

As Passed by the Senate

**127th General Assembly
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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, J., Cates, Buehrer, Fedor, Miller, R., Schuring, Mason,
Jacobson**

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A B I L L

To amend sections 109.42, 109.57, 311.171, 1923.02, 1
2151.23, 2152.02, 2152.19, 2152.191, 2152.22, 2
2152.82, 2152.83, 2152.84, 2152.85, 2152.851, 3
2743.191, 2901.07, 2903.211, 2905.01, 2905.02, 4
2905.03, 2905.05, 2907.01, 2907.02, 2907.05, 5
2921.34, 2929.01, 2929.02, 2929.022, 2929.03, 6
2929.06, 2929.13, 2929.14, 2929.19, 2929.23, 7
2930.16, 2941.148, 2950.01, 2950.02, 2950.03, 8
2950.031, 2950.04, 2950.041, 2950.05, 2950.06, 9
2950.07, 2950.08, 2950.081, 2950.10, 2950.11, 10
2950.12, 2950.13, 2950.14, 2967.12, 2967.121, 11
2971.01, 2971.03, 2971.04, 2971.05, 2971.06, 12
2971.07, 5120.49, 5120.61, 5120.66, 5139.13, 13
5149.10, 5321.03, and 5321.051; to amend, for the 14
purpose of adopting new section numbers as 15
indicated in parentheses, sections 2152.821 16
(2151.811) and 2950.031 (2950.034); to enact new 17
section 2950.031 and sections 2152.831, 2152.86, 18
2950.011, 2950.032, 2950.033, 2950.042, 2950.043, 19
2950.131, 2950.15, and 2950.16; and to repeal 20

sections 2152.811, 2950.021, 2950.09, and 2950.091 21
of the Revised Code to revise Ohio's Sex Offender 22
Registration and Notification Law and conform it 23
to recently enacted requirements of federal law 24
contained in the Adam Walsh Child Protection and 25
Safety Act of 2006, to increase the penalties for 26
certain violations of kidnapping, aggravated 27
murder when a sentence of death or life without 28
parole is not imposed, and murder when the victim 29
of any of those offenses is less than 13 years of 30
age and the offense was committed with a sexual 31
motivation and require that those sentences be 32
served under the Sexually Violent Predator 33
Sentencing Law, and to declare an emergency. 34

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

Section 1. That sections 109.42, 109.57, 311.171, 1923.02, 35
2151.23, 2152.02, 2152.19, 2152.191, 2152.22, 2152.82, 2152.83, 36
2152.84, 2152.85, 2152.851, 2743.191, 2901.07, 2903.211, 2905.01, 37
2905.02, 2905.03, 2905.05, 2907.01, 2907.02, 2907.05, 2921.34, 38
2929.01, 2929.02, 2929.022, 2929.03, 2929.06, 2929.13, 2929.14, 39
2929.19, 2929.23, 2930.16, 2941.148, 2950.01, 2950.02, 2950.03, 40
2950.031, 2950.04, 2950.041, 2950.05, 2950.06, 2950.07, 2950.08, 41
2950.081, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 2967.12, 42
2967.121, 2971.01, 2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 43
5120.49, 5120.61, 5120.66, 5139.13, 5149.10, 5321.03, and 5321.051 44
be amended, that sections 2152.821 (2151.811) and 2950.031 45
(2950.034) be amended for the purpose of adopting new section 46
numbers as indicated in parentheses, and that new section 2950.031 47
and sections 2152.831, 2152.86, 2950.011, 2950.032, 2950.033, 48
2950.042, 2950.043, 2950.131, 2950.15, and 2950.16 of the Revised 49
Code be enacted to read as follows: 50

Sec. 109.42. (A) The attorney general shall prepare and have 51
printed a pamphlet that contains a compilation of all statutes 52
relative to victim's rights in which the attorney general lists 53
and explains the statutes in the form of a victim's bill of 54
rights. The attorney general shall distribute the pamphlet to all 55
sheriffs, marshals, municipal corporation and township police 56
departments, constables, and other law enforcement agencies, to 57
all prosecuting attorneys, city directors of law, village 58
solicitors, and other similar chief legal officers of municipal 59
corporations, and to organizations that represent or provide 60
services for victims of crime. The victim's bill of rights set 61
forth in the pamphlet shall contain a description of all of the 62
rights of victims that are provided for in Chapter 2930. or in any 63
other section of the Revised Code and shall include, but not be 64
limited to, all of the following: 65

(1) The right of a victim or a victim's representative to 66
attend a proceeding before a grand jury, in a juvenile case, or in 67
a criminal case pursuant to a subpoena without being discharged 68
from the victim's or representative's employment, having the 69
victim's or representative's employment terminated, having the 70
victim's or representative's pay decreased or withheld, or 71
otherwise being punished, penalized, or threatened as a result of 72
time lost from regular employment because of the victim's or 73
representative's attendance at the proceeding pursuant to the 74
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 75
2945.451 of the Revised Code; 76

(2) The potential availability pursuant to section 2151.359 77
or 2152.61 of the Revised Code of a forfeited recognizance to pay 78
damages caused by a child when the delinquency of the child or 79
child's violation of probation or community control is found to be 80
proximately caused by the failure of the child's parent or 81
guardian to subject the child to reasonable parental authority or 82

to faithfully discharge the conditions of probation or community control;	83 84
(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;	85 86 87
(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;	88 89 90 91 92 93 94
(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;	95 96 97 98 99 100 101
(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing or disposition of the offender;	102 103 104 105 106 107 108
(7) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the complainant, or of the complainant's ward or child;	109 110 111 112 113

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

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

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

(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 145
offender or a delinquent child pursuant to section 2152.20, 146
2929.18, or 2929.28 of the Revised Code; 147

(14) The right of the victim in certain criminal or juvenile 148
cases or a victim's representative, pursuant to section 2930.16 of 149
the Revised Code, to receive notice of the escape from confinement 150
or custody of the person who committed the offense, to receive 151
that notice from the custodial agency of the person at the 152
victim's last address or telephone number provided to the 153
custodial agency, and to receive notice that, if either the 154
victim's address or telephone number changes, it is in the 155
victim's interest to provide the new address or telephone number 156
to the custodial agency; 157

(15) The right of a victim of domestic violence to seek the 158
issuance of a civil protection order pursuant to section 3113.31 159
of the Revised Code, the right of a victim of a violation of 160
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 161
of the Revised Code, a violation of a substantially similar 162
municipal ordinance, or an offense of violence who is a family or 163
household member of the offender at the time of the offense to 164
seek the issuance of a temporary protection order pursuant to 165
section 2919.26 of the Revised Code, and the right of both types 166
of victims to be accompanied by a victim advocate during court 167
proceedings; 168

(16) The right of a victim of a sexually oriented offense 169
~~that is not a registration exempt sexually oriented offense~~ or of 170
a child-victim oriented offense that is committed by a person who 171
is convicted of ~~or~~, pleads guilty to ~~an aggravated sexually~~ 172
~~oriented offense, by a person who is adjudicated a sexual predator~~ 173
~~or child-victim predator, or, in certain cases, by a person who is~~ 174
~~determined to be a habitual sex offender or habitual child victim~~ 175
~~offender, or is adjudicated a delinquent child for committing the~~ 176

offense and who is in a category specified in division (B) of 177
section 2950.10 of the Revised Code to receive, pursuant to that 178
~~section 2950.10 of the Revised Code~~, notice that the person has 179
registered with a sheriff under section 2950.04, 2950.041, or 180
2950.05 of the Revised Code and notice of the person's name, the 181
person's residence that is registered, and the offender's school, 182
institution of higher education, or place of employment address or 183
addresses that are registered, the person's photograph, and a 184
summary of the manner in which the victim must make a request to 185
receive the notice. As used in this division, "sexually oriented 186
offense," ~~"adjudicated a sexual predator," "habitual sex~~ 187
~~offender," "registration exempt sexually oriented offense,"~~ 188
~~"aggravated sexually oriented offense,"~~ and "child-victim oriented 189
offense," ~~"adjudicated a child victim predator," and "habitual~~ 190
~~child victim offender"~~ have the same meanings as in section 191
2950.01 of the Revised Code. 192

(17) The right of a victim of certain sexually violent 193
offenses committed by an offender who also is convicted of or 194
pleads guilty to a sexually violent predator specification and who 195
is sentenced to a prison term pursuant to division (A)(3) of 196
section 2971.03 of the Revised Code, of a victim of a violation of 197
division (A)(1)(b) of section 2907.02 of the Revised Code 198
committed on or after ~~the effective date of this amendment~~ January 199
2, 2007, by an offender who is sentenced for the violation 200
pursuant to division (B)(1)(a), (b), or (c) of section 2971.03 of 201
the Revised Code, ~~and~~ of a victim of an attempted rape committed 202
on or after ~~the effective date of this amendment~~ January 2, 2007, 203
by an offender who also is convicted of or pleads guilty to a 204
specification of the type described in section 2941.1418, 205
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 206
the violation pursuant to division (B)(2)(a), (b), or (c) of 207
section 2971.03 of the Revised Code, and of a victim of an offense 208
that is described in division (B)(3)(a), (b), (c), or (d) of 209

section 2971.03 of the Revised Code and is committed by an 210
offender who is sentenced pursuant to one of those divisions to 211
receive, pursuant to section 2930.16 of the Revised Code, notice 212
of a hearing to determine whether to modify the requirement that 213
the offender serve the entire prison term in a state correctional 214
facility, whether to continue, revise, or revoke any existing 215
modification of that requirement, or whether to terminate the 216
prison term. As used in this division, "sexually violent offense" 217
and "sexually violent predator specification" have the same 218
meanings as in section 2971.01 of the Revised Code. 219

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 220
prosecuting attorney, assistant prosecuting attorney, city 221
director of law, assistant city director of law, village 222
solicitor, assistant village solicitor, or similar chief legal 223
officer of a municipal corporation or an assistant of any of those 224
officers who prosecutes an offense committed in this state, upon 225
first contact with the victim of the offense, the victim's family, 226
or the victim's dependents, shall give the victim, the victim's 227
family, or the victim's dependents a copy of the pamphlet prepared 228
pursuant to division (A) of this section and explain, upon 229
request, the information in the pamphlet to the victim, the 230
victim's family, or the victim's dependents. 231

(b) Subject to division (B)(1)(c) of this section, a law 232
enforcement agency that investigates an offense or delinquent act 233
committed in this state shall give the victim of the offense or 234
delinquent act, the victim's family, or the victim's dependents a 235
copy of the pamphlet prepared pursuant to division (A) of this 236
section at one of the following times: 237

(i) Upon first contact with the victim, the victim's family, 238
or the victim's dependents; 239

(ii) If the offense or delinquent act is an offense of 240
violence, if the circumstances of the offense or delinquent act 241

and the condition of the victim, the victim's family, or the 242
victim's dependents indicate that the victim, the victim's family, 243
or the victim's dependents will not be able to understand the 244
significance of the pamphlet upon first contact with the agency, 245
and if the agency anticipates that it will have an additional 246
contact with the victim, the victim's family, or the victim's 247
dependents, upon the agency's second contact with the victim, the 248
victim's family, or the victim's dependents. 249

If the agency does not give the victim, the victim's family, 250
or the victim's dependents a copy of the pamphlet upon first 251
contact with them and does not have a second contact with the 252
victim, the victim's family, or the victim's dependents, the 253
agency shall mail a copy of the pamphlet to the victim, the 254
victim's family, or the victim's dependents at their last known 255
address. 256

(c) In complying on and after December 9, 1994, with the 257
duties imposed by division (B)(1)(a) or (b) of this section, an 258
official or a law enforcement agency shall use copies of the 259
pamphlet that are in the official's or agency's possession on 260
December 9, 1994, until the official or agency has distributed all 261
of those copies. After the official or agency has distributed all 262
of those copies, the official or agency shall use only copies of 263
the pamphlet that contain at least the information described in 264
divisions (A)(1) to (17) of this section. 265

(2) The failure of a law enforcement agency or of a 266
prosecuting attorney, assistant prosecuting attorney, city 267
director of law, assistant city director of law, village 268
solicitor, assistant village solicitor, or similar chief legal 269
officer of a municipal corporation or an assistant to any of those 270
officers to give, as required by division (B)(1) of this section, 271
the victim of an offense or delinquent act, the victim's family, 272
or the victim's dependents a copy of the pamphlet prepared 273

pursuant to division (A) of this section does not give the victim, 274
the victim's family, the victim's dependents, or a victim's 275
representative any rights under section 2743.51 to 2743.72, 276
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 277
Revised Code or under any other provision of the Revised Code and 278
does not affect any right under those sections. 279

(3) A law enforcement agency, a prosecuting attorney or 280
assistant prosecuting attorney, or a city director of law, 281
assistant city director of law, village solicitor, assistant 282
village solicitor, or similar chief legal officer of a municipal 283
corporation that distributes a copy of the pamphlet prepared 284
pursuant to division (A) of this section shall not be required to 285
distribute a copy of an information card or other printed material 286
provided by the clerk of the court of claims pursuant to section 287
2743.71 of the Revised Code. 288

(C) The cost of printing and distributing the pamphlet 289
prepared pursuant to division (A) of this section shall be paid 290
out of the reparations fund, created pursuant to section 2743.191 291
of the Revised Code, in accordance with division (D) of that 292
section. 293

(D) As used in this section: 294

(1) "Victim's representative" has the same meaning as in 295
section 2930.01 of the Revised Code; 296

(2) "Victim advocate" has the same meaning as in section 297
2919.26 of the Revised Code. 298

Sec. 109.57. (A)(1) The superintendent of the bureau of 299
criminal identification and investigation shall procure from 300
wherever procurable and file for record photographs, pictures, 301
descriptions, fingerprints, measurements, and other information 302
that may be pertinent of all persons who have been convicted of 303

committing within this state a felony, any crime constituting a 304
misdemeanor on the first offense and a felony on subsequent 305
offenses, or any misdemeanor described in division (A)(1)(a) or 306
(A)(10)(a) of section 109.572 of the Revised Code, of all children 307
under eighteen years of age who have been adjudicated delinquent 308
children for committing within this state an act that would be a 309
felony or an offense of violence if committed by an adult or who 310
have been convicted of or pleaded guilty to committing within this 311
state a felony or an offense of violence, and of all well-known 312
and habitual criminals. The person in charge of any county, 313
multicounty, municipal, municipal-county, or multicounty-municipal 314
jail or workhouse, community-based correctional facility, halfway 315
house, alternative residential facility, or state correctional 316
institution and the person in charge of any state institution 317
having custody of a person suspected of having committed a felony, 318
any crime constituting a misdemeanor on the first offense and a 319
felony on subsequent offenses, or any misdemeanor described in 320
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 321
Code or having custody of a child under eighteen years of age with 322
respect to whom there is probable cause to believe that the child 323
may have committed an act that would be a felony or an offense of 324
violence if committed by an adult shall furnish such material to 325
the superintendent of the bureau. Fingerprints, photographs, or 326
other descriptive information of a child who is under eighteen 327
years of age, has not been arrested or otherwise taken into 328
custody for committing an act that would be a felony or an offense 329
of violence if committed by an adult, has not been adjudicated a 330
delinquent child for committing an act that would be a felony or 331
an offense of violence if committed by an adult, has not been 332
convicted of or pleaded guilty to committing a felony or an 333
offense of violence, and is not a child with respect to whom there 334
is probable cause to believe that the child may have committed an 335
act that would be a felony or an offense of violence if committed 336

by an adult shall not be procured by the superintendent or 337
furnished by any person in charge of any county, multicounty, 338
municipal, municipal-county, or multicounty-municipal jail or 339
workhouse, community-based correctional facility, halfway house, 340
alternative residential facility, or state correctional 341
institution, except as authorized in section 2151.313 of the 342
Revised Code. 343

(2) Every clerk of a court of record in this state, other 344
than the supreme court or a court of appeals, shall send to the 345
superintendent of the bureau a weekly report containing a summary 346
of each case involving a felony, involving any crime constituting 347
a misdemeanor on the first offense and a felony on subsequent 348
offenses, involving a misdemeanor described in division (A)(1)(a) 349
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 350
an adjudication in a case in which a child under eighteen years of 351
age was alleged to be a delinquent child for committing an act 352
that would be a felony or an offense of violence if committed by 353
an adult. The clerk of the court of common pleas shall include in 354
the report and summary the clerk sends under this division all 355
information described in divisions (A)(2)(a) to (f) of this 356
section regarding a case before the court of appeals that is 357
served by that clerk. The summary shall be written on the standard 358
forms furnished by the superintendent pursuant to division (B) of 359
this section and shall include the following information: 360

(a) The incident tracking number contained on the standard 361
forms furnished by the superintendent pursuant to division (B) of 362
this section; 363

(b) The style and number of the case; 364

(c) The date of arrest; 365

(d) The date that the person was convicted of or pleaded 366
guilty to the offense, adjudicated a delinquent child for 367

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

(e) A statement of the original charge with the section of 378
the Revised Code that was alleged to be violated; 379

(f) If the person or child was convicted, pleaded guilty, or 380
was adjudicated a delinquent child, the sentence or terms of 381
probation imposed or any other disposition of the offender or the 382
delinquent child. 383

If the offense involved the disarming of a law enforcement 384
officer or an attempt to disarm a law enforcement officer, the 385
clerk shall clearly state that fact in the summary, and the 386
superintendent shall ensure that a clear statement of that fact is 387
placed in the bureau's records. 388

(3) The superintendent shall cooperate with and assist 389
sheriffs, chiefs of police, and other law enforcement officers in 390
the establishment of a complete system of criminal identification 391
and in obtaining fingerprints and other means of identification of 392
all persons arrested on a charge of a felony, any crime 393
constituting a misdemeanor on the first offense and a felony on 394
subsequent offenses, or a misdemeanor described in division 395
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 396
of all children under eighteen years of age arrested or otherwise 397
taken into custody for committing an act that would be a felony or 398
an offense of violence if committed by an adult. The 399

superintendent also shall file for record the fingerprint 400
impressions of all persons confined in a county, multicounty, 401
municipal, municipal-county, or multicounty-municipal jail or 402
workhouse, community-based correctional facility, halfway house, 403
alternative residential facility, or state correctional 404
institution for the violation of state laws and of all children 405
under eighteen years of age who are confined in a county, 406
multicounty, municipal, municipal-county, or multicounty-municipal 407
jail or workhouse, community-based correctional facility, halfway 408
house, alternative residential facility, or state correctional 409
institution or in any facility for delinquent children for 410
committing an act that would be a felony or an offense of violence 411
if committed by an adult, and any other information that the 412
superintendent may receive from law enforcement officials of the 413
state and its political subdivisions. 414

(4) The superintendent shall carry out Chapter 2950. of the 415
Revised Code with respect to the registration of persons who are 416
convicted of or plead guilty to ~~either~~ a sexually oriented offense 417
~~that is not a registration exempt sexually oriented offense~~ or a 418
child-victim oriented offense and with respect to all other duties 419
imposed on the bureau under that chapter. 420

(5) The bureau shall perform centralized recordkeeping 421
functions for criminal history records and services in this state 422
for purposes of the national crime prevention and privacy compact 423
set forth in section 109.571 of the Revised Code and is the 424
criminal history record repository as defined in that section for 425
purposes of that compact. The superintendent or the 426
superintendent's designee is the compact officer for purposes of 427
that compact and shall carry out the responsibilities of the 428
compact officer specified in that compact. 429

(B) The superintendent shall prepare and furnish to every 430
county, multicounty, municipal, municipal-county, or 431

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

(C)(1) The superintendent may operate a center for 441
electronic, automated, or other data processing for the storage 442
and retrieval of information, data, and statistics pertaining to 443
criminals and to children under eighteen years of age who are 444
adjudicated delinquent children for committing an act that would 445
be a felony or an offense of violence if committed by an adult, 446
criminal activity, crime prevention, law enforcement, and criminal 447
justice, and may establish and operate a statewide communications 448
network to gather and disseminate information, data, and 449
statistics for the use of law enforcement agencies and for other 450
uses specified in this division. The superintendent may gather, 451
store, retrieve, and disseminate information, data, and statistics 452
that pertain to children who are under eighteen years of age and 453
that are gathered pursuant to sections 109.57 to 109.61 of the 454
Revised Code together with information, data, and statistics that 455
pertain to adults and that are gathered pursuant to those 456
sections. ~~It~~ 457

(2) The superintendent or the superintendent's designee shall 458
gather information of the nature described in division (C)(1) of 459
this section that pertains to the offense and delinquency history 460
of a person who has been convicted of, pleaded guilty to, or been 461
adjudicated a delinquent child for committing a sexually oriented 462
offense or a child-victim oriented offense for inclusion in the 463

state registry of sex offenders and child-victim offenders 464
maintained pursuant to division (A)(1) of section 2950.13 of the 465
Revised Code and in the internet database operated pursuant to 466
division (A)(13) of that section and for possible inclusion in the 467
internet database operated pursuant to division (A)(11) of that 468
section. 469

(3) In addition to any other authorized use of information, 470
data, and statistics of ~~that~~ the nature described in division 471
(C)(1) of this section, the superintendent or the superintendent's 472
designee may provide and exchange the information, data, and 473
statistics pursuant to the national crime prevention and privacy 474
compact as described in division (A)(5) of this section. 475

(D) The information and materials furnished to the 476
superintendent pursuant to division (A) of this section and 477
information and materials furnished to any board or person under 478
division (F) or (G) of this section are not public records under 479
section 149.43 of the Revised Code. The superintendent or the 480
superintendent's designee shall gather and retain information so 481
furnished under division (A) of this section that pertains to the 482
offense and delinquency history of a person who has been convicted 483
of, pleaded guilty to, or been adjudicated a delinquent child for 484
committing a sexually oriented offense or a child-victim oriented 485
offense for the purposes described in division (C)(2) of this 486
section. 487

(E) The attorney general shall adopt rules, in accordance 488
with Chapter 119. of the Revised Code, setting forth the procedure 489
by which a person may receive or release information gathered by 490
the superintendent pursuant to division (A) of this section. A 491
reasonable fee may be charged for this service. If a temporary 492
employment service submits a request for a determination of 493
whether a person the service plans to refer to an employment 494
position has been convicted of or pleaded guilty to an offense 495

listed in division (A)(1), (3), (4), (5), or (6) of section 496
109.572 of the Revised Code, the request shall be treated as a 497
single request and only one fee shall be charged. 498

(F)(1) As used in division (F)(2) of this section, "head 499
start agency" means an entity in this state that has been approved 500
to be an agency for purposes of subchapter II of the "Community 501
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 502
as amended. 503

(2)(a) In addition to or in conjunction with any request that 504
is required to be made under section 109.572, 2151.86, 3301.32, 505
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 506
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 507
education of any school district; the director of mental 508
retardation and developmental disabilities; any county board of 509
mental retardation and developmental disabilities; any entity 510
under contract with a county board of mental retardation and 511
developmental disabilities; the chief administrator of any 512
chartered nonpublic school; the chief administrator of any home 513
health agency; the chief administrator of or person operating any 514
child day-care center, type A family day-care home, or type B 515
family day-care home licensed or certified under Chapter 5104. of 516
the Revised Code; the administrator of any type C family day-care 517
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 518
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 519
general assembly; the chief administrator of any head start 520
agency; or the executive director of a public children services 521
agency may request that the superintendent of the bureau 522
investigate and determine, with respect to any individual who has 523
applied for employment in any position after October 2, 1989, or 524
any individual wishing to apply for employment with a board of 525
education may request, with regard to the individual, whether the 526
bureau has any information gathered under division (A) of this 527

section that pertains to that individual. On receipt of the 528
request, the superintendent shall determine whether that 529
information exists and, upon request of the person, board, or 530
entity requesting information, also shall request from the federal 531
bureau of investigation any criminal records it has pertaining to 532
that individual. The superintendent or the superintendent's 533
designee also may request criminal history records from other 534
states or the federal government pursuant to the national crime 535
prevention and privacy compact set forth in section 109.571 of the 536
Revised Code. Within thirty days of the date that the 537
superintendent receives a request, the superintendent shall send 538
to the board, entity, or person a report of any information that 539
the superintendent determines exists, including information 540
contained in records that have been sealed under section 2953.32 541
of the Revised Code, and, within thirty days of its receipt, shall 542
send the board, entity, or person a report of any information 543
received from the federal bureau of investigation, other than 544
information the dissemination of which is prohibited by federal 545
law. 546

(b) When a board of education is required to receive 547
information under this section as a prerequisite to employment of 548
an individual pursuant to section 3319.39 of the Revised Code, it 549
may accept a certified copy of records that were issued by the 550
bureau of criminal identification and investigation and that are 551
presented by an individual applying for employment with the 552
district in lieu of requesting that information itself. In such a 553
case, the board shall accept the certified copy issued by the 554
bureau in order to make a photocopy of it for that individual's 555
employment application documents and shall return the certified 556
copy to the individual. In a case of that nature, a district only 557
shall accept a certified copy of records of that nature within one 558
year after the date of their issuance by the bureau. 559

(3) The state board of education may request, with respect to 560
any individual who has applied for employment after October 2, 561
1989, in any position with the state board or the department of 562
education, any information that a school district board of 563
education is authorized to request under division (F)(2) of this 564
section, and the superintendent of the bureau shall proceed as if 565
the request has been received from a school district board of 566
education under division (F)(2) of this section. 567

(4) When the superintendent of the bureau receives a request 568
for information under section 3319.291 of the Revised Code, the 569
superintendent shall proceed as if the request has been received 570
from a school district board of education under division (F)(2) of 571
this section. 572

(5) When a recipient of a classroom reading improvement grant 573
paid under section 3301.86 of the Revised Code requests, with 574
respect to any individual who applies to participate in providing 575
any program or service funded in whole or in part by the grant, 576
the information that a school district board of education is 577
authorized to request under division (F)(2)(a) of this section, 578
the superintendent of the bureau shall proceed as if the request 579
has been received from a school district board of education under 580
division (F)(2)(a) of this section. 581

(G) In addition to or in conjunction with any request that is 582
required to be made under section 3701.881, 3712.09, 3721.121, or 583
3722.151 of the Revised Code with respect to an individual who has 584
applied for employment in a position that involves providing 585
direct care to an older adult, the chief administrator of a home 586
health agency, hospice care program, home licensed under Chapter 587
3721. of the Revised Code, adult day-care program operated 588
pursuant to rules adopted under section 3721.04 of the Revised 589
Code, or adult care facility may request that the superintendent 590
of the bureau investigate and determine, with respect to any 591

individual who has applied after January 27, 1997, for employment 592
in a position that does not involve providing direct care to an 593
older adult, whether the bureau has any information gathered under 594
division (A) of this section that pertains to that individual. 595

In addition to or in conjunction with any request that is 596
required to be made under section 173.27 of the Revised Code with 597
respect to an individual who has applied for employment in a 598
position that involves providing ombudsperson services to 599
residents of long-term care facilities or recipients of 600
community-based long-term care services, the state long-term care 601
ombudsperson, ombudsperson's designee, or director of health may 602
request that the superintendent investigate and determine, with 603
respect to any individual who has applied for employment in a 604
position that does not involve providing such ombudsperson 605
services, whether the bureau has any information gathered under 606
division (A) of this section that pertains to that applicant. 607

In addition to or in conjunction with any request that is 608
required to be made under section 173.394 of the Revised Code with 609
respect to an individual who has applied for employment in a 610
position that involves providing direct care to an individual, the 611
chief administrator of a community-based long-term care agency may 612
request that the superintendent investigate and determine, with 613
respect to any individual who has applied for employment in a 614
position that does not involve providing direct care, whether the 615
bureau has any information gathered under division (A) of this 616
section that pertains to that applicant. 617

On receipt of a request under this division, the 618
superintendent shall determine whether that information exists 619
and, on request of the individual requesting information, shall 620
also request from the federal bureau of investigation any criminal 621
records it has pertaining to the applicant. The superintendent or 622
the superintendent's designee also may request criminal history 623

records from other states or the federal government pursuant to 624
the national crime prevention and privacy compact set forth in 625
section 109.571 of the Revised Code. Within thirty days of the 626
date a request is received, the superintendent shall send to the 627
requester a report of any information determined to exist, 628
including information contained in records that have been sealed 629
under section 2953.32 of the Revised Code, and, within thirty days 630
of its receipt, shall send the requester a report of any 631
information received from the federal bureau of investigation, 632
other than information the dissemination of which is prohibited by 633
federal law. 634

(H) Information obtained by a government entity or person 635
under this section is confidential and shall not be released or 636
disseminated. 637

(I) The superintendent may charge a reasonable fee for 638
providing information or criminal records under division (F)(2) or 639
(G) of this section. 640

(J) As used in this section, "sexually oriented offense" and 641
"child-victim oriented offense" have the same meanings as in 642
section 2950.01 of the Revised Code. 643

Sec. 311.171. (A) As used in this section: 644

(1) "Federal poverty level" means the income level 645
represented by the poverty guidelines as revised annually by the 646
United States department of health and human services in 647
accordance with section 673(2) of the "Omnibus Reconciliation Act 648
of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family 649
size equal to the size of the family of the person whose income is 650
being determined. 651

(2) "Registration year" of an offender means one of the 652
following: 653

(a) The twelve-month period beginning on the anniversary, 654
occurring on or after January 1, 2004, of the date on which an 655
offender's registration period began in accordance with section 656
2950.07 of the Revised Code; 657

(b) The twelve-month period beginning on the date on which an 658
offender's registration period begins, on or after January 1, 659
2004, in accordance with section 2950.07 of the Revised Code. 660

(3) "Sexually oriented offense," "child-victim oriented 661
offense," and "tier III sex offender/child-victim offender" have 662
the same meanings as in section 2950.01 of the Revised Code. 663

(B) The sheriff may charge a fee each time a person does any 664
of the following: 665

(1) Registers under section 2950.04 or 2950.041 of the 666
Revised Code; 667

(2) Registers a new residence address under section 2950.05 668
of the Revised Code; 669

(3) Verifies a current residence address under section 670
2950.06 of the Revised Code. 671

(C) If the sheriff charges one or more fees provided for in 672
division (B) of this section, all of the following apply: 673

(1) The sheriff shall not require the payment of any fee from 674
a delinquent child until the delinquent child reaches eighteen 675
years of age. When a delinquent child reaches eighteen years of 676
age and the sheriff charges a fee to the delinquent child, the 677
provisions of this section applicable to "offenders" shall be 678
construed to apply to the delinquent child. 679

(2) For an offender who ~~has been adjudicated a sexual 680
predator or child victim predator or who has a duty to register as 681
a result of committing an aggravated sexually oriented offense is 682
a tier III sex offender/child-victim offender, the fees may not 683~~

exceed a total of one hundred dollars for each registration year. 684

~~(3) For an offender who has been determined to be a habitual 685
sexual offender or a habitual child victim offender, who is not 686
described in division (C)(2) of this section, and for whom the 687
sentencing judge has required community notification, the fees may 688
not exceed a total of fifty dollars for each registration year. 689~~

~~(4) For an offender who has been convicted of or pleaded 690
guilty to a sexually oriented offense that is not a 691
registration exempt sexually oriented offense or a child-victim 692
offense and who is not described in division (C)(2) or (3) of this 693
section, the fees may not exceed a total of twenty-five dollars 694
for each registration year. 695~~

~~(5)(4) An offender who is required to pay a fee shall retain 696
the receipts received under section 325.28 of the Revised Code for 697
payments made during the offender's registration year to establish 698
that the payment of any fee will exceed the maximum annual amount 699
permissible under this division. 700~~

~~(6)(5) The sheriff shall not refuse to register a person, 701
register a new residence address of a person, or verify the 702
current residence address of a person, who does not pay a fee the 703
sheriff requires under this section. 704~~

~~(7)(6) The sheriff shall report unpaid fees in accordance 705
with division (C) of section 325.31 of the Revised Code, and the 706
county may recover those fees in a civil action in the same manner 707
as other money due the county. 708~~

(D) Each time a person appears before the sheriff to provide 709
any registration or verification specified in division (B) of this 710
section for which the sheriff charges a fee, the sheriff shall 711
determine whether the person is able to pay the fee. In making 712
that determination, the sheriff shall determine whether the 713
person's income is less than one hundred twenty-five per cent of 714

the federal poverty level. A person whose income is equal to or 715
greater than one hundred twenty-five per cent of the federal 716
poverty level shall be considered able to pay the fee. 717

(E) If a sheriff determines a person's income is less than 718
one hundred twenty-five per cent of the federal poverty level, the 719
sheriff shall waive payment of the fee. If the sheriff determines 720
a person's income is equal to or greater than one hundred 721
twenty-five per cent of the federal poverty level, the sheriff may 722
allow the person to pay the fee in accordance with a payment 723
schedule the sheriff establishes based on the person's ability to 724
pay. The sheriff shall document any waiver or alternative fee 725
arrangement in the official registration records of the sheriff's 726
office and shall provide the offender with a written copy of any 727
waiver or alternative fee arrangement. 728

(F) All fees paid to a sheriff under this section shall be 729
paid into the county treasury to the credit of the county general 730
fund and shall be allocated to the sheriff to be used to defray 731
the costs of registering sex offenders and child-victim offenders 732
and providing community notification under Chapter 2950. of the 733
Revised Code. 734

(G) If an offender has registered with a sheriff and 735
subsequently relocates to a different county during a registration 736
year, the annual maximum amounts set forth in division (C) of this 737
section shall apply to the sheriff in the new county, and that 738
sheriff shall consider any payments already made by the offender 739
for purposes of determining when the applicable maximum has been 740
met for the offender's registration year. 741

Sec. 1923.02. (A) Proceedings under this chapter may be had 742
as follows: 743

(1) Against tenants or manufactured home park residents 744
holding over their terms; 745

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

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

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

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

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

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

(i) The tenant's landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is connected with the premises, whether or not the tenant or other

person has been charged with, has pleaded guilty to or been 777
convicted of, or has been determined to be a delinquent child for 778
an act that, if committed by an adult, would be a violation as 779
described in this division. For purposes of this division, a 780
landlord has "actual knowledge of or has reasonable cause to 781
believe" that a tenant, any person in the tenant's household, or 782
any person on the premises with the consent of the tenant 783
previously has or presently is engaged in a violation as described 784
in this division if a search warrant was issued pursuant to 785
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 786
affidavit presented to obtain the warrant named or described the 787
tenant or person as the individual to be searched and particularly 788
described the tenant's premises as the place to be searched, named 789
or described one or more controlled substances to be searched for 790
and seized, stated substantially the offense under Chapter 2925. 791
or 3719. of the Revised Code or the substantially similar 792
municipal ordinance that occurred in, is occurring in, or 793
otherwise was or is connected with the tenant's premises, and 794
states the factual basis for the affiant's belief that the 795
controlled substances are located on the tenant's premises; the 796
warrant was properly executed by a law enforcement officer and any 797
controlled substance described in the affidavit was found by that 798
officer during the search and seizure; and, subsequent to the 799
search and seizure, the landlord was informed by that or another 800
law enforcement officer of the fact that the tenant or person has 801
or presently is engaged in a violation as described in this 802
division and it occurred in, is occurring in, or otherwise was or 803
is connected with the tenant's premises. 804

(ii) The landlord gives the tenant the notice required by 805
division (C) of section 5321.17 of the Revised Code. 806

(b) The court determines, by a preponderance of the evidence, 807
that the tenant, any person in the tenant's household, or any 808

person on the premises with the consent of the tenant previously 809
has or presently is engaged in a violation as described in 810
division (A)(6)(a)(i) of this section. 811

(7) In cases arising out of Chapter 5313. of the Revised 812
Code. In those cases, the court has the authority to declare a 813
forfeiture of the vendee's rights under a land installment 814
contract and to grant any other claims arising out of the 815
contract. 816

(8) Against tenants who have breached an obligation that is 817
imposed by section 5321.05 of the Revised Code, other than the 818
obligation specified in division (A)(9) of that section, and that 819
materially affects health and safety. Prior to the commencement of 820
an action under this division, notice shall be given to the tenant 821
and compliance secured with section 5321.11 of the Revised Code. 822

(9) Against tenants who have breached an obligation imposed 823
upon them by a written rental agreement; 824

(10) Against manufactured home park residents who have 825
defaulted in the payment of rent or breached the terms of a rental 826
agreement with a manufactured home park operator. Nothing in this 827
division precludes the commencement of an action under division 828
(A)(12) of this section when the additional circumstances 829
described in that division apply. 830

(11) Against manufactured home park residents who have 831
committed two material violations of the rules of the manufactured 832
home park, of the public health council, or of applicable state 833
and local health and safety codes and who have been notified of 834
the violations in compliance with section 3733.13 of the Revised 835
Code; 836

(12) Against a manufactured home park resident, or the estate 837
of a manufactured home park resident, who has been absent from the 838
manufactured home park for a period of thirty consecutive days 839

prior to the commencement of an action under this division and 840
whose manufactured home or mobile home, or recreational vehicle 841
that is parked in the manufactured home park, has been left 842
unoccupied for that thirty-day period, without notice to the park 843
operator and without payment of rent due under the rental 844
agreement with the park operator; 845

(13) Against occupants of self-service storage facilities, as 846
defined in division (A) of section 5322.01 of the Revised Code, 847
who have breached the terms of a rental agreement or violated 848
section 5322.04 of the Revised Code; 849

(14) Against any resident or occupant who, pursuant to a 850
rental agreement, resides in or occupies residential premises 851
located within one thousand feet of any school premises and to 852
whom both of the following apply: 853

(a) The resident's or occupant's name appears on the state 854
registry of sex offenders and child-victim offenders maintained 855
under section 2950.13 of the Revised Code. 856

(b) The state registry of sex offenders and child-victim 857
offenders indicates that the resident or occupant was convicted of 858
or pleaded guilty to ~~either a sexually oriented offense that is~~ 859
~~not a registration exempt sexually oriented offense~~ or a 860
child-victim oriented offense in a criminal prosecution and was 861
not sentenced to a serious youthful offender dispositional 862
sentence for that offense. 863

(15) Against any tenant who permits any person to occupy 864
residential premises located within one thousand feet of any 865
school premises if both of the following apply to the person: 866

(a) The person's name appears on the state registry of sex 867
offenders and child-victim offenders maintained under section 868
2950.13 of the Revised Code. 869

(b) The state registry of sex offenders and child-victim 870

offenders indicates that the person was convicted of or pleaded 871
guilty to either a sexually oriented offense ~~that is not a~~ 872
~~registration exempt sexually oriented offense~~ or a child-victim 873
oriented offense in a criminal prosecution and was not sentenced 874
to a serious youthful offender dispositional sentence for that 875
offense. 876

(B) If a tenant or manufactured home park resident holding 877
under an oral tenancy is in default in the payment of rent, the 878
tenant or resident forfeits the right of occupancy, and the 879
landlord may, at the landlord's option, terminate the tenancy by 880
notifying the tenant or resident, as provided in section 1923.04 881
of the Revised Code, to leave the premises, for the restitution of 882
which an action may then be brought under this chapter. 883

(C)(1) If a tenant or any other person with the tenant's 884
permission resides in or occupies residential premises that are 885
located within one thousand feet of any school premises and is a 886
resident or occupant of the type described in division (A)(14) of 887
this section or a person of the type described in division (A)(15) 888
of this section, the landlord for those residential premises, upon 889
discovery that the tenant or other person is a resident, occupant, 890
or person of that nature, may terminate the rental agreement or 891
tenancy for those residential premises by notifying the tenant and 892
all other occupants, as provided in section 1923.04 of the Revised 893
Code, to leave the premises. 894

(2) If a landlord is authorized to terminate a rental 895
agreement or tenancy pursuant to division (C)(1) of this section 896
but does not so terminate the rental agreement or tenancy, the 897
landlord is not liable in a tort or other civil action in damages 898
for any injury, death, or loss to person or property that 899
allegedly result from that decision. 900

(D) This chapter does not apply to a student tenant as 901
defined by division (H) of section 5321.01 of the Revised Code 902

when the college or university proceeds to terminate a rental 903
agreement pursuant to section 5321.031 of the Revised Code. 904

Sec. 2151.23. (A) The juvenile court has exclusive original 905
jurisdiction under the Revised Code as follows: 906

(1) Concerning any child who on or about the date specified 907
in the complaint, indictment, or information is alleged to have 908
violated section 2151.87 of the Revised Code or an order issued 909
under that section or to be a juvenile traffic offender or a 910
delinquent, unruly, abused, neglected, or dependent child and, 911
based on and in relation to the allegation pertaining to the 912
child, concerning the parent, guardian, or other person having 913
care of a child who is alleged to be an unruly or delinquent child 914
for being an habitual or chronic truant; 915

(2) Subject to divisions (G) and (V) of section 2301.03 of 916
the Revised Code, to determine the custody of any child not a ward 917
of another court of this state; 918

(3) To hear and determine any application for a writ of 919
habeas corpus involving the custody of a child; 920

(4) To exercise the powers and jurisdiction given the probate 921
division of the court of common pleas in Chapter 5122. of the 922
Revised Code, if the court has probable cause to believe that a 923
child otherwise within the jurisdiction of the court is a mentally 924
ill person subject to hospitalization by court order, as defined 925
in section 5122.01 of the Revised Code; 926

(5) To hear and determine all criminal cases charging adults 927
with the violation of any section of this chapter; 928

(6) To hear and determine all criminal cases in which an 929
adult is charged with a violation of division (C) of section 930
2919.21, division (B)(1) of section 2919.22, section 2919.222, 931
division (B) of section 2919.23, or section 2919.24 of the Revised 932

Code, provided the charge is not included in an indictment that 933
also charges the alleged adult offender with the commission of a 934
felony arising out of the same actions that are the basis of the 935
alleged violation of division (C) of section 2919.21, division 936
(B)(1) of section 2919.22, section 2919.222, division (B) of 937
section 2919.23, or section 2919.24 of the Revised Code; 938

(7) Under the interstate compact on juveniles in section 939
2151.56 of the Revised Code; 940

(8) Concerning any child who is to be taken into custody 941
pursuant to section 2151.31 of the Revised Code, upon being 942
notified of the intent to take the child into custody and the 943
reasons for taking the child into custody; 944

(9) To hear and determine requests for the extension of 945
temporary custody agreements, and requests for court approval of 946
permanent custody agreements, that are filed pursuant to section 947
5103.15 of the Revised Code; 948

(10) To hear and determine applications for consent to marry 949
pursuant to section 3101.04 of the Revised Code; 950

(11) Subject to divisions (G) and (V) of section 2301.03 of 951
the Revised Code, to hear and determine a request for an order for 952
the support of any child if the request is not ancillary to an 953
action for divorce, dissolution of marriage, annulment, or legal 954
separation, a criminal or civil action involving an allegation of 955
domestic violence, or an action for support brought under Chapter 956
3115. of the Revised Code; 957

(12) Concerning an action commenced under section 121.38 of 958
the Revised Code; 959

(13) To hear and determine violations of section 3321.38 of 960
the Revised Code; 961

(14) To exercise jurisdiction and authority over the parent, 962

guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;

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

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

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

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

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

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

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

(6) To hear and determine a motion filed under section

3119.961 of the Revised Code;	993
(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.	994 995 996
(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;	997 998 999
(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.	1000 1001 1002 1003
(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.	1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018
(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	1019 1020 1021 1022 1023

jurisdiction to modify the judgment and decree of the court of 1024
common pleas as the same relate to the custody and support of 1025
children. 1026

(E) The juvenile court, except as provided in divisions (G) 1027
and (I) of section 2301.03 of the Revised Code, has jurisdiction 1028
to hear and determine the case of any child certified to the court 1029
by any court of competent jurisdiction if the child comes within 1030
the jurisdiction of the juvenile court as defined by this section. 1031

(F)(1) The juvenile court shall exercise its jurisdiction in 1032
child custody matters in accordance with sections 3109.04, 3127.01 1033
to 3127.53, and 5103.20 to 5103.22 of the Revised Code. 1034

(2) The juvenile court shall exercise its jurisdiction in 1035
child support matters in accordance with section 3109.05 of the 1036
Revised Code. 1037

(G) Any juvenile court that makes or modifies an order for 1038
child support shall comply with Chapters 3119., 3121., 3123., and 1039
3125. of the Revised Code. If any person required to pay child 1040
support under an order made by a juvenile court on or after April 1041
15, 1985, or modified on or after December 1, 1986, is found in 1042
contempt of court for failure to make support payments under the 1043
order, the court that makes the finding, in addition to any other 1044
penalty or remedy imposed, shall assess all court costs arising 1045
out of the contempt proceeding against the person and require the 1046
person to pay any reasonable attorney's fees of any adverse party, 1047
as determined by the court, that arose in relation to the act of 1048
contempt. 1049

(H) If a child who is charged with an act that would be an 1050
offense if committed by an adult was fourteen years of age or 1051
older and under eighteen years of age at the time of the alleged 1052
act and if the case is transferred for criminal prosecution 1053
pursuant to section 2152.12 of the Revised Code, the juvenile 1054

court does not have jurisdiction to hear or determine the case 1055
subsequent to the transfer. The court to which the case is 1056
transferred for criminal prosecution pursuant to that section has 1057
jurisdiction subsequent to the transfer to hear and determine the 1058
case in the same manner as if the case originally had been 1059
commenced in that court, including, but not limited to, 1060
jurisdiction to accept a plea of guilty or another plea authorized 1061
by Criminal Rule 11 or another section of the Revised Code and 1062
jurisdiction to accept a verdict and to enter a judgment of 1063
conviction pursuant to the Rules of Criminal Procedure against the 1064
child for the commission of the offense that was the basis of the 1065
transfer of the case for criminal prosecution, whether the 1066
conviction is for the same degree or a lesser degree of the 1067
offense charged, for the commission of a lesser-included offense, 1068
or for the commission of another offense that is different from 1069
the offense charged. 1070

(I) If a person under eighteen years of age allegedly commits 1071
an act that would be a felony if committed by an adult and if the 1072
person is not taken into custody or apprehended for that act until 1073
after the person attains twenty-one years of age, the juvenile 1074
court does not have jurisdiction to hear or determine any portion 1075
of the case charging the person with committing that act. In those 1076
circumstances, divisions (A) and (B) of section 2152.12 of the 1077
Revised Code do not apply regarding the act, and the case charging 1078
the person with committing the act shall be a criminal prosecution 1079
commenced and heard in the appropriate court having jurisdiction 1080
of the offense as if the person had been eighteen years of age or 1081
older when the person committed the act. All proceedings 1082
pertaining to the act shall be within the jurisdiction of the 1083
court having jurisdiction of the offense, and that court has all 1084
the authority and duties in the case that it has in other criminal 1085
cases in that court. 1086

Sec. 2152.821 <u>2151.811</u>. (A) As used in this section:	1087
(1) "Mentally retarded person" and "developmentally disabled person" have the same meanings as in section 5123.01 of the Revised Code.	1088 1089 1090
(2) "Mentally retarded or developmentally disabled victim" includes any of the following persons:	1091 1092
(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;	1093 1094 1095 1096
(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.	1097 1098 1099 1100 1101
(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	1102 1103 1104 1105 1106 1107 1108 1109 1110 1111 1112 1113 1114 1115 1116 1117

the deposition. The notice shall identify the mentally retarded or 1118
developmentally disabled victim who is to be examined and shall 1119
indicate whether a request that the deposition be videotaped has 1120
been made. The child who is charged with the violation or act 1121
shall have the right to attend the deposition and the right to be 1122
represented by counsel. Depositions shall be taken in the manner 1123
provided in civil cases, except that the judge in the proceeding 1124
shall preside at the taking of the deposition and shall rule at 1125
that time on any objections of the prosecution or the attorney for 1126
the child charged with the violation or act. The prosecution and 1127
the attorney for the child charged with the violation or act shall 1128
have the right, as at an adjudication hearing, to full examination 1129
and cross-examination of the mentally retarded or developmentally 1130
disabled victim whose deposition is to be taken. 1131

If a deposition taken under this division is intended to be 1132
offered as evidence in the proceeding, it shall be filed in the 1133
juvenile court in which the action is pending and is admissible in 1134
the manner described in division (C) of this section. If a 1135
deposition of a mentally retarded or developmentally disabled 1136
victim taken under this division is admitted as evidence at the 1137
proceeding under division (C) of this section, the mentally 1138
retarded or developmentally disabled victim shall not be required 1139
to testify in person at the proceeding. 1140

At any time before the conclusion of the proceeding, the 1141
attorney for the child charged with the violation or act may file 1142
a motion with the judge requesting that another deposition of the 1143
mentally retarded or developmentally disabled victim be taken 1144
because new evidence material to the defense of the child charged 1145
has been discovered that the attorney for the child charged could 1146
not with reasonable diligence have discovered prior to the taking 1147
of the admitted deposition. Any motion requesting another 1148
deposition shall be accompanied by supporting affidavits. Upon the 1149

filing of the motion and affidavits, the court may order that 1150
additional testimony of the mentally retarded or developmentally 1151
disabled victim relative to the new evidence be taken by another 1152
deposition. If the court orders the taking of another deposition 1153
under this provision, the deposition shall be taken in accordance 1154
with this division. If the admitted deposition was a videotaped 1155
deposition taken in accordance with division (B)(2) of this 1156
section, the new deposition also shall be videotaped in accordance 1157
with that division. In other cases, the new deposition may be 1158
videotaped in accordance with that division. 1159

(2) If the prosecution requests that a deposition to be taken 1160
under division (B)(1) of this section be videotaped, the juvenile 1161
judge shall order that the deposition be videotaped in accordance 1162
with this division. If a juvenile judge issues an order to video 1163
tape the deposition, the judge shall exclude from the room in 1164
which the deposition is to be taken every person except the 1165
mentally retarded or developmentally disabled victim giving the 1166
testimony, the judge, one or more interpreters if needed, the 1167
attorneys for the prosecution and the child who is charged with 1168
the violation or act, any person needed to operate the equipment 1169
to be used, one person chosen by the mentally retarded or 1170
developmentally disabled victim giving the deposition, and any 1171
person whose presence the judge determines would contribute to the 1172
welfare and well-being of the mentally retarded or developmentally 1173
disabled victim giving the deposition. The person chosen by the 1174
mentally retarded or developmentally disabled victim shall not be 1175
a witness in the proceeding and, both before and during the 1176
deposition, shall not discuss the testimony of the victim with any 1177
other witness in the proceeding. To the extent feasible, any 1178
person operating the recording equipment shall be restricted to a 1179
room adjacent to the room in which the deposition is being taken, 1180
or to a location in the room in which the deposition is being 1181
taken that is behind a screen or mirror so that the person 1182

operating the recording equipment can see and hear, but cannot be 1183
seen or heard by, the mentally retarded or developmentally 1184
disabled victim giving the deposition during the deposition. 1185

The child who is charged with the violation or act shall be 1186
permitted to observe and hear the testimony of the mentally 1187
retarded or developmentally disabled victim giving the deposition 1188
on a monitor, shall be provided with an electronic means of 1189
immediate communication with the attorney of the child who is 1190
charged with the violation or act during the testimony, and shall 1191
be restricted to a location from which the child who is charged 1192
with the violation or act cannot be seen or heard by the mentally 1193
retarded or developmentally disabled victim giving the deposition, 1194
except on a monitor provided for that purpose. The mentally 1195
retarded or developmentally disabled victim giving the deposition 1196
shall be provided with a monitor on which the mentally retarded or 1197
developmentally disabled victim can observe, while giving 1198
testimony, the child who is charged with the violation or act. The 1199
judge, at the judge's discretion, may preside at the deposition by 1200
electronic means from outside the room in which the deposition is 1201
to be taken; if the judge presides by electronic means, the judge 1202
shall be provided with monitors on which the judge can see each 1203
person in the room in which the deposition is to be taken and with 1204
an electronic means of communication with each person in that 1205
room, and each person in the room shall be provided with a monitor 1206
on which that person can see the judge and with an electronic 1207
means of communication with the judge. A deposition that is 1208
videotaped under this division shall be taken and filed in the 1209
manner described in division (B)(1) of this section and is 1210
admissible in the manner described in this division and division 1211
(C) of this section. If a deposition that is videotaped under this 1212
division is admitted as evidence at the proceeding, the mentally 1213
retarded or developmentally disabled victim shall not be required 1214
to testify in person at the proceeding. No deposition videotaped 1215

under this division shall be admitted as evidence at any 1216
proceeding unless division (C) of this section is satisfied 1217
relative to the deposition and all of the following apply relative 1218
to the recording: 1219

(a) The recording is both aural and visual and is recorded on 1220
film or videotape, or by other electronic means. 1221

(b) The recording is authenticated under the Rules of 1222
Evidence and the Rules of Criminal Procedure as a fair and 1223
accurate representation of what occurred, and the recording is not 1224
altered other than at the direction and under the supervision of 1225
the judge in the proceeding. 1226

(c) Each voice on the recording that is material to the 1227
testimony on the recording or the making of the recording, as 1228
determined by the judge, is identified. 1229

(d) Both the prosecution and the child who is charged with 1230
the violation or act are afforded an opportunity to view the 1231
recording before it is shown in the proceeding. 1232

(C)(1) At any proceeding in relation to which a deposition 1233
was taken under division (B) of this section, the deposition or a 1234
part of it is admissible in evidence upon motion of the 1235
prosecution if the testimony in the deposition or the part to be 1236
admitted is not excluded by the hearsay rule and if the deposition 1237
or the part to be admitted otherwise is admissible under the Rules 1238
of Evidence. For purposes of this division, testimony is not 1239
excluded by the hearsay rule if the testimony is not hearsay under 1240
Evidence Rule 801; the testimony is within an exception to the 1241
hearsay rule set forth in Evidence Rule 803; the mentally retarded 1242
or developmentally disabled victim who gave the testimony is 1243
unavailable as a witness, as defined in Evidence Rule 804, and the 1244
testimony is admissible under that rule; or both of the following 1245
apply: 1246

(a) The child who is charged with the violation or act had an opportunity and similar motive at the time of the taking of the deposition to develop the testimony by direct, cross, or redirect examination.

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

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

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

(D) In any proceeding in juvenile court involving a complaint, indictment, or information in which a child is charged with a violation listed in division (B)(1) of this section 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 offense was a mentally retarded or developmentally disabled person, the prosecution may file a motion with the juvenile judge requesting the judge to order the testimony of the mentally retarded or developmentally disabled victim to be taken in a room other than the room in which the proceeding is being conducted and be

televised, by closed circuit equipment, into the room in which the proceeding is being conducted to be viewed by the child who is charged with the violation or act and any other persons who are not permitted in the room in which the testimony is to be taken but who would have been present during the testimony of the mentally retarded or developmentally disabled victim had it been given in the room in which the proceeding is being conducted. Except for good cause shown, the prosecution shall file a motion under this division at least seven days before the date of the proceeding. The juvenile judge may issue the order upon the motion of the prosecution filed under this division, if the judge determines that the mentally retarded or developmentally disabled victim is unavailable to testify in the room in which the proceeding is being conducted in the physical presence of the child charged with the violation or act for one or more of the reasons set forth in division (F) of this section. If a juvenile judge issues an order of that nature, the judge shall exclude from the room in which the testimony is to be taken every person except a person described in division (B)(2) of this section. The judge, at the judge's discretion, may preside during the giving of the testimony by electronic means from outside the room in which it is being given, subject to the limitations set forth in division (B)(2) of this section. To the extent feasible, any person operating the televising equipment shall be hidden from the sight and hearing of the mentally retarded or developmentally disabled victim giving the testimony, in a manner similar to that described in division (B)(2) of this section. The child who is charged with the violation or act shall be permitted to observe and hear the testimony of the mentally retarded or developmentally disabled victim giving the testimony on a monitor, shall be provided with an electronic means of immediate communication with the attorney of the child who is charged with the violation or act during the testimony, and shall be restricted to a location from which the

child who is charged with the violation or act cannot be seen or 1312
heard by the mentally retarded or developmentally disabled victim 1313
giving the testimony, except on a monitor provided for that 1314
purpose. The mentally retarded or developmentally disabled victim 1315
giving the testimony shall be provided with a monitor on which the 1316
mentally retarded or developmentally disabled victim can observe, 1317
while giving testimony, the child who is charged with the 1318
violation or act. 1319

(E) In any proceeding in juvenile court involving a 1320
complaint, indictment, or information in which a child is charged 1321
with a violation listed in division (B)(1) of this section or an 1322
act that would be an offense of violence if committed by an adult 1323
and in which an alleged victim of the violation or offense was a 1324
mentally retarded or developmentally disabled person, the 1325
prosecution may file a motion with the juvenile judge requesting 1326
the judge to order the testimony of the mentally retarded or 1327
developmentally disabled victim to be taken outside of the room in 1328
which the proceeding is being conducted and be recorded for 1329
showing in the room in which the proceeding is being conducted 1330
before the judge, the child who is charged with the violation or 1331
act, and any other persons who would have been present during the 1332
testimony of the mentally retarded or developmentally disabled 1333
victim had it been given in the room in which the proceeding is 1334
being conducted. Except for good cause shown, the prosecution 1335
shall file a motion under this division at least seven days before 1336
the date of the proceeding. The juvenile judge may issue the order 1337
upon the motion of the prosecution filed under this division, if 1338
the judge determines that the mentally retarded or developmentally 1339
disabled victim is unavailable to testify in the room in which the 1340
proceeding is being conducted in the physical presence of the 1341
child charged with the violation or act, due to one or more of the 1342
reasons set forth in division (F) of this section. If a juvenile 1343
judge issues an order of that nature, the judge shall exclude from 1344

the room in which the testimony is to be taken every person except 1345
a person described in division (B)(2) of this section. To the 1346
extent feasible, any person operating the recording equipment 1347
shall be hidden from the sight and hearing of the mentally 1348
retarded or developmentally disabled victim giving the testimony, 1349
in a manner similar to that described in division (B)(2) of this 1350
section. The child who is charged with the violation or act shall 1351
be permitted to observe and hear the testimony of the mentally 1352
retarded or developmentally disabled victim giving the testimony 1353
on a monitor, shall be provided with an electronic means of 1354
immediate communication with the attorney of the child who is 1355
charged with the violation or act during the testimony, and shall 1356
be restricted to a location from which the child who is charged 1357
with the violation or act cannot be seen or heard by the mentally 1358
retarded or developmentally disabled victim giving the testimony, 1359
except on a monitor provided for that purpose. The mentally 1360
retarded or developmentally disabled victim giving the testimony 1361
shall be provided with a monitor on which the mentally retarded or 1362
developmentally disabled victim can observe, while giving 1363
testimony, the child who is charged with the violation or act. No 1364
order for the taking of testimony by recording shall be issued 1365
under this division unless the provisions set forth in divisions 1366
(B)(2)(a), (b), (c), and (d) of this section apply to the 1367
recording of the testimony. 1368

(F) For purposes of divisions (D) and (E) of this section, a 1369
juvenile judge may order the testimony of a mentally retarded or 1370
developmentally disabled victim to be taken outside of the room in 1371
which a proceeding is being conducted if the judge determines that 1372
the mentally retarded or developmentally disabled victim is 1373
unavailable to testify in the room in the physical presence of the 1374
child charged with the violation or act due to one or more of the 1375
following circumstances: 1376

(1) The persistent refusal of the mentally retarded or 1377
developmentally disabled victim to testify despite judicial 1378
requests to do so; 1379

(2) The inability of the mentally retarded or developmentally 1380
disabled victim to communicate about the alleged violation or 1381
offense because of extreme fear, failure of memory, or another 1382
similar reason; 1383

(3) The substantial likelihood that the mentally retarded or 1384
developmentally disabled victim will suffer serious emotional 1385
trauma from so testifying. 1386

(G)(1) If a juvenile judge issues an order pursuant to 1387
division (D) or (E) of this section that requires the testimony of 1388
a mentally retarded or developmentally disabled victim in a 1389
juvenile court proceeding to be taken outside of the room in which 1390
the proceeding is being conducted, the order shall specifically 1391
identify the mentally retarded or developmentally disabled victim 1392
to whose testimony it applies, the order applies only during the 1393
testimony of the specified mentally retarded or developmentally 1394
disabled victim, and the mentally retarded or developmentally 1395
disabled victim giving the testimony shall not be required to 1396
testify at the proceeding other than in accordance with the order. 1397
The authority of a judge to close the taking of a deposition under 1398
division (B)(2) of this section or a proceeding under division (D) 1399
or (E) of this section is in addition to the authority of a judge 1400
to close a hearing pursuant to section 2151.35 of the Revised 1401
Code. 1402

(2) A juvenile judge who makes any determination regarding 1403
the admissibility of a deposition under divisions (B) and (C) of 1404
this section, the videotaping of a deposition under division 1405
(B)(2) of this section, or the taking of testimony outside of the 1406
room in which a proceeding is being conducted under division (D) 1407
or (E) of this section shall enter the determination and findings 1408

on the record in the proceeding. 1409

Sec. 2152.02. As used in this chapter: 1410

(A) "Act charged" means the act that is identified in a 1411
complaint, indictment, or information alleging that a child is a 1412
delinquent child. 1413

(B) "Admitted to a department of youth services facility" 1414
includes admission to a facility operated, or contracted for, by 1415
the department and admission to a comparable facility outside this 1416
state by another state or the United States. 1417

(C)(1) "Child" means a person who is under eighteen years of 1418
age, except as otherwise provided in divisions (C)(2) to (6) of 1419
this section. 1420

(2) Subject to division (C)(3) of this section, any person 1421
who violates a federal or state law or a municipal ordinance prior 1422
to attaining eighteen years of age shall be deemed a "child" 1423
irrespective of that person's age at the time the complaint with 1424
respect to that violation is filed or the hearing on the complaint 1425
is held. 1426

(3) Any person who, while under eighteen years of age, 1427
commits an act that would be a felony if committed by an adult and 1428
who is not taken into custody or apprehended for that act until 1429
after the person attains twenty-one years of age is not a child in 1430
relation to that act. 1431

(4) Any person whose case is transferred for criminal 1432
prosecution pursuant to section 2152.12 of the Revised Code shall 1433
be deemed after the transfer not to be a child in the transferred 1434
case. 1435

(5) Any person whose case is transferred for criminal 1436
prosecution pursuant to section 2152.12 of the Revised Code and 1437
who subsequently is convicted of or pleads guilty to a felony in 1438

that case, and any person who is adjudicated a delinquent child 1439
for the commission of an act, who has a serious youthful offender 1440
dispositional sentence imposed for the act pursuant to section 1441
2152.13 of the Revised Code, and whose adult portion of the 1442
dispositional sentence is invoked pursuant to section 2152.14 of 1443
the Revised Code, shall be deemed after the transfer or invocation 1444
not to be a child in any case in which a complaint is filed 1445
against the person. 1446

(6) The juvenile court has jurisdiction over a person who is 1447
adjudicated a delinquent child or juvenile traffic offender prior 1448
to attaining eighteen years of age until the person attains 1449
twenty-one years of age, and, for purposes of that jurisdiction 1450
related to that adjudication, except as otherwise provided in this 1451
division, a person who is so adjudicated a delinquent child or 1452
juvenile traffic offender shall be deemed a "child" until the 1453
person attains twenty-one years of age. If a person is so 1454
adjudicated a delinquent child or juvenile traffic offender and 1455
the court makes a disposition of the person under this chapter, at 1456
any time after the person attains eighteen years of age, the 1457
places at which the person may be held under that disposition are 1458
not limited to places authorized under this chapter solely for 1459
confinement of children, and the person may be confined under that 1460
disposition, in accordance with division (F)(2) of section 2152.26 1461
of the Revised Code, in places other than those authorized under 1462
this chapter solely for confinement of children. 1463

(D) "Chronic truant" means any child of compulsory school age 1464
who is absent without legitimate excuse for absence from the 1465
public school the child is supposed to attend for seven or more 1466
consecutive school days, ten or more school days in one school 1467
month, or fifteen or more school days in a school year. 1468

(E) "Community corrections facility," "public safety beds," 1469
"release authority," and "supervised release" have the same 1470

meanings as in section 5139.01 of the Revised Code.	1471
(F) "Delinquent child" includes any of the following:	1472
(1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;	1473 1474 1475 1476
(2) Any child who violates any lawful order of the court made under this chapter or under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code;	1477 1478 1479 1480
(3) Any child who violates division (C) of section 2907.39 or division (A) of section 2923.211, or division (C)(1) or (D) of section 2925.55 of the Revised Code;	1481 1482 1483
(4) Any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant;	1484 1485
(5) Any child who is a chronic truant.	1486
(G) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.	1487 1488 1489
(H) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.	1490 1491 1492 1493
(I) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.	1494 1495 1496
(J) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.	1497 1498 1499
(K) "Electronic monitoring" and "electronic monitoring	1500

device" have the same meanings as in section 2929.01 of the Revised Code.

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

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

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

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

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

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

(R) "Mandatory transfer" means that a case is required to be

transferred for criminal prosecution under division (A) of section 1532
2152.12 of the Revised Code. 1533

(S) "Mental illness" has the same meaning as in section 1534
5122.01 of the Revised Code. 1535

(T) "Mentally retarded person" has the same meaning as in 1536
section 5123.01 of the Revised Code. 1537

(U) "Monitored time" and "repeat violent offender" have the 1538
same meanings as in section 2929.01 of the Revised Code. 1539

(V) "Of compulsory school age" has the same meaning as in 1540
section 3321.01 of the Revised Code. 1541

(W) "Public record" has the same meaning as in section 149.43 1542
of the Revised Code. 1543

(X) "Serious youthful offender" means a person who is 1544
eligible for a mandatory SYO or discretionary SYO but who is not 1545
transferred to adult court under a mandatory or discretionary 1546
transfer. 1547

(Y) "Sexually oriented offense," ~~"habitual sex offender,"~~ 1548
"juvenile offender registrant," ~~"sexual predator," "presumptive~~ 1549
~~registration exempt sexually oriented offense,"~~ 1550
~~"registration exempt sexually oriented offense,"~~ "child-victim 1551
oriented offense," ~~"habitual child victim offender," and~~ 1552
~~"child victim predator" "tier I sex offender/child-victim~~ 1553
~~offender," "tier II sex offender/child-victim offender," "tier III~~ 1554
~~sex offender/child-victim offender," and "public~~ 1555
~~registry-qualified juvenile offender registrant" have the same~~ 1556
meanings as in section 2950.01 of the Revised Code. 1557

(Z) "Traditional juvenile" means a case that is not 1558
transferred to adult court under a mandatory or discretionary 1559
transfer, that is eligible for a disposition under sections 1560
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1561

that is not eligible for a disposition under section 2152.13 of 1562
the Revised Code. 1563

(AA) "Transfer" means the transfer for criminal prosecution 1564
of a case involving the alleged commission by a child of an act 1565
that would be an offense if committed by an adult from the 1566
juvenile court to the appropriate court that has jurisdiction of 1567
the offense. 1568

(BB) "Category one offense" means any of the following: 1569

(1) A violation of section 2903.01 or 2903.02 of the Revised 1570
Code; 1571

(2) A violation of section 2923.02 of the Revised Code 1572
involving an attempt to commit aggravated murder or murder. 1573

(CC) "Category two offense" means any of the following: 1574

(1) A violation of section 2903.03, 2905.01, 2907.02, 1575
2909.02, 2911.01, or 2911.11 of the Revised Code; 1576

(2) A violation of section 2903.04 of the Revised Code that 1577
is a felony of the first degree; 1578

(3) A violation of section 2907.12 of the Revised Code as it 1579
existed prior to September 3, 1996. 1580

(DD) "Non-economic loss" means nonpecuniary harm suffered by 1581
a victim of a delinquent act or juvenile traffic offense as a 1582
result of or related to the delinquent act or juvenile traffic 1583
offense, including, but not limited to, pain and suffering; loss 1584
of society, consortium, companionship, care, assistance, 1585
attention, protection, advice, guidance, counsel, instruction, 1586
training, or education; mental anguish; and any other intangible 1587
loss. 1588

Sec. 2152.19. (A) If a child is adjudicated a delinquent 1589
child, the court may make any of the following orders of 1590

disposition, in addition to any other disposition authorized or 1591
required by this chapter: 1592

(1) Any order that is authorized by section 2151.353 of the 1593
Revised Code for the care and protection of an abused, neglected, 1594
or dependent child; 1595

(2) Commit the child to the temporary custody of any school, 1596
camp, institution, or other facility operated for the care of 1597
delinquent children by the county, by a district organized under 1598
section 2152.41 or 2151.65 of the Revised Code, or by a private 1599
agency or organization, within or without the state, that is 1600
authorized and qualified to provide the care, treatment, or 1601
placement required, including, but not limited to, a school, camp, 1602
or facility operated under section 2151.65 of the Revised Code; 1603

(3) Place the child in a detention facility or district 1604
detention facility operated under section 2152.41 of the Revised 1605
Code, for up to ninety days; 1606

(4) Place the child on community control under any sanctions, 1607
services, and conditions that the court prescribes. As a condition 1608
of community control in every case and in addition to any other 1609
condition that it imposes upon the child, the court shall require 1610
the child to abide by the law during the period of community 1611
control. As referred to in this division, community control 1612
includes, but is not limited to, the following sanctions and 1613
conditions: 1614

(a) A period of basic probation supervision in which the 1615
child is required to maintain contact with a person appointed to 1616
supervise the child in accordance with sanctions imposed by the 1617
court; 1618

(b) A period of intensive probation supervision in which the 1619
child is required to maintain frequent contact with a person 1620
appointed by the court to supervise the child while the child is 1621

seeking or maintaining employment and participating in training, 1622
education, and treatment programs as the order of disposition; 1623

(c) A period of day reporting in which the child is required 1624
each day to report to and leave a center or another approved 1625
reporting location at specified times in order to participate in 1626
work, education or training, treatment, and other approved 1627
programs at the center or outside the center; 1628

(d) A period of community service of up to five hundred hours 1629
for an act that would be a felony or a misdemeanor of the first 1630
degree if committed by an adult, up to two hundred hours for an 1631
act that would be a misdemeanor of the second, third, or fourth 1632
degree if committed by an adult, or up to thirty hours for an act 1633
that would be a minor misdemeanor if committed by an adult; 1634

(e) A requirement that the child obtain a high school 1635
diploma, a certificate of high school equivalence, vocational 1636
training, or employment; 1637

(f) A period of drug and alcohol use monitoring; 1638

(g) A requirement of alcohol or drug assessment or 1639
counseling, or a period in an alcohol or drug treatment program 1640
with a level of security for the child as determined necessary by 1641
the court; 1642

(h) A period in which the court orders the child to observe a 1643
curfew that may involve daytime or evening hours; 1644

(i) A requirement that the child serve monitored time; 1645

(j) A period of house arrest without electronic monitoring or 1646
continuous alcohol monitoring; 1647

(k) A period of electronic monitoring or continuous alcohol 1648
monitoring without house arrest, or house arrest with electronic 1649
monitoring or continuous alcohol monitoring or both electronic 1650
monitoring and continuous alcohol monitoring, that does not exceed 1651

the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act.

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

Unless ordered by the court, a child shall not receive credit for any time served on house arrest with electronic monitoring or continuous alcohol monitoring or both toward any other dispositional order imposed upon the child for the act for which was imposed the dispositional order of house arrest with

electronic monitoring or continuous alcohol monitoring. As used in 1684
this division and division (A)(4)(1) of this section, "continuous 1685
alcohol monitoring" has the same meaning as in section 2929.01 of 1686
the Revised Code. 1687

(1) A suspension of the driver's license, probationary 1688
driver's license, or temporary instruction permit issued to the 1689
child for a period of time prescribed by the court, or a 1690
suspension of the registration of all motor vehicles registered in 1691
the name of the child for a period of time prescribed by the 1692
court. A child whose license or permit is so suspended is 1693
ineligible for issuance of a license or permit during the period 1694
of suspension. At the end of the period of suspension, the child 1695
shall not be reissued a license or permit until the child has paid 1696
any applicable reinstatement fee and complied with all 1697
requirements governing license reinstatement. 1698

(5) Commit the child to the custody of the court; 1699

(6) Require the child to not be absent without legitimate 1700
excuse from the public school the child is supposed to attend for 1701
five or more consecutive days, seven or more school days in one 1702
school month, or twelve or more school days in a school year; 1703

(7)(a) If a child is adjudicated a delinquent child for being 1704
a chronic truant or a habitual truant who previously has been 1705
adjudicated an unruly child for being a habitual truant, do either 1706
or both of the following: 1707

(i) Require the child to participate in a truancy prevention 1708
mediation program; 1709

(ii) Make any order of disposition as authorized by this 1710
section, except that the court shall not commit the child to a 1711
facility described in division (A)(2) or (3) of this section 1712
unless the court determines that the child violated a lawful court 1713
order made pursuant to division (C)(1)(e) of section 2151.354 of 1714

the Revised Code or division (A)(6) of this section. 1715

(b) If a child is adjudicated a delinquent child for being a 1716
chronic truant or a habitual truant who previously has been 1717
adjudicated an unruly child for being a habitual truant and the 1718
court determines that the parent, guardian, or other person having 1719
care of the child has failed to cause the child's attendance at 1720
school in violation of section 3321.38 of the Revised Code, do 1721
either or both of the following: 1722

(i) Require the parent, guardian, or other person having care 1723
of the child to participate in a truancy prevention mediation 1724
program; 1725

(ii) Require the parent, guardian, or other person having 1726
care of the child to participate in any community service program, 1727
preferably a community service program that requires the 1728
involvement of the parent, guardian, or other person having care 1729
of the child in the school attended by the child. 1730

(8) Make any further disposition that the court finds proper, 1731
except that the child shall not be placed in any of the following: 1732

(a) A state correctional institution, a county, multicounty, 1733
or municipal jail or workhouse, or another place in which an adult 1734
convicted of a crime, under arrest, or charged with a crime is 1735
held; 1736

(b) A community corrections facility, if the child would be 1737
covered by the definition of public safety beds for purposes of 1738
sections 5139.41 to 5139.43 of the Revised Code if the court 1739
exercised its authority to commit the child to the legal custody 1740
of the department of youth services for institutionalization or 1741
institutionalization in a secure facility pursuant to this 1742
chapter. 1743

(B) If a child is adjudicated a delinquent child, in addition 1744
to any order of disposition made under division (A) of this 1745

section, the court, in the following situations and for the 1746
specified periods of time, shall suspend the child's temporary 1747
instruction permit, restricted license, probationary driver's 1748
license, or nonresident operating privilege, or suspend the 1749
child's ability to obtain such a permit: 1750

(1) If the child is adjudicated a delinquent child for 1751
violating section 2923.122 of the Revised Code, impose a class 1752
four suspension of the child's license, permit, or privilege from 1753
the range specified in division (A)(4) of section 4510.02 of the 1754
Revised Code or deny the child the issuance of a license or permit 1755
in accordance with division (F)(1) of section 2923.122 of the 1756
Revised Code. 1757

(2) If the child is adjudicated a delinquent child for 1758
committing an act that if committed by an adult would be a drug 1759
abuse offense or for violating division (B) of section 2917.11 of 1760
the Revised Code, suspend the child's license, permit, or 1761
privilege for a period of time prescribed by the court. The court, 1762
in its discretion, may terminate the suspension if the child 1763
attends and satisfactorily completes a drug abuse or alcohol abuse 1764
education, intervention, or treatment program specified by the 1765
court. During the time the child is attending a program described 1766
in this division, the court shall retain the child's temporary 1767
instruction permit, probationary driver's license, or driver's 1768
license, and the court shall return the permit or license if it 1769
terminates the suspension as described in this division. 1770

(C) The court may establish a victim-offender mediation 1771
program in which victims and their offenders meet to discuss the 1772
offense and suggest possible restitution. If the court obtains the 1773
assent of the victim of the delinquent act committed by the child, 1774
the court may require the child to participate in the program. 1775

(D)(1) If a child is adjudicated a delinquent child for 1776
committing an act that would be a felony if committed by an adult 1777

and if the child caused, attempted to cause, threatened to cause, 1778
or created a risk of physical harm to the victim of the act, the 1779
court, prior to issuing an order of disposition under this 1780
section, shall order the preparation of a victim impact statement 1781
by the probation department of the county in which the victim of 1782
the act resides, by the court's own probation department, or by a 1783
victim assistance program that is operated by the state, a county, 1784
a municipal corporation, or another governmental entity. The court 1785
shall consider the victim impact statement in determining the 1786
order of disposition to issue for the child. 1787

(2) Each victim impact statement shall identify the victim of 1788
the act for which the child was adjudicated a delinquent child, 1789
itemize any economic loss suffered by the victim as a result of 1790
the act, identify any physical injury suffered by the victim as a 1791
result of the act and the seriousness and permanence of the 1792
injury, identify any change in the victim's personal welfare or 1793
familial relationships as a result of the act and any 1794
psychological impact experienced by the victim or the victim's 1795
family as a result of the act, and contain any other information 1796
related to the impact of the act upon the victim that the court 1797
requires. 1798

(3) A victim impact statement shall be kept confidential and 1799
is not a public record. However, the court may furnish copies of 1800
the statement to the department of youth services if the 1801
delinquent child is committed to the department or to both the 1802
adjudicated delinquent child or the adjudicated delinquent child's 1803
counsel and the prosecuting attorney. The copy of a victim impact 1804
statement furnished by the court to the department pursuant to 1805
this section shall be kept confidential and is not a public 1806
record. If an officer is preparing pursuant to section 2947.06 or 1807
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 1808
investigation report pertaining to a person, the court shall make 1809

available to the officer, for use in preparing the report, a copy 1810
of any victim impact statement regarding that person. The copies 1811
of a victim impact statement that are made available to the 1812
adjudicated delinquent child or the adjudicated delinquent child's 1813
counsel and the prosecuting attorney pursuant to this division 1814
shall be returned to the court by the person to whom they were 1815
made available immediately following the imposition of an order of 1816
disposition for the child under this chapter. 1817

The copy of a victim impact statement that is made available 1818
pursuant to this division to an officer preparing a criminal 1819
presentence investigation report shall be returned to the court by 1820
the officer immediately following its use in preparing the report. 1821

(4) The department of youth services shall work with local 1822
probation departments and victim assistance programs to develop a 1823
standard victim impact statement. 1824

(E) If a child is adjudicated a delinquent child for being a 1825
chronic truant or a habitual truant who previously has been 1826
adjudicated an unruly child for being a habitual truant and the 1827
court determines that the parent, guardian, or other person having 1828
care of the child has failed to cause the child's attendance at 1829
school in violation of section 3321.38 of the Revised Code, in 1830
addition to any order of disposition it makes under this section, 1831
the court shall warn the parent, guardian, or other person having 1832
care of the child that any subsequent adjudication of the child as 1833
an unruly or delinquent child for being a habitual or chronic 1834
truant may result in a criminal charge against the parent, 1835
guardian, or other person having care of the child for a violation 1836
of division (C) of section 2919.21 or section 2919.24 of the 1837
Revised Code. 1838

(F)(1) During the period of a delinquent child's community 1839
control granted under this section, authorized probation officers 1840
who are engaged within the scope of their supervisory duties or 1841

responsibilities may search, with or without a warrant, the person 1842
of the delinquent child, the place of residence of the delinquent 1843
child, and a motor vehicle, another item of tangible or intangible 1844
personal property, or other real property in which the delinquent 1845
child has a right, title, or interest or for which the delinquent 1846
child has the express or implied permission of a person with a 1847
right, title, or interest to use, occupy, or possess if the 1848
probation officers have reasonable grounds to believe that the 1849
delinquent child is not abiding by the law or otherwise is not 1850
complying with the conditions of the delinquent child's community 1851
control. The court that places a delinquent child on community 1852
control under this section shall provide the delinquent child with 1853
a written notice that informs the delinquent child that authorized 1854
probation officers who are engaged within the scope of their 1855
supervisory duties or responsibilities may conduct those types of 1856
searches during the period of community control if they have 1857
reasonable grounds to believe that the delinquent child is not 1858
abiding by the law or otherwise is not complying with the 1859
conditions of the delinquent child's community control. The court 1860
also shall provide the written notice described in division (E)(2) 1861
of this section to each parent, guardian, or custodian of the 1862
delinquent child who is described in that division. 1863

(2) The court that places a child on community control under 1864
this section shall provide the child's parent, guardian, or other 1865
custodian with a written notice that informs them that authorized 1866
probation officers may conduct searches pursuant to division 1867
(E)(1) of this section. The notice shall specifically state that a 1868
permissible search might extend to a motor vehicle, another item 1869
of tangible or intangible personal property, or a place of 1870
residence or other real property in which a notified parent, 1871
guardian, or custodian has a right, title, or interest and that 1872
the parent, guardian, or custodian expressly or impliedly permits 1873
the child to use, occupy, or possess. 1874

(G) If a juvenile court commits a delinquent child to the custody of any person, organization, or entity pursuant to this section and if the delinquent act for which the child is so committed is a sexually oriented offense ~~that is not a registration exempt sexually oriented offense~~ or is a child-victim oriented offense, the court in the order of disposition shall do one of the following:

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

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

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

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

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

Sec. 2152.22. (A) When a child is committed to the legal 1905
custody of the department of youth services under this chapter, 1906
the juvenile court relinquishes control with respect to the child 1907
so committed, except as provided in divisions (B), (C), and (G) of 1908
this section or in sections 2152.82 to ~~2152.85~~ 2152.86 of the 1909
Revised Code. Subject to divisions (B) and (C) of this section, 1910
sections 2151.353 and 2151.412 to 2151.421 of the Revised Code, 1911
sections 2152.82 to ~~2152.85~~ 2152.86 of the Revised Code, and any 1912
other provision of law that specifies a different duration for a 1913
dispositional order, all other dispositional orders made by the 1914
court under this chapter shall be temporary and shall continue for 1915
a period that is designated by the court in its order, until 1916
terminated or modified by the court or until the child attains 1917
twenty-one years of age. 1918

The department shall not release the child from a department 1919
facility and as a result shall not discharge the child or order 1920
the child's release on supervised release prior to the expiration 1921
of the minimum period specified by the court in division (A)(1) of 1922
section 2152.16 of the Revised Code and any term of commitment 1923
imposed under section 2152.17 of the Revised Code or prior to the 1924
child's attainment of twenty-one years of age, except upon the 1925
order of a court pursuant to division (B) or (C) of this section 1926
or in accordance with section 5139.54 of the Revised Code. 1927

(B)(1) The court that commits a delinquent child to the 1928
department may grant judicial release of the child to court 1929
supervision under this division during the first half of the 1930
prescribed minimum term for which the child was committed to the 1931
department or, if the child was committed to the department until 1932
the child attains twenty-one years of age, during the first half 1933
of the prescribed period of commitment that begins on the first 1934
day of commitment and ends on the child's twenty-first birthday, 1935
provided any commitment imposed under division (A), (B), (C), or 1936

(D) of section 2152.17 of the Revised Code has ended. 1937

(2) If the department of youth services desires to release a 1938
child during a period specified in division (B)(1) of this 1939
section, it shall request the court that committed the child to 1940
grant a judicial release of the child to court supervision. During 1941
whichever of those periods is applicable, the child or the parents 1942
of the child also may request that court to grant a judicial 1943
release of the child to court supervision. Upon receipt of a 1944
request for a judicial release to court supervision from the 1945
department, the child, or the child's parent, or upon its own 1946
motion, the court that committed the child shall do one of the 1947
following: approve the release by journal entry; schedule within 1948
thirty days after the request is received a time for a hearing on 1949
whether the child is to be released; or reject the request by 1950
journal entry without conducting a hearing. 1951

If the court rejects an initial request for a release under 1952
this division by the child or the child's parent, the child or the 1953
child's parent may make one additional request for a judicial 1954
release to court supervision within the applicable period. The 1955
additional request may be made no earlier than thirty days after 1956
the filing of the prior request for a judicial release to court 1957
supervision. Upon the filing of a second request for a judicial 1958
release to court supervision, the court shall either approve or 1959
disapprove the release by journal entry or schedule within thirty 1960
days after the request is received a time for a hearing on whether 1961
the child is to be released. 1962

(3) If a court schedules a hearing under division (B)(2) of 1963
this section, it may order the department to deliver the child to 1964
the court on the date set for the hearing and may order the 1965
department to present to the court a report on the child's 1966
progress in the institution to which the child was committed and 1967
recommendations for conditions of supervision of the child by the 1968

court after release. The court may conduct the hearing without the child being present. The court shall determine at the hearing whether the child should be granted a judicial release to court supervision.

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

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

(2) If the department of youth services desires to release a child during a period specified in division (C)(1) of this section, it shall request the court that committed the child to grant a judicial release to department of youth services supervision. During whichever of those periods is applicable, the

child or the child's parent also may request the court that 2001
committed the child to grant a judicial release to department of 2002
youth services supervision. Upon receipt of a request for judicial 2003
release to department of youth services supervision, the child, or 2004
the child's parent, or upon its own motion at any time during that 2005
period, the court shall do one of the following: approve the 2006
release by journal entry; schedule a time within thirty days after 2007
receipt of the request for a hearing on whether the child is to be 2008
released; or reject the request by journal entry without 2009
conducting a hearing. 2010

If the court rejects an initial request for release under 2011
this division by the child or the child's parent, the child or the 2012
child's parent may make one or more subsequent requests for a 2013
release within the applicable period, but may make no more than 2014
one request during each period of ninety days that the child is in 2015
a secure department facility after the filing of a prior request 2016
for early release. Upon the filing of a request for release under 2017
this division subsequent to an initial request, the court shall 2018
either approve or disapprove the release by journal entry or 2019
schedule a time within thirty days after receipt of the request 2020
for a hearing on whether the child is to be released. 2021

(3) If a court schedules a hearing under division (C)(2) of 2022
this section, it may order the department to deliver the child to 2023
the court on the date set for the hearing and shall order the 2024
department to present to the court at that time a treatment plan 2025
for the child's post-institutional care. The court may conduct the 2026
hearing without the child being present. The court shall determine 2027
at the hearing whether the child should be granted a judicial 2028
release to department of youth services supervision. 2029

If the court approves the judicial release to department of 2030
youth services supervision, the department shall prepare a written 2031
treatment and rehabilitation plan for the child pursuant to 2032

division (E) of this section that shall include the conditions of 2033
the child's release. It shall send the committing court and the 2034
juvenile court of the county in which the child is placed a copy 2035
of the plan. The court of the county in which the child is placed 2036
may adopt the conditions set by the department as an order of the 2037
court and may add any additional consistent conditions it 2038
considers appropriate, provided that the court may not add any 2039
condition that decreases the level or degree of supervision 2040
specified by the department in its plan, that substantially 2041
increases the financial burden of supervision that will be 2042
experienced by the department, or that alters the placement 2043
specified by the department in its plan. If the court of the 2044
county in which the child is placed adds to the department's plan 2045
any additional conditions, it shall enter those additional 2046
conditions in its journal and shall send to the department a copy 2047
of the journal entry of the additional conditions. 2048

If the court approves the judicial release to department of 2049
youth services supervision, the actual date on which the 2050
department shall release the child is contingent upon the 2051
department finding a suitable placement for the child. If the 2052
child is to be returned to the child's home, the department shall 2053
return the child on the date that the court schedules for the 2054
child's release or shall bear the expense of any additional time 2055
that the child remains in a department facility. If the child is 2056
unable to return to the child's home, the department shall 2057
exercise reasonable diligence in finding a suitable placement for 2058
the child, and the child shall remain in a department facility 2059
while the department finds the suitable placement. 2060

(D) If a child is released under division (B) or (C) of this 2061
section and the court of the county in which the child is placed 2062
has reason to believe that the child's department is not in 2063
accordance with the conditions of the child's judicial release, 2064

the court of the county in which the child is placed shall 2065
schedule a time for a hearing to determine whether the child 2066
violated any of the post-release conditions, and, if the child was 2067
released under division (C) of this section, divisions (A) to (E) 2068
of section 5139.52 of the Revised Code apply regarding the child. 2069

If that court determines at the hearing that the child 2070
violated any of the post-release conditions, the court, if it 2071
determines that the violation was a serious violation, may order 2072
the child to be returned to the department for 2073
institutionalization, consistent with the original order of 2074
commitment of the child, or in any case may make any other 2075
disposition of the child authorized by law that the court 2076
considers proper. If the court of the county in which the child is 2077
placed orders the child to be returned to a department of youth 2078
services institution, the time during which the child was held in 2079
a secure department facility prior to the child's judicial release 2080
shall be considered as time served in fulfilling the prescribed 2081
period of institutionalization that is applicable to the child 2082
under the child's original order of commitment. If the court 2083
orders the child returned to a department institution, the child 2084
shall remain in institutional care for a minimum of three months 2085
or until the child successfully completes a revocation program of 2086
a duration of not less than thirty days operated either by the 2087
department or by an entity with which the department has 2088
contracted to provide a revocation program. 2089

(E) The department of youth services, prior to the release of 2090
a child pursuant to division (C) of this section, shall do all of 2091
the following: 2092

(1) After reviewing the child's rehabilitative progress 2093
history and medical and educational records, prepare a written 2094
treatment and rehabilitation plan for the child that includes 2095
conditions of the release; 2096

(2) Completely discuss the conditions of the plan prepared 2097
pursuant to division (E)(1) of this section and the possible 2098
penalties for violation of the plan with the child and the child's 2099
parents, guardian, or legal custodian; 2100

(3) Have the plan prepared pursuant to division (E)(1) of 2101
this section signed by the child, the child's parents, legal 2102
guardian, or custodian, and any authority or person that is to 2103
supervise, control, and provide supportive assistance to the child 2104
at the time of the child's release pursuant to division (C) of 2105
this section; 2106

(4) Prior to the child's release, file a copy of the 2107
treatment plan prepared pursuant to division (E)(1) of this 2108
section with the committing court and the juvenile court of the 2109
county in which the child is to be placed. 2110

(F) The department of youth services shall file a written 2111
progress report with the committing court regarding each child 2112
released pursuant to division (C) of this section at least once 2113
every thirty days unless specifically directed otherwise by the 2114
court. The report shall indicate the treatment and rehabilitative 2115
progress of the child and the child's family, if applicable, and 2116
shall include any suggestions for altering the program, custody, 2117
living arrangements, or treatment. The department shall retain 2118
legal custody of a child so released until it discharges the child 2119
or until the custody is terminated as otherwise provided by law. 2120

(G) When a child is committed to the legal custody of the 2121
department of youth services, the court retains jurisdiction to 2122
perform the functions specified in section 5139.51 of the Revised 2123
Code with respect to the granting of supervised release by the 2124
release authority and to perform the functions specified in 2125
section 5139.52 of the Revised Code with respect to violations of 2126
the conditions of supervised release granted by the release 2127
authority and to the revocation of supervised release granted by 2128

the release authority. 2129

Sec. 2152.82. (A) The court that adjudicates a child a 2130
delinquent child shall issue as part of the dispositional order an 2131
order that classifies the child a juvenile offender registrant and 2132
specifies that the child has a duty to comply with sections 2133
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if all 2134
of the following apply: 2135

(1) The act for which the child is adjudicated a delinquent 2136
child is a sexually oriented offense ~~that is not a~~ 2137
~~registration exempt sexually oriented offense~~ or ~~is~~ a child-victim 2138
oriented offense ~~that the child committed on or after January 1,~~ 2139
~~2002, regardless of when the sexually oriented offense or~~ 2140
child-victim oriented offense was committed. 2141

(2) The child was fourteen, fifteen, sixteen, or seventeen 2142
years of age at the time of committing the offense. 2143

(3) The court has determined that the child previously was 2144
~~convicted of, pleaded guilty to, or was~~ adjudicated a delinquent 2145
child for committing any sexually oriented offense or child-victim 2146
oriented offense, regardless of when the prior offense was 2147
committed and regardless of the child's age at the time of 2148
committing the offense. 2149

(4) The court is not required to classify the child as both a 2150
juvenile offender registrant and a public registry-qualified 2151
juvenile offender registrant under section 2152.86 of the Revised 2152
Code. 2153

(B) An order required under division (A) of this section 2154
shall be issued at the time the judge makes the ~~orders~~ order of 2155
disposition for the delinquent child. Prior to issuing the order 2156
required by division (A) of this section, the judge shall conduct 2157
~~the hearing and make the determinations required by division (B)~~ 2158

~~of section 2950.09 of the Revised Code regarding a sexually oriented offense that is not a registration exempt sexually oriented offense or division (B) of section 2950.091 of the Revised Code regarding a child victim oriented offense to determine if the child is to be classified a sexual predator or a child victim predator, shall make the determinations required by division (E) of section 2950.09 of the Revised Code regarding a sexually oriented offense that is not a registration exempt sexually oriented offense or division (E) of section 2950.091 of the Revised Code regarding a child victim oriented offense to determine if the child is to be classified a habitual sex offender or a habitual child victim offender, and shall otherwise comply with those divisions a hearing under section 2152.831 of the Revised Code, except as otherwise provided in that section, to determine whether the child 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. If the court determines that the delinquent child to whom the order applies is a tier III sex offender/child-victim offender and the child is not a public registry-qualified juvenile offender registrant, the judge may impose a requirement subjecting the child to the victim and community notification provisions of sections 2950.10 and 2950.11 of the Revised Code. When a judge issues an order under division (A) of this section, all of the following apply:~~

(1) ~~The judge shall include in the order any determination that the delinquent child is, or is not, a sexual predator or child victim predator or is, or is not, a habitual sex offender or habitual child victim offender that the judge makes pursuant to division (B) or (E) of section 2950.09 or 2950.091 of the Revised Code and any related information required or authorized under the division under which the determination is made, including, but not limited to, any requirement imposed by the court subjecting a child who is a habitual sex offender or habitual child victim~~

~~offender to community notification provisions as described in~~ 2192
~~division (E) of section 2950.09 or 2950.091 of the Revised Code.~~ 2193

~~(2)~~ The judge shall include in the order a statement that, 2194
upon completion of the disposition of the delinquent child that 2195
was made for the sexually oriented offense or child-victim 2196
oriented offense upon which the order is based, a hearing will be 2197
conducted, and the order and any determinations included in the 2198
order are subject to modification or termination pursuant to 2199
sections 2152.84 and 2152.85 of the Revised Code. 2200

~~(3)~~(2) The judge shall provide to the delinquent child and to 2201
the delinquent child's parent, guardian, or custodian the notice 2202
required under divisions (A) and (B) of section 2950.03 of the 2203
Revised Code and shall provide as part of that notice a copy of 2204
the order. 2205

~~(4)~~(3) The judge shall include the order in the delinquent 2206
child's dispositional order and shall specify in the dispositional 2207
order that the order issued under division (A) of this section was 2208
made pursuant to this section. 2209

(4) If the court determines that the delinquent child to whom 2210
the order applies is a tier III sex offender/child-victim 2211
offender, if the child is not a public registry-qualified juvenile 2212
offender registrant, and if the judge imposes a requirement 2213
subjecting the child to the victim and community notification 2214
provisions of sections 2950.10 and 2950.11 of the Revised Code, 2215
the judge shall include the requirement in the order. 2216

(5) The court shall include in the order its determination 2217
made at the hearing held under section 2151.831 of the Revised 2218
Code as to whether the delinquent child is a tier I sex 2219
offender/child-victim offender, a tier II sex 2220
offender/child-victim offender, or a tier III sex 2221
offender/child-victim offender. 2222

(C) ~~An~~ Except as provided in division (D) of this section, an 2223
order issued under division (A) of this section and any 2224
determinations included in the order shall remain in effect for 2225
the period of time specified in section 2950.07 of the Revised 2226
Code, subject to a modification or termination of the order under 2227
section 2152.84 or 2152.85 of the Revised Code, and section 2228
2152.851 of the Revised Code applies regarding the order and the 2229
determinations. If an order is issued under division (A) of this 2230
section, the child's attainment of eighteen or twenty-one years of 2231
age does not affect or terminate the order, and the order remains 2232
in effect for the period of time described in this division. 2233

(D) ~~A court that adjudicates a child a delinquent child for a~~ 2234
~~sexually oriented offense that is a registration exempt sexually~~ 2235
~~oriented offense shall not issue based on that adjudication an~~ 2236
~~order under this section that classifies the child a juvenile~~ 2237
~~offender registrant and specifies that the child has a duty to~~ 2238
~~comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of~~ 2239
~~the Revised Code. If a court issues an order under division (A) of~~ 2240
this section before January 1, 2008, not later than February 1, 2241
2008, the court shall terminate the order and issue a new order 2242
that reclassifies the child as both a juvenile offender registrant 2243
and a public registry-qualified juvenile offender registrant 2244
pursuant to section 2152.86 of the Revised Code if the act that 2245
was the basis of the classification of the delinquent child as a 2246
juvenile offender registrant is any of the following: 2247

(1) Committing, attempting to commit, conspiring to commit, 2248
or complicity in committing a violation of section 2907.02 of the 2249
Revised Code, division (B) of section 2907.05 of the Revised Code, 2250
or section 2907.03 of the Revised Code if the victim of the 2251
violation was less than twelve years of age; 2252

(2) Committing, attempting to commit, conspiring to commit, 2253
or complicity in committing a violation of section 2903.01, 2254

2903.02, or 2905.01 of the Revised Code that was committed with a 2255
purpose to gratify the sexual needs or desires of the child. 2256

Sec. 2152.83. (A)(1) The court that adjudicates a child a 2257
delinquent child shall issue as part of the dispositional order 2258
or, if the court commits the child for the delinquent act to the 2259
custody of a secure facility, shall issue at the time of the 2260
child's release from the secure facility, an order that classifies 2261
the child a juvenile offender registrant and specifies that the 2262
child has a duty to comply with sections 2950.04, 2950.041, 2263
2950.05, and 2950.06 of the Revised Code if all of the following 2264
apply: 2265

(a) The act for which the child is or was adjudicated a 2266
delinquent child is a sexually oriented offense ~~that is not a~~ 2267
~~registration exempt sexually oriented offense~~ or is a child-victim 2268
oriented offense ~~that the child committed on or after January 1,~~ 2269
~~2002, regardless of when the sexually oriented offense or~~ 2270
child-victim oriented offense was committed. 2271

(b) The child was sixteen or seventeen years of age at the 2272
time of committing the offense. 2273

(c) The court was not required to classify the child a 2274
juvenile offender registrant under section 2152.82 of the Revised 2275
Code or as both a juvenile offender registrant and a public 2276
registry-qualified juvenile offender registrant under section 2277
2152.86 of the Revised Code. 2278

(2) Prior to issuing the order required by division (A)(2) of 2279
this section, the judge shall conduct ~~the hearing and make the~~ 2280
~~determinations required by division (B) of section 2950.09 of the~~ 2281
~~Revised Code regarding a sexually oriented offense that is not a~~ 2282
~~registration exempt sexually oriented offense or division (B) of~~ 2283
~~section 2950.091 of the Revised Code regarding a child victim~~ 2284
~~oriented offense to determine if the child is to be classified a~~ 2285

~~sexual predator or a child victim predator, shall make the~~ 2286
~~determinations required by division (E) of section 2950.09 of the~~ 2287
~~Revised Code regarding a sexually oriented offense that is not a~~ 2288
~~registration exempt sexually oriented offense or division (E) of~~ 2289
~~section 2950.091 of the Revised Code regarding a child victim~~ 2290
~~oriented offense to determine if the child is to be classified a~~ 2291
~~habitual sex offender or a habitual child victim offender, and~~ 2292
~~shall otherwise comply with those divisions~~ a hearing under 2293
section 2152.831 of the Revised Code, except as otherwise provided 2294
in that section, to determine whether the child is a tier I sex 2295
offender/child-victim offender, a tier II sex 2296
offender/child-victim offender, or a tier III sex 2297
offender/child-victim offender. When a judge issues an order under 2298
division (A)(1) of this section, the judge shall include in the 2299
order ~~all of the determinations and information~~ identified in 2300
division (B)~~(1)~~(5) of section 2152.82 of the Revised Code ~~that are~~ 2301
~~relevant.~~ 2302

(B)(1) The court that adjudicates a child a delinquent child, 2303
on the judge's own motion, may conduct at the time of disposition 2304
of the child or, if the court commits the child for the delinquent 2305
act to the custody of a secure facility, may conduct at the time 2306
of the child's release from the secure facility, ~~a hearing for the~~ 2307
purposes described in division (B)(2) of this section if all of 2308
the following apply: 2309

(a) The act for which the child is adjudicated a delinquent 2310
child is a sexually oriented offense ~~that is not a~~ 2311
~~registration exempt sexually oriented offense or is a child-victim~~ 2312
~~oriented offense that the child committed on or after January 1,~~ 2313
2002, regardless of when the sexually oriented offense or 2314
child-victim oriented offense was committed. 2315

(b) The child was fourteen or fifteen years of age at the 2316
time of committing the offense. 2317

(c) The court was not required to classify the child a 2318
juvenile offender registrant under section 2152.82 of the Revised 2319
Code or as both a juvenile offender registrant and a public 2320
registry-qualified juvenile offender registrant under section 2321
2152.86 of the Revised Code. 2322

(2) A judge shall conduct a hearing under division (B)(1) of 2323
this section to review the effectiveness of the disposition made 2324
of the child and of any treatment provided for the child placed in 2325
a secure setting and to determine whether the child should be 2326
classified a juvenile offender registrant. The judge may conduct 2327
the hearing on the judge's own initiative or based upon a 2328
recommendation of an officer or employee of the department of 2329
youth services, a probation officer, an employee of the court, or 2330
a prosecutor or law enforcement officer. If the judge conducts the 2331
hearing, upon completion of the hearing, the judge, in the judge's 2332
discretion and after consideration of the factors listed in 2333
division (E) of this section, shall do either of the following: 2334

(a) Decline to issue an order that classifies the child a 2335
juvenile offender registrant and specifies that the child has a 2336
duty to comply with sections 2950.04, 2950.041, 2950.05, and 2337
2950.06 of the Revised Code; 2338

(b) Issue an order that classifies the child a juvenile 2339
offender registrant and specifies that the child has a duty to 2340
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 2341
the Revised Code and, ~~if the judge conducts a hearing as described~~ 2342
~~in division (C) of this section to determine whether the child is~~ 2343
~~a sexual predator or child victim predator or a habitual sex~~ 2344
~~offender or habitual child victim offender, include in the order a~~ 2345
~~statement that the judge has determined that the child is, or is~~ 2346
~~not, a sexual predator, child victim predator, habitual sex~~ 2347
~~offender, or habitual child victim offender, whichever is~~ 2348
applicable that states the determination that the judge makes at 2349

the hearing held pursuant to section 2152.831 of the Revised Code 2350
as to whether the child is a tier I sex offender/child-victim 2351
offender, a tier II sex offender/child-victim offender, or a tier 2352
III sex offender/child-victim offender. 2353

(C) ~~A judge may issue (1) Prior to issuing an order under~~ 2354
~~division (B)(2)(b) of this section that contains a determination~~ 2355
~~that a delinquent child is a sexual predator or child victim~~ 2356
~~predator only if the judge, in accordance with the procedures~~ 2357
~~specified in division (B) of section 2950.09 of the Revised Code~~ 2358
~~regarding sexual predators or division (B) of section 2950.091 of~~ 2359
~~the Revised Code regarding child victim predators, determines at~~ 2360
~~the hearing by clear and convincing evidence that the child is a~~ 2361
~~sexual predator or a child victim predator. A judge may issue an~~ 2362
~~order under division (B) of this section that contains a~~ 2363
~~determination that a delinquent child is a habitual sex offender~~ 2364
~~or a habitual child victim offender only if the judge at the~~ 2365
~~hearing determines as described in division (E) of section 2950.09~~ 2366
~~of the Revised Code regarding habitual sex offenders or division~~ 2367
~~(E) of section 2950.091 of the Revised Code regarding habitual~~ 2368
~~child victim offenders that the child is a habitual sex offender~~ 2369
~~or a habitual child victim offender. If the judge issues an order~~ 2370
~~under division (B) of this section that contains a determination~~ 2371
~~that a delinquent child is a habitual sex offender or a habitual~~ 2372
~~child victim offender, the judge may impose a requirement~~ 2373
~~subjecting the child to community notification provisions as~~ 2374
~~described in division (E) of section 2950.09 or 2950.091 of the~~ 2375
~~Revised Code, whichever is applicable. If the court conducts a~~ 2376
~~hearing as described in this division to determine whether the~~ 2377
~~child is a sexual predator or child victim predator or a habitual~~ 2378
~~sex offender or habitual child victim offender, the judge shall~~ 2379
~~comply with division (B) or (E) of section 2950.09 or 2950.091 of~~ 2380
~~the Revised Code, whichever is applicable, in all regards, the~~ 2381
~~judge shall conduct a hearing under section 2152.831 of the~~ 2382

Revised Code, except as otherwise provided in that section, to 2383
determine whether the child is a tier I sex offender/child-victim 2384
offender, a tier II sex offender/child-victim offender, or a tier 2385
III sex offender/child-victim offender. The judge may hold the 2386
hearing at the same time as the hearing under division (B) of this 2387
section. 2388

(2) If a judge issues an order under division (A) or (B) of 2389
this section and the court determines that the delinquent child to 2390
whom the order applies is a tier III sex offender/child-victim 2391
offender and the child is not a public registry-qualified juvenile 2392
offender registrant, the judge may impose a requirement subjecting 2393
the child to the victim and community notification provisions of 2394
sections 2950.10 and 2950.11 of the Revised Code. If the judge 2395
imposes a requirement subjecting the child to the victim and 2396
community notification provisions of sections 2950.10 and 2950.11 2397
of the Revised Code, the judge shall include the requirement in 2398
the order. 2399

~~(D)~~ If a judge issues an order under division (A) or (B) of 2400
this section, the judge shall provide to the delinquent child and 2401
to the delinquent child's parent, guardian, or custodian a copy of 2402
the order and a notice containing the information described in 2403
divisions (A) and (B) of section 2950.03 of the Revised Code. The 2404
judge shall provide the notice at the time of the issuance of the 2405
order and shall comply with divisions (B) and (C) of that section 2406
regarding that notice and the provision of it. 2407

The judge also shall include in the order a statement that, 2408
upon completion of the disposition of the delinquent child that 2409
was made for the sexually oriented offense or child-victim 2410
oriented offense upon which the order is based, a hearing will be 2411
conducted and the order is subject to modification or termination 2412
pursuant to section 2152.84 of the Revised Code. 2413

~~(E)~~(D) In making a decision under division (B) of this 2414

section as to whether a delinquent child should be classified a 2415
juvenile offender registrant ~~and, if so, whether the child also is~~ 2416
~~a sexual predator or child victim predator or a habitual sex~~ 2417
~~offender or habitual child victim offender,~~ a judge shall consider 2418
all relevant factors, including, but not limited to, all of the 2419
following: 2420

(1) The nature of the sexually oriented offense ~~that is not a~~ 2421
~~registration exempt sexually oriented offense~~ or the child-victim 2422
oriented offense committed by the child; 2423

(2) Whether the child has shown any genuine remorse or 2424
compunction for the offense; 2425

(3) The public interest and safety; 2426

(4) The factors set forth in division ~~(B)(3)~~(K) of section 2427
~~2950.09 or 2950.091~~ 2950.11 of the Revised Code, ~~whichever is~~ 2428
~~applicable;~~ provided that references in the factors as set forth 2429
in that division to "the offender" shall be construed for purposes 2430
of this division to be references to "the delinquent child;" 2431

(5) The factors set forth in divisions (B) and (C) of section 2432
2929.12 of the Revised Code as those factors apply regarding the 2433
delinquent child, the offense, and the victim; 2434

(6) The results of any treatment provided to the child and of 2435
any follow-up professional assessment of the child. 2436

~~(F)~~(E) An order issued under division (A) or (B) of this 2437
section and any determinations included in the order shall remain 2438
in effect for the period of time specified in section 2950.07 of 2439
the Revised Code, subject to a modification or termination of the 2440
order under section 2152.84 of the Revised Code, and section 2441
2152.851 of the Revised Code applies regarding the order and the 2442
determinations. The child's attainment of eighteen or twenty-one 2443
years of age does not affect or terminate the order, and the order 2444
remains in effect for the period of time described in this 2445

division. 2446

~~(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.~~ 2447
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~~(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 act that was the basis of the classification of the delinquent child as a juvenile offender registrant is any of the following:~~ 2454
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~~(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;~~ 2462
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~~(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.~~ 2467
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~~(G) As used in the this section, "secure facility" has the same meaning as in section 2950.01 of the Revised Code.~~ 2471
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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 2473
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section 2152.82 or 2152.83 of the Revised Code, before issuing the 2476
order that classifies the child a juvenile offender registrant, 2477
except as otherwise provided in this division, the court shall 2478
conduct a hearing to determine whether to classify the child a 2479
tier I sex offender/child-victim offender, a tier II sex 2480
offender/child-victim offender, or a tier III sex offender/ 2481
child-victim offender. The court shall not conduct a hearing for 2482
the purpose described in this division if federal law requires 2483
that the child be classified in a particular tier based on the 2484
offense committed. If federal law requires that the child be 2485
classified in a particular tier based on the offense committed, 2486
the tier classification for the child shall be determined for 2487
purposes of sections 2152.82 and 2152.83 of the Revised Code 2488
solely by reference to the definitions of tier I sex 2489
offender/child-victim offender, tier II sex offender/child-victim 2490
offender, and tier III sex offender/child-victim offender in 2491
section 2950.01 of the Revised Code. The court shall conduct the 2492
hearing in accordance with the following: 2493

(1) If the child was adjudicated a delinquent child for 2494
committing any offense listed in division (E)(1)(a), (b), (c), 2495
(d), (e), (f), or (g) of section 2950.01 of the Revised Code or 2496
any child-victim oriented offense and the child previously was not 2497
adjudicated a delinquent child for committing any sexually 2498
oriented offense or child-victim oriented offense, it shall be 2499
presumed that the child is a tier I sex offender/child-victim 2500
offender. Notwithstanding the presumption, the court may classify 2501
the child a tier II sex offender/child-victim offender if the 2502
court determines by clear and convincing evidence that the child 2503
previously has been adjudicated a delinquent child for committing 2504
one or more sexually oriented offenses or child-victim oriented 2505
offenses and was classified a juvenile offender registrant or 2506
out-of-state juvenile offender registrant based on one or more of 2507
those adjudications, and the court may classify the child a tier 2508

III sex offender/child-victim offender if the court determines by clear and convincing evidence that the delinquent child is likely to engage in the future in one or more sexually oriented offenses or child-victim oriented offenses.

(2) If the child was adjudicated a delinquent child for committing any offense listed or described in division (F)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 2950.01 of the Revised Code, or if the child was adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense, the sexually oriented offense or child-victim oriented offense was committed after the child previously was adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense, and the child was classified a tier I sex offender/child-victim offender relative to the prior offense, it shall be presumed that the child is a tier II sex offender/child-victim offender. Notwithstanding the presumption, the court may classify the child a tier I sex offender/child-victim offender if the court determines by clear and convincing evidence that the child previously has not been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the child was classified a juvenile offender registrant or out-of-state juvenile offender registrant and is not likely to engage in the future in one or more sexually oriented offenses or child-victim oriented offenses, and the court may classify the child a tier III sex offender/child-victim offender if the court determines by clear and convincing evidence that the delinquent child is likely to engage in the future in one or more sexually oriented offenses or child-victim oriented offenses.

(3) If the child was adjudicated a delinquent child for committing any offense listed or described in division (G)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 2950.01 of

the Revised Code, or if the child was adjudicated a delinquent 2541
child for committing any sexually oriented offense or child-victim 2542
oriented offense, the sexually oriented offense or child-victim 2543
oriented offense was committed after the child previously was 2544
adjudicated a delinquent child for committing any sexually 2545
oriented offense or child-victim oriented offense, and the child 2546
was classified a tier II sex offender/child-victim offender or a 2547
tier III sex offender/child-victim offender relative to the prior 2548
offense, it shall be presumed that the child is a tier III sex 2549
offender/child-victim offender. Notwithstanding the presumption, 2550
the court may classify the child a tier I sex 2551
offender/child-victim offender if the court determines by clear 2552
and convincing evidence that the child previously has not been 2553
adjudicated a delinquent child for committing any sexually 2554
oriented offense or child-victim oriented offense for which the 2555
child was classified a juvenile offender registrant or 2556
out-of-state juvenile offender registrant and is not likely to 2557
engage in the future in one or more sexually oriented offenses or 2558
child-victim oriented offenses, and the court may classify the 2559
child a tier II sex offender/child-victim offender if the court 2560
determines by clear and convincing evidence that the delinquent 2561
child is not likely to engage in the future in one or more 2562
sexually oriented offenses or child-victim oriented offenses but 2563
previously has been adjudicated a delinquent child for committing 2564
one or more sexually oriented offenses or child-victim oriented 2565
offenses and was classified a juvenile offender registrant or 2566
out-of-state juvenile offender registrant based on one or more of 2567
those adjudications. 2568

(B) When a judge issues an order under section 2152.82 or 2569
2152.83 of the Revised Code that classifies a delinquent child a 2570
juvenile offender registrant, in addition to the other statements 2571
and information required by the section under which the order is 2572
issued, the judge shall include in the order its determination 2573

made under division (A) of this section as to whether the child is 2574
a tier I sex offender/child-victim offender, a tier II sex 2575
offender/child-victim offender, or a tier III sex 2576
offender/child-victim offender. When a judge issues an order under 2577
section 2152.84 or 2152.85 of the Revised Code that reclassifies a 2578
delinquent child from one tier of sex offender/child-victim 2579
offender to a different tier of sex offender/child-victim 2580
offender, in addition to the other statements and information 2581
required by the section under which the order is issued, the judge 2582
shall include in the order its determination as to the 2583
reclassification of the child and the tier to which the child is 2584
reclassified. 2585

(C) In making a decision under division (A) of this section 2586
as to whether a delinquent child who is classified a juvenile 2587
offender registrant pursuant to section 2152.82 or 2152.83 of the 2588
Revised Code is likely to engage in the future in one or more 2589
sexually oriented offenses or child-victim oriented offenses, and 2590
in making its decision under section 2152.84 or 2152.85 of the 2591
Revised Code as to whether a delinquent child who has been 2592
classified a juvenile offender registrant and who is under 2593
consideration for reclassification from one tier of sex 2594
offender/child-victim offender to a different tier of sex 2595
offender/child-victim offender should be reclassified, the judge 2596
shall consider all relevant factors, including, but not limited 2597
to, all of the factors listed in division (D) of section 2152.83 2598
of the Revised Code and all of the following: 2599

(1) The delinquent child's age; 2600

(2) The delinquent child's prior delinquency record regarding 2601
all offenses, including, but not limited to, all sexually oriented 2602
offenses and child-victim oriented offenses; 2603

(3) The age of the victim of the sexually oriented offense or 2604
child-victim oriented offense for which the order of disposition 2605

<u>is to be made;</u>	2606
<u>(4) Whether the sexually oriented offense or child-victim oriented offense for which the order of disposition is to be made involved multiple victims;</u>	2607 2608 2609
<u>(5) Whether the delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense or to prevent the victim from resisting;</u>	2610 2611 2612
<u>(6) If the delinquent child previously has been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the delinquent child completed any dispositional order imposed for the prior act and, if the prior act was a sex offense, a sexually oriented offense, or a child-victim oriented offense, whether the delinquent child participated in available programs for sexual offenders or child-victim oriented offenders;</u>	2613 2614 2615 2616 2617 2618 2619 2620
<u>(7) Any mental illness or mental disability of the delinquent child;</u>	2621 2622
<u>(8) If applicable, the nature of the delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense or child-victim oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;</u>	2623 2624 2625 2626 2627 2628
<u>(9) Whether the delinquent child, during the commission of the sexually oriented offense or child-victim oriented offense for which the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;</u>	2629 2630 2631 2632
<u>(10) Any additional behavioral characteristics that contribute to the delinquent child's conduct.</u>	2633 2634
<u>(D) The provisions of this section do not apply to a</u>	2635

delinquent child if the court is required to classify the child as 2636
both a juvenile offender registrant and a public 2637
registry-qualified juvenile offender registrant pursuant to 2638
section 2152.86 of the Revised Code. 2639

Sec. 2152.84. (A)(1) When a juvenile court judge issues an 2640
order under section 2152.82 or division (A) or (B) of section 2641
2152.83 of the Revised Code that classifies a delinquent child a 2642
juvenile offender registrant and specifies that the child has a 2643
duty to comply with sections 2950.04, 2950.041, 2950.05, and 2644
2950.06 of the Revised Code, upon completion of the disposition of 2645
that child made for the sexually oriented offense ~~that is not a~~ 2646
~~registration-exempt sexually oriented offense~~ or the child-victim 2647
oriented offense on which the juvenile offender registrant order 2648
was based, the judge or the judge's successor in office shall 2649
conduct a hearing to review the effectiveness of the disposition 2650
and of any treatment provided for the child, to determine the 2651
risks that the child might re-offend, ~~and~~ to determine whether the 2652
prior classification of the child as a juvenile offender 2653
registrant ~~and, if applicable, as a sexual predator or~~ 2654
~~child victim predator or as a habitual sex offender or habitual~~ 2655
~~child victim offender~~ should be continued, ~~modified,~~ or terminated 2656
as provided under division (A)(2) of this section, and, except as 2657
otherwise provided in this division, to determine whether its 2658
prior determination made at the hearing held pursuant to section 2659
2152.831 of the Revised Code as to whether the child is a tier I 2660
sex offender/child-victim offender, a tier II sex 2661
offender/child-victim offender, or a tier III sex 2662
offender/child-victim offender should be continued or modified as 2663
provided under division (A)(2) of this section. The court shall 2664
not consider at the hearing whether to continue or modify the tier 2665
classification of the child if federal law requires that the child 2666
be classified in a particular tier based on the offense committed. 2667

If federal law requires that the child be classified in a particular tier based on the offense committed, the tier classification for the child shall be determined solely by reference to the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender in section 2950.01 of the Revised Code.

(2) Upon completion of a hearing under division (A)(1) of this section, the judge, in the judge's discretion and after consideration of all relevant factors, including but not limited to, the factors listed in division ~~(E)~~(D) of section 2152.83 of the Revised Code and the factors listed in division (C) of section 2152.831 of the Revised Code, shall do one of the following, as applicable:

(a) Enter an order that continues the classification of the delinquent child as a juvenile offender registrant made in the prior order issued under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code, ~~and any sexual predator, child victim predator, habitual sex offender, or habitual child victim offender~~ the prior determination included in the order that the child 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, whichever is applicable;

~~(b) If the prior order was issued under section 2152.82 or division (A) 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 or a determination that the child remains a juvenile offender registrant but is not a sexual predator or habitual sex offender,~~

~~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 or a determination that the child
remains a juvenile offender registrant but is not a child victim
predator or habitual child victim offender;~~

~~(c) If the prior order was issued under section 2152.82 or
division (A) 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)(b) of this section but includes a
determination by the judge that the delinquent child is a habitual
sex offender or a habitual child victim offender, enter, as
applicable, an order that contains a determination that the child
no longer is a habitual sex offender and a determination that the
child remains a juvenile sex offender registrant but is not a
habitual offender, or an order that contains a determination that
the child no longer is a habitual child victim offender and a
determination that the child remains a juvenile offender
registrant but is not a habitual child victim offender;~~

~~(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 2732
determination, and either a determination that the child is a 2733
habitual child victim offender, a determination that the child 2734
remains a juvenile offender registrant but is not a child victim 2735
predator or habitual child victim offender, or a determination 2736
that the child no longer is a juvenile offender registrant and no 2737
longer has a duty to comply with sections 2950.041, 2950.05, and 2738
2950.06 of the Revised Code; 2739~~

~~(e) If the prior order was issued under division (B) of 2740
section 2152.83 of the Revised Code and does not include a sexual 2741
predator or child victim predator determination as described in 2742
division (A)(2)(d) of this section but includes a determination by 2743
the judge that the delinquent child is a habitual sex offender or 2744
habitual child victim offender, enter, as applicable, an order 2745
that contains a determination that the child no longer is a 2746
habitual sex offender and either a determination that the child 2747
remains a juvenile offender registrant but is not a sexual 2748
predator or habitual sex offender or a determination that the 2749
child no longer is a juvenile offender registrant and no longer 2750
has a duty to comply with sections 2950.04, 2950.05, and 2950.06 2751
of the Revised Code, or an order that contains a determination 2752
that the child no longer is a habitual child victim offender and 2753
either a determination that the child remains a juvenile offender 2754
registrant but is not a child victim predator or habitual 2755
child victim offender or a determination that the child no longer 2756
is a juvenile offender registrant and no longer has a duty to 2757
comply with sections 2950.041, 2950.05, and 2950.06 of the Revised 2758
Code; 2759~~

~~(f) If the prior order was issued under division (B) of 2760
section 2152.83 of the Revised Code and does not include a sexual 2761
predator or child victim predator determination or a habitual sex 2762
offender or habitual child victim offender determination as 2763~~

~~described in divisions (A)(2)(d) and (e) of this section, enter,~~ 2764
~~as applicable, enter~~ an order that contains a determination that 2765
the delinquent child no longer is a juvenile offender registrant 2766
and no longer has a duty to comply with sections 2950.04, 2767
2950.041, 2950.05, and 2950.06 of the Revised Code, 2768
~~or an order~~ 2769
~~that contains a determination that the delinquent child no longer~~ 2770
~~is a juvenile offender registrant and no longer has a duty to~~ 2771
~~comply with sections 2950.041, 2950.05, and 2950.06 of the Revised~~ 2772
~~Code. An order issued under division (A)(2)(b) of this section~~ 2773
also terminates all prior determinations that the child is a tier 2774
I sex offender/child-victim offender, a tier II sex 2775
offender/child-victim offender, or a tier III sex 2776
offender/child-victim offender, whichever is applicable. Division 2777
(A)(2)(b) of this section does not apply to a prior order issued 2778
under section 2152.82 or division (A) of section 2152.83 of the 2779
Revised Code.

(c) If the prior order was issued under section 2152.82 or 2780
division (A) or (B) of section 2152.83 of the Revised Code, enter 2781
an order that continues the classification of the delinquent child 2782
as a juvenile offender registrant made in the prior order issued 2783
under section 2152.82 or division (A) or (B) of section 2152.83 of 2784
the Revised Code, and that modifies the prior determination made 2785
at the hearing held pursuant to section 2152.831 of the Revised 2786
Code that the child is a tier I sex offender/child-victim 2787
offender, a tier II sex offender/child-victim offender, or a tier 2788
III sex offender/child-victim offender, whichever is applicable. 2789
An order issued under division (A)(2)(c) of this section shall not 2790
include a determination that increases to a higher tier the tier 2791
classification of the delinquent child. An order issued under 2792
division (A)(2)(c) of this section shall specify the new 2793
determination made by the court at a hearing held pursuant to 2794
division (A)(1) of this section as to whether the child is a tier 2795
I sex offender/child-victim offender, a tier II sex 2796

offender/child-victim offender, or a tier III sex 2797
offender/child-victim offender, whichever is applicable. 2798

(B)(1) If a judge issues an order under division (A)(2)(a) of 2799
this section that continues the prior classification of the 2800
delinquent child as a juvenile offender registrant and ~~any sexual~~ 2801
~~predator or habitual sex offender~~ the prior determination included 2802
in the order, ~~or that continues the prior classification of the~~ 2803
~~delinquent child as a juvenile offender registrant and any~~ 2804
~~child victim predator or habitual child victim offender~~ 2805
~~determination included in the order~~ that the child is a tier I sex 2806
offender/child-victim offender, a tier II sex 2807
offender/child-victim offender, or a tier III sex 2808
offender/child-victim offender, whichever is applicable, the prior 2809
classification and the prior determination, ~~if applicable,~~ shall 2810
remain in effect. 2811

(2) A judge may issue an order under division (A)(2)(c) of 2812
this section that contains a determination that reclassifies a 2813
child ~~no longer is a sexual predator or no longer is a~~ 2814
~~child victim predator only if the judge, in accordance with the~~ 2815
~~procedures specified in division (D)(1) of section 2950.09 of the~~ 2816
~~Revised Code regarding a sexual predator, determines at the~~ 2817
~~hearing by clear and convincing evidence that the delinquent child~~ 2818
~~is unlikely to commit a sexually oriented offense in the future,~~ 2819
~~or the judge, in accordance with the procedures specified in~~ 2820
~~division (D)(1) of section 2950.091 of the Revised Code regarding~~ 2821
~~a child victim predator, determines at the hearing by clear and~~ 2822
~~convincing evidence that the delinquent child is unlikely to~~ 2823
~~commit a child victim oriented offense in the future. If the judge~~ 2824
~~issues an order of that type, the judge shall provide the~~ 2825
~~notifications described in division (D)(1) of section 2950.09 or~~ 2826
~~2950.091 of the Revised Code, whichever is applicable, and the~~ 2827
~~recipient of the notification shall comply with the provisions of~~ 2828

that division from a tier III sex offender/child-victim offender 2829
classification to a tier II sex offender/child-victim offender 2830
classification only if the court determines by clear and 2831
convincing evidence that the child is not likely to engage in the 2832
future in one or more sexually oriented offenses or child-victim 2833
oriented offenses. A judge may issue an order under that division 2834
that contains a determination that reclassifies a child from a 2835
tier III sex offender/child-victim offender classification to a 2836
tier I sex offender/child-victim offender classification only if 2837
the court determines by clear and convincing evidence that the 2838
child is not likely to engage in the future in one or more 2839
sexually oriented offenses or child-victim oriented offenses and 2840
either that the child has not previously been adjudicated a 2841
delinquent child for committing one or more sexually oriented 2842
offenses or child-victim oriented offenses or that the child 2843
previously was adjudicated a delinquent child for committing one 2844
or more sexually oriented offenses or child-victim oriented 2845
offenses but the fact that the child is a repeat offender does not 2846
seriously threaten the public interest and safety. 2847

A judge may issue an order under division (A)(2)(c) of this 2848
section that contains a determination that reclassifies a child 2849
from a tier II sex offender/child-victim offender classification 2850
to a tier I sex offender/child-victim offender classification only 2851
if the court determines by clear and convincing evidence that the 2852
child is not likely to engage in the future in one or more 2853
sexually oriented offenses or child-victim oriented offenses and 2854
either that the child has not previously been adjudicated a 2855
delinquent child for committing one or more sexually oriented 2856
offenses or child-victim oriented offenses or that the child 2857
previously was adjudicated a delinquent child for committing one 2858
or more sexually oriented offenses or child-victim oriented 2859
offenses but the fact that the child is a repeat offender does not 2860
seriously threaten the public interest and safety. A judge may not 2861

issue an order under that division that contains a determination 2862
that reclassifies a child from a tier II sex offender/child-victim 2863
offender classification to a tier III sex offender/child-victim 2864
offender classification. 2865

A judge may not issue an order under division (A)(2)(c) of 2866
this section that contains a determination that reclassifies a 2867
child from a tier I sex offender/child-victim offender 2868
classification to a tier II sex offender/child-victim offender 2869
classification or to a tier III sex offender/child-victim offender 2870
classification. 2871

If a judge issues an order under this division that contains 2872
a determination that reclassifies a child, the judge shall provide 2873
a copy of the order to the delinquent child and the bureau of 2874
criminal identification and investigation, and the bureau, upon 2875
receipt of the copy of the order, promptly shall notify the 2876
sheriff with whom the child most recently registered under section 2877
2950.04 or 2950.041 of the Revised Code of the determination and 2878
reclassification. 2879

(3) If a judge issues an order under division (A)(2)(b) of 2880
this section that ~~otherwise reclassifies~~ declassifies the 2881
delinquent child as a juvenile offender registrant, the judge 2882
shall provide a copy of the order to the bureau of criminal 2883
identification and investigation, and the bureau, upon receipt of 2884
the copy of the order, promptly shall notify the sheriff with whom 2885
the child most recently registered under section 2950.04 or 2886
2950.041 of the Revised Code of the ~~reclassification~~ 2887
declassification. 2888

(C) If a judge issues an order under ~~any provision of~~ 2889
division (A)(2)(a), (b), or (c) of this section, the judge shall 2890
provide to the delinquent child and to the delinquent child's 2891
parent, guardian, or custodian a copy of the order and, if 2892
applicable, a notice containing the information described in 2893

divisions (A) and (B) of section 2950.03 of the Revised Code. The 2894
judge shall provide the notice at the time of the issuance of the 2895
order and shall comply with divisions (B) and (C) of that section 2896
regarding that notice and the provision of it. 2897

~~(D) In making a decision under division (A) of this section, 2898
a judge shall consider all relevant factors, including, but not 2899
limited to, the factors listed in division (E) of section 2152.83 2900
of the Revised Code. 2901~~

~~(E) An order issued under division (A)(2)(a) or (c) of this 2902
section and any determinations included in the order shall remain 2903
in effect for the period of time specified in section 2950.07 of 2904
the Revised Code, subject to a modification or termination of the 2905
order under section 2152.85 of the Revised Code, and section 2906
2152.851 of the Revised Code applies regarding the order and the 2907
determinations. If an order is issued under division (A)(2)(a) or 2908
(c) of this section, the child's attainment of eighteen or 2909
twenty-one years of age does not affect or terminate the order, 2910
and the order remains in effect for the period of time described 2911
in this division. 2912~~

~~(E) The provisions of this section do not apply to a 2913
delinquent child who is classified as both a juvenile offender 2914
registrant and a public registry-qualified juvenile offender 2915
registrant pursuant to section 2152.86 of the Revised Code. 2916~~

Sec. 2152.85. (A) ~~Upon~~ Regardless of when the delinquent 2917
child was classified a juvenile offender registrant, subject to 2918
division (H) of this section, upon the expiration of the 2919
applicable period of time specified in division (B)(1) ~~or~~, (2), or 2920
(3) of this section, a delinquent child who has been classified 2921
pursuant to this section or section 2152.82 or 2152.83 of the 2922
Revised Code a juvenile offender registrant may petition the judge 2923
who made the classification, or that judge's successor in office, 2924

to do one of the following: 2925

(1) If the order containing the juvenile offender registrant 2926
classification also includes a determination by the juvenile court 2927
judge that the delinquent child is a ~~sexual predator or~~ 2928
~~child victim predator in the manner described in section 2152.82~~ 2929
~~or 2152.83 of the Revised Code and that determination remains in~~ 2930
~~effect, to enter, as applicable, an order that contains a~~ 2931
~~determination that the child no longer is a sexual predator, the~~ 2932
~~reason or reasons for that determination, and either a~~ 2933
~~determination that the child is a habitual sex offender or a~~ 2934
~~determination that the child remains a juvenile offender~~ 2935
~~registrant but is not a sexual predator or habitual sex offender,~~ 2936
~~or an order that contains a determination that the child no longer~~ 2937
~~is a child victim predator, the reason or reasons for that~~ 2938
~~determination, and either a determination that the child is a~~ 2939
~~habitual child victim offender or a determination that the child~~ 2940
~~remains a juvenile offender registrant but is not a child victim~~ 2941
~~predator or habitual child victim offender tier III sex~~ 2942
~~offender/child-victim offender, to enter, as applicable, an order~~ 2943
~~that contains a determination that reclassifies the child as~~ 2944
~~either a tier II sex offender/child-victim offender or a tier I~~ 2945
~~sex offender/child-victim offender, the reason or reasons for that~~ 2946
~~reclassification, and a determination that the child remains a~~ 2947
~~juvenile offender registrant, or an order that contains a~~ 2948
~~determination that the child no longer is a juvenile offender~~ 2949
~~registrant and no longer has a duty to comply with sections~~ 2950
~~2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;~~ 2951

(2) If the order containing the juvenile offender registrant 2952
classification ~~under section 2152.82 or 2152.83 of the Revised~~ 2953
~~Code or under division (C)(2) of this section pursuant to a~~ 2954
~~petition filed under division (A) of this section does not include~~ 2955
~~a sexual predator or child victim predator determination as~~ 2956

~~described in division (A)(1) of this section but includes a~~ 2957
~~determination by the juvenile court judge that the delinquent~~ 2958
~~child is a habitual sex offender or a habitual child victim~~ 2959
~~offender in the manner described in section 2152.82 or 2152.83 of~~ 2960
~~the Revised Code, or in this section, and that determination~~ 2961
~~remains in effect, to enter, as applicable, an order that contains~~ 2962
~~a determination that the child no longer is a habitual sex~~ 2963
~~offender and either a determination that the child remains a~~ 2964
~~juvenile offender registrant or a determination that the child no~~ 2965
~~longer is a juvenile offender registrant and no longer has a duty~~ 2966
~~to comply with sections 2950.04, 2950.05, and 2950.06 of the~~ 2967
~~Revised Code, or an order that contains a determination that the~~ 2968
~~child no longer is a habitual child victim offender and either a~~ 2969
~~determination that the child remains a juvenile offender~~ 2970
~~registrant or also includes a determination by the juvenile court~~ 2971
~~judge that the delinquent child is a tier II sex~~ 2972
~~offender/child-victim offender, to enter, as applicable, an order~~ 2973
~~that contains a determination that reclassifies the child as a~~ 2974
~~tier I sex offender/child-victim offender, the reason or reasons~~ 2975
~~for that reclassification, and a determination that the child~~ 2976
~~remains a juvenile offender registrant, or an order that contains~~ 2977
~~a determination that the child no longer is a juvenile offender~~ 2978
~~registrant and no longer has a duty to comply with sections~~ 2979
~~2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;~~ 2980

(3) If the order containing the juvenile offender registrant 2981
~~classification under section 2152.82 or 2152.83 of the Revised~~ 2982
~~Code or under division (C)(2) of this section pursuant to a~~ 2983
~~petition filed under division (A) of this section does not include~~ 2984
~~a sexual predator or child victim predator determination or a~~ 2985
~~habitual sex offender or habitual child victim offender~~ 2986
~~determination as described in division (A)(1) or (2) of this~~ 2987
~~section also includes a determination by the juvenile court judge~~ 2988
~~that the delinquent child is a tier I sex offender/child-victim~~ 2989

~~offender, to enter, as applicable, an order that contains a~~ 2990
~~determination that the child no longer is a juvenile offender~~ 2991
~~registrant and no longer has a duty to comply with sections~~ 2992
~~2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, or an~~ 2993
~~order that contains a determination that the child no longer is a~~ 2994
~~juvenile offender registrant and no longer has a duty to comply~~ 2995
~~with sections 2950.041, 2950.05, and 2950.06 of the Revised Code.~~ 2996

(B) A delinquent child who has been adjudicated a delinquent 2997
child for committing ~~on or after January 1, 2002,~~ a sexually 2998
oriented offense ~~that is not a registration exempt sexually or a~~ 2999
child-victim oriented offense, regardless of when the sexually 3000
oriented offense or child-victim oriented offense was committed, 3001
and who has been classified a juvenile offender registrant 3002
relative to that offense ~~or who has been adjudicated a delinquent~~ 3003
~~child for committing on or after that date a child victim oriented~~ 3004
~~offense and who has been classified a juvenile offender registrant~~ 3005
~~relative to that offense~~ may file a petition under division (A) of 3006
this section requesting reclassification or declassification as 3007
described in that division after the expiration of one of the 3008
following periods of time: 3009

(1) The delinquent child initially may file a petition not 3010
earlier than three years after the entry of the juvenile court 3011
judge's order after the mandatory hearing conducted under section 3012
2152.84 of the Revised Code. 3013

(2) After the delinquent child's initial filing of a petition 3014
under division (B)(1) of this section, the child may file a second 3015
petition not earlier than three years after the judge has entered 3016
an order deciding the petition under division (B)(1) of this 3017
section. 3018

(3) After the delinquent child's filing of a petition under 3019
division (B)(2) of this section, thereafter, the delinquent child 3020
may file a petition under this division upon the expiration of 3021

five years after the judge has entered an order deciding the 3022
petition under division (B)(2) of this section or the most recent 3023
petition the delinquent child has filed under this division. 3024

(C) Upon the filing of a petition under ~~divisions~~ division 3025
(A) ~~and (B)~~ of this section, subject to division (H) of this 3026
section, the judge may review the prior classification or 3027
determination in question and, upon consideration of all relevant 3028
factors and information, including, but not limited to the factors 3029
listed in division ~~(E)~~(D) of section 2152.83 of the Revised Code 3030
and the factors listed in division (C) of section 2152.831 of the 3031
Revised Code, the judge, in the judge's discretion, shall do one 3032
of the following: 3033

(1) Enter an order denying the petition; 3034

(2) ~~Issue~~ Subject to division (H) of this section, issue an 3035
order that reclassifies or declassifies the delinquent child, in 3036
the requested manner ~~specified in division (A)(1), (2), or (3) of~~ 3037
~~this section.~~ 3038

(D) If a judge issues an order under division (C)(1) of this 3039
section that denies a petition, the prior classification of the 3040
delinquent child as a juvenile offender registrant, and the prior 3041
determination that the child is a ~~sexual predator, child victim~~ 3042
~~predator, habitual sex offender, or habitual child victim~~ 3043
~~offender, if tier I sex offender/child-victim offender, a tier II~~ 3044
sex offender/child-victim offender, or a tier III sex 3045
offender/child-victim offender, whichever is applicable, shall 3046
remain in effect. 3047

A judge may issue an order under division (C)(2) of this 3048
section that contains a determination that ~~a child no longer is a~~ 3049
~~sexual predator or no longer is a child victim predator only if~~ 3050
~~the judge conducts a hearing and, in accordance with the~~ 3051
~~procedures specified in division (D)(1) of section 2950.09 of the~~ 3052

~~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 only if the court determines by clear and convincing evidence that the child is not likely to engage in the future in one or more sexually oriented offenses or child-victim oriented offenses. A judge may issue an order under that division that contains a determination that reclassifies a child from tier III sex offender/child-victim offender classification to a tier I sex offender/child-victim offender classification only if the court determines by clear and convincing evidence that the child is not likely to engage in the future in one or more sexually oriented offenses or child-victim oriented offenses and either that the child has not previously been adjudicated a delinquent child for committing one or more sexually oriented offenses or child-victim oriented offenses or that the child previously was adjudicated a delinquent child for committing one or more sexually oriented offenses or child-victim oriented offenses but the fact that the child is a repeat offender does not seriously threaten the public interest and safety.~~

A judge may issue an order under division (C)(2) of this section that contains a determination that reclassifies a child

from a tier II sex offender/child-victim offender classification 3086
to a tier I sex offender/child-victim offender classification only 3087
if the court determines by clear and convincing evidence that the 3088
child is not likely to engage in the future in one or more 3089
sexually oriented offenses or child-victim oriented offenses and 3090
either that the child has not previously been adjudicated a 3091
delinquent child for committing one or more sexually oriented 3092
offenses or child-victim oriented offenses or that the child 3093
previously was adjudicated a delinquent child for committing one 3094
or more sexually oriented offenses or child-victim oriented 3095
offenses but the fact that the child is a repeat offender does not 3096
seriously threaten the public interest and safety. 3097

If a judge issues an order under this division that contains 3098
a determination that reclassifies a child, the judge shall provide 3099
a copy of the order to the delinquent child and the bureau of 3100
criminal identification and investigation, and the bureau, upon 3101
receipt of the copy of the order, promptly shall notify the 3102
sheriff with whom the child most recently registered under section 3103
2950.04 or 2950.041 of the Revised Code of the determination and 3104
reclassification. 3105

~~A judge may issue an order under division (C) of this section~~ 3106
~~that contains a determination that a delinquent child is a~~ 3107
~~habitual sex offender or a habitual child victim offender only if~~ 3108
~~the judge conducts a hearing and determines at the hearing as~~ 3109
~~described in division (E) of section 2950.09 of the Revised Code~~ 3110
~~regarding habitual sex offenders or division (E) of section~~ 3111
~~2950.091 of the Revised Code regarding habitual child victim~~ 3112
~~offenders that the child is a habitual sex offender or a habitual~~ 3113
~~child victim offender. If the judge issues an order that contains~~ 3114
~~a determination that a delinquent child is a habitual sex offender~~ 3115
~~or a habitual child victim offender, the judge may impose a~~ 3116
~~requirement subjecting the child to community notification~~ 3117

~~provisions as described in that division.~~ 3118

If a judge issues an order under division (C)(2) of this section that declassifies the delinquent child, the order also terminates all prior determinations that the child 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, whichever is applicable. If a judge issues an order under division (C)(2) of this section that declassifies the delinquent child, the judge shall provide a copy of the order to the bureau of criminal identification and investigation, and the bureau, upon receipt of a copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 or 2950.041 of the Revised Code of the declassification. 3119
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(E) If a judge issues an order under division (C)(1) or (2) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and, if applicable, a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order and shall comply with divisions (B) and (C) of that section regarding that notice and the provision of it. 3132
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(F) An order issued under division (C) of this section shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a further modification or a future termination of the order under this section, ~~and section 2152.851 of the Revised Code applies regarding the order and the determinations.~~ If an order is issued under division (C) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division. 3141
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(G) The provisions of this section do not apply to a delinquent child who is classified as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code.

(H) The court shall not change the tier classification for any child pursuant to this section if federal law requires that the child be classified in a particular tier based on the offense committed. If federal law requires that the child be classified in a particular tier based on the offense committed, the tier classification for the child shall be determined solely by reference to the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender in section 2950.01 of the Revised Code.

Sec. 2152.851. ~~(A) If, prior to the effective date of this section~~ January 1, 2008, a judge issues an order under section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that classifies a delinquent child a juvenile offender registrant based on an adjudication for a sexually oriented offense or a child-victim oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, and if, on and after the effective date of this section January 1, 2008, the sexually oriented offense upon which the order was based no longer is considered a sexually oriented offense but instead is or a child-victim oriented offense as those terms are defined in section 2950.01 of the Revised Code on and after January 1, 2008, notwithstanding the redesignation of the offense changes to sections 2152.82, 2152.83, 2152.84, and 2152.85 of the Revised Code made on January 1, 2008, on and after that date, the order shall remain in effect for the period described in the section under which it was issued, the order shall be considered for all purposes to be an order that classifies the child a juvenile

~~offender registrant, division (A)(2)(b) of section 2950.041 of the Revised Code applies regarding the child as that section exists on and after January 1, 2008, subject to subsequent modification or termination under section 2152.84, 2152.85, or 2950.15 of the Revised Code, or, if division (A)(3) of section 2152.86 of the Revised Code applies regarding the child, for the period described in division (C) of that section subject to modification or termination under section 2152.84, 2152.85, or 2950.15 of the Revised Code, whichever is applicable, and the duty to register imposed pursuant to that division comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 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 child prior to the effective date of this section January 1, 2008, under the order issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and Chapter 2950. of the Revised Code.~~

~~(B) If an order of the type described in division (A) of this section included a classification or determination that the delinquent child was a sexual predator or habitual sex offender, notwithstanding the redesignation of the offense upon which the determination was based, all of the following apply:~~

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

~~(2) The child's classification or determination under divisions (A)(1) and (2) or (E)(1) and (2) of section 2950.091 of the Revised Code shall be considered, for purposes of section 2950.07 of the Revised Code and for all other purposes, to be a continuation of classification or determination made prior to the~~

~~effective date of this section;~~ 3214

~~(3) The child's duties under Chapter 2950. of the Revised Code relative to that classification or determination shall be considered for all purposes to be a continuation of the duties related to that classification or determination as they existed prior to the effective date of this section.~~ 3215
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Sec. 2152.86. (A)(1) The court that, on or after January 1, 2008, adjudicates a child a delinquent child for committing an act shall issue as part of the dispositional order an order that classifies the child a juvenile offender registrant, specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and additionally classifies the child a public registry-qualified juvenile offender registrant if the child was fourteen, fifteen, sixteen, or seventeen years of age at the time of committing the act and the child is adjudicated a delinquent child for committing, attempting to commit, conspiring to commit, or complicity in committing any of the following acts: 3220
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(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 less than twelve years of age; 3232
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(b) 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. 3236
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(2) Upon a child's release, on or after January 1, 2008, from the department of youth services, the court shall issue an order that classifies the child a juvenile offender registrant, specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and additionally classifies the child a public registry-qualified 3239
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juvenile offender registrant if all of the following apply: 3245

(a) The child was adjudicated a delinquent child for 3246
committing one of the acts described in division (A)(1)(a) or (b) 3247
of this section. 3248

(b) The child was fourteen, fifteen, sixteen, or seventeen 3249
years of age at the time of committing the act. 3250

(c) The court did not issue an order classifying the child as 3251
both a juvenile offender registrant and a public 3252
registry-qualified juvenile offender registrant pursuant to 3253
division (A)(1) of this section. 3254

(3) If a court issued an order classifying a child a juvenile 3255
offender registrant pursuant to section 2152.82 or 2152.83 of the 3256
Revised Code prior to January 1, 2008, not later than February 1, 3257
2008, the court shall issue a new order that reclassifies the 3258
child as a juvenile offender registrant, specifies that the child 3259
has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 3260
2950.06 of the Revised Code, and additionally classifies the child 3261
a public registry-qualified juvenile offender registrant if both 3262
of the following apply: 3263

(a) The sexually oriented offense that was the basis of the 3264
previous order that classified the child a juvenile offender 3265
registrant was an act described in division (A)(1)(a) or (b) of 3266
this section. 3267

(b) The child was fourteen, fifteen, sixteen, or seventeen 3268
years of age at the time of committing the act. 3269

(B)(1) If an order is issued under division (A)(1), (2), or 3270
(3) of this section, the classification of tier III sex 3271
offender/child-victim offender automatically applies to the 3272
delinquent child based on the sexually oriented offense the child 3273
committed, subject to a possible reclassification pursuant to 3274
division (D) of this section for a child whose delinquent act was 3275

committed prior to January 1, 2008. If an order is issued under 3276
division (A)(2) of this section regarding a child whose delinquent 3277
act described in division (A)(1)(a) or (b) of this section was 3278
committed prior to January 1, 2008, or if an order is issued under 3279
division (A)(3) of this section regarding a delinquent child, the 3280
order shall inform the child and the child's parent, guardian, or 3281
custodian, that the child has a right to a hearing as described in 3282
division (D) of this section and inform the child and the child's 3283
parent, guardian, or custodian of the procedures for requesting 3284
the hearing and the period of time within which the request for 3285
the hearing must be made. Section 2152.831 of the Revised Code 3286
does not apply regarding an order issued under division (A)(1), 3287
(2), or (3) of this section. 3288

(2) The judge that issues an order under division (A)(1), 3289
(2), or (3) of this section shall provide to the delinquent child 3290
who is the subject of the order and to the delinquent child's 3291
parent, guardian, or custodian the notice required under divisions 3292
(A) and (B) of section 2950.03 of the Revised Code and shall 3293
provide as part of that notice a copy of the order required under 3294
division (A)(1), (2), or (3) of this section. The judge shall 3295
include the order in the delinquent child's dispositional order 3296
and shall specify in the dispositional order that the order issued 3297
under division (A)(1), (2), or (3) of this section was made 3298
pursuant to this section. 3299

(C) An order issued under division (A)(1), (2), or (3) of 3300
this section shall remain in effect for the period of time 3301
specified in section 2950.07 of the Revised Code as it exists on 3302
and after January 1, 2008, subject to a judicial termination of 3303
that period of time as provided in section 2950.15 of the Revised 3304
Code, subject to a possible reclassification of the child pursuant 3305
to division (D) of this section if the child's delinquent act was 3306
committed prior to January 1, 2008. If an order is issued under 3307

division (A)(1), (2), or (3) of this section, the child's 3308
attainment of eighteen or twenty-one years of age does not affect 3309
or terminate the order, and the order remains in effect for the 3310
period of time described in this division. If an order is issued 3311
under division (A)(3) of this section, the duty to comply with 3312
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3313
Code based upon that order shall be considered, for purposes of 3314
section 2950.07 of the Revised Code and for all other purposes, to 3315
be a continuation of the duty to comply with those sections 3316
imposed upon the child prior to January 1, 2008, under the order 3317
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and 3318
Chapter 2950. of the Revised Code. 3319

(D)(1) If an order is issued under division (A)(2) of this 3320
section regarding a delinquent child whose delinquent act 3321
described in division (A)(1)(a) or (b) of this section was 3322
committed prior to January 1, 2008, or if an order is issued under 3323
division (A)(3) of this section regarding a delinquent child, 3324
except as otherwise provided in this division, the child may 3325
request as a matter of right a court hearing to contest the 3326
court's classification in the order of the child as a public 3327
registry-qualified juvenile offender registrant. To request the 3328
hearing, not later than the date that is sixty days after the 3329
delinquent child is provided with the copy of the order, the 3330
delinquent child shall file a petition with the juvenile court 3331
that issued the order. A delinquent child may not request, and the 3332
court shall not conduct, a hearing for the purpose described in 3333
this division if federal law requires that the child be classified 3334
a public registry-qualified juvenile offender registrant, or be 3335
subject to the duties and sanctions imposed on public 3336
registry-qualified juvenile offender registrants, based on the 3337
offense committed. If federal law requires that the child be 3338
classified a public registry-qualified juvenile offender 3339
registrant, or be subject to the duties and sanctions imposed on 3340

public registry-qualified juvenile offender registrants, based on 3341
the offense committed, the child shall be classified a public 3342
registry-qualified juvenile offender registrant solely by 3343
reference to the definition of public registry-qualified juvenile 3344
offender registrant in section 2950.01 of the Revised Code. 3345

If the delinquent child requests a hearing by timely filing a 3346
petition with the juvenile court, the delinquent child shall serve 3347
a copy of the petition on the prosecutor who handled the case in 3348
which the delinquent child was adjudicated a delinquent child for 3349
committing the sexually oriented offense or child-victim oriented 3350
offense that resulted in the delinquent child's registration duty 3351
under section 2950.04 or 2950.041 of the Revised Code. The 3352
prosecutor shall represent the interest of the state in the 3353
hearing. In any hearing under this division, the Rules of Juvenile 3354
Procedure apply except to the extent that those Rules would by 3355
their nature be clearly inapplicable. The court shall schedule a 3356
hearing and shall provide notice to the delinquent child and the 3357
delinquent child's parent, guardian, or custodian and to the 3358
prosecutor of the date, time, and place of the hearing. 3359

If the delinquent child requests a hearing in accordance with 3360
this division, until the court issues its decision at or 3361
subsequent to the hearing, the delinquent child shall comply with 3362
Chapter 2950. of the Revised Code as it exists on and after 3363
January 1, 2008. If a delinquent child requests a hearing in 3364
accordance with this division, at the hearing, all parties are 3365
entitled to be heard, and the court shall consider all relevant 3366
information and testimony presented relative to the issue of 3367
whether the child should be classified a public registry-qualified 3368
juvenile offender registrant. Notwithstanding the court's 3369
classification of the delinquent child as a public 3370
registry-qualified juvenile offender registrant, the court may 3371
terminate that classification if it determines by clear and 3372

convincing evidence that the child is not likely to engage in the 3373
future in one or more sexually oriented offenses or child-victim 3374
oriented offenses. 3375

If the court decides to terminate the court's classification 3376
of the delinquent child as a public registry-qualified juvenile 3377
offender registrant, the court shall issue an order that specifies 3378
that it has determined that the child is not a public 3379
registry-qualified juvenile offender registrant and that it has 3380
terminated the court's classification of the delinquent child as a 3381
public registry-qualified juvenile offender registrant. The court 3382
promptly shall serve a copy of the order upon the sheriff with 3383
whom the delinquent child most recently registered under section 3384
2950.04 or 2950.041 of the Revised Code and upon the bureau of 3385
criminal identification and investigation. The delinquent child 3386
and the prosecutor have the right to appeal the decision of the 3387
court issued under this division. 3388

If the delinquent child fails to request a hearing in 3389
accordance with this division within the applicable sixty-day 3390
period specified in this division, the failure constitutes a 3391
waiver by the delinquent child of the delinquent child's right to 3392
a hearing under this division, and the delinquent child is bound 3393
by the court's classification of the delinquent child as a public 3394
registry-qualified juvenile offender registrant. 3395

(2) In making a decision under division (D)(1) of this 3396
section as to whether a delinquent child is likely to engage in 3397
the future in one or more sexually oriented offenses or 3398
child-victim oriented offenses and as to whether the court's 3399
classification of the delinquent child as a public 3400
registry-qualified juvenile offender registrant should be 3401
terminated, the court shall consider all relevant factors, 3402
including, but not limited to, all of the factors listed in 3403
division (D) of section 2152.83 of the Revised Code and all of the 3404

factors identified in division (C) of section 2151.831 of the 3405
Revised Code. 3406

(3) An order issued under division (D)(1) of this section is 3407
independent of any order of a type described in division (E) or 3408
(F) of section 2950.031 or 2950.032 of the Revised Code, and the 3409
court may issue an order under both division (D)(1) of this 3410
section and an order of a type described in division (E) or (F) of 3411
section 2950.031 or 2950.032 of the Revised Code. A court that 3412
conducts a hearing under division (D)(1) of this section may 3413
consolidate that hearing with a hearing conducted for the same 3414
delinquent child under division (E) or (F) of section 2950.031 or 3415
2950.032 of the Revised Code. 3416

Sec. 2743.191. (A)(1) There is hereby created in the state 3417
treasury the reparations fund, which shall be used only for the 3418
following purposes: 3419

(a) The payment of awards of reparations that are granted by 3420
the attorney general; 3421

(b) The compensation of any personnel needed by the attorney 3422
general to administer sections 2743.51 to 2743.72 of the Revised 3423
Code; 3424

(c) The compensation of witnesses as provided in division (J) 3425
of section 2743.65 of the Revised Code; 3426

(d) Other administrative costs of hearing and determining 3427
claims for an award of reparations by the attorney general; 3428

(e) The costs of administering sections 2907.28 and 2969.01 3429
to 2969.06 of the Revised Code; 3430

(f) The costs of investigation and decision-making as 3431
certified by the attorney general; 3432

(g) The provision of state financial assistance to victim 3433
assistance programs in accordance with sections 109.91 and 109.92 3434

of the Revised Code; 3435

(h) The costs of paying the expenses of sex offense-related 3436
examinations and antibiotics pursuant to section 2907.28 of the 3437
Revised Code; 3438

(i) The cost of printing and distributing the pamphlet 3439
prepared by the attorney general pursuant to section 109.42 of the 3440
Revised Code; 3441

(j) Subject to division (D) of section 2743.71 of the Revised 3442
Code, the costs associated with the printing and providing of 3443
information cards or other printed materials to law enforcement 3444
agencies and prosecuting authorities and with publicizing the 3445
availability of awards of reparations pursuant to section 2743.71 3446
of the Revised Code; 3447

(k) The payment of costs of administering a DNA specimen 3448
collection procedure pursuant to sections 2152.74 and 2901.07 of 3449
the Revised Code, of performing DNA analysis of those DNA 3450
specimens, and of entering the resulting DNA records regarding 3451
those analyses into the DNA database pursuant to section 109.573 3452
of the Revised Code; 3453

(l) The payment of actual costs associated with initiatives 3454
by the attorney general for the apprehension, prosecution, and 3455
accountability of offenders, and the enhancing of services to 3456
crime victims. The amount of payments made pursuant to division 3457
(A)(1)(1) of this section during any given fiscal year shall not 3458
exceed five per cent of the balance of the reparations fund at the 3459
close of the immediately previous fiscal year; 3460

(m) The costs of administering the adult parole authority's 3461
supervision pursuant to division (E) of section 2971.05 of the 3462
Revised Code of sexually violent predators who are sentenced to a 3463
prison term pursuant to division (A)(3) of section 2971.03 of the 3464
Revised Code, and of offenders who are sentenced to a prison term 3465

pursuant to division (B)(1)(a), (b), or (c), ~~(B)(2)(a), (b), or~~ 3466
~~(c), or (B)(3)(a), (b), (c), or (d)~~ of that section ~~for a~~ 3467
~~violation of division (A)(1)(b) of section 2907.02 of the Revised~~ 3468
~~Code, and of offenders who are sentenced to a prison term pursuant~~ 3469
~~to division (B)(2)(a), (b), or (c) of section 2971.03 of the~~ 3470
~~Revised Code for attempted rape and a specification of the type~~ 3471
~~described in section 2941.1418, 2941.1419, 2941.1420 of the~~ 3472
~~Revised Code.~~ 3473

(2) All costs paid pursuant to section 2743.70 of the Revised 3474
Code, the portions of license reinstatement fees mandated by 3475
division (F)(2)(b) of section 4511.191 of the Revised Code to be 3476
credited to the fund, the portions of the proceeds of the sale of 3477
a forfeited vehicle specified in division (C)(2) of section 3478
4503.234 of the Revised Code, payments collected by the department 3479
of rehabilitation and correction from prisoners who voluntarily 3480
participate in an approved work and training program pursuant to 3481
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 3482
all moneys collected by the state pursuant to its right of 3483
subrogation provided in section 2743.72 of the Revised Code shall 3484
be deposited in the fund. 3485

(B) In making an award of reparations, the attorney general 3486
shall render the award against the state. The award shall be 3487
accomplished only through the following procedure, and the 3488
following procedure may be enforced by writ of mandamus directed 3489
to the appropriate official: 3490

(1) The attorney general shall provide for payment of the 3491
claimant or providers in the amount of the award only if the 3492
amount of the award is fifty dollars or more. 3493

(2) The expense shall be charged against all available 3494
unencumbered moneys in the fund. 3495

(3) If sufficient unencumbered moneys do not exist in the 3496

fund, the attorney general shall make application for payment of 3497
the award out of the emergency purposes account or any other 3498
appropriation for emergencies or contingencies, and payment out of 3499
this account or other appropriation shall be authorized if there 3500
are sufficient moneys greater than the sum total of then pending 3501
emergency purposes account requests or requests for releases from 3502
the other appropriations. 3503

(4) If sufficient moneys do not exist in the account or any 3504
other appropriation for emergencies or contingencies to pay the 3505
award, the attorney general shall request the general assembly to 3506
make an appropriation sufficient to pay the award, and no payment 3507
shall be made until the appropriation has been made. The attorney 3508
general shall make this appropriation request during the current 3509
biennium and during each succeeding biennium until a sufficient 3510
appropriation is made. If, prior to the time that an appropriation 3511
is made by the general assembly pursuant to this division, the 3512
fund has sufficient unencumbered funds to pay the award or part of 3513
the award, the available funds shall be used to pay the award or 3514
part of the award, and the appropriation request shall be amended 3515
to request only sufficient funds to pay that part of the award 3516
that is unpaid. 3517

(C) The attorney general shall not make payment on a decision 3518
or order granting an award until all appeals have been determined 3519
and all rights to appeal exhausted, except as otherwise provided 3520
in this section. If any party to a claim for an award of 3521
reparations appeals from only a portion of an award, and a 3522
remaining portion provides for the payment of money by the state, 3523
that part of the award calling for the payment of money by the 3524
state and not a subject of the appeal shall be processed for 3525
payment as described in this section. 3526

(D) The attorney general shall prepare itemized bills for the 3527
costs of printing and distributing the pamphlet the attorney 3528

general prepares pursuant to section 109.42 of the Revised Code. 3529
The itemized bills shall set forth the name and address of the 3530
persons owed the amounts set forth in them. 3531

(E) As used in this section, "DNA analysis" and "DNA 3532
specimen" have the same meanings as in section 109.573 of the 3533
Revised Code. 3534

Sec. 2901.07. (A) As used in this section: 3535

(1) "DNA analysis" and "DNA specimen" have the same meanings 3536
as in section 109.573 of the Revised Code. 3537

(2) "Jail" and "community-based correctional facility" have 3538
the same meanings as in section 2929.01 of the Revised Code. 3539

(3) "Post-release control" has the same meaning as in section 3540
2967.01 of the Revised Code. 3541

(B)(1) Regardless of when the conviction occurred or the 3542
guilty plea was entered, a person who has been convicted of, is 3543
convicted of, has pleaded guilty to, or pleads guilty to a felony 3544
offense and who is sentenced to a prison term or to a community 3545
residential sanction in a jail or community-based correctional 3546
facility for that offense pursuant to section 2929.16 of the 3547
Revised Code, and a person who has been convicted of, is convicted 3548
of, has pleaded guilty to, or pleads guilty to a misdemeanor 3549
offense listed in division (D) of this section and who is 3550
sentenced to a term of imprisonment for that offense shall submit 3551
to a DNA specimen collection procedure administered by the 3552
director of rehabilitation and correction or the chief 3553
administrative officer of the jail or other detention facility in 3554
which the person is serving the term of imprisonment. If the 3555
person serves the prison term in a state correctional institution, 3556
the director of rehabilitation and correction shall cause the DNA 3557
specimen to be collected from the person during the intake process 3558

at the reception facility designated by the director. If the 3559
person serves the community residential sanction or term of 3560
imprisonment in a jail, a community-based correctional facility, 3561
or another county, multicounty, municipal, municipal-county, or 3562
multicounty-municipal detention facility, the chief administrative 3563
officer of the jail, community-based correctional facility, or 3564
detention facility shall cause the DNA specimen to be collected 3565
from the person during the intake process at the jail, 3566
community-based correctional facility, or detention facility. The 3567
DNA specimen shall be collected in accordance with division (C) of 3568
this section. 3569

(2) Regardless of when the conviction occurred or the guilty 3570
plea was entered, if a person has been convicted of, is convicted 3571
of, has pleaded guilty to, or pleads guilty to a felony offense or 3572
a misdemeanor offense listed in division (D) of this section, is 3573
serving a prison term, community residential sanction, or term of 3574
imprisonment for that offense, and does not provide a DNA specimen 3575
pursuant to division (B)(1) of this section, prior to the person's 3576
release from the prison term, community residential sanction, or 3577
imprisonment, the person shall submit to, and the director of 3578
rehabilitation and correction or the chief administrative officer 3579
of the jail, community-based correctional facility, or detention 3580
facility in which the person is serving the prison term, community 3581
residential sanction, or term of imprisonment shall administer, a 3582
DNA specimen collection procedure at the state correctional 3583
institution, jail, community-based correctional facility, or 3584
detention facility in which the person is serving the prison term, 3585
community residential sanction, or term of imprisonment. The DNA 3586
specimen shall be collected in accordance with division (C) of 3587
this section. 3588

(3)(a) Regardless of when the conviction occurred or the 3589
guilty plea was entered, if a person has been convicted of, is 3590

convicted of, has pleaded guilty to, or pleads guilty to a felony 3591
offense or a misdemeanor offense listed in division (D) of this 3592
section and the person is on probation, released on parole, under 3593
transitional control, on community control, on post-release 3594
control, or under any other type of supervised release under the 3595
supervision of a probation department or the adult parole 3596
authority for that offense, the person shall submit to a DNA 3597
specimen collection procedure administered by the chief 3598
administrative officer of the probation department or the adult 3599
parole authority. The DNA specimen shall be collected in 3600
accordance with division (C) of this section. If the person 3601
refuses to submit to a DNA specimen collection procedure as 3602
provided in this division, the person may be subject to the 3603
provisions of section 2967.15 of the Revised Code. 3604

(b) If a person to whom division (B)(3)(a) of this section 3605
applies is sent to jail or is returned to a jail, community-based 3606
correctional facility, or state correctional institution for a 3607
violation of the terms and conditions of the probation, parole, 3608
transitional control, other release, or post-release control, if 3609
the person was or will be serving a term of imprisonment, prison 3610
term, or community residential sanction for committing a felony 3611
offense or for committing a misdemeanor offense listed in division 3612
(D) of this section, and if the person did not provide a DNA 3613
specimen pursuant to division (B)(1), (2) or (3)(a) of this 3614
section, the person shall submit to, and the director of 3615
rehabilitation and correction or the chief administrative officer 3616
of the jail or community-based correctional facility shall 3617
administer, a DNA specimen collection procedure at the jail, 3618
community-based correctional facility, or state correctional 3619
institution in which the person is serving the term of 3620
imprisonment, prison term, or community residential sanction. The 3621
DNA specimen shall be collected from the person in accordance with 3622
division (C) of this section. 3623

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

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

county, multicounty, municipal, municipal-county, or 3657
multicounty-municipal detention facility, in which the person is 3658
serving the prison term, community residential sanction, or term 3659
of imprisonment shall cause the DNA specimen to be forwarded to 3660
the bureau of criminal identification and investigation in 3661
accordance with procedures established by the superintendent of 3662
the bureau under division (H) of section 109.573 of the Revised 3663
Code. The bureau shall provide the specimen vials, mailing tubes, 3664
labels, postage, and instructions needed for the collection and 3665
forwarding of the DNA specimen to the bureau. 3666

(D) The director of rehabilitation and correction, the chief 3667
administrative officer of the jail, community-based correctional 3668
facility, or other county, multicounty, municipal, 3669
municipal-county, or multicounty-municipal detention facility, or 3670
the chief administrative officer of a county probation department 3671
or the adult parole authority shall cause a DNA specimen to be 3672
collected in accordance with divisions (B) and (C) of this section 3673
from a person in its custody or under its supervision who has been 3674
convicted of, is convicted of, has pleaded guilty to, or pleads 3675
guilty to any felony offense or any of the following misdemeanor 3676
offenses: 3677

(1) A misdemeanor violation, an attempt to commit a 3678
misdemeanor violation, or complicity in committing a misdemeanor 3679
violation of section 2907.04 of the Revised Code; 3680

(2) A misdemeanor violation of any law that arose out of the 3681
same facts and circumstances and same act as did a charge against 3682
the person of a violation of section 2903.01, 2903.02, 2905.01, 3683
2907.02, 2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code 3684
that previously was dismissed or amended or as did a charge 3685
against the person of a violation of section 2907.12 of the 3686
Revised Code as it existed prior to September 3, 1996, that 3687
previously was dismissed or amended; 3688

(3) A misdemeanor violation of section 2919.23 of the Revised 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. 3719

(1) Except as otherwise provided in divisions (B)(2) and (3) 3720
of this section, menacing by stalking is a misdemeanor of the 3721
first degree. 3722

(2) Menacing by stalking is a felony of the fourth degree if 3723
any of the following applies: 3724

(a) The offender previously has been convicted of or pleaded 3725
guilty to a violation of this section or a violation of section 3726
2911.211 of the Revised Code. 3727

(b) In committing the offense under division (A)(1) ~~or~~ (2) ~~or~~ 3728
or (3) of this section, the offender made a threat of physical 3729
harm to or against the victim, or as a result of an offense 3730
committed under division (A)(2) or (3) of this section, a third 3731
person induced by the offender's posted message made a threat of 3732
physical harm to or against the victim. 3733

(c) In committing the offense under division (A)(1) ~~or~~ (2) ~~or~~ 3734
or (3) of this section, the offender trespassed on the land or 3735
premises where the victim lives, is employed, or attends school, 3736
or as a result of an offense committed under division (A)(2) or 3737
(3) of this section, a third person induced by the offender's 3738
posted message trespassed on the land or premises where the victim 3739
lives, is employed, or attends school. 3740

(d) The victim of the offense is a minor. 3741

(e) The offender has a history of violence toward the victim 3742
or any other person or a history of other violent acts toward the 3743
victim or any other person. 3744

(f) While committing the offense under division (A)(1) of 3745
this section or a violation of division (A)(3) of this section 3746
based on conduct in violation of division (A)(1) of this section, 3747
the offender had a deadly weapon on or about the offender's person 3748

or under the offender's control. Division (B)(2)(f) of this 3749
section does not apply in determining the penalty for a violation 3750
of division (A)(2) of this section or a violation of division 3751
(A)(3) of this section based on conduct in violation of division 3752
(A)(2) of this section. 3753

(g) At the time of the commission of the offense, the 3754
offender was the subject of a protection order issued under 3755
section 2903.213 or 2903.214 of the Revised Code, regardless of 3756
whether the person to be protected under the order is the victim 3757
of the offense or another person. 3758

(h) In committing the offense under division (A)(1) ~~or~~ (2) ~~or~~ 3759
or (3) of this section, the offender caused serious physical harm 3760
to the premises at which the victim resides, to the real property 3761
on which that premises is located, or to any personal property 3762
located on that premises, or ~~as~~ as a result of an offense committed 3763
under division (A)(2) of this section or an offense committed 3764
under division (A)(3) of this section based on a violation of 3765
division (A)(2) of this section, a third person induced by the 3766
offender's posted message caused serious physical harm to that 3767
premises, that real property, or any personal property on that 3768
premises. 3769

(i) Prior to committing the offense, the offender had been 3770
determined to represent a substantial risk of physical harm to 3771
others as manifested by evidence of then-recent homicidal or other 3772
violent behavior, evidence of then-recent threats that placed 3773
another in reasonable fear of violent behavior and serious 3774
physical harm, or other evidence of then-present dangerousness. 3775

(3) If the victim of the offense is an officer or employee of 3776
a public children services agency or a private child placing 3777
agency and the offense relates to the officer's or employee's 3778
performance or anticipated performance of official 3779
responsibilities or duties, menacing by stalking is either a 3780

felony of the fifth degree or, if the offender previously has been 3781
convicted of or pleaded guilty to an offense of violence, the 3782
victim of that prior offense was an officer or employee of a 3783
public children services agency or private child placing agency, 3784
and that prior offense related to the officer's or employee's 3785
performance or anticipated performance of official 3786
responsibilities or duties, a felony of the fourth degree. 3787

(C) Section 2919.271 of the Revised Code applies in relation 3788
to a defendant charged with a violation of this section. 3789

(D) As used in this section: 3790

(1) "Pattern of conduct" means two or more actions or 3791
incidents closely related in time, whether or not there has been a 3792
prior conviction based on any of those actions or incidents. 3793
Actions or incidents that prevent, obstruct, or delay the 3794
performance by a public official, firefighter, rescuer, emergency 3795
medical services person, or emergency facility person of any 3796
authorized act within the public official's, firefighter's, 3797
rescuer's, emergency medical services person's, or emergency 3798
facility person's official capacity, or the posting of messages or 3799
receipt of information or data through the use of an electronic 3800
method of remotely transferring information, including, but not 3801
limited to, a computer, computer network, computer program, 3802
computer system, or telecommunications device, may constitute a 3803
"pattern of conduct." 3804

(2) "Mental distress" means any of the following: 3805

(a) Any mental illness or condition that involves some 3806
temporary substantial incapacity; 3807

(b) Any mental illness or condition that would normally 3808
require psychiatric treatment, psychological treatment, or other 3809
mental health services, whether or not any person requested or 3810
received psychiatric treatment, psychological treatment, or other 3811

mental health services.	3812
(3) "Emergency medical services person" is the singular of	3813
"emergency medical services personnel" as defined in section	3814
2133.21 of the Revised Code.	3815
(4) "Emergency facility person" is the singular of "emergency	3816
facility personnel" as defined in section 2909.04 of the Revised	3817
Code.	3818
(5) "Public official" has the same meaning as in section	3819
2921.01 of the Revised Code.	3820
(6) "Computer," "computer network," "computer program,"	3821
"computer system," and "telecommunications device" have the same	3822
meanings as in section 2913.01 of the Revised Code.	3823
(7) "Post a message" means transferring, sending, posting,	3824
publishing, disseminating, or otherwise communicating, or	3825
attempting to transfer, send, post, publish, disseminate, or	3826
otherwise communicate, any message or information, whether	3827
truthful or untruthful, about an individual, and whether done	3828
under one's own name, under the name of another, or while	3829
impersonating another.	3830
(8) "Third person" means, in relation to conduct as described	3831
in division (A)(2) of this section, an individual who is neither	3832
the offender nor the victim of the conduct.	3833
<u>(9) "Sexual motivation" has the same meaning as in section</u>	3834
<u>2971.01 of the Revised Code.</u>	3835
(E) The state does not need to prove in a prosecution under	3836
this section that a person requested or received psychiatric	3837
treatment, psychological treatment, or other mental health	3838
services in order to show that the person was caused mental	3839
distress as described in division (D)(2)(b) of this section.	3840
(F)(1) This section does not apply to a person solely because	3841

the person provided access or connection to or from an electronic 3842
method of remotely transferring information not under that 3843
person's control, including having provided capabilities that are 3844
incidental to providing access or connection to or from the 3845
electronic method of remotely transferring the information, and 3846
that do not include the creation of the content of the material 3847
that is the subject of the access or connection. In addition, any 3848
person providing access or connection to or from an electronic 3849
method of remotely transferring information not under that 3850
person's control shall not be liable for any action voluntarily 3851
taken in good faith to block the receipt or transmission through 3852
its service of any information that it believes is, or will be 3853
sent, in violation of this section. 3854

(2) Division (F)(1) of this section does not create an 3855
affirmative duty for any person providing access or connection to 3856
or from an electronic method of remotely transferring information 3857
not under that person's control to block the receipt or 3858
transmission through its service of any information that it 3859
believes is, or will be sent, in violation of this section except 3860
as otherwise provided by law. 3861

(3) Division (F)(1) of this section does not apply to a 3862
person who conspires with a person actively involved in the 3863
creation or knowing distribution of material in violation of this 3864
section or who knowingly advertises the availability of material 3865
of that nature. 3866

Sec. 2905.01. (A) No person, by force, threat, or deception, 3867
or, in the case of a victim under the age of thirteen or mentally 3868
incompetent, by any means, shall remove another from the place 3869
where the other person is found or restrain the liberty of the 3870
other person, for any of the following purposes: 3871

(1) To hold for ransom, or as a shield or hostage; 3872

(2) To facilitate the commission of any felony or flight thereafter;	3873 3874
(3) To terrorize, or to inflict serious physical harm on the victim or another;	3875 3876
(4) To engage in sexual activity, as defined in section 2907.01 of the Revised Code, with the victim against the victim's will;	3877 3878 3879
(5) To hinder, impede, or obstruct a function of government, or to force any action or concession on the part of governmental authority.	3880 3881 3882
(B) No person, by force, threat, or deception, or, in the case of a victim under the age of thirteen or mentally incompetent, by any means, shall knowingly do any of the following, under circumstances that create a substantial risk of serious physical harm to the victim or, in the case of a minor victim, under circumstances that either create a substantial risk of serious physical harm to the victim or cause physical harm to the victim:	3883 3884 3885 3886 3887 3888 3889 3890
(1) Remove another from the place where the other person is found;	3891 3892
(2) Restrain another of his <u>the other person's</u> liberty;	3893
(3) Hold another in a condition of involuntary servitude.	3894
(C) Whoever violates this section is guilty of kidnapping. <u>Except as otherwise provided in this division, kidnapping is a felony of the first degree. If Except as otherwise provided in this division, if the offender releases the victim in a safe place unharmed, kidnapping is a felony of the second degree. If the victim of the offense is less than thirteen years of age and if the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment,</u>	3895 3896 3897 3898 3899 3900 3901 3902

count in the indictment, or information charging the offense, 3903
kidnapping is a felony of the first degree, and, notwithstanding 3904
the definite sentence provided for a felony of the first degree in 3905
section 2929.14 of the Revised Code, the offender shall be 3906
sentenced pursuant to section 2971.03 of the Revised Code as 3907
follows: 3908

(1) Except as otherwise provided in division (C)(2) of this 3909
section, the offender shall be sentenced pursuant to that section 3910
to an indefinite prison term consisting of a minimum term of 3911
fifteen years and a maximum term of life imprisonment. 3912

(2) If the offender releases the victim in a safe place 3913
unharmed, the offender shall be sentenced pursuant to that section 3914
to an indefinite term consisting of a minimum term of ten years 3915
and a maximum term of life imprisonment. 3916

(D) As used in this section, "sexual motivation 3917
specification" has the same meaning as in section 2971.01 of the 3918
Revised Code. 3919

Sec. 2905.02. (A) No person, without privilege to do so, 3920
shall knowingly do any of the following: 3921

(1) By force or threat, remove another from the place where 3922
the other person is found; 3923

(2) By force or threat, restrain the liberty of another 3924
person, under circumstances ~~which~~ that create a risk of physical 3925
harm to the victim, or place the other person in fear; 3926

(3) Hold another in a condition of involuntary servitude. 3927

(B) No person, with a sexual motivation, shall violate 3928
division (A) of this section. 3929

(C) Whoever violates this section is guilty of abduction, a 3930
felony of the third degree. 3931

(D) As used in this section, "sexual motivation" has the same 3932
meaning as in section 2971.01 of the Revised Code. 3933

Sec. 2905.03. (A) No person, without privilege to do so, 3934
shall knowingly restrain another of ~~his~~ the other person's 3935
liberty. 3936

(B) No person, without privilege to do so and with a sexual 3937
motivation, shall knowingly restrain another of the other person's 3938
liberty. 3939

(C) Whoever violates this section is guilty of unlawful 3940
restraint, a misdemeanor of the third degree. 3941

(D) As used in this section, "sexual motivation" has the same 3942
meaning as in section 2971.01 of the Revised Code. 3943

Sec. 2905.05. (A) No person, by any means and without 3944
privilege to do so, shall knowingly solicit, coax, entice, or lure 3945
any child under fourteen years of age to accompany the person in 3946
any manner, including entering into any vehicle or onto any 3947
vessel, whether or not the offender knows the age of the child, if 3948
both of the following apply: 3949

(1) The actor does not have the express or implied permission 3950
of the parent, guardian, or other legal custodian of the child in 3951
undertaking the activity. 3952

(2) The actor is not a law enforcement officer, medic, 3953
firefighter, or other person who regularly provides emergency 3954
services, and is not an employee or agent of, or a volunteer 3955
acting under the direction of, any board of education, or the 3956
actor is any of such persons, but, at the time the actor 3957
undertakes the activity, the actor is not acting within the scope 3958
of the actor's lawful duties in that capacity. 3959

(B) No person, with a sexual motivation, shall violate 3960

division (A) of this section. 3961

(C) It is an affirmative defense to a charge under division 3962
(A) of this section that the actor undertook the activity in 3963
response to a bona fide emergency situation or that the actor 3964
undertook the activity in a reasonable belief that it was 3965
necessary to preserve the health, safety, or welfare of the child. 3966

~~(C)~~(D) Whoever violates this section is guilty of criminal 3967
child enticement, a misdemeanor of the first degree. If the 3968
offender previously has been convicted of a violation of this 3969
section, section 2907.02~~7~~ or 2907.03~~7~~ or former section 2907.12 of 3970
the Revised Code, or section 2905.01 or 2907.05 of the Revised 3971
Code when the victim of that prior offense was under seventeen 3972
years of age at the time of the offense, criminal child enticement 3973
is a felony of the fifth degree. 3974

~~(D)~~(E) As used in this section: 3975

(1) "Sexual motivation" has the same meaning as in section 3976
2971.01 of the Revised Code. 3977

(2) "Vehicle" has the same meaning as in section 4501.01 of 3978
the Revised Code. 3979

~~(2)~~(3) "Vessel" has the same meaning as in section 1547.01 of 3980
the Revised Code. 3981

Sec. 2907.01. As used in sections 2907.01 to 2907.38 of the 3982
Revised Code: 3983

(A) "Sexual conduct" means vaginal intercourse between a male 3984
and female; anal intercourse, fellatio, and cunnilingus between 3985
persons regardless of sex; and, without privilege to do so, the 3986
insertion, however slight, of any part of the body or any 3987
instrument, apparatus, or other object into the vaginal or anal 3988
opening of another. Penetration, however slight, is sufficient to 3989
complete vaginal or anal intercourse. 3990

(B) "Sexual contact" means any touching of an erogenous zone 3991
of another, including without limitation the thigh, genitals, 3992
buttock, pubic region, or, if the person is a female, a breast, 3993
for the purpose of sexually arousing or gratifying either person. 3994

(C) "Sexual activity" means sexual conduct or sexual contact, 3995
or both. 3996

(D) "Prostitute" means a male or female who promiscuously 3997
engages in sexual activity for hire, regardless of whether the 3998
hire is paid to the prostitute or to another. 3999

(E) "Harmful to juveniles" means that quality of any material 4000
or performance describing or representing nudity, sexual conduct, 4001
sexual excitement, or sado-masochistic abuse in any form to which 4002
all of the following apply: 4003

(1) The material or performance, when considered as a whole, 4004
appeals to the prurient interest ~~in sex~~ of juveniles in sex. 4005

(2) The material or performance is patently offensive to 4006
prevailing standards in the adult community as a whole with 4007
respect to what is suitable for juveniles. 4008

(3) The material or performance, when considered as a whole, 4009
lacks serious literary, artistic, political, and scientific value 4010
for juveniles. 4011

(F) When considered as a whole, and judged with reference to 4012
ordinary adults or, if it is designed for sexual deviates or other 4013
specially susceptible group, judged with reference to that group, 4014
any material or performance is "obscene" if any of the following 4015
apply: 4016

(1) Its dominant appeal is to prurient interest; 4017

(2) Its dominant tendency is to arouse lust by displaying or 4018
depicting sexual activity, masturbation, sexual excitement, or 4019
nudity in a way that tends to represent human beings as mere 4020

objects of sexual appetite; 4021

(3) Its dominant tendency is to arouse lust by displaying or 4022
depicting bestiality or extreme or bizarre violence, cruelty, or 4023
brutality; 4024

(4) Its dominant tendency is to appeal to scatological 4025
interest by displaying or depicting human bodily functions of 4026
elimination in a way that inspires disgust or revulsion in persons 4027
with ordinary sensibilities, without serving any genuine 4028
scientific, educational, sociological, moral, or artistic purpose; 4029

(5) It contains a series of displays or descriptions of 4030
sexual activity, masturbation, sexual excitement, nudity, 4031
bestiality, extreme or bizarre violence, cruelty, or brutality, or 4032
human bodily functions of elimination, the cumulative effect of 4033
which is a dominant tendency to appeal to prurient or scatological 4034
interest, when the appeal to such an interest is primarily for its 4035
own sake or for commercial exploitation, rather than primarily for 4036
a genuine scientific, educational, sociological, moral, or 4037
artistic purpose. 4038

(G) "Sexual excitement" means the condition of human male or 4039
female genitals when in a state of sexual stimulation or arousal. 4040

(H) "Nudity" means the showing, representation, or depiction 4041
of human male or female genitals, pubic area, or buttocks with 4042
less than a full, opaque covering, or of a female breast with less 4043
than a full, opaque covering of any portion thereof below the top 4044
of the nipple, or of covered male genitals in a discernibly turgid 4045
state. 4046

(I) "Juvenile" means an unmarried person under the age of 4047
eighteen. 4048

(J) "Material" means any book, magazine, newspaper, pamphlet, 4049
poster, print, picture, figure, image, description, motion picture 4050
film, phonographic record, or tape, or other tangible thing 4051

capable of arousing interest through sight, sound, or touch and 4052
includes an image or text appearing on a computer monitor, 4053
television screen, liquid crystal display, or similar display 4054
device or an image or text recorded on a computer hard disk, 4055
computer floppy disk, compact disk, magnetic tape, or similar data 4056
storage device. 4057

(K) "Performance" means any motion picture, preview, trailer, 4058
play, show, skit, dance, or other exhibition performed before an 4059
audience. 4060

(L) "Spouse" means a person married to an offender at the 4061
time of an alleged offense, except that such person shall not be 4062
considered the spouse when any of the following apply: 4063

(1) When the parties have entered into a written separation 4064
agreement authorized by section 3103.06 of the Revised Code; 4065

(2) During the pendency of an action between the parties for 4066
annulment, divorce, dissolution of marriage, or legal separation; 4067

(3) In the case of an action for legal separation, after the 4068
effective date of the judgment for legal separation. 4069

(M) "Minor" means a person under the age of eighteen. 4070

(N) "Mental health client or patient" has the same meaning as 4071
in section 2305.51 of the Revised Code. 4072

(O) "Mental health professional" has the same meaning as in 4073
section 2305.115 of the Revised Code. 4074

(P) "Sado-masochistic abuse" means flagellation or torture by 4075
or upon a person or the condition of being fettered, bound, or 4076
otherwise physically restrained. 4077

Sec. 2907.02. (A)(1) No person shall engage in sexual conduct 4078
with another who is not the spouse of the offender or who is the 4079
spouse of the offender but is living separate and apart from the 4080

offender, when any of the following applies: 4081

(a) For the purpose of preventing resistance, the offender 4082
substantially impairs the other person's judgment or control by 4083
administering any drug, intoxicant, or controlled substance to the 4084
other person surreptitiously or by force, threat of force, or 4085
deception. 4086

(b) The other person is less than thirteen years of age, 4087
whether or not the offender knows the age of the other person. 4088

(c) The other person's ability to resist or consent is 4089
substantially impaired because of a mental or physical condition 4090
or because of advanced age, and the offender knows or has 4091
reasonable cause to believe that the other person's ability to 4092
resist or consent is substantially impaired because of a mental or 4093
physical condition or because of advanced age. 4094

(2) No person shall engage in sexual conduct with another 4095
when the offender purposely compels the other person to submit by 4096
force or threat of force. 4097

(B) Whoever violates this section is guilty of rape, a felony 4098
of the first degree. If the offender under division (A)(1)(a) of 4099
this section substantially impairs the other person's judgment or 4100
control by administering any controlled substance described in 4101
section 3719.41 of the Revised Code to the other person 4102
surreptitiously or by force, threat of force, or deception, the 4103
prison term imposed upon the offender shall be one of the prison 4104
terms prescribed for a felony of the first degree in section 4105
2929.14 of the Revised Code that is not less than five years. 4106
Except as otherwise provided in this division, notwithstanding 4107
sections 2929.11 to 2929.14 of the Revised Code, an offender under 4108
division (A)(1)(b) of this section shall be sentenced to a prison 4109
term or term of life imprisonment pursuant to section 2971.03 of 4110
the Revised Code. If an offender is convicted of or pleads guilty 4111

to a violation of division (A)(1)(b) of this section, if the 4112
offender was less than sixteen years of age at the time the 4113
offender committed the violation of that division, and if the 4114
offender during or immediately after the commission of the offense 4115
did not cause serious physical harm to the victim, the victim was 4116
ten years of age or older at the time of the commission of the 4117
violation, and the offender has not previously been convicted of 4118
or pleaded guilty to a violation of this section or a 4119
substantially similar existing or former law of this state, 4120
another state, or the United States, the court shall not sentence 4121
the offender to a prison term or term of life imprisonment 4122
pursuant to section 2971.03 of the Revised Code, and instead the 4123
court shall sentence the offender as otherwise provided in this 4124
division. If an offender under division (A)(1)(b) of this section 4125
previously has been convicted of or pleaded guilty to violating 4126
division (A)(1)(b) of this section or to violating an existing or 4127
former law of this state, another state, or the United States that 4128
is substantially similar to division (A)(1)(b) of this section, if 4129
the offender during or immediately after the commission of the 4130
offense caused serious physical harm to the victim, or if the 4131
victim under division (A)(1)(b) of this section is less than ten 4132
years of age, in lieu of sentencing the offender to a prison term 4133
or term of life imprisonment pursuant to section 2971.03 of the 4134
Revised Code, the court may impose upon the offender a term of 4135
life without parole. If the court imposes a term of life without 4136
parole pursuant to this division, division (F) of section 2971.03 4137
of the Revised Code applies, and the offender automatically is 4138
classified a ~~sexual predator~~ tier III sex offender/child-victim 4139
offender, as described in that division. 4140

(C) A victim need not prove physical resistance to the 4141
offender in prosecutions under this section. 4142

(D) Evidence of specific instances of the victim's sexual 4143

activity, opinion evidence of the victim's sexual activity, and 4144
reputation evidence of the victim's sexual activity shall not be 4145
admitted under this section unless it involves evidence of the 4146
origin of semen, pregnancy, or disease, or the victim's past 4147
sexual activity with the offender, and only to the extent that the 4148
court finds that the evidence is material to a fact at issue in 4149
the case and that its inflammatory or prejudicial nature does not 4150
outweigh its probative value. 4151

Evidence of specific instances of the defendant's sexual 4152
activity, opinion evidence of the defendant's sexual activity, and 4153
reputation evidence of the defendant's sexual activity shall not 4154
be admitted under this section unless it involves evidence of the 4155
origin of semen, pregnancy, or disease, the defendant's past 4156
sexual activity with the victim, or is admissible against the 4157
defendant under section 2945.59 of the Revised Code, and only to 4158
the extent that the court finds that the evidence is material to a 4159
fact at issue in the case and that its inflammatory or prejudicial 4160
nature does not outweigh its probative value. 4161

(E) Prior to taking testimony or receiving evidence of any 4162
sexual activity of the victim or the defendant in a proceeding 4163
under this section, the court shall resolve the admissibility of 4164
the proposed evidence in a hearing in chambers, which shall be 4165
held at or before preliminary hearing and not less than three days 4166
before trial, or for good cause shown during the trial. 4167

(F) Upon approval by the court, the victim may be represented 4168
by counsel in any hearing in chambers or other proceeding to 4169
resolve the admissibility of evidence. If the victim is indigent 4170
or otherwise is unable to obtain the services of counsel, the 4171
court, upon request, may appoint counsel to represent the victim 4172
without cost to the victim. 4173

(G) It is not a defense to a charge under division (A)(2) of 4174
this section that the offender and the victim were married or were 4175

cohabiting at the time of the commission of the offense. 4176

Sec. 2907.05. (A) No person shall have sexual contact with 4177
another, not the spouse of the offender; cause another, not the 4178
spouse of the offender, to have sexual contact with the offender; 4179
or cause two or more other persons to have sexual contact when any 4180
of the following applies: 4181

(1) The offender purposely compels the other person, or one 4182
of the other persons, to submit by force or threat of force. 4183

(2) For the purpose of preventing resistance, the offender 4184
substantially impairs the judgment or control of the other person 4185
or of one of the other persons by administering any drug, 4186
intoxicant, or controlled substance to the other person 4187
surreptitiously or by force, threat of force, or deception. 4188

(3) The offender knows that the judgment or control of the 4189
other person or of one of the other persons is substantially 4190
impaired as a result of the influence of any drug or intoxicant 4191
administered to the other person with the other person's consent 4192
for the purpose of any kind of medical or dental examination, 4193
treatment, or surgery. 4194

(4) The other person, or one of the other persons, is less 4195
than thirteen years of age, whether or not the offender knows the 4196
age of that person. 4197

(5) The ability of the other person to resist or consent or 4198
the ability of one of the other persons to resist or consent is 4199
substantially impaired because of a mental or physical condition 4200
or because of advanced age, and the offender knows or has 4201
reasonable cause to believe that the ability to resist or consent 4202
of the other person or of one of the other persons is 4203
substantially impaired because of a mental or physical condition 4204
or because of advanced age. 4205

(B) No person shall intentionally touch the genitalia of another, when the touching is not through clothing, the other person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

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

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

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

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

(b) The offender previously was convicted of or pleaded 4237
guilty to a violation of this section, rape, the former offense of 4238
felonious sexual penetration, or sexual battery, and the victim of 4239
the previous offense was under thirteen years of age. 4240

~~(C)~~(D) A victim need not prove physical resistance to the 4241
offender in prosecutions under this section. 4242

~~(D)~~(E) Evidence of specific instances of the victim's sexual 4243
activity, opinion evidence of the victim's sexual activity, and 4244
reputation evidence of the victim's sexual activity shall not be 4245
admitted under this section unless it involves evidence of the 4246
origin of semen, pregnancy, or disease, or the victim's past 4247
sexual activity with the offender, and only to the extent that the 4248
court finds that the evidence is material to a fact at issue in 4249
the case and that its inflammatory or prejudicial nature does not 4250
outweigh its probative value. 4251

Evidence of specific instances of the defendant's sexual 4252
activity, opinion evidence of the defendant's sexual activity, and 4253
reputation evidence of the defendant's sexual activity shall not 4254
be admitted under this section unless it involves evidence of the 4255
origin of semen, pregnancy, or disease, the defendant's past 4256
sexual activity with the victim, or is admissible against the 4257
defendant under section 2945.59 of the Revised Code, and only to 4258
the extent that the court finds that the evidence is material to a 4259
fact at issue in the case and that its inflammatory or prejudicial 4260
nature does not outweigh its probative value. 4261

~~(E)~~(F) Prior to taking testimony or receiving evidence of any 4262
sexual activity of the victim or the defendant in a proceeding 4263
under this section, the court shall resolve the admissibility of 4264
the proposed evidence in a hearing in chambers, which shall be 4265
held at or before preliminary hearing and not less than three days 4266
before trial, or for good cause shown during the trial. 4267

~~(F)~~(G) Upon approval by the court, the victim may be 4268
represented by counsel in any hearing in chambers or other 4269
proceeding to resolve the admissibility of evidence. If the victim 4270
is indigent or otherwise is unable to obtain the services of 4271
counsel, the court, upon request, may appoint counsel to represent 4272
the victim without cost to the victim. 4273

Sec. 2921.34. (A)(1) No person, knowing the person is under 4274
detention or being reckless in that regard, shall purposely break 4275
or attempt to break the detention, or purposely fail to return to 4276
detention, either following temporary leave granted for a specific 4277
purpose or limited period, or at the time required when serving a 4278
sentence in intermittent confinement. 4279

(2)(a) Division (A)(2)(b) of this section applies to any 4280
person who is ~~adjudicated a sexually violent predator and is~~ 4281
~~sentenced to a prison term pursuant to division (A)(3) or (B) of~~ 4282
~~section 2971.03 of the Revised Code for the sexually violent~~ 4283
~~offense, to any person who is convicted of or pleads guilty to a~~ 4284
~~violation of division (A)(1)(b) of section 2907.02 of the Revised~~ 4285
~~Code committed on or after the effective date of this amendment~~ 4286
~~and is sentenced to a prison term pursuant to division (B)(1)(a),~~ 4287
~~(b), or (c) of section 2971.03 of the Revised Code for the~~ 4288
~~violation, and to any person who is convicted of or pleads guilty~~ 4289
~~to attempted rape committed on or after the effective date of this~~ 4290
~~amendment and a specification of the type described in section~~ 4291
~~2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is~~ 4292
~~sentenced to a prison term pursuant to division (B)(2)(a), (b), or~~ 4293
~~(c) of section 2971.03 of the Revised Code for the attempted rape.~~ 4294
No 4295

(b) No person to whom this division applies, for whom the 4296
requirement that the entire prison term imposed upon the person 4297
pursuant to division (A)(3) or (B) of section 2971.03 of the 4298

Revised Code be served in a state correctional institution has 4299
been modified pursuant to section 2971.05 of the Revised Code, and 4300
who, pursuant to that modification, is restricted to a geographic 4301
area, knowing that the person is under a geographic restriction or 4302
being reckless in that regard, shall purposely leave the 4303
geographic area to which the restriction applies or purposely fail 4304
to return to that geographic area following a temporary leave 4305
granted for a specific purpose or for a limited period of time. 4306

(B) Irregularity in bringing about or maintaining detention, 4307
or lack of jurisdiction of the committing or detaining authority, 4308
is not a defense to a charge under this section if the detention 4309
is pursuant to judicial order or in a detention facility. In the 4310
case of any other detention, irregularity or lack of jurisdiction 4311
is an affirmative defense only if either of the following occurs: 4312

(1) The escape involved no substantial risk of harm to the 4313
person or property of another. 4314

(2) The detaining authority knew or should have known there 4315
was no legal basis or authority for the detention. 4316

(C) Whoever violates this section is guilty of escape. 4317

(1) If the offender, at the time of the commission of the 4318
offense, was under detention as an alleged or adjudicated 4319
delinquent child or unruly child and if the act for which the 4320
offender was under detention would not be a felony if committed by 4321
an adult, escape is a misdemeanor of the first degree. 4322

(2) If the offender, at the time of the commission of the 4323
offense, was under detention in any other manner, or if the 4324
offender is a person ~~who was adjudicated a sexually violent~~ 4325
~~predator~~ for whom the requirement that the entire prison term 4326
imposed upon the person pursuant to division (A)(3) or (B) of 4327
section 2971.03 of the Revised Code be served in a state 4328
correctional institution has been modified pursuant to section 4329

2971.05 of the Revised Code, ~~the offender is a person who was~~ 4330
~~convicted of or pleaded guilty to committing on or after the~~ 4331
~~effective date of this amendment a violation of division (A)(1)(b)~~ 4332
~~of section 2907.02 of the Revised Code for whom the requirement~~ 4333
~~that the entire prison term imposed upon the person pursuant to~~ 4334
~~division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised~~ 4335
~~Code be served in a state correctional institution has been~~ 4336
~~modified pursuant to section 2971.05 of the Revised Code, or the~~ 4337
~~offender is a person who was convicted of or pleaded guilty to~~ 4338
~~committing on or after the effective date of this amendment~~ 4339
~~attempted rape, who also was convicted of or pleaded guilty to a~~ 4340
~~specification of the type described in section 2941.1418,~~ 4341
~~2941.1419, or 2941.1420 of the Revised Code, who was sentenced~~ 4342
~~pursuant to division (B)(2)(a), (b), or (c) of section 2971.03 of~~ 4343
~~the Revised Code, and for whom the requirement that the entire~~ 4344
~~prison term imposed pursuant to that division be served in a state~~ 4345
~~correctional institution has been modified pursuant to section~~ 4346
~~2971.05 of the Revised Code, escape is one of the following:~~ 4347

(a) A felony of the second degree, when the most serious 4348
offense for which the person was under detention or for which the 4349
person had been sentenced to the prison term under division 4350
(A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or 4351
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 4352
is aggravated murder, murder, or a felony of the first or second 4353
degree or, if the person was under detention as an alleged or 4354
adjudicated delinquent child, when the most serious act for which 4355
the person was under detention would be aggravated murder, murder, 4356
or a felony of the first or second degree if committed by an 4357
adult; 4358

(b) A felony of the third degree, when the most serious 4359
offense for which the person was under detention or for which the 4360
person had been sentenced to the prison term under division 4361

(A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or 4362
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 4363
is a felony of the third, fourth, or fifth degree or an 4364
unclassified felony or, if the person was under detention as an 4365
alleged or adjudicated delinquent child, when the most serious act 4366
for which the person was under detention would be a felony of the 4367
third, fourth, or fifth degree or an unclassified felony if 4368
committed by an adult; 4369

(c) A felony of the fifth degree, when any of the following 4370
applies: 4371

(i) The most serious offense for which the person was under 4372
detention is a misdemeanor. 4373

(ii) The person was found not guilty by reason of insanity, 4374
and the person's detention consisted of hospitalization, 4375
institutionalization, or confinement in a facility under an order 4376
made pursuant to or under authority of section 2945.40, 2945.401, 4377
or 2945.402 of the Revised Code. 4378

(d) A misdemeanor of the first degree, when the most serious 4379
offense for which the person was under detention is a misdemeanor 4380
and when the person fails to return to detention at a specified 4381
time following temporary leave granted for a specific purpose or 4382
limited period or at the time required when serving a sentence in 4383
intermittent confinement. 4384

~~(D) As used in this section:~~ 4385

~~(1) "Adjudicated a sexually violent predator" has the same 4386
meaning as in section 2929.01 of the Revised Code, and a person is 4387
"adjudicated a sexually violent predator" in the same manner and 4388
the same circumstances as are described in that section. 4389~~

~~(2) "Sexually violent offense" has the same meaning as in 4390
section 2971.01 of the Revised Code. 4391~~

Sec. 2929.01. As used in this chapter:	4392
(A)(1) "Alternative residential facility" means, subject to	4393
division (A)(2) of this section, any facility other than an	4394
offender's home or residence in which an offender is assigned to	4395
live and that satisfies all of the following criteria:	4396
(a) It provides programs through which the offender may seek	4397
or maintain employment or may receive education, training,	4398
treatment, or habilitation.	4399
(b) It has received the appropriate license or certificate	4400
for any specialized education, training, treatment, habilitation,	4401
or other service that it provides from the government agency that	4402
is responsible for licensing or certifying that type of education,	4403
training, treatment, habilitation, or service.	4404
(2) "Alternative residential facility" does not include a	4405
community-based correctional facility, jail, halfway house, or	4406
prison.	4407
(B) "Bad time" means the time by which the parole board	4408
administratively extends an offender's stated prison term or terms	4409
pursuant to section 2967.11 of the Revised Code because the parole	4410
board finds by clear and convincing evidence that the offender,	4411
while serving the prison term or terms, committed an act that is a	4412
criminal offense under the law of this state or the United States,	4413
whether or not the offender is prosecuted for the commission of	4414
that act.	4415
(C) "Basic probation supervision" means a requirement that	4416
the offender maintain contact with a person appointed to supervise	4417
the offender in accordance with sanctions imposed by the court or	4418
imposed by the parole board pursuant to section 2967.28 of the	4419
Revised Code. "Basic probation supervision" includes basic parole	4420
supervision and basic post-release control supervision.	4421

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 4422
"unit dose" have the same meanings as in section 2925.01 of the 4423
Revised Code. 4424

(E) "Community-based correctional facility" means a 4425
community-based correctional facility and program or district 4426
community-based correctional facility and program developed 4427
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 4428

(F) "Community control sanction" means a sanction that is not 4429
a prison term and that is described in section 2929.15, 2929.16, 4430
2929.17, or 2929.18 of the Revised Code or a sanction that is not 4431
a jail term and that is described in section 2929.26, 2929.27, or 4432
2929.28 of the Revised Code. "Community control sanction" includes 4433
probation if the sentence involved was imposed for a felony that 4434
was committed prior to July 1, 1996, or if the sentence involved 4435
was imposed for a misdemeanor that was committed prior to January 4436
1, 2004. 4437

(G) "Controlled substance," "marihuana," "schedule I," and 4438
"schedule II" have the same meanings as in section 3719.01 of the 4439
Revised Code. 4440

(H) "Curfew" means a requirement that an offender during a 4441
specified period of time be at a designated place. 4442

(I) "Day reporting" means a sanction pursuant to which an 4443
offender is required each day to report to and leave a center or 4444
other approved reporting location at specified times in order to 4445
participate in work, education or training, treatment, and other 4446
approved programs at the center or outside the center. 4447

(J) "Deadly weapon" has the same meaning as in section 4448
2923.11 of the Revised Code. 4449

(K) "Drug and alcohol use monitoring" means a program under 4450
which an offender agrees to submit to random chemical analysis of 4451
the offender's blood, breath, or urine to determine whether the 4452

offender has ingested any alcohol or other drugs. 4453

(L) "Drug treatment program" means any program under which a 4454
person undergoes assessment and treatment designed to reduce or 4455
completely eliminate the person's physical or emotional reliance 4456
upon alcohol, another drug, or alcohol and another drug and under 4457
which the person may be required to receive assessment and 4458
treatment on an outpatient basis or may be required to reside at a 4459
facility other than the person's home or residence while 4460
undergoing assessment and treatment. 4461

(M) "Economic loss" means any economic detriment suffered by 4462
a victim as a direct and proximate result of the commission of an 4463
offense and includes any loss of income due to lost time at work 4464
because of any injury caused to the victim, and any property loss, 4465
medical cost, or funeral expense incurred as a result of the 4466
commission of the offense. "Economic loss" does not include 4467
non-economic loss or any punitive or exemplary damages. 4468

(N) "Education or training" includes study at, or in 4469
conjunction with a program offered by, a university, college, or 4470
technical college or vocational study and also includes the 4471
completion of primary school, secondary school, and literacy 4472
curricula or their equivalent. 4473

(O) "Firearm" has the same meaning as in section 2923.11 of 4474
the Revised Code. 4475

(P) "Halfway house" means a facility licensed by the division 4476
of parole and community services of the department of 4477
rehabilitation and correction pursuant to section 2967.14 of the 4478
Revised Code as a suitable facility for the care and treatment of 4479
adult offenders. 4480

(Q) "House arrest" means a period of confinement of an 4481
offender that is in the offender's home or in other premises 4482
specified by the sentencing court or by the parole board pursuant 4483

to section 2967.28 of the Revised Code and during which all of the 4484
following apply: 4485

(1) The offender is required to remain in the offender's home 4486
or other specified premises for the specified period of 4487
confinement, except for periods of time during which the offender 4488
is at the offender's place of employment or at other premises as 4489
authorized by the sentencing court or by the parole board. 4490

(2) The offender is required to report periodically to a 4491
person designated by the court or parole board. 4492

(3) The offender is subject to any other restrictions and 4493
requirements that may be imposed by the sentencing court or by the 4494
parole board. 4495

(R) "Intensive probation supervision" means a requirement 4496
that an offender maintain frequent contact with a person appointed 4497
by the court, or by the parole board pursuant to section 2967.28 4498
of the Revised Code, to supervise the offender while the offender 4499
is seeking or maintaining necessary employment and participating 4500
in training, education, and treatment programs as required in the 4501
court's or parole board's order. "Intensive probation supervision" 4502
includes intensive parole supervision and intensive post-release 4503
control supervision. 4504

(S) "Jail" means a jail, workhouse, minimum security jail, or 4505
other residential facility used for the confinement of alleged or 4506
convicted offenders that is operated by a political subdivision or 4507
a combination of political subdivisions of this state. 4508

(T) "Jail term" means the term in a jail that a sentencing 4509
court imposes or is authorized to impose pursuant to section 4510
2929.24 or 2929.25 of the Revised Code or pursuant to any other 4511
provision of the Revised Code that authorizes a term in a jail for 4512
a misdemeanor conviction. 4513

(U) "Mandatory jail term" means the term in a jail that a 4514

sentencing court is required to impose pursuant to division (G) of 4515
section 1547.99 of the Revised Code, division (E) of section 4516
2903.06 or division (D) of section 2903.08 of the Revised Code, 4517
division (E) of section 2929.24 of the Revised Code, division (B) 4518
of section 4510.14 of the Revised Code, or division (G) of section 4519
4511.19 of the Revised Code or pursuant to any other provision of 4520
the Revised Code that requires a term in a jail for a misdemeanor 4521
conviction. 4522

(V) "Delinquent child" has the same meaning as in section 4523
2152.02 of the Revised Code. 4524

(W) "License violation report" means a report that is made by 4525
a sentencing court, or by the parole board pursuant to section 4526
2967.28 of the Revised Code, to the regulatory or licensing board 4527
or agency that issued an offender a professional license or a 4528
license or permit to do business in this state and that specifies 4529
that the offender has been convicted of or pleaded guilty to an 4530
offense that may violate the conditions under which the offender's 4531
professional license or license or permit to do business in this 4532
state was granted or an offense for which the offender's 4533
professional license or license or permit to do business in this 4534
state may be revoked or suspended. 4535

(X) "Major drug offender" means an offender who is convicted 4536
of or pleads guilty to the possession of, sale of, or offer to 4537
sell any drug, compound, mixture, preparation, or substance that 4538
consists of or contains at least one thousand grams of hashish; at 4539
least one hundred grams of crack cocaine; at least one thousand 4540
grams of cocaine that is not crack cocaine; at least two thousand 4541
five hundred unit doses or two hundred fifty grams of heroin; at 4542
least five thousand unit doses of L.S.D. or five hundred grams of 4543
L.S.D. in a liquid concentrate, liquid extract, or liquid 4544
distillate form; or at least one hundred times the amount of any 4545
other schedule I or II controlled substance other than marihuana 4546

that is necessary to commit a felony of the third degree pursuant 4547
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 4548
Code that is based on the possession of, sale of, or offer to sell 4549
the controlled substance. 4550

(Y) "Mandatory prison term" means any of the following: 4551

(1) Subject to division (Y)(2) of this section, the term in 4552
prison that must be imposed for the offenses or circumstances set 4553
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 4554
2929.13 and division (D) of section 2929.14 of the Revised Code. 4555
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 4556
and 2925.11 of the Revised Code, unless the maximum or another 4557
specific term is required under section 2929.14 or 2929.142 of the 4558
Revised Code, a mandatory prison term described in this division 4559
may be any prison term authorized for the level of offense. 4560

(2) The term of sixty or one hundred twenty days in prison 4561
that a sentencing court is required to impose for a third or 4562
fourth degree felony OVI offense pursuant to division (G)(2) of 4563
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 4564
of the Revised Code or the term of one, two, three, four, or five 4565
years in prison that a sentencing court is required to impose 4566
pursuant to division (G)(2) of section 2929.13 of the Revised 4567
Code. 4568

(3) The term in prison imposed pursuant to division (A) of 4569
section 2971.03 of the Revised Code for the offenses and in the 4570
circumstances described in division (F)(11) of section 2929.13 of 4571
the Revised Code, or pursuant to division (B)(1)(a), (b), or (c), 4572
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 4573
2971.03 of the Revised Code for the offense of rape committed on 4574
or after the effective date of this amendment in violation of 4575
division (A)(1)(b) of section 2907.02 of the Revised Code, 4576
pursuant to division (B)(2)(a) of section 2971.03 of the Revised 4577
Code for the offense of attempted rape committed on or after the 4578

~~effective date of this amendment and a specification of the type~~ 4579
~~described in section 2941.1418 of the Revised Code, pursuant to~~ 4580
~~division (B)(2)(b) of section 2971.03 of the Revised Code for the~~ 4581
~~offense of attempted rape committed on or after the effective date~~ 4582
~~of this amendment and a specification of the type described in~~ 4583
~~section 2941.1419 of the Revised Code, or pursuant to division~~ 4584
~~(B)(2)(c) of section 2971.03 of the Revised Code for the offense~~ 4585
~~of attempted rape committed on or after the effective date of this~~ 4586
~~amendment and a specification of the type described in section~~ 4587
~~2941.1420 of the Revised Code and that term as modified or~~ 4588
terminated pursuant to section 2971.05 of the Revised Code. 4589

(Z) "Monitored time" means a period of time during which an 4590
offender continues to be under the control of the sentencing court 4591
or parole board, subject to no conditions other than leading a 4592
law-abiding life. 4593

(AA) "Offender" means a person who, in this state, is 4594
convicted of or pleads guilty to a felony or a misdemeanor. 4595

(BB) "Prison" means a residential facility used for the 4596
confinement of convicted felony offenders that is under the 4597
control of the department of rehabilitation and correction but 4598
does not include a violation sanction center operated under 4599
authority of section 2967.141 of the Revised Code. 4600

(CC) "Prison term" includes any of the following sanctions 4601
for an offender: 4602

(1) A stated prison term; 4603

(2) A term in a prison shortened by, or with the approval of, 4604
the sentencing court pursuant to section 2929.20, 2967.26, 4605
5120.031, 5120.032, or 5120.073 of the Revised Code; 4606

(3) A term in prison extended by bad time imposed pursuant to 4607
section 2967.11 of the Revised Code or imposed for a violation of 4608
post-release control pursuant to section 2967.28 of the Revised 4609

Code. 4610

(DD) "Repeat violent offender" means a person about whom both 4611
of the following apply: 4612

(1) The person is being sentenced for committing or for 4613
complicity in committing any of the following: 4614

(a) Aggravated murder, murder, any felony of the first or 4615
second degree that is an offense of violence, or an attempt to 4616
commit any of these offenses if the attempt is a felony of the 4617
first or second degree; 4618

(b) An offense under an existing or former law of this state, 4619
another state, or the United States that is or was substantially 4620
equivalent to an offense described in division (DD)(1)(a) of this 4621
section. 4622

(2) The person previously was convicted of or pleaded guilty 4623
to an offense described in division (DD)(1)(a) or (b) of this 4624
section. 4625

(EE) "Sanction" means any penalty imposed upon an offender 4626
who is convicted of or pleads guilty to an offense, as punishment 4627
for the offense. "Sanction" includes any sanction imposed pursuant 4628
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 4629
2929.28 of the Revised Code. 4630

(FF) "Sentence" means the sanction or combination of 4631
sanctions imposed by the sentencing court on an offender who is 4632
convicted of or pleads guilty to an offense. 4633

(GG) "Stated prison term" means the prison term, mandatory 4634
prison term, or combination of all prison terms and mandatory 4635
prison terms imposed by the sentencing court pursuant to section 4636
2929.14, 2929.142, or 2971.03 of the Revised Code. "Stated prison 4637
term" includes any credit received by the offender for time spent 4638
in jail awaiting trial, sentencing, or transfer to prison for the 4639

offense and any time spent under house arrest or house arrest with 4640
electronic monitoring imposed after earning credits pursuant to 4641
section 2967.193 of the Revised Code. 4642

(HH) "Victim-offender mediation" means a reconciliation or 4643
mediation program that involves an offender and the victim of the 4644
offense committed by the offender and that includes a meeting in 4645
which the offender and the victim may discuss the offense, discuss 4646
restitution, and consider other sanctions for the offense. 4647

(II) "Fourth degree felony OVI offense" means a violation of 4648
division (A) of section 4511.19 of the Revised Code that, under 4649
division (G) of that section, is a felony of the fourth degree. 4650

(JJ) "Mandatory term of local incarceration" means the term 4651
of sixty or one hundred twenty days in a jail, a community-based 4652
correctional facility, a halfway house, or an alternative 4653
residential facility that a sentencing court may impose upon a 4654
person who is convicted of or pleads guilty to a fourth degree 4655
felony OVI offense pursuant to division (G)(1) of section 2929.13 4656
of the Revised Code and division (G)(1)(d) or (e) of section 4657
4511.19 of the Revised Code. 4658

(KK) "Designated homicide, assault, or kidnapping offense," 4659
"violent sex offense," "sexual motivation specification," 4660
"sexually violent offense," "sexually violent predator," and 4661
"sexually violent predator specification" have the same meanings 4662
as in section 2971.01 of the Revised Code. 4663

(LL) "~~Habitual sex offender,~~" "~~sexually~~ Sexually oriented 4664
offense," "~~sexual predator,~~" "~~registration exempt sexually~~ 4665
~~oriented offense,~~" "child-victim oriented offense," "habitual and 4666
tier III sex offender/child-victim offender," and "~~child-victim~~ 4667
~~predator~~" have the same meanings as in section 2950.01 of the 4668
Revised Code. 4669

(MM) An offense is "committed in the vicinity of a child" if 4670

the offender commits the offense within thirty feet of or within 4671
the same residential unit as a child who is under eighteen years 4672
of age, regardless of whether the offender knows the age of the 4673
child or whether the offender knows the offense is being committed 4674
within thirty feet of or within the same residential unit as the 4675
child and regardless of whether the child actually views the 4676
commission of the offense. 4677

(NN) "Family or household member" has the same meaning as in 4678
section 2919.25 of the Revised Code. 4679

(OO) "Motor vehicle" and "manufactured home" have the same 4680
meanings as in section 4501.01 of the Revised Code. 4681

(PP) "Detention" and "detention facility" have the same 4682
meanings as in section 2921.01 of the Revised Code. 4683

(QQ) "Third degree felony OVI offense" means a violation of 4684
division (A) of section 4511.19 of the Revised Code that, under 4685
division (G) of that section, is a felony of the third degree. 4686

(RR) "Random drug testing" has the same meaning as in section 4687
5120.63 of the Revised Code. 4688

(SS) "Felony sex offense" has the same meaning as in section 4689
2967.28 of the Revised Code. 4690

(TT) "Body armor" has the same meaning as in section 4691
2941.1411 of the Revised Code. 4692

(UU) "Electronic monitoring" means monitoring through the use 4693
of an electronic monitoring device. 4694

(VV) "Electronic monitoring device" means any of the 4695
following: 4696

(1) Any device that can be operated by electrical or battery 4697
power and that conforms with all of the following: 4698

(a) The device has a transmitter that can be attached to a 4699
person, that will transmit a specified signal to a receiver of the 4700

type described in division (VV)(1)(b) of this section if the 4701
transmitter is removed from the person, turned off, or altered in 4702
any manner without prior court approval in relation to electronic 4703
monitoring or without prior approval of the department of 4704
rehabilitation and correction in relation to the use of an 4705
electronic monitoring device for an inmate on transitional control 4706
or otherwise is tampered with, that can transmit continuously and 4707
periodically a signal to that receiver when the person is within a 4708
specified distance from the receiver, and that can transmit an 4709
appropriate signal to that receiver if the person to whom it is 4710
attached travels a specified distance from that receiver. 4711

(b) The device has a receiver that can receive continuously 4712
the signals transmitted by a transmitter of the type described in 4713
division (VV)(1)(a) of this section, can transmit continuously 4714
those signals by telephone to a central monitoring computer of the 4715
type described in division (VV)(1)(c) of this section, and can 4716
transmit continuously an appropriate signal to that central 4717
monitoring computer if the receiver is turned off or altered 4718
without prior court approval or otherwise tampered with. 4719

(c) The device has a central monitoring computer that can 4720
receive continuously the signals transmitted by telephone by a 4721
receiver of the type described in division (VV)(1)(b) of this 4722
section and can monitor continuously the person to whom an 4723
electronic monitoring device of the type described in division 4724
(VV)(1)(a) of this section is attached. 4725

(2) Any device that is not a device of the type described in 4726
division (VV)(1) of this section and that conforms with all of the 4727
following: 4728

(a) The device includes a transmitter and receiver that can 4729
monitor and determine the location of a subject person at any 4730
time, or at a designated point in time, through the use of a 4731
central monitoring computer or through other electronic means. 4732

(b) The device includes a transmitter and receiver that can 4733
determine at any time, or at a designated point in time, through 4734
the use of a central monitoring computer or other electronic means 4735
the fact that the transmitter is turned off or altered in any 4736
manner without prior approval of the court in relation to the 4737
electronic monitoring or without prior approval of the department 4738
of rehabilitation and correction in relation to the use of an 4739
electronic monitoring device for an inmate on transitional control 4740
or otherwise is tampered with. 4741

(3) Any type of technology that can adequately track or 4742
determine the location of a subject person at any time and that is 4743
approved by the director of rehabilitation and correction, 4744
including, but not limited to, any satellite technology, voice 4745
tracking system, or retinal scanning system that is so approved. 4746

(WW) "Non-economic loss" means nonpecuniary harm suffered by 4747
a victim of an offense as a result of or related to the commission 4748
of the offense, including, but not limited to, pain and suffering; 4749
loss of society, consortium, companionship, care, assistance, 4750
attention, protection, advice, guidance, counsel, instruction, 4751
training, or education; mental anguish; and any other intangible 4752
loss. 4753

(XX) "Prosecutor" has the same meaning as in section 2935.01 4754
of the Revised Code. 4755

(YY) "Continuous alcohol monitoring" means the ability to 4756
automatically test and periodically transmit alcohol consumption 4757
levels and tamper attempts at least every hour, regardless of the 4758
location of the person who is being monitored. 4759

(ZZ) A person is "adjudicated a sexually violent predator" if 4760
the person is convicted of or pleads guilty to a violent sex 4761
offense and also is convicted of or pleads guilty to a sexually 4762
violent predator specification that was included in the 4763

indictment, count in the indictment, or information charging that 4764
violent sex offense or if the person is convicted of or pleads 4765
guilty to a designated homicide, assault, or kidnapping offense 4766
and also is convicted of or pleads guilty to both a sexual 4767
motivation specification and a sexually violent predator 4768
specification that were included in the indictment, count in the 4769
indictment, or information charging that designated homicide, 4770
assault, or kidnapping offense. 4771

Sec. 2929.02. (A) Whoever is convicted of or pleads guilty to 4772
aggravated murder in violation of section 2903.01 of the Revised 4773
Code shall suffer death or be imprisoned for life, as determined 4774
pursuant to sections 2929.022, 2929.03, and 2929.04 of the Revised 4775
Code, except that no person who raises the matter of age pursuant 4776
to section 2929.023 of the Revised Code and who is not found to 4777
have been eighteen years of age or older at the time of the 4778
commission of the offense shall suffer death. In addition, the 4779
offender may be fined an amount fixed by the court, but not more 4780
than twenty-five thousand dollars. 4781

(B) ~~Whoever~~ (1) Except as otherwise provided in division 4782
(B)(2) or (3) of this section, whoever is convicted of or pleads 4783
guilty to murder in violation of section 2903.02 of the Revised 4784
Code shall be imprisoned for an indefinite term of fifteen years 4785
to life, ~~except that, if the offender.~~ 4786

(2) Except as otherwise provided in division (B)(3) of this 4787
section, if a person is convicted of or pleads guilty to murder in 4788
violation of section 2903.02 of the Revised Code, the victim of 4789
the offense was under thirteen years of age, and the offender also 4790
is convicted of or pleads guilty to a sexual motivation 4791
specification that was included in the indictment, count in the 4792
indictment, or information charging the offense, the court shall 4793
impose an indefinite prison term of thirty years to life pursuant 4794

to division (B)(3) of section 2971.03 of the Revised Code that 4795
shall be served pursuant to that section. 4796

(3) If a person is convicted of or pleads guilty to murder in 4797
violation of section 2903.02 of the Revised Code and also is 4798
convicted of or pleads guilty to a sexual motivation specification 4799
and a sexually violent predator specification that were included 4800
in the indictment, count in the indictment, or information that 4801
charged the murder, the court shall impose upon the offender a 4802
term of life imprisonment without parole that shall be served 4803
pursuant to section 2971.03 of the Revised Code. ~~In~~ 4804

(4) In addition, the offender may be fined an amount fixed by 4805
the court, but not more than fifteen thousand dollars. 4806

(C) The court shall not impose a fine or fines for aggravated 4807
murder or murder which, in the aggregate and to the extent not 4808
suspended by the court, exceeds the amount which the offender is 4809
or will be able to pay by the method and within the time allowed 4810
without undue hardship to the offender or to the dependents of the 4811
offender, or will prevent the offender from making reparation for 4812
the victim's wrongful death. 4813

(D)(1) In addition to any other sanctions imposed for a 4814
violation of section 2903.01 or 2903.02 of the Revised Code, if 4815
the offender used a motor vehicle as the means to commit the 4816
violation, the court shall impose upon the offender a class two 4817
suspension of the offender's driver's license, commercial driver's 4818
license, temporary instruction permit, probationary license, or 4819
nonresident operating privilege as specified in division (A)(2) of 4820
section 4510.02 of the Revised Code. 4821

(2) As used in division (D) of this section, "motor vehicle" 4822
has the same meaning as in section 4501.01 of the Revised Code. 4823

Sec. 2929.022. (A) If an indictment or count in an indictment 4824

charging a defendant with aggravated murder contains a 4825
specification of the aggravating circumstance of a prior 4826
conviction listed in division (A)(5) of section 2929.04 of the 4827
Revised Code, the defendant may elect to have the panel of three 4828
judges, if ~~he~~ the defendant waives trial by jury, or the trial 4829
judge, if ~~he~~ the defendant is tried by jury, determine the 4830
existence of that aggravating circumstance at the sentencing 4831
hearing held pursuant to divisions (C) and (D) of section 2929.03 4832
of the Revised Code. 4833

(1) If the defendant does not elect to have the existence of 4834
the aggravating circumstance determined at the sentencing hearing, 4835
the defendant shall be tried on the charge of aggravated murder, 4836
on 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, and on any other specifications of an aggravating 4839
circumstance listed in division (A) of section 2929.04 of the 4840
Revised Code in a single trial as in any other criminal case in 4841
which a person is charged with aggravated murder and 4842
specifications. 4843

(2) If the defendant does elect to have the existence of the 4844
aggravating circumstance of a prior conviction listed in division 4845
(A)(5) of section 2929.04 of the Revised Code determined at the 4846
sentencing hearing, then, following a verdict of guilty of the 4847
charge of aggravated murder, the panel of three judges or the 4848
trial judge shall: 4849

(a) Hold a sentencing hearing pursuant to division (B) of 4850
this section, unless required to do otherwise under division 4851
(A)(2)(b) of this section; 4852

(b) If the offender raises the matter of age at trial 4853
pursuant to section 2929.023 of the Revised Code and is not found 4854
at trial to have been eighteen years of age or older at the time 4855
of the commission of the offense, conduct a hearing to determine 4856

if the specification of the aggravating circumstance of a prior 4857
conviction listed in division (A)(5) of section 2929.04 of the 4858
Revised Code is proven beyond a reasonable doubt. After conducting 4859
the hearing, the panel or judge shall proceed as follows: 4860

(i) If that aggravating circumstance is proven beyond a 4861
reasonable doubt or if the defendant at trial was convicted of any 4862
other specification of an aggravating circumstance, the panel or 4863
judge shall impose sentence according to division (E) of section 4864
2929.03 of the Revised Code. 4865

(ii) If that aggravating circumstance is not proven beyond a 4866
reasonable doubt and the defendant at trial was not convicted of 4867
any other specification of an aggravating circumstance, except as 4868
otherwise provided in this division, the panel or judge shall 4869
impose sentence of life imprisonment with parole eligibility after 4870
serving twenty years of imprisonment on the offender. If that 4871
aggravating circumstance is not proven beyond a reasonable doubt, 4872
the defendant at trial was not convicted of any other 4873
specification of an aggravating circumstance, the victim of the 4874
aggravated murder was under thirteen years of age, and the 4875
offender also is convicted of or pleads guilty to a sexual 4876
motivation specification that was included in the indictment, 4877
count in the indictment, or information charging the offense, the 4878
panel or judge shall sentence the offender pursuant to division 4879
(B)(3) of section 2971.03 of the Revised Code to an indefinite 4880
term consisting of a minimum term of thirty years and a maximum 4881
term of life imprisonment. 4882

(B) At the sentencing hearing, the panel of judges, if the 4883
defendant was tried by a panel of three judges, or the trial 4884
judge, if the defendant was tried by jury, shall, when required 4885
pursuant to division (A)(2) of this section, first determine if 4886
the specification of the aggravating circumstance of a prior 4887
conviction listed in division (A)(5) of section 2929.04 of the 4888

Revised Code is proven beyond a reasonable doubt. If the panel of judges or the trial judge determines that the specification of the aggravating circumstance of a prior conviction listed in division (A)(5) of section 2929.04 of the Revised Code is proven beyond a reasonable doubt or if they do not determine that the specification is proven beyond a reasonable doubt but the defendant at trial was convicted of a specification of any other aggravating circumstance listed in division (A) of section 2929.04 of the Revised Code, the panel of judges or the trial judge and trial jury shall impose sentence on the offender pursuant to division (D) of section 2929.03 and section 2929.04 of the Revised Code. If the panel of judges or the trial judge does not determine that the specification of the aggravating circumstance of a prior conviction listed in division (A)(5) of section 2929.04 of the Revised Code is proven beyond a reasonable doubt and the defendant at trial was not convicted of any other specification of an aggravating circumstance listed in division (A) of section 2929.04 of the Revised Code, the panel of judges or the trial judge shall terminate the sentencing hearing and impose sentence on the offender as follows:

(1) Subject to division (B)(2) of this section, the panel or judge shall impose a sentence of life imprisonment with parole eligibility after serving twenty years of imprisonment on the offender.

(2) If the victim of the aggravated murder was less than thirteen years of age and 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, the panel or judge shall sentence the offender pursuant to division (B)(3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life

imprisonment. 4921

Sec. 2929.03. (A) If the indictment or count in the 4922
indictment charging aggravated murder does not contain one or more 4923
specifications of aggravating circumstances listed in division (A) 4924
of section 2929.04 of the Revised Code, then, following a verdict 4925
of guilty of the charge of aggravated murder, the trial court 4926
shall impose sentence on the offender as follows: 4927

(1) Except as provided in division (A)(2) of this section, 4928
the trial court shall impose one of the following sentences on the 4929
offender: 4930

(a) Life imprisonment without parole; 4931

(b) Life Subject to division (A)(1)(e) of this section, life 4932
imprisonment with parole eligibility after serving twenty years of 4933
imprisonment; 4934

(c) Life Subject to division (A)(1)(e) of this section, life 4935
imprisonment with parole eligibility after serving twenty-five 4936
full years of imprisonment; 4937

(d) Life Subject to division (A)(1)(e) of this section, life 4938
imprisonment with parole eligibility after serving thirty full 4939
years of imprisonment; 4940

(e) If the victim of the aggravated murder was less than 4941
thirteen years of age, the offender also is convicted of or pleads 4942
guilty to a sexual motivation specification that was included in 4943
the indictment, count in the indictment, or information charging 4944
the offense, and the trial court does not impose a sentence of 4945
life imprisonment without parole on the offender pursuant to 4946
division (A)(1)(a) of this section, the trial court shall sentence 4947
the offender pursuant to division (B)(3) of section 2971.03 of the 4948
Revised Code to an indefinite term consisting of a minimum term of 4949
thirty years and a maximum term of life imprisonment that shall be 4950

served pursuant to that section. 4951

(2) If the offender also is convicted of or pleads guilty to 4952
a sexual motivation specification and a sexually violent predator 4953
specification that are included in the indictment, count in the 4954
indictment, or information that charged the aggravated murder, the 4955
trial court shall impose upon the offender a sentence of life 4956
imprisonment without parole that shall be served pursuant to 4957
section 2971.03 of the Revised Code. 4958

(B) If the indictment or count in the indictment charging 4959
aggravated murder contains one or more specifications of 4960
aggravating circumstances listed in division (A) of section 4961
2929.04 of the Revised Code, the verdict shall separately state 4962
whether the accused is found guilty or not guilty of the principal 4963
charge and, if guilty of the principal charge, whether the 4964
offender was eighteen years of age or older at the time of the 4965
commission of the offense, if the matter of age was raised by the 4966
offender pursuant to section 2929.023 of the Revised Code, and 4967
whether the offender is guilty or not guilty of each 4968
specification. The jury shall be instructed on its duties in this 4969
regard. The instruction to the jury shall include an instruction 4970
that a specification shall be proved beyond a reasonable doubt in 4971
order to support a guilty verdict on the specification, but the 4972
instruction shall not mention the penalty that may be the 4973
consequence of a guilty or not guilty verdict on any charge or 4974
specification. 4975

(C)(1) If the indictment or count in the indictment charging 4976
aggravated murder contains one or more specifications of 4977
aggravating circumstances listed in division (A) of section 4978
2929.04 of the Revised Code, then, following a verdict of guilty 4979
of the charge but not guilty of each of the specifications, and 4980
regardless of whether the offender raised the matter of age 4981
pursuant to section 2929.023 of the Revised Code, the trial court 4982

shall impose sentence on the offender as follows: 4983

(a) Except as provided in division (C)(1)(b) of this section, 4984
the trial court shall impose one of the following sentences on the 4985
offender: 4986

(i) Life imprisonment without parole; 4987

(ii) ~~Life~~ Subject to division (C)(1)(a)(v) of this section, 4988
life imprisonment with parole eligibility after serving twenty 4989
years of imprisonment; 4990

(iii) ~~Life~~ Subject to division (C)(1)(a)(v) of this section, 4991
life imprisonment with parole eligibility after serving 4992
twenty-five full years of imprisonment; 4993

(iv) ~~Life~~ Subject to division (C)(1)(a)(v) of this section, 4994
life imprisonment with parole eligibility after serving thirty 4995
full years of imprisonment; 4996

(v) If the victim of the aggravated murder was less than 4997
thirteen years of age, the offender also is convicted of or pleads 4998
guilty to a sexual motivation specification that was included in 4999
the indictment, count in the indictment, or information charging 5000
the offense, and the trial court does not impose a sentence of 5001
life imprisonment without parole on the offender pursuant to 5002
division (C)(1)(a)(i) of this section, the trial court shall 5003
sentence the offender pursuant to division (B)(3) of section 5004
2971.03 of the Revised Code to an indefinite term consisting of a 5005
minimum term of thirty years and a maximum term of life 5006
imprisonment that shall be served pursuant to that section. 5007

(b) If the offender also is convicted of or pleads guilty to 5008
a sexual motivation specification and a sexually violent predator 5009
specification that are included in the indictment, count in the 5010
indictment, or information that charged the aggravated murder, the 5011
trial court shall impose upon the offender a sentence of life 5012
imprisonment without parole that shall be served pursuant to 5013

section 2971.03 of the Revised Code. 5014

(2)(a) If the indictment or count in the indictment contains 5015
one or more specifications of aggravating circumstances listed in 5016
division (A) of section 2929.04 of the Revised Code and if the 5017
offender is found guilty of both the charge and one or more of the 5018
specifications, the penalty to be imposed on the offender shall be 5019
one of the following: 5020

(i) Except as provided in division (C)(2)(a)(ii) or (iii) of 5021
this section, the penalty to be imposed on the offender shall be 5022
death, life imprisonment without parole, life imprisonment with 5023
parole eligibility after serving twenty-five full years of 5024
imprisonment, or life imprisonment with parole eligibility after 5025
serving thirty full years of imprisonment. 5026

(ii) Except as provided in division (C)(2)(a)(iii) of this 5027
section, if the victim of the aggravated murder was less than 5028
thirteen years of age, the offender also is convicted of or pleads 5029
guilty to a sexual motivation specification that was included in 5030
the indictment, count in the indictment, or information charging 5031
the offense, and the trial court does not impose a sentence of 5032
death or life imprisonment without parole on the offender pursuant 5033
to division (C)(2)(a)(i) of this section, the penalty to be 5034
imposed on the offender shall be an indefinite term consisting of 5035
a minimum term of thirty years and a maximum term of life 5036
imprisonment that shall be imposed pursuant to division (B)(3) of 5037
section 2971.03 of the Revised Code and served pursuant to that 5038
section. 5039

(iii) If the offender also is convicted of or pleads guilty 5040
to a sexual motivation specification and a sexually violent 5041
predator specification that are included in the indictment, count 5042
in the indictment, or information that charged the aggravated 5043
murder, the penalty to be imposed on the offender shall be death 5044
or life imprisonment without parole that shall be served pursuant 5045

to section 2971.03 of the Revised Code. 5046

(b) A penalty imposed pursuant to division (C)(2)(a)(i) ~~or~~,
(ii), or (iii) of this section shall be determined pursuant to 5047
divisions (D) and (E) of this section and shall be determined by 5048
one of the following: 5049
5050

(i) By the panel of three judges that tried the offender upon 5051
the offender's waiver of the right to trial by jury; 5052

(ii) By the trial jury and the trial judge, if the offender 5053
was tried by jury. 5054

(D)(1) Death may not be imposed as a penalty for aggravated 5055
murder if the offender raised the matter of age at trial pursuant 5056
to section 2929.023 of the Revised Code and was not found at trial 5057
to have been eighteen years of age or older at the time of the 5058
commission of the offense. When death may be imposed as a penalty 5059
for aggravated murder, the court shall proceed under this 5060
division. When death may be imposed as a penalty, the court, upon 5061
the request of the defendant, shall require a pre-sentence 5062
investigation to be made and, upon the request of the defendant, 5063
shall require a mental examination to be made, and shall require 5064
reports of the investigation and of any mental examination 5065
submitted to the court, pursuant to section 2947.06 of the Revised 5066
Code. No statement made or information provided by a defendant in 5067
a mental examination or proceeding conducted pursuant to this 5068
division shall be disclosed to any person, except as provided in 5069
this division, or be used in evidence against the defendant on the 5070
issue of guilt in any retrial. A pre-sentence investigation or 5071
mental examination shall not be made except upon request of the 5072
defendant. Copies of any reports prepared under this division 5073
shall be furnished to the court, to the trial jury if the offender 5074
was tried by a jury, to the prosecutor, and to the offender or the 5075
offender's counsel for use under this division. The court, and the 5076
trial jury if the offender was tried by a jury, shall consider any 5077

report prepared pursuant to this division and furnished to it and 5078
any evidence raised at trial that is relevant to the aggravating 5079
circumstances the offender was found guilty of committing or to 5080
any factors in mitigation of the imposition of the sentence of 5081
death, shall hear testimony and other evidence that is relevant to 5082
the nature and circumstances of the aggravating circumstances the 5083
offender was found guilty of committing, the mitigating factors 5084
set forth in division (B) of section 2929.04 of the Revised Code, 5085
and any other factors in mitigation of the imposition of the 5086
sentence of death, and shall hear the statement, if any, of the 5087
offender, and the arguments, if any, of counsel for the defense 5088
and prosecution, that are relevant to the penalty that should be 5089
imposed on the offender. The defendant shall be given great 5090
latitude in the presentation of evidence of the mitigating factors 5091
set forth in division (B) of section 2929.04 of the Revised Code 5092
and of any other factors in mitigation of the imposition of the 5093
sentence of death. If the offender chooses to make a statement, 5094
the offender is subject to cross-examination only if the offender 5095
consents to make the statement under oath or affirmation. 5096

The defendant shall have the burden of going forward with the 5097
evidence of any factors in mitigation of the imposition of the 5098
sentence of death. The prosecution shall have the burden of 5099
proving, by proof beyond a reasonable doubt, that the aggravating 5100
circumstances the defendant was found guilty of committing are 5101
sufficient to outweigh the factors in mitigation of the imposition 5102
of the sentence of death. 5103

(2) Upon consideration of the relevant evidence raised at 5104
trial, the testimony, other evidence, statement of the offender, 5105
arguments of counsel, and, if applicable, the reports submitted 5106
pursuant to division (D)(1) of this section, the trial jury, if 5107
the offender was tried by a jury, shall determine whether the 5108
aggravating circumstances the offender was found guilty of 5109

committing are sufficient to outweigh the mitigating factors 5110
present in the case. If the trial jury unanimously finds, by proof 5111
beyond a reasonable doubt, that the aggravating circumstances the 5112
offender was found guilty of committing outweigh the mitigating 5113
factors, the trial jury shall recommend to the court that the 5114
sentence of death be imposed on the offender. Absent such a 5115
finding, the jury shall recommend that the offender be sentenced 5116
to one of the following: 5117

(a) Except as provided in division (D)(2)(b) or (c) of this 5118
section, to life imprisonment without parole, life imprisonment 5119
with parole eligibility after serving twenty-five full years of 5120
imprisonment, or life imprisonment with parole eligibility after 5121
serving thirty full years of imprisonment; 5122

(b) Except as provided in division (D)(2)(c) of this section, 5123
if the victim of the aggravated murder was less than thirteen 5124
years of age, the offender also is convicted of or pleads guilty 5125
to a sexual motivation specification that was included in the 5126
indictment, count in the indictment, or information charging the 5127
offense, and the jury does not recommend a sentence of life 5128
imprisonment without parole pursuant to division (D)(2)(a) of this 5129
section, to an indefinite term consisting of a minimum term of 5130
thirty years and a maximum term of life imprisonment to be imposed 5131
pursuant to division (B)(3) of section 2971.03 of the Revised Code 5132
and served pursuant to that section. 5133

(c) If the offender also is convicted of or pleads guilty to 5134
a sexual motivation specification and a sexually violent predator 5135
specification that are included in the indictment, count in the 5136
indictment, or information that charged the aggravated murder, to 5137
life imprisonment without parole. 5138

If the trial jury recommends that the offender be sentenced 5139
to life imprisonment without parole, life imprisonment with parole 5140
eligibility after serving twenty-five full years of imprisonment, 5141

~~or~~ life imprisonment with parole eligibility after serving thirty 5142
full years of imprisonment, or an indefinite term consisting of a 5143
minimum term of thirty years and a maximum term of life 5144
imprisonment to be imposed pursuant to division (B)(3) of section 5145
2971.03 of the Revised Code, the court shall impose the sentence 5146
recommended by the jury upon the offender. If the sentence is an 5147
indefinite term consisting of a minimum term of thirty years and a 5148
maximum term of life imprisonment imposed as described in division 5149
(D)(2)(b) of this section or a sentence of life imprisonment 5150
without parole imposed under division (D)(2)~~(b)~~(c) of this 5151
section, the sentence shall be served pursuant to section 2971.03 5152
of the Revised Code. If the trial jury recommends that the 5153
sentence of death be imposed upon the offender, the court shall 5154
proceed to impose sentence pursuant to division (D)(3) of this 5155
section. 5156

(3) Upon consideration of the relevant evidence raised at 5157
trial, the testimony, other evidence, statement of the offender, 5158
arguments of counsel, and, if applicable, the reports submitted to 5159
the court pursuant to division (D)(1) of this section, if, after 5160
receiving pursuant to division (D)(2) of this section the trial 5161
jury's recommendation that the sentence of death be imposed, the 5162
court finds, by proof beyond a reasonable doubt, or if the panel 5163
of three judges unanimously finds, by proof beyond a reasonable 5164
doubt, that the aggravating circumstances the offender was found 5165
guilty of committing outweigh the mitigating factors, it shall 5166
impose sentence of death on the offender. Absent such a finding by 5167
the court or panel, the court or the panel shall impose one of the 5168
following sentences on the offender: 5169

(a) Except as provided in division (D)(3)(b) of this section, 5170
one of the following: 5171

(i) Life imprisonment without parole; 5172

(ii) Life Subject to division (D)(3)(a)(iv) of this section, 5173

life imprisonment with parole eligibility after serving 5174
twenty-five full years of imprisonment; 5175

(iii) Life Subject to division (D)(3)(a)(iv) of this section, 5176
life imprisonment with parole eligibility after serving thirty 5177
full years of imprisonment; 5178

(iv) If the victim of the aggravated murder was less than 5179
thirteen years of age, the offender also is convicted of or pleads 5180
guilty to a sexual motivation specification that was included in 5181
the indictment, count in the indictment, or information charging 5182
the offense, and the trial court does not impose a sentence of 5183
life imprisonment without parole on the offender pursuant to 5184
division (D)(3)(a)(i) of this section, the court or panel shall 5185
sentence the offender pursuant to division (B)(3) of section 5186
2971.03 of the Revised Code to an indefinite term consisting of a 5187
minimum term of thirty years and a maximum term of life 5188
imprisonment that shall be served pursuant to that section. 5189

(b) If the offender also is convicted of or pleads guilty to 5190
a sexual motivation specification and a sexually violent predator 5191
specification that are included in the indictment, count in the 5192
indictment, or information that charged the aggravated murder, 5193
life imprisonment without parole that shall be served pursuant to 5194
section 2971.03 of the Revised Code. 5195

(E) If the offender raised the matter of age at trial 5196
pursuant to section 2929.023 of the Revised Code, was convicted of 5197
aggravated murder and one or more specifications of an aggravating 5198
circumstance listed in division (A) of section 2929.04 of the 5199
Revised Code, and was not found at trial to have been eighteen 5200
years of age or older at the time of the commission of the 5201
offense, the court or the panel of three judges shall not impose a 5202
sentence of death on the offender. Instead, the court or panel 5203
shall impose one of the following sentences on the offender: 5204

(1) Except as provided in division (E)(2) of this section, 5205
one of the following: 5206

(a) Life imprisonment without parole; 5207

(b) Life Subject to division (E)(2)(d) of this section, life 5208
imprisonment with parole eligibility after serving twenty-five 5209
full years of imprisonment; 5210

(c) Life Subject to division (E)(2)(d) of this section, life 5211
imprisonment with parole eligibility after serving thirty full 5212
years of imprisonment; 5213

(d) If the victim of the aggravated murder was less than 5214
thirteen years of age, the offender also is convicted of or pleads 5215
guilty to a sexual motivation specification that was included in 5216
the indictment, count in the indictment, or information charging 5217
the offense, and the trial court does not impose a sentence of 5218
life imprisonment without parole on the offender pursuant to 5219
division (E)(2)(a) of this section, the court or panel shall 5220
sentence the offender pursuant to division (B)(3) of section 5221
2971.03 of the Revised Code to an indefinite term consisting of a 5222
minimum term of thirty years and a maximum term of life 5223
imprisonment that shall be served pursuant to that section. 5224

(2) If the offender also is convicted of or pleads guilty to 5225
a sexual motivation specification and a sexually violent predator 5226
specification that are included in the indictment, count in the 5227
indictment, or information that charged the aggravated murder, 5228
life imprisonment without parole that shall be served pursuant to 5229
section 2971.03 of the Revised Code. 5230

(F) The court or the panel of three judges, when it imposes 5231
sentence of death, shall state in a separate opinion its specific 5232
findings as to the existence of any of the mitigating factors set 5233
forth in division (B) of section 2929.04 of the Revised Code, the 5234
existence of any other mitigating factors, the aggravating 5235

circumstances the offender was found guilty of committing, and the 5236
reasons why the aggravating circumstances the offender was found 5237
guilty of committing were sufficient to outweigh the mitigating 5238
factors. The court or panel, when it imposes life imprisonment or 5239
an indefinite term consisting of a minimum term of thirty years 5240
and a maximum term of life imprisonment under division (D) of this 5241
section, shall state in a separate opinion its specific findings 5242
of which of the mitigating factors set forth in division (B) of 5243
section 2929.04 of the Revised Code it found to exist, what other 5244
mitigating factors it found to exist, what aggravating 5245
circumstances the offender was found guilty of committing, and why 5246
it could not find that these aggravating circumstances were 5247
sufficient to outweigh the mitigating factors. For cases in which 5248
a sentence of death is imposed for an offense committed before 5249
January 1, 1995, the court or panel shall file the opinion 5250
required to be prepared by this division with the clerk of the 5251
appropriate court of appeals and with the clerk of the supreme 5252
court within fifteen days after the court or panel imposes 5253
sentence. For cases in which a sentence of death is imposed for an 5254
offense committed on or after January 1, 1995, the court or panel 5255
shall file the opinion required to be prepared by this division 5256
with the clerk of the supreme court within fifteen days after the 5257
court or panel imposes sentence. The judgment in a case in which a 5258
sentencing hearing is held pursuant to this section is not final 5259
until the opinion is filed. 5260

(G)(1) Whenever the court or a panel of three judges imposes 5261
a sentence of death for an offense committed before January 1, 5262
1995, the clerk of the court in which the judgment is rendered 5263
shall deliver the entire record in the case to the appellate 5264
court. 5265

(2) Whenever the court or a panel of three judges imposes a 5266
sentence of death for an offense committed on or after January 1, 5267

1995, the clerk of the court in which the judgment is rendered 5268
shall deliver the entire record in the case to the supreme court. 5269

Sec. 2929.06. (A) If a sentence of death imposed upon an 5270
offender is set aside, nullified, or vacated because the court of 5271
appeals, in a case in which a sentence of death was imposed for an 5272
offense committed before January 1, 1995, or the supreme court, in 5273
cases in which the supreme court reviews the sentence upon appeal, 5274
could not affirm the sentence of death under the standards imposed 5275
by section 2929.05 of the Revised Code, is set aside, nullified, 5276
or vacated for the sole reason that the statutory procedure for 5277
imposing the sentence of death that is set forth in sections 5278
2929.03 and 2929.04 of the Revised Code is unconstitutional, is 5279
set aside, nullified, or vacated pursuant to division (C) of 5280
section 2929.05 of the Revised Code, or is set aside, nullified, 5281
or vacated because a court has determined that the offender is 5282
mentally retarded under standards set forth in decisions of the 5283
supreme court of this state or the United States supreme court, 5284
the trial court that sentenced the offender shall conduct a 5285
hearing to resentence the offender. At the resentencing hearing, 5286
the court shall impose upon the offender a sentence of life 5287
imprisonment or an indefinite term consisting of a minimum term of 5288
thirty years and a maximum term of life imprisonment that is 5289
determined as specified in this division. ~~The~~ If division (D) of 5290
section 2929.03 of the Revised Code, at the time the offender 5291
committed the aggravated murder for which the sentence of death 5292
was imposed, required the imposition when a sentence of death was 5293
not imposed of a sentence of life imprisonment without parole or a 5294
sentence of an indefinite term consisting of a minimum term of 5295
thirty years and a maximum term of life imprisonment to be imposed 5296
pursuant to division (A) or (B)(3) of section 2971.03 of the 5297
Revised Code and served pursuant to that section, the court shall 5298
impose the sentence so required. In all other cases, the sentences 5299

of life imprisonment that are available at the hearing, and from 5300
which the court shall impose sentence, shall be the same sentences 5301
of life imprisonment that were available under division (D) of 5302
section 2929.03 or under section 2909.24 of the Revised Code at 5303
the time the offender committed the offense for which the sentence 5304
of death was imposed. Nothing in this division regarding the 5305
resentencing of an offender shall affect the operation of section 5306
2971.03 of the Revised Code. 5307

(B) Whenever any court of this state or any federal court 5308
sets aside, nullifies, or vacates a sentence of death imposed upon 5309
an offender because of error that occurred in the sentencing phase 5310
of the trial and if division (A) of this section does not apply, 5311
the trial court that sentenced the offender shall conduct a new 5312
hearing to resentence the offender. If the offender was tried by a 5313
jury, the trial court shall impanel a new jury for the hearing. If 5314
the offender was tried by a panel of three judges, that panel or, 5315
if necessary, a new panel of three judges shall conduct the 5316
hearing. At the hearing, the court or panel shall follow the 5317
procedure set forth in division (D) of section 2929.03 of the 5318
Revised Code in determining whether to impose upon the offender a 5319
sentence of death ~~or~~, a sentence of life imprisonment, or an 5320
indefinite term consisting of a minimum term of thirty years and a 5321
maximum term of life imprisonment. If, pursuant to that procedure, 5322
the court or panel determines that it will impose a sentence ~~of~~ 5323
life imprisonment other than a sentence of death, the court or 5324
panel shall impose upon the offender one of the sentences of life 5325
imprisonment that could have been imposed at the time the offender 5326
committed the offense for which the sentence of death was imposed, 5327
determined as specified in this division, or an indefinite term 5328
consisting of a minimum term of thirty years and a maximum term of 5329
life imprisonment that is determined as specified in this 5330
division. If division (D) of section 2929.03 of the Revised Code, 5331
at the time the offender committed the aggravated murder for which 5332

the sentence of death was imposed, required the imposition when a 5333
sentence of death was not imposed of a sentence of life 5334
imprisonment without parole or a sentence of an indefinite term 5335
consisting of a minimum term of thirty years and a maximum term of 5336
life imprisonment to be imposed pursuant to division (A) or (B)(3) 5337
of section 2971.03 of the Revised Code and served pursuant to that 5338
section, the court or panel shall impose the sentence so required. 5339
In all other cases, the sentences of life imprisonment that are 5340
available at the hearing, and from which the court or panel shall 5341
impose sentence, shall be the same sentences of life imprisonment 5342
that were available under division (D) of section 2929.03 or under 5343
section 2909.24 of the Revised Code at the time the offender 5344
committed the offense for which the sentence of death was imposed. 5345

(C) If a sentence of life imprisonment without parole imposed 5346
upon an offender pursuant to section 2929.021 or 2929.03 of the 5347
Revised Code is set aside, nullified, or vacated for the sole 5348
reason that the statutory procedure for imposing the sentence of 5349
life imprisonment without parole that is set forth in sections 5350
2929.03 and 2929.04 of the Revised Code is unconstitutional, the 5351
trial court that sentenced the offender shall conduct a hearing to 5352
resentence the offender to life imprisonment with parole 5353
eligibility after serving twenty-five full years of imprisonment 5354
or to life imprisonment with parole eligibility after serving 5355
thirty full years of imprisonment. 5356

(D) Nothing in this section limits or restricts the rights of 5357
the state to appeal any order setting aside, nullifying, or 5358
vacating a conviction or sentence of death, when an appeal of that 5359
nature otherwise would be available. 5360

(E) This section, as amended by H.B. 184 of the 125th ~~General~~ 5361
~~Assembly~~ general assembly, shall apply to all offenders who have 5362
been sentenced to death for an aggravated murder that was 5363
committed on or after October 19, 1981, or for terrorism that was 5364

committed on or after May 15, 2002. This section, as amended by 5365
H.B. 184 of the 125th general assembly, shall apply equally to all 5366
such offenders sentenced to death prior to, on, or after ~~the~~ 5367
~~effective date of that act~~ March 23, 2005, including offenders 5368
who, on ~~the effective date of that act~~ March 23, 2005, are 5369
challenging their sentence of death and offenders whose sentence 5370
of death has been set aside, nullified, or vacated by any court of 5371
this state or any federal court but who, as of ~~the effective date~~ 5372
~~of that act~~ March 23, 2005, have not yet been resentenced. 5373

Sec. 2929.13. (A) Except as provided in division (E), (F), or 5374
(G) of this section and unless a specific sanction is required to 5375
be imposed or is precluded from being imposed pursuant to law, a 5376
court that imposes a sentence upon an offender for a felony may 5377
impose any sanction or combination of sanctions on the offender 5378
that are provided in sections 2929.14 to 2929.18 of the Revised 5379
Code. The sentence shall not impose an unnecessary burden on state 5380
or local government resources. 5381

If the offender is eligible to be sentenced to community 5382
control sanctions, the court shall consider the appropriateness of 5383
imposing a financial sanction pursuant to section 2929.18 of the 5384
Revised Code or a sanction of community service pursuant to 5385
section 2929.17 of the Revised Code as the sole sanction for the 5386
offense. Except as otherwise provided in this division, if the 5387
court is required to impose a mandatory prison term for the 5388
offense for which sentence is being imposed, the court also may 5389
impose a financial sanction pursuant to section 2929.18 of the 5390
Revised Code but may not impose any additional sanction or 5391
combination of sanctions under section 2929.16 or 2929.17 of the 5392
Revised Code. 5393

If the offender is being sentenced for a fourth degree felony 5394
OVI offense or for a third degree felony OVI offense, in addition 5395

to the mandatory term of local incarceration or the mandatory 5396
prison term required for the offense by division (G)(1) or (2) of 5397
this section, the court shall impose upon the offender a mandatory 5398
fine in accordance with division (B)(3) of section 2929.18 of the 5399
Revised Code and may impose whichever of the following is 5400
applicable: 5401

(1) For a fourth degree felony OVI offense for which sentence 5402
is imposed under division (G)(1) of this section, an additional 5403
community control sanction or combination of community control 5404
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 5405
the court imposes upon the offender a community control sanction 5406
and the offender violates any condition of the community control 5407
sanction, the court may take any action prescribed in division (B) 5408
of section 2929.15 of the Revised Code relative to the offender, 5409
including imposing a prison term on the offender pursuant to that 5410
division. 5411

(2) For a third or fourth degree felony OVI offense for which 5412
sentence is imposed under division (G)(2) of this section, an 5413
additional prison term as described in division (D)(4) of section 5414
2929.14 of the Revised Code or a community control sanction as 5415
described in division (G)(2) of this section. 5416

(B)(1) Except as provided in division (B)(2), (E), (F), or 5417
(G) of this section, in sentencing an offender for a felony of the 5418
fourth or fifth degree, the sentencing court shall determine 5419
whether any of the following apply: 5420

(a) In committing the offense, the offender caused physical 5421
harm to a person. 5422

(b) In committing the offense, the offender attempted to 5423
cause or made an actual threat of physical harm to a person with a 5424
deadly weapon. 5425

(c) In committing the offense, the offender attempted to 5426

cause or made an actual threat of physical harm to a person, and 5427
the offender previously was convicted of an offense that caused 5428
physical harm to a person. 5429

(d) The offender held a public office or position of trust 5430
and the offense related to that office or position; the offender's 5431
position obliged the offender to prevent the offense or to bring 5432
those committing it to justice; or the offender's professional 5433
reputation or position facilitated the offense or was likely to 5434
influence the future conduct of others. 5435

(e) The offender committed the offense for hire or as part of 5436
an organized criminal activity. 5437

(f) The offense is a sex offense that is a fourth or fifth 5438
degree felony violation of section 2907.03, 2907.04, 2907.05, 5439
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 5440
Revised Code. 5441

(g) The offender at the time of the offense was serving, or 5442
the offender previously had served, a prison term. 5443

(h) The offender committed the offense while under a 5444
community control sanction, while on probation, or while released 5445
from custody on a bond or personal recognizance. 5446

(i) The offender committed the offense while in possession of 5447
a firearm. 5448

(2)(a) If the court makes a finding described in division 5449
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 5450
section and if the court, after considering the factors set forth 5451
in section 2929.12 of the Revised Code, finds that a prison term 5452
is consistent with the purposes and principles of sentencing set 5453
forth in section 2929.11 of the Revised Code and finds that the 5454
offender is not amenable to an available community control 5455
sanction, the court shall impose a prison term upon the offender. 5456

(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 sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.

(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or 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 this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(D)(1) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree, for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, and for a violation of division (A)(4) or (B) of section 2907.05 of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Division (D)(2) of this section does not apply to a presumption established under this division for a violation of division (A)(4) of section 2907.05 of the Revised Code.

(2) Notwithstanding the presumption established under

division (D)(1) of this section for the offenses listed in that 5489
division other than a violation of division (A)(4) or (B) of 5490
section 2907.05 of the Revised Code, the sentencing court may 5491
impose a community control sanction or a combination of community 5492
control sanctions instead of a prison term on an offender for a 5493
felony of the first or second degree or for a felony drug offense 5494
that is a violation of any provision of Chapter 2925., 3719., or 5495
4729. of the Revised Code for which a presumption in favor of a 5496
prison term is specified as being applicable if it makes both of 5497
the following findings: 5498

(a) A community control sanction or a combination of 5499
community control sanctions would adequately punish the offender 5500
and protect the public from future crime, because the applicable 5501
factors under section 2929.12 of the Revised Code indicating a 5502
lesser likelihood of recidivism outweigh the applicable factors 5503
under that section indicating a greater likelihood of recidivism. 5504

(b) A community control sanction or a combination of 5505
community control sanctions would not demean the seriousness of 5506
the offense, because one or more factors under section 2929.12 of 5507
the Revised Code that indicate that the offender's conduct was 5508
less serious than conduct normally constituting the offense are 5509
applicable, and they outweigh the applicable factors under that 5510
section that indicate that the offender's conduct was more serious 5511
than conduct normally constituting the offense. 5512

(E)(1) Except as provided in division (F) of this section, 5513
for any drug offense that is a violation of any provision of 5514
Chapter 2925. of the Revised Code and that is a felony of the 5515
third, fourth, or fifth degree, the applicability of a presumption 5516
under division (D) of this section in favor of a prison term or of 5517
division (B) or (C) of this section in determining whether to 5518
impose a prison term for the offense shall be determined as 5519
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 5520

2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code, whichever is applicable regarding the violation.

(2) If an offender who was convicted of or pleaded guilty to a felony violates the conditions of a community control sanction imposed for the offense solely by reason of producing positive results on a drug test, the court, as punishment for the violation of the sanction, shall not order that the offender be imprisoned unless the court determines on the record either of the following:

(a) The offender had been ordered as a sanction for the felony to participate in a drug treatment program, in a drug education program, or in narcotics anonymous or a similar program, and the offender continued to use illegal drugs after a reasonable period of participation in the program.

(b) The imprisonment of the offender for the violation is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20 or 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division

(A)(1)(b) of section 2907.02 of the Revised Code and would be 5552
sentenced under section 2971.03 of the Revised Code; 5553

(3) Gross sexual imposition or sexual battery, if the victim 5554
is under thirteen years of age and if any of the following 5555
applies: 5556

(a) Regarding gross sexual imposition, the offender 5557
previously was convicted of or pleaded guilty to rape, the former 5558
offense of felonious sexual penetration, gross sexual imposition, 5559
or sexual battery, and the victim of the previous offense was 5560
under thirteen years of age; 5561

(b) Regarding gross sexual imposition, the offense was 5562
committed on or after August 3, 2006, and evidence other than the 5563
testimony of the victim was admitted in the case corroborating the 5564
violation. 5565

(c) Regarding sexual battery, either of the following 5566
applies: 5567

(i) The offense was committed prior to August 3, 2006, the 5568
offender previously was convicted of or pleaded guilty to rape, 5569
the former offense of felonious sexual penetration, or sexual 5570
battery, and the victim of the previous offense was under thirteen 5571
years of age. 5572

(ii) The offense was committed on or after August 3, 2006. 5573

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 5574
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 5575
requires the imposition of a prison term; 5576

(5) A first, second, or third degree felony drug offense for 5577
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 5578
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 5579
4729.99 of the Revised Code, whichever is applicable regarding the 5580
violation, requires the imposition of a mandatory prison term; 5581

(6) Any offense that is a first or second degree felony and 5582
that is not set forth in division (F)(1), (2), (3), or (4) of this 5583
section, if the offender previously was convicted of or pleaded 5584
guilty to aggravated murder, murder, any first or second degree 5585
felony, or an offense under an existing or former law of this 5586
state, another state, or the United States that is or was 5587
substantially equivalent to one of those offenses; 5588

(7) Any offense that is a third degree felony and either is a 5589
violation of section 2903.04 of the Revised Code or an attempt to 5590
commit a felony of the second degree that is an offense of 5591
violence and involved an attempt to cause serious physical harm to 5592
a person or that resulted in serious physical harm to a person if 5593
the offender previously was convicted of or pleaded guilty to any 5594
of the following offenses: 5595

(a) Aggravated murder, murder, involuntary manslaughter, 5596
rape, felonious sexual penetration as it existed under section 5597
2907.12 of the Revised Code prior to September 3, 1996, a felony 5598
of the first or second degree that resulted in the death of a 5599
person or in physical harm to a person, or complicity in or an 5600
attempt to commit any of those offenses; 5601

(b) An offense under an existing or former law of this state, 5602
another state, or the United States that is or was substantially 5603
equivalent to an offense listed in division (F)(7)(a) of this 5604
section that resulted in the death of a person or in physical harm 5605
to a person. 5606

(8) Any offense, other than a violation of section 2923.12 of 5607
the Revised Code, that is a felony, if the offender had a firearm 5608
on or about the offender's person or under the offender's control 5609
while committing the felony, with respect to a portion of the 5610
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 5611
of the Revised Code for having the firearm; 5612

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (D)(1)(d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

(12) A violation of division (A)(1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A)(1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction;

(13) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, with respect to the portion of the sentence imposed pursuant to division (D)(5) of section 2929.14 of the Revised Code;

(14) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the offender has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed

pursuant to division (D)(6) of section 2929.14 of the Revised Code; 5644
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(15) Kidnapping, in the circumstances specified in section 2971.03 of the Revised Code and when no other provision of division (F) of this section applies. 5646
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(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following: 5649
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(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to extension under section 2967.11 of the Revised Code, to a period of post-release control under section 2967.28 of the Revised Code, or to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of this section. 5654
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(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a 5674
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fourth degree felony OVI offense and the court does not impose a 5676
mandatory term of local incarceration under division (G)(1) of 5677
this section, the court shall impose upon the offender a mandatory 5678
prison term of one, two, three, four, or five years if the 5679
offender also is convicted of or also pleads guilty to a 5680
specification of the type described in section 2941.1413 of the 5681
Revised Code or shall impose upon the offender a mandatory prison 5682
term of sixty days or one hundred twenty days as specified in 5683
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 5684
if the offender has not been convicted of and has not pleaded 5685
guilty to a specification of that type. The court shall not reduce 5686
the term pursuant to section 2929.20, 2967.193, or any other 5687
provision of the Revised Code. The offender shall serve the one-, 5688
two-, three-, four-, or five-year mandatory prison term 5689
consecutively to and prior to the prison term imposed for the 5690
underlying offense and consecutively to any other mandatory prison 5691
term imposed in relation to the offense. In no case shall an 5692
offender who once has been sentenced to a mandatory term of local 5693
incarceration pursuant to division (G)(1) of this section for a 5694
fourth degree felony OVI offense be sentenced to another mandatory 5695
term of local incarceration under that division for any violation 5696
of division (A) of section 4511.19 of the Revised Code. In 5697
addition to the mandatory prison term described in division (G)(2) 5698
of this section, the court may sentence the offender to a 5699
community control sanction under section 2929.16 or 2929.17 of the 5700
Revised Code, but the offender shall serve the prison term prior 5701
to serving the community control sanction. The department of 5702
rehabilitation and correction may place an offender sentenced to a 5703
mandatory prison term under this division in an intensive program 5704
prison established pursuant to section 5120.033 of the Revised 5705
Code if the department gave the sentencing judge prior notice of 5706
its intent to place the offender in an intensive program prison 5707
established under that section and if the judge did not notify the 5708

department that the judge disapproved the placement. Upon the 5709
establishment of the initial intensive program prison pursuant to 5710
section 5120.033 of the Revised Code that is privately operated 5711
and managed by a contractor pursuant to a contract entered into 5712
under section 9.06 of the Revised Code, both of the following 5713
apply: 5714

(a) The department of rehabilitation and correction shall 5715
make a reasonable effort to ensure that a sufficient number of 5716
offenders sentenced to a mandatory prison term under this division 5717
are placed in the privately operated and managed prison so that 5718
the privately operated and managed prison has full occupancy. 5719

(b) Unless the privately operated and managed prison has full 5720
occupancy, the department of rehabilitation and correction shall 5721
not place any offender sentenced to a mandatory prison term under 5722
this division in any intensive program prison established pursuant 5723
to section 5120.033 of the Revised Code other than the privately 5724
operated and managed prison. 5725

(H) If an offender is being sentenced for a sexually oriented 5726
offense or child-victim oriented offense that is a felony 5727
committed on or after January 1, 1997, the judge shall require the 5728
offender to submit to a DNA specimen collection procedure pursuant 5729
to section 2901.07 of the Revised Code ~~if either of the following~~ 5730
~~applies:~~ 5731

~~(1) The offense was a violent sex offense or a designated 5732
homicide, assault, or kidnapping offense and, in relation to that 5733
offense, the offender was adjudicated a sexually violent predator.~~ 5734

~~(2) The offense was a violation of division (A)(1)(b) of 5735
section 2907.02 of the Revised Code committed on or after the 5736
effective date of this amendment.~~ 5737

~~(3) The offense was attempted rape committed on or after the 5738
effective date of this amendment, and the offender also was 5739~~

~~convicted of or pleaded guilty to a specification of the type 5740
described in section 2941.1418, 2941.1419, or 2941.1420 of the 5741
Revised Code. 5742~~

~~(4) The judge imposing sentence for the sexually oriented 5743
offense determines pursuant to division (B) of section 2950.09 of 5744
the Revised Code that the offender is a sexual predator. 5745~~

(I) If an offender is being sentenced for a sexually oriented 5746
offense ~~that is not a registration exempt sexually oriented 5747
offense~~ or for a child-victim oriented offense committed on or 5748
after January 1, 1997, the judge shall include in the sentence a 5749
summary of the offender's duties imposed under sections 2950.04, 5750
2950.041, 2950.05, and 2950.06 of the Revised Code and the 5751
duration of the duties. The judge shall inform the offender, at 5752
the time of sentencing, of those duties and of their duration ~~and, 5753
if, if~~ required under division (A)(2) of section 2950.03 of the 5754
Revised Code, the judge shall perform the duties specified in that 5755
section, or, if required under division (A)(6) of section 2950.03 5756
of the Revised Code, the judge shall perform the duties specified 5757
in that division. 5758

(J)(1) Except as provided in division (J)(2) of this section, 5759
when considering sentencing factors under this section in relation 5760
to an offender who is convicted of or pleads guilty to an attempt 5761
to commit an offense in violation of section 2923.02 of the 5762
Revised Code, the sentencing court shall consider the factors 5763
applicable to the felony category of the violation of section 5764
2923.02 of the Revised Code instead of the factors applicable to 5765
the felony category of the offense attempted. 5766

(2) When considering sentencing factors under this section in 5767
relation to an offender who is convicted of or pleads guilty to an 5768
attempt to commit a drug abuse offense for which the penalty is 5769
determined by the amount or number of unit doses of the controlled 5770
substance involved in the drug abuse offense, the sentencing court 5771

shall consider the factors applicable to the felony category that 5772
the drug abuse offense attempted would be if that drug abuse 5773
offense had been committed and had involved an amount or number of 5774
unit doses of the controlled substance that is within the next 5775
lower range of controlled substance amounts than was involved in 5776
the attempt. 5777

(K) As used in this section, "drug abuse offense" has the 5778
same meaning as in section 2925.01 of the Revised Code. 5779

(L) At the time of sentencing an offender ~~who is a sexual~~ 5780
~~predator~~ for any sexually oriented offense, if the offender is a 5781
tier III sex offender/child-victim offender relative to that 5782
offense and the offender does not serve a prison term or jail 5783
term, the court may require that the offender be monitored by 5784
means of a global positioning device. If the court requires such 5785
monitoring, the cost of monitoring shall be borne by the offender. 5786
If the offender is indigent, the cost of compliance shall be paid 5787
by the crime victims reparations fund. 5788

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 5789
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), or (L) of this 5790
section and except in relation to an offense for which a sentence 5791
of death or life imprisonment is to be imposed, if the court 5792
imposing a sentence upon an offender for a felony elects or is 5793
required to impose a prison term on the offender pursuant to this 5794
chapter, the court shall impose a definite prison term that shall 5795
be one of the following: 5796

(1) For a felony of the first degree, the prison term shall 5797
be three, four, five, six, seven, eight, nine, or ten years. 5798

(2) For a felony of the second degree, the prison term shall 5799
be two, three, four, five, six, seven, or eight years. 5800

(3) For a felony of the third degree, the prison term shall 5801

be one, two, three, four, or five years. 5802

(4) For a felony of the fourth degree, the prison term shall 5803
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 5804
fourteen, fifteen, sixteen, seventeen, or eighteen months. 5805

(5) For a felony of the fifth degree, the prison term shall 5806
be six, seven, eight, nine, ten, eleven, or twelve months. 5807

(B) Except as provided in division (C), (D)(1), (D)(2), 5808
(D)(3), (D)(5), (D)(6), (G), or (L) of this section, in section 5809
2907.02 or 2907.05 of the Revised Code, or in Chapter 2925. of the 5810
Revised Code, if the court imposing a sentence upon an offender 5811
for a felony elects or is required to impose a prison term on the 5812
offender, the court shall impose the shortest prison term 5813
authorized for the offense pursuant to division (A) of this 5814
section, unless one or more of the following applies: 5815

(1) The offender was serving a prison term at the time of the 5816
offense, or the offender previously had served a prison term. 5817

(2) The court finds on the record that the shortest prison 5818
term will demean the seriousness of the offender's conduct or will 5819
not adequately protect the public from future crime by the 5820
offender or others. 5821

(C) Except as provided in division (G) or (L) of this section 5822
or in Chapter 2925. of the Revised Code, the court imposing a 5823
sentence upon an offender for a felony may impose the longest 5824
prison term authorized for the offense pursuant to division (A) of 5825
this section only upon offenders who committed the worst forms of 5826
the offense, upon offenders who pose the greatest likelihood of 5827
committing future crimes, upon certain major drug offenders under 5828
division (D)(3) of this section, and upon certain repeat violent 5829
offenders in accordance with division (D)(2) of this section. 5830

(D)(1)(a) Except as provided in division (D)(1)(e) of this 5831
section, if an offender who is convicted of or pleads guilty to a 5832

felony also is convicted of or pleads guilty to a specification of 5833
the type described in section 2941.141, 2941.144, or 2941.145 of 5834
the Revised Code, the court shall impose on the offender one of 5835
the following prison terms: 5836

(i) A prison term of six years if the specification is of the 5837
type described in section 2941.144 of the Revised Code that 5838
charges the offender with having a firearm that is an automatic 5839
firearm or that was equipped with a firearm muffler or silencer on 5840
or about the offender's person or under the offender's control 5841
while committing the felony; 5842

(ii) A prison term of three years if the specification is of 5843
the type described in section 2941.145 of the Revised Code that 5844
charges the offender with having a firearm on or about the 5845
offender's person or under the offender's control while committing 5846
the offense and displaying the firearm, brandishing the firearm, 5847
indicating that the offender possessed the firearm, or using it to 5848
facilitate the offense; 5849

(iii) A prison term of one year if the specification is of 5850
the type described in section 2941.141 of the Revised Code that 5851
charges the offender with having a firearm on or about the 5852
offender's person or under the offender's control while committing 5853
the felony. 5854

(b) If a court imposes a prison term on an offender under 5855
division (D)(1)(a) of this section, the prison term shall not be 5856
reduced pursuant to section 2929.20, section 2967.193, or any 5857
other provision of Chapter 2967. or Chapter 5120. of the Revised 5858
Code. A court shall not impose more than one prison term on an 5859
offender under division (D)(1)(a) of this section for felonies 5860
committed as part of the same act or transaction. 5861

(c) Except as provided in division (D)(1)(e) of this section, 5862
if an offender who is convicted of or pleads guilty to a violation 5863

of section 2923.161 of the Revised Code or to a felony that 5864
includes, as an essential element, purposely or knowingly causing 5865
or attempting to cause the death of or physical harm to another, 5866
also is convicted of or pleads guilty to a specification of the 5867
type described in section 2941.146 of the Revised Code that 5868
charges the offender with committing the offense by discharging a 5869
firearm from a motor vehicle other than a manufactured home, the 5870
court, after imposing a prison term on the offender for the 5871
violation of section 2923.161 of the Revised Code or for the other 5872
felony offense under division (A), (D)(2), or (D)(3) of this 5873
section, shall impose an additional prison term of five years upon 5874
the offender that shall not be reduced pursuant to section 5875
2929.20, section 2967.193, or any other provision of Chapter 2967. 5876
or Chapter 5120. of the Revised Code. A court shall not impose 5877
more than one additional prison term on an offender under division 5878
(D)(1)(c) of this section for felonies committed as part of the 5879
same act or transaction. If a court imposes an additional prison 5880
term on an offender under division (D)(1)(c) of this section 5881
relative to an offense, the court also shall impose a prison term 5882
under division (D)(1)(a) of this section relative to the same 5883
offense, provided the criteria specified in that division for 5884
imposing an additional prison term are satisfied relative to the 5885
offender and the offense. 5886

(d) If an offender who is convicted of or pleads guilty to an 5887
offense of violence that is a felony also is convicted of or 5888
pleads guilty to a specification of the type described in section 5889
2941.1411 of the Revised Code that charges the offender with 5890
wearing or carrying body armor while committing the felony offense 5891
of violence, the court shall impose on the offender a prison term 5892
of two years. The prison term so imposed shall not be reduced 5893
pursuant to section 2929.20, section 2967.193, or any other 5894
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 5895
court shall not impose more than one prison term on an offender 5896

under division (D)(1)(d) of this section for felonies committed as 5897
part of the same act or transaction. If a court imposes an 5898
additional prison term under division (D)(1)(a) or (c) of this 5899
section, the court is not precluded from imposing an additional 5900
prison term under division (D)(1)(d) of this section. 5901

(e) The court shall not impose any of the prison terms 5902
described in division (D)(1)(a) of this section or any of the 5903
additional prison terms described in division (D)(1)(c) of this 5904
section upon an offender for a violation of section 2923.12 or 5905
2923.123 of the Revised Code. The court shall not impose any of 5906
the prison terms described in division (D)(1)(a) of this section 5907
or any of the additional prison terms described in division 5908
(D)(1)(c) of this section upon an offender for a violation of 5909
section 2923.13 of the Revised Code unless all of the following 5910
apply: 5911

(i) The offender previously has been convicted of aggravated 5912
murder, murder, or any felony of the first or second degree. 5913

(ii) Less than five years have passed since the offender was 5914
released from prison or post-release control, whichever is later, 5915
for the prior offense. 5916

(f) If an offender is convicted of or pleads guilty to a 5917
felony that includes, as an essential element, causing or 5918
attempting to cause the death of or physical harm to another and 5919
also is convicted of or pleads guilty to a specification of the 5920
type described in section 2941.1412 of the Revised Code that 5921
charges the offender with committing the offense by discharging a 5922
firearm at a peace officer as defined in section 2935.01 of the 5923
Revised Code or a corrections officer, as defined in section 5924
2941.1412 of the Revised Code, the court, after imposing a prison 5925
term on the offender for the felony offense under division (A), 5926
(D)(2), or (D)(3) of this section, shall impose an additional 5927
prison term of seven years upon the offender that shall not be 5928

reduced pursuant to section 2929.20, section 2967.193, or any 5929
other provision of Chapter 2967. or Chapter 5120. of the Revised 5930
Code. A court shall not impose more than one additional prison 5931
term on an offender under division (D)(1)(f) of this section for 5932
felonies committed as part of the same act or transaction. If a 5933
court imposes an additional prison term on an offender under 5934
division (D)(1)(f) of this section relative to an offense, the 5935
court shall not impose a prison term under division (D)(1)(a) or 5936
(c) of this section relative to the same offense. 5937

(2)(a) If division (D)(2)(b) of this section does not apply, 5938
the court may impose on an offender, in addition to the longest 5939
prison term authorized or required for the offense, an additional 5940
definite prison term of one, two, three, four, five, six, seven, 5941
eight, nine, or ten years if all of the following criteria are 5942
met: 5943

(i) The offender is convicted of or pleads guilty to a 5944
specification of the type described in section 2941.149 of the 5945
Revised Code that the offender is a repeat violent offender. 5946

(ii) The offense of which the offender currently is convicted 5947
or to which the offender currently pleads guilty is aggravated 5948
murder and the court does not impose a sentence of death or life 5949
imprisonment without parole, murder, terrorism and the court does 5950
not impose a sentence of life imprisonment without parole, any 5951
felony of the first degree that is an offense of violence and the 5952
court does not impose a sentence of life imprisonment without 5953
parole, or any felony of the second degree that is an offense of 5954
violence and the trier of fact finds that the offense involved an 5955
attempt to cause or a threat to cause serious physical harm to a 5956
person or resulted in serious physical harm to a person. 5957

(iii) The court imposes the longest prison term for the 5958
offense that is not life imprisonment without parole. 5959

(iv) The court finds that the prison terms imposed pursuant to division (D)(2)(a)(iii) of this section and, if applicable, division (D)(1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(v) The court finds that the prison terms imposed pursuant to division (D)(2)(a)(iii) of this section and, if applicable, division (D)(1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(b) The court shall impose on an offender the longest prison term authorized or required for the offense and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offender within the preceding twenty years has been convicted of or pleaded guilty to three or more offenses described in division (DD)(1) of section 2929.01 of the Revised Code, including all offenses described in that division of which the offender is convicted or to which the offender pleads guilty in the current prosecution and all offenses described in that

division of which the offender previously has been convicted or to 5992
which the offender previously pleaded guilty, whether prosecuted 5993
together or separately. 5994

(iii) The offense or offenses of which the offender currently 5995
is convicted or to which the offender currently pleads guilty is 5996
aggravated murder and the court does not impose a sentence of 5997
death or life imprisonment without parole, murder, terrorism and 5998
the court does not impose a sentence of life imprisonment without 5999
parole, any felony of the first degree that is an offense of 6000
violence and the court does not impose a sentence of life 6001
imprisonment without parole, or any felony of the second degree 6002
that is an offense of violence and the trier of fact finds that 6003
the offense involved an attempt to cause or a threat to cause 6004
serious physical harm to a person or resulted in serious physical 6005
harm to a person. 6006

(c) For purposes of division (D)(2)(b) of this section, two 6007
or more offenses committed at the same time or as part of the same 6008
act or event shall be considered one offense, and that one offense 6009
shall be the offense with the greatest penalty. 6010

(d) A sentence imposed under division (D)(2)(a) or (b) of 6011
this section shall not be reduced pursuant to section 2929.20 or 6012
section 2967.193, or any other provision of Chapter 2967. or 6013
Chapter 5120. of the Revised Code. The offender shall serve an 6014
additional prison term imposed under this section consecutively to 6015
and prior to the prison term imposed for the underlying offense. 6016

(e) When imposing a sentence pursuant to division (D)(2)(a) 6017
or (b) of this section, the court shall state its findings 6018
explaining the imposed sentence. 6019

(3)(a) Except when an offender commits a violation of section 6020
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 6021
the violation is life imprisonment or commits a violation of 6022

section 2903.02 of the Revised Code, if the offender commits a 6023
violation of section 2925.03 or 2925.11 of the Revised Code and 6024
that section classifies the offender as a major drug offender and 6025
requires the imposition of a ten-year prison term on the offender, 6026
if the offender commits a felony violation of section 2925.02, 6027
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6028
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6029
division (C) of section 4729.51, or division (J) of section 6030
4729.54 of the Revised Code that includes the sale, offer to sell, 6031
or possession of a schedule I or II controlled substance, with the 6032
exception of marihuana, and the court imposing sentence upon the 6033
offender finds that the offender is guilty of a specification of 6034
the type described in section 2941.1410 of the Revised Code 6035
charging that the offender is a major drug offender, if the court 6036
imposing sentence upon an offender for a felony finds that the 6037
offender is guilty of corrupt activity with the most serious 6038
offense in the pattern of corrupt activity being a felony of the 6039
first degree, or if the offender is guilty of an attempted 6040
violation of section 2907.02 of the Revised Code and, had the 6041
offender completed the violation of section 2907.02 of the Revised 6042
Code that was attempted, the offender would have been subject to a 6043
sentence of life imprisonment or life imprisonment without parole 6044
for the violation of section 2907.02 of the Revised Code, the 6045
court shall impose upon the offender for the felony violation a 6046
ten-year prison term that cannot be reduced pursuant to section 6047
2929.20 or Chapter 2967. or 5120. of the Revised Code. 6048

(b) The court imposing a prison term on an offender under 6049
division (D)(3)(a) of this section may impose an additional prison 6050
term of one, two, three, four, five, six, seven, eight, nine, or 6051
ten years, if the court, with respect to the term imposed under 6052
division (D)(3)(a) of this section and, if applicable, divisions 6053
(D)(1) and (2) of this section, makes both of the findings set 6054
forth in divisions (D)(2)(a)(iv) and (v) of this section. 6055

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (D)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. In addition to the mandatory prison term or mandatory and additional prison term imposed as described in division (D)(4) of this section, the court also may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code and the court imposes a mandatory term of local

incarceration, the court may impose a prison term as described in 6089
division (A)(1) of that section. 6090

(5) If an offender is convicted of or pleads guilty to a 6091
violation of division (A)(1) or (2) of section 2903.06 of the 6092
Revised Code and also is convicted of or pleads guilty to a 6093
specification of the type described in section 2941.1414 of the 6094
Revised Code that charges that the victim of the offense is a 6095
peace officer, as defined in section 2935.01 of the Revised Code, 6096
or an investigator of the bureau of criminal identification and 6097
investigation, as defined in section 2903.11 of the Revised Code, 6098
the court shall impose on the offender a prison term of five 6099
years. If a court imposes a prison term on an offender under 6100
division (D)(5) of this section, the prison term shall not be 6101
reduced pursuant to section 2929.20, section 2967.193, or any 6102
other provision of Chapter 2967. or Chapter 5120. of the Revised 6103
Code. A court shall not impose more than one prison term on an 6104
offender under division (D)(5) of this section for felonies 6105
committed as part of the same act. 6106

(6) If an offender is convicted of or pleads guilty to a 6107
violation of division (A)(1) or (2) of section 2903.06 of the 6108
Revised Code and also is convicted of or pleads guilty to a 6109
specification of the type described in section 2941.1415 of the 6110
Revised Code that charges that the offender previously has been 6111
convicted of or pleaded guilty to three or more violations of 6112
division (A) or (B) of section 4511.19 of the Revised Code or an 6113
equivalent offense, as defined in section 2941.1415 of the Revised 6114
Code, or three or more violations of any combination of those 6115
divisions and offenses, the court shall impose on the offender a 6116
prison term of three years. If a court imposes a prison term on an 6117
offender under division (D)(6) of this section, the prison term 6118
shall not be reduced pursuant to section 2929.20, section 6119
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 6120

of the Revised Code. A court shall not impose more than one prison 6121
term on an offender under division (D)(6) of this section for 6122
felonies committed as part of the same act. 6123

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 6124
mandatory prison term is imposed upon an offender pursuant to 6125
division (D)(1)(a) of this section for having a firearm on or 6126
about the offender's person or under the offender's control while 6127
committing a felony, if a mandatory prison term is imposed upon an 6128
offender pursuant to division (D)(1)(c) of this section for 6129
committing a felony specified in that division by discharging a 6130
firearm from a motor vehicle, or if both types of mandatory prison 6131
terms are imposed, the offender shall serve any mandatory prison 6132
term imposed under either division consecutively to any other 6133
mandatory prison term imposed under either division or under 6134
division (D)(1)(d) of this section, consecutively to and prior to 6135
any prison term imposed for the underlying felony pursuant to 6136
division (A), (D)(2), or (D)(3) of this section or any other 6137
section of the Revised Code, and consecutively to any other prison 6138
term or mandatory prison term previously or subsequently imposed 6139
upon the offender. 6140

(b) If a mandatory prison term is imposed upon an offender 6141
pursuant to division (D)(1)(d) of this section for wearing or 6142
carrying body armor while committing an offense of violence that 6143
is a felony, the offender shall serve the mandatory term so 6144
imposed consecutively to any other mandatory prison term imposed 6145
under that division or under division (D)(1)(a) or (c) of this 6146
section, consecutively to and prior to any prison term imposed for 6147
the underlying felony under division (A), (D)(2), or (D)(3) of 6148
this section or any other section of the Revised Code, and 6149
consecutively to any other prison term or mandatory prison term 6150
previously or subsequently imposed upon the offender. 6151

(c) If a mandatory prison term is imposed upon an offender 6152

pursuant to division (D)(1)(f) of this section, the offender shall 6153
serve the mandatory prison term so imposed consecutively to and 6154
prior to any prison term imposed for the underlying felony under 6155
division (A), (D)(2), or (D)(3) of this section or any other 6156
section of the Revised Code, and consecutively to any other prison 6157
term or mandatory prison term previously or subsequently imposed 6158
upon the offender. 6159

(2) If an offender who is an inmate in a jail, prison, or 6160
other residential detention facility violates section 2917.02, 6161
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 6162
who is under detention at a detention facility commits a felony 6163
violation of section 2923.131 of the Revised Code, or if an 6164
offender who is an inmate in a jail, prison, or other residential 6165
detention facility or is under detention at a detention facility 6166
commits another felony while the offender is an escapee in 6167
violation of section 2921.34 of the Revised Code, any prison term 6168
imposed upon the offender for one of those violations shall be 6169
served by the offender consecutively to the prison term or term of 6170
imprisonment the offender was serving when the offender committed 6171
that offense and to any other prison term previously or 6172
subsequently imposed upon the offender. 6173

(3) If a prison term is imposed for a violation of division 6174
(B) of section 2911.01 of the Revised Code, a violation of 6175
division (A) of section 2913.02 of the Revised Code in which the 6176
stolen property is a firearm or dangerous ordnance, or a felony 6177
violation of division (B) of section 2921.331 of the Revised Code, 6178
the offender shall serve that prison term consecutively to any 6179
other prison term or mandatory prison term previously or 6180
subsequently imposed upon the offender. 6181

(4) If multiple prison terms are imposed on an offender for 6182
convictions of multiple offenses, the court may require the 6183
offender to serve the prison terms consecutively if the court 6184

finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

(5) If a mandatory prison term is imposed upon an offender pursuant to division (D)(5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an offender pursuant to division (D)(5) of this section, and if a mandatory prison term also is imposed upon the offender pursuant to division (D)(6) of this section in relation to the same violation, the offender shall serve the mandatory prison term imposed pursuant to division (D)(5) of this section consecutively to and prior to the mandatory prison term imposed pursuant to

division (D)(6) of this section and consecutively to and prior to 6217
any prison term imposed for the underlying violation of division 6218
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 6219
division (A) of this section or section 2929.142 of the Revised 6220
Code. 6221

(6) When consecutive prison terms are imposed pursuant to 6222
division (E)(1), (2), (3), (4), or (5) of this section, the term 6223
to be served is the aggregate of all of the terms so imposed. 6224

(F)(1) If a court imposes a prison term for a felony of the 6225
first degree, for a felony of the second degree, for a felony sex 6226
offense, or for a felony of the third degree that is not a felony 6227
sex offense and in the commission of which the offender caused or 6228
threatened to cause physical harm to a person, it shall include in 6229
the sentence a requirement that the offender be subject to a 6230
period of post-release control after the offender's release from 6231
imprisonment, in accordance with that division. If a court imposes 6232
a sentence including a prison term of a type described in this 6233
division on or after July 11, 2006, the failure of a court to 6234
include a post-release control requirement in the sentence 6235
pursuant to this division does not negate, limit, or otherwise 6236
affect the mandatory period of post-release control that is 6237
required for the offender under division (B) of section 2967.28 of 6238
the Revised Code. Section 2929.191 of the Revised Code applies if, 6239
prior to July 11, 2006, a court imposed a sentence including a 6240
prison term of a type described in this division and failed to 6241
include in the sentence pursuant to this division a statement 6242
regarding post-release control. 6243

(2) If a court imposes a prison term for a felony of the 6244
third, fourth, or fifth degree that is not subject to division 6245
(F)(1) of this section, it shall include in the sentence a 6246
requirement that the offender be subject to a period of 6247
post-release control after the offender's release from 6248

imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(G) ~~If a~~ The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator, ~~if a.~~

(2) A person is convicted of or pleads guilty to 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 January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code, ~~or if a.~~

(3) A person is convicted of or pleads guilty to attempted rape committed on or after the effective date of this amendment January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code, ~~the court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life~~

~~imprisonment without parole imposed upon the offender and the~~ 6281
~~service of that term of imprisonment.~~ 6282

(4) A person is convicted of or pleads guilty to a violation 6283
of section 2905.01 of the Revised Code committed on or after the 6284
effective date of this amendment, and that section requires the 6285
court to sentence the offender pursuant to section 2971.03 of the 6286
Revised Code. 6287

(5) A person is convicted of or pleads guilty to aggravated 6288
murder committed on or after the effective date of this amendment, 6289
and division (A)(2)(b)(ii) of section 2929.022, division 6290
(A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), 6291
or (E)(1)(d) of section 2929.03, or division (A) or (B) of section 6292
2929.06 of the Revised Code requires the court to sentence the 6293
offender pursuant to division (B)(3) of section 2971.03 of the 6294
Revised Code. 6295

(6) A person is convicted of or pleads guilty to murder 6296
committed on or after the effective date of this amendment, and 6297
division (B)(2) of section 2929.02 of the Revised Code requires 6298
the court to sentence the offender pursuant to section 2971.03 of 6299
the Revised Code. 6300

(H) If a person who has been convicted of or pleaded guilty 6301
to a felony is sentenced to a prison term or term of imprisonment 6302
under this section, sections 2929.02 to 2929.06 of the Revised 6303
Code, section 2929.142 of the Revised Code, section 2971.03 of the 6304
Revised Code, or any other provision of law, section 5120.163 of 6305
the Revised Code applies regarding the person while the person is 6306
confined in a state correctional institution. 6307

(I) If an offender who is convicted of or pleads guilty to a 6308
felony that is an offense of violence also is convicted of or 6309
pleads guilty to a specification of the type described in section 6310
2941.142 of the Revised Code that charges the offender with having 6311

committed the felony while participating in a criminal gang, the 6312
court shall impose upon the offender an additional prison term of 6313
one, two, or three years. 6314

(J) If an offender who is convicted of or pleads guilty to 6315
aggravated murder, murder, or a felony of the first, second, or 6316
third degree that is an offense of violence also is convicted of 6317
or pleads guilty to a specification of the type described in 6318
section 2941.143 of the Revised Code that charges the offender 6319
with having committed the offense in a school safety zone or 6320
towards a person in a school safety zone, the court shall impose 6321
upon the offender an additional prison term of two years. The 6322
offender shall serve the additional two years consecutively to and 6323
prior to the prison term imposed for the underlying offense. 6324

(K) At the time of sentencing, the court may recommend the 6325
offender for placement in a program of shock incarceration under 6326
section 5120.031 of the Revised Code or for placement in an 6327
intensive program prison under section 5120.032 of the Revised 6328
Code, disapprove placement of the offender in a program of shock 6329
incarceration or an intensive program prison of that nature, or 6330
make no recommendation on placement of the offender. In no case 6331
shall the department of rehabilitation and correction place the 6332
offender in a program or prison of that nature unless the 6333
department determines as specified in section 5120.031 or 5120.032 6334
of the Revised Code, whichever is applicable, that the offender is 6335
eligible for the placement. 6336

If the court disapproves placement of the offender in a 6337
program or prison of that nature, the department of rehabilitation 6338
and correction shall not place the offender in any program of 6339
shock incarceration or intensive program prison. 6340

If the court recommends placement of the offender in a 6341
program of shock incarceration or in an intensive program prison, 6342
and if the offender is subsequently placed in the recommended 6343

program or prison, the department shall notify the court of the 6344
placement and shall include with the notice a brief description of 6345
the placement. 6346

If the court recommends placement of the offender in a 6347
program of shock incarceration or in an intensive program prison 6348
and the department does not subsequently place the offender in the 6349
recommended program or prison, the department shall send a notice 6350
to the court indicating why the offender was not placed in the 6351
recommended program or prison. 6352

If the court does not make a recommendation under this 6353
division with respect to an offender and if the department 6354
determines as specified in section 5120.031 or 5120.032 of the 6355
Revised Code, whichever is applicable, that the offender is 6356
eligible for placement in a program or prison of that nature, the 6357
department shall screen the offender and determine if there is an 6358
available program of shock incarceration or an intensive program 6359
prison for which the offender is suited. If there is an available 6360
program of shock incarceration or an intensive program prison for 6361
which the offender is suited, the department shall notify the 6362
court of the proposed placement of the offender as specified in 6363
section 5120.031 or 5120.032 of the Revised Code and shall include 6364
with the notice a brief description of the placement. The court 6365
shall have ten days from receipt of the notice to disapprove the 6366
placement. 6367

(L) If a person is convicted of or pleads guilty to 6368
aggravated vehicular homicide in violation of division (A)(1) of 6369
section 2903.06 of the Revised Code and division (B)(2)(c) of that 6370
section applies, the person shall be sentenced pursuant to section 6371
2929.142 of the Revised Code. 6372

Sec. 2929.19. (A)~~(1)~~ The court shall hold a sentencing 6373
hearing before imposing a sentence under this chapter upon an 6374

offender who was convicted of or pleaded guilty to a felony and 6375
before resentencing an offender who was convicted of or pleaded 6376
guilty to a felony and whose case was remanded pursuant to section 6377
2953.07 or 2953.08 of the Revised Code. At the hearing, the 6378
offender, the prosecuting attorney, the victim or the victim's 6379
representative in accordance with section 2930.14 of the Revised 6380
Code, and, with the approval of the court, any other person may 6381
present information relevant to the imposition of sentence in the 6382
case. The court shall inform the offender of the verdict of the 6383
jury or finding of the court and ask the offender whether the 6384
offender has anything to say as to why sentence should not be 6385
imposed upon the offender. 6386

~~(2) Except as otherwise provided in this division, before 6387
imposing sentence on an offender who is being sentenced on or 6388
after January 1, 1997, for a sexually oriented offense that is not 6389
a registration exempt sexually oriented offense and who is in any 6390
category of offender described in division (B)(1)(a)(i), (ii), or 6391
(iii) of section 2950.09 of the Revised Code, the court shall 6392
conduct a hearing in accordance with division (B) of section 6393
2950.09 of the Revised Code to determine whether the offender is a 6394
sexual predator. The court shall not conduct a hearing under that 6395
division if the offender is being sentenced for a violent sex 6396
offense or a designated homicide, assault, or kidnapping offense 6397
and, in relation to that offense, the offender was adjudicated a 6398
sexually violent predator, if the offender is being sentenced 6399
under section 2971.03 of the Revised Code for a violation of 6400
division (A)(1)(b) of section 2907.02 of the Revised Code 6401
committed on or after the effective date of this amendment, if the 6402
offender is sentenced to a term of life without parole under 6403
division (B) of section 2907.02 of the Revised Code, or if the 6404
offender is being sentenced for attempted rape committed on or 6405
after the effective date of this amendment and a specification of 6406
the type described in section 2941.1418, 2941.1419, or 2941.1420 6407~~

~~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.~~

~~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.~~

(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.

(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:

(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 6440
overriding purposes and principles of felony sentencing set forth 6441
in section 2929.11 of the Revised Code, and any factors listed in 6442
divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code 6443
that it found to apply relative to the offender. 6444

(b) If it does not impose a prison term for a felony of the 6445
first or second degree or for a felony drug offense that is a 6446
violation of a provision of Chapter 2925. of the Revised Code and 6447
for which a presumption in favor of a prison term is specified as 6448
being applicable, its reasons for not imposing the prison term and 6449
for overriding the presumption, based upon the overriding purposes 6450
and principles of felony sentencing set forth in section 2929.11 6451
of the Revised Code, and the basis of the findings it made under 6452
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 6453

(c) If it imposes consecutive sentences under section 2929.14 6454
of the Revised Code, its reasons for imposing the consecutive 6455
sentences; 6456

(d) If the sentence is for one offense and it imposes a 6457
prison term for the offense that is the maximum prison term 6458
allowed for that offense by division (A) of section 2929.14 of the 6459
Revised Code or section 2929.142 of the Revised Code, its reasons 6460
for imposing the maximum prison term; 6461

(e) If the sentence is for two or more offenses arising out 6462
of a single incident and it imposes a prison term for those 6463
offenses that is the maximum prison term allowed for the offense 6464
of the highest degree by division (A) of section 2929.14 of the 6465
Revised Code or section 2929.142 of the Revised Code, its reasons 6466
for imposing the maximum prison term. 6467

(3) Subject to division (B)(4) of this section, if the 6468
sentencing court determines at the sentencing hearing that a 6469
prison term is necessary or required, the court shall do all of 6470

the following: 6471

(a) Impose a stated prison term; 6472

(b) Notify the offender that, as part of the sentence, the 6473
parole board may extend the stated prison term for certain 6474
violations of prison rules for up to one-half of the stated prison 6475
term; 6476

(c) Notify the offender that the offender will be supervised 6477
under section 2967.28 of the Revised Code after the offender 6478
leaves prison if the offender is being sentenced for a felony of 6479
the first degree or second degree, for a felony sex offense, or 6480
for a felony of the third degree that is not a felony sex offense 6481
and in the commission of which the offender caused or threatened 6482
to cause physical harm to a person. If a court imposes a sentence 6483
including a prison term of a type described in division (B)(3)(c) 6484
of this section on or after July 11, 2006, the failure of a court 6485
to notify the offender pursuant to division (B)(3)(c) of this 6486
section that the offender will be supervised under section 2967.28 6487
of the Revised Code after the offender leaves prison or to include 6488
in the judgment of conviction entered on the journal a statement 6489
to that effect does not negate, limit, or otherwise affect the 6490
mandatory period of supervision that is required for the offender 6491
under division (B) of section 2967.28 of the Revised Code. Section 6492
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 6493
court imposed a sentence including a prison term of a type 6494
described in division (B)(3)(c) of this section and failed to 6495
notify the offender pursuant to division (B)(3)(c) of this section 6496
regarding post-release control or to include in the judgment of 6497
conviction entered on the journal or in the sentence a statement 6498
regarding post-release control. 6499

(d) Notify the offender that the offender may be supervised 6500
under section 2967.28 of the Revised Code after the offender 6501
leaves prison if the offender is being sentenced for a felony of 6502

the third, fourth, or fifth degree that is not subject to division (B)(3)(c) of this section. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in division (B)(3)(d) of this section and failed to notify the offender pursuant to division (B)(3)(d) of this section regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence a statement regarding post-release control.

(e) Notify the offender that, if a period of supervision is imposed following the offender's release from prison, as described in division (B)(3)(c) or (d) of this section, and if the offender violates that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code, the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison term originally imposed upon the offender. If a court imposes a sentence including a prison term on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(3)(e) of this section that the parole board may impose a prison term as described in division (B)(3)(e) of this section for a violation of that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the authority of the parole board to so impose a prison term for a violation of that nature if, pursuant to division (D)(1) of section 2967.28 of the Revised Code, the parole board notifies the offender prior to the offender's release of the board's authority to so impose a prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term and failed to notify the offender pursuant to division (B)(3)(e) of this section regarding the possibility of the parole board imposing a prison term for a violation of

supervision or a condition of post-release control. 6536

(f) Require that the offender not ingest or be injected with 6537
a drug of abuse and submit to random drug testing as provided in 6538
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 6539
is applicable to the offender who is serving a prison term, and 6540
require that the results of the drug test administered under any 6541
of those sections indicate that the offender did not ingest or was 6542
not injected with a drug of abuse. 6543

(4) ~~If the~~ (a) The court shall include in the offender's 6544
sentence a statement that the offender is a tier III sex 6545
offender/child-victim offender, and the court shall comply with 6546
the requirements of section 2950.03 of the Revised Code if any of 6547
the following apply: 6548

(i) The offender is being sentenced for a violent sex offense 6549
or designated homicide, assault, or kidnapping offense that the 6550
offender committed on or after January 1, 1997, and the offender 6551
is adjudicated a sexually violent predator in relation to that 6552
offense, ~~if the.~~ 6553

(ii) The offender is being sentenced for a sexually oriented 6554
offense ~~that is not a registration exempt sexually oriented~~ 6555
~~offense and~~ that the offender committed on or after January 1, 6556
1997, and the ~~court imposing the sentence has determined pursuant~~ 6557
~~to division (B) of section 2950.09 of the Revised Code that the~~ 6558
offender is a ~~sexual predator, if the~~ tier III sex 6559
offender/child-victim offender relative to that offense. 6560

(iii) The offender is being sentenced on or after July 31, 6561
2003, for a child-victim oriented offense, ~~and the court imposing~~ 6562
~~the sentence has determined pursuant to division (B) of section~~ 6563
~~2950.091 of the Revised Code that the offender is a child victim~~ 6564
~~predator, if the offender is being sentenced for an aggravated~~ 6565
~~sexually oriented offense as defined in section 2950.01 of the~~ 6566

~~Revised Code, if the tier III sex offender/child-victim offender
relative to that offense.~~ 6567
6568

~~(iv) 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 January 2, 2007.~~~~ 6569
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~~(v) 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.~~~~ 6573
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~~(vi) The offender is being sentenced for attempted rape
committed on or after ~~the effective date of this amendment January
2, 2007, and a specification of the type described in section
2941.1418, 2941.1419, or 2941.1420 of the Revised Code, ~~the court~~
~~shall include in the offender's sentence a statement that the~~
~~offender has been adjudicated a sexual predator, has been~~
~~adjudicated a child victim predator, or has been convicted of or~~
~~pleaded guilty to an aggravated sexually oriented offense,~~
~~whichever is applicable, and shall comply with the requirements of~~
~~section 2950.03 of the Revised Code.~~~~ 6576
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~~(vii) The offender is being sentenced under division
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code
for an offense described in those divisions committed on or after
the effective date of this amendment.~~ 6586
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~~(b) Additionally, if any criterion set forth in divisions
(B)(4)(a)(i) to (vii) of this section is satisfied, in the
circumstances described in division (G) of section 2929.14 of the
Revised Code, the court shall impose sentence on the offender as
described in that division.~~ 6590
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~~(5) If the sentencing court determines at the sentencing
hearing that a community control sanction should be imposed and
the court is not prohibited from imposing a community control~~ 6595
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6597

sanction, the court shall impose a community control sanction. The 6598
court shall notify the offender that, if the conditions of the 6599
sanction are violated, if the offender commits a violation of any 6600
law, or if the offender leaves this state without the permission 6601
of the court or the offender's probation officer, the court may 6602
impose a longer time under the same sanction, may impose a more 6603
restrictive sanction, or may impose a prison term on the offender 6604
and shall indicate the specific prison term that may be imposed as 6605
a sanction for the violation, as selected by the court from the 6606
range of prison terms for the offense pursuant to section 2929.14 6607
of the Revised Code. 6608

(6) Before imposing a financial sanction under section 6609
2929.18 of the Revised Code or a fine under section 2929.32 of the 6610
Revised Code, the court shall consider the offender's present and 6611
future ability to pay the amount of the sanction or fine. 6612

(7) If the sentencing court sentences the offender to a 6613
sanction of confinement pursuant to section 2929.14 or 2929.16 of 6614
the Revised Code that is to be served in a local detention 6615
facility, as defined in section 2929.36 of the Revised Code, and 6616
if the local detention facility is covered by a policy adopted 6617
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 6618
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 6619
and section 2929.37 of the Revised Code, both of the following 6620
apply: 6621

(a) The court shall specify both of the following as part of 6622
the sentence: 6623

(i) If the offender is presented with an itemized bill 6624
pursuant to section 2929.37 of the Revised Code for payment of the 6625
costs of confinement, the offender is required to pay the bill in 6626
accordance with that section. 6627

(ii) If the offender does not dispute the bill described in 6628

division (B)(7)(a)(i) of this section and does not pay the bill by 6629
the times specified in section 2929.37 of the Revised Code, the 6630
clerk of the court may issue a certificate of judgment against the 6631
offender as described in that section. 6632

(b) The sentence automatically includes any certificate of 6633
judgment issued as described in division (B)(7)(a)(ii) of this 6634
section. 6635

(C)(1) If the offender is being sentenced for a fourth degree 6636
felony OVI offense under division (G)(1) of section 2929.13 of the 6637
Revised Code, the court shall impose the mandatory term of local 6638
incarceration in accordance with that division, shall impose a 6639
mandatory fine in accordance with division (B)(3) of section 6640
2929.18 of the Revised Code, and, in addition, may impose 6641
additional sanctions as specified in sections 2929.15, 2929.16, 6642
2929.17, and 2929.18 of the Revised Code. The court shall not 6643
impose a prison term on the offender except that the court may 6644
impose a prison term upon the offender as provided in division 6645
(A)(1) of section 2929.13 of the Revised Code. 6646

(2) If the offender is being sentenced for a third or fourth 6647
degree felony OVI offense under division (G)(2) of section 2929.13 6648
of the Revised Code, the court shall impose the mandatory prison 6649
term in accordance with that division, shall impose a mandatory 6650
fine in accordance with division (B)(3) of section 2929.18 of the 6651
Revised Code, and, in addition, may impose an additional prison 6652
term as specified in section 2929.14 of the Revised Code. In 6653
addition to the mandatory prison term or mandatory prison term and 6654
additional prison term the court imposes, the court also may 6655
impose a community control sanction on the offender, but the 6656
offender shall serve all of the prison terms so imposed prior to 6657
serving the community control sanction. 6658

(D) The sentencing court, pursuant to division (K) of section 6659
2929.14 of the Revised Code, may recommend placement of the 6660

offender in a program of shock incarceration under section 6661
5120.031 of the Revised Code or an intensive program prison under 6662
section 5120.032 of the Revised Code, disapprove placement of the 6663
offender in a program or prison of that nature, or make no 6664
recommendation. If the court recommends or disapproves placement, 6665
it shall make a finding that gives its reasons for its 6666
recommendation or disapproval. 6667

Sec. 2929.23. (A) If an offender is being sentenced for a 6668
sexually oriented offense or child-victim oriented offense that is 6669
a misdemeanor committed on or after January 1, 1997, and ~~if the~~ 6670
~~judge imposing sentence for the sexually oriented offense~~ 6671
~~determines pursuant to division (B) of section 2950.09 of the~~ 6672
~~Revised Code that the offender is a sexual predator tier III sex~~ 6673
~~offender/child-victim offender relative to the offense or the~~ 6674
~~offense is any offense listed in division (D)(1) to (3) of section~~ 6675
~~2901.07 of the Revised Code, the judge shall include in the~~ 6676
offender's sentence a statement that the offender ~~has been~~ 6677
~~adjudicated a sexual predator is a tier III sex~~ 6678
offender/child-victim offender, shall comply with the requirements 6679
of section 2950.03 of the Revised Code, and shall require the 6680
offender to submit to a DNA specimen collection procedure pursuant 6681
to section 2901.07 of the Revised Code. 6682

(B) ~~Before imposing sentence on an offender who is being~~ 6683
~~sentenced for a sexually oriented offense that is a misdemeanor,~~ 6684
~~that was committed on or after January 1, 1997, and that is not a~~ 6685
~~registration exempt sexually oriented offense, the judge shall~~ 6686
~~conduct a hearing in accordance with division (B) of section~~ 6687
~~2950.09 of the Revised Code to determine whether the offender is a~~ 6688
~~sexual predator. Before imposing sentence on an offender who is~~ 6689
~~being sentenced for a sexually oriented offense that is not a~~ 6690
~~registration exempt sexually oriented offense, the court also~~ 6691
~~shall comply with division (E) of section 2950.09 of the Revised~~ 6692

Code. 6693

~~Before imposing sentence on or after the effective date of 6694
this amendment on an offender who is being sentenced for a 6695
child victim oriented offense that is a misdemeanor, regardless of 6696
when the offense was committed, the judge shall conduct a hearing 6697
in accordance with division (B) of section 2950.091 of the Revised 6698
Code to determine whether the offender is a child victim predator. 6699
Before imposing sentence on an offender who is being sentenced for 6700
a child victim oriented offense, the court also shall comply with 6701
division (E) of section 2950.091 of the Revised Code. 6702~~

~~(C) If an offender is being sentenced for a sexually oriented 6703
offense that is not a registration exempt sexually oriented 6704
offense or for a child-victim oriented offense that is a 6705
misdemeanor committed on or after January 1, 1997, the judge shall 6706
include in the sentence a summary of the offender's duties imposed 6707
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 6708
Revised Code and the duration of the duties. The judge shall 6709
inform the offender, at the time of sentencing, of those duties 6710
and of their duration ~~and, if, If~~ required under division (A)(2) 6711
of section 2950.03 of the Revised Code, the judge shall perform 6712
the duties specified in that section or, if required under 6713
division (A)(6) of section 2950.03 of the Revised Code, the judge 6714
shall perform the duties specified in that division. 6715~~

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 6716
a case who has requested to receive notice under this section 6717
shall be given notice of the incarceration of the defendant. If an 6718
alleged juvenile offender is committed to the temporary custody of 6719
a school, camp, institution, or other facility operated for the 6720
care of delinquent children or to the legal custody of the 6721
department of youth services, a victim in a case who has requested 6722
to receive notice under this section shall be given notice of the 6723

commitment. Promptly after sentence is imposed upon the defendant 6724
or the commitment of the alleged juvenile offender is ordered, the 6725
prosecutor in the case shall notify the victim of the date on 6726
which the defendant will be released from confinement or the 6727
prosecutor's reasonable estimate of that date or the date on which 6728
the alleged juvenile offender will have served the minimum period 6729
of commitment or the prosecutor's reasonable estimate of that 6730
date. The prosecutor also shall notify the victim of the name of 6731
the custodial agency of the defendant or alleged juvenile offender 6732
and tell the victim how to contact that custodial agency. If the 6733
custodial agency is the department of rehabilitation and 6734
correction, the prosecutor shall notify the victim of the services 6735
offered by the office of victims' services pursuant to section 6736
5120.60 of the Revised Code. If the custodial agency is the 6737
department of youth services, the prosecutor shall notify the 6738
victim of the services provided by the office of victims' services 6739
within the release authority of the department pursuant to section 6740
5139.55 of the Revised Code and the victim's right pursuant to 6741
section 5139.56 of the Revised Code to submit a written request to 6742
the release authority to be notified of actions the release 6743
authority takes with respect to the alleged juvenile offender. The 6744
victim shall keep the custodial agency informed of the victim's 6745
current address and telephone number. 6746

(B)(1) Upon the victim's request, the prosecutor promptly 6747
shall notify the victim of any hearing for judicial release of the 6748
defendant pursuant to section 2929.20 of the Revised Code or of 6749
any hearing for judicial release or early release of the alleged 6750
juvenile offender pursuant to section 2151.38 of the Revised Code 6751
and of the victim's right to make a statement under those 6752
sections. The court shall notify the victim of its ruling in each 6753
of those hearings and on each of those applications. 6754

(2) If an offender is ~~convicted of or pleads guilty to a~~ 6755

~~violent sex offense or designated homicide, assault, or kidnapping~~ 6756
~~offense, the offender is adjudicated a sexually violent predator~~ 6757
~~in relation to that crime, and the offender is sentenced to a~~ 6758
prison term ~~for that crime~~ pursuant to division (A)(3) or (B) of 6759
section 2971.03 of the Revised Code, ~~if an offender is convicted~~ 6760
~~of or pleads guilty to a violation of division (A)(1)(b) of~~ 6761
~~section 2907.02 of the Revised Code committed on or after the~~ 6762
~~effective date of this amendment, and the offender is sentenced to~~ 6763
~~a prison term for that offense pursuant to division (B)(1)(a),~~ 6764
~~(b), or (c) of section 2971.03 of the Revised Code, if an offender~~ 6765
~~is convicted of or pleads guilty to attempted rape committed on or~~ 6766
~~after the effective date of this amendment, the offender also is~~ 6767
~~convicted of or pleads guilty to a specification of the type~~ 6768
~~described in section 2941.1418 of the Revised Code, and the~~ 6769
~~offender is sentenced to a prison term for that offense pursuant~~ 6770
~~to division (B)(2)(a) of section 2971.03 of the Revised Code, if~~ 6771
~~the offender is convicted of or pleads guilty to attempted rape~~ 6772
~~committed on or after the effective date of this amendment, the~~ 6773
~~offender also is convicted of or pleads guilty to a specification~~ 6774
~~of the type described in section 2941.1419 of the Revised Code,~~ 6775
~~and the offender is sentenced to a prison term for that offense~~ 6776
~~pursuant to division (B)(2)(b) of section 2971.03 of the Revised~~ 6777
~~Code, or if the offender is convicted of or pleads guilty to~~ 6778
~~attempted rape committed on or after the effective date of this~~ 6779
~~amendment, the offender also is convicted of or pleads guilty to a~~ 6780
~~specification of the type described in section 2941.1420 of the~~ 6781
~~Revised Code, and the offender is sentenced to a prison term for~~ 6782
~~that offense pursuant to division (B)(2)(c) of section 2971.03 of~~ 6783
~~the Revised Code, upon the request of the victim of the crime, the~~ 6784
prosecutor promptly shall notify the victim of any hearing to be 6785
conducted pursuant to section 2971.05 of the Revised Code to 6786
determine whether to modify the requirement that the offender 6787
serve the entire prison term in a state correctional facility in 6788

accordance with division (C) of that section, whether to continue, 6789
revise, or revoke any existing modification of that requirement, 6790
or whether to terminate the prison term in accordance with 6791
division (D) of that section. The court shall notify the victim of 6792
any order issued at the conclusion of the hearing. ~~As used in this~~ 6793
~~division:~~ 6794

~~(a) "Adjudicated a sexually violent predator" has the same 6795
meaning as in section 2929.01 of the Revised Code and a person is 6796
"adjudicated a sexually violent predator" in the same manner and 6797
the same circumstances as are described in that section. 6798~~

~~(b) "Designated homicide, assault, or kidnapping offense" and 6799
"violent sex offense" have the same meanings as in section 2971.01 6800
of the Revised Code. 6801~~

(C) Upon the victim's request made at any time before the 6802
particular notice would be due, the custodial agency of a 6803
defendant or alleged juvenile offender shall give the victim any 6804
of the following notices that is applicable: 6805

(1) At least three weeks before the adult parole authority 6806
recommends a pardon or commutation of sentence for the defendant 6807
or at least three weeks prior to a hearing before the adult parole 6808
authority regarding a grant of parole to the defendant, notice of 6809
the victim's right to submit a statement regarding the impact of 6810
the defendant's release in accordance with section 2967.12 of the 6811
Revised Code and, if applicable, of the victim's right to appear 6812
at a full board hearing of the parole board to give testimony as 6813
authorized by section 5149.101 of the Revised Code; 6814

(2) At least three weeks before the defendant is transferred 6815
to transitional control under section 2967.26 of the Revised Code, 6816
notice of the pendency of the transfer and of the victim's right 6817
under that section to submit a statement regarding the impact of 6818
the transfer; 6819

(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, notice of the pendency of the review or hearing, of the victim's right to make an oral or written statement regarding the impact of the crime upon the victim or regarding the possible release or discharge, and, if the notice pertains to a hearing, of the victim's right to attend and make statements or comments at the hearing as authorized by section 5139.56 of the Revised Code;

(4) Prompt notice of the defendant's or alleged juvenile offender's escape from a facility of the custodial agency in which the defendant was incarcerated or in which the alleged juvenile offender was placed after commitment, of the defendant's or alleged juvenile offender's absence without leave from a mental health or mental retardation and developmental disabilities facility or from other custody, and of the capture of the defendant or alleged juvenile offender after an escape or absence;

(5) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody;

(6) Notice of the defendant's or alleged juvenile offender's release from confinement or custody and the terms and conditions of the release.

Sec. 2941.148. (A)(1) The application of Chapter 2971. of the Revised Code to an offender is precluded unless one of the following applies:

(a) The offender is charged with a violent sex offense, and the indictment, count in the indictment, or information charging the violent sex offense also includes a specification that the offender is a sexually violent predator, or the offender is charged with a designated homicide, assault, or kidnapping offense, and the indictment, count in the indictment, or

information charging the designated homicide, assault, or 6851
kidnapping offense also includes both a specification of the type 6852
described in section 2941.147 of the Revised Code and a 6853
specification that the offender is a sexually violent predator. 6854

(b) The offender is convicted of or pleads guilty to a 6855
violation of division (A)(1)(b) of section 2907.02 of the Revised 6856
Code committed on or after ~~the effective date of this amendment~~ 6857
January 2, 2007, and division (B) of section 2907.02 of the 6858
Revised Code does not prohibit the court from sentencing the 6859
offender pursuant to section 2971.03 of the Revised Code. 6860

(c) The offender is convicted of or pleads guilty to 6861
attempted rape committed on or after ~~the effective date of this~~ 6862
~~amendment~~ January 2, 2007, and to a specification of the type 6863
described in section 2941.1418, 2941.1419, or 2941.1420 of the 6864
Revised Code. 6865

(d) The offender is convicted of or pleads guilty to a 6866
violation of section 2905.01 of the Revised Code and to a 6867
specification of the type described in section 2941.147 of the 6868
Revised Code, and section 2905.01 of the Revised Code requires a 6869
court to sentence the offender pursuant to section 2971.03 of the 6870
Revised Code. 6871

(e) The offender is convicted of or pleads guilty to 6872
aggravated murder and to a specification of the type described in 6873
section 2941.147 of the Revised Code, and division (A)(2)(b)(ii) 6874
of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), 6875
(C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 6876
2929.03, or division (A) or (B) of section 2929.06 of the Revised 6877
Code requires a court to sentence the offender pursuant to 6878
division (B)(3) of section 2971.03 of the Revised Code. 6879

(f) The offender is convicted of or pleads guilty to murder 6880
and to a specification of the type described in section 2941.147 6881

of the Revised Code, and division (B)(2) of section 2929.02 of the 6882
Revised Code requires a court to sentence the offender pursuant to 6883
section 2971.03 of the Revised Code. 6884

(2) A specification required under division (A)(1)(a) of this 6885
section that an offender is a sexually violent predator shall be 6886
stated at the end of the body of the indictment, count, or 6887
information and shall be stated in substantially the following 6888
form: 6889

"Specification (or, specification to the first count). The 6890
grand jury (or insert the person's or prosecuting attorney's name 6891
when appropriate) further find and specify that the offender is a 6892
sexually violent predator." 6893

(B) In determining for purposes of this section whether a 6894
person is a sexually violent predator, all of the factors set 6895
forth in divisions (H)(1) to (6) of section 2971.01 of the Revised 6896
Code that apply regarding the person may be considered as evidence 6897
tending to indicate that it is likely that the person will engage 6898
in the future in one or more sexually violent offenses. 6899

(C) As used in this section, "designated homicide, assault, 6900
or kidnapping offense," "violent sex offense," and "sexually 6901
violent predator" have the same meanings as in section 2971.01 of 6902
the Revised Code. 6903

Sec. 2950.01. As used in this chapter, unless the context 6904
clearly requires otherwise: 6905

(A) "Sexually oriented offense" means any of the following 6906
violations or offenses committed by a person, regardless of the 6907
person's age: 6908

(1) A violation of section 2907.02, 2907.03, 2907.05, 6909
2907.06, 2907.07, 2907.08, 2907.21, 2907.32, 2907.321, 2907.322, 6910
or 2907.323 of the Revised Code; 6911

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

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

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

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

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

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

(8) A violation of division (A)(4) of section 2905.01 of the Revised Code;

(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen

years of age and the offender is not a parent of the victim of the 6943
offense; 6944

(10) A violation of division (B) of section 2905.02, of 6945
division (B) of section 2905.03, of division (B) of section 6946
2905.05, or of division (B)(5) of section 2919.22 of the Revised 6947
Code; 6948

(11) A violation of any former law of this state, any 6949
existing or former municipal ordinance or law of another state or 6950
the United States, any existing or former law applicable in a 6951
military court or in an Indian tribal court, or any existing or 6952
former law of any nation other than the United States that is or 6953
was substantially equivalent to any offense listed in division 6954
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this 6955
section; 6956

(12) Any attempt to commit, conspiracy to commit, or 6957
complicity in committing any offense listed in division (A)(1), 6958
(2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this 6959
section. 6960

(B)(1) "Sex offender" means, subject to division (B)(2) of 6961
this section, a person who is convicted of, pleads guilty to, has 6962
been convicted of, has pleaded guilty to, is adjudicated a 6963
delinquent child for committing, or has been adjudicated a 6964
delinquent child for committing any sexually oriented offense. 6965

(2) "Sex offender" does not include a person who is convicted 6966
of, pleads guilty to, has been convicted of, has pleaded guilty 6967
to, is adjudicated a delinquent child for committing, or has been 6968
adjudicated a delinquent child for committing a sexually oriented 6969
offense if the offense involves consensual sexual conduct or 6970
consensual sexual contact and either of the following applies: 6971

(a) The victim of the sexually oriented offense was eighteen 6972
years of age or older and at the time of the sexually oriented 6973

offense was not under the custodial authority of the person who is 6974
convicted of, pleads guilty to, has been convicted of, has pleaded 6975
guilty to, is adjudicated a delinquent child for committing, or 6976
has been adjudicated a delinquent child for committing the 6977
sexually oriented offense. 6978

(b) The victim of the offense was thirteen years of age or 6979
older, and the person who is convicted of, pleads guilty to, has 6980
been convicted of, has pleaded guilty to, is adjudicated a 6981
delinquent child for committing, or has been adjudicated a 6982
delinquent child for committing the sexually oriented offense is 6983
not more than four years older than the victim. 6984

(C) "Child-victim oriented offense" means any of the 6985
following violations or offenses committed by a person, regardless 6986
of the person's age, when the victim is under eighteen years of 6987
age and is not a child of the person who commits the violation: 6988

(1) A violation of division (A)(1), (2), (3), or (5) of 6989
section 2905.01 of the Revised Code when the violation is not 6990
included in division (A)(7) of this section; 6991

(2) A violation of division (A) of section 2905.02, division 6992
(A) of section 2905.03, or division (A) of section 2905.05 of the 6993
Revised Code; 6994

(3) A violation of any former law of this state, any existing 6995
or former municipal ordinance or law of another state or the 6996
United States, any existing or former law applicable in a military 6997
court or in an Indian tribal court, or any existing or former law 6998
of any nation other than the United States that is or was 6999
substantially equivalent to any offense listed in division (C)(1) 7000
or (2) of this section; 7001

(4) Any attempt to commit, conspiracy to commit, or 7002
complicity in committing any offense listed in division (C)(1), 7003
(2), or (3) of this section. 7004

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

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

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

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

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

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

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

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

(f) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law

of any nation other than the United States, that is or was 7035
substantially equivalent to any offense listed in division 7036
(E)(1)(a), (b), (c), (d), or (e) of this section; 7037

(g) Any attempt to commit, conspiracy to commit, or 7038
complicity in committing any offense listed in division (E)(1)(a), 7039
(b), (c), (d), (e), or (f) of this section. 7040

(2) A child-victim offender who is convicted of, pleads 7041
guilty to, has been convicted of, or has pleaded guilty to a 7042
child-victim oriented offense and who is not within either 7043
category of child-victim offender described in division (F)(2) or 7044
(G)(2) of this section. 7045

(3) A sex offender who is adjudicated a delinquent child for 7046
committing or has been adjudicated a delinquent child for 7047
committing any sexually oriented offense and who a juvenile court, 7048
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 7049
Revised Code, classifies a tier I sex offender/child-victim 7050
offender relative to the offense. 7051

(4) A child-victim offender who is adjudicated a delinquent 7052
child for committing or has been adjudicated a delinquent child 7053
for committing any child-victim oriented offense and who a 7054
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 7055
2152.85 of the Revised Code, classifies a tier I sex 7056
offender/child-victim offender relative to the offense. 7057

(F) "Tier II sex offender/child-victim offender" means any of 7058
the following: 7059

(1) A sex offender who is convicted of, pleads guilty to, has 7060
been convicted of, or has pleaded guilty to any of the following 7061
sexually oriented offenses: 7062

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 7063
the Revised Code; 7064

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

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

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

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

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

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

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

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

sexually oriented offense or child-victim oriented offense for 7096
which the offender was classified a tier I sex 7097
offender/child-victim offender. 7098

(2) A child-victim offender who is convicted of, pleads 7099
guilty to, has been convicted of, or has pleaded guilty to any 7100
child-victim oriented offense when the child-victim oriented 7101
offense is committed after the child-victim offender previously 7102
has been convicted of, pleaded guilty to, or been adjudicated a 7103
delinquent child for committing any sexually oriented offense or 7104
child-victim oriented offense for which the offender was 7105
classified a tier I sex offender/child-victim offender. 7106

(3) A sex offender who is adjudicated a delinquent child for 7107
committing or has been adjudicated a delinquent child for 7108
committing any sexually oriented offense and who a juvenile court, 7109
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 7110
Revised Code, classifies a tier II sex offender/child-victim 7111
offender relative to the offense. 7112

(4) A child-victim offender who is adjudicated a delinquent 7113
child for committing or has been adjudicated a delinquent child 7114
for committing any child-victim oriented offense and whom a 7115
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 7116
2152.85 of the Revised Code, classifies a tier II sex 7117
offender/child-victim offender relative to the current offense. 7118

(5) A sex offender or child-victim offender who is not in any 7119
category of tier II sex offender/child-victim offender set forth 7120
in division (F)(1), (2), (3), or (4) of this section, who prior to 7121
January 1, 2008, was adjudicated a delinquent child for committing 7122
a sexually oriented offense or child-victim oriented offense, and 7123
who prior to that date was determined to be a habitual sex 7124
offender or determined to be a habitual child-victim offender, 7125
unless either of the following applies: 7126

(a) The sex offender or child-victim offender is reclassified pursuant to section 2950.031 or 2950.032 of the Revised Code as a tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense. 7127
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(b) A juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense. 7131
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(G) "Tier III sex offender/child-victim offender" means any of the following: 7135
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(1) A sex offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any of the following sexually oriented offenses: 7137
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(a) A violation of section 2907.02 or 2907.03 of the Revised Code; 7140
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(b) A violation of division (B) of section 2907.05 of the Revised Code; 7142
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(c) A violation of section 2903.01, 2903.02, or 2903.11 of the Revised Code when the violation was committed with a sexual motivation; 7144
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(d) A violation of division (A) of section 2903.04 of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation; 7147
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(e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age; 7151
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(f) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the 7154
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offense; 7157

(g) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (G)(1)(a), (b), (c), (d), (e), or (f) of this section; 7158
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(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (G)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 7165
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(i) Any sexually oriented offense that is committed after the sex offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier II sex offender/child-victim offender or a tier III sex offender/child-victim offender. 7168
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(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any child-victim oriented offense when the child-victim oriented offense is committed after the child-victim offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier II sex offender/child-victim offender or a tier III sex offender/child-victim offender. 7174
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(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier III sex offender/child-victim 7183
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offender relative to the offense. 7188

(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier III sex offender/child-victim offender relative to the current offense. 7189
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(5) A sex offender or child-victim offender who is not in any category of tier III sex offender/child-victim offender set forth in division (G)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense or was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and classified a juvenile offender registrant, and who prior to that date was adjudicated a sexual predator or adjudicated a child-victim predator, unless either of the following applies: 7195
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(a) The sex offender or child-victim offender is reclassified pursuant to section 2950.031 or 2950.032 of the Revised Code as a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense. 7205
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(b) The sex offender or child-victim offender is a delinquent child, and a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense. 7209
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(6) A sex offender who is convicted of, pleads guilty to, was convicted of, or pleaded guilty to a sexually oriented offense, if the sexually oriented offense and the circumstances in which it was committed are such that division (F) of section 2971.03 of the Revised Code automatically classifies the offender as a tier III 7214
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sex offender/child-victim offender; 7219

(7) A sex offender or child-victim offender who is convicted 7220
of, pleads guilty to, was convicted of, pleaded guilty to, is 7221
adjudicated a delinquent child for committing, or was adjudicated 7222
a delinquent child for committing a sexually oriented offense or 7223
child-victim offense in another state, in a federal court, 7224
military court, or Indian tribal court, or in a court in any 7225
nation other than the United States if both of the following 7226
apply: 7227

(a) Under the law of the jurisdiction in which the offender 7228
was convicted or pleaded guilty or the delinquent child was 7229
adjudicated, the offender or delinquent child is in a category 7230
substantially equivalent to a category of tier III sex 7231
offender/child-victim offender described in division (G)(1), (2), 7232
(3), (4), (5), or (6) of this section. 7233

(b) Subsequent to the conviction, plea of guilty, or 7234
adjudication in the other jurisdiction, the offender or delinquent 7235
child resides, has temporary domicile, attends school or an 7236
institution of higher education, is employed, or intends to reside 7237
in this state in any manner and for any period of time that 7238
subjects the offender or delinquent child to a duty to register or 7239
provide notice of intent to reside under section 2950.04 or 7240
2950.041 of the Revised Code. 7241

(H) "Confinement" includes, but is not limited to, a 7242
community residential sanction imposed pursuant to section 2929.16 7243
or 2929.26 of the Revised Code. 7244

~~(B) "Habitual sex offender" means, except when a juvenile~~ 7245
~~judge removes this classification pursuant to division (A)(2) of~~ 7246
~~section 2152.84 or division (C)(2) of section 2152.85 of the~~ 7247
~~Revised Code, a person to whom both of the following apply:~~ 7248

~~(1) The person is convicted of or pleads guilty to a sexually~~ 7249

~~oriented offense that is not a registration exempt sexually 7250
oriented offense, or the person is adjudicated a delinquent child 7251
for committing on or after January 1, 2002, a sexually oriented 7252
offense that is not a registration exempt sexually oriented 7253
offense, was fourteen years of age or older at the time of 7254
committing the offense, and is classified a juvenile sex offender 7255
registrant based on that adjudication. 7256~~

~~(2) One of the following applies to the person: 7257~~

~~(a) Regarding a person who is an offender, the person 7258
previously was convicted of or pleaded guilty to one or more 7259
sexually oriented offenses or child victim oriented offenses or 7260
previously was adjudicated a delinquent child for committing one 7261
or more sexually oriented offenses or child victim oriented 7262
offenses and was classified a juvenile offender registrant or 7263
out of state juvenile offender registrant based on one or more of 7264
those adjudications, regardless of when the offense was committed 7265
and regardless of the person's age at the time of committing the 7266
offense. 7267~~

~~(b) Regarding a delinquent child, the person previously was 7268
convicted of, pleaded guilty to, or was adjudicated a delinquent 7269
child for committing one or more sexually oriented offenses or 7270
child victim oriented offenses, regardless of when the offense was 7271
committed and regardless of the person's age at the time of 7272
committing the offense. 7273~~

~~(C)(I) "Prosecutor" has the same meaning as in section 7274
2935.01 of the Revised Code. 7275~~

~~(D) "Sexually oriented offense" means any of the following: 7276~~

~~(1) Any of the following violations or offenses committed by 7277
a person eighteen years of age or older: 7278~~

~~(a) Regardless of the age of the victim of the offense, a 7279
violation of section 2907.02, 2907.03, 2907.05, or 2907.07 of the 7280~~

Revised Code;	7281
(b) Any of the following offenses involving a minor, in the circumstances specified;	7282
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(i) A violation of division (A)(4) of section 2905.01 or section 2907.04, 2907.06, or 2907.08 of the Revised Code, when the victim of the offense is under eighteen years of age;	7284
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(ii) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under eighteen years of age;	7287
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(iii) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code;	7292
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(iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;	7294
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(v) A violation of division (B)(5) of section 2919.22 of the Revised Code when the child who is involved in the offense is under eighteen years of age;	7296
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(vi) A violation of division (A)(1), (2), (3), or (5) of section 2905.01, of section 2903.211, 2905.02, 2905.03, or 2905.05, or of former section 2905.04 of the Revised Code, when the victim of the offense is under eighteen years of age and the offense is committed with a sexual motivation.	7299
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(c) Regardless of the age of the victim of the offense, a violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code, or of division (A) of section 2903.04 of the Revised Code, that is committed with a sexual motivation;	7304
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(d) A violent sex offense, or a designated homicide, assault, or kidnapping offense if the offender also was convicted of or pleaded guilty to a sexual motivation specification that was	7308
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~~included in the indictment, count in the indictment, or 7311
information charging the designated homicide, assault, or 7312
kidnapping offense; 7313~~

~~(e) A violation of section 2907.06 or 2907.08 of the Revised 7314
Code when the victim of the offense is eighteen years of age or 7315
elder, or a violation of section 2903.211 of the Revised Code when 7316
the victim of the offense is eighteen years of age or older and 7317
the offense is committed with a sexual motivation; 7318~~

~~(f) A violation of any former law of this state, any existing 7319
or former municipal ordinance or law of another state or the 7320
United States, any existing or former law applicable in a military 7321
court or in an Indian tribal court, or any existing or former law 7322
of any nation other than the United States, that is or was 7323
substantially equivalent to any offense listed in division 7324
(D)(1)(a), (b), (c), (d), or (e) of this section; 7325~~

~~(g) An attempt to commit, conspiracy to commit, or complicity 7326
in committing any offense listed in division (D)(1)(a), (b), (c), 7327
(d), (e), or (f) of this section. 7328~~

~~(2) An act committed by a person under eighteen years of age 7329
that is any of the following: 7330~~

~~(a) Subject to division (D)(2)(i) of this section, regardless 7331
of the age of the victim of the violation, a violation of section 7332
2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code; 7333~~

~~(b) Subject to division (D)(2)(i) of this section, any of the 7334
following acts involving a minor in the circumstances specified: 7335~~

~~(i) A violation of division (A)(4) of section 2905.01 or 7336
section 2907.06 or 2907.08 of the Revised Code, when the victim of 7337
the violation is under eighteen years of age; 7338~~

~~(ii) A violation of section 2907.21 of the Revised Code when 7339
the person who is compelled, induced, procured, encouraged, 7340~~

~~solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under eighteen years of age;~~ 7341
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~~(iii) A violation of division (B)(5) of section 2919.22 of the Revised Code when the child who is involved in the violation is under eighteen years of age;~~ 7344
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~~(iv) A violation of division (A)(1), (2), (3), or (5) of section 2905.01, section 2903.211, or former section 2905.04 of the Revised Code, when the victim of the violation is under eighteen years of age and the offense is committed with a sexual motivation.~~ 7347
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~~(c) Subject to division (D)(2)(i) of this section, any of the following:~~ 7352
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~~(i) Any violent sex offense that, if committed by an adult, would be a felony of the first, second, third, or fourth degree;~~ 7354
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~~(ii) Any designated homicide, assault, or kidnapping offense if that offense, if committed by an adult, would be a felony of the first, second, third, or fourth degree and if the court determined that, if the child was an adult, the child would be guilty of a sexual motivation specification regarding that offense.~~ 7356
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~~(d) Subject to division (D)(2)(i) of this section, a violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 2905.02 of the Revised Code, a violation of division (A) of section 2903.04 of the Revised Code, or an attempt to violate any of those sections or that division that is committed with a sexual motivation;~~ 7362
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~~(e) Subject to division (D)(2)(i) of this section, a violation of division (A)(1) or (3) of section 2907.321, division (A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of section 2907.323 of the Revised Code, or an attempt to violate any~~ 7368
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~~of those divisions, if the person who violates or attempts to~~ 7372
~~violate the division is four or more years older than the minor~~ 7373
~~who is the victim of the violation;~~ 7374

~~(f) Subject to division (D)(2)(i) of this section, a~~ 7375
~~violation of section 2907.06 or 2907.08 of the Revised Code when~~ 7376
~~the victim of the violation is eighteen years of age or older, or~~ 7377
~~a violation of section 2903.211 of the Revised Code when the~~ 7378
~~victim of the violation is eighteen years of age or older and the~~ 7379
~~offense is committed with a sexual motivation;~~ 7380

~~(g) Subject to division (D)(2)(i) of this section, any~~ 7381
~~violation of any former law of this state, any existing or former~~ 7382
~~municipal ordinance or law of another state or the United States,~~ 7383
~~any existing or former law applicable in a military court or in an~~ 7384
~~Indian tribal court, or any existing or former law of any nation~~ 7385
~~other than the United States, that is or was substantially~~ 7386
~~equivalent to any offense listed in division (D)(2)(a), (b), (c),~~ 7387
~~(d), (e), or (f) of this section and that, if committed by an~~ 7388
~~adult, would be a felony of the first, second, third, or fourth~~ 7389
~~degree;~~ 7390

~~(h) Subject to division (D)(2)(i) of this section, any~~ 7391
~~attempt to commit, conspiracy to commit, or complicity in~~ 7392
~~committing any offense listed in division (D)(2)(a), (b), (c),~~ 7393
~~(d), (e), (f), or (g) of this section;~~ 7394

~~(i) If the child's case has been transferred for criminal~~ 7395
~~prosecution under section 2152.12 of the Revised Code, the act is~~ 7396
~~any violation listed in division (D)(1)(a), (b), (c), (d), (e),~~ 7397
~~(f), or (g) of this section or would be any offense listed in any~~ 7398
~~of those divisions if committed by an adult.~~ 7399

~~(E) "Sexual predator" means a person to whom either of the~~ 7400
~~following applies:~~ 7401

~~(1) The person has been convicted of or pleaded guilty to~~ 7402

~~committing a sexually oriented offense that is not a 7403
registration exempt sexually oriented offense and is likely to 7404
engage in the future in one or more sexually oriented offenses. 7405~~

~~(2) The person has been adjudicated a delinquent child for 7406
committing a sexually oriented offense that is not a 7407
registration exempt sexually oriented offense, was fourteen years 7408
of age or older at the time of committing the offense, was 7409
classified a juvenile offender registrant based on that 7410
adjudication, and is likely to engage in the future in one or more 7411
sexually oriented offenses. 7412~~

~~(F)(J) "Supervised release" means a release of an offender 7413
from a prison term, a term of imprisonment, or another type of 7414
confinement that satisfies either of the following conditions: 7415~~

~~(1) The release is on parole, a conditional pardon, under a 7416
community control sanction, under transitional control, or under a 7417
post-release control sanction, and it requires the person to 7418
report to or be supervised by a parole officer, probation officer, 7419
field officer, or another type of supervising officer. 7420~~

~~(2) The release is any type of release that is not described 7421
in division (F)(J)(1) of this section and that requires the person 7422
to report to or be supervised by a probation officer, a parole 7423
officer, a field officer, or another type of supervising officer. 7424~~

~~(G) An offender or delinquent child is "adjudicated as being 7425
a sexual predator" or "adjudicated a sexual predator" if any of 7426
the following applies and if, regarding a delinquent child, that 7427
status has not been removed pursuant to section 2152.84, 2152.85, 7428
or 2950.09 of the Revised Code: 7429~~

~~(1) The offender is convicted of or pleads guilty to 7430
committing, on or after January 1, 1997, a sexually oriented 7431
offense that is not a registration exempt sexually oriented 7432
offense, and any of the following apply: 7433~~

~~(a) The sexually oriented offense is a violent sex offense or a designated homicide, assault, or kidnapping offense, and the offender is adjudicated a sexually violent predator in relation to that offense.~~ 7434
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~~(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.~~ 7438
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~~(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.~~ 7444
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~~(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.~~ 7449
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~~(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.~~ 7455
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~~(4) Prior to January 1, 1997, the offender was convicted of~~ 7464

~~or pleaded guilty to, and was sentenced for, a sexually oriented 7465
offense that is not a registration exempt sexually oriented 7466
offense, the offender is imprisoned in a state correctional 7467
institution on or after January 1, 1997, and the court determines 7468
pursuant to division (C) of section 2950.09 of the Revised Code 7469
that the offender is a sexual predator. 7470~~

~~(5) Regardless of when the sexually oriented offense was 7471
committed, the offender or delinquent child is convicted of or 7472
pleads guilty to, has been convicted of or pleaded guilty to, or 7473
is adjudicated a delinquent child for committing a sexually 7474
oriented offense that is not a registration exempt sexually 7475
oriented offense in another state, in a federal court, military 7476
court, or Indian tribal court, or in a court in any nation other 7477
than the United States, as a result of that conviction, plea of 7478
guilty, or adjudication, the offender or delinquent child is 7479
required, under the law of the jurisdiction in which the offender 7480
was convicted or pleaded guilty or the delinquent child was 7481
adjudicated, to register as a sex offender until the offender's or 7482
delinquent child's death, and, on or after July 1, 1997, for 7483
offenders or January 1, 2002, for delinquent children, the 7484
offender or delinquent child moves to and resides in this state or 7485
temporarily is domiciled in this state for more than five days or 7486
the offender is required under section 2950.04 of the Revised Code 7487
to register a school, institution of higher education, or place of 7488
employment address in this state, unless a court of common pleas 7489
or juvenile court determines that the offender or delinquent child 7490
is not a sexual predator pursuant to division (F) of section 7491
2950.09 of the Revised Code. 7492~~

~~(H)(K) "Sexually violent predator specification," "sexually 7493
violent predator," "sexually violent offense," "sexual motivation 7494
specification," "designated homicide, assault, or kidnapping 7495
offense," and "violent sex offense" have the same meanings as in 7496~~

section 2971.01 of the Revised Code. 7497

~~(I)~~(L) "Post-release control sanction" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code. 7498
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~~(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. 7501
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~~(K)~~(N) "Public registry-qualified juvenile offender registrant" means a person who is adjudicated a delinquent child before, on, or after January 1, 2008, and to whom all of the following apply: 7519
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(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: 7523
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(a) A violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section 7526
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2907.03 of the Revised Code if the victim of the violation was 7528
less than twelve years of age; 7529

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 7530
the Revised Code that was committed with a purpose to gratify the 7531
sexual needs or desires of the child. 7532

(2) The person was fourteen, fifteen, sixteen, or seventeen 7533
years of age at the time of committing the act. 7534

(3) A juvenile court judge, pursuant to an order issued under 7535
section 2152.86 of the Revised Code, classifies the person a 7536
juvenile offender registrant, specifies the person has a duty to 7537
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 7538
Code, and classifies the person a public registry-qualified 7539
juvenile offender registrant, and the classification of the person 7540
as a public registry-qualified juvenile offender registrant has 7541
not been terminated pursuant to division (D) of section 2152.86 of 7542
the Revised Code. 7543

(O) "Secure facility" means any facility that is designed and 7544
operated to ensure that all of its entrances and exits are locked 7545
and under the exclusive control of its staff and to ensure that, 7546
because of that exclusive control, no person who is 7547
institutionalized or confined in the facility may leave the 7548
facility without permission or supervision. 7549

~~(L)~~(P) "Out-of-state juvenile offender registrant" means a 7550
person who is adjudicated a delinquent child in a court in another 7551
state, in a federal court, military court, or Indian tribal court, 7552
or in a court in any nation other than the United States for 7553
committing a sexually oriented offense ~~that is not a~~ 7554
~~registration exempt sexually oriented offense~~ or a child-victim 7555
oriented offense, who on or after January 1, 2002, moves to and 7556
resides in this state or temporarily is domiciled in this state 7557
for more than five days, and who has a duty under section 2950.04 7558

~~or 2950.041 of the Revised Code to register in this state and the~~ 7559
~~duty to otherwise comply with that applicable section and sections~~ 7560
~~2950.05 and 2950.06 of the Revised Code if the child committed a~~ 7561
~~sexually oriented offense or has a duty under section 2950.041 of~~ 7562
~~the Revised Code to register in this state and the duty to~~ 7563
~~otherwise comply with that section and sections 2950.05 and~~ 7564
~~2950.06 of the Revised Code if the child committed a child victim~~ 7565
~~oriented offense. "Out-of-state juvenile offender registrant"~~ 7566
~~includes a person who prior to January 1, 2008, was an~~ 7567
~~"out-of-state juvenile offender registrant" under the definition~~ 7568
~~of the term in existence prior to January 1, 2008, and a person~~ 7569
~~who, prior to July 31, 2003, was an "out-of-state juvenile sex~~ 7570
~~offender registrant" under the former definition of that former~~ 7571
~~term.~~ 7572

~~(M)(O)~~ "Juvenile court judge" includes a magistrate to whom 7573
the juvenile court judge confers duties pursuant to division 7574
(A)(15) of section 2151.23 of the Revised Code. 7575

~~(N)(R)~~ "Adjudicated a delinquent child for committing a 7576
sexually oriented offense" includes a child who receives a serious 7577
youthful offender dispositional sentence under section 2152.13 of 7578
the Revised Code for committing a sexually oriented offense. 7579

~~(O)~~ "Aggravated sexually oriented offense" means a violation 7580
of division (A)(1)(b) of section 2907.02 of the Revised Code 7581
committed on or after June 13, 2002, or a violation of division 7582
(A)(2) of that section committed on or after July 31, 2003. 7583

~~(P)(1)~~ "Presumptive registration exempt sexually oriented 7584
offense" means any of the following sexually oriented offenses 7585
described in division (P)(1)(a), (b), (c), (d), or (e) of this 7586
section, when the offense is committed by a person who previously 7587
has not been convicted of, pleaded guilty to, or adjudicated a 7588
delinquent child for committing any sexually oriented offense 7589
described in division (P)(1)(a), (b), (c), (d), or (e) of this 7590

~~section, any other sexually oriented offense, or any child victim 7591
oriented offense and when the victim or intended victim of the 7592
offense is eighteen years of age or older; 7593~~

~~(a) Any sexually oriented offense listed in division 7594
(D)(1)(e) or (D)(2)(f) of this section committed by a person who 7595
is eighteen years of age or older or, subject to division 7596
(P)(1)(e) of this section, committed by a person who is under 7597
eighteen years of age; 7598~~

~~(b) Any violation of any former law of this state, any 7599
existing or former municipal ordinance or law of another state or 7600
the United States, any existing or former law applicable in a 7601
military court or in an Indian tribal court, or any existing or 7602
former law of any nation other than the United States that is 7603
committed by a person who is eighteen years of age or older and 7604
that is or was substantially equivalent to any sexually oriented 7605
offense listed in division (P)(1)(a) of this section; 7606~~

~~(c) Subject to division (P)(1)(e) of this section, any 7607
violation of any former law of this state, any existing or former 7608
municipal ordinance or law of another state or the United States, 7609
any existing or former law applicable in a military court or in an 7610
Indian tribal court, or any existing or former law of any nation 7611
other than the United States that is committed by a person who is 7612
under eighteen years of age, that is or was substantially 7613
equivalent to any sexually oriented offense listed in division 7614
(P)(1)(a) of this section, and that would be a felony of the 7615
fourth degree if committed by an adult; 7616~~

~~(d) Any attempt to commit, conspiracy to commit, or 7617
complicity in committing any offense listed in division (P)(1)(a) 7618
or (b) of this section if the person is eighteen years of age or 7619
older or, subject to division (P)(1)(e) of this section, listed in 7620
division (P)(1)(a) or (c) of this section if the person is under 7621
eighteen years of age. 7622~~

~~(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.~~ 7623
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~~(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.~~ 7628
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~~(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.~~ 7636
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~~(2) "Registration exempt sexually oriented offense" does not include a presumptive registration exempt sexually oriented offense if a court issues an order under section 2950.021 of the Revised Code that removes the presumptive exemption and subjects the offender or potentially subjects the delinquent child to the duties and responsibilities described in division (Q)(1) of this section.~~

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

~~(S)(1) "Child victim oriented offense" means any of the following:~~

~~(a) Subject to division (S)(2) of this section, any of the following violations or offenses committed by a person eighteen years of age or older, when the victim of the violation is under eighteen years of age and is not a child of the person who commits the violation:~~

~~(i) A violation of division (A)(1), (2), (3), or (5) of section 2905.01, of section 2905.02, 2905.03, or 2905.05, or of former section 2905.04 of the Revised Code;~~

~~(ii) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (S)(1)(a)(i) of this section;~~

~~(iii) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (S)(1)(a)(i) or (ii) of this section.~~

~~(b) Subject to division (S)(2) of this section, an act committed by a person under eighteen years of age that is any of~~

~~the following, when the victim of the violation is under eighteen years of age and is not a child of the person who commits the violation:~~

~~(i) Subject to division (S)(1)(b)(iv) of this section, a violation of division (A)(1), (2), (3), or (5) of section 2905.01 or of former section 2905.04 of the Revised Code;~~

~~(ii) Subject to division (S)(1)(b)(iv) of this section, any violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (S)(1)(b)(i) of this section and that, if committed by an adult, would be a felony of the first, second, third, or fourth degree;~~

~~(iii) Subject to division (S)(1)(b)(iv) of this section, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (S)(1)(b)(i) or (ii) of this section;~~

~~(iv) If the child's case has been transferred for criminal prosecution under section 2152.12 of the Revised Code, the act is any violation listed in division (S)(1)(a)(i), (ii), or (iii) of this section or would be any offense listed in any of those divisions if committed by an adult.~~

~~(2) "Child victim oriented offense" does not include any offense identified in division (S)(1)(a) or (b) of this section that is a sexually violent offense. An offense identified in division (S)(1)(a) or (b) of this section that is a sexually violent offense is within the definition of a sexually oriented offense.~~

~~(T)(1) "Habitual child victim offender" means, except when a~~

~~juvenile judge removes this classification pursuant to division 7717
(A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of 7718
the Revised Code, a person to whom both of the following apply: 7719~~

~~(a) The person is convicted of or pleads guilty to a 7720
child victim oriented offense, or the person is adjudicated a 7721
delinquent child for committing on or after January 1, 2002, a 7722
child victim oriented offense, was fourteen years of age or older 7723
at the time of committing the offense, and is classified a 7724
juvenile offender registrant based on that adjudication. 7725~~

~~(b) One of the following applies to the person: 7726~~

~~(i) Regarding a person who is an offender, the person 7727
previously was convicted of or pleaded guilty to one or more 7728
child victim oriented offenses or previously was adjudicated a 7729
delinquent child for committing one or more child victim oriented 7730
offenses and was classified a juvenile offender registrant or 7731
out of state juvenile offender registrant based on one or more of 7732
those adjudications, regardless of when the offense was committed 7733
and regardless of the person's age at the time of committing the 7734
offense. 7735~~

~~(ii) Regarding a delinquent child, the person previously was 7736
convicted of, pleaded guilty to, or was adjudicated a delinquent 7737
child for committing one or more child victim oriented offenses, 7738
regardless of when the offense was committed and regardless of the 7739
person's age at the time of committing the offense. 7740~~

~~(2) "Habitual child victim offender" includes a person who 7741
has been convicted of, pleaded guilty to, or adjudicated a 7742
delinquent child for committing, a child victim oriented offense 7743
and who, on and after July 31, 2003, is automatically classified a 7744
habitual child victim offender pursuant to division (E) of section 7745
2950.091 of the Revised Code. 7746~~

~~(U) "Child victim predator" means a person to whom either of 7747~~

~~the following applies:~~ 7748

~~(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.~~ 7749
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~~(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.~~ 7752
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~~(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:~~ 7758
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~~(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.~~ 7763
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~~(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.~~ 7768
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~~(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~~ 7773
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~~or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of
the Revised Code that the delinquent child is a child victim
predator.~~ 7779
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~~(4) Prior to July 31, 2003, the offender was convicted of or
pleaded guilty to a child victim oriented offense, at the time of
the conviction or guilty plea, the offense was considered a
sexually oriented offense, on or after July 31, 2003, the offender
is serving a term of imprisonment in a state correctional
institution, and the court determines pursuant to division (C) of
section 2950.091 of the Revised Code that the offender is a
child victim predator.~~ 7782
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~~(5) Regardless of when the child victim oriented offense was
committed, the offender or delinquent child is convicted, pleads
guilty, has been convicted, pleaded guilty, or adjudicated a
delinquent child in a court in another state, in a federal court,
military court, or Indian tribal court, or in a court in any
nation other than the United States for committing a child victim
oriented offense, as a result of that conviction, plea of guilty,
or adjudication, the offender or delinquent child is required
under the law of the jurisdiction in which the offender was
convicted or pleaded guilty or the delinquent child was
adjudicated, to register as a child victim offender or sex
offender until the offender's or delinquent child's death, and, on
or after July 1, 1997, for offenders or January 1, 2002, for
delinquent children the offender or delinquent child moves to and
resides in this state or temporarily is domiciled in this state
for more than five days or the offender is required under section
2950.041 of the Revised Code to register a school, institution of
higher education, or place of employment address in this state,
unless a court of common pleas or juvenile court determines that
the offender or delinquent child is not a child victim predator
pursuant to division (F) of section 2950.091 of the Revised Code.~~ 7790
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~~(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 7842
contrary in sections 2950.02 to 2950.99 of the Revised Code, all 7843
references in any of those sections to "sexually oriented offense" 7844
include, in addition to the violations specified in division (A) 7845
of section 2950.01 of the Revised Code on and after January 1, 7846
2008, any sexually oriented offense, as that term was defined in 7847
section 2950.01 of the Revised Code prior to January 1, 2008, that 7848
was committed prior to that date and that was not a registration 7849
exempt sexually oriented offense, as that term was defined in that 7850
section prior to January 1, 2008. 7851

Except as specifically provided to the contrary in sections 7852
2950.02 to 2950.99 of the Revised Code, all references in any of 7853
those sections to "child-victim oriented offense" include, in 7854
addition to the violations specified in division (C) of section 7855
2950.01 of the Revised Code on and after January 1, 2008, any 7856
child-victim oriented offense, as that term was defined in section 7857
2950.01 of the Revised Code prior to January 1, 2008, that was 7858
committed prior to that date. 7859

Sec. 2950.02. (A) The general assembly hereby determines and 7860
declares that it recognizes and finds all of the following: 7861

(1) If the public is provided adequate notice and information 7862
about offenders and delinquent children who commit sexually 7863
oriented offenses ~~that are not registration exempt sexually~~ 7864
~~oriented offenses~~ or who commit child-victim oriented offenses, 7865
members of the public and communities can develop constructive 7866
plans to prepare themselves and their children for the offender's 7867
or delinquent child's release from imprisonment, a prison term, or 7868
other confinement or detention. This allows members of the public 7869
and communities to meet with members of law enforcement agencies 7870
to prepare and obtain information about the rights and 7871
responsibilities of the public and the communities and to provide 7872

education and counseling to their children. 7873

(2) Sex offenders and ~~offenders who commit~~ child-victim 7874
~~oriented offenses~~ offenders pose a risk of engaging in further 7875
sexually abusive behavior even after being released from 7876
imprisonment, a prison term, or other confinement or detention, 7877
and protection of members of the public from sex offenders and 7878
~~offenders who commit~~ child-victim ~~oriented offenses~~ offenders is a 7879
paramount governmental interest. 7880

(3) The penal, juvenile, and mental health components of the 7881
justice system of this state are largely hidden from public view, 7882
and a lack of information from any component may result in the 7883
failure of the system to satisfy this paramount governmental 7884
interest of public safety described in division (A)(2) of this 7885
section. 7886

(4) Overly restrictive confidentiality and liability laws 7887
governing the release of information about sex offenders and 7888
~~offenders who commit~~ child-victim ~~oriented offenses~~ offenders have 7889
reduced the willingness to release information that could be 7890
appropriately released under the public disclosure laws and have 7891
increased risks of public safety. 7892

(5) A person who is found to be a sex offender or ~~to have~~ 7893
~~committed~~ a child-victim ~~oriented offense~~ offender has a reduced 7894
expectation of privacy because of the public's interest in public 7895
safety and in the effective operation of government. 7896

(6) The release of information about sex offenders and 7897
~~offenders who commit~~ child-victim ~~oriented offenses~~ offenders to 7898
public agencies and the general public will further the 7899
governmental interests of public safety and public scrutiny of the 7900
criminal, juvenile, and mental health systems as long as the 7901
information released is rationally related to the furtherance of 7902
those goals. 7903

(B) The general assembly hereby declares that, in providing 7904
in this chapter for registration regarding offenders and certain 7905
delinquent children who have committed sexually oriented offenses 7906
~~that are not registration exempt sexually oriented offenses~~ or who 7907
have committed child-victim oriented offenses and for community 7908
notification regarding ~~sexual predators, child victim predators,~~ 7909
~~habitual sex offenders, and habitual child victim offenders~~ tier 7910
III sex offenders/child-victim offenders who are criminal 7911
offenders, public registry-qualified juvenile offender 7912
registrants, and certain other juvenile offender registrants who 7913
are about to be or have been released from imprisonment, a prison 7914
term, or other confinement or detention and who will live in or 7915
near a particular neighborhood or who otherwise will live in or 7916
near a particular neighborhood, it is the general assembly's 7917
intent to protect the safety and general welfare of the people of 7918
this state. The general assembly further declares that it is the 7919
policy of this state to require the exchange in accordance with 7920
this chapter of relevant information about sex offenders and 7921
~~offenders who commit child-victim oriented offenses~~ offenders 7922
among public agencies and officials and to authorize the release 7923
in accordance with this chapter of necessary and relevant 7924
information about sex offenders and ~~offenders who commit~~ 7925
child-victim ~~oriented offenses~~ offenders to members of the general 7926
public as a means of assuring public protection and that the 7927
exchange or release of that information is not punitive. 7928

Sec. 2950.03. (A) Each person who has been convicted of, is 7929
convicted of, has pleaded guilty to, or pleads guilty to a 7930
sexually oriented offense ~~that is not a registration exempt~~ 7931
~~sexually~~ or a child-victim oriented offense and who has a duty to 7932
register pursuant to section 2950.04 or 2950.041 of the Revised 7933
Code, and each person who is adjudicated a delinquent child for 7934
committing a sexually oriented offense ~~that is not a~~ 7935

~~registration exempt sexually oriented offense or a child-victim~~ 7936
~~oriented offense~~ and who is classified a juvenile offender 7937
registrant based on that adjudication, ~~each person who has been~~ 7938
~~convicted of, is convicted of, has pleaded guilty to, or pleads~~ 7939
~~guilty to a child victim oriented offense and has a duty to~~ 7940
~~register pursuant to section 2950.041 of the Revised Code, and~~ 7941
~~each person who is adjudicated a delinquent child for committing a~~ 7942
~~child victim oriented offense and who is classified a juvenile~~ 7943
~~offender registrant based on that adjudication shall be provided~~ 7944
notice in accordance with this section of the offender's or 7945
delinquent child's duties imposed under sections 2950.04, 7946
2950.041, 2950.05, and 2950.06 of the Revised Code and of the 7947
offender's duties to similarly register, provide notice of a 7948
change, and verify addresses in another state if the offender 7949
resides, is temporarily domiciled, attends a school or institution 7950
of higher education, or is employed in a state other than this 7951
state. ~~A person who has been convicted of, is convicted of, has~~ 7952
~~pleaded guilty to, or pleads guilty to a sexually oriented offense~~ 7953
~~that is a registration exempt sexually oriented offense, and a~~ 7954
~~person who is or has been adjudicated a delinquent child for~~ 7955
~~committing a sexually oriented offense that is a~~ 7956
~~registration exempt sexually oriented offense, does not have a~~ 7957
~~duty to register under section 2950.04 of the Revised Code based~~ 7958
~~on that conviction, guilty plea, or adjudication, and no notice is~~ 7959
~~required to be provided to that person under this division based~~ 7960
~~on that conviction, guilty plea, or adjudication.~~ The following 7961
official shall provide the notice required under this division to 7962
the specified person at the following time: 7963

(1) Regardless of when the person committed the sexually 7964
oriented offense or child-victim oriented offense, if the person 7965
is an offender who is sentenced for the sexually oriented offense 7966
or child-victim oriented offense to a prison term, a term of 7967
imprisonment, or any other type of confinement, and if, on or 7968

after January 1, ~~1997~~ 2008, the offender is serving that term or 7969
is under that confinement, subject to division (A)(5) of this 7970
section, the official in charge of the jail, workhouse, state 7971
correctional institution, or other institution in which the 7972
offender serves the prison term, term of imprisonment, or 7973
confinement, or a designee of that official, shall provide the 7974
notice to the offender before the offender is released pursuant to 7975
any type of supervised release or before the offender otherwise is 7976
released from the prison term, term of imprisonment, or 7977
confinement. ~~This division applies to a child victim oriented~~ 7978
~~offense if the offender is sentenced for the offense on or after~~ 7979
~~July 31, 2003, or if, prior to July 31, 2003, the child victim~~ 7980
~~oriented offense was a sexually oriented offense and the offender~~ 7981
~~was sentenced as described in this division for the child victim~~ 7982
~~oriented offense when it was designated a sexually oriented~~ 7983
~~offense. If a person was provided notice under this division prior~~ 7984
~~to July 31, 2003, in relation to an offense that, prior to July~~ 7985
~~31, 2003, was a sexually oriented offense but that, on and after~~ 7986
~~July 31, 2003, is a child victim oriented offense, the notice~~ 7987
~~provided under this division shall suffice for purposes of this~~ 7988
~~section as notice to the offender of the offender's duties under~~ 7989
~~sections 2950.041, 2950.05, and 2950.06 of the Revised Code~~ 7990
~~imposed as a result of the conviction of or plea of guilty to the~~ 7991
~~child victim oriented offense.~~ 7992

(2) Regardless of when the person committed the sexually 7993
oriented offense or child-victim oriented offense, if the person 7994
is an offender who is sentenced for the sexually oriented offense 7995
or child-victim oriented offense on or after ~~January 1, 1997, or~~ 7996
~~who is sentenced for the child victim oriented offense on or after~~ 7997
~~July 31, 2003~~ January 1, 2008, and if division (A)(1) of this 7998
section does not apply, the judge shall provide the notice to the 7999
offender at the time of sentencing. ~~If a person was provided~~ 8000
~~notice under this division prior to July 31, 2003, in relation to~~ 8001

~~an offense that, prior to July 31, 2003,, was a sexually oriented 8002
offense but that, on and after July 31, 2003,, is a child victim 8003
oriented offense, the notice so provided under this division shall 8004
suffice for purposes of this section as notice to the offender of 8005
the offender's duties under sections 2950.041, 2950.05, and 8006
2950.06 of the Revised Code imposed as a result of the conviction 8007
of or plea of guilty to the child victim oriented offense. 8008~~

~~(3) If the person is an offender who committed the sexually 8009
oriented offense prior to January 1, 1997, if neither division 8010
(A)(1) nor division (A)(2) of this section applies, and if, 8011
immediately prior to January 1, 1997, the offender was a habitual 8012
sex offender who was required to register under Chapter 2950. of 8013
the Revised Code, the chief of police or sheriff with whom the 8014
offender most recently registered under that chapter, in the 8015
circumstances described in this division, shall provide the notice 8016
to the offender. If the offender has registered with a chief of 8017
police or sheriff under Chapter 2950. of the Revised Code as it 8018
existed prior to January 1, 1997, the chief of police or sheriff 8019
with whom the offender most recently registered shall provide the 8020
notice to the offender as soon as possible after January 1, 1997, 8021
as described in division (B)(1) of this section. If the offender 8022
has not registered with a chief of police or sheriff under that 8023
chapter, the failure to register shall constitute a waiver by the 8024
offender of any right to notice under this section. If an offender 8025
described in this division does not receive notice under this 8026
section, the offender is not relieved of the offender's duties 8027
imposed under sections 2950.04, 2950.05, and 2950.06 of the 8028
Revised Code. 8029~~

~~(4) If neither division (A)(1), (2), nor (3) of this section 8030
applies and if the offender is adjudicated a sexual predator 8031
pursuant to division (C) of section 2950.09 of the Revised Code or 8032
a child victim predator pursuant to division (C) of section 8033~~

~~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 8066
sections within the specified ninety day period. If the offender 8067
does not so register, provide notice of a change in, or verify an 8068
address within the specified ninety day period, the sheriff shall 8069
provide the notice to the offender by sending it to the offender 8070
at the most recent residence address available for the offender. 8071
If the offender was required to register prior to July 31, 2003, 8072
and failed to do so, the failure to register constitutes a waiver 8073
by the offender of any right to notice under this division. If the 8074
offender has not registered prior to July 31, 2003, the offender 8075
is presumed to have knowledge of the law and of the duties 8076
referred to in this division that are imposed on and after July 8077
31, 2003. If an offender does not receive notice under this 8078
division, the offender is not relieved of any of the duties 8079
described in this division. 8080~~

(4) If the person is a delinquent child who is classified as 8081
both a juvenile offender registrant and a public 8082
registry-qualified juvenile offender registrant on or after 8083
January 1, 2008, the judge shall provide the notice to the 8084
delinquent child at the time specified in division (B) of section 8085
2152.86 of the Revised Code. 8086

(5) If the person is an offender or delinquent child in any 8087
of the following categories, the attorney general, department of 8088
rehabilitation and correction, or department of youth services 8089
shall provide the notice to the offender or delinquent child at 8090
the time and in the manner specified in section 2950.031 or 8091
division (A) or (B) of section 2950.032 of the Revised Code, 8092
whichever is applicable: 8093

(a) An offender or delinquent child who prior to December 1, 8094
2007, has registered a residence, school, institution of higher 8095
education, or place of employment address pursuant to section 8096
2950.04, 2950.041, or 2950.05 of the Revised Code; 8097

(b) An offender or delinquent child who registers with a sheriff pursuant to section 2950.04 or 2950.041 of the Revised Code on or after December 1, 2007, previously had not registered under either section with that sheriff or any other sheriff, and was convicted of, pleaded guilty to, or was classified a juvenile offender registrant relative to the sexually oriented offense or child-victim oriented offense upon which the registration was based prior to December 1, 2007;

(c) An offender who on December 1, 2007, is serving a prison term in a state correctional institution for a sexually oriented offense or child-victim oriented offense or each delinquent child who has been classified a juvenile offender registrant relative to a sexually oriented offense or child-victim oriented offense and who on that date is confined in an institution of the department of youth services for the sexually oriented offense or child-victim oriented offense;

(d) An offender or delinquent child who on or after December 2, 2007, commences a prison term in a state correctional institution or confinement in an institution of the department of youth services for a sexually oriented offense or child-victim oriented offense and who was convicted of, pleaded guilty to, or was classified a juvenile offender registrant relative to the sexually oriented offense or child-victim oriented offense prior to that date.

(6) If the person is an offender or delinquent child who on or after July 1, 2007, and prior to January 1, 2008, is convicted of or pleads guilty to a sexually oriented offense or a child-victim oriented offense and is not sentenced to a prison term for that offense or is classified a juvenile offender registrant relative to a sexually oriented offense or child-victim oriented offense and is not committed to the custody of the department of youth services for that offense, the sentencing

court or juvenile court shall provide the notice to the offender 8130
or delinquent child at the time and in the manner specified in 8131
division (C) of section 2950.032 of the Revised Code. 8132

(7) If the person is an offender or delinquent child who has 8133
a duty to register in this state pursuant to division (A)~~(3)~~(4) of 8134
section 2950.04 or 2950.041 of the Revised Code, the offender or 8135
delinquent child is presumed to have knowledge of the law and of 8136
the offender's or delinquent child's duties imposed under sections 8137
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 8138

(B)(1) The notice provided under division (A) of this section 8139
shall inform the offender or delinquent child of the offender's or 8140
delinquent child's duty to register, to provide notice of a change 8141
in the offender's or delinquent child's residence address or in 8142
the offender's school, institution of higher education, or place 8143
of employment address, as applicable, and register the new 8144
address, to periodically verify the offender's or delinquent 8145
child's residence address or the offender's school, institution of 8146
higher education, or place of employment address, as applicable, 8147
and, if applicable, to provide notice of the offender's or 8148
delinquent child's intent to reside, pursuant to sections 2950.04, 8149
2950.041, 2950.05, and 2950.06 of the Revised Code. The notice 8150
shall specify that, for an offender, it applies regarding 8151
residence addresses or school, institution of higher education, 8152
and place of employment addresses and that, for a delinquent 8153
child, it applies regarding residence addresses. Additionally, it 8154
shall inform the offender of the offender's duties to similarly 8155
register, provide notice of a change in, and verify those 8156
addresses in states other than this state as described in division 8157
(A) of this section. ~~A notice provided under division (A)(6) of~~ 8158
~~this section shall state the new duties imposed on the offender on~~ 8159
~~and after July 31, 2003, to register, provide notice of a change~~ 8160
~~in, and periodically verify, a school, institution of higher~~ 8161

~~education, or place of employment address and specify that the new~~ 8162
~~duties are in addition to the prior duties imposed upon the~~ 8163
~~offender. A notice provided under division (A)(1), (2), (3), or~~ 8164
~~(4), or (5) of this section shall comport with the following:~~ 8165

~~(a) If the notice is provided to an offender under division~~ 8166
~~(A)(3) of this section, the notice shall state the offender's~~ 8167
~~duties to register, to file a notice of intent to reside, if~~ 8168
~~applicable, to register a new residence address or new school,~~ 8169
~~institution of higher education, or place of employment address,~~ 8170
~~and to periodically verify those addresses, the offender's duties~~ 8171
~~in other states as described in division (A) of this section, and~~ 8172
~~that, if the offender has any questions concerning these duties,~~ 8173
~~the offender may contact the chief of police or sheriff who sent~~ 8174
~~the form for an explanation of the duties. If the offender appears~~ 8175
~~in person before the chief of police or sheriff, the chief or~~ 8176
~~sheriff shall provide the notice as described in division~~ 8177
~~(B)(1)(a) of this section, and all provisions of this section that~~ 8178
~~apply regarding a notice provided by an official, official's~~ 8179
~~designee, or judge in that manner shall be applicable.~~ 8180

~~(b) If the notice is provided to an offender under division~~ 8181
~~(A)(1), or (2), or (4) of this section, the official, official's~~ 8182
~~designee, or judge shall require the offender to read and sign a~~ 8183
~~form stating that the offender's duties to register, to file a~~ 8184
~~notice of intent to reside, if applicable, to register a new~~ 8185
~~residence address or new school, institution of higher education,~~ 8186
~~or place of employment address, and to periodically verify those~~ 8187
~~addresses, and the offender's duties in other states as described~~ 8188
~~in division (A) of this section have been explained to the~~ 8189
~~offender. If the offender is unable to read, the official,~~ 8190
~~official's designee, or judge shall certify on the form that the~~ 8191
~~official, designee, or judge specifically informed the offender of~~ 8192
~~those duties and that the offender indicated an understanding of~~ 8193

those duties. 8194

~~(e)~~(b) If the notice is provided to a delinquent child under 8195
division (A)~~(5)~~(3) or (4) of this section, the judge shall require 8196
the delinquent child and the delinquent child's parent, guardian, 8197
or custodian to read and sign a form stating that the delinquent 8198
child's duties to register, to file a notice of intent to reside, 8199
if applicable, to register a new residence address, and to 8200
periodically verify that address have been explained to the 8201
delinquent child and to the delinquent child's parent, guardian, 8202
or custodian. If the delinquent child or the delinquent child's 8203
parent, guardian, or custodian is unable to read, the judge shall 8204
certify on the form that the judge specifically informed the 8205
delinquent child or the delinquent child's parent, guardian, or 8206
custodian of those duties and that the delinquent child or the 8207
delinquent child's parent, guardian, or custodian indicated an 8208
understanding of those duties. 8209

(2) The notice provided under divisions (A)(1) to ~~(6)~~(4) of 8210
this section shall be on a form prescribed by the bureau of 8211
criminal identification and investigation and shall contain all of 8212
the information specified in division (A) of this section and all 8213
of the information required by the bureau. The notice provided 8214
under divisions (A)(1) to ~~(5)~~(4) of this section shall include, 8215
but is not limited to, all of the following: 8216

(a) For any notice provided under ~~division~~ divisions (A)(1) 8217
to ~~(5)~~(4) of this section, ~~a statement as to whether the offender~~ 8218
~~or delinquent child has been adjudicated a sexual predator or a~~ 8219
~~child-victim predator relative to the sexually oriented offense or~~ 8220
~~child-victim oriented offense in question, a statement as to~~ 8221
~~whether the offender or delinquent child has been determined to be~~ 8222
~~a habitual sex offender or habitual child-victim offender, a~~ 8223
~~statement as to whether the offense for which the offender has the~~ 8224
~~duty to register is an aggravated sexually oriented offense, an~~ 8225

explanation of the offender's periodic residence address or 8226
periodic school, institution of higher education, or place of 8227
employment address verification process or of the delinquent 8228
child's periodic residence address verification process, an 8229
explanation of the frequency with which the offender or delinquent 8230
child will be required to verify those addresses under that 8231
process, a statement that the offender or delinquent child must 8232
verify those addresses at the times specified under that process 8233
or face criminal prosecution or a delinquent child proceeding, and 8234
an explanation of the offender's duty to similarly register, 8235
verify, and reregister those addresses in another state if the 8236
offender resides in another state, attends a school or institution 8237
of higher education in another state, or is employed in another 8238
state. 8239

~~(b) If the notice is provided under division (A)(4) of this 8240
section, a statement that the notice replaces any notice 8241
previously provided to the offender under division (A)(1) of this 8242
section, a statement that the offender's duties described in this 8243
notice supersede the duties described in the prior notice, and a 8244
statement notifying the offender that, if the offender already has 8245
registered under section 2950.04 or 2950.041 of the Revised Code, 8246
the offender must register again pursuant to division (A)(6) of 8247
that section;~~ 8248

~~(e)~~ If the notice is provided under division (A)~~(5)~~(3) or (4) 8249
of this section, a statement that the delinquent child has been 8250
classified by the adjudicating juvenile court judge or the judge's 8251
successor in office a juvenile offender registrant and, if 8252
applicable, a public-registry qualified juvenile offender 8253
registrant and has a duty to comply with sections 2950.04, 8254
2950.041, 2950.05, and 2950.06 of the Revised Code; 8255

~~(d)~~(c) If the notice is provided under division (A)~~(5)~~(3) or 8256
(4) of this section, a statement that, if the delinquent child 8257

fails to comply with the requirements of sections 2950.04, 8258
2950.041, 2950.05, and 2950.06 of the Revised Code, both of the 8259
following apply: 8260

(i) If the delinquent child's failure occurs while the child 8261
is under eighteen years of age, the child is subject to 8262
proceedings under Chapter 2152. of the Revised Code based on the 8263
failure, but if the failure occurs while the child is eighteen 8264
years of age or older, the child is subject to criminal 8265
prosecution based on the failure. 8266

(ii) If the delinquent child's failure occurs while the child 8267
is under eighteen years of age, unless the child is emancipated, 8268
as defined in section 2919.121 of the Revised Code, the failure of 8269
the parent, guardian, or custodian to ensure that the child 8270
complies with those requirements is a violation of section 2919.24 8271
of the Revised Code and may result in the prosecution of the 8272
parent, guardian, or custodian for that violation. 8273

(3)(a) After an offender described in division (A)(1) or 8274
(2) ~~or (4)~~ of this section has signed the form described in 8275
divisions (B)(1) and (2) of this section or the official, 8276
official's designee, or judge has certified on the form that the 8277
form has been explained to the offender and that the offender 8278
indicated an understanding of the duties indicated on it, the 8279
official, official's designee, or judge shall give one copy of the 8280
form to the offender, within three days shall send one copy of the 8281
form to the bureau of criminal identification and investigation in 8282
accordance with the procedures adopted pursuant to section 2950.13 8283
of the Revised Code, ~~and~~ shall send one copy of the form to the 8284
sheriff of the county in which the offender expects to reside, and 8285
shall send one copy of the form to the sheriff of the county in 8286
which the offender was convicted or pleaded guilty if the offender 8287
has a duty to register pursuant to division (A)(1) of section 8288
2950.04 or 2950.041 of the Revised Code. 8289

(b) ~~After a chief of police or sheriff has sent a form to an offender under division (A)(3) of this section, the chief or sheriff shall send a copy of the form to the bureau of criminal identification and investigation in accordance with the procedures adopted pursuant to section 2950.13 of the Revised Code.~~

~~(e)~~ After a delinquent child described in division (A)~~(5)~~(3) or (4) of this section and the delinquent child's parent, guardian, or custodian have signed the form described in divisions (B)(1) and (2) of this section or the judge has certified on the form that the form has been explained to the delinquent child or the delinquent child's parent, guardian, or custodian and that the delinquent child or the delinquent child's parent, guardian, or custodian indicated an understanding of the duties and information indicated on the form, the judge shall give a copy of the form to both the delinquent child and to the delinquent child's parent, guardian, or custodian, within three days shall send one copy of the form to the bureau of criminal identification and investigation in accordance with the procedures adopted pursuant to section 2950.13 of the Revised Code, ~~and~~ shall send one copy of the form to the sheriff of the county in which the delinquent child expects to reside, and shall send one copy of the form to the sheriff of the county in which the child was adjudicated a delinquent child if the delinquent child has a duty to register pursuant to division (A)(1) of section 2950.04 or 2950.041 of the Revised Code.

(C) The official, official's designee, judge, chief of police, or sheriff who is required to provide notice to an offender or delinquent child under divisions (A)(1) to ~~(5)~~(4) of this section shall ~~do all of the following:~~

~~(1) If the notice is provided under division (A)(1), (2), (4), or (5) of this section, the official, designee, or judge shall determine the offender's or delinquent child's name,~~

identifying factors, and expected future residence address in this 8322
state or any other state, shall obtain the offender's or 8323
delinquent child's criminal and delinquency history, and shall 8324
obtain a photograph and the fingerprints of the offender or 8325
delinquent child. Regarding an offender, the official, designee, 8326
or judge also shall obtain from the offender the offender's 8327
current or expected future school, institution of higher 8328
education, or place of employment address in this state, if any. 8329
If the notice is provided by a judge under division (A)(2), 8330
~~(4)(3)~~, or ~~(5)(4)~~ of this section, the sheriff shall provide the 8331
offender's or delinquent child's criminal and delinquency history 8332
to the judge. The official, official's designee, or judge shall 8333
obtain this information and these items prior to giving the 8334
notice, except that a judge may give the notice prior to obtaining 8335
the offender's or delinquent child's criminal and delinquency 8336
history. Within three days after receiving this information and 8337
these items, the official, official's designee, or judge shall 8338
forward the information and items to the bureau of criminal 8339
identification and investigation in accordance with the forwarding 8340
procedures adopted pursuant to section 2950.13 of the Revised 8341
Code, to the sheriff of the county in which the offender or 8342
delinquent child expects to reside and to the sheriff of the 8343
county in which the offender or delinquent child was convicted, 8344
pleaded guilty, or adjudicated a delinquent child if the offender 8345
or delinquent child has a duty to register pursuant to division 8346
(A)(1) of section 2950.04 or 2950.041 of the Revised Code, and, 8347
regarding an offender, to the sheriff of the county, if any, in 8348
which the offender attends or will attend a school or institution 8349
of higher education or is or will be employed. If the notice is 8350
provided under division (A)~~(5)~~(3) or (4) of this section and if 8351
the delinquent child has been committed to the department of youth 8352
services or to a secure facility, the judge, in addition to the 8353
other information and items described in this division, also shall 8354

forward to the bureau and to the sheriff notification that the 8355
child has been so committed. If it has not already done so, the 8356
bureau of criminal identification and investigation shall forward 8357
a copy of the fingerprints and conviction data received under this 8358
division to the federal bureau of investigation. 8359

~~(2) If the notice is provided under division (A)(3) of this 8360
section, the chief of police or sheriff shall determine the 8361
offender's name, identifying factors, and residence address in 8362
this state or any other state, shall obtain the offender's 8363
criminal history from the bureau of criminal identification and 8364
investigation, and, to the extent possible, shall obtain a 8365
photograph and the fingerprints of the offender. Regarding an 8366
offender, the chief or sheriff also shall obtain from the offender 8367
the offender's current or expected future school, institution of 8368
higher education, or place of employment address in this state, if 8369
any. Within three days after receiving this information and these 8370
items, the chief or sheriff shall forward the information and 8371
items to the bureau of criminal identification and investigation 8372
in accordance with the forwarding procedures adopted pursuant to 8373
section 2950.13 of the Revised Code and, in relation to a chief of 8374
police, to the sheriff of the county in which the offender 8375
resides, and, regarding an offender, to the sheriff of the county, 8376
if any, in which the offender attends or will attend a school or 8377
institution of higher education or is or will be employed. If it 8378
has not already done so, the bureau of criminal identification and 8379
investigation shall forward a copy of the fingerprints and 8380
conviction data so received to the federal bureau of 8381
investigation. 8382~~

Sec. 2950.031. (A)(1) At any time on or after July 1, 2007, 8383
and not later than December 1, 2007, the attorney general shall 8384
determine for each offender or delinquent child who prior to 8385
December 1, 2007, has registered a residence, school, institution 8386

of higher education, or place of employment address pursuant to 8387
section 2950.04, 2950.041, or 2950.05 of the Revised Code the 8388
offender's or delinquent child's new classification as a tier I 8389
sex offender/child-victim offender, a tier II sex 8390
offender/child-victim offender, or a tier III sex 8391
offender/child-victim offender under Chapter 2950. of the Revised 8392
Code as it will exist under the changes that will be implemented 8393
on January 1, 2008, the offender's or delinquent child's duties 8394
under Chapter 2950. of the Revised Code as so changed, and, 8395
regarding a delinquent child, whether the child is a public 8396
registry-qualified juvenile offender registrant. 8397

(2) At any time on or after July 1, 2007, and not later than 8398
December 1, 2007, the attorney general shall send to each offender 8399
or delinquent child who prior to December 1, 2007, has registered 8400
a residence, school, institution of higher education, or place of 8401
employment address pursuant to section 2950.04, 2950.041, or 8402
2950.05 of the Revised Code a registered letter that contains the 8403
information described in this division. The registered letter 8404
shall be sent return receipt requested to the last reported 8405
address of the person and, if the person is a delinquent child, 8406
the last reported address of the parents of the delinquent child. 8407
The letter sent to an offender or to a delinquent child and the 8408
delinquent child's parents pursuant to this division shall notify 8409
the offender or the delinquent child and the delinquent child's 8410
parents of all of the following: 8411

(a) The changes in Chapter 2950. of the Revised Code that 8412
will be implemented on January 1, 2008; 8413

(b) Subject to division (A)(2)(c) of this section, the 8414
offender's or delinquent child's new classification as a tier I 8415
sex offender/child-victim offender, a tier II sex 8416
offender/child-victim offender, or a tier III sex 8417
offender/child-victim offender under Chapter 2950. of the Revised 8418

Code as it will exist under the changes that will be implemented 8419
on January 1, 2008, the offender's or delinquent child's duties 8420
under Chapter 2950. of the Revised Code as so changed and the 8421
duration of those duties, whether the delinquent child is 8422
classified a public registry-qualified juvenile offender 8423
registrant, and the information specified in division (B) of 8424
section 2950.03 of the Revised Code to the extent it is relevant 8425
to the offender or delinquent child; 8426

(c) The fact that the offender or delinquent child has a 8427
right to a hearing as described in division (E) of this section, 8428
the procedures for requesting the hearing, and the period of time 8429
within which the request for the hearing must be made. 8430

(d) If the offender's or delinquent child's duty to comply 8431
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 8432
Revised Code is scheduled to terminate on or after July 1, 2007, 8433
and prior to January 1, 2008, under the version of section 2950.07 8434
of the Revised Code that is in effect prior to January 1, 2008, a 8435
summary of the provisions of section 2950.033 of the Revised Code 8436
and the application of those provisions to the offender or 8437
delinquent child, provided that this division applies to a 8438
delinquent child only if the child is in a category specified in 8439
division (C) of section 2950.033 of the Revised Code. 8440

(3) The attorney general shall make the determinations 8441
described in division (A)(1) of this section for each offender or 8442
delinquent child who has registered an address as described in 8443
that division, even if the offender's duty to comply with sections 8444
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code is 8445
scheduled to terminate prior to January 1, 2008, under the version 8446
of section 2950.07 of the Revised Code that is in effect prior to 8447
that date or the delinquent child is in a category specified in 8448
division (C) of section 2950.033 of the Revised Code and the 8449
child's duty to comply with those sections 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
The attorney general shall send the registered letter described in 8453
division (A)(2) of this section to each offender or delinquent 8454
child who has registered an address as described in that division 8455
even if the offender's duty to comply with sections 2950.04, 8456
2950.041, 2950.05, and 2950.06 of the Revised Code is scheduled to 8457
terminate prior to January 1, 2008, under the version of section 8458
2950.07 of the Revised Code that is in effect prior to that date, 8459
or the delinquent child is in a category specified in division (C) 8460
of section 2950.033 of the Revised Code, and the child's duty to 8461
comply with those sections is scheduled to terminate prior to 8462
January 1, 2008, under the version of section 2950.07 of the 8463
Revised Code that is in effect prior to that date. Section 8464
2950.033 of the Revised Code applies to any offender who has 8465
registered an address as described in division (A)(1) or (2) of 8466
this section and whose duty to comply with sections 2950.04, 8467
2950.041, 2950.05, and 2950.06 of the Revised Code is scheduled to 8468
terminate prior to January 1, 2008, under the version of section 8469
2950.07 of the Revised Code that is in effect prior to that date, 8470
or the delinquent child is in a category specified in division (C) 8471
of section 2950.033 of the Revised Code, and the child's duty to 8472
comply with those sections is scheduled to terminate prior to 8473
January 1, 2008, under the version of section 2950.07 of the 8474
Revised Code that is in effect prior to that date. 8475

(B) If a sheriff informs the attorney general pursuant to 8476
section 2950.043 of the Revised Code that an offender or 8477
delinquent child registered with the sheriff pursuant to section 8478
2950.04 or 2950.041 of the Revised Code on or after December 1, 8479
2007, that the offender or delinquent child previously had not 8480
registered under either section with that sheriff or any other 8481
sheriff, and that the offender or delinquent child was convicted 8482
of, pleaded guilty to, or was classified a juvenile offender 8483

registrant relative to the sexually oriented offense or 8484
child-victim oriented offense upon which the registration was 8485
based prior to December 1, 2007, within fourteen days after being 8486
so informed of the registration and receiving the information and 8487
material specified in division (D) of that section, the attorney 8488
general shall determine for the offender or delinquent child all 8489
of the matters specified in division (A)(1) of this section. Upon 8490
making the determinations, the attorney general immediately shall 8491
send to the offender or to the delinquent child and the delinquent 8492
child's parents a registered letter pursuant to division (A)(2) of 8493
this section that contains the information specified in that 8494
division. 8495

(C) The attorney general shall maintain the return receipts 8496
for all offenders, delinquent children, and parents of delinquent 8497
children who are sent a registered letter under division (A) or 8498
(B) of this section. For each offender, delinquent child, and 8499
parents of a delinquent child, the attorney general shall send a 8500
copy of the return receipt for the offender, delinquent child, or 8501
parents to the sheriff with whom the offender or delinquent child 8502
most recently registered a residence address and, if applicable, a 8503
school, institution of higher education, or place of employment 8504
address and to the prosecutor who handled the case in which the 8505
offender or delinquent child was convicted of, pleaded guilty to, 8506
or was adjudicated a delinquent child for committing the sexually 8507
oriented offense or child-victim oriented offense that resulted in 8508
the offender's or child's registration duty under section 2950.04 8509
or 2950.041 of the Revised Code. If a return receipt indicates 8510
that the offender, delinquent child, or parents of a delinquent 8511
child to whom the registered letter was sent does not reside or 8512
have temporary domicile at the listed address, the attorney 8513
general immediately shall provide notice of that fact to the 8514
sheriff with whom the offender or delinquent child registered that 8515
residence address. 8516

(D) The attorney general shall mail to each sheriff a list of all offenders and delinquent children who have registered a residence address or a school, institution of higher education, or place of employment address with that sheriff and to whom a registered letter is sent under division (A) or (B) of this section. The list shall specify the offender's or delinquent child's new classification as 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 under Chapter 2950. of the Revised Code as it will exist under the changes that will be implemented on January 1, 2008, the offender's or delinquent child's duties under Chapter 2950. of the Revised Code as so changed, and, regarding a delinquent child, whether the child is a public registry-qualified juvenile offender registrant.

(E) An offender or delinquent child who is in a category described in division (A)(2) or (B) of this section may request as a matter of right a court hearing to contest the application to the offender or delinquent child of the new registration requirements under Chapter 2950. of the Revised Code as it will exist under the changes that will be implemented on January 1, 2008. The offender or delinquent child may contest the manner in which the letter sent to the offender or delinquent child pursuant to division (A) or (B) of this section specifies that the new registration requirements apply to the offender or delinquent child, may contest whether those new registration requirements apply at all to the offender or delinquent child, or may contest the new classification as 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 specified by the attorney general. To request the hearing, the offender or delinquent child not later than the date that is sixty days after the offender or delinquent child received the registered letter sent by the attorney general pursuant to division (A)(2) of this section shall

file a petition with the court specified in this division. If the offender or delinquent child resides in or is temporarily domiciled in this state and requests a hearing, the offender or delinquent child shall file the petition with, and the hearing shall be held in, the court of common pleas or, for a delinquent child, the juvenile court of the county in which the offender or delinquent child resides or temporarily is domiciled. If the offender does not reside in and is not temporarily domiciled in this state, the offender or delinquent child shall file the petition with, and the hearing shall be held in, the court of common pleas of the county in which the offender registered a school, institution of higher education, or place of employment address, but if the offender has registered addresses of that nature in more than one county, the offender may file such a petition in the court of only one of those counties.

If the offender or delinquent child requests a hearing by timely filing a petition with the appropriate court, the offender or delinquent child shall serve a copy of the petition on the prosecutor who handled the case in which the offender or delinquent child was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the sexually oriented offense or child-victim oriented offense that resulted in the offender's or delinquent child's registration duty under section 2950.04 or 2950.041 of the Revised Code. The prosecutor shall represent the interests of the state in the hearing. In any hearing under this division, the Rules of Civil Procedure or, if the hearing is in a juvenile court, the Rules of Juvenile Procedure apply, except to the extent that those Rules would by their nature be clearly inapplicable. The court shall schedule a hearing, and shall provide notice to the offender or delinquent child and prosecutor of the date, time, and place of the hearing. If the offender or delinquent child who requests the hearing is contesting the new classification as a tier I sex

offender/child-victim offender, a tier II sex 8583
offender/child-victim offender, or a tier III sex 8584
offender/child-victim offender specified by the attorney general, 8585
the hearing shall be conducted pursuant to and in accordance with 8586
this division and division (F) of this section. 8587

If an offender or delinquent child requests a hearing in 8588
accordance with this division, until the court issues its decision 8589
at or subsequent to the hearing, the offender or delinquent child 8590
shall comply prior to January 1, 2008, with Chapter 2950. of the 8591
Revised Code as it exists prior to that date and shall comply on 8592
and after January 1, 2008, with Chapter 2950. of the Revised Code 8593
as it will exist under the changes that will be implemented on 8594
that date. If an offender or delinquent child requests a hearing 8595
in accordance with this division, at the hearing, all parties are 8596
entitled to be heard, and the court shall consider all relevant 8597
information and testimony presented relative to the application to 8598
the offender or delinquent child of the new registration 8599
requirements under Chapter 2950. of the Revised Code as it will 8600
exist under the changes that will be implemented on January 1, 8601
2008. If, at the conclusion of the hearing, the court finds that 8602
the offender or delinquent child has proven by clear and 8603
convincing evidence that the new registration requirements do not 8604
apply to the offender or delinquent child in the manner specified 8605
in the letter sent to the offender or delinquent child pursuant to 8606
division (A) or (B) of this section, subject to division (F) of 8607
this section, the court shall issue an order that specifies the 8608
manner in which the court has determined that the new registration 8609
requirements do apply to the offender or delinquent child. If at 8610
the conclusion of the hearing the court finds that the offender or 8611
delinquent child has proven by clear and convincing evidence that 8612
the new registration requirements do not apply to the offender or 8613
delinquent child, the court shall issue an order that specifies 8614
that the new registration requirements do not apply to the 8615

offender or delinquent child. The court promptly shall serve a 8616
copy of an order issued under this division upon the sheriff with 8617
whom the offender or delinquent child most recently registered 8618
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 8619
and upon the bureau of criminal identification and investigation. 8620
The offender or delinquent child and the prosecutor have the right 8621
to appeal the decision of the court issued under this division. 8622

If an offender or delinquent child fails to request a hearing 8623
in accordance with this division within the applicable sixty-day 8624
period specified in this division, the failure constitutes a 8625
waiver by the offender or delinquent child of the offender's or 8626
delinquent child's right to a hearing under this division, and the 8627
offender or delinquent child is bound by the determinations of the 8628
attorney general contained in the registered letter sent to the 8629
offender or child. 8630

If a juvenile court issues an order under division (A)(2) or 8631
(3) of section 2152.86 of the Revised Code that classifies a 8632
delinquent child a public-registry qualified juvenile offender 8633
registrant and if the child's delinquent act was committed prior 8634
to January 1, 2008, a challenge to the classification contained in 8635
the order shall be made pursuant to division (D) of section 8636
2152.86 of the Revised Code. 8637

(F)(1) Except as otherwise provided in this division, if an 8638
offender or a delinquent child requests a hearing pursuant to 8639
division (E) of this section and contests the new classification 8640
as a tier I sex offender/child-victim offender, a tier II sex 8641
offender/child-victim offender, or a tier III sex 8642
offender/child-victim offender specified by the attorney general, 8643
the court shall conduct a hearing pursuant to this division to 8644
determine whether the offender or child should be classified a 8645
tier I sex offender/child-victim offender, a tier II sex 8646
offender/child-victim offender, or a tier III sex 8647

offender/child-victim offender. Except as otherwise provided in 8648
this division, the tier classification specified by the attorney 8649
general shall be the presumptive tier classification for the 8650
offender or child for purposes of this division. The court shall 8651
not conduct a hearing for the purpose described in this division 8652
if federal law requires that the offender or child be classified 8653
in a particular tier based on the offense committed. If federal 8654
law requires that the offender or child be classified in a 8655
particular tier based on the offense committed, the tier 8656
classification specified by the attorney general shall be the tier 8657
classification for the offender or child. The court shall conduct 8658
the hearing in accordance with the following: 8659

(a) If the presumptive tier classification for the offender 8660
or delinquent child, as determined by the attorney general, is a 8661
tier I sex offender/child-victim offender, notwithstanding the 8662
presumption, both of the following apply: 8663

(i) The court may classify the offender or child a tier II 8664
sex offender/child-victim offender if the court determines by 8665
clear and convincing evidence that the offender previously has 8666
been convicted of or pleaded guilty to one or more sexually 8667
oriented offenses or child-victim oriented offenses or that the 8668
child previously has been adjudicated a delinquent child for 8669
committing one or more sexually oriented offenses or child-victim 8670
oriented offenses and was classified a juvenile offender 8671
registrant or out-of-state juvenile offender registrant based on 8672
one or more of those adjudications. 8673

(ii) The court may classify the offender or child a tier III 8674
sex offender/child-victim offender if the court determines by 8675
clear and convincing evidence that the offender or delinquent 8676
child is likely to engage in the future in one or more sexually 8677
oriented offenses or child-victim oriented offenses. 8678

(b) If the presumptive tier classification for the offender 8679

or delinquent child, as determined by the attorney general, is a 8680
tier II sex offender/child-victim offender, notwithstanding the 8681
presumption, all of the following apply: 8682

(i) The court may classify the offender or child a tier I sex 8683
offender/child-victim offender if the court determines by clear 8684
and convincing evidence that the offender previously has not been 8685
convicted of or pleaded guilty to any sexually oriented offense or 8686
child-victim oriented offense or that the child previously has not 8687
been adjudicated a delinquent child for committing any sexually 8688
oriented offense or child-victim oriented offense for which the 8689
child was classified a juvenile offender registrant or 8690
out-of-state juvenile offender registrant, and that the offender 8691
or child is not likely to engage in the future in one or more 8692
sexually oriented offenses or child-victim oriented offenses. 8693

(ii) The court may classify the offender or child a tier I 8694
sex offender/child-victim offender if the court determines that 8695
the offender's or child's duty to comply with sections 2950.04, 8696
2950.041, 2950.05, and 2950.06 of the Revised Code, as determined 8697
under the version of section 2950.07 of the Revised Code in effect 8698
prior to January 1, 2008, is scheduled to terminate before the 8699
duty would terminate for the offender or child under the version 8700
of section 2950.07 of the Revised Code in effect on and after 8701
January 1, 2008, if the offender or child were to be classified a 8702
tier II sex offender/child victim-offender, and that the 8703
classification as a tier I sex offender/child-victim offender does 8704
not seriously threaten the public interest and safety. 8705

(iii) The court may classify the offender or child a tier III 8706
sex offender/child-victim offender if the court determines by 8707
clear and convincing evidence that the offender or child is likely 8708
to engage in the future in one or more sexually oriented offenses 8709
or child-victim oriented offenses. 8710

(c) If the presumptive tier classification for the offender 8711

or delinquent child, as determined by the attorney general, is a tier III sex offender/child-victim offender, notwithstanding the presumption, all of the following apply: 8712
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(i) The court may classify the offender or child a tier I sex offender/child-victim offender if the court determines by clear and convincing evidence that the offender previously has not been convicted of or pleaded guilty to any sexually oriented offense or child-victim oriented offense or the child previously has not been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the child was classified a juvenile offender registrant or out-of-state juvenile offender registrant, and that the offender or child is not likely to engage in the future in one or more sexually oriented offenses or child-victim oriented offenses. 8715
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(ii) The court may classify the offender or child a tier II sex offender/child-victim offender if the court determines by clear and convincing evidence that the offender or child is not likely to engage in the future in one or more sexually oriented offenses or child-victim oriented offenses, but that the offender previously has been convicted of or pleaded guilty to one or more sexually oriented offenses or child-victim oriented offenses or the child previously has been adjudicated a delinquent child for committing one or more sexually oriented offenses or child-victim oriented offenses and was classified a juvenile offender registrant or out-of-state juvenile offender registrant based on one or more of those adjudications. 8726
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(iii) The court may classify the offender or child a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender if the court determines that the offender's or child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, as determined under the version of section 2950.07 of the Revised Code in effect 8738
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prior to January 1, 2008, has a scheduled date of termination 8744
comparable to the date of termination duty that would apply under 8745
the version of section 2950.07 of the Revised Code in effect on 8746
and after January 1, 2008, if the offender or child were to be 8747
classified a tier III sex offender/child-victim offender, and that 8748
the classification as a tier I sex offender/child-victim offender 8749
or a tier II sex offender/child-victim offender does not seriously 8750
threaten the public interest and safety. 8751

(2) If at the hearing, the court determines that the tier 8752
classification of the offender or delinquent child should be 8753
changed in a manner described in division (F)(1) of this section, 8754
the court shall issue an order that specifies the tier in which it 8755
has determined that the offender or delinquent child should be 8756
classified, and the tier so specified shall apply to the offender 8757
or delinquent child. The court promptly shall serve a copy of the 8758
order upon the sheriff with whom the offender or delinquent child 8759
most recently registered. 8760

(3) In making a decision under division (F)(1) of this 8761
section as to whether an offender or a delinquent child is likely 8762
to engage in the future in one or more sexually oriented offenses 8763
or child-victim oriented offenses and as to whether an offender or 8764
delinquent child who is under consideration for reclassification 8765
from one tier of sex offender/child-victim offender to a different 8766
tier of sex offender/child-victim offender should be reclassified, 8767
the judge shall consider all relevant factors, including, but not 8768
limited to, all of the following: 8769

(a) The offender's or delinquent child's age; 8770

(b) The offender's or delinquent child's prior criminal or 8771
delinquency record regarding all offenses, including, but not 8772
limited to, all sexual offenses and child-victim oriented 8773
offenses; 8774

(c) The age of the victim of the sexually oriented offense or child-victim oriented offense in relation to which the decision is to be made; 8775
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(d) Whether the sexually oriented offense or child-victim oriented offense in relation to which the decision is to be made involved multiple victims; 8778
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(e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense or to prevent the victim from resisting; 8781
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(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense, a sexually oriented offense, or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders or child-victim oriented offenders; 8785
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(g) Any mental illness or mental disability of the offender or delinquent child; 8795
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(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense or child-victim oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse; 8797
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(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense or child-victim oriented offense for which the order of disposition is to be made, 8803
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displayed cruelty or made one or more threats of cruelty; 8806

(j) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct; 8807
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(k) Regarding a delinquent child, all of the factors listed in division (D) of section 2152.83 of the Revised Code regarding a delinquent child. 8809
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(4) An order issued under division (F)(1) of this section is independent of any order issued under division (E) of this section, and the court may issue an order under both division (F)(1) of this section and an order under division (E) of this section. 8812
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Sec. 2950.032. (A)(1) At any time on or after July 1, 2007, and not later than December 1, 2007, the attorney general shall do all of the following: 8817
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(a) For each offender who on December 1, 2007, will be serving a prison term in a state correctional institution for a sexually oriented offense or child-victim oriented offense, determine the offender's classification relative to that offense as 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 under Chapter 2950. of the Revised Code as it will exist under the changes in that chapter that will be implemented on January 1, 2008, and the offender's duties under Chapter 2950. of the Revised Code as so changed and provide to the department of rehabilitation and correction a document that describes that classification and those duties; 8820
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(b) For each delinquent child who has been classified a juvenile offender registrant relative to a sexually oriented offense or child-victim oriented offense and who on December 1, 2007, will be confined in an institution of the department of 8832
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youth services for the sexually oriented offense or child-victim 8836
oriented offense, determine the delinquent child's classification 8837
relative to that offense as a tier I sex offender/child-victim 8838
offender, a tier II sex offender/child-victim offender, or a tier 8839
III sex offender/child-victim offender under Chapter 2950. of the 8840
Revised Code as it will exist under the changes in that chapter 8841
that will be implemented on January 1, 2008, the delinquent 8842
child's duties under Chapter 2950. of the Revised Code as so 8843
changed, and whether the delinquent child is a public 8844
registry-qualified juvenile offender registrant and provide to the 8845
department a document that describes that classification, those 8846
duties, and whether the delinquent child is a public 8847
registry-qualified juvenile offender registrant. 8848

(c) For each offender and delinquent child described in 8849
division (A)(1)(a) or (b) of this section, determine whether the 8850
attorney general is required to send a registered letter to that 8851
offender or that delinquent child and delinquent child's parents 8852
pursuant to section 2950.031 of the Revised Code relative to the 8853
sexually oriented offense or child-victim oriented offense for 8854
which the offender or delinquent child is serving the prison term 8855
or is confined and, if the attorney general is required to send 8856
such a letter to that offender or that delinquent child and 8857
delinquent child's parents relative to that offense, include in 8858
the document provided to the department of rehabilitation and 8859
correction or the department of youth services under division 8860
(A)(1)(a) or (b) of this section a conspicuous notice that the 8861
attorney general will be sending the offender or delinquent child 8862
and delinquent child's parent the registered letter and that the 8863
department is not required to provide to the offender or 8864
delinquent child the written notice described in division (A)(2) 8865
of this section. 8866

(2) At any time on or after July 1, 2007, and not later than 8867

December 1, 2007, except as otherwise described in this division, 8868
the department of rehabilitation and correction shall provide to 8869
each offender described in division (A)(1)(a) of this section and 8870
the department of youth services shall provide to each delinquent 8871
child described in division (A)(1)(b) of this section and to the 8872
delinquent child's parents a written notice that contains the 8873
information described in this division. The department of 8874
rehabilitation and correction and the department of youth services 8875
are not required to provide the written notice to an offender or a 8876
delinquent child and the delinquent child's parents if the 8877
attorney general included in the document provided to the 8878
particular department under division (A)(1)(a) or (b) of this 8879
section notice that the attorney general will be sending that 8880
offender or that delinquent child and the delinquent child's 8881
parents a registered letter and that the department is not 8882
required to provide to that offender or that delinquent child and 8883
parents the written notice. The written notice provided to an 8884
offender or a delinquent child and the delinquent child's parents 8885
pursuant to this division shall notify the offender or delinquent 8886
child of all of the following: 8887

(a) The changes in Chapter 2950. of the Revised Code that 8888
will be implemented on January 1, 2008; 8889

(b) Subject to division (A)(2)(c) of this section, the 8890
offender's or delinquent child's classification as a tier I sex 8891
offender/child-victim offender, a tier II sex 8892
offender/child-victim offender, or a tier III sex 8893
offender/child-victim offender under Chapter 2950. of the Revised 8894
Code as it will exist under the changes that will be implemented 8895
on January 1, 2008, the offender's or delinquent child's duties 8896
under Chapter 2950. of the Revised Code as so changed and the 8897
duration of those duties, whether the delinquent child is 8898
classified a public registry-qualified juvenile offender 8899

registrant, and the information specified in division (B) of 8900
section 2950.03 of the Revised Code to the extent it is relevant 8901
to the offender or delinquent child; 8902

(c) The fact that the offender or delinquent child has a 8903
right to a hearing as described in division (E) of this section, 8904
the procedures for requesting the hearing, and the period of time 8905
within which the request for the hearing must be made; 8906

(d) If the offender's or delinquent child's duty to comply 8907
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 8908
Revised Code is scheduled to terminate on or after July 1, 2007, 8909
and prior to January 1, 2008, under the version of section 2950.07 8910
of the Revised Code that is in effect prior to January 1, 2008, a 8911
summary of the provisions of section 2950.033 of the Revised Code 8912
and the application of those provisions to the offender or 8913
delinquent child, provided that this division applies regarding a 8914
delinquent child only if the child is in a category specified in 8915
division (A) of section 2950.033 of the Revised Code. 8916

(3) The attorney general shall make the determinations 8917
described in divisions (A)(1)(a) and (b) of this section for each 8918
offender or delinquent child who is described in either of those 8919
divisions even if the offender's duty to comply with sections 8920
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code is 8921
scheduled to terminate prior to January 1, 2008, under the version 8922
of section 2950.07 of the Revised Code that is in effect prior to 8923
that date, or the delinquent child is in a category specified in 8924
division (C) of section 2950.033 of the Revised Code, and the 8925
child's duty to comply with those sections is scheduled to 8926
terminate prior to January 1, 2008, under the version of section 8927
2950.07 of the Revised Code that is in effect prior to that date. 8928
The department of rehabilitation and correction shall provide to 8929
each offender described in division (A)(1)(a) of this section and 8930
the department of youth services shall provide to each delinquent 8931

child described in division (A)(1)(b) of this section the notice 8932
described in division (A)(2) of this section, even if the 8933
offender's duty to comply with sections 2950.04, 2950.041, 8934
2950.05, and 2950.06 of the Revised Code is scheduled to terminate 8935
prior to January 1, 2008, under the version of section 2950.07 of 8936
the Revised Code that is in effect prior to that date, or the 8937
delinquent child is in a category specified in division (C) of 8938
section 2950.033 of the Revised Code, and the child's duty to 8939
comply with those sections is scheduled to terminate prior to 8940
January 1, 2008, under the version of section 2950.07 of the 8941
Revised Code that is in effect prior to that date. Section 8942
2950.033 of the Revised Code applies regarding any offender 8943
described in division (A)(1)(a) or (b) of this section whose duty 8944
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 8945
the Revised Code is scheduled to terminate prior to January 1, 8946
2008, under the version of section 2950.07 of the Revised Code 8947
that is in effect prior to that date and any delinquent child who 8948
is in a category specified in division (A) of section 2950.033 of 8949
the Revised Code and whose duty to comply with those sections is 8950
scheduled to terminate prior to January 1, 2008, under the version 8951
of section 2950.07 of the Revised Code that is in effect prior to 8952
that date. 8953

(B) If on or after December 2, 2007, an offender commences a 8954
prison term in a state correctional institution or a delinquent 8955
child commences confinement in an institution of the department of 8956
youth services for a sexually oriented offense or a child-victim 8957
oriented offense and if the offender or delinquent child was 8958
convicted of, pleaded guilty to, or was classified a juvenile 8959
offender registrant relative to the sexually oriented offense or 8960
child-victim oriented offense on or before that date, as soon as 8961
practicable, the department of rehabilitation and correction or 8962
the department of youth services, as applicable, shall contact the 8963
attorney general, inform the attorney general of the commencement 8964

of the prison term or institutionalization, and forward to the 8965
attorney general information and material that identifies the 8966
offender or delinquent child and that describes the sexually 8967
oriented offense resulting in the prison term or 8968
institutionalization, the facts and circumstances of it, and the 8969
offender's or delinquent child's criminal or delinquency history. 8970
Within fourteen days after being so informed of the commencement 8971
of the prison term or institutionalization and receiving the 8972
information and material specified in this division, the attorney 8973
general shall determine for the offender or delinquent child all 8974
of the matters specified in division (A)(1)(a) or (b) of this 8975
section and immediately provide to the appropriate department a 8976
document that describes the offender's or delinquent child's 8977
classification and duties as so determined. 8978

Upon receipt from the attorney general of a document 8979
described in this division that pertains to an offender or 8980
delinquent child, the department of rehabilitation and correction 8981
shall provide to the offender or the department of youth services 8982
shall provide to the delinquent child, as applicable, a written 8983
notice that contains the information specified in division (A)(2) 8984
of this section. 8985

(C) If, on or after July 1, 2007, and prior to January 1, 8986
2008, an offender is convicted of or pleads guilty to a sexually 8987
oriented offense or a child-victim oriented offense and the court 8988
does not sentence the offender to a prison term for that offense 8989
or if, on or after July 1, 2007, and prior to January 1, 2008, a 8990
delinquent child is classified a juvenile offender registrant 8991
relative to a sexually oriented offense or a child-victim oriented 8992
offense and the juvenile court does not commit the child to the 8993
custody of the department of youth services for that offense, the 8994
court at the time of sentencing or the juvenile court at the time 8995
specified in division (B) of section 2152.82, division (C) of 8996

section 2152.83, division (C) of section 2152.84, division (E) of 8997
section 2152.85, or division (A) of section 2152.86 of the Revised 8998
Code, whichever is applicable, shall do all of the following: 8999

(1) Provide the offender or the delinquent child and the 9000
delinquent child's parents with the notices required under section 9001
2950.03 of the Revised Code, as it exists prior to January 1, 9002
2008, regarding the offender's or delinquent child's duties under 9003
this chapter as it exists prior to that date; 9004

(2) Provide the offender or the delinquent child and the 9005
delinquent child's parents with a written notice that contains the 9006
information specified in divisions (A)(2)(a) and (b) of this 9007
section; 9008

(3) Provide the offender or the delinquent child and the 9009
delinquent child's parents a written notice that clearly indicates 9010
that the offender or delinquent child is required to comply with 9011
the duties described in the notice provided under division (C)(1) 9012
of this section until January 1, 2008, and will be required to 9013
comply with the duties described in the notice provided under 9014
division (C)(2) of this section on and after that date. 9015

(D)(1) Except as otherwise provided in this division, the 9016
officer or employee of the department of rehabilitation and 9017
correction or the department of youth services who provides an 9018
offender or a delinquent child and the delinquent child's parents 9019
with the notices described in division (A)(2) or (B) of this 9020
section shall require the offender or delinquent child to read and 9021
sign a form stating that the changes in Chapter 2950. of the 9022
Revised Code that will be implemented on January 1, 2008, the 9023
offender's or delinquent child's classification as a tier I sex 9024
offender, a tier II sex offender, or a tier III sex offender, the 9025
offender's or delinquent child's duties under Chapter 2950. of the 9026
Revised Code as so changed and the duration of those duties, the 9027
delinquent child's classification as a public registry-qualified 9028

juvenile offender registrant if applicable, the information 9029
specified in division (B) of section 2950.03 of the Revised Code 9030
to the extent it is relevant to the offender or delinquent child, 9031
and the right to a hearing, procedures for requesting the hearing, 9032
and period of time within which the request for the hearing must 9033
be made have been explained to the offender or delinquent child. 9034

Except as otherwise provided in this division, the judge who 9035
provides an offender or delinquent child with the notices 9036
described in division (C) of this section shall require the 9037
offender or delinquent child to read and sign a form stating that 9038
all of the information described in divisions (C)(1) to (3) of 9039
this section has been explained to the offender or delinquent 9040
child. 9041

If the offender or delinquent child is unable to read, the 9042
official, employee, or judge shall certify on the form that the 9043
official, employee, or judge specifically informed the offender or 9044
delinquent child of all of that information and that the offender 9045
or delinquent child indicated an understanding of it. 9046

(2) After an offender or delinquent child has signed the form 9047
described in division (D)(1) of this section or the official, 9048
employee, or judge has certified on the form that the form has 9049
been explained to the offender or delinquent child and that the 9050
offender or delinquent child indicated an understanding of the 9051
specified information, the official, employee, or judge shall give 9052
one copy of the form to the offender or delinquent child, within 9053
three days shall send one copy of the form to the bureau of 9054
criminal identification and investigation in accordance with the 9055
procedures adopted pursuant to section 2950.13 of the Revised 9056
Code, and shall send one copy of the form to the sheriff of the 9057
county in which the offender or delinquent child expects to reside 9058
and one copy to the prosecutor who handled the case in which the 9059
offender or delinquent child was convicted of, pleaded guilty to, 9060

or was adjudicated a delinquent child for committing the sexually oriented offense or child-victim oriented offense that resulted in the offender's or child's registration duty under section 2950.04 or 2950.041 of the Revised Code. 9061
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(E) An offender or delinquent child who is provided a notice under division (A)(2) or (B) of this section may request as a matter of right a court hearing to contest the application to the offender or delinquent child of the new registration requirements under Chapter 2950. of the Revised Code as it will exist under the changes that will be implemented on January 1, 2008. The offender or delinquent child may contest the matters that are identified in division (E) of section 2950.031 of the Revised Code. To request the hearing, an offender or delinquent child who is provided a notice under division (A)(2) of this section shall file a petition with the appropriate court not later than the date that is sixty days after the offender or delinquent child is provided the notice under that division, and an offender or delinquent child who is provided a notice under division (B) of this section shall file a petition with the appropriate court not later than the date that is sixty days after the offender or delinquent child is provided the notice under that division. The request for the hearing shall be made in the manner and with the court specified in division (E) of section 2950.031 of the Revised Code, and, except as otherwise provided in this division, the provisions of that division regarding the service of process and notice regarding the hearing, the conduct of the hearing, the determinations to be made at the hearing, and appeals of those determinations also apply to a hearing requested under this division. If the offender or delinquent child who requests the hearing is contesting the new classification as 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 specified by the attorney general, the court shall conduct the hearing pursuant to and in accordance 9065
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with this division and division (F) of section 2950.031 of the Revised Code, except that the court shall not conduct a hearing for that purpose if federal law requires that the offender or child be classified in a particular tier based on the offense committed and that, if federal law requires that the offender or child be classified in a particular tier based on the offense committed, the tier classification specified by the attorney general shall be the tier classification for the offender or child. If a hearing is requested as described in this division, the offender or delinquent child shall appear at the hearing by video conferencing equipment if available and compatible, except that, upon the court's own motion or the motion of the offender or delinquent child or the prosecutor representing the interests of the state and a determination by the court that the interests of justice require that the offender or delinquent child be present, the court may permit the offender or delinquent child to be physically present at the hearing. An appearance by video conferencing equipment pursuant to this division has the same force and effect as if the offender or delinquent child were physically present at the hearing. The provisions of division (E) of section 2950.031 of the Revised Code regarding the effect of a failure to timely request a hearing also apply to a failure to timely request a hearing under this division.

If a juvenile court issues an order under division (A)(2) or (3) of section 2152.86 of the Revised Code that classifies a delinquent child a public-registry qualified juvenile offender registrant and if the child's delinquent act was committed prior to January 1, 2008, a challenge to the classification contained in the order shall be made pursuant to division (D) of section 2152.86 of the Revised Code.

Sec. 2950.033. (A) If, on or before July 1, 2007, an offender who has been convicted of or pleaded guilty to a sexually oriented

offense or a child-victim oriented offense or a delinquent child 9126
in a category specified in division (C) of this section has a duty 9127
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 9128
the Revised Code based on that offense and if the offender's or 9129
delinquent child's duty to comply with those sections based on 9130
that offense is scheduled to terminate on or after July 1, 2007, 9131
and prior to January 1, 2008, under the version of section 2950.07 9132
of the Revised Code that is in effect prior to January 1, 2008, 9133
notwithstanding that scheduled termination of those duties, the 9134
offender's or delinquent child's duties under those sections shall 9135
not terminate as scheduled and shall remain in effect for the 9136
following period of time: 9137

(1) If the offender or delinquent child is in a category 9138
described in division (A)(1) of section 2950.031 of the Revised 9139
Code, receives a registered letter from the attorney general 9140
pursuant to division (A)(2) of that section, and timely requests a 9141
hearing in accordance with division (E) of that section to contest 9142
the application to the offender or delinquent child of the new 9143
registration requirements under Chapter 2950. of the Revised Code 9144
as it will exist under the changes that will be implemented on 9145
January 1, 2008, or the tier classification of the offender or 9146
delinquent child specified by the attorney general, the offender's 9147
or delinquent child's duty to comply with sections 2950.04, 9148
2950.041, 2950.05, and 2950.06 of the Revised Code shall continue 9149
at least until the court issues its decision at or subsequent to 9150
the hearing. The offender's or delinquent child's duty to comply 9151
with those sections shall continue in accordance with, and for the 9152
duration specified in, the determinations of the attorney general 9153
that are specified in the registered letter the offender or 9154
delinquent child received from the attorney general, unless the 9155
court's decision terminates the offender's or delinquent child's 9156
duty to comply with those sections or provides a different 9157
duration for which the offender or delinquent child has a duty to 9158

comply with them. 9159

(2) If the offender or delinquent child is in a category 9160
described in division (A)(1) of section 2950.031 of the Revised 9161
Code, receives a registered letter from the attorney general 9162
pursuant to division (A)(2) of that section, and does not timely 9163
request a hearing in accordance with division (E) of that section 9164
to contest the application to the offender or delinquent child of 9165
the new registration requirements under Chapter 2950. of the 9166
Revised Code as it will exist under the changes that will be 9167
implemented on January 1, 2008, or the tier classification of the 9168
offender or delinquent child specified by the attorney general, 9169
the offender's or delinquent child's duty to comply with sections 9170
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code shall 9171
continue in accordance with, and for the duration specified in, 9172
the determinations of the attorney general that are specified in 9173
the registered letter the offender or delinquent child received 9174
from the attorney general. 9175

(3) If the offender or delinquent child is in a category 9176
described in division (A)(1)(a) or (b) of section 2950.032 of the 9177
Revised Code, receives a notice from the department of 9178
rehabilitation and correction or department of youth services 9179
pursuant to division (A)(2) of that section, and timely requests a 9180
hearing in accordance with division (E) of that section to contest 9181
the application to the offender or delinquent child of the new 9182
registration requirements under Chapter 2950. of the Revised Code 9183
as it will exist under the changes that will be implemented on 9184
January 1, 2008, or the tier classification of the delinquent 9185
child specified by the attorney general the offender's or 9186
delinquent child's duty to comply with sections 2950.04, 2950.041, 9187
2950.05, and 2950.06 of the Revised Code shall continue in the 9188
same manner and for the same duration as is described in division 9189
(A)(1) of this section regarding offenders and delinquent children 9190

in a category described in division (A)(1) of section 2950.031 of the Revised Code, who receive a registered letter from the attorney general pursuant to division (A)(2) of that section, and who timely request a hearing in accordance with division (E) of that section.

(4) If the offender or delinquent child is in a category described in division (A)(1)(a) or (b) of section 2950.032 of the Revised Code, receives a notice from the department of rehabilitation and correction or department of youth services pursuant to division (A)(2) of that section, and does not timely request a hearing in accordance with division (E) of that section to contest the application to the offender or delinquent child of the new registration requirements under Chapter 2950. of the Revised Code as it will exist under the changes that will be implemented on January 1, 2008, or the tier classification of the delinquent child specified by the attorney general 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 shall continue in the same manner and for the same duration as is described in division (A)(2) of this section regarding offenders and delinquent children in a category described in division (A)(1) of section 2950.031 of the Revised Code, who receive a registered letter from the attorney general pursuant to division (A)(2) of that section, and who do not timely request a hearing in accordance with division (E) of that section.

(5) If the offender or delinquent child is in a category described in division (A)(1) of section 2950.031 of the Revised Code but does not receive a registered letter from the attorney general pursuant to division (A)(2) of that section, or if the offender or delinquent child is in a category described in division (A)(1)(a) or (b) of section 2950.032 of the Revised Code but does not receive a notice from the department of

rehabilitation and correction or department of youth services 9223
pursuant to division (A)(2) of that section, notwithstanding the 9224
failure of the offender or delinquent child to receive the 9225
registered letter or the notice, the offender's or delinquent 9226
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 9227
and 2950.06 of the Revised Code shall continue in accordance with, 9228
and for the duration specified in, the provisions of Chapter 2950. 9229
of the Revised Code as they will exist under the changes to the 9230
provisions that will be implemented on January 1, 2008. 9231

(B) An offender or a delinquent child in a category specified 9232
in division (C) of this section who, on or before July 1, 2007, 9233
has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 9234
2950.06 of the Revised Code based on a conviction of, plea of 9235
guilty to, or adjudication as a delinquent child for committing a 9236
sexually oriented offense or a child-victim oriented offense and 9237
whose duty to comply with those sections is scheduled to terminate 9238
on or after July 1, 2007, and prior to January 1, 2008, under the 9239
version of section 2950.07 of the Revised Code that is in effect 9240
prior to January 1, 2008, is presumed to have knowledge of the 9241
law, the content of division (A) of this section and its 9242
application to the offender or delinquent child, and the 9243
offender's or delinquent child's duties under Chapter 2950. of the 9244
Revised Code as it will exist under the changes that will be 9245
implemented on January 1, 2008. Any failure of any such offender 9246
or delinquent child to receive a registered letter from the 9247
attorney general pursuant to division (A)(2) of section 2950.031 9248
of the Revised Code or to receive a written notice from the 9249
department of rehabilitation and correction or department of youth 9250
services pursuant to division (A)(2) of section 2950.032 of the 9251
Revised Code does not negate, limit, or modify the presumption 9252
specified in this division. 9253

(C) Divisions (A) and (B) of this section apply to a person 9254

who is adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense only if the person is so adjudicated prior to January 1, 2008, and, under the version of section 2950.01 of the Revised Code that is to take effect on January 1, 2008, will be a public registry-qualified juvenile offender registrant relative to that offense.

Sec. ~~2950.031~~ 2950.034. (A) No person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to either a sexually oriented offense ~~that is not a registration exempt sexually oriented offense~~ or a child-victim oriented offense shall establish a residence or occupy residential premises within one thousand feet of any school premises.

(B) If a person to whom division (A) of this section applies violates division (A) of this section by establishing a residence or occupying residential premises within one thousand feet of any school premises, an owner or lessee of real property that is located within one thousand feet of those school premises, or the prosecuting attorney, village solicitor, city or township director of law, similar chief legal officer of a municipal corporation or township, or official designated as a prosecutor in a municipal corporation that has jurisdiction over the place at which the person establishes the residence or occupies the residential premises in question, has a cause of action for injunctive relief against the person. The plaintiff shall not be required to prove irreparable harm in order to obtain the relief.

Sec. 2950.04. (A)(1) ~~Each of the following types of (a)~~ Immediately after a sentencing hearing is held on or after January 1, 2008, for an offender who is convicted of or pleads guilty to a sexually oriented offense and is sentenced to a prison term, a term of imprisonment, or any other type of confinement and before the offender is transferred to the custody of the department of

rehabilitation and correction or to the official in charge of the 9286
jail, workhouse, state correctional institution, or other 9287
institution where the offender will be confined, the offender 9288
shall register personally with the sheriff of the county in which 9289
the offender was convicted of or pleaded guilty to the sexually 9290
oriented offense. 9291

(b) Immediately after a dispositional hearing is held on or 9292
after January 1, 2008, for a child who is adjudicated a delinquent 9293
child for committing a sexually oriented offense, is classified a 9294
juvenile offender registrant based on that adjudication, and is 9295
committed to the custody of the department of youth services or to 9296
a secure facility that is not operated by the department and 9297
before the child is transferred to the custody of the department 9298
of youth services or the secure facility to which the delinquent 9299
child is committed, the delinquent child shall register personally 9300
with the sheriff of the county in which the delinquent child was 9301
classified a juvenile offender registrant based on that sexually 9302
oriented offense. 9303

(c) A law enforcement officer shall be present at the 9304
sentencing hearing or dispositional hearing described in division 9305
(A)(1)(a) or (b) of this section to immediately transport the 9306
offender or delinquent child who is the subject of the hearing to 9307
the sheriff of the county in which the offender or delinquent 9308
child is convicted, pleads guilty, or is adjudicated a delinquent 9309
child. 9310

(d) After an offender who has registered pursuant to division 9311
(A)(1)(a) of this section is released from a prison term, a term 9312
of imprisonment, or any other type of confinement, the offender 9313
shall register as provided in division (A)(2) of this section. 9314
After a delinquent child who has registered pursuant to division 9315
(A)(1)(b) of this section is released from the custody of the 9316
department of youth services or from a secure facility that is not 9317

operated by the department, the delinquent child shall register as 9318
provided in division (A)(3) of this section. 9319

(2) Regardless of when the sexually oriented offense was 9320
committed, each offender who is convicted of ~~ex~~, pleads guilty to, 9321
~~ex~~ has been convicted of, or has pleaded guilty to, a sexually 9322
oriented offense ~~that is not a registration-exempt sexually~~ 9323
~~oriented offense~~ shall comply with the following registration 9324
requirements described in divisions (A)(2)(a), (b), (c), (d), and 9325
(e) of this section: 9326

(a) The offender shall register personally with the sheriff 9327
of the county within ~~five~~ three days of the offender's coming into 9328
a county in which the offender resides or temporarily is domiciled 9329
for more than ~~five~~ three days. 9330

(b) The offender shall register personally with the sheriff 9331
of the county immediately upon coming into a county in which the 9332
offender attends a school or institution of higher education on a 9333
full-time or part-time basis regardless of whether the offender 9334
resides or has a temporary domicile in this state or another 9335
state. 9336

(c) The offender shall register personally with the sheriff 9337
of the county in which the offender is employed if the offender 9338
resides or has a temporary domicile in this state and has been 9339
employed in that county for more than fourteen days or for an 9340
aggregate period of thirty or more days in that calendar year. 9341

(d) The offender shall register personally with the sheriff 9342
of the county in which the offender then is employed if the 9343
offender does not reside or have a temporary domicile in this 9344
state and has been employed at any location or locations in this 9345
state more than fourteen days or for an aggregate period of thirty 9346
or more days in that calendar year, ~~and~~. 9347

(e) The offender shall register with the sheriff or other 9348

appropriate person of the other state immediately upon entering 9349
into any state other than this state in which the offender attends 9350
a school or institution of higher education on a full-time or 9351
part-time basis or upon being employed in any state other than 9352
this state for more than fourteen days or for an aggregate period 9353
of thirty or more days in that calendar year regardless of whether 9354
the offender resides or has a temporary domicile in this state, 9355
the other state, or a different state+ 9356

~~(a) Regardless of when the sexually oriented offense was 9357
committed, an offender who is sentenced for the sexually oriented 9358
offense to a prison term, a term of imprisonment, or any other 9359
type of confinement and, on or after July 1, 1997, is released in 9360
any manner from the prison term, term of imprisonment, or 9361
confinement; 9362~~

~~(b) Regardless of when the sexually oriented offense was 9363
committed, an offender who is sentenced for a sexually oriented 9364
offense on or after July 1, 1997, and to whom division (A)(1)(a) 9365
of this section does not apply; 9366~~

~~(c) If the sexually oriented offense was committed prior to 9367
July 1, 1997, and neither division (A)(1)(a) nor division 9368
(A)(1)(b) of this section applies, an offender who, immediately 9369
prior to July 1, 1997, was a habitual sex offender who was 9370
required to register under Chapter 2950. of the Revised Code. 9371~~

~~(2) Each (3) Regardless of when the sexually oriented offense 9372
was committed, each child who is adjudicated a delinquent child 9373
for committing a sexually oriented offense ~~that is not a~~ 9374
~~registration exempt sexually oriented offense~~ and who is 9375
classified a juvenile offender registrant based on that 9376
adjudication shall register personally with the sheriff of the 9377
county within ~~five~~ three days of the delinquent child's coming 9378
into a county in which the delinquent child resides or temporarily 9379
is domiciled for more than ~~five~~ three days. If the delinquent 9380~~

child is committed for the sexually oriented offense ~~that is not a~~ 9381
~~registration exempt sexually oriented offense~~ to the department of 9382
youth services or to a secure facility that is not operated by the 9383
department, this duty begins when the delinquent child is 9384
discharged or released in any manner from custody in a department 9385
of youth services secure facility or from the secure facility that 9386
is not operated by the department, if pursuant to the discharge or 9387
release the delinquent child is not committed to any other secure 9388
facility of the department or any other secure facility. ~~The~~ 9389
~~delinquent child does not have a duty to register under this~~ 9390
~~division while the child is in a department of youth services~~ 9391
~~secure facility or in a secure facility that is not operated by~~ 9392
~~the department.~~ 9393

~~(3) If divisions (A)(1) and (2) of this section do not apply,~~ 9394
~~each following type of offender and each following type of~~ 9395
~~delinquent child shall register personally with the sheriff of the~~ 9396
~~county within five days of the offender's or delinquent child's~~ 9397
~~coming into a county in which the offender or delinquent child~~ 9398
~~resides or temporarily is domiciled for more than five days, and~~ 9399
~~each following type of offender shall register personally with the~~ 9400
~~sheriff of the county immediately upon coming into a county in~~ 9401
~~which the offender attends a school or institution of higher~~ 9402
~~education on a full time or part time basis regardless of whether~~ 9403
~~the offender resides or has a temporary domicile in this state or~~ 9404
~~another state, shall register personally with the sheriff of the~~ 9405
~~county in which the offender is employed if the offender resides~~ 9406
~~or has a temporary domicile in this state and has been employed in~~ 9407
~~that county for more than fourteen days or for an aggregate period~~ 9408
~~of thirty days or more in that calendar year, and shall register~~ 9409
~~personally with the sheriff of the county in which the offender~~ 9410
~~then is employed if the offender does not reside or have a~~ 9411
~~temporary domicile in this state and has been employed at any~~ 9412
~~location or locations in this state for more than fourteen days or~~ 9413

~~for an aggregate period of thirty or more days in that calendar year:~~ 9414
9415

~~(a)(4) Regardless of when the sexually oriented offense was committed, a each person who is convicted, pleads guilty, or is adjudicated a delinquent child in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a sexually oriented offense ~~that is not a registration exempt sexually oriented offense, if, on or after July 1, 1997, for offenders, or January 1, 2002, for delinquent children, the offender or delinquent child moves to and resides in this state or temporarily is domiciled in this state for more than five days, the offender enters this state to attend any school or institution of higher education on a full time or part time basis, or the offender is employed in this state for more than fourteen days or for an aggregate period of thirty or more days in any calendar year, and shall comply with the following registration requirements~~ if, at the time the offender or delinquent child moves to and resides in this state or temporarily is domiciled in this state for more than ~~five~~ three days, the offender enters this state to attend ~~the~~ a school or institution of higher education, or the offender is employed in this state for more than the specified period of time, the offender or delinquent child has a duty to register as a sex offender or child-victim offender under the law of that other jurisdiction as a result of the conviction, guilty plea, or adjudication:~~ 9416
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(a) Each offender and delinquent child shall register personally with the sheriff of the county within three days of the offender's or delinquent child's coming into the county in which the offender or delinquent child resides or temporarily is domiciled for more than three days. 9440
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(b) Each offender shall register personally with the sheriff 9445

of the county immediately upon coming into a county in which the 9446
offender attends a school or institution of higher education on a 9447
full-time or part-time basis regardless of whether the offender 9448
resides or has a temporary domicile in this state or another 9449
state. 9450

(c) Each offender shall register personally with the sheriff 9451
of the county in which the offender is employed if the offender 9452
resides or has a temporary domicile in this state and has been 9453
employed in that county for more than fourteen days or for an 9454
aggregate period of thirty days or more in that calendar year. 9455

(d) Each offender shall register personally with the sheriff 9456
of the county in which the offender then is employed if the 9457
offender does not reside or have a temporary domicile in this 9458
state and has not been employed at any location or locations in 9459
this state for more than fourteen days or for an aggregate period 9460
of thirty or more days in that calendar year. 9461

(5) An offender or a delinquent child who is a public 9462
registry-qualified juvenile offender registrant is not required to 9463
register under division (A)(2), (3), or (4) of this section if a 9464
court issues an order terminating the offender's or delinquent 9465
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 9466
and 2950.06 of the Revised Code pursuant to section 2950.15 of the 9467
Revised Code. A delinquent child who is a juvenile offender 9468
registrant but is not a public registry-qualified juvenile 9469
offender registrant is not required to register under any of those 9470
divisions if a juvenile court issues an order declassifying the 9471
delinquent child as a juvenile offender registrant pursuant to 9472
section 2152.84 or 2152.85 of the Revised Code. 9473

~~(b) Regardless of when the sexually oriented offense was~~ 9474
~~committed, a person who is convicted of, pleads guilty to, or is~~ 9475
~~adjudicated a delinquent child in a court in another state, in a~~ 9476
~~federal court, military court, or Indian tribal court, or in a~~ 9477

~~court in any nation other than the United States for committing a 9478
sexually oriented offense that is not a registration exempt 9479
sexually oriented offense, if, on or after July 1, 1997, for 9480
offenders, or January 1, 2002, for delinquent children, the 9481
offender or delinquent child is released from imprisonment, 9482
confinement, or detention imposed for that offense, and if, on or 9483
after July 1, 1997, for offenders, or January 1, 2002, for 9484
delinquent children, the offender or delinquent child moves to and 9485
resides in this state or temporarily is domiciled in this state 9486
for more than five days, the offender enters this state to attend 9487
any school or institution of higher education on a full time or 9488
part time basis, or the offender is employed in this state for 9489
more than fourteen days or for an aggregate period of thirty or 9490
more days in any calendar year. The duty to register as described 9491
in this division applies to an offender regardless of whether the 9492
offender, at the time of moving to and residing in this state or 9493
temporarily being domiciled in this state for more than five days, 9494
at the time of entering into this state to attend the school or 9495
institution of higher education, or at the time of being employed 9496
in this state for the specified period of time, has a duty to 9497
register as a sex offender or child victim offender under the law 9498
of the jurisdiction in which the conviction or guilty plea 9499
occurred. The duty to register as described in this division 9500
applies to a delinquent child only if the delinquent child, at the 9501
time of moving to and residing in this state or temporarily being 9502
domiciled in this state for more than five days, has a duty to 9503
register as a sex offender or child victim offender under the law 9504
of the jurisdiction in which the delinquent child adjudication 9505
occurred or if, had the delinquent child adjudication occurred in 9506
this state, the adjudicating juvenile court judge would have been 9507
required to issue an order classifying the delinquent child as a 9508
juvenile offender registrant pursuant to section 2152.82 or 9509
division (A) of section 2152.83 of the Revised Code. 9510~~

~~(4) If neither division (A)(1), (2), nor (3) of this section applies and if the offender is adjudicated a sexual predator under division (C) of section 2950.09 of the Revised Code, the offender shall register within five days of the adjudication with the sheriff of the county in which the offender resides or temporarily is domiciled for more than five days, shall register with the sheriff of any county in which the offender subsequently resides or temporarily is domiciled for more than five days within five days of coming into that county, shall register within five days of the adjudication with the sheriff of the county in which the offender attends any school or institution of higher education on a full-time or part-time basis or in which the offender is employed if the offender has been employed in that county for more than fourteen days or for an aggregate period of thirty or more days in that calendar year regardless of whether the offender resides or has temporary domicile in this state or another state, and shall register within five days of the adjudication with the sheriff or other appropriate person of 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 in which the offender then is employed if the offender has been employed in that state for more than fourteen days or for an aggregate period of thirty or more days in any calendar year regardless of whether the offender resides or has temporary domicile in this state, the other state, or a different state.~~

~~(5) A person who is adjudicated a delinquent child for committing a sexually oriented offense that is not a registration exempt sexually oriented offense is not required to register under division (A)(2) of this section unless the delinquent child committed the offense on or after January 1, 2002, is classified a juvenile offender registrant by a juvenile court judge pursuant to an order issued under section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code based on that~~

adjudication, and has a duty to register pursuant to division 9544
~~(A)(2) of this section.~~ 9545

~~(6) A person who has been convicted of, is convicted of, has 9546
pleaded guilty to, or pleads guilty to a sexually oriented offense 9547
that is a registration exempt sexually oriented offense, and a 9548
person who is or has been adjudicated a delinquent child for 9549
committing a sexually oriented offense that is a 9550
registration exempt sexually oriented offense, does not have any 9551
duty to register under this section based on that conviction, 9552
guilty plea, or adjudication. The exemption of an offender or 9553
delinquent child from registration under this division for a 9554
conviction of, plea of guilty to, or delinquent child adjudication 9555
for a registration exempt sexually oriented offense does not 9556
limit, affect, or supersede any duties imposed upon the offender 9557
or delinquent child under this chapter or sections 2152.82 to 9558
2152.85 of the Revised Code for a conviction of, plea of guilty 9559
to, or delinquent child adjudication for any other sexually 9560
oriented offense or any child victim oriented offense.~~ 9561

(B) An offender or delinquent child who is required by 9562
division (A) of this section to register in this state personally 9563
shall obtain from the sheriff or from a designee of the sheriff a 9564
registration form that conforms to division (C) of this section, 9565
shall complete and sign the form, and shall return the completed 9566
form together with the offender's or delinquent child's photograph 9567
and any other required material to the sheriff or the designee. 9568
The sheriff or designee shall sign the form and indicate on the 9569
form the date on which it is so returned. The registration 9570
required under this division is complete when the offender or 9571
delinquent child returns the form, containing the requisite 9572
information, photograph, other required material, signatures, and 9573
date, to the sheriff or designee. 9574

(C) The registration form to be used under divisions (A) and 9575

(B) of this section shall include ~~the photograph of the offender~~ 9576
~~or delinquent child who is registering and shall~~ or contain all of 9577
the following for the offender or delinquent child who is 9578
registering: 9579

(1) The offender's or delinquent child's name, any aliases 9580
used by the offender or delinquent child, and a photograph of the 9581
offender or delinquent child; 9582

(2) The offender's or delinquent child's social security 9583
number; 9584

(3) Regarding an offender or delinquent child who is 9585
registering under a duty imposed under division (A)(1) of this 9586
section, a statement that the offender is serving a prison term, 9587
term of imprisonment, or any other type of confinement or a 9588
statement that the delinquent child is in the custody of the 9589
department of youth services or is confined in a secure facility 9590
that is not operated by the department; 9591

(4) Regarding an offender or delinquent child who is 9592
registering under a duty imposed under division (A)~~(1)~~, (2), (3), 9593
or (4) of this section as a result of the offender or delinquent 9594
child residing in this state or temporarily being domiciled in 9595
this state for more than ~~five~~ three days, the current residence 9596
address of the offender or delinquent child who is registering, 9597
the name and address of the offender's or delinquent child's 9598
employer if the offender or delinquent child is employed at the 9599
time of registration or if the offender or delinquent child knows 9600
at the time of registration that the offender or delinquent child 9601
will be commencing employment with that employer subsequent to 9602
registration, the name and address of the offender's school or 9603
institution of higher education if the offender attends one at the 9604
time of registration or if the offender knows at the time of 9605
registration that the offender will be commencing attendance at 9606
that school or institution subsequent to registration, ~~and any~~ 9607

~~other information required by the bureau of criminal
identification and investigation.;~~ 9608
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~~(2)(5) Regarding an offender who is registering under a duty
imposed under division (A)(1), (3), (2) or (4) of this section as
a result of the offender attending a school or institution of
higher education in this state on a full-time or part-time basis
or being employed in this state or in a particular county in this
state, whichever is applicable, for more than fourteen days or for
an aggregate of thirty or more days in any calendar year, the name
and current address of the school, institution of higher
education, or place of employment of the offender who is
registering and any other information required by the bureau of
criminal identification and investigation.;~~ 9610
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~~(3) Regarding an offender or delinquent child who is
registering under a duty imposed under division (A)(1), (2), (3),
or (4) of this section for any reason, if the offender has been
adjudicated a sexual predator relative to the sexually oriented
offense in question, if the delinquent child has been adjudicated
a sexual predator relative to the sexually oriented offense in
question and the court has not subsequently determined pursuant to
section 2152.84 or 2152.85 of the Revised Code that the delinquent
child no longer is a sexual predator, if the judge determined
pursuant to division (C) of section 2950.09 or pursuant to section
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the
offender or delinquent child is a habitual sex offender and the
determination has not been removed pursuant to section 2152.84 or
2152.85 of the Revised Code, or if the offender has the duty to
register as a result of the conviction of or plea of guilty to an
aggravated sexually oriented offense, the offender or delinquent
child also shall include on the signed, written registration form
all of the following information:~~ 9621
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~~(a) A specific declaration that the person has been~~ 9639

~~adjudicated a sexual predator, has been determined to be a 9640
habitual sex offender, or was convicted of or pleaded guilty to an 9641
aggravated sexually oriented offense, whichever is applicable; 9642~~

~~(b) If the offender or delinquent child has been adjudicated 9643
a sexual predator, the (6) The identification license plate number 9644
of each motor vehicle the offender or delinquent child owns and, 9645
of each motor vehicle registered in the offender's or delinquent 9646
child's name, of each motor vehicle the offender or delinquent 9647
child operates as a part of employment, and of each other motor 9648
vehicle that is regularly available to be operated by the offender 9649
or delinquent child, and, if required by the bureau of criminal 9650
identification and investigation, a photograph of each of those 9651
motor vehicles; 9652~~

~~(7) If the offender or delinquent child has a driver's or 9653
commercial driver's license or permit or a state identification 9654
card issued under section 4507.50 or 4507.51 of the Revised Code, 9655
the driver's license number, commercial driver's license number, 9656
or state identification card number; 9657~~

~~(8) If the offender or delinquent child was convicted of, 9658
pleaded guilty to, or was adjudicated a delinquent child for 9659
committing the sexually oriented offense resulting in the 9660
registration duty in a court in another state, in a federal court, 9661
military court, or Indian tribal court, or in a court in any 9662
nation other than the United States, a DNA specimen, as defined in 9663
section 109.573 of the Revised Code, from the offender or 9664
delinquent child, a citation for, and the name of, the sexually 9665
oriented offense resulting in the registration duty, and a 9666
certified copy of a document that describes the text of that 9667
sexually oriented offense; 9668~~

~~(9) Any other information required by the bureau of criminal 9669
identification and investigation. 9670~~

(D) After an offender or delinquent child registers with a sheriff pursuant to this section, the sheriff shall forward the signed, written registration form ~~and~~, photograph, and other material to the bureau of criminal identification and investigation in accordance with the forwarding procedures adopted pursuant to section 2950.13 of the Revised Code. If an offender registers a school, institution of higher education, or place of employment address, or provides a school or institution of higher education address under division (C)~~(1)~~(4) of this section, the sheriff also shall provide notice to the law enforcement agency with jurisdiction over the premises of the school, institution of higher education, or place of employment of the offender's name and that the offender has registered that address as a place at which the offender attends school or an institution of higher education or at which the offender is employed. The bureau shall include the information and materials 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.

(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 of intent 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 sexual~~

~~predator or a habitual sexual offender subject to community notification under division (C)(2) or (E) of section 2950.09 of the Revised Code, or if an offender who is required by division (A) of this section to register has that duty as a result of a conviction of or plea of guilty to an aggravated sexually oriented offense a tier III sex offender/child-victim offender, the offender or delinquent child also shall send the sheriff 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 the following information:~~

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

(2) The address or addresses at which the offender or delinquent child intends to reside;

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

~~(4) A statement that the offender has been adjudicated a sexual predator, a statement that the delinquent child has been adjudicated a sexual 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 sexual predator, a statement that the sentencing or reviewing judge has determined that the offender or delinquent child is a habitual sex 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, or a statement that the offender was convicted of or pleaded guilty to an aggravated sexually oriented offense.~~

(H) If, immediately prior to ~~July 31, 2003~~ January 1, 2008, 9734
an offender or delinquent child who was convicted of, pleaded 9735
guilty to, or was adjudicated a delinquent child for committing a 9736
sexually oriented offense or a child-victim oriented offense as 9737
those terms were defined in section 2950.01 of the Revised Code 9738
prior to January 1, 2008, was required by division (A) of this 9739
section or section 2950.041 of the Revised Code to register and 9740
if, on or after ~~July 31, 2003~~ January 1, 2008, that offense ~~no~~ 9741
~~longer~~ is a sexually oriented offense ~~but instead is designated a~~ 9742
~~child-victim oriented offense, division (A)(1)(c) or (2)(b) of~~ 9743
~~section 2950.041 of the Revised Code applies regarding the~~ 9744
~~offender or delinquent child and~~ as that term is defined in 9745
section 2950.01 of the Revised Code on and after January 1, 2008, 9746
the duty to register that is imposed pursuant to ~~that division~~ 9747
this section on and after January 1, 2008, shall be considered, 9748
for purposes of section 2950.07 of the Revised Code and for all 9749
other purposes, to be a continuation of the duty imposed upon the 9750
offender or delinquent child prior to ~~July 31, 2003~~ January 1, 9751
2008, under this section or section 2950.041 of the Revised Code. 9752

Sec. 2950.041. (A)(1) ~~Each of the following types of (a)~~ 9753
Immediately after a sentencing hearing is held on or after January 9754
1, 2008, for an offender who is convicted of or pleads guilty to a 9755
child-victim oriented offense and is sentenced to a prison term, a 9756
term of imprisonment, or any other type of confinement and before 9757
the offender is transferred to the custody of the department of 9758
rehabilitation and correction or to the official in charge of the 9759
jail, workhouse, state correctional institution, or other 9760
institution where the offender will be confined, the offender 9761
shall register personally with the sheriff of the county in which 9762
the offender was convicted of or pleaded guilty to the 9763
child-victim offense. 9764

(b) Immediately after a dispositional hearing is held on or 9765

after January 1, 2008, for a child who is adjudicated a delinquent child for committing a child-victim oriented offense, is classified a juvenile offender registrant based on that adjudication, and is committed to the custody of the department of youth services or to a secure facility that is not operated by the department and before the child is transferred to the custody of the department of youth services or the secure facility to which the delinquent child is committed, the delinquent child shall register personally with the sheriff of the county in which the delinquent child was classified a juvenile offender registrant based on that child-victim oriented offense.

(c) A law enforcement officer shall be present at the sentencing hearing or dispositional hearing described in division (A)(1)(a) or (b) of this section to immediately transport the offender or delinquent child who is the subject of the hearing to the sheriff of the county in which the offender or delinquent child is convicted, pleads guilty, or is adjudicated a delinquent child.

(d) After an offender who has registered pursuant to division (A)(1)(a) of this section is released from a prison term, a term of imprisonment, or any other type of confinement, the offender shall register as provided in division (A)(2) of this section. After a delinquent child who has registered pursuant to division (A)(1)(b) of this section is released from the custody of the department of youth services or from a secure facility that is not operated by the department, the delinquent child shall register as provided in division (A)(3) of this section.

(2) Regardless of when the child-victim oriented offense was committed, each offender who is convicted of ~~ex~~, pleads guilty to, ~~ex~~ has been convicted of, or has pleaded guilty to, a child-victim oriented offense shall comply with all of the following registration requirements:

(a) The offender shall register personally with the sheriff 9798
of the county within ~~five~~ three days of the offender's coming into 9799
a county in which the offender resides or temporarily is domiciled 9800
for more than ~~five~~ three days~~7.~~ 9801

(b) The offender shall register personally with the sheriff 9802
of the county immediately upon coming into a county in which the 9803
offender attends a school or institution of higher education on a 9804
full-time or part-time basis regardless of whether the offender 9805
resides or has a temporary domicile in this state or another 9806
state~~7.~~ 9807

(c) The offender shall register personally with the sheriff 9808
of the county in which the offender is employed if the offender 9809
resides or has a temporary domicile in this state and has been 9810
employed in that county for more than fourteen days or for an 9811
aggregate period of thirty or more days in that calendar year~~7.~~ 9812

(d) The offender shall register personally with the sheriff 9813
of the county in which the offender then is employed if the 9814
offender does not reside or have a temporary domicile in this 9815
state and has been employed at any location or locations in this 9816
state for more than fourteen days or for an aggregate period of 9817
thirty or more days in that calendar year~~7 and.~~ 9818

(e) The offender shall register personally with the sheriff 9819
or other appropriate person of the other state immediately upon 9820
entering into any state other than this state in which the 9821
offender attends a school or institution of higher education on a 9822
full-time or part-time basis or upon being employed in any state 9823
other than this state for more than fourteen days or for an 9824
aggregate period of thirty or more days in that calendar year 9825
regardless of whether the offender resides or has a temporary 9826
domicile in this state, the other state, or a different state~~7.~~ 9827

~~(a) Regardless of when the child victim oriented offense was~~ 9828

~~committed, an offender who is sentenced for the child victim
oriented offense to a prison term, a term of imprisonment, or any
other type of confinement and, on or after July 31, 2003, is
released in any manner from the prison term, term of imprisonment,
or confinement;~~ 9829
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~~(b) Regardless of when the child victim oriented offense was
committed, an offender who is sentenced for a child victim
oriented offense on or after July 31, 2003, and to whom division
(A)(1)(a) of this section does not apply;~~ 9834
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~~(c) 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 neither division
(A)(1)(a) nor division (A)(1)(b) of this section applies, an
offender who, immediately prior to July 31, 2003, was required to
register as a result of conviction of or plea of guilty to the
commission of that offense under section 2950.04 of the Revised
Code. For any offender who is described in this division, the duty
imposed under this division 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 prior to
July 31, 2003, under section 2950.04 of the Revised Code.~~ 9838
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~~(2) Each of the following types of delinquent children shall
register personally with the sheriff of the county within five
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;~~ 9850
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~~(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 of the county within three days of the delinquent~~ 9855
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child's coming into a county in which the delinquent child resides 9861
or temporarily is domiciled for more than three days. If the 9862
delinquent child is committed for the child-victim oriented 9863
offense to the department of youth services or to a secure 9864
facility that is not operated by the department, this duty begins 9865
when the delinquent child is discharged or released in any manner 9866
from custody in a department of youth services secure facility or 9867
from the secure facility that is not operated by the department, 9868
if pursuant to the discharge or release the delinquent child is 9869
not committed to any other secure facility of the department or 9870
any other secure facility. ~~The delinquent child does not have a~~ 9871
~~duty to register under this division while the child is in a~~ 9872
~~department of youth services secure facility or in a secure~~ 9873
~~facility that is not operated by the department.~~ 9874

~~(b) If the child victim oriented offense was committed prior~~ 9875
~~to July 31, 2003, if the offense was considered prior to that date~~ 9876
~~to be a sexually oriented offense, and if division (A)(2)(a) of~~ 9877
~~this section does not apply, a delinquent child who, immediately~~ 9878
~~prior to July 31, 2003, was classified a juvenile sex offender~~ 9879
~~registrant and required to register as a result of a delinquent~~ 9880
~~child adjudication for the commission of that offense under~~ 9881
~~section 2950.04 of the Revised Code. For any delinquent child who~~ 9882
~~is described in this division, the duty imposed under this~~ 9883
~~division shall be considered, for purposes of section 2950.07 of~~ 9884
~~the Revised Code and for all other purposes, to be a continuation~~ 9885
~~of the duty imposed upon the delinquent child prior to July 31,~~ 9886
~~2003, under section 2950.04 of the Revised Code. If the delinquent~~ 9887
~~child is committed for the child victim oriented offense to the~~ 9888
~~department of youth services or to a secure facility that is not~~ 9889
~~operated by the department, the provisions of division (A)(2)(a)~~ 9890
~~of this section regarding the beginning, and tolling, of a duty~~ 9891
~~imposed under that division also apply regarding the beginning,~~ 9892
~~and tolling, of the duty imposed under this division.~~ 9893

~~(3) If divisions (A)(1) and (2) of this section do not apply, each following type of offender and each following type of delinquent child shall register personally with the sheriff of the county within five days of the offender's or delinquent child's coming into a county in which the offender or delinquent child resides or temporarily is domiciled for more than five days, and each following type of offender shall register personally with the sheriff 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, shall register personally with the sheriff 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 days or for an aggregate period of thirty or more days in that calendar year, and shall register personally with the sheriff 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 for more than fourteen days or for an aggregate period of thirty or more days in that calendar year:~~

~~(a)(4) Regardless of when the child-victim oriented offense was committed, a each person who is convicted, pleads guilty, or is adjudicated a delinquent child in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a child-victim oriented offense, if, on or after July 31, 2003, the offender or delinquent child moves to and resides in this state or temporarily is domiciled in this state for more than five days, the offender enters this state to attend any school or institution of higher education on a full time or part time basis, or the offender is employed in this state for more than fourteen days or~~

~~for an aggregate period of thirty or more days in any calendar~~ 9927
~~year, and shall comply with all of the following registration~~ 9928
~~requirements~~ if, at the time the offender or delinquent child 9929
moves to and resides in this state or temporarily is domiciled in 9930
this state for more than ~~five~~ three days, the offender enters this 9931
state to attend the school or institution of higher education, or 9932
the offender is employed in this state for more than the specified 9933
period of time, the offender or delinquent child has a duty to 9934
register as a child-victim offender or sex offender under the law 9935
of that other jurisdiction as a result of the conviction, guilty 9936
plea, or adjudication: 9937

(a) Each offender and delinquent child shall register 9938
personally with the sheriff of the county within three days of the 9939
offender's or delinquent child's coming into the county in which 9940
the offender or delinquent child resides or temporarily is 9941
domiciled for more than three days. 9942

(b) Each offender shall register personally with the sheriff 9943
of the county immediately upon coming into a county in which the 9944
offender attends a school or institution of higher education on a 9945
full-time or part-time basis regardless of whether the offender 9946
resides or has a temporary domicile in this state or another 9947
state. 9948

(c) Each offender shall register personally with the sheriff 9949
of the county in which the offender is employed if the offender 9950
resides or has a temporary domicile in this state and has been 9951
employed in that county for more than fourteen days or for an 9952
aggregate period of thirty days or more in that calendar year. 9953

(d) Each offender shall register personally with the sheriff 9954
of the county in which the offender then is employed if the 9955
offender does not reside or have a temporary domicile in this 9956
state and has not been employed at any location or locations in 9957
this state for more than fourteen days or for an aggregate period 9958

of thirty or more days in that calendar year. 9959

(5) An offender is not required to register under division 9960
(A)(2), (3), or (4) of this section if a court issues an order 9961
terminating the offender's duty to comply with sections 2950.04, 9962
2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to 9963
section 2950.15 of the Revised Code. A delinquent child who is a 9964
juvenile offender registrant but is not a public 9965
registry-qualified juvenile offender registrant is not required to 9966
register under any of those divisions if a juvenile court issues 9967
an order declassifying the delinquent child as a juvenile offender 9968
registrant pursuant to section 2152.84 or 2152.85 of the Revised 9969
Code. 9970

~~(b) Regardless of when the child victim oriented offense was 9971~~
~~committed, a person who is convicted, pleads guilty, or 9972~~
~~adjudicated a delinquent child in a court in another state, in a 9973~~
~~federal court, military court, or Indian tribal court, or in a 9974~~
~~court in any nation other than the United States for committing a 9975~~
~~child victim oriented offense, if, on or after July 31, 2003, the 9976~~
~~offender or delinquent child is released from imprisonment, 9977~~
~~confinement, or detention imposed for that offense, and if, on or 9978~~
~~after July 31, 2003, the offender or delinquent child moves to and 9979~~
~~resides in this state or temporarily is domiciled in this state 9980~~
~~for more than five days, the offender enters this state to attend 9981~~
~~any school or institution of higher education on a full time or 9982~~
~~part time basis, or the offender is employed in this state for 9983~~
~~more than fourteen days or for an aggregate period of thirty or 9984~~
~~more days in any calendar year. The duty to register as described 9985~~
~~in this division applies to an offender regardless of whether the 9986~~
~~offender, at the time of moving to and residing in this state or 9987~~
~~temporarily being domiciled in this state for more than five days, 9988~~
~~at the time of entering into this state to attend the school or 9989~~
~~institution of higher education, or at the time of being employed 9990~~

~~in this state for more than the specified period of time, has a 9991
duty to register as a child victim offender or sex offender under 9992
the law of the jurisdiction in which the conviction or guilty plea 9993
occurred. The duty to register as described in this division 9994
applies to a delinquent child only if the delinquent child, at the 9995
time of moving to and residing in this state or temporarily being 9996
domiciled in this state for more than five days, has a duty to 9997
register as a child victim offender or sex offender under the law 9998
of the jurisdiction in which the delinquent child adjudication 9999
occurred or if, had the delinquent child adjudication occurred in 10000
this state, the adjudicating juvenile court judge would have been 10001
required to issue an order classifying the delinquent child as a 10002
juvenile offender registrant pursuant to section 2152.82 or 10003
division (A) of section 2152.83 of the Revised Code. 10004~~

~~(4) If neither division (A)(1), (2), nor (3) of this section 10005
applies and if the offender is adjudicated a child victim predator 10006
under division (C) of section 2950.091 of the Revised Code, the 10007
offender shall register within five days of the adjudication with 10008
the sheriff of the county in which the offender resides or 10009
temporarily is domiciled for more than five days, shall register 10010
with the sheriff of any county in which the offender subsequently 10011
resides or temporarily is domiciled for more than five days within 10012
five days of coming into that county, shall register within five 10013
days of the adjudication with the sheriff of the county in which 10014
the offender attends any school or institution of higher education 10015
on a full time or part time basis or in which the offender is 10016
employed if the offender has been employed in that county for more 10017
than fourteen days or for an aggregate period of thirty or more 10018
days in that calendar year regardless of whether the offender 10019
resides or has temporary domicile in this state or another state, 10020
and shall register within five days of the adjudication with the 10021
sheriff or other appropriate person of any state other than this 10022
state in which the offender attends a school or institution of 10023~~

~~higher education on a full time or part time basis or in which the
offender then is employed if the offender has been employed in
this state for more than fourteen days or for an aggregate period
of thirty or more days in any calendar year regardless of whether
the offender resides or has temporary domicile in this state, the
other state, or a different state.~~

~~(5) A person who is adjudicated a delinquent child for
committing a child victim oriented offense is not required to
register under division (A)(2) of this section unless the
delinquent child committed the offense on or after July 31, 2003,
is classified a juvenile offender registrant by a juvenile court
judge pursuant to an order issued under section 2152.82, 2152.83,
2152.84, or 2152.85 of the Revised Code based on that
adjudication, and has a duty to register pursuant to division
(A)(2) of this section.~~

(B) An offender or delinquent child who is required by
division (A) of this section to register in this state personally
shall do so in the manner described in division (B) of section
2950.04 of the Revised Code, and the registration is complete as
described in that division.

(C) The registration form to be used under divisions (A) and
(B) of this section shall include ~~the photograph of the offender
or delinquent child who is registering and shall~~ or contain all of
the following for the offender or delinquent child who is
registering:

(1) The offender's or delinquent child's name, any aliases
used by the offender or delinquent child, and a photograph of the
offender or delinquent child;

(2) The offender's or delinquent child's social security
number;

(3) Regarding an offender or delinquent child who is

registering under a duty imposed under division (A)(1) of this 10055
section, a statement that the offender is serving a prison term, 10056
term of imprisonment, or any other type of confinement or a 10057
statement that the delinquent child is in the custody of the 10058
department of youth services or is confined in a secure facility 10059
that is not operated by the department; 10060

(4) Regarding an offender or delinquent child who is 10061
registering under a duty imposed under division (A)~~(1)~~, (2), (3), 10062
or (4) of this section as a result of the offender or delinquent 10063
child residing in this state or temporarily being domiciled in 10064
this state for more than ~~five~~ three days, all of the information 10065
described in division (C)~~(1)~~(4) of section 2950.04 of the Revised 10066
Code; 10067

~~(2)~~(5) Regarding an offender who is registering under a duty 10068
imposed under division (A)~~(1)~~, ~~(3)~~,(2) or (4) of this section as a 10069
result of the offender attending a school or institution of higher 10070
education on a full-time or part-time basis or being employed in 10071
this state or in a particular county in this state, whichever is 10072
applicable, for more than fourteen days or for an aggregate of 10073
thirty or more days in any calendar year, all of the information 10074
described in division (C)~~(2)~~(5) of section 2950.04 of the Revised 10075
Code; 10076

~~(3)~~ Regarding an offender or delinquent child who is 10077
registering under a duty imposed under division (A)(1), (2), ~~(3)~~, 10078
or (4) of this section, if the offender has been adjudicated a 10079
child victim predator relative to the child victim oriented 10080
offense in question, if the delinquent child has been adjudicated 10081
a child victim predator relative to the child victim oriented 10082
offense in question and the court has not subsequently determined 10083
pursuant to section 2152.84 or 2152.85 of the Revised Code that 10084
the delinquent child no longer is a child victim predator, if the 10085
offender or delinquent child is automatically classified a 10086

~~habitual child victim offender under division (E) of section 10087
2950.091 of the Revised Code, or if the judge determined pursuant 10088
to division (C) or (E) of section 2950.091 or pursuant to section 10089
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the 10090
offender or delinquent child is a habitual child victim offender 10091
and the determination has not been removed pursuant to section 10092
2152.84 or 2152.85 of the Revised Code, the offender or delinquent 10093
child shall include on the signed, written registration form all 10094
of the information described in division (C)(3) of section 2950.04 10095
of the Revised Code. 10096~~

(6) The identification license plate number issued by this 10097
state or any other state of each motor vehicle the offender or 10098
delinquent child owns, of each motor vehicle registered in the 10099
offender's or delinquent child's name, of each motor vehicle the 10100
offender or delinquent child operates as a part of employment, and 10101
of each other motor vehicle that is regularly available to be 10102
operated by the offender or delinquent child, and, if required by 10103
the bureau of criminal identification and investigation, a 10104
photograph of each of those motor vehicles; 10105

(7) If the offender or delinquent child has a driver's or 10106
commercial driver's license or permit issued by this state or any 10107
other state or a state identification card issued under section 10108
4507.50 or 4507.51 of the Revised Code or a comparable 10109
identification card issued by another state, the driver's license 10110
number, commercial driver's license number, or state 10111
identification card number; 10112

(8) If the offender or delinquent child was convicted of, 10113
pleaded guilty to, or was adjudicated a delinquent child for 10114
committing the child-victim oriented offense resulting in the 10115
registration duty in a court in another state, in a federal court, 10116
military court, or Indian tribal court, or in a court in any 10117
nation other than the United States, a DNA specimen, as defined in 10118

section 109.573 of the Revised Code, from the offender or 10119
delinquent child, a citation for, and the name of, the 10120
child-victim oriented offense resulting in the registration duty, 10121
and a certified copy of a document that describes the text of that 10122
child-victim oriented offense; 10123

(9) Any other information required by the bureau of criminal 10124
identification and investigation. 10125

(D) Division (D) of section 2950.04 of the Revised Code 10126
applies when an offender or delinquent child registers with a 10127
sheriff pursuant to this section. 10128

(E) No person who is required to register pursuant to 10129
divisions (A) and (B) of this section, and no person who is 10130
required to send a notice of intent to reside pursuant to division 10131
(G) of this section, shall fail to register or send the notice as 10132
required in accordance with those divisions or that division. 10133

(F) An offender or delinquent child who is required to 10134
register pursuant to divisions (A) and (B) of this section shall 10135
register pursuant to this section for the period of time specified 10136
in section 2950.07 of the Revised Code, with the duty commencing 10137
on the date specified in division (A) of that section. 10138

(G) If an offender or delinquent child who is required by 10139
division (A) of this section to register is ~~adjudicated a~~ 10140
~~child victim predator or a habitual child victim offender subject~~ 10141
~~to community notification under division (C)(2) or (E) of section~~ 10142
~~2950.091 of the Revised Code a tier III sex offender/child-victim~~ 10143
offender, the offender or delinquent child also shall send the 10144
sheriff of the county in which the offender or delinquent child 10145
intends to reside written notice of the offender's or delinquent 10146
child's intent to reside in the county. The offender or delinquent 10147
child shall send the notice of intent to reside at least twenty 10148
days prior to the date the offender or delinquent child begins to 10149

reside in the county. The notice of intent to reside shall contain 10150
all of the following information: 10151

(1) The information specified in divisions (G)(1) and (2) of 10152
section 2950.04 of the Revised Code; 10153

(2) The child-victim oriented offense of which the offender 10154
was convicted, to which the offender pleaded guilty, or for which 10155
the child was adjudicated a delinquent child; 10156

~~(3) A statement that the offender has been adjudicated a 10157
child-victim predator, a statement that the delinquent child has 10158
been adjudicated a child-victim predator and that, as of the date 10159
of the notice, the court has not entered a determination that the 10160
delinquent child no longer is a child-victim predator, or a 10161
statement that the sentencing or reviewing judge has determined 10162
that the offender or delinquent child is a habitual child-victim 10163
offender and that, as of the date of the notice, the determination 10164
has not been removed pursuant to section 2152.84 or 2152.85 of the 10165
Revised Code. 10166~~

(H) If, immediately prior to January 1, 2008, an offender or 10167
delinquent child who was convicted of, pleaded guilty to, or was 10168
adjudicated a delinquent child for committing a child-victim 10169
oriented offense or a sexually oriented offense as those terms 10170
were defined in section 2950.01 of the Revised Code prior to 10171
January 1, 2008, was required by division (A) of this section or 10172
section 2950.04 of the Revised Code to register and if, on or 10173
after January 1, 2008, that offense is a child-victim oriented 10174
offense as that term is defined in section 2950.01 of the Revised 10175
Code on and after January 1, 2008, the duty to register that is 10176
imposed pursuant to this section on and after January 1, 2008, 10177
shall be considered, for purposes of section 2950.07 of the 10178
Revised Code and for all other purposes, to be a continuation of 10179
the duty imposed upon the offender or delinquent child prior to 10180
January 1, 2008, under this section or section 2950.04 of the 10181

Revised Code. 10182

Sec. 2950.042. By January 1, 2008, the department of 10183
rehabilitation and correction, the adult parole authority, and the 10184
department of youth services shall adopt rules to require parole 10185
officers to verify within three days of an offender's or 10186
delinquent child's release that the offender or delinquent child 10187
has registered as provided in divisions (A)(2) and (3) of section 10188
2950.04 of the Revised Code or in divisions (A)(2) and (3) of 10189
section 2950.041 of the Revised Code, whichever is applicable. 10190

Sec. 2950.043. If an offender or delinquent child registers 10191
with a sheriff pursuant to section 2950.04 or 2950.041 of the 10192
Revised Code on or after December 1, 2007, if the offender or 10193
delinquent child previously has not registered under either 10194
section with that sheriff or any other sheriff, and if the 10195
offender or delinquent child was convicted of, pleaded guilty to, 10196
or was classified a juvenile offender registrant relative to the 10197
sexually oriented offense or child-victim oriented offense upon 10198
which the registration was based prior to December 1, 2007, as 10199
soon as practicable after the registration, the sheriff shall 10200
contact the attorney general, inform the attorney general of the 10201
registration, and forward to the attorney general in the manner 10202
specified in division (D) of section 2950.04 of the Revised Code 10203
all of the information and material specified in that division. 10204
Upon being informed of the registration and receiving the 10205
information and material, the attorney general shall comply with 10206
division (B) of section 2950.031 of the Revised Code. 10207

Sec. 2950.05. (A) If an offender or delinquent child is 10208
required to register pursuant to division (A)(2), (3), or (4) of 10209
section 2950.04 or 2950.041 of the Revised Code, the offender or 10210
delinquent child, at least twenty days prior to changing the 10211

~~offender's or delinquent child's residence address, or the~~ 10212
~~offender, at least twenty days prior to changing the address of~~ 10213
~~the offender's school or institution of higher education and not~~ 10214
~~later than five days after changing the address of the offender's~~ 10215
~~place of employment, during the period during which the offender~~ 10216
~~or delinquent child is required to register, shall provide written~~ 10217
~~notice of the any change of residence address, and the offender~~ 10218
~~shall provide notice of any change of school, institution of~~ 10219
~~higher education, or place of employment address change, as~~ 10220
~~applicable, to the sheriff with whom the offender or delinquent~~ 10221
~~child most recently registered the address under division (A)(2),~~ 10222
~~(3), or (4) of section 2950.04 or 2950.041 of the Revised Code or~~ 10223
~~under division (B) of this section. A written notice of a change~~ 10224
~~of school, institution of higher education, or place of employment~~ 10225
~~address also shall include the name of the new school, institution~~ 10226
~~of higher education, or place of employment. The offender or~~ 10227
~~delinquent child shall provide the written notice at least twenty~~ 10228
~~days prior to changing the residence address, and the offender~~ 10229
~~shall provide the written notice at least twenty days prior to~~ 10230
~~changing the address of the school or institution of higher~~ 10231
~~education and not later than three days after changing the address~~ 10232
~~of the place of employment. They shall provide the written notices~~ 10233
~~during the period they are required to register. If a residence~~ 10234
~~address change is not to a fixed address, the offender or~~ 10235
~~delinquent child shall include in that notice a detailed~~ 10236
~~description of the place or places at which the offender or~~ 10237
~~delinquent child intends to stay and, not later than the end of~~ 10238
~~the first business day immediately following the day on which the~~ 10239
~~person obtains a fixed residence address, shall provide that~~ 10240
~~sheriff written notice of that fixed residence address. If a~~ 10241
~~person whose residence address change is not to a fixed address~~ 10242
~~describes in a notice under this division the place or places at~~ 10243
~~which the person intends to stay, for purposes of divisions (C) to~~ 10244

(H) 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 notice shall be considered the person's residence address and registered residence address, until the person provides the written notice of a fixed residence address as described in this division.

(B) If an offender 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 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) 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 10278
address as described in this division. 10279

(C) Divisions (A) and (B) of this section apply to a person 10280
who is required to register pursuant to division (A)(2), (3), or 10281
(4) of section 2950.04 or 2950.041 of the Revised Code regardless 10282
of whether the new residence, school, institution of higher 10283
education, or place of employment address is in this state or in 10284
another state. If the new address is in another state, the person 10285
shall register with the appropriate law enforcement officials in 10286
that state in the manner required under the law of that state and 10287
within the earlier of the period of time required under the law of 10288
that state or at least seven days prior to changing the address. 10289

(D)(1) Upon receiving from an offender or delinquent child 10290
pursuant to division (A) of this section notice of a change of the 10291
offender's residence, school, institution of higher education, or 10292
place of employment address or the delinquent child's residence 10293
address, a sheriff promptly shall forward the new address to the 10294
bureau of criminal identification and investigation in accordance 10295
with the forwarding procedures adopted pursuant to section 2950.13 10296
of the Revised Code if the new address is in another state or, if 10297
the new address is located in another county in this state, to the 10298
sheriff of that county. The bureau shall include all information 10299
forwarded to it under this division in the state registry of sex 10300
offenders and child-victim offenders established and maintained 10301
under section 2950.13 of the Revised Code and shall forward notice 10302
of the offender's or delinquent child's new residence, school, 10303
institution of higher education, or place of employment address, 10304
as applicable, to the appropriate officials in the other state. 10305

(2) When an offender registers a new residence, school, 10306
institution of higher education, or place of employment address or 10307
a delinquent child registers a new residence address pursuant to 10308
division (B) of this section, the sheriff with whom the offender 10309

or delinquent child registers and the bureau of criminal 10310
identification and investigation shall comply with division (D) of 10311
section 2950.04 or 2950.041 of the Revised Code, whichever is 10312
applicable. 10313

(E)(1) No person who is required to notify a sheriff of a 10314
change of address pursuant to division (A) of this section shall 10315
fail to notify the appropriate sheriff in accordance with that 10316
division. 10317

(2) No person who is required to register a new residence, 10318
school, institution of higher education, or place of employment 10319
address with a sheriff or with an official of another state 10320
pursuant to divisions (B) and (C) of this section shall fail to 10321
register with the appropriate sheriff or official of the other 10322
state in accordance with those divisions. 10323

(F)(1) It is an affirmative defense to a charge of a 10324
violation of division (E)(1) of this section that it was 10325
impossible for the person to provide the written notice to the 10326
sheriff as required under division (A) of this section because of 10327
a lack of knowledge, on the date specified for the provision of 10328
the written notice, of a residence, school, institution of higher 10329
education, or place of employment address change, and that the 10330
person provided notice of the residence, school, institution of 10331
higher education, or place of employment address change to the 10332
sheriff specified in division (A) of this section as soon as 10333
possible, but not later than the end of the first business day, 10334
after learning of the address change by doing either of the 10335
following: 10336

(a) The person provided notice of the address change to the 10337
sheriff specified in division (A) of this section by telephone 10338
immediately upon learning of the address change or, if the person 10339
did not have reasonable access to a telephone at that time, as 10340
soon as possible, but not later than the end of the first business 10341

day, after learning of the address change and having reasonable 10342
access to a telephone, and the person, as soon as possible, but 10343
not later than the end of the first business day, after providing 10344
notice of the address change to the sheriff by telephone, provided 10345
written notice of the address change to that sheriff. 10346

(b) The person, as soon as possible, but not later than the 10347
end of the first business day, after learning of the address 10348
change, provided written notice of the address change to the 10349
sheriff specified in division (A) of this section. 10350

(2) It is an affirmative defense to a charge of a violation 10351
of division (E)(2) of this section that it was impossible for the 10352
person to register the new address with the sheriff or the 10353
official of the other state as required under division (B) or (C) 10354
of this section because of a lack of knowledge, on the date 10355
specified for the registration of the new address, of a residence, 10356
school, institution of higher education, or place of employment 10357
address change, and that the person registered the new residence, 10358
school, institution of higher education, or place of employment 10359
address with the sheriff or the official of the other state 10360
specified in division (B) or (C) of this section as soon as 10361
possible, but not later than the end of the first business day, 10362
after learning of the address change by doing either of the 10363
following: 10364

(a) The person provided notice of the new address to the 10365
sheriff or official specified in division (B) or (C) of this 10366
section by telephone immediately upon learning of the new address 10367
or, if the person did not have reasonable access to a telephone at 10368
that time, as soon as possible, but not later than the end of the 10369
first business day, after learning of the new address and having 10370
reasonable access to a telephone, and the person, as soon as 10371
possible, but not later than the end of the first business day, 10372
after providing notice of the new address to the sheriff or 10373

official by telephone, registered the new address with that 10374
sheriff or official in accordance with division (B) or (C) of this 10375
section. 10376

(b) The person, as soon as possible, but not later than the 10377
end of the first business day, after learning of the new address, 10378
registered the new address with the sheriff or official specified 10379
in division (B) or (C) of this section, in accordance with that 10380
division. 10381

(G) An offender or delinquent child who is required to comply 10382
with divisions (A), (B), and (C) of this section shall do so for 10383
the period of time specified in section 2950.07 of the Revised 10384
Code. 10385

(H) As used in this section, and in all other sections of the 10386
Revised Code that refer to the duties imposed on an offender or 10387
delinquent child under this section relative to a change in the 10388
offender's or delinquent child's residence, school, institution of 10389
higher education, or place of employment address, "change in 10390
address" includes any circumstance in which the old address for 10391
the person in question no longer is accurate, regardless of 10392
whether the person in question has a new address. 10393

Sec. 2950.06. (A) An offender or delinquent child who is 10394
required to register a residence address pursuant to division 10395
(A)(2), (3), or (4) of section 2950.04 or 2950.041 of the Revised 10396
Code shall periodically verify the offender's or delinquent 10397
child's current residence address, and an offender who is required 10398
to register a school, institution of higher education, or place of 10399
employment address pursuant to ~~either any of those sections~~ 10400
divisions shall periodically verify the address of the offender's 10401
current school, institution of higher education, or place of 10402
employment, in accordance with this section. The frequency of 10403
verification shall be determined in accordance with division (B) 10404

of this section, and the manner of verification shall be 10405
determined in accordance with division (C) of this section. 10406

(B) The frequency with which an offender or delinquent child 10407
must verify the offender's or delinquent child's current 10408
residence, school, institution of higher education, or place of 10409
employment address pursuant to division (A) of this section shall 10410
be determined as follows: 10411

(1) Regardless of when the sexually oriented offense or 10412
child-victim oriented offense for which the offender or delinquent 10413
child is required to register was committed, if the offender or 10414
delinquent child is a tier I sex offender/child-victim offender, 10415
the offender shall verify the offender's current residence address 10416
or current school, institution of higher education, or place of 10417
employment address, and the delinquent child shall verify the 10418
delinquent child's current residence address, in accordance with 10419
division (C) of this section ~~every ninety days after~~ on each 10420
anniversary of the offender's or delinquent child's initial 10421
registration date during the period the offender or delinquent 10422
child is required to register ~~if any of the following applies:~~ 10423

~~(a) The offender or delinquent child is required to register 10424
based on a sexually oriented offense, and either the offender has 10425
been adjudicated a sexual predator relative to the sexually 10426
oriented offense, the delinquent child has been adjudicated a 10427
sexual predator relative to the sexually oriented offense and the 10428
court has not subsequently entered a determination pursuant to 10429
section 2152.84 or 2152.85 of the Revised Code that the delinquent 10430
child no longer is a sexual predator, or the offender is required 10431
to register as a result of an aggravated sexually oriented 10432
offense. 10433~~

~~(b) The offender or delinquent child is required to register 10434
based on a child victim oriented offense, and either the offender 10435
has been adjudicated a child victim predator relative to the 10436~~

~~child victim oriented offense or the delinquent child has been~~ 10437
~~adjudicated a child victim predator relative to the child victim~~ 10438
~~oriented offense and the court has not subsequently entered a~~ 10439
~~determination pursuant to section 2152.84 or 2152.85 of the~~ 10440
~~Revised Code that the delinquent child no longer is a child victim~~ 10441
~~predator.~~ 10442

~~(2) In all circumstances not described in division (B)(1) of~~ 10443
~~this section~~ Regardless of when the sexually oriented offense or 10444
child-victim oriented offense for which the offender or delinquent 10445
child is required to register was committed, if the offender or 10446
delinquent child is a tier II sex offender/child-victim offender, 10447
the offender shall verify the offender's current residence address 10448
or current school, institution of higher education, or place of 10449
employment address, and the delinquent child shall verify the 10450
delinquent child's current residence address, in accordance with 10451
division (C) of this section ~~on each anniversary of~~ every one 10452
hundred eighty days after the offender's or delinquent child's 10453
initial registration date during the period the offender or 10454
delinquent child is required to register. 10455

~~(3) Regardless of when the sexually oriented offense or~~ 10456
~~child-victim oriented offense for which the offender or delinquent~~ 10457
~~child is required to register was committed, if the offender or~~ 10458
~~delinquent child is a tier III sex offender/child-victim offender,~~ 10459
~~the offender shall verify the offender's current residence address~~ 10460
~~or current school, institution of higher education, or place of~~ 10461
~~employment address, and the delinquent child shall verify the~~ 10462
~~delinquent child's current residence address, in accordance with~~ 10463
~~division (C) of this section~~ every ninety days after the 10464
offender's or delinquent child's initial registration date during 10465
the period the offender or delinquent child is required to 10466
register. 10467

~~(4) If, prior to the effective date of this amendment~~ January 10468

1, 2008, an offender or delinquent child registered with a sheriff 10469
under a duty imposed under section 2950.04 or 2950.041 of the 10470
Revised Code as a result of a conviction of, plea of guilty to, or 10471
adjudication as a delinquent child for committing a sexually 10472
oriented offense ~~and if, on or after the effective date of this~~ 10473
~~amendment, that offense no longer is a sexually oriented offense~~ 10474
~~but instead is~~ or a child-victim oriented offense as those terms 10475
were defined in section 2950.01 of the Revised Code prior to 10476
January 1, 2008, the duty to register that is imposed on the 10477
offender or delinquent child pursuant to section 2950.04 or 10478
2950.041 of the Revised Code on and after January 1, 2008, is a 10479
continuation of the duty imposed upon the offender prior to ~~the~~ 10480
~~effective date of this amendment~~ January 1, 2008, under section 10481
2950.04 or 2950.041 of the Revised Code and, for purposes of 10482
divisions (B)(1) ~~and~~, (2), and (3) of this section, the offender's 10483
initial registration date related to that offense is the date on 10484
which the offender initially registered under section 2950.04 or 10485
2950.041 of the Revised Code. 10486

(C)(1) An offender or delinquent child who is required to 10487
verify the offender's or delinquent child's current residence, 10488
school, institution of higher education, or place of employment 10489
address pursuant to division (A) of this section shall verify the 10490
address with the sheriff with whom the offender or delinquent 10491
child most recently registered the address by personally appearing 10492
before the sheriff or a designee of the sheriff, no earlier than 10493
ten days before the date on which the verification is required 10494
pursuant to division (B) of this section and no later than the 10495
date so required for verification, and completing and signing a 10496
copy of the verification form prescribed by the bureau of criminal 10497
identification and investigation. The sheriff or designee shall 10498
sign the completed form and indicate on the form the date on which 10499
it is so completed. The verification required under this division 10500
is complete when the offender or delinquent child personally 10501

appears before the sheriff or designee and completes and signs the form as described in this division.

(2) To facilitate the verification of an offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, under division (C)(1) of this section, the sheriff with whom the offender or delinquent child most recently registered the address may mail a nonforwardable verification form prescribed by the bureau of criminal identification and investigation to the offender's or delinquent child's last reported address and to the last reported address of the parents of the delinquent child, with a notice that conspicuously states that the offender or delinquent child must personally appear before the sheriff or a designee of the sheriff to complete the form and the date by which the form must be so completed. Regardless of whether a sheriff mails a form to an offender or delinquent child and that child's parents, each offender or delinquent child who is required to verify the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, pursuant to division (A) of this section shall personally appear before the sheriff or a designee of the sheriff to verify the address in accordance with division (C)(1) of this section.

(D) The verification form to be used under division (C) of this section shall contain all of the following:

(1) Except as provided in division (D)(2) of this section, the current residence address of the offender or delinquent child, the name and address of the offender's or delinquent child's employer if the offender or delinquent child is employed at the time of verification or if the offender or delinquent child knows at the time of verification that the offender or delinquent child will be commencing employment with that employer subsequent to

verification, the name and address of the offender's school or 10534
institution of higher education if the offender attends one at the 10535
time of verification or if the offender knows at the time of 10536
verification that the offender will be commencing attendance at 10537
that school or institution subsequent to verification, and any 10538
other information required by the bureau of criminal 10539
identification and investigation. 10540

(2) Regarding an offender who is verifying a current school, 10541
institution of higher education, or place of employment address, 10542
the name and current address of the school, institution of higher 10543
education, or place of employment of the offender and any other 10544
information required by the bureau of criminal identification and 10545
investigation. 10546

(E) Upon an offender's or delinquent child's personal 10547
appearance and completion of a verification form under division 10548
(C) of this section, a sheriff promptly shall forward a copy of 10549
the verification form to the bureau of criminal identification and 10550
investigation in accordance with the forwarding procedures adopted 10551
by the attorney general pursuant to section 2950.13 of the Revised 10552
Code. If an offender verifies a school, institution of higher 10553
education, or place of employment address, or provides a school or 10554
institution of higher education address under division (D)(1) of 10555
this section, the sheriff also shall provide notice to the law 10556
enforcement agency with jurisdiction over the premises of the 10557
school, institution of higher education, or place of employment of 10558
the offender's name and that the offender has verified or provided 10559
that address as a place at which the offender attends school or an 10560
institution of higher education or at which the offender is 10561
employed. The bureau shall include all information forwarded to it 10562
under this division in the state registry of sex offenders and 10563
child-victim offenders established and maintained under section 10564
2950.13 of the Revised Code. 10565

(F) No person who is required to verify a current residence, school, institution of higher education, or place of employment address, as applicable, pursuant to divisions (A) to (C) of this section shall fail to verify a current residence, school, institution of higher education, or place of employment address, as applicable, in accordance with those divisions by the date required for the verification as set forth in division (B) of this section, provided that no person shall be prosecuted or subjected to a delinquent child proceeding for a violation of this division, and that no parent, guardian, or custodian of a delinquent child shall be prosecuted for a violation of section 2919.24 of the Revised Code based on the delinquent child's violation of this division, prior to the expiration of the period of time specified in division (G) of this section.

(G)(1) If an offender or delinquent child fails to verify a current residence, school, institution of higher education, or place of employment address, as applicable, as required by divisions (A) to (C) of this section by the date required for the verification as set forth in division (B) of this section, the sheriff with whom the offender or delinquent child is required to verify the current address, on the day following that date required for the verification, shall send a written warning to the offender or to the delinquent child and that child's parents, at the offender's or delinquent child's and that child's parents' last known residence, school, institution of higher education, or place of employment address, as applicable, regarding the offender's or delinquent child's duty to verify the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable.

The written warning shall do all of the following:

(a) Identify the sheriff who sends it and the date on which it is sent;

(b) State conspicuously that the offender or delinquent child 10598
has failed to verify the offender's current residence, school, 10599
institution of higher education, or place of employment address or 10600
the delinquent child's current residence address by the date 10601
required for the verification; 10602

(c) Conspicuously state that the offender or delinquent child 10603
has seven days from the date on which the warning is sent to 10604
verify the current residence, school, institution of higher 10605
education, or place of employment address, as applicable, with the 10606
sheriff who sent the warning; 10607

(d) Conspicuously state that a failure to timely verify the 10608
specified current address or addresses is a felony offense; 10609

(e) Conspicuously state that, if the offender verifies the 10610
current residence, school, institution of higher education, or 10611
place of employment address or the delinquent child verifies the 10612
current residence address with that sheriff within that seven-day 10613
period, the offender or delinquent child will not be prosecuted or 10614
subjected to a delinquent child proceeding for a failure to timely 10615
verify a current address and the delinquent child's parent, 10616
guardian, or custodian will not be prosecuted based on a failure 10617
of the delinquent child to timely verify an address; 10618

(f) Conspicuously state that, if the offender does not verify 10619
the current residence, school, institution of higher education, or 10620
place of employment address or the delinquent child ~~verifies~~ does 10621
not verify the current residence address with that sheriff within 10622
that seven-day period, the offender or delinquent child will be 10623
arrested or taken into custody, as appropriate, and prosecuted or 10624
subjected to a delinquent child proceeding for a failure to timely 10625
verify a current address and the delinquent child's parent, 10626
guardian, or custodian may be prosecuted for a violation of 10627
section 2919.24 of the Revised Code based on the delinquent 10628
child's failure to timely verify a current residence address. 10629

(2) If an offender or delinquent child fails to verify a
current residence, school, institution of higher education, or
place of employment address, as applicable, as required by
divisions (A) to (C) of this section by the date required for the
verification as set forth in division (B) of this section, the
offender or delinquent child shall not be prosecuted or subjected
to a delinquent child proceeding for a violation of division (F)
of this section, and the delinquent child's parent, guardian, or
custodian shall not be prosecuted for a violation of section
2919.24 of the Revised Code based on the delinquent child's
failure to timely verify a current residence address, as
applicable, unless the seven-day period subsequent to that date
that the offender or delinquent child is provided under division
(G)(1) of this section to verify the current address has expired
and the offender or delinquent child, prior to the expiration of
that seven-day period, has not verified the current address. Upon
the expiration of the seven-day period that the offender or
delinquent child is provided under division (G)(1) of this section
to verify the current address, if the offender or delinquent child
has not verified the current address, all of the following apply:

(a) The sheriff with whom the offender or delinquent child is
required to verify the current residence, school, institution of
higher education, or place of employment address, as applicable,
promptly shall notify the bureau of criminal identification and
investigation of the failure.

(b) The sheriff with whom the offender or delinquent child is
required to verify the current residence, school, institution of
higher education, or place of employment address, as applicable,
the sheriff of the county in which the offender or delinquent
child resides, the sheriff of the county in which is located the
offender's school, institution of higher education, or place of
employment address that was to be verified, or a deputy of the

appropriate sheriff, shall locate the offender or delinquent 10662
child, promptly shall seek a warrant for the arrest or taking into 10663
custody, as appropriate, of the offender or delinquent child for 10664
the violation of division (F) of this section and shall arrest the 10665
offender or take the child into custody, as appropriate. 10666

(c) The offender or delinquent child is subject to 10667
prosecution or a delinquent child proceeding for the violation of 10668
division (F) of this section, and the delinquent child's parent, 10669
guardian, or custodian may be subject to prosecution for a 10670
violation of section 2919.24 of the Revised Code based on the 10671
delinquent child's violation of that division. 10672

(H) An offender who is required to verify the offender's 10673
current residence, school, institution of higher education, or 10674
place of employment address pursuant to divisions (A) to (C) of 10675
this section and a delinquent child who is required to verify the 10676
delinquent child's current residence address pursuant to those 10677
divisions shall do so for the period of time specified in section 10678
2950.07 of the Revised Code. 10679

Sec. 2950.07. (A) The duty of an offender who is convicted of 10680
~~or~~ pleads guilty to, ~~or~~ has been convicted of, or has pleaded 10681
guilty to, ~~either~~ a sexually oriented offense ~~that is not a~~ 10682
~~registration-exempt sexually oriented offense~~ or a child-victim 10683
oriented offense and the duty of a delinquent child who is or has 10684
been adjudicated a delinquent child for committing ~~either~~ a 10685
sexually oriented offense ~~that is not a registration-exempt~~ 10686
~~sexually oriented offense~~ or a child-victim oriented offense and 10687
is classified a juvenile offender registrant or who is an 10688
out-of-state juvenile offender registrant to comply with sections 10689
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 10690
commences on whichever of the following dates is applicable: 10691

(1) If the offender's duty to register is imposed pursuant to 10692

division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of 10693
section 2950.041 of the Revised Code, the offender's duty to 10694
comply with those sections commences immediately after the entry 10695
of the judgment of conviction. 10696

(2) If the delinquent child's duty to register is imposed 10697
pursuant to division (A)(1)(b) of section 2950.04 or division 10698
(A)(1)(b) of section 2950.041 of the Revised Code, the delinquent 10699
child's duty to comply with those sections commences immediately 10700
after the order of disposition. 10701

(3) If the offender's duty to register is imposed pursuant to 10702
division (A)(1)(a)(2) of section 2950.04 or division (A)(1)(a)(2) 10703
of section 2950.041 of the Revised Code, subject to division 10704
(A)(7) of this section, the offender's duty to comply with those 10705
sections commences ~~regarding residence addresses~~ on the date of 10706
the offender's release from a prison term, a term of imprisonment, 10707
or any other type of confinement ~~or on July 1, 1997, for a duty~~ 10708
~~under section 2950.04 or the effective date of this amendment for~~ 10709
~~a duty under section 2950.041 of the Revised Code, whichever is~~ 10710
~~later, and commences regarding addresses of schools, institutions~~ 10711
~~of higher education, and places of employment on the date of the~~ 10712
~~offender's release from a prison term, term of imprisonment, or~~ 10713
~~any other type of confinement or on the effective date of this~~ 10714
~~amendment, whichever is later.~~ 10715

~~(2) If the offender's duty to register is imposed pursuant to~~ 10716
~~division (A)(1)(b) of section 2950.04 or division (A)(1)(b) of~~ 10717
~~section 2950.041 of the Revised Code, the offender's duty to~~ 10718
~~comply with those sections commences regarding residence~~ 10719
~~addresses, or if the offender is not sentenced to a prison term, a~~ 10720
~~term of imprisonment, or any other type of confinement, on the~~ 10721
~~date of the entry of the judgment of conviction of the sexually~~ 10722
~~oriented offense or child-victim oriented offense ~~or on July 1,~~~~ 10723
~~1997, for a duty under section 2950.04 or the effective date of~~ 10724

~~this amendment for a duty under section 2950.041 of the Revised Code, whichever is later, and commences regarding addresses of schools, institutions of higher education, and places of employment on the date of entry of the judgment of conviction of the sexually oriented offense or child victim oriented offense or on the effective date of this amendment, whichever is later.~~

~~(3) If the offender's duty to register is imposed pursuant to division (A)(1)(c) of section 2950.04 of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses fourteen days after July 1, 1997, and 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.~~ 10757

(5) If the delinquent child's duty to register is imposed 10758
pursuant to division (A)~~(2)~~(3) of section 2950.04 or division 10759
(A)~~(2)~~(a)(3) of section 2950.041 of the Revised Code, if the 10760
delinquent child's classification as a juvenile offender 10761
registrant is made at the time of the child's disposition for that 10762
sexually oriented offense or child-victim oriented offense, 10763
whichever is applicable, and if the delinquent child is committed 10764
for the sexually oriented offense or child-victim oriented offense 10765
to the department of youth services or to a secure facility that 10766
is not operated by the department, the delinquent child's duty to 10767
comply with those sections commences on the date of the delinquent 10768
child's discharge or release from custody in the department of 10769
youth services secure facility or from the secure facility not 10770
operated by the department as described in that division. 10771

(6) If the delinquent child's duty to register is imposed 10772
pursuant to division (A)~~(2)~~(3) of section 2950.04 or division 10773
(A)~~(2)~~(a)(3) of section 2950.041 of the Revised Code and if either 10774
the delinquent child's classification as a juvenile offender 10775
registrant is made at the time of the child's disposition for that 10776
sexually oriented offense or child-victim oriented offense, 10777
whichever is applicable, and the delinquent child is not committed 10778
for the sexually oriented offense or child-victim oriented offense 10779
to the department of youth services or to a secure facility that 10780
is not operated by the department or the child's classification as 10781
a juvenile offender registrant is made pursuant to ~~sections~~ 10782
section 2152.83 or division (A)(2) of section 2152.86 of the 10783
Revised Code, subject to divisions (A)(7) of this section, the 10784
delinquent child's duty to comply with those sections commences on 10785
the date of entry of the court's order that classifies the 10786
delinquent child a juvenile offender registrant. 10787

(7) If the offender's or delinquent child's duty to register 10788

is imposed pursuant to division (A)(2), (3), or (4) of section 10789
2950.04 or division (A)(2), (3), or (4) of section 2950.041 of the 10790
Revised Code and if the offender or delinquent child prior to 10791
January 1, 2008, has registered a residence, school, institution 10792
of higher education, or place of employment address pursuant to 10793
section 2950.04, 2950.041, or 2950.05 of the Revised Code as they 10794
existed prior to that date, the offender or delinquent child 10795
initially shall register in accordance with section 2950.04 or 10796
2950.041 of the Revised Code, whichever is applicable, as it 10797
exists on and after January 1, 2008, not later than the earlier of 10798
the dates specified in divisions (A)(7)(a) and (b) of this 10799
section. The offender's or delinquent child's duty to comply 10800
thereafter with sections 2950.04, 2950.041, 2950.05, and 2950.06 10801
of the Revised Code as they exist on and after January 1, 2008, 10802
commences on the date of that initial registration. The offender 10803
or delinquent child initially shall register under section 2950.04 10804
or 2950.041 of the Revised Code as it exists on and after January 10805
1, 2008, not later than the earlier of the following: 10806

(a) The date that is six months after the date on which the 10807
offender or delinquent child received a registered letter from the 10808
attorney general under division (A)(2) or (B) of section 2950.031 10809
of the Revised Code; 10810

(b) The earlier of the date on which the offender or 10811
delinquent child would be required to verify a previously 10812
registered address under section 2950.06 of the Revised Code as it 10813
existed prior to January 1, 2008, or, if the offender or 10814
delinquent child has changed a previously registered address, the 10815
date on which the offender or delinquent child would be required 10816
to register a new residence, school, institution of higher 10817
education, or place of employment address under section 2950.05 of 10818
the Revised Code as it existed prior to January 1, 2008. 10819

(8) If the offender's or delinquent child's duty to register 10820

~~is~~ was imposed pursuant to ~~division (A)(1)(c)~~ of section 2950.04 10821
or 2950.041 of the Revised Code as they existed prior to January 10822
1, 2008, the offender's or delinquent child's duty to comply with 10823
~~those sections regarding residence addresses~~ sections 2950.04, 10824
2950.041, 2950.05, and 2950.06 of the Revised Code as they exist 10825
on and after January 1, 2008, is a continuation of the offender's 10826
or delinquent child's former duty to register ~~regarding residence~~ 10827
~~addresses~~ imposed prior to ~~the effective date of this amendment~~ 10828
January 1, 2008, under section 2950.04 or 2950.041 of the Revised 10829
Code and shall be considered for all purposes as having commenced 10830
on the date that the offender's ~~former~~ duty under that section 10831
commenced. ~~The offender's duty to comply with those sections~~ 10832
~~commences regarding addresses of schools, institutions of higher~~ 10833
~~education, and places of employment on the effective date of this~~ 10834
~~amendment.~~ 10835

~~(8) If the delinquent child's duty to register is imposed~~ 10836
~~pursuant to division (A)(2)(b) of section 2950.041 of the Revised~~ 10837
~~Code, the delinquent child's duty to comply with those sections is~~ 10838
~~a continuation of the delinquent child's former duty to register~~ 10839
~~imposed prior to the effective date of this amendment under~~ 10840
~~section 2950.04 of the Revised Code and shall be considered for~~ 10841
~~all purposes as having commenced on the date that the delinquent~~ 10842
~~child's former duty under that section commenced or commences.~~ 10843

(B) The duty of an offender who is convicted of ~~or~~ has pleaded 10844
guilty to, ~~or~~ has been convicted of or has pleaded guilty to ~~or~~ 10845
~~either~~ a sexually oriented offense ~~that is not a~~ 10846
~~registration exempt sexually oriented offense~~ or a child-victim 10847
oriented offense and the duty of a delinquent child who is or has 10848
been adjudicated a delinquent child for committing ~~either~~ a 10849
sexually oriented offense ~~that is not a registration exempt~~ 10850
~~sexually oriented offense~~ or a child-victim oriented offense and 10851
is classified a juvenile offender registrant or who is an 10852

out-of-state juvenile offender registrant to comply with sections 10853
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 10854
continues, after the date of commencement, for whichever of the 10855
following periods is applicable: 10856

(1) Except as otherwise provided in this division, if the 10857
~~offense is a sexually oriented offense that is not a~~ 10858
~~registration exempt sexually oriented offense and the person is an~~ 10859
~~offender or delinquent child has been adjudicated a sexual~~ 10860
~~predator who is a tier III sex offender/child-victim offender~~ 10861
relative to the sexually oriented offense or child-victim oriented 10862
offense, if the person is a delinquent child who is a tier III sex 10863
offender/child-victim offender relative to the sexually oriented 10864
offense or child-victim oriented offense, or if the person is a 10865
delinquent child who is a public registry-qualified juvenile 10866
offender registrant relative to the sexually oriented offense, if 10867
~~the offense is a sexually oriented offense and the offender has~~ 10868
~~the duty to register as a result of an aggravated sexually~~ 10869
~~oriented offense, or if the offense is a child victim oriented~~ 10870
~~offense and the offender or delinquent child has been adjudicated~~ 10871
~~a child victim predator relative to the child victim oriented~~ 10872
~~offense, the offender's or delinquent child's duty to comply with~~ 10873
those sections continues until the offender's or delinquent 10874
child's death. Regarding a delinquent child ~~who has been~~ 10875
~~adjudicated a sexual predator relative to the sexually oriented~~ 10876
~~offense or who has been adjudicated a child victim predator~~ 10877
~~relative to the child victim oriented offense who is a tier III~~ 10878
sex offender/child-victim offender relative to the offense but is 10879
not a public registry-qualified juvenile offender registrant 10880
relative to the offense, if the judge who made the disposition for 10881
the delinquent child or that judge's successor in office 10882
subsequently enters a determination pursuant to section 2152.84 or 10883
2152.85 of the Revised Code that the delinquent child no longer is 10884
a ~~sexual predator or child victim predator~~ tier III sex 10885

offender/child-victim offender, the delinquent child's duty to 10886
comply with those sections continues for the period of time that 10887
~~otherwise would have been~~ is applicable to the delinquent child 10888
under division (B)(2) or (3) of this section, based on the 10889
reclassification of the child pursuant to section 2152.84 or 10890
21562.85 of the Revised Code as a tier I sex offender/child-victim 10891
offender or a tier II sex offender/child-victim offender. In no 10892
case shall the lifetime duty to comply that is imposed under this 10893
division on an offender who is ~~adjudicated a sexual predator or is~~ 10894
~~adjudicated a child victim predator or is imposed under this~~ 10895
~~division for an aggravated sexually oriented offense, or the~~ 10896
~~adjudication, classification, or conviction that subjects the~~ 10897
~~offender to this division, a tier III sex offender/child-victim~~ 10898
offender be removed or terminated. A delinquent child who is a 10899
public registry-qualified juvenile offender registrant may have 10900
the lifetime duty to register terminated only pursuant to section 10901
2950.15 of the Revised Code. 10902

(2) If the ~~judge who sentenced the offender or made the~~ 10903
~~disposition for the delinquent child for committing the sexually~~ 10904
~~oriented offense that is not a registration exempt sexually~~ 10905
~~oriented offense or the child victim oriented offense, or the~~ 10906
~~successor in office of the juvenile court judge who made the~~ 10907
~~delinquent child disposition, determined pursuant to division (E)~~ 10908
~~of section 2950.09 or 2950.091 or pursuant to division (B) of~~ 10909
~~section 2152.83, section 2152.84, or section 2152.85 of the~~ 10910
~~Revised Code that the person is an offender or delinquent child~~ 10911
who is a habitual sex offender or a habitual child victim 10912
~~offender, or if the offender or delinquent child is automatically~~ 10913
~~classified a habitual child victim offender pursuant to division~~ 10914
~~(E) of section 2950.091 of the Revised Code~~ tier II sex 10915
offender/child-victim offender relative to the sexually oriented 10916
offense or child-victim oriented offense, the offender's ~~duty to~~ 10917
~~comply with those sections continues either until the offender's~~ 10918

~~death or for twenty years, determined as provided in this~~ 10919
~~division, and the delinquent child's duty to comply with those~~ 10920
~~sections continues for twenty~~ twenty-five years. ~~If~~ Except as 10921
otherwise provided in this division, if the person is a delinquent 10922
child who is a tier II sex offender/child-victim offender relative 10923
to the sexually oriented offense or child-victim oriented offense, 10924
the delinquent child's duty to comply with those sections 10925
continues for twenty years. Regarding a delinquent child is so 10926
~~determined or classified to be a habitual sex offender or a~~ 10927
~~habitual child victim offender and who is a tier II sex~~ 10928
offender/child-victim offender relative to the offense but is not 10929
a public registry-qualified juvenile offender registrant relative 10930
to the offense, if the judge who made the disposition for the 10931
delinquent child or that judge's successor in office subsequently 10932
enters a determination pursuant to section 2152.84 or 2152.85 of 10933
the Revised Code that the delinquent child no longer is a ~~habitual~~ 10934
~~sex offender or habitual child victim offender~~ tier II sex 10935
offender/child-victim offender but remains a juvenile offender 10936
registrant, the delinquent child's duty to comply with those 10937
sections continues for the period of time that ~~otherwise would~~ 10938
~~have been~~ is applicable to the delinquent child under division 10939
(B)(3) of this section, based on the reclassification of the child 10940
pursuant to section 2152.84 or 2152.85 of the Revised Code as a 10941
tier I sex offender/child-victim offender. ~~Except as otherwise~~ 10942
~~provided in this division, the offender's duty to comply with~~ 10943
~~those sections continues until the offender's death. If a lifetime~~ 10944
~~duty to comply is imposed under this division on an offender, in~~ 10945
~~no case shall that lifetime duty, or the determination that~~ 10946
~~subjects the offender to this division, be removed or terminated.~~ 10947
The offender's duty to comply with those sections continues for 10948
twenty years if the offender is a habitual sex offender and both 10949
of the following apply: 10950

(a) ~~At least one of the sexually oriented offenses of which~~ 10951

~~the offender has been convicted or to which the offender has~~ 10952
~~pleaded guilty and that are included in the habitual sex offender~~ 10953
~~determination is a violation of division (A)(1) or (5) of section~~ 10954
~~2907.06 of the Revised Code involving a victim who is eighteen~~ 10955
~~years of age or older, a violation of division (A), (B), or (E) of~~ 10956
~~section 2907.08 of the Revised Code involving a victim who is~~ 10957
~~eighteen years of age or older, or a violation of section 2903.211~~ 10958
~~of the Revised Code that is a misdemeanor;~~ 10959

~~(b) The total of all the sexually oriented offenses of which~~ 10960
~~the offender has been convicted or to which the offender has~~ 10961
~~pleaded guilty and that are included in the habitual sex offender~~ 10962
~~determination does not include at least two sexually oriented~~ 10963
~~offenses that are not described in division (B)(2)(a) of this~~ 10964
~~section.~~ 10965

~~(3) If neither division (B)(1) nor (B)(2) of this section~~ 10966
~~applies~~ Except as otherwise provided in this division, if the 10967
person is an offender who is a tier I sex offender/child-victim 10968
offender relative to the sexually oriented offense or child-victim 10969
oriented offense, the offender's or delinquent child's duty to 10970
comply with those sections continues for ten fifteen years. ~~If~~ 10971
Except as otherwise provided in this division, if the person is a 10972
delinquent child who is a tier I sex offender/child-victim 10973
offender relative to the sexually oriented offense or child-victim 10974
oriented offense, the delinquent child's duty to comply with those 10975
sections continues for ten years. Regarding a delinquent child who 10976
is classified pursuant to section 2152.82 or 2152.83 of the 10977
Revised Code a juvenile offender registrant and a tier I sex 10978
offender/child-victim offender but is not a public 10979
registry-qualified juvenile offender registrant, if the judge who 10980
made the disposition for the delinquent child or that judge's 10981
successor in office subsequently enters a determination pursuant 10982
to section 2152.84 or 2152.85 of the Revised Code that the 10983

delinquent child no longer is to be classified a juvenile offender 10984
registrant, the delinquent child's duty to comply with those 10985
sections terminates upon the court's entry of the determination. A 10986
person who is an offender who is a tier I 10987
sex/offender/child-victim offender may have the fifteen-year duty 10988
to register terminated only pursuant to section 2950.15 of the 10989
Revised Code. 10990

(C)(1) If an offender has been convicted of or pleaded guilty 10991
to a sexually oriented offense ~~that is not a registration exempt~~ 10992
~~sexually oriented offense~~ and the offender subsequently is 10993
convicted of or pleads guilty to another sexually oriented offense 10994
or a child-victim oriented offense, if an offender has been 10995
convicted of or pleaded guilty to a child-victim oriented offense 10996
and the offender subsequently is convicted of or pleads guilty to 10997
another child-victim oriented offense or a sexually oriented 10998
offense, if a delinquent child has been adjudicated a delinquent 10999
child for committing a sexually oriented offense ~~that is not a~~ 11000
~~registration exempt sexually oriented offense~~ and is classified a 11001
juvenile offender registrant or is an out-of-state juvenile 11002
offender registrant and the child subsequently is adjudicated a 11003
delinquent child for committing another sexually oriented offense 11004
or a child-victim oriented offense and is classified a juvenile 11005
offender registrant relative to that offense or subsequently is 11006
convicted of or pleads guilty to another sexually oriented offense 11007
or a child-victim oriented offense, or if a delinquent child has 11008
been adjudicated a delinquent child for committing a child-victim 11009
oriented offense and is classified a juvenile offender registrant 11010
or is an out-of-state juvenile offender registrant and the child 11011
subsequently is adjudicated a delinquent child for committing 11012
another child-victim oriented offense or a sexually oriented 11013
offense and is classified a juvenile offender registrant relative 11014
to that offense or subsequently is convicted of or pleads guilty 11015
to another child-victim oriented offense or a sexually oriented 11016

offense, the period of time for which the offender or delinquent 11017
child must comply with the sections specified in division (A) of 11018
this section shall be separately calculated pursuant to divisions 11019
(A)(1) to (8) and (B)(1) to (3) of this section for each of the 11020
sexually oriented offenses and child-victim oriented offenses, and 11021
the offender or delinquent child shall comply with each separately 11022
calculated ~~periods~~ period of time ~~shall be complied with~~ 11023
independently. 11024

If a delinquent child has been adjudicated a delinquent child 11025
for committing ~~either~~ a sexually oriented offense ~~that is not a~~ 11026
~~registration exempt sexually oriented offense~~ or a child-victim 11027
oriented offense, is classified a juvenile offender registrant or 11028
is an out-of-state juvenile offender registrant relative to ~~the~~ 11029
that offense, and, after attaining eighteen years of age, 11030
subsequently is convicted of or pleads guilty to another sexually 11031
oriented offense or child-victim oriented offense, the subsequent 11032
conviction or guilty plea does not limit, affect, or supersede the 11033
duties imposed upon the delinquent child under this chapter 11034
relative to the delinquent child's classification as a juvenile 11035
offender registrant or as an out-of-state juvenile offender 11036
registrant, and the delinquent child shall comply with both those 11037
duties and the duties imposed under this chapter relative to the 11038
subsequent conviction or guilty plea. 11039

(2) If a delinquent child has been adjudicated a delinquent 11040
child for committing ~~on or after January 1, 2002, either~~ a 11041
sexually oriented offense ~~that is not a registration exempt~~ 11042
~~sexually oriented offense~~ or a child-victim oriented offense and 11043
is classified a juvenile offender registrant relative to the 11044
offense, ~~if the order containing the classification also contains~~ 11045
~~a determination by the juvenile judge that the child is a sexual~~ 11046
~~predator or a habitual sex offender or that the child is a~~ 11047
~~child victim predator or a habitual child victim offender,~~ and if 11048

the juvenile judge or the judge's successor in office subsequently 11049
determines reclassifies the offense tier in which the child is 11050
classified pursuant to section 2152.84 or 2152.85 of the Revised 11051
Code ~~that the delinquent child no longer is a sexual predator or~~ 11052
~~habitual sex offender or no longer is a child victim predator or~~ 11053
~~habitual child victim offender, whichever is applicable, the~~ 11054
judge's subsequent determination to reclassify the child does not 11055
affect the date of commencement of the delinquent child's duty to 11056
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 11057
the Revised Code as determined under division (A) of this section. 11058
The child's duty to comply with those sections after the 11059
reclassification is a continuation of the child's duty to comply 11060
with the sections that was in effect prior to the 11061
reclassification, and the duty shall continue for the period of 11062
time specified in division (B)(1), (2), or (3) of this section, 11063
whichever is applicable. 11064

If, prior to January 1, 2008, an offender had a duty to 11065
comply with the sections specified in division (A) of this section 11066
as a result of a conviction of or plea of guilty to a sexually 11067
oriented offense or child-victim oriented offense as those terms 11068
were defined in section 2950.01 of the Revised Code prior to 11069
January 1, 2008, or a delinquent child had a duty to comply with 11070
those sections as a result of an adjudication as a delinquent 11071
child for committing one of those offenses as they were defined 11072
prior to January 1, 2008, the period of time specified in division 11073
(B)(1), (2), or (3) of this section on and after January 1, 2008, 11074
for which a person must comply with sections 2950.04, 2950.041, 11075
2950.05, and 2950.06 of the Revised Code applies to the person, 11076
automatically replaces the period of time for which the person had 11077
to comply with those sections prior to January 1, 2008, and is a 11078
continuation of the person's duty to comply with the sections that 11079
was in effect prior to the reclassification. If, prior to January 11080
1, 2008, an offender or a delinquent child had a duty to comply 11081

with the sections specified in division (A) of this section, the 11082
offender's or delinquent child's classification as a tier I sex 11083
offender/child-victim offender, a tier II sex 11084
offender/child-victim offender, or a tier III sex 11085
offender/child-victim offender for purposes of that period of time 11086
shall be determined as specified in section 2950.031 or 2950.032 11087
of the Revised Code, as applicable. 11088

(D) The duty of an offender or delinquent child to register 11089
under this chapter is tolled for any period during which the 11090
offender or delinquent child is returned to confinement in a 11091
secure facility for any reason or imprisoned for an offense when 11092
the confinement in a secure facility or imprisonment occurs 11093
subsequent to the date determined pursuant to division (A) of this 11094
section. The offender's or delinquent child's duty to register 11095
under this chapter resumes upon the offender's or delinquent 11096
child's release from confinement in a secure facility or 11097
imprisonment. 11098

(E) An offender or delinquent child who has been or is 11099
convicted or, has pleaded or pleads guilty, or has been or is 11100
adjudicated a delinquent child, in a court in another state, in a 11101
federal court, military court, or Indian tribal court, or in a 11102
court of any nation other than the United States for committing 11103
~~either a sexually oriented offense that is not a~~ 11104
~~registration exempt sexually oriented offense~~ or a child-victim 11105
oriented offense may apply to the sheriff of the county in which 11106
the offender or delinquent child resides or temporarily is 11107
domiciled, or in which the offender attends a school or 11108
institution of higher education or is employed, for credit against 11109
the duty to register for the time that the offender or delinquent 11110
child has complied with the sex offender or child-victim offender 11111
registration requirements of another jurisdiction. The sheriff 11112
shall grant the offender or delinquent child credit against the 11113

duty to register for time for which the offender or delinquent 11114
child provides adequate proof that the offender or delinquent 11115
child has complied with the sex offender or child-victim offender 11116
registration requirements of another jurisdiction. If the offender 11117
or delinquent child disagrees with the determination of the 11118
sheriff, the offender or delinquent child may appeal the 11119
determination to the court of common pleas of the county in which 11120
the offender or delinquent child resides or is temporarily 11121
domiciled, or in which the offender attends a school or 11122
institution of higher education or is employed. 11123

Sec. 2950.08. (A) Subject to division (B) of this section, 11124
the statements, information, photographs, ~~and~~ fingerprints, and 11125
material required by sections 2950.04, 2950.041, 2950.05, and 11126
2950.06 of the Revised Code and provided by a person who 11127
registers, who provides notice of a change of residence, school, 11128
institution of higher education, or place of employment address 11129
and registers the new residence, school, institution of higher 11130
education, or place of employment address, or who provides 11131
verification of a current residence, school, institution of higher 11132
education, or place of employment address pursuant to those 11133
sections and that are in the possession of the bureau of criminal 11134
identification and investigation and the information in the 11135
possession of the bureau that was received by the bureau pursuant 11136
to section 2950.14 of the Revised Code shall not be open to 11137
inspection by the public or by any person other than the following 11138
persons: 11139

(1) A regularly employed peace officer or other law 11140
enforcement officer; 11141

(2) An authorized employee of the bureau of criminal 11142
identification and investigation for the purpose of providing 11143
information to a board, administrator, or person pursuant to 11144

division (F) or (G) of section 109.57 of the Revised Code; 11145

(3) The registrar of motor vehicles, or an employee of the 11146
registrar of motor vehicles, for the purpose of verifying and 11147
updating any of the information so provided, upon the request of 11148
the bureau of criminal identification and investigation. 11149

(B) Division (A) of this section does not apply to any 11150
information that is contained in the internet sex offender and 11151
child-victim offender database established by the attorney general 11152
under division (A)(11) of section 2950.13 of the Revised Code 11153
regarding offenders and that is disseminated as described in that 11154
division. 11155

Sec. 2950.081. (A) Any statements, information, photographs, 11156
~~or fingerprints, or materials~~ that are required to be provided, 11157
and that are provided, by an offender or delinquent child pursuant 11158
to section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 11159
Code and that are in the possession of a county sheriff are public 11160
records open to public inspection under section 149.43 of the 11161
Revised Code and shall be included in the internet sex offender 11162
and child-victim offender database established and maintained 11163
under section 2950.13 of the Revised Code to the extent provided 11164
in that section. 11165

(B) Except when the child is classified a public 11166
registry-qualified juvenile offender registrant ~~and the act that~~ 11167
~~is the basis of the classification is a violation of, or an~~ 11168
~~attempt to commit a violation of, section 2903.01, 2903.02, or~~ 11169
~~2905.01 of the Revised Code that was committed with a purpose to~~ 11170
~~gratify the sexual needs or desires of the child, a violation of~~ 11171
~~section 2907.02 of the Revised Code, or an attempt to commit a~~ 11172
~~violation of that section,~~ the sheriff shall not cause to be 11173
publicly disseminated by means of the internet any statements, 11174
information, photographs, ~~or fingerprints, or materials~~ that are 11175

provided by a ~~juvenile offender registrant~~ delinquent child who 11176
sends a notice of intent to reside, registers, provides notice of 11177
a change of residence address and registers the new residence 11178
address, or provides verification of a current residence address 11179
pursuant to this chapter and that are in the possession of a 11180
county sheriff. 11181

(C) If a sheriff establishes on the internet a sex offender 11182
and child-victim offender database for the public dissemination of 11183
some or all of the materials that are described in division (A) of 11184
this section, that are not prohibited from inclusion by division 11185
(B) of this section, and that pertain to offenders or delinquent 11186
children who register in the sheriff's county, in addition to all 11187
of the other information and materials included, the sheriff shall 11188
include in the database a description of the characteristics of 11189
tier I sex offenders/child-victim offenders, tier II sex 11190
offenders/child-victim offenders, and tier III sex 11191
offenders/child-victim offenders and the public safety concerns 11192
related to each of those tiers, and for each offender or 11193
delinquent child in relation to whom information and materials are 11194
provided a statement as to whether the offender or delinquent 11195
child is a tier I sex offender/child-victim offenders, a tier II 11196
sex offender/child-victim offenders, or a tier III sex 11197
offender/child-victim offenders. 11198

Sec. 2950.10. (A)(1) ~~If~~ Regardless of when the sexually 11199
oriented offense or child-victim oriented offense was committed, 11200
if a person is convicted of ~~or~~, pleads guilty to, ~~or~~ has been 11201
convicted of, or has pleaded guilty to, ~~either~~ a sexually oriented 11202
offense ~~that is not a registration exempt sexually oriented~~ 11203
~~offense~~ or a child-victim oriented offense or a person is or has 11204
been adjudicated a delinquent child for committing ~~either~~ a 11205
sexually oriented offense ~~that is not a registration exempt~~ 11206
~~sexually oriented offense~~ or a child-victim oriented offense and 11207

is classified a juvenile offender registrant or is an out-of-state 11208
juvenile offender registrant based on that adjudication, if the 11209
offender or delinquent child is in any category specified in 11210
division (B)(1)(a), (b), or (c) of this section, if the offender 11211
or delinquent child registers with a sheriff pursuant to section 11212
2950.04, 2950.041, or 2950.05 of the Revised Code, and if the 11213
victim of the sexually oriented offense or child-victim oriented 11214
offense has made a request in accordance with rules adopted by the 11215
attorney general that specifies that the victim would like to be 11216
provided the notices described in this section, the sheriff shall 11217
notify the victim of the sexually oriented offense or child-victim 11218
oriented offense, in writing, that the offender or delinquent 11219
child has registered and shall include in the notice the 11220
offender's name and photograph, and the address or addresses of 11221
the offender's residence, school, institution of higher education, 11222
or place of employment, as applicable, or the delinquent child's 11223
name, photograph, and residence address or addresses. The sheriff 11224
shall provide the notice required by this division to the victim 11225
at the most recent residence address available for that victim, 11226
and not later than five days after the offender or delinquent 11227
child registers with the sheriff. 11228

(2) ~~If~~ Regardless of when the sexually oriented offense or 11229
child-victim oriented offense was committed, if a person is 11230
convicted of ~~or~~ pleads guilty to, ~~or~~ has been convicted of, or 11231
has pleaded guilty to, ~~either~~ a sexually oriented offense ~~that is~~ 11232
~~not a registration exempt sexually oriented offense~~ or a 11233
child-victim oriented offense or a person is or has been 11234
adjudicated a delinquent child for committing ~~either~~ a sexually 11235
oriented offense ~~that is not a registration exempt sexually~~ 11236
~~oriented offense~~ or a child-victim oriented offense and is 11237
classified a juvenile offender registrant or is an out-of-state 11238
juvenile offender registrant based on that adjudication, if the 11239
offender or delinquent child is in any category specified in 11240

division (B)(1)(a), (b), or (c) of this section, if the offender 11241
or delinquent child registers with a sheriff pursuant to section 11242
2950.04, 2950.041, or 2950.05 of the Revised Code, if the victim 11243
of the sexually oriented offense or child-victim oriented offense 11244
has made a request in accordance with rules adopted by the 11245
attorney general that specifies that the victim would like to be 11246
provided the notices described in this section, and if the 11247
offender notifies the sheriff of a change of residence, school, 11248
institution of higher education, or place of employment address or 11249
the delinquent child notifies the sheriff of a change of residence 11250
address pursuant to section 2950.05 of the Revised Code, the 11251
sheriff shall notify the victim of the sexually oriented offense 11252
or child-victim oriented offense, in writing, that the offender's 11253
or delinquent child's address has changed and shall include in the 11254
notice the offender's name and photograph, and the new address or 11255
addresses of the offender's residence, school, institution of 11256
higher education, or place of employment, as applicable, or the 11257
delinquent child's name, photograph, and new residence address or 11258
addresses. The sheriff shall provide the notice required by this 11259
division to the victim at the most recent residence address 11260
available for that victim, and no later than five days after the 11261
offender or delinquent child notifies the sheriff of the change in 11262
the offender's or delinquent child's residence, school, 11263
institution of higher education, or place of employment address. 11264
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(3) ~~If~~ Regardless of when the sexually oriented offense or 11266
child-victim oriented offense was committed, if a person is 11267
convicted of ~~or~~ pleads guilty to, ~~or~~ has been convicted of, or 11268
has pleaded guilty to, ~~either~~ a sexually oriented offense ~~that is~~ 11269
~~not a registration exempt sexually oriented offense~~ or a 11270
child-victim oriented offense or a person is or has been 11271
adjudicated a delinquent child for committing ~~either~~ a sexually 11272
oriented offense ~~that is not a registration exempt sexually~~ 11273

~~oriented offense~~ or a child-victim oriented offense and is 11274
classified a juvenile offender registrant or is an out-of-state 11275
juvenile offender registrant based on that adjudication, and if 11276
the offender or delinquent child is in any category specified in 11277
division (B)(1)(a), (b), or (c) of this section, the victim of the 11278
offense may make a request in accordance with rules adopted by the 11279
attorney general pursuant to section 2950.13 of the Revised Code 11280
that specifies that the victim would like to be provided the 11281
notices described in divisions (A)(1) and (2) of this section. If 11282
the victim makes a request in accordance with those rules, the 11283
sheriff described in divisions (A)(1) and (2) of this section 11284
shall provide the victim with the notices described in those 11285
divisions. 11286

(4) If a victim makes a request as described in division 11287
(A)(3) of this section that specifies that the victim would like 11288
to be provided the notices described in divisions (A)(1) and (2) 11289
of this section, all information a sheriff obtains regarding the 11290
victim from or as a result of the request is confidential, and the 11291
information is not a public record open for inspection under 11292
section 149.43 of the Revised Code. 11293

(5) The notices described in divisions (A)(1) and (2) of this 11294
section are in addition to any notices regarding the offender or 11295
delinquent child that the victim is entitled to receive under 11296
Chapter 2930. of the Revised Code. 11297

(B)(1) The duties to provide the notices described in 11298
divisions (A)(1) and (2) of this section apply regarding any 11299
offender or delinquent child who is in any of the following 11300
categories, ~~if the other criteria set forth in division (A)(1) or~~ 11301
~~(2) of this section, whichever is applicable, are satisfied:~~ 11302

(a) ~~The offender or delinquent child has been adjudicated a~~ 11303
~~sexual predator relative to the sexually oriented offense for~~ 11304
~~which the offender or delinquent child has the duty to register~~ 11305

~~under section 2950.04 of the Revised Code or has been adjudicated
a child victim predator relative to the child victim oriented
offense for which the offender or child has the duty to register
under section 2950.041 of the Revised Code, and the court has not
subsequently determined pursuant to section 2152.84 or 2152.85 of
the Revised Code regarding a delinquent child that the delinquent
child no longer is a sexual predator or no longer is a
child victim predator, whichever is applicable.~~

~~(b) The offender or delinquent child has been determined
pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091,
division (B) of section 2152.83, section 2152.84, or section
2152.85 of the Revised Code to be a habitual sex offender or a
habitual child victim offender, the court has imposed a
requirement under that division or section subjecting the habitual
sex offender or habitual child victim offender to this section,
and the determination has not been removed pursuant to section
2152.84 or 2152.85 of the Revised Code regarding a delinquent
child.~~

~~(c) The sexually oriented offense for which the offender has
the duty to register under section 2950.04 of the Revised Code is
an aggravated sexually oriented offense, regardless of whether the
offender has been adjudicated a sexual predator relative to the
offense or has been determined to be a habitual sex offender and,
if the offender has been so determined to be a habitual sex
offender, regardless of whether the habitual sex offender
determination has not been removed as described in division
(A)(1)(b) of this section is a tier III sex offender/child-victim
offender relative to the offense described in division (A) of this
section for which a victim requested to be provided notice under
that division, or the delinquent child is a public
registry-qualified juvenile offender registrant, and a juvenile
court has not removed pursuant to section 2950.15 of the Revised~~

Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 11338
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(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public-registry qualified juvenile offender registrant, the delinquent child was subjected to this section prior to the effective date of this amendment as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to the effective date of this amendment, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 11340
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(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after the effective date of this amendment, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 11352
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(2) A victim of a sexually oriented offense ~~that is not a registration exempt sexually oriented offense~~ or of a child-victim oriented offense is not entitled to be provided any notice described in division (A)(1) or (2) of this section unless the offender or delinquent child is in a category specified in division (B)(1)(a), (b), or (c) of this section. A victim of a sexually oriented offense ~~that is not a registration exempt~~ 11363
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~~sexually oriented offense~~ or of a child-victim oriented offense is 11370
not entitled to any notice described in division (A)(1) or (2) of 11371
this section unless the victim makes a request in accordance with 11372
rules adopted by the attorney general pursuant to section 2950.13 11373
of the Revised Code that specifies that the victim would like to 11374
be provided the notices described in divisions (A)(1) and (2) of 11375
this section. This division does not affect any rights of a victim 11376
of a sexually oriented offense or child-victim oriented offense to 11377
be provided notice regarding an offender or delinquent child that 11378
are described in Chapter 2930. of the Revised Code. 11379

Sec. 2950.11. (A) ~~As used in this section, "specified~~ 11380
~~geographical notification area" means the geographic area or areas~~ 11381
~~within which the attorney general, by rule adopted under section~~ 11382
~~2950.13 of the Revised Code, requires the notice described in~~ 11383
~~division (B) of this section to be given to the persons identified~~ 11384
~~in divisions (A)(2) to (8) of this section. If Regardless of when~~ 11385
~~the sexually oriented offense or child-victim oriented offense was~~ 11386
~~committed, if a person is convicted of ~~or~~ pleads guilty to, or~~ 11387
~~has been convicted of, or has pleaded guilty to, either a sexually~~ 11388
~~oriented offense that is not a registration exempt sexually~~ 11389
~~oriented offense or a child-victim oriented offense, or a person~~ 11390
~~is or has been adjudicated a delinquent child for committing~~ 11391
~~either a sexually oriented offense that is not a~~ 11392
~~registration exempt sexually oriented offense or a child-victim~~ 11393
~~oriented offense and is classified a juvenile offender registrant~~ 11394
~~or is an out-of-state juvenile offender registrant based on that~~ 11395
~~adjudication, and if the offender or delinquent child is in any~~ 11396
~~category specified in division (F)(1)(a), (b), or (c) of this~~ 11397
~~section, the sheriff with whom the offender or delinquent child~~ 11398
~~has most recently registered under section 2950.04, 2950.041, or~~ 11399
~~2950.05 of the Revised Code and the sheriff to whom the offender~~ 11400
~~or delinquent child most recently sent a notice of intent to~~ 11401

reside under section 2950.04 or 2950.041 of the Revised Code, 11402
within the period of time specified in division (C) of this 11403
section, shall provide a written notice containing the information 11404
set forth in division (B) of this section to all of the persons 11405
described in divisions (A)(1) to ~~(9)~~(10) of this section. If the 11406
sheriff has sent a notice to the persons described in those 11407
divisions as a result of receiving a notice of intent to reside 11408
and if the offender or delinquent child registers a residence 11409
address that is the same residence address described in the notice 11410
of intent to reside, the sheriff is not required to send an 11411
additional notice when the offender or delinquent child registers. 11412
The sheriff shall provide the notice to all of the following 11413
persons: 11414

(1)(a) Any occupant of each residential unit that is located 11415
within one thousand feet of the offender's or delinquent child's 11416
residential premises, that is located within the county served by 11417
the sheriff, and that is not located in a multi-unit building. 11418
Division (D)(3) of this section applies regarding notices required 11419
under this division. 11420

(b) If the offender or delinquent child resides in a 11421
multi-unit building, any occupant of each residential unit that is 11422
located in that multi-unit building and that shares a common 11423
hallway with the offender or delinquent child. For purposes of 11424
this division, an occupant's unit shares a common hallway with the 11425
offender or delinquent child if the entrance door into the 11426
occupant's unit is located on the same floor and opens into the 11427
same hallway as the entrance door to the unit the offender or 11428
delinquent child occupies. Division (D)(3) of this section applies 11429
regarding notices required under this division. 11430

(c) The building manager, or the person the building owner or 11431
condominium unit owners association authorizes to exercise 11432
management and control, of each multi-unit building that is 11433

located within one thousand feet of the offender's or delinquent 11434
child's residential premises, including a multi-unit building in 11435
which the offender or delinquent child resides, and that is 11436
located within the county served by the sheriff. In addition to 11437
notifying the building manager or the person authorized to 11438
exercise management and control in the multi-unit building under 11439
this division, the sheriff shall post a copy of the notice 11440
prominently in each common entryway in the building and any other 11441
location in the building the sheriff determines appropriate. The 11442
manager or person exercising management and control of the 11443
building shall permit the sheriff to post copies of the notice 11444
under this division as the sheriff determines appropriate. In lieu 11445
of posting copies of the notice as described in this division, a 11446
sheriff may provide notice to all occupants of the multi-unit 11447
building by mail or personal contact; if the sheriff so notifies 11448
all the occupants, the sheriff is not required to post copies of 11449
the notice in the common entryways to the building. Division 11450
(D)(3) of this section applies regarding notices required under 11451
this division. 11452

(d) All additional persons who are within any category of 11453
neighbors of the offender or delinquent child that the attorney 11454
general by rule adopted under section 2950.13 of the Revised Code 11455
requires to be provided the notice and who reside within the 11456
county served by the sheriff; 11457

(2) The executive director of the public children services 11458
agency that has jurisdiction within the specified geographical 11459
notification area and that is located within the county served by 11460
the sheriff; 11461

(3)(a) The superintendent of each board of education of a 11462
school district that has schools within the specified geographical 11463
notification area and that is located within the county served by 11464
the sheriff; 11465

(b) The principal of the school within the specified 11466
geographical notification area and within the county served by the 11467
sheriff that the delinquent child attends; 11468

(c) If the delinquent child attends a school outside of the 11469
specified geographical notification area or outside of the school 11470
district where the delinquent child resides, the superintendent of 11471
the board of education of a school district that governs the 11472
school that the delinquent child attends and the principal of the 11473
school that the delinquent child attends. 11474

(4)(a) The appointing or hiring officer of each chartered 11475
nonpublic school located within the specified geographical 11476
notification area and within the county served by the sheriff or 11477
of each other school located within the specified geographical 11478
notification area and within the county served by the sheriff and 11479
that is not operated by a board of education described in division 11480
(A)(3) of this section; 11481

(b) Regardless of the location of the school, the appointing 11482
or hiring officer of a chartered nonpublic school that the 11483
delinquent child attends. 11484

(5) The director, head teacher, elementary principal, or site 11485
administrator of each preschool program governed by Chapter 3301. 11486
of the Revised Code that is located within the specified 11487
geographical notification area and within the county served by the 11488
sheriff; 11489

(6) The administrator of each child day-care center or type A 11490
family day-care home that is located within the specified 11491
geographical notification area and within the county served by the 11492
sheriff, and the provider of each certified type B family day-care 11493
home that is located within the specified geographical 11494
notification area and within the county served by the sheriff. As 11495
used in this division, "child day-care center," "type A family 11496

day-care home," and "certified type B family day-care home" have 11497
the same meanings as in section 5104.01 of the Revised Code. 11498

(7) The president or other chief administrative officer of 11499
each institution of higher education, as defined in section 11500
2907.03 of the Revised Code, that is located within the specified 11501
geographical notification area and within the county served by the 11502
sheriff, and the chief law enforcement officer of the state 11503
university law enforcement agency or campus police department 11504
established under section 3345.04 or 1713.50 of the Revised Code, 11505
if any, that serves that institution; 11506

(8) The sheriff of each county that includes any portion of 11507
the specified geographical notification area; 11508

(9) If the offender or delinquent child resides within the 11509
county served by the sheriff, the chief of police, marshal, or 11510
other chief law enforcement officer of the municipal corporation 11511
in which the offender or delinquent child resides or, if the 11512
offender or delinquent child resides in an unincorporated area, 11513
the constable or chief of the police department or police district 11514
police force of the township in which the offender or delinquent 11515
child resides; 11516

(10) Volunteer organizations in which contact with minors or 11517
other vulnerable individuals might occur or any organization, 11518
company, or individual who requests notification as provided in 11519
division (J) of this section. 11520

(B) The notice required under division (A) of this section 11521
shall include all of the following information regarding the 11522
subject offender or delinquent child: 11523

(1) The offender's or delinquent child's name; 11524

(2) The address or addresses of the offender's residence, 11525
school, institution of higher education, or place of employment, 11526
as applicable, or the delinquent child's residence address or 11527

addresses; 11528

(3) The sexually oriented offense or child-victim oriented 11529
offense of which the offender was convicted, to which the offender 11530
pleaded guilty, or for which the child was adjudicated a 11531
delinquent child; 11532

~~(4) All of the following statements that are applicable:~~ 11533

~~(a) A statement that identifies the category specified in 11534
division (F)(1)(a), (b), or (c) of this section that includes the 11535
offender has been adjudicated a sexual predator, a statement that 11536
the offender has been convicted of or pleaded guilty to an 11537
aggravated sexually oriented offense, a statement that the 11538
delinquent child has been adjudicated a sexual predator and that, 11539
as of the date of the notice, the court has not entered a 11540
determination that the delinquent child no longer is a sexual 11541
predator, or a statement that the sentencing or reviewing judge 11542
has determined that the offender or delinquent child is a habitual 11543
sex offender and that, as of the date of the notice, the 11544
determination regarding a delinquent child has not been removed 11545
pursuant to section 2152.84 or 2152.85 of the Revised Code or 11546
delinquent child and that subjects the offender or delinquent 11547
child to this section; 11548~~

~~(b) A statement that the offender has been adjudicated a 11549
child victim predator, a statement that the delinquent child has 11550
been adjudicated a child victim predator and that, as of the date 11551
of the notice, the court has not entered a determination that the 11552
delinquent child no longer is a child victim predator, or a 11553
statement that the sentencing or reviewing judge has determined 11554
that the offender or delinquent child is a habitual child victim 11555
offender and that, as of the date of the notice, the determination 11556
regarding a delinquent child has not been removed pursuant to 11557
section 2152.84 or 2152.85 of the Revised Code;~~ 11558

(5) The offender's or delinquent child's photograph. 11559

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question. 11560
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(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section. 11575
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A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section 11587
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as soon as practicable, but not later than seven days after the 11591
offender or delinquent child registers with the sheriff or, if the 11592
sheriff is required by division (C) of this section to provide the 11593
notices, no later than five days after the sheriff is provided the 11594
notice described in division (A)(8) of this section. 11595

(2) If an offender or delinquent child in relation to whom 11596
division (A) of this section applies verifies the offender's or 11597
delinquent child's current residence, school, institution of 11598
higher education, or place of employment address, as applicable, 11599
with a sheriff pursuant to section 2950.06 of the Revised Code, 11600
the sheriff may provide a written notice containing the 11601
information set forth in division (B) of this section to the 11602
persons identified in divisions (A)(1) to ~~(9)~~(10) of this section. 11603
If a sheriff provides a notice pursuant to this division to the 11604
sheriff of one or more other counties in accordance with division 11605
(A)(8) of this section, the sheriff of each of the other counties 11606
who is provided the notice under division (A)(8) of this section 11607
may provide, but is not required to provide, a written notice 11608
containing the information set forth in division (B) of this 11609
section to the persons identified in divisions (A)(1) to (7) and 11610
(A)(9) and (10) of this section. 11611

(3) A sheriff may provide notice under division (A)(1)(a) or 11612
(b) of this section, and may provide notice under division 11613
(A)(1)(c) of this section to a building manager or person 11614
authorized to exercise management and control of a building, by 11615
mail, by personal contact, or by leaving the notice at or under 11616
the entry door to a residential unit. For purposes of divisions 11617
(A)(1)(a) and (b) of this section, and the portion of division 11618
(A)(1)(c) of this section relating to the provision of notice to 11619
occupants of a multi-unit building by mail or personal contact, 11620
the provision of one written notice per unit is deemed as 11621
providing notice to all occupants of that unit. 11622

(E) All information that a sheriff possesses regarding a sexual predator, a habitual sex offender, a child victim predator, or a habitual child victim offender an offender or delinquent child who is in a category specified in division (F)(1)(a), (b), or (c) of this section that is described in division (B) of this section and that must be provided in a notice required under division (A) or (C) of this section or that may be provided in a notice authorized under division (D)(2) of this section is a public record that is open to inspection under section 149.43 of the Revised Code.

The sheriff shall not cause to be publicly disseminated by means of the internet any of the information described in this division that is provided by a ~~sexual predator, habitual sex offender, child victim predator, or habitual child victim offender who is a juvenile offender registrant, except when the act that is the basis of the child's classification as a juvenile offender registrant is a violation of, or an attempt to commit 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, a violation of section 2907.02 of the Revised Code, or an attempt to commit a violation of that section~~ delinquent child unless that child is in a category specified in division (F)(1)(a), (b), or (c) of this section.

(F)(1) The duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories, ~~if the other criteria set forth in division (A) or (C) of this section, whichever is applicable, are satisfied:~~

(a) ~~The offender or delinquent child has been adjudicated a sexual predator relative to the sexually oriented offense for which the offender or delinquent child has the duty to register under section 2950.04 of the Revised Code or has been adjudicated~~

~~a child victim predator relative to the child victim oriented offense for which the offender or child has the duty to register under section 2950.041 of the Revised Code, and the court has not subsequently determined pursuant to section 2152.84 or 2152.85 of the Revised Code regarding a delinquent child that the delinquent child no longer is a sexual predator or no longer is a child victim predator, whichever is applicable.~~

~~(b) The offender or delinquent child has been determined pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender or a habitual child victim offender, the court has imposed a requirement under that division or section subjecting the habitual sex offender or habitual child victim offender to this section, and the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code regarding a delinquent child.~~

~~(c) The sexually oriented offense for which the offender has the duty to register under section 2950.04 of the Revised Code is an aggravated sexually oriented offense, regardless of whether the offender has been adjudicated a sexual predator relative to the offense or has been determined to be a habitual sex offender is a tier III sex offender/child-victim offender, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.~~

~~(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public-registry qualified juvenile offender registrant, the delinquent child was subjected to this section prior to the effective date of this~~

amendment as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to the effective date of this amendment, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after the effective date of this amendment, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

~~(2) The notification provisions of this section do not apply regarding a person who is convicted of ~~or~~, pleads guilty to, has been convicted of, or has pleaded guilty to, or is or has been adjudicated a delinquent child for committing, a sexually oriented offense or a child-victim oriented offense, ~~who is not in the category specified in either division (F)(1)(a) or (c) of this section, and who is determined pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender or habitual child victim offender unless the sentencing or reviewing court imposes a requirement in the offender's sentence and in the judgment of conviction that contains the sentence or in the delinquent child's adjudication,~~~~

~~or imposes a requirement as described in division (C)(2) of~~ 11719
~~section 2950.09 or 2950.091 of the Revised Code, that subjects~~ 11720
~~unless~~ the offender or the delinquent child ~~to the provisions of~~ 11721
~~this section~~ is in a category specified in division (F)(1)(a), 11722
(b), or (c) of this section. 11723

(G)(1) The department of job and family services shall 11724
compile, maintain, and update in January and July of each year, a 11725
list of all agencies, centers, or homes of a type described in 11726
division (A)(2) or (6) of this section that contains the name of 11727
each agency, center, or home of that type, the county in which it 11728
is located, its address and telephone number, and the name of an 11729
administrative officer or employee of the agency, center, or home. 11730
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(2) ~~The~~ department of education shall compile, maintain, and 11732
update in January and July of each year, a list of all boards of 11733
education, schools, or programs of a type described in division 11734
(A)(3), (4), or (5) of this section that contains the name of each 11735
board of education, school, or program of that type, the county in 11736
which it is located, its address and telephone number, the name of 11737
the superintendent of the board or of an administrative officer or 11738
employee of the school or program, and, in relation to a board of 11739
education, the county or counties in which each of its schools is 11740
located and the address of each such school. ~~The~~ 11741

(3) ~~The~~ Ohio board of regents shall compile, maintain, and 11742
update in January and July of each year, a list of all 11743
institutions of a type described in division (A)(7) of this 11744
section that contains the name of each such institution, the 11745
county in which it is located, its address and telephone number, 11746
and the name of its president or other chief administrative 11747
officer. ~~A~~ 11748

(4) ~~A~~ sheriff required by division (A) or (C) of this 11749
section, or authorized by division (D)(2) of this section, to 11750

provide notices regarding an offender or delinquent child, or a 11751
designee of a sheriff of that type, may request the department of 11752
job and family services, department of education, or Ohio board of 11753
regents, by telephone, in person, or by mail, to provide the 11754
sheriff or designee with the names, addresses, and telephone 11755
numbers of the appropriate persons and entities to whom the 11756
notices described in divisions (A)(2) to (7) of this section are 11757
to be provided. Upon receipt of a request, the department or board 11758
shall provide the requesting sheriff or designee with the names, 11759
addresses, and telephone numbers of the appropriate persons and 11760
entities to whom those notices are to be provided. 11761

(H)(1) Upon the motion of the offender or the prosecuting 11762
attorney of the county in which the offender was convicted of or 11763
pleaded guilty to the sexually oriented offense or child-victim 11764
oriented offense for which the offender is subject to community 11765
notification under this section, or upon the motion of the 11766
sentencing judge or that judge's successor in office, the judge 11767
may schedule a hearing to determine whether the interests of 11768
justice would be served by suspending the community notification 11769
requirement under this section in relation to the offender. The 11770
judge may dismiss the motion without a hearing but may not issue 11771
an order suspending the community notification requirement without 11772
a hearing. At the hearing, all parties are entitled to be heard, 11773
and the judge shall consider all of the factors set forth in 11774
division ~~(B)(3)(K)~~ of this section ~~2950.09 of the Revised Code~~. 11775
If, at the conclusion of the hearing, the judge finds that the 11776
offender has proven by clear and convincing evidence that the 11777
offender is unlikely to commit in the future a sexually oriented 11778
offense or a child-victim oriented offense and if the judge finds 11779
that suspending the community notification requirement is in the 11780
interests of justice, the judge may suspend the application of 11781
this section in relation to the offender. The order shall contain 11782
both of these findings. 11783

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

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

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

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

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

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

offense and who, in relation to that offense, is adjudicated a sexually violent predator; 11815
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(b) A person who is convicted of or pleads guilty to a sexually oriented offense that 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~~ January 2, 2007, and either who is ~~sentenced~~ sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code; 11817
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(c) A person who is convicted of or pleads guilty to a sexually oriented offense that is attempted rape committed on or after ~~the effective date of this amendment~~ January 2, 2007, and 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; 11824
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(d) ~~A habitual sex offender or habitual child victim oriented offender who is subject to community notification who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or a child victim oriented offense~~ person who is convicted of or pleads guilty to an offense described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and who is sentenced for that offense pursuant to that division; 11830
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(e) ~~A sexual predator or child victim predator who is not adjudicated a sexually violent predator~~ An offender who is in a category specified in division (F)(1)(a), (b), or (c) of this section and who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or child-victim oriented offense. 11838
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(I) If a person is convicted of ~~or~~ or pleads guilty to, ~~or~~ or has been convicted of, ~~or~~ or has pleaded guilty to, ~~either~~ a sexually 11844
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oriented offense ~~that is not a registration exempt sexually~~ 11846
~~oriented offense~~ or a child-victim oriented offense, or a person 11847
is or has been adjudicated a delinquent child for committing 11848
~~either~~ a sexually oriented offense ~~that is not a~~ 11849
~~registration exempt sexually oriented offense~~ or a child-victim 11850
oriented offense and is classified a juvenile offender registrant 11851
or is an out-of-state juvenile offender registrant based on that 11852
adjudication, and if the offender or delinquent child is not in 11853
any category specified in division (F)(1)(a), (b), or (c) of this 11854
section, the sheriff with whom the offender or delinquent child 11855
has most recently registered under section 2950.04, 2950.041, or 11856
2950.05 of the Revised Code and the sheriff to whom the offender 11857
or delinquent child most recently sent a notice of intent to 11858
reside under section 2950.04 or 2950.041 of the Revised Code, 11859
within the period of time specified in division (D) of this 11860
section, shall provide a written notice containing the information 11861
set forth in division (B) of this section to the executive 11862
director of the public children services agency that has 11863
jurisdiction within the specified geographical notification area 11864
and that is located within the county served by the sheriff. 11865

(J) Each sheriff shall allow a volunteer organization or 11866
other organization, company, or individual who wishes to receive 11867
the notice described in division (A)(10) of this section regarding 11868
a specific offender or delinquent child or notice regarding all 11869
offenders and delinquent children who are located in the specified 11870
geographical notification area to notify the sheriff by electronic 11871
mail or through the sheriff's web site of this election. The 11872
sheriff shall promptly inform the bureau of criminal 11873
identification and investigation of these requests in accordance 11874
with the forwarding procedures adopted by the attorney general 11875
pursuant to section 2950.13 of the Revised Code. 11876

(K) In making a determination under division (H)(1) of this 11877

section as to whether to suspend the community notification 11878
requirement under this section for an offender, the judge shall 11879
consider all relevant factors, including, but not limited to, all 11880
of the following: 11881

(1) The offender's age; 11882

(2) The offender's prior criminal or delinquency record 11883
regarding all offenses, including, but not limited to, all 11884
sexually oriented offenses or child-victim oriented offenses; 11885

(3) The age of the victim of the sexually oriented offense or 11886
child-victim oriented offense the offender committed; 11887

(4) Whether the sexually oriented offense or child-victim 11888
oriented offense the offender committed involved multiple victims; 11889

(5) Whether the offender used drugs or alcohol to impair the 11890
victim of the sexually oriented offense or child-victim oriented 11891
the offender committed or to prevent the victim from resisting; 11892

(6) If the offender previously has been convicted of, pleaded 11893
guilty to, or been adjudicated a delinquent child for committing 11894
an act that if committed by an adult would be a criminal offense, 11895
whether the offender completed any sentence or dispositional order 11896
imposed for the prior offense or act and, if the prior offense or 11897
act was a sexually oriented offense or a child-victim oriented 11898
offense, whether the offender or delinquent child participated in 11899
available programs for sex offenders or child-victim offenders; 11900

(7) Any mental illness or mental disability of the offender; 11901

(8) The nature of the offender's sexual conduct, sexual 11902
contact, or interaction in a sexual context with the victim of the 11903
sexually oriented offense the offender committed or the nature of 11904
the offender's interaction in a sexual context with the victim of 11905
the child-victim oriented offense the offender committed, 11906
whichever is applicable, and whether the sexual conduct, sexual 11907

contact, or interaction in a sexual context was part of a 11908
demonstrated pattern of abuse; 11909

(9) Whether the offender, during the commission of the 11910
sexually oriented offense or child-victim oriented offense the 11911
offender committed, displayed cruelty or made one or more threats 11912
of cruelty; 11913

(10) Any additional behavioral characteristics that 11914
contribute to the offender's conduct. 11915

(L) As used in this section, "specified geographical 11916
notification area" means the geographic area or areas within which 11917
the attorney general, by rule adopted under section 2950.13 of the 11918
Revised Code, requires the notice described in division (B) of 11919
this section to be given to the persons identified in divisions 11920
(A)(2) to (8) of this section. 11921

Sec. 2950.12. (A) Except as provided in division (B) of this 11922
section, any of the following persons shall be immune from 11923
liability in a civil action to recover damages for injury, death, 11924
or loss to person or property allegedly caused by an act or 11925
omission in connection with a power, duty, responsibility, or 11926
authorization under this chapter or under rules adopted under 11927
authority of this chapter: 11928

(1) An officer or employee of the bureau of criminal 11929
identification and investigation; 11930

(2) The attorney general, a chief of police, marshal, or 11931
other chief law enforcement officer of a municipal corporation, a 11932
sheriff, a constable or chief of police of a township police 11933
department or police district police force, and a deputy, officer, 11934
or employee of the office of the attorney general, the law 11935
enforcement agency served by the marshal or the municipal or 11936
township chief, the office of the sheriff, or the constable; 11937

(3) A prosecutor and an officer or employee of the office of a prosecutor;	11938 11939
(4) A supervising officer and an officer or employee of the adult parole authority of the department of rehabilitation and correction;	11940 11941 11942
(5) A supervising officer and an officer or employee of the department of youth services;	11943 11944
(6) A supervisor and a caseworker or employee of a public children services agency acting pursuant to section 5153.16 of the Revised Code;	11945 11946 11947
(7) A managing officer of a state correctional institution and an officer or employee of the department of rehabilitation and correction;	11948 11949 11950
(8) A person identified in division (A)(2), (3), (4), (5), (6), or (7) of section 2950.11 of the Revised Code, <u>an organization or person identified in division (A)(10) of that section</u> , or the agent of that person <u>or organization</u> ;	11951 11952 11953 11954
(9) A person identified in division (A)(2) of section 2950.111 of the Revised Code, regarding the person's provision of information pursuant to that division to a sheriff or a designee of a sheriff.	11955 11956 11957 11958
(B) The immunity described in division (A) of this section does not apply to a person described in divisions (A)(1) to (8) of this section if, in relation to the act or omission in question, any of the following applies:	11959 11960 11961 11962
(1) The act or omission was manifestly outside the scope of the person's employment or official responsibilities.	11963 11964
(2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.	11965 11966
(3) Liability for the act or omission is expressly imposed by	11967

a section of the Revised Code. 11968

Sec. 2950.13. (A) The attorney general shall do all of the 11969
following: 11970

(1) No later than July 1, 1997, establish and maintain a 11971
state registry of sex offenders and child-victim offenders that is 11972
housed at the bureau of criminal identification and investigation 11973
and that contains all of the registration, change of residence, 11974
school, institution of higher education, or place of employment 11975
address, and verification information the bureau receives pursuant 11976
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 11977
Code regarding a each person who is convicted of ~~or~~ pleads guilty 11978
to, ~~or~~ has been convicted of, or has pleaded guilty to, ~~either~~ a 11979
sexually oriented offense ~~that is not a registration exempt~~ 11980
~~sexually oriented offense~~ or a child-victim oriented offense ~~or a~~ 11981
and each person who is or has been adjudicated a delinquent child 11982
for committing ~~either~~ a sexually oriented offense ~~that is not a~~ 11983
~~registration exempt sexually oriented offense~~ or a child-victim 11984
oriented offense and is classified a juvenile offender registrant 11985
or is an out-of-state juvenile offender registrant based on that 11986
adjudication, ~~and~~ all of the information the bureau receives 11987
pursuant to section 2950.14 of the Revised Code, and any notice of 11988
an order terminating or modifying an offender's or delinquent 11989
child's duty to comply with sections 2950.04, 2950.05, and 2950.06 11990
of the Revised Code the bureau receives pursuant to section 11991
2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who 11992
was convicted of or pleaded guilty to the sexually oriented 11993
offense or child-victim related offense, the registry also shall 11994
indicate whether the person was convicted of or pleaded guilty to 11995
the offense in a criminal prosecution or in a serious youthful 11996
offender case. The registry shall not be open to inspection by the 11997
public or by any person other than a person identified in division 11998
(A) of section 2950.08 of the Revised Code. In addition to the 11999

information and material previously identified in this division, 12000
the registry shall include all of the following regarding each 12001
person who is listed in the registry: 12002

(a) A citation for, and the name of, the most recent sexually 12003
oriented offense or child-victim oriented offense of which the 12004
person was convicted, to which the person pleaded guilty, or for 12005
which the person was adjudicated a delinquent child and that 12006
resulted in a registration duty, and the date on which that 12007
offense was committed; 12008

(b) The text of the sexually oriented offense or child-victim 12009
oriented offense identified in division (A)(1)(a) of this section 12010
as that offense existed at the time the person was convicted of, 12011
pleaded guilty to, or was adjudicated a delinquent child for 12012
committing that offense, or a link to a database that sets forth 12013
the text of that offense; 12014

(c) A statement as to whether the offender is a tier I sex 12015
offender/child-victim offender, a tier II sex 12016
offender/child-victim offender, or a tier III sex 12017
offender/child-victim offender for the sexually oriented offense 12018
or child-victim oriented offense identified in division (A)(1)(a) 12019
of this section; 12020

(d) The community supervision status of the person, 12021
including, but not limited to, whether the person is serving a 12022
community control sanction and the nature of any such sanction, 12023
whether the person is under supervised release and the nature of 12024
the release, or regarding a juvenile, whether the juvenile is 12025
under any type of release authorized under Chapter 2152. or 5139. 12026
of the Revised Code and the nature of any such release; 12027

(e) The offense and delinquency history of the person, as 12028
determined from information gathered or provided under sections 12029
109.57 and 2950.14 of the Revised Code; 12030

(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; 12031
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(g) Fingerprints and palmprints of the person; 12038

(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person. 12039
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(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter; 12041
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(3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense ~~that is not a registration exempt sexually oriented offense and has been adjudicated a sexual predator or determined to be a habitual sex offender, an offender who has committed an aggravated sexually oriented offense, or an offender or delinquent child who has committed or~~ a child-victim oriented offense and ~~has been adjudicated a child-victim predator or determined to be a habitual child victim offender, and is in a category specified in division (F)(1) of that section and rules that prescribe a manner in which victims of either a sexually oriented offense that is not a registration exempt sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who has been adjudicated a sexual predator or determined to be a habitual sex offender, an~~ 12045
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~~offender who has committed an aggravated sexually oriented~~ 12063
~~offense, or an offender or delinquent child who has committed a~~ 12064
~~child victim oriented offense and has been adjudicated a~~ 12065
~~child victim predator or determined to be a habitual child victim~~ 12066
~~offender is in a category specified in division (B)(1) of section~~ 12067
2950.10 of the Revised Code may make a request that specifies that 12068
the victim would like to be provided the notices described in 12069
divisions (A)(1) and (2) of section 2950.10 of the Revised Code; 12070

(4) In consultation with local law enforcement 12071
representatives and through the bureau of criminal identification 12072
and investigation, prescribe the forms to be used by judges and 12073
officials pursuant to section 2950.03 or 2950.032 of the Revised 12074
Code to advise offenders and delinquent children of their duties 12075
of filing a notice of intent to reside, registration, notification 12076
of a change of residence, school, institution of higher education, 12077
or place of employment address and registration of the new, 12078
school, institution of higher education, or place of employment 12079
address, as applicable, and address verification under sections 12080
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 12081
prescribe the forms to be used by sheriffs relative to those 12082
duties of filing a notice of intent to reside, registration, 12083
change of residence, school, institution of higher education, or 12084
place of employment address notification, and address 12085
verification; 12086

(5) Make copies of the forms prescribed under division (A)(4) 12087
of this section available to judges, officials, and sheriffs; 12088

(6) Through the bureau of criminal identification and 12089
investigation, provide the notifications, the information and 12090
materials, and the documents that the bureau is required to 12091
provide to appropriate law enforcement officials and to the 12092
federal bureau of investigation pursuant to sections 2950.04, 12093
2950.041, 2950.05, and 2950.06 of the Revised Code; 12094

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

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

(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; 12127

(11) Through the bureau of criminal identification and 12128
investigation, not later than January 1, 2004, establish and 12129
operate on the internet a sex offender and child-victim offender 12130
database that contains information for every offender who has 12131
committed ~~either a sexually oriented offense that is not a~~ 12132
~~registration exempt sexually oriented offense~~ or a child-victim 12133
oriented offense and ~~who~~ registers in any county in this state 12134
pursuant to section 2950.04 or 2950.041 of the Revised Code and 12135
for every delinquent child who has committed a sexually oriented 12136
offense, is a public registry-qualified juvenile offender 12137
registrant, and registers in any county in this state pursuant to 12138
either such section. The bureau shall not include on the database 12139
any offender's or public registry-qualified juvenile offender 12140
registrant's social security number, the name of any school or 12141
institution of higher education attended by any offender or public 12142
registry-qualified juvenile offender registrant, the name of the 12143
place of employment of any offender or public registry-qualified 12144
juvenile offender registrant, any tracking or identification 12145
number described in division (A)(1)(f) of this section, or any 12146
information described in division (C)(7) of section 2950.04 or 12147
2950.041 of the Revised Code. The bureau shall provide on the 12148
database, for each offender and each public registry-qualified 12149
juvenile offender registrant, at least the information specified 12150
in divisions (A)(11)(a) to (f) of this section. Otherwise, the 12151
bureau shall determine the information to be provided on the 12152
database for each offender and public registry-qualified juvenile 12153
offender registrant and shall obtain that information from the 12154
information contained in the state registry of sex offenders and 12155
child-victim offenders described in division (A)(1) of this 12156
section, which information, while in the possession of the sheriff 12157
who provided it, is a public record open for inspection as 12158
described in section 2950.081 of the Revised Code. ~~The information~~ 12159

~~provided for each offender shall include at least the information~~ 12160
~~set forth in division (B) of section 2950.11 of the Revised Code.~~ 12161
The database is a public record open for inspection under section 12162
149.43 of the Revised Code, and it shall be searchable by offender 12163
or public registry-qualified juvenile offender registrant name, by 12164
county, by zip code, and by school district. The database shall 12165
provide a link to the web site of each sheriff who has established 12166
and operates on the internet a sex offender and child-victim 12167
offender database that contains information for offenders and 12168
public registry-qualified juvenile offender registrants who 12169
register in that county pursuant to section 2950.04 or 2950.041 of 12170
the Revised Code, with the link being a direct link to the sex 12171
offender and child-victim offender database for the sheriff. The 12172
bureau shall provide on the database, for each offender and public 12173
registry-qualified juvenile offender registrant, at least the 12174
following information: 12175

(a) The information described in divisions (A)(1)(a), (b), 12176
and (c) of this section relative to the offender or public 12177
registry-qualified juvenile offender registrant; 12178

(b) The address of the offender's school, institution of 12179
higher education, or place of employment provided in a 12180
registration form; 12181

(c) The information described in division (C)(6) of section 12182
2950.04 of the Revised Code; 12183

(d) A description of the characteristics of tier I sex 12184
offenders/child-victim offenders, tier II sex 12185
offenders/child-victim offenders, and tier III sex 12186
offenders/child-victim offenders and the public safety concerns 12187
related to each of those tiers; 12188

(e) Fingerprints and palm prints of the offender or public 12189
registry-qualified juvenile offender registrant and a DNA specimen 12190

from the offender or public registry-qualified juvenile offender 12191
registrant. 12192

(f) The information set forth in division (B) of section 12193
2950.11 of the Revised Code. 12194

~~(12) Upon the request of any sheriff, provide technical~~ 12195
~~guidance to the requesting sheriff~~ Develop software to be used by 12196
sheriffs in establishing on the internet a sex offender and 12197
child-victim offender database for the public dissemination of 12198
some or all of the information and materials described in division 12199
(A) of section 2950.081 of the Revised Code that are public 12200
records under that division, that are not prohibited from 12201
inclusion by division (B) of that section, and that pertain to 12202
offenders and public registry-qualified juvenile offender 12203
registrants who register in ~~that~~ the sheriff's county pursuant to 12204
section 2950.04 or 2950.041 of the Revised Code and for the public 12205
dissemination of information the sheriff receives pursuant to 12206
section 2950.14 of the Revised Code and, upon the request of any 12207
sheriff, provide technical guidance to the requesting sheriff in 12208
establishing on the internet such a database; 12209

(13) Through the bureau of criminal identification and 12210
investigation, not later than January 1, 2004, establish and 12211
operate on the internet a database that enables local law 12212
enforcement representatives to remotely search by electronic means 12213
the state registry of sex offenders and child-victim offenders 12214
described in division (A)(1) of this section and any information 12215
and materials the bureau receives pursuant to sections 2950.04, 12216
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 12217
database shall enable local law enforcement representatives to 12218
obtain detailed information regarding each offender and delinquent 12219
child who is included in the registry, including, but not limited 12220
to the offender's or delinquent child's name, aliases, residence 12221
address, name and address of any place of employment, school, 12222

institution of higher education, if applicable, motor vehicle 12223
license plate number if of each motor vehicle identified in 12224
division (C)(5) of section 2950.04 or 2950.041 of the Revised Code 12225
to the extent applicable, victim preference if available, date of 12226
most recent release from confinement if applicable, fingerprints, 12227
and palmprints, all of the information and material described in 12228
division (A)(1)(a) to (h) of this section regarding the offender 12229
or delinquent child, and other identification parameters the 12230
bureau considers appropriate. The database is not a public record 12231
open for inspection under section 149.43 of the Revised Code and 12232
shall be available only to law enforcement representatives as 12233
described in this division. Information obtained by local law 12234
enforcement representatives through use of this database is not 12235
open to inspection by the public or by any person other than a 12236
person identified in division (A) of section 2950.08 of the 12237
Revised Code. 12238

(14) Through the bureau of criminal identification and 12239
investigation, maintain a list of requests for notice about a 12240
specified offender or delinquent child or specified geographical 12241
notification area made pursuant to division (J) of section 2950.11 12242
of the Revised Code and, when an offender or delinquent child 12243
changes residence to another county, forward any requests for 12244
information about that specific offender or delinquent child to 12245
the appropriate sheriff; 12246

(15) Through the bureau of criminal identification and 12247
investigation, establish and operate a system for the immediate 12248
notification by electronic means of the appropriate officials in 12249
other states specified in this division each time an offender or 12250
delinquent child registers a residence, school, institution of 12251
higher education, or place of employment address under section 12252
2950.04 or 2950.041 of the revised Code or provides a notice of a 12253
change of address or registers a new address under division (A) or 12254

(B) of section 2950.05 of the Revised Code. The immediate 12255
notification by electronic means shall be provided to the 12256
appropriate officials in each state in which the offender or 12257
delinquent child is required to register a residence, school, 12258
institution of higher education, or place of employment address. 12259
The notification shall contain the offender's or delinquent 12260
child's name and all of the information the bureau receives from 12261
the sheriff with whom the offender or delinquent child registered 12262
the address or provided the notice of change of address or 12263
registered the new address. 12264

(B) The attorney general in consultation with local law 12265
enforcement representatives, may adopt rules that establish one or 12266
more categories of neighbors of an offender or delinquent child 12267
who, in addition to the occupants of residential premises and 12268
other persons specified in division (A)(1) of section 2950.11 of 12269
the Revised Code, must be given the notice described in division 12270
(B) of that section. 12271

(C) No person, other than a local law enforcement 12272
representative, shall knowingly do any of the following: 12273

(1) Gain or attempt to gain access to the database 12274
established and operated by the attorney general, through the 12275
bureau of criminal identification and investigation, pursuant to 12276
division (A)(13) of this section. 12277

(2) Permit any person to inspect any information obtained 12278
through use of the database described in division (C)(1) of this 12279
section, other than as permitted under that division. 12280

(D) As used in this section, "local law enforcement 12281
representatives" means representatives of the sheriffs of this 12282
state, representatives of the municipal chiefs of police and 12283
marshals of this state, and representatives of the township 12284
constables and chiefs of police of the township police departments 12285

or police district police forces of this state. 12286

Sec. 2950.131. If, on or after the effective date of this 12287
section, the United States attorney general, or an office 12288
established under the authority of the United States attorney 12289
general, adopts any regulation, guideline, or standard that 12290
interprets or applies the federal Sex Offender Registration and 12291
Notification Act, Pub. L. No. 109-249, and that is not consistent 12292
with the provisions of the act in which this section is enacted, 12293
the attorney general of this state shall adopt rules in accordance 12294
with Chapter 119. of the Revised Code that conform the law of this 12295
state to the regulation, guideline, or standard adopted by the 12296
United States attorney general or the office established under the 12297
authority of the United States attorney general. 12298

Sec. 2950.14. (A) Prior to releasing an offender who is under 12299
the custody and control of the department of rehabilitation and 12300
correction and who has been convicted of or pleaded guilty to 12301
committing, either prior to, on, or after January 1, 1997, any 12302
sexually oriented offense ~~that is not a registration exempt~~ 12303
~~sexually oriented offense~~ or any child-victim oriented offense, 12304
the department of rehabilitation and correction shall provide all 12305
of the information described in division (B) of this section to 12306
the bureau of criminal identification and investigation regarding 12307
the offender and to the sheriff of the county in which the 12308
offender's anticipated future residence is located. Prior to 12309
releasing a delinquent child who is in the custody of the 12310
department of youth services who has been adjudicated a delinquent 12311
child for committing ~~on or after January 1, 2002,~~ any sexually 12312
oriented offense ~~that is not a registration exempt sexually~~ 12313
~~oriented offense~~ or any child-victim oriented offense, regardless 12314
of when the offense was committed, and who has been classified a 12315
juvenile offender registrant based on that adjudication, the 12316

department of youth services shall provide all of the information 12317
described in division (B) of this section to the bureau of 12318
criminal identification and investigation regarding the delinquent 12319
child. 12320

(B) The department of rehabilitation and correction and the 12321
department of youth services shall provide all of the following 12322
information to the bureau of criminal identification and 12323
investigation regarding an offender or delinquent child described 12324
in division (A) of this section: 12325

(1) The offender's or delinquent child's name and any aliases 12326
used by the offender or delinquent child; 12327

(2) All identifying factors concerning, and a physical 12328
description of, the offender or delinquent child; 12329

(3) The offender's or delinquent child's anticipated future 12330
residence; 12331

(4) The offense and delinquency history of the offender or 12332
delinquent child; 12333

(5) Whether the offender or delinquent child was treated for 12334
a mental abnormality or personality disorder while under the 12335
custody and control of the department; 12336

(6) Any other information that the bureau indicates is 12337
relevant and that the department possesses. 12338

(C) Upon receipt of the information described in division (B) 12339
of this section regarding an offender or delinquent child, the 12340
bureau immediately shall enter the information into the state 12341
registry of sex offenders and child-victim offenders that the 12342
bureau maintains pursuant to section 2950.13 of the Revised Code 12343
and into the records that the bureau maintains pursuant to 12344
division (A) of section 109.57 of the Revised Code. Upon receipt 12345
of that information regarding an offender, the bureau immediately 12346

shall enter the information on the sex offender and child-victim 12347
offender database it establishes and operates on the internet 12348
pursuant to division (A)(11) of section 2950.13 of the Revised 12349
Code. 12350

(D) Upon receipt of the information described in division (B) 12351
of this section regarding an offender, a sheriff who has 12352
established on the internet a sex offender and child-victim 12353
offender database for the public dissemination of information 12354
regarding such offenders shall enter that information on the 12355
database. 12356

Sec. 2950.15. (A) As used in this section and section 2950.16 12357
of the Revised Code, "eligible offender" means a person who is 12358
convicted of, pleads guilty to, was convicted of, or pleaded 12359
guilty to a sexually oriented offense or child-victim oriented 12360
offense, regardless of when the offense was committed, and is a 12361
tier I sex offender/child-victim offender or a child who is or was 12362
adjudicated a delinquent child for committing a sexually oriented 12363
offense or child-victim oriented offense, regardless of when the 12364
offense was committed, and is a public registry-qualified juvenile 12365
offender registrant. 12366

(B) Pursuant to this section, an eligible offender may make a 12367
motion to the court of common pleas or, for a delinquent child, 12368
the juvenile court of the county in which the eligible offender 12369
resides requesting that the court terminate the eligible 12370
offender's duty to comply with sections 2950.04, 2950.041, 12371
2950.05, and 2950.06 of the Revised Code. If the eligible offender 12372
is not a resident of this state, the eligible offender may make a 12373
motion to the court of common pleas of the county in which the 12374
eligible offender has registered pursuant to section 2950.04 or 12375
2950.041 of the Revised Code, but if the eligible offender has 12376
registered addresses of that nature in more than one county, the 12377

eligible offender may make such a motion in the court of only one 12378
of those counties. Notwithstanding any state or local rule 12379
assigning costs and fees for filing and processing civil and 12380
criminal cases, the fee for filing the motion shall be one hundred 12381
fifty dollars. This fee shall be applied to any further processing 12382
of the motion, including, but not limited to, the costs associated 12383
with investigating the motion, notifying relevant parties, 12384
scheduling hearings, and recording and reporting the court's 12385
determination. 12386

(C)(1) Except as provided in division (C)(2) of this section, 12387
an eligible offender who is classified a tier I sex 12388
offender/child-victim offender may make a motion under division 12389
(B) of this section upon the expiration of ten years after the 12390
eligible offender's duty to comply with division (A)(2) or (4) of 12391
section 2950.04 or division (A)(2) or (4) of section 2950.041 and 12392
sections 2950.05 and 2950.06 of the Revised Code begins in 12393
relation to the offense for which the eligible offender is subject 12394
to those provisions. 12395

(2) An eligible offender who is a delinquent child and is 12396
classified a public registry-qualified juvenile offender 12397
registrant may make a motion under division (B) of this section 12398
upon the expiration of twenty-five years after the eligible 12399
offender's duty to comply with division (A)(3) or (4) of section 12400
2950.04 and sections 2950.05 and 2950.06 of the Revised Code 12401
begins in relation to the offense for which the eligible offender 12402
is subject to those provisions. 12403

(D) An eligible offender who makes a motion under division 12404
(B) of this section shall include all of the following with the 12405
motion: 12406

(1) A certified copy of the judgment entry and any other 12407
documentation of the sentence or disposition given for the offense 12408
or offenses for which the eligible offender was convicted, pleaded 12409

guilty, or was adjudicated a delinquent child; 12410

(2) Documentation of the date of discharge from supervision 12411
or release, whichever is applicable; 12412

(3) Evidence that the eligible offender has completed a sex 12413
offender or child-victim offender treatment program certified by 12414
the department of rehabilitation and correction or the department 12415
of youth services pursuant to section 2950.16 of the Revised Code; 12416

(4) Evidence that the eligible offender has not been 12417
convicted of, pleaded guilty to, or been adjudicated a delinquent 12418
child for committing any subsequent sexually oriented offense, 12419
child-victim oriented offense, or other criminal offense, except 12420
for a minor misdemeanor traffic offense; 12421

(5) Evidence that the eligible offender has paid any 12422
financial sanctions imposed upon the offender pursuant to section 12423
2929.18 or 2929.28 of the Revised Code. 12424

(E) Upon the filing of a motion pursuant to division (B) of 12425
this section, the offender or delinquent child shall serve a copy 12426
of the motion on the prosecutor who handled the case in which the 12427
eligible offender was convicted of, pleaded guilty to, or was 12428
adjudicated a delinquent child for committing the sexually 12429
oriented offense or child-victim oriented offense. Upon the filing 12430
of the motion, the court shall set a tentative date for a hearing 12431
on the motion that is not later than one hundred eighty days from 12432
the date the motion is filed unless good cause exists to hold the 12433
hearing at a later date and shall notify the eligible offender and 12434
the prosecutor of the date, time, and place of the hearing. The 12435
court shall then forward a copy of the motion and its supporting 12436
documentation to the court's probation department or another 12437
appropriate agency to investigate the merits of the motion. The 12438
probation department or agency shall submit a written report 12439
detailing its investigation to the court within sixty days of 12440

receiving the motion and supporting documentation. 12441

Upon receipt of the written report from the probation 12442
department or other appropriate agency, the court shall forward a 12443
copy of the motion, supporting documentation, and the written 12444
report to the prosecutor. 12445

(F)(1) After the prosecutor is served with a copy of the 12446
motion as described in division (E) of this section, the 12447
prosecutor shall notify the victim of any offense for which the 12448
eligible offender is requesting a termination of duties under 12449
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 12450
Code. The victim may submit a written statement to the prosecutor 12451
regarding any knowledge the victim has of the eligible offender's 12452
conduct while subject to the duties imposed by sections 2950.04, 12453
2950.041, 2950.05, and 2950.06 of the Revised Code. 12454

(2) At least seven days before the hearing date, the 12455
prosecutor may file an objection to the motion with the court and 12456
serve a copy of the objection to the motion to the eligible 12457
offender or the eligible offender's attorney. 12458

(G) In addition to the evidence that accompanies the motion 12459
described in division (D) of this section and the written report 12460
submitted pursuant to division (E) of this section, in determining 12461
whether to grant a motion made under division (B) of this section, 12462
the court may consider any other evidence the court considers 12463
relevant, including, but not limited to, evidence of the following 12464
while the eligible offender has been subject to the duties imposed 12465
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 12466
Revised Code: 12467

(1) Whether the eligible offender's driver's license, 12468
commercial driver's license, temporary instruction permit, 12469
probationary license, or nonresident operating privilege has ever 12470
been suspended; 12471

<u>(2) Whether the eligible offender has maintained financial</u>	12472
<u>responsibility for a motor vehicle as required by section 4509.101</u>	12473
<u>of the Revised Code;</u>	12474
<u>(3) Whether the eligible offender has satisfied any child or</u>	12475
<u>spousal support obligations, if applicable;</u>	12476
<u>(4) Whether the eligible offender has paid all local, state,</u>	12477
<u>and federal income taxes, and has timely filed all associated</u>	12478
<u>income tax returns, as required by local, state, or federal law;</u>	12479
<u>(5) Whether there is evidence that the eligible offender has</u>	12480
<u>adequately addressed sex offending or child-victim offending</u>	12481
<u>behaviors;</u>	12482
<u>(6) Whether the eligible offender has maintained a residence</u>	12483
<u>for a substantial period of time;</u>	12484
<u>(7) Whether the eligible offender has maintained employment</u>	12485
<u>or, if the eligible offender has not been employed while under a</u>	12486
<u>duty to comply with sections 2950.04, 2950.041, 2950.05, and</u>	12487
<u>2950.06 of the Revised Code, whether the eligible offender has</u>	12488
<u>satisfied the offender's financial obligations through other</u>	12489
<u>manners of support such as disability payments, a pension, spousal</u>	12490
<u>or child support, or scholarships or grants;</u>	12491
<u>(8) Whether the eligible offender has adequately addressed</u>	12492
<u>any drug or alcohol abuse or addiction;</u>	12493
<u>(9) Letters of reference;</u>	12494
<u>(10) Documentation of the eligible offender's service to the</u>	12495
<u>community or to specific individuals in need.</u>	12496
<u>(H)(1) The court, without a hearing, may issue an order</u>	12497
<u>denying the eligible offender's motion to terminate the eligible</u>	12498
<u>offender's duty to comply with sections 2950.04, 2950.041,</u>	12499
<u>2950.05, and 2950.06 of the Revised Code if the court, based on</u>	12500
<u>the evidence submitted with the motion pursuant to division (D) of</u>	12501

this section and the written report submitted pursuant to division (E) of this section and after considering the factors described in division (G) of this section, finds that those duties should not be terminated. 12502
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(2) If the prosecutor does not file an objection to the eligible offender's application as provided in division (F)(2) of this section, the court, without a hearing, may issue an order that terminates the eligible offender's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if the court, based on the evidence submitted with the motion pursuant to division (D) of this section and the written report submitted pursuant to division (E) of this section and after considering the factors described in division (G) of this section, finds that those duties should be terminated. 12506
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(3) If the court does not issue an order under division (H)(1) or (2) of this section, the court shall hold a hearing to determine whether to grant or deny the motion. At the hearing, the Rules of Civil Procedure or, if the hearing is in a juvenile court, the Rules of Juvenile Procedure apply, except to the extent that those Rules would by their nature be clearly inapplicable. At the hearing, the eligible offender has the burden of going forward with the evidence and the burden of proof by a preponderance of the evidence. If, after considering the evidence submitted with the motion pursuant to division (D) of this section, the written report submitted pursuant to division (E) of this section, and the factors described in division (G) of this section, the court finds that the eligible offender has satisfied the burden of proof, the court shall issue an order that terminates the eligible offender's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. If the court finds that the eligible offender has not satisfied the burden of proof, the court shall issue an order denying the motion. 12516
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(4)(a) The court shall provide prompt notice of its order 12534
issued pursuant to division (H)(1), (2), or (3) of this section to 12535
the eligible offender or the eligible offender's attorney. 12536

(b) If the court issues an order terminating the eligible 12537
offender's duty to comply with sections 2950.04, 2950.041, 12538
2950.05, and 2950.06 of the Revised Code, the court shall promptly 12539
forward a copy of the order to the bureau of criminal 12540
identification and investigation. Upon receipt of the order, the 12541
bureau shall update all records pertaining to the eligible 12542
offender to reflect the termination order. The bureau also shall 12543
notify every sheriff with whom the eligible offender has most 12544
recently registered under section 2950.04, 2950.041, or 2950.05 of 12545
the Revised Code of the termination order. 12546

(c) If the court issues an order terminating the eligible 12547
offender's duty to comply with sections 2950.04, 2950.041, 12548
2950.05, and 2950.06 of the Revised Code, the court shall promptly 12549
forward a copy of the order to any court that sentenced the 12550
offender or adjudicated the child a delinquent child for a 12551
sexually oriented offense or child-victim oriented offense that is 12552
the basis of the termination order. The court that receives this 12553
notice shall retain a copy of the order in the eligible offender's 12554
original case file. 12555

Sec. 2950.16. By July 1, 2008, the department of 12556
rehabilitation and correction and the department of youth services 12557
shall adopt rules pertaining to the certification of sex offender 12558
and child-victim offender treatment programs. The rules shall 12559
include a requirement that the departments periodically inspect 12560
and certify sex offender and child-victim offender treatment 12561
programs. The rules shall also include a requirement that the 12562
departments maintain a list of certified sex offender and 12563
child-victim offender treatment programs that is open to public 12564

inspection. 12565

Sec. 2967.12. (A) Except as provided in division (G) of this 12566
section, at least three weeks before the adult parole authority 12567
recommends any pardon or commutation of sentence, or grants any 12568
parole, the authority shall send a notice of the pendency of the 12569
pardon, commutation, or parole, setting forth the name of the 12570
person on whose behalf it is made, the offense of which the person 12571
was convicted or to which the person pleaded guilty, the time of 12572
conviction or the guilty plea, and the term of the person's 12573
sentence, to the prosecuting attorney and the judge of the court 12574
of common pleas of the county in which the indictment against the 12575
person was found. If there is more than one judge of that court of 12576
common pleas, the authority shall send the notice to the presiding 12577
judge. The department of rehabilitation and correction, at the 12578
same time that it provides the notice to the prosecuting attorney 12579
and judge under this division, also shall post on the database it 12580
maintains pursuant to section 5120.66 of the Revised Code the 12581
offender's name and all of the information specified in division 12582
(A)(1)(c)(iii) of that section. 12583

(B) If a request for notification has been made pursuant to 12584
section 2930.16 of the Revised Code, the adult parole authority 12585
also shall give notice to the victim or the victim's 12586
representative prior to recommending any pardon or commutation of 12587
sentence for, or granting any parole to, the person. The authority 12588
shall provide the notice at the same time as the notice required 12589
by division (A) of this section and shall include in the notice 12590
the information required to be set forth in that notice. The 12591
notice also shall inform the victim or the victim's representative 12592
that the victim or representative may send a written statement 12593
relative to the victimization and the pending action to the adult 12594
parole authority and that, if the authority receives any written 12595
statement prior to recommending a pardon or commutation or 12596

granting a parole for a person, the authority will consider the 12597
statement before it recommends a pardon or commutation or grants a 12598
parole. If the person is being considered for parole, the notice 12599
shall inform the victim or the victim's representative that a full 12600
board hearing of the parole board may be held and that the victim 12601
or victim's representative may contact the office of victims' 12602
services for further information. If the person being considered 12603
for parole was convicted of or pleaded guilty to violating section 12604
2903.01 or 2903.02 of the Revised Code, the notice shall inform 12605
the victim of that offense, the victim's representative, or a 12606
member of the victim's immediate family that the victim, the 12607
victim's representative, and the victim's immediate family have 12608
the right to give testimony at a full board hearing of the parole 12609
board and that the victim or victim's representative may contact 12610
the office of victims' services for further information. As used 12611
in this division, "the victim's immediate family" means the 12612
mother, father, spouse, sibling, or child of the victim. 12613

(C) When notice of the pendency of any pardon, commutation of 12614
sentence, or parole has been given to a judge or prosecutor or 12615
posted on the database as provided in division (A) of this section 12616
and a hearing on the pardon, commutation, or parole is continued 12617
to a date certain, the authority shall provide notice of the 12618
further consideration of the pardon, commutation, or parole at 12619
least ten days before the further consideration. The notice of the 12620
further consideration shall be provided to the proper judge and 12621
prosecuting attorney by mail at least ten days before the further 12622
consideration, and, if the initial notice was posted on the 12623
database as provided in division (A) of this section, the notice 12624
of the further consideration shall be posted on the database at 12625
least ten days before the further consideration. When notice of 12626
the pendency of any pardon, commutation, or parole has been given 12627
as provided in division (B) of this section and the hearing on it 12628
is continued to a date certain, the authority shall give notice of 12629

the further consideration to the victim or the victim's 12630
representative in accordance with section 2930.03 of the Revised 12631
Code. 12632

(D) In case of an application for the pardon or commutation 12633
of sentence of a person sentenced to capital punishment, the 12634
governor may modify the requirements of notification and 12635
publication if there is not sufficient time for compliance with 12636
the requirements before the date fixed for the execution of 12637
sentence. 12638

(E) If an offender is serving a prison term imposed under 12639
division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 12640
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 12641
Revised Code and if the parole board terminates its control over 12642
the offender's service of that term pursuant to section 2971.04 of 12643
the Revised Code, the parole board immediately shall provide 12644
written notice of its termination of control or the transfer of 12645
control to the entities and persons specified in section 2971.04 12646
of the Revised Code. 12647

(F) The failure of the adult parole authority to comply with 12648
the notice or posting provisions of division (A), (B), or (C) of 12649
this section or the failure of the parole board to comply with the 12650
notice provisions of division (E) of this section do not give any 12651
rights or any grounds for appeal or post-conviction relief to the 12652
person serving the sentence. 12653

(G) Divisions (A), (B), and (C) of this section do not apply 12654
to any release of a person that is of the type described in 12655
division (B)(2)(b) of section 5120.031 of the Revised Code. 12656

(H) In addition to and independent of the right of a victim 12657
to make a statement as described in division (A) of this section 12658
or pursuant to section 2930.17 of the Revised Code or to otherwise 12659
make a statement, the authority for a judge or prosecuting 12660

attorney to furnish statements and information, make 12661
recommendations, and give testimony as described in division (A) 12662
of this section, the right of a prosecuting attorney, judge, or 12663
victim to give testimony or submit a statement at a full parole 12664
board hearing pursuant to section 5149.101 of the Revised Code, 12665
and any other right or duty of a person to present information or 12666
make a statement, any person may send to the adult parole 12667
authority at any time prior to the authority's recommending a 12668
pardon or commutation or granting a parole for the offender a 12669
written statement relative to the offense and the pending action. 12670

Sec. 2967.121. (A) Subject to division (C) of this section, 12671
at least two weeks before any convict who is serving a sentence 12672
for committing a felony of the first, second, or third degree is 12673
released from confinement in any state correctional institution 12674
pursuant to a pardon, commutation of sentence, parole, or 12675
completed prison term, the adult parole authority shall send 12676
notice of the release to the prosecuting attorney of the county in 12677
which the indictment of the convict was found. 12678

(B) The notice required by division (A) of this section may 12679
be contained in a weekly list of all felons of the first, second, 12680
or third degree who are scheduled for release. The notice shall 12681
contain all of the following: 12682

(1) The name of the convict being released; 12683

(2) The date of the convict's release; 12684

(3) The offense for the violation of which the convict was 12685
convicted and incarcerated; 12686

(4) The date of the convict's conviction pursuant to which 12687
the convict was incarcerated; 12688

(5) The sentence imposed for that conviction; 12689

(6) The length of any supervision that the convict will be 12690

under;	12691
(7) The name, business address, and business phone number of the convict's supervising officer;	12692 12693
(8) The address at which the convict will reside.	12694
(C) Divisions (A) and (B) of this section do not apply to the release from confinement of an offender if the offender is serving a prison term imposed under division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c), <u>or (B)(3)(a), (b), (c), or (d)</u> of section 2971.03 of the Revised Code, if the court pursuant to section 2971.05 of the Revised Code modifies the requirement that the offender serve that entire term in a state correctional institution, and if the release from confinement is pursuant to that modification. In a case of that type, the court that modifies the requirement promptly shall provide written notice of the modification and the order that modifies the requirement or revises the modification to the offender, the department of rehabilitation and correction, the prosecuting attorney, and any state agency or political subdivision that is affected by the order.	12695 12696 12697 12698 12699 12700 12701 12702 12703 12704 12705 12706 12707 12708 12709
Sec. 2971.01. As used in this chapter:	12710
(A) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	12711 12712
(B) "Designated homicide, assault, or kidnapping offense" means any of the following:	12713 12714
(1) A violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code or a violation of division (A) of section 2903.04 of the Revised Code;	12715 12716 12717
(2) An attempt to commit or complicity in committing a violation listed in division (B)(1) of this section, if the attempt or complicity is a felony.	12718 12719 12720

(C) "Examiner" has the same meaning as in section 2945.371 of the Revised Code. 12721
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(D) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 12723
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(E) "Prosecuting attorney" means the prosecuting attorney who prosecuted the case of the offender in question or the successor in office to that prosecuting attorney. 12725
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(F) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 12728
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(G) "Sexually violent offense" means any of the following: 12731

(1) A violent sex offense; 12732

(2) A designated homicide, assault, or kidnapping offense that the offender commits with a sexual motivation. 12733
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(H)(1) "Sexually violent predator" means a person who, on or after January 1, 1997, commits a sexually violent offense and is likely to engage in the future in one or more sexually violent offenses. 12735
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(2) For purposes of division (H)(1) of this section, any of the following factors may be considered as evidence tending to indicate that there is a likelihood that the person will engage in the future in one or more sexually violent offenses: 12739
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(a) The person has been convicted two or more times, in separate criminal actions, of a sexually oriented offense or a child-victim oriented offense. For purposes of this division, convictions that result from or are connected with the same act or result from offenses committed at the same time are one conviction, and a conviction set aside pursuant to law is not a conviction. 12743
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(b) The person has a documented history from childhood, into 12750

the juvenile developmental years, that exhibits sexually deviant behavior. 12751
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(c) Available information or evidence suggests that the person chronically commits offenses with a sexual motivation. 12753
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(d) The person has committed one or more offenses in which the person has tortured or engaged in ritualistic acts with one or more victims. 12755
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(e) The person has committed one or more offenses in which one or more victims were physically harmed to the degree that the particular victim's life was in jeopardy. 12758
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(f) Any other relevant evidence. 12761

(I) "Sexually violent predator specification" means a specification, as described in section 2941.148 of the Revised Code, that charges that a person charged with a violent sex offense, or a person charged with a designated homicide, assault, or kidnapping offense and a sexual motivation specification, is a sexually violent predator. 12762
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(J) "Sexual motivation" means a purpose to gratify the sexual needs or desires of the offender. 12768
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(K) "Sexual motivation specification" means a specification, as described in section 2941.147 of the Revised Code, that charges that a person charged with a designated homicide, assault, or kidnapping offense committed the offense with a sexual motivation. 12770
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(L) "Violent sex offense" means any of the following: 12774

(1) A violation of section 2907.02, 2907.03, or 2907.12 or of division (A)(4) or (B) of section 2907.05 of the Revised Code; 12775
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(2) A felony violation of a former law of this state that is substantially equivalent to a violation listed in division (L)(1) of this section or of an existing or former law of the United States or of another state that is substantially equivalent to a 12777
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violation listed in division (L)(1) of this section; 12781

(3) An attempt to commit or complicity in committing a 12782
violation listed in division (L)(1) or (2) of this section if the 12783
attempt or complicity is a felony. 12784

Sec. 2971.03. (A) Notwithstanding divisions (A), (B), (C), 12785
and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 12786
2929.13, or another section of the Revised Code, other than 12787
divisions (D) and (E) of section 2929.14 of the Revised Code, that 12788
authorizes or requires a specified prison term or a mandatory 12789
prison term for a person who is convicted of or pleads guilty to a 12790
felony or that specifies the manner and place of service of a 12791
prison term or term of imprisonment, the court shall impose a 12792
sentence upon a person who is convicted of or pleads guilty to a 12793
violent sex offense and who also is convicted of or pleads guilty 12794
to a sexually violent predator specification that was included in 12795
the indictment, count in the indictment, or information charging 12796
that offense, and upon a person who is convicted of or pleads 12797
guilty to a designated homicide, assault, or kidnapping offense 12798
and also is convicted of or pleads guilty to both a sexual 12799
motivation specification and a sexually violent predator 12800
specification that were included in the indictment, count in the 12801
indictment, or information charging that offense, as follows: 12802

(1) If the offense for which the sentence is being imposed is 12803
aggravated murder and if the court does not impose upon the 12804
offender a sentence of death, it shall impose upon the offender a 12805
term of life imprisonment without parole. If the court sentences 12806
the offender to death and the sentence of death is vacated, 12807
overturned, or otherwise set aside, the court shall impose upon 12808
the offender a term of life imprisonment without parole. 12809

(2) If the offense for which the sentence is being imposed is 12810
murder; or if the offense is rape committed in violation of 12811

division (A)(1)(b) of section 2907.02 of the Revised Code when the 12812
offender purposely compelled the victim to submit by force or 12813
threat of force, when the victim was less than ten years of age, 12814
when the offender previously has been convicted of or pleaded 12815
guilty to either rape committed in violation of that division or a 12816
violation of an existing or former law of this state, another 12817
state, or the United States that is substantially similar to 12818
division (A)(1)(b) of section 2907.02 of the Revised Code, or when 12819
the offender during or immediately after the commission of the 12820
rape caused serious physical harm to the victim; or if the offense 12821
is an offense other than aggravated murder or murder for which a 12822
term of life imprisonment may be imposed, it shall impose upon the 12823
offender a term of life imprisonment without parole. 12824

(3)(a) Except as otherwise provided in division (A)(3)(b), 12825
(c), (d), or (e) or (A)(4) of this section, if the offense for 12826
which the sentence is being imposed is an offense other than 12827
aggravated murder, murder, or rape and other than an offense for 12828
which a term of life imprisonment may be imposed, it shall impose 12829
an indefinite prison term consisting of a minimum term fixed by 12830
the court from among the range of terms available as a definite 12831
term for the offense, but not less than two years, and a maximum 12832
term of life imprisonment. 12833

(b) Except as otherwise provided in division (A)(4) of this 12834
section, if the offense for which the sentence is being imposed is 12835
kidnapping that is a felony of the first degree, it shall impose 12836
an indefinite prison term as follows: 12837

(i) If the kidnapping is committed on or after the effective 12838
date of this amendment and the victim of the offense is less than 12839
thirteen years of age, except as otherwise provided in this 12840
division, it shall impose an indefinite prison term consisting of 12841
a minimum term of fifteen years and a maximum term of life 12842
imprisonment. If the kidnapping is committed on or after the 12843

effective date of this amendment, the victim of the offense is 12844
less than thirteen years of age, and the offender released the 12845
victim in a safe place unharmed, it shall impose an indefinite 12846
prison term consisting of a minimum term of ten years and a 12847
maximum term of life imprisonment. 12848

(ii) If the kidnapping is committed prior to the effective 12849
date of this amendment or division (A)(3)(b)(i) of this section 12850
does not apply, it shall impose an indefinite term consisting of a 12851
minimum term fixed by the court that is not less than ten years, 12852
and a maximum term of life imprisonment. 12853

(c) Except as otherwise provided in division (A)(4) of this 12854
section, if the offense for which the sentence is being imposed is 12855
kidnapping that is a felony of the second degree, it shall impose 12856
an indefinite prison term consisting of a minimum term fixed by 12857
the court that is not less than eight years, and a maximum term of 12858
life imprisonment. 12859

(d) Except as otherwise provided in division (A)(4) of this 12860
section, if the offense for which the sentence is being imposed is 12861
rape for which a term of life imprisonment is not imposed under 12862
division (A)(2) of this section or division (B) of section 2907.02 12863
of the Revised Code, it shall impose an indefinite prison term as 12864
follows: 12865

(i) If the rape is committed on or after ~~the effective date~~ 12866
~~of this amendment~~ January 2, 2007, in violation of division 12867
(A)(1)(b) of section 2907.02 of the Revised Code, it shall impose 12868
an indefinite prison term consisting of a minimum term of 12869
twenty-five years and a maximum term of life imprisonment. 12870

(ii) If the rape is committed prior to ~~the effective date of~~ 12871
~~this amendment~~ January 2, 2007, or the rape is committed on or 12872
after ~~the effective date of this amendment~~ January 2, 2007, other 12873
than in violation of division (A)(1)(b) of section 2907.02 of the 12874

Revised Code, it shall impose an indefinite prison term consisting 12875
of a minimum term fixed by the court that is not less than ten 12876
years, and a maximum term of life imprisonment. 12877

(e) Except as otherwise provided in division (A)(4) of this 12878
section, if the offense for which sentence is being imposed is 12879
attempted rape, it shall impose an indefinite prison term as 12880
follows: 12881

(i) Except as otherwise provided in division (A)(3)(e)(ii), 12882
(iii), or (iv) of this section, it shall impose an indefinite 12883
prison term pursuant to division (A)(3)(a) of this section. 12884

(ii) If the attempted rape for which sentence is being 12885
imposed was committed on or after ~~the effective date of this~~ 12886
~~amendment~~ January 2, 2007, and if the offender also is convicted 12887
of or pleads guilty to a specification of the type described in 12888
section 2941.1418 of the Revised Code, it shall impose an 12889
indefinite prison term consisting of a minimum term of five years 12890
and a maximum term of twenty-five years. 12891

(iii) If the attempted rape for which sentence is being 12892
imposed was committed on or after ~~the effective date of this~~ 12893
~~amendment~~ January 2, 2007, and if the offender also is convicted 12894
of or pleads guilty to a specification of the type described in 12895
section 2941.1419 of the Revised Code, it shall impose an 12896
indefinite prison term consisting of a minimum term of ten years 12897
and a maximum of life imprisonment. 12898

(iv) If the attempted rape for which sentence is being 12899
imposed was committed on or after ~~the effective date of this~~ 12900
~~amendment~~ January 2, 2007, and if the offender also is convicted 12901
of or pleads guilty to a specification of the type described in 12902
section 2941.1420 of the Revised Code, it shall impose an 12903
indefinite prison term consisting of a minimum term of fifteen 12904
years and a maximum of life imprisonment. 12905

(4) For any offense for which the sentence is being imposed, 12906
if the offender previously has been convicted of or pleaded guilty 12907
to a violent sex offense and also to a sexually violent predator 12908
specification that was included in the indictment, count in the 12909
indictment, or information charging that offense, or previously 12910
has been convicted of or pleaded guilty to a designated homicide, 12911
assault, or kidnapping offense and also to both a sexual 12912
motivation specification and a sexually violent predator 12913
specification that were included in the indictment, count in the 12914
indictment, or information charging that offense, it shall impose 12915
upon the offender a term of life imprisonment without parole. 12916

(B)(1) Notwithstanding section 2929.13, division (A), (B), 12917
(C), or (F) of section 2929.14, or another section of the Revised 12918
Code other than division (B) of section 2907.02 or divisions (D) 12919
and (E) of section 2929.14 of the Revised Code that authorizes or 12920
requires a specified prison term or a mandatory prison term for a 12921
person who is convicted of or pleads guilty to a felony or that 12922
specifies the manner and place of service of a prison term or term 12923
of imprisonment, if a person is convicted of or pleads guilty to a 12924
violation of division (A)(1)(b) of section 2907.02 of the Revised 12925
Code committed on or after ~~the effective date of this amendment~~ 12926
January 2, 2007, if division (A) of this section does not apply 12927
regarding the person, and if the court does not impose a sentence 12928
of life without parole when authorized pursuant to division (B) of 12929
section 2907.02 of the Revised Code, the court shall impose upon 12930
the person an indefinite prison term consisting of one of the 12931
following: 12932

(a) Except as otherwise required in division (B)(1)(b) or (c) 12933
of this section, a minimum term of ten years and a maximum term of 12934
life imprisonment. 12935

(b) If the victim was less than ten years of age, a minimum 12936
term of fifteen years and a maximum of life imprisonment. 12937

(c) If the offender purposely compels the victim to submit by force or threat of force, or if the offender previously has been convicted of or pleaded guilty to violating division (A)(1)(b) of section 2907.02 of the Revised Code or to violating an existing or former law of this state, another state, or the United States that is substantially similar to division (A)(1)(b) of that section, or if the offender during or immediately after the commission of the offense caused serious physical harm to the victim, a minimum term of twenty-five years and a maximum of life imprisonment.

(2) 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 and except as otherwise provided in division (B) of section 2907.02 of the Revised Code, if a person is convicted of or pleads guilty to attempted rape committed on or after ~~the effective date of this amendment~~ January 2, 2007, 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) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.

(b) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of ten years and a

maximum term of life imprisonment. 12970

(c) If the person also is convicted of or pleads guilty to a 12971
specification of the type described in section 2941.1420 of the 12972
Revised Code, the court shall impose upon the person an indefinite 12973
prison term consisting of a minimum term of fifteen years and a 12974
maximum term of life imprisonment. 12975

(3) Notwithstanding section 2929.13, division (A), (B), (C), 12976
or (F) of section 2929.14, or another section of the Revised Code 12977
other than divisions (D) and (E) of section 2929.14 of the Revised 12978
Code that authorizes or requires a specified prison term or a 12979
mandatory prison term for a person who is convicted of or pleads 12980
guilty to a felony or that specifies the manner and place of 12981
service of a prison term or term of imprisonment, if a person is 12982
convicted of or pleads guilty to an offense described in division 12983
(B)(3)(a), (b), (c), or (d) of this section committed on or after 12984
the effective date of this amendment, if the person also is 12985
convicted of or pleads guilty to a sexual motivation specification 12986
that was included in the indictment, count in the indictment, or 12987
information charging that offense, and if division (A) of this 12988
section does not apply regarding the person, the court shall 12989
impose upon the person an indefinite prison term consisting of one 12990
of the following: 12991

(a) An indefinite prison term consisting of a minimum of ten 12992
years and a maximum term of life imprisonment if the offense for 12993
which the sentence is being imposed is kidnapping, the victim of 12994
the offense is less than thirteen years of age, and the offender 12995
released the victim in a safe place unharmed; 12996

(b) An indefinite prison term consisting of a minimum of 12997
fifteen years and a maximum term of life imprisonment if the 12998
offense for which the sentence is being imposed is kidnapping when 12999
the victim of the offense is less than thirteen years of age and 13000
division (B)(3)(a) of this section does not apply; 13001

(c) An indefinite term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is aggravated murder, when the victim of the offense is less than thirteen years of age, a sentence of death or life imprisonment without parole is not imposed for the offense, and division (A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires that the sentence for the offense be imposed pursuant to this division;

(d) An indefinite prison term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is murder when the victim of the offense is less than thirteen years of age.

(C)(1) If the offender is sentenced to a prison term 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 this section, the parole board shall have control over the offender's service of the term during the entire term unless the parole board terminates its control in accordance with section 2971.04 of the Revised Code.

(2) Except as provided in division (C)(3) of this section, an offender sentenced to a prison term or term of life imprisonment without parole pursuant to division (A) of this section shall serve the entire prison term or term of life imprisonment in a state correctional institution. The offender is not eligible for judicial release under section 2929.20 of the Revised Code.

(3) For a prison term imposed pursuant to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of this section, the court, in accordance with section 2971.05 of the Revised Code, may terminate the prison term or modify the requirement that the offender serve the entire term in

a state correctional institution if all of the following apply: 13034

(a) The offender has served at least the minimum term imposed 13035
as part of that prison term. 13036

(b) The parole board, pursuant to section 2971.04 of the 13037
Revised Code, has terminated its control over the offender's 13038
service of that prison term. 13039

(c) The court has held a hearing and found, by clear and 13040
convincing evidence, one of the following: 13041

(i) In the case of termination of the prison term, that the 13042
offender is unlikely to commit a sexually violent offense in the 13043
future; 13044

(ii) In the case of modification of the requirement, that the 13045
offender does not represent a substantial risk of physical harm to 13046
others. 13047

(4) An offender who has been sentenced to a term of life 13048
imprisonment without parole pursuant to division (A)(1), (2), or 13049
(4) of this section shall not be released from the term of life 13050
imprisonment or be permitted to serve a portion of it in a place 13051
other than a state correctional institution. 13052

(D) If a court sentences an offender to a prison term or term 13053
of life imprisonment without parole pursuant to division (A) of 13054
this section and the court also imposes on the offender one or 13055
more additional prison terms pursuant to division (D) of section 13056
2929.14 of the Revised Code, all of the additional prison terms 13057
shall be served consecutively with, and prior to, the prison term 13058
or term of life imprisonment without parole imposed upon the 13059
offender pursuant to division (A) of this section. 13060

(E) If the offender is convicted of or pleads guilty to two 13061
or more offenses for which a prison term or term of life 13062
imprisonment without parole is required to be imposed pursuant to 13063

division (A) of this section, divisions (A) to (D) of this section 13064
shall be applied for each offense. All minimum terms imposed upon 13065
the offender pursuant to division (A)(3) or (B) of this section 13066
for those offenses shall be aggregated and served consecutively, 13067
as if they were a single minimum term imposed under that division. 13068

(F)(1) If an offender is convicted of or pleads guilty to a 13069
violent sex offense and also is convicted of or pleads guilty to a 13070
sexually violent predator specification that was included in the 13071
indictment, count in the indictment, or information charging that 13072
offense, or is convicted of or pleads guilty to a designated 13073
homicide, assault, or kidnapping offense and also is convicted of 13074
or pleads guilty to both a sexual motivation specification and a 13075
sexually violent predator specification that were included in the 13076
indictment, count in the indictment, or information charging that 13077
offense, the conviction of or plea of guilty to the offense and 13078
the sexually violent predator specification automatically 13079
classifies the offender as a ~~sexual predator~~ tier III sex 13080
offender/child-victim offender for purposes of Chapter 2950. of 13081
the Revised Code. ~~If~~ 13082

(2) If an offender is convicted of or pleads guilty to 13083
committing on or after ~~the effective date of this amendment~~ 13084
January 2, 2007, a violation of division (A)(1)(b) of section 13085
2907.02 of the Revised Code and either the offender is sentenced 13086
under section 2971.03 of the Revised Code or a sentence of life 13087
without parole is imposed under division (B) of section 2907.02 of 13088
the Revised Code, the conviction of or plea of guilty to the 13089
offense automatically classifies the offender as a ~~sexual predator~~ 13090
tier III sex offender/child-victim offender for purposes of 13091
Chapter 2950. of the Revised Code. ~~If~~ 13092

(3) If a person is convicted of or pleads guilty to 13093
committing on or after ~~the effective date of this amendment~~ 13094
January 2, 2007, attempted rape and also is convicted of or pleads 13095

guilty to a specification of the type described in section 13096
2941.1418, 2941.1419, or 2941.1420 of the Revised Code, the 13097
conviction of or plea of guilty to the offense and the 13098
specification automatically classify the offender as a ~~sexual~~ 13099
~~predator tier III sex offender/child-victim offender~~ for purposes 13100
of ~~this chapter~~ Chapter 2950. of the Revised Code. The 13101
~~classification pursuant to this division of an offender as a~~ 13102
~~sexual predator for purposes of Chapter 2950.~~ of the Revised Code 13103
is permanent and continues until the offender's death as described 13104
in ~~division (D)(2) of section 2950.09 of the Revised Code.~~ 13105

(4) If a person is convicted of or pleads guilty to one of 13106
the offenses described in division (B)(3)(a), (b), (c), or (d) of 13107
this section and a sexual motivation specification related to the 13108
offense and the victim of the offense is less than thirteen years 13109
of age, the conviction of or plea of guilty to the offense 13110
automatically classifies the offender as a tier III sex 13111
offender/child-victim offender for purposes of Chapter 2950. of 13112
the Revised Code. 13113

Sec. 2971.04. (A) If an offender is serving a prison term 13114
imposed under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ 13115
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 13116
2971.03 of the Revised Code, at any time after the offender has 13117
served the minimum term imposed under that sentence, the parole 13118
board may terminate its control over the offender's service of the 13119
prison term. The parole board initially shall determine whether to 13120
terminate its control over the offender's service of the prison 13121
term upon the completion of the offender's service of the minimum 13122
term under the sentence and shall make subsequent determinations 13123
at least once every two years after that first determination. The 13124
parole board shall not terminate its control over the offender's 13125
service of the prison term unless it finds at a hearing that the 13126
offender does not represent a substantial risk of physical harm to 13127

others. Prior to determining whether to terminate its control over 13128
the offender's service of the prison term, the parole board shall 13129
request the department of rehabilitation and correction to prepare 13130
pursuant to section 5120.61 of the Revised Code an update of the 13131
most recent risk assessment and report relative to the offender. 13132
The offender has the right to be present at any hearing held under 13133
this section. At the hearing, the offender and the prosecuting 13134
attorney may make a statement and present evidence as to whether 13135
the parole board should terminate its control over the offender's 13136
service of the prison term. In making its determination as to 13137
whether to terminate its control over the offender's service of 13138
the prison term, the parole board may follow the standards and 13139
guidelines adopted by the department of rehabilitation and 13140
correction under section 5120.49 of the Revised Code and shall 13141
consider the updated risk assessment and report relating to the 13142
offender prepared by the department pursuant to section 5120.61 of 13143
the Revised Code in response to the request made under this 13144
division and any statements or evidence submitted by the offender 13145
or the prosecuting attorney. If the parole board terminates its 13146
control over an offender's service of a prison term imposed under 13147
division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 13148
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13149
Revised Code, it shall recommend to the court modifications to the 13150
requirement that the offender serve the entire term in a state 13151
correctional institution. The court is not bound by the 13152
recommendations submitted by the parole board. 13153

(B) If the parole board terminates its control over an 13154
offender's service of a prison term imposed pursuant to division 13155
(A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or 13156
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 13157
Code, the parole board immediately shall provide written notice of 13158
its termination of control to the department of rehabilitation and 13159
correction, the court, and the prosecuting attorney, and, after 13160

the board's termination of its control, the court shall have 13161
control over the offender's service of that prison term. 13162

After the transfer, the court shall have control over the 13163
offender's service of that prison term for the offender's entire 13164
life, subject to the court's termination of the term pursuant to 13165
section 2971.05 of the Revised Code. 13166

(C) If control over the offender's service of the prison term 13167
is transferred to the court, all of the following apply: 13168

(1) The offender shall not be released solely as a result of 13169
the transfer of control over the service of that prison term. 13170

(2) The offender shall not be permitted solely as a result of 13171
the transfer to serve a portion of that term in a place other than 13172
a state correctional institution. 13173

(3) The offender shall continue serving that term in a state 13174
correctional institution, subject to the following: 13175

(a) A release pursuant to a pardon, commutation, or reprieve; 13176

(b) A modification or termination of the term by the court 13177
pursuant to this chapter. 13178

Sec. 2971.05. (A)(1) After control over an offender's service 13179
of a prison term imposed pursuant to division (A)(3), (B)(1)(a), 13180
(b), or (c), ~~or (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or~~ 13181
(d) of section 2971.03 of the Revised Code has been transferred 13182
pursuant to section 2971.04 of the Revised Code to the court, the 13183
court shall schedule, within thirty days of any of the following, 13184
a hearing on whether to modify in accordance with division (C) of 13185
this section the requirement that the offender serve the entire 13186
prison term in a state correctional institution or to terminate 13187
the prison term in accordance with division (D) of this section: 13188

(a) Control over the offender's service of a prison term is 13190

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 pursuant to division (A)(1) or (2) of this section;

(c) The prosecuting attorney, the department of rehabilitation and correction, or the adult parole authority requests the hearing, and recommends that the requirement be modified or that the offender's prison term be terminated.

(2) After control over the offender's service of a prison term has been transferred pursuant to section 2971.04 of the Revised Code to the court, the court, within thirty days of either of the following, shall conduct 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, whether to continue, revise, or revoke an existing modification of that requirement, or whether to terminate the term in accordance with division (D) of this section:

(a) The requirement that the offender serve the entire prison term in a state correctional institution has been modified, and the offender is taken into custody for any reason.

(b) The department of rehabilitation and correction or the prosecuting attorney notifies the court pursuant to section 2971.06 of the Revised Code regarding a known or suspected violation of a term or condition of the modification or a belief that there is a substantial likelihood that the offender has committed or is about to commit a sexually violent offense.

(3) After control over the offender's service of a prison term has been transferred pursuant to section 2971.04 of the Revised Code to the court, the court, in any of the following circumstances, may conduct a hearing within thirty days to determine whether to modify in accordance with division (C) of

this section the requirement that the offender serve the entire 13222
prison term in a state correctional institution, whether to 13223
continue, revise, or revoke an existing modification of that 13224
requirement, or whether to terminate the sentence in accordance 13225
with division (D) of this section: 13226

(a) The offender requests the hearing; 13227

(b) Upon the court's own motion; 13228

(c) One or more examiners who have conducted a psychological 13229
examination and assessment of the offender file a statement that 13230
states that there no longer is a likelihood that the offender will 13231
engage in the future in a sexually violent offense. 13232

(B)(1) Before a court holds a hearing pursuant to division 13233
(A) of this section, the court shall provide notice of the date, 13234
time, place, and purpose of the hearing to the offender, the 13235
prosecuting attorney, the department of rehabilitation and 13236
correction, and the adult parole authority and shall request the 13237
department to prepare pursuant to section 5120.61 of the Revised 13238
Code an update of the most recent risk assessment and report 13239
relative to the offender. The offender has the right to be present 13240
at any hearing held under this section. At the hearing, the 13241
offender and the prosecuting attorney may make a statement and 13242
present evidence as to whether the requirement that the offender 13243
serve the entire prison term in a state correctional institution 13244
should or should not be modified, whether the existing 13245
modification of the requirement should be continued, revised, or 13246
revoked, and whether the prison term should or should not be 13247
terminated. 13248

(2) At a hearing held pursuant to division (A) of this 13249
section, the court may and, if the hearing is held pursuant to 13250
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall 13251
determine by clear and convincing evidence whether the offender is 13252

unlikely to commit a sexually violent offense in the future. 13253

(3) At the conclusion of the hearing held pursuant to 13254
division (A) of this section, the court may order that the 13255
requirement that the offender serve the entire prison term in a 13256
state correctional institution be continued, that the requirement 13257
be modified pursuant to division (C) of this section, that an 13258
existing modification be continued, revised, or revoked pursuant 13259
to division (C) of this section, or that the prison term be 13260
terminated pursuant to division (D) of this section. 13261

(C)(1) If, at the conclusion of a hearing held pursuant to 13262
division (A) of this section, the court determines by clear and 13263
convincing evidence that the offender will not represent a 13264
substantial risk of physical harm to others, the court may modify 13265
the requirement that the offender serve the entire prison term 13266
imposed under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ 13267
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 13268
2971.03 of the Revised Code in a state correctional institution in 13269
a manner that the court considers appropriate. If the court 13270
modifies the requirement for an offender whose prison term was 13271
imposed pursuant to division (A)(3) of section 2971.03 of the 13272
Revised Code, the court shall order the adult parole authority to 13273
supervise the offender and shall require that the authority's 13274
supervision of the offender be pursuant to division (E) of this 13275
section. If the court modifies the requirement for an offender 13276
whose prison term was imposed pursuant to division (B)(1)(a), (b), 13277
or (c) ~~or~~, (2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of 13278
section 2971.03 of the Revised Code, the court shall order the 13279
adult parole authority to supervise the offender and may require 13280
that the authority's supervision of the offender be pursuant to 13281
division (E) of this section. 13282

(2) The modification of the requirement does not terminate 13283
the prison term but serves only to suspend the requirement that 13284

the offender serve the entire term in a state correctional 13285
institution. The prison term shall remain in effect for the 13286
offender's entire life unless the court terminates the prison term 13287
pursuant to division (D) of this section. The offender shall 13288
remain under the jurisdiction of the court for the offender's 13289
entire life unless the court so terminates the prison term. The 13290
modification of the requirement does not terminate the 13291
classification of the offender, as described in division (F) of 13292
section 2971.03 of the Revised Code, as a sexual predator for 13293
purposes of Chapter 2950. of the Revised Code, and the offender is 13294
subject to supervision, including supervision under division (E) 13295
of this section if the court required the supervision of the 13296
offender to be pursuant to that division. 13297

(3) If the court revokes the modification under 13298
consideration, the court shall order that the offender be returned 13299
to the custody of the department of rehabilitation and correction 13300
to continue serving the prison term to which the modification 13301
applied, and section 2971.06 of the Revised Code applies regarding 13302
the offender. 13303

(D)(1) If, at the conclusion of a hearing held pursuant to 13304
division (A) of this section, the court determines by clear and 13305
convincing evidence that the offender is unlikely to commit a 13306
sexually violent offense in the future, the court may terminate 13307
the offender's prison term imposed under division (A)(3), 13308
(B)(1)(a), (b), or (c), ~~or (B)(2)(a), (b), or (c),~~ or (B)(3)(a), 13309
(b), (c), or (d) of section 2971.03 of the Revised Code, subject 13310
to the offender satisfactorily completing the period of 13311
conditional release required by this division and, if applicable, 13312
compliance with division (E) of this section. If the court 13313
terminates the prison term, the court shall place the offender on 13314
conditional release for five years, notify the adult parole 13315
authority of its determination and of the termination of the 13316

prison term, and order the adult parole authority to supervise the 13317
offender during the five-year period of conditional release or, if 13318
division (E) applies to the offender, to supervise the offender 13319
pursuant to and for the period of time specified in that division. 13320
If the court terminates the prison term for an offender whose 13321
prison term was imposed pursuant to division (A)(3) of section 13322
2971.03 of the Revised Code, the court shall require that the 13323
authority's supervision of the offender be pursuant to division 13324
(E) of this section. If the court terminates the prison term for 13325
an offender whose prison term was imposed pursuant to division 13326
(B)(1)(a), (b), or (c) ~~or~~, (2)(a), (b), or (c), or (3)(a), (b), 13327
(c), or (d) of section 2971.03 of the Revised Code, the court may 13328
require that the authority's supervision of the offender be 13329
pursuant to division (E) of this section. Upon receipt of a notice 13330
from a court pursuant to this division, the adult parole authority 13331
shall supervise the offender who is the subject of the notice 13332
during the five-year period of conditional release, periodically 13333
notify the court of the offender's activities during that 13334
five-year period of conditional release, and file with the court 13335
no later than thirty days prior to the expiration of the five-year 13336
period of conditional release a written recommendation as to 13337
whether the termination of the offender's prison term should be 13338
finalized, whether the period of conditional release should be 13339
extended, or whether another type of action authorized pursuant to 13340
this chapter should be taken. 13341

(2) Upon receipt of a recommendation of the adult parole 13342
authority filed pursuant to division (D)(1) of this section, the 13343
court shall hold a hearing to determine whether to finalize the 13344
termination of the offender's prison term, to extend the period of 13345
conditional release, or to take another type of action authorized 13346
pursuant to this chapter. The court shall hold the hearing no 13347
later than the date on which the five-year period of conditional 13348
release terminates and shall provide notice of the date, time, 13349

place, and purpose of the hearing to the offender and to the 13350
prosecuting attorney. At the hearing, the offender, the 13351
prosecuting attorney, and the adult parole authority employee who 13352
supervised the offender during the period of conditional release 13353
may make a statement and present evidence. 13354

If the court determines at the hearing to extend an 13355
offender's period of conditional release, it may do so for 13356
additional periods of one year in the same manner as the original 13357
period of conditional release, and, except as otherwise described 13358
in this division, all procedures and requirements that applied to 13359
the original period of conditional release apply to the additional 13360
period of extended conditional release unless the court modifies a 13361
procedure or requirement. If an offender's period of conditional 13362
release is extended as described in this division, all references 13363
to a five-year period of conditional release that are contained in 13364
division (D)(1) of this section shall be construed, in applying 13365
the provisions of that division to the extension, as being 13366
references to the one-year period of the extension of the 13367
conditional release. 13368

If the court determines at the hearing to take another type 13369
of action authorized pursuant to this chapter, it may do so in the 13370
same manner as if the action had been taken at any other stage of 13371
the proceedings under this chapter. As used in this division, 13372
"another type of action" includes the revocation of the 13373
conditional release and the return of the offender to a state 13374
correctional institution to continue to serve the prison term. 13375

If the court determines at the hearing to finalize the 13376
termination of the offender's prison term, it shall notify the 13377
department of rehabilitation and correction, the department shall 13378
enter into its records a final release and issue to the offender a 13379
certificate of final release, and the prison term thereafter shall 13380
be considered completed and terminated in every way. 13381

(3) The termination of an offender's prison term pursuant to 13382
division (D)(1) or (2) of this section does not affect the 13383
classification of the offender, as described in division (F) of 13384
section 2971.03 of the Revised Code, as a ~~sexual predator tier III~~ 13385
sex offender/child-victim offender for purposes of Chapter 2950. 13386
of the Revised Code, does not terminate the adult parole 13387
authority's supervision of the offender, and, if the court had 13388
required the supervision of the offender to be pursuant to 13389
division (E) of this section, does not terminate the supervision 13390
of the offender with an active global positioning system device, 13391
pursuant to that division. ~~The classification of the offender as a~~ 13392
~~sexual predator is permanent and continues until the offender's~~ 13393
~~death as described in division (D)(2) of section 2950.09 of the~~ 13394
~~Revised Code.~~ 13395

(E) If a prison term imposed upon an offender pursuant to 13396
division (A)(3) of section 2971.03 of the Revised Code is modified 13397
as provided in division (C) of this section or terminated as 13398
provided in division (D) of this section, the adult parole 13399
authority shall supervise the offender with an active global 13400
positioning system device during any time period in which the 13401
offender is not incarcerated in a state correctional institution. 13402
If a prison term imposed upon an offender pursuant to division 13403
(B)(1)(a), (b), or (c) ~~or~~, (2)(a), (b), or (c), or (3)(a), (b), 13404
(c), or (d) of section 2971.03 of the Revised Code is modified as 13405
provided in division (C) of this section or terminated as provided 13406
in division (D) of this section, and if the court requires that 13407
the adult parole authority's supervision of the offender be 13408
pursuant to this division, the authority shall supervise the 13409
offender with an active global positioning system device during 13410
any time period in which the offender is not incarcerated in a 13411
state correctional institution. If the adult parole authority is 13412
required to supervise the offender with an active global 13413
positioning system device as described in this division, unless 13414

the court removes the offender's classification as a sexually 13415
violent predator regarding an offender whose prison term was 13416
imposed under division (A)(3) of section 2971.03 of the Revised 13417
Code or terminates the requirement that supervision of the 13418
offender be pursuant to this division regarding an offender whose 13419
prison term was imposed under division (B)(1)(a), (b), or (c) ~~or~~ 13420
(2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of section 13421
2971.03 of the Revised Code, the offender is subject to 13422
supervision with an active global positioning system pursuant to 13423
this division for the offender's entire life. The costs of 13424
administering the supervision of offenders with an active global 13425
positioning system device pursuant to this division shall be paid 13426
out of funds from the reparations fund, created pursuant to 13427
section 2743.191 of the Revised Code. This division shall only 13428
apply to a sexually violent predator sentenced pursuant to 13429
division (A)(3) of section 2971.03 of the Revised Code who is 13430
released from the custody of the department of rehabilitation and 13431
correction on or after September 29, 2005, or an offender 13432
sentenced pursuant to division (B)(1) or (2) of section 2971.03 of 13433
the Revised Code on or after ~~the effective date of this amendment~~ 13434
January 2, 2007. 13435

Sec. 2971.06. If an offender is serving a prison term imposed 13436
under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), 13437
or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13438
Revised Code, if, pursuant to section 2971.05 of the Revised Code, 13439
the court modifies the requirement that the offender serve the 13440
entire prison term in a state correctional institution or places 13441
the offender on conditional release, and if, at any time after the 13442
offender has been released from serving the term in an 13443
institution, the department of rehabilitation and correction or 13444
the prosecuting attorney learns or obtains information indicating 13445
that the offender has violated a term or condition of the 13446

modification or conditional release or believes there is a 13447
substantial likelihood that the offender has committed or is about 13448
to commit a sexually violent offense, all of the following apply: 13449

13450

(A) The department or the prosecuting attorney may contact a 13451
peace officer, parole officer, or probation officer and request 13452
the officer to take the offender into custody. If the department 13453
contacts a peace officer, parole officer, or probation officer and 13454
requests that the offender be taken into custody, the department 13455
shall notify the prosecuting attorney that it made the request and 13456
shall provide the reasons for which it made the request. Upon 13457
receipt of a request that an offender be taken into custody, a 13458
peace officer, parole officer, or probation officer shall take the 13459
offender in question into custody and promptly shall notify the 13460
department and the prosecuting attorney, in writing, that the 13461
offender was taken into custody. After the offender has been taken 13462
into custody, the department or the prosecuting attorney shall 13463
notify the court of the violation or the belief that there is a 13464
substantial likelihood that the offender has committed or is about 13465
to commit a sexually violent offense, and the prosecuting attorney 13466
may request that the court, pursuant to section 2971.05 of the 13467
Revised Code, revise the modification. An offender may be held in 13468
custody under this provision for no longer than thirty days, 13469
pending a determination pursuant to section 2971.05 of the Revised 13470
Code of whether the modification of the requirement that the 13471
offender serve the entire prison term in a state correctional 13472
institution should be revised. If the court fails to make a 13473
determination under that section regarding the prosecuting 13474
attorney's request within thirty days after the offender was taken 13475
into custody, the offender shall be released from custody and 13476
shall be subject to the same terms and conditions as existed under 13477
the then-existing modification of the requirement that the 13478
offender serve the entire prison term in a state correctional 13479

institution, provided that if the act that resulted in the 13480
offender being taken into custody under this division is a 13481
criminal offense and if the offender is arrested for that act, the 13482
offender may be retained in custody in accordance with the 13483
applicable law. 13484

(B) If the offender is not taken into custody pursuant to 13485
division (A) of this section, the department or the prosecuting 13486
attorney shall notify the court of the known or suspected 13487
violation or of the belief that there is a substantial likelihood 13488
that the offender has committed or is about to commit a sexually 13489
violent offense. If the department provides the notification to 13490
the court, it also shall notify the prosecuting attorney that it 13491
provided the notification and shall provide the reasons for which 13492
it provided the notification. The prosecuting attorney may request 13493
that the court, pursuant to section 2971.05 of the Revised Code, 13494
revise the modification. 13495

Sec. 2971.07. (A) This chapter does not apply to any offender 13496
unless the offender is one of the following: 13497

(1) The offender is convicted of or pleads guilty to a 13498
violent sex offense and also is convicted of or pleads guilty to a 13499
sexually violent predator specification that was included in the 13500
indictment, count in the indictment, or information charging that 13501
offense, ~~unless the,~~ 13502

(2) The offender is convicted of or pleads guilty to a 13503
designated homicide, assault, or kidnapping offense and also is 13504
convicted of or pleads guilty to both a sexual motivation 13505
specification and a sexually violent predator specification that 13506
were included in the indictment, count in the indictment, or 13507
information charging that offense, ~~unless the,~~ 13508

(3) The offender is convicted of or pleads guilty to a 13509
violation of division (A)(1)(b) of section 2907.02 of the Revised 13510

Code committed on or after ~~the effective date of this amendment~~ 13511
January 2, 2007, and the court does not sentence the offender to a 13512
term of life without parole pursuant to division (B) of section 13513
2907.02 of the Revised Code or division (B) of that section 13514
prohibits the court from sentencing the offender pursuant to 13515
section 2971.03 of the Revised Code, ~~or unless the.~~ 13516

(4) The offender is convicted of or pleads guilty to 13517
attempted rape committed on or after the effective date of this 13518
amendment January 2, 2007, and also is convicted of or pleads 13519
guilty to a specification of the type described in section 13520
2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 13521

(5) The offender is convicted of or pleads guilty to a 13522
violation of section 2905.01 of the Revised Code and also is 13523
convicted of or pleads guilty to a sexual motivation specification 13524
that was included in the indictment, count in the indictment, or 13525
information charging that offense, and that section requires a 13526
court to sentence the offender pursuant to section 2971.03 of the 13527
Revised Code. 13528

(6) The offender is convicted of or pleads guilty to 13529
aggravated murder and also is convicted of or pleads guilty to a 13530
sexual motivation specification that was included in the 13531
indictment, count in the indictment, or information charging that 13532
offense, and division (A)(2)(b)(ii) of section 2929.022, division 13533
(A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), 13534
or (E)(1)(d) of section 2929.03, or division (A) or (B) of section 13535
2929.06 of the Revised Code requires a court to sentence the 13536
offender pursuant to division (B)(3) of section 2971.03 of the 13537
Revised Code. 13538

(7) The offender is convicted of or pleads guilty to murder 13539
and also is convicted of or pleads guilty to a sexual motivation 13540
specification that was included in the indictment, count in the 13541
indictment, or information charging that offense, and division 13542

(B)(2) of section 2929.02 of the Revised Code requires a court to sentence the offender pursuant to section 2971.03 of the Revised Code. 13543
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(B) This chapter does not limit or affect a court ~~that sentences an offender who is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification, a court that sentences an offender who is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification, a court that sentences an offender who is convicted of or pleads guilty to 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 pursuant to section 2971.03 of the Revised Code, or a court that sentences an offender who is convicted of or pleads guilty to attempted rape committed on or after the effective date of this amendment and 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 in imposing upon the~~ an offender described in divisions (A)(1) to (9) of this section 13546
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any financial sanction under section 2929.18 or any other section 13564
of the Revised Code, or, except as specifically provided in this 13565
chapter, any other sanction that is authorized or required for the 13566
offense or violation by any other provision of law. 13567

(C) If an offender is sentenced to a prison term under 13568
division (A)(3), (B)(1)(a), (b), or (c), ~~or (B)(2)(a), (b), or~~ 13569
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13570
Revised Code and if, pursuant to section 2971.05 of the Revised 13571
Code, the court modifies the requirement that the offender serve 13572
the entire prison term in a state correctional institution or 13573
places the offender on conditional release that involves the 13574

placement of the offender under the supervision of the adult 13575
parole authority, authorized field officers of the authority who 13576
are engaged within the scope of their supervisory duties or 13577
responsibilities may search, with or without a warrant, the person 13578
of the offender, the place of residence of the offender, and a 13579
motor vehicle, another item of tangible or intangible personal 13580
property, or any other real property in which the offender has the 13581
express or implied permission of a person with a right, title, or 13582
interest to use, occupy, or possess if the field officer has 13583
reasonable grounds to believe that the offender is not abiding by 13584
the law or otherwise is not complying with the terms and 13585
conditions of the offender's modification or release. The 13586
authority shall provide each offender with a written notice that 13587
informs the offender that authorized field officers of the 13588
authority who are engaged within the scope of their supervisory 13589
duties or responsibilities may conduct those types of searches 13590
during the period of the modification or release if they have 13591
reasonable grounds to believe that the offender is not abiding by 13592
the law or otherwise is not complying with the terms and 13593
conditions of the offender's modification or release. 13594

Sec. 5120.49. The department of rehabilitation and 13595
correction, by rule adopted under Chapter 119. of the Revised 13596
Code, shall prescribe standards and guidelines to be used by the 13597
parole board in determining, pursuant to section 2971.04 of the 13598
Revised Code, whether it should terminate its control over an 13599
offender's service of a prison term imposed upon the offender 13600
under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 13601
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13602
Revised Code ~~for conviction of or a plea of guilty to a violent~~ 13603
~~sex offense and a sexually violent predator specification or for~~ 13604
~~conviction of or a plea of guilty to a designated homicide,~~ 13605
~~assault, or kidnapping offense and both a sexual motivation~~ 13606

~~specification and a sexually violent predator specification, 13607
imposed upon the offender under division (B)(1)(a), (b), or (c) of 13608
section 2971.03 of the Revised Code for conviction of or a plea of 13609
guilty to a violation of division (A)(1)(b) of section 2907.02 of 13610
the Revised Code committed on or after the effective date of this 13611
amendment, or imposed upon the offender under division (B)(2)(a), 13612
(b), or (c) of section 2971.03 of the Revised Code for conviction 13613
of or a plea of guilty to attempted rape committed on or after the 13614
effective date of this amendment and a conviction of or plea of 13615
guilty to a specification of the type described in section 13616
2941.1418, 2941.1419, or 2941.1420 of the Revised Code. The rules 13617
shall include provisions that specify that the parole board may 13618
not terminate its control over an offender's service of a prison 13619
term imposed upon the offender under ~~either~~ any of the specified 13620
divisions until after the offender has served the minimum term 13621
imposed as part of that prison term and until the parole board has 13622
determined that the offender does not represent a substantial risk 13623
of physical harm to others. 13624~~

Sec. 5120.61. (A)(1) Not later than ninety days after January 13625
1, 1997, the department of rehabilitation and correction shall 13626
adopt standards that it will use under this section to assess a 13627
the following criminal offenders and may periodically revise the 13628
standards: 13629

(a) A criminal offender who is convicted of or pleads guilty 13630
to a violent sex offense or designated homicide, assault, or 13631
kidnapping offense and is adjudicated a sexually violent predator 13632
in relation to that offense; 13633

(b) A criminal offender who is convicted of or pleads guilty 13634
to a violation of division (A)(1)(b) of section 2907.02 of the 13635
Revised Code committed on or after ~~the effective date of this~~ 13636
~~amendment~~ January 2, 2007, and either who is sentenced under 13637

section 2971.03 of the Revised Code or upon whom a sentence of 13638
life without parole is imposed under division (B) of section 13639
2907.02 of the Revised Code, ~~or~~ i 13640

(c) A criminal offender who is convicted of or pleads guilty 13641
to attempted rape committed on or after the effective date of this 13642
amendment January 2, 2007, and a specification of the type 13643
described in section 2941.1418, 2941.1419, or 2941.1420 of the 13644
Revised Code; 13645

(d) A criminal offender who is convicted of or pleads guilty 13646
to a violation of section 2905.01 of the Revised Code and also is 13647
convicted of or pleads guilty to a sexual motivation specification 13648
that was included in the indictment, count in the indictment, or 13649
information charging that offense, and who is sentenced pursuant 13650
to section 2971.03 of the Revised Code; 13651

(e) A criminal offender who is convicted of or pleads guilty 13652
to aggravated murder and also is convicted of or pleads guilty to 13653
a sexual motivation specification that was included in the 13654
indictment, count in the indictment, or information charging that 13655
offense, and who pursuant to division (A)(2)(b)(ii) of section 13656
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 13657
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 13658
division (A) or (B) of section 2929.06 of the Revised Code is 13659
sentenced pursuant to division (B)(3) of section 2971.03 of the 13660
Revised Code; 13661

(f) A criminal offender who is convicted of or pleads guilty 13662
to murder and also is convicted of or pleads guilty to a sexual 13663
motivation specification that was included in the indictment, 13664
count in the indictment, or information charging that offense, and 13665
who pursuant to division (B)(2) of section 2929.02 of the Revised 13666
Code is sentenced pursuant to section 2971.03 of the Revised Code. 13667
The department may periodically revise the standards. 13668

(2) When the department is requested by the parole board or the court to provide a risk assessment report of the offender under section 2971.04 or 2971.05 of the Revised Code, it shall assess the offender and complete the assessment as soon as possible after the offender has commenced serving the prison term or term of life imprisonment without parole imposed under division (A), (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. Thereafter, the department shall update a risk assessment report pertaining to an offender as follows:

(a) Periodically, in the discretion of the department, provided that each report shall be updated no later than two years after its initial preparation or most recent update;

(b) Upon the request of the parole board for use in determining pursuant to section 2971.04 of the Revised Code whether it should terminate its control over an offender's service of a prison term imposed upon the offender 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;

(c) Upon the request of the court.

(3) After the department of rehabilitation and correction assesses an offender pursuant to division (A)(2) of this section, it shall prepare a report that contains its risk assessment for the offender or, if a risk assessment report previously has been prepared, it shall update the risk assessment report.

(4) The department of rehabilitation and correction shall provide each risk assessment report that it prepares or updates pursuant to this section regarding an offender to all of the following:

(a) The parole board for its use in determining pursuant to section 2971.04 of the Revised Code whether it should terminate

its control over an offender's service of a prison term imposed 13700
upon the offender under division (A)(3), (B)(1)(a), (b), or (c), 13701
~~or (B)(2)(a), (b), or (c),~~ or (B)(3)(a), (b), (c), or (d) of 13702
section 2971.03 of the Revised Code, if the parole board has not 13703
terminated its control over the offender; 13704

(b) The court for use in determining, pursuant to section 13705
2971.05 of the Revised Code, whether to modify the requirement 13706
that the offender serve the entire prison term imposed upon the 13707
offender under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ 13708
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 13709
2971.03 of the Revised Code in a state correctional institution, 13710
whether to revise any modification previously made, or whether to 13711
terminate the prison term; 13712

(c) The prosecuting attorney who prosecuted the case, or the 13713
successor in office to that prosecuting attorney; 13714

(d) The offender. 13715

(B) When the department of rehabilitation and correction 13716
provides a risk assessment report regarding an offender to the 13717
parole board or court pursuant to division (A)(4)(a) or (b) of 13718
this section, the department, prior to the parole board's or 13719
court's hearing, also shall provide to the offender or to the 13720
offender's attorney of record a copy of the report and a copy of 13721
any other relevant documents the department possesses regarding 13722
the offender that the department does not consider to be 13723
confidential. 13724

(C) As used in this section: 13725

(1) "Adjudicated a sexually violent predator" has the same 13726
meaning as in section 2929.01 of the Revised Code, and a person is 13727
"adjudicated a sexually violent predator" in the same manner and 13728
the same circumstances as are described in that section. 13729

(2) "Designated homicide, assault, or kidnapping offense" and 13730

"violent sex offense" have the same meanings as in section 2971.01 13731
of the Revised Code. 13732

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 13733
but not before January 1, 2006, the department of rehabilitation 13734
and correction shall establish and operate on the internet a 13735
database that contains all of the following: 13736

(1) For each inmate in the custody of the department under a 13737
sentence imposed for a conviction of or plea of guilty to any 13738
offense, all of the following information: 13739

(a) The inmate's name; 13740

(b) For each offense for which the inmate was sentenced to a 13741
prison term or term of imprisonment and is in the department's 13742
custody, the name of the offense, the Revised Code section of 13743
which the offense is a violation, the gender of each victim of the 13744
offense if those facts are known, whether each victim of the 13745
offense was an adult or child if those facts are known, the range 13746
of the possible prison terms or term of imprisonment that could 13747
have been imposed for the offense, the actual prison term or term 13748
of imprisonment imposed for the offense, the county in which the 13749
offense was committed, the date on which the inmate began serving 13750
the prison term or term of imprisonment imposed for the offense, 13751
and either the date on which the inmate will be eligible for 13752
parole relative to the offense if the prison term or term of 13753
imprisonment is an indefinite term or life term or the date on 13754
which the term ends if the prison term is a definite term; 13755

(c) All of the following information that is applicable 13756
regarding the inmate: 13757

(i) If known to the department prior to the conduct of any 13758
hearing for judicial release of the defendant pursuant to section 13759
2929.20 of the Revised Code in relation to any prison term or term 13760

of imprisonment the inmate is serving for any offense, notice of 13761
the fact that the inmate will be having a hearing regarding a 13762
possible grant of judicial release, the date of the hearing, and 13763
the right of any person pursuant to division (J) of that section 13764
to submit to the court a written statement regarding the possible 13765
judicial release; 13766

(ii) If the inmate is serving a prison term pursuant to 13767
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 13768
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 13769
Code ~~as a sexually violent predator who committed a sexually~~ 13770
~~violent offense, a prison term pursuant to division (B)(1)(a),~~ 13771
~~(b), or (c) of section 2971.03 of the Revised Code imposed for a~~ 13772
~~violation of division (A)(1)(b) of section 2907.02 of the Revised~~ 13773
~~Code committed on or after the effective date of this amendment, a~~ 13774
~~prison term pursuant to division (B)(2)(a) of section 2971.03 of~~ 13775
~~the Revised Code imposed for attempted rape committed on or after~~ 13776
~~the effective date of this amendment and a specification of the~~ 13777
~~type described in section 2941.1418 of the Revised Code, a prison~~ 13778
~~term pursuant to division (B)(2)(b) of section 2971.03 of the~~ 13779
~~Revised Code imposed for attempted rape committed on or after the~~ 13780
~~effective date of this amendment and a specification of the type~~ 13781
~~described in section 2941.1419 of the Revised Code, or a prison~~ 13782
~~term pursuant to division (B)(2)(c) of section 2971.03 of the~~ 13783
~~Revised Code imposed for attempted rape committed on or after the~~ 13784
~~effective date of this amendment and a specification of the type~~ 13785
~~described in section 2941.1420 of the Revised Code, prior to the~~ 13786
conduct of any hearing pursuant to section 2971.05 of the Revised 13787
Code to determine whether to modify the requirement that the 13788
inmate serve the entire prison term in a state correctional 13789
facility in accordance with division (C) of that section, whether 13790
to continue, revise, or revoke any existing modification of that 13791
requirement, or whether to terminate the prison term in accordance 13792
with division (D) of that section, notice of the fact that the 13793

inmate will be having a hearing regarding those determinations and 13794
of the date of the hearing; 13795

(iii) At least three weeks before the adult parole authority 13796
recommends a pardon or commutation of sentence for the inmate or 13797
at least three weeks prior to a hearing before the adult parole 13798
authority regarding a grant of parole to the inmate in relation to 13799
any prison term or term of imprisonment the inmate is serving for 13800
any offense, notice of the fact that the inmate might be under 13801
consideration for a pardon or commutation of sentence or will be 13802
having a hearing regarding a possible grant of parole, of the date 13803
of any hearing regarding a possible grant of parole, and of the 13804
right of any person to submit a written statement regarding the 13805
pending action; 13806

(iv) At least three weeks before the inmate has a hearing 13807
regarding a transfer to transitional control under section 2967.26 13808
of the Revised Code in relation to any prison term or term of 13809
imprisonment the inmate is serving for any offense, notice of the 13810
pendency of the transfer, of the date of the possible transfer, 13811
and of the right of any person to submit a statement regarding the 13812
possible transfer; 13813

(v) Prompt notice of the inmate's escape from any facility in 13814
which the inmate was incarcerated and of the capture of the inmate 13815
after an escape; 13816

(vi) Notice of the inmate's death while in confinement; 13817

(vii) Prior to the release of the inmate from confinement, 13818
notice of the fact that the inmate will be released, of the date 13819
of the release, and, if applicable, of the standard terms and 13820
conditions of the release; 13821

(viii) Notice of the inmate's judicial release. 13822

(2) Information as to where a person can send written 13823
statements of the types referred to in divisions (A)(1)(c)(i), 13824

(iii), and (iv) of this section. 13825

(B)(1) The department shall update the database required 13826
under division (A) of this section every twenty-four hours to 13827
ensure that the information it contains is accurate and current. 13828

(2) The database required under division (A) of this section 13829
is a public record open for inspection under section 149.43 of the 13830
Revised Code. The department shall make the database searchable by 13831
inmate name and by the county and zip code where the offender 13832
intends to reside after release from a state correctional 13833
institution if this information is known to the department. 13834

(3) The database required under division (A) of this section 13835
may contain information regarding inmates who are listed in the 13836
database in addition to the information described in that 13837
division. 13838

(4) No information included on the database required under 13839
division (A) of this section shall identify or enable the 13840
identification of any victim of any offense committed by an 13841
inmate. 13842

(C) The failure of the department to comply with the 13843
requirements of division (A) or (B) of this section does not give 13844
any rights or any grounds for appeal or post-conviction relief to 13845
any inmate. 13846

(D) This section, and the related provisions of sections 13847
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 13848
in the act in which this section was enacted, shall be known as 13849
"Laura's Law." 13850

Sec. 5139.13. (A) The department of youth services shall do 13851
all of the following: 13852

(1) Control and manage all institutions for the 13853
rehabilitation of delinquent children and youthful offenders that 13854

are operated by the state, except where the control and management 13855
of an institution is vested by law in another agency; 13856

(2) Provide treatment and training for children committed to 13857
the department and assigned by the department to various 13858
institutions under its control and management, including, but not 13859
limited to, for a child committed to it for an act that is ~~either~~ 13860
a sexually oriented offense ~~that is not a registration exempt~~ 13861
~~sexually oriented offense~~ or a child-victim oriented offense, 13862
treatment that is appropriate for a child who commits an act that 13863
is a sexually oriented offense ~~that is not a registration exempt~~ 13864
~~sexually oriented offense~~ or a child-victim oriented offense and 13865
that is intended to ensure that the child does not commit any 13866
subsequent act that is a sexually oriented offense or a 13867
child-victim oriented offense; 13868

(3) Establish and maintain appropriate reception centers for 13869
the reception of children committed to the department and employ 13870
competent persons to have charge of those centers and to conduct 13871
investigations; 13872

(4) Establish and maintain any other facilities necessary for 13873
the training, treatment, and rehabilitation of children committed 13874
to the department. 13875

(B) As used in this section, "sexually oriented offense" and 13876
"child-victim oriented offense" have the same meanings as in 13877
section 2950.01 of the Revised Code. 13878

Sec. 5149.10. (A) The parole board shall consist of up to 13879
twelve members, one of whom shall be designated as chairperson by 13880
the director of the department of rehabilitation and correction 13881
and who shall continue as chairperson until a successor is 13882
designated, and any other personnel that are necessary for the 13883
orderly performance of the duties of the board. In addition to the 13884
rules authorized by section 5149.02 of the Revised Code, the chief 13885

of the adult parole authority, subject to the approval of the 13886
chief of the division of parole and community services and subject 13887
to this section, shall adopt rules governing the proceedings of 13888
the parole board. The rules shall provide for the convening of 13889
full board hearings, the procedures to be followed in full board 13890
hearings, and general procedures to be followed in other hearings 13891
of the board and by the board's hearing officers. The rules also 13892
shall require agreement by a majority of all the board members to 13893
any recommendation of clemency transmitted to the governor. 13894

When the board members sit as a full board, the chairperson 13895
shall preside. The chairperson shall also allocate the work of the 13896
parole board among the board members. The full board shall meet at 13897
least once each month. In the case of a tie vote on the full 13898
board, the chief of the adult parole authority shall cast the 13899
deciding vote. The chairperson may designate a person to serve in 13900
the chairperson's place. 13901

Except as otherwise provided in division (B) of this section, 13902
no person shall be appointed a member of the board who is not 13903
qualified by education or experience in correctional work, 13904
including law enforcement, prosecution of offenses, advocating for 13905
the rights of victims of crime, probation, or parole, in law, in 13906
social work, or in a combination of the three categories. 13907

(B) The director of rehabilitation and correction, in 13908
consultation with the governor, shall appoint one member of the 13909
board, who shall be a person who has been a victim of crime or who 13910
is a member of a victim's family or who represents an organization 13911
that advocates for the rights of victims of crime. After 13912
appointment, this member shall be an unclassified employee of the 13913
department of rehabilitation and correction. 13914

The initial appointment shall be for a term ending four years 13915
after ~~the effective date of this amendment~~ July 1, 1996. 13916
Thereafter, the term of office of the member appointed under this 13917

division shall be for four years, with each term ending on the 13918
same day of the same month as did the term that it succeeds. The 13919
member shall hold office from the date of appointment until the 13920
end of the term for which the member was appointed and may be 13921
reappointed. Vacancies shall be filled in the manner provided for 13922
original appointments. Any member appointed under this division to 13923
fill a vacancy occurring prior to the expiration date of the term 13924
for which the member's predecessor was appointed shall hold office 13925
as a member for the remainder of that term. The member appointed 13926
under this division shall continue in office subsequent to the 13927
expiration date of the member's term until the member's successor 13928
takes office or until a period of sixty days has elapsed, 13929
whichever occurs first. 13930

The member appointed under this division shall be compensated 13931
in the same manner as other board members and shall be reimbursed 13932
for actual and necessary expenses incurred in the performance of 13933
the members' duties. The member may vote on all cases heard by the 13934
full board under section 5149.101 of the Revised Code, has such 13935
duties as are assigned by the chairperson of the board, and shall 13936
coordinate the member's activities with the office of victims' 13937
services created under section 5120.60 of the Revised Code. 13938

As used in this division, "crime," "member of the victim's 13939
family," and "victim" have the meanings given in section 2930.01 13940
of the Revised Code. 13941

(C) The chairperson shall submit all recommendations for or 13942
against clemency directly to the governor. 13943

(D) The chairperson shall transmit to the chief of the adult 13944
parole authority all determinations for or against parole made by 13945
the board. Parole determinations are final and are not subject to 13946
review or change by the chief. 13947

(E) In addition to its duties pertaining to parole and 13948

clemency, if an offender is sentenced to a prison term pursuant to 13949
division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 13950
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13951
Revised Code, the parole board shall have control over the 13952
offender's service of the prison term during the entire term 13953
unless the board terminates its control in accordance with section 13954
2971.04 of the Revised Code. The parole board may terminate its 13955
control over the offender's service of the prison term only in 13956
accordance with section 2971.04 of the Revised Code. 13957

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the 13958
Revised Code, a landlord may bring an action under Chapter 1923. 13959
of the Revised Code for possession of the premises if: 13960

(1) The tenant is in default in the payment of rent; 13961

(2) The violation of the applicable building, housing, 13962
health, or safety code that the tenant complained of was primarily 13963
caused by any act or lack of reasonable care by the tenant, or by 13964
any other person in the tenant's household, or by anyone on the 13965
premises with the consent of the tenant; 13966

(3) Compliance with the applicable building, housing, health, 13967
or safety code would require alteration, remodeling, or demolition 13968
of the premises which would effectively deprive the tenant of the 13969
use of the dwelling unit; 13970

(4) A tenant is holding over the tenant's term. 13971

(5) The residential premises are located within one thousand 13972
feet of any school premises, and both of the following apply 13973
regarding the tenant or other occupant who resides in or occupies 13974
the premises: 13975

(a) The tenant's or other occupant's name appears on the 13976
state registry of sex offenders and child-victim offenders 13977
maintained under section 2950.13 of the Revised Code. 13978

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

(B) The maintenance of an action by the landlord under this section does not prevent the tenant from recovering damages for any violation by the landlord of the rental agreement or of section 5321.04 of the Revised Code.

(C) This section does not apply to a dwelling unit occupied by a student tenant.

Sec. 5321.051. (A)(1) No tenant of any residential premises located within one thousand feet of any school premises shall allow any person to occupy those residential premises if both of the following apply regarding the person:

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

(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(2) If a tenant allows occupancy in violation of this section or a person establishes a residence or occupies residential premises in violation of section ~~2950.031~~ 2950.034 of the Revised

Code, the landlord for the residential premises that are the 14009
subject of the rental agreement or other tenancy may terminate the 14010
rental agreement or other tenancy of the tenant and all other 14011
occupants. 14012

(B) If a landlord is authorized to terminate a rental 14013
agreement or other tenancy pursuant to division (A) of this 14014
section but does not so terminate the rental agreement or other 14015
tenancy, the landlord is not liable in a tort or other civil 14016
action in damages for any injury, death, or loss to person or 14017
property that allegedly results from that decision. 14018

Section 2. That existing sections 109.42, 109.57, 311.171, 14019
1923.02, 2151.23, 2152.02, 2152.19, 2152.191, 2152.22, 2152.82, 14020
2152.821, 2152.83, 2152.84, 2152.85, 2152.851, 2743.191, 2901.07, 14021
2903.211, 2905.01, 2905.02, 2905.03, 2905.05, 2907.01, 2907.02, 14022
2907.05, 2921.34, 2929.01, 2929.02, 2929.022, 2929.03, 2929.06, 14023
2929.13, 2929.14, 2929.19, 2929.23, 2930.16, 2941.148, 2950.01, 14024
2950.02, 2950.03, 2950.031, 2950.04, 2950.041, 2950.05, 2950.06, 14025
2950.07, 2950.08, 2950.081, 2950.10, 2950.11, 2950.12, 2950.13, 14026
2950.14, 2967.12, 2967.121, 2971.01, 2971.03, 2971.04, 2971.05, 14027
2971.06, 2971.07, 5120.49, 5120.61, 5120.66, 5139.13, 5149.10, 14028
5321.03, and 5321.051 and sections 2152.811, 2950.021, 2950.09, 14029
and 2950.091 of the Revised Code are hereby repealed. 14030

Section 3. The amendments to sections 109.42, 109.57, 14031
311.171, 1923.02, 2151.23, 2152.02, 2152.19, 2152.191, 2152.22, 14032
2152.82, 2152.821, 2152.83, 2152.84, 2152.85, 2152.851, 2743.191, 14033
2901.07, 2903.211, 2905.01, 2905.02, 2905.03, 2905.05, 2907.01, 14034
2907.02, 2907.05, 2921.34, 2929.01, 2929.02, 2929.022, 2929.03, 14035
2929.06, 2929.13, 2929.14, 2929.19, 2929.23, 2930.16, 2941.148, 14036
2950.01, 2950.02, 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, 14037
2950.07, 2950.08, 2950.081, 2950.10, 2950.11, 2950.12, 2950.13, 14038
2950.14, 2967.12, 2967.121, 2971.01, 2971.03, 2971.04, 2971.05, 14039

2971.06, 2971.07, 5120.49, 5120.61, 5120.66, 5139.13, 5149.10, and 14040
5321.03 of the Revised Code that are made by Sections 1 and 2 of 14041
this act, the enactment of sections 2152.831, 2152.86, 2950.011, 14042
2950.15, and 2950.16 of the Revised Code by Section 1 of the act, 14043
and the repeal of sections 2152.811, 2950.021, 2950.09, and 14044
2950.091 of the Revised Code by Section 2 of this act shall take 14045
effect on January 1, 2008. 14046

The amendments to sections 2950.031 and 5321.051 of the 14047
Revised Code that are made by Sections 1 and 2 of this act and the 14048
enactment of sections 2950.032, 2950.033, 2950.042, 2950.043, and 14049
2950.131 and new section 2950.031 of the Revised Code by Section 1 14050
of this act shall take effect on July 1, 2007. 14051

Section 4. Sections 1 to 3 of this act shall take effect on 14052
July 1, 2007. 14053

Section 5. This act is hereby declared to be an emergency 14054
measure necessary for the immediate preservation of the public 14055
peace, health, and safety. The reason for such necessity is that 14056
the changes to the state's Sex Offender Registration and 14057
Notification Law made by this act are crucially needed to provide 14058
increased protection and security for the state's residents from 14059
persons who have been convicted of, or found to be delinquent 14060
children for committing, a sexually oriented offense or a 14061
child-victim oriented offense and to conform that Law by July 1, 14062
2007, to recently enacted requirements of federal law. Therefore 14063
this act shall take immediate effect. 14064

Section 6. Section 2907.01 of the Revised Code is presented 14065
in this act as a composite of the section as amended by both Am. 14066
Sub. H.B. 23 and Am. Sub. H.B. 95 of the 126th General Assembly. 14067
Section 2929.01 of the Revised Code is presented in this act as a 14068
composite of the section as amended by both Am. Sub. H.B. 461 and 14069

Am. Sub. S.B. 260 of the 126th General Assembly. Section 2929.13 14070
of the Revised Code is presented in this act as a composite of the 14071
section as amended by Am. Sub. H.B. 461, Am. Sub. S.B. 260, and 14072
Sub. S.B. 281 of the 126th General Assembly. Section 2929.14 of 14073
the Revised Code is presented in this act as a composite of the 14074
section as amended by Am. Sub. H.B. 461, Am. Sub. S.B. 260, and 14075
Sub. S.B. 281 all of the 126th General Assembly. Section 2929.19 14076
of the Revised Code is presented in this act as a composite of the 14077
section as amended by both Am. Sub. H.B. 461 and Am. Sub. S.B. 260 14078
of the 126th General Assembly. The General Assembly, applying the 14079
principle stated in division (B) of section 1.52 of the Revised 14080
Code that amendments are to be harmonized if reasonably capable of 14081
simultaneous operation, finds that the composites are the 14082
resulting versions of the sections in effect prior to the 14083
effective date of the sections as presented in this act. 14084