offense, 3884
kidnapping is a felony of the first degree, and, notwithstanding 3885
the definite sentence provided for a felony of the first degree in 3886

section 2929.14 of the Revised Code, the offender shall be 3887
sentenced pursuant to section 2971.03 of the Revised Code as 3888
follows: 3889

(1) Except as otherwise provided in division (C)(2) of this 3890
section, the offender shall be sentenced pursuant to that section 3891
to an indefinite prison term consisting of a minimum term of 3892
fifteen years and a maximum term of life imprisonment. 3893

(2) If the offender releases the victim in a safe place 3894
unharmed, the offender shall be sentenced pursuant to that section 3895
to an indefinite term consisting of a minimum term of ten years 3896
and a maximum term of life imprisonment. 3897

(D) As used in this section, "sexual motivation 3898
specification" has the same meaning as in section 2971.01 of the 3899
Revised Code. 3900

Sec. 2905.02. (A) No person, without privilege to do so, 3901
shall knowingly do any of the following: 3902

(1) By force or threat, remove another from the place where 3903
the other person is found; 3904

(2) By force or threat, restrain the liberty of another 3905
person, under circumstances ~~which~~ that create a risk of physical 3906
harm to the victim, or place the other person in fear; 3907

(3) Hold another in a condition of involuntary servitude. 3908

(B) No person, with a sexual motivation, shall violate 3909
division (A) of this section. 3910

(C) Whoever violates this section is guilty of abduction, a 3911
felony of the third degree. 3912

(D) As used in this section, "sexual motivation" has the same 3913
meaning as in section 2971.01 of the Revised Code. 3914

Sec. 2905.03. (A) No person, without privilege to do so, 3915
shall knowingly restrain another of ~~his~~ the other person's 3916
liberty. 3917

(B) No person, without privilege to do so and with a sexual 3918
motivation, shall knowingly restrain another of the other person's 3919
liberty. 3920

(C) Whoever violates this section is guilty of unlawful 3921
restraint, a misdemeanor of the third degree. 3922

(D) As used in this section, "sexual motivation" has the same 3923
meaning as in section 2971.01 of the Revised Code. 3924

Sec. 2905.05. (A) No person, by any means and without 3925
privilege to do so, shall knowingly solicit, coax, entice, or lure 3926
any child under fourteen years of age to accompany the person in 3927
any manner, including entering into any vehicle or onto any 3928
vessel, whether or not the offender knows the age of the child, if 3929
both of the following apply: 3930

(1) The actor does not have the express or implied permission 3931
of the parent, guardian, or other legal custodian of the child in 3932
undertaking the activity. 3933

(2) The actor is not a law enforcement officer, medic, 3934
firefighter, or other person who regularly provides emergency 3935
services, and is not an employee or agent of, or a volunteer 3936
acting under the direction of, any board of education, or the 3937
actor is any of such persons, but, at the time the actor 3938
undertakes the activity, the actor is not acting within the scope 3939
of the actor's lawful duties in that capacity. 3940

(B) No person, with a sexual motivation, shall violate 3941
division (A) of this section. 3942

(C) It is an affirmative defense to a charge under division 3943

(A) of this section that the actor undertook the activity in 3944
response to a bona fide emergency situation or that the actor 3945
undertook the activity in a reasonable belief that it was 3946
necessary to preserve the health, safety, or welfare of the child. 3947

~~(C)~~(D) Whoever violates this section is guilty of criminal 3948
child enticement, a misdemeanor of the first degree. If the 3949
offender previously has been convicted of a violation of this 3950
section, section 2907.02~~7~~ or 2907.03~~7~~ or former section 2907.12 of 3951
the Revised Code, or section 2905.01 or 2907.05 of the Revised 3952
Code when the victim of that prior offense was under seventeen 3953
years of age at the time of the offense, criminal child enticement 3954
is a felony of the fifth degree. 3955

~~(D)~~(E) As used in this section: 3956

(1) "Sexual motivation" has the same meaning as in section 3957
2971.01 of the Revised Code. 3958

(2) "Vehicle" has the same meaning as in section 4501.01 of 3959
the Revised Code. 3960

~~(2)~~(3) "Vessel" has the same meaning as in section 1547.01 of 3961
the Revised Code. 3962

Sec. 2907.01. As used in sections 2907.01 to 2907.38 of the 3963
Revised Code: 3964

(A) "Sexual conduct" means vaginal intercourse between a male 3965
and female; anal intercourse, fellatio, and cunnilingus between 3966
persons regardless of sex; and, without privilege to do so, the 3967
insertion, however slight, of any part of the body or any 3968
instrument, apparatus, or other object into the vaginal or anal 3969
opening of another. Penetration, however slight, is sufficient to 3970
complete vaginal or anal intercourse. 3971

(B) "Sexual contact" means any touching of an erogenous zone 3972
of another, including without limitation the thigh, genitals, 3973

buttock, pubic region, or, if the person is a female, a breast, 3974
for the purpose of sexually arousing or gratifying either person. 3975

(C) "Sexual activity" means sexual conduct or sexual contact, 3976
or both. 3977

(D) "Prostitute" means a male or female who promiscuously 3978
engages in sexual activity for hire, regardless of whether the 3979
hire is paid to the prostitute or to another. 3980

(E) "Harmful to juveniles" means that quality of any material 3981
or performance describing or representing nudity, sexual conduct, 3982
sexual excitement, or sado-masochistic abuse in any form to which 3983
all of the following apply: 3984

(1) The material or performance, when considered as a whole, 3985
appeals to the prurient interest ~~in sex~~ of juveniles in sex. 3986

(2) The material or performance is patently offensive to 3987
prevailing standards in the adult community as a whole with 3988
respect to what is suitable for juveniles. 3989

(3) The material or performance, when considered as a whole, 3990
lacks serious literary, artistic, political, and scientific value 3991
for juveniles. 3992

(F) When considered as a whole, and judged with reference to 3993
ordinary adults or, if it is designed for sexual deviates or other 3994
specially susceptible group, judged with reference to that group, 3995
any material or performance is "obscene" if any of the following 3996
apply: 3997

(1) Its dominant appeal is to prurient interest; 3998

(2) Its dominant tendency is to arouse lust by displaying or 3999
depicting sexual activity, masturbation, sexual excitement, or 4000
nudity in a way that tends to represent human beings as mere 4001
objects of sexual appetite; 4002

(3) Its dominant tendency is to arouse lust by displaying or 4003

depicting bestiality or extreme or bizarre violence, cruelty, or 4004
brutality; 4005

(4) Its dominant tendency is to appeal to scatological 4006
interest by displaying or depicting human bodily functions of 4007
elimination in a way that inspires disgust or revulsion in persons 4008
with ordinary sensibilities, without serving any genuine 4009
scientific, educational, sociological, moral, or artistic purpose; 4010

(5) It contains a series of displays or descriptions of 4011
sexual activity, masturbation, sexual excitement, nudity, 4012
bestiality, extreme or bizarre violence, cruelty, or brutality, or 4013
human bodily functions of elimination, the cumulative effect of 4014
which is a dominant tendency to appeal to prurient or scatological 4015
interest, when the appeal to such an interest is primarily for its 4016
own sake or for commercial exploitation, rather than primarily for 4017
a genuine scientific, educational, sociological, moral, or 4018
artistic purpose. 4019

(G) "Sexual excitement" means the condition of human male or 4020
female genitals when in a state of sexual stimulation or arousal. 4021

(H) "Nudity" means the showing, representation, or depiction 4022
of human male or female genitals, pubic area, or buttocks with 4023
less than a full, opaque covering, or of a female breast with less 4024
than a full, opaque covering of any portion thereof below the top 4025
of the nipple, or of covered male genitals in a discernibly turgid 4026
state. 4027

(I) "Juvenile" means an unmarried person under the age of 4028
eighteen. 4029

(J) "Material" means any book, magazine, newspaper, pamphlet, 4030
poster, print, picture, figure, image, description, motion picture 4031
film, phonographic record, or tape, or other tangible thing 4032
capable of arousing interest through sight, sound, or touch and 4033
includes an image or text appearing on a computer monitor, 4034

television screen, liquid crystal display, or similar display 4035
device or an image or text recorded on a computer hard disk, 4036
computer floppy disk, compact disk, magnetic tape, or similar data 4037
storage device. 4038

(K) "Performance" means any motion picture, preview, trailer, 4039
play, show, skit, dance, or other exhibition performed before an 4040
audience. 4041

(L) "Spouse" means a person married to an offender at the 4042
time of an alleged offense, except that such person shall not be 4043
considered the spouse when any of the following apply: 4044

(1) When the parties have entered into a written separation 4045
agreement authorized by section 3103.06 of the Revised Code; 4046

(2) During the pendency of an action between the parties for 4047
annulment, divorce, dissolution of marriage, or legal separation; 4048

(3) In the case of an action for legal separation, after the 4049
effective date of the judgment for legal separation. 4050

(M) "Minor" means a person under the age of eighteen. 4051

(N) "Mental health client or patient" has the same meaning as 4052
in section 2305.51 of the Revised Code. 4053

(O) "Mental health professional" has the same meaning as in 4054
section 2305.115 of the Revised Code. 4055

(P) "Sado-masochistic abuse" means flagellation or torture by 4056
or upon a person or the condition of being fettered, bound, or 4057
otherwise physically restrained. 4058

Sec. 2907.02. (A)(1) No person shall engage in sexual conduct 4059
with another who is not the spouse of the offender or who is the 4060
spouse of the offender but is living separate and apart from the 4061
offender, when any of the following applies: 4062

(a) For the purpose of preventing resistance, the offender 4063

substantially impairs the other person's judgment or control by 4064
administering any drug, intoxicant, or controlled substance to the 4065
other person surreptitiously or by force, threat of force, or 4066
deception. 4067

(b) The other person is less than thirteen years of age, 4068
whether or not the offender knows the age of the other person. 4069

(c) The other person's ability to resist or consent is 4070
substantially impaired because of a mental or physical condition 4071
or because of advanced age, and the offender knows or has 4072
reasonable cause to believe that the other person's ability to 4073
resist or consent is substantially impaired because of a mental or 4074
physical condition or because of advanced age. 4075

(2) No person shall engage in sexual conduct with another 4076
when the offender purposely compels the other person to submit by 4077
force or threat of force. 4078

(B) Whoever violates this section is guilty of rape, a felony 4079
of the first degree. If the offender under division (A)(1)(a) of 4080
this section substantially impairs the other person's judgment or 4081
control by administering any controlled substance described in 4082
section 3719.41 of the Revised Code to the other person 4083
surreptitiously or by force, threat of force, or deception, the 4084
prison term imposed upon the offender shall be one of the prison 4085
terms prescribed for a felony of the first degree in section 4086
2929.14 of the Revised Code that is not less than five years. 4087
Except as otherwise provided in this division, notwithstanding 4088
sections 2929.11 to 2929.14 of the Revised Code, an offender under 4089
division (A)(1)(b) of this section shall be sentenced to a prison 4090
term or term of life imprisonment pursuant to section 2971.03 of 4091
the Revised Code. If an offender is convicted of or pleads guilty 4092
to a violation of division (A)(1)(b) of this section, if the 4093
offender was less than sixteen years of age at the time the 4094
offender committed the violation of that division, and if the 4095

offender during or immediately after the commission of the offense 4096
did not cause serious physical harm to the victim, the victim was 4097
ten years of age or older at the time of the commission of the 4098
violation, and the offender has not previously been convicted of 4099
or pleaded guilty to a violation of this section or a 4100
substantially similar existing or former law of this state, 4101
another state, or the United States, the court shall not sentence 4102
the offender to a prison term or term of life imprisonment 4103
pursuant to section 2971.03 of the Revised Code, and instead the 4104
court shall sentence the offender as otherwise provided in this 4105
division. If an offender under division (A)(1)(b) of this section 4106
previously has been convicted of or pleaded guilty to violating 4107
division (A)(1)(b) of this section or to violating an existing or 4108
former law of this state, another state, or the United States that 4109
is substantially similar to division (A)(1)(b) of this section, if 4110
the offender during or immediately after the commission of the 4111
offense caused serious physical harm to the victim, or if the 4112
victim under division (A)(1)(b) of this section is less than ten 4113
years of age, in lieu of sentencing the offender to a prison term 4114
or term of life imprisonment pursuant to section 2971.03 of the 4115
Revised Code, the court may impose upon the offender a term of 4116
life without parole. If the court imposes a term of life without 4117
parole pursuant to this division, division (F) of section 2971.03 4118
of the Revised Code applies, and the offender automatically is 4119
classified a ~~sexual predator~~ tier III sex offender/child-victim 4120
offender, as described in that division. 4121

(C) A victim need not prove physical resistance to the 4122
offender in prosecutions under this section. 4123

(D) Evidence of specific instances of the victim's sexual 4124
activity, opinion evidence of the victim's sexual activity, and 4125
reputation evidence of the victim's sexual activity shall not be 4126
admitted under this section unless it involves evidence of the 4127

origin of semen, pregnancy, or disease, or the victim's past 4128
sexual activity with the offender, and only to the extent that the 4129
court finds that the evidence is material to a fact at issue in 4130
the case and that its inflammatory or prejudicial nature does not 4131
outweigh its probative value. 4132

Evidence of specific instances of the defendant's sexual 4133
activity, opinion evidence of the defendant's sexual activity, and 4134
reputation evidence of the defendant's sexual activity shall not 4135
be admitted under this section unless it involves evidence of the 4136
origin of semen, pregnancy, or disease, the defendant's past 4137
sexual activity with the victim, or is admissible against the 4138
defendant under section 2945.59 of the Revised Code, and only to 4139
the extent that the court finds that the evidence is material to a 4140
fact at issue in the case and that its inflammatory or prejudicial 4141
nature does not outweigh its probative value. 4142

(E) Prior to taking testimony or receiving evidence of any 4143
sexual activity of the victim or the defendant in a proceeding 4144
under this section, the court shall resolve the admissibility of 4145
the proposed evidence in a hearing in chambers, which shall be 4146
held at or before preliminary hearing and not less than three days 4147
before trial, or for good cause shown during the trial. 4148

(F) Upon approval by the court, the victim may be represented 4149
by counsel in any hearing in chambers or other proceeding to 4150
resolve the admissibility of evidence. If the victim is indigent 4151
or otherwise is unable to obtain the services of counsel, the 4152
court, upon request, may appoint counsel to represent the victim 4153
without cost to the victim. 4154

(G) It is not a defense to a charge under division (A)(2) of 4155
this section that the offender and the victim were married or were 4156
cohabiting at the time of the commission of the offense. 4157

Sec. 2907.05. (A) No person shall have sexual contact with 4158

another, not the spouse of the offender; cause another, not the 4159
spouse of the offender, to have sexual contact with the offender; 4160
or cause two or more other persons to have sexual contact when any 4161
of the following applies: 4162

(1) The offender purposely compels the other person, or one 4163
of the other persons, to submit by force or threat of force. 4164

(2) For the purpose of preventing resistance, the offender 4165
substantially impairs the judgment or control of the other person 4166
or of one of the other persons by administering any drug, 4167
intoxicant, or controlled substance to the other person 4168
surreptitiously or by force, threat of force, or deception. 4169

(3) The offender knows that the judgment or control of the 4170
other person or of one of the other persons is substantially 4171
impaired as a result of the influence of any drug or intoxicant 4172
administered to the other person with the other person's consent 4173
for the purpose of any kind of medical or dental examination, 4174
treatment, or surgery. 4175

(4) The other person, or one of the other persons, is less 4176
than thirteen years of age, whether or not the offender knows the 4177
age of that person. 4178

(5) The ability of the other person to resist or consent or 4179
the ability of one of the other persons to resist or consent is 4180
substantially impaired because of a mental or physical condition 4181
or because of advanced age, and the offender knows or has 4182
reasonable cause to believe that the ability to resist or consent 4183
of the other person or of one of the other persons is 4184
substantially impaired because of a mental or physical condition 4185
or because of advanced age. 4186

(B) No person shall knowingly touch the genitalia of another, 4187
when the touching is not through clothing, the other person is 4188
less than twelve years of age, whether or not the offender knows 4189

the age of that person, and the touching is done with an intent to 4190
abuse, humiliate, harass, degrade, or arouse or gratify the sexual 4191
desire of any person. 4192

(C) Whoever violates this section is guilty of gross sexual 4193
imposition. 4194

(1) Except as otherwise provided in this section, gross 4195
sexual imposition committed in violation of division (A)(1), (2), 4196
(3), or (5) of this section is a felony of the fourth degree. If 4197
the offender under division (A)(2) of this section substantially 4198
impairs the judgment or control of the other person or one of the 4199
other persons by administering any controlled substance described 4200
in section 3719.41 of the Revised Code to the person 4201
surreptitiously or by force, threat of force, or deception, gross 4202
sexual imposition committed in violation of division (A)(2) of 4203
this section is a felony of the third degree. 4204

(2) Gross sexual imposition committed in violation of 4205
division (A)(4) or (B) of this section is a felony of the third 4206
degree. Except as otherwise provided in this division, for gross 4207
sexual imposition committed in violation of division (A)(4) or (B) 4208
of this section there is a presumption that a prison term shall be 4209
imposed for the offense. The court shall impose on an offender 4210
convicted of gross sexual imposition in violation of division 4211
(A)(4) or (B) of this section a mandatory prison term equal to one 4212
of the prison terms prescribed in section 2929.14 of the Revised 4213
Code for a felony of the third degree if either of the following 4214
applies: 4215

(a) Evidence other than the testimony of the victim was 4216
admitted in the case corroborating the violation; 4217

(b) The offender previously was convicted of or pleaded 4218
guilty to a violation of this section, rape, the former offense of 4219
felonious sexual penetration, or sexual battery, and the victim of 4220

the previous offense was ~~under~~ less than thirteen years of age. 4221

~~(C)~~(D) A victim need not prove physical resistance to the 4222
offender in prosecutions under this section. 4223

~~(D)~~(E) Evidence of specific instances of the victim's sexual 4224
activity, opinion evidence of the victim's sexual activity, and 4225
reputation evidence of the victim's sexual activity shall not be 4226
admitted under this section unless it involves evidence of the 4227
origin of semen, pregnancy, or disease, or the victim's past 4228
sexual activity with the offender, and only to the extent that the 4229
court finds that the evidence is material to a fact at issue in 4230
the case and that its inflammatory or prejudicial nature does not 4231
outweigh its probative value. 4232

Evidence of specific instances of the defendant's sexual 4233
activity, opinion evidence of the defendant's sexual activity, and 4234
reputation evidence of the defendant's sexual activity shall not 4235
be admitted under this section unless it involves evidence of the 4236
origin of semen, pregnancy, or disease, the defendant's past 4237
sexual activity with the victim, or is admissible against the 4238
defendant under section 2945.59 of the Revised Code, and only to 4239
the extent that the court finds that the evidence is material to a 4240
fact at issue in the case and that its inflammatory or prejudicial 4241
nature does not outweigh its probative value. 4242

~~(E)~~(F) Prior to taking testimony or receiving evidence of any 4243
sexual activity of the victim or the defendant in a proceeding 4244
under this section, the court shall resolve the admissibility of 4245
the proposed evidence in a hearing in chambers, which shall be 4246
held at or before preliminary hearing and not less than three days 4247
before trial, or for good cause shown during the trial. 4248

~~(F)~~(G) Upon approval by the court, the victim may be 4249
represented by counsel in any hearing in chambers or other 4250
proceeding to resolve the admissibility of evidence. If the victim 4251

is indigent or otherwise is unable to obtain the services of 4252
counsel, the court, upon request, may appoint counsel to represent 4253
the victim without cost to the victim. 4254

Sec. 2921.34. (A)(1) No person, knowing the person is under 4255
detention or being reckless in that regard, shall purposely break 4256
or attempt to break the detention, or purposely fail to return to 4257
detention, either following temporary leave granted for a specific 4258
purpose or limited period, or at the time required when serving a 4259
sentence in intermittent confinement. 4260

(2)(a) Division (A)(2)(b) of this section applies to any 4261
person who is ~~adjudicated a sexually violent predator and is~~ 4262
sentenced to a prison term pursuant to division (A)(3) or (B) of 4263
section 2971.03 of the Revised Code ~~for the sexually violent~~ 4264
~~offense, to any person who is convicted of or pleads guilty to a~~ 4265
~~violation of division (A)(1)(b) of section 2907.02 of the Revised~~ 4266
~~Code committed on or after the effective date of this amendment~~ 4267
~~and is sentenced to a prison term pursuant to division (B)(1)(a),~~ 4268
~~(b), or (c) of section 2971.03 of the Revised Code for the~~ 4269
~~violation, and to any person who is convicted of or pleads guilty~~ 4270
~~to attempted rape committed on or after the effective date of this~~ 4271
~~amendment and a specification of the type described in section~~ 4272
~~2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is~~ 4273
~~sentenced to a prison term pursuant to division (B)(2)(a), (b), or~~ 4274
~~(c) of section 2971.03 of the Revised Code for the attempted rape.~~ 4275
~~No~~ 4276

(b) No person to whom this division applies, for whom the 4277
requirement that the entire prison term imposed upon the person 4278
pursuant to division (A)(3) or (B) of section 2971.03 of the 4279
Revised Code be served in a state correctional institution has 4280
been modified pursuant to section 2971.05 of the Revised Code, and 4281
who, pursuant to that modification, is restricted to a geographic 4282

area, knowing that the person is under a geographic restriction or 4283
being reckless in that regard, shall purposely leave the 4284
geographic area to which the restriction applies or purposely fail 4285
to return to that geographic area following a temporary leave 4286
granted for a specific purpose or for a limited period of time. 4287

(B) Irregularity in bringing about or maintaining detention, 4288
or lack of jurisdiction of the committing or detaining authority, 4289
is not a defense to a charge under this section if the detention 4290
is pursuant to judicial order or in a detention facility. In the 4291
case of any other detention, irregularity or lack of jurisdiction 4292
is an affirmative defense only if either of the following occurs: 4293

(1) The escape involved no substantial risk of harm to the 4294
person or property of another. 4295

(2) The detaining authority knew or should have known there 4296
was no legal basis or authority for the detention. 4297

(C) Whoever violates this section is guilty of escape. 4298

(1) If the offender, at the time of the commission of the 4299
offense, was under detention as an alleged or adjudicated 4300
delinquent child or unruly child and if the act for which the 4301
offender was under detention would not be a felony if committed by 4302
an adult, escape is a misdemeanor of the first degree. 4303

(2) If the offender, at the time of the commission of the 4304
offense, was under detention in any other manner, or if the 4305
offender is a person ~~who was adjudicated a sexually violent~~ 4306
~~predator~~ for whom the requirement that the entire prison term 4307
imposed upon the person pursuant to division (A)(3) or (B) of 4308
section 2971.03 of the Revised Code be served in a state 4309
correctional institution has been modified pursuant to section 4310
2971.05 of the Revised Code, ~~the offender is a person who was~~ 4311
~~convicted of or pleaded guilty to committing on or after the~~ 4312
~~effective date of this amendment a violation of division (A)(1)(b)~~ 4313

~~of section 2907.02 of the Revised Code for whom the requirement~~ 4314
~~that the entire prison term imposed upon the person pursuant to~~ 4315
~~division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised~~ 4316
~~Code be served in a state correctional institution has been~~ 4317
~~modified pursuant to section 2971.05 of the Revised Code, or the~~ 4318
~~offender is a person who was convicted of or pleaded guilty to~~ 4319
~~committing on or after the effective date of this amendment~~ 4320
~~attempted rape, who also was convicted of or pleaded guilty to a~~ 4321
~~specification of the type described in section 2941.1418,~~ 4322
~~2941.1419, or 2941.1420 of the Revised Code, who was sentenced~~ 4323
~~pursuant to division (B)(2)(a), (b), or (c) of section 2971.03 of~~ 4324
~~the Revised Code, and for whom the requirement that the entire~~ 4325
~~prison term imposed pursuant to that division be served in a state~~ 4326
~~correctional institution has been modified pursuant to section~~ 4327
~~2971.05 of the Revised Code, escape is one of the following:~~ 4328

(a) A felony of the second degree, when the most serious 4329
offense for which the person was under detention or for which the 4330
person had been sentenced to the prison term under division 4331
(A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or 4332
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 4333
is aggravated murder, murder, or a felony of the first or second 4334
degree or, if the person was under detention as an alleged or 4335
adjudicated delinquent child, when the most serious act for which 4336
the person was under detention would be aggravated murder, murder, 4337
or a felony of the first or second degree if committed by an 4338
adult; 4339

(b) A felony of the third degree, when the most serious 4340
offense for which the person was under detention or for which the 4341
person had been sentenced to the prison term under division 4342
(A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or 4343
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 4344
is a felony of the third, fourth, or fifth degree or an 4345

unclassified felony or, if the person was under detention as an 4346
alleged or adjudicated delinquent child, when the most serious act 4347
for which the person was under detention would be a felony of the 4348
third, fourth, or fifth degree or an unclassified felony if 4349
committed by an adult; 4350

(c) A felony of the fifth degree, when any of the following 4351
applies: 4352

(i) The most serious offense for which the person was under 4353
detention is a misdemeanor. 4354

(ii) The person was found not guilty by reason of insanity, 4355
and the person's detention consisted of hospitalization, 4356
institutionalization, or confinement in a facility under an order 4357
made pursuant to or under authority of section 2945.40, 2945.401, 4358
or 2945.402 of the Revised Code. 4359

(d) A misdemeanor of the first degree, when the most serious 4360
offense for which the person was under detention is a misdemeanor 4361
and when the person fails to return to detention at a specified 4362
time following temporary leave granted for a specific purpose or 4363
limited period or at the time required when serving a sentence in 4364
intermittent confinement. 4365

~~(D) As used in this section:~~ 4366

~~(1) "Adjudicated a sexually violent predator" has the same 4367
meaning as in section 2929.01 of the Revised Code, and a person is 4368
"adjudicated a sexually violent predator" in the same manner and 4369
the same circumstances as are described in that section. 4370~~

~~(2) "Sexually violent offense" has the same meaning as in 4371
section 2971.01 of the Revised Code. 4372~~

Sec. 2929.01. As used in this chapter: 4373

(A)(1) "Alternative residential facility" means, subject to 4374
division (A)(2) of this section, any facility other than an 4375

offender's home or residence in which an offender is assigned to 4376
live and that satisfies all of the following criteria: 4377

(a) It provides programs through which the offender may seek 4378
or maintain employment or may receive education, training, 4379
treatment, or habilitation. 4380

(b) It has received the appropriate license or certificate 4381
for any specialized education, training, treatment, habilitation, 4382
or other service that it provides from the government agency that 4383
is responsible for licensing or certifying that type of education, 4384
training, treatment, habilitation, or service. 4385

(2) "Alternative residential facility" does not include a 4386
community-based correctional facility, jail, halfway house, or 4387
prison. 4388

(B) "Bad time" means the time by which the parole board 4389
administratively extends an offender's stated prison term or terms 4390
pursuant to section 2967.11 of the Revised Code because the parole 4391
board finds by clear and convincing evidence that the offender, 4392
while serving the prison term or terms, committed an act that is a 4393
criminal offense under the law of this state or the United States, 4394
whether or not the offender is prosecuted for the commission of 4395
that act. 4396

(C) "Basic probation supervision" means a requirement that 4397
the offender maintain contact with a person appointed to supervise 4398
the offender in accordance with sanctions imposed by the court or 4399
imposed by the parole board pursuant to section 2967.28 of the 4400
Revised Code. "Basic probation supervision" includes basic parole 4401
supervision and basic post-release control supervision. 4402

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 4403
"unit dose" have the same meanings as in section 2925.01 of the 4404
Revised Code. 4405

(E) "Community-based correctional facility" means a 4406

community-based correctional facility and program or district 4407
community-based correctional facility and program developed 4408
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 4409

(F) "Community control sanction" means a sanction that is not 4410
a prison term and that is described in section 2929.15, 2929.16, 4411
2929.17, or 2929.18 of the Revised Code or a sanction that is not 4412
a jail term and that is described in section 2929.26, 2929.27, or 4413
2929.28 of the Revised Code. "Community control sanction" includes 4414
probation if the sentence involved was imposed for a felony that 4415
was committed prior to July 1, 1996, or if the sentence involved 4416
was imposed for a misdemeanor that was committed prior to January 4417
1, 2004. 4418

(G) "Controlled substance," "marihuana," "schedule I," and 4419
"schedule II" have the same meanings as in section 3719.01 of the 4420
Revised Code. 4421

(H) "Curfew" means a requirement that an offender during a 4422
specified period of time be at a designated place. 4423

(I) "Day reporting" means a sanction pursuant to which an 4424
offender is required each day to report to and leave a center or 4425
other approved reporting location at specified times in order to 4426
participate in work, education or training, treatment, and other 4427
approved programs at the center or outside the center. 4428

(J) "Deadly weapon" has the same meaning as in section 4429
2923.11 of the Revised Code. 4430

(K) "Drug and alcohol use monitoring" means a program under 4431
which an offender agrees to submit to random chemical analysis of 4432
the offender's blood, breath, or urine to determine whether the 4433
offender has ingested any alcohol or other drugs. 4434

(L) "Drug treatment program" means any program under which a 4435
person undergoes assessment and treatment designed to reduce or 4436
completely eliminate the person's physical or emotional reliance 4437

upon alcohol, another drug, or alcohol and another drug and under 4438
which the person may be required to receive assessment and 4439
treatment on an outpatient basis or may be required to reside at a 4440
facility other than the person's home or residence while 4441
undergoing assessment and treatment. 4442

(M) "Economic loss" means any economic detriment suffered by 4443
a victim as a direct and proximate result of the commission of an 4444
offense and includes any loss of income due to lost time at work 4445
because of any injury caused to the victim, and any property loss, 4446
medical cost, or funeral expense incurred as a result of the 4447
commission of the offense. "Economic loss" does not include 4448
non-economic loss or any punitive or exemplary damages. 4449

(N) "Education or training" includes study at, or in 4450
conjunction with a program offered by, a university, college, or 4451
technical college or vocational study and also includes the 4452
completion of primary school, secondary school, and literacy 4453
curricula or their equivalent. 4454

(O) "Firearm" has the same meaning as in section 2923.11 of 4455
the Revised Code. 4456

(P) "Halfway house" means a facility licensed by the division 4457
of parole and community services of the department of 4458
rehabilitation and correction pursuant to section 2967.14 of the 4459
Revised Code as a suitable facility for the care and treatment of 4460
adult offenders. 4461

(Q) "House arrest" means a period of confinement of an 4462
offender that is in the offender's home or in other premises 4463
specified by the sentencing court or by the parole board pursuant 4464
to section 2967.28 of the Revised Code and during which all of the 4465
following apply: 4466

(1) The offender is required to remain in the offender's home 4467
or other specified premises for the specified period of 4468

confinement, except for periods of time during which the offender 4469
is at the offender's place of employment or at other premises as 4470
authorized by the sentencing court or by the parole board. 4471

(2) The offender is required to report periodically to a 4472
person designated by the court or parole board. 4473

(3) The offender is subject to any other restrictions and 4474
requirements that may be imposed by the sentencing court or by the 4475
parole board. 4476

(R) "Intensive probation supervision" means a requirement 4477
that an offender maintain frequent contact with a person appointed 4478
by the court, or by the parole board pursuant to section 2967.28 4479
of the Revised Code, to supervise the offender while the offender 4480
is seeking or maintaining necessary employment and participating 4481
in training, education, and treatment programs as required in the 4482
court's or parole board's order. "Intensive probation supervision" 4483
includes intensive parole supervision and intensive post-release 4484
control supervision. 4485

(S) "Jail" means a jail, workhouse, minimum security jail, or 4486
other residential facility used for the confinement of alleged or 4487
convicted offenders that is operated by a political subdivision or 4488
a combination of political subdivisions of this state. 4489

(T) "Jail term" means the term in a jail that a sentencing 4490
court imposes or is authorized to impose pursuant to section 4491
2929.24 or 2929.25 of the Revised Code or pursuant to any other 4492
provision of the Revised Code that authorizes a term in a jail for 4493
a misdemeanor conviction. 4494

(U) "Mandatory jail term" means the term in a jail that a 4495
sentencing court is required to impose pursuant to division (G) of 4496
section 1547.99 of the Revised Code, division (E) of section 4497
2903.06 or division (D) of section 2903.08 of the Revised Code, 4498
division (E) of section 2929.24 of the Revised Code, division (B) 4499

of section 4510.14 of the Revised Code, or division (G) of section 4500
4511.19 of the Revised Code or pursuant to any other provision of 4501
the Revised Code that requires a term in a jail for a misdemeanor 4502
conviction. 4503

(V) "Delinquent child" has the same meaning as in section 4504
2152.02 of the Revised Code. 4505

(W) "License violation report" means a report that is made by 4506
a sentencing court, or by the parole board pursuant to section 4507
2967.28 of the Revised Code, to the regulatory or licensing board 4508
or agency that issued an offender a professional license or a 4509
license or permit to do business in this state and that specifies 4510
that the offender has been convicted of or pleaded guilty to an 4511
offense that may violate the conditions under which the offender's 4512
professional license or license or permit to do business in this 4513
state was granted or an offense for which the offender's 4514
professional license or license or permit to do business in this 4515
state may be revoked or suspended. 4516

(X) "Major drug offender" means an offender who is convicted 4517
of or pleads guilty to the possession of, sale of, or offer to 4518
sell any drug, compound, mixture, preparation, or substance that 4519
consists of or contains at least one thousand grams of hashish; at 4520
least one hundred grams of crack cocaine; at least one thousand 4521
grams of cocaine that is not crack cocaine; at least two thousand 4522
five hundred unit doses or two hundred fifty grams of heroin; at 4523
least five thousand unit doses of L.S.D. or five hundred grams of 4524
L.S.D. in a liquid concentrate, liquid extract, or liquid 4525
distillate form; or at least one hundred times the amount of any 4526
other schedule I or II controlled substance other than marihuana 4527
that is necessary to commit a felony of the third degree pursuant 4528
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 4529
Code that is based on the possession of, sale of, or offer to sell 4530
the controlled substance. 4531

(Y) "Mandatory prison term" means any of the following: 4532

(1) Subject to division (Y)(2) of this section, the term in 4533
prison that must be imposed for the offenses or circumstances set 4534
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 4535
2929.13 and division (D) of section 2929.14 of the Revised Code. 4536
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 4537
and 2925.11 of the Revised Code, unless the maximum or another 4538
specific term is required under section 2929.14 or 2929.142 of the 4539
Revised Code, a mandatory prison term described in this division 4540
may be any prison term authorized for the level of offense. 4541

(2) The term of sixty or one hundred twenty days in prison 4542
that a sentencing court is required to impose for a third or 4543
fourth degree felony OVI offense pursuant to division (G)(2) of 4544
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 4545
of the Revised Code or the term of one, two, three, four, or five 4546
years in prison that a sentencing court is required to impose 4547
pursuant to division (G)(2) of section 2929.13 of the Revised 4548
Code. 4549

(3) The term in prison imposed pursuant to division (A) of 4550
section 2971.03 of the Revised Code for the offenses and in the 4551
circumstances described in division (F)(11) of section 2929.13 of 4552
the Revised Code, or pursuant to division (B)(1)(a), (b), or (c), 4553
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 4554
2971.03 of the Revised Code for the offense of rape committed on 4555
or after the effective date of this amendment in violation of 4556
division (A)(1)(b) of section 2907.02 of the Revised Code, 4557
pursuant to division (B)(2)(a) of section 2971.03 of the Revised 4558
Code for the offense of attempted rape committed on or after the 4559
effective date of this amendment and a specification of the type 4560
described in section 2941.1418 of the Revised Code, pursuant to 4561
division (B)(2)(b) of section 2971.03 of the Revised Code for the 4562
offense of attempted rape committed on or after the effective date 4563

~~of this amendment and a specification of the type described in~~ 4564
~~section 2941.1419 of the Revised Code, or pursuant to division~~ 4565
~~(B)(2)(c) of section 2971.03 of the Revised Code for the offense~~ 4566
~~of attempted rape committed on or after the effective date of this~~ 4567
~~amendment and a specification of the type described in section~~ 4568
~~2941.1420 of the Revised Code and that term as modified or~~ 4569
terminated pursuant to section 2971.05 of the Revised Code. 4570

(Z) "Monitored time" means a period of time during which an 4571
offender continues to be under the control of the sentencing court 4572
or parole board, subject to no conditions other than leading a 4573
law-abiding life. 4574

(AA) "Offender" means a person who, in this state, is 4575
convicted of or pleads guilty to a felony or a misdemeanor. 4576

(BB) "Prison" means a residential facility used for the 4577
confinement of convicted felony offenders that is under the 4578
control of the department of rehabilitation and correction but 4579
does not include a violation sanction center operated under 4580
authority of section 2967.141 of the Revised Code. 4581

(CC) "Prison term" includes any of the following sanctions 4582
for an offender: 4583

(1) A stated prison term; 4584

(2) A term in a prison shortened by, or with the approval of, 4585
the sentencing court pursuant to section 2929.20, 2967.26, 4586
5120.031, 5120.032, or 5120.073 of the Revised Code; 4587

(3) A term in prison extended by bad time imposed pursuant to 4588
section 2967.11 of the Revised Code or imposed for a violation of 4589
post-release control pursuant to section 2967.28 of the Revised 4590
Code. 4591

(DD) "Repeat violent offender" means a person about whom both 4592
of the following apply: 4593

(1) The person is being sentenced for committing or for 4594
complicity in committing any of the following: 4595

(a) Aggravated murder, murder, any felony of the first or 4596
second degree that is an offense of violence, or an attempt to 4597
commit any of these offenses if the attempt is a felony of the 4598
first or second degree; 4599

(b) An offense under an existing or former law of this state, 4600
another state, or the United States that is or was substantially 4601
equivalent to an offense described in division (DD)(1)(a) of this 4602
section. 4603

(2) The person previously was convicted of or pleaded guilty 4604
to an offense described in division (DD)(1)(a) or (b) of this 4605
section. 4606

(EE) "Sanction" means any penalty imposed upon an offender 4607
who is convicted of or pleads guilty to an offense, as punishment 4608
for the offense. "Sanction" includes any sanction imposed pursuant 4609
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 4610
2929.28 of the Revised Code. 4611

(FF) "Sentence" means the sanction or combination of 4612
sanctions imposed by the sentencing court on an offender who is 4613
convicted of or pleads guilty to an offense. 4614

(GG) "Stated prison term" means the prison term, mandatory 4615
prison term, or combination of all prison terms and mandatory 4616
prison terms imposed by the sentencing court pursuant to section 4617
2929.14, 2929.142, or 2971.03 of the Revised Code. "Stated prison 4618
term" includes any credit received by the offender for time spent 4619
in jail awaiting trial, sentencing, or transfer to prison for the 4620
offense and any time spent under house arrest or house arrest with 4621
electronic monitoring imposed after earning credits pursuant to 4622
section 2967.193 of the Revised Code. 4623

(HH) "Victim-offender mediation" means a reconciliation or 4624

mediation program that involves an offender and the victim of the 4625
offense committed by the offender and that includes a meeting in 4626
which the offender and the victim may discuss the offense, discuss 4627
restitution, and consider other sanctions for the offense. 4628

(II) "Fourth degree felony OVI offense" means a violation of 4629
division (A) of section 4511.19 of the Revised Code that, under 4630
division (G) of that section, is a felony of the fourth degree. 4631

(JJ) "Mandatory term of local incarceration" means the term 4632
of sixty or one hundred twenty days in a jail, a community-based 4633
correctional facility, a halfway house, or an alternative 4634
residential facility that a sentencing court may impose upon a 4635
person who is convicted of or pleads guilty to a fourth degree 4636
felony OVI offense pursuant to division (G)(1) of section 2929.13 4637
of the Revised Code and division (G)(1)(d) or (e) of section 4638
4511.19 of the Revised Code. 4639

(KK) "Designated homicide, assault, or kidnapping offense," 4640
"violent sex offense," "sexual motivation specification," 4641
"sexually violent offense," "sexually violent predator," and 4642
"sexually violent predator specification" have the same meanings 4643
as in section 2971.01 of the Revised Code. 4644

(LL) ~~"Habitual sex offender," "sexually~~ Sexually oriented 4645
~~offense," "sexual predator," "registration exempt sexually~~ 4646
~~oriented offense,"~~ "child-victim oriented offense," ~~"habitual and~~ 4647
~~"tier III sex offender/child-victim offender," and "child-victim~~ 4648
~~predator"~~ have the same meanings as in section 2950.01 of the 4649
Revised Code. 4650

(MM) An offense is "committed in the vicinity of a child" if 4651
the offender commits the offense within thirty feet of or within 4652
the same residential unit as a child who is under eighteen years 4653
of age, regardless of whether the offender knows the age of the 4654
child or whether the offender knows the offense is being committed 4655

within thirty feet of or within the same residential unit as the 4656
child and regardless of whether the child actually views the 4657
commission of the offense. 4658

(NN) "Family or household member" has the same meaning as in 4659
section 2919.25 of the Revised Code. 4660

(OO) "Motor vehicle" and "manufactured home" have the same 4661
meanings as in section 4501.01 of the Revised Code. 4662

(PP) "Detention" and "detention facility" have the same 4663
meanings as in section 2921.01 of the Revised Code. 4664

(QQ) "Third degree felony OVI offense" means a violation of 4665
division (A) of section 4511.19 of the Revised Code that, under 4666
division (G) of that section, is a felony of the third degree. 4667

(RR) "Random drug testing" has the same meaning as in section 4668
5120.63 of the Revised Code. 4669

(SS) "Felony sex offense" has the same meaning as in section 4670
2967.28 of the Revised Code. 4671

(TT) "Body armor" has the same meaning as in section 4672
2941.1411 of the Revised Code. 4673

(UU) "Electronic monitoring" means monitoring through the use 4674
of an electronic monitoring device. 4675

(VV) "Electronic monitoring device" means any of the 4676
following: 4677

(1) Any device that can be operated by electrical or battery 4678
power and that conforms with all of the following: 4679

(a) The device has a transmitter that can be attached to a 4680
person, that will transmit a specified signal to a receiver of the 4681
type described in division (VV)(1)(b) of this section if the 4682
transmitter is removed from the person, turned off, or altered in 4683
any manner without prior court approval in relation to electronic 4684
monitoring or without prior approval of the department of 4685

rehabilitation and correction in relation to the use of an 4686
electronic monitoring device for an inmate on transitional control 4687
or otherwise is tampered with, that can transmit continuously and 4688
periodically a signal to that receiver when the person is within a 4689
specified distance from the receiver, and that can transmit an 4690
appropriate signal to that receiver if the person to whom it is 4691
attached travels a specified distance from that receiver. 4692

(b) The device has a receiver that can receive continuously 4693
the signals transmitted by a transmitter of the type described in 4694
division (VV)(1)(a) of this section, can transmit continuously 4695
those signals by telephone to a central monitoring computer of the 4696
type described in division (VV)(1)(c) of this section, and can 4697
transmit continuously an appropriate signal to that central 4698
monitoring computer if the receiver is turned off or altered 4699
without prior court approval or otherwise tampered with. 4700

(c) The device has a central monitoring computer that can 4701
receive continuously the signals transmitted by telephone by a 4702
receiver of the type described in division (VV)(1)(b) of this 4703
section and can monitor continuously the person to whom an 4704
electronic monitoring device of the type described in division 4705
(VV)(1)(a) of this section is attached. 4706

(2) Any device that is not a device of the type described in 4707
division (VV)(1) of this section and that conforms with all of the 4708
following: 4709

(a) The device includes a transmitter and receiver that can 4710
monitor and determine the location of a subject person at any 4711
time, or at a designated point in time, through the use of a 4712
central monitoring computer or through other electronic means. 4713

(b) The device includes a transmitter and receiver that can 4714
determine at any time, or at a designated point in time, through 4715
the use of a central monitoring computer or other electronic means 4716

the fact that the transmitter is turned off or altered in any 4717
manner without prior approval of the court in relation to the 4718
electronic monitoring or without prior approval of the department 4719
of rehabilitation and correction in relation to the use of an 4720
electronic monitoring device for an inmate on transitional control 4721
or otherwise is tampered with. 4722

(3) Any type of technology that can adequately track or 4723
determine the location of a subject person at any time and that is 4724
approved by the director of rehabilitation and correction, 4725
including, but not limited to, any satellite technology, voice 4726
tracking system, or retinal scanning system that is so approved. 4727

(WW) "Non-economic loss" means nonpecuniary harm suffered by 4728
a victim of an offense as a result of or related to the commission 4729
of the offense, including, but not limited to, pain and suffering; 4730
loss of society, consortium, companionship, care, assistance, 4731
attention, protection, advice, guidance, counsel, instruction, 4732
training, or education; mental anguish; and any other intangible 4733
loss. 4734

(XX) "Prosecutor" has the same meaning as in section 2935.01 4735
of the Revised Code. 4736

(YY) "Continuous alcohol monitoring" means the ability to 4737
automatically test and periodically transmit alcohol consumption 4738
levels and tamper attempts at least every hour, regardless of the 4739
location of the person who is being monitored. 4740

(ZZ) A person is "adjudicated a sexually violent predator" if 4741
the person is convicted of or pleads guilty to a violent sex 4742
offense and also is convicted of or pleads guilty to a sexually 4743
violent predator specification that was included in the 4744
indictment, count in the indictment, or information charging that 4745
violent sex offense or if the person is convicted of or pleads 4746
guilty to a designated homicide, assault, or kidnapping offense 4747

and also is convicted of or pleads guilty to both a sexual 4748
motivation specification and a sexually violent predator 4749
specification that were included in the indictment, count in the 4750
indictment, or information charging that designated homicide, 4751
assault, or kidnapping offense. 4752

Sec. 2929.02. (A) Whoever is convicted of or pleads guilty to 4753
aggravated murder in violation of section 2903.01 of the Revised 4754
Code shall suffer death or be imprisoned for life, as determined 4755
pursuant to sections 2929.022, 2929.03, and 2929.04 of the Revised 4756
Code, except that no person who raises the matter of age pursuant 4757
to section 2929.023 of the Revised Code and who is not found to 4758
have been eighteen years of age or older at the time of the 4759
commission of the offense shall suffer death. In addition, the 4760
offender may be fined an amount fixed by the court, but not more 4761
than twenty-five thousand dollars. 4762

(B) ~~Whoever~~ (1) Except as otherwise provided in division 4763
(B)(2) or (3) of this section, whoever is convicted of or pleads 4764
guilty to murder in violation of section 2903.02 of the Revised 4765
Code shall be imprisoned for an indefinite term of fifteen years 4766
to life, ~~except that, if the offender,~~ 4767

(2) Except as otherwise provided in division (B)(3) of this 4768
section, if a person is convicted of or pleads guilty to murder in 4769
violation of section 2903.02 of the Revised Code, the victim of 4770
the offense was less than thirteen years of age, and the offender 4771
also is convicted of or pleads guilty to a sexual motivation 4772
specification that was included in the indictment, count in the 4773
indictment, or information charging the offense, the court shall 4774
impose an indefinite prison term of thirty years to life pursuant 4775
to division (B)(3) of section 2971.03 of the Revised Code. 4776

(3) If a person is convicted of or pleads guilty to murder in 4777
violation of section 2903.02 of the Revised Code and also is 4778

convicted of or pleads guilty to a sexual motivation specification 4779
and a sexually violent predator specification that were included 4780
in the indictment, count in the indictment, or information that 4781
charged the murder, the court shall impose upon the offender a 4782
term of life imprisonment without parole that shall be served 4783
pursuant to section 2971.03 of the Revised Code. ~~In~~ 4784

(4) In addition, the offender may be fined an amount fixed by 4785
the court, but not more than fifteen thousand dollars. 4786

(C) The court shall not impose a fine or fines for aggravated 4787
murder or murder which, in the aggregate and to the extent not 4788
suspended by the court, exceeds the amount which the offender is 4789
or will be able to pay by the method and within the time allowed 4790
without undue hardship to the offender or to the dependents of the 4791
offender, or will prevent the offender from making reparation for 4792
the victim's wrongful death. 4793

(D)(1) In addition to any other sanctions imposed for a 4794
violation of section 2903.01 or 2903.02 of the Revised Code, if 4795
the offender used a motor vehicle as the means to commit the 4796
violation, the court shall impose upon the offender a class two 4797
suspension of the offender's driver's license, commercial driver's 4798
license, temporary instruction permit, probationary license, or 4799
nonresident operating privilege as specified in division (A)(2) of 4800
section 4510.02 of the Revised Code. 4801

(2) As used in division (D) of this section, "motor vehicle" 4802
has the same meaning as in section 4501.01 of the Revised Code. 4803

Sec. 2929.022. (A) If an indictment or count in an indictment 4804
charging a defendant with aggravated murder contains a 4805
specification of the aggravating circumstance of a prior 4806
conviction listed in division (A)(5) of section 2929.04 of the 4807
Revised Code, the defendant may elect to have the panel of three 4808
judges, if ~~he~~ the defendant waives trial by jury, or the trial 4809

judge, if ~~he~~ the defendant is tried by jury, determine the 4810
existence of that aggravating circumstance at the sentencing 4811
hearing held pursuant to divisions (C) and (D) of section 2929.03 4812
of the Revised Code. 4813

(1) If the defendant does not elect to have the existence of 4814
the aggravating circumstance determined at the sentencing hearing, 4815
the defendant shall be tried on the charge of aggravated murder, 4816
on the specification of the aggravating circumstance of a prior 4817
conviction listed in division (A)(5) of section 2929.04 of the 4818
Revised Code, and on any other specifications of an aggravating 4819
circumstance listed in division (A) of section 2929.04 of the 4820
Revised Code in a single trial as in any other criminal case in 4821
which a person is charged with aggravated murder and 4822
specifications. 4823

(2) If the defendant does elect to have the existence of the 4824
aggravating circumstance of a prior conviction listed in division 4825
(A)(5) of section 2929.04 of the Revised Code determined at the 4826
sentencing hearing, then, following a verdict of guilty of the 4827
charge of aggravated murder, the panel of three judges or the 4828
trial judge shall: 4829

(a) Hold a sentencing hearing pursuant to division (B) of 4830
this section, unless required to do otherwise under division 4831
(A)(2)(b) of this section; 4832

(b) If the offender raises the matter of age at trial 4833
pursuant to section 2929.023 of the Revised Code and is not found 4834
at trial to have been eighteen years of age or older at the time 4835
of the commission of the offense, conduct a hearing to determine 4836
if the specification of the aggravating circumstance of a prior 4837
conviction listed in division (A)(5) of section 2929.04 of the 4838
Revised Code is proven beyond a reasonable doubt. After conducting 4839
the hearing, the panel or judge shall proceed as follows: 4840

(i) If that aggravating circumstance is proven beyond a 4841
reasonable doubt or if the defendant at trial was convicted of any 4842
other specification of an aggravating circumstance, the panel or 4843
judge shall impose sentence according to division (E) of section 4844
2929.03 of the Revised Code~~+~~. 4845

(ii) If that aggravating circumstance is not proven beyond a 4846
reasonable doubt and the defendant at trial was not convicted of 4847
any other specification of an aggravating circumstance, except as 4848
otherwise provided in this division, the panel or judge shall 4849
impose sentence of life imprisonment with parole eligibility after 4850
serving twenty years of imprisonment on the offender. If that 4851
aggravating circumstance is not proven beyond a reasonable doubt, 4852
the defendant at trial was not convicted of any other 4853
specification of an aggravating circumstance, the victim of the 4854
aggravated murder was less than thirteen years of age, and the 4855
offender also is convicted of or pleads guilty to a sexual 4856
motivation specification that was included in the indictment, 4857
count in the indictment, or information charging the offense, the 4858
panel or judge shall sentence the offender pursuant to division 4859
(B)(3) of section 2971.03 of the Revised Code to an indefinite 4860
term consisting of a minimum term of thirty years and a maximum 4861
term of life imprisonment. 4862

(B) At the sentencing hearing, the panel of judges, if the 4863
defendant was tried by a panel of three judges, or the trial 4864
judge, if the defendant was tried by jury, shall, when required 4865
pursuant to division (A)(2) of this section, first determine if 4866
the specification of the aggravating circumstance of a prior 4867
conviction listed in division (A)(5) of section 2929.04 of the 4868
Revised Code is proven beyond a reasonable doubt. If the panel of 4869
judges or the trial judge determines that the specification of the 4870
aggravating circumstance of a prior conviction listed in division 4871
(A)(5) of section 2929.04 of the Revised Code is proven beyond a 4872

reasonable doubt or if they do not determine that the 4873
specification is proven beyond a reasonable doubt but the 4874
defendant at trial was convicted of a specification of any other 4875
aggravating circumstance listed in division (A) of section 2929.04 4876
of the Revised Code, the panel of judges or the trial judge and 4877
trial jury shall impose sentence on the offender pursuant to 4878
division (D) of section 2929.03 and section 2929.04 of the Revised 4879
Code. If the panel of judges or the trial judge does not determine 4880
that the specification of the aggravating circumstance of a prior 4881
conviction listed in division (A)(5) of section 2929.04 of the 4882
Revised Code is proven beyond a reasonable doubt and the defendant 4883
at trial was not convicted of any other specification of an 4884
aggravating circumstance listed in division (A) of section 2929.04 4885
of the Revised Code, the panel of judges or the trial judge shall 4886
terminate the sentencing hearing and impose sentence on the 4887
offender as follows: 4888

(1) Subject to division (B)(2) of this section, the panel or 4889
judge shall impose a sentence of life imprisonment with parole 4890
eligibility after serving twenty years of imprisonment on the 4891
offender. 4892

(2) If the victim of the aggravated murder was less than 4893
thirteen years of age and the offender also is convicted of or 4894
pleads guilty to a sexual motivation specification that was 4895
included in the indictment, count in the indictment, or 4896
information charging the offense, the panel or judge shall 4897
sentence the offender pursuant to division (B)(3) of section 4898
2971.03 of the Revised Code to an indefinite term consisting of a 4899
minimum term of thirty years and a maximum term of life 4900
imprisonment. 4901

Sec. 2929.03. (A) If the indictment or count in the 4902
indictment charging aggravated murder does not contain one or more 4903

specifications of aggravating circumstances listed in division (A) 4904
of section 2929.04 of the Revised Code, then, following a verdict 4905
of guilty of the charge of aggravated murder, the trial court 4906
shall impose sentence on the offender as follows: 4907

(1) Except as provided in division (A)(2) of this section, 4908
the trial court shall impose one of the following sentences on the 4909
offender: 4910

(a) Life imprisonment without parole; 4911

(b) Life Subject to division (A)(1)(e) of this section, life 4912
imprisonment with parole eligibility after serving twenty years of 4913
imprisonment; 4914

(c) Life Subject to division (A)(1)(e) of this section, life 4915
imprisonment with parole eligibility after serving twenty-five 4916
full years of imprisonment; 4917

(d) Life Subject to division (A)(1)(e) of this section, life 4918
imprisonment with parole eligibility after serving thirty full 4919
years of imprisonment; 4920

(e) If the victim of the aggravated murder was less than 4921
thirteen years of age, the offender also is convicted of or pleads 4922
guilty to a sexual motivation specification that was included in 4923
the indictment, count in the indictment, or information charging 4924
the offense, and the trial court does not impose a sentence of 4925
life imprisonment without parole on the offender pursuant to 4926
division (A)(1)(a) of this section, the trial court shall sentence 4927
the offender pursuant to division (B)(3) of section 2971.03 of the 4928
Revised Code to an indefinite term consisting of a minimum term of 4929
thirty years and a maximum term of life imprisonment that shall be 4930
served pursuant to that section. 4931

(2) If the offender also is convicted of or pleads guilty to 4932
a sexual motivation specification and a sexually violent predator 4933
specification that are included in the indictment, count in the 4934

indictment, or information that charged the aggravated murder, the 4935
trial court shall impose upon the offender a sentence of life 4936
imprisonment without parole that shall be served pursuant to 4937
section 2971.03 of the Revised Code. 4938

(B) If the indictment or count in the indictment charging 4939
aggravated murder contains one or more specifications of 4940
aggravating circumstances listed in division (A) of section 4941
2929.04 of the Revised Code, the verdict shall separately state 4942
whether the accused is found guilty or not guilty of the principal 4943
charge and, if guilty of the principal charge, whether the 4944
offender was eighteen years of age or older at the time of the 4945
commission of the offense, if the matter of age was raised by the 4946
offender pursuant to section 2929.023 of the Revised Code, and 4947
whether the offender is guilty or not guilty of each 4948
specification. The jury shall be instructed on its duties in this 4949
regard. The instruction to the jury shall include an instruction 4950
that a specification shall be proved beyond a reasonable doubt in 4951
order to support a guilty verdict on the specification, but the 4952
instruction shall not mention the penalty that may be the 4953
consequence of a guilty or not guilty verdict on any charge or 4954
specification. 4955

(C)(1) If the indictment or count in the indictment charging 4956
aggravated murder contains one or more specifications of 4957
aggravating circumstances listed in division (A) of section 4958
2929.04 of the Revised Code, then, following a verdict of guilty 4959
of the charge but not guilty of each of the specifications, and 4960
regardless of whether the offender raised the matter of age 4961
pursuant to section 2929.023 of the Revised Code, the trial court 4962
shall impose sentence on the offender as follows: 4963

(a) Except as provided in division (C)(1)(b) of this section, 4964
the trial court shall impose one of the following sentences on the 4965
offender: 4966

(i) Life imprisonment without parole; 4967

(ii) Life Subject to division (C)(1)(a)(v) of this section, 4968
life imprisonment with parole eligibility after serving twenty 4969
years of imprisonment; 4970

(iii) Life Subject to division (C)(1)(a)(v) of this section, 4971
life imprisonment with parole eligibility after serving 4972
twenty-five full years of imprisonment; 4973

(iv) Life Subject to division (C)(1)(a)(v) of this section, 4974
life imprisonment with parole eligibility after serving thirty 4975
full years of imprisonment; 4976

(v) If the victim of the aggravated murder was less than 4977
thirteen years of age, the offender also is convicted of or pleads 4978
guilty to a sexual motivation specification that was included in 4979
the indictment, count in the indictment, or information charging 4980
the offense, and the trial court does not impose a sentence of 4981
life imprisonment without parole on the offender pursuant to 4982
division (C)(1)(a)(i) of this section, the trial court shall 4983
sentence the offender pursuant to division (B)(3) of section 4984
2971.03 of the Revised Code to an indefinite term consisting of a 4985
minimum term of thirty years and a maximum term of life 4986
imprisonment. 4987

(b) If the offender also is convicted of or pleads guilty to 4988
a sexual motivation specification and a sexually violent predator 4989
specification that are included in the indictment, count in the 4990
indictment, or information that charged the aggravated murder, the 4991
trial court shall impose upon the offender a sentence of life 4992
imprisonment without parole that shall be served pursuant to 4993
section 2971.03 of the Revised Code. 4994

(2)(a) If the indictment or count in the indictment contains 4995
one or more specifications of aggravating circumstances listed in 4996
division (A) of section 2929.04 of the Revised Code and if the 4997

offender is found guilty of both the charge and one or more of the specifications, the penalty to be imposed on the offender shall be one of the following:

(i) Except as provided in division (C)(2)(a)(ii) or (iii) of this section, the penalty to be imposed on the offender shall be death, life imprisonment without parole, life imprisonment with parole eligibility after serving twenty-five full years of imprisonment, or life imprisonment with parole eligibility after serving thirty full years of imprisonment.

(ii) Except as provided in division (C)(2)(a)(iii) of this section, if the victim of the aggravated murder was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the trial court does not impose a sentence of death or life imprisonment without parole on the offender pursuant to division (C)(2)(a)(i) of this section, the penalty to be imposed on the offender shall be an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment that shall be imposed pursuant to division (B)(3) of section 2971.03 of the Revised Code and served pursuant to that section.

(iii) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, the penalty to be imposed on the offender shall be death or life imprisonment without parole that shall be served pursuant to section 2971.03 of the Revised Code.

(b) A penalty imposed pursuant to division (C)(2)(a)(i) ~~or~~, (ii), or (iii) of this section shall be determined pursuant to divisions (D) and (E) of this section and shall be determined by

one of the following: 5030

(i) By the panel of three judges that tried the offender upon 5031
the offender's waiver of the right to trial by jury; 5032

(ii) By the trial jury and the trial judge, if the offender 5033
was tried by jury. 5034

(D)(1) Death may not be imposed as a penalty for aggravated 5035
murder if the offender raised the matter of age at trial pursuant 5036
to section 2929.023 of the Revised Code and was not found at trial 5037
to have been eighteen years of age or older at the time of the 5038
commission of the offense. When death may be imposed as a penalty 5039
for aggravated murder, the court shall proceed under this 5040
division. When death may be imposed as a penalty, the court, upon 5041
the request of the defendant, shall require a pre-sentence 5042
investigation to be made and, upon the request of the defendant, 5043
shall require a mental examination to be made, and shall require 5044
reports of the investigation and of any mental examination 5045
submitted to the court, pursuant to section 2947.06 of the Revised 5046
Code. No statement made or information provided by a defendant in 5047
a mental examination or proceeding conducted pursuant to this 5048
division shall be disclosed to any person, except as provided in 5049
this division, or be used in evidence against the defendant on the 5050
issue of guilt in any retrial. A pre-sentence investigation or 5051
mental examination shall not be made except upon request of the 5052
defendant. Copies of any reports prepared under this division 5053
shall be furnished to the court, to the trial jury if the offender 5054
was tried by a jury, to the prosecutor, and to the offender or the 5055
offender's counsel for use under this division. The court, and the 5056
trial jury if the offender was tried by a jury, shall consider any 5057
report prepared pursuant to this division and furnished to it and 5058
any evidence raised at trial that is relevant to the aggravating 5059
circumstances the offender was found guilty of committing or to 5060
any factors in mitigation of the imposition of the sentence of 5061

death, shall hear testimony and other evidence that is relevant to 5062
the nature and circumstances of the aggravating circumstances the 5063
offender was found guilty of committing, the mitigating factors 5064
set forth in division (B) of section 2929.04 of the Revised Code, 5065
and any other factors in mitigation of the imposition of the 5066
sentence of death, and shall hear the statement, if any, of the 5067
offender, and the arguments, if any, of counsel for the defense 5068
and prosecution, that are relevant to the penalty that should be 5069
imposed on the offender. The defendant shall be given great 5070
latitude in the presentation of evidence of the mitigating factors 5071
set forth in division (B) of section 2929.04 of the Revised Code 5072
and of any other factors in mitigation of the imposition of the 5073
sentence of death. If the offender chooses to make a statement, 5074
the offender is subject to cross-examination only if the offender 5075
consents to make the statement under oath or affirmation. 5076

The defendant shall have the burden of going forward with the 5077
evidence of any factors in mitigation of the imposition of the 5078
sentence of death. The prosecution shall have the burden of 5079
proving, by proof beyond a reasonable doubt, that the aggravating 5080
circumstances the defendant was found guilty of committing are 5081
sufficient to outweigh the factors in mitigation of the imposition 5082
of the sentence of death. 5083

(2) Upon consideration of the relevant evidence raised at 5084
trial, the testimony, other evidence, statement of the offender, 5085
arguments of counsel, and, if applicable, the reports submitted 5086
pursuant to division (D)(1) of this section, the trial jury, if 5087
the offender was tried by a jury, shall determine whether the 5088
aggravating circumstances the offender was found guilty of 5089
committing are sufficient to outweigh the mitigating factors 5090
present in the case. If the trial jury unanimously finds, by proof 5091
beyond a reasonable doubt, that the aggravating circumstances the 5092
offender was found guilty of committing outweigh the mitigating 5093

factors, the trial jury shall recommend to the court that the sentence of death be imposed on the offender. Absent such a finding, the jury shall recommend that the offender be sentenced to one of the following:

(a) Except as provided in division (D)(2)(b) or (c) of this section, to life imprisonment without parole, life imprisonment with parole eligibility after serving twenty-five full years of imprisonment, or life imprisonment with parole eligibility after serving thirty full years of imprisonment;

(b) Except as provided in division (D)(2)(c) of this section, if the victim of the aggravated murder was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the jury does not recommend a sentence of life imprisonment without parole pursuant to division (D)(2)(a) of this section, to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment to be imposed pursuant to division (B)(3) of section 2971.03 of the Revised Code and served pursuant to that section.

(c) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, to life imprisonment without parole.

If the trial jury recommends that the offender be sentenced to life imprisonment without parole, life imprisonment with parole eligibility after serving twenty-five full years of imprisonment, ~~or~~ life imprisonment with parole eligibility after serving thirty full years of imprisonment, or an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment to be imposed pursuant to division (B)(3) of section

2971.03 of the Revised Code, the court shall impose the sentence 5126
recommended by the jury upon the offender. If the sentence is an 5127
indefinite term consisting of a minimum term of thirty years and a 5128
maximum term of life imprisonment imposed as described in division 5129
(D)(2)(b) of this section or a sentence of life imprisonment 5130
without parole imposed under division (D)(2)(~~b~~)(c) of this 5131
section, the sentence shall be served pursuant to section 2971.03 5132
of the Revised Code. If the trial jury recommends that the 5133
sentence of death be imposed upon the offender, the court shall 5134
proceed to impose sentence pursuant to division (D)(3) of this 5135
section. 5136

(3) Upon consideration of the relevant evidence raised at 5137
trial, the testimony, other evidence, statement of the offender, 5138
arguments of counsel, and, if applicable, the reports submitted to 5139
the court pursuant to division (D)(1) of this section, if, after 5140
receiving pursuant to division (D)(2) of this section the trial 5141
jury's recommendation that the sentence of death be imposed, the 5142
court finds, by proof beyond a reasonable doubt, or if the panel 5143
of three judges unanimously finds, by proof beyond a reasonable 5144
doubt, that the aggravating circumstances the offender was found 5145
guilty of committing outweigh the mitigating factors, it shall 5146
impose sentence of death on the offender. Absent such a finding by 5147
the court or panel, the court or the panel shall impose one of the 5148
following sentences on the offender: 5149

(a) Except as provided in division (D)(3)(b) of this section, 5150
one of the following: 5151

(i) Life imprisonment without parole; 5152

(ii) Life Subject to division (D)(3)(a)(iv) of this section, 5153
life imprisonment with parole eligibility after serving 5154
twenty-five full years of imprisonment; 5155

(iii) Life Subject to division (D)(3)(a)(iv) of this section, 5156

life imprisonment with parole eligibility after serving thirty 5157
full years of imprisonment; 5158

(iv) If the victim of the aggravated murder was less than 5159
thirteen years of age, the offender also is convicted of or pleads 5160
guilty to a sexual motivation specification that was included in 5161
the indictment, count in the indictment, or information charging 5162
the offense, and the trial court does not impose a sentence of 5163
life imprisonment without parole on the offender pursuant to 5164
division (D)(3)(a)(i) of this section, the court or panel shall 5165
sentence the offender pursuant to division (B)(3) of section 5166
2971.03 of the Revised Code to an indefinite term consisting of a 5167
minimum term of thirty years and a maximum term of life 5168
imprisonment. 5169

(b) If the offender also is convicted of or pleads guilty to 5170
a sexual motivation specification and a sexually violent predator 5171
specification that are included in the indictment, count in the 5172
indictment, or information that charged the aggravated murder, 5173
life imprisonment without parole that shall be served pursuant to 5174
section 2971.03 of the Revised Code. 5175

(E) If the offender raised the matter of age at trial 5176
pursuant to section 2929.023 of the Revised Code, was convicted of 5177
aggravated murder and one or more specifications of an aggravating 5178
circumstance listed in division (A) of section 2929.04 of the 5179
Revised Code, and was not found at trial to have been eighteen 5180
years of age or older at the time of the commission of the 5181
offense, the court or the panel of three judges shall not impose a 5182
sentence of death on the offender. Instead, the court or panel 5183
shall impose one of the following sentences on the offender: 5184

(1) Except as provided in division (E)(2) of this section, 5185
one of the following: 5186

(a) Life imprisonment without parole; 5187

(b) ~~Life~~ Subject to division (E)(2)(d) of this section, life 5188
imprisonment with parole eligibility after serving twenty-five 5189
full years of imprisonment; 5190

(c) ~~Life~~ Subject to division (E)(2)(d) of this section, life 5191
imprisonment with parole eligibility after serving thirty full 5192
years of imprisonment; 5193

(d) If the victim of the aggravated murder was less than 5194
thirteen years of age, the offender also is convicted of or pleads 5195
guilty to a sexual motivation specification that was included in 5196
the indictment, count in the indictment, or information charging 5197
the offense, and the trial court does not impose a sentence of 5198
life imprisonment without parole on the offender pursuant to 5199
division (E)(2)(a) of this section, the court or panel shall 5200
sentence the offender pursuant to division (B)(3) of section 5201
2971.03 of the Revised Code to an indefinite term consisting of a 5202
minimum term of thirty years and a maximum term of life 5203
imprisonment. 5204

(2) If the offender also is convicted of or pleads guilty to 5205
a sexual motivation specification and a sexually violent predator 5206
specification that are included in the indictment, count in the 5207
indictment, or information that charged the aggravated murder, 5208
life imprisonment without parole that shall be served pursuant to 5209
section 2971.03 of the Revised Code. 5210

(F) The court or the panel of three judges, when it imposes 5211
sentence of death, shall state in a separate opinion its specific 5212
findings as to the existence of any of the mitigating factors set 5213
forth in division (B) of section 2929.04 of the Revised Code, the 5214
existence of any other mitigating factors, the aggravating 5215
circumstances the offender was found guilty of committing, and the 5216
reasons why the aggravating circumstances the offender was found 5217
guilty of committing were sufficient to outweigh the mitigating 5218
factors. The court or panel, when it imposes life imprisonment or 5219

an indefinite term consisting of a minimum term of thirty years 5220
and a maximum term of life imprisonment under division (D) of this 5221
section, shall state in a separate opinion its specific findings 5222
of which of the mitigating factors set forth in division (B) of 5223
section 2929.04 of the Revised Code it found to exist, what other 5224
mitigating factors it found to exist, what aggravating 5225
circumstances the offender was found guilty of committing, and why 5226
it could not find that these aggravating circumstances were 5227
sufficient to outweigh the mitigating factors. For cases in which 5228
a sentence of death is imposed for an offense committed before 5229
January 1, 1995, the court or panel shall file the opinion 5230
required to be prepared by this division with the clerk of the 5231
appropriate court of appeals and with the clerk of the supreme 5232
court within fifteen days after the court or panel imposes 5233
sentence. For cases in which a sentence of death is imposed for an 5234
offense committed on or after January 1, 1995, the court or panel 5235
shall file the opinion required to be prepared by this division 5236
with the clerk of the supreme court within fifteen days after the 5237
court or panel imposes sentence. The judgment in a case in which a 5238
sentencing hearing is held pursuant to this section is not final 5239
until the opinion is filed. 5240

(G)(1) Whenever the court or a panel of three judges imposes 5241
a sentence of death for an offense committed before January 1, 5242
1995, the clerk of the court in which the judgment is rendered 5243
shall deliver the entire record in the case to the appellate 5244
court. 5245

(2) Whenever the court or a panel of three judges imposes a 5246
sentence of death for an offense committed on or after January 1, 5247
1995, the clerk of the court in which the judgment is rendered 5248
shall deliver the entire record in the case to the supreme court. 5249

Sec. 2929.06. (A) If a sentence of death imposed upon an 5250

offender is set aside, nullified, or vacated because the court of 5251
appeals, in a case in which a sentence of death was imposed for an 5252
offense committed before January 1, 1995, or the supreme court, in 5253
cases in which the supreme court reviews the sentence upon appeal, 5254
could not affirm the sentence of death under the standards imposed 5255
by section 2929.05 of the Revised Code, is set aside, nullified, 5256
or vacated for the sole reason that the statutory procedure for 5257
imposing the sentence of death that is set forth in sections 5258
2929.03 and 2929.04 of the Revised Code is unconstitutional, is 5259
set aside, nullified, or vacated pursuant to division (C) of 5260
section 2929.05 of the Revised Code, or is set aside, nullified, 5261
or vacated because a court has determined that the offender is 5262
mentally retarded under standards set forth in decisions of the 5263
supreme court of this state or the United States supreme court, 5264
the trial court that sentenced the offender shall conduct a 5265
hearing to resentence the offender. At the resentencing hearing, 5266
the court shall impose upon the offender a sentence of life 5267
imprisonment or an indefinite term consisting of a minimum term of 5268
thirty years and a maximum term of life imprisonment that is 5269
determined as specified in this division. ~~The~~ If division (D) of 5270
section 2929.03 of the Revised Code, at the time the offender 5271
committed the aggravated murder for which the sentence of death 5272
was imposed, required the imposition when a sentence of death was 5273
not imposed of a sentence of life imprisonment without parole or a 5274
sentence of an indefinite term consisting of a minimum term of 5275
thirty years and a maximum term of life imprisonment to be imposed 5276
pursuant to division (A) or (B)(3) of section 2971.03 of the 5277
Revised Code and served pursuant to that section, the court shall 5278
impose the sentence so required. In all other cases, the 5279
sentences of life imprisonment that are available at the hearing, and from 5280
which the court shall impose sentence, shall be the same sentences 5281
of life imprisonment that were available under division (D) of 5282
section 2929.03 or under section 2909.24 of the Revised Code at 5283

the time the offender committed the offense for which the sentence 5284
of death was imposed. Nothing in this division regarding the 5285
resentencing of an offender shall affect the operation of section 5286
2971.03 of the Revised Code. 5287

(B) Whenever any court of this state or any federal court 5288
sets aside, nullifies, or vacates a sentence of death imposed upon 5289
an offender because of error that occurred in the sentencing phase 5290
of the trial and if division (A) of this section does not apply, 5291
the trial court that sentenced the offender shall conduct a new 5292
hearing to resentence the offender. If the offender was tried by a 5293
jury, the trial court shall impanel a new jury for the hearing. If 5294
the offender was tried by a panel of three judges, that panel or, 5295
if necessary, a new panel of three judges shall conduct the 5296
hearing. At the hearing, the court or panel shall follow the 5297
procedure set forth in division (D) of section 2929.03 of the 5298
Revised Code in determining whether to impose upon the offender a 5299
sentence of death ~~or~~, a sentence of life imprisonment, or an 5300
indefinite term consisting of a minimum term of thirty years and a 5301
maximum term of life imprisonment. If, pursuant to that procedure, 5302
the court or panel determines that it will impose a sentence ~~of~~ 5303
life imprisonment other than a sentence of death, the court or 5304
panel shall impose upon the offender one of the sentences of life 5305
imprisonment that could have been imposed at the time the offender 5306
committed the offense for which the sentence of death was imposed, 5307
determined as specified in this division, or an indefinite term 5308
consisting of a minimum term of thirty years and a maximum term of 5309
life imprisonment that is determined as specified in this 5310
division. If division (D) of section 2929.03 of the Revised Code, 5311
at the time the offender committed the aggravated murder for which 5312
the sentence of death was imposed, required the imposition when a 5313
sentence of death was not imposed of a sentence of life 5314
imprisonment without parole or a sentence of an indefinite term 5315
consisting of a minimum term of thirty years and a maximum term of 5316

life imprisonment to be imposed pursuant to division (A) or (B)(3) 5317
of section 2971.03 of the Revised Code and served pursuant to that 5318
section, the court or panel shall impose the sentence so required. 5319
In all other cases, the sentences of life imprisonment that are 5320
available at the hearing, and from which the court or panel shall 5321
impose sentence, shall be the same sentences of life imprisonment 5322
that were available under division (D) of section 2929.03 or under 5323
section 2909.24 of the Revised Code at the time the offender 5324
committed the offense for which the sentence of death was imposed. 5325

(C) If a sentence of life imprisonment without parole imposed 5326
upon an offender pursuant to section 2929.021 or 2929.03 of the 5327
Revised Code is set aside, nullified, or vacated for the sole 5328
reason that the statutory procedure for imposing the sentence of 5329
life imprisonment without parole that is set forth in sections 5330
2929.03 and 2929.04 of the Revised Code is unconstitutional, the 5331
trial court that sentenced the offender shall conduct a hearing to 5332
resentence the offender to life imprisonment with parole 5333
eligibility after serving twenty-five full years of imprisonment 5334
or to life imprisonment with parole eligibility after serving 5335
thirty full years of imprisonment. 5336

(D) Nothing in this section limits or restricts the rights of 5337
the state to appeal any order setting aside, nullifying, or 5338
vacating a conviction or sentence of death, when an appeal of that 5339
nature otherwise would be available. 5340

(E) This section, as amended by H.B. 184 of the 125th ~~General~~ 5341
~~Assembly~~ general assembly, shall apply to all offenders who have 5342
been sentenced to death for an aggravated murder that was 5343
committed on or after October 19, 1981, or for terrorism that was 5344
committed on or after May 15, 2002. This section, as amended by 5345
H.B. 184 of the 125th general assembly, shall apply equally to all 5346
such offenders sentenced to death prior to, on, or after ~~the~~ 5347
~~effective date of that act~~ March 23, 2005, including offenders 5348

who, on ~~the effective date of that act~~ March 23, 2005, are 5349
challenging their sentence of death and offenders whose sentence 5350
of death has been set aside, nullified, or vacated by any court of 5351
this state or any federal court but who, as of ~~the effective date~~ 5352
~~of that act~~ March 23, 2005, have not yet been resentenced. 5353

Sec. 2929.13. (A) Except as provided in division (E), (F), or 5354
(G) of this section and unless a specific sanction is required to 5355
be imposed or is precluded from being imposed pursuant to law, a 5356
court that imposes a sentence upon an offender for a felony may 5357
impose any sanction or combination of sanctions on the offender 5358
that are provided in sections 2929.14 to 2929.18 of the Revised 5359
Code. The sentence shall not impose an unnecessary burden on state 5360
or local government resources. 5361

If the offender is eligible to be sentenced to community 5362
control sanctions, the court shall consider the appropriateness of 5363
imposing a financial sanction pursuant to section 2929.18 of the 5364
Revised Code or a sanction of community service pursuant to 5365
section 2929.17 of the Revised Code as the sole sanction for the 5366
offense. Except as otherwise provided in this division, if the 5367
court is required to impose a mandatory prison term for the 5368
offense for which sentence is being imposed, the court also may 5369
impose a financial sanction pursuant to section 2929.18 of the 5370
Revised Code but may not impose any additional sanction or 5371
combination of sanctions under section 2929.16 or 2929.17 of the 5372
Revised Code. 5373

If the offender is being sentenced for a fourth degree felony 5374
OVI offense or for a third degree felony OVI offense, in addition 5375
to the mandatory term of local incarceration or the mandatory 5376
prison term required for the offense by division (G)(1) or (2) of 5377
this section, the court shall impose upon the offender a mandatory 5378
fine in accordance with division (B)(3) of section 2929.18 of the 5379

Revised Code and may impose whichever of the following is 5380
applicable: 5381

(1) For a fourth degree felony OVI offense for which sentence 5382
is imposed under division (G)(1) of this section, an additional 5383
community control sanction or combination of community control 5384
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 5385
the court imposes upon the offender a community control sanction 5386
and the offender violates any condition of the community control 5387
sanction, the court may take any action prescribed in division (B) 5388
of section 2929.15 of the Revised Code relative to the offender, 5389
including imposing a prison term on the offender pursuant to that 5390
division. 5391

(2) For a third or fourth degree felony OVI offense for which 5392
sentence is imposed under division (G)(2) of this section, an 5393
additional prison term as described in division (D)(4) of section 5394
2929.14 of the Revised Code or a community control sanction as 5395
described in division (G)(2) of this section. 5396

(B)(1) Except as provided in division (B)(2), (E), (F), or 5397
(G) of this section, in sentencing an offender for a felony of the 5398
fourth or fifth degree, the sentencing court shall determine 5399
whether any of the following apply: 5400

(a) In committing the offense, the offender caused physical 5401
harm to a person. 5402

(b) In committing the offense, the offender attempted to 5403
cause or made an actual threat of physical harm to a person with a 5404
deadly weapon. 5405

(c) In committing the offense, the offender attempted to 5406
cause or made an actual threat of physical harm to a person, and 5407
the offender previously was convicted of an offense that caused 5408
physical harm to a person. 5409

(d) The offender held a public office or position of trust 5410

and the offense related to that office or position; the offender's
position obliged the offender to prevent the offense or to bring
those committing it to justice; or the offender's professional
reputation or position facilitated the offense or was likely to
influence the future conduct of others.

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

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

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

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

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

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

(b) Except as provided in division (E), (F), or (G) of this
section, if the court does not make a finding described in
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of
this section and if the court, after considering the factors set
forth in section 2929.12 of the Revised Code, finds that a

community control sanction or combination of community control 5442
sanctions is consistent with the purposes and principles of 5443
sentencing set forth in section 2929.11 of the Revised Code, the 5444
court shall impose a community control sanction or combination of 5445
community control sanctions upon the offender. 5446

(C) Except as provided in division (D), (E), (F), or (G) of 5447
this section, in determining whether to impose a prison term as a 5448
sanction for a felony of the third degree or a felony drug offense 5449
that is a violation of a provision of Chapter 2925. of the Revised 5450
Code and that is specified as being subject to this division for 5451
purposes of sentencing, the sentencing court shall comply with the 5452
purposes and principles of sentencing under section 2929.11 of the 5453
Revised Code and with section 2929.12 of the Revised Code. 5454

(D)(1) Except as provided in division (E) or (F) of this 5455
section, for a felony of the first or second degree, for a felony 5456
drug offense that is a violation of any provision of Chapter 5457
2925., 3719., or 4729. of the Revised Code for which a presumption 5458
in favor of a prison term is specified as being applicable, and 5459
for a violation of division (A)(4) or (B) of section 2907.05 of 5460
the Revised Code for which a presumption in favor of a prison term 5461
is specified as being applicable, it is presumed that a prison 5462
term is necessary in order to comply with the purposes and 5463
principles of sentencing under section 2929.11 of the Revised 5464
Code. Division (D)(2) of this section does not apply to a 5465
presumption established under this division for a violation of 5466
division (A)(4) of section 2907.05 of the Revised Code. 5467

(2) Notwithstanding the presumption established under 5468
division (D)(1) of this section for the offenses listed in that 5469
division other than a violation of division (A)(4) or (B) of 5470
section 2907.05 of the Revised Code, the sentencing court may 5471
impose a community control sanction or a combination of community 5472
control sanctions instead of a prison term on an offender for a 5473

felony of the first or second degree or for a felony drug offense 5474
that is a violation of any provision of Chapter 2925., 3719., or 5475
4729. of the Revised Code for which a presumption in favor of a 5476
prison term is specified as being applicable if it makes both of 5477
the following findings: 5478

(a) A community control sanction or a combination of 5479
community control sanctions would adequately punish the offender 5480
and protect the public from future crime, because the applicable 5481
factors under section 2929.12 of the Revised Code indicating a 5482
lesser likelihood of recidivism outweigh the applicable factors 5483
under that section indicating a greater likelihood of recidivism. 5484

(b) A community control sanction or a combination of 5485
community control sanctions would not demean the seriousness of 5486
the offense, because one or more factors under section 2929.12 of 5487
the Revised Code that indicate that the offender's conduct was 5488
less serious than conduct normally constituting the offense are 5489
applicable, and they outweigh the applicable factors under that 5490
section that indicate that the offender's conduct was more serious 5491
than conduct normally constituting the offense. 5492

(E)(1) Except as provided in division (F) of this section, 5493
for any drug offense that is a violation of any provision of 5494
Chapter 2925. of the Revised Code and that is a felony of the 5495
third, fourth, or fifth degree, the applicability of a presumption 5496
under division (D) of this section in favor of a prison term or of 5497
division (B) or (C) of this section in determining whether to 5498
impose a prison term for the offense shall be determined as 5499
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 5500
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 5501
Revised Code, whichever is applicable regarding the violation. 5502

(2) If an offender who was convicted of or pleaded guilty to 5503
a felony violates the conditions of a community control sanction 5504
imposed for the offense solely by reason of producing positive 5505

results on a drug test, the court, as punishment for the violation 5506
of the sanction, shall not order that the offender be imprisoned 5507
unless the court determines on the record either of the following: 5508

(a) The offender had been ordered as a sanction for the 5509
felony to participate in a drug treatment program, in a drug 5510
education program, or in narcotics anonymous or a similar program, 5511
and the offender continued to use illegal drugs after a reasonable 5512
period of participation in the program. 5513

(b) The imprisonment of the offender for the violation is 5514
consistent with the purposes and principles of sentencing set 5515
forth in section 2929.11 of the Revised Code. 5516

(F) Notwithstanding divisions (A) to (E) of this section, the 5517
court shall impose a prison term or terms under sections 2929.02 5518
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 5519
of the Revised Code and except as specifically provided in section 5520
2929.20 or 2967.191 of the Revised Code or when parole is 5521
authorized for the offense under section 2967.13 of the Revised 5522
Code shall not reduce the term or terms pursuant to section 5523
2929.20, section 2967.193, or any other provision of Chapter 2967. 5524
or Chapter 5120. of the Revised Code for any of the following 5525
offenses: 5526

(1) Aggravated murder when death is not imposed or murder; 5527

(2) Any rape, regardless of whether force was involved and 5528
regardless of the age of the victim, or an attempt to commit rape 5529
if, had the offender completed the rape that was attempted, the 5530
offender would have been guilty of a violation of division 5531
(A)(1)(b) of section 2907.02 of the Revised Code and would be 5532
sentenced under section 2971.03 of the Revised Code; 5533

(3) Gross sexual imposition or sexual battery, if the victim 5534
is ~~under~~ less than thirteen years of age and if any of the 5535
following applies: 5536

(a) Regarding gross sexual imposition, the offender 5537
previously was convicted of or pleaded guilty to rape, the former 5538
offense of felonious sexual penetration, gross sexual imposition, 5539
or sexual battery, and the victim of the previous offense was 5540
~~under~~ less than thirteen years of age; 5541

(b) Regarding gross sexual imposition, the offense was 5542
committed on or after August 3, 2006, and evidence other than the 5543
testimony of the victim was admitted in the case corroborating the 5544
violation. 5545

(c) Regarding sexual battery, either of the following 5546
applies: 5547

(i) The offense was committed prior to August 3, 2006, the 5548
offender previously was convicted of or pleaded guilty to rape, 5549
the former offense of felonious sexual penetration, or sexual 5550
battery, and the victim of the previous offense was ~~under~~ less 5551
than thirteen years of age. 5552

(ii) The offense was committed on or after August 3, 2006. 5553

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 5554
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 5555
requires the imposition of a prison term; 5556

(5) A first, second, or third degree felony drug offense for 5557
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 5558
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 5559
4729.99 of the Revised Code, whichever is applicable regarding the 5560
violation, requires the imposition of a mandatory prison term; 5561

(6) Any offense that is a first or second degree felony and 5562
that is not set forth in division (F)(1), (2), (3), or (4) of this 5563
section, if the offender previously was convicted of or pleaded 5564
guilty to aggravated murder, murder, any first or second degree 5565
felony, or an offense under an existing or former law of this 5566
state, another state, or the United States that is or was 5567

substantially equivalent to one of those offenses; 5568

(7) Any offense that is a third degree felony and either is a 5569
violation of section 2903.04 of the Revised Code or an attempt to 5570
commit a felony of the second degree that is an offense of 5571
violence and involved an attempt to cause serious physical harm to 5572
a person or that resulted in serious physical harm to a person if 5573
the offender previously was convicted of or pleaded guilty to any 5574
of the following offenses: 5575

(a) Aggravated murder, murder, involuntary manslaughter, 5576
rape, felonious sexual penetration as it existed under section 5577
2907.12 of the Revised Code prior to September 3, 1996, a felony 5578
of the first or second degree that resulted in the death of a 5579
person or in physical harm to a person, or complicity in or an 5580
attempt to commit any of those offenses; 5581

(b) An offense under an existing or former law of this state, 5582
another state, or the United States that is or was substantially 5583
equivalent to an offense listed in division (F)(7)(a) of this 5584
section that resulted in the death of a person or in physical harm 5585
to a person. 5586

(8) Any offense, other than a violation of section 2923.12 of 5587
the Revised Code, that is a felony, if the offender had a firearm 5588
on or about the offender's person or under the offender's control 5589
while committing the felony, with respect to a portion of the 5590
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 5591
of the Revised Code for having the firearm; 5592

(9) Any offense of violence that is a felony, if the offender 5593
wore or carried body armor while committing the felony offense of 5594
violence, with respect to the portion of the sentence imposed 5595
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 5596
Code for wearing or carrying the body armor; 5597

(10) Corrupt activity in violation of section 2923.32 of the 5598

Revised Code when the most serious offense in the pattern of 5599
corrupt activity that is the basis of the offense is a felony of 5600
the first degree; 5601

(11) Any violent sex offense or designated homicide, assault, 5602
or kidnapping offense if, in relation to that offense, the 5603
offender is adjudicated a sexually violent predator; 5604

(12) A violation of division (A)(1) or (2) of section 2921.36 5605
of the Revised Code, or a violation of division (C) of that 5606
section involving an item listed in division (A)(1) or (2) of that 5607
section, if the offender is an officer or employee of the 5608
department of rehabilitation and correction; 5609

(13) A violation of division (A)(1) or (2) of section 2903.06 5610
of the Revised Code if the victim of the offense is a peace 5611
officer, as defined in section 2935.01 of the Revised Code, or an 5612
investigator of the bureau of criminal identification and 5613
investigation, as defined in section 2903.11 of the Revised Code, 5614
with respect to the portion of the sentence imposed pursuant to 5615
division (D)(5) of section 2929.14 of the Revised Code; 5616

(14) A violation of division (A)(1) or (2) of section 2903.06 5617
of the Revised Code if the offender has been convicted of or 5618
pleaded guilty to three or more violations of division (A) or (B) 5619
of section 4511.19 of the Revised Code or an equivalent offense, 5620
as defined in section 2941.1415 of the Revised Code, or three or 5621
more violations of any combination of those divisions and 5622
offenses, with respect to the portion of the sentence imposed 5623
pursuant to division (D)(6) of section 2929.14 of the Revised 5624
Code; 5625

(15) Kidnapping, in the circumstances specified in section 5626
2971.03 of the Revised Code and when no other provision of 5627
division (F) of this section applies. 5628

(G) Notwithstanding divisions (A) to (E) of this section, if 5629

an offender is being sentenced for a fourth degree felony OVI 5630
offense or for a third degree felony OVI offense, the court shall 5631
impose upon the offender a mandatory term of local incarceration 5632
or a mandatory prison term in accordance with the following: 5633

(1) If the offender is being sentenced for a fourth degree 5634
felony OVI offense and if the offender has not been convicted of 5635
and has not pleaded guilty to a specification of the type 5636
described in section 2941.1413 of the Revised Code, the court may 5637
impose upon the offender a mandatory term of local incarceration 5638
of sixty days or one hundred twenty days as specified in division 5639
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 5640
not reduce the term pursuant to section 2929.20, 2967.193, or any 5641
other provision of the Revised Code. The court that imposes a 5642
mandatory term of local incarceration under this division shall 5643
specify whether the term is to be served in a jail, a 5644
community-based correctional facility, a halfway house, or an 5645
alternative residential facility, and the offender shall serve the 5646
term in the type of facility specified by the court. A mandatory 5647
term of local incarceration imposed under division (G)(1) of this 5648
section is not subject to extension under section 2967.11 of the 5649
Revised Code, to a period of post-release control under section 5650
2967.28 of the Revised Code, or to any other Revised Code 5651
provision that pertains to a prison term except as provided in 5652
division (A)(1) of this section. 5653

(2) If the offender is being sentenced for a third degree 5654
felony OVI offense, or if the offender is being sentenced for a 5655
fourth degree felony OVI offense and the court does not impose a 5656
mandatory term of local incarceration under division (G)(1) of 5657
this section, the court shall impose upon the offender a mandatory 5658
prison term of one, two, three, four, or five years if the 5659
offender also is convicted of or also pleads guilty to a 5660
specification of the type described in section 2941.1413 of the 5661

Revised Code or shall impose upon the offender a mandatory prison 5662
term of sixty days or one hundred twenty days as specified in 5663
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 5664
if the offender has not been convicted of and has not pleaded 5665
guilty to a specification of that type. The court shall not reduce 5666
the term pursuant to section 2929.20, 2967.193, or any other 5667
provision of the Revised Code. The offender shall serve the one-, 5668
two-, three-, four-, or five-year mandatory prison term 5669
consecutively to and prior to the prison term imposed for the 5670
underlying offense and consecutively to any other mandatory prison 5671
term imposed in relation to the offense. In no case shall an 5672
offender who once has been sentenced to a mandatory term of local 5673
incarceration pursuant to division (G)(1) of this section for a 5674
fourth degree felony OVI offense be sentenced to another mandatory 5675
term of local incarceration under that division for any violation 5676
of division (A) of section 4511.19 of the Revised Code. In 5677
addition to the mandatory prison term described in division (G)(2) 5678
of this section, the court may sentence the offender to a 5679
community control sanction under section 2929.16 or 2929.17 of the 5680
Revised Code, but the offender shall serve the prison term prior 5681
to serving the community control sanction. The department of 5682
rehabilitation and correction may place an offender sentenced to a 5683
mandatory prison term under this division in an intensive program 5684
prison established pursuant to section 5120.033 of the Revised 5685
Code if the department gave the sentencing judge prior notice of 5686
its intent to place the offender in an intensive program prison 5687
established under that section and if the judge did not notify the 5688
department that the judge disapproved the placement. Upon the 5689
establishment of the initial intensive program prison pursuant to 5690
section 5120.033 of the Revised Code that is privately operated 5691
and managed by a contractor pursuant to a contract entered into 5692
under section 9.06 of the Revised Code, both of the following 5693
apply: 5694

(a) The department of rehabilitation and correction shall 5695
make a reasonable effort to ensure that a sufficient number of 5696
offenders sentenced to a mandatory prison term under this division 5697
are placed in the privately operated and managed prison so that 5698
the privately operated and managed prison has full occupancy. 5699

(b) Unless the privately operated and managed prison has full 5700
occupancy, the department of rehabilitation and correction shall 5701
not place any offender sentenced to a mandatory prison term under 5702
this division in any intensive program prison established pursuant 5703
to section 5120.033 of the Revised Code other than the privately 5704
operated and managed prison. 5705

(H) If an offender is being sentenced for a sexually oriented 5706
offense or child-victim oriented offense that is a felony 5707
committed on or after January 1, 1997, the judge shall require the 5708
offender to submit to a DNA specimen collection procedure pursuant 5709
to section 2901.07 of the Revised Code ~~if either of the following~~ 5710
~~applies:~~ 5711

~~(1) The offense was a violent sex offense or a designated 5712
homicide, assault, or kidnapping offense and, in relation to that 5713
offense, the offender was adjudicated a sexually violent predator. 5714~~

~~(2) The offense was a violation of division (A)(1)(b) of 5715
section 2907.02 of the Revised Code committed on or after the 5716
effective date of this amendment. 5717~~

~~(3) The offense was attempted rape committed on or after the 5718
effective date of this amendment, and the offender also was 5719
convicted of or pleaded guilty to a specification of the type 5720
described in section 2941.1418, 2941.1419, or 2941.1420 of the 5721
Revised Code. 5722~~

~~(4) The judge imposing sentence for the sexually oriented 5723
offense determines pursuant to division (B) of section 2950.09 of 5724
the Revised Code that the offender is a sexual predator. 5725~~

(I) If an offender is being sentenced for a sexually oriented 5726
offense ~~that is not a registration exempt sexually oriented~~ 5727
~~offense~~ or ~~for~~ a child-victim oriented offense committed on or 5728
after January 1, 1997, the judge shall include in the sentence a 5729
summary of the offender's duties imposed under sections 2950.04, 5730
2950.041, 2950.05, and 2950.06 of the Revised Code and the 5731
duration of the duties. The judge shall inform the offender, at 5732
the time of sentencing, of those duties and of their duration ~~and,~~ 5733
~~if.~~ If required under division (A)(2) of section 2950.03 of the 5734
Revised Code, the judge shall perform the duties specified in that 5735
section, or, if required under division (A)(6) of section 2950.03 5736
of the Revised Code, the judge shall perform the duties specified 5737
in that division. 5738

(J)(1) Except as provided in division (J)(2) of this section, 5739
when considering sentencing factors under this section in relation 5740
to an offender who is convicted of or pleads guilty to an attempt 5741
to commit an offense in violation of section 2923.02 of the 5742
Revised Code, the sentencing court shall consider the factors 5743
applicable to the felony category of the violation of section 5744
2923.02 of the Revised Code instead of the factors applicable to 5745
the felony category of the offense attempted. 5746

(2) When considering sentencing factors under this section in 5747
relation to an offender who is convicted of or pleads guilty to an 5748
attempt to commit a drug abuse offense for which the penalty is 5749
determined by the amount or number of unit doses of the controlled 5750
substance involved in the drug abuse offense, the sentencing court 5751
shall consider the factors applicable to the felony category that 5752
the drug abuse offense attempted would be if that drug abuse 5753
offense had been committed and had involved an amount or number of 5754
unit doses of the controlled substance that is within the next 5755
lower range of controlled substance amounts than was involved in 5756
the attempt. 5757

(K) As used in this section, "drug abuse offense" has the 5758
same meaning as in section 2925.01 of the Revised Code. 5759

(L) At the time of sentencing an offender ~~who is a sexual~~ 5760
~~predator~~ for any sexually oriented offense, if the offender is a 5761
tier III sex offender/child-victim offender relative to that 5762
offense and the offender does not serve a prison term or jail 5763
term, the court may require that the offender be monitored by 5764
means of a global positioning device. If the court requires such 5765
monitoring, the cost of monitoring shall be borne by the offender. 5766
If the offender is indigent, the cost of compliance shall be paid 5767
by the crime victims reparations fund. 5768

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 5769
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), or (L) of this 5770
section and except in relation to an offense for which a sentence 5771
of death or life imprisonment is to be imposed, if the court 5772
imposing a sentence upon an offender for a felony elects or is 5773
required to impose a prison term on the offender pursuant to this 5774
chapter, the court shall impose a definite prison term that shall 5775
be one of the following: 5776

(1) For a felony of the first degree, the prison term shall 5777
be three, four, five, six, seven, eight, nine, or ten years. 5778

(2) For a felony of the second degree, the prison term shall 5779
be two, three, four, five, six, seven, or eight years. 5780

(3) For a felony of the third degree, the prison term shall 5781
be one, two, three, four, or five years. 5782

(4) For a felony of the fourth degree, the prison term shall 5783
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 5784
fourteen, fifteen, sixteen, seventeen, or eighteen months. 5785

(5) For a felony of the fifth degree, the prison term shall 5786
be six, seven, eight, nine, ten, eleven, or twelve months. 5787

(B) Except as provided in division (C), (D)(1), (D)(2), 5788
(D)(3), (D)(5), (D)(6), (G), or (L) of this section, in section 5789
2907.02 or 2907.05 of the Revised Code, or in Chapter 2925. of the 5790
Revised Code, if the court imposing a sentence upon an offender 5791
for a felony elects or is required to impose a prison term on the 5792
offender, the court shall impose the shortest prison term 5793
authorized for the offense pursuant to division (A) of this 5794
section, unless one or more of the following applies: 5795

(1) The offender was serving a prison term at the time of the 5796
offense, or the offender previously had served a prison term. 5797

(2) The court finds on the record that the shortest prison 5798
term will demean the seriousness of the offender's conduct or will 5799
not adequately protect the public from future crime by the 5800
offender or others. 5801

(C) Except as provided in division (G) or (L) of this section 5802
or in Chapter 2925. of the Revised Code, the court imposing a 5803
sentence upon an offender for a felony may impose the longest 5804
prison term authorized for the offense pursuant to division (A) of 5805
this section only upon offenders who committed the worst forms of 5806
the offense, upon offenders who pose the greatest likelihood of 5807
committing future crimes, upon certain major drug offenders under 5808
division (D)(3) of this section, and upon certain repeat violent 5809
offenders in accordance with division (D)(2) of this section. 5810

(D)(1)(a) Except as provided in division (D)(1)(e) of this 5811
section, if an offender who is convicted of or pleads guilty to a 5812
felony also is convicted of or pleads guilty to a specification of 5813
the type described in section 2941.141, 2941.144, or 2941.145 of 5814
the Revised Code, the court shall impose on the offender one of 5815
the following prison terms: 5816

(i) A prison term of six years if the specification is of the 5817
type described in section 2941.144 of the Revised Code that 5818

charges the offender with having a firearm that is an automatic 5819
firearm or that was equipped with a firearm muffler or silencer on 5820
or about the offender's person or under the offender's control 5821
while committing the felony; 5822

(ii) A prison term of three years if the specification is of 5823
the type described in section 2941.145 of the Revised Code that 5824
charges the offender with having a firearm on or about the 5825
offender's person or under the offender's control while committing 5826
the offense and displaying the firearm, brandishing the firearm, 5827
indicating that the offender possessed the firearm, or using it to 5828
facilitate the offense; 5829

(iii) A prison term of one year if the specification is of 5830
the type described in section 2941.141 of the Revised Code that 5831
charges the offender with having a firearm on or about the 5832
offender's person or under the offender's control while committing 5833
the felony. 5834

(b) If a court imposes a prison term on an offender under 5835
division (D)(1)(a) of this section, the prison term shall not be 5836
reduced pursuant to section 2929.20, section 2967.193, or any 5837
other provision of Chapter 2967. or Chapter 5120. of the Revised 5838
Code. A court shall not impose more than one prison term on an 5839
offender under division (D)(1)(a) of this section for felonies 5840
committed as part of the same act or transaction. 5841

(c) Except as provided in division (D)(1)(e) of this section, 5842
if an offender who is convicted of or pleads guilty to a violation 5843
of section 2923.161 of the Revised Code or to a felony that 5844
includes, as an essential element, purposely or knowingly causing 5845
or attempting to cause the death of or physical harm to another, 5846
also is convicted of or pleads guilty to a specification of the 5847
type described in section 2941.146 of the Revised Code that 5848
charges the offender with committing the offense by discharging a 5849
firearm from a motor vehicle other than a manufactured home, the 5850

court, after imposing a prison term on the offender for the 5851
violation of section 2923.161 of the Revised Code or for the other 5852
felony offense under division (A), (D)(2), or (D)(3) of this 5853
section, shall impose an additional prison term of five years upon 5854
the offender that shall not be reduced pursuant to section 5855
2929.20, section 2967.193, or any other provision of Chapter 2967. 5856
or Chapter 5120. of the Revised Code. A court shall not impose 5857
more than one additional prison term on an offender under division 5858
(D)(1)(c) of this section for felonies committed as part of the 5859
same act or transaction. If a court imposes an additional prison 5860
term on an offender under division (D)(1)(c) of this section 5861
relative to an offense, the court also shall impose a prison term 5862
under division (D)(1)(a) of this section relative to the same 5863
offense, provided the criteria specified in that division for 5864
imposing an additional prison term are satisfied relative to the 5865
offender and the offense. 5866

(d) If an offender who is convicted of or pleads guilty to an 5867
offense of violence that is a felony also is convicted of or 5868
pleads guilty to a specification of the type described in section 5869
2941.1411 of the Revised Code that charges the offender with 5870
wearing or carrying body armor while committing the felony offense 5871
of violence, the court shall impose on the offender a prison term 5872
of two years. The prison term so imposed shall not be reduced 5873
pursuant to section 2929.20, section 2967.193, or any other 5874
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 5875
court shall not impose more than one prison term on an offender 5876
under division (D)(1)(d) of this section for felonies committed as 5877
part of the same act or transaction. If a court imposes an 5878
additional prison term under division (D)(1)(a) or (c) of this 5879
section, the court is not precluded from imposing an additional 5880
prison term under division (D)(1)(d) of this section. 5881

(e) The court shall not impose any of the prison terms 5882

described in division (D)(1)(a) of this section or any of the 5883
additional prison terms described in division (D)(1)(c) of this 5884
section upon an offender for a violation of section 2923.12 or 5885
2923.123 of the Revised Code. The court shall not impose any of 5886
the prison terms described in division (D)(1)(a) of this section 5887
or any of the additional prison terms described in division 5888
(D)(1)(c) of this section upon an offender for a violation of 5889
section 2923.13 of the Revised Code unless all of the following 5890
apply: 5891

(i) The offender previously has been convicted of aggravated 5892
murder, murder, or any felony of the first or second degree. 5893

(ii) Less than five years have passed since the offender was 5894
released from prison or post-release control, whichever is later, 5895
for the prior offense. 5896

(f) If an offender is convicted of or pleads guilty to a 5897
felony that includes, as an essential element, causing or 5898
attempting to cause the death of or physical harm to another and 5899
also is convicted of or pleads guilty to a specification of the 5900
type described in section 2941.1412 of the Revised Code that 5901
charges the offender with committing the offense by discharging a 5902
firearm at a peace officer as defined in section 2935.01 of the 5903
Revised Code or a corrections officer, as defined in section 5904
2941.1412 of the Revised Code, the court, after imposing a prison 5905
term on the offender for the felony offense under division (A), 5906
(D)(2), or (D)(3) of this section, shall impose an additional 5907
prison term of seven years upon the offender that shall not be 5908
reduced pursuant to section 2929.20, section 2967.193, or any 5909
other provision of Chapter 2967. or Chapter 5120. of the Revised 5910
Code. A court shall not impose more than one additional prison 5911
term on an offender under division (D)(1)(f) of this section for 5912
felonies committed as part of the same act or transaction. If a 5913
court imposes an additional prison term on an offender under 5914

division (D)(1)(f) of this section relative to an offense, the 5915
court shall not impose a prison term under division (D)(1)(a) or 5916
(c) of this section relative to the same offense. 5917

(2)(a) If division (D)(2)(b) of this section does not apply, 5918
the court may impose on an offender, in addition to the longest 5919
prison term authorized or required for the offense, an additional 5920
definite prison term of one, two, three, four, five, six, seven, 5921
eight, nine, or ten years if all of the following criteria are 5922
met: 5923

(i) The offender is convicted of or pleads guilty to a 5924
specification of the type described in section 2941.149 of the 5925
Revised Code that the offender is a repeat violent offender. 5926

(ii) The offense of which the offender currently is convicted 5927
or to which the offender currently pleads guilty is aggravated 5928
murder and the court does not impose a sentence of death or life 5929
imprisonment without parole, murder, terrorism and the court does 5930
not impose a sentence of life imprisonment without parole, any 5931
felony of the first degree that is an offense of violence and the 5932
court does not impose a sentence of life imprisonment without 5933
parole, or any felony of the second degree that is an offense of 5934
violence and the trier of fact finds that the offense involved an 5935
attempt to cause or a threat to cause serious physical harm to a 5936
person or resulted in serious physical harm to a person. 5937

(iii) The court imposes the longest prison term for the 5938
offense that is not life imprisonment without parole. 5939

(iv) The court finds that the prison terms imposed pursuant 5940
to division (D)(2)(a)(iii) of this section and, if applicable, 5941
division (D)(1) or (3) of this section are inadequate to punish 5942
the offender and protect the public from future crime, because the 5943
applicable factors under section 2929.12 of the Revised Code 5944
indicating a greater likelihood of recidivism outweigh the 5945

applicable factors under that section indicating a lesser 5946
likelihood of recidivism. 5947

(v) The court finds that the prison terms imposed pursuant to 5948
division (D)(2)(a)(iii) of this section and, if applicable, 5949
division (D)(1) or (3) of this section are demeaning to the 5950
seriousness of the offense, because one or more of the factors 5951
under section 2929.12 of the Revised Code indicating that the 5952
offender's conduct is more serious than conduct normally 5953
constituting the offense are present, and they outweigh the 5954
applicable factors under that section indicating that the 5955
offender's conduct is less serious than conduct normally 5956
constituting the offense. 5957

(b) The court shall impose on an offender the longest prison 5958
term authorized or required for the offense and shall impose on 5959
the offender an additional definite prison term of one, two, 5960
three, four, five, six, seven, eight, nine, or ten years if all of 5961
the following criteria are met: 5962

(i) The offender is convicted of or pleads guilty to a 5963
specification of the type described in section 2941.149 of the 5964
Revised Code that the offender is a repeat violent offender. 5965

(ii) The offender within the preceding twenty years has been 5966
convicted of or pleaded guilty to three or more offenses described 5967
in division (DD)(1) of section 2929.01 of the Revised Code, 5968
including all offenses described in that division of which the 5969
offender is convicted or to which the offender pleads guilty in 5970
the current prosecution and all offenses described in that 5971
division of which the offender previously has been convicted or to 5972
which the offender previously pleaded guilty, whether prosecuted 5973
together or separately. 5974

(iii) The offense or offenses of which the offender currently 5975
is convicted or to which the offender currently pleads guilty is 5976

aggravated murder and the court does not impose a sentence of 5977
death or life imprisonment without parole, murder, terrorism and 5978
the court does not impose a sentence of life imprisonment without 5979
parole, any felony of the first degree that is an offense of 5980
violence and the court does not impose a sentence of life 5981
imprisonment without parole, or any felony of the second degree 5982
that is an offense of violence and the trier of fact finds that 5983
the offense involved an attempt to cause or a threat to cause 5984
serious physical harm to a person or resulted in serious physical 5985
harm to a person. 5986

(c) For purposes of division (D)(2)(b) of this section, two 5987
or more offenses committed at the same time or as part of the same 5988
act or event shall be considered one offense, and that one offense 5989
shall be the offense with the greatest penalty. 5990

(d) A sentence imposed under division (D)(2)(a) or (b) of 5991
this section shall not be reduced pursuant to section 2929.20 or 5992
section 2967.193, or any other provision of Chapter 2967. or 5993
Chapter 5120. of the Revised Code. The offender shall serve an 5994
additional prison term imposed under this section consecutively to 5995
and prior to the prison term imposed for the underlying offense. 5996

(e) When imposing a sentence pursuant to division (D)(2)(a) 5997
or (b) of this section, the court shall state its findings 5998
explaining the imposed sentence. 5999

(3)(a) Except when an offender commits a violation of section 6000
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 6001
the violation is life imprisonment or commits a violation of 6002
section 2903.02 of the Revised Code, if the offender commits a 6003
violation of section 2925.03 or 2925.11 of the Revised Code and 6004
that section classifies the offender as a major drug offender and 6005
requires the imposition of a ten-year prison term on the offender, 6006
if the offender commits a felony violation of section 2925.02, 6007
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6008

4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6009
division (C) of section 4729.51, or division (J) of section 6010
4729.54 of the Revised Code that includes the sale, offer to sell, 6011
or possession of a schedule I or II controlled substance, with the 6012
exception of marihuana, and the court imposing sentence upon the 6013
offender finds that the offender is guilty of a specification of 6014
the type described in section 2941.1410 of the Revised Code 6015
charging that the offender is a major drug offender, if the court 6016
imposing sentence upon an offender for a felony finds that the 6017
offender is guilty of corrupt activity with the most serious 6018
offense in the pattern of corrupt activity being a felony of the 6019
first degree, or if the offender is guilty of an attempted 6020
violation of section 2907.02 of the Revised Code and, had the 6021
offender completed the violation of section 2907.02 of the Revised 6022
Code that was attempted, the offender would have been subject to a 6023
sentence of life imprisonment or life imprisonment without parole 6024
for the violation of section 2907.02 of the Revised Code, the 6025
court shall impose upon the offender for the felony violation a 6026
ten-year prison term that cannot be reduced pursuant to section 6027
2929.20 or Chapter 2967. or 5120. of the Revised Code. 6028

(b) The court imposing a prison term on an offender under 6029
division (D)(3)(a) of this section may impose an additional prison 6030
term of one, two, three, four, five, six, seven, eight, nine, or 6031
ten years, if the court, with respect to the term imposed under 6032
division (D)(3)(a) of this section and, if applicable, divisions 6033
(D)(1) and (2) of this section, makes both of the findings set 6034
forth in divisions (D)(2)(a)(iv) and (v) of this section. 6035

(4) If the offender is being sentenced for a third or fourth 6036
degree felony OVI offense under division (G)(2) of section 2929.13 6037
of the Revised Code, the sentencing court shall impose upon the 6038
offender a mandatory prison term in accordance with that division. 6039
In addition to the mandatory prison term, if the offender is being 6040

sentenced for a fourth degree felony OVI offense, the court, 6041
notwithstanding division (A)(4) of this section, may sentence the 6042
offender to a definite prison term of not less than six months and 6043
not more than thirty months, and if the offender is being 6044
sentenced for a third degree felony OVI offense, the sentencing 6045
court may sentence the offender to an additional prison term of 6046
any duration specified in division (A)(3) of this section. In 6047
either case, the additional prison term imposed shall be reduced 6048
by the sixty or one hundred twenty days imposed upon the offender 6049
as the mandatory prison term. The total of the additional prison 6050
term imposed under division (D)(4) of this section plus the sixty 6051
or one hundred twenty days imposed as the mandatory prison term 6052
shall equal a definite term in the range of six months to thirty 6053
months for a fourth degree felony OVI offense and shall equal one 6054
of the authorized prison terms specified in division (A)(3) of 6055
this section for a third degree felony OVI offense. If the court 6056
imposes an additional prison term under division (D)(4) of this 6057
section, the offender shall serve the additional prison term after 6058
the offender has served the mandatory prison term required for the 6059
offense. In addition to the mandatory prison term or mandatory and 6060
additional prison term imposed as described in division (D)(4) of 6061
this section, the court also may sentence the offender to a 6062
community control sanction under section 2929.16 or 2929.17 of the 6063
Revised Code, but the offender shall serve all of the prison terms 6064
so imposed prior to serving the community control sanction. 6065

If the offender is being sentenced for a fourth degree felony 6066
OVI offense under division (G)(1) of section 2929.13 of the 6067
Revised Code and the court imposes a mandatory term of local 6068
incarceration, the court may impose a prison term as described in 6069
division (A)(1) of that section. 6070

(5) If an offender is convicted of or pleads guilty to a 6071
violation of division (A)(1) or (2) of section 2903.06 of the 6072

Revised Code and also is convicted of or pleads guilty to a 6073
specification of the type described in section 2941.1414 of the 6074
Revised Code that charges that the victim of the offense is a 6075
peace officer, as defined in section 2935.01 of the Revised Code, 6076
or an investigator of the bureau of criminal identification and 6077
investigation, as defined in section 2903.11 of the Revised Code, 6078
the court shall impose on the offender a prison term of five 6079
years. If a court imposes a prison term on an offender under 6080
division (D)(5) of this section, the prison term shall not be 6081
reduced pursuant to section 2929.20, section 2967.193, or any 6082
other provision of Chapter 2967. or Chapter 5120. of the Revised 6083
Code. A court shall not impose more than one prison term on an 6084
offender under division (D)(5) of this section for felonies 6085
committed as part of the same act. 6086

(6) If an offender is convicted of or pleads guilty to a 6087
violation of division (A)(1) or (2) of section 2903.06 of the 6088
Revised Code and also is convicted of or pleads guilty to a 6089
specification of the type described in section 2941.1415 of the 6090
Revised Code that charges that the offender previously has been 6091
convicted of or pleaded guilty to three or more violations of 6092
division (A) or (B) of section 4511.19 of the Revised Code or an 6093
equivalent offense, as defined in section 2941.1415 of the Revised 6094
Code, or three or more violations of any combination of those 6095
divisions and offenses, the court shall impose on the offender a 6096
prison term of three years. If a court imposes a prison term on an 6097
offender under division (D)(6) of this section, the prison term 6098
shall not be reduced pursuant to section 2929.20, section 6099
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 6100
of the Revised Code. A court shall not impose more than one prison 6101
term on an offender under division (D)(6) of this section for 6102
felonies committed as part of the same act. 6103

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 6104

mandatory prison term is imposed upon an offender pursuant to 6105
division (D)(1)(a) of this section for having a firearm on or 6106
about the offender's person or under the offender's control while 6107
committing a felony, if a mandatory prison term is imposed upon an 6108
offender pursuant to division (D)(1)(c) of this section for 6109
committing a felony specified in that division by discharging a 6110
firearm from a motor vehicle, or if both types of mandatory prison 6111
terms are imposed, the offender shall serve any mandatory prison 6112
term imposed under either division consecutively to any other 6113
mandatory prison term imposed under either division or under 6114
division (D)(1)(d) of this section, consecutively to and prior to 6115
any prison term imposed for the underlying felony pursuant to 6116
division (A), (D)(2), or (D)(3) of this section or any other 6117
section of the Revised Code, and consecutively to any other prison 6118
term or mandatory prison term previously or subsequently imposed 6119
upon the offender. 6120

(b) If a mandatory prison term is imposed upon an offender 6121
pursuant to division (D)(1)(d) of this section for wearing or 6122
carrying body armor while committing an offense of violence that 6123
is a felony, the offender shall serve the mandatory term so 6124
imposed consecutively to any other mandatory prison term imposed 6125
under that division or under division (D)(1)(a) or (c) of this 6126
section, consecutively to and prior to any prison term imposed for 6127
the underlying felony under division (A), (D)(2), or (D)(3) of 6128
this section or any other section of the Revised Code, and 6129
consecutively to any other prison term or mandatory prison term 6130
previously or subsequently imposed upon the offender. 6131

(c) If a mandatory prison term is imposed upon an offender 6132
pursuant to division (D)(1)(f) of this section, the offender shall 6133
serve the mandatory prison term so imposed consecutively to and 6134
prior to any prison term imposed for the underlying felony under 6135
division (A), (D)(2), or (D)(3) of this section or any other 6136

section of the Revised Code, and consecutively to any other prison 6137
term or mandatory prison term previously or subsequently imposed 6138
upon the offender. 6139

(2) If an offender who is an inmate in a jail, prison, or 6140
other residential detention facility violates section 2917.02, 6141
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 6142
who is under detention at a detention facility commits a felony 6143
violation of section 2923.131 of the Revised Code, or if an 6144
offender who is an inmate in a jail, prison, or other residential 6145
detention facility or is under detention at a detention facility 6146
commits another felony while the offender is an escapee in 6147
violation of section 2921.34 of the Revised Code, any prison term 6148
imposed upon the offender for one of those violations shall be 6149
served by the offender consecutively to the prison term or term of 6150
imprisonment the offender was serving when the offender committed 6151
that offense and to any other prison term previously or 6152
subsequently imposed upon the offender. 6153

(3) If a prison term is imposed for a violation of division 6154
(B) of section 2911.01 of the Revised Code, a violation of 6155
division (A) of section 2913.02 of the Revised Code in which the 6156
stolen property is a firearm or dangerous ordnance, or a felony 6157
violation of division (B) of section 2921.331 of the Revised Code, 6158
the offender shall serve that prison term consecutively to any 6159
other prison term or mandatory prison term previously or 6160
subsequently imposed upon the offender. 6161

(4) If multiple prison terms are imposed on an offender for 6162
convictions of multiple offenses, the court may require the 6163
offender to serve the prison terms consecutively if the court 6164
finds that the consecutive service is necessary to protect the 6165
public from future crime or to punish the offender and that 6166
consecutive sentences are not disproportionate to the seriousness 6167
of the offender's conduct and to the danger the offender poses to 6168

the public, and if the court also finds any of the following: 6169

(a) The offender committed one or more of the multiple 6170
offenses while the offender was awaiting trial or sentencing, was 6171
under a sanction imposed pursuant to section 2929.16, 2929.17, or 6172
2929.18 of the Revised Code, or was under post-release control for 6173
a prior offense. 6174

(b) At least two of the multiple offenses were committed as 6175
part of one or more courses of conduct, and the harm caused by two 6176
or more of the multiple offenses so committed was so great or 6177
unusual that no single prison term for any of the offenses 6178
committed as part of any of the courses of conduct adequately 6179
reflects the seriousness of the offender's conduct. 6180

(c) The offender's history of criminal conduct demonstrates 6181
that consecutive sentences are necessary to protect the public 6182
from future crime by the offender. 6183

(5) If a mandatory prison term is imposed upon an offender 6184
pursuant to division (D)(5) or (6) of this section, the offender 6185
shall serve the mandatory prison term consecutively to and prior 6186
to any prison term imposed for the underlying violation of 6187
division (A)(1) or (2) of section 2903.06 of the Revised Code 6188
pursuant to division (A) of this section or section 2929.142 of 6189
the Revised Code. If a mandatory prison term is imposed upon an 6190
offender pursuant to division (D)(5) of this section, and if a 6191
mandatory prison term also is imposed upon the offender pursuant 6192
to division (D)(6) of this section in relation to the same 6193
violation, the offender shall serve the mandatory prison term 6194
imposed pursuant to division (D)(5) of this section consecutively 6195
to and prior to the mandatory prison term imposed pursuant to 6196
division (D)(6) of this section and consecutively to and prior to 6197
any prison term imposed for the underlying violation of division 6198
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 6199
division (A) of this section or section 2929.142 of the Revised 6200

Code. 6201

(6) When consecutive prison terms are imposed pursuant to 6202
division (E)(1), (2), (3), (4), or (5) of this section, the term 6203
to be served is the aggregate of all of the terms so imposed. 6204

(F)(1) If a court imposes a prison term for a felony of the 6205
first degree, for a felony of the second degree, for a felony sex 6206
offense, or for a felony of the third degree that is not a felony 6207
sex offense and in the commission of which the offender caused or 6208
threatened to cause physical harm to a person, it shall include in 6209
the sentence a requirement that the offender be subject to a 6210
period of post-release control after the offender's release from 6211
imprisonment, in accordance with that division. If a court imposes 6212
a sentence including a prison term of a type described in this 6213
division on or after July 11, 2006, the failure of a court to 6214
include a post-release control requirement in the sentence 6215
pursuant to this division does not negate, limit, or otherwise 6216
affect the mandatory period of post-release control that is 6217
required for the offender under division (B) of section 2967.28 of 6218
the Revised Code. Section 2929.191 of the Revised Code applies if, 6219
prior to July 11, 2006, a court imposed a sentence including a 6220
prison term of a type described in this division and failed to 6221
include in the sentence pursuant to this division a statement 6222
regarding post-release control. 6223

(2) If a court imposes a prison term for a felony of the 6224
third, fourth, or fifth degree that is not subject to division 6225
(F)(1) of this section, it shall include in the sentence a 6226
requirement that the offender be subject to a period of 6227
post-release control after the offender's release from 6228
imprisonment, in accordance with that division, if the parole 6229
board determines that a period of post-release control is 6230
necessary. Section 2929.191 of the Revised Code applies if, prior 6231
to July 11, 2006, a court imposed a sentence including a prison 6232

term of a type described in this division and failed to include in 6233
the sentence pursuant to this division a statement regarding 6234
post-release control. 6235

(G) ~~If a~~ The court shall impose sentence upon the offender in 6236
accordance with section 2971.03 of the Revised Code, and Chapter 6237
2971. of the Revised Code applies regarding the prison term or 6238
term of life imprisonment without parole imposed upon the offender 6239
and the service of that term of imprisonment if any of the 6240
following apply: 6241

(1) A person is convicted of or pleads guilty to a violent 6242
sex offense or a designated homicide, assault, or kidnapping 6243
offense, and, in relation to that offense, the offender is 6244
adjudicated a sexually violent predator,~~if a,~~ 6245

(2) A person is convicted of or pleads guilty to a violation 6246
of division (A)(1)(b) of section 2907.02 of the Revised Code 6247
committed on or after ~~the effective date of this amendment~~ January 6248
2, 2007, and either the court does not impose a sentence of life 6249
without parole when authorized pursuant to division (B) of section 6250
2907.02 of the Revised Code, or division (B) of section 2907.02 of 6251
the Revised Code provides that the court shall not sentence the 6252
offender pursuant to section 2971.03 of the Revised Code,~~or if a,~~ 6253

(3) A person is convicted of or pleads guilty to attempted 6254
rape committed on or after ~~the effective date of this amendment~~ 6255
January 2, 2007, and a specification of the type described in 6256
section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code, 6257
~~the court shall impose sentence upon the offender in accordance~~ 6258
~~with section 2971.03 of the Revised Code, and Chapter 2971. of the~~ 6259
~~Revised Code applies regarding the prison term or term of life~~ 6260
~~imprisonment without parole imposed upon the offender and the~~ 6261
~~service of that term of imprisonment.~~ 6262

(4) A person is convicted of or pleads guilty to a violation 6263

of section 2905.01 of the Revised Code committed on or after the 6264
effective date of this amendment, and that section requires the 6265
court to sentence the offender pursuant to section 2971.03 of the 6266
Revised Code. 6267

(5) A person is convicted of or pleads guilty to aggravated 6268
murder committed on or after the effective date of this amendment, 6269
and division (A)(2)(b)(ii) of section 2929.022, division 6270
(A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), 6271
or (E)(1)(d) of section 2929.03, or division (A) or (B) of section 6272
2929.06 of the Revised Code requires the court to sentence the 6273
offender pursuant to division (B)(3) of section 2971.03 of the 6274
Revised Code. 6275

(6) A person is convicted of or pleads guilty to murder 6276
committed on or after the effective date of this amendment, and 6277
division (B)(2) of section 2929.02 of the Revised Code requires 6278
the court to sentence the offender pursuant to section 2971.03 of 6279
the Revised Code. 6280

(H) If a person who has been convicted of or pleaded guilty 6281
to a felony is sentenced to a prison term or term of imprisonment 6282
under this section, sections 2929.02 to 2929.06 of the Revised 6283
Code, section 2929.142 of the Revised Code, section 2971.03 of the 6284
Revised Code, or any other provision of law, section 5120.163 of 6285
the Revised Code applies regarding the person while the person is 6286
confined in a state correctional institution. 6287

(I) If an offender who is convicted of or pleads guilty to a 6288
felony that is an offense of violence also is convicted of or 6289
pleads guilty to a specification of the type described in section 6290
2941.142 of the Revised Code that charges the offender with having 6291
committed the felony while participating in a criminal gang, the 6292
court shall impose upon the offender an additional prison term of 6293
one, two, or three years. 6294

(J) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(K) At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under section 5120.031 of the Revised Code or for placement in an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(L) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A)(1) of section 2903.06 of the Revised Code and division (B)(2)(c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

Sec. 2929.19. (A)~~(1)~~ The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section

2953.07 or 2953.08 of the Revised Code. At the hearing, the
offender, the prosecuting attorney, the victim or the victim's
representative in accordance with section 2930.14 of the Revised
Code, and, with the approval of the court, any other person may
present information relevant to the imposition of sentence in the
case. The court shall inform the offender of the verdict of the
jury or finding of the court and ask the offender whether the
offender has anything to say as to why sentence should not be
imposed upon the offender.

~~(2) Except as otherwise provided in this division, before
imposing sentence on an offender who is being sentenced on or
after January 1, 1997, for a sexually oriented offense that is not
a registration exempt sexually oriented offense and who is in any
category of offender described in division (B)(1)(a)(i), (ii), or
(iii) of section 2950.09 of the Revised Code, the court shall
conduct a hearing in accordance with division (B) of section
2950.09 of the Revised Code to determine whether the offender is a
sexual predator. The court shall not conduct a hearing under that
division if the offender is being sentenced for a violent sex
offense or a designated homicide, assault, or kidnapping offense
and, in relation to that offense, the offender was adjudicated a
sexually violent predator, if the offender is being sentenced
under section 2971.03 of the Revised Code for a violation of
division (A)(1)(b) of section 2907.02 of the Revised Code
committed on or after the effective date of this amendment, if the
offender is sentenced to a term of life without parole under
division (B) of section 2907.02 of the Revised Code, or if the
offender is being sentenced for attempted rape committed on or
after the effective date of this amendment and a specification of
the type described in section 2941.1418, 2941.1419, or 2941.1420
of the Revised Code. Before imposing sentence on an offender who
is being sentenced for a sexually oriented offense that is not a
registration exempt sexually oriented offense, the court also~~

~~shall comply with division (E) of section 2950.09 of the Revised Code.~~ 6391
6392

~~Before imposing sentence on or after July 31, 2003, on an offender who is being sentenced for a child victim oriented offense, regardless of when the offense was committed, the court shall conduct a hearing in accordance with division (B) of section 2950.091 of the Revised Code to determine whether the offender is a child victim predator. Before imposing sentence on an offender who is being sentenced for a child victim oriented offense, the court also shall comply with division (E) of section 2950.091 of the Revised Code.~~ 6393
6394
6395
6396
6397
6398
6399
6400
6401

(B)(1) At the sentencing hearing, the court, before imposing sentence, shall consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code. 6402
6403
6404
6405
6406
6407
6408

(2) The court shall impose a sentence and shall make a finding that gives its reasons for selecting the sentence imposed in any of the following circumstances: 6409
6410
6411

(a) Unless the offense is a violent sex offense or designated homicide, assault, or kidnapping offense for which the court is required to impose sentence pursuant to division (G) of section 2929.14 of the Revised Code, if it imposes a prison term for a felony of the fourth or fifth degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of the Revised Code for purposes of sentencing, its reasons for imposing the prison term, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and any factors listed in 6412
6413
6414
6415
6416
6417
6418
6419
6420
6421
6422

divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code 6423
that it found to apply relative to the offender. 6424

(b) If it does not impose a prison term for a felony of the 6425
first or second degree or for a felony drug offense that is a 6426
violation of a provision of Chapter 2925. of the Revised Code and 6427
for which a presumption in favor of a prison term is specified as 6428
being applicable, its reasons for not imposing the prison term and 6429
for overriding the presumption, based upon the overriding purposes 6430
and principles of felony sentencing set forth in section 2929.11 6431
of the Revised Code, and the basis of the findings it made under 6432
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 6433

(c) If it imposes consecutive sentences under section 2929.14 6434
of the Revised Code, its reasons for imposing the consecutive 6435
sentences; 6436

(d) If the sentence is for one offense and it imposes a 6437
prison term for the offense that is the maximum prison term 6438
allowed for that offense by division (A) of section 2929.14 of the 6439
Revised Code or section 2929.142 of the Revised Code, its reasons 6440
for imposing the maximum prison term; 6441

(e) If the sentence is for two or more offenses arising out 6442
of a single incident and it imposes a prison term for those 6443
offenses that is the maximum prison term allowed for the offense 6444
of the highest degree by division (A) of section 2929.14 of the 6445
Revised Code or section 2929.142 of the Revised Code, its reasons 6446
for imposing the maximum prison term. 6447

(3) Subject to division (B)(4) of this section, if the 6448
sentencing court determines at the sentencing hearing that a 6449
prison term is necessary or required, the court shall do all of 6450
the following: 6451

(a) Impose a stated prison term; 6452

(b) Notify the offender that, as part of the sentence, the 6453

parole board may extend the stated prison term for certain 6454
violations of prison rules for up to one-half of the stated prison 6455
term; 6456

(c) Notify the offender that the offender will be supervised 6457
under section 2967.28 of the Revised Code after the offender 6458
leaves prison if the offender is being sentenced for a felony of 6459
the first degree or second degree, for a felony sex offense, or 6460
for a felony of the third degree that is not a felony sex offense 6461
and in the commission of which the offender caused or threatened 6462
to cause physical harm to a person. If a court imposes a sentence 6463
including a prison term of a type described in division (B)(3)(c) 6464
of this section on or after July 11, 2006, the failure of a court 6465
to notify the offender pursuant to division (B)(3)(c) of this 6466
section that the offender will be supervised under section 2967.28 6467
of the Revised Code after the offender leaves prison or to include 6468
in the judgment of conviction entered on the journal a statement 6469
to that effect does not negate, limit, or otherwise affect the 6470
mandatory period of supervision that is required for the offender 6471
under division (B) of section 2967.28 of the Revised Code. Section 6472
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 6473
court imposed a sentence including a prison term of a type 6474
described in division (B)(3)(c) of this section and failed to 6475
notify the offender pursuant to division (B)(3)(c) of this section 6476
regarding post-release control or to include in the judgment of 6477
conviction entered on the journal or in the sentence a statement 6478
regarding post-release control. 6479

(d) Notify the offender that the offender may be supervised 6480
under section 2967.28 of the Revised Code after the offender 6481
leaves prison if the offender is being sentenced for a felony of 6482
the third, fourth, or fifth degree that is not subject to division 6483
(B)(3)(c) of this section. Section 2929.191 of the Revised Code 6484
applies if, prior to July 11, 2006, a court imposed a sentence 6485

including a prison term of a type described in division (B)(3)(d) 6486
of this section and failed to notify the offender pursuant to 6487
division (B)(3)(d) of this section regarding post-release control 6488
or to include in the judgment of conviction entered on the journal 6489
or in the sentence a statement regarding post-release control. 6490

(e) Notify the offender that, if a period of supervision is 6491
imposed following the offender's release from prison, as described 6492
in division (B)(3)(c) or (d) of this section, and if the offender 6493
violates that supervision or a condition of post-release control 6494
imposed under division (B) of section 2967.131 of the Revised 6495
Code, the parole board may impose a prison term, as part of the 6496
sentence, of up to one-half of the stated prison term originally 6497
imposed upon the offender. If a court imposes a sentence including 6498
a prison term on or after July 11, 2006, the failure of a court to 6499
notify the offender pursuant to division (B)(3)(e) of this section 6500
that the parole board may impose a prison term as described in 6501
division (B)(3)(e) of this section for a violation of that 6502
supervision or a condition of post-release control imposed under 6503
division (B) of section 2967.131 of the Revised Code or to include 6504
in the judgment of conviction entered on the journal a statement 6505
to that effect does not negate, limit, or otherwise affect the 6506
authority of the parole board to so impose a prison term for a 6507
violation of that nature if, pursuant to division (D)(1) of 6508
section 2967.28 of the Revised Code, the parole board notifies the 6509
offender prior to the offender's release of the board's authority 6510
to so impose a prison term. Section 2929.191 of the Revised Code 6511
applies if, prior to July 11, 2006, a court imposed a sentence 6512
including a prison term and failed to notify the offender pursuant 6513
to division (B)(3)(e) of this section regarding the possibility of 6514
the parole board imposing a prison term for a violation of 6515
supervision or a condition of post-release control. 6516

(f) Require that the offender not ingest or be injected with 6517

a drug of abuse and submit to random drug testing as provided in 6518
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 6519
is applicable to the offender who is serving a prison term, and 6520
require that the results of the drug test administered under any 6521
of those sections indicate that the offender did not ingest or was 6522
not injected with a drug of abuse. 6523

(4) ~~If the~~ (a) The court shall include in the offender's 6524
sentence a statement that the offender is a tier III sex 6525
offender/child-victim offender, and the court shall comply with 6526
the requirements of section 2950.03 of the Revised Code if any of 6527
the following apply: 6528

(i) The offender is being sentenced for a violent sex offense 6529
or designated homicide, assault, or kidnapping offense that the 6530
offender committed on or after January 1, 1997, and the offender 6531
is adjudicated a sexually violent predator in relation to that 6532
offense, ~~if the~~. 6533

(ii) The offender is being sentenced for a sexually oriented 6534
offense ~~that is not a registration exempt sexually oriented~~ 6535
~~offense and~~ that the offender committed on or after January 1, 6536
1997, and the ~~court imposing the sentence has determined pursuant~~ 6537
~~to division (B) of section 2950.09 of the Revised Code that the~~ 6538
offender is a ~~sexual predator, if the~~ tier III sex 6539
offender/child-victim offender relative to that offense. 6540

(iii) The offender is being sentenced on or after July 31, 6541
2003, for a child-victim oriented offense, ~~and the court imposing~~ 6542
~~the sentence has determined pursuant to division (B) of section~~ 6543
~~2950.091 of the Revised Code that the offender is a child-victim~~ 6544
~~predator, if the offender is being sentenced for an aggravated~~ 6545
~~sexually oriented offense as defined in section 2950.01 of the~~ 6546
~~Revised Code, if the~~ tier III sex offender/child-victim offender 6547
relative to that offense. 6548

(iv) The offender is being sentenced under section 2971.03 of 6549
the Revised Code for a violation of division (A)(1)(b) of section 6550
2907.02 of the Revised Code committed on or after ~~the effective~~ 6551
~~date of this amendment, if the~~ January 2, 2007. 6552

(v) The offender is sentenced to a term of life without 6553
parole under division (B) of section 2907.02 of the Revised Code, 6554
~~or if the.~~ 6555

(vi) The offender is being sentenced for attempted rape 6556
committed on or after ~~the effective date of this amendment~~ January 6557
2, 2007, and a specification of the type described in section 6558
2941.1418, 2941.1419, or 2941.1420 of the Revised Code, ~~the court~~ 6559
~~shall include in the offender's sentence a statement that the~~ 6560
~~offender has been adjudicated a sexual predator, has been~~ 6561
~~adjudicated a child victim predator, or has been convicted of or~~ 6562
~~pleaded guilty to an aggravated sexually oriented offense,~~ 6563
~~whichever is applicable, and shall comply with the requirements of~~ 6564
~~section 2950.03 of the Revised Code.~~ 6565

(vii) The offender is being sentenced under division 6566
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 6567
for an offense described in those divisions committed on or after 6568
the effective date of this amendment. 6569

(b) Additionally, if any criterion set forth in divisions 6570
(B)(4)(a)(i) to (vii) of this section is satisfied, in the 6571
circumstances described in division (G) of section 2929.14 of the 6572
Revised Code, the court shall impose sentence on the offender as 6573
described in that division. 6574

(5) If the sentencing court determines at the sentencing 6575
hearing that a community control sanction should be imposed and 6576
the court is not prohibited from imposing a community control 6577
sanction, the court shall impose a community control sanction. The 6578
court shall notify the offender that, if the conditions of the 6579

sanction are violated, if the offender commits a violation of any 6580
law, or if the offender leaves this state without the permission 6581
of the court or the offender's probation officer, the court may 6582
impose a longer time under the same sanction, may impose a more 6583
restrictive sanction, or may impose a prison term on the offender 6584
and shall indicate the specific prison term that may be imposed as 6585
a sanction for the violation, as selected by the court from the 6586
range of prison terms for the offense pursuant to section 2929.14 6587
of the Revised Code. 6588

(6) Before imposing a financial sanction under section 6589
2929.18 of the Revised Code or a fine under section 2929.32 of the 6590
Revised Code, the court shall consider the offender's present and 6591
future ability to pay the amount of the sanction or fine. 6592

(7) If the sentencing court sentences the offender to a 6593
sanction of confinement pursuant to section 2929.14 or 2929.16 of 6594
the Revised Code that is to be served in a local detention 6595
facility, as defined in section 2929.36 of the Revised Code, and 6596
if the local detention facility is covered by a policy adopted 6597
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 6598
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 6599
and section 2929.37 of the Revised Code, both of the following 6600
apply: 6601

(a) The court shall specify both of the following as part of 6602
the sentence: 6603

(i) If the offender is presented with an itemized bill 6604
pursuant to section 2929.37 of the Revised Code for payment of the 6605
costs of confinement, the offender is required to pay the bill in 6606
accordance with that section. 6607

(ii) If the offender does not dispute the bill described in 6608
division (B)(7)(a)(i) of this section and does not pay the bill by 6609
the times specified in section 2929.37 of the Revised Code, the 6610

clerk of the court may issue a certificate of judgment against the 6611
offender as described in that section. 6612

(b) The sentence automatically includes any certificate of 6613
judgment issued as described in division (B)(7)(a)(ii) of this 6614
section. 6615

(C)(1) If the offender is being sentenced for a fourth degree 6616
felony OVI offense under division (G)(1) of section 2929.13 of the 6617
Revised Code, the court shall impose the mandatory term of local 6618
incarceration in accordance with that division, shall impose a 6619
mandatory fine in accordance with division (B)(3) of section 6620
2929.18 of the Revised Code, and, in addition, may impose 6621
additional sanctions as specified in sections 2929.15, 2929.16, 6622
2929.17, and 2929.18 of the Revised Code. The court shall not 6623
impose a prison term on the offender except that the court may 6624
impose a prison term upon the offender as provided in division 6625
(A)(1) of section 2929.13 of the Revised Code. 6626

(2) If the offender is being sentenced for a third or fourth 6627
degree felony OVI offense under division (G)(2) of section 2929.13 6628
of the Revised Code, the court shall impose the mandatory prison 6629
term in accordance with that division, shall impose a mandatory 6630
fine in accordance with division (B)(3) of section 2929.18 of the 6631
Revised Code, and, in addition, may impose an additional prison 6632
term as specified in section 2929.14 of the Revised Code. In 6633
addition to the mandatory prison term or mandatory prison term and 6634
additional prison term the court imposes, the court also may 6635
impose a community control sanction on the offender, but the 6636
offender shall serve all of the prison terms so imposed prior to 6637
serving the community control sanction. 6638

(D) The sentencing court, pursuant to division (K) of section 6639
2929.14 of the Revised Code, may recommend placement of the 6640
offender in a program of shock incarceration under section 6641
5120.031 of the Revised Code or an intensive program prison under 6642

section 5120.032 of the Revised Code, disapprove placement of the
offender in a program or prison of that nature, or make no
recommendation. If the court recommends or disapproves placement,
it shall make a finding that gives its reasons for its
recommendation or disapproval.

Sec. 2929.23. (A) If an offender is being sentenced for a
sexually oriented offense or child-victim oriented offense that is
a misdemeanor committed on or after January 1, 1997, and ~~if the~~
~~judge imposing sentence for the sexually oriented offense~~
~~determines pursuant to division (B) of section 2950.09 of the~~
~~Revised Code that the offender is a sexual predator tier III sex~~
~~offender/child-victim offender relative to the offense or the~~
~~offense is any offense listed in division (D)(1) to (3) of section~~
~~2901.07 of the Revised Code,~~ the judge shall include in the
offender's sentence a statement that the offender ~~has been~~
~~adjudicated a sexual predator~~ is a tier III sex
offender/child-victim offender, shall comply with the requirements
of section 2950.03 of the Revised Code, and shall require the
offender to submit to a DNA specimen collection procedure pursuant
to section 2901.07 of the Revised Code.

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

~~Before imposing sentence on or after the effective date of~~ 6674
~~this amendment on an offender who is being sentenced for a~~ 6675
~~child victim oriented offense that is a misdemeanor, regardless of~~ 6676
~~when the offense was committed, the judge shall conduct a hearing~~ 6677
~~in accordance with division (B) of section 2950.091 of the Revised~~ 6678
~~Code to determine whether the offender is a child victim predator.~~ 6679
~~Before imposing sentence on an offender who is being sentenced for~~ 6680
~~a child victim oriented offense, the court also shall comply with~~ 6681
~~division (E) of section 2950.091 of the Revised Code.~~ 6682

~~(C)~~ If an offender is being sentenced for a sexually oriented 6683
~~offense that is not a registration exempt sexually oriented~~ 6684
~~offense or for a child-victim oriented offense that is a~~ 6685
misdemeanor committed on or after January 1, 1997, the judge shall 6686
include in the sentence a summary of the offender's duties imposed 6687
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 6688
Revised Code and the duration of the duties. The judge shall 6689
inform the offender, at the time of sentencing, of those duties 6690
and of their duration ~~and, if, If~~ required under division (A)(2) 6691
of section 2950.03 of the Revised Code, the judge shall perform 6692
the duties specified in that section or, if required under 6693
division (A)(6) of section 2950.03 of the Revised Code, the judge 6694
shall perform the duties specified in that division. 6695

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 6696
a case who has requested to receive notice under this section 6697
shall be given notice of the incarceration of the defendant. If an 6698
alleged juvenile offender is committed to the temporary custody of 6699
a school, camp, institution, or other facility operated for the 6700
care of delinquent children or to the legal custody of the 6701
department of youth services, a victim in a case who has requested 6702
to receive notice under this section shall be given notice of the 6703
commitment. Promptly after sentence is imposed upon the defendant 6704
or the commitment of the alleged juvenile offender is ordered, the 6705

prosecutor in the case shall notify the victim of the date on 6706
which the defendant will be released from confinement or the 6707
prosecutor's reasonable estimate of that date or the date on which 6708
the alleged juvenile offender will have served the minimum period 6709
of commitment or the prosecutor's reasonable estimate of that 6710
date. The prosecutor also shall notify the victim of the name of 6711
the custodial agency of the defendant or alleged juvenile offender 6712
and tell the victim how to contact that custodial agency. If the 6713
custodial agency is the department of rehabilitation and 6714
correction, the prosecutor shall notify the victim of the services 6715
offered by the office of victims' services pursuant to section 6716
5120.60 of the Revised Code. If the custodial agency is the 6717
department of youth services, the prosecutor shall notify the 6718
victim of the services provided by the office of victims' services 6719
within the release authority of the department pursuant to section 6720
5139.55 of the Revised Code and the victim's right pursuant to 6721
section 5139.56 of the Revised Code to submit a written request to 6722
the release authority to be notified of actions the release 6723
authority takes with respect to the alleged juvenile offender. The 6724
victim shall keep the custodial agency informed of the victim's 6725
current address and telephone number. 6726

(B)(1) Upon the victim's request, the prosecutor promptly 6727
shall notify the victim of any hearing for judicial release of the 6728
defendant pursuant to section 2929.20 of the Revised Code or of 6729
any hearing for judicial release or early release of the alleged 6730
juvenile offender pursuant to section 2151.38 of the Revised Code 6731
and of the victim's right to make a statement under those 6732
sections. The court shall notify the victim of its ruling in each 6733
of those hearings and on each of those applications. 6734

(2) If an offender is ~~convicted of or pleads guilty to a~~ 6735
~~violent sex offense or designated homicide, assault, or kidnapping~~ 6736
~~offense, the offender is adjudicated a sexually violent predator~~ 6737

~~in relation to that crime, and the offender is sentenced to a~~ 6738
~~prison term for that crime pursuant to division (A)(3) or (B) of~~ 6739
~~section 2971.03 of the Revised Code, if an offender is convicted~~ 6740
~~of or pleads guilty to a violation of division (A)(1)(b) of~~ 6741
~~section 2907.02 of the Revised Code committed on or after the~~ 6742
~~effective date of this amendment, and the offender is sentenced to~~ 6743
~~a prison term for that offense pursuant to division (B)(1)(a),~~ 6744
~~(b), or (c) of section 2971.03 of the Revised Code, if an offender~~ 6745
~~is convicted of or pleads guilty to attempted rape committed on or~~ 6746
~~after the effective date of this amendment, the offender also is~~ 6747
~~convicted of or pleads guilty to a specification of the type~~ 6748
~~described in section 2941.1418 of the Revised Code, and the~~ 6749
~~offender is sentenced to a prison term for that offense pursuant~~ 6750
~~to division (B)(2)(a) of section 2971.03 of the Revised Code, if~~ 6751
~~the offender is convicted of or pleads guilty to attempted rape~~ 6752
~~committed on or after the effective date of this amendment, the~~ 6753
~~offender also is convicted of or pleads guilty to a specification~~ 6754
~~of the type described in section 2941.1419 of the Revised Code,~~ 6755
~~and the offender is sentenced to a prison term for that offense~~ 6756
~~pursuant to division (B)(2)(b) of section 2971.03 of the Revised~~ 6757
~~Code, or if the offender is convicted of or pleads guilty to~~ 6758
~~attempted rape committed on or after the effective date of this~~ 6759
~~amendment, the offender also is convicted of or pleads guilty to a~~ 6760
~~specification of the type described in section 2941.1420 of the~~ 6761
~~Revised Code, and the offender is sentenced to a prison term for~~ 6762
~~that offense pursuant to division (B)(2)(c) of section 2971.03 of~~ 6763
~~the Revised Code, upon the request of the victim of the crime, the~~ 6764
prosecutor promptly shall notify the victim of any hearing to be 6765
conducted pursuant to section 2971.05 of the Revised Code to 6766
determine whether to modify the requirement that the offender 6767
serve the entire prison term in a state correctional facility in 6768
accordance with division (C) of that section, whether to continue, 6769
revise, or revoke any existing modification of that requirement, 6770

or whether to terminate the prison term in accordance with
division (D) of that section. The court shall notify the victim of
any order issued at the conclusion of the hearing. ~~As used in this~~
~~division:~~

~~(a) "Adjudicated a sexually violent predator" has the same~~
~~meaning as in section 2929.01 of the Revised Code and a person is~~
~~"adjudicated a sexually violent predator" in the same manner and~~
~~the same circumstances as are described in that section.~~

~~(b) "Designated homicide, assault, or kidnapping offense" and~~
~~"violent sex offense" have the same meanings as in section 2971.01~~
~~of the Revised Code.~~

(C) Upon the victim's request made at any time before the
particular notice would be due, the custodial agency of a
defendant or alleged juvenile offender shall give the victim any
of the following notices that is applicable:

(1) At least three weeks before the adult parole authority
recommends a pardon or commutation of sentence for the defendant
or at least three weeks prior to a hearing before the adult parole
authority regarding a grant of parole to the defendant, notice of
the victim's right to submit a statement regarding the impact of
the defendant's release in accordance with section 2967.12 of the
Revised Code and, if applicable, of the victim's right to appear
at a full board hearing of the parole board to give testimony as
authorized by section 5149.101 of the Revised Code;

(2) At least three weeks before the defendant is transferred
to transitional control under section 2967.26 of the Revised Code,
notice of the pendency of the transfer and of the victim's right
under that section to submit a statement regarding the impact of
the transfer;

(3) At least thirty days before the release authority of the
department of youth services holds a release review, release

hearing, or discharge review for the alleged juvenile offender, 6802
notice of the pendency of the review or hearing, of the victim's 6803
right to make an oral or written statement regarding the impact of 6804
the crime upon the victim or regarding the possible release or 6805
discharge, and, if the notice pertains to a hearing, of the 6806
victim's right to attend and make statements or comments at the 6807
hearing as authorized by section 5139.56 of the Revised Code; 6808

(4) Prompt notice of the defendant's or alleged juvenile 6809
offender's escape from a facility of the custodial agency in which 6810
the defendant was incarcerated or in which the alleged juvenile 6811
offender was placed after commitment, of the defendant's or 6812
alleged juvenile offender's absence without leave from a mental 6813
health or mental retardation and developmental disabilities 6814
facility or from other custody, and of the capture of the 6815
defendant or alleged juvenile offender after an escape or absence; 6816

(5) Notice of the defendant's or alleged juvenile offender's 6817
death while in confinement or custody; 6818

(6) Notice of the defendant's or alleged juvenile offender's 6819
release from confinement or custody and the terms and conditions 6820
of the release. 6821

Sec. 2941.148. (A)(1) The application of Chapter 2971. of the 6822
Revised Code to an offender is precluded unless one of the 6823
following applies: 6824

(a) The offender is charged with a violent sex offense, and 6825
the indictment, count in the indictment, or information charging 6826
the violent sex offense also includes a specification that the 6827
offender is a sexually violent predator, or the offender is 6828
charged with a designated homicide, assault, or kidnapping 6829
offense, and the indictment, count in the indictment, or 6830
information charging the designated homicide, assault, or 6831
kidnapping offense also includes both a specification of the type 6832

described in section 2941.147 of the Revised Code and a 6833
specification that the offender is a sexually violent predator. 6834

(b) The offender is convicted of or pleads guilty to a 6835
violation of division (A)(1)(b) of section 2907.02 of the Revised 6836
Code committed on or after ~~the effective date of this amendment~~ 6837
January 2, 2007, and division (B) of section 2907.02 of the 6838
Revised Code does not prohibit the court from sentencing the 6839
offender pursuant to section 2971.03 of the Revised Code. 6840

(c) The offender is convicted of or pleads guilty to 6841
attempted rape committed on or after ~~the effective date of this~~ 6842
~~amendment~~ January 2, 2007, and to a specification of the type 6843
described in section 2941.1418, 2941.1419, or 2941.1420 of the 6844
Revised Code. 6845

(d) The offender is convicted of or pleads guilty to a 6846
violation of section 2905.01 of the Revised Code and to a 6847
specification of the type described in section 2941.147 of the 6848
Revised Code, and section 2905.01 of the Revised Code requires a 6849
court to sentence the offender pursuant to section 2971.03 of the 6850
Revised Code. 6851

(e) The offender is convicted of or pleads guilty to 6852
aggravated murder and to a specification of the type described in 6853
section 2941.147 of the Revised Code, and division (A)(2)(b)(ii) 6854
of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), 6855
(C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 6856
2929.03, or division (A) or (B) of section 2929.06 of the Revised 6857
Code requires a court to sentence the offender pursuant to 6858
division (B)(3) of section 2971.03 of the Revised Code. 6859

(f) The offender is convicted of or pleads guilty to murder 6860
and to a specification of the type described in section 2941.147 6861
of the Revised Code, and division (B)(2) of section 2929.02 of the 6862
Revised Code requires a court to sentence the offender pursuant to 6863

section 2971.03 of the Revised Code. 6864

(2) A specification required under division (A)(1)(a) of this 6865
section that an offender is a sexually violent predator shall be 6866
stated at the end of the body of the indictment, count, or 6867
information and shall be stated in substantially the following 6868
form: 6869

"Specification (or, specification to the first count). The 6870
grand jury (or insert the person's or prosecuting attorney's name 6871
when appropriate) further find and specify that the offender is a 6872
sexually violent predator." 6873

(B) In determining for purposes of this section whether a 6874
person is a sexually violent predator, all of the factors set 6875
forth in divisions (H)(1) to (6) of section 2971.01 of the Revised 6876
Code that apply regarding the person may be considered as evidence 6877
tending to indicate that it is likely that the person will engage 6878
in the future in one or more sexually violent offenses. 6879

(C) As used in this section, "designated homicide, assault, 6880
or kidnapping offense," "violent sex offense," and "sexually 6881
violent predator" have the same meanings as in section 2971.01 of 6882
the Revised Code. 6883

Sec. 2950.01. As used in this chapter, unless the context 6884
clearly requires otherwise: 6885

(A) "Sexually oriented offense" means any of the following 6886
violations or offenses committed by a person, regardless of the 6887
person's age: 6888

(1) A violation of section 2907.02, 2907.03, 2907.05, 6889
2907.06, 2907.07, 2907.08, 2907.21, 2907.32, 2907.321, 2907.322, 6890
or 2907.323 of the Revised Code; 6891

(2) A violation of section 2907.04 of the Revised Code when 6892
the offender is less than four years older than the other person 6893

with whom the offender engaged in sexual conduct, the other person 6894
did not consent to the sexual conduct, and the offender previously 6895
has not been convicted of or pleaded guilty to a violation of 6896
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 6897
violation of former section 2907.12 of the Revised Code; 6898

(3) A violation of section 2907.04 of the Revised Code when 6899
the offender is at least four years older than the other person 6900
with whom the offender engaged in sexual conduct or when the 6901
offender is less than four years older than the other person with 6902
whom the offender engaged in sexual conduct and the offender 6903
previously has been convicted of or pleaded guilty to a violation 6904
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 6905
violation of former section 2907.12 of the Revised Code; 6906

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 6907
the Revised Code when the violation was committed with a sexual 6908
motivation; 6909

(5) A violation of division (A) of section 2903.04 of the 6910
Revised Code when the offender committed or attempted to commit 6911
the felony that is the basis of the violation with a sexual 6912
motivation; 6913

(6) A violation of division (A)(3) of section 2903.211 of the 6914
Revised Code; 6915

(7) A violation of division (A)(1), (2), (3), or (5) of 6916
section 2905.01 of the Revised Code when the offense is committed 6917
with a sexual motivation; 6918

(8) A violation of division (A)(4) of section 2905.01 of the 6919
Revised Code; 6920

(9) A violation of division (B) of section 2905.01 of the 6921
Revised Code when the victim of the offense is under eighteen 6922
years of age and the offender is not a parent of the victim of the 6923
offense; 6924

(10) A violation of division (B) of section 2905.02, of 6925
division (B) of section 2905.03, of division (B) of section 6926
2905.05, or of division (B)(5) of section 2919.22 of the Revised 6927
Code; 6928

(11) A violation of any former law of this state, any 6929
existing or former municipal ordinance or law of another state or 6930
the United States, any existing or former law applicable in a 6931
military court or in an Indian tribal court, or any existing or 6932
former law of any nation other than the United States that is or 6933
was substantially equivalent to any offense listed in division 6934
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this 6935
section; 6936

(12) Any attempt to commit, conspiracy to commit, or 6937
complicity in committing any offense listed in division (A)(1), 6938
(2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this 6939
section. 6940

(B)(1) "Sex offender" means, subject to division (B)(2) of 6941
this section, a person who is convicted of, pleads guilty to, has 6942
been convicted of, has pleaded guilty to, is adjudicated a 6943
delinquent child for committing, or has been adjudicated a 6944
delinquent child for committing any sexually oriented offense. 6945

(2) "Sex offender" does not include a person who is convicted 6946
of, pleads guilty to, has been convicted of, has pleaded guilty 6947
to, is adjudicated a delinquent child for committing, or has been 6948
adjudicated a delinquent child for committing a sexually oriented 6949
offense if the offense involves consensual sexual conduct or 6950
consensual sexual contact and either of the following applies: 6951

(a) The victim of the sexually oriented offense was eighteen 6952
years of age or older and at the time of the sexually oriented 6953
offense was not under the custodial authority of the person who is 6954
convicted of, pleads guilty to, has been convicted of, has pleaded 6955

guilty to, is adjudicated a delinquent child for committing, or 6956
has been adjudicated a delinquent child for committing the 6957
sexually oriented offense. 6958

(b) The victim of the offense was thirteen years of age or 6959
older, and the person who is convicted of, pleads guilty to, has 6960
been convicted of, has pleaded guilty to, is adjudicated a 6961
delinquent child for committing, or has been adjudicated a 6962
delinquent child for committing the sexually oriented offense is 6963
not more than four years older than the victim. 6964

(C) "Child-victim oriented offense" means any of the 6965
following violations or offenses committed by a person, regardless 6966
of the person's age, when the victim is under eighteen years of 6967
age and is not a child of the person who commits the violation: 6968

(1) A violation of division (A)(1), (2), (3), or (5) of 6969
section 2905.01 of the Revised Code when the violation is not 6970
included in division (A)(7) of this section; 6971

(2) A violation of division (A) of section 2905.02, division 6972
(A) of section 2905.03, or division (A) of section 2905.05 of the 6973
Revised Code; 6974

(3) A violation of any former law of this state, any existing 6975
or former municipal ordinance or law of another state or the 6976
United States, any existing or former law applicable in a military 6977
court or in an Indian tribal court, or any existing or former law 6978
of any nation other than the United States that is or was 6979
substantially equivalent to any offense listed in division (C)(1) 6980
or (2) of this section; 6981

(4) Any attempt to commit, conspiracy to commit, or 6982
complicity in committing any offense listed in division (C)(1), 6983
(2), or (3) of this section. 6984

(D) "Child-victim offender" means a person who is convicted 6985
of, pleads guilty to, has been convicted of, has pleaded guilty 6986

to, is adjudicated a delinquent child for committing, or has been 6987
adjudicated a delinquent child for committing any child-victim 6988
oriented offense. 6989

(E) "Tier I sex offender/child-victim offender" means any of 6990
the following: 6991

(1) A sex offender who is convicted of, pleads guilty to, has 6992
been convicted of, or has pleaded guilty to any of the following 6993
sexually oriented offenses: 6994

(a) A violation of section 2907.06, 2907.07, 2907.08, or 6995
2907.32 of the Revised Code; 6996

(b) A violation of section 2907.04 of the Revised Code when 6997
the offender is less than four years older than the other person 6998
with whom the offender engaged in sexual conduct, the other person 6999
did not consent to the sexual conduct, and the offender previously 7000
has not been convicted of or pleaded guilty to a violation of 7001
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 7002
violation of former section 2907.12 of the Revised Code; 7003

(c) A violation of division (A)(1), (2), (3), or (5) of 7004
section 2907.05 of the Revised Code; 7005

(d) A violation of division (A)(3) of section 2907.323 of the 7006
Revised Code; 7007

(e) A violation of division (A)(3) of section 2903.211, of 7008
division (B) of section 2905.03, or of division (B) of section 7009
2905.05 of the Revised Code; 7010

(f) A violation of any former law of this state, any existing 7011
or former municipal ordinance or law of another state or the 7012
United States, any existing or former law applicable in a military 7013
court or in an Indian tribal court, or any existing or former law 7014
of any nation other than the United States, that is or was 7015
substantially equivalent to any offense listed in division 7016

(E)(1)(a), (b), (c), (d), or (e) of this section; 7017

(g) Any attempt to commit, conspiracy to commit, or 7018
complicity in committing any offense listed in division (E)(1)(a), 7019
(b), (c), (d), (e), or (f) of this section. 7020

(2) A child-victim offender who is convicted of, pleads 7021
guilty to, has been convicted of, or has pleaded guilty to a 7022
child-victim oriented offense and who is not within either 7023
category of child-victim offender described in division (F)(2) or 7024
(G)(2) of this section. 7025

(3) A sex offender who is adjudicated a delinquent child for 7026
committing or has been adjudicated a delinquent child for 7027
committing any sexually oriented offense and who a juvenile court, 7028
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 7029
Revised Code, classifies a tier I sex offender/child-victim 7030
offender relative to the offense. 7031

(4) A child-victim offender who is adjudicated a delinquent 7032
child for committing or has been adjudicated a delinquent child 7033
for committing any child-victim oriented offense and who a 7034
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 7035
2152.85 of the Revised Code, classifies a tier I sex 7036
offender/child-victim offender relative to the offense. 7037

(F) "Tier II sex offender/child-victim offender" means any of 7038
the following: 7039

(1) A sex offender who is convicted of, pleads guilty to, has 7040
been convicted of, or has pleaded guilty to any of the following 7041
sexually oriented offenses: 7042

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 7043
the Revised Code; 7044

(b) A violation of section 2907.04 of the Revised Code when 7045
the offender is at least four years older than the other person 7046

with whom the offender engaged in sexual conduct, or when the 7047
offender is less than four years older than the other person with 7048
whom the offender engaged in sexual conduct and the offender 7049
previously has been convicted of or pleaded guilty to a violation 7050
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 7051
former section 2907.12 of the Revised Code; 7052

(c) A violation of division (A)(4) of section 2907.05 or of 7053
division (A)(1) or (2) of section 2907.323 of the Revised Code; 7054

(d) A violation of division (A)(1), (2), (3), or (5) of 7055
section 2905.01 of the Revised Code when the offense is committed 7056
with a sexual motivation; 7057

(e) A violation of division (A)(4) of section 2905.01 of the 7058
Revised Code when the victim of the offense is eighteen years of 7059
age or older; 7060

(f) A violation of division (B) of section 2905.02 or of 7061
division (B)(5) of section 2919.22 of the Revised Code; 7062

(g) A violation of any former law of this state, any existing 7063
or former municipal ordinance or law of another state or the 7064
United States, any existing or former law applicable in a military 7065
court or in an Indian tribal court, or any existing or former law 7066
of any nation other than the United States that is or was 7067
substantially equivalent to any offense listed in division 7068
(F)(1)(a), (b), (c), (d), (e), or (f) of this section; 7069

(h) Any attempt to commit, conspiracy to commit, or 7070
complicity in committing any offense listed in division (F)(1)(a), 7071
(b), (c), (d), (e), (f), or (g) of this section; 7072

(i) Any sexually oriented offense that is committed after the 7073
sex offender previously has been convicted of, pleaded guilty to, 7074
or has been adjudicated a delinquent child for committing any 7075
sexually oriented offense or child-victim oriented offense for 7076
which the offender was classified a tier I sex 7077

offender/child-victim offender. 7078

(2) A child-victim offender who is convicted of, pleads 7079
guilty to, has been convicted of, or has pleaded guilty to any 7080
child-victim oriented offense when the child-victim oriented 7081
offense is committed after the child-victim offender previously 7082
has been convicted of, pleaded guilty to, or been adjudicated a 7083
delinquent child for committing any sexually oriented offense or 7084
child-victim oriented offense for which the offender was 7085
classified a tier I sex offender/child-victim offender. 7086

(3) A sex offender who is adjudicated a delinquent child for 7087
committing or has been adjudicated a delinquent child for 7088
committing any sexually oriented offense and who a juvenile court, 7089
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 7090
Revised Code, classifies a tier II sex offender/child-victim 7091
offender relative to the offense. 7092

(4) A child-victim offender who is adjudicated a delinquent 7093
child for committing or has been adjudicated a delinquent child 7094
for committing any child-victim oriented offense and whom a 7095
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 7096
2152.85 of the Revised Code, classifies a tier II sex 7097
offender/child-victim offender relative to the current offense. 7098

(5) A sex offender or child-victim offender who is not in any 7099
category of tier II sex offender/child-victim offender set forth 7100
in division (F)(1), (2), (3), or (4) of this section, who prior to 7101
January 1, 2008, was adjudicated a delinquent child for committing 7102
a sexually oriented offense or child-victim oriented offense, and 7103
who prior to that date was determined to be a habitual sex 7104
offender or determined to be a habitual child-victim offender, 7105
unless either of the following applies: 7106

(a) The sex offender or child-victim offender is reclassified 7107
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 7108

tier I sex offender/child-victim offender or a tier III sex 7109
offender/child-victim offender relative to the offense. 7110

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 7111
2152.84, or 2152.85 of the Revised Code, classifies the child a 7112
tier I sex offender/child-victim offender or a tier III sex 7113
offender/child-victim offender relative to the offense. 7114

(G) "Tier III sex offender/child-victim offender" means any 7115
of the following: 7116

(1) A sex offender who is convicted of, pleads guilty to, has 7117
been convicted of, or has pleaded guilty to any of the following 7118
sexually oriented offenses: 7119

(a) A violation of section 2907.02 or 2907.03 of the Revised 7120
Code; 7121

(b) A violation of division (B) of section 2907.05 of the 7122
Revised Code; 7123

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 7124
the Revised Code when the violation was committed with a sexual 7125
motivation; 7126

(d) A violation of division (A) of section 2903.04 of the 7127
Revised Code when the offender committed or attempted to commit 7128
the felony that is the basis of the violation with a sexual 7129
motivation; 7130

(e) A violation of division (A)(4) of section 2905.01 of the 7131
Revised Code when the victim of the offense is under eighteen 7132
years of age; 7133

(f) A violation of division (B) of section 2905.01 of the 7134
Revised Code when the victim of the offense is under eighteen 7135
years of age and the offender is not a parent of the victim of the 7136
offense; 7137

(g) A violation of any former law of this state, any existing 7138

or former municipal ordinance or law of another state or the 7139
United States, any existing or former law applicable in a military 7140
court or in an Indian tribal court, or any existing or former law 7141
of any nation other than the United States that is or was 7142
substantially equivalent to any offense listed in division 7143
(G)(1)(a), (b), (c), (d), (e), or (f) of this section; 7144

(h) Any attempt to commit, conspiracy to commit, or 7145
complicity in committing any offense listed in division (G)(1)(a), 7146
(b), (c), (d), (e), (f), or (g) of this section; 7147

(i) Any sexually oriented offense that is committed after the 7148
sex offender previously has been convicted of, pleaded guilty to, 7149
or been adjudicated a delinquent child for committing any sexually 7150
oriented offense or child-victim oriented offense for which the 7151
offender was classified a tier II sex offender/child-victim 7152
offender or a tier III sex offender/child-victim offender. 7153

(2) A child-victim offender who is convicted of, pleads 7154
guilty to, has been convicted of, or has pleaded guilty to any 7155
child-victim oriented offense when the child-victim oriented 7156
offense is committed after the child-victim offender previously 7157
has been convicted of, pleaded guilty to, or been adjudicated a 7158
delinquent child for committing any sexually oriented offense or 7159
child-victim oriented offense for which the offender was 7160
classified a tier II sex offender/child-victim offender or a tier 7161
III sex offender/child-victim offender. 7162

(3) A sex offender who is adjudicated a delinquent child for 7163
committing or has been adjudicated a delinquent child for 7164
committing any sexually oriented offense and who a juvenile court, 7165
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 7166
Revised Code, classifies a tier III sex offender/child-victim 7167
offender relative to the offense. 7168

(4) A child-victim offender who is adjudicated a delinquent 7169

child for committing or has been adjudicated a delinquent child 7170
for committing any child-victim oriented offense and whom a 7171
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 7172
2152.85 of the Revised Code, classifies a tier III sex 7173
offender/child-victim offender relative to the current offense. 7174

(5) A sex offender or child-victim offender who is not in any 7175
category of tier III sex offender/child-victim offender set forth 7176
in division (G)(1), (2), (3), or (4) of this section, who prior to 7177
January 1, 2008, was convicted of or pleaded guilty to a sexually 7178
oriented offense or child-victim oriented offense or was 7179
adjudicated a delinquent child for committing a sexually oriented 7180
offense or child-victim oriented offense and classified a juvenile 7181
offender registrant, and who prior to that date was adjudicated a 7182
sexual predator or adjudicated a child-victim predator, unless 7183
either of the following applies: 7184

(a) The sex offender or child-victim offender is reclassified 7185
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 7186
tier I sex offender/child-victim offender or a tier II sex 7187
offender/child-victim offender relative to the offense. 7188

(b) The sex offender or child-victim offender is a delinquent 7189
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 7190
2152.84, or 2152.85 of the Revised Code, classifies the child a 7191
tier I sex offender/child-victim offender or a tier II sex 7192
offender/child-victim offender relative to the offense. 7193

(6) A sex offender who is convicted of, pleads guilty to, was 7194
convicted of, or pleaded guilty to a sexually oriented offense, if 7195
the sexually oriented offense and the circumstances in which it 7196
was committed are such that division (F) of section 2971.03 of the 7197
Revised Code automatically classifies the offender as a tier III 7198
sex offender/child-victim offender; 7199

(7) A sex offender or child-victim offender who is convicted 7200

of, pleads guilty to, was convicted of, pleaded guilty to, is 7201
adjudicated a delinquent child for committing, or was adjudicated 7202
a delinquent child for committing a sexually oriented offense or 7203
child-victim offense in another state, in a federal court, 7204
military court, or Indian tribal court, or in a court in any 7205
nation other than the United States if both of the following 7206
apply: 7207

(a) Under the law of the jurisdiction in which the offender 7208
was convicted or pleaded guilty or the delinquent child was 7209
adjudicated, the offender or delinquent child is in a category 7210
substantially equivalent to a category of tier III sex 7211
offender/child-victim offender described in division (G)(1), (2), 7212
(3), (4), (5), or (6) of this section. 7213

(b) Subsequent to the conviction, plea of guilty, or 7214
adjudication in the other jurisdiction, the offender or delinquent 7215
child resides, has temporary domicile, attends school or an 7216
institution of higher education, is employed, or intends to reside 7217
in this state in any manner and for any period of time that 7218
subjects the offender or delinquent child to a duty to register or 7219
provide notice of intent to reside under section 2950.04 or 7220
2950.041 of the Revised Code. 7221

(H) "Confinement" includes, but is not limited to, a 7222
community residential sanction imposed pursuant to section 2929.16 7223
or 2929.26 of the Revised Code. 7224

~~(B) "Habitual sex offender" means, except when a juvenile~~ 7225
~~judge removes this classification pursuant to division (A)(2) of~~ 7226
~~section 2152.84 or division (C)(2) of section 2152.85 of the~~ 7227
~~Revised Code, a person to whom both of the following apply:~~ 7228

~~(1) The person is convicted of or pleads guilty to a sexually~~ 7229
~~oriented offense that is not a registration exempt sexually~~ 7230
~~oriented offense, or the person is adjudicated a delinquent child~~ 7231

~~for committing on or after January 1, 2002, a sexually oriented~~ 7232
~~offense that is not a registration exempt sexually oriented~~ 7233
~~offense, was fourteen years of age or older at the time of~~ 7234
~~committing the offense, and is classified a juvenile sex offender~~ 7235
~~registrant based on that adjudication.~~ 7236

~~(2) One of the following applies to the person:~~ 7237

~~(a) Regarding a person who is an offender, the person~~ 7238
~~previously was convicted of or pleaded guilty to one or more~~ 7239
~~sexually oriented offenses or child victim oriented offenses or~~ 7240
~~previously was adjudicated a delinquent child for committing one~~ 7241
~~or more sexually oriented offenses or child victim oriented~~ 7242
~~offenses and was classified a juvenile offender registrant or~~ 7243
~~out of state juvenile offender registrant based on one or more of~~ 7244
~~those adjudications, regardless of when the offense was committed~~ 7245
~~and regardless of the person's age at the time of committing the~~ 7246
~~offense.~~ 7247

~~(b) Regarding a delinquent child, the person previously was~~ 7248
~~convicted of, pleaded guilty to, or was adjudicated a delinquent~~ 7249
~~child for committing one or more sexually oriented offenses or~~ 7250
~~child victim oriented offenses, regardless of when the offense was~~ 7251
~~committed and regardless of the person's age at the time of~~ 7252
~~committing the offense.~~ 7253

~~(C)(I) "Prosecutor" has the same meaning as in section~~ 7254
~~2935.01 of the Revised Code.~~ 7255

~~(D) "Sexually oriented offense" means any of the following:~~ 7256

~~(1) Any of the following violations or offenses committed by~~ 7257
~~a person eighteen years of age or older:~~ 7258

~~(a) Regardless of the age of the victim of the offense, a~~ 7259
~~violation of section 2907.02, 2907.03, 2907.05, or 2907.07 of the~~ 7260
~~Revised Code;~~ 7261

~~(b) Any of the following offenses involving a minor, in the~~ 7262
~~circumstances specified:~~ 7263

~~(i) A violation of division (A)(4) of section 2905.01 or~~ 7264
~~section 2907.04, 2907.06, or 2907.08 of the Revised Code, when the~~ 7265
~~victim of the offense is under eighteen years of age;~~ 7266

~~(ii) A violation of section 2907.21 of the Revised Code when~~ 7267
~~the person who is compelled, induced, procured, encouraged,~~ 7268
~~solicited, requested, or facilitated to engage in, paid or agreed~~ 7269
~~to be paid for, or allowed to engage in the sexual activity in~~ 7270
~~question is under eighteen years of age;~~ 7271

~~(iii) A violation of division (A)(1) or (3) of section~~ 7272
~~2907.321 or 2907.322 of the Revised Code;~~ 7273

~~(iv) A violation of division (A)(1) or (2) of section~~ 7274
~~2907.323 of the Revised Code;~~ 7275

~~(v) A violation of division (B)(5) of section 2919.22 of the~~ 7276
~~Revised Code when the child who is involved in the offense is~~ 7277
~~under eighteen years of age;~~ 7278

~~(vi) A violation of division (A)(1), (2), (3), or (5) of~~ 7279
~~section 2905.01, of section 2903.211, 2905.02, 2905.03, or~~ 7280
~~2905.05, or of former section 2905.04 of the Revised Code, when~~ 7281
~~the victim of the offense is under eighteen years of age and the~~ 7282
~~offense is committed with a sexual motivation.~~ 7283

~~(c) Regardless of the age of the victim of the offense, a~~ 7284
~~violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the~~ 7285
~~Revised Code, or of division (A) of section 2903.04 of the Revised~~ 7286
~~Code, that is committed with a sexual motivation;~~ 7287

~~(d) A violent sex offense, or a designated homicide, assault,~~ 7288
~~or kidnapping offense if the offender also was convicted of or~~ 7289
~~pleaded guilty to a sexual motivation specification that was~~ 7290
~~included in the indictment, count in the indictment, or~~ 7291

~~information charging the designated homicide, assault, or 7292~~
~~kidnapping offense; 7293~~

~~(c) A violation of section 2907.06 or 2907.08 of the Revised 7294~~
~~Code when the victim of the offense is eighteen years of age or 7295~~
~~older, or a violation of section 2903.211 of the Revised Code when 7296~~
~~the victim of the offense is eighteen years of age or older and 7297~~
~~the offense is committed with a sexual motivation; 7298~~

~~(f) A violation of any former law of this state, any existing 7299~~
~~or former municipal ordinance or law of another state or the 7300~~
~~United States, any existing or former law applicable in a military 7301~~
~~court or in an Indian tribal court, or any existing or former law 7302~~
~~of any nation other than the United States, that is or was 7303~~
~~substantially equivalent to any offense listed in division 7304~~
~~(D)(1)(a), (b), (c), (d), or (e) of this section; 7305~~

~~(g) An attempt to commit, conspiracy to commit, or complicity 7306~~
~~in committing any offense listed in division (D)(1)(a), (b), (c), 7307~~
~~(d), (e), or (f) of this section. 7308~~

~~(2) An act committed by a person under eighteen years of age 7309~~
~~that is any of the following: 7310~~

~~(a) Subject to division (D)(2)(i) of this section, regardless 7311~~
~~of the age of the victim of the violation, a violation of section 7312~~
~~2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code; 7313~~

~~(b) Subject to division (D)(2)(i) of this section, any of the 7314~~
~~following acts involving a minor in the circumstances specified: 7315~~

~~(i) A violation of division (A)(4) of section 2905.01 or 7316~~
~~section 2907.06 or 2907.08 of the Revised Code, when the victim of 7317~~
~~the violation is under eighteen years of age; 7318~~

~~(ii) A violation of section 2907.21 of the Revised Code when 7319~~
~~the person who is compelled, induced, procured, encouraged, 7320~~
~~solicited, requested, or facilitated to engage in, paid or agreed 7321~~

~~to be paid for, or allowed to engage in the sexual activity in~~ 7322
~~question is under eighteen years of age;~~ 7323

~~(iii) A violation of division (B)(5) of section 2919.22 of~~ 7324
~~the Revised Code when the child who is involved in the violation~~ 7325
~~is under eighteen years of age;~~ 7326

~~(iv) A violation of division (A)(1), (2), (3), or (5) of~~ 7327
~~section 2905.01, section 2903.211, or former section 2905.04 of~~ 7328
~~the Revised Code, when the victim of the violation is under~~ 7329
~~eighteen years of age and the offense is committed with a sexual~~ 7330
~~motivation.~~ 7331

~~(e) Subject to division (D)(2)(i) of this section, any of the~~ 7332
~~following:~~ 7333

~~(i) Any violent sex offense that, if committed by an adult,~~ 7334
~~would be a felony of the first, second, third, or fourth degree;~~ 7335

~~(ii) Any designated homicide, assault, or kidnapping offense~~ 7336
~~if that offense, if committed by an adult, would be a felony of~~ 7337
~~the first, second, third, or fourth degree and if the court~~ 7338
~~determined that, if the child was an adult, the child would be~~ 7339
~~guilty of a sexual motivation specification regarding that~~ 7340
~~offense.~~ 7341

~~(d) Subject to division (D)(2)(i) of this section, a~~ 7342
~~violation of section 2903.01, 2903.02, 2903.11, 2905.01, or~~ 7343
~~2905.02 of the Revised Code, a violation of division (A) of~~ 7344
~~section 2903.04 of the Revised Code, or an attempt to violate any~~ 7345
~~of those sections or that division that is committed with a sexual~~ 7346
~~motivation;~~ 7347

~~(e) Subject to division (D)(2)(i) of this section, a~~ 7348
~~violation of division (A)(1) or (3) of section 2907.321, division~~ 7349
~~(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of~~ 7350
~~section 2907.323 of the Revised Code, or an attempt to violate any~~ 7351
~~of those divisions, if the person who violates or attempts to~~ 7352

~~violate the division is four or more years older than the minor~~ 7353
~~who is the victim of the violation;~~ 7354

~~(f) Subject to division (D)(2)(i) of this section, a~~ 7355
~~violation of section 2907.06 or 2907.08 of the Revised Code when~~ 7356
~~the victim of the violation is eighteen years of age or older, or~~ 7357
~~a violation of section 2903.211 of the Revised Code when the~~ 7358
~~victim of the violation is eighteen years of age or older and the~~ 7359
~~offense is committed with a sexual motivation;~~ 7360

~~(g) Subject to division (D)(2)(i) of this section, any~~ 7361
~~violation of any former law of this state, any existing or former~~ 7362
~~municipal ordinance or law of another state or the United States,~~ 7363
~~any existing or former law applicable in a military court or in an~~ 7364
~~Indian tribal court, or any existing or former law of any nation~~ 7365
~~other than the United States, that is or was substantially~~ 7366
~~equivalent to any offense listed in division (D)(2)(a), (b), (c),~~ 7367
~~(d), (e), or (f) of this section and that, if committed by an~~ 7368
~~adult, would be a felony of the first, second, third, or fourth~~ 7369
~~degree;~~ 7370

~~(h) Subject to division (D)(2)(i) of this section, any~~ 7371
~~attempt to commit, conspiracy to commit, or complicity in~~ 7372
~~committing any offense listed in division (D)(2)(a), (b), (c),~~ 7373
~~(d), (e), (f), or (g) of this section;~~ 7374

~~(i) If the child's case has been transferred for criminal~~ 7375
~~prosecution under section 2152.12 of the Revised Code, the act is~~ 7376
~~any violation listed in division (D)(1)(a), (b), (c), (d), (e),~~ 7377
~~(f), or (g) of this section or would be any offense listed in any~~ 7378
~~of those divisions if committed by an adult.~~ 7379

~~(E) "Sexual predator" means a person to whom either of the~~ 7380
~~following applies:~~ 7381

~~(1) The person has been convicted of or pleaded guilty to~~ 7382
~~committing a sexually oriented offense that is not a~~ 7383

~~registration exempt sexually oriented offense and is likely to~~ 7384
~~engage in the future in one or more sexually oriented offenses.~~ 7385

~~(2) The person has been adjudicated a delinquent child for~~ 7386
~~committing a sexually oriented offense that is not a~~ 7387
~~registration exempt sexually oriented offense, was fourteen years~~ 7388
~~of age or older at the time of committing the offense, was~~ 7389
~~classified a juvenile offender registrant based on that~~ 7390
~~adjudication, and is likely to engage in the future in one or more~~ 7391
~~sexually oriented offenses.~~ 7392

~~(F)(J)~~ "Supervised release" means a release of an offender 7393
from a prison term, a term of imprisonment, or another type of 7394
confinement that satisfies either of the following conditions: 7395

(1) The release is on parole, a conditional pardon, under a 7396
community control sanction, under transitional control, or under a 7397
post-release control sanction, and it requires the person to 7398
report to or be supervised by a parole officer, probation officer, 7399
field officer, or another type of supervising officer. 7400

(2) The release is any type of release that is not described 7401
in division ~~(F)(J)~~(1) of this section and that requires the person 7402
to report to or be supervised by a probation officer, a parole 7403
officer, a field officer, or another type of supervising officer. 7404

~~(G) An offender or delinquent child is "adjudicated as being~~ 7405
~~a sexual predator" or "adjudicated a sexual predator" if any of~~ 7406
~~the following applies and if, regarding a delinquent child, that~~ 7407
~~status has not been removed pursuant to section 2152.84, 2152.85,~~ 7408
~~or 2950.09 of the Revised Code:~~ 7409

~~(1) The offender is convicted of or pleads guilty to~~ 7410
~~committing, on or after January 1, 1997, a sexually oriented~~ 7411
~~offense that is not a registration exempt sexually oriented~~ 7412
~~offense, and any of the following apply:~~ 7413

~~(a) The sexually oriented offense is a violent sex offense or~~ 7414

~~a designated homicide, assault, or kidnapping offense, and the
offender is adjudicated a sexually violent predator in relation to
that offense.~~

7415
7416
7417

~~(b) The sexually oriented offense is a violation of division
(A)(1)(b) of section 2907.02 of the Revised Code committed on or
after the effective date of this amendment, and either the
offender is sentenced under section 2971.03 of the Revised Code or
a sentence of life without parole is imposed under division (B) of
section 2907.02 of the Revised Code.~~

7418
7419
7420
7421
7422
7423

~~(c) The sexually oriented offense is attempted rape committed
on or after the effective date of this amendment, and the offender
also was convicted of or pleaded guilty to a specification of the
type described in section 2941.1418, 2941.1419, or 2941.1420 of
the Revised Code.~~

7424
7425
7426
7427
7428

~~(2) Regardless of when the sexually oriented offense was
committed, on or after January 1, 1997, the offender is sentenced
for a sexually oriented offense that is not a registration exempt
sexually oriented offense, and the sentencing judge determines
pursuant to division (B) of section 2950.09 of the Revised Code
that the offender is a sexual predator.~~

7429
7430
7431
7432
7433
7434

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

7435
7436
7437
7438
7439
7440
7441
7442
7443

~~(4) Prior to January 1, 1997, the offender was convicted of
or pleaded guilty to, and was sentenced for, a sexually oriented~~

7444
7445

~~offense that is not a registration exempt sexually oriented 7446~~
~~offense, the offender is imprisoned in a state correctional 7447~~
~~institution on or after January 1, 1997, and the court determines 7448~~
~~pursuant to division (C) of section 2950.09 of the Revised Code 7449~~
~~that the offender is a sexual predator. 7450~~

~~(5) Regardless of when the sexually oriented offense was 7451~~
~~committed, the offender or delinquent child is convicted of or 7452~~
~~pleads guilty to, has been convicted of or pleaded guilty to, or 7453~~
~~is adjudicated a delinquent child for committing a sexually 7454~~
~~oriented offense that is not a registration exempt sexually 7455~~
~~oriented offense in another state, in a federal court, military 7456~~
~~court, or Indian tribal court, or in a court in any nation other 7457~~
~~than the United States, as a result of that conviction, plea of 7458~~
~~guilty, or adjudication, the offender or delinquent child is 7459~~
~~required, under the law of the jurisdiction in which the offender 7460~~
~~was convicted or pleaded guilty or the delinquent child was 7461~~
~~adjudicated, to register as a sex offender until the offender's or 7462~~
~~delinquent child's death, and, on or after July 1, 1997, for 7463~~
~~offenders or January 1, 2002, for delinquent children, the 7464~~
~~offender or delinquent child moves to and resides in this state or 7465~~
~~temporarily is domiciled in this state for more than five days or 7466~~
~~the offender is required under section 2950.04 of the Revised Code 7467~~
~~to register a school, institution of higher education, or place of 7468~~
~~employment address in this state, unless a court of common pleas 7469~~
~~or juvenile court determines that the offender or delinquent child 7470~~
~~is not a sexual predator pursuant to division (F) of section 7471~~
~~2950.09 of the Revised Code. 7472~~

~~(H)(K) "Sexually violent predator specification," "sexually 7473~~
~~violent predator," "sexually violent offense," "sexual motivation 7474~~
~~specification," "designated homicide, assault, or kidnapping 7475~~
~~offense," and "violent sex offense" have the same meanings as in 7476~~
~~section 2971.01 of the Revised Code. 7477~~

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

~~(J)~~(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 ~~that is not a registration-exempt 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, ~~or~~ 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 ~~if the child committed a sexually oriented offense or with sections 2950.041, 2950.05, and 2950.06 of the Revised Code if the child committed a child victim oriented offense.~~ "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.

~~(K)~~(N) "Public registry-qualified juvenile offender registrant" means a person who is adjudicated a delinquent child and on whom a juvenile court has imposed a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code before, on, or after January 1, 2008, and to whom all of the following apply:

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

(a) A violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section

2907.03 of the Revised Code if the victim of the violation was 7510
less than twelve years of age; 7511

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 7512
the Revised Code that was committed with a purpose to gratify the 7513
sexual needs or desires of the child. 7514

(2) The person was fourteen, fifteen, sixteen, or seventeen 7515
years of age at the time of committing the act. 7516

(3) A juvenile court judge, pursuant to an order issued under 7517
section 2152.86 of the Revised Code, classifies the person a 7518
juvenile offender registrant, specifies the person has a duty to 7519
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 7520
Code, and classifies the person a public registry-qualified 7521
juvenile offender registrant, and the classification of the person 7522
as a public registry-qualified juvenile offender registrant has 7523
not been terminated pursuant to division (D) of section 2152.86 of 7524
the Revised Code. 7525

(O) "Secure facility" means any facility that is designed and 7526
operated to ensure that all of its entrances and exits are locked 7527
and under the exclusive control of its staff and to ensure that, 7528
because of that exclusive control, no person who is 7529
institutionalized or confined in the facility may leave the 7530
facility without permission or supervision. 7531

~~(L)~~(P) "Out-of-state juvenile offender registrant" means a 7532
person who is adjudicated a delinquent child in a court in another 7533
state, in a federal court, military court, or Indian tribal court, 7534
or in a court in any nation other than the United States for 7535
committing a sexually oriented offense ~~that is not a~~ 7536
~~registration-exempt sexually oriented offense~~ or a child-victim 7537
oriented offense, who on or after January 1, 2002, moves to and 7538
resides in this state or temporarily is domiciled in this state 7539
for more than five days, and who has a duty under section 2950.04 7540

~~or 2950.041 of the Revised Code to register in this state and the~~ 7541
~~duty to otherwise comply with that applicable section and sections~~ 7542
~~2950.05 and 2950.06 of the Revised Code if the child committed a~~ 7543
~~sexually oriented offense or has a duty under section 2950.041 of~~ 7544
~~the Revised Code to register in this state and the duty to~~ 7545
~~otherwise comply with that section and sections 2950.05 and~~ 7546
~~2950.06 of the Revised Code if the child committed a child-victim~~ 7547
~~oriented offense. "Out-of-state juvenile offender registrant"~~ 7548
~~includes a person who prior to January 1, 2008, was an~~ 7549
~~"out-of-state juvenile offender registrant" under the definition~~ 7550
~~of the term in existence prior to January 1, 2008, and a person~~ 7551
~~who, prior to July 31, 2003, was an "out-of-state juvenile sex~~ 7552
~~offender registrant" under the former definition of that former~~ 7553
~~term.~~ 7554

~~(M)(Q)~~ "Juvenile court judge" includes a magistrate to whom 7555
the juvenile court judge confers duties pursuant to division 7556
(A)(15) of section 2151.23 of the Revised Code. 7557

~~(N)(R)~~ "Adjudicated a delinquent child for committing a 7558
sexually oriented offense" includes a child who receives a serious 7559
youthful offender dispositional sentence under section 2152.13 of 7560
the Revised Code for committing a sexually oriented offense. 7561

~~(O)~~ "Aggravated sexually oriented offense" means a violation 7562
of division (A)(1)(b) of section 2907.02 of the Revised Code 7563
committed on or after June 13, 2002, or a violation of division 7564
(A)(2) of that section committed on or after July 31, 2003. 7565

~~(P)(1)~~ "Presumptive registration exempt sexually oriented 7566
offense" means any of the following sexually oriented offenses 7567
described in division (P)(1)(a), (b), (c), (d), or (e) of this 7568
section, when the offense is committed by a person who previously 7569
has not been convicted of, pleaded guilty to, or adjudicated a 7570
delinquent child for committing any sexually oriented offense 7571
described in division (P)(1)(a), (b), (c), (d), or (e) of this 7572

~~section, any other sexually oriented offense, or any child victim 7573~~
~~oriented offense and when the victim or intended victim of the 7574~~
~~offense is eighteen years of age or older; 7575~~

~~(a) Any sexually oriented offense listed in division 7576~~
~~(D)(1)(c) or (D)(2)(f) of this section committed by a person who 7577~~
~~is eighteen years of age or older or, subject to division 7578~~
~~(P)(1)(c) of this section, committed by a person who is under 7579~~
~~eighteen years of age; 7580~~

~~(b) Any violation of any former law of this state, any 7581~~
~~existing or former municipal ordinance or law of another state or 7582~~
~~the United States, any existing or former law applicable in a 7583~~
~~military court or in an Indian tribal court, or any existing or 7584~~
~~former law of any nation other than the United States that is 7585~~
~~committed by a person who is eighteen years of age or older and 7586~~
~~that is or was substantially equivalent to any sexually oriented 7587~~
~~offense listed in division (P)(1)(a) of this section; 7588~~

~~(c) Subject to division (P)(1)(c) of this section, any 7589~~
~~violation of any former law of this state, any existing or former 7590~~
~~municipal ordinance or law of another state or the United States, 7591~~
~~any existing or former law applicable in a military court or in an 7592~~
~~Indian tribal court, or any existing or former law of any nation 7593~~
~~other than the United States that is committed by a person who is 7594~~
~~under eighteen years of age, that is or was substantially 7595~~
~~equivalent to any sexually oriented offense listed in division 7596~~
~~(P)(1)(a) of this section, and that would be a felony of the 7597~~
~~fourth degree if committed by an adult; 7598~~

~~(d) Any attempt to commit, conspiracy to commit, or 7599~~
~~complicity in committing any offense listed in division (P)(1)(a) 7600~~
~~or (b) of this section if the person is eighteen years of age or 7601~~
~~older or, subject to division (P)(1)(c) of this section, listed in 7602~~
~~division (P)(1)(a) or (c) of this section if the person is under 7603~~
~~eighteen years of age. 7604~~

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

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

~~(Q)(1) "Registration exempt sexually oriented offense" means any presumptive registration exempt sexually oriented offense, if a court does not issue an order under section 2950.021 of the Revised Code that removes the presumptive exemption and subjects the offender who was convicted of or pleaded guilty to the offense to registration under section 2950.04 of the Revised Code and all other duties and responsibilities generally imposed under this chapter upon persons who are convicted of or plead guilty to any sexually oriented offense other than a presumptive registration exempt sexually oriented offense or that removes the presumptive exemption and potentially subjects the child who was adjudicated a delinquent child for committing the offense to classification as a juvenile offender registrant under section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to registration under section 2950.04 of the Revised Code and all other duties and responsibilities generally imposed under this chapter upon persons who are adjudicated delinquent children for committing a sexually oriented offense other than a presumptive registration exempt sexually oriented offense.~~

~~(2) "Registration exempt sexually oriented offense" does not~~ 7637
~~include a presumptive registration exempt sexually oriented~~ 7638
~~offense if a court issues an order under section 2950.021 of the~~ 7639
~~Revised Code that removes the presumptive exemption and subjects~~ 7640
~~the offender or potentially subjects the delinquent child to the~~ 7641
~~duties and responsibilities described in division (Q)(1) of this~~ 7642
~~section.~~ 7643

~~(R)(S)~~ "School" and "school premises" have the same meanings 7644
as in section 2925.01 of the Revised Code. 7645

~~(S)(1) "Child victim oriented offense" means any of the~~ 7646
~~following:~~ 7647

~~(a) Subject to division (S)(2) of this section, any of the~~ 7648
~~following violations or offenses committed by a person eighteen~~ 7649
~~years of age or older, when the victim of the violation is under~~ 7650
~~eighteen years of age and is not a child of the person who commits~~ 7651
~~the violation:~~ 7652

~~(i) A violation of division (A)(1), (2), (3), or (5) of~~ 7653
~~section 2905.01, of section 2905.02, 2905.03, or 2905.05, or of~~ 7654
~~former section 2905.04 of the Revised Code;~~ 7655

~~(ii) A violation of any former law of this state, any~~ 7656
~~existing or former municipal ordinance or law of another state or~~ 7657
~~the United States, any existing or former law applicable in a~~ 7658
~~military court or in an Indian tribal court, or any existing or~~ 7659
~~former law of any nation other than the United States, that is or~~ 7660
~~was substantially equivalent to any offense listed in division~~ 7661
~~(S)(1)(a)(i) of this section;~~ 7662

~~(iii) An attempt to commit, conspiracy to commit, or~~ 7663
~~complicity in committing any offense listed in division~~ 7664
~~(S)(1)(a)(i) or (ii) of this section.~~ 7665

~~(b) Subject to division (S)(2) of this section, an act~~ 7666
~~committed by a person under eighteen years of age that is any of~~ 7667

the following, when the victim of the violation is under eighteen 7668
years of age and is not a child of the person who commits the 7669
violation: 7670

~~(i) Subject to division (S)(1)(b)(iv) of this section, a 7671
violation of division (A)(1), (2), (3), or (5) of section 2905.01 7672
or of former section 2905.04 of the Revised Code; 7673~~

~~(ii) Subject to division (S)(1)(b)(iv) of this section, any 7674
violation of any former law of this state, any existing or former 7675
municipal ordinance or law of another state or the United States, 7676
any existing or former law applicable in a military court or in an 7677
Indian tribal court, or any existing or former law of any nation 7678
other than the United States, that is or was substantially 7679
equivalent to any offense listed in division (S)(1)(b)(i) of this 7680
section and that, if committed by an adult, would be a felony of 7681
the first, second, third, or fourth degree; 7682~~

~~(iii) Subject to division (S)(1)(b)(iv) of this section, any 7683
attempt to commit, conspiracy to commit, or complicity in 7684
committing any offense listed in division (S)(1)(b)(i) or (ii) of 7685
this section; 7686~~

~~(iv) If the child's case has been transferred for criminal 7687
prosecution under section 2152.12 of the Revised Code, the act is 7688
any violation listed in division (S)(1)(a)(i), (ii), or (iii) of 7689
this section or would be any offense listed in any of those 7690
divisions if committed by an adult. 7691~~

~~(2) "Child-victim oriented offense" does not include any 7692
offense identified in division (S)(1)(a) or (b) of this section 7693
that is a sexually violent offense. An offense identified in 7694
division (S)(1)(a) or (b) of this section that is a sexually 7695
violent offense is within the definition of a sexually oriented 7696
offense. 7697~~

~~(T)(1) "Habitual child victim offender" means, except when a 7698~~

~~juvenile judge removes this classification pursuant to division 7699
(A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of 7700
the Revised Code, a person to whom both of the following apply: 7701~~

~~(a) The person is convicted of or pleads guilty to a 7702
child victim oriented offense, or the person is adjudicated a 7703
delinquent child for committing on or after January 1, 2002, a 7704
child victim oriented offense, was fourteen years of age or older 7705
at the time of committing the offense, and is classified a 7706
juvenile offender registrant based on that adjudication. 7707~~

~~(b) One of the following applies to the person: 7708~~

~~(i) Regarding a person who is an offender, the person 7709
previously was convicted of or pleaded guilty to one or more 7710
child victim oriented offenses or previously was adjudicated a 7711
delinquent child for committing one or more child victim oriented 7712
offenses and was classified a juvenile offender registrant or 7713
out of state juvenile offender registrant based on one or more of 7714
those adjudications, regardless of when the offense was committed 7715
and regardless of the person's age at the time of committing the 7716
offense. 7717~~

~~(ii) Regarding a delinquent child, the person previously was 7718
convicted of, pleaded guilty to, or was adjudicated a delinquent 7719
child for committing one or more child victim oriented offenses, 7720
regardless of when the offense was committed and regardless of the 7721
person's age at the time of committing the offense. 7722~~

~~(2) "Habitual child victim offender" includes a person who 7723
has been convicted of, pleaded guilty to, or adjudicated a 7724
delinquent child for committing, a child victim oriented offense 7725
and who, on and after July 31, 2003, is automatically classified a 7726
habitual child victim offender pursuant to division (E) of section 7727
2950.091 of the Revised Code. 7728~~

~~(U) "Child victim predator" means a person to whom either of 7729~~

~~the following applies:~~

7730

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

7731

7732

7733

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

7734

7735

7736

7737

7738

7739

~~(V) An offender or delinquent child is "adjudicated as being a child victim predator" or "adjudicated a child victim predator" if any of the following applies and if, regarding a delinquent child, that status has not been removed pursuant to section 2152.84, 2152.85, or 2950.09 of the Revised Code:~~

7740

7741

7742

7743

7744

~~(1) The offender or delinquent child has been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing, a child victim oriented offense and, on and after July 31, 2003, is automatically classified a child victim predator pursuant to division (A) of section 2950.091 of the Revised Code.~~

7745

7746

7747

7748

7749

~~(2) Regardless of when the child victim oriented offense was committed, on or after July 31, 2003, the offender is sentenced for a child victim oriented offense, and the sentencing judge determines pursuant to division (B) of section 2950.091 of the Revised Code that the offender is a child victim predator.~~

7750

7751

7752

7753

7754

~~(3) The delinquent child is adjudicated a delinquent child for committing a child victim oriented offense, was fourteen years of age or older at the time of committing the offense, and has been classified a juvenile offender registrant based on that adjudication, and the adjudicating judge or that judge's successor in office determines pursuant to division (B) of section 2950.09~~

7755

7756

7757

7758

7759

7760

~~or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of~~ 7761
~~the Revised Code that the delinquent child is a child victim~~ 7762
~~predator.~~ 7763

~~(4) Prior to July 31, 2003, the offender was convicted of or~~ 7764
~~pleaded guilty to a child victim oriented offense, at the time of~~ 7765
~~the conviction or guilty plea, the offense was considered a~~ 7766
~~sexually oriented offense, on or after July 31, 2003, the offender~~ 7767
~~is serving a term of imprisonment in a state correctional~~ 7768
~~institution, and the court determines pursuant to division (C) of~~ 7769
~~section 2950.091 of the Revised Code that the offender is a~~ 7770
~~child victim predator.~~ 7771

~~(5) Regardless of when the child victim oriented offense was~~ 7772
~~committed, the offender or delinquent child is convicted, pleads~~ 7773
~~guilty, has been convicted, pleaded guilty, or adjudicated a~~ 7774
~~delinquent child in a court in another state, in a federal court,~~ 7775
~~military court, or Indian tribal court, or in a court in any~~ 7776
~~nation other than the United States for committing a child victim~~ 7777
~~oriented offense, as a result of that conviction, plea of guilty,~~ 7778
~~or adjudication, the offender or delinquent child is required~~ 7779
~~under the law of the jurisdiction in which the offender was~~ 7780
~~convicted or pleaded guilty or the delinquent child was~~ 7781
~~adjudicated, to register as a child victim offender or sex~~ 7782
~~offender until the offender's or delinquent child's death, and, on~~ 7783
~~or after July 1, 1997, for offenders or January 1, 2002, for~~ 7784
~~delinquent children the offender or delinquent child moves to and~~ 7785
~~resides in this state or temporarily is domiciled in this state~~ 7786
~~for more than five days or the offender is required under section~~ 7787
~~2950.041 of the Revised Code to register a school, institution of~~ 7788
~~higher education, or place of employment address in this state,~~ 7789
~~unless a court of common pleas or juvenile court determines that~~ 7790
~~the offender or delinquent child is not a child victim predator~~ 7791
~~pursuant to division (F) of section 2950.091 of the Revised Code.~~ 7792

~~(W)~~(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.

~~(X)~~(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.

~~(Y)~~(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.

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

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

~~(BB)~~ "Adjudicated a sexually violent predator" has the same
meaning as in section 2929.01 of the Revised Code, and a person is
"adjudicated a sexually violent predator" in the same manner and
the same circumstances as are described in that section.

Sec. 2950.011. Except as specifically provided to the 7824
contrary in sections 2950.02 to 2950.99 of the Revised Code, all 7825
references in any of those sections to "sexually oriented offense" 7826
include, in addition to the violations specified in division (A) 7827
of section 2950.01 of the Revised Code on and after January 1, 7828
2008, any sexually oriented offense, as that term was defined in 7829
section 2950.01 of the Revised Code prior to January 1, 2008, that 7830
was committed prior to that date and that was not a registration 7831
exempt sexually oriented offense, as that term was defined in that 7832
section prior to January 1, 2008. 7833

Except as specifically provided to the contrary in sections 7834
2950.02 to 2950.99 of the Revised Code, all references in any of 7835
those sections to "child-victim oriented offense" include, in 7836
addition to the violations specified in division (C) of section 7837
2950.01 of the Revised Code on and after January 1, 2008, any 7838
child-victim oriented offense, as that term was defined in section 7839
2950.01 of the Revised Code prior to January 1, 2008, that was 7840
committed prior to that date. 7841

Sec. 2950.02. (A) The general assembly hereby determines and 7842
declares that it recognizes and finds all of the following: 7843

(1) If the public is provided adequate notice and information 7844
about offenders and delinquent children who commit sexually 7845
oriented offenses ~~that are not registration exempt sexually~~ 7846
~~oriented offenses~~ or who commit child-victim oriented offenses, 7847
members of the public and communities can develop constructive 7848
plans to prepare themselves and their children for the offender's 7849
or delinquent child's release from imprisonment, a prison term, or 7850
other confinement or detention. This allows members of the public 7851
and communities to meet with members of law enforcement agencies 7852
to prepare and obtain information about the rights and 7853
responsibilities of the public and the communities and to provide 7854

education and counseling to their children. 7855

(2) Sex offenders and ~~offenders who commit~~ child-victim 7856
~~oriented offenses~~ offenders pose a risk of engaging in further 7857
sexually abusive behavior even after being released from 7858
imprisonment, a prison term, or other confinement or detention, 7859
and protection of members of the public from sex offenders and 7860
~~offenders who commit~~ child-victim ~~oriented offenses~~ offenders is a 7861
paramount governmental interest. 7862

(3) The penal, juvenile, and mental health components of the 7863
justice system of this state are largely hidden from public view, 7864
and a lack of information from any component may result in the 7865
failure of the system to satisfy this paramount governmental 7866
interest of public safety described in division (A)(2) of this 7867
section. 7868

(4) Overly restrictive confidentiality and liability laws 7869
governing the release of information about sex offenders and 7870
~~offenders who commit~~ child-victim ~~oriented offenses~~ offenders have 7871
reduced the willingness to release information that could be 7872
appropriately released under the public disclosure laws and have 7873
increased risks of public safety. 7874

(5) A person who is found to be a sex offender or ~~to have~~ 7875
~~committed~~ a child-victim ~~oriented offense~~ offender has a reduced 7876
expectation of privacy because of the public's interest in public 7877
safety and in the effective operation of government. 7878

(6) The release of information about sex offenders and 7879
~~offenders who commit~~ child-victim ~~oriented offenses~~ offenders to 7880
public agencies and the general public will further the 7881
governmental interests of public safety and public scrutiny of the 7882
criminal, juvenile, and mental health systems as long as the 7883
information released is rationally related to the furtherance of 7884
those goals. 7885

(B) The general assembly hereby declares that, in providing 7886
in this chapter for registration regarding offenders and certain 7887
delinquent children who have committed sexually oriented offenses 7888
~~that are not registration exempt sexually oriented offenses~~ or who 7889
have committed child-victim oriented offenses and for community 7890
notification regarding ~~sexual predators, child-victim predators,~~ 7891
~~habitual sex offenders, and habitual child-victim offenders tier~~ 7892
III sex offenders/child-victim offenders who are criminal 7893
offenders, public registry-qualified juvenile offender 7894
registrants, and certain other juvenile offender registrants who 7895
are about to be or have been released from imprisonment, a prison 7896
term, or other confinement or detention and who will live in or 7897
near a particular neighborhood or who otherwise will live in or 7898
near a particular neighborhood, it is the general assembly's 7899
intent to protect the safety and general welfare of the people of 7900
this state. The general assembly further declares that it is the 7901
policy of this state to require the exchange in accordance with 7902
this chapter of relevant information about sex offenders and 7903
~~offenders who commit child-victim oriented offenses~~ offenders 7904
among public agencies and officials and to authorize the release 7905
in accordance with this chapter of necessary and relevant 7906
information about sex offenders and ~~offenders who commit~~ 7907
child-victim ~~oriented offenses~~ offenders to members of the general 7908
public as a means of assuring public protection and that the 7909
exchange or release of that information is not punitive. 7910

Sec. 2950.03. (A) Each person who has been convicted of, is 7911
convicted of, has pleaded guilty to, or pleads guilty to a 7912
sexually oriented offense ~~that is not a registration exempt~~ 7913
~~sexually~~ or a child-victim oriented offense and who has a duty to 7914
register pursuant to section 2950.04 or 2950.041 of the Revised 7915
Code, and each person who is adjudicated a delinquent child for 7916
committing a sexually oriented offense ~~that is not a~~ 7917

~~registration exempt sexually oriented offense or a child-victim~~ 7918
~~oriented offense~~ and who is classified a juvenile offender 7919
registrant based on that adjudication, ~~each person who has been~~ 7920
~~convicted of, is convicted of, has pleaded guilty to, or pleads~~ 7921
~~guilty to a child victim oriented offense and has a duty to~~ 7922
~~register pursuant to section 2950.041 of the Revised Code, and~~ 7923
~~each person who is adjudicated a delinquent child for committing a~~ 7924
~~child victim oriented offense and who is classified a juvenile~~ 7925
~~offender registrant based on that adjudication~~ shall be provided 7926
notice in accordance with this section of the offender's or 7927
delinquent child's duties imposed under sections 2950.04, 7928
2950.041, 2950.05, and 2950.06 of the Revised Code and of the 7929
offender's duties to similarly register, provide notice of a 7930
change, and verify addresses in another state if the offender 7931
resides, is temporarily domiciled, attends a school or institution 7932
of higher education, or is employed in a state other than this 7933
state. ~~A person who has been convicted of, is convicted of, has~~ 7934
~~pleaded guilty to, or pleads guilty to a sexually oriented offense~~ 7935
~~that is a registration exempt sexually oriented offense, and a~~ 7936
~~person who is or has been adjudicated a delinquent child for~~ 7937
~~committing a sexually oriented offense that is a~~ 7938
~~registration exempt sexually oriented offense, does not have a~~ 7939
~~duty to register under section 2950.04 of the Revised Code based~~ 7940
~~on that conviction, guilty plea, or adjudication, and no notice is~~ 7941
~~required to be provided to that person under this division based~~ 7942
~~on that conviction, guilty plea, or adjudication.~~ The following 7943
official shall provide the notice required under this division to 7944
the specified person at the following time: 7945

(1) Regardless of when the person committed the sexually 7946
oriented offense or child-victim oriented offense, if the person 7947
is an offender who is sentenced ~~for the sexually oriented offense~~ 7948
~~or child victim oriented offense~~ to a prison term, a term of 7949
imprisonment, or any other type of confinement for any offense, 7950

and if, on or after January 1, ~~1997~~ 2008, the offender is serving 7951
that term or is under that confinement, subject to division (A)(5) 7952
of this section, the official in charge of the jail, workhouse, 7953
state correctional institution, or other institution in which the 7954
offender serves the prison term, term of imprisonment, or 7955
confinement, or a designee of that official, shall provide the 7956
notice to the offender before the offender is released pursuant to 7957
any type of supervised release or before the offender otherwise is 7958
released from the prison term, term of imprisonment, or 7959
confinement. ~~This division applies to a child victim oriented~~ 7960
~~offense if the offender is sentenced for the offense on or after~~ 7961
~~July 31, 2003, or if, prior to July 31, 2003, the child victim~~ 7962
~~oriented offense was a sexually oriented offense and the offender~~ 7963
~~was sentenced as described in this division for the child victim~~ 7964
~~oriented offense when it was designated a sexually oriented~~ 7965
~~offense. If a person was provided notice under this division prior~~ 7966
~~to July 31, 2003, in relation to an offense that, prior to July~~ 7967
~~31, 2003, was a sexually oriented offense but that, on and after~~ 7968
~~July 31, 2003, is a child victim oriented offense, the notice~~ 7969
~~provided under this division shall suffice for purposes of this~~ 7970
~~section as notice to the offender of the offender's duties under~~ 7971
~~sections 2950.041, 2950.05, and 2950.06 of the Revised Code~~ 7972
~~imposed as a result of the conviction of or plea of guilty to the~~ 7973
~~child victim oriented offense.~~ 7974

(2) Regardless of when the person committed the sexually 7975
oriented offense or child-victim oriented offense, if the person 7976
is an offender who is sentenced ~~for the sexually oriented offense~~ 7977
~~on or after January 1, 1997, or who is sentenced for the~~ 7978
~~child victim oriented offense on or after July 31, 2003~~ January 1, 7979
2008 for any offense, and if division (A)(1) of this section does 7980
not apply, the judge shall provide the notice to the offender at 7981
the time of sentencing. ~~If a person was provided notice under this~~ 7982
~~division prior to July 31, 2003, in relation to an offense that,~~ 7983

~~prior to July 31, 2003,, was a sexually oriented offense but that,
on and after July 31, 2003,, is a child victim oriented offense,
the notice so provided under this division shall suffice for
purposes of this section as notice to the offender of the
offender's duties under sections 2950.041, 2950.05, and 2950.06 of
the Revised Code imposed as a result of the conviction of or plea
of guilty to the child victim oriented offense.~~

7984
7985
7986
7987
7988
7989
7990

~~(3) If the person is an offender who committed the sexually
oriented offense prior to January 1, 1997, if neither division
(A)(1) nor division (A)(2) of this section applies, and if,
immediately prior to January 1, 1997, the offender was a habitual
sex offender who was required to register under Chapter 2950. of
the Revised Code, the chief of police or sheriff with whom the
offender most recently registered under that chapter, in the
circumstances described in this division, shall provide the notice
to the offender. If the offender has registered with a chief of
police or sheriff under Chapter 2950. of the Revised Code as it
existed prior to January 1, 1997, the chief of police or sheriff
with whom the offender most recently registered shall provide the
notice to the offender as soon as possible after January 1, 1997,
as described in division (B)(1) of this section. If the offender
has not registered with a chief of police or sheriff under that
chapter, the failure to register shall constitute a waiver by the
offender of any right to notice under this section. If an offender
described in this division does not receive notice under this
section, the offender is not relieved of the offender's duties
imposed under sections 2950.04, 2950.05, and 2950.06 of the
Revised Code.~~

7991
7992
7993
7994
7995
7996
7997
7998
7999
8000
8001
8002
8003
8004
8005
8006
8007
8008
8009
8010
8011

~~(4) If neither division (A)(1), (2), nor (3) of this section
applies and if the offender is adjudicated a sexual predator
pursuant to division (C) of section 2950.09 of the Revised Code or
a child victim predator pursuant to division (C) of section~~

8012
8013
8014
8015

~~2950.091 of the Revised Code, the judge shall provide the notice to the offender at the time of adjudication.~~

~~(5) If the person is a delinquent child who is classified a juvenile offender registrant on or after January 1, 2008, the judge shall provide the notice to the delinquent child at the time specified in division (B) of section 2152.82, division ~~(D)~~(C) of section 2152.83, division (C) of section 2152.84, or division (E) of section 2152.85 of the Revised Code, whichever is applicable. If a delinquent child was provided notice under this division prior to July 31, 2003, in relation to an offense that, prior to July 31, 2003, was a sexually oriented offense but that, on and after July 31, 2003, is a child victim oriented offense, the notice so provided under this division shall suffice for purposes of this section as notice to the delinquent child of the delinquent child's duties under sections 2950.041, 2950.05, and 2950.06 of the Revised Code imposed as a result of the adjudication as a delinquent child for the child victim oriented offense.~~

~~(6) If the person is an offender in any category described in division (A)(1), (2), (3), or (4) of this section and if, prior to July 31, 2003, the offender was provided notice of the offender's duties in accordance with that division, not later than ninety days after July 31, 2003, the sheriff with whom the offender most recently registered or verified an address under section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code shall provide notice to the offender of the offender's duties imposed on and after July 31, 2003, pursuant to any of those sections to register a school, institution of higher education, or place of employment address, provide notice of a change of that address, and verify that address. The sheriff may provide the notice to the offender at the time the offender registers, provides notice of a change in, or verifies a residence, school, institution of higher~~

education, or place of employment address under any of those 8048
sections within the specified ninety day period. If the offender 8049
does not so register, provide notice of a change in, or verify an 8050
address within the specified ninety day period, the sheriff shall 8051
provide the notice to the offender by sending it to the offender 8052
at the most recent residence address available for the offender. 8053
If the offender was required to register prior to July 31, 2003, 8054
and failed to do so, the failure to register constitutes a waiver 8055
by the offender of any right to notice under this division. If the 8056
offender has not registered prior to July 31, 2003, the offender 8057
is presumed to have knowledge of the law and of the duties 8058
referred to in this division that are imposed on and after July 8059
31, 2003. If an offender does not receive notice under this 8060
division, the offender is not relieved of any of the duties 8061
described in this division. 8062

(4) If the person is a delinquent child who is classified as 8063
both a juvenile offender registrant and a public 8064
registry-qualified juvenile offender registrant on or after 8065
January 1, 2008, the judge shall provide the notice to the 8066
delinquent child at the time specified in division (B) of section 8067
2152.86 of the Revised Code. 8068

(5) If the person is an offender or delinquent child in any 8069
of the following categories, the attorney general, department of 8070
rehabilitation and correction, or department of youth services 8071
shall provide the notice to the offender or delinquent child at 8072
the time and in the manner specified in section 2950.031 or 8073
division (A) or (B) of section 2950.032 of the Revised Code, 8074
whichever is applicable: 8075

(a) An offender or delinquent child who prior to December 1, 8076
2007, has registered a residence, school, institution of higher 8077
education, or place of employment address pursuant to section 8078
2950.04, 2950.041, or 2950.05 of the Revised Code; 8079

(b) An offender or delinquent child who registers with a 8080
sheriff pursuant to section 2950.04 or 2950.041 of the Revised 8081
Code on or after December 1, 2007, previously had not registered 8082
under either section with that sheriff or any other sheriff, and 8083
was convicted of, pleaded guilty to, or was classified a juvenile 8084
offender registrant relative to the sexually oriented offense or 8085
child-victim oriented offense upon which the registration was 8086
based prior to December 1, 2007; 8087

(c) An offender who on December 1, 2007, is serving a prison 8088
term in a state correctional institution for a sexually oriented 8089
offense or child-victim oriented offense or each delinquent child 8090
who has been classified a juvenile offender registrant relative to 8091
a sexually oriented offense or child-victim oriented offense and 8092
who on that date is confined in an institution of the department 8093
of youth services for the sexually oriented offense or 8094
child-victim oriented offense; 8095

(d) An offender or delinquent child who on or after December 8096
2, 2007, commences a prison term in a state correctional 8097
institution or confinement in an institution of the department of 8098
youth services for a sexually oriented offense or child-victim 8099
oriented offense and who was convicted of, pleaded guilty to, or 8100
was classified a juvenile offender registrant relative to the 8101
sexually oriented offense or child-victim oriented offense prior 8102
to that date. 8103

(6) If the person is an offender or delinquent child who on 8104
or after July 1, 2007, and prior to January 1, 2008, is convicted 8105
of or pleads guilty to a sexually oriented offense or a 8106
child-victim oriented offense and is not sentenced to a prison 8107
term for that offense or is classified a juvenile offender 8108
registrant relative to a sexually oriented offense or child-victim 8109
oriented offense and is not committed to the custody of the 8110
department of youth services for that offense, the sentencing 8111

court or juvenile court shall provide the notice to the offender 8112
or delinquent child at the time and in the manner specified in 8113
division (C) of section 2950.032 of the Revised Code. 8114

(7) If the person is an offender or delinquent child who has 8115
a duty to register in this state pursuant to division (A)~~(3)~~(4) of 8116
section 2950.04 or 2950.041 of the Revised Code, the offender or 8117
delinquent child is presumed to have knowledge of the law and of 8118
the offender's or delinquent child's duties imposed under sections 8119
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 8120

(B)(1) The notice provided under division (A) of this section 8121
shall inform the offender or delinquent child of the offender's or 8122
delinquent child's duty to register, to provide notice of a change 8123
in the offender's or delinquent child's residence address or in 8124
the offender's school, institution of higher education, or place 8125
of employment address, as applicable, and register the new 8126
address, to periodically verify the offender's or delinquent 8127
child's residence address or the offender's school, institution of 8128
higher education, or place of employment address, as applicable, 8129
and, if applicable, to provide notice of the offender's or 8130
delinquent child's intent to reside, pursuant to sections 2950.04, 8131
2950.041, 2950.05, and 2950.06 of the Revised Code. The notice 8132
shall specify that, for an offender, it applies regarding 8133
residence addresses or school, institution of higher education, 8134
and place of employment addresses and that, for a delinquent 8135
child, it applies regarding residence addresses. Additionally, it 8136
shall inform the offender of the offender's duties to similarly 8137
register, provide notice of a change in, and verify those 8138
addresses in states other than this state as described in division 8139
(A) of this section. ~~A notice provided under division (A)(6) of~~ 8140
~~this section shall state the new duties imposed on the offender on~~ 8141
~~and after July 31, 2003, to register, provide notice of a change~~ 8142
~~in, and periodically verify, a school, institution of higher~~ 8143

~~education, or place of employment address and specify that the new~~ 8144
~~duties are in addition to the prior duties imposed upon the~~ 8145
~~offender. A notice provided under division (A)(1), (2), (3), or~~ 8146
~~(4), or (5) of this section shall comport with the following:~~ 8147

~~(a) If the notice is provided to an offender under division~~ 8148
~~(A)(3) of this section, the notice shall state the offender's~~ 8149
~~duties to register, to file a notice of intent to reside, if~~ 8150
~~applicable, to register a new residence address or new school,~~ 8151
~~institution of higher education, or place of employment address,~~ 8152
~~and to periodically verify those addresses, the offender's duties~~ 8153
~~in other states as described in division (A) of this section, and~~ 8154
~~that, if the offender has any questions concerning these duties,~~ 8155
~~the offender may contact the chief of police or sheriff who sent~~ 8156
~~the form for an explanation of the duties. If the offender appears~~ 8157
~~in person before the chief of police or sheriff, the chief or~~ 8158
~~sheriff shall provide the notice as described in division~~ 8159
~~(B)(1)(a) of this section, and all provisions of this section that~~ 8160
~~apply regarding a notice provided by an official, official's~~ 8161
~~designee, or judge in that manner shall be applicable.~~ 8162

~~(b)~~ If the notice is provided to an offender under division 8163
~~(A)(1), or (2), or (4) of this section, the official, official's~~ 8164
~~designee, or judge shall require the offender to read and sign a~~ 8165
~~form stating that the offender's duties to register, to file a~~ 8166
~~notice of intent to reside, if applicable, to register a new~~ 8167
~~residence address or new school, institution of higher education,~~ 8168
~~or place of employment address, and to periodically verify those~~ 8169
~~addresses, and the offender's duties in other states as described~~ 8170
~~in division (A) of this section have been explained to the~~ 8171
~~offender. If the offender is unable to read, the official,~~ 8172
~~official's designee, or judge shall certify on the form that the~~ 8173
~~official, designee, or judge specifically informed the offender of~~ 8174
~~those duties and that the offender indicated an understanding of~~ 8175

those duties. 8176

~~(e)~~(b) If the notice is provided to a delinquent child under 8177
division (A)~~(5)~~(3) or (4) of this section, the judge shall require 8178
the delinquent child and the delinquent child's parent, guardian, 8179
or custodian to read and sign a form stating that the delinquent 8180
child's duties to register, to file a notice of intent to reside, 8181
if applicable, to register a new residence address, and to 8182
periodically verify that address have been explained to the 8183
delinquent child and to the delinquent child's parent, guardian, 8184
or custodian. If the delinquent child or the delinquent child's 8185
parent, guardian, or custodian is unable to read, the judge shall 8186
certify on the form that the judge specifically informed the 8187
delinquent child or the delinquent child's parent, guardian, or 8188
custodian of those duties and that the delinquent child or the 8189
delinquent child's parent, guardian, or custodian indicated an 8190
understanding of those duties. 8191

(2) The notice provided under divisions (A)(1) to ~~(6)~~(4) of 8192
this section shall be on a form prescribed by the bureau of 8193
criminal identification and investigation and shall contain all of 8194
the information specified in division (A) of this section and all 8195
of the information required by the bureau. The notice provided 8196
under divisions (A)(1) to ~~(5)~~(4) of this section shall include, 8197
but is not limited to, all of the following: 8198

(a) For any notice provided under ~~division~~ divisions (A)(1) 8199
to ~~(5)~~(4) of this section, ~~a statement as to whether the offender~~ 8200
~~or delinquent child has been adjudicated a sexual predator or a~~ 8201
~~child-victim predator relative to the sexually oriented offense or~~ 8202
~~child-victim oriented offense in question, a statement as to~~ 8203
~~whether the offender or delinquent child has been determined to be~~ 8204
~~a habitual sex offender or habitual child-victim offender, a~~ 8205
~~statement as to whether the offense for which the offender has the~~ 8206
~~duty to register is an aggravated sexually oriented offense, an~~ 8207

explanation of the offender's periodic residence address or 8208
periodic school, institution of higher education, or place of 8209
employment address verification process or of the delinquent 8210
child's periodic residence address verification process, an 8211
explanation of the frequency with which the offender or delinquent 8212
child will be required to verify those addresses under that 8213
process, a statement that the offender or delinquent child must 8214
verify those addresses at the times specified under that process 8215
or face criminal prosecution or a delinquent child proceeding, and 8216
an explanation of the offender's duty to similarly register, 8217
verify, and reregister those addresses in another state if the 8218
offender resides in another state, attends a school or institution 8219
of higher education in another state, or is employed in another 8220
state. 8221

~~(b) If the notice is provided under division (A)(4) of this 8222~~
~~section, a statement that the notice replaces any notice 8223~~
~~previously provided to the offender under division (A)(1) of this 8224~~
~~section, a statement that the offender's duties described in this 8225~~
~~notice supersede the duties described in the prior notice, and a 8226~~
~~statement notifying the offender that, if the offender already has 8227~~
~~registered under section 2950.04 or 2950.041 of the Revised Code, 8228~~
~~the offender must register again pursuant to division (A)(6) of 8229~~
~~that section; 8230~~

~~(e)~~ If the notice is provided under division (A)~~(5)~~(3) or (4) 8231
of this section, a statement that the delinquent child has been 8232
classified by the adjudicating juvenile court judge or the judge's 8233
successor in office a juvenile offender registrant and, if 8234
applicable, a public-registry qualified juvenile offender 8235
registrant and has a duty to comply with sections 2950.04, 8236
2950.041, 2950.05, and 2950.06 of the Revised Code; 8237

~~(d)~~(c) If the notice is provided under division (A)~~(5)~~(3) or 8238
(4) of this section, a statement that, if the delinquent child 8239

fails to comply with the requirements of sections 2950.04, 8240
2950.041, 2950.05, and 2950.06 of the Revised Code, both of the 8241
following apply: 8242

(i) If the delinquent child's failure occurs while the child 8243
is under eighteen years of age, the child is subject to 8244
proceedings under Chapter 2152. of the Revised Code based on the 8245
failure, but if the failure occurs while the child is eighteen 8246
years of age or older, the child is subject to criminal 8247
prosecution based on the failure. 8248

(ii) If the delinquent child's failure occurs while the child 8249
is under eighteen years of age, unless the child is emancipated, 8250
as defined in section 2919.121 of the Revised Code, the failure of 8251
the parent, guardian, or custodian to ensure that the child 8252
complies with those requirements is a violation of section 2919.24 8253
of the Revised Code and may result in the prosecution of the 8254
parent, guardian, or custodian for that violation. 8255

(3)(a) After an offender described in division (A)(1) or 8256
(2) ~~or (4)~~ of this section has signed the form described in 8257
divisions (B)(1) and (2) of this section or the official, 8258
official's designee, or judge has certified on the form that the 8259
form has been explained to the offender and that the offender 8260
indicated an understanding of the duties indicated on it, the 8261
official, official's designee, or judge shall give one copy of the 8262
form to the offender, within three days shall send one copy of the 8263
form to the bureau of criminal identification and investigation in 8264
accordance with the procedures adopted pursuant to section 2950.13 8265
of the Revised Code, ~~and~~ shall send one copy of the form to the 8266
sheriff of the county in which the offender expects to reside, and 8267
shall send one copy of the form to the sheriff of the county in 8268
which the offender was convicted or pleaded guilty if the offender 8269
has a duty to register pursuant to division (A)(1) of section 8270
2950.04 or 2950.041 of the Revised Code. 8271

(b) ~~After a chief of police or sheriff has sent a form to an~~ 8272
~~offender under division (A)(3) of this section, the chief or~~ 8273
~~sheriff shall send a copy of the form to the bureau of criminal~~ 8274
~~identification and investigation in accordance with the procedures~~ 8275
~~adopted pursuant to section 2950.13 of the Revised Code.~~ 8276

~~(e)~~ After a delinquent child described in division (A)~~(5)~~(3) 8277
or (4) of this section and the delinquent child's parent, 8278
guardian, or custodian have signed the form described in divisions 8279
(B)(1) and (2) of this section or the judge has certified on the 8280
form that the form has been explained to the delinquent child or 8281
the delinquent child's parent, guardian, or custodian and that the 8282
delinquent child or the delinquent child's parent, guardian, or 8283
custodian indicated an understanding of the duties and information 8284
indicated on the form, the judge shall give a copy of the form to 8285
both the delinquent child and to the delinquent child's parent, 8286
guardian, or custodian, within three days shall send one copy of 8287
the form to the bureau of criminal identification and 8288
investigation in accordance with the procedures adopted pursuant 8289
to section 2950.13 of the Revised Code, ~~and~~ shall send one copy of 8290
the form to the sheriff of the county in which the delinquent 8291
child expects to reside, and shall send one copy of the form to 8292
the sheriff of the county in which the child was adjudicated a 8293
delinquent child if the delinquent child has a duty to register 8294
pursuant to division (A)(1) of section 2950.04 or 2950.041 of the 8295
Revised Code. 8296

(C) The official, official's designee, judge, chief of 8297
police, or sheriff who is required to provide notice to an 8298
offender or delinquent child under divisions (A)(1) to ~~(5)~~(4) of 8299
this section shall ~~do all of the following:~~ 8300

~~(1) If the notice is provided under division (A)(1), (2),~~ 8301
~~(4), or (5) of this section, the official, designee, or judge~~ 8302
~~shall~~ determine the offender's or delinquent child's name, 8303

identifying factors, and expected future residence address in this 8304
state or any other state, shall obtain the offender's or 8305
delinquent child's criminal and delinquency history, and shall 8306
obtain a photograph and the fingerprints of the offender or 8307
delinquent child. Regarding an offender, the official, designee, 8308
or judge also shall obtain from the offender the offender's 8309
current or expected future school, institution of higher 8310
education, or place of employment address in this state, if any. 8311
If the notice is provided by a judge under division (A)(2), 8312
~~(4)(3)~~, or ~~(5)(4)~~ of this section, the sheriff shall provide the 8313
offender's or delinquent child's criminal and delinquency history 8314
to the judge. The official, official's designee, or judge shall 8315
obtain this information and these items prior to giving the 8316
notice, except that a judge may give the notice prior to obtaining 8317
the offender's or delinquent child's criminal and delinquency 8318
history. Within three days after receiving this information and 8319
these items, the official, official's designee, or judge shall 8320
forward the information and items to the bureau of criminal 8321
identification and investigation in accordance with the forwarding 8322
procedures adopted pursuant to section 2950.13 of the Revised 8323
Code, to the sheriff of the county in which the offender or 8324
delinquent child expects to reside and to the sheriff of the 8325
county in which the offender or delinquent child was convicted, 8326
pleaded guilty, or adjudicated a delinquent child if the offender 8327
or delinquent child has a duty to register pursuant to division 8328
(A)(1) of section 2950.04 or 2950.041 of the Revised Code, and, 8329
regarding an offender, to the sheriff of the county, if any, in 8330
which the offender attends or will attend a school or institution 8331
of higher education or is or will be employed. If the notice is 8332
provided under division (A)~~(5)~~(3) or (4) of this section and if 8333
the delinquent child has been committed to the department of youth 8334
services or to a secure facility, the judge, in addition to the 8335
other information and items described in this division, also shall 8336

forward to the bureau and to the sheriff notification that the 8337
child has been so committed. If it has not already done so, the 8338
bureau of criminal identification and investigation shall forward 8339
a copy of the fingerprints and conviction data received under this 8340
division to the federal bureau of investigation. 8341

~~(2) If the notice is provided under division (A)(3) of this 8342
section, the chief of police or sheriff shall determine the 8343
offender's name, identifying factors, and residence address in 8344
this state or any other state, shall obtain the offender's 8345
criminal history from the bureau of criminal identification and 8346
investigation, and, to the extent possible, shall obtain a 8347
photograph and the fingerprints of the offender. Regarding an 8348
offender, the chief or sheriff also shall obtain from the offender 8349
the offender's current or expected future school, institution of 8350
higher education, or place of employment address in this state, if 8351
any. Within three days after receiving this information and these 8352
items, the chief or sheriff shall forward the information and 8353
items to the bureau of criminal identification and investigation 8354
in accordance with the forwarding procedures adopted pursuant to 8355
section 2950.13 of the Revised Code and, in relation to a chief of 8356
police, to the sheriff of the county in which the offender 8357
resides, and, regarding an offender, to the sheriff of the county, 8358
if any, in which the offender attends or will attend a school or 8359
institution of higher education or is or will be employed. If it 8360
has not already done so, the bureau of criminal identification and 8361
investigation shall forward a copy of the fingerprints and 8362
conviction data so received to the federal bureau of 8363
investigation. 8364~~

Sec. 2950.031. (A)(1) At any time on or after July 1, 2007, 8365
and not later than December 1, 2007, the attorney general shall 8366
determine for each offender or delinquent child who prior to 8367
December 1, 2007, has registered a residence, school, institution 8368

of higher education, or place of employment address pursuant to 8369
section 2950.04, 2950.041, or 2950.05 of the Revised Code the 8370
offender's or delinquent child's new classification as a tier I 8371
sex offender/child-victim offender, a tier II sex 8372
offender/child-victim offender, or a tier III sex 8373
offender/child-victim offender under Chapter 2950. of the Revised 8374
Code as it will exist under the changes that will be implemented 8375
on January 1, 2008, the offender's or delinquent child's duties 8376
under Chapter 2950. of the Revised Code as so changed, and, 8377
regarding a delinquent child, whether the child is a public 8378
registry-qualified juvenile offender registrant. 8379

(2) At any time on or after July 1, 2007, and not later than 8380
December 1, 2007, the attorney general shall send to each offender 8381
or delinquent child who prior to December 1, 2007, has registered 8382
a residence, school, institution of higher education, or place of 8383
employment address pursuant to section 2950.04, 2950.041, or 8384
2950.05 of the Revised Code a registered letter that contains the 8385
information described in this division. The registered letter 8386
shall be sent return receipt requested to the last reported 8387
address of the person and, if the person is a delinquent child, 8388
the last reported address of the parents of the delinquent child. 8389
The letter sent to an offender or to a delinquent child and the 8390
delinquent child's parents pursuant to this division shall notify 8391
the offender or the delinquent child and the delinquent child's 8392
parents of all of the following: 8393

(a) The changes in Chapter 2950. of the Revised Code that 8394
will be implemented on January 1, 2008; 8395

(b) Subject to division (A)(2)(c) of this section, the 8396
offender's or delinquent child's new classification as a tier I 8397
sex offender/child-victim offender, a tier II sex 8398
offender/child-victim offender, or a tier III sex 8399
offender/child-victim offender under Chapter 2950. of the Revised 8400

Code as it will exist under the changes that will be implemented 8401
on January 1, 2008, the offender's or delinquent child's duties 8402
under Chapter 2950. of the Revised Code as so changed and the 8403
duration of those duties, whether the delinquent child is 8404
classified a public registry-qualified juvenile offender 8405
registrant, and the information specified in division (B) of 8406
section 2950.03 of the Revised Code to the extent it is relevant 8407
to the offender or delinquent child; 8408

(c) The fact that the offender or delinquent child has a 8409
right to a hearing as described in division (E) of this section, 8410
the procedures for requesting the hearing, and the period of time 8411
within which the request for the hearing must be made. 8412

(d) If the offender's or delinquent child's duty to comply 8413
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 8414
Revised Code is scheduled to terminate on or after July 1, 2007, 8415
and prior to January 1, 2008, under the version of section 2950.07 8416
of the Revised Code that is in effect prior to January 1, 2008, a 8417
summary of the provisions of section 2950.033 of the Revised Code 8418
and the application of those provisions to the offender or 8419
delinquent child, provided that this division applies to a 8420
delinquent child only if the child is in a category specified in 8421
division (C) of section 2950.033 of the Revised Code. 8422

(3) The attorney general shall make the determinations 8423
described in division (A)(1) of this section for each offender or 8424
delinquent child who has registered an address as described in 8425
that division, even if the offender's duty to comply with sections 8426
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code is 8427
scheduled to terminate prior to January 1, 2008, under the version 8428
of section 2950.07 of the Revised Code that is in effect prior to 8429
that date or the delinquent child is in a category specified in 8430
division (C) of section 2950.033 of the Revised Code and the 8431
child's duty to comply with those sections is scheduled to 8432

terminate prior to January 1, 2008, under the version of section 8433
2950.07 of the Revised Code that is in effect prior to that date. 8434
The attorney general shall send the registered letter described in 8435
division (A)(2) of this section to each offender or delinquent 8436
child who has registered an address as described in that division 8437
even if the offender's duty to comply with sections 2950.04, 8438
2950.041, 2950.05, and 2950.06 of the Revised Code is scheduled to 8439
terminate prior to January 1, 2008, under the version of section 8440
2950.07 of the Revised Code that is in effect prior to that date, 8441
or the delinquent child is in a category specified in division (C) 8442
of section 2950.033 of the Revised Code, and the child's duty to 8443
comply with those sections is scheduled to terminate prior to 8444
January 1, 2008, under the version of section 2950.07 of the 8445
Revised Code that is in effect prior to that date. Section 8446
2950.033 of the Revised Code applies to any offender who has 8447
registered an address as described in division (A)(1) or (2) of 8448
this section and whose duty to comply with sections 2950.04, 8449
2950.041, 2950.05, and 2950.06 of the Revised Code is scheduled to 8450
terminate prior to January 1, 2008, under the version of section 8451
2950.07 of the Revised Code that is in effect prior to that date, 8452
or the delinquent child is in a category specified in division (C) 8453
of section 2950.033 of the Revised Code, and the child's duty to 8454
comply with those sections is scheduled to terminate prior to 8455
January 1, 2008, under the version of section 2950.07 of the 8456
Revised Code that is in effect prior to that date. 8457

(B) If a sheriff informs the attorney general pursuant to 8458
section 2950.043 of the Revised Code that an offender or 8459
delinquent child registered with the sheriff pursuant to section 8460
2950.04 or 2950.041 of the Revised Code on or after December 1, 8461
2007, that the offender or delinquent child previously had not 8462
registered under either section with that sheriff or any other 8463
sheriff, and that the offender or delinquent child was convicted 8464
of, pleaded guilty to, or was classified a juvenile offender 8465

registrant relative to the sexually oriented offense or 8466
child-victim oriented offense upon which the registration was 8467
based prior to December 1, 2007, within fourteen days after being 8468
so informed of the registration and receiving the information and 8469
material specified in division (D) of that section, the attorney 8470
general shall determine for the offender or delinquent child all 8471
of the matters specified in division (A)(1) of this section. Upon 8472
making the determinations, the attorney general immediately shall 8473
send to the offender or to the delinquent child and the delinquent 8474
child's parents a registered letter pursuant to division (A)(2) of 8475
this section that contains the information specified in that 8476
division. 8477

(C) The attorney general shall maintain the return receipts 8478
for all offenders, delinquent children, and parents of delinquent 8479
children who are sent a registered letter under division (A) or 8480
(B) of this section. For each offender, delinquent child, and 8481
parents of a delinquent child, the attorney general shall send a 8482
copy of the return receipt for the offender, delinquent child, or 8483
parents to the sheriff with whom the offender or delinquent child 8484
most recently registered a residence address and, if applicable, a 8485
school, institution of higher education, or place of employment 8486
address and to the prosecutor who handled the case in which the 8487
offender or delinquent child was convicted of, pleaded guilty to, 8488
or was adjudicated a delinquent child for committing the sexually 8489
oriented offense or child-victim oriented offense that resulted in 8490
the offender's or child's registration duty under section 2950.04 8491
or 2950.041 of the Revised Code. If a return receipt indicates 8492
that the offender, delinquent child, or parents of a delinquent 8493
child to whom the registered letter was sent does not reside or 8494
have temporary domicile at the listed address, the attorney 8495
general immediately shall provide notice of that fact to the 8496
sheriff with whom the offender or delinquent child registered that 8497
residence address. 8498

(D) The attorney general shall mail to each sheriff a list of 8499
all offenders and delinquent children who have registered a 8500
residence address or a school, institution of higher education, or 8501
place of employment address with that sheriff and to whom a 8502
registered letter is sent under division (A) or (B) of this 8503
section. The list shall specify the offender's or delinquent 8504
child's new classification as a tier I sex offender/child-victim 8505
offender, a tier II sex offender/child-victim offender, or a tier 8506
III sex offender/child-victim offender under Chapter 2950. of the 8507
Revised Code as it will exist under the changes that will be 8508
implemented on January 1, 2008, the offender's or delinquent 8509
child's duties under Chapter 2950. of the Revised Code as so 8510
changed, and, regarding a delinquent child, whether the child is a 8511
public registry-qualified juvenile offender registrant. 8512

(E) An offender or delinquent child who is in a category 8513
described in division (A)(2) or (B) of this section may request as 8514
a matter of right a court hearing to contest the application to 8515
the offender or delinquent child of the new registration 8516
requirements under Chapter 2950. of the Revised Code as it will 8517
exist under the changes that will be implemented on January 1, 8518
2008. The offender or delinquent child may contest the manner in 8519
which the letter sent to the offender or delinquent child pursuant 8520
to division (A) or (B) of this section specifies that the new 8521
registration requirements apply to the offender or delinquent 8522
child or may contest whether those new registration requirements 8523
apply at all to the offender or delinquent child. To request the 8524
hearing, the offender or delinquent child not later than the date 8525
that is sixty days after the offender or delinquent child received 8526
the registered letter sent by the attorney general pursuant to 8527
division (A)(2) of this section shall file a petition with the 8528
court specified in this division. If the offender or delinquent 8529
child resides in or is temporarily domiciled in this state and 8530
requests a hearing, the offender or delinquent child shall file 8531

the petition with, and the hearing shall be held in, the court of 8532
common pleas or, for a delinquent child, the juvenile court of the 8533
county in which the offender or delinquent child resides or 8534
temporarily is domiciled. If the offender does not reside in and 8535
is not temporarily domiciled in this state, the offender or 8536
delinquent child shall file the petition with, and the hearing 8537
shall be held in, the court of common pleas of the county in which 8538
the offender registered a school, institution of higher education, 8539
or place of employment address, but if the offender has registered 8540
addresses of that nature in more than one county, the offender may 8541
file such a petition in the court of only one of those counties. 8542

8543

If the offender or delinquent child requests a hearing by 8544
timely filing a petition with the appropriate court, the offender 8545
or delinquent child shall serve a copy of the petition on the 8546
prosecutor of the county in which the petition is filed. The 8547
prosecutor shall represent the interests of the state in the 8548
hearing. In any hearing under this division, the Rules of Civil 8549
Procedure or, if the hearing is in a juvenile court, the Rules of 8550
Juvenile Procedure apply, except to the extent that those Rules 8551
would by their nature be clearly inapplicable. The court shall 8552
schedule a hearing, and shall provide notice to the offender or 8553
delinquent child and prosecutor of the date, time, and place of 8554
the hearing. 8555

If an offender or delinquent child requests a hearing in 8556
accordance with this division, until the court issues its decision 8557
at or subsequent to the hearing, the offender or delinquent child 8558
shall comply prior to January 1, 2008, with Chapter 2950. of the 8559
Revised Code as it exists prior to that date and shall comply on 8560
and after January 1, 2008, with Chapter 2950. of the Revised Code 8561
as it will exist under the changes that will be implemented on 8562
that date. If an offender or delinquent child requests a hearing 8563

in accordance with this division, at the hearing, all parties are 8564
entitled to be heard, and the court shall consider all relevant 8565
information and testimony presented relative to the application to 8566
the offender or delinquent child of the new registration 8567
requirements under Chapter 2950. of the Revised Code as it will 8568
exist under the changes that will be implemented on January 1, 8569
2008. If, at the conclusion of the hearing, the court finds that 8570
the offender or delinquent child has proven by clear and 8571
convincing evidence that the new registration requirements do not 8572
apply to the offender or delinquent child in the manner specified 8573
in the letter sent to the offender or delinquent child pursuant to 8574
division (A) or (B) of this section, the court shall issue an 8575
order that specifies the manner in which the court has determined 8576
that the new registration requirements do apply to the offender or 8577
delinquent child. If at the conclusion of the hearing the court 8578
finds that the offender or delinquent child has proven by clear 8579
and convincing evidence that the new registration requirements do 8580
not apply to the offender or delinquent child, the court shall 8581
issue an order that specifies that the new registration 8582
requirements do not apply to the offender or delinquent child. The 8583
court promptly shall serve a copy of an order issued under this 8584
division upon the sheriff with whom the offender or delinquent 8585
child most recently registered under section 2950.04, 2950.041, or 8586
2950.05 of the Revised Code and upon the bureau of criminal 8587
identification and investigation. The offender or delinquent child 8588
and the prosecutor have the right to appeal the decision of the 8589
court issued under this division. 8590

If an offender or delinquent child fails to request a hearing 8591
in accordance with this division within the applicable sixty-day 8592
period specified in this division, the failure constitutes a 8593
waiver by the offender or delinquent child of the offender's or 8594
delinquent child's right to a hearing under this division, and the 8595
offender or delinquent child is bound by the determinations of the 8596

attorney general contained in the registered letter sent to the 8597
offender or child. 8598

If a juvenile court issues an order under division (A)(2) or 8599
(3) of section 2152.86 of the Revised Code that classifies a 8600
delinquent child a public-registry qualified juvenile offender 8601
registrant and if the child's delinquent act was committed prior 8602
to January 1, 2008, a challenge to the classification contained in 8603
the order shall be made pursuant to division (D) of section 8604
2152.86 of the Revised Code. 8605

Sec. 2950.032. (A)(1) At any time on or after July 1, 2007, 8606
and not later than December 1, 2007, the attorney general shall do 8607
all of the following: 8608

(a) For each offender who on December 1, 2007, will be 8609
serving a prison term in a state correctional institution for a 8610
sexually oriented offense or child-victim oriented offense, 8611
determine the offender's classification relative to that offense 8612
as a tier I sex offender/child-victim offender, a tier II sex 8613
offender/child-victim offender, or a tier III sex 8614
offender/child-victim offender under Chapter 2950. of the Revised 8615
Code as it will exist under the changes in that chapter that will 8616
be implemented on January 1, 2008, and the offender's duties under 8617
Chapter 2950. of the Revised Code as so changed and provide to the 8618
department of rehabilitation and correction a document that 8619
describes that classification and those duties; 8620

(b) For each delinquent child who has been classified a 8621
juvenile offender registrant relative to a sexually oriented 8622
offense or child-victim oriented offense and who on December 1, 8623
2007, will be confined in an institution of the department of 8624
youth services for the sexually oriented offense or child-victim 8625
oriented offense, determine the delinquent child's classification 8626
relative to that offense as a tier I sex offender/child-victim 8627

offender, a tier II sex offender/child-victim offender, or a tier 8628
III sex offender/child-victim offender under Chapter 2950. of the 8629
Revised Code as it will exist under the changes in that chapter 8630
that will be implemented on January 1, 2008, the delinquent 8631
child's duties under Chapter 2950. of the Revised Code as so 8632
changed, and whether the delinquent child is a public 8633
registry-qualified juvenile offender registrant and provide to the 8634
department a document that describes that classification, those 8635
duties, and whether the delinquent child is a public 8636
registry-qualified juvenile offender registrant. 8637

(c) For each offender and delinquent child described in 8638
division (A)(1)(a) or (b) of this section, determine whether the 8639
attorney general is required to send a registered letter to that 8640
offender or that delinquent child and delinquent child's parents 8641
pursuant to section 2950.031 of the Revised Code relative to the 8642
sexually oriented offense or child-victim oriented offense for 8643
which the offender or delinquent child is serving the prison term 8644
or is confined and, if the attorney general is required to send 8645
such a letter to that offender or that delinquent child and 8646
delinquent child's parents relative to that offense, include in 8647
the document provided to the department of rehabilitation and 8648
correction or the department of youth services under division 8649
(A)(1)(a) or (b) of this section a conspicuous notice that the 8650
attorney general will be sending the offender or delinquent child 8651
and delinquent child's parent the registered letter and that the 8652
department is not required to provide to the offender or 8653
delinquent child the written notice described in division (A)(2) 8654
of this section. 8655

(2) At any time on or after July 1, 2007, and not later than 8656
December 1, 2007, except as otherwise described in this division, 8657
the department of rehabilitation and correction shall provide to 8658
each offender described in division (A)(1)(a) of this section and 8659

the department of youth services shall provide to each delinquent 8660
child described in division (A)(1)(b) of this section and to the 8661
delinquent child's parents a written notice that contains the 8662
information described in this division. The department of 8663
rehabilitation and correction and the department of youth services 8664
are not required to provide the written notice to an offender or a 8665
delinquent child and the delinquent child's parents if the 8666
attorney general included in the document provided to the 8667
particular department under division (A)(1)(a) or (b) of this 8668
section notice that the attorney general will be sending that 8669
offender or that delinquent child and the delinquent child's 8670
parents a registered letter and that the department is not 8671
required to provide to that offender or that delinquent child and 8672
parents the written notice. The written notice provided to an 8673
offender or a delinquent child and the delinquent child's parents 8674
pursuant to this division shall notify the offender or delinquent 8675
child of all of the following: 8676

(a) The changes in Chapter 2950. of the Revised Code that 8677
will be implemented on January 1, 2008; 8678

(b) Subject to division (A)(2)(c) of this section, the 8679
offender's or delinquent child's classification as a tier I sex 8680
offender/child-victim offender, a tier II sex 8681
offender/child-victim offender, or a tier III sex 8682
offender/child-victim offender under Chapter 2950. of the Revised 8683
Code as it will exist under the changes that will be implemented 8684
on January 1, 2008, the offender's or delinquent child's duties 8685
under Chapter 2950. of the Revised Code as so changed and the 8686
duration of those duties, whether the delinquent child is 8687
classified a public registry-qualified juvenile offender 8688
registrant, and the information specified in division (B) of 8689
section 2950.03 of the Revised Code to the extent it is relevant 8690
to the offender or delinquent child; 8691

(c) The fact that the offender or delinquent child has a 8692
right to a hearing as described in division (E) of this section, 8693
the procedures for requesting the hearing, and the period of time 8694
within which the request for the hearing must be made; 8695

(d) If the offender's or delinquent child's duty to comply 8696
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 8697
Revised Code is scheduled to terminate on or after July 1, 2007, 8698
and prior to January 1, 2008, under the version of section 2950.07 8699
of the Revised Code that is in effect prior to January 1, 2008, a 8700
summary of the provisions of section 2950.033 of the Revised Code 8701
and the application of those provisions to the offender or 8702
delinquent child, provided that this division applies regarding a 8703
delinquent child only if the child is in a category specified in 8704
division (A) of section 2950.033 of the Revised Code. 8705

(3) The attorney general shall make the determinations 8706
described in divisions (A)(1)(a) and (b) of this section for each 8707
offender or delinquent child who is described in either of those 8708
divisions even if the offender's duty to comply with sections 8709
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code is 8710
scheduled to terminate prior to January 1, 2008, under the version 8711
of section 2950.07 of the Revised Code that is in effect prior to 8712
that date, or the delinquent child is in a category specified in 8713
division (C) of section 2950.033 of the Revised Code, and the 8714
child's duty to comply with those sections is scheduled to 8715
terminate prior to January 1, 2008, under the version of section 8716
2950.07 of the Revised Code that is in effect prior to that date. 8717
The department of rehabilitation and correction shall provide to 8718
each offender described in division (A)(1)(a) of this section and 8719
the department of youth services shall provide to each delinquent 8720
child described in division (A)(1)(b) of this section the notice 8721
described in division (A)(2) of this section, even if the 8722
offender's duty to comply with sections 2950.04, 2950.041, 8723

2950.05, and 2950.06 of the Revised Code is scheduled to terminate 8724
prior to January 1, 2008, under the version of section 2950.07 of 8725
the Revised Code that is in effect prior to that date, or the 8726
delinquent child is in a category specified in division (C) of 8727
section 2950.033 of the Revised Code, and the child's duty to 8728
comply with those sections is scheduled to terminate prior to 8729
January 1, 2008, under the version of section 2950.07 of the 8730
Revised Code that is in effect prior to that date. Section 8731
2950.033 of the Revised Code applies regarding any offender 8732
described in division (A)(1)(a) or (b) of this section whose duty 8733
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 8734
the Revised Code is scheduled to terminate prior to January 1, 8735
2008, under the version of section 2950.07 of the Revised Code 8736
that is in effect prior to that date and any delinquent child who 8737
is in a category specified in division (A) of section 2950.033 of 8738
the Revised Code and whose duty to comply with those sections is 8739
scheduled to terminate prior to January 1, 2008, under the version 8740
of section 2950.07 of the Revised Code that is in effect prior to 8741
that date. 8742

(B) If on or after December 2, 2007, an offender commences a 8743
prison term in a state correctional institution or a delinquent 8744
child commences confinement in an institution of the department of 8745
youth services for a sexually oriented offense or a child-victim 8746
oriented offense and if the offender or delinquent child was 8747
convicted of, pleaded guilty to, or was classified a juvenile 8748
offender registrant relative to the sexually oriented offense or 8749
child-victim oriented offense on or before that date, as soon as 8750
practicable, the department of rehabilitation and correction or 8751
the department of youth services, as applicable, shall contact the 8752
attorney general, inform the attorney general of the commencement 8753
of the prison term or institutionalization, and forward to the 8754
attorney general information and material that identifies the 8755
offender or delinquent child and that describes the sexually 8756

oriented offense resulting in the prison term or 8757
institutionalization, the facts and circumstances of it, and the 8758
offender's or delinquent child's criminal or delinquency history. 8759
Within fourteen days after being so informed of the commencement 8760
of the prison term or institutionalization and receiving the 8761
information and material specified in this division, the attorney 8762
general shall determine for the offender or delinquent child all 8763
of the matters specified in division (A)(1)(a), (b), or (c) of 8764
this section and immediately provide to the appropriate department 8765
a document that describes the offender's or delinquent child's 8766
classification and duties as so determined. 8767

Upon receipt from the attorney general of a document 8768
described in this division that pertains to an offender or 8769
delinquent child, the department of rehabilitation and correction 8770
shall provide to the offender or the department of youth services 8771
shall provide to the delinquent child, as applicable, a written 8772
notice that contains the information specified in division (A)(2) 8773
of this section. 8774

(C) If, on or after July 1, 2007, and prior to January 1, 8775
2008, an offender is convicted of or pleads guilty to a sexually 8776
oriented offense or a child-victim oriented offense and the court 8777
does not sentence the offender to a prison term for that offense 8778
or if, on or after July 1, 2007, and prior to January 1, 2008, a 8779
delinquent child is classified a juvenile offender registrant 8780
relative to a sexually oriented offense or a child-victim oriented 8781
offense and the juvenile court does not commit the child to the 8782
custody of the department of youth services for that offense, the 8783
court at the time of sentencing or the juvenile court at the time 8784
specified in division (B) of section 2152.82, division (C) of 8785
section 2152.83, division (C) of section 2152.84, division (E) of 8786
section 2152.85, or division (A) of section 2152.86 of the Revised 8787
Code, whichever is applicable, shall do all of the following: 8788

(1) Provide the offender or the delinquent child and the delinquent child's parents with the notices required under section 2950.03 of the Revised Code, as it exists prior to January 1, 2008, regarding the offender's or delinquent child's duties under this chapter as it exists prior to that date;

(2) Provide the offender or the delinquent child and the delinquent child's parents with a written notice that contains the information specified in divisions (A)(2)(a) and (b) of this section;

(3) Provide the offender or the delinquent child and the delinquent child's parents a written notice that clearly indicates that the offender or delinquent child is required to comply with the duties described in the notice provided under division (C)(1) of this section until January 1, 2008, and will be required to comply with the duties described in the notice provided under division (C)(2) of this section on and after that date.

(D)(1) Except as otherwise provided in this division, the officer or employee of the department of rehabilitation and correction or the department of youth services who provides an offender or a delinquent child and the delinquent child's parents with the notices described in division (A)(2) or (B) of this section shall require the offender or delinquent child to read and sign a form stating that the changes in Chapter 2950. of the Revised Code that will be implemented on January 1, 2008, the offender's or delinquent child's classification as a tier I sex offender, a tier II sex offender, or a tier III sex offender, the offender's or delinquent child's duties under Chapter 2950. of the Revised Code as so changed and the duration of those duties, the delinquent child's classification as a public registry-qualified juvenile offender registrant if applicable, the information specified in division (B) of section 2950.03 of the Revised Code to the extent it is relevant to the offender or delinquent child,

and the right to a hearing, procedures for requesting the hearing, 8821
and period of time within which the request for the hearing must 8822
be made have been explained to the offender or delinquent child. 8823

Except as otherwise provided in this division, the judge who 8824
provides an offender or delinquent child with the notices 8825
described in division (C) of this section shall require the 8826
offender or delinquent child to read and sign a form stating that 8827
all of the information described in divisions (C)(1) to (3) of 8828
this section has been explained to the offender or delinquent 8829
child. 8830

If the offender or delinquent child is unable to read, the 8831
official, employee, or judge shall certify on the form that the 8832
official, employee, or judge specifically informed the offender or 8833
delinquent child of all of that information and that the offender 8834
or delinquent child indicated an understanding of it. 8835

(2) After an offender or delinquent child has signed the form 8836
described in division (D)(1) of this section or the official, 8837
employee, or judge has certified on the form that the form has 8838
been explained to the offender or delinquent child and that the 8839
offender or delinquent child indicated an understanding of the 8840
specified information, the official, employee, or judge shall give 8841
one copy of the form to the offender or delinquent child, within 8842
three days shall send one copy of the form to the bureau of 8843
criminal identification and investigation in accordance with the 8844
procedures adopted pursuant to section 2950.13 of the Revised 8845
Code, and shall send one copy of the form to the sheriff of the 8846
county in which the offender or delinquent child expects to reside 8847
and one copy to the prosecutor who handled the case in which the 8848
offender or delinquent child was convicted of, pleaded guilty to, 8849
or was adjudicated a delinquent child for committing the sexually 8850
oriented offense or child-victim oriented offense that resulted in 8851
the offender's or child's registration duty under section 2950.04 8852

or 2950.041 of the Revised Code. 8853

(E) An offender or delinquent child who is provided a notice 8854
under division (A)(2) or (B) of this section may request as a 8855
matter of right a court hearing to contest the application to the 8856
offender or delinquent child of the new registration requirements 8857
under Chapter 2950. of the Revised Code as it will exist under the 8858
changes that will be implemented on January 1, 2008. The offender 8859
or delinquent child may contest the matters that are identified in 8860
division (E) of section 2950.031 of the Revised Code. To request 8861
the hearing, an offender or delinquent child who is provided a 8862
notice under division (A)(2) of this section shall file a petition 8863
with the appropriate court not later than the date that is sixty 8864
days after the offender or delinquent child is provided the notice 8865
under that division, and an offender or delinquent child who is 8866
provided a notice under division (B) of this section shall file a 8867
petition with the appropriate court not later than the date that 8868
is sixty days after the offender or delinquent child is provided 8869
the notice under that division. The request for the hearing shall 8870
be made in the manner and with the court specified in division (E) 8871
of section 2950.031 of the Revised Code, and, except as otherwise 8872
provided in this division, the provisions of that division 8873
regarding the service of process and notice regarding the hearing, 8874
the conduct of the hearing, the determinations to be made at the 8875
hearing, and appeals of those determinations also apply to a 8876
hearing requested under this division. If a hearing is requested 8877
as described in this division, the offender or delinquent child 8878
shall appear at the hearing by video conferencing equipment if 8879
available and compatible, except that, upon the court's own motion 8880
or the motion of the offender or delinquent child or the 8881
prosecutor representing the interests of the state and a 8882
determination by the court that the interests of justice require 8883
that the offender or delinquent child be present, the court may 8884
permit the offender or delinquent child to be physically present 8885

at the hearing. An appearance by video conferencing equipment 8886
pursuant to this division has the same force and effect as if the 8887
offender or delinquent child were physically present at the 8888
hearing. The provisions of division (E) of section 2950.031 of the 8889
Revised Code regarding the effect of a failure to timely request a 8890
hearing also apply to a failure to timely request a hearing under 8891
this division. 8892

If a juvenile court issues an order under division (A)(2) or 8893
(3) of section 2152.86 of the Revised Code that classifies a 8894
delinquent child a public-registry qualified juvenile offender 8895
registrant and if the child's delinquent act was committed prior 8896
to January 1, 2008, a challenge to the classification contained in 8897
the order shall be made pursuant to division (D) of section 8898
2152.86 of the Revised Code. 8899

Sec. 2950.033. (A) If, on or before July 1, 2007, an offender 8900
who has been convicted of or pleaded guilty to a sexually oriented 8901
offense or a child-victim oriented offense or a delinquent child 8902
in a category specified in division (C) of this section has a duty 8903
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 8904
the Revised Code based on that offense and if the offender's or 8905
delinquent child's duty to comply with those sections based on 8906
that offense is scheduled to terminate on or after July 1, 2007, 8907
and prior to January 1, 2008, under the version of section 2950.07 8908
of the Revised Code that is in effect prior to January 1, 2008, 8909
notwithstanding that scheduled termination of those duties, the 8910
offender's or delinquent child's duties under those sections shall 8911
not terminate as scheduled and shall remain in effect for the 8912
following period of time: 8913

(1) If the offender or delinquent child is in a category 8914
described in division (A)(1) of section 2950.031 of the Revised 8915
Code, receives a registered letter from the attorney general 8916

pursuant to division (A)(2) of that section, and timely requests a 8917
hearing in accordance with division (E) of that section to contest 8918
the application to the offender or delinquent child of the new 8919
registration requirements under Chapter 2950. of the Revised Code 8920
as it will exist under the changes that will be implemented on 8921
January 1, 2008, or the tier classification of the offender or 8922
delinquent child specified by the attorney general, the offender's 8923
or delinquent child's duty to comply with sections 2950.04, 8924
2950.041, 2950.05, and 2950.06 of the Revised Code shall continue 8925
at least until the court issues its decision at or subsequent to 8926
the hearing. The offender's or delinquent child's duty to comply 8927
with those sections shall continue in accordance with, and for the 8928
duration specified in, the determinations of the attorney general 8929
that are specified in the registered letter the offender or 8930
delinquent child received from the attorney general, unless the 8931
court's decision terminates the offender's or delinquent child's 8932
duty to comply with those sections or provides a different 8933
duration for which the offender or delinquent child has a duty to 8934
comply with them. 8935

(2) If the offender or delinquent child is in a category 8936
described in division (A)(1) of section 2950.031 of the Revised 8937
Code, receives a registered letter from the attorney general 8938
pursuant to division (A)(2) of that section, and does not timely 8939
request a hearing in accordance with division (E) of that section 8940
to contest the application to the offender or delinquent child of 8941
the new registration requirements under Chapter 2950. of the 8942
Revised Code as it will exist under the changes that will be 8943
implemented on January 1, 2008, or the tier classification of the 8944
offender or delinquent child specified by the attorney general, 8945
the offender's or delinquent child's duty to comply with sections 8946
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code shall 8947
continue in accordance with, and for the duration specified in, 8948
the determinations of the attorney general that are specified in 8949

the registered letter the offender or delinquent child received 8950
from the attorney general. 8951

(3) If the offender or delinquent child is in a category 8952
described in division (A)(1)(a) or (b) of section 2950.032 of the 8953
Revised Code, receives a notice from the department of 8954
rehabilitation and correction or department of youth services 8955
pursuant to division (A)(2) of that section, and timely requests a 8956
hearing in accordance with division (E) of that section to contest 8957
the application to the offender or delinquent child of the new 8958
registration requirements under Chapter 2950. of the Revised Code 8959
as it will exist under the changes that will be implemented on 8960
January 1, 2008, or the tier classification of the delinquent 8961
child specified by the attorney general the offender's or 8962
delinquent child's duty to comply with sections 2950.04, 2950.041, 8963
2950.05, and 2950.06 of the Revised Code shall continue in the 8964
same manner and for the same duration as is described in division 8965
(A)(1) of this section regarding offenders and delinquent children 8966
in a category described in division (A)(1) of section 2950.031 of 8967
the Revised Code, who receive a registered letter from the 8968
attorney general pursuant to division (A)(2) of that section, and 8969
who timely request a hearing in accordance with division (E) of 8970
that section. 8971

(4) If the offender or delinquent child is in a category 8972
described in division (A)(1)(a) or (b) of section 2950.032 of the 8973
Revised Code, receives a notice from the department of 8974
rehabilitation and correction or department of youth services 8975
pursuant to division (A)(2) of that section, and does not timely 8976
request a hearing in accordance with division (E) of that section 8977
to contest the application to the offender or delinquent child of 8978
the new registration requirements under Chapter 2950. of the 8979
Revised Code as it will exist under the changes that will be 8980
implemented on January 1, 2008, or the tier classification of the 8981

delinquent child specified by the attorney general the offender's 8982
or delinquent child's duty to comply with sections 2950.04, 8983
2950.041, 2950.05, and 2950.06 of the Revised Code shall continue 8984
in the same manner and for the same duration as is described in 8985
division (A)(2) of this section regarding offenders and delinquent 8986
children in a category described in division (A)(1) of section 8987
2950.031 of the Revised Code, who receive a registered letter from 8988
the attorney general pursuant to division (A)(2) of that section, 8989
and who do not timely request a hearing in accordance with 8990
division (E) of that section. 8991

(5) If the offender or delinquent child is in a category 8992
described in division (A)(1) of section 2950.031 of the Revised 8993
Code but does not receive a registered letter from the attorney 8994
general pursuant to division (A)(2) of that section, or if the 8995
offender or delinquent child is in a category described in 8996
division (A)(1)(a) or (b) of section 2950.032 of the Revised Code 8997
but does not receive a notice from the department of 8998
rehabilitation and correction or department of youth services 8999
pursuant to division (A)(2) of that section, notwithstanding the 9000
failure of the offender or delinquent child to receive the 9001
registered letter or the notice, the offender's or delinquent 9002
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 9003
and 2950.06 of the Revised Code shall continue in accordance with, 9004
and for the duration specified in, the provisions of Chapter 2950. 9005
of the Revised Code as they will exist under the changes to the 9006
provisions that will be implemented on January 1, 2008. 9007

(B) An offender or a delinquent child in a category specified 9008
in division (C) of this section who, on or before July 1, 2007, 9009
has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 9010
2950.06 of the Revised Code based on a conviction of, plea of 9011
guilty to, or adjudication as a delinquent child for committing a 9012
sexually oriented offense or a child-victim oriented offense and 9013

whose duty to comply with those sections is scheduled to terminate 9014
on or after July 1, 2007, and prior to January 1, 2008, under the 9015
version of section 2950.07 of the Revised Code that is in effect 9016
prior to January 1, 2008, is presumed to have knowledge of the 9017
law, the content of division (A) of this section and its 9018
application to the offender or delinquent child, and the 9019
offender's or delinquent child's duties under Chapter 2950. of the 9020
Revised Code as it will exist under the changes that will be 9021
implemented on January 1, 2008. Any failure of any such offender 9022
or delinquent child to receive a registered letter from the 9023
attorney general pursuant to division (A)(2) of section 2950.031 9024
of the Revised Code or to receive a written notice from the 9025
department of rehabilitation and correction or department of youth 9026
services pursuant to division (A)(2) of section 2950.032 of the 9027
Revised Code does not negate, limit, or modify the presumption 9028
specified in this division. 9029

(C) Divisions (A) and (B) of this section apply to a person 9030
who is adjudicated a delinquent child for committing a sexually 9031
oriented offense or child-victim oriented offense only if the 9032
person is so adjudicated prior to January 1, 2008, and, under the 9033
version of section 2950.01 of the Revised Code that is to take 9034
effect on January 1, 2008, will be a public registry-qualified 9035
juvenile offender registrant relative to that offense. 9036

Sec. 2950.031 2950.034. (A) No person who has been convicted 9037
of, is convicted of, has pleaded guilty to, or pleads guilty to 9038
~~either a sexually oriented offense that is not a~~ 9039
~~registration-exempt sexually oriented offense~~ or a child-victim 9040
oriented offense shall establish a residence or occupy residential 9041
premises within one thousand feet of any school premises or 9042
preschool or child day-care center premises. 9043

(B) If a person to whom division (A) of this section applies 9044

violates division (A) of this section by establishing a residence 9045
or occupying residential premises within one thousand feet of any 9046
school premises or preschool or child day-care center premises, an 9047
owner or lessee of real property that is located within one 9048
thousand feet of those school premises or preschool or child 9049
day-care center premises, or the prosecuting attorney, village 9050
solicitor, city or township director of law, similar chief legal 9051
officer of a municipal corporation or township, or official 9052
designated as a prosecutor in a municipal corporation that has 9053
jurisdiction over the place at which the person establishes the 9054
residence or occupies the residential premises in question, has a 9055
cause of action for injunctive relief against the person. The 9056
plaintiff shall not be required to prove irreparable harm in order 9057
to obtain the relief. 9058

(C) As used in this section: 9059

(1) "Child day-care center" has the same meaning as in 9060
section 5104.01 of the Revised Code. 9061

(2) "Preschool" means any public or private institution or 9062
center that provides early childhood instructional or educational 9063
services to children who are at least three years of age but less 9064
than six years of age and who are not enrolled in or are not 9065
eligible to be enrolled in kindergarten, whether or not those 9066
services are provided in a child day-care setting. "Preschool" 9067
does not include any place that is the permanent residence of the 9068
person who is providing the early childhood instructional or 9069
educational services to the children described in this division. 9070

(3) "Preschool or child day-care center premises" means all 9071
of the following: 9072

(a) Any building in which any preschool or child day-care 9073
center activities are conducted if the building has signage that 9074
indicates that the building houses a preschool or child day-care 9075

center, is clearly visible and discernable without obstruction, 9076
and meets any local zoning ordinances which may apply; 9077

(b) The parcel of real property on which a preschool or child 9078
day-care center is situated if the parcel of real property has 9079
signage that indicates that a preschool or child day-care center 9080
is situated on the parcel, is clearly visible and discernable 9081
without obstruction, and meets any local zoning ordinances which 9082
may apply; 9083

(c) Any grounds, play areas, and other facilities of a 9084
preschool or child day-care center that are regularly used by the 9085
children served by the preschool or child day-care center if the 9086
grounds, play areas, or other facilities have signage that 9087
indicates that they are regularly used by children served by the 9088
preschool or child day-care center, is clearly visible and 9089
discernable without obstruction, and meets any local zoning 9090
ordinances which may apply. 9091

Sec. 2950.04. (A)(1) Each of the following types of (a) 9092
Immediately after a sentencing hearing is held on or after January 9093
1, 2008, for an offender who is convicted of or pleads guilty to a 9094
sexually oriented offense and is sentenced to a prison term, a 9095
term of imprisonment, or any other type of confinement and before 9096
the offender is transferred to the custody of the department of 9097
rehabilitation and correction or to the official in charge of the 9098
jail, workhouse, state correctional institution, or other 9099
institution where the offender will be confined, the offender 9100
shall register personally with the sheriff, or the sheriff's 9101
designee, of the county in which the offender was convicted of or 9102
pleaded guilty to the sexually oriented offense. 9103

(b) Immediately after a dispositional hearing is held on or 9104
after January 1, 2008, for a child who is adjudicated a delinquent 9105
child for committing a sexually oriented offense, is classified a 9106

juvenile offender registrant based on that adjudication, and is 9107
committed to the custody of the department of youth services or to 9108
a secure facility that is not operated by the department and 9109
before the child is transferred to the custody of the department 9110
of youth services or the secure facility to which the delinquent 9111
child is committed, the delinquent child shall register personally 9112
with the sheriff, or the sheriff's designee, of the county in 9113
which the delinquent child was classified a juvenile offender 9114
registrant based on that sexually oriented offense. 9115

(c) A law enforcement officer shall be present at the 9116
sentencing hearing or dispositional hearing described in division 9117
(A)(1)(a) or (b) of this section to immediately transport the 9118
offender or delinquent child who is the subject of the hearing to 9119
the sheriff, or the sheriff's designee, of the county in which the 9120
offender or delinquent child is convicted, pleads guilty, or is 9121
adjudicated a delinquent child. 9122

(d) After an offender who has registered pursuant to division 9123
(A)(1)(a) of this section is released from a prison term, a term 9124
of imprisonment, or any other type of confinement, the offender 9125
shall register as provided in division (A)(2) of this section. 9126
After a delinquent child who has registered pursuant to division 9127
(A)(1)(b) of this section is released from the custody of the 9128
department of youth services or from a secure facility that is not 9129
operated by the department, the delinquent child shall register as 9130
provided in division (A)(3) of this section. 9131

(2) Regardless of when the sexually oriented offense was 9132
committed, each offender who is convicted of ~~or~~, pleads guilty to, 9133
~~or~~ has been convicted of, or has pleaded guilty to, a sexually 9134
oriented offense ~~that is not a registration exempt sexually~~ 9135
~~oriented offense~~ shall comply with the following registration 9136
requirements described in divisions (A)(2)(a), (b), (c), (d), and 9137
(e) of this section: 9138

(a) The offender shall register personally with the sheriff,
or the sheriff's designee, of the county within ~~five~~ three days of
the offender's coming into a county in which the offender resides
or temporarily is domiciled for more than ~~five~~ three days~~7.~~

9139
9140
9141
9142
9143

(b) The offender shall register personally with the sheriff,
or the sheriff's designee, of the county immediately upon coming
into a county in which the offender attends a school or
institution of higher education on a full-time or part-time basis
regardless of whether the offender resides or has a temporary
domicile in this state or another state~~7.~~

9144
9145
9146
9147
9148
9149

(c) The offender shall register personally with the sheriff,
or the sheriff's designee, of the county in which the offender is
employed if the offender resides or has a temporary domicile in
this state and has been employed in that county for more than
~~fourteen~~ three days or for an aggregate period of ~~thirty~~ fourteen
or more days in that calendar year~~7.~~

9150
9151
9152
9153
9154
9155

(d) The offender shall register personally with the sheriff,
or the sheriff's designee, of the county in which the offender
then is employed if the offender does not reside or have a
temporary domicile in this state and has been employed at any
location or locations in this state more than ~~fourteen~~ three days
or for an aggregate period of ~~thirty~~ fourteen or more days in that
calendar year~~7, and.~~

9156
9157
9158
9159
9160
9161
9162

(e) The offender shall register with the sheriff, or the
sheriff's designee, or other appropriate person of the other state
immediately upon entering into any state other than this state in
which the offender attends a school or institution of higher
education on a full-time or part-time basis or upon being employed
in any state other than this state for more than ~~fourteen~~ three
days or for an aggregate period of ~~thirty~~ fourteen or more days in
that calendar year regardless of whether the offender resides or

9163
9164
9165
9166
9167
9168
9169
9170

has a temporary domicile in this state, the other state, or a 9171
different state+ 9172

~~(a) Regardless of when the sexually oriented offense was 9173
committed, an offender who is sentenced for the sexually oriented 9174
offense to a prison term, a term of imprisonment, or any other 9175
type of confinement and, on or after July 1, 1997, is released in 9176
any manner from the prison term, term of imprisonment, or 9177
confinement; 9178~~

~~(b) Regardless of when the sexually oriented offense was 9179
committed, an offender who is sentenced for a sexually oriented 9180
offense on or after July 1, 1997, and to whom division (A)(1)(a) 9181
of this section does not apply; 9182~~

~~(c) If the sexually oriented offense was committed prior to 9183
July 1, 1997, and neither division (A)(1)(a) nor division 9184
(A)(1)(b) of this section applies, an offender who, immediately 9185
prior to July 1, 1997, was a habitual sex offender who was 9186
required to register under Chapter 2950. of the Revised Code. 9187~~

~~(2)(3)(a) Each child who is adjudicated a delinquent child 9188
for committing a sexually oriented offense that is not a 9189
registration exempt sexually oriented offense and who is 9190
classified a juvenile offender registrant based on that 9191
adjudication shall register personally with the sheriff, or the 9192
sheriff's designee, of the county within ~~five~~ three days of the 9193
delinquent child's coming into a county in which the delinquent 9194
child resides or temporarily is domiciled for more than ~~five~~ three 9195
days. ~~If~~ 9196~~

(b) In addition to the registration duty imposed under 9197
division (A)(3)(a) of this section, each public registry-qualified 9198
juvenile offender registrant shall comply with the following 9199
additional registration requirements: 9200

(i) The public registry-qualified juvenile offender 9201

registrant shall register personally with the sheriff, or the 9202
sheriff's designee, of the county immediately upon coming into a 9203
county in which the registrant attends a school or institution of 9204
higher education on a full-time or part-time basis regardless of 9205
whether the registrant resides or has a temporary domicile in this 9206
state or another state. 9207

(ii) The public registry-qualified juvenile offender 9208
registrant shall register personally with the sheriff, or the 9209
sheriff's designee, of the county in which the registrant is 9210
employed if the registrant resides or has a temporary domicile in 9211
this state and has been employed in that county for more than 9212
three days or for an aggregate period of fourteen or more days in 9213
that calendar year. 9214

(iii) The public registry-qualified juvenile offender 9215
registrant shall register personally with the sheriff, or the 9216
sheriff's designee, of the county in which the registrant then is 9217
employed if the registrant does not reside or have a temporary 9218
domicile in this state and has been employed at any location or 9219
locations in this state more than three days or for an aggregate 9220
period of fourteen or more days in that calendar year. 9221

(iv) The public registry-qualified juvenile offender 9222
registrant shall register with the sheriff, or the sheriff's 9223
designee, or other appropriate person of the other state 9224
immediately upon entering into any state other than this state in 9225
which the registrant attends a school or institution of higher 9226
education on a full-time or part-time basis or upon being employed 9227
in any state other than this state for more than three days or for 9228
an aggregate period of fourteen or more days in that calendar year 9229
regardless of whether the registrant resides or has a temporary 9230
domicile in this state, the other state, or a different state. 9231

9232

(c) If the delinquent child is committed for the sexually 9233

oriented offense ~~that is not a registration exempt sexually~~ 9234
~~oriented offense~~ to the department of youth services or to a 9235
secure facility that is not operated by the department, this duty 9236
begins when the delinquent child is discharged or released in any 9237
manner from custody in a department of youth services secure 9238
facility or from the secure facility that is not operated by the 9239
department, if pursuant to the discharge or release the delinquent 9240
child is not committed to any other secure facility of the 9241
department or any other secure facility. ~~The delinquent child does~~ 9242
~~not have a duty to register under this division while the child is~~ 9243
~~in a department of youth services secure facility or in a secure~~ 9244
~~facility that is not operated by the department.~~ 9245

~~(3) If divisions (A)(1) and (2) of this section do not apply,~~ 9246
~~each following type of offender and each following type of~~ 9247
~~delinquent child shall register personally with the sheriff of the~~ 9248
~~county within five days of the offender's or delinquent child's~~ 9249
~~coming into a county in which the offender or delinquent child~~ 9250
~~resides or temporarily is domiciled for more than five days, and~~ 9251
~~each following type of offender shall register personally with the~~ 9252
~~sheriff of the county immediately upon coming into a county in~~ 9253
~~which the offender attends a school or institution of higher~~ 9254
~~education on a full-time or part-time basis regardless of whether~~ 9255
~~the offender resides or has a temporary domicile in this state or~~ 9256
~~another state, shall register personally with the sheriff of the~~ 9257
~~county in which the offender is employed if the offender resides~~ 9258
~~or has a temporary domicile in this state and has been employed in~~ 9259
~~that county for more than fourteen days or for an aggregate period~~ 9260
~~of thirty days or more in that calendar year, and shall register~~ 9261
~~personally with the sheriff of the county in which the offender~~ 9262
~~then is employed if the offender does not reside or have a~~ 9263
~~temporary domicile in this state and has been employed at any~~ 9264
~~location or locations in this state for more than fourteen days or~~ 9265
~~for an aggregate period of thirty or more days in that calendar~~ 9266

year: 9267

~~(a)(4)~~ Regardless of when the sexually oriented offense was 9268
committed, a each person who is convicted, pleads guilty, or is 9269
adjudicated a delinquent child in a court in another state, in a 9270
federal court, military court, or Indian tribal court, or in a 9271
court in any nation other than the United States for committing a 9272
sexually oriented offense ~~that is not a registration-exempt~~ 9273
~~sexually oriented offense, if, on or after July 1, 1997, for~~ 9274
~~offenders, or January 1, 2002, for delinquent children, the~~ 9275
~~offender or delinquent child moves to and resides in this state or~~ 9276
~~temporarily is domiciled in this state for more than five days,~~ 9277
~~the offender enters this state to attend any school or institution~~ 9278
~~of higher education on a full time or part time basis, or the~~ 9279
~~offender is employed in this state for more than fourteen days or~~ 9280
~~for an aggregate period of thirty or more days in any calendar~~ 9281
~~year, and shall comply with the following registration~~ 9282
requirements if, at the time the offender or delinquent child 9283
moves to and resides in this state or temporarily is domiciled in 9284
this state for more than ~~five~~ three days, the offender or public 9285
registry-qualified juvenile offender registrant enters this state 9286
to attend ~~the~~ a school or institution of higher education, or the 9287
offender or public registry-qualified juvenile offender registrant 9288
is employed in this state for more than the specified period of 9289
time, the offender or delinquent child has a duty to register as a 9290
sex offender or child-victim offender under the law of that other 9291
jurisdiction as a result of the conviction, guilty plea, or 9292
adjudication: 9293

(a) Each offender and delinquent child shall register 9294
personally with the sheriff, or the sheriff's designee, of the 9295
county within three days of the offender's or delinquent child's 9296
coming into the county in which the offender or delinquent child 9297
resides or temporarily is domiciled for more than three days. 9298

(b) Each offender or public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county immediately upon coming into a county in which the offender or public registry-qualified juvenile offender registrant attends a school or institution of higher education on a full-time or part-time basis regardless of whether the offender or public registry-qualified juvenile offender registrant resides or has a temporary domicile in this state or another state.

(c) Each offender or public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender or public registry-qualified juvenile offender registrant is employed if the offender resides or has a temporary domicile in this state and has been employed in that county for more than three days or for an aggregate period of fourteen days or more in that calendar year.

(d) Each offender or public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender or public registry-qualified juvenile offender registrant then is employed if the offender or public registry-qualified juvenile offender registrant does not reside or have a temporary domicile in this state and has been employed at any location or locations in this state for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(5) An offender or a delinquent child who is a public registry-qualified juvenile offender registrant is not required to register under division (A)(2), (3), or (4) of this section if a court issues an order terminating the offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to section 2950.15 of the

Revised Code. A delinquent child who is a juvenile offender 9331
registrant but is not a public registry-qualified juvenile 9332
offender registrant is not required to register under any of those 9333
divisions if a juvenile court issues an order declassifying the 9334
delinquent child as a juvenile offender registrant pursuant to 9335
section 2152.84 or 2152.85 of the Revised Code. 9336

~~(b) Regardless of when the sexually oriented offense was~~ 9337
~~committed, a person who is convicted of, pleads guilty to, or is~~ 9338
~~adjudicated a delinquent child in a court in another state, in a~~ 9339
~~federal court, military court, or Indian tribal court, or in a~~ 9340
~~court in any nation other than the United States for committing a~~ 9341
~~sexually oriented offense that is not a registration-exempt~~ 9342
~~sexually oriented offense, if, on or after July 1, 1997, for~~ 9343
~~offenders, or January 1, 2002, for delinquent children, the~~ 9344
~~offender or delinquent child is released from imprisonment,~~ 9345
~~confinement, or detention imposed for that offense, and if, on or~~ 9346
~~after July 1, 1997, for offenders, or January 1, 2002, for~~ 9347
~~delinquent children, the offender or delinquent child moves to and~~ 9348
~~resides in this state or temporarily is domiciled in this state~~ 9349
~~for more than five days, the offender enters this state to attend~~ 9350
~~any school or institution of higher education on a full-time or~~ 9351
~~part-time basis, or the offender is employed in this state for~~ 9352
~~more than fourteen days or for an aggregate period of thirty or~~ 9353
~~more days in any calendar year. The duty to register as described~~ 9354
~~in this division applies to an offender regardless of whether the~~ 9355
~~offender, at the time of moving to and residing in this state or~~ 9356
~~temporarily being domiciled in this state for more than five days,~~ 9357
~~at the time of entering into this state to attend the school or~~ 9358
~~institution of higher education, or at the time of being employed~~ 9359
~~in this state for the specified period of time, has a duty to~~ 9360
~~register as a sex offender or child victim offender under the law~~ 9361
~~of the jurisdiction in which the conviction or guilty plea~~ 9362
~~occurred. The duty to register as described in this division~~ 9363

~~applies to a delinquent child only if the delinquent child, at the~~ 9364
~~time of moving to and residing in this state or temporarily being~~ 9365
~~domiciled in this state for more than five days, has a duty to~~ 9366
~~register as a sex offender or child victim offender under the law~~ 9367
~~of the jurisdiction in which the delinquent child adjudication~~ 9368
~~occurred or if, had the delinquent child adjudication occurred in~~ 9369
~~this state, the adjudicating juvenile court judge would have been~~ 9370
~~required to issue an order classifying the delinquent child as a~~ 9371
~~juvenile offender registrant pursuant to section 2152.82 or~~ 9372
~~division (A) of section 2152.83 of the Revised Code.~~ 9373

~~(4) If neither division (A)(1), (2), nor (3) of this section~~ 9374
~~applies and if the offender is adjudicated a sexual predator under~~ 9375
~~division (C) of section 2950.09 of the Revised Code, the offender~~ 9376
~~shall register within five days of the adjudication with the~~ 9377
~~sheriff of the county in which the offender resides or temporarily~~ 9378
~~is domiciled for more than five days, shall register with the~~ 9379
~~sheriff of any county in which the offender subsequently resides~~ 9380
~~or temporarily is domiciled for more than five days within five~~ 9381
~~days of coming into that county, shall register within five days~~ 9382
~~of the adjudication with the sheriff of the county in which the~~ 9383
~~offender attends any school or institution of higher education on~~ 9384
~~a full-time or part-time basis or in which the offender is~~ 9385
~~employed if the offender has been employed in that county for more~~ 9386
~~than fourteen days or for an aggregate period of thirty or more~~ 9387
~~days in that calendar year regardless of whether the offender~~ 9388
~~resides or has temporary domicile in this state or another state,~~ 9389
~~and shall register within five days of the adjudication with the~~ 9390
~~sheriff or other appropriate person of any state other than this~~ 9391
~~state in which the offender attends a school or institution of~~ 9392
~~higher education on a full-time or part-time basis or in which the~~ 9393
~~offender then is employed if the offender has been employed in~~ 9394
~~that state for more than fourteen days or for an aggregate period~~ 9395
~~of thirty or more days in any calendar year regardless of whether~~ 9396

~~the offender resides or has temporary domicile in this state, the~~ 9397
~~other state, or a different state.~~ 9398

~~(5) A person who is adjudicated a delinquent child for~~ 9399
~~committing a sexually oriented offense that is not a~~ 9400
~~registration exempt sexually oriented offense is not required to~~ 9401
~~register under division (A)(2) of this section unless the~~ 9402
~~delinquent child committed the offense on or after January 1,~~ 9403
~~2002, is classified a juvenile offender registrant by a juvenile~~ 9404
~~court judge pursuant to an order issued under section 2152.82,~~ 9405
~~2152.83, 2152.84, or 2152.85 of the Revised Code based on that~~ 9406
~~adjudication, and has a duty to register pursuant to division~~ 9407
~~(A)(2) of this section.~~ 9408

~~(6) A person who has been convicted of, is convicted of, has~~ 9409
~~pleaded guilty to, or pleads guilty to a sexually oriented offense~~ 9410
~~that is a registration exempt sexually oriented offense, and a~~ 9411
~~person who is or has been adjudicated a delinquent child for~~ 9412
~~committing a sexually oriented offense that is a~~ 9413
~~registration exempt sexually oriented offense, does not have any~~ 9414
~~duty to register under this section based on that conviction,~~ 9415
~~guilty plea, or adjudication. The exemption of an offender or~~ 9416
~~delinquent child from registration under this division for a~~ 9417
~~conviction of, plea of guilty to, or delinquent child adjudication~~ 9418
~~for a registration exempt sexually oriented offense does not~~ 9419
~~limit, affect, or supersede any duties imposed upon the offender~~ 9420
~~or delinquent child under this chapter or sections 2152.82 to~~ 9421
~~2152.85 of the Revised Code for a conviction of, plea of guilty~~ 9422
~~to, or delinquent child adjudication for any other sexually~~ 9423
~~oriented offense or any child victim oriented offense.~~ 9424

~~(B) An offender or delinquent child who is required by~~ 9425
~~division (A) of this section to register in this state personally~~ 9426
~~shall obtain from the sheriff or from a designee of the sheriff a~~ 9427
~~registration form that conforms to division (C) of this section,~~ 9428

shall complete and sign the form, and shall return the completed 9429
form together with the offender's or delinquent child's 9430
photograph, copies of travel and immigration documents, and any 9431
other required material to the sheriff or the designee. The 9432
sheriff or designee shall sign the form and indicate on the form 9433
the date on which it is so returned. The registration required 9434
under this division is complete when the offender or delinquent 9435
child returns the form, containing the requisite information, 9436
photograph, other required material, signatures, and date, to the 9437
sheriff or designee. 9438

(C) The registration form to be used under divisions (A) and 9439
(B) of this section shall include ~~the photograph of the offender~~ 9440
~~or delinquent child who is registering and shall~~ or contain all of 9441
the following for the offender or delinquent child who is 9442
registering: 9443

(1) The offender's or delinquent child's name and any aliases 9444
used by the offender or delinquent child; 9445

(2) The offender's or delinquent child's social security 9446
number and date of birth, including any alternate social security 9447
numbers or dates of birth that the offender or delinquent child 9448
has used or uses; 9449

(3) Regarding an offender or delinquent child who is 9450
registering under a duty imposed under division (A)(1) of this 9451
section, a statement that the offender is serving a prison term, 9452
term of imprisonment, or any other type of confinement or a 9453
statement that the delinquent child is in the custody of the 9454
department of youth services or is confined in a secure facility 9455
that is not operated by the department; 9456

(4) Regarding an offender or delinquent child who is 9457
registering under a duty imposed under division (A)~~(1)~~, (2), (3), 9458
or (4) of this section as a result of the offender or delinquent 9459

child residing in this state or temporarily being domiciled in 9460
this state for more than ~~five~~ three days, the current residence 9461
address of the offender or delinquent child who is registering, 9462
the name and address of the offender's or delinquent child's 9463
employer if the offender or delinquent child is employed at the 9464
time of registration or if the offender or delinquent child knows 9465
at the time of registration that the offender or delinquent child 9466
will be commencing employment with that employer subsequent to 9467
registration, any other employment information, such as the 9468
general area where the offender or delinquent child is employed, 9469
if the offender or delinquent child is employed in many locations, 9470
and the name and address of the offender's or public 9471
registry-qualified juvenile offender registrant's school or 9472
institution of higher education if the offender or public 9473
registry-qualified juvenile offender registrant attends one at the 9474
time of registration or if the offender or public 9475
registry-qualified juvenile offender registrant knows at the time 9476
of registration that the offender or public registry-qualified 9477
juvenile offender registrant will be commencing attendance at that 9478
school or institution subsequent to registration, ~~and any other~~ 9479
~~information required by the bureau of criminal identification and~~ 9480
~~investigation.~~ 9481

~~(2)~~(5) Regarding an offender or public registry-qualified 9482
juvenile offender registrant who is registering under a duty 9483
imposed under division (A)~~(1)~~, ~~(3)~~, (2), (3), or (4) of this 9484
section as a result of the offender or public registry-qualified 9485
juvenile offender registrant attending a school or institution of 9486
higher education in this state on a full-time or part-time basis 9487
or being employed in this state or in a particular county in this 9488
state, whichever is applicable, for more than ~~fourteen~~ three days 9489
or for an aggregate of ~~thirty~~ fourteen or more days in any 9490
calendar year, the name and current address of the school, 9491
institution of higher education, or place of employment of the 9492

offender or public registry-qualified juvenile offender registrant 9493
who is registering and any other information required by the 9494
~~bureau of criminal identification and investigation., including~~ 9495
any other employment information, such as the general area where 9496
the offender or public registry-qualified juvenile offender 9497
registrant is employed, if the offender or public 9498
registry-qualified juvenile offender registrant is employed in 9499
many locations; 9500

~~(3) Regarding an offender or delinquent child who is~~ 9501
~~registering under a duty imposed under division (A)(1), (2), (3),~~ 9502
~~or (4) of this section for any reason, if the offender has been~~ 9503
~~adjudicated a sexual predator relative to the sexually oriented~~ 9504
~~offense in question, if the delinquent child has been adjudicated~~ 9505
~~a sexual predator relative to the sexually oriented offense in~~ 9506
~~question and the court has not subsequently determined pursuant to~~ 9507
~~section 2152.84 or 2152.85 of the Revised Code that the delinquent~~ 9508
~~child no longer is a sexual predator, if the judge determined~~ 9509
~~pursuant to division (C) of section 2950.09 or pursuant to section~~ 9510
~~2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the~~ 9511
~~offender or delinquent child is a habitual sex offender and the~~ 9512
~~determination has not been removed pursuant to section 2152.84 or~~ 9513
~~2152.85 of the Revised Code, or if the offender has the duty to~~ 9514
~~register as a result of the conviction of or plea of guilty to an~~ 9515
~~aggravated sexually oriented offense, the offender or delinquent~~ 9516
~~child also shall include on the signed, written registration form~~ 9517
~~all of the following information:~~ 9518

~~(a) A specific declaration that the person has been~~ 9519
~~adjudicated a sexual predator, has been determined to be a~~ 9520
~~habitual sex offender, or was convicted of or pleaded guilty to an~~ 9521
~~aggravated sexually oriented offense, whichever is applicable;~~ 9522

~~(b) If the offender or delinquent child has been adjudicated~~ 9523
~~a sexual predator, the (6) The identification license plate number~~ 9524

of each ~~motor~~ vehicle the offender or delinquent child owns and, 9525
of each ~~motor~~ vehicle registered in the offender's or delinquent 9526
child's name, of each vehicle the offender or delinquent child 9527
operates as a part of employment, and of each other vehicle that 9528
is regularly available to be operated by the offender or 9529
delinquent child; a description of where each vehicle is 9530
habitually parked, stored, docked, or otherwise kept; and, if 9531
required by the bureau of criminal identification and 9532
investigation, a photograph of each of those vehicles; 9533

(7) If the offender or delinquent child has a driver's or 9534
commercial driver's license or permit issued by this state or any 9535
other state or a state identification card issued under section 9536
4507.50 or 4507.51 of the Revised Code or a comparable 9537
identification card issued by another state, the driver's license 9538
number, commercial driver's license number, or state 9539
identification card number; 9540

(8) If the offender or delinquent child was convicted of, 9541
pleaded guilty to, or was adjudicated a delinquent child for 9542
committing the sexually oriented offense resulting in the 9543
registration duty in a court in another state, in a federal court, 9544
military court, or Indian tribal court, or in a court in any 9545
nation other than the United States, a DNA specimen, as defined in 9546
section 109.573 of the Revised Code, from the offender or 9547
delinquent child, a citation for, and the name of, the sexually 9548
oriented offense resulting in the registration duty, and a 9549
certified copy of a document that describes the text of that 9550
sexually oriented offense; 9551

(9) A description of each professional and occupational 9552
license, permit, or registration, including those licenses, 9553
permits, and registrations issued under Title XLVII of the Revised 9554
Code, held by the offender or delinquent child; 9555

(10) Any email addresses, internet identifiers, or telephone 9556

numbers registered to or used by the offender or delinquent child; 9557

(11) Any other information required by the bureau of criminal 9558
identification and investigation. 9559

(D) After an offender or delinquent child registers with a 9560
sheriff, or the sheriff's designee, pursuant to this section, the 9561
sheriff, or the sheriff's designee, shall forward the signed, 9562
written registration form and, photograph, and other material to 9563
the bureau of criminal identification and investigation in 9564
accordance with the forwarding procedures adopted pursuant to 9565
section 2950.13 of the Revised Code. If an offender registers a 9566
school, institution of higher education, or place of employment 9567
address, or provides a school or institution of higher education 9568
address under division (C)~~(1)~~(4) of this section, the sheriff also 9569
shall provide notice to the law enforcement agency with 9570
jurisdiction over the premises of the school, institution of 9571
higher education, or place of employment of the offender's name 9572
and that the offender has registered that address as a place at 9573
which the offender attends school or an institution of higher 9574
education or at which the offender is employed. The bureau shall 9575
include the information and materials forwarded to it under this 9576
division in the state registry of sex offenders and child victim 9577
offenders established and maintained under section 2950.13 of the 9578
Revised Code. 9579

(E) No person who is required to register pursuant to 9580
divisions (A) and (B) of this section, and no person who is 9581
required to send a notice of intent to reside pursuant to division 9582
(G) of this section, shall fail to register or send the notice of 9583
intent as required in accordance with those divisions or that 9584
division. 9585

(F) An offender or delinquent child who is required to 9586
register pursuant to divisions (A) and (B) of this section shall 9587
register pursuant to this section for the period of time specified 9588

in section 2950.07 of the Revised Code, with the duty commencing 9589
on the date specified in division (A) of that section. 9590

(G) If an offender or delinquent child who is required by 9591
division (A) of this section to register is ~~adjudicated a sexual~~ 9592
~~predator or a habitual sexual offender subject to community~~ 9593
~~notification under division (C)(2) or (E) of section 2950.09 of~~ 9594
~~the Revised Code, or if an offender who is required by division~~ 9595
~~(A) of this section to register has that duty as a result of a~~ 9596
~~conviction of or plea of guilty to an aggravated sexually oriented~~ 9597
~~offense a tier III sex offender/child-victim offender, the~~ 9598
offender or delinquent child also shall send the sheriff, or the 9599
sheriff's designee, of the county in which the offender or 9600
delinquent child intends to reside written notice of the 9601
offender's or delinquent child's intent to reside in the county. 9602
The offender or delinquent child shall send the notice of intent 9603
to reside at least twenty days prior to the date the offender or 9604
delinquent child begins to reside in the county. The notice of 9605
intent to reside shall contain the following information: 9606

(1) The offender's or delinquent child's name; 9607

(2) The address or addresses at which the offender or 9608
delinquent child intends to reside; 9609

(3) The sexually oriented offense of which the offender was 9610
convicted, to which the offender pleaded guilty, or for which the 9611
child was adjudicated a delinquent child; 9612

~~(4) A statement that the offender has been adjudicated a~~ 9613
~~sexual predator, a statement that the delinquent child has been~~ 9614
~~adjudicated a sexual predator and that, as of the date of the~~ 9615
~~notice, the court has not entered a determination that the~~ 9616
~~delinquent child no longer is a sexual predator, a statement that~~ 9617
~~the sentencing or reviewing judge has determined that the offender~~ 9618
~~or delinquent child is a habitual sex offender and that, as of the~~ 9619

~~date of the notice, the determination has not been removed~~ 9620
~~pursuant to section 2152.84 or 2152.85 of the Revised Code, or a~~ 9621
~~statement that the offender was convicted of or pleaded guilty to~~ 9622
~~an aggravated sexually oriented offense.~~ 9623

(H) If, immediately prior to ~~July 31, 2003~~ January 1, 2008, 9624
an offender or delinquent child who was convicted of, pleaded 9625
guilty to, or was adjudicated a delinquent child for committing a 9626
sexually oriented offense or a child-victim oriented offense as 9627
those terms were defined in section 2950.01 of the Revised Code 9628
prior to January 1, 2008, was required by division (A) of this 9629
section or section 2950.041 of the Revised Code to register and 9630
if, on or after ~~July 31, 2003~~ January 1, 2008, that offense ~~no~~ 9631
~~longer~~ is a sexually oriented offense ~~but instead is designated a~~ 9632
~~child-victim oriented offense, division (A)(1)(c) or (2)(b) of~~ 9633
~~section 2950.041 of the Revised Code applies regarding the~~ 9634
~~offender or delinquent child and~~ as that term is defined in 9635
section 2950.01 of the Revised Code on and after January 1, 2008, 9636
the duty to register that is imposed pursuant to ~~that division~~ 9637
this section on and after January 1, 2008, shall be considered, 9638
for purposes of section 2950.07 of the Revised Code and for all 9639
other purposes, to be a continuation of the duty imposed upon the 9640
offender or delinquent child prior to ~~July 31, 2003~~ January 1, 9641
2008, under this section or section 2950.041 of the Revised Code. 9642

Sec. 2950.041. (A)(1) ~~Each of the following types of (a)~~ 9643
Immediately after a sentencing hearing is held on or after January 9644
1, 2008, for an offender who is convicted of or pleads guilty to a 9645
child-victim oriented offense and is sentenced to a prison term, a 9646
term of imprisonment, or any other type of confinement and before 9647
the offender is transferred to the custody of the department of 9648
rehabilitation and correction or to the official in charge of the 9649
jail, workhouse, state correctional institution, or other 9650
institution where the offender will be confined, the offender 9651

shall register personally with the sheriff, or the sheriff's 9652
designee, of the county in which the offender was convicted of or 9653
pleaded guilty to the child-victim offense. 9654

(b) Immediately after a dispositional hearing is held on or 9655
after January 1, 2008, for a child who is adjudicated a delinquent 9656
child for committing a child-victim oriented offense, is 9657
classified a juvenile offender registrant based on that 9658
adjudication, and is committed to the custody of the department of 9659
youth services or to a secure facility that is not operated by the 9660
department and before the child is transferred to the custody of 9661
the department of youth services or the secure facility to which 9662
the delinquent child is committed, the delinquent child shall 9663
register personally with the sheriff, or the sheriff's designee, 9664
of the county in which the delinquent child was classified a 9665
juvenile offender registrant based on that child-victim oriented 9666
offense. 9667

(c) A law enforcement officer shall be present at the 9668
sentencing hearing or dispositional hearing described in division 9669
(A)(1)(a) or (b) of this section to immediately transport the 9670
offender or delinquent child who is the subject of the hearing to 9671
the sheriff, or the sheriff's designee, of the county in which the 9672
offender or delinquent child is convicted, pleads guilty, or is 9673
adjudicated a delinquent child. 9674

(d) After an offender who has registered pursuant to division 9675
(A)(1)(a) of this section is released from a prison term, a term 9676
of imprisonment, or any other type of confinement, the offender 9677
shall register as provided in division (A)(2) of this section. 9678
After a delinquent child who has registered pursuant to division 9679
(A)(1)(b) of this section is released from the custody of the 9680
department of youth services or from a secure facility that is not 9681
operated by the department, the delinquent child shall register as 9682
provided in division (A)(3) of this section. 9683

(2) Regardless of when the child-victim oriented offense was 9684
committed, each offender who is convicted of ~~or~~, pleads guilty to, 9685
~~or~~ has been convicted of, or has pleaded guilty to, a child-victim 9686
oriented offense shall comply with all of the following 9687
registration requirements: 9688

(a) The offender shall register personally with the sheriff, 9689
or the sheriff's designee, of the county within ~~five~~ three days of 9690
the offender's coming into a county in which the offender resides 9691
or temporarily is domiciled for more than ~~five~~ three days. 9692

(b) The offender shall register personally with the sheriff, 9694
or the sheriff's designee, of the county immediately upon coming 9695
into a county in which the offender attends a school or 9696
institution of higher education on a full-time or part-time basis 9697
regardless of whether the offender resides or has a temporary 9698
domicile in this state or another state. 9699

(c) The offender shall register personally with the sheriff, 9700
or the sheriff's designee, of the county in which the offender is 9701
employed if the offender resides or has a temporary domicile in 9702
this state and has been employed in that county for more than 9703
~~fourteen~~ three days or for an aggregate period of ~~thirty~~ fourteen 9704
or more days in that calendar year. 9705

(d) The offender shall register personally with the sheriff, 9706
or the sheriff's designee, of the county in which the offender 9707
then is employed if the offender does not reside or have a 9708
temporary domicile in this state and has been employed at any 9709
location or locations in this state for more than ~~fourteen~~ three 9710
days or for an aggregate period of ~~thirty~~ fourteen or more days in 9711
that calendar year, ~~and~~. 9712

(e) The offender shall register personally with the sheriff, 9713
or the sheriff's designee, or other appropriate person of the 9714

other state immediately upon entering into any state other than 9715
this state in which the offender attends a school or institution 9716
of higher education on a full-time or part-time basis or upon 9717
being employed in any state other than this state for more than 9718
~~fourteen~~ three days or for an aggregate period of ~~thirty~~ fourteen 9719
or more days in that calendar year regardless of whether the 9720
offender resides or has a temporary domicile in this state, the 9721
other state, or a different state~~+~~. 9722

~~(a) Regardless of when the child victim oriented offense was 9723
committed, an offender who is sentenced for the child victim 9724
oriented offense to a prison term, a term of imprisonment, or any 9725
other type of confinement and, on or after July 31, 2003, is 9726
released in any manner from the prison term, term of imprisonment, 9727
or confinement;~~ 9728

~~(b) Regardless of when the child victim oriented offense was 9729
committed, an offender who is sentenced for a child victim 9730
oriented offense on or after July 31, 2003, and to whom division 9731
(A)(1)(a) of this section does not apply;~~ 9732

~~(c) If the child victim oriented offense was committed prior 9733
to July 31, 2003, if the offense was considered prior to that date 9734
to be a sexually oriented offense, and if neither division 9735
(A)(1)(a) nor division (A)(1)(b) of this section applies, an 9736
offender who, immediately prior to July 31, 2003, was required to 9737
register as a result of conviction of or plea of guilty to the 9738
commission of that offense under section 2950.04 of the Revised 9739
Code. For any offender who is described in this division, the duty 9740
imposed under this division shall be considered, for purposes of 9741
section 2950.07 of the Revised Code and for all other purposes, to 9742
be a continuation of the duty imposed upon the offender prior to 9743
July 31, 2003, under section 2950.04 of the Revised Code. 9744~~

~~(2) Each of the following types of delinquent children shall 9745
register personally with the sheriff of the county within five 9746~~

~~days of the delinquent child's coming into a county in which the
delinquent child resides or temporarily is domiciled for more than
five days:~~

9747
9748
9749

~~(a)(3) Regardless of when the child-victim oriented offense
was committed, a each child who on or after July 31, 2003, is
adjudicated a delinquent child for committing a child-victim
oriented offense and who is classified a juvenile offender
registrant based on that adjudication shall register personally
with the sheriff, or the sheriff's designee, of the county within
three days of the delinquent child's coming into a county in which
the delinquent child resides or temporarily is domiciled for more
than three days. If the delinquent child is committed for the
child-victim oriented offense to the department of youth services
or to a secure facility that is not operated by the department,
this duty begins when the delinquent child is discharged or
released in any manner from custody in a department of youth
services secure facility or from the secure facility that is not
operated by the department, if pursuant to the discharge or
release the delinquent child is not committed to any other secure
facility of the department or any other secure facility. ~~The
delinquent child does not have a duty to register under this
division while the child is in a department of youth services
secure facility or in a secure facility that is not operated by
the department.~~~~

9750
9751
9752
9753
9754
9755
9756
9757
9758
9759
9760
9761
9762
9763
9764
9765
9766
9767
9768
9769
9770

~~(b) If the child-victim oriented offense was committed prior
to July 31, 2003, if the offense was considered prior to that date
to be a sexually oriented offense, and if division (A)(2)(a) of
this section does not apply, a delinquent child who, immediately
prior to July 31, 2003, was classified a juvenile sex offender
registrant and required to register as a result of a delinquent
child adjudication for the commission of that offense under
section 2950.04 of the Revised Code. For any delinquent child who~~

9771
9772
9773
9774
9775
9776
9777
9778

~~is described in this division, the duty imposed under this~~ 9779
~~division shall be considered, for purposes of section 2950.07 of~~ 9780
~~the Revised Code and for all other purposes, to be a continuation~~ 9781
~~of the duty imposed upon the delinquent child prior to July 31,~~ 9782
~~2003, under section 2950.04 of the Revised Code. If the delinquent~~ 9783
~~child is committed for the child victim oriented offense to the~~ 9784
~~department of youth services or to a secure facility that is not~~ 9785
~~operated by the department, the provisions of division (A)(2)(a)~~ 9786
~~of this section regarding the beginning, and tolling, of a duty~~ 9787
~~imposed under that division also apply regarding the beginning,~~ 9788
~~and tolling, of the duty imposed under this division.~~ 9789

~~(3) If divisions (A)(1) and (2) of this section do not apply,~~ 9790
~~each following type of offender and each following type of~~ 9791
~~delinquent child shall register personally with the sheriff of the~~ 9792
~~county within five days of the offender's or delinquent child's~~ 9793
~~coming into a county in which the offender or delinquent child~~ 9794
~~resides or temporarily is domiciled for more than five days, and~~ 9795
~~each following type of offender shall register personally with the~~ 9796
~~sheriff of the county immediately upon coming into a county in~~ 9797
~~which the offender attends a school or institution of higher~~ 9798
~~education on a full time or part time basis regardless of whether~~ 9799
~~the offender resides or has a temporary domicile in this state or~~ 9800
~~another state, shall register personally with the sheriff of the~~ 9801
~~county in which the offender is employed if the offender resides~~ 9802
~~or has a temporary domicile in this state and has been employed in~~ 9803
~~that county for more than fourteen days or for an aggregate period~~ 9804
~~of thirty or more days in that calendar year, and shall register~~ 9805
~~personally with the sheriff of the county in which the offender~~ 9806
~~then is employed if the offender does not reside or have a~~ 9807
~~temporary domicile in this state and has been employed at any~~ 9808
~~location or locations in this state for more than fourteen days or~~ 9809
~~for an aggregate period of thirty or more days in that calendar~~ 9810
~~year.~~ 9811

~~(a)(4)~~ Regardless of when the child-victim oriented offense 9812
was committed, a each person who is convicted, pleads guilty, or 9813
is adjudicated a delinquent child in a court in another state, in 9814
a federal court, military court, or Indian tribal court, or in a 9815
court in any nation other than the United States for committing a 9816
child-victim oriented offense, ~~if, on or after July 31, 2003, the~~ 9817
~~offender or delinquent child moves to and resides in this state or~~ 9818
~~temporarily is domiciled in this state for more than five days,~~ 9819
~~the offender enters this state to attend any school or institution~~ 9820
~~of higher education on a full-time or part-time basis, or the~~ 9821
~~offender is employed in this state for more than fourteen days or~~ 9822
~~for an aggregate period of thirty or more days in any calendar~~ 9823
~~year, and shall comply with all of the following registration~~ 9824
requirements if, at the time the offender or delinquent child 9825
moves to and resides in this state or temporarily is domiciled in 9826
this state for more than ~~five~~ three days, the offender enters this 9827
state to attend the school or institution of higher education, or 9828
the offender is employed in this state for more than the specified 9829
period of time, the offender or delinquent child has a duty to 9830
register as a child-victim offender or sex offender under the law 9831
of that other jurisdiction as a result of the conviction, guilty 9832
plea, or adjudication: 9833

(a) Each offender and delinquent child shall register 9834
personally with the sheriff, or the sheriff's designee, of the 9835
county within three days of the offender's or delinquent child's 9836
coming into the county in which the offender or delinquent child 9837
resides or temporarily is domiciled for more than three days. 9838

(b) Each offender shall register personally with the sheriff, 9839
or the sheriff's designee, of the county immediately upon coming 9840
into a county in which the offender attends a school or 9841
institution of higher education on a full-time or part-time basis 9842
regardless of whether the offender resides or has a temporary 9843

domicile in this state or another state. 9844

(c) Each offender shall register personally with the sheriff, 9845
or the sheriff's designee, of the county in which the offender is 9846
employed if the offender resides or has a temporary domicile in 9847
this state and has been employed in that county for more than 9848
three days or for an aggregate period of fourteen days or more in 9849
that calendar year. 9850

(d) Each offender shall register personally with the sheriff, 9851
or the sheriff's designee, of the county in which the offender 9852
then is employed if the offender does not reside or have a 9853
temporary domicile in this state and has not been employed at any 9854
location or locations in this state for more than three days or 9855
for an aggregate period of fourteen or more days in that calendar 9856
year. 9857

(5) An offender is not required to register under division 9858
(A)(2), (3), or (4) of this section if a court issues an order 9859
terminating the offender's duty to comply with sections 2950.04, 9860
2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to 9861
section 2950.15 of the Revised Code. A delinquent child who is a 9862
juvenile offender registrant but is not a public 9863
registry-qualified juvenile offender registrant is not required to 9864
register under any of those divisions if a juvenile court issues 9865
an order declassifying the delinquent child as a juvenile offender 9866
registrant pursuant to section 2152.84 or 2152.85 of the Revised 9867
Code. 9868

~~(b) Regardless of when the child victim oriented offense was~~ 9869
~~committed, a person who is convicted, pleads guilty, or~~ 9870
~~adjudicated a delinquent child in a court in another state, in a~~ 9871
~~federal court, military court, or Indian tribal court, or in a~~ 9872
~~court in any nation other than the United States for committing a~~ 9873
~~child victim oriented offense, if, on or after July 31, 2003, the~~ 9874
~~offender or delinquent child is released from imprisonment,~~ 9875

~~confinement, or detention imposed for that offense, and if, on or~~ 9876
~~after July 31, 2003, the offender or delinquent child moves to and~~ 9877
~~resides in this state or temporarily is domiciled in this state~~ 9878
~~for more than five days, the offender enters this state to attend~~ 9879
~~any school or institution of higher education on a full time or~~ 9880
~~part time basis, or the offender is employed in this state for~~ 9881
~~more than fourteen days or for an aggregate period of thirty or~~ 9882
~~more days in any calendar year. The duty to register as described~~ 9883
~~in this division applies to an offender regardless of whether the~~ 9884
~~offender, at the time of moving to and residing in this state or~~ 9885
~~temporarily being domiciled in this state for more than five days,~~ 9886
~~at the time of entering into this state to attend the school or~~ 9887
~~institution of higher education, or at the time of being employed~~ 9888
~~in this state for more than the specified period of time, has a~~ 9889
~~duty to register as a child victim offender or sex offender under~~ 9890
~~the law of the jurisdiction in which the conviction or guilty plea~~ 9891
~~occurred. The duty to register as described in this division~~ 9892
~~applies to a delinquent child only if the delinquent child, at the~~ 9893
~~time of moving to and residing in this state or temporarily being~~ 9894
~~domiciled in this state for more than five days, has a duty to~~ 9895
~~register as a child victim offender or sex offender under the law~~ 9896
~~of the jurisdiction in which the delinquent child adjudication~~ 9897
~~occurred or if, had the delinquent child adjudication occurred in~~ 9898
~~this state, the adjudicating juvenile court judge would have been~~ 9899
~~required to issue an order classifying the delinquent child as a~~ 9900
~~juvenile offender registrant pursuant to section 2152.82 or~~ 9901
~~division (A) of section 2152.83 of the Revised Code.~~ 9902

~~(4) If neither division (A)(1), (2), nor (3) of this section~~ 9903
~~applies and if the offender is adjudicated a child victim predator~~ 9904
~~under division (C) of section 2950.091 of the Revised Code, the~~ 9905
~~offender shall register within five days of the adjudication with~~ 9906
~~the sheriff of the county in which the offender resides or~~ 9907
~~temporarily is domiciled for more than five days, shall register~~ 9908

~~with the sheriff of any county in which the offender subsequently~~ 9909
~~resides or temporarily is domiciled for more than five days within~~ 9910
~~five days of coming into that county, shall register within five~~ 9911
~~days of the adjudication with the sheriff of the county in which~~ 9912
~~the offender attends any school or institution of higher education~~ 9913
~~on a full time or part time basis or in which the offender is~~ 9914
~~employed if the offender has been employed in that county for more~~ 9915
~~than fourteen days or for an aggregate period of thirty or more~~ 9916
~~days in that calendar year regardless of whether the offender~~ 9917
~~resides or has temporary domicile in this state or another state,~~ 9918
~~and shall register within five days of the adjudication with the~~ 9919
~~sheriff or other appropriate person of any state other than this~~ 9920
~~state in which the offender attends a school or institution of~~ 9921
~~higher education on a full time or part time basis or in which the~~ 9922
~~offender then is employed if the offender has been employed in~~ 9923
~~this state for more than fourteen days or for an aggregate period~~ 9924
~~of thirty or more days in any calendar year regardless of whether~~ 9925
~~the offender resides or has temporary domicile in this state, the~~ 9926
~~other state, or a different state.~~ 9927

~~(5) A person who is adjudicated a delinquent child for~~ 9928
~~committing a child victim oriented offense is not required to~~ 9929
~~register under division (A)(2) of this section unless the~~ 9930
~~delinquent child committed the offense on or after July 31, 2003,~~ 9931
~~is classified a juvenile offender registrant by a juvenile court~~ 9932
~~judge pursuant to an order issued under section 2152.82, 2152.83,~~ 9933
~~2152.84, or 2152.85 of the Revised Code based on that~~ 9934
~~adjudication, and has a duty to register pursuant to division~~ 9935
~~(A)(2) of this section.~~ 9936

(B) An offender or delinquent child who is required by 9937
division (A) of this section to register in this state personally 9938
shall do so in the manner described in division (B) of section 9939
2950.04 of the Revised Code, and the registration is complete as 9940

described in that division. 9941

(C) The registration form to be used under divisions (A) and 9942
(B) of this section shall include ~~the photograph of the offender~~ 9943
~~or delinquent child who is registering and shall~~ or contain all of 9944
the following for the offender or delinquent child who is 9945
registering: 9946

(1) The offender's or delinquent child's name, any aliases 9947
used by the offender or delinquent child, and a photograph of the 9948
offender or delinquent child; 9949

(2) The offender's or delinquent child's social security 9950
number and date of birth, including any alternate social security 9951
numbers or dates of birth that the offender or delinquent child 9952
has used or uses; 9953

(3) Regarding an offender or delinquent child who is 9954
registering under a duty imposed under division (A)(1) of this 9955
section, a statement that the offender is serving a prison term, 9956
term of imprisonment, or any other type of confinement or a 9957
statement that the delinquent child is in the custody of the 9958
department of youth services or is confined in a secure facility 9959
that is not operated by the department; 9960

(4) Regarding an offender or delinquent child who is 9961
registering under a duty imposed under division (A)~~(1)~~, (2), (3), 9962
or (4) of this section as a result of the offender or delinquent 9963
child residing in this state or temporarily being domiciled in 9964
this state for more than ~~five~~ three days, all of the information 9965
described in division (C)~~(1)~~(4) of section 2950.04 of the Revised 9966
Code; 9967

~~(2)~~(5) Regarding an offender who is registering under a duty 9968
imposed under division (A)~~(1)~~, ~~(3)~~, (2) or (4) of this section as a 9969
result of the offender attending a school or institution of higher 9970
education on a full-time or part-time basis or being employed in 9971

this state or in a particular county in this state, whichever is 9972
applicable, for more than ~~fourteen~~ three days or for an aggregate 9973
of ~~thirty~~ fourteen or more days in any calendar year, all of the 9974
information described in division (C)~~(2)~~(5) of section 2950.04 of 9975
the Revised Code; 9976

~~(3) Regarding an offender or delinquent child who is 9977
registering under a duty imposed under division (A)(1), (2), (3), 9978
or (4) of this section, if the offender has been adjudicated a 9979
child victim predator relative to the child victim oriented 9980
offense in question, if the delinquent child has been adjudicated 9981
a child victim predator relative to the child victim oriented 9982
offense in question and the court has not subsequently determined 9983
pursuant to section 2152.84 or 2152.85 of the Revised Code that 9984
the delinquent child no longer is a child victim predator, if the 9985
offender or delinquent child is automatically classified a 9986
habitual child victim offender under division (E) of section 9987
2950.091 of the Revised Code, or if the judge determined pursuant 9988
to division (C) or (E) of section 2950.091 or pursuant to section 9989
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the 9990
offender or delinquent child is a habitual child victim offender 9991
and the determination has not been removed pursuant to section 9992
2152.84 or 2152.85 of the Revised Code, the offender or delinquent 9993
child shall include on the signed, written registration form all 9994
of the information described in division (C)(3) of section 2950.04 9995
of the Revised Code. 9996~~

(6) The identification license plate number issued by this 9997
state or any other state of each vehicle the offender or 9998
delinquent child owns, of each vehicle registered in the 9999
offender's or delinquent child's name, of each vehicle the 10000
offender or delinquent child operates as a part of employment, and 10001
of each other vehicle that is regularly available to be operated 10002
by the offender or delinquent child; a description of where each 10003

vehicle is habitually parked, stored, docked, or otherwise kept; 10004
and, if required by the bureau of criminal identification and 10005
investigation, a photograph of each of those vehicles; 10006

(7) If the offender or delinquent child has a driver's or 10007
commercial driver's license or permit issued by this state or any 10008
other state or a state identification card issued under section 10009
4507.50 or 4507.51 of the Revised Code or a comparable 10010
identification card issued by another state, the driver's license 10011
number, commercial driver's license number, or state 10012
identification card number; 10013

(8) If the offender or delinquent child was convicted of, 10014
pleaded guilty to, or was adjudicated a delinquent child for 10015
committing the child-victim oriented offense resulting in the 10016
registration duty in a court in another state, in a federal court, 10017
military court, or Indian tribal court, or in a court in any 10018
nation other than the United States, a DNA specimen, as defined in 10019
section 109.573 of the Revised Code, from the offender or 10020
delinquent child, a citation for, and the name of, the 10021
child-victim oriented offense resulting in the registration duty, 10022
and a certified copy of a document that describes the text of that 10023
child-victim oriented offense; 10024

(9) Copies of travel and immigration documents; 10025

(10) A description of each professional and occupational 10026
license, permit, or registration, including those licenses, 10027
permits, and registrations issued under Title XLVII of the Revised 10028
Code, held by the offender or delinquent child; 10029

(11) Any email addresses, internet identifiers, or telephone 10030
numbers registered to or used by the offender or delinquent child; 10031

(12) Any other information required by the bureau of criminal 10032
identification and investigation. 10033

(D) Division (D) of section 2950.04 of the Revised Code 10034

applies when an offender or delinquent child registers with a sheriff pursuant to this section.

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

(F) An offender or delinquent child who is required to register pursuant to divisions (A) and (B) of this section shall register pursuant to this section for the period of time specified in section 2950.07 of the Revised Code, with the duty commencing on the date specified in division (A) of that section.

(G) If an offender or delinquent child who is required by division (A) of this section to register is ~~adjudicated a child-victim predator or a habitual child-victim offender subject to community notification under division (C)(2) or (E) of section 2950.091 of the Revised Code a tier III sex offender/child-victim offender~~, the offender or delinquent child also shall send the sheriff, or the sheriff's designee, of the county in which the offender or delinquent child intends to reside written notice of the offender's or delinquent child's intent to reside in the county. The offender or delinquent child shall send the notice of intent to reside at least twenty days prior to the date the offender or delinquent child begins to reside in the county. The notice of intent to reside shall contain all of the following information:

(1) The information specified in divisions (G)(1) and (2) of section 2950.04 of the Revised Code;

(2) The child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child;

~~(3) A statement that the offender has been adjudicated a
child victim predator, a statement that the delinquent child has
been adjudicated a child victim predator and that, as of the date
of the notice, the court has not entered a determination that the
delinquent child no longer is a child victim predator, or a
statement that the sentencing or reviewing judge has determined
that the offender or delinquent child is a habitual child victim
offender and that, as of the date of the notice, the determination
has not been removed pursuant to section 2152.84 or 2152.85 of the
Revised Code.~~

(H) If, immediately prior to January 1, 2008, an offender or
delinquent child who was convicted of, pleaded guilty to, or was
adjudicated a delinquent child for committing a child-victim
oriented offense or a sexually oriented offense as those terms
were defined in section 2950.01 of the Revised Code prior to
January 1, 2008, was required by division (A) of this section or
section 2950.04 of the Revised Code to register and if, on or
after January 1, 2008, that offense is a child-victim oriented
offense as that term is defined in section 2950.01 of the Revised
Code on and after January 1, 2008, the duty to register that is
imposed pursuant to this section on and after January 1, 2008,
shall be considered, for purposes of section 2950.07 of the
Revised Code and for all other purposes, to be a continuation of
the duty imposed upon the offender or delinquent child prior to
January 1, 2008, under this section or section 2950.04 of the
Revised Code.

Sec. 2950.042. By January 1, 2008, the department of
rehabilitation and correction, the adult parole authority, and the
department of youth services shall adopt rules to require parole
officers to verify within three days of an offender's or
delinquent child's release that the offender or delinquent child
has registered as provided in divisions (A)(2) and (3) of section

2950.04 of the Revised Code or in divisions (A)(2) and (3) of 10098
section 2950.041 of the Revised Code, whichever is applicable. 10099

Sec. 2950.043. If an offender or delinquent child registers 10100
with a sheriff pursuant to section 2950.04 or 2950.041 of the 10101
Revised Code on or after December 1, 2007, if the offender or 10102
delinquent child previously has not registered under either 10103
section with that sheriff or any other sheriff, and if the 10104
offender or delinquent child was convicted of, pleaded guilty to, 10105
or was classified a juvenile offender registrant relative to the 10106
sexually oriented offense or child-victim oriented offense upon 10107
which the registration was based prior to December 1, 2007, as 10108
soon as practicable after the registration, the sheriff shall 10109
contact the attorney general, inform the attorney general of the 10110
registration, and forward to the attorney general in the manner 10111
specified in division (D) of section 2950.04 of the Revised Code 10112
all of the information and material specified in that division. 10113
Upon being informed of the registration and receiving the 10114
information and material, the attorney general shall comply with 10115
division (B) of section 2950.031 of the Revised Code. 10116

Sec. 2950.05. (A) If an offender or delinquent child is 10117
required to register pursuant to division (A)(2), (3), or (4) of 10118
section 2950.04 or 2950.041 of the Revised Code, the ~~offender or~~ 10119
delinquent child, ~~at least twenty days prior to changing the~~ 10120
~~offender's or delinquent child's residence address, or the~~ 10121
~~offender, at least twenty days prior to changing the address of~~ 10122
~~the offender's school or institution of higher education and not~~ 10123
~~later than five days after changing the address of the offender's~~ 10124
~~place of employment, during the period during which the offender~~ 10125
~~or delinquent child is required to register, if not a public~~ 10126
registry-qualified juvenile offender registrant shall provide 10127
written notice of the any change of residence address, and the 10128

offender and public registry-qualified juvenile offender 10129
registrant shall provide notice of any change of residence, 10130
school, institution of higher education, or place of employment 10131
address ~~change, as applicable,~~ to the sheriff with whom the 10132
offender or delinquent child most recently registered the address 10133
under division (A)(2), (3), or (4) of section 2950.04 or 2950.041 10134
of the Revised Code or under division (B) of this section. A 10135
written notice of a change of school, institution of higher 10136
education, or place of employment address also shall include the 10137
name of the new school, institution of higher education, or place 10138
of employment. The delinquent child if not a public 10139
registry-qualified juvenile offender registrant shall provide the 10140
written notice at least twenty days prior to changing the 10141
residence address, and the offender and public registry-qualified 10142
juvenile offender registrant shall provide the written notice at 10143
least twenty days prior to changing the address of the residence, 10144
school, or institution of higher education and not later than 10145
three days after changing the address of the place of employment. 10146
They shall provide the written notices during the period they are 10147
required to register. If a residence address change is not to a 10148
fixed address, the offender or delinquent child shall include in 10149
that notice a detailed description of the place or places at which 10150
the offender or delinquent child intends to stay and, not later 10151
than the end of the first business day immediately following the 10152
day on which the person obtains a fixed residence address, shall 10153
provide that sheriff written notice of that fixed residence 10154
address. If a person whose residence address change is not to a 10155
fixed address describes in a notice under this division the place 10156
or places at which the person intends to stay, for purposes of 10157
divisions (C) to ~~(H)~~(I) of this section, sections 2950.06 to 10158
2950.13 of the Revised Code, and sections 311.171 and 2919.24 of 10159
the Revised Code, the place or places so described in the notice 10160
shall be considered the person's residence address and registered 10161

residence address, until the person provides the written notice of
a fixed residence address as described in this division.

(B) If an offender or public registry-qualified juvenile
offender registrant is required to provide notice of a residence,
school, institution of higher education, or place of employment
address change under division (A) of this section, or a delinquent
child who is not a public registry-qualified juvenile offender
registrant is required to provide notice of a residence address
change under that division, the offender or delinquent child, at
least twenty days prior to changing the residence, school, or
institution of higher education address and not later than ~~five~~
three days after changing the place of employment address, as
applicable, also shall register the new address in the manner, and
using the form, described in divisions (B) and (C) of section
2950.04 or 2950.041 of the Revised Code, whichever is applicable,
with the sheriff of the county in which the offender's or
delinquent child's new address is located, subject to division (C)
of this section. If a residence address change is not to a fixed
address, the offender or delinquent child shall include in the
registration a detailed description of the place or places at
which the offender or delinquent child intends to stay and, not
later than the end of the first business day immediately following
the day on which the person obtains a fixed residence address,
shall register with that sheriff that fixed residence address. If
a person whose residence address change is not to a fixed address
describes in a registration under this division the place or
places at which the person intends to stay, for purposes of
divisions (C) to ~~(H)~~(I) of this section, sections 2950.06 to
2950.13 of the Revised Code, and sections 311.171 and 2919.24 of
the Revised Code, the place or places so described in the
registration shall be considered the person's residence address
and registered residence address, until the person registers a

fixed residence address as described in this division. 10195

(C) Divisions (A) and (B) of this section apply to a person 10196
who is required to register pursuant to division (A)(2), (3), or 10197
(4) of section 2950.04 or 2950.041 of the Revised Code regardless 10198
of whether the new residence, school, institution of higher 10199
education, or place of employment address is in this state or in 10200
another state. If the new address is in another state, the person 10201
shall register with the appropriate law enforcement officials in 10202
that state in the manner required under the law of that state and 10203
within the earlier of the period of time required under the law of 10204
that state or at least seven days prior to changing the address. 10205

(D) If an offender or delinquent child who is a public 10206
registry-qualified juvenile offender registrant is required to 10207
register pursuant to division (A)(2), (3), or (4) of section 10208
2950.04 or 2950.041 of the Revised Code, the offender or public 10209
registry-qualified juvenile offender registrant shall provide 10210
written notice, within three days of the change, of any change in 10211
vehicle information, email addresses, internet identifiers, or 10212
telephone numbers registered to or used by the offender or 10213
registrant to the sheriff with whom the offender or registrant has 10214
most recently registered under division (A)(2), (3), or (4) of 10215
section 2950.04 or 2950.041 of the Revised Code. 10216

(E)(1) Upon receiving from an offender or delinquent child 10217
pursuant to division (A) of this section notice of a change of the 10218
offender's or public registry-qualified juvenile offender 10219
registrant's residence, school, institution of higher education, 10220
or place of employment address or the ~~delinquent child's~~ residence 10221
address of a delinquent child who is not a public 10222
registry-qualified juvenile offender registrant, a sheriff 10223
promptly shall forward the new address to the bureau of criminal 10224
identification and investigation in accordance with the forwarding 10225
procedures adopted pursuant to section 2950.13 of the Revised Code 10226

if the new address is in another state or, if the new address is
located in another county in this state, to the sheriff of that
county. Upon receiving from an offender or public
registry-qualified juvenile offender registrant notice of vehicle
and identifier changes pursuant to division (D) of this section, a
sheriff promptly shall forward the new information to the bureau
of criminal identification and investigation in accordance with
the forwarding procedures adopted pursuant to section 2950.13 of
the Revised Code. The bureau shall include all information
forwarded to it under this division in the state registry of sex
offenders and child-victim offenders established and maintained
under section 2950.13 of the Revised Code and shall forward notice
of the offender's or delinquent child's new residence, school,
institution of higher education, or place of employment address,
as applicable, to the appropriate officials in the other state.

(2) When an offender or public registry-qualified juvenile
offender registrant registers a new residence, school, institution
of higher education, or place of employment address or a
delinquent child who is not a public registry-qualified juvenile
offender registrant registers a new residence address pursuant to
division (B) of this section, the sheriff with whom the offender
or delinquent child registers and the bureau of criminal
identification and investigation shall comply with division (D) of
section 2950.04 or 2950.041 of the Revised Code, whichever is
applicable.

~~(E)~~(F)(1) No person who is required to notify a sheriff of a
change of address pursuant to division (A) of this section or a
change in vehicle information or identifiers pursuant to division
(D) of this section shall fail to notify the appropriate sheriff
in accordance with that division.

(2) No person who is required to register a new residence,

school, institution of higher education, or place of employment 10259
address with a sheriff or with an official of another state 10260
pursuant to divisions (B) and (C) of this section shall fail to 10261
register with the appropriate sheriff or official of the other 10262
state in accordance with those divisions. 10263

~~(F)~~(G)(1) It is an affirmative defense to a charge of a 10264
violation of division ~~(F)~~(F)(1) of this section that it was 10265
impossible for the person to provide the written notice to the 10266
sheriff as required under division (A) of this section because of 10267
a lack of knowledge, on the date specified for the provision of 10268
the written notice, of a residence, school, institution of higher 10269
education, or place of employment address change, and that the 10270
person provided notice of the residence, school, institution of 10271
higher education, or place of employment address change to the 10272
sheriff specified in division (A) of this section as soon as 10273
possible, but not later than the end of the first business day, 10274
after learning of the address change by doing either of the 10275
following: 10276

(a) The person provided notice of the address change to the 10277
sheriff specified in division (A) of this section by telephone 10278
immediately upon learning of the address change or, if the person 10279
did not have reasonable access to a telephone at that time, as 10280
soon as possible, but not later than the end of the first business 10281
day, after learning of the address change and having reasonable 10282
access to a telephone, and the person, as soon as possible, but 10283
not later than the end of the first business day, after providing 10284
notice of the address change to the sheriff by telephone, provided 10285
written notice of the address change to that sheriff. 10286

(b) The person, as soon as possible, but not later than the 10287
end of the first business day, after learning of the address 10288
change, provided written notice of the address change to the 10289
sheriff specified in division (A) of this section. 10290

(2) It is an affirmative defense to a charge of a violation 10291
of division ~~(E)~~(F)(2) of this section that it was impossible for 10292
the person to register the new address with the sheriff or the 10293
official of the other state as required under division (B) or (C) 10294
of this section because of a lack of knowledge, on the date 10295
specified for the registration of the new address, of a residence, 10296
school, institution of higher education, or place of employment 10297
address change, and that the person registered the new residence, 10298
school, institution of higher education, or place of employment 10299
address with the sheriff or the official of the other state 10300
specified in division (B) or (C) of this section as soon as 10301
possible, but not later than the end of the first business day, 10302
after learning of the address change by doing either of the 10303
following: 10304

(a) The person provided notice of the new address to the 10305
sheriff or official specified in division (B) or (C) of this 10306
section by telephone immediately upon learning of the new address 10307
or, if the person did not have reasonable access to a telephone at 10308
that time, as soon as possible, but not later than the end of the 10309
first business day, after learning of the new address and having 10310
reasonable access to a telephone, and the person, as soon as 10311
possible, but not later than the end of the first business day, 10312
after providing notice of the new address to the sheriff or 10313
official by telephone, registered the new address with that 10314
sheriff or official in accordance with division (B) or (C) of this 10315
section. 10316

(b) The person, as soon as possible, but not later than the 10317
end of the first business day, after learning of the new address, 10318
registered the new address with the sheriff or official specified 10319
in division (B) or (C) of this section, in accordance with that 10320
division. 10321

~~(G)~~(H) An offender or delinquent child who is required to 10322

comply with divisions (A), (B), and (C) of this section shall do 10323
so for the period of time specified in section 2950.07 of the 10324
Revised Code. 10325

~~(H)~~(I) As used in this section, and in all other sections of 10326
the Revised Code that refer to the duties imposed on an offender 10327
or delinquent child under this section relative to a change in the 10328
offender's or delinquent child's residence, school, institution of 10329
higher education, or place of employment address, "change in 10330
address" includes any circumstance in which the old address for 10331
the person in question no longer is accurate, regardless of 10332
whether the person in question has a new address. 10333

Sec. 2950.06. (A) An offender or delinquent child who is 10334
required to register a residence address pursuant to division 10335
(A)(2), (3), or (4) of section 2950.04 or 2950.041 of the Revised 10336
Code shall periodically verify the offender's or delinquent 10337
child's current residence address, and an offender or public 10338
registry-qualified juvenile offender registrant who is required to 10339
register a school, institution of higher education, or place of 10340
employment address pursuant to ~~either any of those sections~~ 10341
divisions shall periodically verify the address of the offender's 10342
or public registry-qualified juvenile offender registrant's 10343
current school, institution of higher education, or place of 10344
employment, in accordance with this section. The frequency of 10345
verification shall be determined in accordance with division (B) 10346
of this section, and the manner of verification shall be 10347
determined in accordance with division (C) of this section. 10348

(B) The frequency with which an offender or delinquent child 10349
must verify the offender's or delinquent child's current 10350
residence, school, institution of higher education, or place of 10351
employment address pursuant to division (A) of this section shall 10352
be determined as follows: 10353

(1) Regardless of when the sexually oriented offense or 10354
child-victim oriented offense for which the offender or delinquent 10355
child is required to register was committed, if the offender or 10356
delinquent child is a tier I sex offender/child-victim offender, 10357
the offender shall verify the offender's current residence address 10358
or current school, institution of higher education, or place of 10359
employment address, and the delinquent child shall verify the 10360
delinquent child's current residence address, in accordance with 10361
division (C) of this section ~~every ninety days after~~ on each 10362
anniversary of the offender's or delinquent child's initial 10363
registration date during the period the offender or delinquent 10364
child is required to register ~~if any of the following applies:~~ 10365

~~(a) The offender or delinquent child is required to register 10366
based on a sexually oriented offense, and either the offender has 10367
been adjudicated a sexual predator relative to the sexually 10368
oriented offense, the delinquent child has been adjudicated a 10369
sexual predator relative to the sexually oriented offense and the 10370
court has not subsequently entered a determination pursuant to 10371
section 2152.84 or 2152.85 of the Revised Code that the delinquent 10372
child no longer is a sexual predator, or the offender is required 10373
to register as a result of an aggravated sexually oriented 10374
offense. 10375~~

~~(b) The offender or delinquent child is required to register 10376
based on a child victim oriented offense, and either the offender 10377
has been adjudicated a child victim predator relative to the 10378
child victim oriented offense or the delinquent child has been 10379
adjudicated a child victim predator relative to the child victim 10380
oriented offense and the court has not subsequently entered a 10381
determination pursuant to section 2152.84 or 2152.85 of the 10382
Revised Code that the delinquent child no longer is a child victim 10383
predator. 10384~~

~~(2) In all circumstances not described in division (B)(1) of 10385~~

~~this section~~ Regardless of when the sexually oriented offense or
child-victim oriented offense for which the offender or delinquent
child is required to register was committed, if the offender or
delinquent child is a tier II sex offender/child-victim offender,
the offender shall verify the offender's current residence address
or current school, institution of higher education, or place of
employment address, and the delinquent child shall verify the
delinquent child's current residence address, in accordance with
division (C) of this section ~~on each anniversary of~~ every one
hundred eighty days after the offender's or delinquent child's
initial registration date during the period the offender or
delinquent child is required to register.

(3) Regardless of when the sexually oriented offense or
child-victim oriented offense for which the offender or delinquent
child is required to register was committed, if the offender or
delinquent child is a tier III sex offender/child-victim offender,
the offender shall verify the offender's current residence address
or current school, institution of higher education, or place of
employment address, and the delinquent child shall verify the
delinquent child's current residence address and, if the
delinquent child is a public registry-qualified juvenile offender
registrant, the current school, institution of higher education,
or place of employment address, in accordance with division (C) of
this section every ninety days after the offender's or delinquent
child's initial registration date during the period the offender
or delinquent child is required to register.

(4) If, prior to ~~the effective date of this amendment~~ January
1, 2008, an offender or delinquent child registered with a sheriff
under a duty imposed under section 2950.04 or 2950.041 of the
Revised Code as a result of a conviction of, plea of guilty to, or
adjudication as a delinquent child for committing a sexually
oriented offense ~~and if, on or after the effective date of this~~

~~amendment, that offense no longer is a sexually oriented offense~~ 10418
~~but instead is~~ or a child-victim oriented offense as those terms 10419
were defined in section 2950.01 of the Revised Code prior to 10420
January 1, 2008, the duty to register that is imposed on the 10421
offender or delinquent child pursuant to section 2950.04 or 10422
2950.041 of the Revised Code on and after January 1, 2008, is a 10423
continuation of the duty imposed upon the offender prior to ~~the~~ 10424
~~effective date of this amendment~~ January 1, 2008, under section 10425
2950.04 or 2950.041 of the Revised Code and, for purposes of 10426
divisions (B)(1) ~~and, (2), and (3)~~ of this section, the offender's 10427
initial registration date related to that offense is the date on 10428
which the offender initially registered under section 2950.04 or 10429
2950.041 of the Revised Code. 10430

(C)(1) An offender or delinquent child who is required to 10431
verify the offender's or delinquent child's current residence, 10432
school, institution of higher education, or place of employment 10433
address pursuant to division (A) of this section shall verify the 10434
address with the sheriff with whom the offender or delinquent 10435
child most recently registered the address by personally appearing 10436
before the sheriff or a designee of the sheriff, no earlier than 10437
ten days before the date on which the verification is required 10438
pursuant to division (B) of this section and no later than the 10439
date so required for verification, and completing and signing a 10440
copy of the verification form prescribed by the bureau of criminal 10441
identification and investigation. The sheriff or designee shall 10442
sign the completed form and indicate on the form the date on which 10443
it is so completed. The verification required under this division 10444
is complete when the offender or delinquent child personally 10445
appears before the sheriff or designee and completes and signs the 10446
form as described in this division. 10447

(2) To facilitate the verification of an offender's or 10448
delinquent child's current residence, school, institution of 10449

higher education, or place of employment address, as applicable, 10450
under division (C)(1) of this section, the sheriff with whom the 10451
offender or delinquent child most recently registered the address 10452
may mail a nonforwardable verification form prescribed by the 10453
bureau of criminal identification and investigation to the 10454
offender's or delinquent child's last reported address and to the 10455
last reported address of the parents of the delinquent child, with 10456
a notice that conspicuously states that the offender or delinquent 10457
child must personally appear before the sheriff or a designee of 10458
the sheriff to complete the form and the date by which the form 10459
must be so completed. Regardless of whether a sheriff mails a form 10460
to an offender or delinquent child and that child's parents, each 10461
offender or delinquent child who is required to verify the 10462
offender's or delinquent child's current residence, school, 10463
institution of higher education, or place of employment address, 10464
as applicable, pursuant to division (A) of this section shall 10465
personally appear before the sheriff or a designee of the sheriff 10466
to verify the address in accordance with division (C)(1) of this 10467
section. 10468

(D) The verification form to be used under division (C) of 10469
this section shall contain all of the following: 10470

(1) Except as provided in division (D)(2) of this section, 10471
the current residence address of the offender or delinquent child, 10472
the name and address of the offender's or delinquent child's 10473
employer if the offender or delinquent child is employed at the 10474
time of verification or if the offender or delinquent child knows 10475
at the time of verification that the offender or delinquent child 10476
will be commencing employment with that employer subsequent to 10477
verification, the name and address of the offender's or public 10478
registry-qualified juvenile offender registrant's school or 10479
institution of higher education if the offender or public 10480
registry-qualified juvenile offender registrant attends one at the 10481

time of verification or if the offender or public 10482
registry-qualified juvenile offender registrant knows at the time 10483
of verification that the offender will be commencing attendance at 10484
that school or institution subsequent to verification, and any 10485
other information required by the bureau of criminal 10486
identification and investigation. 10487

(2) Regarding an offender or public registry-qualified 10488
juvenile offender registrant who is verifying a current school, 10489
institution of higher education, or place of employment address, 10490
the name and current address of the school, institution of higher 10491
education, or place of employment of the offender or public 10492
registry-qualified juvenile offender registrant and any other 10493
information required by the bureau of criminal identification and 10494
investigation. 10495

(E) Upon an offender's or delinquent child's personal 10496
appearance and completion of a verification form under division 10497
(C) of this section, a sheriff promptly shall forward a copy of 10498
the verification form to the bureau of criminal identification and 10499
investigation in accordance with the forwarding procedures adopted 10500
by the attorney general pursuant to section 2950.13 of the Revised 10501
Code. If an offender or public registry-qualified juvenile 10502
offender registrant verifies a school, institution of higher 10503
education, or place of employment address, or provides a school or 10504
institution of higher education address under division (D)(1) of 10505
this section, the sheriff also shall provide notice to the law 10506
enforcement agency with jurisdiction over the premises of the 10507
school, institution of higher education, or place of employment of 10508
the offender's or public registry-qualified juvenile offender 10509
registrant's name and that the offender or public 10510
registry-qualified juvenile offender registrant has verified or 10511
provided that address as a place at which the offender or public 10512
registry-qualified juvenile offender registrant attends school or 10513

an institution of higher education or at which the offender or 10514
public registry-qualified juvenile offender registrant is 10515
employed. The bureau shall include all information forwarded to it 10516
under this division in the state registry of sex offenders and 10517
child-victim offenders established and maintained under section 10518
2950.13 of the Revised Code. 10519

(F) No person who is required to verify a current residence, 10520
school, institution of higher education, or place of employment 10521
address, as applicable, pursuant to divisions (A) to (C) of this 10522
section shall fail to verify a current residence, school, 10523
institution of higher education, or place of employment address, 10524
as applicable, in accordance with those divisions by the date 10525
required for the verification as set forth in division (B) of this 10526
section, provided that no person shall be prosecuted or subjected 10527
to a delinquent child proceeding for a violation of this division, 10528
and that no parent, guardian, or custodian of a delinquent child 10529
shall be prosecuted for a violation of section 2919.24 of the 10530
Revised Code based on the delinquent child's violation of this 10531
division, prior to the expiration of the period of time specified 10532
in division (G) of this section. 10533

(G)(1) If an offender or delinquent child fails to verify a 10534
current residence, school, institution of higher education, or 10535
place of employment address, as applicable, as required by 10536
divisions (A) to (C) of this section by the date required for the 10537
verification as set forth in division (B) of this section, the 10538
sheriff with whom the offender or delinquent child is required to 10539
verify the current address, on the day following that date 10540
required for the verification, shall send a written warning to the 10541
offender or to the delinquent child and that child's parents, at 10542
the offender's or delinquent child's and that child's parents' 10543
last known residence, school, institution of higher education, or 10544
place of employment address, as applicable, regarding the 10545

offender's or delinquent child's duty to verify the offender's or 10546
delinquent child's current residence, school, institution of 10547
higher education, or place of employment address, as applicable. 10548

The written warning shall do all of the following: 10549

(a) Identify the sheriff who sends it and the date on which 10550
it is sent; 10551

(b) State conspicuously that the offender or delinquent child 10552
has failed to verify the offender's or public registry-qualified 10553
juvenile offender registrant's current residence, school, 10554
institution of higher education, or place of employment address or 10555
the ~~delinquent child's~~ current residence address of a delinquent 10556
child who is not a public registry-qualified juvenile offender 10557
registrant by the date required for the verification; 10558

(c) Conspicuously state that the offender or delinquent child 10559
has seven days from the date on which the warning is sent to 10560
verify the current residence, school, institution of higher 10561
education, or place of employment address, as applicable, with the 10562
sheriff who sent the warning; 10563

(d) Conspicuously state that a failure to timely verify the 10564
specified current address or addresses is a felony offense; 10565

(e) Conspicuously state that, if the offender or public 10566
registry-qualified juvenile offender registrant verifies the 10567
current residence, school, institution of higher education, or 10568
place of employment address or the delinquent child who is not a 10569
public registry-qualified juvenile offender registrant verifies 10570
the current residence address with that sheriff within that 10571
seven-day period, the offender or delinquent child will not be 10572
prosecuted or subjected to a delinquent child proceeding for a 10573
failure to timely verify a current address and the delinquent 10574
child's parent, guardian, or custodian will not be prosecuted 10575
based on a failure of the delinquent child to timely verify an 10576

address; 10577

(f) Conspicuously state that, if the offender or public 10578
registry-qualified juvenile offender registrant does not verify 10579
the current residence, school, institution of higher education, or 10580
place of employment address or the delinquent child ~~verifies~~ who 10581
is not a public registry-qualified juvenile offender registrant 10582
does not verify the current residence address with that sheriff 10583
within that seven-day period, the offender or delinquent child 10584
will be arrested or taken into custody, as appropriate, and 10585
prosecuted or subjected to a delinquent child proceeding for a 10586
failure to timely verify a current address and the delinquent 10587
child's parent, guardian, or custodian may be prosecuted for a 10588
violation of section 2919.24 of the Revised Code based on the 10589
delinquent child's failure to timely verify a current residence 10590
address. 10591

(2) If an offender or delinquent child fails to verify a 10592
current residence, school, institution of higher education, or 10593
place of employment address, as applicable, as required by 10594
divisions (A) to (C) of this section by the date required for the 10595
verification as set forth in division (B) of this section, the 10596
offender or delinquent child shall not be prosecuted or subjected 10597
to a delinquent child proceeding for a violation of division (F) 10598
of this section, and the delinquent child's parent, guardian, or 10599
custodian shall not be prosecuted for a violation of section 10600
2919.24 of the Revised Code based on the delinquent child's 10601
failure to timely verify a current residence address and, if the 10602
delinquent child is a public registry-qualified juvenile offender 10603
registrant, the current school, institution of higher education, 10604
or place of employment address, as applicable, unless the 10605
seven-day period subsequent to that date that the offender or 10606
delinquent child is provided under division (G)(1) of this section 10607
to verify the current address has expired and the offender or 10608

delinquent child, prior to the expiration of that seven-day 10609
period, has not verified the current address. Upon the expiration 10610
of the seven-day period that the offender or delinquent child is 10611
provided under division (G)(1) of this section to verify the 10612
current address, if the offender or delinquent child has not 10613
verified the current address, all of the following apply: 10614

(a) The sheriff with whom the offender or delinquent child is 10615
required to verify the current residence, school, institution of 10616
higher education, or place of employment address, as applicable, 10617
promptly shall notify the bureau of criminal identification and 10618
investigation of the failure. 10619

(b) The sheriff with whom the offender or delinquent child is 10620
required to verify the current residence, school, institution of 10621
higher education, or place of employment address, as applicable, 10622
the sheriff of the county in which the offender or delinquent 10623
child resides, the sheriff of the county in which is located the 10624
offender's or public registry-qualified juvenile offender 10625
registrant's school, institution of higher education, or place of 10626
employment address that was to be verified, or a deputy of the 10627
appropriate sheriff, shall locate the offender or delinquent 10628
child, promptly shall seek a warrant for the arrest or taking into 10629
custody, as appropriate, of the offender or delinquent child for 10630
the violation of division (F) of this section and shall arrest the 10631
offender or take the child into custody, as appropriate. 10632

(c) The offender or delinquent child is subject to 10633
prosecution or a delinquent child proceeding for the violation of 10634
division (F) of this section, and the delinquent child's parent, 10635
guardian, or custodian may be subject to prosecution for a 10636
violation of section 2919.24 of the Revised Code based on the 10637
delinquent child's violation of that division. 10638

(H) An offender or public registry-qualified juvenile 10639
offender registrant who is required to verify the offender's or 10640

public registry-qualified juvenile offender registrant's current 10641
residence, school, institution of higher education, or place of 10642
employment address pursuant to divisions (A) to (C) of this 10643
section and a delinquent child who is not a public 10644
registry-qualified juvenile offender registrant who is required to 10645
verify the delinquent child's current residence address pursuant 10646
to those divisions shall do so for the period of time specified in 10647
section 2950.07 of the Revised Code. 10648

Sec. 2950.07. (A) The duty of an offender who is convicted of 10649
~~or~~, pleads guilty to, ~~or~~ has been convicted of, or has pleaded 10650
guilty to, ~~either a sexually oriented offense that is not a~~ 10651
~~registration-exempt sexually oriented offense~~ or a child-victim 10652
oriented offense and the duty of a delinquent child who is or has 10653
been adjudicated a delinquent child for committing ~~either a~~ 10654
sexually oriented offense ~~that is not a registration-exempt~~ 10655
~~sexually oriented offense~~ or a child-victim oriented offense and 10656
is classified a juvenile offender registrant or who is an 10657
out-of-state juvenile offender registrant to comply with sections 10658
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 10659
commences on whichever of the following dates is applicable: 10660

(1) If the offender's duty to register is imposed pursuant to 10661
division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of 10662
section 2950.041 of the Revised Code, the offender's duty to 10663
comply with those sections commences immediately after the entry 10664
of the judgment of conviction. 10665

(2) If the delinquent child's duty to register is imposed 10666
pursuant to division (A)(1)(b) of section 2950.04 or division 10667
(A)(1)(b) of section 2950.041 of the Revised Code, the delinquent 10668
child's duty to comply with those sections commences immediately 10669
after the order of disposition. 10670

(3) If the offender's duty to register is imposed pursuant to 10671

division (A)(1)(a)(2) of section 2950.04 or division (A)(1)(a)(2) 10672
of section 2950.041 of the Revised Code, subject to division 10673
(A)(7) of this section, the offender's duty to comply with those 10674
sections commences ~~regarding residence addresses~~ on the date of 10675
the offender's release from a prison term, a term of imprisonment, 10676
or any other type of confinement ~~or on July 1, 1997, for a duty~~ 10677
~~under section 2950.04 or the effective date of this amendment for~~ 10678
~~a duty under section 2950.041 of the Revised Code, whichever is~~ 10679
~~later, and commences regarding addresses of schools, institutions~~ 10680
~~of higher education, and places of employment on the date of the~~ 10681
~~offender's release from a prison term, term of imprisonment, or~~ 10682
~~any other type of confinement or on the effective date of this~~ 10683
~~amendment, whichever is later.~~ 10684

~~(2) If the offender's duty to register is imposed pursuant to~~ 10685
~~division (A)(1)(b) of section 2950.04 or division (A)(1)(b) of~~ 10686
~~section 2950.041 of the Revised Code, the offender's duty to~~ 10687
~~comply with those sections commences regarding residence~~ 10688
~~addresses, or if the offender is not sentenced to a prison term, a~~ 10689
~~term of imprisonment, or any other type of confinement, on the~~ 10690
~~date of the entry of the judgment of conviction of the sexually~~ 10691
~~oriented offense or child-victim oriented offense or on July 1,~~ 10692
~~1997, for a duty under section 2950.04 or the effective date of~~ 10693
~~this amendment for a duty under section 2950.041 of the Revised~~ 10694
~~Code, whichever is later, and commences regarding addresses of~~ 10695
~~schools, institutions of higher education, and places of~~ 10696
~~employment on the date of entry of the judgment of conviction of~~ 10697
~~the sexually oriented offense or child victim oriented offense or~~ 10698
~~on the effective date of this amendment, whichever is later.~~ 10699

~~(3) If the offender's duty to register is imposed pursuant to~~ 10700
~~division (A)(1)(c) of section 2950.04 of the Revised Code, the~~ 10701
~~offender's duty to comply with those sections commences regarding~~ 10702
~~residence addresses fourteen days after July 1, 1997, and~~ 10703

~~commences regarding addresses of schools, institutions of higher
education, and places of employment fourteen days after the
effective date of this amendment.~~

(4) If the offender's or delinquent child's duty to register
is imposed pursuant to division (A)~~(3)(a) or (b)(4)~~ of section
2950.04 or division (A)~~(3)(a) or (b)(4)~~ of section 2950.041 of the
Revised Code, the offender's duty to comply with those sections
commences regarding residence addresses on the date that the
offender begins to reside or becomes temporarily domiciled in this
state ~~or on March 30, 1999, for a duty under section 2950.04 of~~
~~the Revised Code or the effective date of this amendment for a~~
~~duty under section 2950.041 of the Revised Code, whichever is~~
~~later~~, the offender's duty regarding addresses of schools,
institutions of higher education, and places of employment
commences on ~~the effective date of this amendment or on~~ the date
the offender begins attending any school or institution of higher
education in this state on a full-time or part-time basis or
becomes employed in this state, ~~whichever is later~~, and the
delinquent child's duty commences on the date the delinquent child
begins to reside or becomes temporarily domiciled in this state ~~or~~
~~on January 1, 2002, for a duty under section 2950.04 of the~~
~~Revised Code or the effective date of this amendment for a duty~~
~~under section 2950.041 of the Revised Code, whichever is later.~~

(5) If the delinquent child's duty to register is imposed
pursuant to division (A)~~(2)(3)~~ of section 2950.04 or division
(A)~~(2)(a)(3)~~ of section 2950.041 of the Revised Code, if the
delinquent child's classification as a juvenile offender
registrant is made at the time of the child's disposition for that
sexually oriented offense or child-victim oriented offense,
whichever is applicable, and if the delinquent child is committed
for the sexually oriented offense or child-victim oriented offense
to the department of youth services or to a secure facility that

is not operated by the department, the delinquent child's duty to 10736
comply with those sections commences on the date of the delinquent 10737
child's discharge or release from custody in the department of 10738
youth services secure facility or from the secure facility not 10739
operated by the department as described in that division. 10740

(6) If the delinquent child's duty to register is imposed 10741
pursuant to division (A)~~(2)~~(3) of section 2950.04 or division 10742
(A)~~(2)~~(a)(3) of section 2950.041 of the Revised Code and if either 10743
the delinquent child's classification as a juvenile offender 10744
registrant is made at the time of the child's disposition for that 10745
sexually oriented offense or child-victim oriented offense, 10746
whichever is applicable, and the delinquent child is not committed 10747
for the sexually oriented offense or child-victim oriented offense 10748
to the department of youth services or to a secure facility that 10749
is not operated by the department or the child's classification as 10750
a juvenile offender registrant is made pursuant to ~~sections~~ 10751
section 2152.83 or division (A)(2) of section 2152.86 of the 10752
Revised Code, subject to divisions (A)(7) of this section, the 10753
delinquent child's duty to comply with those sections commences on 10754
the date of entry of the court's order that classifies the 10755
delinquent child a juvenile offender registrant. 10756

(7) If the offender's or delinquent child's duty to register 10757
is imposed pursuant to division (A)(2), (3), or (4) of section 10758
2950.04 or section 2950.041 of the Revised Code and if the 10759
offender or delinquent child prior to January 1, 2008, has 10760
registered a residence, school, institution of higher education, 10761
or place of employment address pursuant to section 2950.04, 10762
2950.041, or 2950.05 of the Revised Code as they existed prior to 10763
that date, the offender or delinquent child initially shall 10764
register in accordance with section 2950.04 or 2950.041 of the 10765
Revised Code, whichever is applicable, as it exists on and after 10766
January 1, 2008, not later than the earlier of the dates specified 10767

in divisions (A)(7)(a) and (b) of this section. The offender's or 10768
delinquent child's duty to comply thereafter with sections 10769
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as 10770
they exist on and after January 1, 2008, commences on the date of 10771
that initial registration. The offender or delinquent child 10772
initially shall register under section 2950.04 or 2950.041 of the 10773
Revised Code as it exists on and after January 1, 2008, not later 10774
than the earlier of the following: 10775

(a) The date that is six months after the date on which the 10776
offender or delinquent child received a registered letter from the 10777
attorney general under division (A)(2) or (B) of section 2950.031 10778
of the Revised Code; 10779

(b) The earlier of the date on which the offender or 10780
delinquent child would be required to verify a previously 10781
registered address under section 2950.06 of the Revised Code as it 10782
exists on and after January 1, 2008, or, if the offender or 10783
delinquent child has changed a previously registered address, the 10784
date on which the offender or delinquent child would be required 10785
to register a new residence, school, institution of higher 10786
education, or place of employment address under section 2950.05 of 10787
the Revised Code as it exists on and after January 1, 2008. 10788

(8) If the offender's or delinquent child's duty to register 10789
is was imposed pursuant to division (A)(1)(c) of section 2950.04 10790
or 2950.041 of the Revised Code as they existed prior to January 10791
1, 2008, the offender's or delinquent child's duty to comply with 10792
those sections regarding residence addresses sections 2950.04, 10793
2950.041, 2950.05, and 2950.06 of the Revised Code as they exist 10794
on and after January 1, 2008, is a continuation of the offender's 10795
or delinquent child's former duty to register regarding residence 10796
addresses imposed prior to the effective date of this amendment 10797
January 1, 2008, under section 2950.04 or 2950.041 of the Revised 10798
Code and shall be considered for all purposes as having commenced 10799

on the date that the offender's ~~former~~ duty under that section 10800
commenced. ~~The offender's duty to comply with those sections~~ 10801
~~commences regarding addresses of schools, institutions of higher~~ 10802
~~education, and places of employment on the effective date of this~~ 10803
~~amendment.~~ 10804

~~(8) If the delinquent child's duty to register is imposed~~ 10805
~~pursuant to division (A)(2)(b) of section 2950.041 of the Revised~~ 10806
~~Code, the delinquent child's duty to comply with those sections is~~ 10807
~~a continuation of the delinquent child's former duty to register~~ 10808
~~imposed prior to the effective date of this amendment under~~ 10809
~~section 2950.04 of the Revised Code and shall be considered for~~ 10810
~~all purposes as having commenced on the date that the delinquent~~ 10811
~~child's former duty under that section commenced or commences.~~ 10812

(B) The duty of an offender who is convicted of ~~or~~ pleads 10813
guilty to, ~~or~~ has been convicted of or has pleaded guilty to, 10814
~~either a sexually oriented offense that is not a~~ 10815
~~registration-exempt sexually oriented offense~~ or a child-victim 10816
oriented offense and the duty of a delinquent child who is or has 10817
been adjudicated a delinquent child for committing ~~either a~~ 10818
sexually oriented offense ~~that is not a registration-exempt~~ 10819
~~sexually oriented offense~~ or a child-victim oriented offense and 10820
is classified a juvenile offender registrant or who is an 10821
out-of-state juvenile offender registrant to comply with sections 10822
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 10823
continues, after the date of commencement, for whichever of the 10824
following periods is applicable: 10825

(1) Except as otherwise provided in this division, if the 10826
~~offense is a sexually oriented offense that is not a~~ 10827
~~registration-exempt sexually oriented offense and the person is an~~ 10828
~~offender or delinquent child has been adjudicated a sexual~~ 10829
~~predator who is a tier III sex offender/child-victim offender~~ 10830
relative to the sexually oriented offense or child-victim oriented 10831

~~offense, if the person is a delinquent child who is a tier III sex~~ 10832
~~offender/child-victim offender relative to the sexually oriented~~ 10833
~~offense or child-victim oriented offense, or if the person is a~~ 10834
~~delinquent child who is a public registry-qualified juvenile~~ 10835
~~offender registrant relative to the sexually oriented offense, if~~ 10836
~~the offense is a sexually oriented offense and the offender has~~ 10837
~~the duty to register as a result of an aggravated sexually~~ 10838
~~oriented offense, or if the offense is a child victim oriented~~ 10839
~~offense and the offender or delinquent child has been adjudicated~~ 10840
~~a child victim predator relative to the child victim oriented~~ 10841
~~offense,~~ the offender's or delinquent child's duty to comply with 10842
those sections continues until the offender's or delinquent 10843
child's death. Regarding a delinquent child ~~who has been~~ 10844
~~adjudicated a sexual predator relative to the sexually oriented~~ 10845
~~offense or who has been adjudicated a child victim predator~~ 10846
~~relative to the child victim oriented offense who is a tier III~~ 10847
~~sex offender/child-victim offender relative to the offense but is~~ 10848
~~not a public registry-qualified juvenile offender registrant~~ 10849
~~relative to the offense,~~ if the judge who made the disposition for 10850
the delinquent child or that judge's successor in office 10851
subsequently enters a determination pursuant to section 2152.84 or 10852
2152.85 of the Revised Code that the delinquent child no longer is 10853
a ~~sexual predator or child victim predator~~ tier III sex 10854
offender/child-victim offender, the delinquent child's duty to 10855
comply with those sections continues for the period of time that 10856
~~otherwise would have been~~ is applicable to the delinquent child 10857
under division (B)(2) or (3) of this section, based on the 10858
reclassification of the child pursuant to section 2152.84 or 10859
21562.85 of the Revised Code as a tier I sex offender/child-victim 10860
offender or a tier II sex offender/child-victim offender. In no 10861
case shall the lifetime duty to comply that is imposed under this 10862
division on an offender who is ~~adjudicated a sexual predator or is~~ 10863
~~adjudicated a child victim predator or is imposed under this~~ 10864

~~division for an aggravated sexually oriented offense, or the~~ 10865
~~adjudication, classification, or conviction that subjects the~~ 10866
~~offender to this division, a tier III sex offender/child-victim~~ 10867
~~offender be removed or terminated. A delinquent child who is a~~ 10868
~~public registry-qualified juvenile offender registrant may have~~ 10869
~~the lifetime duty to register terminated only pursuant to section~~ 10870
~~2950.15 of the Revised Code.~~ 10871

(2) ~~If the judge who sentenced the offender or made the~~ 10872
~~disposition for the delinquent child for committing the sexually~~ 10873
~~oriented offense that is not a registration exempt sexually~~ 10874
~~oriented offense or the child victim oriented offense, or the~~ 10875
~~successor in office of the juvenile court judge who made the~~ 10876
~~delinquent child disposition, determined pursuant to division (E)~~ 10877
~~of section 2950.09 or 2950.091 or pursuant to division (B) of~~ 10878
~~section 2152.83, section 2152.84, or section 2152.85 of the~~ 10879
~~Revised Code that the person is an offender or delinquent child~~ 10880
~~who is a habitual sex offender or a habitual child victim~~ 10881
~~offender, or if the offender or delinquent child is automatically~~ 10882
~~classified a habitual child victim offender pursuant to division~~ 10883
~~(E) of section 2950.091 of the Revised Code tier II sex~~ 10884
~~offender/child-victim offender relative to the sexually oriented~~ 10885
~~offense or child-victim oriented offense, the offender's duty to~~ 10886
~~comply with those sections continues either until the offender's~~ 10887
~~death or for twenty years, determined as provided in this~~ 10888
~~division, and the delinquent child's duty to comply with those~~ 10889
~~sections continues for twenty twenty-five years. If Except as~~ 10890
~~otherwise provided in this division, if the person is a delinquent~~ 10891
~~child who is a tier II sex offender/child-victim offender relative~~ 10892
~~to the sexually oriented offense or child-victim oriented offense,~~ 10893
~~the delinquent child's duty to comply with those sections~~ 10894
~~continues for twenty years. Regarding a delinquent child is so~~ 10895
~~determined or classified to be a habitual sex offender or a~~ 10896
~~habitual child victim offender and who is a tier II sex~~ 10897

~~offender/child-victim offender relative to the offense but is not~~ 10898
~~a public registry-qualified juvenile offender registrant relative~~ 10899
~~to the offense,~~ if the judge who made the disposition for the 10900
delinquent child or that judge's successor in office subsequently 10901
enters a determination pursuant to section 2152.84 or 2152.85 of 10902
the Revised Code that the delinquent child no longer is a ~~habitual~~ 10903
~~sex offender or habitual child-victim offender tier II sex~~ 10904
~~offender/child-victim offender~~ but remains a juvenile offender 10905
registrant, the delinquent child's duty to comply with those 10906
sections continues for the period of time that ~~otherwise would~~ 10907
~~have been~~ is applicable to the delinquent child under division 10908
(B)(3) of this section, based on the reclassification of the child 10909
pursuant to section 2152.84 or 2152.85 of the Revised Code as a 10910
tier I sex offender/child-victim offender. ~~Except as otherwise~~ 10911
~~provided in this division, the offender's duty to comply with~~ 10912
~~those sections continues until the offender's death. If a lifetime~~ 10913
~~duty to comply is imposed under this division on an offender, in~~ 10914
~~no case shall that lifetime duty, or the determination that~~ 10915
~~subjects the offender to this division, be removed or terminated.~~ 10916
~~The offender's duty to comply with those sections continues for~~ 10917
~~twenty years if the offender is a habitual sex offender and both~~ 10918
~~of the following apply:~~ 10919

~~(a) At least one of the sexually oriented offenses of which~~ 10920
~~the offender has been convicted or to which the offender has~~ 10921
~~pleaded guilty and that are included in the habitual sex offender~~ 10922
~~determination is a violation of division (A)(1) or (5) of section~~ 10923
~~2907.06 of the Revised Code involving a victim who is eighteen~~ 10924
~~years of age or older, a violation of division (A), (B), or (E) of~~ 10925
~~section 2907.08 of the Revised Code involving a victim who is~~ 10926
~~eighteen years of age or older, or a violation of section 2903.211~~ 10927
~~of the Revised Code that is a misdemeanor;~~ 10928

~~(b) The total of all the sexually oriented offenses of which~~ 10929

~~the offender has been convicted or to which the offender has~~ 10930
~~pleaded guilty and that are included in the habitual sex offender~~ 10931
~~determination does not include at least two sexually oriented~~ 10932
~~offenses that are not described in division (B)(2)(a) of this~~ 10933
~~section.~~ 10934

(3) ~~If neither division (B)(1) nor (B)(2) of this section~~ 10935
~~applies~~ Except as otherwise provided in this division, if the 10936
person is an offender who is a tier I sex offender/child-victim 10937
offender relative to the sexually oriented offense or child-victim 10938
oriented offense, the offender's ~~or delinquent child's~~ duty to 10939
comply with those sections continues for ~~ten~~ fifteen years. ~~If~~ 10940
Except as otherwise provided in this division, if the person is a 10941
delinquent child who is a tier I sex offender/child-victim 10942
offender relative to the sexually oriented offense or child-victim 10943
oriented offense, the delinquent child's duty to comply with those 10944
sections continues for ten years. Regarding a delinquent child who 10945
~~is classified pursuant to section 2152.82 or 2152.83 of the~~ 10946
~~Revised Code a juvenile offender registrant and a tier I sex~~ 10947
offender/child-victim offender but is not a public 10948
registry-qualified juvenile offender registrant, if the judge who 10949
made the disposition for the delinquent child or that judge's 10950
successor in office subsequently enters a determination pursuant 10951
to section 2152.84 or 2152.85 of the Revised Code that the 10952
delinquent child no longer is to be classified a juvenile offender 10953
registrant, the delinquent child's duty to comply with those 10954
sections terminates upon the court's entry of the determination. A 10955
person who is an offender who is a tier I sex 10956
offender/child-victim offender may have the fifteen-year duty to 10957
register terminated only pursuant to section 2950.15 of the 10958
Revised Code. 10959

(C)(1) If an offender has been convicted of or pleaded guilty 10960
to a sexually oriented offense ~~that is not a registration exempt~~ 10961

~~sexually oriented offense~~ and the offender subsequently is 10962
convicted of or pleads guilty to another sexually oriented offense 10963
or a child-victim oriented offense, if an offender has been 10964
convicted of or pleaded guilty to a child-victim oriented offense 10965
and the offender subsequently is convicted of or pleads guilty to 10966
another child-victim oriented offense or a sexually oriented 10967
offense, if a delinquent child has been adjudicated a delinquent 10968
child for committing a sexually oriented offense ~~that is not a~~ 10969
~~registration exempt sexually oriented offense~~ and is classified a 10970
juvenile offender registrant or is an out-of-state juvenile 10971
offender registrant and the child subsequently is adjudicated a 10972
delinquent child for committing another sexually oriented offense 10973
or a child-victim oriented offense and is classified a juvenile 10974
offender registrant relative to that offense or subsequently is 10975
convicted of or pleads guilty to another sexually oriented offense 10976
or a child-victim oriented offense, or if a delinquent child has 10977
been adjudicated a delinquent child for committing a child-victim 10978
oriented offense and is classified a juvenile offender registrant 10979
or is an out-of-state juvenile offender registrant and the child 10980
subsequently is adjudicated a delinquent child for committing 10981
another child-victim oriented offense or a sexually oriented 10982
offense and is classified a juvenile offender registrant relative 10983
to that offense or subsequently is convicted of or pleads guilty 10984
to another child-victim oriented offense or a sexually oriented 10985
offense, the period of time for which the offender or delinquent 10986
child must comply with the sections specified in division (A) of 10987
this section shall be separately calculated pursuant to divisions 10988
(A)(1) to (8) and (B)(1) to (3) of this section for each of the 10989
sexually oriented offenses and child-victim oriented offenses, and 10990
the offender or delinquent child shall comply with each separately 10991
calculated ~~periods~~ period of time ~~shall be complied with~~ 10992
independently. 10993

If a delinquent child has been adjudicated a delinquent child 10994

for committing ~~either a sexually oriented offense that is not a~~ 10995
~~registration-exempt sexually oriented offense~~ or a child-victim 10996
oriented offense, is classified a juvenile offender registrant or 10997
is an out-of-state juvenile offender registrant relative to ~~the~~ 10998
that offense, and, after attaining eighteen years of age, 10999
subsequently is convicted of or pleads guilty to another sexually 11000
oriented offense or child-victim oriented offense, the subsequent 11001
conviction or guilty plea does not limit, affect, or supersede the 11002
duties imposed upon the delinquent child under this chapter 11003
relative to the delinquent child's classification as a juvenile 11004
offender registrant or as an out-of-state juvenile offender 11005
registrant, and the delinquent child shall comply with both those 11006
duties and the duties imposed under this chapter relative to the 11007
subsequent conviction or guilty plea. 11008

(2) If a delinquent child has been adjudicated a delinquent 11009
child for committing ~~on or after January 1, 2002, either a~~ 11010
~~sexually oriented offense that is not a registration-exempt~~ 11011
~~sexually oriented offense~~ or a child-victim oriented offense and 11012
is classified a juvenile offender registrant relative to the 11013
offense, ~~if the order containing the classification also contains~~ 11014
~~a determination by the juvenile judge that the child is a sexual~~ 11015
~~predator or a habitual sex offender or that the child is a~~ 11016
~~child victim predator or a habitual child victim offender,~~ and if 11017
the juvenile judge or the judge's successor in office subsequently 11018
~~determines~~ reclassifies the offense tier in which the child is 11019
classified pursuant to section 2152.84 or 2152.85 of the Revised 11020
Code ~~that the delinquent child no longer is a sexual predator or~~ 11021
~~habitual sex offender or no longer is a child victim predator or~~ 11022
~~habitual child victim offender, whichever is applicable,~~ the 11023
judge's subsequent determination to reclassify the child does not 11024
affect the date of commencement of the delinquent child's duty to 11025
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 11026
the Revised Code as determined under division (A) of this section. 11027

The child's duty to comply with those sections after the 11028
reclassification is a continuation of the child's duty to comply 11029
with the sections that was in effect prior to the 11030
reclassification, and the duty shall continue for the period of 11031
time specified in division (B)(1), (2), or (3) of this section, 11032
whichever is applicable. 11033

If, prior to January 1, 2008, an offender had a duty to 11034
comply with the sections specified in division (A) of this section 11035
as a result of a conviction of or plea of guilty to a sexually 11036
oriented offense or child-victim oriented offense as those terms 11037
were defined in section 2950.01 of the Revised Code prior to 11038
January 1, 2008, or a delinquent child had a duty to comply with 11039
those sections as a result of an adjudication as a delinquent 11040
child for committing one of those offenses as they were defined 11041
prior to January 1, 2008, the period of time specified in division 11042
(B)(1), (2), or (3) of this section on and after January 1, 2008, 11043
for which a person must comply with sections 2950.04, 2950.041, 11044
2950.05, and 2950.06 of the Revised Code applies to the person, 11045
automatically replaces the period of time for which the person had 11046
to comply with those sections prior to January 1, 2008, and is a 11047
continuation of the person's duty to comply with the sections that 11048
was in effect prior to the reclassification. If, prior to January 11049
1, 2008, an offender or a delinquent child had a duty to comply 11050
with the sections specified in division (A) of this section, the 11051
offender's or delinquent child's classification as a tier I sex 11052
offender/child-victim offender, a tier II sex 11053
offender/child-victim offender, or a tier III sex 11054
offender/child-victim offender for purposes of that period of time 11055
shall be determined as specified in section 2950.031 or 2950.032 11056
of the Revised Code, as applicable. 11057

(D) The duty of an offender or delinquent child to register 11058
under this chapter is tolled for any period during which the 11059

offender or delinquent child is returned to confinement in a 11060
secure facility for any reason or imprisoned for an offense when 11061
the confinement in a secure facility or imprisonment occurs 11062
subsequent to the date determined pursuant to division (A) of this 11063
section. The offender's or delinquent child's duty to register 11064
under this chapter resumes upon the offender's or delinquent 11065
child's release from confinement in a secure facility or 11066
imprisonment. 11067

(E) An offender or delinquent child who has been or is 11068
convicted ~~or~~, has pleaded or pleads guilty, or has been or is 11069
adjudicated a delinquent child, in a court in another state, in a 11070
federal court, military court, or Indian tribal court, or in a 11071
court of any nation other than the United States for committing 11072
~~either a sexually oriented offense that is not a~~ 11073
~~registration-exempt sexually oriented offense~~ or a child-victim 11074
oriented offense may apply to the sheriff of the county in which 11075
the offender or delinquent child resides or temporarily is 11076
domiciled, or in which the offender attends a school or 11077
institution of higher education or is employed, for credit against 11078
the duty to register for the time that the offender or delinquent 11079
child has complied with the sex offender or child-victim offender 11080
registration requirements of another jurisdiction. The sheriff 11081
shall grant the offender or delinquent child credit against the 11082
duty to register for time for which the offender or delinquent 11083
child provides adequate proof that the offender or delinquent 11084
child has complied with the sex offender or child-victim offender 11085
registration requirements of another jurisdiction. If the offender 11086
or delinquent child disagrees with the determination of the 11087
sheriff, the offender or delinquent child may appeal the 11088
determination to the court of common pleas of the county in which 11089
the offender or delinquent child resides or is temporarily 11090
domiciled, or in which the offender attends a school or 11091
institution of higher education or is employed. 11092

Sec. 2950.08. (A) Subject to division (B) of this section, 11093
the statements, information, photographs, ~~and~~ fingerprints, and 11094
material required by sections 2950.04, 2950.041, 2950.05, and 11095
2950.06 of the Revised Code and provided by a person who 11096
registers, who provides notice of a change of residence, school, 11097
institution of higher education, or place of employment address 11098
and registers the new residence, school, institution of higher 11099
education, or place of employment address, or who provides 11100
verification of a current residence, school, institution of higher 11101
education, or place of employment address pursuant to those 11102
sections and that are in the possession of the bureau of criminal 11103
identification and investigation and the information in the 11104
possession of the bureau that was received by the bureau pursuant 11105
to section 2950.14 of the Revised Code shall not be open to 11106
inspection by the public or by any person other than the following 11107
persons: 11108

(1) A regularly employed peace officer or other law 11109
enforcement officer; 11110

(2) An authorized employee of the bureau of criminal 11111
identification and investigation for the purpose of providing 11112
information to a board, administrator, or person pursuant to 11113
division (F) or (G) of section 109.57 of the Revised Code; 11114

(3) The registrar of motor vehicles, or an employee of the 11115
registrar of motor vehicles, for the purpose of verifying and 11116
updating any of the information so provided, upon the request of 11117
the bureau of criminal identification and investigation. 11118

(B) Division (A) of this section does not apply to any 11119
information that is contained in the internet sex offender and 11120
child-victim offender database established by the attorney general 11121
under division (A)(11) of section 2950.13 of the Revised Code 11122
regarding offenders and that is disseminated as described in that 11123

division. 11124

Sec. 2950.081. (A) Any statements, information, photographs, 11125
~~or~~ fingerprints, or materials that are required to be provided, 11126
and that are provided, by an offender or delinquent child pursuant 11127
to section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 11128
Code and that are in the possession of a county sheriff are public 11129
records open to public inspection under section 149.43 of the 11130
Revised Code and shall be included in the internet sex offender 11131
and child-victim offender database established and maintained 11132
under section 2950.13 of the Revised Code to the extent provided 11133
in that section. 11134

(B) Except when the child is classified a public 11135
registry-qualified juvenile offender registrant ~~and the act that~~ 11136
~~is the basis of the classification is a violation of, or an~~ 11137
~~attempt to commit a violation of, section 2903.01, 2903.02, or~~ 11138
~~2905.01 of the Revised Code that was committed with a purpose to~~ 11139
~~gratify the sexual needs or desires of the child, a violation of~~ 11140
~~section 2907.02 of the Revised Code, or an attempt to commit a~~ 11141
~~violation of that section,~~ the sheriff shall not cause to be 11142
publicly disseminated by means of the internet any statements, 11143
information, photographs, ~~or~~ fingerprints, or materials that are 11144
provided by a ~~juvenile offender registrant~~ delinquent child who 11145
sends a notice of intent to reside, registers, provides notice of 11146
a change of residence address and registers the new residence 11147
address, or provides verification of a current residence address 11148
pursuant to this chapter and that are in the possession of a 11149
county sheriff. 11150

(C) If a sheriff establishes on the internet a sex offender 11151
and child-victim offender database for the public dissemination of 11152
some or all of the materials that are described in division (A) of 11153
this section, that are not prohibited from inclusion by division 11154

(B) of this section, and that pertain to offenders or delinquent 11155
children who register in the sheriff's county, in addition to all 11156
of the other information and materials included, the sheriff shall 11157
include in the database a chart describing which sexually oriented 11158
offenses and child-victim oriented offenses are included in the 11159
definitions of tier I sex offender/child-victim offender, tier II 11160
sex offender/child-victim offender, and tier III sex 11161
offender/child-victim offender and for each offender or delinquent 11162
child in relation to whom information and materials are provided a 11163
statement as to whether the offender or delinquent child is a tier 11164
I sex offender/child-victim offenders, a tier II sex 11165
offender/child-victim offenders, or a tier III sex 11166
offender/child-victim offenders. 11167

Sec. 2950.10. (A)(1) ~~If~~ Regardless of when the sexually 11168
oriented offense or child-victim oriented offense was committed, 11169
if a person is convicted of ~~or~~, pleads guilty to, ~~or~~ has been 11170
convicted of, or has pleaded guilty to, ~~either~~ a sexually oriented 11171
offense ~~that is not a registration exempt sexually oriented~~ 11172
~~offense~~ or a child-victim oriented offense or a person is or has 11173
been adjudicated a delinquent child for committing ~~either~~ a 11174
sexually oriented offense ~~that is not a registration exempt~~ 11175
~~sexually oriented offense~~ or a child-victim oriented offense and 11176
is classified a juvenile offender registrant or is an out-of-state 11177
juvenile offender registrant based on that adjudication, if the 11178
offender or delinquent child is in any category specified in 11179
division (B)(1)(a), (b), or (c) of this section, if the offender 11180
or delinquent child registers with a sheriff pursuant to section 11181
2950.04, 2950.041, or 2950.05 of the Revised Code, and if the 11182
victim of the sexually oriented offense or child-victim oriented 11183
offense has made a request in accordance with rules adopted by the 11184
attorney general that specifies that the victim would like to be 11185
provided the notices described in this section, the sheriff shall 11186

notify the victim of the sexually oriented offense or child-victim 11187
oriented offense, in writing, that the offender or delinquent 11188
child has registered and shall include in the notice the 11189
offender's name and photograph, and the address or addresses of 11190
the offender's residence, school, institution of higher education, 11191
or place of employment, as applicable, or the delinquent child's 11192
name, photograph, and residence address or addresses. The sheriff 11193
shall provide the notice required by this division to the victim 11194
at the most recent residence address available for that victim, 11195
and not later than five days after the offender or delinquent 11196
child registers with the sheriff. 11197

(2) ~~If~~ Regardless of when the sexually oriented offense or 11198
child-victim oriented offense was committed, if a person is 11199
convicted of ~~or~~, pleads guilty to, ~~or~~ has been convicted of, or 11200
has pleaded guilty to, ~~either~~ a sexually oriented offense ~~that is~~ 11201
~~not a registration exempt sexually oriented offense~~ or a 11202
child-victim oriented offense or a person is or has been 11203
adjudicated a delinquent child for committing ~~either~~ a sexually 11204
oriented offense ~~that is not a registration exempt sexually~~ 11205
~~oriented offense~~ or a child-victim oriented offense and is 11206
classified a juvenile offender registrant or is an out-of-state 11207
juvenile offender registrant based on that adjudication, if the 11208
offender or delinquent child is in any category specified in 11209
division (B)(1)(a), (b), or (c) of this section, if the offender 11210
or delinquent child registers with a sheriff pursuant to section 11211
2950.04, 2950.041, or 2950.05 of the Revised Code, if the victim 11212
of the sexually oriented offense or child-victim oriented offense 11213
has made a request in accordance with rules adopted by the 11214
attorney general that specifies that the victim would like to be 11215
provided the notices described in this section, and if the 11216
offender notifies the sheriff of a change of residence, school, 11217
institution of higher education, or place of employment address or 11218
the delinquent child notifies the sheriff of a change of residence 11219

address pursuant to section 2950.05 of the Revised Code, the 11220
sheriff shall notify the victim of the sexually oriented offense 11221
or child-victim oriented offense, in writing, that the offender's 11222
or delinquent child's address has changed and shall include in the 11223
notice the offender's name and photograph, and the new address or 11224
addresses of the offender's residence, school, institution of 11225
higher education, or place of employment, as applicable, or the 11226
delinquent child's name, photograph, and new residence address or 11227
addresses. The sheriff shall provide the notice required by this 11228
division to the victim at the most recent residence address 11229
available for that victim, and no later than five days after the 11230
offender or delinquent child notifies the sheriff of the change in 11231
the offender's or delinquent child's residence, school, 11232
institution of higher education, or place of employment address. 11233

(3) ~~If~~ Regardless of when the sexually oriented offense or 11235
child-victim oriented offense was committed, if a person is 11236
convicted of ~~or~~, pleads guilty to, ~~or~~ has been convicted of, or 11237
has pleaded guilty to, ~~either~~ a sexually oriented offense ~~that is~~ 11238
~~not a registration exempt sexually oriented offense~~ or a 11239
child-victim oriented offense or a person is or has been 11240
adjudicated a delinquent child for committing ~~either~~ a sexually 11241
oriented offense ~~that is not a registration exempt sexually~~ 11242
~~oriented offense~~ or a child-victim oriented offense and is 11243
classified a juvenile offender registrant or is an out-of-state 11244
juvenile offender registrant based on that adjudication, and if 11245
the offender or delinquent child is in any category specified in 11246
division (B)(1)(a), (b), or (c) of this section, the victim of the 11247
offense may make a request in accordance with rules adopted by the 11248
attorney general pursuant to section 2950.13 of the Revised Code 11249
that specifies that the victim would like to be provided the 11250
notices described in divisions (A)(1) and (2) of this section. If 11251
the victim makes a request in accordance with those rules, the 11252

sheriff described in divisions (A)(1) and (2) of this section 11253
shall provide the victim with the notices described in those 11254
divisions. 11255

(4) If a victim makes a request as described in division 11256
(A)(3) of this section that specifies that the victim would like 11257
to be provided the notices described in divisions (A)(1) and (2) 11258
of this section, all information a sheriff obtains regarding the 11259
victim from or as a result of the request is confidential, and the 11260
information is not a public record open for inspection under 11261
section 149.43 of the Revised Code. 11262

(5) The notices described in divisions (A)(1) and (2) of this 11263
section are in addition to any notices regarding the offender or 11264
delinquent child that the victim is entitled to receive under 11265
Chapter 2930. of the Revised Code. 11266

(B)(1) The duties to provide the notices described in 11267
divisions (A)(1) and (2) of this section apply regarding any 11268
offender or delinquent child who is in any of the following 11269
categories, ~~if the other criteria set forth in division (A)(1) or~~ 11270
~~(2) of this section, whichever is applicable, are satisfied:~~ 11271

(a) ~~The offender or delinquent child has been adjudicated a~~ 11272
~~sexual predator relative to the sexually oriented offense for~~ 11273
~~which the offender or delinquent child has the duty to register~~ 11274
~~under section 2950.04 of the Revised Code or has been adjudicated~~ 11275
~~a child victim predator relative to the child victim oriented~~ 11276
~~offense for which the offender or child has the duty to register~~ 11277
~~under section 2950.041 of the Revised Code, and the court has not~~ 11278
~~subsequently determined pursuant to section 2152.84 or 2152.85 of~~ 11279
~~the Revised Code regarding a delinquent child that the delinquent~~ 11280
~~child no longer is a sexual predator or no longer is a~~ 11281
~~child victim predator, whichever is applicable.~~ 11282

~~(b) The offender or delinquent child has been determined~~ 11283

~~pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091,~~ 11284
~~division (B) of section 2152.83, section 2152.84, or section~~ 11285
~~2152.85 of the Revised Code to be a habitual sex offender or a~~ 11286
~~habitual child victim offender, the court has imposed a~~ 11287
~~requirement under that division or section subjecting the habitual~~ 11288
~~sex offender or habitual child victim offender to this section,~~ 11289
~~and the determination has not been removed pursuant to section~~ 11290
~~2152.84 or 2152.85 of the Revised Code regarding a delinquent~~ 11291
~~child.~~ 11292

~~(c) The sexually oriented offense for which the offender has~~ 11293
~~the duty to register under section 2950.04 of the Revised Code is~~ 11294
~~an aggravated sexually oriented offense, regardless of whether the~~ 11295
~~offender has been adjudicated a sexual predator relative to the~~ 11296
~~offense or has been determined to be a habitual sex offender and,~~ 11297
~~if the offender has been so determined to be a habitual sex~~ 11298
~~offender, regardless of whether the habitual sex offender~~ 11299
~~determination has not been removed as described in division~~ 11300
~~(A)(1)(b) of this section is a tier III sex offender/child-victim~~ 11301
~~offender relative to the offense described in division (A) of this~~ 11302
~~section for which a victim requested to be provided notice under~~ 11303
~~that division, or the delinquent child is a public~~ 11304
~~registry-qualified juvenile offender registrant, and a juvenile~~ 11305
~~court has not removed pursuant to section 2950.15 of the Revised~~ 11306
~~Code the delinquent child's duty to comply with sections 2950.04,~~ 11307
~~2950.041, 2950.05, and 2950.06 of the Revised Code.~~ 11308

(b) The delinquent child is a tier III sex 11309
offender/child-victim offender who is not a public-registry 11310
qualified juvenile offender registrant, the delinquent child was 11311
subjected to this section prior to the effective date of this 11312
amendment as a sexual predator, habitual sex offender, 11313
child-victim predator, or habitual child-victim offender, as those 11314
terms were defined in section 2950.01 of the Revised Code as it 11315

existed prior to the effective date of this amendment, and a 11316
juvenile court has not removed pursuant to section 2152.84 or 11317
2152.85 of the Revised Code the delinquent child's duty to comply 11318
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 11319
Revised Code. 11320

(c) The delinquent child is a tier III sex 11321
offender/child-victim offender who is not a public 11322
registry-qualified juvenile offender registrant, the delinquent 11323
child was classified a juvenile offender registrant on or after 11324
the effective date of this amendment, the court has imposed a 11325
requirement under section 2152.82, 2152.83, or 2152.84 of the 11326
Revised Code subjecting the delinquent child to this section, and 11327
a juvenile court has not removed pursuant to section 2152.84 or 11328
2152.85 of the Revised Code the delinquent child's duty to comply 11329
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 11330
Revised Code. 11331

(2) A victim of a sexually oriented offense ~~that is not a~~ 11332
~~registration exempt sexually oriented offense~~ or of a child-victim 11333
oriented offense is not entitled to be provided any notice 11334
described in division (A)(1) or (2) of this section unless the 11335
offender or delinquent child is in a category specified in 11336
division (B)(1)(a), (b), or (c) of this section. A victim of a 11337
sexually oriented offense ~~that is not a registration exempt~~ 11338
~~sexually oriented offense~~ or of a child-victim oriented offense is 11339
not entitled to any notice described in division (A)(1) or (2) of 11340
this section unless the victim makes a request in accordance with 11341
rules adopted by the attorney general pursuant to section 2950.13 11342
of the Revised Code that specifies that the victim would like to 11343
be provided the notices described in divisions (A)(1) and (2) of 11344
this section. This division does not affect any rights of a victim 11345
of a sexually oriented offense or child-victim oriented offense to 11346
be provided notice regarding an offender or delinquent child that 11347

are described in Chapter 2930. of the Revised Code. 11348

Sec. 2950.11. (A) ~~As used in this section, "specified~~ 11349
~~geographical notification area" means the geographic area or areas~~ 11350
~~within which the attorney general, by rule adopted under section~~ 11351
~~2950.13 of the Revised Code, requires the notice described in~~ 11352
~~division (B) of this section to be given to the persons identified~~ 11353
~~in divisions (A)(2) to (8) of this section. If Regardless of when~~ 11354
~~the sexually oriented offense or child-victim oriented offense was~~ 11355
~~committed, if~~ a person is convicted of ~~or~~, pleads guilty to, ~~or~~ 11356
has been convicted of, or has pleaded guilty to, ~~either~~ a sexually 11357
oriented offense ~~that is not a registration exempt sexually~~ 11358
~~oriented offense~~ or a child-victim oriented offense, ~~or a person~~ 11359
is or has been adjudicated a delinquent child for committing 11360
~~either a sexually oriented offense that is not a~~ 11361
~~registration exempt sexually oriented offense~~ or a child-victim 11362
oriented offense and is classified a juvenile offender registrant 11363
or is an out-of-state juvenile offender registrant based on that 11364
adjudication, and if the offender or delinquent child is in any 11365
category specified in division (F)(1)(a), (b), or (c) of this 11366
section, the sheriff with whom the offender or delinquent child 11367
has most recently registered under section 2950.04, 2950.041, or 11368
2950.05 of the Revised Code and the sheriff to whom the offender 11369
or delinquent child most recently sent a notice of intent to 11370
reside under section 2950.04 or 2950.041 of the Revised Code, 11371
within the period of time specified in division (C) of this 11372
section, shall provide a written notice containing the information 11373
set forth in division (B) of this section to all of the persons 11374
described in divisions (A)(1) to ~~(9)~~(10) of this section. If the 11375
sheriff has sent a notice to the persons described in those 11376
divisions as a result of receiving a notice of intent to reside 11377
and if the offender or delinquent child registers a residence 11378
address that is the same residence address described in the notice 11379

of intent to reside, the sheriff is not required to send an 11380
additional notice when the offender or delinquent child registers. 11381
The sheriff shall provide the notice to all of the following 11382
persons: 11383

(1)(a) Any occupant of each residential unit that is located 11384
within one thousand feet of the offender's or delinquent child's 11385
residential premises, that is located within the county served by 11386
the sheriff, and that is not located in a multi-unit building. 11387
Division (D)(3) of this section applies regarding notices required 11388
under this division. 11389

(b) If the offender or delinquent child resides in a 11390
multi-unit building, any occupant of each residential unit that is 11391
located in that multi-unit building and that shares a common 11392
hallway with the offender or delinquent child. For purposes of 11393
this division, an occupant's unit shares a common hallway with the 11394
offender or delinquent child if the entrance door into the 11395
occupant's unit is located on the same floor and opens into the 11396
same hallway as the entrance door to the unit the offender or 11397
delinquent child occupies. Division (D)(3) of this section applies 11398
regarding notices required under this division. 11399

(c) The building manager, or the person the building owner or 11400
condominium unit owners association authorizes to exercise 11401
management and control, of each multi-unit building that is 11402
located within one thousand feet of the offender's or delinquent 11403
child's residential premises, including a multi-unit building in 11404
which the offender or delinquent child resides, and that is 11405
located within the county served by the sheriff. In addition to 11406
notifying the building manager or the person authorized to 11407
exercise management and control in the multi-unit building under 11408
this division, the sheriff shall post a copy of the notice 11409
prominently in each common entryway in the building and any other 11410
location in the building the sheriff determines appropriate. The 11411

manager or person exercising management and control of the 11412
building shall permit the sheriff to post copies of the notice 11413
under this division as the sheriff determines appropriate. In lieu 11414
of posting copies of the notice as described in this division, a 11415
sheriff may provide notice to all occupants of the multi-unit 11416
building by mail or personal contact; if the sheriff so notifies 11417
all the occupants, the sheriff is not required to post copies of 11418
the notice in the common entryways to the building. Division 11419
(D)(3) of this section applies regarding notices required under 11420
this division. 11421

(d) All additional persons who are within any category of 11422
neighbors of the offender or delinquent child that the attorney 11423
general by rule adopted under section 2950.13 of the Revised Code 11424
requires to be provided the notice and who reside within the 11425
county served by the sheriff; 11426

(2) The executive director of the public children services 11427
agency that has jurisdiction within the specified geographical 11428
notification area and that is located within the county served by 11429
the sheriff; 11430

(3)(a) The superintendent of each board of education of a 11431
school district that has schools within the specified geographical 11432
notification area and that is located within the county served by 11433
the sheriff; 11434

(b) The principal of the school within the specified 11435
geographical notification area and within the county served by the 11436
sheriff that the delinquent child attends; 11437

(c) If the delinquent child attends a school outside of the 11438
specified geographical notification area or outside of the school 11439
district where the delinquent child resides, the superintendent of 11440
the board of education of a school district that governs the 11441
school that the delinquent child attends and the principal of the 11442

school that the delinquent child attends. 11443

(4)(a) The appointing or hiring officer of each chartered 11444
nonpublic school located within the specified geographical 11445
notification area and within the county served by the sheriff or 11446
of each other school located within the specified geographical 11447
notification area and within the county served by the sheriff and 11448
that is not operated by a board of education described in division 11449
(A)(3) of this section; 11450

(b) Regardless of the location of the school, the appointing 11451
or hiring officer of a chartered nonpublic school that the 11452
delinquent child attends. 11453

(5) The director, head teacher, elementary principal, or site 11454
administrator of each preschool program governed by Chapter 3301. 11455
of the Revised Code that is located within the specified 11456
geographical notification area and within the county served by the 11457
sheriff; 11458

(6) The administrator of each child day-care center or type A 11459
family day-care home that is located within the specified 11460
geographical notification area and within the county served by the 11461
sheriff, and the provider of each certified type B family day-care 11462
home that is located within the specified geographical 11463
notification area and within the county served by the sheriff. As 11464
used in this division, "child day-care center," "type A family 11465
day-care home," and "certified type B family day-care home" have 11466
the same meanings as in section 5104.01 of the Revised Code. 11467

(7) The president or other chief administrative officer of 11468
each institution of higher education, as defined in section 11469
2907.03 of the Revised Code, that is located within the specified 11470
geographical notification area and within the county served by the 11471
sheriff, and the chief law enforcement officer of the state 11472
university law enforcement agency or campus police department 11473

established under section 3345.04 or 1713.50 of the Revised Code, 11474
if any, that serves that institution; 11475

(8) The sheriff of each county that includes any portion of 11476
the specified geographical notification area; 11477

(9) If the offender or delinquent child resides within the 11478
county served by the sheriff, the chief of police, marshal, or 11479
other chief law enforcement officer of the municipal corporation 11480
in which the offender or delinquent child resides or, if the 11481
offender or delinquent child resides in an unincorporated area, 11482
the constable or chief of the police department or police district 11483
police force of the township in which the offender or delinquent 11484
child resides; 11485

(10) Volunteer organizations in which contact with minors or 11486
other vulnerable individuals might occur or any organization, 11487
company, or individual who requests notification as provided in 11488
division (J) of this section. 11489

(B) The notice required under division (A) of this section 11490
shall include all of the following information regarding the 11491
subject offender or delinquent child: 11492

(1) The offender's or delinquent child's name; 11493

(2) The address or addresses of the offender's or public 11494
registry-qualified juvenile offender registrant's 11495
residence, school, institution of higher education, or place of employment, 11496
as applicable, or the ~~delinquent child's~~ residence address or 11497
addresses of a delinquent child who is not a public 11498
registry-qualified juvenile offender registrant; 11499

(3) The sexually oriented offense or child-victim oriented 11500
offense of which the offender was convicted, to which the offender 11501
pleaded guilty, or for which the child was adjudicated a 11502
delinquent child; 11503

(4) ~~All of the following statements that are applicable:~~ 11504

~~(a) A statement that identifies the category specified in 11505
division (F)(1)(a), (b), or (c) of this section that includes the 11506
offender ~~has been adjudicated a sexual predator, a statement that~~ 11507
~~the offender has been convicted of or pleaded guilty to an~~ 11508
~~aggravated sexually oriented offense, a statement that the~~ 11509
~~delinquent child has been adjudicated a sexual predator and that,~~ 11510
~~as of the date of the notice, the court has not entered a~~ 11511
~~determination that the delinquent child no longer is a sexual~~ 11512
~~predator, or a statement that the sentencing or reviewing judge~~ 11513
~~has determined that the offender or delinquent child is a habitual~~ 11514
~~sex offender and that, as of the date of the notice, the~~ 11515
~~determination regarding a delinquent child has not been removed~~ 11516
~~pursuant to section 2152.84 or 2152.85 of the Revised Code or~~ 11517
~~delinquent child and that subjects the offender or delinquent~~ 11518
~~child to this section;~~ 11519~~

~~(b) A statement that the offender has been adjudicated a 11520
child victim predator, a statement that the delinquent child has 11521
been adjudicated a child victim predator and that, as of the date 11522
of the notice, the court has not entered a determination that the 11523
delinquent child no longer is a child victim predator, or a 11524
statement that the sentencing or reviewing judge has determined 11525
that the offender or delinquent child is a habitual child victim 11526
offender and that, as of the date of the notice, the determination 11527
regarding a delinquent child has not been removed pursuant to 11528
section 2152.84 or 2152.85 of the Revised Code;~~ 11529

(5) The offender's or delinquent child's photograph. 11530

(C) If a sheriff with whom an offender or delinquent child 11531
registers under section 2950.04, 2950.041, or 2950.05 of the 11532
Revised Code or to whom the offender or delinquent child most 11533
recently sent a notice of intent to reside under section 2950.04 11534
or 2950.041 of the Revised Code is required by division (A) of 11535

this section to provide notices regarding an offender or 11536
delinquent child and if, pursuant to that requirement, the sheriff 11537
provides a notice to a sheriff of one or more other counties in 11538
accordance with division (A)(8) of this section, the sheriff of 11539
each of the other counties who is provided notice under division 11540
(A)(8) of this section shall provide the notices described in 11541
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 11542
each person or entity identified within those divisions that is 11543
located within the specified geographical notification area and 11544
within the county served by the sheriff in question. 11545

(D)(1) A sheriff required by division (A) or (C) of this 11546
section to provide notices regarding an offender or delinquent 11547
child shall provide the notice to the neighbors that are described 11548
in division (A)(1) of this section and the notices to law 11549
enforcement personnel that are described in divisions (A)(8) and 11550
(9) of this section as soon as practicable, but no later than five 11551
days after the offender sends the notice of intent to reside to 11552
the sheriff and again no later than five days after the offender 11553
or delinquent child registers with the sheriff or, if the sheriff 11554
is required by division (C) of this section to provide the 11555
notices, no later than five days after the sheriff is provided the 11556
notice described in division (A)(8) of this section. 11557

A sheriff required by division (A) or (C) of this section to 11558
provide notices regarding an offender or delinquent child shall 11559
provide the notices to all other specified persons that are 11560
described in divisions (A)(2) to (7) and (A)(10) of this section 11561
as soon as practicable, but not later than seven days after the 11562
offender or delinquent child registers with the sheriff or, if the 11563
sheriff is required by division (C) of this section to provide the 11564
notices, no later than five days after the sheriff is provided the 11565
notice described in division (A)(8) of this section. 11566

(2) If an offender or delinquent child in relation to whom 11567

division (A) of this section applies verifies the offender's or 11568
delinquent child's current residence, school, institution of 11569
higher education, or place of employment address, as applicable, 11570
with a sheriff pursuant to section 2950.06 of the Revised Code, 11571
the sheriff may provide a written notice containing the 11572
information set forth in division (B) of this section to the 11573
persons identified in divisions (A)(1) to ~~(9)~~(10) of this section. 11574
If a sheriff provides a notice pursuant to this division to the 11575
sheriff of one or more other counties in accordance with division 11576
(A)(8) of this section, the sheriff of each of the other counties 11577
who is provided the notice under division (A)(8) of this section 11578
may provide, but is not required to provide, a written notice 11579
containing the information set forth in division (B) of this 11580
section to the persons identified in divisions (A)(1) to (7) and 11581
(A)(9) and (10) of this section. 11582

(3) A sheriff may provide notice under division (A)(1)(a) or 11583
(b) of this section, and may provide notice under division 11584
(A)(1)(c) of this section to a building manager or person 11585
authorized to exercise management and control of a building, by 11586
mail, by personal contact, or by leaving the notice at or under 11587
the entry door to a residential unit. For purposes of divisions 11588
(A)(1)(a) and (b) of this section, and the portion of division 11589
(A)(1)(c) of this section relating to the provision of notice to 11590
occupants of a multi-unit building by mail or personal contact, 11591
the provision of one written notice per unit is deemed as 11592
providing notice to all occupants of that unit. 11593

(E) All information that a sheriff possesses regarding a 11594
~~sexual predator, a habitual sex offender, a child victim predator,~~ 11595
~~or a habitual child victim offender~~ an offender or delinquent 11596
child who is in a category specified in division (F)(1)(a), (b), 11597
or (c) of this section that is described in division (B) of this 11598
section and that must be provided in a notice required under 11599

division (A) or (C) of this section or that may be provided in a 11600
notice authorized under division (D)(2) of this section is a 11601
public record that is open to inspection under section 149.43 of 11602
the Revised Code. 11603

The sheriff shall not cause to be publicly disseminated by 11604
means of the internet any of the information described in this 11605
division that is provided by a ~~sexual predator, habitual sex~~ 11606
~~offender, child victim predator, or habitual child victim offender~~ 11607
~~who is a juvenile offender registrant, except when the act that is~~ 11608
~~the basis of the child's classification as a juvenile offender~~ 11609
~~registrant is a violation of, or an attempt to commit a violation~~ 11610
~~of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that~~ 11611
~~was committed with a purpose to gratify the sexual needs or~~ 11612
~~desires of the child, a violation of section 2907.02 of the~~ 11613
~~Revised Code, or an attempt to commit a violation of that section~~ 11614
delinquent child unless that child is in a category specified in 11615
division (F)(1)(a), (b), or (c) of this section. 11616

(F)(1) ~~The~~ Except as provided in division (F)(2) of this 11617
section, the duties to provide the notices described in divisions 11618
(A) and (C) of this section apply regarding any offender or 11619
delinquent child who is in any of the following categories, ~~if the~~ 11620
~~other criteria set forth in division (A) or (C) of this section,~~ 11621
~~whichever is applicable, are satisfied:~~ 11622

(a) ~~The offender or delinquent child has been adjudicated a~~ 11623
~~sexual predator relative to the sexually oriented offense for~~ 11624
~~which the offender or delinquent child has the duty to register~~ 11625
~~under section 2950.04 of the Revised Code or has been adjudicated~~ 11626
~~a child victim predator relative to the child victim oriented~~ 11627
~~offense for which the offender or child has the duty to register~~ 11628
~~under section 2950.041 of the Revised Code, and the court has not~~ 11629
~~subsequently determined pursuant to section 2152.84 or 2152.85 of~~ 11630
~~the Revised Code regarding a delinquent child that the delinquent~~ 11631

~~child no longer is a sexual predator or no longer is a~~ 11632
~~child victim predator, whichever is applicable.~~ 11633

~~(b) The offender or delinquent child has been determined~~ 11634
~~pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091,~~ 11635
~~division (B) of section 2152.83, section 2152.84, or section~~ 11636
~~2152.85 of the Revised Code to be a habitual sex offender or a~~ 11637
~~habitual child victim offender, the court has imposed a~~ 11638
~~requirement under that division or section subjecting the habitual~~ 11639
~~sex offender or habitual child victim offender to this section,~~ 11640
~~and the determination has not been removed pursuant to section~~ 11641
~~2152.84 or 2152.85 of the Revised Code regarding a delinquent~~ 11642
~~child.~~ 11643

~~(c) The sexually oriented offense for which the offender has~~ 11644
~~the duty to register under section 2950.04 of the Revised Code is~~ 11645
~~an aggravated sexually oriented offense, regardless of whether the~~ 11646
~~offender has been adjudicated a sexual predator relative to the~~ 11647
~~offense or has been determined to be a habitual sex offender is a~~ 11648
~~tier III sex offender/child-victim offender, or the delinquent~~ 11649
~~child is a public registry-qualified juvenile offender registrant,~~ 11650
~~and a juvenile court has not removed pursuant to section 2950.15~~ 11651
~~of the Revised Code the delinquent child's duty to comply with~~ 11652
~~sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised~~ 11653
~~Code.~~ 11654

(b) The delinquent child is a tier III sex 11655
offender/child-victim offender who is not a public-registry 11656
qualified juvenile offender registrant, the delinquent child was 11657
subjected to this section prior to the effective date of this 11658
amendment as a sexual predator, habitual sex offender, 11659
child-victim predator, or habitual child-victim offender, as those 11660
terms were defined in section 2950.01 of the Revised Code as it 11661
existed prior to the effective date of this amendment, and a 11662
juvenile court has not removed pursuant to section 2152.84 or 11663

2152.85 of the Revised Code the delinquent child's duty to comply 11664
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 11665
Revised Code. 11666

(c) The delinquent child is a tier III sex 11667
offender/child-victim offender who is not a public 11668
registry-qualified juvenile offender registrant, the delinquent 11669
child was classified a juvenile offender registrant on or after 11670
the effective date of this amendment, the court has imposed a 11671
requirement under section 2152.82, 2152.83, or 2152.84 of the 11672
Revised Code subjecting the delinquent child to this section, and 11673
a juvenile court has not removed pursuant to section 2152.84 or 11674
2152.85 of the Revised Code the delinquent child's duty to comply 11675
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 11676
Revised Code. 11677

~~(2) The notification provisions of this section do not apply~~ 11678
~~regarding a person who is convicted of or pleads guilty to, has~~ 11679
~~been convicted of or pleaded guilty to, or is adjudicated a~~ 11680
~~delinquent child for committing, a sexually oriented offense or a~~ 11681
~~child victim oriented offense, who is not in the category~~ 11682
~~specified in either division (F)(1)(a) or (c) of this section, and~~ 11683
~~who is determined pursuant to division (C)(2) or (E) of section~~ 11684
~~2950.09 or 2950.091, division (B) of section 2152.83, section~~ 11685
~~2152.84, or section 2152.85 of the Revised Code to be a habitual~~ 11686
~~sex offender or habitual child victim offender unless the~~ 11687
~~sentencing or reviewing court imposes a requirement in the~~ 11688
~~offender's sentence and in the judgment of conviction that~~ 11689
~~contains the sentence or in the delinquent child's adjudication,~~ 11690
~~or imposes a requirement as described in division (C)(2) of~~ 11691
~~section 2950.09 or 2950.091 of the Revised Code, that subjects the~~ 11692
~~offender or the delinquent child to the provisions of this~~ 11693
~~section.~~ 11694

(2) The notification provisions of this section do not apply 11695

to a person described in division (F)(1)(a), (b), or (c) of this 11696
section if a court finds at a hearing after considering the 11697
factors described in this division that the person would not be 11698
subject to the notification provisions of this section that were 11699
in the version of this section that existed immediately prior to 11700
the effective date of this amendment. In making the determination 11701
of whether a person would have been subject to the notification 11702
provisions under prior law as described in this division, the 11703
court shall consider the following factors: 11704

(a) The offender's or delinquent child's age; 11705

(b) The offender's or delinquent child's prior criminal or 11706
delinquency record regarding all offenses, including, but not 11707
limited to, all sexual offenses; 11708

(c) The age of the victim of the sexually oriented offense 11709
for which sentence is to be imposed or the order of disposition is 11710
to be made; 11711

(d) Whether the sexually oriented offense for which sentence 11712
is to be imposed or the order of disposition is to be made 11713
involved multiple victims; 11714

(e) Whether the offender or delinquent child used drugs or 11715
alcohol to impair the victim of the sexually oriented offense or 11716
to prevent the victim from resisting; 11717

(f) If the offender or delinquent child previously has been 11718
convicted of or pleaded guilty to, or been adjudicated a 11719
delinquent child for committing an act that if committed by an 11720
adult would be, a criminal offense, whether the offender or 11721
delinquent child completed any sentence or dispositional order 11722
imposed for the prior offense or act and, if the prior offense or 11723
act was a sex offense or a sexually oriented offense, whether the 11724
offender or delinquent child participated in available programs 11725
for sexual offenders; 11726

(g) Any mental illness or mental disability of the offender 11727
or delinquent child; 11728

(h) The nature of the offender's or delinquent child's sexual 11729
conduct, sexual contact, or interaction in a sexual context with 11730
the victim of the sexually oriented offense and whether the sexual 11731
conduct, sexual contact, or interaction in a sexual context was 11732
part of a demonstrated pattern of abuse; 11733

(i) Whether the offender or delinquent child, during the 11734
commission of the sexually oriented offense for which sentence is 11735
to be imposed or the order of disposition is to be made, displayed 11736
cruelty or made one or more threats of cruelty; 11737

(j) Whether the offender or delinquent child would have been 11738
a habitual sex offender or a habitual child victim offender under 11739
the definitions of those terms set forth in section 2950.01 of the 11740
Revised Code as that section existed prior to the effective date 11741
of this amendment; 11742

(k) Any additional behavioral characteristics that contribute 11743
to the offender's or delinquent child's conduct. 11744

(G)(1) The department of job and family services shall 11745
compile, maintain, and update in January and July of each year, a 11746
list of all agencies, centers, or homes of a type described in 11747
division (A)(2) or (6) of this section that contains the name of 11748
each agency, center, or home of that type, the county in which it 11749
is located, its address and telephone number, and the name of an 11750
administrative officer or employee of the agency, center, or home. 11751
The 11752

(2) The department of education shall compile, maintain, and 11753
update in January and July of each year, a list of all boards of 11754
education, schools, or programs of a type described in division 11755
(A)(3), (4), or (5) of this section that contains the name of each 11756
board of education, school, or program of that type, the county in 11757

which it is located, its address and telephone number, the name of 11758
the superintendent of the board or of an administrative officer or 11759
employee of the school or program, and, in relation to a board of 11760
education, the county or counties in which each of its schools is 11761
located and the address of each such school. ~~The~~ 11762

(3) The Ohio board of regents shall compile, maintain, and 11763
update in January and July of each year, a list of all 11764
institutions of a type described in division (A)(7) of this 11765
section that contains the name of each such institution, the 11766
county in which it is located, its address and telephone number, 11767
and the name of its president or other chief administrative 11768
officer. A 11769

(4) A sheriff required by division (A) or (C) of this 11770
section, or authorized by division (D)(2) of this section, to 11771
provide notices regarding an offender or delinquent child, or a 11772
designee of a sheriff of that type, may request the department of 11773
job and family services, department of education, or Ohio board of 11774
regents, by telephone, in person, or by mail, to provide the 11775
sheriff or designee with the names, addresses, and telephone 11776
numbers of the appropriate persons and entities to whom the 11777
notices described in divisions (A)(2) to (7) of this section are 11778
to be provided. Upon receipt of a request, the department or board 11779
shall provide the requesting sheriff or designee with the names, 11780
addresses, and telephone numbers of the appropriate persons and 11781
entities to whom those notices are to be provided. 11782

(H)(1) Upon the motion of the offender or the prosecuting 11783
attorney of the county in which the offender was convicted of or 11784
pleaded guilty to the sexually oriented offense or child-victim 11785
oriented offense for which the offender is subject to community 11786
notification under this section, or upon the motion of the 11787
sentencing judge or that judge's successor in office, the judge 11788
may schedule a hearing to determine whether the interests of 11789

justice would be served by suspending the community notification 11790
requirement under this section in relation to the offender. The 11791
judge may dismiss the motion without a hearing but may not issue 11792
an order suspending the community notification requirement without 11793
a hearing. At the hearing, all parties are entitled to be heard, 11794
and the judge shall consider all of the factors set forth in 11795
division ~~(B)(3)(K)~~ of this section ~~2950.09 of the Revised Code.~~ 11796
If, at the conclusion of the hearing, the judge finds that the 11797
offender has proven by clear and convincing evidence that the 11798
offender is unlikely to commit in the future a sexually oriented 11799
offense or a child-victim oriented offense and if the judge finds 11800
that suspending the community notification requirement is in the 11801
interests of justice, the judge may suspend the application of 11802
this section in relation to the offender. The order shall contain 11803
both of these findings. 11804

The judge promptly shall serve a copy of the order upon the 11805
sheriff with whom the offender most recently registered under 11806
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 11807
the bureau of criminal identification and investigation. 11808

An order suspending the community notification requirement 11809
does not suspend or otherwise alter an offender's duties to comply 11810
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 11811
Revised Code and does not suspend the victim notification 11812
requirement under section 2950.10 of the Revised Code. 11813

(2) A prosecuting attorney, a sentencing judge or that 11814
judge's successor in office, and an offender who is subject to the 11815
community notification requirement under this section may 11816
initially make a motion under division (H)(1) of this section upon 11817
the expiration of twenty years after the offender's duty to comply 11818
with ~~sections~~ division (A)(2), (3), or (4) of section 2950.04, 11819
division (A)(2), (3), or (4) of section 2950.041, and sections 11820
2950.05~~7~~ and 2950.06 of the Revised Code begins in relation to the 11821

offense for which the offender is subject to community 11822
notification. After the initial making of a motion under division 11823
(H)(1) of this section, thereafter, the prosecutor, judge, and 11824
offender may make a subsequent motion under that division upon the 11825
expiration of five years after the judge has entered an order 11826
denying the initial motion or the most recent motion made under 11827
that division. 11828

(3) The offender and the prosecuting attorney have the right 11829
to appeal an order approving or denying a motion made under 11830
division (H)(1) of this section. 11831

(4) Divisions (H)(1) to (3) of this section do not apply to 11832
any of the following types of offender: 11833

(a) A person who is convicted of or pleads guilty to a 11834
violent sex offense or designated homicide, assault, or kidnapping 11835
offense and who, in relation to that offense, is adjudicated a 11836
sexually violent predator; 11837

(b) A person who is convicted of or pleads guilty to a 11838
sexually oriented offense that is a violation of division 11839
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 11840
after ~~the effective date of this amendment~~ January 2, 2007, and 11841
either who is ~~sentenced~~ sentenced under section 2971.03 of the 11842
Revised Code or upon whom a sentence of life without parole is 11843
imposed under division (B) of section 2907.02 of the Revised Code; 11844

(c) A person who is convicted of or pleads guilty to a 11845
sexually oriented offense that is attempted rape committed on or 11846
after ~~the effective date of this amendment~~ January 2, 2007, and 11847
who also is convicted of or pleads guilty to a specification of 11848
the type described in section 2941.1418, 2941.1419, or 2941.1420 11849
of the Revised Code; 11850

(d) A ~~habitual sex offender or habitual child victim oriented~~ 11851
~~offender who is subject to community notification who, subsequent~~ 11852

~~to being subjected to community notification, has pleaded guilty~~ 11853
~~to or been convicted of a sexually oriented offense or a~~ 11854
~~child-victim oriented offense~~ person who is convicted of or pleads 11855
guilty to an offense described in division (B)(3)(a), (b), (c), or 11856
(d) of section 2971.03 of the Revised Code and who is sentenced 11857
for that offense pursuant to that division; 11858

(e) ~~A sexual predator or child-victim predator who is not~~ 11859
~~adjudicated a sexually violent predator~~ An offender who is in a 11860
category specified in division (F)(1)(a), (b), or (c) of this 11861
section and who, subsequent to being subjected to community 11862
notification, has pleaded guilty to or been convicted of a 11863
sexually oriented offense or child-victim oriented offense. 11864

(I) If a person is convicted of ~~or~~, pleads guilty to, ~~or~~ has 11865
been convicted of, or has pleaded guilty to, ~~either~~ a sexually 11866
oriented offense ~~that is not a registration exempt sexually~~ 11867
~~oriented offense~~ or a child-victim oriented offense, ~~or a person~~ 11868
is or has been adjudicated a delinquent child for committing 11869
~~either a sexually oriented offense that is not a~~ 11870
~~registration exempt sexually oriented offense~~ or a child-victim 11871
oriented offense and is classified a juvenile offender registrant 11872
or is an out-of-state juvenile offender registrant based on that 11873
adjudication, and if the offender or delinquent child is not in 11874
any category specified in division (F)(1)(a), (b), or (c) of this 11875
section, the sheriff with whom the offender or delinquent child 11876
has most recently registered under section 2950.04, 2950.041, or 11877
2950.05 of the Revised Code and the sheriff to whom the offender 11878
or delinquent child most recently sent a notice of intent to 11879
reside under section 2950.04 or 2950.041 of the Revised Code, 11880
within the period of time specified in division (D) of this 11881
section, shall provide a written notice containing the information 11882
set forth in division (B) of this section to the executive 11883
director of the public children services agency that has 11884

jurisdiction within the specified geographical notification area 11885
and that is located within the county served by the sheriff. 11886

(J) Each sheriff shall allow a volunteer organization or 11887
other organization, company, or individual who wishes to receive 11888
the notice described in division (A)(10) of this section regarding 11889
a specific offender or delinquent child or notice regarding all 11890
offenders and delinquent children who are located in the specified 11891
geographical notification area to notify the sheriff by electronic 11892
mail or through the sheriff's web site of this election. The 11893
sheriff shall promptly inform the bureau of criminal 11894
identification and investigation of these requests in accordance 11895
with the forwarding procedures adopted by the attorney general 11896
pursuant to section 2950.13 of the Revised Code. 11897

(K) In making a determination under division (H)(1) of this 11898
section as to whether to suspend the community notification 11899
requirement under this section for an offender, the judge shall 11900
consider all relevant factors, including, but not limited to, all 11901
of the following: 11902

(1) The offender's age; 11903

(2) The offender's prior criminal or delinquency record 11904
regarding all offenses, including, but not limited to, all 11905
sexually oriented offenses or child-victim oriented offenses; 11906

(3) The age of the victim of the sexually oriented offense or 11907
child-victim oriented offense the offender committed; 11908

(4) Whether the sexually oriented offense or child-victim 11909
oriented offense the offender committed involved multiple victims; 11910

(5) Whether the offender used drugs or alcohol to impair the 11911
victim of the sexually oriented offense or child-victim oriented 11912
the offender committed or to prevent the victim from resisting; 11913

(6) If the offender previously has been convicted of, pleaded 11914

guilty to, or been adjudicated a delinquent child for committing 11915
an act that if committed by an adult would be a criminal offense, 11916
whether the offender completed any sentence or dispositional order 11917
imposed for the prior offense or act and, if the prior offense or 11918
act was a sexually oriented offense or a child-victim oriented 11919
offense, whether the offender or delinquent child participated in 11920
available programs for sex offenders or child-victim offenders; 11921

(7) Any mental illness or mental disability of the offender; 11922

(8) The nature of the offender's sexual conduct, sexual 11923
contact, or interaction in a sexual context with the victim of the 11924
sexually oriented offense the offender committed or the nature of 11925
the offender's interaction in a sexual context with the victim of 11926
the child-victim oriented offense the offender committed, 11927
whichever is applicable, and whether the sexual conduct, sexual 11928
contact, or interaction in a sexual context was part of a 11929
demonstrated pattern of abuse; 11930

(9) Whether the offender, during the commission of the 11931
sexually oriented offense or child-victim oriented offense the 11932
offender committed, displayed cruelty or made one or more threats 11933
of cruelty; 11934

(10) Any additional behavioral characteristics that 11935
contribute to the offender's conduct. 11936

(L) As used in this section, "specified geographical 11937
notification area" means the geographic area or areas within which 11938
the attorney general, by rule adopted under section 2950.13 of the 11939
Revised Code, requires the notice described in division (B) of 11940
this section to be given to the persons identified in divisions 11941
(A)(2) to (8) of this section. 11942

Sec. 2950.12. (A) Except as provided in division (B) of this 11943
section, any of the following persons shall be immune from 11944

liability in a civil action to recover damages for injury, death, 11945
or loss to person or property allegedly caused by an act or 11946
omission in connection with a power, duty, responsibility, or 11947
authorization under this chapter or under rules adopted under 11948
authority of this chapter: 11949

(1) An officer or employee of the bureau of criminal 11950
identification and investigation; 11951

(2) The attorney general, a chief of police, marshal, or 11952
other chief law enforcement officer of a municipal corporation, a 11953
sheriff, a constable or chief of police of a township police 11954
department or police district police force, and a deputy, officer, 11955
or employee of the office of the attorney general, the law 11956
enforcement agency served by the marshal or the municipal or 11957
township chief, the office of the sheriff, or the constable; 11958

(3) A prosecutor and an officer or employee of the office of 11959
a prosecutor; 11960

(4) A supervising officer and an officer or employee of the 11961
adult parole authority of the department of rehabilitation and 11962
correction; 11963

(5) A supervising officer and an officer or employee of the 11964
department of youth services; 11965

(6) A supervisor and a caseworker or employee of a public 11966
children services agency acting pursuant to section 5153.16 of the 11967
Revised Code; 11968

(7) A managing officer of a state correctional institution 11969
and an officer or employee of the department of rehabilitation and 11970
correction; 11971

(8) A person identified in division (A)(2), (3), (4), (5), 11972
(6), or (7) of section 2950.11 of the Revised Code, an 11973
organization or person identified in division (A)(10) of that 11974

section, or the agent of that person or organization; 11975

(9) A person identified in division (A)(2) of section 11976
2950.111 of the Revised Code, regarding the person's provision of 11977
information pursuant to that division to a sheriff or a designee 11978
of a sheriff. 11979

(B) The immunity described in division (A) of this section 11980
does not apply to a person described in divisions (A)(1) to (8) of 11981
this section if, in relation to the act or omission in question, 11982
any of the following applies: 11983

(1) The act or omission was manifestly outside the scope of 11984
the person's employment or official responsibilities. 11985

(2) The act or omission was with malicious purpose, in bad 11986
faith, or in a wanton or reckless manner. 11987

(3) Liability for the act or omission is expressly imposed by 11988
a section of the Revised Code. 11989

Sec. 2950.13. (A) The attorney general shall do all of the 11990
following: 11991

(1) No later than July 1, 1997, establish and maintain a 11992
state registry of sex offenders and child-victim offenders that is 11993
housed at the bureau of criminal identification and investigation 11994
and that contains all of the registration, change of residence, 11995
school, institution of higher education, or place of employment 11996
address, and verification information the bureau receives pursuant 11997
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 11998
Code regarding a each person who is convicted of ~~or~~, pleads guilty 11999
to, ~~or~~ has been convicted of, or has pleaded guilty to, ~~either~~ a 12000
sexually oriented offense ~~that is not a registration exempt~~ 12001
~~sexually oriented offense~~ or a child-victim oriented offense ~~or a~~ 12002
and each person who is or has been adjudicated a delinquent child 12003
for committing ~~either~~ a sexually oriented offense ~~that is not a~~ 12004

~~registration exempt sexually oriented offense~~ or a child-victim 12005
oriented offense and is classified a juvenile offender registrant 12006
or is an out-of-state juvenile offender registrant based on that 12007
adjudication, ~~and~~ all of the information the bureau receives 12008
pursuant to section 2950.14 of the Revised Code, and any notice of 12009
an order terminating or modifying an offender's or delinquent 12010
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 12011
and 2950.06 of the Revised Code the bureau receives pursuant to 12012
section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a 12013
person who was convicted of or pleaded guilty to the sexually 12014
oriented offense or child-victim related offense, the registry 12015
also shall indicate whether the person was convicted of or pleaded 12016
guilty to the offense in a criminal prosecution or in a serious 12017
youthful offender case. The registry shall not be open to 12018
inspection by the public or by any person other than a person 12019
identified in division (A) of section 2950.08 of the Revised Code. 12020
In addition to the information and material previously identified 12021
in this division, the registry shall include all of the following 12022
regarding each person who is listed in the registry: 12023

12024
(a) A citation for, and the name of, all sexually oriented 12025
offenses or child-victim oriented offenses of which the person was 12026
convicted, to which the person pleaded guilty, or for which the 12027
person was adjudicated a delinquent child and that resulted in a 12028
registration duty, and the date on which those offenses were 12029
committed; 12030

(b) The text of the sexually oriented offenses or 12031
child-victim oriented offenses identified in division (A)(1)(a) of 12032
this section as those offenses existed at the time the person was 12033
convicted of, pleaded guilty to, or was adjudicated a delinquent 12034
child for committing those offenses, or a link to a database that 12035
sets forth the text of those offenses; 12036

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

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

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

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

(g) Fingerprints and palmprints of the person;

(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person;

(i) Whether the person has any outstanding arrest warrants;

(j) Whether the person is in compliance with the person's duties under this chapter.

(2) In consultation with local law enforcement

representatives and no later than July 1, 1997, adopt rules that 12067
contain guidelines necessary for the implementation of this 12068
chapter; 12069

(3) In consultation with local law enforcement 12070
representatives, adopt rules for the implementation and 12071
administration of the provisions contained in section 2950.11 of 12072
the Revised Code that pertain to the notification of neighbors of 12073
an offender or a delinquent child who has committed a sexually 12074
oriented offense ~~that is not a registration exempt sexually~~ 12075
~~oriented offense and has been adjudicated a sexual predator or~~ 12076
~~determined to be a habitual sex offender, an offender who has~~ 12077
~~committed an aggravated sexually oriented offense, or an offender~~ 12078
~~or delinquent child who has committed or~~ a child-victim oriented 12079
offense and ~~has been adjudicated a child victim predator or~~ 12080
~~determined to be a habitual child victim offender, and is in a~~ 12081
category specified in division (F)(1) of that section and rules 12082
that prescribe a manner in which victims of ~~either~~ a sexually 12083
oriented offense ~~that is not a registration exempt sexually~~ 12084
~~oriented offense~~ or a child-victim oriented offense committed by 12085
an offender or a delinquent child who ~~has been adjudicated a~~ 12086
~~sexual predator or determined to be a habitual sex offender, an~~ 12087
~~offender who has committed an aggravated sexually oriented~~ 12088
~~offense, or an offender or delinquent child who has committed a~~ 12089
~~child victim oriented offense and has been adjudicated a~~ 12090
~~child victim predator or determined to be a habitual child victim~~ 12091
~~offender~~ is in a category specified in division (B)(1) of section 12092
2950.10 of the Revised Code may make a request that specifies that 12093
the victim would like to be provided the notices described in 12094
divisions (A)(1) and (2) of section 2950.10 of the Revised Code; 12095

(4) In consultation with local law enforcement 12096
representatives and through the bureau of criminal identification 12097
and investigation, prescribe the forms to be used by judges and 12098

officials pursuant to section 2950.03 or 2950.032 of the Revised 12099
Code to advise offenders and delinquent children of their duties 12100
of filing a notice of intent to reside, registration, notification 12101
of a change of residence, school, institution of higher education, 12102
or place of employment address and registration of the new, 12103
school, institution of higher education, or place of employment 12104
address, as applicable, and address verification under sections 12105
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 12106
prescribe the forms to be used by sheriffs relative to those 12107
duties of filing a notice of intent to reside, registration, 12108
change of residence, school, institution of higher education, or 12109
place of employment address notification, and address 12110
verification; 12111

(5) Make copies of the forms prescribed under division (A)(4) 12112
of this section available to judges, officials, and sheriffs; 12113

(6) Through the bureau of criminal identification and 12114
investigation, provide the notifications, the information and 12115
materials, and the documents that the bureau is required to 12116
provide to appropriate law enforcement officials and to the 12117
federal bureau of investigation pursuant to sections 2950.04, 12118
2950.041, 2950.05, and 2950.06 of the Revised Code; 12119

(7) Through the bureau of criminal identification and 12120
investigation, maintain the verification forms returned under the 12121
address verification mechanism set forth in section 2950.06 of the 12122
Revised Code; 12123

(8) In consultation with representatives of the officials, 12124
judges, and sheriffs, adopt procedures for officials, judges, and 12125
sheriffs to use to forward information, photographs, and 12126
fingerprints to the bureau of criminal identification and 12127
investigation pursuant to the requirements of sections 2950.03, 12128
2950.04, 2950.041, 2950.05, ~~and~~ 2950.06, and 2950.11 of the 12129
Revised Code; 12130

(9) In consultation with the director of education, the
director of job and family services, and the director of
rehabilitation and correction, adopt rules that contain guidelines
to be followed by boards of education of a school district,
chartered nonpublic schools or other schools not operated by a
board of education, preschool programs, child day-care centers,
type A family day-care homes, certified type B family day-care
homes, and institutions of higher education regarding the proper
use and administration of information received pursuant to section
2950.11 of the Revised Code relative to an offender or delinquent
child who has ~~been adjudicated a sexual predator or child victim~~
~~predator or determined to be a habitual sex offender or habitual~~
~~child victim offender, or an offender who has committed an~~
~~aggravated sexually oriented offense~~ committed a sexually oriented
offense or a child-victim oriented offense and is in a category
specified in division (F)(1) of that section;

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

(11) Through the bureau of criminal identification and
investigation, not later than January 1, 2004, establish and
operate on the internet a sex offender and child-victim offender
database that contains information for every offender who has
committed ~~either a sexually oriented offense that is not a~~
~~registration exempt sexually oriented offense~~ or a child-victim
oriented offense and ~~who~~ registers in any county in this state
pursuant to section 2950.04 or 2950.041 of the Revised Code and
for every delinquent child who has committed a sexually oriented
offense, is a public registry-qualified juvenile offender

registrant, and registers in any county in this state pursuant to 12163
either such section. The bureau shall not include on the database 12164
the identity of any offender's or public registry-qualified 12165
juvenile offender registrant's victim, any offender's or public 12166
registry-qualified juvenile offender registrant's social security 12167
number, the name of any school or institution of higher education 12168
attended by any offender or public registry-qualified juvenile 12169
offender registrant, the name of the place of employment of any 12170
offender or public registry-qualified juvenile offender 12171
registrant, any tracking or identification number described in 12172
division (A)(1)(f) of this section, or any information described 12173
in division (C)(7) of section 2950.04 or 2950.041 of the Revised 12174
Code. The bureau shall provide on the database, for each offender 12175
and each public registry-qualified juvenile offender registrant, 12176
at least the information specified in divisions (A)(11)(a) to (h) 12177
of this section. Otherwise, the bureau shall determine the 12178
information to be provided on the database for each offender and 12179
public registry-qualified juvenile offender registrant and shall 12180
obtain that information from the information contained in the 12181
state registry of sex offenders and child-victim offenders 12182
described in division (A)(1) of this section, which information, 12183
while in the possession of the sheriff who provided it, is a 12184
public record open for inspection as described in section 2950.081 12185
of the Revised Code. The information provided for each offender 12186
shall include at least the information set forth in division (B) 12187
of section 2950.11 of the Revised Code. The database is a public 12188
record open for inspection under section 149.43 of the Revised 12189
Code, and it shall be searchable by offender or public 12190
registry-qualified juvenile offender registrant name, by county, 12191
by zip code, and by school district. The database shall provide a 12192
link to the web site of each sheriff who has established and 12193
operates on the internet a sex offender and child-victim offender 12194
database that contains information for offenders and public 12195

registry-qualified juvenile offender registrants who register in 12196
that county pursuant to section 2950.04 or 2950.041 of the Revised 12197
Code, with the link being a direct link to the sex offender and 12198
child-victim offender database for the sheriff. The bureau shall 12199
provide on the database, for each offender and public 12200
registry-qualified juvenile offender registrant, at least the 12201
following information: 12202

(a) The information described in divisions (A)(1)(a), (b), 12203
(c), and (d) of this section relative to the offender or public 12204
registry-qualified juvenile offender registrant; 12205

(b) The address of the offender's or public 12206
registry-qualified juvenile offender registrant's school, 12207
institution of higher education, or place of employment provided 12208
in a registration form; 12209

(c) The information described in division (C)(6) of section 12210
2950.04 or 2950.041 of the Revised Code; 12211

(d) A chart describing which sexually oriented offenses and 12212
child-victim oriented offenses are included in the definitions of 12213
tier I sex offender/child-victim offender, tier II sex 12214
offender/child-victim offender, and tier III sex 12215
offender/child-victim offender; 12216

(e) Fingerprints and palm prints of the offender or public 12217
registry-qualified juvenile offender registrant and a DNA specimen 12218
from the offender or public registry-qualified juvenile offender 12219
registrant; 12220

(f) The information set forth in division (B) of section 12221
2950.11 of the Revised Code; 12222

(g) Any outstanding arrest warrants for the offender or 12223
public registry-qualified juvenile offender registrant; 12224

(h) The offender's or public registry-qualified juvenile 12225

offender registrant's compliance status with duties under this 12226
chapter. 12227

(12) ~~Upon the request of any sheriff, provide technical~~ 12228
~~guidance to the requesting sheriff~~ Develop software to be used by 12229
sheriffs in establishing on the internet a sex offender and 12230
child-victim offender database for the public dissemination of 12231
some or all of the information and materials described in division 12232
(A) of section 2950.081 of the Revised Code that are public 12233
records under that division, that are not prohibited from 12234
inclusion by division (B) of that section, and that pertain to 12235
offenders and public registry-qualified juvenile offender 12236
registrants who register in ~~that~~ the sheriff's county pursuant to 12237
section 2950.04 or 2950.041 of the Revised Code and for the public 12238
dissemination of information the sheriff receives pursuant to 12239
section 2950.14 of the Revised Code and, upon the request of any 12240
sheriff, provide technical guidance to the requesting sheriff in 12241
establishing on the internet such a database; 12242

(13) Through the bureau of criminal identification and 12243
investigation, not later than January 1, 2004, establish and 12244
operate on the internet a database that enables local law 12245
enforcement representatives to remotely search by electronic means 12246
the state registry of sex offenders and child-victim offenders 12247
described in division (A)(1) of this section and any information 12248
and materials the bureau receives pursuant to sections 2950.04, 12249
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 12250
database shall enable local law enforcement representatives to 12251
obtain detailed information regarding each offender and delinquent 12252
child who is included in the registry, including, but not limited 12253
to the offender's or delinquent child's name, aliases, residence 12254
address, name and address of any place of employment, school, 12255
institution of higher education, if applicable, ~~motor vehicle~~ 12256
license plate number ~~if~~ of each vehicle identified in division 12257

(C)(5) of section 2950.04 or 2950.041 of the Revised Code to the 12258
extent applicable, victim preference if available, date of most 12259
recent release from confinement if applicable, fingerprints, and 12260
palprints, all of the information and material described in 12261
division (A)(1)(a) to (h) of this section regarding the offender 12262
or delinquent child, and other identification parameters the 12263
bureau considers appropriate. The database is not a public record 12264
open for inspection under section 149.43 of the Revised Code and 12265
shall be available only to law enforcement representatives as 12266
described in this division. Information obtained by local law 12267
enforcement representatives through use of this database is not 12268
open to inspection by the public or by any person other than a 12269
person identified in division (A) of section 2950.08 of the 12270
Revised Code. 12271

(14) Through the bureau of criminal identification and 12272
investigation, maintain a list of requests for notice about a 12273
specified offender or delinquent child or specified geographical 12274
notification area made pursuant to division (J) of section 2950.11 12275
of the Revised Code and, when an offender or delinquent child 12276
changes residence to another county, forward any requests for 12277
information about that specific offender or delinquent child to 12278
the appropriate sheriff; 12279

(15) Through the bureau of criminal identification and 12280
investigation, establish and operate a system for the immediate 12281
notification by electronic means of the appropriate officials in 12282
other states specified in this division each time an offender or 12283
delinquent child registers a residence, school, institution of 12284
higher education, or place of employment address under section 12285
2950.04 or 2950.041 of the revised Code or provides a notice of a 12286
change of address or registers a new address under division (A) or 12287
(B) of section 2950.05 of the Revised Code. The immediate 12288
notification by electronic means shall be provided to the 12289

appropriate officials in each state in which the offender or 12290
delinquent child is required to register a residence, school, 12291
institution of higher education, or place of employment address. 12292
The notification shall contain the offender's or delinquent 12293
child's name and all of the information the bureau receives from 12294
the sheriff with whom the offender or delinquent child registered 12295
the address or provided the notice of change of address or 12296
registered the new address. 12297

(B) The attorney general in consultation with local law 12298
enforcement representatives, may adopt rules that establish one or 12299
more categories of neighbors of an offender or delinquent child 12300
who, in addition to the occupants of residential premises and 12301
other persons specified in division (A)(1) of section 2950.11 of 12302
the Revised Code, must be given the notice described in division 12303
(B) of that section. 12304

(C) No person, other than a local law enforcement 12305
representative, shall knowingly do any of the following: 12306

(1) Gain or attempt to gain access to the database 12307
established and operated by the attorney general, through the 12308
bureau of criminal identification and investigation, pursuant to 12309
division (A)(13) of this section. 12310

(2) Permit any person to inspect any information obtained 12311
through use of the database described in division (C)(1) of this 12312
section, other than as permitted under that division. 12313

(D) As used in this section, "local law enforcement 12314
representatives" means representatives of the sheriffs of this 12315
state, representatives of the municipal chiefs of police and 12316
marshals of this state, and representatives of the township 12317
constables and chiefs of police of the township police departments 12318
or police district police forces of this state. 12319

Sec. 2950.131. If, on or after the effective date of this 12320
section, the United States attorney general or an office 12321
established under the authority of the United States attorney 12322
general adopts any regulation, guideline, or standard that 12323
interprets or applies the federal Sex Offender Registration and 12324
Notification Act, Pub. L. No. 109-249, to require additional sex 12325
offender registration and notification than otherwise required by 12326
Chapter 2950. of the Revised Code, as amended by this act, or 12327
notifies the attorney general of this state that the amendments 12328
made by this act are not in substantial compliance with the 12329
federal Sex Offender Registration and Notification Act or 12330
regulations, guidelines or standards interpreting or applying the 12331
federal Sex Offender Registration and Notification Act, the 12332
attorney general of this state within one hundred eighty days 12333
after notification or the adoption of any regulation, guideline or 12334
standard that interprets or applies the federal Sex Offender 12335
Registration and Notification Act, shall adopt rules in accordance 12336
with Chapter 119. of the Revised Code to require additional sex 12337
offender registration or notification so that Ohio's sex offender 12338
registration and notification requirements are consistent with, 12339
and not less stringent than, the federal Sex Offender Registration 12340
and Notification Act and any regulation, guideline or standard 12341
that interprets or applies the federal Sex Offender Registration 12342
and Notification Act. 12343

Sec. 2950.14. (A) Prior to releasing an offender who is under 12344
the custody and control of the department of rehabilitation and 12345
correction and who has been convicted of or pleaded guilty to 12346
committing, either prior to, on, or after January 1, 1997, any 12347
sexually oriented offense ~~that is not a registration exempt~~ 12348
~~sexually oriented offense~~ or any child-victim oriented offense, 12349
the department of rehabilitation and correction shall provide all 12350

of the information described in division (B) of this section to 12351
the bureau of criminal identification and investigation regarding 12352
the offender and to the sheriff of the county in which the 12353
offender's anticipated future residence is located. Prior to 12354
releasing a delinquent child who is in the custody of the 12355
department of youth services who has been adjudicated a delinquent 12356
child for committing ~~on or after January 1, 2002,~~ any sexually 12357
~~oriented offense that is not a registration exempt sexually~~ 12358
~~oriented offense~~ or any child-victim oriented offense, regardless 12359
of when the offense was committed, and who has been classified a 12360
juvenile offender registrant based on that adjudication, the 12361
department of youth services shall provide all of the information 12362
described in division (B) of this section to the bureau of 12363
criminal identification and investigation regarding the delinquent 12364
child. 12365

(B) The department of rehabilitation and correction and the 12366
department of youth services shall provide all of the following 12367
information to the bureau of criminal identification and 12368
investigation regarding an offender or delinquent child described 12369
in division (A) of this section: 12370

(1) The offender's or delinquent child's name and any aliases 12371
used by the offender or delinquent child; 12372

(2) All identifying factors concerning, and a physical 12373
description of, the offender or delinquent child; 12374

(3) The offender's or delinquent child's anticipated future 12375
residence; 12376

(4) The offense and delinquency history and the terms and 12377
conditions of release of the offender or delinquent child; 12378

(5) Whether the offender or delinquent child was treated for 12379
a mental abnormality or personality disorder while under the 12380
custody and control of the department; 12381

(6) Any other information that the bureau indicates is 12382
relevant and that the department possesses. 12383

(C) Upon receipt of the information described in division (B) 12384
of this section regarding an offender or delinquent child, the 12385
bureau immediately shall enter the information into the state 12386
registry of sex offenders and child-victim offenders that the 12387
bureau maintains pursuant to section 2950.13 of the Revised Code 12388
and into the records that the bureau maintains pursuant to 12389
division (A) of section 109.57 of the Revised Code. Upon receipt 12390
of that information regarding an offender, the bureau immediately 12391
shall enter the information on the sex offender and child-victim 12392
offender database it establishes and operates on the internet 12393
pursuant to division (A)(11) of section 2950.13 of the Revised 12394
Code. 12395

(D) Upon receipt of the information described in division (B) 12396
of this section regarding an offender, a sheriff who has 12397
established on the internet a sex offender and child-victim 12398
offender database for the public dissemination of information 12399
regarding such offenders shall enter that information on the 12400
database. 12401

Sec. 2950.15. (A) As used in this section and section 2950.16 12402
of the Revised Code, "eligible offender" means a person who is 12403
convicted of, pleads guilty to, was convicted of, or pleaded 12404
guilty to a sexually oriented offense or child-victim oriented 12405
offense, regardless of when the offense was committed, and is a 12406
tier I sex offender/child-victim offender or a child who is or was 12407
adjudicated a delinquent child for committing a sexually oriented 12408
offense or child-victim oriented offense, regardless of when the 12409
offense was committed, and is a public registry-qualified juvenile 12410
offender registrant. 12411

(B) Pursuant to this section, an eligible offender may make a 12412

motion to the court of common pleas or, for a delinquent child, 12413
the juvenile court of the county in which the eligible offender 12414
resides requesting that the court terminate the eligible 12415
offender's duty to comply with sections 2950.04, 2950.041, 12416
2950.05, and 2950.06 of the Revised Code. If the eligible offender 12417
is not a resident of this state, the eligible offender may make a 12418
motion to the court of common pleas of the county in which the 12419
eligible offender has registered pursuant to section 2950.04 or 12420
2950.041 of the Revised Code, but if the eligible offender has 12421
registered addresses of that nature in more than one county, the 12422
eligible offender may make such a motion in the court of only one 12423
of those counties. Notwithstanding any state or local rule 12424
assigning costs and fees for filing and processing civil and 12425
criminal cases, the fee for filing the motion shall be one hundred 12426
fifty dollars. This fee shall be applied to any further processing 12427
of the motion, including, but not limited to, the costs associated 12428
with investigating the motion, notifying relevant parties, 12429
scheduling hearings, and recording and reporting the court's 12430
determination. 12431

(C)(1) Except as provided in division (C)(2) of this section, 12432
an eligible offender who is classified a tier I sex 12433
offender/child-victim offender may make a motion under division 12434
(B) of this section upon the expiration of ten years after the 12435
eligible offender's duty to comply with division (A)(2) or (4) of 12436
section 2950.04 or division (A)(2) or (4) of section 2950.041 and 12437
sections 2950.05 and 2950.06 of the Revised Code begins in 12438
relation to the offense for which the eligible offender is subject 12439
to those provisions. 12440

(2) An eligible offender who is a delinquent child and is 12441
classified a public registry-qualified juvenile offender 12442
registrant may make a motion under division (B) of this section 12443
upon the expiration of twenty-five years after the eligible 12444

offender's duty to comply with division (A)(3) or (4) of section 12445
2950.04 and sections 2950.05 and 2950.06 of the Revised Code 12446
begins in relation to the offense for which the eligible offender 12447
is subject to those provisions. 12448

(D) An eligible offender who makes a motion under division 12449
(B) of this section shall include all of the following with the 12450
motion: 12451

(1) A certified copy of the judgment entry and any other 12452
documentation of the sentence or disposition given for the offense 12453
or offenses for which the eligible offender was convicted, pleaded 12454
guilty, or was adjudicated a delinquent child; 12455

(2) Documentation of the date of discharge from supervision 12456
or release, whichever is applicable; 12457

(3) Evidence that the eligible offender has completed a sex 12458
offender or child-victim offender treatment program certified by 12459
the department of rehabilitation and correction or the department 12460
of youth services pursuant to section 2950.16 of the Revised Code; 12461

(4) Evidence that the eligible offender has not been 12462
convicted of, pleaded guilty to, or been adjudicated a delinquent 12463
child for committing any subsequent sexually oriented offense, 12464
child-victim oriented offense, or other criminal offense, except 12465
for a minor misdemeanor traffic offense; 12466

(5) Evidence that the eligible offender has paid any 12467
financial sanctions imposed upon the offender pursuant to section 12468
2929.18 or 2929.28 of the Revised Code. 12469

(E) Upon the filing of a motion pursuant to division (B) of 12470
this section, the offender or delinquent child shall serve a copy 12471
of the motion on the prosecutor who handled the case in which the 12472
eligible offender was convicted of, pleaded guilty to, or was 12473
adjudicated a delinquent child for committing the sexually 12474
oriented offense or child-victim oriented offense. Upon the filing 12475

of the motion, the court shall set a tentative date for a hearing 12476
on the motion that is not later than one hundred eighty days from 12477
the date the motion is filed unless good cause exists to hold the 12478
hearing at a later date and shall notify the eligible offender and 12479
the prosecutor of the date, time, and place of the hearing. The 12480
court shall then forward a copy of the motion and its supporting 12481
documentation to the court's probation department or another 12482
appropriate agency to investigate the merits of the motion. The 12483
probation department or agency shall submit a written report 12484
detailing its investigation to the court within sixty days of 12485
receiving the motion and supporting documentation. 12486

Upon receipt of the written report from the probation 12487
department or other appropriate agency, the court shall forward a 12488
copy of the motion, supporting documentation, and the written 12489
report to the prosecutor. 12490

(F)(1) After the prosecutor is served with a copy of the 12491
motion as described in division (E) of this section, the 12492
prosecutor shall notify the victim of any offense for which the 12493
eligible offender is requesting a termination of duties under 12494
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 12495
Code. The victim may submit a written statement to the prosecutor 12496
regarding any knowledge the victim has of the eligible offender's 12497
conduct while subject to the duties imposed by sections 2950.04, 12498
2950.041, 2950.05, and 2950.06 of the Revised Code. 12499

(2) At least seven days before the hearing date, the 12500
prosecutor may file an objection to the motion with the court and 12501
serve a copy of the objection to the motion to the eligible 12502
offender or the eligible offender's attorney. 12503

(G) In addition to the evidence that accompanies the motion 12504
described in division (D) of this section and the written report 12505
submitted pursuant to division (E) of this section, in determining 12506
whether to grant a motion made under division (B) of this section, 12507

the court may consider any other evidence the court considers 12508
relevant, including, but not limited to, evidence of the following 12509
while the eligible offender has been subject to the duties imposed 12510
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 12511
Revised Code: 12512

(1) Whether the eligible offender's driver's license, 12513
commercial driver's license, temporary instruction permit, 12514
probationary license, or nonresident operating privilege has ever 12515
been suspended; 12516

(2) Whether the eligible offender has maintained financial 12517
responsibility for a motor vehicle as required by section 4509.101 12518
of the Revised Code; 12519

(3) Whether the eligible offender has satisfied any child or 12520
spousal support obligations, if applicable; 12521

(4) Whether the eligible offender has paid all local, state, 12522
and federal income taxes, and has timely filed all associated 12523
income tax returns, as required by local, state, or federal law; 12524

(5) Whether there is evidence that the eligible offender has 12525
adequately addressed sex offending or child-victim offending 12526
behaviors; 12527

(6) Whether the eligible offender has maintained a residence 12528
for a substantial period of time; 12529

(7) Whether the eligible offender has maintained employment 12530
or, if the eligible offender has not been employed while under a 12531
duty to comply with sections 2950.04, 2950.041, 2950.05, and 12532
2950.06 of the Revised Code, whether the eligible offender has 12533
satisfied the offender's financial obligations through other 12534
manners of support such as disability payments, a pension, spousal 12535
or child support, or scholarships or grants; 12536

(8) Whether the eligible offender has adequately addressed 12537

any drug or alcohol abuse or addiction; 12538

(9) Letters of reference; 12539

(10) Documentation of the eligible offender's service to the 12540
community or to specific individuals in need. 12541

(H)(1) The court, without a hearing, may issue an order 12542
denying the eligible offender's motion to terminate the eligible 12543
offender's duty to comply with sections 2950.04, 2950.041, 12544
2950.05, and 2950.06 of the Revised Code if the court, based on 12545
the evidence submitted with the motion pursuant to division (D) of 12546
this section and the written report submitted pursuant to division 12547
(E) of this section and after considering the factors described in 12548
division (G) of this section, finds that those duties should not 12549
be terminated. 12550

(2) If the prosecutor does not file an objection to the 12551
eligible offender's application as provided in division (F)(2) of 12552
this section, the court, without a hearing, may issue an order 12553
that terminates the eligible offender's duty to comply with 12554
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 12555
Code if the court, based on the evidence submitted with the motion 12556
pursuant to division (D) of this section and the written report 12557
submitted pursuant to division (E) of this section and after 12558
considering the factors described in division (G) of this section, 12559
finds that those duties should be terminated. 12560

(3) If the court does not issue an order under division 12561
(H)(1) or (2) of this section, the court shall hold a hearing to 12562
determine whether to grant or deny the motion. At the hearing, the 12563
Rules of Civil Procedure or, if the hearing is in a juvenile 12564
court, the Rules of Juvenile Procedure apply, except to the extent 12565
that those Rules would by their nature be clearly inapplicable. At 12566
the hearing, the eligible offender has the burden of going forward 12567
with the evidence and the burden of proof by a preponderance of 12568

the evidence. If, after considering the evidence submitted with 12569
the motion pursuant to division (D) of this section, the written 12570
report submitted pursuant to division (E) of this section, and the 12571
factors described in division (G) of this section, the court finds 12572
that the eligible offender has satisfied the burden of proof, the 12573
court shall issue an order that terminates the eligible offender's 12574
duty to comply with sections 2950.04, 2950.041, 2950.05, and 12575
2950.06 of the Revised Code. If the court finds that the eligible 12576
offender has not satisfied the burden of proof, the court shall 12577
issue an order denying the motion. 12578

(4)(a) The court shall provide prompt notice of its order 12579
issued pursuant to division (H)(1), (2), or (3) of this section to 12580
the eligible offender or the eligible offender's attorney. 12581

(b) If the court issues an order terminating the eligible 12582
offender's duty to comply with sections 2950.04, 2950.041, 12583
2950.05, and 2950.06 of the Revised Code, the court shall promptly 12584
forward a copy of the order to the bureau of criminal 12585
identification and investigation. Upon receipt of the order, the 12586
bureau shall update all records pertaining to the eligible 12587
offender to reflect the termination order. The bureau also shall 12588
notify every sheriff with whom the eligible offender has most 12589
recently registered under section 2950.04, 2950.041, or 2950.05 of 12590
the Revised Code of the termination order. 12591

(c) If the court issues an order terminating the eligible 12592
offender's duty to comply with sections 2950.04, 2950.041, 12593
2950.05, and 2950.06 of the Revised Code, the court shall promptly 12594
forward a copy of the order to any court that sentenced the 12595
offender or adjudicated the child a delinquent child for a 12596
sexually oriented offense or child-victim oriented offense that is 12597
the basis of the termination order. The court that receives this 12598
notice shall retain a copy of the order in the eligible offender's 12599
original case file. 12600

Sec. 2950.16. By July 1, 2008, the department of 12601
rehabilitation and correction and the department of youth services 12602
shall adopt rules pertaining to the certification of sex offender 12603
and child-victim offender treatment programs. The rules shall 12604
include a requirement that the departments periodically inspect 12605
and certify sex offender and child-victim offender treatment 12606
programs. The rules shall also include a requirement that the 12607
departments maintain a list of certified sex offender and 12608
child-victim offender treatment programs that is open to public 12609
inspection. 12610

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 12611
the Revised Code, a first offender may apply to the sentencing 12612
court if convicted in this state, or to a court of common pleas if 12613
convicted in another state or in a federal court, for the sealing 12614
of the conviction record. Application may be made at the 12615
expiration of three years after the offender's final discharge if 12616
convicted of a felony, or at the expiration of one year after the 12617
offender's final discharge if convicted of a misdemeanor. 12618

(2) Any person who has been arrested for any misdemeanor 12619
offense and who has effected a bail forfeiture may apply to the 12620
court in which the misdemeanor criminal case was pending when bail 12621
was forfeited for the sealing of the record of the case. Except as 12622
provided in section 2953.61 of the Revised Code, the application 12623
may be filed at any time after the expiration of one year from the 12624
date on which the bail forfeiture was entered upon the minutes of 12625
the court or the journal, whichever entry occurs first. 12626

(B) Upon the filing of an application under this section, the 12627
court shall set a date for a hearing and shall notify the 12628
prosecutor for the case of the hearing on the application. The 12629
prosecutor may object to the granting of the application by filing 12630
an objection with the court prior to the date set for the hearing. 12631

The prosecutor shall specify in the objection the reasons for 12632
believing a denial of the application is justified. The court 12633
shall direct its regular probation officer, a state probation 12634
officer, or the department of probation of the county in which the 12635
applicant resides to make inquiries and written reports as the 12636
court requires concerning the applicant. 12637

(C)(1) The court shall do each of the following: 12638

(a) Determine whether the applicant is a first offender or 12639
whether the forfeiture of bail was agreed to by the applicant and 12640
the prosecutor in the case. If the applicant applies as a first 12641
offender pursuant to division (A)(1) of this section and has two 12642
or three convictions that result from the same indictment, 12643
information, or complaint, from the same plea of guilty, or from 12644
the same official proceeding, and result from related criminal 12645
acts that were committed within a three-month period but do not 12646
result from the same act or from offenses committed at the same 12647
time, in making its determination under this division, the court 12648
initially shall determine whether it is not in the public interest 12649
for the two or three convictions to be counted as one conviction. 12650
If the court determines that it is not in the public interest for 12651
the two or three convictions to be counted as one conviction, the 12652
court shall determine that the applicant is not a first offender; 12653
if the court does not make that determination, the court shall 12654
determine that the offender is a first offender. 12655

(b) Determine whether criminal proceedings are pending 12656
against the applicant; 12657

(c) If the applicant is a first offender who applies pursuant 12658
to division (A)(1) of this section, determine whether the 12659
applicant has been rehabilitated to the satisfaction of the court; 12660

(d) If the prosecutor has filed an objection in accordance 12661
with division (B) of this section, consider the reasons against 12662

granting the application specified by the prosecutor in the 12663
objection; 12664

(e) Weigh the interests of the applicant in having the 12665
records pertaining to the applicant's conviction sealed against 12666
the legitimate needs, if any, of the government to maintain those 12667
records. 12668

(2) If the court determines, after complying with division 12669
(C)(1) of this section, that the applicant is a first offender or 12670
the subject of a bail forfeiture, that no criminal proceeding is 12671
pending against the applicant, and that the interests of the 12672
applicant in having the records pertaining to the applicant's 12673
conviction or bail forfeiture sealed are not outweighed by any 12674
legitimate governmental needs to maintain those records, and that 12675
the rehabilitation of an applicant who is a first offender 12676
applying pursuant to division (A)(1) of this section has been 12677
attained to the satisfaction of the court, the court, except as 12678
provided in division (G) of this section, shall order all official 12679
records pertaining to the case sealed and, except as provided in 12680
division (F) of this section, all index references to the case 12681
deleted and, in the case of bail forfeitures, shall dismiss the 12682
charges in the case. The proceedings in the case shall be 12683
considered not to have occurred and the conviction or bail 12684
forfeiture of the person who is the subject of the proceedings 12685
shall be sealed, except that upon conviction of a subsequent 12686
offense, the sealed record of prior conviction or bail forfeiture 12687
may be considered by the court in determining the sentence or 12688
other appropriate disposition, including the relief provided for 12689
in sections 2953.31 to 2953.33 of the Revised Code. 12690

(3) Upon the filing of an application under this section, the 12691
applicant, unless indigent, shall pay a fee of fifty dollars. The 12692
court shall pay thirty dollars of the fee into the state treasury. 12693
It shall pay twenty dollars of the fee into the county general 12694

revenue fund if the sealed conviction or bail forfeiture was 12695
pursuant to a state statute, or into the general revenue fund of 12696
the municipal corporation involved if the sealed conviction or 12697
bail forfeiture was pursuant to a municipal ordinance. 12698

(D) Inspection of the sealed records included in the order 12699
may be made only by the following persons or for the following 12700
purposes: 12701

(1) By a law enforcement officer or prosecutor, or the 12702
assistants of either, to determine whether the nature and 12703
character of the offense with which a person is to be charged 12704
would be affected by virtue of the person's previously having been 12705
convicted of a crime; 12706

(2) By the parole or probation officer of the person who is 12707
the subject of the records, for the exclusive use of the officer 12708
in supervising the person while on parole or under a community 12709
control sanction or a post-release control sanction, and in making 12710
inquiries and written reports as requested by the court or adult 12711
parole authority; 12712

(3) Upon application by the person who is the subject of the 12713
records, by the persons named in the application; 12714

(4) By a law enforcement officer who was involved in the 12715
case, for use in the officer's defense of a civil action arising 12716
out of the officer's involvement in that case; 12717

(5) By a prosecuting attorney or the prosecuting attorney's 12718
assistants, to determine a defendant's eligibility to enter a 12719
pre-trial diversion program established pursuant to section 12720
2935.36 of the Revised Code; 12721

(6) By any law enforcement agency or any authorized employee 12722
of a law enforcement agency or by the department of rehabilitation 12723
and correction as part of a background investigation of a person 12724
who applies for employment with the agency as a law enforcement 12725

officer or with the department as a corrections officer; 12726

(7) By any law enforcement agency or any authorized employee 12727
of a law enforcement agency, for the purposes set forth in, and in 12728
the manner provided in, section 2953.321 of the Revised Code; 12729

(8) By the bureau of criminal identification and 12730
investigation or any authorized employee of the bureau for the 12731
purpose of providing information to a board or person pursuant to 12732
division (F) or (G) of section 109.57 of the Revised Code; 12733

(9) By the bureau of criminal identification and 12734
investigation or any authorized employee of the bureau for the 12735
purpose of performing a criminal history records check on a person 12736
to whom a certificate as prescribed in section 109.77 of the 12737
Revised Code is to be awarded; 12738

(10) By the bureau of criminal identification and 12739
investigation, an authorized employee of the bureau, a sheriff, or 12740
an authorized employee of a sheriff in connection with a criminal 12741
records check described in section 311.41 of the Revised Code; 12742

(11) By the attorney general or an authorized employee of the 12743
attorney general or a court for purposes of determining a person's 12744
classification pursuant to Chapter 2950. of the Revised Code. 12745

When the nature and character of the offense with which a 12746
person is to be charged would be affected by the information, it 12747
may be used for the purpose of charging the person with an 12748
offense. 12749

(E) In any criminal proceeding, proof of any otherwise 12750
admissible prior conviction may be introduced and proved, 12751
notwithstanding the fact that for any such prior conviction an 12752
order of sealing previously was issued pursuant to sections 12753
2953.31 to 2953.36 of the Revised Code. 12754

(F) The person or governmental agency, office, or department 12755

that maintains sealed records pertaining to convictions or bail 12756
forfeitures that have been sealed pursuant to this section may 12757
maintain a manual or computerized index to the sealed records. The 12758
index shall contain only the name of, and alphanumeric identifiers 12759
that relate to, the persons who are the subject of the sealed 12760
records, the word "sealed," and the name of the person, agency, 12761
office, or department that has custody of the sealed records, and 12762
shall not contain the name of the crime committed. The index shall 12763
be made available by the person who has custody of the sealed 12764
records only for the purposes set forth in divisions (C), (D), and 12765
(E) of this section. 12766

(G) Notwithstanding any provision of this section or section 12767
2953.33 of the Revised Code that requires otherwise, a board of 12768
education of a city, local, exempted village, or joint vocational 12769
school district that maintains records of an individual who has 12770
been permanently excluded under sections 3301.121 and 3313.662 of 12771
the Revised Code is permitted to maintain records regarding a 12772
conviction that was used as the basis for the individual's 12773
permanent exclusion, regardless of a court order to seal the 12774
record. An order issued under this section to seal the record of a 12775
conviction does not revoke the adjudication order of the 12776
superintendent of public instruction to permanently exclude the 12777
individual who is the subject of the sealing order. An order 12778
issued under this section to seal the record of a conviction of an 12779
individual may be presented to a district superintendent as 12780
evidence to support the contention that the superintendent should 12781
recommend that the permanent exclusion of the individual who is 12782
the subject of the sealing order be revoked. Except as otherwise 12783
authorized by this division and sections 3301.121 and 3313.662 of 12784
the Revised Code, any school employee in possession of or having 12785
access to the sealed conviction records of an individual that were 12786
the basis of a permanent exclusion of the individual is subject to 12787
section 2953.35 of the Revised Code. 12788

Sec. 2967.12. (A) Except as provided in division (G) of this 12789
section, at least three weeks before the adult parole authority 12790
recommends any pardon or commutation of sentence, or grants any 12791
parole, the authority shall send a notice of the pendency of the 12792
pardon, commutation, or parole, setting forth the name of the 12793
person on whose behalf it is made, the offense of which the person 12794
was convicted or to which the person pleaded guilty, the time of 12795
conviction or the guilty plea, and the term of the person's 12796
sentence, to the prosecuting attorney and the judge of the court 12797
of common pleas of the county in which the indictment against the 12798
person was found. If there is more than one judge of that court of 12799
common pleas, the authority shall send the notice to the presiding 12800
judge. The department of rehabilitation and correction, at the 12801
same time that it provides the notice to the prosecuting attorney 12802
and judge under this division, also shall post on the database it 12803
maintains pursuant to section 5120.66 of the Revised Code the 12804
offender's name and all of the information specified in division 12805
(A)(1)(c)(iii) of that section. 12806

(B) If a request for notification has been made pursuant to 12807
section 2930.16 of the Revised Code, the adult parole authority 12808
also shall give notice to the victim or the victim's 12809
representative prior to recommending any pardon or commutation of 12810
sentence for, or granting any parole to, the person. The authority 12811
shall provide the notice at the same time as the notice required 12812
by division (A) of this section and shall include in the notice 12813
the information required to be set forth in that notice. The 12814
notice also shall inform the victim or the victim's representative 12815
that the victim or representative may send a written statement 12816
relative to the victimization and the pending action to the adult 12817
parole authority and that, if the authority receives any written 12818
statement prior to recommending a pardon or commutation or 12819
granting a parole for a person, the authority will consider the 12820

statement before it recommends a pardon or commutation or grants a 12821
parole. If the person is being considered for parole, the notice 12822
shall inform the victim or the victim's representative that a full 12823
board hearing of the parole board may be held and that the victim 12824
or victim's representative may contact the office of victims' 12825
services for further information. If the person being considered 12826
for parole was convicted of or pleaded guilty to violating section 12827
2903.01 or 2903.02 of the Revised Code, the notice shall inform 12828
the victim of that offense, the victim's representative, or a 12829
member of the victim's immediate family that the victim, the 12830
victim's representative, and the victim's immediate family have 12831
the right to give testimony at a full board hearing of the parole 12832
board and that the victim or victim's representative may contact 12833
the office of victims' services for further information. As used 12834
in this division, "the victim's immediate family" means the 12835
mother, father, spouse, sibling, or child of the victim. 12836

(C) When notice of the pendency of any pardon, commutation of 12837
sentence, or parole has been given to a judge or prosecutor or 12838
posted on the database as provided in division (A) of this section 12839
and a hearing on the pardon, commutation, or parole is continued 12840
to a date certain, the authority shall provide notice of the 12841
further consideration of the pardon, commutation, or parole at 12842
least ten days before the further consideration. The notice of the 12843
further consideration shall be provided to the proper judge and 12844
prosecuting attorney by mail at least ten days before the further 12845
consideration, and, if the initial notice was posted on the 12846
database as provided in division (A) of this section, the notice 12847
of the further consideration shall be posted on the database at 12848
least ten days before the further consideration. When notice of 12849
the pendency of any pardon, commutation, or parole has been given 12850
as provided in division (B) of this section and the hearing on it 12851
is continued to a date certain, the authority shall give notice of 12852
the further consideration to the victim or the victim's 12853

representative in accordance with section 2930.03 of the Revised Code. 12854
12855

(D) In case of an application for the pardon or commutation of sentence of a person sentenced to capital punishment, the governor may modify the requirements of notification and publication if there is not sufficient time for compliance with the requirements before the date fixed for the execution of sentence. 12856
12857
12858
12859
12860
12861

(E) If an offender is serving a prison term imposed under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and if the parole board terminates its control over the offender's service of that term pursuant to section 2971.04 of the Revised Code, the parole board immediately shall provide written notice of its termination of control or the transfer of control to the entities and persons specified in section 2971.04 of the Revised Code. 12862
12863
12864
12865
12866
12867
12868
12869
12870

(F) The failure of the adult parole authority to comply with the notice or posting provisions of division (A), (B), or (C) of this section or the failure of the parole board to comply with the notice provisions of division (E) of this section do not give any rights or any grounds for appeal or post-conviction relief to the person serving the sentence. 12871
12872
12873
12874
12875
12876

(G) Divisions (A), (B), and (C) of this section do not apply to any release of a person that is of the type described in division (B)(2)(b) of section 5120.031 of the Revised Code. 12877
12878
12879

(H) In addition to and independent of the right of a victim to make a statement as described in division (A) of this section or pursuant to section 2930.17 of the Revised Code or to otherwise make a statement, the authority for a judge or prosecuting attorney to furnish statements and information, make 12880
12881
12882
12883
12884

recommendations, and give testimony as described in division (A) 12885
of this section, the right of a prosecuting attorney, judge, or 12886
victim to give testimony or submit a statement at a full parole 12887
board hearing pursuant to section 5149.101 of the Revised Code, 12888
and any other right or duty of a person to present information or 12889
make a statement, any person may send to the adult parole 12890
authority at any time prior to the authority's recommending a 12891
pardon or commutation or granting a parole for the offender a 12892
written statement relative to the offense and the pending action. 12893

Sec. 2967.121. (A) Subject to division (C) of this section, 12894
at least two weeks before any convict who is serving a sentence 12895
for committing a felony of the first, second, or third degree is 12896
released from confinement in any state correctional institution 12897
pursuant to a pardon, commutation of sentence, parole, or 12898
completed prison term, the adult parole authority shall send 12899
notice of the release to the prosecuting attorney of the county in 12900
which the indictment of the convict was found. 12901

(B) The notice required by division (A) of this section may 12902
be contained in a weekly list of all felons of the first, second, 12903
or third degree who are scheduled for release. The notice shall 12904
contain all of the following: 12905

(1) The name of the convict being released; 12906

(2) The date of the convict's release; 12907

(3) The offense for the violation of which the convict was 12908
convicted and incarcerated; 12909

(4) The date of the convict's conviction pursuant to which 12910
the convict was incarcerated; 12911

(5) The sentence imposed for that conviction; 12912

(6) The length of any supervision that the convict will be 12913
under; 12914

(7) The name, business address, and business phone number of 12915
the convict's supervising officer; 12916

(8) The address at which the convict will reside. 12917

(C) Divisions (A) and (B) of this section do not apply to the 12918
release from confinement of an offender if the offender is serving 12919
a prison term imposed under division (A)(3), (B)(1)(a), (b), or 12920
(c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 12921
section 2971.03 of the Revised Code, if the court pursuant to 12922
section 2971.05 of the Revised Code modifies the requirement that 12923
the offender serve that entire term in a state correctional 12924
institution, and if the release from confinement is pursuant to 12925
that modification. In a case of that type, the court that modifies 12926
the requirement promptly shall provide written notice of the 12927
modification and the order that modifies the requirement or 12928
revises the modification to the offender, the department of 12929
rehabilitation and correction, the prosecuting attorney, and any 12930
state agency or political subdivision that is affected by the 12931
order. 12932

Sec. 2971.01. As used in this chapter: 12933

(A) "Mandatory prison term" has the same meaning as in 12934
section 2929.01 of the Revised Code. 12935

(B) "Designated homicide, assault, or kidnapping offense" 12936
means any of the following: 12937

(1) A violation of section 2903.01, 2903.02, 2903.11, or 12938
2905.01 of the Revised Code or a violation of division (A) of 12939
section 2903.04 of the Revised Code; 12940

(2) An attempt to commit or complicity in committing a 12941
violation listed in division (B)(1) of this section, if the 12942
attempt or complicity is a felony. 12943

(C) "Examiner" has the same meaning as in section 2945.371 of 12944

the Revised Code. 12945

(D) "Peace officer" has the same meaning as in section 12946
2935.01 of the Revised Code. 12947

(E) "Prosecuting attorney" means the prosecuting attorney who 12948
prosecuted the case of the offender in question or the successor 12949
in office to that prosecuting attorney. 12950

(F) "Sexually oriented offense" and "child-victim oriented 12951
offense" have the same meanings as in section 2950.01 of the 12952
Revised Code. 12953

(G) "Sexually violent offense" means any of the following: 12954

(1) A violent sex offense; 12955

(2) A designated homicide, assault, or kidnapping offense 12956
that the offender commits with a sexual motivation. 12957

(H)(1) "Sexually violent predator" means a person who, on or 12958
after January 1, 1997, commits a sexually violent offense and is 12959
likely to engage in the future in one or more sexually violent 12960
offenses. 12961

(2) For purposes of division (H)(1) of this section, any of 12962
the following factors may be considered as evidence tending to 12963
indicate that there is a likelihood that the person will engage in 12964
the future in one or more sexually violent offenses: 12965

(a) The person has been convicted two or more times, in 12966
separate criminal actions, of a sexually oriented offense or a 12967
child-victim oriented offense. For purposes of this division, 12968
convictions that result from or are connected with the same act or 12969
result from offenses committed at the same time are one 12970
conviction, and a conviction set aside pursuant to law is not a 12971
conviction. 12972

(b) The person has a documented history from childhood, into 12973
the juvenile developmental years, that exhibits sexually deviant 12974

behavior. 12975

(c) Available information or evidence suggests that the 12976
person chronically commits offenses with a sexual motivation. 12977

(d) The person has committed one or more offenses in which 12978
the person has tortured or engaged in ritualistic acts with one or 12979
more victims. 12980

(e) The person has committed one or more offenses in which 12981
one or more victims were physically harmed to the degree that the 12982
particular victim's life was in jeopardy. 12983

(f) Any other relevant evidence. 12984

(I) "Sexually violent predator specification" means a 12985
specification, as described in section 2941.148 of the Revised 12986
Code, that charges that a person charged with a violent sex 12987
offense, or a person charged with a designated homicide, assault, 12988
or kidnapping offense and a sexual motivation specification, is a 12989
sexually violent predator. 12990

(J) "Sexual motivation" means a purpose to gratify the sexual 12991
needs or desires of the offender. 12992

(K) "Sexual motivation specification" means a specification, 12993
as described in section 2941.147 of the Revised Code, that charges 12994
that a person charged with a designated homicide, assault, or 12995
kidnapping offense committed the offense with a sexual motivation. 12996

(L) "Violent sex offense" means any of the following: 12997

(1) A violation of section 2907.02, 2907.03, or 2907.12 or of 12998
division (A)(4) or (B) of section 2907.05 of the Revised Code; 12999

(2) A felony violation of a former law of this state that is 13000
substantially equivalent to a violation listed in division (L)(1) 13001
of this section or of an existing or former law of the United 13002
States or of another state that is substantially equivalent to a 13003
violation listed in division (L)(1) of this section; 13004

(3) An attempt to commit or complicity in committing a 13005
violation listed in division (L)(1) or (2) of this section if the 13006
attempt or complicity is a felony. 13007

Sec. 2971.03. (A) Notwithstanding divisions (A), (B), (C), 13008
and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 13009
2929.13, or another section of the Revised Code, other than 13010
divisions (D) and (E) of section 2929.14 of the Revised Code, that 13011
authorizes or requires a specified prison term or a mandatory 13012
prison term for a person who is convicted of or pleads guilty to a 13013
felony or that specifies the manner and place of service of a 13014
prison term or term of imprisonment, the court shall impose a 13015
sentence upon a person who is convicted of or pleads guilty to a 13016
violent sex offense and who also is convicted of or pleads guilty 13017
to a sexually violent predator specification that was included in 13018
the indictment, count in the indictment, or information charging 13019
that offense, and upon a person who is convicted of or pleads 13020
guilty to a designated homicide, assault, or kidnapping offense 13021
and also is convicted of or pleads guilty to both a sexual 13022
motivation specification and a sexually violent predator 13023
specification that were included in the indictment, count in the 13024
indictment, or information charging that offense, as follows: 13025

(1) If the offense for which the sentence is being imposed is 13026
aggravated murder and if the court does not impose upon the 13027
offender a sentence of death, it shall impose upon the offender a 13028
term of life imprisonment without parole. If the court sentences 13029
the offender to death and the sentence of death is vacated, 13030
overturned, or otherwise set aside, the court shall impose upon 13031
the offender a term of life imprisonment without parole. 13032

(2) If the offense for which the sentence is being imposed is 13033
murder; or if the offense is rape committed in violation of 13034
division (A)(1)(b) of section 2907.02 of the Revised Code when the 13035

offender purposely compelled the victim to submit by force or 13036
threat of force, when the victim was less than ten years of age, 13037
when the offender previously has been convicted of or pleaded 13038
guilty to either rape committed in violation of that division or a 13039
violation of an existing or former law of this state, another 13040
state, or the United States that is substantially similar to 13041
division (A)(1)(b) of section 2907.02 of the Revised Code, or when 13042
the offender during or immediately after the commission of the 13043
rape caused serious physical harm to the victim; or if the offense 13044
is an offense other than aggravated murder or murder for which a 13045
term of life imprisonment may be imposed, it shall impose upon the 13046
offender a term of life imprisonment without parole. 13047

(3)(a) Except as otherwise provided in division (A)(3)(b), 13048
(c), (d), or (e) or (A)(4) of this section, if the offense for 13049
which the sentence is being imposed is an offense other than 13050
aggravated murder, murder, or rape and other than an offense for 13051
which a term of life imprisonment may be imposed, it shall impose 13052
an indefinite prison term consisting of a minimum term fixed by 13053
the court from among the range of terms available as a definite 13054
term for the offense, but not less than two years, and a maximum 13055
term of life imprisonment. 13056

(b) Except as otherwise provided in division (A)(4) of this 13057
section, if the offense for which the sentence is being imposed is 13058
kidnapping that is a felony of the first degree, it shall impose 13059
an indefinite prison term as follows: 13060

(i) If the kidnapping is committed on or after the effective 13061
date of this amendment and the victim of the offense is less than 13062
thirteen years of age, except as otherwise provided in this 13063
division, it shall impose an indefinite prison term consisting of 13064
a minimum term of fifteen years and a maximum term of life 13065
imprisonment. If the kidnapping is committed on or after the 13066
effective date of this amendment, the victim of the offense is 13067

less than thirteen years of age, and the offender released the 13068
victim in a safe place unharmed, it shall impose an indefinite 13069
prison term consisting of a minimum term of ten years and a 13070
maximum term of life imprisonment. 13071

(ii) If the kidnapping is committed prior to the effective 13072
date of this amendment or division (A)(3)(b)(i) of this section 13073
does not apply, it shall impose an indefinite term consisting of a 13074
minimum term fixed by the court that is not less than ten years, 13075
and a maximum term of life imprisonment. 13076

(c) Except as otherwise provided in division (A)(4) of this 13077
section, if the offense for which the sentence is being imposed is 13078
kidnapping that is a felony of the second degree, it shall impose 13079
an indefinite prison term consisting of a minimum term fixed by 13080
the court that is not less than eight years, and a maximum term of 13081
life imprisonment. 13082

(d) Except as otherwise provided in division (A)(4) of this 13083
section, if the offense for which the sentence is being imposed is 13084
rape for which a term of life imprisonment is not imposed under 13085
division (A)(2) of this section or division (B) of section 2907.02 13086
of the Revised Code, it shall impose an indefinite prison term as 13087
follows: 13088

(i) If the rape is committed on or after ~~the effective date~~ 13089
~~of this amendment~~ January 2, 2007, in violation of division 13090
(A)(1)(b) of section 2907.02 of the Revised Code, it shall impose 13091
an indefinite prison term consisting of a minimum term of 13092
twenty-five years and a maximum term of life imprisonment. 13093

(ii) If the rape is committed prior to ~~the effective date of~~ 13094
~~this amendment~~ January 2, 2007, or the rape is committed on or 13095
~~after the effective date of this amendment~~ January 2, 2007, other 13096
than in violation of division (A)(1)(b) of section 2907.02 of the 13097
Revised Code, it shall impose an indefinite prison term consisting 13098

of a minimum term fixed by the court that is not less than ten 13099
years, and a maximum term of life imprisonment. 13100

(e) Except as otherwise provided in division (A)(4) of this 13101
section, if the offense for which sentence is being imposed is 13102
attempted rape, it shall impose an indefinite prison term as 13103
follows: 13104

(i) Except as otherwise provided in division (A)(3)(e)(ii), 13105
(iii), or (iv) of this section, it shall impose an indefinite 13106
prison term pursuant to division (A)(3)(a) of this section. 13107

(ii) If the attempted rape for which sentence is being 13108
imposed was committed on or after ~~the effective date of this~~ 13109
~~amendment~~ January 2, 2007, and if the offender also is convicted 13110
of or pleads guilty to a specification of the type described in 13111
section 2941.1418 of the Revised Code, it shall impose an 13112
indefinite prison term consisting of a minimum term of five years 13113
and a maximum term of twenty-five years. 13114

(iii) If the attempted rape for which sentence is being 13115
imposed was committed on or after ~~the effective date of this~~ 13116
~~amendment~~ January 2, 2007, and if the offender also is convicted 13117
of or pleads guilty to a specification of the type described in 13118
section 2941.1419 of the Revised Code, it shall impose an 13119
indefinite prison term consisting of a minimum term of ten years 13120
and a maximum of life imprisonment. 13121

(iv) If the attempted rape for which sentence is being 13122
imposed was committed on or after ~~the effective date of this~~ 13123
~~amendment~~ January 2, 2007, and if the offender also is convicted 13124
of or pleads guilty to a specification of the type described in 13125
section 2941.1420 of the Revised Code, it shall impose an 13126
indefinite prison term consisting of a minimum term of fifteen 13127
years and a maximum of life imprisonment. 13128

(4) For any offense for which the sentence is being imposed, 13129

if the offender previously has been convicted of or pleaded guilty 13130
to a violent sex offense and also to a sexually violent predator 13131
specification that was included in the indictment, count in the 13132
indictment, or information charging that offense, or previously 13133
has been convicted of or pleaded guilty to a designated homicide, 13134
assault, or kidnapping offense and also to both a sexual 13135
motivation specification and a sexually violent predator 13136
specification that were included in the indictment, count in the 13137
indictment, or information charging that offense, it shall impose 13138
upon the offender a term of life imprisonment without parole. 13139

(B)(1) Notwithstanding section 2929.13, division (A), (B), 13140
(C), or (F) of section 2929.14, or another section of the Revised 13141
Code other than division (B) of section 2907.02 or divisions (D) 13142
and (E) of section 2929.14 of the Revised Code that authorizes or 13143
requires a specified prison term or a mandatory prison term for a 13144
person who is convicted of or pleads guilty to a felony or that 13145
specifies the manner and place of service of a prison term or term 13146
of imprisonment, if a person is convicted of or pleads guilty to a 13147
violation of division (A)(1)(b) of section 2907.02 of the Revised 13148
Code committed on or after ~~the effective date of this amendment~~ 13149
January 2, 2007, if division (A) of this section does not apply 13150
regarding the person, and if the court does not impose a sentence 13151
of life without parole when authorized pursuant to division (B) of 13152
section 2907.02 of the Revised Code, the court shall impose upon 13153
the person an indefinite prison term consisting of one of the 13154
following: 13155

(a) Except as otherwise required in division (B)(1)(b) or (c) 13156
of this section, a minimum term of ten years and a maximum term of 13157
life imprisonment. 13158

(b) If the victim was less than ten years of age, a minimum 13159
term of fifteen years and a maximum of life imprisonment. 13160

(c) If the offender purposely compels the victim to submit by 13161

force or threat of force, or if the offender previously has been 13162
convicted of or pleaded guilty to violating division (A)(1)(b) of 13163
section 2907.02 of the Revised Code or to violating an existing or 13164
former law of this state, another state, or the United States that 13165
is substantially similar to division (A)(1)(b) of that section, or 13166
if the offender during or immediately after the commission of the 13167
offense caused serious physical harm to the victim, a minimum term 13168
of twenty-five years and a maximum of life imprisonment. 13169

(2) Notwithstanding section 2929.13, division (A), (B), (C), 13170
or (F) of section 2929.14, or another section of the Revised Code 13171
other than divisions (D) and (E) of section 2929.14 of the Revised 13172
Code that authorizes or requires a specified prison term or a 13173
mandatory prison term for a person who is convicted of or pleads 13174
guilty to a felony or that specifies the manner and place of 13175
service of a prison term or term of imprisonment and except as 13176
otherwise provided in division (B) of section 2907.02 of the 13177
Revised Code, if a person is convicted of or pleads guilty to 13178
attempted rape committed on or after ~~the effective date of this~~ 13179
~~amendment~~ January 2, 2007, and if division (A) of this section 13180
does not apply regarding the person, the court shall impose upon 13181
the person an indefinite prison term consisting of one of the 13182
following: 13183

(a) If the person also is convicted of or pleads guilty to a 13184
specification of the type described in section 2941.1418 of the 13185
Revised Code, the court shall impose upon the person an indefinite 13186
prison term consisting of a minimum term of five years and a 13187
maximum term of twenty-five years. 13188

(b) If the person also is convicted of or pleads guilty to a 13189
specification of the type described in section 2941.1419 of the 13190
Revised Code, the court shall impose upon the person an indefinite 13191
prison term consisting of a minimum term of ten years and a 13192
maximum term of life imprisonment. 13193

(c) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of fifteen years and a maximum term of life imprisonment.

(3) Notwithstanding section 2929.13, division (A), (B), (C), or (F) of section 2929.14, or another section of the Revised Code other than divisions (D) and (E) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment, if a person is convicted of or pleads guilty to an offense described in division (B)(3)(a), (b), (c), or (d) of this section committed on or after the effective date of this amendment, if the person also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and if division (A) of this section does not apply regarding the person, the court shall impose upon the person an indefinite prison term consisting of one of the following:

(a) An indefinite prison term consisting of a minimum of ten years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping, the victim of the offense is less than thirteen years of age, and the offender released the victim in a safe place unharmed;

(b) An indefinite prison term consisting of a minimum of fifteen years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping when the victim of the offense is less than thirteen years of age and division (B)(3)(a) of this section does not apply;

(c) An indefinite term consisting of a minimum of thirty

years and a maximum term of life imprisonment if the offense for 13226
which the sentence is being imposed is aggravated murder, when the 13227
victim of the offense is less than thirteen years of age, a 13228
sentence of death or life imprisonment without parole is not 13229
imposed for the offense, and division (A)(2)(b)(ii) of section 13230
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 13231
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 13232
division (A) or (B) of section 2929.06 of the Revised Code 13233
requires that the sentence for the offense be imposed pursuant to 13234
this division; 13235

(d) An indefinite prison term consisting of a minimum of 13236
thirty years and a maximum term of life imprisonment if the 13237
offense for which the sentence is being imposed is murder when the 13238
victim of the offense is less than thirteen years of age. 13239

(C)(1) If the offender is sentenced to a prison term pursuant 13240
to division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 13241
(c), or (B)(3)(a), (b), (c), or (d) of this section, the parole 13242
board shall have control over the offender's service of the term 13243
during the entire term unless the parole board terminates its 13244
control in accordance with section 2971.04 of the Revised Code. 13245

(2) Except as provided in division (C)(3) of this section, an 13246
offender sentenced to a prison term or term of life imprisonment 13247
without parole pursuant to division (A) of this section shall 13248
serve the entire prison term or term of life imprisonment in a 13249
state correctional institution. The offender is not eligible for 13250
judicial release under section 2929.20 of the Revised Code. 13251

(3) For a prison term imposed pursuant to division (A)(3), 13252
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 13253
(c), or (d) of this section, the court, in accordance with section 13254
2971.05 of the Revised Code, may terminate the prison term or 13255
modify the requirement that the offender serve the entire term in 13256
a state correctional institution if all of the following apply: 13257

(a) The offender has served at least the minimum term imposed 13258
as part of that prison term. 13259

(b) The parole board, pursuant to section 2971.04 of the 13260
Revised Code, has terminated its control over the offender's 13261
service of that prison term. 13262

(c) The court has held a hearing and found, by clear and 13263
convincing evidence, one of the following: 13264

(i) In the case of termination of the prison term, that the 13265
offender is unlikely to commit a sexually violent offense in the 13266
future; 13267

(ii) In the case of modification of the requirement, that the 13268
offender does not represent a substantial risk of physical harm to 13269
others. 13270

(4) An offender who has been sentenced to a term of life 13271
imprisonment without parole pursuant to division (A)(1), (2), or 13272
(4) of this section shall not be released from the term of life 13273
imprisonment or be permitted to serve a portion of it in a place 13274
other than a state correctional institution. 13275

(D) If a court sentences an offender to a prison term or term 13276
of life imprisonment without parole pursuant to division (A) of 13277
this section and the court also imposes on the offender one or 13278
more additional prison terms pursuant to division (D) of section 13279
2929.14 of the Revised Code, all of the additional prison terms 13280
shall be served consecutively with, and prior to, the prison term 13281
or term of life imprisonment without parole imposed upon the 13282
offender pursuant to division (A) of this section. 13283

(E) If the offender is convicted of or pleads guilty to two 13284
or more offenses for which a prison term or term of life 13285
imprisonment without parole is required to be imposed pursuant to 13286
division (A) of this section, divisions (A) to (D) of this section 13287
shall be applied for each offense. All minimum terms imposed upon 13288

the offender pursuant to division (A)(3) or (B) of this section 13289
for those offenses shall be aggregated and served consecutively, 13290
as if they were a single minimum term imposed under that division. 13291

(F)(1) If an offender is convicted of or pleads guilty to a 13292
violent sex offense and also is convicted of or pleads guilty to a 13293
sexually violent predator specification that was included in the 13294
indictment, count in the indictment, or information charging that 13295
offense, or is convicted of or pleads guilty to a designated 13296
homicide, assault, or kidnapping offense and also is convicted of 13297
or pleads guilty to both a sexual motivation specification and a 13298
sexually violent predator specification that were included in the 13299
indictment, count in the indictment, or information charging that 13300
offense, the conviction of or plea of guilty to the offense and 13301
the sexually violent predator specification automatically 13302
classifies the offender as a ~~sexual predator~~ tier III sex 13303
offender/child-victim offender for purposes of Chapter 2950. of 13304
the Revised Code. ~~If~~ 13305

(2) ~~If~~ an offender is convicted of or pleads guilty to 13306
committing on or after ~~the effective date of this amendment~~ 13307
January 2, 2007, a violation of division (A)(1)(b) of section 13308
2907.02 of the Revised Code and either the offender is sentenced 13309
under section 2971.03 of the Revised Code or a sentence of life 13310
without parole is imposed under division (B) of section 2907.02 of 13311
the Revised Code, the conviction of or plea of guilty to the 13312
offense automatically classifies the offender as a ~~sexual predator~~ 13313
tier III sex offender/child-victim offender for purposes of 13314
Chapter 2950. of the Revised Code. ~~If~~ 13315

(3) ~~If~~ a person is convicted of or pleads guilty to 13316
committing on or after ~~the effective date of this amendment~~ 13317
January 2, 2007, attempted rape and also is convicted of or pleads 13318
guilty to a specification of the type described in section 13319
2941.1418, 2941.1419, or 2941.1420 of the Revised Code, the 13320

conviction of or plea of guilty to the offense and the 13321
specification automatically classify the offender as a ~~sexual~~ 13322
~~predator tier III sex offender/child-victim offender~~ for purposes 13323
of ~~this chapter~~ Chapter 2950. of the Revised Code. The 13324
~~classification pursuant to this division of an offender as a~~ 13325
~~sexual predator for purposes of Chapter 2950. of the Revised Code~~ 13326
~~is permanent and continues until the offender's death as described~~ 13327
~~in division (D)(2) of section 2950.09 of the Revised Code.~~ 13328

(4) If a person is convicted of or pleads guilty to one of 13329
the offenses described in division (B)(3)(a), (b), (c), or (d) of 13330
this section and a sexual motivation specification related to the 13331
offense and the victim of the offense is less than thirteen years 13332
of age, the conviction of or plea of guilty to the offense 13333
automatically classifies the offender as a tier III sex 13334
offender/child-victim offender for purposes of Chapter 2950. of 13335
the Revised Code. 13336

Sec. 2971.04. (A) If an offender is serving a prison term 13337
imposed under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ 13338
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 13339
2971.03 of the Revised Code, at any time after the offender has 13340
served the minimum term imposed under that sentence, the parole 13341
board may terminate its control over the offender's service of the 13342
prison term. The parole board initially shall determine whether to 13343
terminate its control over the offender's service of the prison 13344
term upon the completion of the offender's service of the minimum 13345
term under the sentence and shall make subsequent determinations 13346
at least once every two years after that first determination. The 13347
parole board shall not terminate its control over the offender's 13348
service of the prison term unless it finds at a hearing that the 13349
offender does not represent a substantial risk of physical harm to 13350
others. Prior to determining whether to terminate its control over 13351
the offender's service of the prison term, the parole board shall 13352

request the department of rehabilitation and correction to prepare 13353
pursuant to section 5120.61 of the Revised Code an update of the 13354
most recent risk assessment and report relative to the offender. 13355
The offender has the right to be present at any hearing held under 13356
this section. At the hearing, the offender and the prosecuting 13357
attorney may make a statement and present evidence as to whether 13358
the parole board should terminate its control over the offender's 13359
service of the prison term. In making its determination as to 13360
whether to terminate its control over the offender's service of 13361
the prison term, the parole board may follow the standards and 13362
guidelines adopted by the department of rehabilitation and 13363
correction under section 5120.49 of the Revised Code and shall 13364
consider the updated risk assessment and report relating to the 13365
offender prepared by the department pursuant to section 5120.61 of 13366
the Revised Code in response to the request made under this 13367
division and any statements or evidence submitted by the offender 13368
or the prosecuting attorney. If the parole board terminates its 13369
control over an offender's service of a prison term imposed under 13370
division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 13371
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13372
Revised Code, it shall recommend to the court modifications to the 13373
requirement that the offender serve the entire term in a state 13374
correctional institution. The court is not bound by the 13375
recommendations submitted by the parole board. 13376

(B) If the parole board terminates its control over an 13377
offender's service of a prison term imposed pursuant to division 13378
(A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or 13379
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 13380
Code, the parole board immediately shall provide written notice of 13381
its termination of control to the department of rehabilitation and 13382
correction, the court, and the prosecuting attorney, and, after 13383
the board's termination of its control, the court shall have 13384
control over the offender's service of that prison term. 13385

After the transfer, the court shall have control over the offender's service of that prison term for the offender's entire life, subject to the court's termination of the term pursuant to section 2971.05 of the Revised Code.

(C) If control over the offender's service of the prison term is transferred to the court, all of the following apply:

(1) The offender shall not be released solely as a result of the transfer of control over the service of that prison term.

(2) The offender shall not be permitted solely as a result of the transfer to serve a portion of that term in a place other than a state correctional institution.

(3) The offender shall continue serving that term in a state correctional institution, subject to the following:

(a) A release pursuant to a pardon, commutation, or reprieve;

(b) A modification or termination of the term by the court pursuant to this chapter.

Sec. 2971.05. (A)(1) After control over an offender's service of a prison term imposed pursuant to division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code has been transferred pursuant to section 2971.04 of the Revised Code to the court, the court shall schedule, within thirty days of any of the following, a hearing on whether to modify in accordance with division (C) of this section the requirement that the offender serve the entire prison term in a state correctional institution or to terminate the prison term in accordance with division (D) of this section:

(a) Control over the offender's service of a prison term is transferred pursuant to section 2971.04 of the Revised Code to the court, and no hearing to modify the requirement has been held;

(b) Two years elapse after the most recent prior hearing held 13416
pursuant to division (A)(1) or (2) of this section; 13417

(c) The prosecuting attorney, the department of 13418
rehabilitation and correction, or the adult parole authority 13419
requests the hearing, and recommends that the requirement be 13420
modified or that the offender's prison term be terminated. 13421

(2) After control over the offender's service of a prison 13422
term has been transferred pursuant to section 2971.04 of the 13423
Revised Code to the court, the court, within thirty days of either 13424
of the following, shall conduct a hearing on whether to modify in 13425
accordance with division (C) of this section the requirement that 13426
the offender serve the entire prison term in a state correctional 13427
institution, whether to continue, revise, or revoke an existing 13428
modification of that requirement, or whether to terminate the term 13429
in accordance with division (D) of this section: 13430

(a) The requirement that the offender serve the entire prison 13431
term in a state correctional institution has been modified, and 13432
the offender is taken into custody for any reason. 13433

(b) The department of rehabilitation and correction or the 13434
prosecuting attorney notifies the court pursuant to section 13435
2971.06 of the Revised Code regarding a known or suspected 13436
violation of a term or condition of the modification or a belief 13437
that there is a substantial likelihood that the offender has 13438
committed or is about to commit a sexually violent offense. 13439

(3) After control over the offender's service of a prison 13440
term has been transferred pursuant to section 2971.04 of the 13441
Revised Code to the court, the court, in any of the following 13442
circumstances, may conduct a hearing within thirty days to 13443
determine whether to modify in accordance with division (C) of 13444
this section the requirement that the offender serve the entire 13445
prison term in a state correctional institution, whether to 13446

continue, revise, or revoke an existing modification of that 13447
requirement, or whether to terminate the sentence in accordance 13448
with division (D) of this section: 13449

(a) The offender requests the hearing; 13450

(b) Upon the court's own motion; 13451

(c) One or more examiners who have conducted a psychological 13452
examination and assessment of the offender file a statement that 13453
states that there no longer is a likelihood that the offender will 13454
engage in the future in a sexually violent offense. 13455

(B)(1) Before a court holds a hearing pursuant to division 13456
(A) of this section, the court shall provide notice of the date, 13457
time, place, and purpose of the hearing to the offender, the 13458
prosecuting attorney, the department of rehabilitation and 13459
correction, and the adult parole authority and shall request the 13460
department to prepare pursuant to section 5120.61 of the Revised 13461
Code an update of the most recent risk assessment and report 13462
relative to the offender. The offender has the right to be present 13463
at any hearing held under this section. At the hearing, the 13464
offender and the prosecuting attorney may make a statement and 13465
present evidence as to whether the requirement that the offender 13466
serve the entire prison term in a state correctional institution 13467
should or should not be modified, whether the existing 13468
modification of the requirement should be continued, revised, or 13469
revoked, and whether the prison term should or should not be 13470
terminated. 13471

(2) At a hearing held pursuant to division (A) of this 13472
section, the court may and, if the hearing is held pursuant to 13473
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall 13474
determine by clear and convincing evidence whether the offender is 13475
unlikely to commit a sexually violent offense in the future. 13476

(3) At the conclusion of the hearing held pursuant to 13477

division (A) of this section, the court may order that the 13478
requirement that the offender serve the entire prison term in a 13479
state correctional institution be continued, that the requirement 13480
be modified pursuant to division (C) of this section, that an 13481
existing modification be continued, revised, or revoked pursuant 13482
to division (C) of this section, or that the prison term be 13483
terminated pursuant to division (D) of this section. 13484

(C)(1) If, at the conclusion of a hearing held pursuant to 13485
division (A) of this section, the court determines by clear and 13486
convincing evidence that the offender will not represent a 13487
substantial risk of physical harm to others, the court may modify 13488
the requirement that the offender serve the entire prison term 13489
imposed under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ 13490
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 13491
2971.03 of the Revised Code in a state correctional institution in 13492
a manner that the court considers appropriate. If the court 13493
modifies the requirement for an offender whose prison term was 13494
imposed pursuant to division (A)(3) of section 2971.03 of the 13495
Revised Code, the court shall order the adult parole authority to 13496
supervise the offender and shall require that the authority's 13497
supervision of the offender be pursuant to division (E) of this 13498
section. If the court modifies the requirement for an offender 13499
whose prison term was imposed pursuant to division (B)(1)(a), (b), 13500
or (c) ~~or~~, (2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of 13501
section 2971.03 of the Revised Code, the court shall order the 13502
adult parole authority to supervise the offender and may require 13503
that the authority's supervision of the offender be pursuant to 13504
division (E) of this section. 13505

(2) The modification of the requirement does not terminate 13506
the prison term but serves only to suspend the requirement that 13507
the offender serve the entire term in a state correctional 13508
institution. The prison term shall remain in effect for the 13509

offender's entire life unless the court terminates the prison term 13510
pursuant to division (D) of this section. The offender shall 13511
remain under the jurisdiction of the court for the offender's 13512
entire life unless the court so terminates the prison term. The 13513
modification of the requirement does not terminate the 13514
classification of the offender, as described in division (F) of 13515
section 2971.03 of the Revised Code, as a sexual predator for 13516
purposes of Chapter 2950. of the Revised Code, and the offender is 13517
subject to supervision, including supervision under division (E) 13518
of this section if the court required the supervision of the 13519
offender to be pursuant to that division. 13520

(3) If the court revokes the modification under 13521
consideration, the court shall order that the offender be returned 13522
to the custody of the department of rehabilitation and correction 13523
to continue serving the prison term to which the modification 13524
applied, and section 2971.06 of the Revised Code applies regarding 13525
the offender. 13526

(D)(1) If, at the conclusion of a hearing held pursuant to 13527
division (A) of this section, the court determines by clear and 13528
convincing evidence that the offender is unlikely to commit a 13529
sexually violent offense in the future, the court may terminate 13530
the offender's prison term imposed under division (A)(3), 13531
(B)(1)(a), (b), or (c), ~~or (B)(2)(a), (b), or (c), or (B)(3)(a),~~ 13532
(b), (c), or (d) of section 2971.03 of the Revised Code, subject 13533
to the offender satisfactorily completing the period of 13534
conditional release required by this division and, if applicable, 13535
compliance with division (E) of this section. If the court 13536
terminates the prison term, the court shall place the offender on 13537
conditional release for five years, notify the adult parole 13538
authority of its determination and of the termination of the 13539
prison term, and order the adult parole authority to supervise the 13540
offender during the five-year period of conditional release or, if 13541

division (E) applies to the offender, to supervise the offender 13542
pursuant to and for the period of time specified in that division. 13543
If the court terminates the prison term for an offender whose 13544
prison term was imposed pursuant to division (A)(3) of section 13545
2971.03 of the Revised Code, the court shall require that the 13546
authority's supervision of the offender be pursuant to division 13547
(E) of this section. If the court terminates the prison term for 13548
an offender whose prison term was imposed pursuant to division 13549
(B)(1)(a), (b), or (c) ~~or~~ (2)(a), (b), or (c), or (3)(a), (b), 13550
(c), or (d) of section 2971.03 of the Revised Code, the court may 13551
require that the authority's supervision of the offender be 13552
pursuant to division (E) of this section. Upon receipt of a notice 13553
from a court pursuant to this division, the adult parole authority 13554
shall supervise the offender who is the subject of the notice 13555
during the five-year period of conditional release, periodically 13556
notify the court of the offender's activities during that 13557
five-year period of conditional release, and file with the court 13558
no later than thirty days prior to the expiration of the five-year 13559
period of conditional release a written recommendation as to 13560
whether the termination of the offender's prison term should be 13561
finalized, whether the period of conditional release should be 13562
extended, or whether another type of action authorized pursuant to 13563
this chapter should be taken. 13564

(2) Upon receipt of a recommendation of the adult parole 13565
authority filed pursuant to division (D)(1) of this section, the 13566
court shall hold a hearing to determine whether to finalize the 13567
termination of the offender's prison term, to extend the period of 13568
conditional release, or to take another type of action authorized 13569
pursuant to this chapter. The court shall hold the hearing no 13570
later than the date on which the five-year period of conditional 13571
release terminates and shall provide notice of the date, time, 13572
place, and purpose of the hearing to the offender and to the 13573
prosecuting attorney. At the hearing, the offender, the 13574

prosecuting attorney, and the adult parole authority employee who 13575
supervised the offender during the period of conditional release 13576
may make a statement and present evidence. 13577

If the court determines at the hearing to extend an 13578
offender's period of conditional release, it may do so for 13579
additional periods of one year in the same manner as the original 13580
period of conditional release, and, except as otherwise described 13581
in this division, all procedures and requirements that applied to 13582
the original period of conditional release apply to the additional 13583
period of extended conditional release unless the court modifies a 13584
procedure or requirement. If an offender's period of conditional 13585
release is extended as described in this division, all references 13586
to a five-year period of conditional release that are contained in 13587
division (D)(1) of this section shall be construed, in applying 13588
the provisions of that division to the extension, as being 13589
references to the one-year period of the extension of the 13590
conditional release. 13591

If the court determines at the hearing to take another type 13592
of action authorized pursuant to this chapter, it may do so in the 13593
same manner as if the action had been taken at any other stage of 13594
the proceedings under this chapter. As used in this division, 13595
"another type of action" includes the revocation of the 13596
conditional release and the return of the offender to a state 13597
correctional institution to continue to serve the prison term. 13598

If the court determines at the hearing to finalize the 13599
termination of the offender's prison term, it shall notify the 13600
department of rehabilitation and correction, the department shall 13601
enter into its records a final release and issue to the offender a 13602
certificate of final release, and the prison term thereafter shall 13603
be considered completed and terminated in every way. 13604

(3) The termination of an offender's prison term pursuant to 13605
division (D)(1) or (2) of this section does not affect the 13606

classification of the offender, as described in division (F) of 13607
section 2971.03 of the Revised Code, as a ~~sexual predator tier III~~ 13608
sex offender/child-victim offender for purposes of Chapter 2950. 13609
of the Revised Code, does not terminate the adult parole 13610
authority's supervision of the offender, and, if the court had 13611
required the supervision of the offender to be pursuant to 13612
division (E) of this section, does not terminate the supervision 13613
of the offender with an active global positioning system device, 13614
pursuant to that division. ~~The classification of the offender as a~~ 13615
~~sexual predator is permanent and continues until the offender's~~ 13616
~~death as described in division (D)(2) of section 2950.09 of the~~ 13617
~~Revised Code.~~ 13618

(E) If a prison term imposed upon an offender pursuant to 13619
division (A)(3) of section 2971.03 of the Revised Code is modified 13620
as provided in division (C) of this section or terminated as 13621
provided in division (D) of this section, the adult parole 13622
authority shall supervise the offender with an active global 13623
positioning system device during any time period in which the 13624
offender is not incarcerated in a state correctional institution. 13625
If a prison term imposed upon an offender pursuant to division 13626
(B)(1)(a), (b), or (c) ~~or~~ (2)(a), (b), or (c), or (3)(a), (b), 13627
(c), or (d) of section 2971.03 of the Revised Code is modified as 13628
provided in division (C) of this section or terminated as provided 13629
in division (D) of this section, and if the court requires that 13630
the adult parole authority's supervision of the offender be 13631
pursuant to this division, the authority shall supervise the 13632
offender with an active global positioning system device during 13633
any time period in which the offender is not incarcerated in a 13634
state correctional institution. If the adult parole authority is 13635
required to supervise the offender with an active global 13636
positioning system device as described in this division, unless 13637
the court removes the offender's classification as a sexually 13638
violent predator regarding an offender whose prison term was 13639

imposed under division (A)(3) of section 2971.03 of the Revised Code or terminates the requirement that supervision of the offender be pursuant to this division regarding an offender whose prison term was imposed under division (B)(1)(a), (b), or (c) ~~or~~, (2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code, the offender is subject to supervision with an active global positioning system pursuant to this division for the offender's entire life. The costs of administering the supervision of offenders with an active global positioning system device pursuant to this division shall be paid out of funds from the reparations fund, created pursuant to section 2743.191 of the Revised Code. This division shall only apply to a sexually violent predator sentenced pursuant to division (A)(3) of section 2971.03 of the Revised Code who is released from the custody of the department of rehabilitation and correction on or after September 29, 2005, or an offender sentenced pursuant to division (B)(1) or (2) of section 2971.03 of the Revised Code on or after the effective date of this amendment January 2, 2007.

Sec. 2971.06. If an offender is serving a prison term imposed under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code, if, pursuant to section 2971.05 of the Revised Code, the court modifies the requirement that the offender serve the entire prison term in a state correctional institution or places the offender on conditional release, and if, at any time after the offender has been released from serving the term in an institution, the department of rehabilitation and correction or the prosecuting attorney learns or obtains information indicating that the offender has violated a term or condition of the modification or conditional release or believes there is a substantial likelihood that the offender has committed or is about

to commit a sexually violent offense, all of the following apply: 13672
13673

(A) The department or the prosecuting attorney may contact a 13674
peace officer, parole officer, or probation officer and request 13675
the officer to take the offender into custody. If the department 13676
contacts a peace officer, parole officer, or probation officer and 13677
requests that the offender be taken into custody, the department 13678
shall notify the prosecuting attorney that it made the request and 13679
shall provide the reasons for which it made the request. Upon 13680
receipt of a request that an offender be taken into custody, a 13681
peace officer, parole officer, or probation officer shall take the 13682
offender in question into custody and promptly shall notify the 13683
department and the prosecuting attorney, in writing, that the 13684
offender was taken into custody. After the offender has been taken 13685
into custody, the department or the prosecuting attorney shall 13686
notify the court of the violation or the belief that there is a 13687
substantial likelihood that the offender has committed or is about 13688
to commit a sexually violent offense, and the prosecuting attorney 13689
may request that the court, pursuant to section 2971.05 of the 13690
Revised Code, revise the modification. An offender may be held in 13691
custody under this provision for no longer than thirty days, 13692
pending a determination pursuant to section 2971.05 of the Revised 13693
Code of whether the modification of the requirement that the 13694
offender serve the entire prison term in a state correctional 13695
institution should be revised. If the court fails to make a 13696
determination under that section regarding the prosecuting 13697
attorney's request within thirty days after the offender was taken 13698
into custody, the offender shall be released from custody and 13699
shall be subject to the same terms and conditions as existed under 13700
the then-existing modification of the requirement that the 13701
offender serve the entire prison term in a state correctional 13702
institution, provided that if the act that resulted in the 13703
offender being taken into custody under this division is a 13704

criminal offense and if the offender is arrested for that act, the 13705
offender may be retained in custody in accordance with the 13706
applicable law. 13707

(B) If the offender is not taken into custody pursuant to 13708
division (A) of this section, the department or the prosecuting 13709
attorney shall notify the court of the known or suspected 13710
violation or of the belief that there is a substantial likelihood 13711
that the offender has committed or is about to commit a sexually 13712
violent offense. If the department provides the notification to 13713
the court, it also shall notify the prosecuting attorney that it 13714
provided the notification and shall provide the reasons for which 13715
it provided the notification. The prosecuting attorney may request 13716
that the court, pursuant to section 2971.05 of the Revised Code, 13717
revise the modification. 13718

Sec. 2971.07. (A) This chapter does not apply to any offender 13719
unless the offender is one of the following: 13720

(1) The offender is convicted of or pleads guilty to a 13721
violent sex offense and also is convicted of or pleads guilty to a 13722
sexually violent predator specification that was included in the 13723
indictment, count in the indictment, or information charging that 13724
offense, ~~unless the.~~ 13725

(2) The offender is convicted of or pleads guilty to a 13726
designated homicide, assault, or kidnapping offense and also is 13727
convicted of or pleads guilty to both a sexual motivation 13728
specification and a sexually violent predator specification that 13729
were included in the indictment, count in the indictment, or 13730
information charging that offense, ~~unless the.~~ 13731

(3) The offender is convicted of or pleads guilty to a 13732
violation of division (A)(1)(b) of section 2907.02 of the Revised 13733
Code committed on or after ~~the effective date of this amendment~~ 13734
January 2, 2007, and the court does not sentence the offender to a 13735

term of life without parole pursuant to division (B) of section 13736
2907.02 of the Revised Code or division (B) of that section 13737
prohibits the court from sentencing the offender pursuant to 13738
section 2971.03 of the Revised Code, ~~or unless the.~~ 13739

(4) The offender is convicted of or pleads guilty to 13740
attempted rape committed on or after the effective date of this 13741
amendment January 2, 2007, and also is convicted of or pleads 13742
guilty to a specification of the type described in section 13743
2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 13744

(5) The offender is convicted of or pleads guilty to a 13745
violation of section 2905.01 of the Revised Code and also is 13746
convicted of or pleads guilty to a sexual motivation specification 13747
that was included in the indictment, count in the indictment, or 13748
information charging that offense, and that section requires a 13749
court to sentence the offender pursuant to section 2971.03 of the 13750
Revised Code. 13751

(6) The offender is convicted of or pleads guilty to 13752
aggravated murder and also is convicted of or pleads guilty to a 13753
sexual motivation specification that was included in the 13754
indictment, count in the indictment, or information charging that 13755
offense, and division (A)(2)(b)(ii) of section 2929.022, division 13756
(A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), 13757
or (E)(1)(d) of section 2929.03, or division (A) or (B) of section 13758
2929.06 of the Revised Code requires a court to sentence the 13759
offender pursuant to division (B)(3) of section 2971.03 of the 13760
Revised Code. 13761

(7) The offender is convicted of or pleads guilty to murder 13762
and also is convicted of or pleads guilty to a sexual motivation 13763
specification that was included in the indictment, count in the 13764
indictment, or information charging that offense, and division 13765
(B)(2) of section 2929.02 of the Revised Code requires a court to 13766
sentence the offender pursuant to section 2971.03 of the Revised 13767

Code. 13768

(B) This chapter does not limit or affect a court ~~that~~ 13769
~~sentences an offender who is convicted of or pleads guilty to a~~ 13770
~~violent sex offense and also is convicted of or pleads guilty to a~~ 13771
~~sexually violent predator specification, a court that sentences an~~ 13772
~~offender who is convicted of or pleads guilty to a designated~~ 13773
~~homicide, assault, or kidnapping offense and also is convicted of~~ 13774
~~or pleads guilty to both a sexual motivation specification and a~~ 13775
~~sexually violent predator specification, a court that sentences an~~ 13776
~~offender who is convicted of or pleads guilty to a violation of~~ 13777
~~division (A)(1)(b) of section 2907.02 of the Revised Code~~ 13778
~~committed on or after the effective date of this amendment~~ 13779
~~pursuant to section 2971.03 of the Revised Code, or a court that~~ 13780
~~sentences an offender who is convicted of or pleads guilty to~~ 13781
~~attempted rape committed on or after the effective date of this~~ 13782
~~amendment and also is convicted of or pleads guilty to a~~ 13783
~~specification of the type described in section 2941.1418,~~ 13784
~~2941.1419, or 2941.1420 of the Revised Code in imposing upon the~~ 13785
an offender described in divisions (A)(1) to (9) of this section 13786
any financial sanction under section 2929.18 or any other section 13787
of the Revised Code, or, except as specifically provided in this 13788
chapter, any other sanction that is authorized or required for the 13789
offense or violation by any other provision of law. 13790

(C) If an offender is sentenced to a prison term under 13791
division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 13792
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13793
Revised Code and if, pursuant to section 2971.05 of the Revised 13794
Code, the court modifies the requirement that the offender serve 13795
the entire prison term in a state correctional institution or 13796
places the offender on conditional release that involves the 13797
placement of the offender under the supervision of the adult 13798
parole authority, authorized field officers of the authority who 13799

are engaged within the scope of their supervisory duties or 13800
responsibilities may search, with or without a warrant, the person 13801
of the offender, the place of residence of the offender, and a 13802
motor vehicle, another item of tangible or intangible personal 13803
property, or any other real property in which the offender has the 13804
express or implied permission of a person with a right, title, or 13805
interest to use, occupy, or possess if the field officer has 13806
reasonable grounds to believe that the offender is not abiding by 13807
the law or otherwise is not complying with the terms and 13808
conditions of the offender's modification or release. The 13809
authority shall provide each offender with a written notice that 13810
informs the offender that authorized field officers of the 13811
authority who are engaged within the scope of their supervisory 13812
duties or responsibilities may conduct those types of searches 13813
during the period of the modification or release if they have 13814
reasonable grounds to believe that the offender is not abiding by 13815
the law or otherwise is not complying with the terms and 13816
conditions of the offender's modification or release. 13817

Sec. 5120.49. The department of rehabilitation and 13818
correction, by rule adopted under Chapter 119. of the Revised 13819
Code, shall prescribe standards and guidelines to be used by the 13820
parole board in determining, pursuant to section 2971.04 of the 13821
Revised Code, whether it should terminate its control over an 13822
offender's service of a prison term imposed upon the offender 13823
under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 13824
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13825
Revised Code ~~for conviction of or a plea of guilty to a violent~~ 13826
~~sex offense and a sexually violent predator specification or for~~ 13827
~~conviction of or a plea of guilty to a designated homicide,~~ 13828
~~assault, or kidnapping offense and both a sexual motivation~~ 13829
~~specification and a sexually violent predator specification,~~ 13830
~~imposed upon the offender under division (B)(1)(a), (b), or (c) of~~ 13831

~~section 2971.03 of the Revised Code for conviction of or a plea of~~ 13832
~~guilty to a violation of division (A)(1)(b) of section 2907.02 of~~ 13833
~~the Revised Code committed on or after the effective date of this~~ 13834
~~amendment, or imposed upon the offender under division (B)(2)(a),~~ 13835
~~(b), or (c) of section 2971.03 of the Revised Code for conviction~~ 13836
~~of or a plea of guilty to attempted rape committed on or after the~~ 13837
~~effective date of this amendment and a conviction of or plea of~~ 13838
~~guilty to a specification of the type described in section~~ 13839
~~2941.1418, 2941.1419, or 2941.1420 of the Revised Code. The rules~~ 13840
shall include provisions that specify that the parole board may 13841
not terminate its control over an offender's service of a prison 13842
term imposed upon the offender under ~~either~~ any of the specified 13843
divisions until after the offender has served the minimum term 13844
imposed as part of that prison term and until the parole board has 13845
determined that the offender does not represent a substantial risk 13846
of physical harm to others. 13847

Sec. 5120.61. (A)(1) Not later than ninety days after January 13848
1, 1997, the department of rehabilitation and correction shall 13849
adopt standards that it will use under this section to assess a 13850
the following criminal offenders and may periodically revise the 13851
standards: 13852

(a) A criminal offender who is convicted of or pleads guilty 13853
to a violent sex offense or designated homicide, assault, or 13854
kidnapping offense and is adjudicated a sexually violent predator 13855
in relation to that offense~~;~~; 13856

(b) A criminal offender who is convicted of or pleads guilty 13857
to a violation of division (A)(1)(b) of section 2907.02 of the 13858
Revised Code committed on or after ~~the effective date of this~~ 13859
~~amendment~~ January 2, 2007, and either who is sentenced under 13860
section 2971.03 of the Revised Code or upon whom a sentence of 13861
life without parole is imposed under division (B) of section 13862

2907.02 of the Revised Code, ~~or;~~ 13863

(c) A criminal offender who is convicted of or pleads guilty 13864
to attempted rape committed on or after the effective date of this 13865
amendment January 2, 2007, and a specification of the type 13866
described in section 2941.1418, 2941.1419, or 2941.1420 of the 13867
Revised Code; 13868

(d) A criminal offender who is convicted of or pleads guilty 13869
to a violation of section 2905.01 of the Revised Code and also is 13870
convicted of or pleads guilty to a sexual motivation specification 13871
that was included in the indictment, count in the indictment, or 13872
information charging that offense, and who is sentenced pursuant 13873
to section 2971.03 of the Revised Code; 13874

(e) A criminal offender who is convicted of or pleads guilty 13875
to aggravated murder and also is convicted of or pleads guilty to 13876
a sexual motivation specification that was included in the 13877
indictment, count in the indictment, or information charging that 13878
offense, and who pursuant to division (A)(2)(b)(ii) of section 13879
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 13880
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 13881
division (A) or (B) of section 2929.06 of the Revised Code is 13882
sentenced pursuant to division (B)(3) of section 2971.03 of the 13883
Revised Code; 13884

(f) A criminal offender who is convicted of or pleads guilty 13885
to murder and also is convicted of or pleads guilty to a sexual 13886
motivation specification that was included in the indictment, 13887
count in the indictment, or information charging that offense, and 13888
who pursuant to division (B)(2) of section 2929.02 of the Revised 13889
Code is sentenced pursuant to section 2971.03 of the Revised Code. 13890
~~The department may periodically revise the standards.~~ 13891

(2) When the department is requested by the parole board or 13892
the court to provide a risk assessment report of the offender 13893

under section 2971.04 or 2971.05 of the Revised Code, it shall 13894
assess the offender and complete the assessment as soon as 13895
possible after the offender has commenced serving the prison term 13896
or term of life imprisonment without parole imposed under division 13897
(A), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or 13898
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 13899
Code. Thereafter, the department shall update a risk assessment 13900
report pertaining to an offender as follows: 13901

(a) Periodically, in the discretion of the department, 13902
provided that each report shall be updated no later than two years 13903
after its initial preparation or most recent update; 13904

(b) Upon the request of the parole board for use in 13905
determining pursuant to section 2971.04 of the Revised Code 13906
whether it should terminate its control over an offender's service 13907
of a prison term imposed upon the offender under division (A)(3), 13908
(B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), 13909
(b), (c), or (d) of section 2971.03 of the Revised Code; 13910

(c) Upon the request of the court. 13911

(3) After the department of rehabilitation and correction 13912
assesses an offender pursuant to division (A)(2) of this section, 13913
it shall prepare a report that contains its risk assessment for 13914
the offender or, if a risk assessment report previously has been 13915
prepared, it shall update the risk assessment report. 13916

(4) The department of rehabilitation and correction shall 13917
provide each risk assessment report that it prepares or updates 13918
pursuant to this section regarding an offender to all of the 13919
following: 13920

(a) The parole board for its use in determining pursuant to 13921
section 2971.04 of the Revised Code whether it should terminate 13922
its control over an offender's service of a prison term imposed 13923
upon the offender under division (A)(3), (B)(1)(a), (b), or (c), 13924

~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 13925
section 2971.03 of the Revised Code, if the parole board has not 13926
terminated its control over the offender; 13927

(b) The court for use in determining, pursuant to section 13928
2971.05 of the Revised Code, whether to modify the requirement 13929
that the offender serve the entire prison term imposed upon the 13930
offender under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ 13931
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 13932
2971.03 of the Revised Code in a state correctional institution, 13933
whether to revise any modification previously made, or whether to 13934
terminate the prison term; 13935

(c) The prosecuting attorney who prosecuted the case, or the 13936
successor in office to that prosecuting attorney; 13937

(d) The offender. 13938

(B) When the department of rehabilitation and correction 13939
provides a risk assessment report regarding an offender to the 13940
parole board or court pursuant to division (A)(4)(a) or (b) of 13941
this section, the department, prior to the parole board's or 13942
court's hearing, also shall provide to the offender or to the 13943
offender's attorney of record a copy of the report and a copy of 13944
any other relevant documents the department possesses regarding 13945
the offender that the department does not consider to be 13946
confidential. 13947

(C) As used in this section: 13948

(1) "Adjudicated a sexually violent predator" has the same 13949
meaning as in section 2929.01 of the Revised Code, and a person is 13950
"adjudicated a sexually violent predator" in the same manner and 13951
the same circumstances as are described in that section. 13952

(2) "Designated homicide, assault, or kidnapping offense" and 13953
"violent sex offense" have the same meanings as in section 2971.01 13954
of the Revised Code. 13955

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 13956
but not before January 1, 2006, the department of rehabilitation 13957
and correction shall establish and operate on the internet a 13958
database that contains all of the following: 13959

(1) For each inmate in the custody of the department under a 13960
sentence imposed for a conviction of or plea of guilty to any 13961
offense, all of the following information: 13962

(a) The inmate's name; 13963

(b) For each offense for which the inmate was sentenced to a 13964
prison term or term of imprisonment and is in the department's 13965
custody, the name of the offense, the Revised Code section of 13966
which the offense is a violation, the gender of each victim of the 13967
offense if those facts are known, whether each victim of the 13968
offense was an adult or child if those facts are known, the range 13969
of the possible prison terms or term of imprisonment that could 13970
have been imposed for the offense, the actual prison term or term 13971
of imprisonment imposed for the offense, the county in which the 13972
offense was committed, the date on which the inmate began serving 13973
the prison term or term of imprisonment imposed for the offense, 13974
and either the date on which the inmate will be eligible for 13975
parole relative to the offense if the prison term or term of 13976
imprisonment is an indefinite term or life term or the date on 13977
which the term ends if the prison term is a definite term; 13978

(c) All of the following information that is applicable 13979
regarding the inmate: 13980

(i) If known to the department prior to the conduct of any 13981
hearing for judicial release of the defendant pursuant to section 13982
2929.20 of the Revised Code in relation to any prison term or term 13983
of imprisonment the inmate is serving for any offense, notice of 13984
the fact that the inmate will be having a hearing regarding a 13985
possible grant of judicial release, the date of the hearing, and 13986

the right of any person pursuant to division (J) of that section 13987
to submit to the court a written statement regarding the possible 13988
judicial release; 13989

(ii) If the inmate is serving a prison term pursuant to 13990
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 13991
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 13992
Code ~~as a sexually violent predator who committed a sexually~~ 13993
~~violent offense, a prison term pursuant to division (B)(1)(a),~~ 13994
~~(b), or (c) of section 2971.03 of the Revised Code imposed for a~~ 13995
~~violation of division (A)(1)(b) of section 2907.02 of the Revised~~ 13996
~~Code committed on or after the effective date of this amendment, a~~ 13997
~~prison term pursuant to division (B)(2)(a) of section 2971.03 of~~ 13998
~~the Revised Code imposed for attempted rape committed on or after~~ 13999
~~the effective date of this amendment and a specification of the~~ 14000
~~type described in section 2941.1418 of the Revised Code, a prison~~ 14001
~~term pursuant to division (B)(2)(b) of section 2971.03 of the~~ 14002
~~Revised Code imposed for attempted rape committed on or after the~~ 14003
~~effective date of this amendment and a specification of the type~~ 14004
~~described in section 2941.1419 of the Revised Code, or a prison~~ 14005
~~term pursuant to division (B)(2)(c) of section 2971.03 of the~~ 14006
~~Revised Code imposed for attempted rape committed on or after the~~ 14007
~~effective date of this amendment and a specification of the type~~ 14008
~~described in section 2941.1420 of the Revised Code, prior to the~~ 14009
conduct of any hearing pursuant to section 2971.05 of the Revised 14010
Code to determine whether to modify the requirement that the 14011
inmate serve the entire prison term in a state correctional 14012
facility in accordance with division (C) of that section, whether 14013
to continue, revise, or revoke any existing modification of that 14014
requirement, or whether to terminate the prison term in accordance 14015
with division (D) of that section, notice of the fact that the 14016
inmate will be having a hearing regarding those determinations and 14017
of the date of the hearing; 14018

(iii) At least three weeks before the adult parole authority recommends a pardon or commutation of sentence for the inmate or at least three weeks prior to a hearing before the adult parole authority regarding a grant of parole to the inmate in relation to any prison term or term of imprisonment the inmate is serving for any offense, notice of the fact that the inmate might be under consideration for a pardon or commutation of sentence or will be having a hearing regarding a possible grant of parole, of the date of any hearing regarding a possible grant of parole, and of the right of any person to submit a written statement regarding the pending action;

(iv) At least three weeks before the inmate has a hearing regarding a transfer to transitional control under section 2967.26 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense, notice of the pendency of the transfer, of the date of the possible transfer, and of the right of any person to submit a statement regarding the possible transfer;

(v) Prompt notice of the inmate's escape from any facility in which the inmate was incarcerated and of the capture of the inmate after an escape;

(vi) Notice of the inmate's death while in confinement;

(vii) Prior to the release of the inmate from confinement, notice of the fact that the inmate will be released, of the date of the release, and, if applicable, of the standard terms and conditions of the release;

(viii) Notice of the inmate's judicial release.

(2) Information as to where a person can send written statements of the types referred to in divisions (A)(1)(c)(i), (iii), and (iv) of this section.

(B)(1) The department shall update the database required

under division (A) of this section every twenty-four hours to 14050
ensure that the information it contains is accurate and current. 14051

(2) The database required under division (A) of this section 14052
is a public record open for inspection under section 149.43 of the 14053
Revised Code. The department shall make the database searchable by 14054
inmate name and by the county and zip code where the offender 14055
intends to reside after release from a state correctional 14056
institution if this information is known to the department. 14057

(3) The database required under division (A) of this section 14058
may contain information regarding inmates who are listed in the 14059
database in addition to the information described in that 14060
division. 14061

(4) No information included on the database required under 14062
division (A) of this section shall identify or enable the 14063
identification of any victim of any offense committed by an 14064
inmate. 14065

(C) The failure of the department to comply with the 14066
requirements of division (A) or (B) of this section does not give 14067
any rights or any grounds for appeal or post-conviction relief to 14068
any inmate. 14069

(D) This section, and the related provisions of sections 14070
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 14071
in the act in which this section was enacted, shall be known as 14072
"Laura's Law." 14073

Sec. 5139.13. (A) The department of youth services shall do 14074
all of the following: 14075

(1) Control and manage all institutions for the 14076
rehabilitation of delinquent children and youthful offenders that 14077
are operated by the state, except where the control and management 14078
of an institution is vested by law in another agency; 14079

(2) Provide treatment and training for children committed to 14080
the department and assigned by the department to various 14081
institutions under its control and management, including, but not 14082
limited to, for a child committed to it for an act that is ~~either~~ 14083
~~a sexually oriented offense that is not a registration exempt~~ 14084
~~sexually oriented offense~~ or a child-victim oriented offense, 14085
treatment that is appropriate for a child who commits an act that 14086
is a sexually oriented offense ~~that is not a registration exempt~~ 14087
~~sexually oriented offense~~ or a child-victim oriented offense and 14088
that is intended to ensure that the child does not commit any 14089
subsequent act that is a sexually oriented offense or a 14090
child-victim oriented offense; 14091

(3) Establish and maintain appropriate reception centers for 14092
the reception of children committed to the department and employ 14093
competent persons to have charge of those centers and to conduct 14094
investigations; 14095

(4) Establish and maintain any other facilities necessary for 14096
the training, treatment, and rehabilitation of children committed 14097
to the department. 14098

(B) As used in this section, "sexually oriented offense" and 14099
"child-victim oriented offense" have the same meanings as in 14100
section 2950.01 of the Revised Code. 14101

Sec. 5149.10. (A) The parole board shall consist of up to 14102
twelve members, one of whom shall be designated as chairperson by 14103
the director of the department of rehabilitation and correction 14104
and who shall continue as chairperson until a successor is 14105
designated, and any other personnel that are necessary for the 14106
orderly performance of the duties of the board. In addition to the 14107
rules authorized by section 5149.02 of the Revised Code, the chief 14108
of the adult parole authority, subject to the approval of the 14109
chief of the division of parole and community services and subject 14110

to this section, shall adopt rules governing the proceedings of 14111
the parole board. The rules shall provide for the convening of 14112
full board hearings, the procedures to be followed in full board 14113
hearings, and general procedures to be followed in other hearings 14114
of the board and by the board's hearing officers. The rules also 14115
shall require agreement by a majority of all the board members to 14116
any recommendation of clemency transmitted to the governor. 14117

When the board members sit as a full board, the chairperson 14118
shall preside. The chairperson shall also allocate the work of the 14119
parole board among the board members. The full board shall meet at 14120
least once each month. In the case of a tie vote on the full 14121
board, the chief of the adult parole authority shall cast the 14122
deciding vote. The chairperson may designate a person to serve in 14123
the chairperson's place. 14124

Except as otherwise provided in division (B) of this section, 14125
no person shall be appointed a member of the board who is not 14126
qualified by education or experience in correctional work, 14127
including law enforcement, prosecution of offenses, advocating for 14128
the rights of victims of crime, probation, or parole, in law, in 14129
social work, or in a combination of the three categories. 14130

(B) The director of rehabilitation and correction, in 14131
consultation with the governor, shall appoint one member of the 14132
board, who shall be a person who has been a victim of crime or who 14133
is a member of a victim's family or who represents an organization 14134
that advocates for the rights of victims of crime. After 14135
appointment, this member shall be an unclassified employee of the 14136
department of rehabilitation and correction. 14137

The initial appointment shall be for a term ending four years 14138
~~after the effective date of this amendment~~ July 1, 1996. 14139
Thereafter, the term of office of the member appointed under this 14140
division shall be for four years, with each term ending on the 14141
same day of the same month as did the term that it succeeds. The 14142

member shall hold office from the date of appointment until the 14143
end of the term for which the member was appointed and may be 14144
reappointed. Vacancies shall be filled in the manner provided for 14145
original appointments. Any member appointed under this division to 14146
fill a vacancy occurring prior to the expiration date of the term 14147
for which the member's predecessor was appointed shall hold office 14148
as a member for the remainder of that term. The member appointed 14149
under this division shall continue in office subsequent to the 14150
expiration date of the member's term until the member's successor 14151
takes office or until a period of sixty days has elapsed, 14152
whichever occurs first. 14153

The member appointed under this division shall be compensated 14154
in the same manner as other board members and shall be reimbursed 14155
for actual and necessary expenses incurred in the performance of 14156
the members' duties. The member may vote on all cases heard by the 14157
full board under section 5149.101 of the Revised Code, has such 14158
duties as are assigned by the chairperson of the board, and shall 14159
coordinate the member's activities with the office of victims' 14160
services created under section 5120.60 of the Revised Code. 14161

As used in this division, "crime," "member of the victim's 14162
family," and "victim" have the meanings given in section 2930.01 14163
of the Revised Code. 14164

(C) The chairperson shall submit all recommendations for or 14165
against clemency directly to the governor. 14166

(D) The chairperson shall transmit to the chief of the adult 14167
parole authority all determinations for or against parole made by 14168
the board. Parole determinations are final and are not subject to 14169
review or change by the chief. 14170

(E) In addition to its duties pertaining to parole and 14171
clemency, if an offender is sentenced to a prison term pursuant to 14172
division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 14173

, or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 14174
Code, the parole board shall have control over the offender's 14175
service of the prison term during the entire term unless the board 14176
terminates its control in accordance with section 2971.04 of the 14177
Revised Code. The parole board may terminate its control over the 14178
offender's service of the prison term only in accordance with 14179
section 2971.04 of the Revised Code. 14180

Sec. 5321.01. As used in this chapter: 14181

(A) "Tenant" means a person entitled under a rental agreement 14182
to the use and occupancy of residential premises to the exclusion 14183
of others. 14184

(B) "Landlord" means the owner, lessor, or sublessor of 14185
residential premises, the agent of the owner, lessor, or 14186
sublessor, or any person authorized by the owner, lessor, or 14187
sublessor to manage the premises or to receive rent from a tenant 14188
under a rental agreement. 14189

(C) "Residential premises" means a dwelling unit for 14190
residential use and occupancy and the structure of which it is a 14191
part, the facilities and appurtenances in it, and the grounds, 14192
areas, and facilities for the use of tenants generally or the use 14193
of which is promised the tenant. "Residential premises" includes a 14194
dwelling unit that is owned or operated by a college or 14195
university. "Residential premises" does not include any of the 14196
following: 14197

(1) Prisons, jails, workhouses, and other places of 14198
incarceration or correction, including, but not limited to, 14199
halfway houses or residential arrangements that are used or 14200
occupied as a requirement of a community control sanction, a 14201
post-release control sanction, or parole; 14202

(2) Hospitals and similar institutions with the primary 14203

purpose of providing medical services, and homes licensed pursuant	14204
to Chapter 3721. of the Revised Code;	14205
(3) Tourist homes, hotels, motels, recreational vehicle	14206
parks, recreation camps, combined park-camps, temporary	14207
park-camps, and other similar facilities where circumstances	14208
indicate a transient occupancy;	14209
(4) Elementary and secondary boarding schools, where the cost	14210
of room and board is included as part of the cost of tuition;	14211
(5) Orphanages and similar institutions;	14212
(6) Farm residences furnished in connection with the rental	14213
of land of a minimum of two acres for production of agricultural	14214
products by one or more of the occupants;	14215
(7) Dwelling units subject to sections 3733.41 to 3733.49 of	14216
the Revised Code;	14217
(8) Occupancy by an owner of a condominium unit;	14218
(9) Occupancy in a facility licensed as an SRO facility	14219
pursuant to Chapter 3731. of the Revised Code, if the facility is	14220
owned or operated by an organization that is exempt from taxation	14221
under section 501(c)(3) of the "Internal Revenue Code of 1986,"	14222
100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or	14223
group of entities in which such an organization has a controlling	14224
interest, and if either of the following applies:	14225
(a) The occupancy is for a period of less than sixty days.	14226
(b) The occupancy is for participation in a program operated	14227
by the facility, or by a public entity or private charitable	14228
organization pursuant to a contract with the facility, to provide	14229
either of the following:	14230
(i) Services licensed, certified, registered, or approved by	14231
a governmental agency or private accrediting organization for the	14232
rehabilitation of mentally ill persons, developmentally disabled	14233

persons, adults or juveniles convicted of criminal offenses, or 14234
persons suffering from substance abuse; 14235

(ii) Shelter for juvenile runaways, victims of domestic 14236
violence, or homeless persons. 14237

(10) Emergency shelters operated by organizations exempt from 14238
federal income taxation under section 501(c)(3) of the "Internal 14239
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 14240
amended, for persons whose circumstances indicate a transient 14241
occupancy, including homeless people, victims of domestic 14242
violence, and juvenile runaways. 14243

(D) "Rental agreement" means any agreement or lease, written 14244
or oral, which establishes or modifies the terms, conditions, 14245
rules, or any other provisions concerning the use and occupancy of 14246
residential premises by one of the parties. 14247

(E) "Security deposit" means any deposit of money or property 14248
to secure performance by the tenant under a rental agreement. 14249

(F) "Dwelling unit" means a structure or the part of a 14250
structure that is used as a home, residence, or sleeping place by 14251
one person who maintains a household or by two or more persons who 14252
maintain a common household. 14253

(G) "Controlled substance" has the same meaning as in section 14254
3719.01 of the Revised Code. 14255

(H) "Student tenant" means a person who occupies a dwelling 14256
unit owned or operated by the college or university at which the 14257
person is a student, and who has a rental agreement that is 14258
contingent upon the person's status as a student. 14259

(I) "Recreational vehicle park," "recreation camp," "combined 14260
park-camp," and "temporary park-camp" have the same meanings as in 14261
section 3729.01 of the Revised Code. 14262

(J) "Community control sanction" has the same meaning as in 14263

section 2929.01 of the Revised Code. 14264

(K) "Post-release control sanction" has the same meaning as 14265
in section 2967.01 of the Revised Code. 14266

(L) "School premises" has the same meaning as in section 14267
2925.01 of the Revised Code. 14268

(M) "Sexually oriented offense" and "child-victim oriented 14269
offense" have the same meanings as in section 2950.01 of the 14270
Revised Code. 14271

(N) "Preschool or child day-care center premises" has the the 14272
same meaning as in section 2950.034 of the Revised Code. 14273

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the 14274
Revised Code, a landlord may bring an action under Chapter 1923. 14275
of the Revised Code for possession of the premises if: 14276

(1) The tenant is in default in the payment of rent; 14277

(2) The violation of the applicable building, housing, 14278
health, or safety code that the tenant complained of was primarily 14279
caused by any act or lack of reasonable care by the tenant, or by 14280
any other person in the tenant's household, or by anyone on the 14281
premises with the consent of the tenant; 14282

(3) Compliance with the applicable building, housing, health, 14283
or safety code would require alteration, remodeling, or demolition 14284
of the premises which would effectively deprive the tenant of the 14285
use of the dwelling unit; 14286

(4) A tenant is holding over the tenant's term. 14287

(5) The residential premises are located within one thousand 14288
feet of any school premises or preschool or child day-care center 14289
premises, and both of the following apply regarding the tenant or 14290
other occupant who resides in or occupies the premises: 14291

(a) The tenant's or other occupant's name appears on the 14292

state registry of sex offenders and child-victim offenders 14293
maintained under section 2950.13 of the Revised Code. 14294

(b) The state registry of sex offenders and child-victim 14295
offenders indicates that the tenant or other occupant was 14296
convicted of or pleaded guilty to ~~either a sexually oriented~~ 14297
~~offense that is not a registration-exempt sexually oriented~~ 14298
~~offense~~ or a child-victim oriented offense in a criminal 14299
prosecution and was not sentenced to a serious youthful offender 14300
dispositional sentence for that offense. 14301

(B) The maintenance of an action by the landlord under this 14302
section does not prevent the tenant from recovering damages for 14303
any violation by the landlord of the rental agreement or of 14304
section 5321.04 of the Revised Code. 14305

(C) This section does not apply to a dwelling unit occupied 14306
by a student tenant. 14307

Sec. 5321.051. (A)(1) No tenant of any residential premises 14308
located within one thousand feet of any school premises or 14309
preschool or child day-care center premises shall allow any person 14310
to occupy those residential premises if both of the following 14311
apply regarding the person: 14312

(a) The person's name appears on the state registry of sex 14313
offenders and child-victim offenders maintained under section 14314
2950.13 of the Revised Code. 14315

(b) The state registry of sex offenders and child-victim 14316
offenders indicates that the person was convicted of or pleaded 14317
guilty to either a sexually oriented offense that is not a 14318
registration-exempt sexually oriented offense or a child-victim 14319
oriented offense in a criminal prosecution and was not sentenced 14320
to a serious youthful offender dispositional sentence for that 14321
offense. 14322

(2) If a tenant allows occupancy in violation of this section 14323
or a person establishes a residence or occupies residential 14324
premises in violation of section ~~2950.031~~ 2950.034 of the Revised 14325
Code, the landlord for the residential premises that are the 14326
subject of the rental agreement or other tenancy may terminate the 14327
rental agreement or other tenancy of the tenant and all other 14328
occupants. 14329

(B) If a landlord is authorized to terminate a rental 14330
agreement or other tenancy pursuant to division (A) of this 14331
section but does not so terminate the rental agreement or other 14332
tenancy, the landlord is not liable in a tort or other civil 14333
action in damages for any injury, death, or loss to person or 14334
property that allegedly results from that decision. 14335

Section 2. That existing sections 109.42, 109.57, 311.171, 14336
1923.01, 1923.02, 2151.23, 2151.357, 2152.02, 2152.19, 2152.191, 14337
2152.22, 2152.82, 2152.821, 2152.83, 2152.84, 2152.85, 2152.851, 14338
2743.191, 2901.07, 2903.211, 2905.01, 2905.02, 2905.03, 2905.05, 14339
2907.01, 2907.02, 2907.05, 2921.34, 2929.01, 2929.02, 2929.022, 14340
2929.03, 2929.06, 2929.13, 2929.14, 2929.19, 2929.23, 2930.16, 14341
2941.148, 2950.01, 2950.02, 2950.03, 2950.031, 2950.04, 2950.041, 14342
2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.10, 2950.11, 14343
2950.12, 2950.13, 2950.14, 2953.32, 2967.12, 2967.121, 2971.01, 14344
2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 5120.49, 5120.61, 14345
5120.66, 5139.13, 5149.10, 5321.01, 5321.03, and 5321.051 and 14346
sections 2152.811, 2950.021, 2950.09, and 2950.091 of the Revised 14347
Code are hereby repealed. 14348

Section 3. The amendments to sections 109.42, 109.57, 14349
311.171, 2151.23, 2152.02, 2152.19, 2152.191, 2152.22, 2152.82, 14350
2152.821, 2152.83, 2152.84, 2152.85, 2152.851, 2743.191, 2901.07, 14351
2903.211, 2905.01, 2905.02, 2905.03, 2905.05, 2907.01, 2907.02, 14352
2907.05, 2921.34, 2929.01, 2929.02, 2929.022, 2929.03, 2929.06, 14353

2929.13, 2929.14, 2929.19, 2929.23, 2930.16, 2941.148, 2950.01, 14354
2950.02, 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, 2950.07, 14355
2950.08, 2950.081, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 14356
2967.12, 2967.121, 2971.01, 2971.03, 2971.04, 2971.05, 2971.06, 14357
2971.07, 5120.49, 5120.61, 5120.66, 5139.13, and 5149.10 of the 14358
Revised Code that are made by Sections 1 and 2 of this act, the 14359
enactment of sections 2152.831, 2152.86, 2950.011, 2950.15, and 14360
2950.16 of the Revised Code by Section 1 of the act, and the 14361
repeal of sections 2152.811, 2950.021, 2950.09, and 2950.091 of 14362
the Revised Code by Section 2 of this act shall take effect on 14363
January 1, 2008. 14364

The amendments to sections 1923.01, 1923.02, 2151.357, 14365
2950.031, 2953.32, 5321.01, 5321.03, and 5321.051 of the Revised 14366
Code that are made by Sections 1 and 2 of this act and the 14367
enactment of sections 2950.032, 2950.033, 2950.042, 2950.043, and 14368
2950.131 and new section 2950.031 of the Revised Code by Section 1 14369
of this act shall take effect on July 1, 2007. 14370

Section 4. Sections 1 to 3 of this act shall take effect on 14371
July 1, 2007. 14372

Section 5. This act is hereby declared to be an emergency 14373
measure necessary for the immediate preservation of the public 14374
peace, health, and safety. The reason for such necessity is that 14375
the changes to the state's Sex Offender Registration and 14376
Notification Law made by this act are crucially needed to provide 14377
increased protection and security for the state's residents from 14378
persons who have been convicted of, or found to be delinquent 14379
children for committing, a sexually oriented offense or a 14380
child-victim oriented offense and to conform that Law by July 1, 14381
2007, to recently enacted requirements of federal law. Therefore 14382
this act shall take immediate effect. 14383

Section 6. Section 2907.01 of the Revised Code is presented 14384
in this act as a composite of the section as amended by both Am. 14385
Sub. H.B. 23 and Am. Sub. H.B. 95 of the 126th General Assembly. 14386
Section 2929.01 of the Revised Code is presented in this act as a 14387
composite of the section as amended by both Am. Sub. H.B. 461 and 14388
Am. Sub. S.B. 260 of the 126th General Assembly. Section 2929.13 14389
of the Revised Code is presented in this act as a composite of the 14390
section as amended by Am. Sub. H.B. 461, Am. Sub. S.B. 260, and 14391
Sub. S.B. 281 of the 126th General Assembly. Section 2929.14 of 14392
the Revised Code is presented in this act as a composite of the 14393
section as amended by Am. Sub. H.B. 461, Am. Sub. S.B. 260, and 14394
Sub. S.B. 281 all of the 126th General Assembly. Section 2929.19 14395
of the Revised Code is presented in this act as a composite of the 14396
section as amended by both Am. Sub. H.B. 461 and Am. Sub. S.B. 260 14397
of the 126th General Assembly. The General Assembly, applying the 14398
principle stated in division (B) of section 1.52 of the Revised 14399
Code that amendments are to be harmonized if reasonably capable of 14400
simultaneous operation, finds that the composites are the 14401
resulting versions of the sections in effect prior to the 14402
effective date of the sections as presented in this act. 14403